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HOUSE OF REPRESENTATIVES—*Tuesday, September 18, 2007*

VOL. 153, PT. 18

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. COHEN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 18, 2007.

I hereby appoint the Honorable STEVE COHEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 1 minute a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 10 a.m.

PRAYER

Rabbi Frederick L. Klein, Director of Community Chaplaincy, Greater Miami Jewish Federation, Miami, Florida, offered the following prayer:

O God who knows the hidden chambers of the human heart.

Last week, Jews worldwide prayed during Rosh Hashanah, the Jewish new year. Just as Jews prayed for renewed clarity, purpose, and conviction, I ask You, all discerning God, to awaken within all our hearts the spirit of renewal—when our eyes have been dimmed, when our feet have led us down the wrong path, when our necks have been stiffened, when our ears are closed.

Call to us, O Lord. Open our eyes to see the suffering and needs of others, lead our feet down the path of righteousness, cause our necks to be flexible in order to change course when necessary, unblock our ears to hear the perspectives and opinions of others. But, most importantly, open our hearts and remind us of our loftiest visions for ourselves and for our great country.

May we be stirred by the words of the psalmist: "Who may ascend the hill of the Lord and who may stand in His holy place? He who has clean hands and a pure heart."

May the hill that we stand on today be blessed with these great ideals, and may God bless the holy work that you do. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI FREDERICK L. KLEIN

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to commend my good friend, Rabbi Fred Klein, for his uplifting prayer that he delivered for us this morning, as well as for his tireless efforts to strengthen the Jewish community in my home district of South Florida.

Rabbi Klein serves as the Director of Community Chaplaincy at the Greater Miami Jewish Federation and is the Executive Vice President of the Rabbinical Association of Greater Miami. In these roles, Rabbi Klein offers counsel to the physically and mentally ill in their greatest times of need.

I have long been aware of Rabbi Klein's commitment and contributions to academia, to the Jewish community, and the social welfare of all of South Florida. But his greatest achievement, Mr. Speaker, is his family, including his four children, Moshe who is 11, Shuli who is 9, Benny is 6 years old, and Aryeh almost 4.

The opening prayer that Rabbi Klein delivered today reflects his intellectual fiber, as well as his determination to improve our community and our country. I thank Rabbi Klein for his invocation, and I look forward to working with him in the years ahead.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IRAQ DEPRESSING NEWS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, as we have been greeted with a torrent of depressing news about Iraq, more violence, there is debate here about whether or not it is progress that the President plans to have the same troop level next summer that we had before the surge.

There is no good way out. Keep the troops there and have bloodshed; have them leave and have bloodshed. But there is one thing that every Member of Congress ought to be able to agree upon, no matter what their position on the war in Iraq: That we have a moral and practical responsibility to step up and help those Iraqis who have put their life at risk because they help Americans as guides, as translators. As Ambassador Ryan Crocker pointed out this last week, it is time for us to step up and help these people.

The Department of Homeland Security needs to have more people processing applications for those that are trying to escape the worst humanitarian crisis in the world other than Darfur. Don't make them leave Iraq for Syria or Jordan to apply when we have the largest embassy in the world in Baghdad. Support our comprehensive bipartisan legislation, H.R. 2265, to help meet that responsibility.

ULTRASOUND: THE STETHOSCOPE OF THE 21ST CENTURY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise to recognize the talented and dedicated students, faculty, and staff of the School of Medicine of the University of South Carolina for the innovative work they are doing in the development and use of ultrasound technology.

Often called the stethoscope of the 21st century, ultrasound holds great potential for future advancements in medicine. With the growing portability and accessibility of modern ultrasound devices, this technology will help physicians better diagnose and treat patients for conditions such as heart failure, gallstones, aneurysms, and much more, particularly in rural areas. USC is leading the way by establishing an ultrasound institute to ensure graduates are well trained in the use of ultrasound technology.

I appreciate Dr. Richard Hoppman, Dr. Prakash Nagarkatti, and Dr. Stanley Fowler for taking the time to introduce me to this training program, as well as for the extraordinary work they are doing on behalf of the USC community in the advancement of health care.

In conclusion, God bless our troops, and we will never forget September the 11th.

ARMY STAFF SERGEANT MORGAN D. KENNON

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, 4 years ago, Army Staff Sergeant Morgan D. Kennon became the first victim of the Iraqi war from the city of Memphis.

Staff Sergeant Kennon joined the Army immediately after high school, hoping to earn enough money for college and eventually become a lawyer. He was guarding a bank in Mosul when he was killed.

His father said, "He was a beautiful kid. He was a serious-minded youngster who was devoted to fulfilling his mother's wishes. If his mother needed anything, instead of being out in a park playing basketball, it was his joy to go out and do whatever he had to do to help her."

On 9/11, I received an e-mail from his sister, Miss Nicole Crawford. I will read it:

"I am the sister of Staff Sergeant Morgan Kennon. I just wanted to know exactly what you and other Members of Congress and Members of the Senate are doing to bring our troops home. It has been almost 4 years since my brother was killed, and we still don't know why he was killed.

"Mr. COHEN, it is not just hard for the soldiers serving in Iraq, it is hard for their families also who worry about them. It is especially hard for the families that have lost loved ones in Iraq.

"Please don't take this the wrong way, but if the Democrats don't do something soon and force Mr. Bush's hand, there will not be a Democrat in the White House next year. The people of this country voted for the Democratic Party because they want change."

Ms. Crawford, I am for change. I am not going to vote for any additional funds but to redeploy our troops. I feel your pain.

THE FIGHT FOR JOBS CONTINUES

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, at this moment in Detroit the leaders of the UAW and the domestic auto industry, the Big 3, are busy at the negotiating table trying to come to agreement on a new contract. In these negotiations, both sides will be making tremendous concessions in the effort to restore the industry to profitability and to protect jobs. They are dealing with very difficult issues like retiree health care as well as pension reform.

I wish them luck, sincere good luck, because the future of my home State of Michigan and of manufacturing in America are at stake as are literally millions of American jobs. We should all support them in their efforts to strengthen this vital industry. What we should not do is pull the rug out from under them by enacting draconian and arbitrary fuel efficiency standards that would kill jobs while doing nothing to lessen our dependence on foreign oil.

Both management and labor are making hard choices. They are working together to build a better future and a better industry. And in the same spirit, we here at the Federal Government should partner with our auto industry to help move forward technology that would actually solve the problems and create new jobs.

While those involved in negotiations are trying to find common ground to save jobs, Congress should not be working to destroy them.

PROVIDE OUR CHILDREN WITH HEALTH CARE

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, the Bush administration's recent decision to reject New York's plan to provide health insurance for uninsured children is just another example of how out of touch the President is with the needs of the American people.

Last year, the number of uninsured children in the Nation increased to over 8.6 million, an increase of over 600,000 children. The State of New York has committed to decrease this number, starting with our lowest income families. However, the onerous conditions placed by this administration are threatening to thwart New York's efforts.

That any Americans have no health insurance is a travesty; that so many do is a tragedy of the highest proportion.

Providing our children with health care is protecting America's future. It is difficult to imagine why the President wants to stop New York from protecting the health of its children. But this decision suggests just that. We must not allow this to stand. I am committed to working with my colleagues to do what must be done to overturn this misguided decision.

"NO FLAG HERE"

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, on September 11th, America honored those murdered by people who kill in the name of religion.

Americans held solemn tributes, prayers, and raised Old Glory across the plains and prairies of this heartland. But no American flags were displayed by students at Hobbton High School in North Carolina. The superintendent of this government school district banned the display of any country's flag on the clothing of students. Dr. Hobbs said disruptions have been caused in the school by the wearing of certain national flags. So on this almost holy day of September 11th, no American flags were allowed on clothes at this American school.

Dr. Hobbs, if you are going to ban the display or the wearing of flags, ban foreign ones, not the ones that fly over this Nation—the American flag.

Have we become so timidly concerned about offending foreigners that we now disrespect our Nation by banning the American flag? This unpatriotic paranoia is an insult to this Nation and the students of your school, and the superintendent should be ashamed. Mr. Hobbs, Betsy Ross would not be proud of you.

And that's just the way it is.

ALAN GREENSPAN AND THE BUSH ADMINISTRATION

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, in Alan Greenspan's recently released memoir, President Bush and the Republicans in Congress come in for some sharp criticism.

Reuters said of the book, "Mr. Greenspan sharply criticizes President Bush's administration and Republican congressional leaders in his memoir for putting political imperatives ahead of sound economic policies."

The New York Times said of Mr. Greenspan's book described, "The Bush administration is so captive to its own political operation that it paid little attention to the fiscal discipline for the Nation."

Increasing America's debt by $3 trillion, the same fiscal discipline we had in the 1990s, the pay-as-you-go rules, led to a $5 trillion surplus when President Bush took office and has led to a $3 trillion debt increase under President Bush and the Republicans.

The fiscal discipline that we had in the 1990s is exactly what the Democrats have put in place in this new Congress, hoping to put in place the fiscal type of discipline and the budgetary discipline that would lead us again to surpluses and balancing America's book.

And Mr. Greenspan could not have said it better, when people have taken the time to put their political interests ahead of America's long-term economic interests.

HONORING THE AIR FORCE'S 60TH ANNIVERSARY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to honor and celebrate the 60th anniversary of the United States Air Force.

America can rightly claim to be the greatest military power. This status is due in no small part to our overwhelming supremacy in air and space. Air Force men and women have produced an unsurpassed record of achievement. Never before has our ability to project military power depended so heavily on air and space capabilities.

As an Air Force veteran and cochairman of the House Air Force Caucus, I know firsthand how the Air Force provides our Nation a unique military advantage. However, what is most impressive is the dedication of the men and women of the United States Air Force who work hard every day to ensure air supremacy.

Let me leave you with the words of one of the Air Force founders, General Hap Arnold: "Air power will always be the business of every American citizen."

DEMOCRATIC CONGRESS SENDS COLLEGE COST REDUCTION ACT TO THE PRESIDENT'S DESK

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute.)

Ms. RICHARDSON. Mr. Speaker, today is an exciting week for all Democrats because we are sending one of our top priorities to the President's desk, and that is the College Cost Reduction and Access Act.

Education departments estimate that over 200,000 academically qualified students are unable to go to college. This legislation will be the largest investment the Democratic Congress has made since 1944.

Specifically, the Pell Grant scholarships will be increased by $1,090 over the next 5 years. We will be able to cut interest rates from the current 6.8 percent to 3.4 percent, and that will save student borrowers over $4,000 over the life of their loan.

Members, this is great news, and it is great news to taxpayers, because we have been able to utilize eliminating excessive Federal subsidies from the lenders in the industry to bear the cost of this program . . . and not the taxpayers.

This is a personal story for me. I have been working since the age of 12. I took out student loans and was able to get my education because of programs like this.

Mr. Speaker, this is a great day for students and Democrats in this Congress to send the college cost reduction act to the Presidents desk.

HEADING TOWARD A FISCAL TRAIN WRECK

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, as we come to the floor 9 months into the control of this House and this country by the Democratic majority, we have to ask ourselves, what has it brought? Well, it has brought us expanded government programs outside the area of jurisdiction, increase in Federal spending, and of course efforts to raise taxes on Americans.

Just at the very beginning of this year, it was the largest tax increase in U.S. history. A short time ago, it was a $53 billion increase through the SCHIP program. On spending, it was a $1 billion program just yesterday tried to do. And, of course, there is a litany of earmarks that we still don't know where it is going to and who is sponsoring it.

It was a Republican majority that forced the Democrats to give us a list of all the earmarks in their spending and have asked for more transparency. But I want to remind the American public, to this day we still do not have a list of all the earmarks, who is sponsoring them, and where the dollars are going to.

I encourage the Democrat majority to do as the American public must do, to live within their means, and to be open and honest as to where the American tax dollars are going to.

□ 1015

ENOUGH IS ENOUGH

(Mr. HODES asked and was given permission to address the House for 1 minute.)

Mr. HODES. Mr. Speaker, President Bush has called for more money, more patience, and a renewed commitment of U.S. troops in Iraq for the foreseeable future. The American people should not be fooled. This is nothing more than another stay-the-course strategy that puts us on a path for 10 years of war in Iraq.

Under the Bush plan, about 5,700 troops, or about 3.5 percent, of the American forces in Iraq would come home later this year. That's it. The rest of our troops would remain in Iraq until at least next summer. The President anticipates that at least 130,000 American men and women would remain in Iraq indefinitely for many years to come.

The President's plan for Iraq amounts to an open-ended and dangerous commitment of American troops in Iraq, and an open wallet for the American people to pay.

Mr. Speaker, this is not a plan for success in Iraq, nor is it a plan that will make America safer. It is time for my Republican colleagues to stand up to this President and say enough is enough. Democrats will continue to demand change because it is time that we begin a responsible redeployment out of Iraq.

THE MILITARY SURGE IS WORKING

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, through a hailstorm of political attacks that continue on the floor of the Congress this morning, last week, America's two lead men in Iraq brought news to this Congress which should be welcome to every American family.

Despite the lack of political progress at the national level in Iraq, the military surge is working. And because the surge is working, our troops can start coming home.

I urge every American to tune out the rhetoric in Washington, DC and read the report. But don't just read the testimony of General David Petraeus and Ambassador Ryan Crocker; read the recent report issued by the more liberal-leaning Brookings Institution. In each case, our men and that liberal think tank found civilian deaths are down. Sunni leaders are cooperating with U.S. forces, and al Qaeda is on the run in Baghdad and Anbar province. These independent assessments should be read by every American, and every American should be encouraged; for even to a war-weary Nation, I say, if we do not grow weary in doing well, freedom will prevail in Iraq.

TIME TO BRING OUR TROOPS HOME

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, we now know what the President's plan for Iraq is: it's just stay. Stay for how long? He doesn't know. We don't really have a plan, but we do know that we have not succeeded in Iraq. In spite of the efforts of our brave soldiers, in spite of the 10 to $12 billion a month that we have spent, in spite of all of our efforts, we have not succeeded.

Now, if you look at the independent nonpartisan reports on Iraq, you find that 100,000 Iraqis are moving from their communities every single month. Why would 100,000 Iraqis move from their homes, from their schools, from their lives? They're moving because they're not safe.

We have militia roaming around. We've had ethnic cleansing in Baghdad. If you look at the maps of the neighborhoods, 2005 and now 2007, you realize that the Iraqis are not living together any longer. We have ethnic cleansing.

We also know that the Iraqi Parliament, more than half of the Iraqi Parliament, signed a petition asking Americans to go home.

We also know that the Iraqis wanted to take a 2-month vacation in 140-degree weather while our troops were struggling. It is time to bring our troops home and look at American benchmarks.

COLLEGE COST REDUCTION AND ACCESS ACT

(Mr. ARCURI asked and was given permission to address the House for 1 minute.)

Mr. ARCURI. Mr. Speaker, this week the Democratic Congress makes college more affordable for American students and families by sending the College Cost Reduction and Access Act to the President. After initially threatening a veto, President Bush now says he will sign the bill into law. That's good news for millions of students and their families who are trying to figure out how they're going to afford a college education.

Under President Bush, college tuition has increased 40 percent over inflation, putting college out of reach for many. While college costs have increased over the last 7 years, Pell Grants and other Federal aid have remained flat, which has created an imbalance in the grant-to-loan ratio that students face. For some who are fortunate enough to attend college, they are leaving with more than $20,000 in loan debt.

Our legislation begins to remedy that imbalance by providing the largest investment in college funding since passage of the GI Bill in 1944. Under our legislation, we increase Pell Grant scholarships by more than $1,000, and we cut student interest rates in half.

Mr. Speaker, Democrats promise to make college more affordable this week, and we are living up to that promise.

PROVIDING FOR CONSIDERATION OF H.R. 1852, EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 650 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 650

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1852) to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1852 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, as the Clerk just read, H. Res. 650 provides for consideration of H.R. 1852, the Expanding American Homeownership Act, under a structured rule. The rule provides 1 hour of general debate to be controlled by the Committee on Financial Services. The rule makes in order seven amendments printed in the Rules Committee report.

This bill is being considered under a structured rule that will allow the House to consider amendments to address important issues with regard to this legislation. I look forward to the debate on the important issue before us today.

I rise today in support of the rule providing for the consideration of the Expanding American Homeownership Act and for the underlying legislation. I thank Subcommittee Chairwoman WATERS for offering this bill. I thank Chairman FRANK and Ranking Member BACHUS for their hard work, along with the other members of the Financial Services Committee, in bringing this important legislation to the floor.

The bill underlying this house resolution addresses an issue of critical importance to our constituents and to our economy, the subprime mortgage lending crisis. We are here today to consider reforming the Federal Housing Administration's loan policies as a means of stemming the tide of foreclosures that have besieged our Nation.

Owning a home is part of the American Dream, but predatory lenders have been crushing that dream by taking advantage of home buyers with damaged credit. Lured by attractive initial terms, vulnerable home buyers who do not qualify for federally backed loans take on subprime mortgage loans that they cannot afford. These loans come with escalating interest rates which start low and encourage overborrowing. The borrowers learn too late, when their homes are foreclosed upon, that they will not be able to afford those higher payments.

We are now faced with the unfortunate situation that our residents are losing their homes in record numbers. The increasing rate of foreclosure continues to make the news in California and across the Nation. Data released just last month show the rising foreclosure rates in cities across the country. The numbers are as high as one foreclosure in every 27 households. That is not acceptable.

And the housing market continues to suffer. Last week a report from my Sacramento district cited a more than 13 percent drop in the median home prices in the past year. That is the largest 1-year drop in 20 years.

□ 1030

Despite good economic growth in the region, the housing market is in trouble. Many point to the subprime mortgage crisis to explain this. Trends like this can be seen across the country, not just in Sacramento.

The administration wants to allow 80,000 people to refinance their loans through FHA. That is good but it is not going to address the scope of this problem. More than 2 million adjustable rate mortgages are up for reset this fall, at which time their interest rates will increase. Two million mortgages, that is 2 million more families who will be at risk at losing their homes if they cannot keep up with the higher payments. This pattern cannot continue.

The housing market crunch, driven by the subprime mortgage lending troubles, is making waves throughout our economy. Over the past few months, we have seen the Federal Reserve cut its discount rate and make an additional $62 billion available to try to stabilize the real estate financial market. Last month, Countrywide Financial, the largest home mortgage lender, was trading at levels comparable to junk bonds. And, lastly, AIG, the world's largest insurer and one of the biggest mortgage lenders, stated that delinquencies and foreclosures are becoming more common among borrowers whose credit rates are just above subprime. So the problem is getting worse, not better. Congress needs to act and we need to act now.

The bill we are considering today will overhaul the Federal Housing Administration to make federally backed loans competitive with subprime and other nontraditional mortgage loans. We need to make sure that subprime mortgages are properly regulated to get our home buyers into good loans and rein in predatory lenders. The bill authorizes FHA to offer loans with little or no down payment and directs it to approve loans to borrowers with higher credit risk than is currently allowed. These measures will enable FHA to compete with the introductory teaser rates advertised by subprime lenders.

The bill will raise the single-family loan limit, enabling families who live in more expensive areas, such as California, to qualify for FHA-backed loans. The FHA has virtually no presence in expensive areas where the average price of a home already exceeds the FHA loan limit. Increasing access to FHA-backed loans will give many thousands of our constituents the stable financing terms that they need to keep up with their payments and stave off foreclosure.

Furthermore, this bill offers relief to our seniors. Seniors are often targeted by subprime loans, especially for reverse mortgages. Seniors who own their homes but who have limited financial resources might need to mortgage their homes to pay for other expenses. This bill eliminates the cap on FHA reverse mortgages to meet with growing needs of our seniors in tight financial times.

Finally, the legislation directs surplus FHA funds to a housing counseling program as well as to an affordable housing fund. In this way the legislation will ensure that borrowers have the opportunity to achieve the dream of owning a home as well as to become educated about their mortgage options and what it will mean in the long term.

The mortgage lending troubles are getting out of control. This bill will take an important first step toward reining in a disturbingly high rate of foreclosure. Later this week Chairman FRANK will hold a hearing with Federal Reserve Chairman Bernanke and other administration officials to look for additional legislative and regulatory solutions to this growing problem. Ensuring that FHA lending policies are up to date and competitive in the current market is a good start.

This bill will ensure that our fellow Americans have better federally backed choices to buy a home. This bill will curtail the spread of subprime lending and get more of our homeowners into mortgage loans with stable interest rates and transparent terms. This is a step in the right direction.

This is a bipartisan issue. The House passed similar legislation in the 109th Congress. This bill expands upon that legislation, reflective of the growing crisis. We need to pass this bill. Our constituents need this bill to keep their homes, and we need to work with our colleagues in the Senate to get this bill to the President.

I look forward to the debate on the Expanding Homeownership Act and hope that my colleagues on both sides of the aisle will join me in supporting this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I rise in reluctant opposition to this unnecessarily restrictive rule and to a number of the provisions included in the underlying legislation in its current form. While I appreciate and support the committee's effort to provide for the safety and soundness of our Nation's housing financial system and our broader financial system, this legislation has a number of avoidable shortcomings, and I hope that at least some of them would be corrected during the restrictive amendment process provided for by this rule.

The Federal Housing Administration was created by the National Housing Act of 1934 to broaden homeownership, protect lending institutions, and to stimulate the home construction industry. In addition to providing stability and liquidity to the mortgage market, the FHA's efforts have led to the creation of the 30-year mortgage product and mortgage instrument standardization, both of which have contributed to the growth of our modern housing financial marketplace. And, as one of the very few Federal Government agencies to operate entirely on fees derived from the program, the FHA has accomplished all of this with no taxpayer dollars or subsidy.

The legislation that has been brought to the House floor today includes a number of important modernization provisions that will help American families across this country to own their own homes, like: increasing the FHA loan limit for high-cost areas, providing for flexible down payment requirements, simplified and improved condo loan requirements, and an expansion of the ability to utilize home equity conversion mortgages.

This bill closely mirrors H.R. 5121, Republican legislation that passed overwhelmingly last Congress, and would also supplement the FHA Secure Initiative unveiled by President Bush at the end of August. This program, which is aimed at borrowers who have fallen behind on their payments after a mortgage rate reset, is projected to help a quarter of a million families over the next year. By helping first-time, owner-occupied home buyers refinance into mortgages that they can afford, this already implemented program will help families and stabilize communities, while targeting this support to the real families in need and away from speculators who do not need help from the Federal Government.

Unfortunately, despite all the positive elements included in this legislation, I do believe that this bill could be vastly improved. Chief among the problems with this legislation is its establishment of a new line of income for a poorly defined affordable housing grant fund linked to increased FHA receipts. FHA receipts are already recognized for future budgeting purposes to help determine subsequent affordable housing program appropriations at HUD, with any extra revenue from these programs deposited in the U.S. Treasury as a benefit to taxpayers. This legislation would divert this revenue to a housing fund with a poorly defined mission, reducing resources available for other existing HUD programs that already assist low-income families and individuals.

I believe it is bad public policy to tie the fate of families that need housing support to the success or failure of the FHA to bring in surplus revenue. Even worse, because the affordable housing funds would come from fees related to conforming loans and reverse mortgages, this bill levies a new stealth tax on the most modest home buyers and on seniors without even disclosing to them the costs associated with this new Federal mandate.

Other problems with H.R. 1852 include its failure to provide the FHA with the flexibility needed to implement risk-based pricing, which limits consumer choice as well as the FHA's ability to help additional home buyers. This bill's proposed 2 percent limit on home equity conversion mortgage loan origination fees proposed in the legislation, which attempts to protect senior citizens from potentially abusive lending practices, may also unnecessarily limit choice and flexibility in a changing marketplace.

Mr. Speaker, I would like to thank committee ranking Republican SPENCER BACHUS; subcommittee ranking Republican JUDY BIGGERT; and the incoming ranking Republican on the Housing and Community Opportunity Subcommittee, my former Rules Committee colleague, SHELLEY MOORE CAPITO, for all their hard work on this legislation.

Mr. Speaker, I will also insert in the CONGRESSIONAL RECORD the Statement of Administration Policy regarding this legislation and would like to take this opportunity to thank two people for their hard work from the White House, White House aides Chris Frech and Marty McGuinness, who have provided important information not only on this but worked with Members to make sure that they understood the White House's position on this issue.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 17, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1852—EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007 (REP. WATERS (D) CA AND 13 COSPONSORS)

The Administration supports legislation to modernize and reform the National Housing Act (NHA) and to ensure that the Federal Housing Administration (FHA) continues to play a key role in serving low- and moderate-income homebuyers. The President has called on Congress to expeditiously pass the Administration's FHA Modernization bill to assist more homeowners during this period of stress in the mortgage markets. H.R. 1852, as reported by the House Financial Services Committee, includes provisions that are essential to maintaining FHA's core mission of expanding homeownership opportunities for borrowers who are underserved, or not served, by the existing conventional mortgage marketplace. The legislation makes critical improvements to the statutory scheme of the NHA, and these improvements have also been proposed by the Administration. Nonetheless, the Administration has a number of significant concerns with H.R. 1852, which the Administration looks forward to addressing with Congress as the bill moves through the legislative process.

As proposed by the Administration, the legislation authorizes an increase in FHA loan limits from $362,000 to $417,000 or 100 percent of the Federal Home Loan Mortgage Corporation (Freddie Mac) conforming loan limit in high-cost areas, and from $200,000 to $271,000 in lower-cost areas. These changes are needed to adapt the program to increasing home prices. The Administration strongly opposes amendments that would authorize FHA guarantees of loans greater than the conforming loan limit as the program should remain targeted to traditionally underserved homebuyers, such as low- and moderate-income families.

Additionally, the legislation authorizes FHA to utilize risk-based premium pricing to more appropriately match premiums to borrower risk, based on measures such as the size and source of their downpayment and their credit scores. Consistent with current mortgage lending practices, the legislation includes the option to extend the maximum mortgage term from 35 to 40 years. Finally, with respect to FHA's Home Equity Conversion Mortgage (HECM) Program, the legislation removes the statutory volume cap on the number of reverse mortgages that may be insured by FHA, while permitting HECMs for use in condominium units and purchase transactions. Each of these improvements enables FHA to serve a larger number of targeted homebuyers, in more areas of the nation, than are being served under the present program.

While the Administration strongly supports Federal assistance to individuals and families that lack the means to afford adequate housing, the Administration strongly opposes the establishment of a new Affordable Housing Grant Fund linked to increased FHA receipts. FHA receipts are already credited toward HUD appropriations and a new program that attempts to divert this revenue would reduce resources available for other HUD programs that assist low income families and individuals. Furthermore, tying financing for the fund to FHA receipts would be counter-productive since FHA receipts annually fluctuate based on housing market conditions and bear little relation to any potential program funding needs. Many of the proposal's details are also undefined and unclear; therefore, the specifics may raise additional policy concerns.

The Administration strongly supports flexible downpayment options, but opposes a provision in H.R. 1852 that limits their benefits to first-time homebuyers. Such a limitation would hinder the ability of some current homeowners to refinance into an FHA-insured loan. By removing this limitation, FHA could help provide existing homeowners with additional flexibility in managing the mortgage debt.

The Administration also has concerns that H.R. 1852 does not provide FHA with the necessary flexibility to implement risk-based pricing, thereby limiting consumer choice as well as FHA's ability to help additional borrowers. H.R. 1852 fails to raise the statutory cap on annual premiums from 55 to 200 basis points, nor does it permit caps on upfront and annual premium combinations that would allow FHA to offer borrowers a variety of premium structures. In addition, the provision for mandatory refund of "excess" premium to borrowers with FICO credit scores below 560 whose loans survive more than five years undercuts the insurance principle on which FHA is based. This provision also hampers FHA's ability to serve a greater number of the borrowers this provision is purported to benefit. Because of these provisions, H.R. 1852 would lower receipts by approximately $75 million relative to the President's budget.

Generally, the Administration supports the provision in H.R. 1852 that permits an increase in mortgage insurance premiums if HUD determines that, absent such an increase, the insurance of additional mortgages would require the appropriation of new budget authority to cover the costs of such insurance. However, the requirement to do so by rulemaking is process-laden and onerous and would significantly delay and hamper HUD's ability to respond to a changing market. The Administration will work with Congress to establish a process that efficiently and effectively allows HUD to increase mortgage insurance premiums as needed.

The Administration also has concerns with the two percent limitation on HECM loan origination fees proposed in the legislation. Although the Administration applauds the attempt to protect senior citizens from potentially abusive and predatory lending practices, any such limitations should be flexible enough to respond to a changing market. Accordingly the Administration believes that such limitations should be set by the FHA through Federal Register notice or other appropriate vehicle.

In addition, the Administration is concerned that the Act revises certain recently enacted asset disposition reforms for FHA multifamily programs. This would reduce receipts by nearly $40 million. The Administration is also concerned about a provision that

> would make it possible for correspondent lenders to use FHA without meeting audit and net worth requirements, which could allow participation by brokers who are inadequately capitalized or have internal control difficulties.
>
> The Administration remains committed to modernizing and reforming FHA, and looks forward to continuing to work with Congress to ensure that concerns are addressed and that the necessary reforms are part of any final legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Before yielding to my next speaker, I would like to point out that the bill directs surplus funds to an affordable housing fund. This is an appropriate use of any net FHA funds. The surplus funds are directed to a source that is consistent with the mission of this legislation: to help Americans buy homes through federally backed means.

However, for those Members who do not support this fund, I want to point out that there is an amendment made in order to strike the fund. All Members of this House will have an opportunity to vote on this important issue.

With that, Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. SUTTON), a member of the Rules Committee.

Ms. SUTTON. Mr. Speaker, I thank the gentlewoman for her leadership on this issue and on this rule.

Mr. Speaker, I rise in favor of this rule and in strong support of the underlying legislation, the Expanding American Homeownership Act.

Owning a home in this country is called the American Dream for many reasons: the pride of ownership, a sense of responsibility, the feeling of settling down and belonging to a community and a neighborhood. But the American Dream is in peril for many families in this country as foreclosures rise and dreams shatter.

I am sorry to report, Mr. Speaker, that in my home State of Ohio, we have the Nation's highest rate of mortgages that are seriously delinquent or in the foreclosure process. In April of this year, Ohio had nearly 12,000 default notices, auction sale notifications, and bank repositions. Sadly, one in ten Ohio homeowners with a mortgage is at least a month behind in payments and one in four with a subprime loan is delinquent or in foreclosure.

These staggering statistics are not just numbers. They are families and individuals whose American Dream is quickly becoming a nightmare. I have talked with many hardworking, proud families who are struggling to pay their mortgages and afford health insurance, struggling to put food on the table and pay for their children's college education. They are working hard and they are playing by the rules, but nonetheless the American Dream has moved out of their reach.

The homeownership crisis is part of a larger problem for our Nation where policies and laws have not worked for our low- and middle-class families the way that they should. This is unacceptable for my constituents, and it should be unacceptable for a Nation built by working men and women that prides itself on ownership, responsibility and fairness.

Mr. Speaker, the problems in the housing market are not new, but they have become what they are because of a lack of action and leadership from prior Congresses and this administration. The lack of oversight has led to the abuse of a mortgage system by unscrupulous lenders and others looking for easy profit by preying upon those who are most vulnerable. And it is wholly unacceptable that a system that should be an avenue to homeownership has instead become a path to heartache for far too many families.

Today by passing the Expanding America Homeownership Act, we take a bold step forward on what is going to be a long road to fix this broken system.

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H.R. 1852 raises loan limits, helps reduce the burden for high-risk borrowers, expands counseling for home buyers, and provides new ownership incentives for low-income families. And these are very important and positive measures.

This is a demonstration of our commitment to restore the American Dream, but we also understand that there is no easy fix for this issue. In coming days, I plan to introduce legislation that will bring together many interests and groups involved in foreclosure and mortgage lending crisis so that we can continue to act to improve this situation. I hope that, working together, we will be able to quickly offer comprehensive and meaningful solutions to move forward.

A similar effort has been made in Ohio spurred by our new Governor, Ted Strickland. And just recently, they came back with some very important recommendations that will hopefully make a meaningful impact in the State. But we here in Congress at the Federal level need to do our part.

Mr. Speaker, never again do I want to have to hear that a family has lost their home simply because our laws and regulations have worked against them.

I urge passage of this rule and the underlying legislation.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, today I rise in opposition to this rule governing the consideration of H.R. 1852, the Expanding American Homeownership Act of 2007.

I had hoped that the committee would see the wisdom in providing an open rule to this important legislation; and in the absence of an open rule, that it would at least make in order those amendments that the Members took the time and effort to draft, including one of my own amendments. Unfortunately, only some of the amendments filed with the Rules Committee were made in order.

While I'm pleased that some of these amendments made in order are Republican amendments, other amendments which were offered and debated during our committee markup of this bill were not made in order. These amendments deserve to be debated and given a fair hearing.

Mr. Speaker, last year FHA's modernization bill, which passed the House by a vote of 415–7, garnered broad bipartisan support. This year's bill does not have that kind of support. I am pleased that the majority has edged closer to last year's bipartisan bill since the introduction of the new bill under consideration today.

As I pointed out during our committee hearing and markup on this bill, the bill originally excluded homeowners seeking to refinance from benefiting from a modernized FHA. The bill will now assist more homeowners, perhaps some seeking to refinance a bad subprime loan, but still not as many as last year's bill.

I continue to object to provisions that do not fully allow for risk-based pricing. Again, witnesses during our committee hearings said this would result in FHA serving fewer, not more, American borrowers. I also remain opposed to the provision that siphons money away from FHA to fund a brand-new government program, another trust fund, to build more affordable housing. While this is a very important issue, affordable housing, what we need here is to have FHA money to help those that are in trouble, facing foreclosure, or those first-time borrowers who would not be able to find a good mechanism to find a mortgage.

During committee deliberations, we were given the opportunity to debate and consider a variety of issues pertaining to this bill. Members on our side of the aisle had hoped that all Members, not just those on the Financial Services Committee, would be given the same opportunity to debate important issues on the House floor.

Republicans support many aspects of this bill, H.R. 1852; but I think we all deserve the right to participate in the amendment process, whether as a member of the committee of jurisdiction, or as a Member of the U.S. House of Representatives. Only through an open rule is that possible. For this reason, I rise in opposition to the rule being considered today and urge my colleagues to vote "no" on this rule.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume to make a comment before yielding to my next speaker.

I would like to point out that seven amendments were made in order. Two of the minority amendments offered were redundant changes, so one of those was made in order. And, finally, an amendment in the nature of a substitute offered by Mrs. BIGGERT was made in order. We are providing ample opportunity for debate and for Members to vote on the provisions of the bill.

With that, Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this bill and appreciate her leadership, and particularly emphasizing the fact that the minority has the opportunity for a substitute to be offered up. So the House will have an opportunity to weigh the different approaches to determine what is truly in the best interests of American homeowners.

I welcome this legislation today. I support the rule, and I support the underlying legislation. But I hope that this will be just the start of on-going progress for dealing with what is truly a housing crisis that is enveloping this country.

While it's pleasant to read now that Alan Greenspan, as he's attempting to protect his role in history, now agrees that there were probably some mistakes that were made, not yet acknowledging the failure on the part of the Fed to step forward and deal meaningfully, using the powers that they had in the housing market. Today we see the consequences of that failure, of this Congress, a failure of being able to meaningfully deal with the protection of American homeowners.

Foreclosures are mounting by the day, but we're only seeing the tip of the iceberg, because literally tens of thousands of people every week are going to be facing a situation where adjustable rate mortgages in the months ahead are going to be exploding in much higher rates, where people are going to be paying $200, $300, $400, $500 a month, or more, higher and be trapped into these unfair subprime loans. Where there is a clear pattern of abuse of lower income, less sophisticated buyers, it's time for us to put on the table more comprehensive approaches.

Isn't it time to reconsider the draconian bankruptcy legislation that this House passed a few years ago? Maybe it is time to treat the homeowner, dealing with the most valuable asset most families have, their home, the same way that a business person who speculated in purchasing homes for investment purposes would be treated in bankruptcy. The speculative business person can readjust mortgage terms; they can negotiate interest rates in the amount of the loan. That is denied to homeowners.

Maybe it's time to consider some consumer protections. If you buy a $40 toaster that explodes, there is a Federal agency that will protect you. But if you buy a financial instrument that has a one-in-four chance of exploding in the face of the buyer, putting at risk their number one asset, there isn't any similar protections.

While I appreciate the legislation that's coming forward, I am hopeful that it is just the beginning of dealing with this ongoing problem.

Mr. SESSIONS. Mr. Speaker, I was waiting for one additional speaker, and that gentleman has not showed up at this time. I would like to inquire of the gentlewoman if she has additional speakers, or where we may stand. If I could quickly engage the gentlewoman.

Ms. MATSUI. Mr. Speaker, I am waiting for an additional speaker.

Mr. SESSIONS. The gentlewoman is waiting for an additional speaker, and I appreciate that very, very much.

Mr. Speaker, you know, we are here this morning, almost 11 o'clock in Washington, D.C. I don't know of much else we've got going here on the floor today. I think we're going to have four suspensions in addition to this bill, and yet last night the Rules Committee, our friends in the new Democrat majority, decided that they would shut down debate by having this rule without it being an open rule, shut out a number of amendments and Members who would choose to come down and debate things today. And so I'm disappointed that, in a day where really not much else is going on, that we could not include the full discussion and take this day to talk about affordable housing and where the ideas are that each and every Member might have on how we're going to increase homeownership and protect these homeowners.

I find it interesting, however, with some of the speakers that we've had today, that just a few years ago we were, with full knowledge of this United States Congress, very pleased that homeownership was increasing all across America and that credit was being extended to a number of people, including lots of families who would have an opportunity to finally own their own home. And now we find out today that, in fact, it's a lot of people who are to blame, who are these greedy people who were the lenders, who were trying to get people and bring them in to buy houses when, in fact, it was the national will. It was a good thing that they would have, virtually at no cost down, an opportunity to come and be in a house. We heard testimony where people really could get in houses for cheaper than they could living in an apartment. So millions of Americans went and did that. And they willingly signed on the line, yes, I will take this low-cost loan right now, and in 5 years I will have to go to a market-based rate to borrow the money.

This wasn't a mistake. This wasn't somebody being greedy. This was someone who was out offering an opportunity. And as all of us would have to predict the future, we don't know what the future would be, but it got people in homes, and now we do have some problems. And dealing effectively with the problem is, I think, what we should be remembered for, not looking back and saying what a bad idea it was to make sure that millions of families could get in their own homes.

So I respectfully disagree with those that come to the floor here today to argue about greed and all these people who took advantage of these poor and low-income homeowners. I think it was a good thing. I'm sorry it has not worked out in every single case. But guessing what something is going to be like in 5 years means that you have a chance to plan and be prepared for it. And so now we will be judged on how well we do to make sure that we lessen the activity of the number of people who have to bail out of their houses because they can't afford them.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, my remaining speakers are not here, so I am prepared to close if the gentleman from Texas is prepared to close.

Mr. SESSIONS. Mr. Speaker, I had anticipated and hoped that the gentleman from Georgia (Mr. PRICE) might be here. I have been notified that he is in a meeting with constituents at this time.

One of the amendments which Dr. PRICE brought to the Rules Committee yesterday, which the Rules Committee rejected on a party-line basis, was part of really the debate and discussion that I think needs to take place as we talk about taxpayer money being involved with housing in this country. And the amendment which was rejected by the new Democrat majority universally across the line, every single Democrat said, no, they did not want to hear the debate on this, and it is as follows: The amendment said that it would require that any individual or household receiving money from the affordable housing fund must present verification of legal residency by a secure identification document.

Mr. Speaker, let's be forthright about this. We have had discussion after discussion, debate after debate about health care, about public housing, about housing funds, of virtually every single topic that we get into here on the floor of the House of Representatives where we believe, the Republican Party believes, that people who are seeking assistance and help from funds, whether it be taxpayers or public systems like this that do utilize the attributes of the government, that there should be a verification that somebody is in this country legally and has legal status.

Mr. Speaker, repeatedly this new Democrat majority, whether it's for health care or whether it's now for this new housing fund, they do not want to require that someone even has to present verification of who they are. And we disagree with that. And I am sorry that the Rules Committee made a determination and the Democratic Party decided that they do not want to have to have anyone present verification of who they are or that they are in this country legally.

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We disagree with that. I am sorry that the Rules Committee did not allow that in order for the gentleman, Mr. PRICE, to be able to argue that as part of the debate today.

So, Mr. Speaker, I will be voting "no." I will be voting "no" on this rule because I believe that what this new Democrat majority did was to shut down debate even in a day when we have lots of time to get the best ideas on the floor and to make sure that every single Member can be heard from.

Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, before I close, I just want to make a comment that H.R. 1852 already has strong identification requirements for those applying for FHA-backed mortgage insurance.

With that, Mr. Speaker, we know that our housing market is in severe distress. We must ensure that subprime mortgage lending is not putting our residents at risk. Subprime mortgages can be a very useful tool enabling those with imperfect credit to qualify to buy a home. Reining in predatory lending practices will help our families keep those homes that they have worked so hard to buy. The Expanding American Homeownership Act will ensure that FHA has the tools it needs to get more home buyers into good loans.

This bill will bring the FHA regulations up to date. It will provide the agency with the ability and resources to offer a broader diversity of loans to meet the needs of the current market. This is an important bill that will give more of our constituents access to solid federally backed loans. That is a kind of stable financing that homeowners need to get through the rocky times our real estate market is weathering.

The Financial Services Committee has worked very hard to get this bill to the floor. I hope that we can keep it moving forward. I hope that my colleagues will join me and show strong bipartisan support for the rule before us and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Approval of the Journal, by the yeas and nays;

Ordering the previous question on H. Res. 650, by the yeas and nays;

Adoption of H. Res. 650, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 217, nays 183, answered "present" 1, not voting 31, as follows:

[Roll No. 870]

YEAS—217

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
Dent
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McIntyre
McNerney
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—183

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen

Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stupak
Terry
Thompson (CA)
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—31

Allen
Boucher
Carney
Clarke
Cubin
Davis, Jo Ann
DeGette
DeLauro
Edwards
Emerson
Hensarling
Jindal
Johnson (IL)
Kanjorski
Knollenberg
Lowey
Maloney (NY)
McCarthy (NY)
McGovern
Meeks (NY)
Melancon
Peterson (PA)
Pickering
Renzi
Ryan (OH)
Slaughter
Sullivan
Tancredo
Walberg
Weldon (FL)
Wilson (OH)

□ 1125

Mr. SAM JOHNSON of Texas changed his vote from "yea" to "nay."

Ms. CARSON changed her vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 1852, EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 650, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The Speaker pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 191, not voting 15, as follows:

[Roll No. 871]

YEAS—226

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Allen
Bachus
Carney
Cubin
Davis, Jo Ann
Hensarling
Jindal
Johnson (IL)
Knollenberg
Peterson (PA)
Pickering
Renzi
Slaughter
Tancredo
Van Hollen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

PARLIAMENTARY INQUIRY

Mr. SESSIONS (during the vote). Mr. Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Could the Speaker please provide this body with the information about how the Chair intends to rule in regard to the clock when it says "time final," and yet you have gaveled several times, and yet you are accepting more votes. Could you please describe to us what we can count on. I think it is important for this entire body to understand so that we know when the votes are final and when they are not.

The SPEAKER pro tempore. The Chair will inform the gentleman from Texas that the board is for display only. The Chair will also tell the gentleman from Texas that the Chair began to announce the vote several times, but noticed that Members were still trying to vote; and to extend them the courtesy to vote, the Chair waited. Members from both sides of the aisle were trying to vote.

Mr. SESSIONS. Mr. Speaker, I appreciate that. I also did recognize what you were trying to do. I am not opposed to extending courtesies. I am very obviously concerned about the extension of any time after the vote says "final."

I thank the gentleman.

□ 1136

So the previous question was ordered.

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. MANZULLO. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MANZULLO. Who was controlling the clock that puts up the word "final"?

The SPEAKER pro tempore. The gentleman is not stating a point of order.

Mr. MANZULLO. The computer is doing it?

The SPEAKER pro tempore. The clock is for display only. As previously stated, the Chair was trying to close the vote, but Members were raising their hands indicating they had not voted, and the Chair extended them the courtesy of allowing them to vote.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. MATSUI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 190, not voting 15, as follows:

[Roll No. 872]

AYES—227

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Allen
Carney
Cubin
Davis, Jo Ann
Heller
Hensarling
Jindal
Johnson (IL)
Knollenberg
Musgrave
Peterson (PA)
Renzi
Slaughter
Sutton
Tancredo

□ 1145

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 1852 and insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ALLOWING AMENDMENT NO. 2 TO BE OFFERED OUT OF SEQUENCE DURING CONSIDERATION OF H.R. 1852

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1852 in the Committee of the Whole, pursuant to House Resolution 650, amendment No. 2 may be offered out of sequence by a cosponsor, the gentleman from California (Mr. CARDOZA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GARRETT of New Jersey. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GARRETT of New Jersey. Can the Speaker please clarify within the rules of the House when a bill is final in terms of not being subject to open and changing the votes? Is it when the board says final or is it when the Speaker gavels the bill down?

The SPEAKER pro tempore. The board is for display purposes; and when the Chair hit the gavel to see if any Members wished to change their votes, several Members from both sides of the aisle indicated they had not voted, and the Chair extended the courtesy to allow Members to vote.

Mr. GARRETT of New Jersey. Further parliamentary inquiry then.

The SPEAKER pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. GARRETT of New Jersey. Just so I am clear, it is not upon the board, nor is it at the time of handing of the gavel down? Some other action has to occur?

The SPEAKER pro tempore. The gentleman is correct. The Chair is advised that the word "final" appears on the wall display as an indication of the status of the computer, not of the status of the vote.

Mr. GARRETT of New Jersey. Further parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state his further parliamentary inquiry.

Mr. GARRETT of New Jersey. The final element of when a vote is actually closed is when the Speaker, in this case yourself, actually hands down the gavel and not the board?

The SPEAKER pro tempore. It is when the Chair announces the result of the vote.

Mr. GARRETT of New Jersey. I thank the Speaker for the clarification. I appreciate it.

EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 650 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1852.

□ 1147

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1852) to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes, with Mrs. JONES of Ohio in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from California (Ms. WATERS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 1852, the Expanded American Homeownership Act of 2007. As you know, I introduced H.R. 1852 on March 29, 2007, and I want to take this time to thank Chairman FRANK for his original cosponsorship. I also want to acknowledge each of my colleagues both on the Committee on Financial Services and in the House who have joined with me to see that this important legislation passes the House.

It has been a little over 4 months since the Committee on Financial Services considered this measure to revitalize the Federal Housing Administration, or FHA. On May 3, 2007, the Expanding American Homeownership Act passed the Committee on Financial Services by a vote of 45–19.

The ensuing period has only made the need to enact H.R. 1852 clearer. We are all aware of the turmoil in the mortgage markets with the dramatic rise in foreclosures. Some predict as many as 2 million mortgage loan defaults by year's end. Equally troubling is the widening impact that the mortgage crisis is having within the domestic and global economy. We still don't know the full scope of that impact, but it is clear that we must take prudent steps to address the underlying issues in the housing markets.

H.R. 1852 is a necessary step in that direction. To be clear, this legislation will not by itself resolve the crisis. Indeed, later this week the Committee on Financial Services will hold a hearing to discuss the major players in government and the markets' other strategies to address this multi-faceted problem.

Revitalizing FHA, however, is an essential element of a comprehensive strategy. FHA is a federally insured loan program that for over 60 years has been a reliable source of affordable fixed-rate mortgage loans, especially for first-time home buyers.

At the end of funding year 2006, FHA had $338.6 billion of insurance in force on about 3.9 million loans. From 1934 through the end of funding year 2006, FHA had insured about $33.9 million home loans at a mortgage volume of about $1.9 trillion.

Once the preeminent provider of mortgage insurance to low- and moderate-income home buyers, FHA has seen a precipitous drop in its market share in recent years. In 1991, FHA loans accounted for about 11 percent of the market. By 2004, that share had dropped to about 3 percent.

Borrowers have increasingly turned to the private subprime market for loans, many of which contained adjustable rates that are now resetting, or will do so in the near future. In the absence of significant appreciation in the values of their homes, many of these borrowers will be unable to refinance to ensure affordable monthly payments into the future.

H.R. 1852 will enable FHA to serve more subprime borrowers at affordable rates and terms, recapture borrowers that have turned to problematic subprime loans in recent years, and offer refinancing loan opportunities to borrowers struggling to meet their mortgage payments in the midst of the current home price and mortgage market turbulence.

Specifically, this bill would authorize zero and lower down payment loans for borrowers that can afford mortgage payments but lack the cash for required down payment, a major reason that many low-income borrowers turn to private subprime markets rather than FHA-insured loans. It will increase loan limits to make FHA relevant in high-cost markets, direct FHA to provide mortgage loans to high-risk, but qualified, buyers; it will enhance the FHA reverse mortgage loan program, promote the sale of foreclosed FHA rental housing, loans to localities so that affordable housing can be maintained in local communities, authorize up to $300 million a year for the next 5 fiscal years from the bill's excess profits for an affordable housing fund instead of returning such funds to the general treasury.

Notably, H.R. 1852 also includes a number of important changes to the FHA bill that passed the House last year. First, it eliminates the fee increases from last year's bill for borrowers that continue to make a down payment, scaling back the maximum upfront fee from 3 percent to 2.5, and the maximum annual fee from 2 percent to .55 percent.

These reductions would reduce FHA closing costs premiums for a hypothetical family buying a $300,000 home by $2,250, and annual fees over a 5-year period by over $20,000 compared to last year's bill.

This bill also includes a provision authorizing loan limit increases for FHA rental housing loans in high-cost areas where current FHA loans do not keep pace with local construction costs. In this way we are ensuring that FHA contributes to the full range of affordable housing stock we so desperately need in this country, from homeownership to rental housing.

In that vein, H.R. 1852 also differs from H.R. 1752 in a final, absolutely critical respect. This bill recognizes the full scope of the affordable housing crisis facing the Nation by targeting up to $300 million annually for the next 5 years to an affordable housing fund for grants to provide affordable rental housing and homeownership opportunities for low-income families.

This measure is clearly needed. We can thank BARNEY FRANK for all of the work and all of the attention and time that he put into making sure that this was a part of this bill. Simply put, this country faces an affordable housing crisis of epic proportions. According to Harvard University's State of the Nation's Housing in 2007 report, 17 million renters and homeowners are paying more than half their incomes in housing costs. There just isn't enough affordable housing stock to go around.

With that, and in closing, I have said for many years that there is an affordable housing crisis in America. In recent months that crisis has exploded beyond the poorest renters and homeowners, to threaten the domestic economy. H.R. 1852 is a necessary step, though not in itself a sufficient one, in walking us back from the brink and the direction of meeting the housing needs of all Americans.

Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, I yield to the gentleman from Alabama (Mr. BACHUS), the ranking member of the Financial Services Committee, for 7 minutes.

Mr. BACHUS. Madam Chairman, the Federal Housing Administration, which we today call FHA, was created in 1934; and it is a very important source of support for first-time home buyers and for low- and middle-income borrowers. FHA provides mortgage insurance that protects lenders against losses when homeowners default on their mortgage obligations, as many of them are doing today. It also allows the lenders to offer their customers, American homeowners, low interest rates and low closing costs.

Since its inception, the FHA has insured nearly 35 million loans. That makes it the largest insurer of mortgages in the world. FHA's share of the mortgage market, however, has been steadily declining in recent years, falling from almost 20 percent 10 years ago, of the total mortgage market in America, to 5 percent today.

This sharp drop in FHA's market share resulted largely from the growing popularity of subprime mortgages, as more borrowers opted for loans featuring zero down payments and introductory teaser rates far lower than what was available from FHA.

The difficulties we are experiencing today by many subprime borrowers is as their initial low interest rates reset at a much higher level, it offers FHA an opportunity to reestablish its standing in the marketplace as a safe, low-cost alternative for American homeowners. It is also another reason that we should be here today reforming FHA, to ensure that that happens.

For that to happen, Congress does need to pass the reforms that we are considering today I want to say that right upfront. There are important reforms in this bill. These same reforms were contained in legislation that Ranking Member BIGGERT of the Housing Committee and myself and others in a bipartisan way introduced in the 109th Congress. In fact, that legislation, Comprehensive FHA Reform, and that is in this bill today, and is very good provisions, passed with over 400 votes on the House floor, only to die in the Senate. I am sorry that happened.

Earlier this year, Congresswoman BIGGERT and I reintroduced legislation identical to that legislation. However, and I am sorry to say that rather than embracing last year's bipartisan approach, the majority has chosen to go in a different direction. I think they do that from honest philosophical reasons. We disagree with those reasons.

They have included provisions which we believe will divert surpluses generated by the FHA program to a new affordable housing fund established in separate legislation which this House and our committee passed earlier this year.

While a strong bipartisan consensus exists regarding the need for FHA reform, the reforms in this bill, the majority is insistent on linking the enactment of these reforms to the creation of yet a new multi-billion dollar housing fund has caused many of us on this side of the aisle to hesitate from strongly supporting this legislation.

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I admit, most of our Members are in a quandary. We like the reforms in this bill. We know that those reforms will go a long way towards addressing the crisis that we face today, the Affordable Housing Fund. And we realize at the same time that there is legitimate purpose behind Chairman FRANK's Affordable Housing Fund, and one of those is to offer affordable low income rental property for Americans. And we understand that he honestly believes, and we have an honest disagreement as to the need for this.

We simply believe that a better approach is to dedicate the FHA surplus to shoring up the financial solvency of the FHA mortgage program, which was only recently removed from GAO's list of government programs at high risk for waste, fraud and abuse.

A portion of that surplus could also be returned to beneficiaries of the program. Who are they? They are the many people who have taken out FHA-insured reverse mortgages, many of them senior citizens, and we could do that in the form of lower insurance premiums for all Americans who have FHA mortgages.

Madam Chairman, the key reforms included in this legislation, lowering down payment requirements, increasing loan limits and mortgages that FHA is authorized to ensure, giving FHA more pricing flexibility, command broad consensus among Republicans, Democrats, the Bush administration, consumer groups and the industry, the realtors, the home builders and others. Indeed, in announcing several of these initiatives last month designed to contain the damage caused by the problem in subprime, President Bush stressed the critical role that FHA can play in assisting homeowners facing sharply higher mortgage payments and possibly foreclosure in reaffirming the administration's support for the FHA modernization legislation and many of the provisions contained in this bill.

However, the administration, as have many on our side of the aisle, also is strongly opposed to using FHA surplus as seed money for an untested, unrelated government housing program, one that is estimated to cost $3 billion or more.

Thus, by insisting that this bill carry that controversial provision, we feel like the majority is delaying, if not jeopardizing, the enforcement of important reforms that we need now to provide a lifeline for seeking to refinance out of high cost subprime loans.

Madam Chairman, accordingly, I urge my colleagues to support Republicans' amendments to strike the extraneous Affordable Housing Fund provisions opposed by the administration and allow us to move forward quickly with badly needed and long overdue reforms in the FHA program. If we are not successful in those amendments, many of the Members will vote for this underlying legislation, some will not. But, again, I want to acknowledge the sincerity and the good faith that the majority has worked throughout this process with the minority; and, Chairman WATERS and Chairman FRANK, we very much appreciate that. We appreciate the many fine provisions in this bill.

Ms. WATERS. I yield to the chairman as much time as he may consume.

Mr. FRANK of Massachusetts. I thank the gentlewoman, the Chair of the Housing Subcommittee who has worked so hard all year on a number of very important pieces of legislation. And I appreciate the kind words of the ranking member. I congratulate him on the newest addition to his extended family. And he correctly says, there is a lot in this bill that we agree with; there are some things that we disagree.

Now, the ranking member of the subcommittee, the gentlewoman from Illinois, the ranking member of the full committee. I should note, the gentlewoman from Illinois is no longer the ranking member of this subcommittee, she was recently moved, but she was during the pendency of this bill. They noted that last year a bill passed the House by 400 to a handful on the FHA, and that is true. And the reason is, that is the difference between us and them.

Last year, when they were in the majority, they came out with a bill that had some things in it that we liked, a couple things that we didn't like, so we were reasonable and conciliatory and voted for it. And now we are in the majority. And it is an odd argument to say that the bill that they passed when they were in the majority, having defeated some of our amendments, somehow now, because we were conciliatory last year and supported it, we are obligated to do the same thing.

The principle of deja vu all over again is not to be found in Jefferson's Manual. It is not binding. We built on what we agreed to last year and we added some things. Let me talk about where we disagree.

Oddly, the administration insists that when we do mortgage insurance for lower income people, we agree, that going forward, and even in fact in helping in the current crisis, FHA mortgage insurance should be available for people with weaker credit who are in the subprime category, now, if they can refinance at a steady rate in the future so they can go there in the first place.

But what the administration says is this: If you are a woman making $48,000 a year and your credit isn't great for a variety of reasons and you get mortgage insurance from the FHA, this administration and the approach of my Republican colleagues is to charge her more than any Member of this House would be charged for the same mortgage insurance, because what they say is, we will extend it to people with weaker credit, but we will charge them more, because people with weaker credit are likely to default. It is true people with weaker credit are likelier to default, but should everybody be penalized financially because some people with weaker credit will default?

What we say is, if you are in that higher risk category and you go forward and make your payments on time, you should be refunded that money after 5 years automatically, 3 years at the discretion of HUD.

So I reject the notion that we should make the person in the lower credit category who conscientiously makes her payments be the one who has to bear the cost of a loan loss rate that is higher for people like her. That is not her fault.

Secondly, we have in here tougher restrictions than last year on the ability of HUD to raise FHA rates. Members will note, the FHA has been making a surplus recently, and the administration likes that and they can use that to put into the general budget so Housing and the FHA subsidize the rest of the budget. And a couple of times on a fully bipartisan basis, through the appropriators and through our committee, we have written to HUD saying, no, don't do that. Don't raise FHA fees when you are already making a profit.

This bill, in fact, reduces the ability of HUD to raise fees unless they can document that they are going to go in the red, and that is one of the differences. If you vote for a substitute, you will be voting for a weaker set of restrictions on HUD's ability to raise FHA fees. That is why the home builders and the realtors have generally been supportive of the approach that we are taking, because we don't want HUD to have the freedom to raise the fees just to make a surplus for the rest of the government and make homeowners do that initial surplus.

In addition, by the way, we take the cap off home equity mortgages, and that is what generates the money. We don't generate the money for the affordable housing fund here by raising fees on mortgage insurance in general; in fact, we restrict HUD's ability to do that. We do take the cap off mortgage insurance. So what we are saying is, there will be more home equity mortgages granted. And, in fact, we put a restriction on the fee that can be charged by those who originate them. Not in the minority's substitute, I believe. And we say that extra money that comes not from raising anybody's fees but increasing the volume is what we can use for affordable housing. We also say that you should raise the limit.

Now, the administration had been opposed to it and they are parading it some but I believe not enough. We now have a situation in which the market is telling us that they will not do mortgages if they go above the FHA-GSE limit. And what this bill does is, A, to raise the limit based on the regional variation in house prices, but, in addition, says to the Secretary of HUD: If the market freezes up as it now does, you have discretion, the discretion of the Secretary of HUD, to do a temporary increase in the limits. And I think that is a reasonable approach.

Finally, the Affordable Housing Trust Fund. Be very clear. Look at the bill. Not a penny can go to the Affordable Housing Trust Fund under the legislation before us today until the Secretary of HUD certifies that the FHA fund is fully solvent. That is, there is no way under this bill that a penny can go to the Affordable Housing Trust Fund if it would in any way cause an increase in FHA mortgage insurance or in any way jeopardize the fund.

The question is, if there is a surplus generated by the mortgage insurance rates, and remember, we are saying to HUD you can't charge as much as you want to. So at the lower rate we impose and with the increase in the volume of home equity mortgages that generates a surplus, does it go into the Treasury to do as they wish or can we set it aside for an affordable housing program? And for the first time, because you do not have now a lot, there are a lot of HUD programs, but there aren't any now that help build family affordable housing. We have some for the elderly; HUD tries to cut it. We have some for the disabled; HUD tries to cut it. We do not have a general program for helping to build affordable family housing, and that is what this bill would do. But only if by raising revenue. And, by the way, when we increased it, there was an odd statement in which they said don't raise the upper limit, have the program be focused on the lower income people. They are not competitive.

In fact, raising the upper limit makes money for the FHA. CBO has told us that when you raise the limit, that is a profit for FHA. In fact, raising the limit at the top is one of the reasons why we can avoid charging the people with weaker credit more, which the FHA wants to do, because we recycle some of that profit that they will make from right in the upper end into helping offset the higher loan loss rate from people at the lower end.

So the notion that in any way we are deteriorating our ability to help the moderate people is just nonsense. It is literal nonsense. Because raising the upper limit, all it does is provide more funds which can be used, because the alternative, and again this is in the Bush administration's approach: Yes, we will extend credit to people with weaker credit, but we will charge those individuals more than somebody who is richer even if that individual is making the payment. I don't think that is appropriate for the Federal Government.

There has been a lot of bipartisan cooperation on this bill. There were a couple amendments offered. One amendment is jointly offered by myself and the gentleman from California (Mr. MILLER). There are amendments offered by the gentleman from Ohio (Mr. TIBERI) which we think is a good idea. Mr. MILLER has another one dealing with down payment assistance. Mr. TIBERI's deals with the question of counseling. We are supportive of those. There is a great deal of bipartisanship here.

The realtors and home builders, two of the private sector groups strongly committed to helping with homeownership and home building, support this bill and support our versions of it. All the consumer groups, the people who advocate for low income housing do. I hope that the bill is adopted. There are some amendments that would kill it. I will say there is an amendment to strike the funds for the Affordable Housing Fund. Members might want to check. A virtually identical amendment was offered during the appropriations bill to prohibit any FHA money from going there. It was defeated by 2-1. It was a very large vote on this side, obviously, but a significant vote on the other side. We have debated all these issues. I hope by the end of the day we will send the FHA bill through.

And let me just close by saying I welcome what the administration did. We are moving closer. I hope by the end of today we will have sent this bill to the Senate, along with the GSE bill. And I have spoken to Secretary Paulson and I have spoken with Members of the Senate. If the Senate will then take up the GSE bills and the FHA bills, I know there are differences, we want a signature on both bills. We will have a genuine three-sided conference; ourselves, both parties; the Senate, both parties; the Secretary of Treasury, the Secretary of HUD. And I believe if the Senate will act well before Thanksgiving, we can have a good package in which the GSEs and FHA are made sounder and more solid and better able to serve the people.

Mrs. BIGGERT. Madam Chairman, I yield 45 seconds to Ranking Member BACHUS.

Mr. BACHUS. Madam Chairman, I would like to thank the chairman of the full committee. And I want to make it perfectly clear that this was a grandson, not a son or daughter who was born to Linda and I. So when you said proud addition, I just didn't want a rumor back home that we had had a child.

But I also want to acknowledge what you said. There are many important reforms in this bill. In fact, from last year's bill, much of what the chairman has said, I think we have worked together, groups have worked together, and as a result of the subprime crisis we have got an even better bill, and I acknowledge all that. There are many good things about this bill, and I commend him for his knowledge of the subject and his fine work. Thank you.

Ms. WATERS. Madam Chairman, may I inquire as to how much time we have left?

The CHAIRMAN. Ms. WATERS has 13½ minutes, and Mrs. BIGGERT 21½ minutes.

Ms. WATERS. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. AL GREEN of Texas. I want to thank you and the chairman of the full committee for this brilliant and well thought-out legislation. I absolutely support it. I am convinced that this bill, had it been in place, would have helped many borrowers to avoid the subprime market and many of those who also went into the predatory lending areas, because it would provide reasonable rates without prepayment penalties.

But this bill also has the Affordable Housing Fund, and I support it wholeheartedly. There is no question that there is a need to build, preserve, and renovate, rehabilitate affordable housing in this country. This bill gives us the means by which it can be done.

I also would like to point out that the bill has an amendment that we introduced to deal with the mortgage brokers.

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This bill requires mortgage brokers and correspondent lenders to safeguard and account for a borrower's money. It is actually codified into law. It would require them to follow reasonable and lawful instructions of the borrower and to act with reasonable skill, care, and diligence in handling the money of borrowers and the business of borrowers. It allows the Secretary of HUD to deny a violator the privilege of originating loans. It's a good amendment. I beg that my colleagues would support it.

Finally, I want to talk about the alternative credit amendment that was added that we introduced, which is a pilot program to establish an automated process using alternative credit such as rent, utilities, phone bills.

Many persons are credit worthy, but they don't have the traditional credit necessary to purchase a home. This bill will establish an alternative system so that they too may enter the marketplace and purchase a home.

After 4 years, the GAO is to give Congress a report on the bill. I support all of what is in this bill, and I beg that my colleagues do so as well.

Again, I commend the Chair and the ranking members for what they have done as well.

Mrs. BIGGERT. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, I'd like to start out on a positive note, but I guess I must say that I'm disappointed about the bill, the way it is as we're considering it today.

While the bill has improved since its introduction, I had hoped that we could take up the same bipartisan FHA Modernization Bill, H.R. 5121, that passed House last year. And since we've been talking about it, I might say it was cosponsored by 54 Republicans and 51 Democrats and one Independent, so it was a good bill and a bipartisan compromise that was agreed to by Chairman WATERS, Chairman FRANK, and then Chairman Mike Oxley.

And given the overwhelming vote, and the exact number was 415–7 for last year's bill, I had hoped that we could take it up and move it quickly to the floor. But instead we have two bills this year. We have the bill, H.R. 1752, which I introduced, which was identical to last year's bipartisan bill, and we have Chairman WATERS' bill. And so I think we're today considering a new bill with new provisions that are not bipartisan, and I think it has delayed the FHA modernization and will serve fewer borrowers than last year's bill. But it's an important bill.

There are some key differences between these bills. There is one that has caused the greatest concern for me and many of my colleagues, and that is the inclusion of a provision in H.R. 1852 that creates a funding placeholder and siphons off FHA funds to a brand-new government trust fund. And it's admirable, affordable housing. We all want affordable housing in all forms, whether it's section 8, whether it's public housing, whether it's FHA modernization. But I think that taking the funds out of FHA and using them for a purpose unrelated to its core mission of the FHA would threaten the solvency of the FHA fund and its ability to pay off the insurance claims. And we are reaching a crisis there, where we are going to have to have some credit influx into the FHA fund. So we'll hear more discussion on that during the consideration of Mr. HENSARLING's amendment during this debate.

So it's my hope that we can work together to address Members' concerns through the amendment process so that a modernized FHA bill can help assist more low- and moderate-income Americans in buying and keeping their homes.

I'd like to just briefly talk about and thank Chairman WATERS for offering a specific provision in this manager's amendment. The chairwoman's original draft only permitted first-time home buyers to participate in new low- and no down payment loan programs. But the amendment under consideration corrects that and mirrors the provision in the FHA modernization bill that allows any FHA qualified borrower to participate in the new FHA low and no down payment loan program. So clearly, the FHA has a role to play in the solution to this country's rising foreclosure rate.

And as I think I said on April 19, during our first committee hearing on this, this bill, one of the most important things that Congress can do, as we search for ways to help those that have been harmed by the subprime market, is to give FHA the tools it needs to be a viable alternative for the first-time and low-income borrowers.

And then I'd like to address an issue that Chairman FRANK did bring up, and even though he's not on the floor. But the legislation that I have included another bipartisan agreement last year, and that was the automatic reduction of annual premiums in FHA to no more than 55 basis points for loans that remain active after 5 years. And automatic premium reductions can be a good thing. They can reduce refinancing and perhaps some defaults and foreclosures as well.

In contrast, I think that the Franks-Waters bill requires the refund of excess upfront premiums charged to higher-risk borrowers, those with FICO scores under 560. So I'm concerned that this provision would have the unintended consequences of limiting the number of borrowers that could be served by the FHA program because it requires initial premiums to be even higher. And I think that the refund provision would also be very difficult to implement.

This is an insurance program. And when you have car insurance, you don't get a refund if you don't have an accident. You might have your rate lowered, which is what was in the former bill. So I think that that is an issue that he talked about that I wanted to clarify.

Madam Chairman, I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield myself 30 seconds to make sure that my colleague on the opposite side of the aisle, Mrs. BIGGERT, whom I've worked with so closely and enjoy working with so much, is clear on the fact that the housing trust fund does not take money from FHA. And I think Mr. FRANK made it very clear before he left that HUD would have to certify that it is solvent before any of that money goes into the trust fund. I think that's very important.

Madam Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Madam Chairman, I rise in strong support of H.R. 1852, the Expanding American Homeownership Act of 2007, introduced by Congresswoman MAXINE WATERS, who has worked so hard on this legislation.

I want to commend my good friend from California for introducing such an important piece of legislation and for helping me and the Congressional Rural Housing Coalition find ways to provide housing for all Americans, including those in rural America. She has found numerous ways to improve the availability, affordability and quality of housing; and this legislation advances that cause.

Madam Chairman, this legislation, H.R. 1852, will modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers. It will also provide a safe alternative for potential home buyers with less than perfect credit, thus helping them avoid the pitfalls of certain subprime lending and, hopefully, reduce a large portion of predatory lending.

This legislation is very important to working families. Hundreds of thousands of American families are concerned about losing their homes as their mortgage payments increase because of subprime loans with adjustable interest rates. With strong efforts to assist them, up to the 40 percent of families with subprime loans could qualify for more affordable fixed-rate loans so they can keep their homes.

As co-chair and co-founder of the Financial and Economic Literacy Caucus, I am particularly pleased that the legislation contains a housing counseling provision. It is a long time coming.

I want to express my sincere appreciation to Chairwoman MAXINE WATERS for introducing such important legislation.

Madam Chairman, I submit for the RECORD letters from the American Bankers Association and the National Association of Home Builders in support of H.R. 1852.

For these reasons, I strongly urge my colleagues to vote "yes."

SEPTEMBER 18, 2007.

To: Members of the U.S. House of Representatives.

From: Floyd Stoner, Executive Director, Congressional Relations & Public Policy, ABA.

Re Support for H.R. 1852, the Expanding American Homeownership Act of 2007.

I am writing to you on behalf of the members of the American Bankers Association (ABA) to express our support for H.R. 1852, the Expanding American Homeownership Act of 2007, scheduled for House consideration today. This legislation reforming the Federal Housing Administration (FHA) will make the FHA a strong, relevant tool to help banks and other lenders to bring homeownership to more Americans for years to come. These reforms are more necessary now than ever, as FHA can play an important role in addressing current problems in the mortgage markets.

The FHA was created in 1934 to serve as an innovator in the mortgage market. Since then, FHA, in a public/private partnership with banks and others in the lending community, has assisted nearly 35 million Americans become homeowners. Unfortunately, statutory limitations and lack of flexibility caused FHA to become less relevant to the industry. The legislation before the House of Representatives makes necessary changes to improve the efficiency of the FHA, increase the nation's homeownership rate, increase competition in the lending market, and provide borrowers with a much needed option in the current tight credit market.

Specifically, ABA supports provisions that: (1) simplify the downpayment process and offer borrowers flexible downpayment options; (2) extend the mortgage term of an FHA insured loan to 40 years; (3) increase the FHA loan limits; and (4) modernize the Home Equity Conversion Mortgage Program. These changes will again make the FHA an important partner with the private market and will help to ensure that more borrowers are able to benefit from FHA insurance.

We urge you to support this reform of FHA to better serve homebuyers by supporting H.R. 1852 when it comes to the House floor.

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, DC, September 17, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR SPEAKER PELOSI: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to express the building industry's support for H.R. 1852, the Expanding American Homeownership Act of 2007. NAHB urges you to support this bill, which modernizes the Federal Housing Administration (FHA), when it comes to the House floor next week. Because of the importance of this issue to our industry, we are designating the vote on passage of H.R. 1852 as a KEY VOTE.

NAHB also supports the Frank/Miller/Cardoza amendment that will further enable home buyers the ability to purchase an FHA-insured home in many high-cost areas. Currently, the FHA loan limit is too low to enable many deserving home buyer to purchase a home in high-cost areas.

Since its creation in 1934, and for much of its existence, the FHA has been viewed as a housing finance innovator by insuring millions of mortgage loans, which have made it possible for America's families to achieve homeownership. FHA's single family mortgage insurance programs have served home buyers in all parts of the country during all types of economic conditions. Moreover, FHA has done this without any cost to America's taxpayers.

Unfortunately, over the past two decades, the popularity and relevance of FHA's single family mortgage insurance programs have waned as FHA's programs have failed to keep pace with competing conventional mortgage loan programs. Faced with a deepening constriction in the availability and affordability of housing credit, Congress now has the opportunity to modernize the FHA and enable it to play a key role in stabilizing the mortgage markets, while offering borrowers a safe and fair mortgage alternative. Recently, President Bush outlined a plan to help American homeowners weather the current difficulties in mortgage markets, which included asking Congress to send him an FHA reform bill as soon as possible.

To address the problems in today's housing finance market, I urge your support for H.R. 1852 on the House floor this week. Again, NAHB will KEY VOTE the vote on passage of H.R. 1852. Thank you for considering the views of the home building industry.

Sincerely,

JOSEPH M. STANTON,
Chief Lobbyist.

Mrs. BIGGERT. Madam Chairman, I would just like to thank the gentleman from Texas (Mr. HINOJOSA) for all his hard work on our Financial Literacy and Education Caucus. I really enjoy working with him, and the counseling really fits right into the purview of financial literacy, so again I thank the gentleman.

Madam Chairman, I yield 5 minutes to my friend, the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Madam Chairman, I rise in strong support of this bill. I'd like to commend Chairman BARNEY FRANK and Ranking Member BACHUS and Subcommittee Chairman MAXINE WATERS and Ranking Member JUDY BIGGERT for their hard work. This has been a long time coming.

If you watch what the Federal Reserve is doing today, they're injecting short-term dollars into the marketplace trying to stabilize the marketplace. But what the marketplace and housing needs today is long-term dollars and revenues to ensure that people can own a home and get a long-term loan and pay that back.

When I talk to brokers and lenders in my district, it is clear that the FHA program as currently structured has not kept pace. In the past, moderate-income home buyers who could not qualify for conventional loans because of high loan to value ratios or high payment to income ratios could still achieve the dream of homeownership through the FHA program.

Today, the FHA program is no longer a useful product to home buyers. Instead, working families are faced with a situation where they are either unable to own a home, or they're forced to resort to a risky loan product that might make their ability to keep the home difficult.

With all this occurring in the subprime market, FHA reform is more critical today than ever. The need for this legislation is immediate.

Many times exotic products such as interest-only loans, negative amortizations are the only options available to working families to achieve homeownership. This is because the FHA program became virtually irrelevant for many home buyers.

Not only can the bill before us today provide a viable alternative for families seeking to purchase a home, but it can also help families facing uncertainty about being able to keep their current home.

The bottom line is to make the FHA program a viable mortgage option, we must ensure that the program's products are available across the country and they meet the needs of borrowers. This includes not only eliminating the geographic barriers to utilization of the program in high-cost areas, but also facilitating the purchase of entry-level homes, including condos and manufactured housing.

These forms of housing are an affordable option for entry-level home buyers, and they should be included under this program if we truly want to help families climb the first rung on the ladder of homeownership.

In addition to reforming what can be purchased under the program, we must also improve the competitiveness of the FHA product among the mortgage options available. In other words, we must address the problems in FHA programs that cause it not to be utilized when it is an available mortgage product for the potential home buyer.

The answer is that the program inflexibility and burdensome processes have left many in the industry hesitant or, in the case of mortgage brokers, unable to offer FHA products.

The legislation before us today includes a number of reforms to make the FHA program relevant in today's marketplace. For example, today's mortgage brokers originate the majority of mortgage loans and, therefore, provide HUD with the most available and efficient distribution channel to bring the FHA loan products to the marketplace.

While mortgage brokers originate the majority of loans, many are not able to offer FHA products because of the cost-prohibitive and time-consuming financial audit and net worth requirements. This effectively leaves subprime loan products as the only option for many borrowers who would otherwise qualify for an FHA.

Now, let me say the subprime market is extremely beneficial and it needs to be relevant. But today you have many predators in that marketplace that are making loans to people that they know they cannot repay. The bill before us today includes language to replace FHA's net worth and audit requirement with a surety bond to allow more mortgage brokers to offer FHA products. This will ensure that the home buyers are given the option of a FHA product when they seek the services of a mortgage broker.

I would like to say a word about the affordable housing fund included in this bill. While I opposed a similar fund when it was attached to the GSE reform bill, I want my colleagues to know that I support this fund because an amendment I offered at the markup was accepted by Chairman FRANK to essentially say, and these are arguments that have been made against this, that the HUD must ensure that FHA insurance premiums are, one, as low as possible; two, that the insurance fund is solvent; and, three, that any FHA needs are met before excess dollars are sent to the housing fund. Virtually it says that FHA has the dollars, they will use the dollars, and when it's not needed, then those dollars will be forwarded to the fund.

□ 1230

After that I firmly believe that the FHA funds should be dedicated to housing. We do this for the highway fund when we charge a gas tax. Those taxes are dedicated to repairing our roads and highways in this country. We should do this with the FHA too. The FHA money we are talking about is money that currently is going to the treasury.

Now more than ever Congress must pass FHA legislation so that we can remove the impediments to the utilization of the FHA and ensure that it once again helps working families across the country so that they have an opportunity to achieve and maintain homeownership. This is an important reform that will help many families avoid foreclosures.

Most of the people, and I would say, all the organizations in the industry who are looking to help people who are in trouble today support this bill. They also support the GSE reform bill that we put forward because it does one thing: It provides long-term stability and liquidity to the marketplace. The goal of this bill is to ease the burdensome problems people are facing today. They are looking at losing their homes. We are saying let's provide long-term liquidity and help them maintain their homes.

Ms. WATERS. Madam Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), Financial Institutions and Consumer Credit Subcommittee Chair.

Mrs. MALONEY of New York. Madam Chairman, I thank the gentlewoman for her extraordinary leadership, really creative leadership, along with BARNEY FRANK and others.

I rise in support of the bill, which will revitalize the FHA and will ultimately assist low- and modern-income families seeking the American Dream of homeownership and providing much-needed stability and liquidity in the markets with the subprime crisis.

I thank the gentlewoman for accepting an amendment that I authored that would expand affordable and available daycare by giving an incentive to build or include licensed child care facilities in FHA-insured properties.

This bill does many things that are very important. It builds on the President's recent announcement that FHA will work with homeowners who are having a difficult time paying their mortgage due to a reset in this interest rate. This will help with the subprime crisis by, number one, increasing the loan limits in high-cost areas of the country like New York City where FHA has been driven from the market, forcing many borrowers to turn to high-cost financing. It will, secondly, authorize zero down and lower down payment FHA loans for home buyers who could not otherwise make these payments. It directs FHA to underwrite to borrowers with higher credit risks than FHA currently serves. And it permanently eliminates the current statutory volume cap on FHA reverse mortgage loans to permit this program to meet the growing needs of home equity-rich, cash-poor senior citizens and, very importantly, reinvesting the increased profits created into an affordable housing fund.

With all the great things in this bill, I am concerned that we may be loosening the reins a bit too much by allowing mortgage brokers to bypass the current audit and net worth requirements and instead posting a surety bond to participate in FHA. I have been very concerned with the role the largely unregulated mortgage broker industry has played in the current subprime mortgage crisis.

I do support this bill, and I hope we can work to ensure the safety and soundness of FHA and we are expanding affordable and available housing. And congratulations to Chairman WATERS.

Mrs. BIGGERT. Madam Chairman, at this time I would like to yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), who is now going to assume the role as the ranking member of the Housing Subcommittee.

Mrs. CAPITO. Madam Chairman, I would like to first thank my good friend the gentlewoman from Illinois for yielding to me and also for her leadership as the ranking member on the Housing Subcommittee. She has left big shoes for me to fill, but I know she is not going to be too far away on the committee, so I can lean on her for help.

I also look forward to working with Chairwoman WATERS on this committee. I know we will work well together as you all have set up a great pattern of bipartisanship on the Housing Subcommittee. So thank you very much for your leadership.

The legislation we are considering today is an important step towards stabilizing a housing market that has been in a steady decline over this past year. While many of us were working in our districts over the recess period, our financial systems were experiencing a bit of a credit crunch, due in part to the problems in the subprime housing markets.

Many of the problems we are facing in the housing market are due to individuals with credit challenges and inexperienced first-time home buyers utilizing very complex and creative financing tools to allow them to purchase a home which they would otherwise not be able to do.

Homeownership is something that we all aspire to, and I am proud to say that my State of West Virginia has some of the highest homeownership in the country, over 70 percent, because with homeownership comes solid community involvement, comes better economic health, and also better socialization and education levels.

The use of interest-only and adjustable-rate mortgages is now causing problems as these mortgages is now resetting at much higher rates, frequently unaffordable rates causing an increase in foreclosures.

The reforms to the FHA will help provide stability in the housing market by providing greater assistance to new and riskier home buyers. Some of the reforms I would like to highlight are the extension of the maximum length for an FHA loan from 35 to 40 years; directing the FHA to serve high-risk home buyers while lowering upfront fees for high-risk buyers; allowing for a zero down payment for first-time home buyers, and I'm hearing today also for those who are FHA qualified; and authorizing an increase in FHA loan limits for both rural and urban areas.

The final component is especially important because in many areas the current loan limits are outpriced by many larger metropolitan areas. These expanded limits will help many buyers access stable and secure loans so they can achieve the goal of homeownership.

Each of these reforms has bipartisan support, and we must continue to work together in order to provide much-needed assistance to our struggling homeowners.

Again, I would like to thank Chairwoman WATERS and Ranking Member BIGGERT for their hard work on this critical legislation.

Ms. WATERS. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON), who is focused on predatory lending.

Mr. ELLISON. Madam Chairman, I would like to thank Chairwoman WATERS and Chairman FRANK for bringing this bill to the floor today before the body.

H.R. 1852 makes significant improvements to the current Federal Housing Administration policy at a time that is crucial to American working families and to our Nation's economy. It comes before us at a time when the unstable housing market has brought disruption to our economy, world financial markets, but, most importantly, in our neighborhoods. By expanding the availability of FHA loans and using the new revenue to create an Affordable Housing Trust Fund, we are helping to make the dream of homeownership not just an illusion but a real possibility. Once again, I want to thank the sponsors of this legislation and urge support of the bill.

I would also like to point out that the mortgage foreclosure crisis in America continues to get worse. Mortgage foreclosures are now at a level previously seen only at the height of the Great Depression, and it is only predicted to get worse going into the fall and winter. In August, foreclosures nationwide were up 115 percent from 2006. Hopefully, this important piece of legislation will help make the American Dream of homeownership not just an illusion but a real possibility.

Mrs. BIGGERT. Madam Chairman, I have no further requests for time, and I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield 1½ minutes to the gentlewoman from California, Ms. BARBARA LEE.

Ms. LEE. Madam Chairman, I rise today in strong support of the Expanding American Homeownership Act of 2007. I want to thank Chairman FRANK and Chairwoman WATERS for their leadership and their commitment to revitalize the FHA and provide critical assistance to those who have been affected by this crisis, which is, unfortunately, reverberating across our country and the entire world.

Many hardworking Americans that may otherwise not have been able to qualify for a loan were lured into a fantasy universe of low rates and even lower payments by unscrupulous lenders. However, reality has kicked in, and those most affected are the elderly, single parents, and members of minority populations.

This bill is a critical first step to help those who have been caught up in this nightmare. For instance, current FHA rules prevent the FHA from making loans beyond the local median home price. This bill will increase loan limits to make FHA relevant in those areas. This is a crucial fix which will provide assistance in high markets like mine in California in the Ninth Congressional District in Northern California.

This bill also increases funding for housing counseling, which helps to ensure that those who achieve the American Dream of owning a home can keep it. With a good job and good credit, this bill will allow, for instance, those who want to deal with down-payment assistance to qualify for a loan by providing that down-payment assistance. It addresses authorizing a zero or lower down payment on loans for borrowers.

I want to thank Congresswoman WATERS and Mr. FRANK for making housing an important national priority.

Mrs. BIGGERT. Madam Chairman, I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield 1½ minutes to the gentleman from Maryland, Congressman CUMMINGS.

Mr. CUMMINGS. Madam Chairman, I want to thank Ms. WATERS for this absolutely brilliant legislation, very comprehensive, and I also want to thank Chairman BARNEY FRANK.

Madam Chairman, later today the Fed is expected to lower interest rates for the first time in 4 years to protect the economy in hopes of making homes less expensive for people to finance certain credit card debt and for homeowners to take out popular home equity lines of credit, which often are used to pay for education, home improvements, or medical bills.

The Fed's actions today will have a positive impact on homeownership, as will our consideration of H.R. 1852. This legislation will allow FHA to carry out its function of assisting creditworthy, low-income and credit-risk citizens in becoming homeowners. Most importantly, the FHA will be able to steer these people away from the predatory practices of the subprime mortgage industry.

Some of the most important features of H.R. 1852 include raising the program's loan limit to $417,000; providing refinancing opportunities to borrowers struggling to meet their mortgage payments; authorizing zero and lower down-payment loans for qualified borrowers; and enhancing FHA's reverse mortgage program to help seniors pay for health and other expenses, by removing the loan cap to avoid program shutdowns and raising loan limits.

Again, I applaud Chairman WATERS for her outstanding leadership in this area, and I urge all of my colleagues to vote in favor of the bill.

Mrs. BIGGERT. Madam Chairman, I yield myself such time as I may consume.

In closing, I would really like to thank Subcommittee Chairwoman WATERS for her work on this bill. I am pleased that the FHA modernization bill is moving forward, and I think that the bill that we will vote on today is much improved from the original draft as a result of constructive input from Members from both sides of the aisle. It contains many bipartisan provisions that I support and still contains a few provisions that I do not support. But it is my hope that the provision siphoning money away from the fund will be struck and that true risk-based pricing will be implemented so that FHA can serve the maximum number of borrowers possible. But those arguments have been made and have been rejected by the majority, so it is my sincere hope that we can further improve the bill as it continues to move through the legislative process.

As I understand it, the Senate Banking Committee is scheduled to mark up its version of FHA reform tomorrow. So unlike last year, it appears that FHA reform is gaining traction in the Senate, and I hope that we can move this bill beyond the House during this Congress and that the Senate and the administration will work with us to reform this important program.

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I think American families deserve a 21st-century FHA program to have a safe and secure mortgage product as an alternative to the dangerous products offered by predatory lenders. Qualified American families looking to keep their homes and refinance their bad mortgages, many of which are currently in default, deserve to do so through a modernized FHA.

Again, I look forward to our continued work. And I would like to thank Chairman WATERS so much. You know, as I leave as ranking member of this subcommittee and go over to the financial institutions, I do with some remorse. I really have enjoyed working with the subcommittee chairman on this committee, and the times that we have spent. I will still be on the committee, but won't have the opportunity to sit together and make some decisions. And I really have enjoyed every minute of it, the trip to New Orleans and Mississippi, as well as working on these bills with her. So I thank you so much. I also thank Chairman FRANK. I think he has worked so hard on this committee.

I kind of think I will miss it because it certainly has been the most active committee I think in Congress this year. Never did I dream that we would have at least three hearings a week and two markups and all the things that have gone on. But I think you've made great progress in the housing field, and I appreciate both of you for your concern and your passion for housing and making sure that low-income families will be able to meet their American Dream.

With that, Madam Chair, I yield back the balance of my time.

Ms. WATERS. May I inquire as to how much time I have remaining.

The CHAIRMAN. The gentlewoman from California has 2 minutes remaining.

Ms. WATERS. Madam Chairman and Members of the House, first I would like to tell the subcommittee ranking member how sad I am that we're not going to be working as closely together on this Subcommittee on Housing. I have truly enjoyed working with her. And even though she will remain on the committee, we perhaps won't have an opportunity to sit together and chat and not only make decisions, but just make fun of some people from time to time.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman.

Mr. FRANK of Massachusetts. I would say that I really am very proud that on our committee, and the gentlewoman is right, there are some areas of disagreement, I think we have shown how you can have legitimate disagreements of governmental philosophy within a framework of some agreement and be able to deal with them so that the disagreements can be reasonably debated and don't spill over and don't interfere.

And the gentlewoman is right, we have been very active; but we could not have been active in a very constructive way if it hadn't been for that spirit, and I thank her for it. And obviously we will still be working with her, but we do want to acknowledge how helpful she was and how constructive in her role as the ranking minority member.

Ms. WATERS. I would also like to thank Mr. BACHUS and Mr. MILLER; Mr. BACHUS, who has been so good to work with; Mr. MILLER, who is an expert. We have been able to talk about things, to work out differences, and to move forward.

This is a very productive overall Financial Services Committee, a very productive Subcommittee on Housing and Community Development. With people working together on both sides of the aisle, we're getting things done.

This may be one of the most important pieces of legislation to pass this House in this session. We will be able to help people with refinancing. We will be able to help people stay out of foreclosure. We will be able to revitalize FHA, that really knows and understands how to provide insurance for moderate- and low-income folks who are desperate to be homeowners. And I am just delighted that I've had an opportunity to play a role.

Madam Chairman, I yield back the balance of my time.

Mrs. BIGGERT. Madam Chairman, I ask unanimous consent to reclaim my time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. In all my thanking, I forgot to thank the staff, which I would really like to do, the staff of the subcommittee, Cindy Chetti, Tallman Johnson, Nicole Austin, Robert Gordon and Jim Clinger for all the work that they've done on the minority side of the aisle. And also, to thank, on the other side of the aisle, the Democrat staff who have been so helpful to us: Scott Olson, Gail Lester, Jonathan Harwitz, Kellie Larkin, Tom Duncan and Himay Lazarga. I thank all of them for all the work that they've put into this bill. And also, one of our new members on this side, Jason Britt, one of our new members of the staff. Thank you so much.

Mr. BACA. Madam Chairman, I rise to express my strong support for H.R. 1852, the Expanding American Homeownership Act of 2007. This bill updates the FHA program so it can provide better mortgage options to low and moderate income families and minorities. This is important because the FHA program has not kept up with the needs of underserved communities, especially those in high cost areas like California. As a result, many families have turned to high cost and riskier subprime loans.

Because of the high number of subprime loans granted in the last few years—our Nation is now in a home foreclosure crisis. The Inland Empire has the fourth highest rate of foreclosure filings in the Nation and comprised the hardest hit area in California through the first half of 2007. According to the Neighborhood Housing Services of the Inland Empire, in San Bernardino County alone there were over 19,000 foreclosure filings in the first half of 2007. The current median home price in San Bernardino County is only affordable for 2 out of every 10 families.

H.R. 1852 will raise the FHA loan limit so that these hard-working families get a fair chance at getting a better deal for their home. The reforms in H.R. 1852 will allow the FHA program to reach into these underserved communities to provide low and moderate-income buyers a better deal at a fair price.

Again, Madam Chairman, I express my full support of this bill and urge my fellow colleagues to adopt its final passage.

Ms. CASTOR. Madam Chairman, I would like to express my support of H.R. 1852, the Expanding American Homeownership Act.

I would like to thank Chairwoman WATERS and Chairman FRANK for their hard work on behalf of American families. I am proud to support their effort to make the dream of homeownership reachable for hard-working families throughout our country.

H.R. 1852 accomplishes many goals. It will expand the capacity of the FHA to ultimately help more homebuyers receive better loans. Currently subprime borrowers are not eligible to receive FHA loans. Under H.R. 1852, FHA loans will become available to subprime borrowers and help to keep them from becoming victims of predatory lending practices when buying their first homes.

Families who are currently homeowners, but were placed into mortgages that they were unable to afford will be eligible under H.R. 1852 to refinance their mortgages with the FHA. This will help families to recover from the hardship that so many have experienced during this difficult period in the mortgage market.

One of the great provisions of the Expanding American Homeownership Act is that it will authorize up to $300 million per year to be put into the Affordable Housing Trust Fund, to assist in building more affordable housing for working families. This fund will work alongside of an effort in my home state of Florida by Governor Charlie Crist to increase funding for initiatives to build affordable housing and to provide added assistance to first-time home buyers.

In my district in the Tampa Bay area, 10,173 of my neighbors found that their homes fell into foreclosure within the first six months of this year. The Tampa Bay area is ranked 24th in home foreclosures among the largest 100 metropolitan areas in the country.

On Monday, members of my community gathered to hear the story of Isaline Wyatte. Isaline's lender told her last month that her house was going to be auctioned off. Isaline was facing foreclosure. Fortunately, Isaline was proactive and was able to take the needed steps to finding assistance to restructure her loan and keep her home. Isaline's journey was a struggle, but with the passage of H.R. 1852, homeowners like Isaline will have an added place to turn before foreclosure threatens to leave their families without a home.

Madam Chairman, there are thousands of children, seniors and veterans that are living in fear that soon they will lose their homes. This is a crisis and H.R. 1852 is an excellent step toward helping not only first-time homebuyers, but also to help homeowners in trouble to get back onto their feet. Families will have a greater opportunity to find a home and stay in that home.

Mrs. CHRISTENSEN. Madam Chairman, homeownership is the key to achieving financial independence. Yet, there is still a persistent gap in homeownership between minorities and non-minorities. According to HUD, despite increases in minorities who become homeowners, the census figures show that large differences in rates between minority and white household ownerships remain and have narrowed only slightly.

If this gap is to be narrowed or eliminated all together, we must break down the barriers faced my minority families and lower and middle income families that make it difficult for them to obtain the American dream of homeownership. These barriers include but are not limited to lack of capital for the down payment and closing costs, lack of access to credit and poor credit history, lack of understanding and information about home buying program and continued housing discrimination. Not to mention, the recent mortgage crisis caused by sub-prime lenders and predatory lenders.

This is why I strongly support H.R. 1852, a bill that would modernize the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers and make other needed changes to offer a better product. Increasing the FHA loan limits will allow homebuyers in high cost areas like the District of Columbia and my district, the US Virgin Islands, to benefit from the FHA advantages that users in less costly parts of the country enjoy. The bill would also provide FHA with the flexibility to offer varying down payment terms thereby eliminating the barrier of down payment and settlement costs for more aspiring homebuyers. Most importantly, H.R. 1852 would provide American homeowners with a safe and affordable mortgage alternatives. This is greatly needed at time when home buyers. Most importantly, H.R. 1852 would provide American homeowners with a safe and affordable mortgage alternatives. This is greatly needed at time when homebuyers are being lured by the attractive but misguided terms offered by the subprime and predatory lenders.

H.R. 1852 will bring a much needed stability to the mortgage market. It is supported by my local realtors and the National Association of Realtors, as well as many other organizations. I commend Congresswoman MAXINE WATERS for her work on this bill and urge my colleagues to support its passage.

Mr. SIRES. Madam Chairman, I rise in opposition to this amendment. I keep hearing time and time again from my constituents that they cannot afford a safe home for their children. I know this is a problem for many Americans across the country. In fact, recent research has indicated that in order to afford a modest two-bedroom apartment paying no more than 30 percent of their income for housing and working full time, a New Jersey family would need to earn over $20.00 an hour. Wages are simply not increasing fast enough to allow many families to even come close to this affordable housing wage.

Families need help. That is why I am so supportive of the Affordable Housing Trust Fund and the revenues that H.R. 1852 will provide to the Fund. This fund will increase home ownership and increase mortgage funding in areas of chronic economic distress. By increasing the level of home ownership, we will then increase the supply of rental housing for families. And where needed, we will increase our investment in affordable housing infrastructure to make a safe and affordable home a reality for every hardworking American.

I urge my colleagues to vote against this amendment that would strike the affordable housing trust fund and I urge everyone to vote in support of final passage the Expanding American Home Ownership Act of 2007.

Mrs. JONES of Ohio. Madam Chairman, I rise today in support of H.R. 1852, the Expanding American Homeownership Act of 2007. I commend the chairman of the Financial Services Committee, BARNEY FRANK and Congresswoman MAXINE WATERS, the author of this bill, for their leadership on this issue.

The meltdown of the mortgage industry, predatory lending practices and excessive foreclosures is an opportunity for the Federal Housing Administration (FHA) to reassert its traditional role of meeting unmet mortgage market needs. H.R. 1852 is intended to increase the market share of mortgages insured by Federal Housing Administration (FHA), and to encourage greater stability in the mortgage market in coming years. It raises loan limits for FHA-backed loans, boosts loan limits in high-cost areas, allows the agency to vary the premiums it charges borrowers based on their credit risk, modifies disclosure requirements to provide more information concerning mortgage choices, and allows for lower monthly payments for borrowers who make on-time payments for the first 5 years of a loan. It also extends the maximum loan term on FHA single-family loans to 40 years from 35 years.

Predatory lending is a leading cause of foreclosures across this country. It compromises the opportunity to own a home and hinders economic stability, creating greater disparities in wealth. In my home State of Ohio, new foreclosure cases grew by 24 percent in 1 year. Cuyahoga County led the State in new cases with 13,610 new filings last year. This ranking has attracted national attention with Ohio's foreclosure rate currently at 18 percent which is higher than the national average of 17 percent.

Subprime lending provides affordable mortgage credit to borrowers with less than perfect credit histories, but who are still creditworthy. Predatory lending occurs when lenders impose excessive rates and fees, prepayment penalties, and reset terms that can result in exorbitant interest rate increases. I believe that FHA could serve subprime borrowers at more attractive rates and provide fairer mortgage opportunities than predatory lenders.

I applaud provisions in the bill that require FHA to provide "payment incentives" for borrowers that make on-time payments for at least the first 5 years of a loan. The measure authorizes the department to offer these incentives to borrowers after a period of 3 years of on-time payments.

I am especially pleased and support provision in the bill which authorizes funds from FHA profits, to be used for an affordable housing fund. This fund is key because it would provide grants to support affordable rental housing and homeownership opportunities for low-income families.

Over the past 2 weeks, I have participated in home preservation workshops, where I have had an opportunity to meet with various organizations and lenders in my congressional district to discuss loss mitigation plans for homeowners that are in loans set to readjust to higher rates as well as those that are facing foreclosure. Representatives of lenders, servicers, housing counseling agencies, and State, county and Federal housing officials have been on site to meet with individuals to discuss their personal situations.

To help stem the tide of growing foreclosures, I have reintroduced the Predatory Lending Practice Reduction Act, H.R. 2061. This legislation calls for Federal certification of mortgage brokers and agents and stiffer penalties for violation of Federal law. Additionally, it will authorize funding for Community Development Corporations to provide training and counseling on the home buying process. Not all subprime lenders are predatory, but most predatory loans are subprime loans. This legislation would work to weed out the bad actors that are responsible for equity stripping and other predatory practices.

I am pleased that the Financial Services Committee brought this bill to House floor for a vote today. It is a great piece of legislation which I support wholeheartedly. I look forward to working with the Financial Services Committtee to advance my legislation, H.R. 2061 which would protect borrowers from unscrupulous lending practices.

One of the first steps toward creating wealth is homeownership and I want to make sure that everyone is given the opportunity to not only attain but retain that goal.

Ms. WOOLSEY. Madam Chairman, I rise today in support of this bill, which will help hundreds of thousands of families realize the American Dream of homeownership. This bill helps protect those vulnerable to unscrupulous subprime lending, and helps those who are currently struggling to make their payments by refinancing their loans at a more affordable rate.

It is not right for anyone to be struggling to meet his or her mortgage payments due to the unfair lending practices of predatory lenders. Putting lower-income families on the path to homeownership helps them become more financially solvent, and helps them have more of a stake in the health of their community. Homeownership leads to healthy families, healthy communities, and rosier financial situations for all.

I also applaud the passage of an amendment introduced by Chairman FRANK that will help more families, in my district specifically, afford homes. This amendment raises the Federal Housing Administration's single-family loan limits so that lower-income families are not barred from buying homes in the higher-cost markets where they may work. Why should a firefighter who works in my district be forced to commute a long way to her or his home instead of buying an affordable home near the fire station? This amendment will allow potential residents of high-price home markets to afford homes.

This is a good bill that will help America's families in numerous ways. I thank my colleague MAXINE WATERS for introducing it and look forward to benefits it will bring to the hard-working families in my district.

Mr. HINOJOSA. Madam Chairman, today the House passed H.R. 1852, the "Expanding American Homeownership Act of 2007." I am in favor of the bill and am submitting the following letters in support of the legislation for the RECORD: A letter from the National Association of Realtors; a letter from the Mortgage Bankers Association; and a letter from the National Association of Mortgage Brokers.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, September 14, 2007.
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the National Association of REALTORS, I urge you to support H.R. 1852, the "Expanding American Homeownership Act of 2007", when the bill is considered by the full House. This is an important measure that will allow FHA to function in the 21st century. Equally important and worthy of your strongest support is an amendment to be offered by Representatives Barney Frank (D-MA), Gary Miller (R-CA) and Dennis Cardoza (D-CA) that is vital to improving the stability of mortgage markets, a critical component of our national economy.

The Frank/Miller/Cardoza amendment would increase the Federal Housing Administration (FHA) loan limits beyond the language originally included in H.R. 1852. Such an increase is now needed in light of the significant housing and mortgage market turmoil that has severely limited the ability of families to refinance a problematic existing loan or, alternatively, purchase a home in a high cost market with a safe and affordable mortgage.

As you well know, many American homeowners now have mortgages with payments that will soon increase dramatically, putting them at risk of foreclosure. Raising the FHA loan limits will provide many of these homeowners living in the nation's high housing cost markets with a safe FHA loan alternative. In addition, with the even more recent tightening of the jumbo market, many homebuyers may not be able to find a safe, affordable financing option without an increase in the FHA loan limits.

Although the underlying bill would increase the loan limits, we strongly believe that the Frank/Miller/Cardoza amendment is needed to effect real change. H.R. 1852 creates a new loan ceiling of $417,000. Many markets are significantly higher than this limit. Median home prices of communities in New York, New Jersey, Connecticut, California, Massachusetts, and Pennsylvania are already far above this limit. The Frank/Miller/Cardoza amendment creates geographic fairness by raising the loan limit to 125% of the area median home price. Under the amendment working families in Newark, NJ can buy a home for $512,000, and families in Los Angeles, CA can buy homes for $650,000—both median price homes for their area.

FHA reform is needed now, more than ever. Please vote for H.R. 1852 and the Frank/Miller/Cardoza amendment when these measures come to the Floor.

Thank you,

PAT V. COMBS,
2007 President,
National Association of Realtors.

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, September 17, 2007.
Hon. STENY H. HOYER,
Majority Leader, House of Representatives, Washington, DC.
Hon. JOHN A. BOEHNER,
Republican Leader, House of Representatives, Washington, DC.

DEAR LEADER HOYER AND LEADER BOEHNER: On behalf of the Mortgage Bankers Association (MBA), I am writing to express our strong support for H.R. 1852, the Expanding American Homeownership Act of 2007, and strongly urge Members of the House of Representatives to support the legislation when it comes to the House floor. At the same time, MBA is also concerned about a provision that would liberalize the requirements for mortgage broker participation in FHA, as well as certain amendments that may be offered. Passage of a strong and workable FHA bill is critical in addressing the current market situation and consumer needs.

H.R. 1852, introduced by Representative Maxine Waters, passed the Committee on Financial Services by a bipartisan vote of 45–19 on May 3, 2007. The legislation has been under consideration for several years now, and similar legislation passed the House of Representatives in 2006 by a vote of 415–7.

The Expanding American Homeownership Act of 2007 would achieve several key public policy goals. The bill will make it easier for first-time homebuyers and lower-income Americans to purchase a home by modernizing the Federal Housing Administration (FHA) and giving it the ability to offer viable products in today's changing mortgage market. The bill ensures investment in FHA's personnel and technology, bringing this important mortgage insurer into the 21st century.

The bill would increase FHA's loan limits, allowing FHA-insured lending in states and communities where today's housing prices make FHA mortgage products unavailable to borrowers. The bill also gives FHA's management additional flexibility to offer new mortgage products without getting Congress' blessing each time. Since FHA's programs actually generate more funds for the U.S. Treasury than it pays out in claims and administrative costs, the bill would establish that a portion of the excess funds be put aside for new affordable housing production through an affordable housing trust fund, which we support.

Since this bill last passed the House in 2006, we have seen significant disruptions in the nation's housing market. In particular, many homeowners are finding themselves in distress, unable to pay their adjustable rate mortgages after interest rates have steadily increased and home values have declined in some areas. FHA can be an important tool to help these consumers get out of financial trouble. If this bill should become law, many more borrowers will be able to use FHA's products to avoid foreclosure.

A significant area of concern we continue to have with this legislation deals with how mortgage brokers will qualify to sell FHA-insured products. Under current guidelines, all mortgage brokers and loan correspondents must submit audited financial statements that are in accordance with the Government Accountability Office's Government Auditing Standards. HUD program managers, in turn, use these audits to determine if these entities use internal controls to provide reasonable assurance that FHA requirements are followed, expend federal funds properly with supporting documentation and meet fair housing and nondiscrimination requirements. At a time of rising defaults, it is critical to both FHA and its customers that adequate supervisory processes remain in place. In Committee, MBA opposed the bill's provisions that would eliminate this important audit requirement and thereby weaken the FHA's safety and soundness. We hope to continue to work with the Committee and the House on this issue as the bill moves through the legislative process.

We understand that a series of amendments to the legislation may be made in order. We believe that it would be unwise to require counseling for borrowers as provided for in an amendment filed by Representative Patrick Tiberi. First, it is expensive, and for many homebuyers, completely unnecessary. Second, many real estate agents and mortgage brokers will push homebuyers away from an FHA product if a home purchase could fall through because the potential buyer has to wait several weeks or more to arrange a counseling session. Counseling should be targeted to those who need it, and we believe the bill, as written, strikes the right balance in giving the HUD Secretary significant tools to help consumers get the counseling they need. The point of this bill is to empower FHA to make its products more useful to the market and borrowers. Mandating counseling would have the opposite effect.

Another possible amendment, expected to be offered by Financial Services Chairman Barney Frank, Representative Gary Miller and Representative Dennis Cardoza, would increase the FHA loan limit to a level above the GSE conforming loan limit in certain high-cost areas. We believe that FHA should continue to focus on helping low- and moderate-income borrowers purchase or refinance housing. Without further study on the impacts of such a change, we do not believe it would be wise to allow FHA loan limits to exceed GSE conforming loan limits.

Finally, an amendment may be proposed that would allow qualified downpayment assistance programs to continue if certain conditions are met. Downpayment assistance programs are an important part of the FHA program, but some changes are needed to avoid continued abuses. We believe that the changes made by Representative Gary Miller's amendment would mark a significant improvement in how these programs operate.

Thank you for the opportunity to share our views on this legislation. We urge Members of the House of Representatives to support this important legislation.

Sincerely,

JOHN M. ROBBINS, CMB,
MBA Chairman.

NATIONAL ASSOCIATION OF
MORTGAGE BROKERS,
September 17, 2007.

DEAR REPRESENTATIVE: On Tuesday, the United States House of Representatives will vote on H.R. 1852, the "Expanding American Homeownership Act of 2007" introduced by Rep. Maxine Waters (D-CA) and House Financial Services Committee Chairman Barney Frank (D-MA). On behalf of the National Association of Mortgage Brokers (NAMB), its 49 state affiliates, 25,000 members/member companies, and hundreds of thousands of mortgage brokers, I respectfully urge you to support passage of this much-needed legislation to help the millions of Americans who are in need of safe and affordable mortgage products.

The need to reform and enhance the Federal Housing Administration (FHA) is critical so that it can respond adequately to the needs of consumers and the market today. H.R. 1852 includes provisions that will:

Strengthen the FHA program by raising FHA mortgage limits nationwide in all communities, but especially in high-cost areas where consumers are most often in need of affordable mortgage financing options;

Allow FHA to offer flexible down payment terms and simplify the down payment process to aid homebuyers in overcoming a significant barrier to homeownership;

Allow FHA to price loans according to a borrower's risk;

Update FHA's successful reverse mortgage program; and

Increase the availability of FHA loan products to first-time, minority and low- to moderate income homebuyers by expanding the distribution channels that serve FHA.

NAMB supports H.R. 1852 as approved by the House Financial Services Committee earlier this year, but also favors a further increase in the FHA loan limits as proposed by an amendment expected to be offered by Chairman Frank (D-MA) and Reps. Miller (R-CA) and Cardoza (D-CA). Unfortunately, because FHA has been driven from those parts of the country where consumers are most in need of affordable financing, such as California, millions of borrowers have been forced to turn to high-cost financing and other non-traditional loan products. I urge you to support the bi-partisan amendment offered that calls for a further increase in FHA loan limits from $417,000 to $500,000, in order to better accommodate those borrowers living in high-cost areas of the country.

NAMB believes the reforms contained in H.R. 1852 will provide long-overdue modernization to the FHA, which will revitalize and increase participation in the FHA program. Please take this opportunity to restore confidence and stability in the mortgage market and once again make FHA loans a real choice for borrowers by voting in support of H.R. 1852.

Sincerely,
GEORGE HANZIMANOLIS, CRMS,
President of NAMB.

Mr. UDALL of Colorado. Madam Chairman, I rise in support of the Expanding American Homeownership Act. Homeowners in Colorado and nationwide are facing a crisis and passage of this bill will ensure continued access to responsible, safe, and affordable mortgage options.

There are serious problems with our country's mortgage lending market. Foreclosure rates are rising, housing prices are stagnating and too many Americans are surprised to find their monthly payments on the rise. While the difficulties in the lending market have so far been concentrated in subprime loans, which generally go to borrowers with limited or damaged credit, these problems have caused serious and sometimes irreparable economic damage to families and communities of all income levels throughout the Nation.

I am pleased that this legislation modernizes the Federal Housing Administration, FHA, to provide lower monthly payments for borrowers who make on-time payments, raises the loan limits on FHA loans and allows the FHA to vary premiums based on their credit risk. These provisions, among others, will allow consumers to choose a more reliable mortgage as opposed to other mortgages that could impose excessive rates and fees, prepayment penalties, and reset terms that can result in exorbitant interest rate increases.

While this bill is not a complete fix for the problem, it is an important step in the right direction. It is vital to provide FHA with the flexibility to respond to the mortgage crisis to help families in Colorado and the Nation to retain and purchase or a home. I urge a "yea" vote.

Ms. MCCOLLUM of Minnesota. Madam Chairman, I rise today in strong support of the Expanding American Homeownership Act and commend the Democratic leadership, Chairman FRANK, and Chairman WATERS for their commitment to increasing access to affordable housing.

Our country is currently in the middle of a subprime mortgage crisis. In my congressional district alone, there are 796 homes involved in foreclosure right now. The University of Minnesota's Center for Urban and Regional Affairs report, Subprime Lending and Foreclosure in Hennepin and Ramsey Counties, speculates that the problem of foreclosures starts with predatory lending practices that are aimed at removing equity from homes through refinancing a home multiple times.

H.R. 1852 takes an important step to prevent American families from ever having to turn to a predatory lender by providing them with a reliable source for affordable mortgage loans. This legislation revitalizes and reforms the Federal Housing Administration, FHA, enabling it to serve more subprime borrowers, offer refinancing to families struggling to make mortgage payments, and create additional affordable rental housing.

This legislation also authorizes more than double the current funding level for housing counseling to help subprime home buyers, higher risk borrowers who fall behind on their mortgage payments, and those who need additional guidance in establishing a plan for purchasing their home.

We must do more to ensure that all individuals and families have safe and stable housing. For this reason, the Expanding American Homeownership Act authorizes up to $300 million a year for an affordable housing trust fund, which will be financed by excess profits, resulting from the expansion of FHA's loan offerings.

H.R. 1852 enables the FHA to preserve and expand its mission of helping potential first-time home buyers obtain affordable mortgages. I urge my colleagues to join me in helping more families achieve the America dream of home ownership by voting for this bill.

Mr. DINGELL. Madam Chairman, I rise today to speak in favor of H.R. 1852, the Expanding American Homeownership Act of 2007. Section 29 of this bill is designed to clarify congressional intent regarding certain properties that entered the HUD property disposition process prior to the enactment of the Deficit Reduction Act but where the initial proposed disposition was delayed. An example of one such project is Parkview Apartments in Ypsilanti, Michigan. While I believe that this particular project is already subject to the grandfathering provision of the DRA, Section 29 clarifies that such properties should be considered "pre-DRA" properties, and that HUD should proceed with its prior disposition contracts as to those properties. This clarification was requested by HUD and, in drafting this provision, we were assisted by HUD staff and were assured that this language was the clarification the agency needed to proceed with the 2004 contract as to Parkview Apartments.

Mr. LANGEVIN. Madam Chairman, I rise in strong support of the Expanding American Homeownership Act of 2007 (H.R. 1852). This important piece of legislation will revitalize the Federal Housing Administration (FHA), which was established to provide a reliable source of affordable mortgage loans for first-time homebuyers. Through our efforts today, the FHA will be able to better assist America's working families by offering loans at affordable rates with fair terms, as we work to alleviate the problems caused by the continuing mortgage crisis.

The lack of affordable housing has long plagued many communities throughout America, and the problem is particularly acute in high cost areas like Rhode Island. In Rhode Island, the average two-bedroom apartment costs $1172 per month—at that rate, many people would need to work two or even three jobs just to pay the rent. And the situation can be even worse for those struggling to buy their own homes, particularly in today's uncertain climate. Unscrupulous lending practices have taken their toll on hard-working families, who are increasingly unable to keep pace with their ballooning mortgage payments.

The Expanding American Homeownership Act of 2007 will provide much-needed relief for families on the brink of foreclosure. In particular, this targeted legislation will allow the FHA to raise loan limits in high cost areas and to offer zero and lower down payment loan options for borrowers that can afford mortgage payments, but lack the resources required for a down payment. H.R. 1852 will also require that an additional $300 million per year be placed in the affordable housing trust fund, which will help to provide affordable housing for years to come.

Finally, I am pleased that the bill will double current funding levels for housing counseling services. These critical services will provide additional guidance to homebuyers in the subprime market and others who have difficulty making their monthly mortgage payments.

In passing the Expanding American Homeownership Act today, we have made a commitment to the American people that we will continue to ensure affordable housing is available to all Americans. Strengthening the security of American families strengthens our economy, and I urge my colleagues to support this measure.

Mrs. BIGGERT. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110-330, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Expanding American Homeownership Act of 2007”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Maximum principal loan obligation.
Sec. 4. Extension of mortgage term.
Sec. 5. Downpayment simplification.
Sec. 6. Mortgage insurance premiums for zero- and lower-downpayment borrowers.
Sec. 7. Mortgage insurance premiums for standard and higher-risk borrowers.
Sec. 8. Risk-based mortgage insurance premiums.
Sec. 9. Payment incentives.
Sec. 10. Borrower protections for higher risk mortgages.
Sec. 11. Annual reports on new programs and loss mitigation.
Sec. 12. Insurance for single family homes with licensed child care facilities.
Sec. 13. Rehabilitation loans.
Sec. 14. Discretionary action.
Sec. 15. Insurance of condominiums and manufactured housing.
Sec. 16. Mutual Mortgage Insurance Fund.
Sec. 17. Hawaiian home lands and Indian reservations.
Sec. 18. Conforming and technical amendments.
Sec. 19. Home equity conversion mortgages.
Sec. 20. Participation of mortgage brokers and correspondent lenders.
Sec. 21. Conforming loan limit in disaster areas.
Sec. 22. Failure to pay amounts from escrow accounts for single family mortgages.
Sec. 23. Acceptable identification for FHA mortgagors.
Sec. 24. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 25. Sense of Congress regarding technology for financial systems.
Sec. 26. Multifamily housing mortgage limits in high cost areas.
Sec. 27. Valuation of multifamily properties in noncompetitive sales by HUD to States and localities.
Sec. 28. Clarification of disposition of certain properties.
Sec. 29. Use of FHA savings for costs of mortgage insurance, housing counseling, FHA technologies, procedures, and processes, and for affordable housing grant fund, and study.
Sec. 30. Limitation on mortgage insurance premium increases.
Sec. 31. Savings provision.
Sec. 32. Implementation.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) one of the primary missions of the Federal Housing Administration (FHA) single family mortgage insurance program is to reach borrowers who are underserved, or not served, by the existing conventional mortgage marketplace;

(2) the FHA program has a long history of innovation, which includes pioneering the 30-year self-amortizing mortgage and a safe-to-seniors reverse mortgage product, both of which were once thought too risky to private lenders;

(3) the FHA single family mortgage insurance program traditionally has been a major provider of mortgage insurance for home purchases;

(4) the FHA mortgage insurance premium structure, as well as FHA's product offerings, should be revised to reflect FHA's enhanced ability to determine risk at the loan level and to allow FHA to better respond to changes in the mortgage market;

(5) during past recessions, including the oil-patch downturns in the mid-1980s, FHA remained a viable credit enhancer and was therefore instrumental in preventing a more catastrophic collapse in housing markets and a greater loss of homeowner equity; and

(6) as housing price appreciation slows and interest rates rise, many homeowners and prospective homebuyers will need the less-expensive, safer financing alternative that FHA mortgage insurance provides.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide flexibility to FHA to allow for the insurance of housing loans for low- and moderate-income homebuyers during all economic cycles in the mortgage market;

(2) to modernize the FHA single family mortgage insurance program by making it more reflective of enhancements to loan-level risk assessments and changes to the mortgage market; and

(3) to adjust the loan limits for the single family mortgage insurance program to reflect rising house prices and the increased costs associated with new construction.

SEC. 3. MAXIMUM PRINCIPAL LOAN OBLIGATION.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

“(A) not to exceed the lesser of—

“(i) in the case of a 1-family residence, the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect under such section for a 1-family residence; or

“(ii) the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size;

except that the dollar amount limitation in effect for any area under this subparagraph may not be less than the greater of (I) the dollar amount limitation in effect under this section for the area on October 21, 1998, or (II) 65 percent of the dollar limitation determined under such section 305(a)(2) for a residence of the applicable size; and”.

SEC. 4. EXTENSION OF MORTGAGE TERM.

Paragraph (3) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(3)) is amended—

(1) by striking “thirty-five years” and inserting “forty years”; and

(2) by striking “(or thirty years if such mortgage is not approved for insurance prior to construction)”.

SEC. 5. DOWNPAYMENT SIMPLIFICATION.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) not to exceed an amount equal to the sum of—

“(i) the amount of the mortgage premium paid at the time the mortgage is insured; and

“(ii)(I) except as provided in subclause (II), 97.75 percent of the appraised value of the property; or

“(II) in the case only of a mortgage described in subsection (c)(3), the appraised value of the property, plus any initial service charges, appraisal, inspection, and other fees in connection with the mortgage as approved by the Secretary.”;

(B) in the matter after and below subparagraph (B), by striking the second sentence (relating to a definition of “average closing cost”) and all that follows through “title 38, United States Code.”; and

(C) by striking the last undesignated paragraph (relating to counseling with respect to the responsibilities and financial management involved in homeownership); and

(2) in paragraph (9), by striking the paragraph designation and all that follows through “Provided further, That for” and inserting the following:

“(9) Except in the case of a mortgage described in subsection (c)(3), be executed by a mortgagor who shall have paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured). For”.

SEC. 6. MORTGAGE INSURANCE PREMIUMS FOR ZERO- AND LOWER-DOWNPAYMENT BORROWERS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c) is amended by adding at the end the following new paragraph:

“(3) ZERO- AND LOWER-DOWNPAYMENT BORROWERS.—

“(A) APPLICABILITY.—This paragraph shall apply to any mortgage that—

“(i) is secured by a 1- to 4-family dwelling that will be occupied by the mortgagor as his or her principal residence.

“(ii)(I) is an obligation of the Mutual Mortgage Insurance Fund or of the General Insurance Fund pursuant to subsection (v) of this section; or

“(II) is insured under subsection (k) of this section or section 234(c);

“(iii)(I) is executed by a mortgagor who has not had any present ownership interest in a principal residence, and whose spouse has not had any such interest, during 12-month period ending upon purchase of the residence with the mortgage to which this paragraph applies, except that this subclause shall be considered a program to assist first-time homebuyers for purposes of section 956 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12713); or

“(II)(aa) is made to pay or prepay, and fully extinguish, the outstanding obligations under an existing mortgage or mortgages on the same property; and

“(bb) involves a principal obligation not exceedign the amount necessary to fully pay or prepay such outstanding obligations under the existing mortgage or mortgages, plus any charges and fees involved in such transaction and any charges and fees in connection with the payment or prepayment of such outstanding obligations; and

“(iv)(I) involves a principal obligation that does not comply with subclause (I) of subsection (b)(2)(B)(ii) (relating to loan-to-value ratio); or

“(II) is executed by a mortgagor who has not paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured).

“(B) UP-FRONT PREMIUMS.—The amount of any single premium payment collected at the time of insurance may not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage.

“(C) ANNUAL PREMIUMS.—Except as provided in subparagraph (D), the amount of any annual premium payment collected may not exceed 0.75 percent of the remaining insured principal obligation of the mortgage.

"(D) ANNUAL REDETERMINATION OF PREMIUM RATE.—The Secretary shall redetermine the rates of premiums not less than once every 12 months.".

SEC. 7. MORTGAGE INSURANCE PREMIUMS FOR STANDARD AND HIGHER-RISK BORROWERS.

Paragraph (2) of section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) by striking the matter that precedes subparagraph (A) and inserting the following:

"(2) STANDARD-RISK MORTGAGES.—In the case of any mortgage that is secured by a 1- to 4-family dwelling, is an obligation of the Mutual Mortgage Insurance Fund or of the General Insurance Fund pursuant to subsection (v) of this section or is insured under subsection (k) of this section or section 234(c), for which the mortgagor has paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured), and that involves a principal obligation that complies with subclause (I) of subsection (b)(2)(B)(ii), the following requirements shall apply:"; and

(2) by adding at the end the following new subparagraph:

"(C) HIGHER-RISK BORROWERS.—The Secretary shall establish underwriting standards that provide for insurance under this section of mortgages described in the matter in this paragraph preceding subparagraph (A) for which the mortgagor has a credit score equivalent to a FICO score of less than 560, and may insure, and make commitments to insure, such mortgages. Such underwriting standards shall include establishing and collecting premium payments that comply with the requirements of this paragraph, except that notwithstanding subparagraph (A), the single premium payment collected at the time of insurance may be established in an amount that does not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage.".

SEC. 8. RISK-BASED MORTGAGE INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraphs:

"(4) FLEXIBLE RISK-BASED PREMIUMS.—In the case of a mortgage referred to in paragraph (2)(C) or (3)(A) for which the loan application is received by the mortgagee on or after October 1, 2007:

"(A) IN GENERAL.—The Secretary may establish a mortgage insurance premium structure involving a single premium payment collected prior to the insurance of the mortgage or annual payments (which may be collected on a periodic basis), or both, subject to the requirements of subparagraph (B) and paragraph (5). Under such structure, the rate of premiums for such a mortgage may vary according to the credit risk associated with the mortgage and the rate of any annual premium for such a mortgage may vary during the mortgage term as long as the basis for determining the variable rate is established before the execution of the mortgage. The Secretary may change a premium structure established under this subclause but only to the extent that such change is not applied to any mortgage already executed.

"(B) ESTABLISHMENT AND ALTERATION OF PREMIUM STRUCTURE.—A premium structure shall be established or changed under subparagraph (A) only by providing notice to mortgagees and to the Congress, at least 30 days before the premium structure is established or changed.

"(C) ANNUAL REPORT REGARDING PREMIUMS.—The Secretary shall submit a report to the Congress annually setting forth the rate structures and rates established and altered pursuant to this paragraph during the preceding 12-month period and describing how such rates were determined.

"(5) CONSIDERATIONS FOR PREMIUM STRUCTURE.—When establishing premiums for mortgages referred to in paragraph (2)(C), establishing premiums pursuant to paragraph (3), establishing a premium structure under paragraph (4), and when changing such a premium structure, the Secretary shall consider the following:

"(A) The effect of the proposed premiums or structure on the Secretary's ability to meet the operational goals of the Mutual Mortgage Insurance Fund as provided in section 202(a).

"(B) Underwriting variables.

"(C) The extent to which new pricing under the proposed premiums or structure has potential for acceptance in the private market.

"(D) The administrative capability of the Secretary to administer the proposed premiums or structure.

"(E) The effect of the proposed premiums or structure on the Secretary's ability to maintain the availability of mortgage credit and provide stability to mortgage markets.

"(6) AUTHORITY TO BASE PREMIUM PRICES ON PRODUCT RISK.—

"(A) AUTHORITY.—In establishing premium rates under paragraphs (2), (3), and (4), the Secretary may provide for variations in such rates according to the credit risk associated with the type of mortgage product that is being insured under this title, which may include providing that premium rates differ between fixed-rate mortgages and adjustable-rate mortgages insured pursuant to section 251, between mortgages insured pursuant to section 203(b) and mortgages for condominiums insured pursuant to section 234, and between such other products as the Secretary considers appropriate.

"(B) LIMITATION.—Subparagraph (A) may not be construed to authorize the Secretary to establish, for any mortgage product, any mortgage insurance premium rate that does not comply with the requirements and limitations under paragraphs (2) through (5).".

SEC. 9. PAYMENT INCENTIVES.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(7) PAYMENT INCENTIVES.—

"(A) AUTHORITY.—With respect to mortgages referred to in paragraph (2)(C) or (3):

"(i) DISCRETIONARY 3-YEAR PAYMENT INCENTIVE.—The Secretary may provide, in the discretion of the Secretary, that the payment incentive under subparagraph (B) shall apply upon the expiration of the 3-year period beginning upon the time of insurance of such a mortgage.

"(ii) MANDATORY 5-YEAR PAYMENT INCENTIVE.—The Secretary shall provide that the payment incentive under subparagraph (B) applies upon the expiration of the 5-year period beginning upon the time of insurance of such a mortgage.

"(B) PAYMENT INCENTIVE.—In the case of any mortgage to which the payment incentive under this subparagraph applies, if, during the period referred to in clause (i) or (ii) of subparagraph (A), as applicable, all mortgage insurance premiums for such mortgage have been paid on a timely basis, upon the expiration of such period the Secretary shall—

"(i) reduce the amount of the annual premium payments otherwise due thereafter under such mortgage—

"(I) in the case of a mortgage referred to in paragraph (3), to an amount that does not exceed the amount of the maximum annual premium allowable under paragraph (2)(B); and

"(II) in the case of a mortgage referred to in paragraph (2)(C), to an amount that does not exceed the amount of the annual premium payable at the time of insurance of the mortgage on a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more; and

"(ii) in the case only of a mortgage referred to in paragraph (2)(C), refund to the mortgagor, upon payment in full of the obligation of the mortgage, any amount by which the single premium payment for such mortgage collected at the time of insurance exceeded the amount of the single premium payment chargeable under paragraph (2)(A) at the time of insurance for a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more.".

SEC. 10. BORROWER PROTECTIONS FOR HIGHER RISK MORTGAGES.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

"(10) BORROWER PROTECTIONS FOR CERTAIN MORTGAGES.—Except as otherwise specifically provided in this paragraph, in the case of any mortgage referred to in paragraph (2)(C) or (3) of subsection (c), the following requirements shall apply:

"(A) DISCLOSURES.—

"(i) REQUIRED DISCLOSURES.—In addition to any disclosures that are otherwise required by law or by the Secretary for single family mortgages, the mortgagee shall disclose to the mortgagor the following information:

"(I) AT APPLICATION.—At the time of application for the loan involved in the mortgage—

"(aa) a list of counseling agencies approved by the Secretary in the area of the applicant; and

"(bb) if the mortgagor is not provided counseling in accordance with subparagraph (B), the information required under subclauses (I), (II), and (III) of subparagraph (B)(iii) to be provided to the mortgagor.

"(II) AT EXECUTION.—At the time of entering into the mortgage—

"(aa) the terms of the mandatory 5-year payment incentive required under subsection (c)(7)(A)(ii); and

"(bb) a statement that the mortgagor has a right under contract to loss mitigation.

"(III) OTHER INFORMATION.—Any other additional information that the Secretary determines is appropriate to ensure that the mortgagor has received timely and accurate information about the program under paragraph (2)(C) or (3) of subsection (c), as applicable.

"(ii) PENALTIES FOR FAILURE TO PROVIDE REQUIRED DISCLOSURES.—The Secretary may establish and impose appropriate penalties for failure of a mortgagee to provide any disclosure required under clause (i).

"(iii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

"(B) COUNSELING.—

"(i) ALLOWABLE REQUIREMENT.—The Secretary may, in the discretion of the Secretary, require that the mortgagor shall have received counseling that complies with the requirements of this subparagraph.

"(ii) TERMS OF COUNSELING.—Counseling under this subparagraph shall be provided—

"(I) prior to application for the loan involved in the mortgage;

"(II) by a third party (other than the mortgagee) who is approved by the Secretary, with respect to the responsibilities and financial management involved in homeownership;

"(III) on an individual basis to the mortgagor by a representative of the approved third-party counseling entity; and

"(IV) in person, to the maximum extent possible.

"(iii) TOPICS.—In the case only of a mortgage referred to in subsection (c)(3), counseling under this subparagraph shall include providing to, and discussing with, the mortgagor—

"(I) information regarding homeownership options other than a mortgage that is subject to this paragraph, other zero- or low-downpayment mortgage options that are or may become available to the mortgagor, the financial implications of entering into a mortgage (including a mortgage subject to this paragraph), and any other information that the Secretary may require;

"(II) a written disclosure that sets forth the amount and the percentage by which a property with a mortgage that is subject to this paragraph must appreciate for the mortgagor to recover the principal amount of the mortgage, the costs financed under the mortgage, and the estimated costs involved in selling the property, if the mortgagor were to sell the property on each of the second, fifth, and tenth anniversaries of the mortgage; and

"(III) a written disclosure, as the Secretary shall require, that specifies the effective cost to a mortgagor of borrowing the amount by which the maximum amount that could be borrowed under a mortgage that is referred to in subsection (c)(3) exceeds the maximum amount that could be borrowed under a mortgage insured under this subsection that is not a mortgage referred to in such subsection, based on average closing costs with respect to such amount, as determined by the Secretary; such cost shall be expressed as an annual interest rate over the first 5 years of a mortgage; the disclosure required under this subclause may be provided in conjunction with the notice required under subsection (f).

"(iv) 2- AND 3-FAMILY RESIDENCES.—In the case of a mortgage involving a 2- or 3-family residence, counseling under this subparagraph shall include (in addition to the information required under clause (iii)) information regarding real estate property management.

"(C) NOTICE OF FORECLOSURE PREVENTION COUNSELING AVAILABILITY.—

"(i) WRITTEN AGREEMENT.—To be eligible for insurance under this subsection, the mortgagee shall provide the mortgagor, at the time of the execution of the mortgage, a written agreement which shall be signed by the mortgagor and under which the mortgagee shall provide notice described in clause (ii) to a housing counseling entity that has agreed to provide the notice and counseling required under clause (iii) and is approved by the Secretary.

"(ii) NOTICE TO COUNSELING AGENCY.—The notice described in this clause, with respect to a mortgage, is notice, provided at the earliest time practicable after the mortgagor becomes 60 days delinquent with respect to any payment due under the mortgage, that the mortgagor is so delinquent and of how to contact the mortgagor. Such notice may only be provided once with respect to each delinquency period for a mortgage.

"(iii) NOTICE TO MORTGAGOR.—Upon notice from a mortgagee that a mortgagor is 60 days delinquent with respect to payments due under the mortgage, the housing counseling entity shall at the earliest time practicable notify the mortgagor of such delinquency, that the entity makes available foreclosure prevention counseling that may assist the mortgagor in resolving the delinquency, and of how to contact the entity to arrange for such counseling.

"(iv) ABILITY TO CURE.—Failure to provide the written agreement required under clause (i) may be corrected by sending such agreement to the mortgagor not later than the earliest time practicable after the mortgagor first becomes 60 days delinquent with respect to payments due under the mortgage. Insurance provided under this subsection may not be terminated and penalties for such failure may not be prospectively or retroactively imposed if such failure is corrected in accordance with this clause.

"(v) PENALTIES FOR FAILURE TO PROVIDE AGREEMENT.—The Secretary may establish and impose appropriate penalties for failure of a mortgagee to provide the written agreement required under clause (i).

"(vi) LIMITATION ON LIABILITY OF MORTGAGEE.—A mortgagee shall not incur any liability or penalties for any failure of a housing counseling entity to provide notice under clause (iii).

"(vii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

"(viii) DELINQUENCY PERIOD.—For purposes of this subparagraph, the term 'delinquency period' means, with respect to a mortgage, a period that begins upon the mortgagor becoming delinquent with respect to payments due under the mortgage and ends upon the first subsequent occurrence of such payments under the mortgage becoming current or the property subject to the mortgage being foreclosed or otherwise disposed of.".

SEC. 11. REFINANCING MORTGAGES.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by inserting after subsection (k) the following new subsection:

"(l) REFINANCING MORTGAGES.—

"(1) ESTABLISHMENT OF UNDERWRITING STANDARDS.—The Secretary shall establish underwriting standards that provide for insurance under this title of mortgage loans, and take actions to facilitate the availability of mortgage loans insured under this title, for qualified borrowers that are made for the purpose of paying or prepaying outstanding obligations under existing mortgages for borrowers that—

"(A) have existing mortgages with adverse terms or rates, or

"(B) do not have access to mortgages at reasonable rates and terms for such refinancings due to adverse market conditions.

"(2) INSURANCE OF MORTGAGES, THE SECRETARY MAY ISSUE MORTGAGES TO BORROWERS IN DEFAULT OR AT RISK OF DEFAULT.—In facilitating insurance for such mortgages, the Secretary may issue mortgages to borrowers who are, currently in default or at imminent risk of being in default, but only if such loans meet reasonable underwriting standards established by the Secretary.".

SEC. 12. ANNUAL REPORTS ON NEW PROGRAMS AND LOSS MITIGATION.

Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f–18(b)(2)) is amended, by adding at the end the following new subparagraphs:

"(C) The rates of default and foreclosure for the applicable collection period for mortgages insured pursuant to the programs for mortgage insurance under paragraphs (2)(C) and (3) of section 203(c).

"(D) Actions taken by the Secretary during the applicable collection period with respect to loss mitigation on mortgages insured pursuant to section 203.".

SEC. 13. INSURANCE FOR SINGLE FAMILY HOMES WITH LICENSED CHILD CARE FACILITIES.

(a) DEFINITION OF CHILD CARE FACILITY.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(g) The term 'child care facility' means a facility that—

"(A) has as its purpose the care of children who are less than 12 years of age; and

"(B) is licensed or regulated by the State in which it is located (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located). Such term does not include facilities for school-age children primarily for use during normal school hours.".

(b) INCREASE IN MAXIMUM MORTGAGE AMOUNT LIMITATION.—Paragraph (2) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(2)), as amended by the preceding provisions of this Act, is further amended by adding at end the following new undesignated paragraph:

"Notwithstanding any other provision of this paragraph, the amount that may be insured under this section may be increased by up to 25 percent if such increase is necessary to account for the increased cost of the residence due to an increased need of space in the residence for locating and operating a child care facility (as such term is defined in section 201) within the residence, but only if a valid license or certificate of compliance with regulations described in section 201(g)(2) has been issued for such facility as of the date of the execution of the mortgage, and only if such increase in the amount insured is proportional to the amount of space of such residence that will be used for such facility.".

SEC. 14. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking "on" and all that follows through "1978"; and

(2) in paragraph (5)—

(A) by striking "General Insurance Fund" the first place it appears and inserting "Mutual Mortgage Insurance Fund"; and

(B) in the second sentence, by striking the comma and all that follows through "General Insurance Fund".

SEC. 15. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking "section 202(e) of the National Housing Act" and inserting "this subsection"; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

"(4) the Secretary of Agriculture;"; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 16. INSURANCE OF CONDOMINIUMS AND MANUFACTURED HOUSING.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking "and" before "(2)"; and

(ii) by inserting before the period at the end the following: ", and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)"; and

(B) in clause (B) of the third sentence, by striking "thirty-five years" and inserting "forty years"; and

(2) in subsection (g), by striking ", except that" and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before " a first mortgage" insert "(A)";

(2) by striking "or on a leasehold (1)" and inserting "(B) a first mortgage on a leasehold on real estate (i)";

(3) by striking "or (2)" and inserting ", or (ii)"; and

(4) by inserting before the semicolon the following: ", or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or

long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project".

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(h) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.".

SEC. 17. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

"(a) MUTUAL MORTGAGE INSURANCE FUND.—

"(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

"(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

"(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

"(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

"(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each quarter, which shall specify for mortgages that are obligations of the Fund—

"(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

"(B) the types of loans insured, categorized by risk;

"(C) any significant changes between actual and projected claim and prepayment activity;

"(D) projected versus actual loss rates; and

"(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or upon the expiration of the 90-day period beginning on the date of the enactment of the Expanding American Homeownership Act of 2007, whichever is later.

"(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (5), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (8) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under section 203 as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

"(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

"(A) to charge borrowers under loans that are obligations of the Fund an appropriate premium for the risk that such loans pose to the Fund;

"(B) to minimize the default risk to the Fund and to homeowners;

"(C) to curtail the impact of adverse selection on the Fund; and

"(D) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.".

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking "Notwithstanding section 202 of this title, the" and inserting "The"; and

(B) by striking "General Insurance Fund" the first place such term appears and all that follows and inserting "Mutual Mortgage Insurance Fund.".

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z-20(i)(2)(A)) is amended by striking "General Insurance Fund" and inserting "Mutual Mortgage Insurance Fund".

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking "203(b)" and all that follows through "203(i)" and inserting "203, except as determined by the Secretary".

SEC. 18. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z-12) is amended—

(1) by striking "General Insurance Fund established in section 519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z-13) is amended—

(1) by striking "General Insurance Fund" the first place it appears and all that follows through "519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

SEC. 19. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z-2).

(7) Section 245 (12 U.S.C. 1715z-10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking "shall" and all that follows and inserting "means a metropolitan statistical area as established by the Office of Management and Budget;".

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Commonwealth of the Northern Mariana Islands".

SEC. 20. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (b)(2), insert "'real estate,'" after "'mortgagor',";

(2) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(3) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation"; and

(4) by adding at the end the following new subsection:

"(o) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1- to 4-family dwelling in which the mortgagor will occupy or occupies one of the units.

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20), as amended by the preceding provisions of this section, is further amended—

(1) by redesignating subsections (k), (l), and (m) as subsections (l), (m), and (n), respectively; and

(2) by inserting after subsection (j) the following new subsection:

"(k) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal to 1.5 percent of the maximum claim amount of the mortgage, except that the Secretary may adjust the limitation under this paragraph on the basis of an analysis of (A) costs to mortgagors, and (B) the impact on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary or to mortgage brokers; and

"(5) apply beginning upon the date that the maximum dollar amount limitation on the benefits of insurance under this section is first increased pursuant to the amendments made by section 19(a)(2) of the Expanding American Homeownership Act of 2007.".

(d) STUDY REGARDING MORTGAGE INSURANCE PREMIUMS.—The Secretary of Housing and Urban Development shall conduct a study regarding mortgage insurance premiums charged under the program under section 255 of the National Housing Act (12 U.S.C. 1715z-20) for insurance of home equity conversion mortgages to analyze and determine the effects of reducing the amounts of such premiums from the amounts charged as of the date of the enactment of this Act on (1) costs to mortgagors, and (2) the financial soundness of the program. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the results and conclusions of the study.

SEC. 21. PARTICIPATION OF MORTGAGE BROKERS AND CORRESPONDENT LENDERS.

(a) IN GENERAL.—

(1) DEFINITIONS.—

(A) IN GENERAL.—Section 201 of the National Housing Act (12 U.S.C. 1707), as amended by the preceding provisions of this Act, is further amended—

(i) by striking "As used in section 203 of this title—" and inserting "As used in this title and for purposes of participation in insurance programs under this title, except as specifically provided otherwise, the following definitions shall apply:";

(ii) by striking subsection (b) and inserting the following:

"(2) The term 'mortgagee' means any of the following entities, and its successors and assigns, to the extent such entity is approved by the Secretary:

"(A) QUALIFICATION BY AUDIT AND NET WORTH.—A lender who—

"(i) closes a mortgage in its name and underwrites the mortgage, services the mortgage, or both underwrites and services the mortgage;

"(ii) submits to the Secretary such financial audits performed in accordance with the standards for financial audits of the Government Auditing Standards issued by the Comptroller General of the United States;

"(iii) meet the minimum net worth requirement that the Secretary shall establish;

"(iv) is licensed, under the laws of the State in which the property that is subject to the mortgage is located, to act as a lender in such State; and

"(v) complies with such other requirements as the Secretary may establish.

"(B) QUALIFICATION OF CORRESPONDENT LENDERS BY SURETY BOND.—Except as provided in subparagraph (D), a correspondent lender who—

"(i) closes a mortgage in its name, but does not underwrite and does not service the mortgage;

"(ii) is licensed, under the laws of the State in which the property that is subject to the mortgage is located, to act as a correspondent lender in such State;

"(iii) posts a surety bond, in lieu of any requirement to provide audited financial statements or meet a minimum net worth requirement, that—

"(I) is in a form satisfactory to the Secretary;

"(II) is in an aggregate amount, to be determined by the Secretary based on the aggregate principal amount of single-family mortgages insured under this title that are placed in a calendar year, which shall not be less than $50,000 or more than $100,000, as such amount is adjusted annually by the Secretary (as determined by the Secretary) by the change for such year in the Consumer Price Index for All Urban Consumers published monthly by the Bureau of Labor Statistics of the Department of Labor;

"(III) guarantees payment of any liability of the correspondent lender arising from its participation in the program, up to the penal sum of the surety bond; without regard to the number of years the bond remains in effect, the number of claims or claimants, and the number of premiums paid, in no event shall the aggregate liability of the surety exceed the penal sum of the bond; and

"(IV) may be cancelled by the surety as to future liability by giving 30 days notice in writing to the Secretary, except that any such cancellation shall not alter the liability of the surety for actions of the correspondent lender prior to the effective date of teh cancellation; and

"(iv) complies with such other requirements as the Secretary may establish, except that the Secretary shall not require any minimum net worth or certified financial statements.

"(C) QUALIFICATION OF BROKERS BY SURETY BOND.—Except as provided in subparagraph (D), a mortgage broker who—

"(i) closes the mortgage in the name of the lender, and does not underwrite and does not service the mortgage;

"(ii) is licensed, under the laws of the State in which the property that is subject to the mortgage is located, to act as a mortgage broker in such State;

"(iii) posts a surety bond in accordance with the requirements of subparagraph (B)(ii); and

"(iv) complies with such other requirements as the Secretary may establish, except that the Secretary shall not require any minimum net worth or certified financial statement.

"(D) CONDITIONS FOR CONTINUED APPLICABILITY.—(i) Subparagraphs (B) and (C) shall continue to apply after the expiration of the 5-year period beginning on the date of the enactment of the Expanding American Homeownership Act of 2007 only if, after the expiration of the 4-year period beginning upon such date of enactment and taking into consideration the report submitted in accordance with section 19(b) of such Act, the Secretary—

"(I) makes a determination that such subparagraphs provide protection to mortgage insurance funds for mortgages insured under this title that are comparable to the protection provided by the requirements for mortgagees under this title as in effect immediately before the enactment of such Act; and

"(II) publishes in the Federal Register a notice of such determination and an order extending the applicability of such subparagraphs.

"(ii) If, taking into consideration such report, the Secretary makes a determination after the expiration of such 4-year period that subparagraphs (B) and (C) do not provide protection as referred to in clause (i) of this subparagraph, the Secretary may, by order published in the Federal Register, provide for the participation, after the expiration of the 5-year period referred to in clause (i), of correspondent lenders and mortgage brokers as mortgagees in the insurance programs under this title in accordance with subparagraphs (B) and (C) as modified by the Secretary as the Secretary considers appropriate to provide such protection.

"(E) ADDITIONAL MORTGAGE BROKER REQUIREMENTS.—

"(i) In addition to the requirements under subparagraphs (A) and (C) and to duties imposed under other statutes or common law, to be eligible as a mortgagee under this section, a broker shall—

"(I) safeguard and account for any money handled for the borrower;

"(II) follow reasonable and lawful instructions from the borrower; and

"(III) act with reasonable skill, care, and diligence.

"(ii) For purposes of this subparagraph, a loan correspondent shall be considered to be a mortgage broker.

"(iii) The duties and standards of care created in this subparagraph shall not be waived or modified.

"(iv) Any broker found by the Secretary to have violated the requirements of this subparagraph may not originate mortgage loans insured under this title.

"(3) The term 'mortgagor' includes the original borrower under a mortgage and the successors and assigns of the original borrower."; and

(iii) by redesignating subsections (a), (c), (d), (e), (f), (g), and (h) as paragraphs (1), (4), (5), (6), (7), (8), and (9), respectively, and indenting such paragraphs two ems so as to align the left margins of such paragraphs with the left margins of paragraphs (2) and (3) (as added by clause (ii) of this subparagraph).

(B) MORTGAGEE REVIEW.—Section 202(c)(7) of the National Housing Act (12 U.S.C. 1708(c)(7)) is amended—

(i) in subparagraph (A), by inserting ", as defined in section 201," after "mortgagee";

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(C) MULTIFAMILY RENTAL HOUSING INSURANCE.—Section 207(a)(2) of the National Housing Act (12 U.S.C. 1713(a)(2)) is amended by striking "means the original lender under a mortgage, and its successors and assigns, and" and inserting "has the meaning given such term in section 201, except that such term also".

(D) WAR HOUSING INSURANCE.—Section 601(b) of the National Housing Act (12 U.S.C. 1736(b)) is amended by striking "includes the original lender under a mortgage, and his successors and assigns approved by the Secretary" and inserting "has the meaning given such term in section 201".

(E) ARMED SERVICES HOUSING MORTGAGE INSURANCE.—Section 801(b) of the National Housing Act (12 U.S.C. 1748(b)) is amended by striking "includes the original lender under a mortgage, and his successors and assigns approved by the Secretary" and inserting "has the meaning given such term in section 201".

(F) GROUP PRACTICE FACILITIES MORTGAGE INSURANCE.—Section 1106(8) of the National Housing Act (12 U.S.C. 1749aaa-5(8)) is amended by striking "means the original lender under a mortgage, and his or its successors and assigns, and" and inserting "has the meaning given such term in section 201, except that such term also".

(2) ELIGIBILITY FOR INSURANCE.—

(A) TITLE i.—Paragraph (1) of section 8(b) of the National Housing Act (12 U.S.C. 1706c(b)(1)) is amended—

(i) by striking ", and be held by,"; and

(ii) by striking "as responsible and able to service the mortgage properly".

(B) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(1)) is amended—

(i) by striking ", and be held by,"; and

(ii) by striking "as responsible and able to service the mortgage properly".

(C) SECTION 221 MORTGAGE INSURANCE.—Paragraph (1) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)(1)) is amended—

(i) by striking "and be held by"; and

(ii) by striking "as responsible and able to service the mortgage properly".

(D) HOME EQUITY CONVERSION MORTGAGE INSURANCE.—Paragraph (1) of section 255(d) of the National Housing Act (12 U.S.C. 1715z-20(d)(1))

is amended by striking "as responsible and able to service the mortgage properly".

(E) WAR HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 603(b) of the National Housing Act (12 U.S.C. 1738(b)(1)) is amended—

(i) by striking ", and be held by,"; and

(ii) by striking "as responsible and able to service the mortgage properly".

(F) WAR HOUSING MORTGAGE INSURANCE FOR LARGE-SCALE HOUSING PROJECTS.—Paragraph (1) of section 611(b) of the National Housing Act (12 U.S.C. 1746(b)(1)) is amended—

(i) by striking "and be held by"; and

(ii) by striking "as responsible and able to service the mortgage properly".

(G) GROUP PRACTICE FACILITY MORTGAGE INSURANCE.—Section 1101(b)(2) of the National Housing Act (12 U.S.C. 1749aaa(b)(2)) is amended—

(i) by striking "and held by"; and

(ii) by striking "as responsible and able to service the mortgage properly".

(H) NATIONAL DEFENSE HOUSING INSURANCE.—Paragraph (1) of section 903(b) of the National Housing Act (12 U.S.C. 1750b(b)(1)) is amended—

(i) by striking ", and be held by,"; and

(ii) by striking "as responsible and able to service the mortgage properly".

(I) CONTINGENT REPEAL.—Unless there is published in the Federal Register, before the expiration of the 5-year period beginning on the date of the enactment of this Act, an order under clause (i) or (ii) of section 201(2)(D) of the National Housing Act (12 U.S.C. 1707(2)(D)), as added by paragraph (1)(A)(2) of this subsection, upon the expiration of such period the provisions of such Act amended by this paragraph are amended to read as such provisions would be in effect upon such expiration if this Act had not been enacted (taking into consideration any amendments, after such date of enactment, to such provisions other than under this Act).

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study, upon the expiration of the 42-month period beginning on the date of the enactment of this Act, regarding the effect of the amendments made by subsection (a), which shall analyze and determine—

(A) the extent to which such amendments have resulted in increased participation, by mortgage brokers and correspondent lenders, in the mortgage insurance programs under the National Housing Act, as measured by the number and amounts of such insured mortgages, disaggregated by the States in which the properties subject to such mortgages are located;

(B) with respect to mortgages insured under such Act, a comparison in the numbers and rate of defaults, foreclosures, and mortgage insurance claims on such mortgages originated by mortgage brokers and correspondent lenders authorized to participate in the programs under such Act pursuant to the amendments made by subsection (a) to such numbers and rates on such mortgages originated by lenders who would be authorized to participate in such programs notwithstanding such amendments;

(C) any impact of such amendments on the costs to the Secretary of Housing and Urban Development of administering the mortgage insurance programs under such title; and

(D) the extent and effectiveness of the supervision and enforcement, by the Secretary, of the additional authority provided under the amendments made by subsection (a).

(2) REPORT.—Not later than the expiration of 4-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress and the Secretary of Housing and Urban Development setting forth the results and conclusions of the study conducted pursuant to paragraph (1).

SEC. 22. CONFORMING LOAN LIMIT IN DISASTER AREAS.

Section 203(h) of the National Housing Act (12 U.S.C. 1709) is amended—

(1) by inserting after "property" the following: "plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary,";

(2) by striking the second sentence (as added by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211; 108 Stat. 12)); and

(3) by adding at the end the following new sentence: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 36 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, and not in excess of 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.".

SEC. 23. FAILURE TO PAY AMOUNTS FROM ESCROW ACCOUNTS FOR SINGLE FAMILY MORTGAGES.

(a) PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f–14) is amended—

(1) in subsection (a)(1), by inserting "servicers (including escrow account servicers)," after "appraisers,";

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by inserting "or other participant referred to in subsection (a)," after "lender,"; and

(B) by inserting at the end the following new subparagraphs:

"(K) In the case of a mortgage for a 1- to 4-family residence insured under title II that requires the mortgagor to make payments to the mortgagee or other servicer of the mortgage for deposit into an escrow account for the purpose of assuring payment of taxes, insurance premiums, and other charges with respect to the property, failure on the part of the servicer to make any such payment from the escrow account by the deadline to avoid a penalty with respect to such payment provided for in the mortgage, unless the servicer was not provided notice of such deadline.

"(L) In the case of any failure to make any payment as described in subparagraph (K), submitting any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor."; and

(3) in subsection (c)(3), by adding at the end the following: "In the case of any failure to make a payment described in subsection (b)(1)(K) for which the servicer fails to reimburse the mortgagor (A) before the expiration of the 60-day period beginning on the deadline to avoid a penalty with respect to such payment, in the sum of the amount not paid from the escrow account by such deadline and the amount of any penalties accruing to the mortgagor that are attributable to such failure, or (B) in the amount of any attorneys fees incurred by the mortgagor and attributable to such failure, the Secretary shall increase the amount of the penalty under subsection (a) for any such failure to reimburse, unless the Secretary determines there are mitigating circumstances.".

(b) PROHIBITION ON SUBMISSION OF INFORMATION BY HUD.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PROHIBITION REGARDING FAILURE ON PART OF SERVICER TO MAKE ESCROW PAYMENTS.

"In the case of any failure to make any payment as described in section 536(b)(1)(K), the Secretary may not submit any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor.".

SEC. 24. ACCEPTABLE IDENTIFICATION FOR FHA MORTGAGORS.

(a) IN GENERAL.—Title II of the National Housing Act is amended by inserting after section 209 (12 U.S.C. 1715) the following new section:

"SEC. 210. FORMS OF ACCEPTABLE IDENTIFICATION.

"The Secretary may not insure a mortgage under any provision of this title unless the mortgagor under the mortgage provides personal identification in one of the following forms:

"(1) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

"(A) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

"(B) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note).

"(2) PASSPORT.—A passport issued by the United States or a foreign government.

"(3) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).".

(b) EFFECTIVE DATE.—The requirements of section 210 of the National Housing Act (as added by subsection (a) of this section) shall take effect six months after the date of the enactment of this Act.

SEC. 25. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

"(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

"(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program—

"(1) to first-time homebuyers; or

"(2) metropolitan statistical areas significantly impacted by subprime lending.

"(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

"(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Expanding American Homeownership Act of 2007, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.".

(b) GAO REPORT.—Not later than the expiration of the four-year period beginning on the date that the Secretary of Housing and Urban Development first insures any mortgage pursuant to the automated process established under pilot program under section 258 of the National Housing Act (as added by the amendment made by subsection (a) of this section). Such automated process and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 26. SENSE OF CONGRESS REGARDING TECHNOLOGY FOR FINANCIAL SYSTEMS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) The Government Accountability Office has cited the FHA single family housing mortgage insurance program as a "high-risk" program, with a primary reason being non-integrated and out-dated financial management systems.

(2) The "Audit of the Federal Housing Administration's Financial Statements for Fiscal Years 2004 and 2003", conducted by the Inspector General of the Department of Housing and Urban Development reported as a material weakness that "HUD/FHA's automated data processing [ADP] system environment must be enhanced to more effectively support FHA's business and budget processes".

(3) Existing technology systems for the FHA program have not been updated to meet the latest standards of the Mortgage Industry Standards Maintenance Organization and have numerous deficiencies that lenders have outlined.

(4) Improvements to technology used in the FHA program will—

(A) allow the FHA program to improve the management of the FHA portfolio, garner greater efficiencies in its operations, and lower costs across the program;

(B) result in efficiencies and lower costs for lenders participating in the program, allowing them to better use the FHA products in extending homeownership opportunities to higher credit risk or lower-income families, in a sound manner.

(5) The Mutual Mortgage Insurance Fund operates without cost to the taxpayers and generates revenues for the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of Housing and Urban Development should use a portion of the funds received from premiums paid for FHA single family housing mortgage insurance that are in excess of the amounts paid out in claims to substantially increase the funding for technology used in such FHA program;

(2) the goal of this investment should be to bring the technology used in such FHA program to the level and sophistication of the technology used in the conventional mortgage lending market, or to exceed such level; and

(3) the Secretary of Housing and Urban Development should report to the Congress not later than 180 days after the date of the enactment of this Act regarding the progress the Department is making toward such goal and if progress is not sufficient, the resources needed to make greater progress.

SEC. 27. MULTIFAMILY HOUSING MORTGAGE LIMITS IN HIGH COST AREAS.

The National Housing Act is amended—

(1) in sections 207(c)(3), 213(b)(2)(B)(i), 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and 234(e)(3)(B) (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i), 1715l(d)(3)(ii)(II), 1715l(d)(4)(ii)(II), 1715v(c)(2)(B), and 1715y(e)(3)(B))—

(A) by striking "140 percent" each place such term appears and inserting "170 percent"; and

(B) by striking "170 percent in high cost areas" each place such term appears and inserting "215 percent in high cost areas"; and

(2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C. 1715k(d)(3)(B)(iii)(III)) by striking "206A" and all that follows through "project-by-project basis" and inserting the following: "206A of this Act) by not to exceed 170 percent in any geographical area where the Secretary finds that cost levels so require and by not to exceed 170 percent, or 215 percent in high cost areas, where the Secretary determines it necessary on a project-by-project basis".

SEC. 28. DISCOUNT SALES OF MULTIFAMILY PROPERTIES.

There is authorized to be appropriated, for discount sales of multifamily real properties under section 207(l) or 246 of the National housing Act (12 U.S.C. 1713(l), 1715z-11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a), and for discount loan sales under section 207(k) of the National Housing Act (12 U.S.C. 1713(k)), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a(a)), $5,000,000, for fiscal year 2008.

SEC. 29. CLARIFICATION OF DISPOSITION OF CERTAIN PROPERTIES.

Notwithstanding any other provision of law, subtitle A of title II of the Deficit Reduction Act of 2005 (12 U.S.C. 1701z-11 note) and the amendments made by such title shall not apply to any transaction regarding a multifamily real property for which—

(1) the Secretary of Housing and Urban Development has received, before the date of the enactment of such Act, written expressions of interest in purchasing the property from both a city government and the housing commission of such city;

(2) after such receipt, the Secretary acquires title to the property at a foreclosure sale; and

(3) such city government and housing commission have resolved a previous disagreement with respect to the disposition of the property.

SEC. 30. NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

Subtitle A of title II of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 7) is amended by adding at the end the following new section:

SEC. 2004. NONCOMPETITIVE SALES IN FISCAL YEAR 2011.

"Notwithstanding any other provision of law, the Secretary may not sell any multifamily real property through any discount sale during fiscal year 2011 under the provisions of law referred to in section 2002(a) or any multifamily loan through any discount loan sale during such fiscal year under the provisions referred to in section 2002(b), unless the property or loan is sold for an amount that is equal to or greater than 60 percent of the property market value or loan market value, respectively.".

SEC. 31. USE OF FHA SAVINGS FOR COSTS OF MORTGAGE INSURANCE, HOUSING COUNSELING, FHA TECHNOLOGIES, PROCEDURES, AND PROCESSES, AND FOR AFFORDABLE HOUSING GRANT FUND, AND STUDY.

(a) IN GENERAL.—Subject to subsection (c), there is authorized to be appropriated for each fiscal year an amount equal to the net increase for such fiscal year in, except as provided in subsection (b), the negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act resulting from this Act and the amendments made by this Act, for the following purposes in the following amounts:

(1) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—For each fiscal year, for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of mortgage insurance provided pursuant to section 203(b) of the National Housing Act (12 U.S.C. 1709(b)), the additional amount (not including any costs of such mortgage insurance resulting from this Act or the amendments made by this Act), if any, necessary to ensure that the credit subsidy cost of such mortgage insurance for such fiscal year is $0.

(2) HOUSING COUNSELING.—For each of fiscal years 2008 through 2012, the amount needed to increase funding, for the housing counseling program under section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), in connection with homebuyers and homeowners with mortgages insured under title II of the National Housing Act, from the amount appropriated for the preceding fiscal year to $100,000,000.

(3) MORTGAGE INSURANCE TECHNOLOGY, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, AND SALARIES.—For each of fiscal years 2008 through 2012, $25,000,000 for increasing funding for the purpose of improving technology, procedures, processes, and program performance, and salaries in connection with the mortgage insurance programs under title II of the National Housing Act.

(4) AFFORDABLE HOUSING FUND.—For each fiscal year, for an affordable housing fund available for use only for grants to provide affordable rental housing and affordable homeownership opportunities for low-income families, the amount remaining under this section after amounts are made available for such fiscal year in accordance with paragraphs (1), (2), and (3).

(b) EXCLUSION OF EARNINGS FROM THE SINGLE FAMILY MORTGAGE INSURANCE PROGRAM.—With respect to a fiscal year, the negative credit subsidy determined under subsection (a) shall not include the negative credit subsidy cost for such fiscal year, if any, for mortgage insurance provided pursuant to section 203(b) of the National Housing Act.

(c) CERTIFICATION.—Subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rule making in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund) and ensure the safety and soundness of the other mortgage insurance funds under such Act, and any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(d) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential mortgage lending business and the secondary market for such mortgages on how best to update and upgrade procedures, processes, and technologies for the mortgage insurance programs under title II of the National Housing Act so that the policies *and procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such procedures, processes, and technology, and providing appropriate staffing for such mortgage insurance programs.*

SEC. 32. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

Notwithstanding any other provision of law, including any provision of this Act and any amendment made by this Act—

(1) the premiums charged for mortgage insurance under any program under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only by rule making in accordance with the procedures under section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

SEC. 33. CIVIL MONEY PENALITIES FOR IMPROPERLY INFLUENCING APPRAISALS.

Paragraph (2) of section 536(b) of the National Housing Act (12 U.S.C. 1735f–14(b)(2)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) in the case of an insured mortgage under title II for a 1- to 4-family residence, compensating, instructing, inducing, coercing, or intimidating any person who conducts an appraisal of the property in connection with such mortgage, or attempting to compensate, instruct, induce, coerce, or intimidate such a person, for the purpose of causing the appraised value assigned to the property under the appraisal to be based on any other factor other than the independent judgment of such person exercised in accordance with applicable professional standards.".

SEC. 34. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this title shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this Act.

SEC. 35. IMPLEMENTATION.

Except as provided in section 23(b), the Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this Act. The notice shall take effect upon issuance.

The CHAIRMAN. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, except for amendment No. 2, which may be offered out of sequence, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–330.

Mr. CARDOZA. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CARDOZA:

Strike line 19 on page 4 and all that follows through page 5, line 22, and insert the following:

SEC. 3. MAXIMUM PRINCIPAL LOAN OBLIGATION.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

"(ii) 175 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2008, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of (I) the dollar amount limitation in effect under this section for the area on October 21, 1998, or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and except that, if the Secretary determines that market conditions warrant such an increase, the Secretary may, for such period as the Secretary considers appropriate, increase the maximum dollar amount limitation determined pursuant to the preceding provisions of this subparagraph with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to the preceding provisions of this subparagraph for such size residence, or for such area (if applicable), by not more than $100,000; and".

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Madam Chairman, I yield myself 2½ minutes.

I rise in support of this amendment, Madam Chairman. And I wish to begin by thanking Chairman FRANK for bringing this much-needed legislation to the floor, and for all his efforts to help the reeling housing industry in my area, and the country in general.

As we have heard from countless media reports, we are facing a growing mortgage crisis. Sadly, I represent an area that is particularly hard hit by this crisis. The community of Stockton has acquired the distinction of having the highest foreclosure rate of any U.S. city in the country, and there one in 20 households are in jeopardy of foreclosure at this time. In fact, Stockton has had 8,000 foreclosures so far in 2007.

This morning, the Modesto Bee reported that central California and central valley homeowners were six times more likely to be in mortgage default for last year than the national average. In addition, home values have plunged 15 to 20 percent so far this year.

This amendment will address this problem and help ameliorate the harsh effects of the credit crunch. First, the amendment raises the FHA loan limit to the lower of, A, 125 percent of the local median home price or, B, 175 percent of the national GSE conforming loan limit.

The biggest impact of this will be to make FHA loans available in low- and moderately income priced home markets. By raising the local loan limit up to 125 percent of the local median home price, FHA will be able to serve currently neglected populations and ensure loans in this vast and middle-market area. In addition, the amendment will have the effect of serving high-cost areas as well. By raising this artificial cap to 175 percent of the GSE conforming loan limit, the amendment will allow FHA to serve high-cost areas.

California has some of the highest priced real estate anywhere in the country. This amendment, by expanding FHA's reach to high-priced areas, will finally bring the benefits of FHA to millions of deserving Californians.

In addition, there are other areas of the country where this will have a monumental impact. Massachusetts, New York, Connecticut and other areas are all high-cost areas and will benefit tremendously from raising the loan limit. Raising loan limits and enhancing the ability of FHA to serve currently neglected populations will have the effect of generating more liquidity in the market and enhancing lender confidence. This will enable more borrowers who are facing loan resets to refinance their mortgages on more favorable terms.

This amendment has strong support of the National Association of Realtors, the National Association of Home Builders, and others on the front lines of the housing industry. They know the needs of this industry, and they know that this bill will help.

Mrs. BIGGERT. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. With that, I yield 4 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Madam Chairman, I'm rising asking for strong support of this amendment, so it's not really in opposition to the amendment.

This bill, and this amendment, particularly, is to encourage the FHA program and products and make sure they're available across this country to help working families to achieve and maintain homeownership through the FHA program.

The bill we are considering here today reforms the FHA single-family mortgage insurance program so that we can reach working families it was created to serve. I don't think there is any question that the FHA program, as currently structured, has not kept pace.

Today, FHA is no longer a useful product to prospective home buyers. The problem is that statutory limitations preclude the FHA from adopting a rapidly changing marketplace that we experience today.

As the private sector mortgage markets become more efficient, the FHA program's inflexible rules and requirements left it virtually irrelevant as a financing option. Under the current limitations, FHA products are not available for home buyers in high-cost areas of the country because the maximum loan limits are so much lower than the median home prices in that area.

We did something very similar to this when we did the GSE in the high-cost areas. And the only people arguing against raising this conforming loan limit to high-cost areas were those whose home median prices fell far lower than the median amount they were able to loan on. If your median home area is 200,000 and it isn't 435, you don't care. But in California and other areas, it is quite the opposite.

Now California's drop in FHA volumes have been nothing short of stunning. In 2000, FHA insured 109,074 mortgages in California, but last year it only insured 5,137. In my district, FHA insured 7,000 mortgages in 2000 and only 80 mortgages in 2005. These figures represent a 99 percent drop in what FHA is able to loan in these high-cost areas. That in and of itself states that there is a huge problem that this amendment is trying to cover and create the shortfall that currently exists in the program. Arguably, working families in high-cost areas of the country are just the kind of underserved populations the FHA program was originally intended to serve.

If we want to ensure that FHA is relevant for all those who need it, we must reform the program so it is available to low- and moderate-income families across the country, even those in high-cost areas.

On August 31, the President announced his goal to help an estimated 240,000 families avoid foreclosures by enhancing the FHA program. Under the President's plan, FHA will allow families with strong credit histories who have been making timely mortgage payments before their loan reset, but are now in default, to qualify for refinancing. Unfortunately, without an increase in the loan limits, this program will not help families in high-cost areas.

This amendment, supported by Mr. FRANK, Mr. CARDOZA and myself, would make sure that families can refinance in the FHA products by raising the FHA single-family loan limits in each local area to the lower of 125 percent of the area median home price, or 175 percent of the national GSE conforming loan amendments.

The amendment also gives HUD authority to raise these loan limit amounts by up to $100,000 "if market conditions warrant."

The NAHB, National Association of Home Builders, has written a very strong letter in support of what we are trying to do. Many builders are selling homes today, and the problem they have is the person buying their home cannot find financing to sell their home. And this will help those people who are looking for financing and dealing with liquidity shortages in the marketplace.

The National Association of Realtors has also written a very strong letter supporting what we're trying to do today. The problem they're facing today with people in the mortgage bracket that we're trying to deal with in this amendment, this will go a long way to providing liquidity and competition in the marketplace to ensure that American home buyers and families have the best and most opportunities that can be achieved through the marketplace through this amendment. So this is a very good amendment, and I would ask for an "aye" vote.

Mr. CARDOZA. Madam Speaker, I want to thank my colleague, Mr. MILLER, for his kind and accurate comments. And I would like to now yield 1 minute to my colleague from California (Ms. WATERS).

Ms. WATERS. I appreciate Mr. CARDOZA's amendment so much because it does have an important impact on high-cost markets like our home State of California. The FHA statute creates an artificial cap on the maximum home price, meaning that FHA does almost no loan business in certain high-cost markets. Now, this will put FHA back in the business of insuring loans in high-cost areas, not only in California, New York, Connecticut, Massachusetts, and other areas with a limited FHA presence. This amendment also puts FHA in a better position to help subprime borrowers and address temporary dislocations.

Even before the recent mortgage crisis developed, there was a bipartisan consensus shared by the administration that reformed H.R. 1852 would help get FHA back in the business of making loans at good terms and conditions to borrowers that turned to predatory loans in recent years. This amendment expands the extent to which this objective can be achieved. This is absolutely a great amendment, and I support it.

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Mrs. BIGGERT. Madam Chairman, I recognize myself for 1 minute.

I really believe in the concept of this. I think that there are a lot of high-cost areas that will really benefit from this. I hope that this will not hurt some of the low-cost areas; in other words, I think that the administration has said something about the fact that some of the areas across the country would be hurt and would lower, go below the $419,000 limit. So I hope that that will be addressed. I see Mr. FRANK getting up. Maybe he would like to comment on that.

Madam Chairman, I yield back the balance of my time.

Mr. CARDOZA. I yield 1 minute to the chairman of the committee, Mr. FRANK.

Mr. FRANK of Massachusetts. Madam Chairman, I thank the gentleman, and I thank the gentlewoman from Illinois. She is absolutely right. If I thought this would in any way impinge on our ability to help middle- and lower-income people, I would be opposed to it. In fact, if this works as we believe it will work, it will be the opposite. Because CBO has consistently scored, we haven't had this particular amendment scored, but prior amendments that have raised the limit at which the FHA can operate have been scored by CBO as generating a surplus, a positive number. That is some of the money that we are going to use. As the gentlewoman knows, while there is some controversy about this thing, we significantly increase in this bill the amount for counseling, because if there had been proper counseling, a lot of people wouldn't have been stuck at preprime. The counseling is aimed at people in the lower brackets. This is part of the money for it.

I would be willing, when we get to conference, to say, if, in any way, this would appear to be impinging on the ability to do the rest of the mission, we would cut it off. But the way it is going to work, it will, in fact, generate a surplus which we intend to use to help precisely the people whom the gentlewoman refers to.

I thank the gentleman. I appreciate his advocacy of this. He has been one of those who, from California, has been most vigorous in reminding us of the need to do it.

Mr. CARDOZA. Madam Chairman, in the short period of time we have remaining, I just want to thank the chairman of the Financial Services Committee for his leadership, my colleagues on the Republican side for their support, particularly Mr. GARY G. MILLER. This is important legislation for our country when you live in an area where the housing prices have declined precipitously by 20 percent less in a year, where you see foreclosures rampant. In my district alone, there are probably over 20,000 such foreclosures. It is having real impacts on real families in my district and across America. We need to change these regulations and bring help to these citizens in need.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. TIERNEY

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110-330.

Mr. TIERNEY. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TIERNEY:

Page 66, after line 25, insert the following new section:

SEC. 31. MORTGAGE INSURANCE PREMIUM REFUNDS.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall, to the extent that amounts are made available pursuant to subsection (c), provide refunds of unearned premium charges paid, at the time of insurance, for mortgage insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) to or on behalf of mortgagors under mortgages described in subsection (b).

(b) ELIGIBLE MORTGAGES.—A mortgage described in this section is a mortgage on a one- to four-family dwelling that—

(1) was insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(2) is otherwise eligible, under the last sentence of subparagraph (A) of section 203(c)(2) of such Act (12 U.S.C. 1709(c)(2)(A)), for a refund of all unearned premium charges paid on the mortgage pursuant to such subparagraph, except that the mortgage—

(A) was closed before December 8, 2004; and

(B) was endorsed on or after such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to provide refunds of unearned mortgage insurance premiums pursuant to this section.

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Madam Chairman, this amendment seeks to assist those individuals who are eligible borrowers that have been unfairly impacted by a statutory change to HUD's upfront mortgage insurance premium refund policy.

Under the HUD program, borrowers pay an upfront mortgage insurance of 1.5 percent of their FHA loan amount, and if they repay that loan, the borrowers may be due refunds of the prepaid insurance.

However, back in 2005 when Congress passed a Consolidated Appropriations Act, it included language directing that, for mortgages endorsed for insurance on or after the date of enactment, which was December 8 of 2004, borrowers would not be eligible for refunds on their prepaid insurance.

I have heard from constituents in my district, and I am sure there are constituents in other districts as well, who closed on their mortgage prior to December 8, 2004, but regrettably have been prevented from receiving their refund because HUD did not endorse their loan until after December 2004. These constituents reportedly were not adequately informed by their lender about the potential revisions to the refund policy because the lenders themselves were not informed by HUD of the change until January of 2005.

I have heard from one family, for instance, who is seeking to buy a home in Gloucester, Massachusetts, and found themselves harmed by this provision. Although they seemed to do everything right in their own front, they were closing on their loan in November 2004, the family was prevented from receiving a refund that totaled almost as much as $5,000 because HUD endorsed their mortgage on December 10, 2004, and their lender never informed them of that consequence because, as I mentioned, the lender didn't learn it until December 2005. It certainly seems that it was an unintended consequence of the provisions in the Consolidated Appropriations Act of 2005.

Also worth noting is that in response to a letter that was sent by Chairman FRANK and me to the HUD Secretary, Alphonso Jackson, it was indicated in his letter that he did not support the changes to the refund policy in their Consolidated Appropriations Act of 2005.

This amendment makes a meaningful first step toward helping certain eligible borrowers, many of whom are low-income families who have played by the rules in pursuing their dreams of homeownership.

Madam Chairman, I urge my colleagues to support this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was agreed to.

AMENDMENT 3 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-330.

Mr. GARY G. MILLER of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GARY G. MILLER of California:

Page 7, strike line 10 and insert the following:

(2) in paragraph (9)—

(A) by striking the paragraph

Page 7, line 19, strike the last period and insert "; and".

Page 7, after line 19, insert the following:

(B) by inserting after the period at the end the following: "For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts gifted by a family member (as such term is defined in section 201), the mortgagor's employer or labor union, or a qualified homeownership assistance entity, but only if there is no obligation on the part of the mortgagor to repay the gift: For purposes of the preceding sentence, the term 'qualified homeownership assistance entity' means any governmental agency or charity that has a program to provide homeownership assistance to low- and moderate-income families or first-time home buyers, or any private nonprofit organization that has such a program and evidences sufficient fiscal soundness to protect the fiscal integrity of the Mutual Mortgage Insurance Fund by maintaining a minimum net worth of $4,000,000 of acceptable assets.".

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. I rise to offer an amendment to H.R. 1852, the Expanding American Homeownership Act of 2007.

My amendment would allow qualified down payment assistance providers to participate in the FHA program if certain conditions are satisfied to ensure that the down payment assistance program is legitimate and that the gift that is provided to the homeowner and the home buyer is truly a gift.

One of the primary barriers for many Americans to achieving the dream of homeownership is the lack of accumulated wealth and disposable income required to come up with the down payment and closing costs needed to purchase a home. While they can afford monthly payments, some families have not been able to accumulate enough to cover down payment and closing costs.

Fortunately, some charitable organizations have developed programs to help provide down payments to families that would qualify for the mortgage for the FHA program but for the lack of cash for a down payment. These down payment assistance programs have been successful in expanding homeownership opportunity for millions of families. The private sector has been working without government intervention to assist individuals and families who lack the necessary funds for down payments and other related costs become home buyers. In fact, Congress looked at the success of these programs when it created the American Dream Downpayment Act, a government program passed in 2003 to provide up to $10,000 in down payment and closing cost assistance to first-time home buyers.

Similarly, H.R. 1852, the bill you are reviewing today, authorizes HUD to allow zero down payment FHA loans for home buyers who could not otherwise make the down payment required under the FHA rule.

In the past, HUD has permitted the use of charitable down payment assistance programs in conjunction with FHA insured loans. Recently, however, HUD issued a proposed rule that would effectively eliminate many legitimate down payment assistance providers from assisting in FHA programs.

We are hearing that just last week HUD sent a rule over to OMB for final approval. I am very concerned about the impact of this proposed rule on homeownership in our country.

Rather than going too far by eliminating all down payment assistance providers, all that is really needed is a reasonable and fair criteria by which these programs can continue to operate while also protecting the FHA insurance fund. If there are legitimate problems that have been identified by HUD, then we should absolutely fix these problems. In fact, the full House has agreed that we should strengthen the rules for down payment assistance providers rather than eliminate them completely from the FHA program.

In July, the House unanimously passed an amendment I offered with Housing and Community Opportunity Subcommittee Chairman WATERS and Representative AL GREEN to the Transportation-HUD appropriations bill, which prohibited HUD from taking any action to issue its final rule or otherwise implement all or any part of the proposed rule.

The amendment prevented HUD from finalizing or implementing the rule to end participation of down payment assistance providers in the FHA program. Our argument, then, was that HUD's proposal was too harsh a step and we would work to include language in the FHA bill to fix the problems that HUD has identified with some down payment assistance providers.

This is what my amendment before you today seeks to do. The amendment I offer today is a followup on our work during the THUD bill to put the brakes on the HUD rule and instead address the problem HUD has identified with certain down payment assistance providers. This amendment would put the controls in place to weed out the bad actors while allowing those who help millions become homeowners continue to do the good work they are doing. Unlike the HUD rule, my amendment would preserve the down payment assistance programs' participation in FHA while ensuring they are legitimate and helpful to the home buyers.

As you know, H.R. 1582 already includes language to end the practice of inflated appraisals, which was a key argument HUD used against the down payment assistance programs. My amendment builds on this provision and says that down payment assistance providers may participate in FHA so long as the down payment they are offering is truly a gift; in other words, that it reduces the amount owed on the home. My amendment also imposes a net worth requirement on such providers to alleviate the quality and quantity involved within the activity. This provision specifically responds to HUD's complaints regarding the plethora of small, fly-by-night operators that open up and that close down on a regular basis to avoid regulatory scrutiny. Many of these groups are starting business 1 day, getting involved in things they should not, and closing down immediately.

These 3 improvements to the current situation, number 1, prohibiting inflated appraisals; 2, ensuring DPA providers offer an actual gift; and 3, imposing a net worth requirement, will weed out the bad actors while not prohibiting all down payment assistance providers from participating in FHA, as the HUD proposal would have done.

With limited resources at the Federal level, Congress viewed the American Dream Downpayment Act as a complement, rather than a replacement, to the tremendous work down payment assistance providers were already doing to help build communities. There are simply not enough resources at the Federal level to do this alone.

To address HUD's concerns, we should implement the same underwriting criteria that would be used on the new zero down payment program within FHA and what HUD already uses on the American Dream Downpayment Act.

If we have come up with a reasonable system of underwriting to give Federal dollars to assist a family in buying a home, then we can certainly use the same criteria to allow the private sector to put forth people and moneys in these programs to allow people to own their homes.

If FHA can offer a zero down payment loan under a given underwriting criteria, as proposed by this bill, then the private sector down payment assistance programs should also certainly be subject to this same criteria.

To eliminate the possibility for a million families to own a home through down payment assistance providers but allow them to use the Federal Government for a down payment grant seems contradictory. If it works for the Federal program, then it should work for the private sector alternative, as well.

My amendment addresses the problems with certain down payment assistance providers that HUD has identified. Rather than eliminating all providers, as the HUD rule attempts to do, it puts the protections in place to ensure the home buyers are getting a legitimate helping hand from these charitable entities.

Madam Chairman, I ask for an "aye" vote on the amendment.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I rise to seek the time to discuss this, with a certain ambiguity as to my position.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. FRANK of Massachusetts. To two aspects of it, yes, Madam Chair.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I yield to the gentlewoman from California such time as she may consume.

□ 1315

Ms. WATERS. Madam Chairman, I hope that our chairman didn't confuse you with that convoluted definition of what the time is that we are claiming.

Madam Chairman, I am in strong support of this amendment. As a matter of fact, I would like to take this moment to commend and thank my colleague, Mr. MILLER, for the work that he has done in helping other Members to understand what this is all about.

I can recall when we had the hearing and everybody said, well, this is such a wonderful idea. As a matter of fact, all of us voted for the American Dream Down Payment Act on both sides of the aisle. We can't understand why there would be any questions or any problems about the way that there is assistance being given to would-be homeowners by organizations such as the ones who were presented to us on that day of the hearing. So because of his expertise and his understanding and his appreciation, he has helped us all to come together, and it has support on both sides of the aisle.

As was mentioned, the amendment would allow qualified down payment assistance providers to participate in an FHA program if certain conditions are satisfied, that is, no obligation for the mortgagor to repay and net worth requirement.

The Secretary shall consider as cash or its equivalent any amounts gifted by a family member, the mortgagor's employer or labor union, or a qualified homeownership assistance entity, but only if there is no obligation on the part of the mortgagor to repay the gift.

I rise in support of this amendment. It is a major step in the direction of capturing the benefits of down payment assistance programs to over 1 million households since 1999, many of them FHA-insured borrowers, while safeguarding against bad actors in the field. The minimum capitalization requirement will protect borrowers from fly-by-night operations, which the explicit prohibition against requiring repayment of such assistance by the borrower will ensure that the benefit is indeed a gift.

Equally important, the additional measures to ensure the legitimacy of appraisals in FHA-insured transactions contained in H.R. 1852 and the manager's amendment to the bill will help safeguard the entire progress. Inflated appraisals undercut the legitimacy of seller-financed down payment assistance.

Down payment assistance that is repaid from a seller's proceeds that derive from a borrower's ability to get a loan based on an inflated appraisal is no gift at all to the borrower. H.R. 1852 cracks down on such schemes, while preserving the field for legitimate down payment programs. Accordingly, I urge my colleagues to support this amendment.

Mr. GARY G. MILLER of California. Madam Chairman, I want to thank MAXINE WATERS for her kind comments. I remember when we were debating the American Dream Down Payment Assistance Act, and we used the private sector down payment assistance program as the tool and the argument to expand upon and have government also get involved. These private sector groups have put over 1 million people in homes that could not otherwise be in homes.

This continues a program that has worked very well and eliminates the bad actors that HUD is talking about. I think if this is implemented, this bill will be a very strong bill, and I ask for an "aye" vote.

Madam Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I claimed the time in opposition, but having listened to my two very persuasive colleagues, I have been converted and I now support this amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF NEW YORK

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110–330.

Mr. BISHOP of New York. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BISHOP of New York:

Page 35, after line 24, insert the following:

(2) in subsection (b)(4), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.".

Page 35, line 25, strike "(2)" and insert "(3)".

Page 36, line 7, strike "(3)" and insert "(4)".

Page 36, line 9, strike "(4)" and insert "(5)".

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Madam Chairman, let me start by thanking both Chairman FRANK and Chairwoman WATERS and their staffs for working with us on this amendment.

Very simply, my amendment would make it easier for those who owned fixed-foundation homes on leased land to receive a reverse mortgage. Current law allows seniors who own fixed-foundation homes on leased land to receive a reverse mortgage only if the lease is for a term of not less than 99 years or if the lease is for a period of not less than 10 years beyond the maturity of the mortgage. While this language covers some seniors, many elderly Americans who own a permanent-foundation home in a senior community where the land is leased are not covered by either of these two categories of leases.

My amendment would remove the provision in the bill that allows for a reverse mortgage if the lease term is for 10 years beyond the maturity of the mortgage and replace it with language that both clarifies and expands eligibility. Specifically, my amendment would broaden eligibility to seniors who have a lease term that ends no earlier than a minimum number of years beyond their actuarial life expectancy.

This amendment is a commonsense solution to a problem that affects many seniors, both in my district and across the country; and I urge its adoption.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Chairman, I did want to ask a question of the gentleman from New York. I have a concern about his amendment, only because it does not seem to me to go far enough.

One of the things we have tried very hard to do in our committee is to end what has been a kind of discrimination against manufactured housing, because if we are going to get to more people being able to own homes without getting into a subprime type of situation where people are induced to borrow more than they should, manufactured housing should be part of it.

The gentleman's amendment is properly, from his standpoint, addressed to a situation in his own district where fixed-foundation housing is involved. But my question here would be, and I realize it is under the rule not possible to change the amendment now, but I would have this question: If his amendment would be adopted, if as the process went forward some of us were able to work to expand this so it wasn't limited to fixed foundation, would the gentleman from New York have any objection to that?

And I will yield to him.

Mr. BISHOP of New York. I would have no objection. In fact, I would welcome it.

Mr. FRANK of Massachusetts. Madam Chairman, in the face of that degree of reasonableness, I withdraw my opposition.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110–330.

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HENSARLING:

Page 64, strike lines 6 through 13.

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, recently the Democrat majority in this institution sought to create yet another new government housing program, the Affordable Housing Fund. This is on top of the roughly 80 other programs that HUD administers for Housing and Urban Development. So, Madam Chairman, we are being asked today in the underlying bill to fund a new program, without terminating any of the other 80-some-odd programs that are presently on the books; although many have already achieved their mission, many are ineffective, many are duplicative and many are quite costly.

Madam Chairman, the so-called Affordable Housing Fund, as designed, will grant moneys to States for a variety of purposes. I know that the purposes are noble, but many of us believe that, unfortunately, this could become a de facto housing slush fund.

I furthermore note, as moneys are handed to the States, almost every State in our Union is presently running a surplus, yet we regrettably know the Federal Government continues to run a deficit. So how much sense does this make?

For those who tell us that the Federal housing function is underfunded, I might note that according to OMB, in a little over 10 years we have gone from $15.4 billion to $30 billion, roughly double. That rate is higher than the increase in veterans spending, education spending, energy spending, transportation spending, international affairs, and even Social Security over the same period.

Although the House has passed this ill-conceived program, there has been no Senate action. The President has signed no bill. So we are being asked, Madam Chairman, to fund a program that doesn't even exist, when hardworking Americans can't even fund the roughly 10,000 Federal programs that are already on the books.

My amendment is a simple one. It would remove this funding mechanism in this bill for the so-called Affordable Housing Fund. The funding mechanism shouldn't be in this bill. It has nothing to do with fundamentally reforming FHA. And the bill siphons money from the FHA through what I believe and many of us believe to be a back-door tax on the FHA premiums paid by 4.8 million families that are using FHA insurance. It does this by diverting part of the increase from a negative credit subsidy.

To try to speak English here, it appears that people are overpaying their premiums. If so, maybe that money ought to go back to the people who paid the premiums in the first place.

I know the creation of the fund has been a long-time goal for Chairman FRANK. I appreciate his sincerity, and I appreciate the nobility of his purpose and his ideological consistency. But the fact remains that this is a backdoor tax on low- and moderate-income Americans who use FHA.

This funding provision is unnecessary, it is unwise, it is unsound. The money ought to go back to the people who paid it. And if that is not the will of the House, it should at least, at least, be used for those who paid the premiums in the first place.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I rise to sincerely seek time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Thank you, Madam Chairman.

We have been debating this. It is a legitimate issue. We debated it when the gentleman from Georgia offered a version of it in the appropriations bill. We debated it previously. We debated a similar argument when we had the GSE bill.

The gentleman says there are 80 HUD programs and HUD money has gone up. The major reason the HUD funding has gone up, the single biggest one, has been in the section 8 rental program. There is a problem with section 8. Section 8 adds equity. But the current section 8 program provides rental assistance for 1 year at a time. No one can build affordable housing based on an annual grant. So what section 8 does, while it does provide some equity and I have been supportive of it, it increases the demand for housing without increasing the supply.

So in the current formation of Federal policies, the Federal Government puts upward pressure on rentals in the moderate- and low-income areas, because we give people billions of dollars to rent apartments in a way that does not lead to any construction.

This tries to make it a more balanced program. This and the GSE bill take money to begin the process of constructing affordable housing, which in the end could save us money, because it will then say that the rental levels which section 8 is driving up will no longer be driven up.

The gentleman says it is going to be a tax on the FHA. In fact, I hope the gentleman, given his concern about a tax on the people who get mortgage insurance from the FHA, will vote against the amendment to be offered by the gentlewoman from Illinois, because in this bill, unlike the gentlewoman's amendment, we have very tough restrictions on HUD's ability to raise the FHA fund unless it is necessary for solvency.

In a bipartisan basis last year, we wrote to them and we did it in the appropriations bill, because HUD was being told by OMB, not HUD, HUD made it very clear, this was an OMB directive, raise the FHA fees because FHA isn't contributing enough to the budget.

We put into our bill's restrictions, we have a restriction in our bill on the amount that can be charged for home equity mortgages by the originators. It is not in the gentlewoman from Illinois's amendment. We put caps on the FHA. So exactly the opposite is the case. And as far as this is concerned, the bill specifically says that no money can go to the Housing Trust Fund until the HUD Secretary has certified that the fund will be totally solvent and this will not endanger it.

The money that would go to affordable housing does not come from raising anybody's fee. It comes from an increase in volume. We capped the fees. I want to emphasize this. In the bill that we have, as opposed to the gentlewoman from Illinois's substitute, there are two separate restrictions on FHA's ability to raise fees that she doesn't have.

What we do is the law now says FHA can only do 65,000 home equity reverse mortgages a year. We say, no, there is no reason for that limit. We say do as many as the market will bear, with a restriction on what can be charged.

That is what generates the money. It is an increase in volume at a lower price to the consumer that generates the money; and if that increased volume and the lower price to the consumer results in there being a surplus that we can spend to build rental housing, as long as HUD certifies that that would not in any way require any increase in the FHA, we say, go ahead.

□ 1330

As to affordable housing, there is a severe crisis in rental housing in this country, and you had some of the people pushed into subprime situations because there wasn't enough rental housing. We think the Affordable Housing Trust Fund helps deal with that.

Madam Chairman, I reserve the balance of my time.

Mr. HENSARLING. Madam Chairman, I yield 1½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Chairman, I rise in support of this amendment, and I rise in opposition to the financing of an affordable housing fund.

I don't believe that this fund should be included in legislation to update and improve the Federal Housing Administration. I hope my colleagues will join me in opposing the underlying bill if this provision is included in the legislation.

In 2005, I offered an amendment in the Committee on Financial Services to strike the creation of an affordable housing fund. Part of this is philosophical, but ideas have consequences and bad ideas have bad consequences in the long run. As I said 2 years ago, this fund is straight out of central planning 101. It should not be supported by this body.

I think by now we should be able to agree that government housing grants do little to increase homeownership levels in this country. If these funds must be derived, they should be geared towards ensuring that the FHA remains solvent rather than supporting an experiment in socialism here.

Furthermore, this fund could not be proposed at a worse time, as we see the current spike in foreclosures in the subprime mortgage market, many of which are backed by the Federal Housing Administration. Homeownership rates improve when real interest rates are low and when consumer incomes are rising, are going up. I believe free market policies are the most effective way to generate those results, creeping towards socialism will not. This fund will waste resources and provide false hope for those who wish to increase homeownership.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 30 seconds to say that I appreciate the candor of the gentleman from California. He is against Federal programs that help build affordable housing; I understand that. By the way, this is not, of course, the old forms of public housing. This is going to be a private corporation.

But I would say to my friends on the other side, I don't think that you can argue both that we already have enough programs to do this and that we shouldn't have any at all. In fact, we do not now have programs that help build family affordable housing. We think in cooperation with the private sector, and the gentleman mentions the market, every private market entity, the Realtors, the home builders who are involved in construction in the private market, support the creation of the housing fund.

Mr. HENSARLING. Madam Chairman, either there is a surplus or there is not a surplus. It is really that simple. So now the question is if there is a surplus, what do you do with it. We believe that surplus ought to go back to the people who paid for it in the first place. And if it is not going to go back to them, it ought to serve them and it should ensure the solvency of this program, since we know Uncle Sam's track record on just about every other Federal insurance program is terrible. This should ensure the solvency of the program.

We do not need a funding mechanism for another housing program that does not exist on top of the 90, many of which are not working.

Madam Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I congratulate the gentleman's dexterity, on his ability to go 180 degrees opposite on his argument mid-amendment.

He started out saying we can't do this because it will jeopardize the FHA. We point out that in the bill that couldn't happen. This bill says this money cannot be used if it would in any way jeopardize an FHA situation. So he says okay, let's take the surplus and put it into the regular budget. That is a debate. Do we take surplus and put it into the budget to detract from other spending? I don't think so. I guess the question is this. If you take out an FHA mortgage and get mortgage insurance, and if our bill doesn't pass, .this administration will raise that fee to make more money, should that go to the war in Iraq and for contractors in Iraq who are wasting money? Or should it go to build affordable housing in our cities, because that is where the money is going. The money is not going to reduce the deficit; it is going to be wasted elsewhere.

What we say is this. We should be building affordable housing. Some Members say don't give money to the States. No, I think that is a very good way to go. I think the States and the localities are best able to respond, and I hope the amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. TIBERI

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110-330.

Mr. TIBERI. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TIBERI:

Page 17, strike lines 3 through 16 and insert the following:

"(I) AT APPLICATION.—At the time of application for the loan involved in the mortgage, a list of counseling agencies, approved by the Secretary, in the area of the applicant.".

Page 18, strike lines 20 through 22 and insert the following:

"(i) REQUIREMENT.—The Secretary shall require that the mortgagor shall".

Page 19, strike lines 4 through 5 and insert the following:

"(I) prior to closing for the loan involved in the mortgage;".

The CHAIRMAN. Pursuant to House Resolution 650, the gentleman from Ohio (Mr. TIBERI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TIBERI. Madam Chairman, I yield myself such time as I may consume.

I would like to thank Chairman FRANK and Chairman WATERS for their leadership on these issues. For the, last 6 years I had an opportunity to work with both in the Committee on Financial Services and Housing Subcommittee on very important issues. Unfortunately, I am no longer on the committee but the issues are still very important to me.

This amendment today is about empowering home buyers. It would require the Secretary of Housing and Urban Development to ensure high-risk borrowers and borrowers who are applying for zero down-payment loans to receive housing counsel. Under the current bill, the language allows the Secretary to provide counseling; this requires it.

Madam Chairman, as a former Realtor, I have seen firsthand the benefits, the joys, the importance of homeownership in America. However, given the current environment in our country, we need to make sure that there are safeguards put in place to protect homeowners to ensure fiscal responsible homeownership and guard against further default, bankruptcy and loss of home.

Buying a house today arguably is the most important and biggest investment in a person's life. Counseling, I have found, plays a very important role in empowering consumers, leveling the playing field, and making sure they have all of the right information to go into owning their own home.

In the past year, Ohio, California, Florida, Michigan and Georgia have comprised over half of our Nation's foreclosed homes. Recently Ohio, under the leadership of Governor Strickland, established the Ohio Foreclosure Prevention Task Force, which is comprised of various advocates and people in the housing community throughout the State.

In their report, they listed seven recommendations. One of those recommendations was to focus on expanding housing counseling services and making it available to everyone.

This amendment today only deals with two classes of borrowers: high-risk borrowers and those who are applying for zero-down loans under this legislation.

I believe it is very, very important, critically important, Madam Chairman, to make sure these borrowers understand the importance of homeownership, the responsibilities of homeownership. Madam Chairman, it is important because if we are going to take a bite out of this problem, and a bite is all this does today with this amendment because it only deals with those two types of borrowers, we need to make sure that every single borrower who is applying for a home under these two circumstances get all of the education that they need and deserve.

So I urge the adoption of this amendment. This is about empowering consumers, and I hope the House supports the amendment.

Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlewoman from Illinois is recognized for 5 minutes.

Mrs. BIGGERT. Madam Chairman, I have some concerns about what we would call unintended consequences. I am a big supporter of financial literacy, and I chair the caucus. It is so important home buyers know what they are getting into, and I think that counseling is very important. I think that if we have an educated home buyer, we might not see so many of these foreclosures or near foreclosures or bankruptcy with the counseling.

My concern is the mandatory counseling for FHA, and only because of something that has happened in Illinois, that happened in Chicago when this mandatory counseling was put in for FHA mortgages.

What happened was that the lenders withdrew from the area. It was put in first by a ZIP Code in the city of Chicago and then put in for all of Cook County. The lenders withdrew from the area so there were no mortgages or very few available for those in that area because they weren't able to get the counseling that was needed in time to get the mortgages.

It takes time for counseling, and I know that you put in, and I think this would help, is that people could get counseling on the Internet. I think it is a very important thing. I just worry about when it is mandatory that we are going to have less availability of FHA involvement than when it is discretionary as in the bill.

I think that it makes FHA less attractive. If you are a prospective home buyer and one lender, a non-FHA, offers to put you into a mortgage that day while the FHA loan requires you to go through a counseling course, which will you pick? People will leave FHA, and we don't want that to happen. I know it is important that we have counseling and get people into this type of loan. The whole thing is, FHA is much better than the more exotic subprime loans, and that is the whole focus of this bill. I would hope that we can promote FHA, and I hope as this amendment moves forward, we can take a look at.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would say to my friend from Ohio, and we have worked together on a lot of things, I understand his purpose is a good one, but I share some of the concerns of the gentlewoman from Illinois.

I hope the gentleman understands that if this becomes part of the bill, as I believe it will, we haven't had a chance to consult with the FHA. We would like their advice. We could wind up strengthening the urging but allow for some exception. I would hope as we went forward the gentleman could work with us on doing that.

Mr. TIBERI. Would the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Ohio.

Mr. TIBERI. Yes, I think we can take a look at the best of what is happening in Ohio right now. We are doing some pretty innovative things. I am sure in Massachusetts and Illinois there is some innovation going on as well.

The intent at the end of the day is to help the borrower and level the playing field. And so yes, I would be happy to work with the committee.

Mr. FRANK of Massachusetts. If the gentlewoman would continue to yield, there are some differences that we have of an ideological sort. There are a lot of general areas of agreement. Mr. Montgomery, the head of the FHA, has been, I think, a responsible and thoughtful administrator of the program. We have a common interest in this, and I would look forward to having him in on this conversation with us, and I think we can move in that direction with some of the flexibility that the gentlewoman asked for.

Mrs. BIGGERT. Madam Chairman, with that, I withdraw my objection, and I yield back the balance of my time.

Mr. TIBERI. Madam Chairman, I yield myself the balance of my time.

I thank the chairman and the gentlewoman from Illinois. Just a point of clarification: Some of the things that are happening now in Ohio is you have online counseling that is taking place for people that don't have access maybe in person to a counselor. So there is room to grow here, Chairman FRANK and Mrs. BIGGERT.

I think we have an opportunity to empower consumers and look forward to working with both of you. I urge adoption of this amendment, and urge passage of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TIBERI).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MRS. BIGGERT

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–330.

Mrs. BIGGERT. Madam Chairman; I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. BIGGERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Expanding American Homeownership Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Maximum principal loan obligation.
Sec. 4. Extension of mortgage term.
Sec. 5. Cash investment requirement.
Sec. 6. Temporary reinstatement of downpayment requirement in event of increased defaults.
Sec. 7. Mortgage insurance premiums.
Sec. 8. Rehabilitation loans.
Sec. 9. Discretionary action.
Sec. 10. Insurance of condominiums.
Sec. 11. Mutual Mortgage Insurance Fund.
Sec. 12. Hawaiian home lands and Indian reservations.
Sec. 13. Conforming and technical amendments.
Sec. 14. Home equity conversion mortgages.
Sec. 15. Conforming loan limit in disaster areas.
Sec. 16. Participation of mortgage brokers and correspondent lenders.
Sec. 17. Sense of Congress regarding technology for financial systems.
Sec. 18. Savings provision.
Sec. 19. Implementation.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) one of the primary missions of the Federal Housing Administration (FHA) single family mortgage insurance program is to reach borrowers who are underserved, or not served, by the existing conventional mortgage marketplace;

(2) the FHA program has a long history of innovation, which includes pioneering the 30-year self-amortizing mortgage and a safe-to-seniors reverse mortgage product, both of which were once thought too risky to private lenders;

(3) the FHA single family mortgage insurance program traditionally has been a major provider of mortgage insurance for home purchases;

(4) the FHA mortgage insurance premium structure, as well as FHA's product offerings, should be revised to reflect FHA's enhanced ability to determine risk at the loan level and to allow FHA to better respond to changes in the mortgage market;

(5) during past recessions, including the oil-patch downturns in the mid-1980s, FHA remained a viable credit enhancer and was therefore instrumental in preventing a more catastrophic collapse in housing markets and a greater loss of homeowner equity; and

(6) as housing price appreciation slows and interest rates rise, many homeowners and prospective homebuyers will need the less-expensive, safer financing alternative that FHA mortgage insurance provides.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide flexibility to FHA to allow for the insurance of housing loans for low- and moderate-income homebuyers during all economic cycles in the mortgage market;

(2) to modernize the FHA single family mortgage insurance program by making it more reflective of enhancements to loan-level risk assessments and changes to the mortgage market; and

(3) to adjust the loan limits for the single family mortgage insurance program to reflect rising house prices and the increased costs associated with new construction.

SEC. 3. MAXIMUM PRINCIPAL LOAN OBLIGATION.

Paragraph (2) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect under section 305(a)(2) of the Federal Home Loan Mortgage

Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect under such section for a 1-family residence; or

"(ii) the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size;

except that the dollar amount limitation in effect for any area under this subparagraph may not be less than the greater of (I) the dollar amount limitation in effect under this section for the area on October 21, 1998, or (II) 65 percent of the dollar limitation determined under such section 305(a)(2) for a residence of the applicable size; and

"(B) not to exceed the appraised value of the property, plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.";

(2) in the matter after and below subparagraph (B), by striking the second sentence (relating to a definition of "average closing cost") and all that follows through "title 38, United States Code"; and

(3) by striking the last undesignated paragraph (relating to counseling with respect to the responsibilities and financial management involved in homeownership).

SEC. 4. EXTENSION OF MORTGAGE TERM.

Paragraph (3) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(3)) is amended—

(1) by striking "thirty-five years" and inserting "forty years"; and

(2) by striking "(or thirty years if such mortgage is not approved for insurance prior to construction)".

SEC. 5. CASH INVESTMENT REQUIREMENT.

Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended by striking the paragraph designation and all that follows through "*Provided further*, That for" and inserting the following:

"(9) Be executed by a mortgagor who shall have paid on account of the property, in cash or its equivalent, an amount, if any, as the Secretary may determine based on factors determined by the Secretary and commensurate with the likelihood of default. For".

SEC. 6. TEMPORARY REINSTATEMENT OF DOWNPAYMENT REQUIREMENT IN EVENT OF INCREASED DEFAULTS.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

"(10) EFFECT OF INCREASED DEFAULTS.—

"(A) ANNUAL DETERMINATION.—If, for any calendar year described in subparagraph (B)(i), the Secretary determines, pursuant such subparagraph, that—

"(i) the ratio of the number of mortgage insurance claims made during such calendar year on mortgages insured under this section to the total number of mortgages having such insurance in force during such calendar year exceeds, by 25 percent or more, such ratio for the 12-month period ending on the effective date of this Act, or

"(ii) the ratio of the aggregate remaining principal obligation under mortgages insured under this section for which an insurance claim is made during such calendar year to the average, for such calendar year, of the aggregate outstanding principal obligation under mortgages so insured exceeds, by 25 percent or more, such ratio for the 12-month period ending on such effective date,

during the 90-day period beginning upon the submission of the report for such calendar year under subparagraph (B)(ii) containing such determination, the Secretary may insure a mortgage under this section only pursuant to the requirement under subparagraph (C), and the Secretary shall, not later than 60 days after submission of the report containing such determination, submit a report to the Congress under subparagraph (D) regarding mortgage insurance claims during such calendar year.

"(B) 5 YEARS OF ANNUAL DETERMINATIONS.—

"(i) IN GENERAL.—The Secretary shall, for each of the 5 calendar years commencing after the date of the enactment of this Act, compare the ratios referred to in subparagraph (A) and make a determination under such subparagraph.

"(ii) ANNUAL REPORT ON DEFAULTS.—Not later than 90 days after the conclusion of each of the calendar years described in clause (i), the Secretary shall submit a report to the Congress containing the determination of the Secretary under such clause with respect to such calendar year and setting forth the ratios referred to in such clause for such calendar year.

"(C) REINSTATEMENT OF DOWNPAYMENT REQUIREMENT.—The requirement under this subparagraph is that paragraph (9) of this subsection shall apply as such paragraph was in effect on the day before the effective date of the Expanding American Homeownership Act of 2007.

"(D) REPORTS REGARDING INCREASED DEFAULT RATE.—A report under this subparagraph, as required under subparagraph (A), shall contain—

"(i) an analysis of mortgage insurance claims, made during the calendar year for which the report is submitted, on mortgages insured under this section;

"(ii) an analysis of the reasons for the increase during such calendar year in the applicable ratio or ratios under subparagraph (A), including an analysis of the extent to which such increase is attributable to the amendments made by the Expanding American Homeownership Act of 2007;

"(iii) the effect of such increase on the Mutual Mortgage Insurance Fund;

"(iv) recommendations regarding—

"(I) whether the Congress should, to respond to such increase, take legislative action (aa) to apply paragraph (9) of this subsection as such paragraph was in effect on the day before the effective date of Expanding American Homeownership Act of 2007, (bb) to apply paragraph (2)(A)(ii) by substituting '87 percent of the dollar amount limitation' for 'the dollar amount limitation', or (cc) both; and

"(II) whether such provisions should be temporary or permanent, and, if temporary, the period during which such provisions should apply; and

"(v) recommendations regarding any other administrative, regulatory, legislative, or other actions that should be taken to respond to such increase.

"(E) DEFAULTS IN DISASTER AREAS NOT COUNTED FOR 24 MONTHS.—In determining the number of mortgage insurance claims made and the aggregate remaining principal obligation under mortgages for which an insurance claim is made for purposes of subparagraph (A) for any calendar year, the Secretary shall not take into consideration any claim made during such period on a mortgage on any property that is located in an area for which a major disaster was declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act if such claim was made during the 24-month period beginning upon such declaration.".

SEC. 7. MORTGAGE INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking "Notwithstanding" and inserting "Except as provided in paragraph (3) and notwithstanding"; and

(2) by adding at the end the following new paragraph:

"(3) FLEXIBLE RISK-BASED PREMIUMS.—

"(A) IN GENERAL.—For any mortgage insured by the Secretary under this title that is secured by a 1- to 4-family dwelling and for which the loan application is received by the mortgagee on or after October 1, 2007, the Secretary may establish a mortgage insurance premium structure involving a single premium payment collected prior to the insurance of the mortgage or annual payments (which may be collected on a periodic basis), or both, subject to the limitations in subparagraphs (B) and (C). The rate of premium for such a mortgage may vary during the mortgage term as long as the basis for determining the variable rate is established before the execution of the mortgage. The Secretary may change a premium structure established under this subparagraph but only to the extent that such change is not applied to any mortgage already executed.

"(B) MAXIMUM UP-FRONT PREMIUM AMOUNTS.—For any mortgage insured under a premium structure established pursuant to this paragraph, the amount of any single premium payment authorized by subparagraph (A), if established and collected prior to the insurance of the mortgage, may not exceed the following amount:

"(i) Except as provided in clauses (ii) and (iii), 3.0 percent of the amount of the original insured principal obligation of the mortgage.

"(ii) If the mortgagor has a credit score equivalent to a FICO score of 560 or more and has paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured), 2.25 percent of the original insured principal obligation of the mortgage.

"(iii) If the annual premium payment is equal to the maximum amount allowable under clause (i) of subparagraph (C), 1.5 percent of the amount of the original insured principal obligation of the mortgage.

"(C) MAXIMUM ANNUAL PREMIUM AMOUNTS.—For any mortgage insured under a premium structure established pursuant to this paragraph, the amount of any annual premium payment collected may not exceed the following amount:

"(i) Except as provided in clauses (ii) and (iii), 2.0 percent of the remaining insured principal obligation of the mortgage.

"(ii) If the mortgagor is a mortgagor described in clause (ii) of subparagraph (B), 0.55 percent of the remaining insured principal obligation of the mortgage.

"(iii) If the single premium payment collected at the time of insurance is equal to maximum amount allowable under clause (i) of subparagraph (B), 1.0 percent of the remaining insured principal obligation of the mortgage.

"(D) PAYMENT INCENTIVE.—Notwithstanding subparagraph (C), for any mortgage insured under a premium structure established pursuant to this paragraph and for which the annual premium payment exceeds the amount set forth in subparagraph (C)(ii), if during the 5-year period beginning upon the time of insurance all mortgage insurance premiums for such mortgage have been paid on a timely basis, upon the expiration of such period the Secretary shall reduce the amount of the annual premium payments due thereafter under such mortgage to an amount equal to the amount set forth in subparagraph (C)(ii).

"(E) ESTABLISHMENT AND ALTERATION OF PREMIUM STRUCTURE.—A premium structure shall be established or changed under subparagraph (A) only by providing notice to mortgagees and to the Congress, at least 30 days before the premium structure is established or changed.

"(F) CONSIDERATIONS FOR PREMIUM STRUCTURE.—When establishing a premium structure under subparagraph (A) or when changing such a premium structure, the Secretary shall consider the following:

"(i) The effect of the proposed premium structure on the Secretary's ability to meet the operational goals of the Mutual Mortgage Insurance Fund as provided in section 202(a).

"(ii) Underwriting variables.

"(iii) The extent to which new pricing under the proposed premium structure has potential for acceptance in the private market.

"(iv) The administrative capability of the Secretary to administer the proposed premium structure.

"(v) The effect of the proposed premium structure on the Secretary's ability to maintain the availability of mortgage credit and provide stability to mortgage markets.".

SEC. 8. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking "on" and all that follows through "1978"; and

(2) in paragraph (5)—

(A) by striking "General Insurance Fund" the first place it appears and inserting "Mutual Mortgage Insurance Fund"; and

(B) in the second sentence, by striking the comma and all that follows through "General Insurance Fund".

SEC. 9. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking "section 202(e) of the National Housing Act" and inserting "this subsection"; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

"(4) the Secretary of Agriculture;"; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 10. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking "and" before "(2)"; and

(ii) by inserting before the period at the end the following: ", and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)"; and

(B) in clause (B) of the third sentence, by striking "thirty-five years" and inserting "forty years"; and

(2) in subsection (g), by striking ", except that" and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) in clause (1), by striking "or" and inserting a comma; and

(2) by inserting before the semicolon the following: ", or (c) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, a one-family unit in a multifamily project, including a project in which the dwelling units are attached, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project".

SEC. 11. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

"(a) MUTUAL MORTGAGE INSURANCE FUND.—

"(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

"(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

"(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

"(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

"(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each quarter, which shall specify for mortgages that are obligations of the Fund—

"(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

"(B) the types of loans insured, categorized by risk;

"(C) any significant changes between actual and projected claim and prepayment activity;

"(D) projected versus actual loss rates; and

"(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained. The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or upon the expiration of the 90-day period beginning on the date of the enactment of the Expanding American Homeownership Act of 2007, whichever is later.

"(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (5), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (8) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under section 203 as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

"(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

"(A) to charge borrowers under loans that are obligations of the Fund an appropriate premium for the risk that such loans pose to the Fund;

"(B) to minimize the default risk to the Fund and to homeowners;

"(C) to curtail the impact of adverse selection on the Fund; and

"(D) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.".

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking "Notwithstanding section 202 of this title, the" and inserting "The"; and

(B) by striking "General Insurance Fund" the first place such term appears and all that follows and inserting "Mutual Mortgage Insurance Fund.".

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking "General Insurance Fund" and inserting "Mutual Mortgage Insurance Fund".

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking "203(b)" and all that follows through "203(i)" and inserting "203, except as determined by the Secretary".

SEC. 12. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) by striking "General Insurance Fund established in section 519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13) is amended—

(1) by striking "General Insurance Fund" the first place it appears through "519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

SEC. 13. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking "shall" and all that follows and inserting "means a metropolitan statistical area as established by the Office of Management and Budget;".

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Commonwealth of the Northern Mariana Islands".

SEC. 14. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(2) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation"; and

(3) by adding at the end the following new subsection:

"(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1- to 4-family dwelling in which the mortgagor will occupy or occupies one of the units.

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) STUDY REGARDING MORTGAGE INSURANCE PREMIUMS.—The Secretary of Housing and Urban Development shall conduct a study regarding mortgage insurance premiums charged under the program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) for insurance of home equity conversion mortgages to analyze and determine—

(1) the effects of reducing the amounts of such premiums from the amounts charged as of the date of the enactment of this Act on—

(A) costs to mortgagors; and

(B) the financial soundness of the program; and

(2) the feasibility and effectiveness of exempting, from all the requirements under the program regarding payment of mortgage insurance premiums (including both up-front or annual mortgage insurance premiums under section 203(c)(2) of such Act), any mortgage insured under the program under which part or all of the amount of future payments made to the homeowner are used for costs of a long-term care insurance contract covering the mortgagor or members of the household residing in the mortgaged property.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the results and conclusions of the study.

SEC. 15. CONFORMING LOAN LIMIT IN DISASTER AREAS.

Section 203(h) of the National Housing Act (12 U.S.C. 1709) is amended—

(1) by inserting after "property" the following: "plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary,";

(2) by striking the second sentence (as added by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211; 108 Stat. 12)); and

(3) by adding at the end the following new sentence: "In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 36 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, and not in excess of 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.".

SEC. 16. PARTICIPATION OF MORTGAGE BROKERS AND CORRESPONDENT LENDERS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended—

(A) by striking "As used in section 203 of this title—" and inserting "As used in this title and for purposes of participation in insurance programs under this title, except as specifically provided otherwise, the following definitions shall apply:";

(B) by striking subsection (b) and inserting the following:

"(2) The term 'mortgagee' means any of the following entities, and its successors and assigns, to the extent such entity is approved by the Secretary:

"(A) A lender or correspondent lender, who—

"(i) makes, underwrites, and services mortgages;

"(ii) submits to the Secretary such financial audits performed in accordance with the standards for financial audits of the Government Auditing Standards issued by the Comptroller of the United States;

"(iii) meet the minimum net worth requirement that the Secretary shall establish; and

"(iv) complies with such other requirements as the Secretary may establish.

"(B) A correspondent lender who—

"(i) closes a mortgage in its name but does not underwrite or service the mortgage;

"(ii) posts a surety bond, in lieu of any requirement to provide audited financial statements or meet a minimum net worth requirement, in—

"(I) a form satisfactory to the Secretary; and

"(II) an amount of $75,000, as such amount is adjusted annually by the Secretary (as determined under regulations of the Secretary) by the change for such year in the Consumer Price Index for All Urban Consumers published monthly by the Bureau of Labor Statistics of the Department of Labor; and

"(iii) complies with such other requirements as the Secretary may establish.

"(C) A mortgage broker who—

"(i) closes the mortgage in the name of the lender and does not make, underwrite, or service the mortgage;

"(ii) is licensed, under the laws of the State in which the property that is subject to the mortgage is located, to act as a mortgage broker in such State;

"(iii) posts a surety bond in accordance with the requirements of subparagraph (B)(ii); and

"(iv) complies with such other requirements as the Secretary may establish.

"(3) The term 'mortgagor' includes the original borrower under a mortgage and the successors and assigns of the original borrower.";

(C) in subsection (a), by redesignating clauses (1) and (2) as clauses (A) and (B) respectively; and

(D) by redesignating subsections (a), (c), (d), (e), and (f) as paragraphs (1), (4), (5), (6), and (7), respectively, and realigning such paragraphs two ems from the left margin.

(2) MORTGAGEE REVIEW.—Section 202(c)(7) of the National Housing Act (12 U.S.C. 1708(c)(7)) is amended—

(A) in subparagraph (A), by inserting ", as defined in section 201," after "mortgagee";

(B) by striking subparagraph (B); and

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(3) MULTIFAMILY RENTAL HOUSING INSURANCE.—Section 207(a)(2) of the National Housing Act (12 U.S.C. 1713(a)(2)) is amended by striking "means the original lender under a mortgage, and its successors and assigns, and" and inserting "has the meaning given such term in section 201, except that such term also".

(4) WAR HOUSING INSURANCE.—Section 601(b) of the National Housing Act (12 U.S.C. 1736(b)) is amended by striking "includes the original lender under a mortgage, and his successors and assigns approved by the Secretary" and inserting "has the meaning given such term in section 201".

(5) ARMED SERVICES HOUSING MORTGAGE INSURANCE.—Section 801(b) of the National Housing Act (12 U.S.C. 1748(b)) is amended by striking "includes the original lender under a mortgage, and his successors and assigns approved by the Secretary" and inserting "has the meaning given such term in section 201".

(6) GROUP PRACTICE FACILITIES MORTGAGE INSURANCE.—Section 1106(8) of the National Housing Act (12 U.S.C. 1749aaa–5(8)) is amended by striking "means the original lender under a mortgage, and his or its successors and assigns, and" and inserting "has the meaning given such term in section 201, except that such term also".

(b) ELIGIBILITY FOR INSURANCE.—

(1) TITLE I.—Paragraph (1) of section 8(b) of the National Housing Act (12 U.S.C. 1706c(b)(1)) is amended—

(A) by striking ", and be held by,"; and

(B) by striking "as responsible and able to service the mortgage properly".

(2) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(1)) is amended—

(A) by striking ", and be held by,"; and

(B) by striking "as responsible and able to service the mortgage properly".

(3) SECTION 221 MORTGAGE INSURANCE.—Paragraph (1) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)(1)) is amended—

(A) by striking " and be held by"; and

(B) by striking "as responsible and able to service the mortgage properly".

(4) HOME EQUITY CONVERSION MORTGAGE INSURANCE.—Paragraph (1) of section 255(d) of the National Housing Act (12 U.S.C. 1715z-20(d)(1)) is amended by striking "as responsible and able to service the mortgage properly".

(5) WAR HOUSING MORTGAGE INSURANCE.—Paragraph (1) of section 603(b) of the National Housing Act (12 U.S.C. 1738(b)(1)) is amended—

(A) by striking ", and be held by,"; and

(B) by striking "as responsible and able to service the mortgage properly".

(6) WAR HOUSING MORTGAGE INSURANCE FOR LARGE-SCALE HOUSING PROJECTS.—Paragraph (1) of section 611(b) of the National Housing Act (12 U.S.C. 1746(b)(1)) is amended—

(A) by striking " and be held by"; and

(B) by striking "as responsible and able to service the mortgage properly".

(7) GROUP PRACTICE FACILITY MORTGAGE INSURANCE.—Section 1101(b)(2) of the National Housing Act (12 U.S.C. 1749aaa(b)(2)) is amended—

(A) by striking " and held by"; and

(B) by striking "as responsible and able to service the mortgage properly".

(8) NATIONAL DEFENSE HOUSING INSURANCE.—Paragraph (1) of section 903(b) of the National Housing Act (12 U.S.C. 1750b(b)(1)) is amended—

(A) by striking ", and be held by,"; and

(B) by striking "as responsible and able to service the mortgage properly".

SEC. 17. SENSE OF CONGRESS REGARDING TECHNOLOGY FOR FINANCIAL SYSTEMS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) The Government Accountability Office has cited the FHA single family housing mortgage insurance program as a "high-risk" program, with a primary reason being non-integrated and out-dated financial management systems.

(2) The "Audit of the Federal Housing Administration's Financial Statements for Fiscal Years 2004 and 2003", conducted by the Inspector General of the Department of Housing and Urban Development reported as a material weakness that "HUD/FHA's automated data processing [ADP] system environment must be enhanced to more effectively support FHA's business and budget processes".

(3) Existing technology systems for the FHA program have not been updated to meet the latest standards of the Mortgage Industry Standards Maintenance Organization and have numerous deficiencies that lenders have outlined.

(4) Improvements to technology used in the FHA program will—

(A) allow the FHA program to improve the management of the FHA portfolio, garner greater efficiencies in its operations, and lower costs across the program;

(B) result in efficiencies and lower costs for lenders participating in the program, allowing them to better use the FHA products in extending homeownership opportunities to higher credit risk or lower-income families, in a sound manner.

(5) The Mutual Mortgage Insurance Fund operates without cost to the taxpayers and generates revenues for the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of Housing and Urban Development should use a portion of the funds received from premiums paid for FHA single family housing mortgage insurance that are in excess of the amounts paid out in claims to substantially increase the funding for technology used in such FHA program;

(2) the goal of this investment should be to bring the technology used in such FHA program to the level and sophistication of the technology used in the conventional mortgage lending market, or to exceed such level; and

(3) the Secretary of Housing and Urban Development should report to the Congress not later than 180 days after the date of the enactment of this Act regarding the progress the Department is making toward such goal and if progress is not sufficient, the resources needed to make greater progress.

SEC. 18. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this Act shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this Act.

SEC. 19. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this Act. The notice shall take effect upon issuance.

The CHAIRMAN. Pursuant to House Resolution 650, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

The Chair recognizes the gentlewoman from Illinois.

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Mrs. BIGGERT. Madam Chairman, I yield myself such time as I may consume.

My amendment strikes the bill in its entirety and inserts language that is identical to last year's bipartisan FHA modernization bill, H.R. 5121. Last year the bill had 54 Republicans, 51 Democrats, and onel Independent cosponsor. Last year the bill was the bipartisan compromise that was agreed to by Chairman WATERS and Chairman FRANK and then chairman Mike Oxley. Last year's bill passed the House by a vote of 415–7 on July 25, 2006.

There are differences in the bills. This amendment, last year's bipartisan bill, I would like to highlight a couple of important differences. The Frank-Waters bill authorizes the FHA to implement risk-based pricing, but leaves in place the current, I think, outdated premium caps. My concern is that these limits on the premium caps will prevent FHA from serving riskier borrowers who could be prudently served by charging a slightly higher premium.

With the flexibility to charge slightly higher premiums, FHA would be able to serve borrowers with lower FICO scores who are currently being served only by the subprime market at very high interest rates. Just like last year's bipartisan House-passed bill, my amendment modernizes and updates premium caps, enabling FHA to reach down and serve riskier borrowers, but in a prudent manner. I think this is where growth comes in, because there will be more loans that FHA will be able to make.

Second, the Frank-Waters bill requires the refund of excess upfront premiums charged to higher-risk borrowers, those with FICO scores below 560. I am concerned that this new provision may treat your higher initial premiums and unintentionally limit the number of borrowers that could be served by FHA.

A refund provision also would be difficult to implement. Perhaps most importantly, refunds like this undercut the very concept of insurance. It is the logical equivalent of a healthy person requesting a 100 percent refund of his or her health insurance premium, or a driver who doesn't get into an accident demanding all of his car insurance back.

Just like last year's House-passed bill, my amendment includes another bipartisan agreement, the automatic reduction of annual premiums to no more than 55 base points for loans, and remains active after 5 years. Automatic premium reductions can be a good thing. They can reduce refinancing and perhaps some defaults and foreclosures as well.

Finally, the most significant difference between the bill I have introduced and the Frank-Waters FHA reform proposal, which has been of great concern to me and many of my colleagues, is the inclusion of a provision that creates a funding placeholder that you have heard talked about so much today that siphons off the FHA funds to create a brand-new government trust fund.

The other provisions that I mentioned are ones that represent significant differences between our introduced bills. Using FHA program funds to create a housing trust fund, to me, is where we have the most difference, and I believe it is not an appropriate use of FHA funds. Taking funds out of FHA and using them for a purpose unrelated to its core mission would threaten the solvency of the FHA fund and its ability to pay out the insurance claims. We don't want to have to come back here and do a bailout because FHA funds were diverted for other projects.

There is general agreement on the need for FHA modernization legislation. By modernizing FHA with my amendment, we can expand FHA and give a viable alternative to more low-income borrowers who may otherwise lose their home or be forced into the higher-cost subprime loans, or even predatory products. It is true that FHA cannot help all homeowners that are in the red, but it may help a good portion of them.

I would urge my colleagues to support my amendment, last year's bipartisan bill, the House-passed bill that many of my colleagues supported last year.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 3 minutes.

The gentlewoman, incredibly, says this will jeopardize the solvency of the fund if we put money into affordable housing. I thought reading was one of the basic things we did around here. In the bill it says nothing can go to the Affordable Housing Fund if it would jeopardize solvency. Simply denying plain facts is not an appropriate way to debate.

In much of her argument she talks about another piece that represents the difference between us. We say that if you are someone with a weaker credible, a lower FICO score, the great god, FICO, that governs the lives of lower-income people, if you get your mortgage insured and you work hard and make all your payments, you should still be charged more than the gentlewoman from Illinois or I would be charged for a mortgage, because that is the insurance principle.

It is an appropriate principle for a private insurance company. For the Federal Government to say to hard-working people who are making their payments that they will be held accountable for the fact that other people didn't make their payments, and I won't be and the gentlewoman from Illinois wouldn't be, that is not appropriate.

So this principle of, yes, they say if you are healthy, you shouldn't get your money back, if you work hard and make your mortgage payments, why should you be charged more because somebody else like you defaulted? Let's all share that burden.

The gentlewoman said, well, it will be hard to give lower-income people loans. Those are crocodile tears. You are going to help these lower-income people by making them pay more for their mortgage than we would pay.

I would also note, and I wasn't in charge of the drafting, but we did adopt several amendments today. The gentlewoman's amendment would, of course, wipe all of them out because it would go back to last year's bill.

I understand there is regret on the part of many of my colleagues at the results of last November's election, and it is appropriate to try to undue last year's election. The appropriate time to do that is in next November's election, not by bills that passed a year ago with a differently constructed House and say let's not make any changes.

We made changes to accommodate refinancing for people caught in the subprime crisis. That is in this bill. It is not in the gentlewoman's substitute. Taking a year-old bill, with none of the improvements we have made, it goes beyond the philosophy.

Now, I understand Members don't want to do an affordable housing fund. That was the gentleman from Texas's amendment. I oppose it. That one makes some sense in terms of ideological division. But to say let's ignore everything that has happened in the last year, amendments adopted here today, several amendments by Members of both parties, the gentleman from California (Mr. GARY G. MILLER); the gentleman from Ohio (Mr. TIBERI); the gentleman from Massachusetts (Mr. TIERNEY); the gentleman from New York (Mr. BISHOP). We adopted their amendments. The gentlewoman wants to wipe them out. That is not an appropriate way to legislate.

I hope that the amendment is defeated, that we do not say in particular that if you are someone in a lower-income category and you make your mortgage payments, the Federal Government will charge you more.

Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, we could have passed this bill 9 months ago, and then we would have added on to it. Unfortunately, this is my opportunity to do it, and this is the bill that I have had. I bring it up now.

As I said before, there are good things that have come out in the discussion today; there are some good things that have been added onto the bill that you have brought forward. The reason for bringing this up is I have some real concerns about some of the things that are in there, and this is my opportunity.

I don't think that we are penalizing low-income people that much. I know that in the discussion that we had in committee when this came up about no down payment, there are people that can't afford a mortgage with no down payment and can meet the monthly payments, but there was no risk with those people, no premium for FHA to ensure that kind of mortgage.

That isn't fair for other people that based on their credit scores are having to pay a premium. I would just disagree. If you are able to always meet those, then the risk should be dependent on what you do, not what somebody else does either. I would agree with that.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I think the gentlewoman confused a couple of issues. When I talk about not charging someone more because she has a lower credit score, and it is often a "she" that is in that category, it is not the no-down-payment category. What the bill does that the gentlewoman has is to say if you are someone with a lower credit score and get a loan with a down payment, you get charged more even if you make your payments.

By the way, the bill that she would replace with last year's bill would also knock out several protections we have in this bill against FHA fees being raised. The FHA doesn't want to raise fees. OMB has ordered FHA to try to raise fees. Congress has had to intervene.

There are in our version, unlike the version the gentlewoman is offering, protections against fee increases. We have an amendment that was advocated by the gentlewoman from Florida, Ms. GINNY BROWN-WAITE, and the gentleman from Georgia, Mr. MARSHALL, to limit the amount that can be charged to older people taking out reverse equity mortgages. That is in the bill that the gentlewoman wants to displace, and she would displace it with a bill that has no such protection for older people.

Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, just because someone is low income does not mean that they have poor credit. I think that is not where they are going to have to pay higher premiums, necessarily. It is inevitable in an insurance fund that lower-risk borrowers will subsidize higher-risk borrowers. Refunds of the nature that is in your bill would undercut the concept of insurance, as I said before, being the equivalent of a healthy person requiring a percent refund of his or her insurance premium, or a driver that does not get into an accident requiring their insurance back.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts has 6 minutes remaining. The gentlewoman from Illinois has 3 minutes remaining.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 3 minutes.

The gentlewoman has quite honestly joined this one issue. She says it is the principle of insurance. If you are healthy, you should pay less for insurance than if you are sick. That is not the principle we follow in the Federal Government. That is the point the gentlewoman misses.

Yes, if you go to a private company, they will do that. You don't pay more in a Medicare premium if you are sick than if you are healthy. That is apparently what the gentlewoman is advocating, that senior citizens who are sick should pay more premiums than senior citizens who are healthy.

The question is whether a principle that is necessary in a private insurance scheme is appropriate for the Federal Government. She says just because you are low income doesn't mean you have poor credit. True. Not in every case. She knows there is a correlation; that the weaker the credit, the likely the people are to have low income. She, again, is saying explicitly that she believes, and she doesn't deny it, that it is the principle of insurance.

You are a working woman making in the forties, you get FHA insurance, you make all your payments, and you have got weaker credit than somebody who serves in Congress and makes $180,000 a year. You have to pay more, according to the gentlewoman, than I would pay, even if you made all your payments.

What we are saying is at the outset it may be that you want to charge more. Yes, we will give FHA the ability to do that upfront. But you can earn your way out of that. If you have weaker credit, but you work hard, you are diligent and you make your payments, why should the Federal Government charge you more than someone far wealthier than you?

The gentlewoman is wrong to think that is the precedent. In the health insurance field and the Federal Government field, if you are under Medicare, you don't pay more in Medicare premiums if you were sick than if you were healthy. This is what we are saying, that you should not charge people more.

I would also point out, again, that she said we don't want to raise fees to people. Our bill limits what the FHA can be forced to charge by OMB. We have three separate provisions. I will point out again to the gentlewoman, we adopted a provision, there were negotiations between AARP and the originators of the home equity mortgages, the services, and we have in there a reduction, we put a cap on. We cut by one-third the maximum fee elderly people can be charged for an FHA-insured home mortgage.

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We reduced the fee that elderly people can be charged by one-third. The gentlewoman's amendment, it is not her fault, she is not gratuitously trying to hurt older people; she just picked up this old amendment from a year ago, this old bill, and offered it without taking into account the progress we have made. That is not a good way to legislate.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, looking at the two bills, let's look at flexibility risk-based premiums. H.R. 1752 permits upfront or annual premiums or both. Premium rates may vary over loan term if basis for change is determined at origination.

Under your bill, the same: requires annual report on risk-based premiums and how they were determined, authorizes premiums based on product risk.

The maximum upfront premium amounts, H.R. 1752: 3 percent, or 1.5 percent if annual premium is at its maximum. Under your bill, 2.25 percent for standard-risk and higher-risk mortgages, 3.0 for zero and lower down mortgages for first-time buyers. And then the maximum annual premium amounts in H.R. 1752, 2.0, or 1.0 if upfront premium is at its maximum. Under yours, 0.55 percent for standard and high-risk mortgages, 0.75 for zero down mortgages. And then the limit on premium charged for certain mortgages. If a borrower has 3 percent cash contribution and a score of 560 or more, the upfront premium is limited to 2.25 percent and the annual 0.55 percent. And then, under your bill it is included by creation of the standard-risk and higher-risk mortgage categories.

I guess we disagree on this, but I think I want the same thing. I want FHA to be used. I want it to be used for low-income, first-time home buyers and those that are trying to refinance. This is critical right now, and I just think there is some differences in what we have.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, let me ask the gentlewoman from Illinois: If someone has weaker credit and gets mortgage insurance but makes all the payments for 5 years, why does the gentlewoman think that she should be charged more? And how does it hurt the FHA's ability to go forward if, after someone has made the payments for 5 years, she gets refunded the extra? I would yield to the gentlewoman to answer that question, a fundamental difference on the bill.

Mrs. BIGGERT. I think under the bill, H.R. 1752, their premiums are reduced; they are not refunded.

Mr. FRANK of Massachusetts. No. Answer the question. They are not refunded under your bill. They are under, the gentlewoman would not refund them. How does it hurt the FHA in their ability to lend to people with weaker credit if they say to people with weaker credit, if you make your payments for 5 years, we will refund the extra we charged you?

Mrs. BIGGERT. If the gentleman will yield.

Mr. FRANK of Massachusetts. I yield.

Mrs. BIGGERT. Because the FHA is self-funded. It is not funded by the government just putting money into it just so that they can do other mortgages. It is self-funded and it is an insurance program. Now, we haven't been able to use it because it has been so capped in the amount of what they can do.

Mr. FRANK of Massachusetts. I take back my time because the gentlewoman is simply, I understand her answer. It is, if there is a higher loan loss rate from lending to lower-income people, people with weaker credit, they have to subsidize each other.

We say, no; raise the jumbo limit, and let those people in California and Massachusetts and New York who are getting mortgages at $600,000 and $500,000, let them subsidize it. Nobody is subsidizing. You shouldn't have to subsidize if you are making your own payments.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, September 14, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the National Association of REALTORS, I urge you to support H.R. 1852, the "Expanding American Homeownership Act of 2007", when the bill is considered by the full House. This is an important measure that will allow FHA to function in the 21st century. Equally important and worthy of your strongest support is an amendment to be offered by Representatives Barney Frank (D-MA), Gary Miller (R-CA) and Dennis Cardoza (D-CA) that is vital to improving the stability of mortgage markets, a critical component of our national economy.

The Frank/Miller/Cardoza amendment would increase the Federal Housing Administration (FHA) loan limits beyond the language originally included in H.R. 1852. Such an increase is now needed in light of the significant housing and mortgage market turmoil that has severely limited the ability of families to refinance a problematic existing loan or, alternatively, purchase a home in a high cost market with a safe and affordable mortgage.

As you well know, many American homeowners now have mortgages with payments that will soon increase dramatically, putting them at risk of foreclosure. Raising the FHA loan limits will provide many of these homeowners living in the nation's high housing cost markets with a safe FHA loan alternative. In addition, with the even more recent tightening of the jumbo market, many homebuyers may not be able to find a safe, affordable financing option without an increase in the FHA loan limits.

Although the underlying bill would increase the loan limits, we strongly believe that the Frank/Miller/Cardoza amendment is needed to affect real change. H.R. 1852 creates a new loan ceiling of $417,000. Many markets are significantly higher than this limit. Median home prices of communities in New York, New Jersey, Connecticut, California, Massachusetts, and Pennsylvania are already far above this limit. The Frank/Miller/Cardoza amendment creates geographic fairness by raising the loan limit to 125% of the area median home price. Under the amendment working families in Newark, NJ can buy a home for $512,000, and families in Los Angeles, CA can buy homes for $650,000—both median price homes for their area.

FHA reform is needed now, more than ever. Please vote for H.R. 1852 and the Frank/Miller/Cardoza amendment when these measures come to the Floor.

Thank you,

PAT V. COMBS,
President.

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, DC, September 17, 2007.

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

DEAR LEADER BOEHNER: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to express the building industry's support for H.R. 1852, the Expanding American Homeownership Act of 2007. NAHB urges you to support this bill, which modernizes the Federal Housing Administration (FHA), when it comes to the House floor next week. Because of the importance of this issue to our industry, we are designating the vote on passage of H.R. 1852 as a KEY VOTE.

NAHB also supports the Frank/Miller/Cardoza amendment that will further enable home buyers the ability to purchase an FHA-insured home in many high-cost areas. Currently, the FHA loan limit is too low to enable many deserving home buyer to purchase a home in high-cost areas.

Since its creation in 1934, and for much of its existence, the FHA has been viewed as a housing finance innovator by insuring millions of mortgage loans, which have made it possible for America's families to achieve homeownership. FHA's single family mortgage insurance programs have served home buyers in all parts of the country during all types of economic conditions. Moreover, FHA has done this without any cost to America's taxpayers.

Unfortunately, over the past two decades, the popularity and relevance of FHA's single family mortgage insurance programs have waned as FHA's programs have failed to keep pace with competing conventional mortgage loan programs. Faced with a deepening constriction in the availability and affordability of housing credit, Congress now has the opportunity to modernize the FHA and enable it to play a key role in stabilizing the mortgage markets, while offering borrowers a safe and fair mortgage alternative. Recently, President Bush outlined a plan to help American homeowners weather the current difficulties in mortgage markets, which included asking Congress to send him an FHA reform bill as soon as possible.

To address the problems in today's housing finance market, I urge your support for H.R. 1852 on the House floor this week. Again, NAHB will KEY VOTE the vote on passage of H.R. 1852. Thank you for considering the views of the home building industry.

Sincerely,

JOSEPH M. STANTON,
Chief Lobbyist.

I yield my remaining time to the gentlewoman from California, the chairman of the subcommittee.

Ms. WATERS. Madam Chairman and Members, earlier today we talked about how we worked together so well in order to get the best possible legislation. And I am just a little bit sad that this substitute amendment would reform for the Federal Housing Administration's FHA single-family mortgage insurance activities and would allow FHA to base each borrower's mortgage insurance premiums on the risk that the borrower poses to the FHA mortgage insurance fund with slight variations.

Under this proposal, mortgage insurance premiums will be based on the borrower's credit history, loan-to-value ratio, debt-to-income ratio, and on FHA's historical experience with similar borrowers.

This amendment maintains FHA reserves within the insurance fund to preserve the future solvency of the FHA program. I just rise in strong opposition to this amendment for the simple reason that H.R. 1852 is a better bill than the FHA reform bill that passed the House last year. And I could go on and on and on talking about why this is a much better bill, but I think this would be a step backwards, and I would ask my colleagues not to support this amendment. It is not a good amendment.

The CHAIRMAN. The gentleman's time has expired.

The gentlewoman from Illinois has 1 minute remaining.

Mrs. BIGGERT. I guess we will have to agree to disagree that last year's bill would have served more borrowers. And we are moving forward here, so I would urge Members to support my amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. BIGGERT. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 5 by Mr. HENSARLING of Texas.

Amendment No. 7 by Mrs. BIGGERT of Illinois.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING.

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 280, not voting 9, as follows:

[Roll No. 873]

AYES—148

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)

NOES—280

Abercrombie
Ackerman
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)

Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell

Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak

Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—9

Allen
Becerra
Carney

Cole (OK)
Cubin
Davis, Jo Ann

Jindal
Knollenberg
Tancredo

□ 1432

Messrs. HODES, ORTIZ, OBEY, RICHARDSON, PASTOR, ALEXANDER, REHBERG, TERRY, BISHOP of Georgia, BARTLETT of Maryland, McKEON, LEWIS of California, Ms. GINNY BROWN-WAITE of Florida and Ms. JACKSON-LEE of Texas changed their vote from "aye" to "no."

Mr. LUCAS, Ms. PRYCE of Ohio, Mr. HOEKSTRA, Mr. BOOZMAN, Mrs. MUSGRAVE and Mr. KING of Iowa changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Madam Chairman, on rollcall No. 873, I inadvertently voted "nay." I meant to vote "aye."

AMENDMENT NO. 7 OFFERED BY MRS. BIGGERT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 252, not voting 10, as follows:

[Roll No. 874]

AYES—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño

Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim

Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—252

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry

Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield

Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver

Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)

Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter

Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—10

Abercrombie
Allen
Carney
Cubin

Davis, Jo Ann
Jindal
Knollenberg
Norton

Sutton
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1440

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mrs. JONES of Ohio, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1852) to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes, pursuant to House Resolution 650, she reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill H.R. 1852 to the Committee on Financial Services with instructions that the Committee report the same back promptly with the following amendment:

Page 64, strike line 6, and insert the following:

(4) AFFORDABLE HOUSING FUND.—

(A) IN GENERAL.—For each fis-

Page 64, after line 13, insert the following:

"(B) LIMITATION ON USE OF FUNDS.—

"(i) IN GENERAL.—Amounts made available pursuant to subparagraph (A) for affordable housing fund referred to in such subparagraph may not be used for, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

"(I) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

"(aa) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

"(bb) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note).

"(II) PASSPORT.—A passport issued by the United States or a foreign government.

"(III) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

"(ii) REGULATIONS.—The Federal official responsible for administering the affordable housing fund referred to in subparagraph (A) shall, by regulation, require that each grantee and recipient of assistance from such fund take such actions as such official considers necessary to ensure compliance with the requirements of clause (i).".

□ 1445

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, this is a commonsense motion to recommit that would require that any individual or household receiving money from the Affordable Housing Fund must present verification of legal residency by a secure identification document.

Americans believe that it's appropriate to ask those receiving hard-earned taxpayer dollars, taxpayer assistance, that it's right to establish that they are legal residents of the United States. It's common sense.

Across the country, whether it's Denver, where in 2006 there were an estimated 20,000 illegal immigrants holding FHA insured loans, or L.A. or Atlanta, where similar activity occurs, illegal immigrants are being given unprecedented access to taxpayer benefits and taxpayer money. In many of these cases of FHA loans, the documents submitted with their applications later proved to be false, resident alien numbers that were never issued, or Social Security numbers belonging to other people, or W-2 forms that were fabricated. In the case of financial institutions, minimal documents are required by their regulators to establish a new customer's identity to open accounts.

The current loopholes in Federal law are an invitation, they're an attraction, they're a magnet to illegal immigration. We must not reward those coming here illegally by allowing them the services that ought to be only afforded to American citizens and they're here legally. If we do so, this results in back-door amnesty.

This motion to recommit would require that the Federal official responsible for administering the Housing Trust Fund ensure that any assistance provided from the Affordable Housing Fund must require that all adults are legal residents of the United States. Simple common sense.

Recipients may use one of three different forms of identification. These forms are considered the most secure types of identification because they're harder to forge or to duplicate. They're all issued by a government agency which has more checks and balances, more checks and balances preventing illegal immigrants or criminals or terrorists from obtaining these documents.

Everyone who is in the United States legally can easily obtain 1 of the 3 identification forms, but illegal immigrants, criminals, and terrorists would have to go to significant lengths to receive 1.

Now, we have offered this type of amendment to bills in the past on this floor, and it's needed on this bill as well, as there appears to be no end in sight to the appetite of our friends in the majority to provide taxpayer benefits to illegals against the will and against the desire of the American people.

Now, you will hear that this MTR, this motion to recommit, provides for the committee to report back promptly and that that would "kill the bill." But we all know that's not true. In fact, the Speaker has previously ruled that any bill adopted with this language could readily be returned to the House floor with the new language.

You will hear that those already here illegally cannot get federally subsidized benefits. Then because it's clear that there are currently some loopholes in our current system, we ought not have any problem adopting more enforceable criteria for legal documentation.

You will hear that if you don't drive or you don't travel to foreign countries, that this is an undue burden. But the American people don't believe that it is inappropriate to ask those citizens receiving Federal taxpayer assistance to first establish that they are legal residents of the United States.

You will hear that this might lead us down the path to using Social Security as a universal identifier. But if you read this motion, what it does is simply provide for an array of options for secure IDs that all Americans and legal immigrants have ready access to. Simple common sense.

You may hear that it's already in the bill. Well, in fact it is, Mr. Speaker; but it doesn't cover the Affordable Housing Fund. The current regulations to establish a customer's identity do a disservice to the American people. Greater clarification in this area will help stem the tide of illegal immigrants.

The Federal Government should not be operating under obscure parameters that do not serve our Nation. We can and should strengthen these regulations to protect the American people.

This is a much more appropriate solution to the problem of back-door amnesty than simply saying that we're not going to let illegal immigrants live in government-subsidized housing. To the best of our ability, we must eliminate using hard-earned American taxpayer money to subsidize illegal activity. This motion to recommit does just that, and I urge my colleagues to support the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask the Members to follow closely because there are some unusual twists and turns even to this.

In the first place, the gentleman talked about people getting FHA loans who weren't here legally, and he made a big point of that. As he later acknowledged, the bill, as reported, already deals with that.

The gentleman from Georgia is so enamored of this amendment that he's offering it twice to this bill. Now, he's making up for the fact that last week he wanted to offer it and couldn't. The gentleman from Georgia had filed in the CONGRESSIONAL RECORD a version of this amendment to offer to the Native American housing bill to prevent illegal immigrant Native Americans from sneaking in. And when we pointed that out, the gentleman from Georgia for once thought better of it and didn't offer the amendment. I think he was afraid that the Indians would have said, you know, sir, that's a good idea, why didn't we think of it?

But now, in the amendment, the gentleman offered this amendment in committee, so the illustration he gave of how they are getting FHA loans when they shouldn't, that's already in the bill. What he has done now is to say that this should apply to the Affordable Housing Trust Fund, which is not created by this bill. The bill does say that if we later, on the floor of this House, created an affordable housing trust fund, funds from the FHA excess, if there are any, will go into it. So there is plenty of time when we deal with the Affordable Housing Trust Fund.

So last week he couldn't offer the amendment to keep the illegal immigrants out of the Navajo housing. This week, he's already got it in the bill that covers the bill before us, but he has now got amendment envy in the worst way, so he's going to offer it to a program that doesn't exist yet, preempting our chance to do it. Even that wouldn't be a problem except that he could have said "forthwith." He said "promptly." It doesn't kill the bill; it significantly delays it.

If this comes back to the Committee on Financial Services, it is now wide open. The committee then has a markup, and any amendment can be offered. And I will tell my colleagues that there are Members, yes, there is your indication of what will happen, this will be filibustered again. Thank you for your honesty. I appreciate it. If this bill comes back to committee, it will be wide open.

We are in the midst of a crisis. The President said last month, please pass the FHA bill promptly. Even the United States Senate is now acting on this bill. If it comes back to committee, I have 3 days to notice a markup. How quickly could we do it? Well, I don't think I can have this markup on Yom Kippur. There may be a lot to atone for in this amendment, but I can't have it on Friday.

So we go over to next week. We have markups scheduled next week on HOPE VI and on flood insurance and other important issues, so we couldn't get to this for a couple of weeks. And then when we do get to it, the clappers over there are going to offer a whole bunch of amendments.

Now, if the gentleman just wanted to put this into the program that doesn't yet exist, and that he will have a chance to do it later, he could have said "forthwith." Members are asked, when they rise on a recommit, are you opposed to the bill? The gentleman from Georgia honestly answered that he is. And he used the choice he had to substantially delay this bill. No, not kill it, but this will delay this bill by several weeks in the midst of this subprime crisis.

I would say to Members, preventing the FHA loans from going there, that's already in the bill. Read pages 54 and following. The Affordable Housing Trust Fund, it will be created later. I'm sure the gentleman will offer that amendment again and you will have a chance to vote on it.

So the sole effect of voting for this recommit is substantially to delay the bill on the FHA because the program that the bill covers, this amendment applies already from the committee. And the program that he would apply it to is not yet in existence and won't be in existence until we vote.

And for Members who worry about some cheap shot ad that says, oh, well, "promptly," "forthwith," too complicated, I hope people don't vote for this amendment. Many of them will. You will have a chance to vote for it. Long before the next election, the gentleman from Georgia will have offered this amendment four more times, at least. We've got more bills in our committee, and so you will have the chance to vote for it.

Please, if you support the low-income Housing Trust Fund as a concept and want the funding available when we set it up, if you support, in particular, the President's request that we move promptly to let the FHA be available for the subprime crisis, do not vote for a recommit whose sole effect will be to delay for several weeks passage of this bill. It won't kill it, but a several-week delay. I've got to hold off and call the hearing, we have to then have a long markup, they will be offering more amendments. It will substantially delay a very important bill, and I hope Members will defeat it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1852, if ordered, and suspending the rules and passing H.R. 3096.

The vote was taken by electronic device, and there were—yeas 209, nays 216, not voting 8, as follows:

[Roll No. 875]

YEAS—209

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—216

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird

Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Allen
Carney
Cubin
Davis, Jo Ann
Jindal
Knollenberg
McNerney
Tancredo

☐ 1514

Messrs. LINDER, RAMSTAD and DONNELLY changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KIRK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 348, noes 72, not voting 12, as follows:

[Roll No. 876]

AYES—348

Abercrombie
Ackerman
Aderholt
Alexander
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—72

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Boehner
Boustany
Broun (GA)
Burgess
Buyer
Campbell (CA)
Cannon
Cantor
Conaway
Culberson
Davis (KY)
Deal (GA)
Dreier
Ehlers
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Hastert
Hastings (WA)
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lucas
Mack
Manzullo
McCrery
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Price (GA)
Putnam
Radanovich
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Stearns
Sullivan
Tancredo
Wilson (SC)

NOT VOTING—12

Allen
Andrews
Berman
Carney
Cubin
Davis, Jo Ann
Green, Al
Jindal
Knollenberg
Murphy (CT)
Nunes
Pickering

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1521

Mr. POE changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NUNES. Mr. Speaker, on rollcall No. 876 I was inadvertently detained. Had I been present, I would have voted "aye."

Mr. BERMAN. Mr. Speaker, I inadvertently missed the vote on rollcall 876. I had intended to vote "aye."

VIETNAM HUMAN RIGHTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3096, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 3096, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 3, not voting 15 as follows:

[Roll No. 877]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Tancredo

NOT VOTING—15

Allen
Buchanan
Carney
Cubin
Cuellar
Davis, Jo Ann
Edwards
Hulshof
Jindal
Kirk
Knollenberg
Kucinich
Musgrave
Pryce (OH)
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1528

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1852, EXPANDING AMERICAN HOMEOWNERSHIP ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1852, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

□ 1530

COMMEMORATING THE 25TH ANNIVERSARY OF THE VIETNAM VETERANS MEMORIAL

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 326) commemorating the 25th anniversary of the Vietnam Veterans Memorial, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 326

Whereas the Vietnam Veterans Memorial marks the 25th anniversary of its dedication in 2007;

Whereas the Memorial commemorates the sacrifice of more than 58,000 men and women who lost their lives during the Vietnam War;

Whereas the Memorial honors the sacrifice of the 153,303 men and women who were wounded during the conflict;

Whereas the Memorial honors the more than 3,000,000 men and women who served in the United States Armed Forces in Southeast Asia;

Whereas the Memorial has served as a powerful force for national healing;

Whereas over four million people visit the Memorial each year to pay tribute to lost loved ones and remember the sacrifice of those who served the United States during the Vietnam War; and

Whereas the Memorial is a testament to the dedication of the private individuals and corporations that raised $8,400,000 to build the Memorial: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the sacrifice of the men and women who lost their lives in service of the United States during the Vietnam War;

(2) recognizes the service of the men and women who were members of the United States Armed Forces during the Vietnam War; and

(3) commemorates the 25th anniversary of the dedication of the Vietnam Veterans Memorial.

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. SHEA-PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 326 commemorating the 25th anniversary of the Vietnam Veterans Memorial right here in America's capital city. I thank the gentlewoman from Oregon (Ms. HOOLEY) for bringing this measure before the House.

In capturing the tremendous sacrifice of our servicemembers, this memorial has helped our Nation heal from the losses our communities suffered throughout the Vietnam war. Maya Lin, the wall's designer, created the monument in such a way as to "convey the sense of overwhelming numbers while unifying those individuals into a whole." The Vietnam Memorial is a testament to the ultimate sacrifice those who serve in uniform have made in defense of our Nation.

Over 4 million people visit the memorial each year. No one leaves unaffected by the experience. House Resolution 326 is our way, as Members of the United States Congress and citizens of this great Nation, of taking an important moment to pause in reflection and in gratitude for the freedoms we share today because of the contributions of our brave men and women in uniform in Vietnam.

Let us also take this opportunity to recognize those who are serving us on the front lines of battle in Iraq and Afghanistan and other hotspots around the world. Their sacrifice and devotion to duty continue in today's warriors. Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I rise today in support of H. Res. 326 which commemorates the 25th anniversary of the dedication of the Vietnam Veterans Memorial.

The idea of the memorial began in 1977 as a way to make amends for the indifference that had met Vietnam veterans who returned home to this country. It was also conceived as a place of honor for the brave young men and women who served and died in the Vietnam war including, Mr. Speaker, my Pony League baseball teammate, Dick Ulmer, and to give the estimated 43 million Americans, parents, brothers, sisters, wives, husbands and children, and yes, including those of 1st Lieutenant Ulmer of North Augusta, South Carolina, so directly affected by the losses in Vietnam a place to remember, to mourn, to reflect, and hopefully to heal.

Five years later, in 1982, ground was broken for the memorial and the first panel of the Wall, as the memorial is called today, was unveiled. Since that time, the Wall has become not only the most visited memorial on the National Mall with more than 4 million visitors annually, but also a very powerful and a moving place for recollection, solace and comfort for Vietnam veterans and their families.

As a place to honor the more than 58,200 servicemembers who died during the Vietnam war, and that number is just astounding as we think about the current situation in Iraq; and, of course, we mourn each and every one of those 3,600 lives that have been lost over a 4-year period of time. But Vietnam, 58,200 servicemembers died. The Wall has also become a national symbol of healing and coming together.

In short, the Wall has achieved a purpose and effect well beyond the original purpose, and no one who goes there can escape the emotional, deep impact that it conveys.

Mr. Speaker, it is entirely proper and fitting to commemorate the Wall's 25th anniversary. It honors the selfless sacrifice of not only those who died, but also the service of more than 3 million Americans who served in the Armed Forces in Southeast Asia. And beyond that, the Vietnam Veterans Memorial has helped this Nation reunite after one of the most divisive times in this Nation's history. For these reasons and many more, I urge all Members to support this resolution. I look for a unanimous vote.

Mr. Speaker, I reserve the balance of my time.

Ms. SHEA-PORTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, I thank my colleague for yielding me this time.

I first want to thank Chairmen SKELTON, RAHALL and FILNER for their strong support of this resolution and their continued leadership on issues impacting our veterans.

I rise today to urge my colleagues to join me and the 108 cosponsors of House Resolution 326 in commemorating the 25th anniversary of the dedication of the Vietnam Memorial on the National Mall in Washington, DC.

This November marks the 25th year of the memorial's healing presence. As a Nation, we are eternally grateful to the 58,253 men and women who lost their lives because of their service to the United States during the Vietnam war. I particularly want to honor and remember the 709 Oregonians whose names are etched on the Wall for their service to our country. Every time I visit the Wall, I am profoundly moved by their sacrifice. I know my fellow Oregonians and I will never forget them.

As Americans, we must always remember those who have given the ultimate sacrifice in service to our country. At a time when we are asking so much of our men and women in uniform, I believe it is vital to show by example that the United States never forgets those who served. Providing a clear demonstration of that gratitude was at the core of constructing the memorial 25 years ago and is the purpose behind this resolution today.

The memorial not only remembers those who gave their lives during the conflict, but also honors the more than 3 million men and women who served in the Armed Forces in Southeast Asia and the 153,303 individuals wounded in action.

The power of the memorial is just as strong today as it was 25 years ago. The millions raised by private individuals and corporations to erect the Vietnam Memorial demonstrated the widespread respect and appreciation for our Vietnam veterans 25 years ago.

That powerful sense of gratitude has continued as an estimated 4.4 million people visit the memorial each year to pay their respects to those who served and those who died during the Vietnam War. A grateful public has left more than 100,000 items of remembrances at the memorial for lost family, friends and comrades in arms. Pilgrimages to the Vietnam Memorial by new generations will also ensure that those who have no recollection of the strife from the Vietnam war era will still remember the service of the millions who fought for our country with honor and distinction.

The elegant simplicity of the monument's black granite wall refuses to render judgment on a conflict that sharply divided our country.

The memorial has played an important role of national reconciliation by helping to heal old wounds through enabling people of any opinion to express their gratitude for the men and women who paid the ultimate sacrifice for their country.

I once again urge my colleagues to support this important remembrance of those who served, and especially those who gave their lives for our country during the Vietnam war.

Mr. GINGREY. Mr. Speaker, I yield at this time such time as he may consume to the gentleman from Minnesota, Colonel JOHN KLINE.

Mr. KLINE of Minnesota. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to commemorate the 25th anniversary of the Vietnam Veterans Memorial, along with my colleagues. Though the memorial stands primarily as a tribute to the 58,000 who were killed in Vietnam, the Wall, as it is more commonly known, continues to surpass its original purpose by acting as a quiet reminder of the price of our freedom and honoring the more than 153,000 men and women wounded in action. Perhaps most importantly, it serves as a source of healing for the 3 million men and women who served in the United States military during this war.

The design was inspired by a need to bring reconciliation and healing to a country that was deeply divided. Its simplicity is transcended by a powerful message of remembrance. Each name is a person with a story. These soldiers served with honor and distinction, and the memorial helps us to remember them with the highest regard.

As a Vietnam veteran myself, the memorial carries particular significance. I am reminded of the friends and comrades who gave their lives and of a far different time and place in my life.

It is with these memories in mind that I express my sadness and disappointment at the reports of the recent desecration of the Wall. The people who did this have violated a sacred trust, and I consider their actions deplorable. If there are those who applaud this behavior, I would only remind them of the hypocrisy of their beliefs. Our freedom was won by brave men and women such as those honored on this Wall, and we should hold them all reverently in our hearts, as I know that we do when we visit that very powerful memorial. Frankly, Mr. Speaker, I hope these reports are not true or are exaggerated. I was appalled to hear them.

I cannot help but draw parallels between the Vietnam war and the situation in Iraq. We have men and women today who are carrying the mantle for this generation. We must be mindful to accord them the respect that they deserve and honor their service.

After 25 years, the memorial is unparalleled in terms of the sheer power of its presence. And there is irony because it was built into the ground. I remember the great debate that was taking place in this city and around the country when that memorial was put into place. There were those who thought it was a dishonor, frankly, to the men and women who served, to have this memorial be in the ground. But I know that every Vietnam veteran and their family and friends and Americans who have taken that walk down and stood at that powerful wall has reevaluated that opinion. Everyone who has been there has been moved, and for that I am very thankful.

Ms. SHEA-PORTER. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in strong support of H. Res. 326, commemorating the 25th anniversary of the Vietnam Veterans Memorial.

It is important to recognize the contributions of our men and women in the armed services no matter when they served. In particular, we should pay tribute to those who made the ultimate sacrifice during their service.

Although the Vietnam Veterans Memorial was dedicated nearly 25 years ago, the families of the fallen and their fellow soldiers find the same peace and solace there today. The memorial is a somber reminder of the devastating human costs of the Vietnam war and the massive losses this country sustained.

Mothers and fathers lost their children, and families throughout the country lost their loved ones. The Vietnam Veterans Memorial is a serene place that helps the country deal with one of the most difficult periods of our history, and it is important that we recognize such a lasting tribute.

Today, when we remember the Vietnam war, we should not forget the soldiers who laid down their lives in defense of this great Nation. Nor should we forget those who returned home with posttraumatic stress disorder.

As we reflect upon the commitment of our veterans from past conflicts, it is important to remember the 168,000 American soldiers currently serving overseas. We must do more for our Nation's veterans, those of past wars, current conflicts, and those who will defend our flag for generations to come.

We should never forget the deep sacrifice of our men and women in uniform, and it is fitting that we pause today to commemorate one of the most important and emotional events in our history. I urge my colleagues to support the resolution.

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Ms. SHEA-PORTER. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank the gentlelady for the opportunity to share this resolution that I am a cosponsor of, and I think it is the right thing to do, to honor those who made the sacrifice that they did in the Vietnam War.

Some of us in this body have served in that war. I would like to associate myself with those who have previously spoken. We are never wrong to take a moment and remind ourselves of those who gave the supreme sacrifice and laid their lives on the line, as so many did.

So it is a reminder to us that freedom is not free. I just had the opportunity a couple of days ago in a large group down in Iowa to ask all the veterans to make themselves known and to ask all those in the audience if would you please turn and thank your veterans. Because of them, we can have that opportunity to gather together on that hillside and share the freedoms that we take for granted so often.

So today on this 25th anniversary we are reminded particularly of the Vietnam veterans. Some of us 2, 3, 4, 5, 6 years ago went down and had kind of a picture-taking opportunity with Members in the Congress with Vietnam veterans at the Wall. And for all of us, we had to stop and realize our names could have been there, too.

We recognized names of our colleagues and comrades that fell and paid the price because the country asked them to do that. That is happening this very day, of course, in other parts of the world.

So I thank you, gentlelady, for the time. I appreciate you bringing this forward. I certainly urge its passage.

Mr. GINGREY. Mr. Speaker, in my concluding remarks I just want to say that as I listened to the gentleman from Minnesota (Mr. KLINE), my colleague on the House Armed Services Committee, talking about the Vietnam War Memorial, the Wall, as he pointed out, I reflected back maybe almost 25 years ago when I went to the Wall for the first time.

Mr. Speaker, I don't think I had ever been to any other war memorial. The World War II Memorial, as we know, was not there at the time. But I went to the Wall, the Vietnam War Memorial, to look for the name of a friend. It is kind of hard to find, as we all know, the small engraved names on the wall. Of course they direct you how to do that. I think a lot of us just go to the wall and start looking.

As I think back on those years ago when I looked up to see my friend Dick Ulmer's name, and think about that classmate, teammate, friend, weightlifting buddy when we were in the sixth, seventh, eighth grade, and thinking about the fact, Mr. Speaker, that he had given his life. I thought about his parents, who are now deceased, and of course his wife and his sister.

This opportunity today to control the time on our side, and I thank Ms. SHEA-PORTER for that opportunity, to reflect back on a great hero. I think an important thing for us to remember today as we vote, and I think we will have a unanimous vote on this, is that no matter how popular a conflict, or maybe in the case of the Vietnam War, with many people unpopular, the men and women that paid the price, the ultimate sacrifice, and their families, it doesn't matter what the conflict, they do their duty.

God bless them and God bless America.

Mr. UDALL of New Mexico. Mr. Speaker, our nation prides itself on establishing monuments and memorials in remembrance of the past. We shape marble, bronze, granite and stone into physical commemorations, hoping that they will reflect particular ideals of justice, principles, and beliefs from our country's history and encourage those who visit to embody the same ideals. Twenty-five years ago, the Nation found itself dedicating a memorial to a war that was bitterly fought both at home and abroad and trying to find within that memorial the peace and solace that had been elusive for so long.

The memorial design created by 21-year-old Yale University undergraduate Maya Lin, and managed by the National Park Service, wrought emotional reactions from the crowd when it was dedicated in November 1982. Thousands of veterans, regardless of their personal feelings on what the war had meant to them, found themselves moved by the Wall. Their faces reflected against the names of the dead etched into the black granite, visitors found that this memorial was not simply a standing block of stone, but instead was a moving tribute that refused to separate the past from the present, merging the two and forcing them to coalesce into a semblance of calm.

Now 25 years later we continue to see the effect of the memorial. Families and friends leave at the base of the memorial personal belongings of those whose names lie above. Boisterous crowds traveling noisily from monument to monument fall silent when entering the cut of earth that starts the Wall, their eyes skipping from name to name, recognition on their face that each one represents an individual who gave their life for their country. And those who fought and returned home see the names of fellow soldiers, an attempt not to justify or explain those losses, but simply to honor and remember them.

Early this month, the Wall was vandalized and the face of the granite desecrated. While long-term damage is not expected, this act of dishonor flies in the face of what the memorial represents. I hope that every single one of my colleagues will join me in denouncing those who committed this vandalism.

With each new year the wounds of the Vietnam War further heal, the passage of time helping to wear away the dissonance and divide. The Vietnam Veterans Memorial plays a large role in this process, bringing us together not only to remember what occurred and what was lost, but also to ensure that we do not forget. It is fitting that we commemorate the anniversary of this memorial and again offer the grateful thanks of our Nation to those who served.

Ms. BORDALLO. Mr. Speaker, I rise in strong support of House Resolution 326, commemorating the 25th anniversary of the Vietnam Veterans Memorial. Comprised of the Wall of names, the three Servicemen Statue and Flagpole, and the Vietnam Women's Memorial, the Vietnam Veterans Memorial honors the 58,000 members of the United States Armed Forces who lost their lives in service to the United States in the Vietnam War and recognizes all those individuals who served during that time.

The Memorial is a national treasure. When seen from a distance, the smooth angular blackness of the Wall of names cuts into a gently rising knoll of green grass on the National Mall, symbolizing the collective sacrifice made by the tens of thousands of American youth who, in the prime of their lives, fought and perished in distant fields of battle in Southeast Asia to defend democratic government under siege. Standing at arm's length the sacrifice honored by the Wall comes into clearer focus. The white letters etched in black stone reveal the names of soldiers lost forever to their country, to their military service and, tragically, to their families and loved ones. Closer still, the image of our reflection seen in the Wall's mirror-like stone reminds us each name recorded there represents a person—an individual no different than us. The act of reading their names keeps alive our cherished memories of them. The act of the reading their names also helps keep them alive and well in our hearts.

On the occasion of the anniversary of the opening of the Vietnam Veterans Memorial we recall all of those individuals involved in its authorization, design, construction, and dedication. Most especially, we acknowledge the work of Maya Ying Lin, and we recognize the vision, sentiment, and artistry she has shared with the world through this project. We also recognize the work that is being undertaken today pursuant to an Act of the 108th Congress to construct the visitor center at the site, which will contribute to visitors' understanding and appreciation for the Memorial and what it signifies.

Mr. Speaker, etched and engraved on that Memorial Wall are the names of 70 sons of Guam. Our community suffered the highest casualty rate per capita of any State or Territory in the Nation during the Vietnam Era. Today, we recall the members of our own community, in addition to their fellow soldiers, who were the uniform and served in the Vietnam era.

To visit the Wall of names, the three Servicemen Statue and Flagpole, and the Vietnam Women's Memorial is to pay respect to those Vietnam Veterans Memorial honors and to renew our commitment that their mission, their sacrifice, and their lives will never be forgotten. This resolution commemorating the Memorial on its 25th anniversary also helps accomplish those goals.

Mr. MATHESON. Mr. Speaker, I rise today to support the bipartisan Vietnam Memorial Resolution commemorating the 25th anniversary of the construction of the Vietnam Veterans Memorial, H. Res. 326. This memorial honors the more than 58,000 brave men and women who paid the ultimate sacrifice during the Vietnam war for our great Nation. We must never forget the brave service members who served in Vietnam.

Millions of people visit this breathtaking memorial to pay their respect to those people who lost their lives between 1956 and 1975 or are still missing in action. The memorial has been a source of comfort and healing for those families and friends who have lost loved ones in the Vietnam war.

I also wish to express my support and gratitude for all the men and women who served with valor in our armed services protecting our freedom and democracy. I believe that the Vietnam memorial encourages all people of the United States, and the world, to remember the sacrifices of American veterans of this war, especially those who served in Vietnam. This memorial is a beautiful work of art and this resolution has my full support.

Mr. LOEBSACK. Mr. Speaker, I rise today in commemoration of the 25th anniversary of the Vietnam Veterans Memorial.

This memorial stands as one of the finest tributes to a generation of veterans our country has ever created.

No person who has visited the memorial has been left untouched by the experience. It is an eloquent statement of gratitude to a generation of men and women who wore our country's uniform during a time of angst and uncertainty.

As the memorial's designer, Maya Ying Lin, stated ". . . this memorial is for those who have died, and for us to remember them." The Wall of Names, with 58,249 names inscribed on its face, is truly a place where all Americans—regardless of background, age, and personal beliefs—are able to come together to honor and remember those who served.

Today, with this resolution, the House of Representatives once again pays tribute to those who served our Nation and remembers their sacrifice.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 326, the resolution that commemorates the 25th anniversary of the dedication of the Vietnam Veterans Memorial in our Nation's Capital.

As a Vietnam-era Veteran myself, I want to thank my colleague, Representative HOOLEY from Oregon, for introducing this resolution that celebrates the dedication of a special Memorial that has come to be such a physical reminder of what this Nation went through as a whole.

The Memorial takes me back to a time when my friends and I left our families behind. I was fortunate to come back home, some of my friends were not.

The beautiful black granite memorial contains 58,256 names of soldiers who died or remain missing. We honor those soldiers. To their families we pay our respects and cannot say thank you enough.

Each time I look upon the etched names on the memorial, I am reminded of the deep rooted sacrifice of Americans so many years ago. I wish to have my great, great grandchildren be able to visit the memorial and be able to sense the same thing.

It is easy for me to remember, I lived it. However, our future generations must not forget that America would be very different had it not been for the sacrifice of these honorable soldiers.

I am glad to be able to be a part of this special recognition. I urge my colleagues to support H. Con. Res. 5 and reflect the great sacrifices of true American heroes.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time.

Ms. SHEA-PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 326, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE SERVICE OF THE 65TH INFANTRY BORINQUENEERS

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 443) recognizing the service of the 65th Infantry Borinqueneers during the Korean War, honoring the people of Puerto Rico who continue to serve and volunteer for service in the Armed Forces and make sacrifices for the country, and commending all efforts to promote and preserve the history of the 65th Infantry Borinqueneers, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 443

Whereas the 65th Infantry Regiment, the only Hispanic-segregated unit in United States military history, was mandated by Congress to be comprised primarily of Puerto Ricans;

Whereas the 65th Infantry Regiment became better known as the Borinqueneers from the word Borinquen, the name that the native Taino Indians called Puerto Rico;

Whereas the Borinqueneers, throughout their service in World War I, World War II, and, most notably, the Korean War, served with distinction;

Whereas the Borinqueneers demonstrated their military prowess in Korea and earned the respect and admiration of their fellow soldiers and military authorities, most notably General Douglas MacArthur;

Whereas the Borinqueneers were sent to battle on the front lines in Korea and participated in nine major campaigns during the Korean War;

Whereas the Borinqueneers made valuable contributions to the war effort, including by suffering a tremendous number of casualties that was disproportionate to the population of Puerto Rico;

Whereas the 65th Infantry Borinqueneers earned well-deserved praise, including two United States Presidential Unit Citations, a Meritorious Unit Commendation, and two Republic of Korea Unit Citations;

Whereas the 65th Infantry Regiment 1st Battalion continues its fine tradition as an active unit in the Puerto Rico Army National Guard; and

Whereas Puerto Ricans have continued to volunteer freely and serve in the Armed Forces and have served ably during wartime: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the service of the 65th Infantry Borinqueneers during the Korean War;

(2) honors the people of Puerto Rico, who continue to serve and volunteer for service in the Armed Forces and make sacrifices for the country; and

(3) commends all efforts to promote and preserve the history of the 65th Infantry Borinqueneers.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

GENERAL LEAVE

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

Ms. SHEA-PORTER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 443, recognizing the service of the 65th Infantry Borinqueneers during the Korean War, honoring the people of Puerto Rico who continue to serve and volunteer for services in the Armed Forces and make sacrifices for this country, and commending all efforts to promote and preserve the history of the 65 Infantry Borinqueneers. I thank my colleague from Massachusetts (Mr. MCGOVERN) for bringing this measure before the House.

In 1908 the United States Congress directed that a unit be established and comprised primarily of individuals from Puerto Rico, which was then renamed in 1920 as the 65th Infantry Regiment. Our brothers and sisters of the 65th Infantry Borinqueneers fought valiantly and gave their lives during the Korean War and the two World Wars.

Since 1917 the Commonwealth of Puerto Rico has been a part of the United States and home to almost 4 million U.S. citizens. During the Korean War, Puerto Rico lost a disproportionate number of servicemembers relative to the population of the island as a whole. Eight soldiers of the 65th Infantry Regiment received the Distinguished Service Cross, and 129 were awarded the Silver Star for their heroism during the Korean conflict.

House Resolution 443 highlights an important group of servicemembers who have helped forge the foundation of the freedoms that we enjoy today. The 65th Infantry Borinqueneers are to be recognized for their tremendous sacrifice. We should not forget those who are serving today in Operation Iraqi Freedom and Operation Enduring Freedom.

The people of Puerto Rico and all Americans can be proud of the tremendous contributions these men have made to the defense of our Nation.

Mr. Speaker, I urge my colleagues to support House Resolution 443.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I do rise in support of House Resolution 443, which recognizes the service of the 65th Infantry Regiment, Puerto Rico National Guard.

Today, Mr. Speaker, the First Battalion, 65th Infantry Regiment, Puerto Rico National Guard, continues a tradition of outstanding service in the Army established by members of that regiment in World War I, World War II, and in Korea. Their motto, "Honor and Fidelity," summarizes that service.

Mr. Speaker, in Korea, as an active Army unit, the regiment fought with particular distinction, participating in nine major campaigns from 1950 until 1953. For its actions, the unit was awarded two Presidential Unit Citations, a Meritorious Unit Commendation, and two Republic of Korea Unit Citations.

Such outstanding service led General Douglas MacArthur to say: "The Puerto Ricans of the gallant 65th Infantry on the battlefields of Korea are writing a brilliant record of achievement in battle, and I am proud indeed to have them in this command. I wish that I had many more like them."

In achieving such recognition for their competence and valor, the men of the 65th Infantry suffered heavy casualties and numerous vicious battles against determined North Korean and Chinese units. Moreover, the men of the 65th not only had to overcome severe weather and terrain and shortages of clothing and equipment, but also the elements of prejudice and unfavorable bias that they encountered.

Mr. Speaker, given the history of outstanding service by the 65th since its inception back in 1898, as well as the continuing commitment and dedication shown by the current members of this unit, it is fitting that we take the time today to recognize and to honor that service.

I strongly urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. SHEA-PORTER. Mr. Speaker, I yield 4 minutes to my friend and colleague, the gentleman from Massachusetts (Mr. MCGOVERN), the sponsor of this resolution.

Mr. MCGOVERN. Mr. Speaker, I want to thank my colleague from New Hampshire for her remarks and for yielding me the time and for her leadership on the Armed Services Committee. I also want to thank my good friend from Georgia for his words in support of this resolution, House Resolution 443, which pays tribute to the 65th Infantry Borinqueneers and to the men and women of Puerto Rico who continue to serve our country with honor and distinction.

Mr. Speaker, I will insert into the RECORD a letter from Anibal Acevedo Vila, the Governor of Puerto Rico, endorsing this legislation.

JULY 18, 2007.

Hon. JAMES MCGOVERN,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: Thank you for your efforts to recognize the service of

Puerto Ricans in the armed forces of the United States, and in particular, the 65th Infantry Borinquineers, by introducing H. Res. 443. Puerto Ricans have served with great distinction in the military, and I appreciate your efforts to highlight their service.

The 65th Infantry Borinquineers were founded as an all-Puerto Rican regiment in 1899, and served in World War I, World War II, and in the Korean War. It was in this last campaign that the 65th Infantry earned their renown, leading General Douglas MacArthur to remark: "[t]he Puerto Ricans forming the ranks of the gallant 65th Infantry . . . are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them." During the Korean War, members of the 65th Infantry were awarded 10 Distinguished Service Crosses, 256 Silver Stars, and 606 Bronze Stars.

As H. Res. 443 acknowledges, Puerto Ricans have a tradition of dedicated and honorable service in the armed forces of the United States. Military units from Puerto Rico were among the first to deploy following the attacks of September 11, 2001, and over 7,000 members of our National Guard have since been deployed in support of current operations. Over 55 soldiers, sailors and airmen of Puerto Rican descent have lost their lives in Iraq and Afghanistan. There are over 144,000 veterans living in Puerto Rico, and four sons of the Island have earned the Medal of Honor since Vietnam, the second highest per capita of any jurisdiction in the United States.

Puerto Rican soldiers in the armed forces today continue the tradition of the 65th Infantry by serving with honor and distinction and make all Puerto Ricans proud of their service. Once again, I appreciate your introduction of H. Res. 443 to recognize and commend those Puerto Ricans who have served in the past and present in our nation's armed forces, and I look forward to the resolution's adoption.

Sincerely,

ANIBAL ACEVEDO VILÁ,
Governor, Commonwealth of Puerto Rico.

Mr. Speaker, it has been a privilege to learn about the proud service of the 65th Infantry Borinqueneers, the only Hispanic-segregated unit in the United States Military history. The first native Puerto Rican troops were approved by Congress in 1899, designated as the Puerto Rican Regiment U.S. Volunteers.

The regiment was ordered to war strength in 1917 and served in defense of the Panama Canal during World War I. On June 4, 1920, the regiment was officially re-designated as the 65th Infantry, U.S. Army.

After serving ably in France and Germany during World War II, the 65th was ordered to Korea in 1950. It was during the Korean War where the 65th Infantry invoked the name Borinqueneers, and it is also where they demonstrated their military prowess.

The name Borinqueneers comes from the word Borinquen, which is the original native Taino Indians of the island we now call Puerto Rico. Many members were direct descendants of these native people.

The Borinqueneers fought on the front lines in Korea, participating in nine major campaigns throughout the war. They were the protection force for marines withdrawing from far inland positions. They were the leading unit in the United Nations offensive of April 1951. In every campaign they performed as one of the most effective infantry regiments in the Army.

Earning the respect and admiration of fellow soldiers and military leaders, General Douglas MacArthur himself remarked, "They showed magnificent ability and courage in field operations," and "they are a credit to Puerto Rico, and I am proud to have them in my command."

Mr. Speaker, it is of the utmost importance that we recognize the valiant service of the Borinqueneers and that we recognize the sacrifices made by the people of Puerto Rico during the Korean War: 61,000 Puerto Ricans served in the U.S. Army during the Korean War, the overwhelming majority in the 65th Infantry Regiment.

By the end of the war, 743 Puerto Ricans were killed, and over 2,300 wounded. One of every 42 casualties suffered by U.S. forces in Korea was Puerto Rican. Puerto Rico endured one casualty for every 660 of its inhabitants, a disproportionately heavy burden for the small island. This statistic highlights the enormous sacrifice by Puerto Rico, and it gives testament to the honor and distinction of their service.

Mr. Speaker, I would also like to note some current efforts to promote and preserve the history of the 65th Infantry Borinqueneers. In my district, the Korean War Memorial of Central Massachusetts Committee, along with Colonel Gilbert Villahermosa, Inspector General of the Massachusetts Army National Guard, and the Puerto Rican community of central Massachusetts are working together to commemorate the 65th Infantry.

The efforts have included promotion of the documentary film "The Borinqueneers," construction of a memorial flagpole, and Colonel Villahermosa himself has released a book detailing the critical role which the 65th Infantry played in Korea.

Mr. Speaker, I am very proud to have introduced this bill with the Representative from Puerto Rico (Mr. FORTUÑO), and I would also like to thank Chairman SKELTON and all members of the Armed Services Committee who supported its consideration on the suspension calendar.

Again, I want to thank my two colleagues, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Georgia (Mr. GINGREY), for their words here today.

Mr. Speaker, I urge all of my colleagues to pass House Resolution 443.

Mr. GINGREY. Mr. Speaker, I have no further requests for time. Before yielding back, I would like to encourage all of our colleagues, both sides of the aisle, and I am sure we will have a unanimous vote on H.Res 443. I thank the gentlewoman from New Hampshire for allowing me to control the time on this side.

Mr. FORTUÑO. Mr. Speaker, during this month, our country proudly celebrates Hispanic Heritage Month. In the midst of this celebration, it is with great honor and pride that I stand in support of H. Res. 443 which seeks to recognize the service of the 65th infantry regiment during the Korean War known as the Borinqueneers Regiment. I also want to thank Congressman MCGOVERN for his leadership in honoring these brave soldiers. At a time when there is a national dialogue on the contributions of Hispanic Americans, there is no better way to recognize their achievements, than by voting for H. Res. 443.

We know that since the Civil War, where over 10,000 Hispanic Americans wore uniforms for both sides, the number of soldiers of Hispanic heritage that have served in each conflict has been significant. Their participation in every military conflict is a source of many heroic actions.

In World War I, 200,000 Hispanics were mobilized and to this day we hear stories of their valor, and devotion to spread democracy and freedom around the World.

Roughly half a million Hispanics served during World War II. They fought bravely in all of the major conflicts extending throughout Europe, the Pacific and Africa.

But it is during the Korean War that over 148,000 Hispanics served, of which 20,000 were from my district in Puerto Rico. 4,000 of them comprised the 65th Infantry Regiment, the largest U.S. infantry regiment for that war. This regiment fought in every major campaign of the Korean War and received numerous praises including a Presidential Unit Citation, Meritorious Unit Commendations and two Republic of Korea Unit Citations for their performance. I would like to quote General Douglas MacArthur, who said in Tokyo on February 12, 1951: "The Puerto Ricans forming the ranks of the gallant 65th Infantry on the battlefields of Korea . . . are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we might have many more like them."

It is due to this ever-growing identity in the United States, that Hispanic Americans continue to wear, with honor, the uniforms of our Armed Forces. This legislation honors the 65th Infantry Borinqueneers and the legacy they left behind; a legacy of valor, courage and self-sacrifice in the face of adversity. I am proud to be an American of Hispanic descent and equally proud to represent the members of the 65th Infantry Regiment; it is for them that I stand here today in support of this legislation and urge all my colleagues to unanimously vote in favor of H. Res. 443.

Mr. BACA. Mr. Speaker, I ask for unanimous consent to revise and extend my remarks. I rise in support of H. Res. 443, which recognizes the service of the 65th Infantry Borinqueneers during the Korean War and the continued service of Puerto Ricans in the Armed Services.

The Korean War was fought with the sweat and tears of many Americans.

The 65th Infantry Regiment was the only Hispanic-segregated unit in United States military history. Mandated by Congress, the unit was compromised by a majority of Puerto Ricans.

These honorable soldiers fought at the front of the Korean lines like any other American soldiers. The unit received a Presidential Unit Citation, a Meritorious Unit Commendation, and two Republic of Korea Unit Citations.

In addition, we continue to be fortunate enough to count on the service of Puerto Ricans today.

This July, Captain Maria Ortiz, a Puerto Rican, was killed by a mortar attack in the Green Zone in Baghdad. She was the first army nurse to be killed in combat since the Vietnam War.

Today I stand proud with my colleagues and thank our Puerto Rican soldiers who have fought and will continue to fight so bravely for the great democracy that we enjoy. As a fellow Vietnam-era veteran, I salute you.

I urge my colleagues to support and pass H. Res. 443 and recognize the great work of our Puerto Rican soldiers.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time.

Ms. SHEA-PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 443, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1600

EXPRESSING APPRECIATION AND THANKS FOR THE SERVICE OF MEMBERS OF THE 303RD BOMBARDMENT GROUP (HEAVY) UPON THE OCCASION OF THE FINAL REUNION OF THE 303RD BOMB GROUP (H) ASSOCIATION

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 604) expressing the Nation's sincerest appreciation and thanks for the service of the members of the 303rd Bombardment Group (Heavy) upon the occasion of the final reunion of the 303rd Bomb Group (H) Association, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 604

Whereas the 303rd Bombardment Group (Heavy) was activated on February 3, 1942, at Pendleton Field, Oregon, and trained at Gowen Field, Idaho, from February 11, 1942, until June 17, 1942;

Whereas the 303rd Bombardment Group (H) was stationed in Molesworth, England, and comprised of the 358th Bombardment Squadron, the 359th Bombardment Squadron, the 360th Bombardment Squadron, and the 427th Bombardment Squadron;

Whereas the 303rd Bombardment Group (H), also known as "Hell's Angels", arrived at Molesworth, England on September 12, 1942, and bravely fought in World War II;

Whereas the 303rd Bombardment Group (H) support personnel sailed on the Queen Mary on September 5, 1942, and arrived at Greenock, Scotland, on September 11, 1942, the flight crews flew to Kellogg Field, Michigan, then to Dow Field, Maine, to start their flights to England across the Atlantic Ocean;

Whereas the 303rd Bombardment Group (H) flew its first combat mission on November 17, 1942, and its last mission on April 25, 1945;

Whereas the 303rd Bombardment Group's B-17 "Hell's Angels" was the first to successfully complete 25 combat missions on May 13, 1943;

Whereas the 303rd Bombardment Group (H) flew 364 combat missions against enemy targets, the most of any B-17 Bomb Group in the 8th Air Force during World War II;

Whereas two 303rd Bombardment Group (H) airmen were awarded the Congressional Medal of Honor, four were awarded the Distinguished Service Cross, 33 were awarded the Silver Star, and approximately 1,200 Purple Hearts were awarded for those killed or wounded in action;

Whereas the 303rd Bombardment Group (H) adopted the motto "Might in Flight" in October 1942 and lived up to it on each of their 364 combat missions;

Whereas 165 aircraft in the 303rd Bombardment Group (H) were listed as missing in action (MIA);

Whereas the original 303rd Bombardment Group (H) was inactivated on July 25, 1945, at Casablanca;

Whereas the veterans of the 303rd Bombardment Group (H) formed the 303rd Bomb Group (H) Association in 1975 to provide opportunities for 303rd veterans, families, and friends to meet;

Whereas the veterans of the 303rd Bomb Group (H) Association memorialize and perpetuate the memory of 303rd Bombardment Group (H) comrades lost during World War II, and who have since passed away;

Whereas due to age and the declining health of the 303rd Bombardment Group (H) veterans, the 303rd Bomb Group (H) Association Board of Directors has made the difficult decision to dissolve the Association at the end of 2007; and

Whereas the 303rd Bomb Group (H) Association's final reunion will be held in Washington, DC, on September 19, 2007 through September 23, 2007: Now, therefore, be it

Resolved, That—

(1) The dedicated men and women who served in the 8th Air Force, 303rd Bombardment Group (H), "Hell's Angels", including the nearly 5,000 listed as missing in action, during World War II are heroes and champions of American freedom; and

(2) The House of Representatives, on behalf of a grateful nation, recognizes the final reunion of the 303rd Bomb Group (H) Association and commends the honorable members of the Association, who never once turned away from their assigned target, for their selfless service to our country.

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. SHEA-PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 604, expressing the Nation's sincerest appreciation and thanks for the service of the members of the 303rd Bombardment Group (Heavy) upon the occasion of their final reunion. I thank my colleague from Michigan (Mr. MCCOTTER) for bringing this measure before the House.

Our history is rich with heroes who have risen above and beyond the call of duty in service to our great Nation. The American flag billows proudly above this Capitol building, and even more boldly behind your seat, Mr. Speaker, due to the extraordinary heroism of our servicemen in times of war.

The 303rd Bombardment Group is certainly part of this legacy. Two 303rd Bombardment Group airmen, Technical Sergeant Forrest Vosler and First Lieutenant Jack Mathis, were awarded the Congressional Medal of Honor, four were awarded the Distinguished Service Cross, 33 were awarded the Silver Star, approximately 1,200 Purple Hearts were awarded for those killed or wounded in action, and over 5,000 were listed as missing in action during World War II. While these numbers make me proud to be an American, statistics alone cannot begin to comprehend the tremendous service they have done for all of us.

The members of the 303rd Bomb Group Association have provided opportunities for 303rd veterans, families and friends to meet, and have perpetuated the memory of the 303rd Bombardment Group comrades lost during World War II, since the organization was founded in 1975.

And while the 303rd Bomb Group Association is meeting this week for the final time, the United States House of Representatives and our great Nation can express its sincerest thanks for their service by carrying forth the mission statement of the 303rd Bomb Group Association and making timeless the memory of their successes and sacrifices by memorializing their history in law.

Mr. Speaker, I urge my colleagues to support House Resolution 604.

I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, today I speak in support of House Resolution 604, which expresses the Nation's appreciation and thanks for the servicemembers of the 303rd Bombardment Group (Heavy) upon the occasion of the final reunion of the 303rd Bomb Group Association.

Mr. Speaker, it is unfortunate to learn that the 303rd Bomb Group Association will dissolve following their final reunion this week in Arlington, Virginia. The declining number of these courageous veterans makes it difficult for the association to continue their annual reunions.

With that being said, Mr. Speaker, it is an honor for me to pay tribute to the valiant men of the 303rd Bombardment Group known as "Hell's Angels."

Activated in February 1942 at Pendleton, Oregon, the 303rd was an Eighth Air Force Bomber Group that flew the mighty B–17 Flying Fortress out of Molesworth, England. Living up to their adopted motto, "Might in Flight," the air crews flew a record 364 combat missions against enemy targets, the most of any B–17 Bomb Group in the Eighth Air Force during World War II.

For its actions in the skies over Europe, the group was awarded a Distinguished Unit Citation in January 1944, two of the heroic crew men of the 303rd were awarded with Congressional Medal of Honor, and four earned the Distinguished Service Cross.

For all of their accomplishments, the members of the Bomb Group paid a heavy price in casualties, aircraft losses, and capture by the enemy. Their determination to complete the mission regardless of the opposition or the odds carried them through their losses and on to victory in the air.

Mr. Speaker, given the history of outstanding service by the 303rd Bombardment Group during World War II, as well as the last reunion of the veterans of the 303rd taking place this week, it is fitting that we take the time today to recognize and honor their service. I therefore strongly urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. SHEA-PORTER. Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I recognize Mr. McCOTTER of Michigan for such time as he might consume.

Mr. McCOTTER. Mr. Speaker, I would like to thank the sponsor of the resolution and the chairman of the committee, the ranking member, and all of my colleagues who are joining me in support of honoring the heroic members of the 303rd Bombardment Group.

It has rightly been said that they were the greatest generation; and yet, it is important, through the adoption of resolutions and other instances, where we, as a people, recognize their sacrifice for the very liberty upon which our free Republic is founded, always remember that their service to our Nation did not end with World War II, for they continued in their transition to civilian life where they also helped form the foundation of our Nation. But it is also critical that, too, at this juncture, where again another generation of Americans finds themselves tasked with defending freedom in its maximum hour of danger, that we never forget the example that these citizens, soldiers and airmen set for the rest of us, not just as a matter of history, but as a matter for our progeny that they may ever breathe free.

Ms. SHEA-PORTER. Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I want to congratulate Mr. McCOTTER for bringing forth this resolution so that this body might honor the 303rd.

Mr. Speaker, I yield back the balance of my time.

Ms. SHEA-PORTER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 604, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. SHEA-PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 326 and H. Res. 604.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE AS AN INDEPENDENT MILITARY SERVICE

Mr. SPRATT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 207) recognizing the 60th anniversary of the United States Air Force as an independent military service.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 207

Whereas President Harry S. Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for "all matters pertaining to military ballooning, air machines, and all kindred subjects";

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William "Billy" Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry "Hap" Arnold, James "Jimmy" H. Doolittle, and Edward "Eddie" Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. "Hap" Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James "Jimmy" H. Doolittle led 16 North American B–25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S. Truman supported organizing air power as an equal arm of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles "Chuck" Yeager piloted the X–1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who steadfastly sacrifice personal fortune and family comfort in order to serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B-58 Hustler and B-36 Peacemaker, and the Boeing B-47 Stratojet and B-52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a trustworthy steward of resources, developing and applying technology, managing professional acquisition programs, and maintaining exacting test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, I rise today in support of House Resolution 207, recognizing the 60th anniversary of the United States Air Force as an independent military service. I thank my colleague from New Mexico, HEATHER WILSON, in particular, for her partnership and collaboration in helping to bring this bipartisan measure before the House. I want also to recognize the outstanding leadership of the cochairs of the Air Force Caucus, CLIFF STEARNS of Florida, SAM JOHNSON of Texas, and JIM MARSHALL of Georgia for their participation.

Sixty years ago in July, President Truman and Congress distilled the lessons learned in World War II into landmark legislation known as the National Security Act of 1947. On September 18, the Armed Forces were reorganized under a Department of Defense, and the Air Force was established as a military department coequal to the Departments of the Army and the Navy.

The question of whether air forces should be a service on their own separate from the ground forces arose long before it was resolved in the National Security Act of 1947. Over a period of 40 years, airmen earned that recognition, beginning with the Aeronautical Division's earliest exploits in 1907, followed by the derring-do of the Army Air Service in World War I, and then by the superior performance of the Army Air Corps, later the Army Air Forces, in World War II. America's airmen performed well; so well, in fact, that when battles were fought in the air, they were won decisively, making air superiority a standing assumption.

This tradition started during World War II, with aviators like General Doolittle. During the war in North Africa and Europe, General Eisenhower and General Spaatz, as commander of the Army Air Forces, worked well together. General Eisenhower came to appreciate the capabilities of air power and the role of the Air Force in achieving victory. He called General Spaatz, "the best operational airman in the world," and became persuaded that the Air Force should exist alongside and equal to the Army and the Navy. Ike compared this arrangement to a three-legged stool, where each leg is essential to the whole. It's a principle alive, well, and working today.

Since its origin, the Air Force has stayed abreast of our national security requirements, adding missiles to aircraft, and through a long cold war, deterring any attack upon our country. The Air Force is typically called when we need to gain air superiority with troops and materiel, when and wherever the need arises. Its airlift and tanker capabilities give us the advantage of remote presence. Its satellites supply us with surveillance and communication capabilities that are the gold standard, surpassing anything that any other country in the world possesses. Not only has the Air Force achieved a technical overmatch against our adversaries in the air, but in space and cyberspace as well.

In today's Air Force, over 700,000 "Total Force Airmen" are at work as we speak, exercising vigilance, reach, and power around the world. They are operating intelligence and reconnaissance aircraft and spacecraft, supplying early warning, real-time intelligence, and situational awareness to the war fighters on the ground. They are a critical presence in the battle space of Afghanistan and Iraq. They are lifting cargo and passengers, and using refueling assets to build air bridges, projecting power, and sustaining the fight.

Although the hardware tends to get the headlines, it is the people who make it work and who make the Air Force what it is. When General Horner came home from the Persian Gulf in 1991, I asked him who were the unsung heroes, and he answered without hesitation, "Well, for one, it is our NCOs; their quality has literally gone out of sight." I was reminded of what General Horner said when I was at Shaw Air Force Base not long ago and met with the Fighting 20th and its wing commander, Colonel Post, along with airmen and women, many of them about to deploy. They will be part of some 35,000 other airmen deployed around the globe. Because of them and others like them, we have the best Air Force in the world, bar none.

This concurrent resolution is our way, as Members of Congress and citizens of this Nation, of expressing our appreciation, of recognizing the United States Air Force, its leaders and airmen, for consistently proving their worth to our Nation and helping make this the land of the free and the home of the brave.

Let me conclude with the resolving clause: That Congress remembers, honors, and commends the achievements of the United States Air Force in serving and defending our country on the 60th anniversary of the creation of the United States Air Force as an independent military service.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I represent the Third District of Ohio, which includes both the historic birthplace of aviation, home of the Wright brothers, as well as the home of Wright-Patterson Air Force Base, and I am honored to speak today in favor of H. Con. Res. 207.

The bill remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on this 60th anniversary of the creation of the United States Air Force as an independent military service.

I would like to also recognize and thank my colleagues Mr. SPRATT from South Carolina and Mrs. WILSON from New Mexico for their efforts in writing this bill and ushering it to the floor.

The United States Air Force is the largest modern Air Force in the world, with over 7,000 aircraft in service and about 358,600 men and women on active duty. The numerous airmen, technicians, and support staff through the years have served in the Air Force with honor, courage, and dignity.

Throughout history, the Air Force has adapted and designed new aircraft to meet the threats faced by the military, such as designing long-range bombers, more advanced tactical fighters, and eventually stealth aircraft. The humanitarian operations in Berlin after World War II, the Berlin Airlift, would not have happened was it not for the accuracy and dedication of the pilots of the Air Force. Today, the United States Air Force continues to be on the cutting edge of technology, pushing the envelope of aircraft and pilot to new bounds.

□ 1615

The F-22A and F-35 are the world's only fifth-generation fighters.

Mr. Speaker, I would also like to recognize the 60th anniversary of the Air Force for its impact that it has had on my community of Dayton, Ohio. Wright Patterson Air Force Base in my district is the largest stand-alone base in the world, as well as being the home to the National Museum of the United States Air Force. Wright Pat has a strong tradition as a research and development hub, which started with Wright Pat when it was known as Huffman Prairie. Huffman Prairie is the location where the Wright brothers developed the first practical airplane that was able to sustain flight. During the early years of flight, the Wright brothers used Huffman Prairie as a research and development facility. The tradition continues, as the research conducted at Wright Pat today will provide U.S. troops with advantages on the battlefields of tomorrow. For example, the F-22A fighter, considered the most advanced fighting plane ever built, was significantly developed, in part, at Wright Patterson Air Force Base.

Again, I am honored to recognize the 60th anniversary of the United States Air Force and all of those who have served, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, we have a long list of cosponsors on this side of the aisle for this resolution, and I had a long list of potential speakers; but due to the rearrangement of resolutions, none is here now; and I would simply yield to the gentleman from Ohio so that he can further yield his time. And if you need further time on our side, we will be glad to grant it as well.

I reserve the balance of my time, of course.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to Dr. GINGREY of Georgia.

Mr. GINGREY. Mr. Speaker, I rise today in support of H. Con. Res. 207, recognizing the 60th anniversary of the United States Air Force as an independent military service, joining my colleague, the mayor of Dayton, and my colleague on the House Armed Services Committee.

Many Americans may not realize that for the first 40 years of its existence, the United States Air Force was actually a department of the Army. It was not until President Harry Truman signed the National Security Act of 1947 that the Air Force became an independent military service and W. Stuart Symington became the first Secretary of the Air Force, later a United States Senator.

Since 1947, the Air Force has been an integral part of the United States military. Over the last 15 years the United States Air Force has been in continuous combat. Operation Desert Shield and Desert Storm featured a full spectrum of Air Force capabilities. During the so-called "peacekeeping missions" in Somalia, Haiti and Kosovo, the Air Force contributed logistical and operational support and demonstrated its ability to achieve mission objectives without the use of ground forces.

In Georgia's 11th Congressional District, Mr. Speaker, Dobbins Air Reserve Base has contributed to the success of the Air Force by providing key training of pilots and support personnel on both the C-130 and the C-5 platforms. In addition to Dobbins' training capabilities, FEMA's Federal Incident Response Team Atlanta is staged at Dobbins, and it mobilizes throughout the Southeast to disasters, both natural and manmade.

Dobbins also plays a role in the continued air dominance of the United States as the initial testing grounds for the F-22 Raptor stealth fighter.

Never before has the United States' ability to project military power depended so heavily on air and space capabilities. Whether in a leading role or a support role, the United States Air Force has proved its unsurpassed airspace and cyberspace capabilities.

Mr. Speaker, I urge all my colleagues to remember the importance of a strong national defense and certainly vote in favor of H. Con. Res. 207.

Mr. SPRATT. Mr. Speaker, I will continue to reserve my time.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to Mrs. WILSON of New Mexico.

Mrs. WILSON of New Mexico. Mr. Speaker, the important thing about this resolution, to me, is that the Air Force and celebrating its anniversary is about the people who have served, those who've worn the uniform.

In 1916, at the age of 17, my grandfather lied about his age and joined the Royal Flying Corps. He flew DH-7s and DH-9s and did sub search in the Irish Sea during World War I.

And after the First World War, there weren't many jobs to be had, so he came to America in 1922 and became a barnstormer in the early days of civil aviation, really the heyday of civil aviation, as new airplanes, new records, new payloads for speed and distance were being set across America.

In World War II, he towed targets and ferried parts and developed a system to Medivac soldiers out of the China, Burma, India theater of operations. Then it was B-72s and B-25s, P-38s and Corsairs.

In 1943, as a boy of 13, my father started taking flying lessons, traded them for time as a line boy down at the airport. And after World War II, and before Korea, my dad joined the Army

Air Corps, which while he was in service became the United States Air Force. He was a crew chief at Walker Field in Roswell, New Mexico, taking care of, I think, F-86s at that time, although the hot plane was the F-100.

He left the Air Force and came home to be a commercial pilot. He taught my mom to fly. And in our 2-bedroom house we had 3 kids, 2 dogs, a den that was full of airplane.

In 1976, when I was a junior in high school, I was in my mother's bedroom when there was a television story on her little black and white portable TV that said that the Air Force Academy was opening its doors to women.

Well, my grandfather had had 2 sons, 5 grandsons and me. I went to see him and told him I was thinking about maybe going to the Air Force Academy, and he said, well, I flew with some women in World War II and they were pretty good sticks, so I guess that'd be okay.

My grandfather started to fly shortly after the Wright brothers first took to the air, and he lived to see a man walk on the Moon. It has been a remarkable century of aviation, and the Air Force has been part of it.

Next year, after 33 years of service, active, Guard and Reserve, my husband will retire from the United States Air Force.

Generations have been inspired and protected by air warriors who broke the sound barrier, who tested rocket sleds, who trained as astronauts, who became aces and supported those who were, names we know like Billie Mitchell and Jimmy Doolittle, Lance Sijan, Hap Arnold, Bud Day, Clarence Kelly Johnson, and names we don't know of airmen and women called to serve and inspired by the thrill of flight.

Mr. SPRATT. Mr. Speaker, in the interest of jointness, I have now the pleasure of recognizing and yielding 4 minutes to the gentleman from Pennsylvania (Mr. SESTAK), who is a retired naval admiral.

Mr. SESTAK. Mr. Speaker, I rise in support of this resolution. This past weekend I had the opportunity with an 82-year-old airman to sit down with him and awarded him, after some work had been done, with the Distinguished Flying Cross. And he so proudly opened up his charts and the maps that he had flown over Europe back in World War II.

And as a Navy officer, I came to realize the quite close bond we had as he proudly then pointed to his log book and said, this was the ship, as they called their aircraft, that we were on during those missions.

But what I want to speak about is that wonderful passage in the book by Tom Wolf, "The Right Stuff." In it, as he talks about aviators, he spoke about how they take off and they fly, and often, particularly as the 50s, 60s and 70s occurred, they would often find themselves, all of a sudden, at some critical moment, where through their skill, their determination they managed to pull themselves out of a dangerous situation at the last yawing moment.

But then Tom Wolf went on and he said that's not really the key to these men and women. He said, then they took off again the next day and did the same thing, and the next day and the next day, and every day after that, just like clawing up a pyramid, never knowing each time whether they would or would not be able to pull it out at the last crying moment. That, Tom Wolf said, is the right stuff.

So I rise in commemoration of the Air Force and in a very joint way who has done so much for the security of our Nation. Without a question, they have the right stuff.

Mr. TURNER. Mr. Speaker, I yield 2 minutes to Mr. LAMBORN from Colorado.

Mr. LAMBORN. Mr. Speaker, I rise today in support of the resolution and to honor the men and women of the United States Air Force who, today, celebrate 60 years of dedicated service. On a cold December day in 1903 in Kitty Hawk, North Carolina, the Wright brothers achieved the world's first powered flight which lasted merely 59 seconds. Today our Air Force possesses an extraordinary global reach and even beyond into space thanks to the men and women who have served or are serving in the Air Force.

Mr. Speaker, the United States Air Force has had a long and proud tradition of defending our Nation, as well as being a worldwide leader in aeronautical innovation. Since its early days, the Air Force has been in every military operation, from World War I to our present struggle in the global war on terror.

My father, who now is 88 years old, fought in World War II as part of what was then the Army Air Corps.

I am proud to have the Air Force Academy, Schriever Air Force Base and Peterson Air Force Base all located in the 5th District of Colorado. Schriever Air Force Base is home to the 50th Space Wing, which is one of the world's best space command and control teams, delivering combat power from space for America and its allies. At Peterson Air Force Base, we have the 21st Space Wing, the Air Force's only organization providing missile warning and space control to commanders and combat forces worldwide.

Finally, Colorado Springs has the highly regarded United States Air Force Academy, whose mission is to educate, train and inspire men and women to become officers of character motivated to lead the United States Air Force in service to our Nation.

For the past 60 years, Mr. Speaker, the strength, preparedness, and innovative superior air power of the United States Air Force has helped ensure peace in the United States and throughout the world.

Mr. Speaker, I thank the United States Air Force today and its airmen and women for 60 years of service to our great Nation.

Mr. SPRATT. Mr. Speaker, I have no requests at this time on this side. I therefore yield to the gentleman. If you need some of my time, I will gladly yield it.

Mr. TURNER. Mr. Speaker, I yield 2½ minutes to Mr. STEARNS of Florida.

Mr. STEARNS. Mr. Speaker, I rise in support of this resolution. And as a former Air Force officer and veteran and one of the co-founders of the House of Representatives Air Force Caucus, I know firsthand how the Air Force provides our Nation a unique military advantage, obviously, indispensable in war and peace, to know what is happening around the globe, to lend a hand with humanitarian assistance, to deter nations that would use aggression to bully their neighbors, and to defend our Nation when we are attacked and dealt a decisive blow to our foes.

But I bring to your attention, my colleagues, something that perhaps would not be talked about, that this supremacy could be threatened. And so I wish to, in this short amount of time talk about, although the Air Force has an overwhelming advantage right now, we are now at a point where a lot of the equipment is growing old.

Our Air Force flies the oldest aircraft that we have ever had to support, and they will be getting older and more costly to maintain if nothing is done to reverse this trend.

Both our B-52s, our KC-135s average 46 years old today. In 2030 they'll be 68 years old. Our A-10s average 26 years old today. In 2030 they'll be almost 50 years old. Though the Air Force is the youngest service, it has the most to lose in the fight against complacency.

Our Air Force is constantly in demand by combat commanders around the globe, but the size of our Air Force is the smallest it's ever been in decades. The Air Force had approximately 4,400 fighters in 1985. Today we have 2,500.

□ 1630

In 2030 it will have fewer than 1,400. Despite technological improvements, the Air Force cannot fulfill its global missions without sufficient force structure. Aircraft simply cannot be in two places at once, whether in Korea or Afghanistan or above New York City.

So for all of its immense accomplishments, the Air Force still faces formidable challenges as it enters the seventh year of the global war on terrorism. Losing our airpower edge is not a responsible option. We must ensure this does not happen.

In closing, let me leave you with the words of one of the Air Force founders, Five-Star General Hap Arnold. His words still ring true today and are especially poignant as we celebrate the 60th anniversary of the United States Air Force:

"Our Air Force belongs to those who come from ranks of labor, management, the farms, the stores, the professions, and colleges and legislative halls . . . Air power will always be the business of every American citizen."

I rise today to honor and celebrate the 60th anniversary of the United States Air Force. The Air Force is the world's dominant source of air and space power. America can rightly claim to be the greatest military power—a power that affords us prosperity and security. This status is due in no small part to our overwhelming supremacy in air and space. However, what is most impressive is the integrity and dedication of the men and women of the Air Force who work hard everyday to ensure air supremacy.

The Air Force is the youngest of our Nation's military branches. It is able to adapt in time and space by changing position. The effects the Air Force can achieve through perspective, range and endurance are those no other military instrument can execute. Our Nation's ability to gain an advantage over our enemies by exploiting air and space is unsurpassed.

The overwhelming advantages afforded to our Nation by the Air Force can be lost through inattention to modernization or by under-funding force structure. We are now at a point, after 17 years of continuous combat—from Desert Storm, Bosnia and Kosovo to Iraq and Afghanistan today—where our Nation's continued superiority in air and space is at risk.

Our Air Force flies the oldest aircraft that we have ever had to support—and they will be getting older and more costly to maintain if nothing is done to reverse the trend. Both our B–52s and KC–135s average 46 years old today; in 2030, they will average 68 years old. Our A–10s average 26 years old today; in 2030, they will average 49 years old. Though the Air Force is the youngest service, it has the most to lose in the fight against complacency.

Our Air Force is constantly in demand by combatant commanders around the globe but the size of our Air Force is the smallest it has been in decades. The Air Force had approximately 4,400 fighters in 1985, today we have around 2,500, and in 2030 it will have fewer than 1,400. Despite technological improvements, the Air Force cannot fulfill its global missions without sufficient force structure—aircraft simply cannot be in two places at once, whether in Korea and Afghanistan or above New York City.

Never before has the Nation's ability to project military power depended so heavily on air and space capabilities. Whether it is the principal actor or a supporting force, the Air Force brings to the fight unsurpassed air, space, and cyberspace capabilities—adding strength, flexibility, and resilience to the joint force. In many cases, other U.S. military branches would not be able to carry out their missions without the Air Force.

Much has changed over the years. The Air Force is flying unmanned aircraft over Iraq and Afghanistan controlled by airmen from bases in the United States and other remote locations around the world. Moreover, investments in air and space technologies have produced precision that would have been unimaginable even 15 years ago. Accuracy of weapons is now measured in mere feet from the target.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank my colleagues from Ohio and South Carolina.

I rise today to recognize the 60th anniversary of the United States Air Force as an independent military service and to support House Concurrent Resolution 207, a bill which acknowledges and commemorates this significant milestone in our country's history.

From the days the sky was ruled by such pioneers of aviation as Eddie Rickenbacker and Hap Arnold, the United States Air Force has continued its commitment to fielding a world-class Air Force by recruiting, training, and educating its active duty, Air National Guard, Air Force Reserve, and civilian personnel.

Over the past 60 years, the United States Air Force has repeatedly proved its value to the Nation by fulfilling its critical role in national defense and protecting liberty and humanity throughout the world.

On September 11, 2001, the United States Air Force fighters took to the skies to fly combat patrols over major U.S. cities to protect our loved ones from further attack. Today, United States airmen continue their great service around the world to defend our liberties and freedoms in the global war on terror.

Mr. Speaker, I am proud to represent Goodfellow Air Force Base in San Angelo, Texas, a facility that's dedicated to training of intelligence specialists and firefighters. I'm proud to represent the folks who used to serve there, who serve there today, and who will serve this great Nation tomorrow.

Mr. Speaker, I encourage my colleagues to join with me and others in celebrating this anniversary by supporting this resolution.

Mr. TURNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Speaker, I rise today to offer my sincerest birthday wishes to an American institution that has helped provide freedom and liberty for all of us that we enjoy today, and that is the Department of Air Force.

It was 60 years ago, following the passage of the National Security Act of 1947, that W. Stuart Symington was sworn in as the Nation's first Secretary of the Air Force, chosen to lead an organization finally given its rightful place in the brand new Department of Defense. The Air Force has gone on to become one of the steadfast defenders on high, enabling us to live in relative peace and tranquility knowing that they are always there literally keeping a watchful eye on our Nation.

Since its inception, the Department of the Air Force has been a global leader in perfecting and applying cutting-edge research and development. Whether it was the transition from the propeller to jet engines to the use of computer-aided weaponry incorporating satellite technology to today's use of unmanned aerial vehicles taking soldiers, marines, sailors, and airmen off the battlefield, the Air Force has always been the leader in the "Revolution in Military Affairs."

Whether it's patrolling the desert skies during Operation Northern Watch or deterring looming Iraqi aggression during Operation Vigilant Warrior, both in the 1990s, the men and women of the Air Force are constantly reminded that peace is not always peaceful.

Providing a multitude of services to their fellow warriors on the ground, along with dominating the skies against our enemies, they have played a critical role in not only defending America's interests abroad but being ambassadors of goodwill.

Just ask the airmen who sit on constant alert in the Central Command ready to deliver relief aid, as they did last summer during the conflict between Lebanon and Israel, delivering more than 10 tons of food and supplies to the region. Foreign citizens and Americans alike were once again blessed by the humanitarian spirit of the Air Force.

Today I rise not just as a proud American but as a Member of Congress who is blessed with the good fortune of representing the brave men and women of the 7th Bomb Wing and the mighty C–130 Hercules of the 317th Airlift Group at Dyess Air Force Base. Just last week I met with several of them before they deployed overseas, and I was swept away by their overwhelming courage and resounding spirit. Americans know that when airmen put on their flight suits, they are not just putting it on for themselves but for all Americans. They do it for others and they continue to do it so we can all live freely.

In the relatively short time the Air Force has been in existence, its contributions to America's security have been historic. America owes the United States Air Force a debt of gratitude for all that they have given us and will continue to give us, without fear or hesitation. They are always the backbone of our projected forces.

I wish them a very happy 60th birthday and best wishes for another successful 60 years.

Mr. SPRATT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the Wright brothers first accomplished flight, when they stretched out the wings of their airplane and began to fly and then returned to continue their work at Huffman Prairie in Dayton, Ohio, which later became Wright-Patterson Air Force Base, they could not have known the importance of their invention to preserving our freedoms and to preserving liberty. But they could imagine the bravery of the pilots that were to follow.

With this resolution, we honor the men and women who have served in the United States Air Force.

Mr. MCCARTHY of California. Mr. Speaker, I rise today in strong support of H. Con. Res. 207, a resolution recognizing the 60th anniversary of the United States Air Force as an independent military service.

I am honored that Edwards Air Force Base, home of the Air Force Flight Test Center, is located in my district, the 22nd District of California. I rise today to honor the men and women of the United States Air Force, especially those who have spent part or all of their careers in the pursuit of cutting edge flight technology at Edwards.

The USAF was "born" in 1947, but as we all know, our military's efforts to explore air power began in the early part of the 20th century with the Wright Military Flyer. The area now known as Edwards joined the effort in 1933, when LTC Henry H. "Hap" Arnold of the Army Air Corps selected a site on the edge of Rogers Dry Lake for a bombing and gunnery range at a place called Muroc, a reversal of the last name of the Corum family, which had settled in the area in 1910.

After World War II, Muroc Army Air Field was alive with activity on the X-plane programs, resulting in great successes such as the Bell X–1, which broke the sound barrier on October 14, 1947, with Chuck Yeager at the controls. The base was renamed in 1949 after CPT Glen Edwards, who died in a crash of the YB–49, and the Air Force Flight Test Center was activated in 1951, the same year that the Air Force moved its test pilot school to Edwards. In the 1960s, the X–15 broke record after record for speed and altitude. Over the years, the Flight Test Center has tested and supported the development of virtually every aircraft system that has entered the Air Force inventory and has been involved in more major milestones in flight than any other comparable organization in the world. It has been on the cutting edge of every major development that has transformed the field of flight, from the first American jet plane to the current system-of-systems revolution.

It is a pleasure to recognize and honor the hard work of the men and women of our United States Air Force on their 60th anniversary, although each day we should remember those who sacrifice in defense of our country. As the Air Force moves forward from its 60th year, we can look to the motto of the Air Force Flight Test Center—"Ad Inexplorata . . . Toward the Unexplored."

Mr. TERRY. Mr. Speaker, I want to express my support for this resolution recognizing the 60th Anniversary of the U.S. Air Force as an independent military service.

Offutt Air Force Base is home to the 55th Wing, the Fightin' Fifty-Fifth. Offutt's diverse missions and global responsibilities put it on the cutting edge of the new U.S. Air Force. There are approximately 12,000 military and Federal employees representing all branches of the military that serve on or near Offutt AFB, which is located near the Missouri River just south of Omaha and is a major presence in my congressional district.

Offut is also the home of STRATCOM, the global integrated force that is charged with the missions of space operations; information operations; integrated missile defense; global command and control; intelligence, surveillance and reconnaissance; global strike; and strategic deterrence.

Mr. Speaker, the Fifty-Fifth Wing operates a variety of aircraft to conduct operations from Offutt AFB, Nebraska; Kadena AB, Japan; RAF Mildenhall, United Kingdom; Souda Bay Naval Support Activity, Crete; and other locations around the world. It is the largest wing in Air Combat Command and the second largest in the Air Force.

Air Combat Command is the principal provider of combat airpower that supports America's global national security strategy. It operates fighter, bomber, reconnaissance, battle-management and electronic-combat aircraft. It also provides command, control, communications, intelligence systems, and information operations in support of the war on terror in Iraq and Afghanistan.

Mr. Speaker, as the U.S. Air Force celebrates its 60th Anniversary, I want to join my colleagues in recognizing the many contributions it has made to the defense of our Nation.

Mrs. TAUSCHER. Mr. Speaker, I am proud to be a cosponsor of H. Con. Res. 207—Recognizing the 60th Anniversary of the U.S. Air Force.

I am honored to represent the men, women, and families that make up Travis Air Force Base in Fairfield, California. They are the service men and women who represent "The Gateway to the West," and oversee more cargo and passenger traffic on its runways than any other military air terminal in the United States.

To me, they represent what is best about our Air Force and its proud history. Travis airmen are constantly being called upon to provide critical service to our Nation. Along with their Air Force colleagues across the globe they continue to play a vital role in the global war on terror as well as Operations Iraqi Freedom and Enduring Freedom.

Not only do they put their lives on the line in military missions whenever called upon, but the men and women of Travis have provided humanitarian relief across the globe as recently as the Indonesian tsunami and right here at home in response to the hurricane Katrina disaster.

The service members of Travis carry out their missions and protect the homeland because they have the right airlift platforms—the C–5s and the C–17s—to do their job.

This year, I was able to secure $10.8 million for the Global Support Squadron Facility at Travis Air Force Base in the fiscal year 2008 Military Construction Appropriations bill.

This project would provide a cutting edge operations facility to house approximately 130 personnel necessary for the first Global Support Squadron Facility on the West Coast.

It would enhance readiness through specialized design features for command and control, training and deployment preparation, not available in current facilities. GSS is critical to the Air Force's ability to rapidly deploy U.S. military forces and initiate operations in minimal time at any base or location around the globe.

The 60th Air Mobility Wing at Travis is the largest air mobility organization in the Air Force with a versatile all-jet fleet of C–5 Galaxy, C–17 Globemaster III cargo aircraft, and KC–10 Extender refueling aircraft. It handles more cargo and passengers than any other military air terminal in the United States.

Travis is the West Coast terminal for aeromedical evacuation aircraft returning sick or injured patients from the Pacific area. The 60th Air Mobility Wing crews can fly support missions anywhere in the world to fulfill its motto of being "America's First Choice" for providing true global reach.

I am proud to join my colleagues in commending the Air Force and its achievements.

Mr. SMITH of Washington. Mr. Speaker, since the United States Air Force was established as an independent branch of the U.S. Armed Forces in 1947, it has played a major role in our national defense. Throughout its 60 years of valiant service, from Operation Rolling Thunder over the skies of Southeast Asia, to Operations Northern and Southern Watch in Iraq, the men and women of the United States Air Force and Air National Guard have defended the United States and our allies around the world.

Since 1947, the men and women stationed at McChord Air Force Base in Washington state have played a key role in supporting the mission of the Air Force, and I want to acknowledge their outstanding service.

"Team McChord," which includes the 62nd Airlift Wing, and its Air Force Reserve components in the 446th Airlift Wing, has flown continuous combat airlift operations every day since October 2001. These operations provide vital airlift and medical evacuation support to our forces as they fight to stop the spread of terrorism and as they respond to other contingencies. In addition to being the home of combat airlift, "Team McChord" includes the Western Air Defense Sector, the 22nd Special Tactics Squadron, and the 262nd Information Warfare Aggressor Squadron. Together, day in and day out, these brave men and women actively support vital military operations around the world.

Today, we recognize the continued dedication of the United States Air Force. I congratulate them on 60 years of invaluable service to our county.

Mr. LINDER. Mr. Speaker, today, I want to pay tribute to the United States Air Force, on the occasion of its sixtieth anniversary. This special day provides us with an important opportunity to recognize and honor the men and women who have made our Nation's Air Force the greatest air power in the world. As a former Captain in the U.S. Air Force myself, I shared a willingness to protect and defend the United States of America with all my fellow airmen and airwomen.

On September 18, 1947, the National Security Act of 1947 was enacted, and the U.S. Air Force was officially formed. Although it is the newest unit of the four military branches, the U.S. Air Force has rapidly evolved into a segment of our armed services that embodies the fundamental core values and aptitude of our Nation's military foundation.

In the fifth century B.C., Chinese military theorist Sun Tzu said that the "The art of employing troops is that when the enemy occupies high ground, do not confront him." Drawing on the teachings of Sun Tzu and nineteenth century military historian and theorist Carl von Clausewitz, military leaders over the past 200 years have sought to perfect their craft in warfare. Until the 20th century, however, the might of a country's military forces was still incomplete. While nation-states throughout the world had successfully developed their ground and sea forces, it was not until the advent of aircraft that the nature of warfare would be altered dramatically and permanently, thus finally permitting our armed services to confront the enemy on high ground.

Still, it took time to develop the technology and practice of air power so that it matched its theoretical potential. Even though the technology for capable air power existed for the U.S. Air Force during the Vietnam and Korean wars, the United States had not developed the capability of air power thoroughly enough to derive full benefit from its use until the Gulf War.

Retired U.S. Air Force Colonel John Warden, the initial architect of the gulf war's air campaign, "Instant Thunder," once theorized that the most important effect that air power would have in war would be its ability to destabilize the will and morale of the enemy's military leadership. The use of American air power in the gulf war and Operation Iraqi Freedom successfully proved Colonel Warden's theory true.

The U.S. Air Force is unmatched in its technological prowess, providing air and space superiority on demand, and playing an important role in America's nuclear deterrence. The U.S. Air Force is revolutionary in that it is an expeditionary air force: It gets our ground forces to the fight, and gets our air power in the fight. Our Nation's Air Force has essentially provided our ground and naval forces with the tools necessary to successfully fight asymmetrical warfare by turning the landscape into a symmetrical one.

The Great Narrative of the next 25 years will be the contest between globalization and parochialism. As communications and technology continue to flatten the world, the connected first-world nations will benefit and their vested interest in the global order's continued smooth functioning will encourage political stability and economic development. Those nations left behind will see globalization as a hostile force and may fight against it. It is those same countries that also tend to serve as fertile breeding grounds for radical ideologies. The challenge ahead lies in folding these countries into the new global order.

The battle we face today in the global war on terror is the same battle we will face tomorrow, and it is a war we will continue to fight throughout our lifetime. In some ways, this war is not unlike the cold war between the U.S. and the Soviet Union; a monumental surgical strike will not immediately and forever decimate the enemy. This war will take time, and will require the prolonged use of a clear, inclusive, and engaging national military strategy.

Currently, our armed services continue to focus on "muddy boots" requirements in Iraq and Afghanistan. We must remember that this would not be possible without the work of our Nation's Air force. In the initial stages of Operation Iraqi Freedom, the U.S. Air Force paved the way for our men and women on the ground so that they could conduct military-to-military training, counter-drug, counter-terrorist, and homeland defense missions in Operation Enduring Freedom.

It is my hope that as we celebrate the sixtieth birthday of the United States Air Force, we will be reminded of the tremendous sacrifices that our Air Force personnel and their families have made throughout the history of air power so that we may all continue to enjoy and pursue the opportunities afforded us by their significant role in protecting our democratic values. We must encourage innovation in the field, and I will do my part to ensure that our Air Force will be ready to meet the future with the tools they need to capitalize on new technologies, to maximize transport of equipment and military personnel, and to provide our boots on the ground with the landscape necessary to continue to deter, prevent, and punish acts of terrorism and piracy in the U.S. and around the world.

Mr. EVERETT. Mr. Speaker, I rise today in support of House Concurrent Resolution 207 recognizing the 60th anniversary of the United States Air Force. Sixty years ago today, the National Security Act of 1947 established what we know as the premiere Air Force in the world. Since that time, thousands of airmen have served our Nation with pride and honor, and I am proud to recognize their service today.

The mission of the U.S. Air Force is to deliver sovereign options for the defense of the United States of America and its global interests—to fly and fight in air, space, and cyberspace. Air Force aircraft, tankers, and cargo planes play key roles in nearly every combat operation our Nation undertakes. Additionally, their capabilities in space have become critical to air, land, and sea combat operations and are a benefit to our entire Nation.

For the past 60 years, Air Force aircraft, missiles, and satellites have kept our Nation safe. While the many technologies and advancements have certainly contributed to our national defense, it is the most prized resource of the Air Force—its airmen—that truly make a difference for our Nation and the world. As a member of the Air Force Caucus, I am pleased to recognize the service of both current and former Air Force personnel on this 60th anniversary.

As we consider this resolution, our Nation's airmen are serving in every corner of the world, including many in Alabama's Second Congressional District. I am proud to represent Maxwell-Gunter Air Force Base, home of Air University, along with the 42nd Air Base Wing, the Operations and Sustainment Support Group, the 908th Airlift Wing, the 754th Electronic Systems Group, the Air Force Logistics Management Agency, and the newest squadron in the Air Force, the 100th Fighter Squadron. The 100th Fighter Squadron is special because it was the squadron of the famed Tuskegee Airmen during World War II, and I am pleased that this squadron will call Montgomery home.

Air University is a major component of Air Education and Training Command and is the Air Force's center for professional military education. Air University provides the full spectrum of Air Force education, from pre-commissioning to the highest levels of professional military education, including degree granting and professional continuing education for officers, enlisted and civilian personnel throughout their careers.

Air University's Professional Military Education programs educate airmen on the capabilities of air and space power and its role in national security. These programs focus on the knowledge and abilities needed to develop, employ, command, and support air and space power at the highest levels. Additionally, Air University conducts research in air and space power, education, leadership, and management and contributes to the development and testing of Air Force doctrine, concepts and strategy.

This year the Air Force also celebrates the 25th birthday of Air Force Space Command. As Ranking Member of the House Armed Services Strategic Forces Subcommittee, I am privileged to work with some of the finest in the Air Force on a set of programs that I believe will only become more important to our future security. Our world is becoming increasingly dependent on assets and platforms in space, and America's Air Force is meeting the challenges of the 21st Century security environment.

During the cold war, Air Force U–2 reconnaissance aircraft kept us safe by keeping watch on the Soviets. I am proud to note that I served as an Intelligence Analyst supporting this platform from 1955–1959 in West Germany. These aircraft performed a number of critically important missions and made a vital contribution to our National defense.

Air and missile crews manning nuclear bombers and ICBMs provided our Nation with a powerful strategic deterrent. These capabilities were a major component of our "Peace Through Strength" policy that enabled the United States to win the cold war, and I think it is appropriate for Congress to recognize the dedicated service of countless numbers of airmen who protected our Nation during this time.

As the Air Force ushers in its next 60 years, we can be assured it will be postured to meet new challenges in air, space, and cyberspace. As a member of the Air Force Caucus, I am proud to provide for the needs of current and future force. Although the service is the youngest of the branches of our Armed Forces, there is no question that the Air Force has made, is making, and will continue to make an extraordinary contribution to our nation's defense.

As a nation, we are indebted to the Air Force for its commitment and sacrifice. I congratulate Secretary Wynne, General Moseley, and the entire Air Force team for 60 years of dedicated service and defense of our freedom.

Mr. KINGSTON. Mr. Speaker, 60 years ago President Harry Truman, through the National Security Act of 1947, created the United States Air Force and ended a 40-year association with the U.S. Army. This move signaled the dawning of a new age and placed airpower in its proper place as a vital element of our Nation's defense.

Airpower had proven its worth to President Truman and many others over those 40 years. From Military Air Balloon success in World War I, to Billy Mitchell's airpower demonstration off Virginia's coast, to the Doolittle Raids and the devastating bombing raids in World War II, airpower allowed our military commanders to fight for and defend our Nation as never before.

Creating a separate Air Force allowed our brave service men and women to fully concentrate on honing the skills and pushing the ever-expanding envelope of airpower.

In Georgia today, we have Air National Guard and/or Air Force Reserve units at Dobbins Air Reserve Base, Robins Air Force Base, Savannah, Macon and Brunswick as well as active-duty units at Moody Air Force Base.

And whether it is C–130s from the 165th Airlift Wing or men and women from the 117th Air Control Squadron which just won the 2007 Outstanding Air Control Squadron award from the National Guard Association of the United States, each of Georgia's units and the outstanding men and women who serve in them contribute around the world fighting the Global War on Terrorism. They also provide a formidable force in the face of disaster here at home, as was seen in the aftermath of Hurricane Katrina when rescue helicopters from Moody teamed up with other Air Force rescue units to save more than 4,300 people from the disastrous and deadly storm.

Dobbins, Robins and Moody can all trace their beginnings to the Army and the 1940–1941 timeframe when the War Department was making preparations in case the United States went to war—which came to fruition on December 7, 1941 when the Japanese declared War on the United States and attacked Pearl Harbor.

Dobbins began as Rickenbacker Field, but was re-named in 1950 in honor of Captain Charles M. Dobbins of Marietta, whose airplane was shot down during the war near Sicily.

Robins is named after Brigadier General Augustine Warner Robins, one of the Army Air Corps' first General Staff Officers. The Warner Robins Air Logistic Center which preceded the base is also named after the General.

Moody is named after MAJ George Putnam Moody, an early Air Force pioneer killed in May 1941 while serving with the Beech Aircraft Company in Wichita, Kan. At the time of his death, the major was working on the inspection board for AT–10 transitional trainers which were later sent to Moody.

While each base has a rich history, Moody began a new chapter in its history just recently when the 23rd Fighter Group relocated to Moody and began flying A–10 missions in the skies over Valdosta.

The 23rd Fighter Group also known as the "Flying Tigers" was formed under the command of General Claire Chennault and was part of his China Air Task Force, taking over the mission of the disbanded American volunteer group "Flying Tigers." Several of the original Flying Tigers flew with the 23rd Fighter Group in the China-Burma-India Theater, passing on their knowledge and experience.

Like Mitchell before him, Chennault was another early pioneer and controversial figure who made today's Air Force possible. He argued vehemently for the fighter plane in the 1930s—a time when the rise of the bomber aircraft had consumed the Air Corps experts and were the focus for their tactics.

In fact, it was his continued belief and passionate advocacy for the fighter that led to his isolation at the famed Air Tactical School and eventually drove him to become an advisor in China and the rest as we say is history.

Today we mark the Air Force's 60th birthday in order to reflect on its heroes of the past, and more importantly, to recognize the courage and sacrifice our airmen and their families make each and every day for our freedom. Quite simply, I salute you.

Mr. TURNER. Mr. Speaker, I yield back the balance of my time.

Mr. SPRATT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SARBANES). The question is on the motion offered by the gentleman from South Carolina (Mr. SPRATT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 207.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation, H. Con. Res. 207.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DREAM ACT—BAD DREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, there are some in Congress who have gone to sleep and blissfully are dreaming of ways to get more illegals benefits that American taxpayers are going to have to pay for.

It's called the DREAM Act, or specifically the Development, Relief, and Education for Alien Minors Act. You notice that word "alien." It only applies to aliens illegally in the United States, not to American citizens and not to foreign nationals who are here legally. It's a bill to give preference to illegals in our public universities.

Here's how it works under normal circumstances: Most States require that if you are not a resident of their State, you pay out-of-State tuition to go to their public universities. For example, if you are from New Jersey or from India and you go to school at Texas University, you pay out-of-State tuition because you are not from Texas. Most public universities have this rule.

The DREAM Act, however, will do something differently. It applies only to folks who are illegally in the country and who can attest that they came before they were the age of 16. If so, this person will be able to get a green card, later to get a permanent residence card, and then after that get a green card for the parents of this illegal who brought this child into the United States illegally in the first place.

It gives priorities to illegals over American citizens and foreign nationals who are legally in the country. It discriminates against Americans. It discriminates against foreign students because it only applies to illegals who are here so that they can go to our public universities and pay in-State tuition because if you are from some other State or some foreign nation and legally in the country, you pay out-of-State tuition, which, of course, is more.

It seems to me this violates the equal protection clause of the 14th amendment. It treats illegals who are violating the law by being here in the United States already better than Americans.

Mr. Speaker, as college costs continue to soar, most Americans who have kids that go to college have to foot that bill. I just had my four children finish college not too long ago and just paid off the last college loan. I have one daughter who is still paying on her college loan after she received her doctorate degree.

There are many Americans who will not be able to go to college because it now costs too much for them to go. But the dreamers want it to cost even more because they want us to subsidize illegals so they can go to school with in-State tuition.

This silly law goes further. It repeals a law that this body signed into law in

1996. In 1996, the legislation was enacted by Congress, started in this House, stating that States cannot give preference to illegals and let them pay in-State tuition unless those same States treat foreign nationals who are legally in the country and out-of-State students, students from other States, the same way. The law applied saying you have to treat everybody equally and you have to treat Americans the same as illegals if you let them go to your university with in-State tuition.

In spite of this 1996 law, there are 10 States who defy this law and have ignored the law and have allowed in-State tuition for illegals. Those 10 States: California; unfortunately, my home State of Texas; Illinois; Oklahoma; Utah; Washington; New Mexico; Kansas; Nebraska; and New York. You see, these 10 States violate Federal law because they already allow in-State tuition for illegals that are in their State.

This is called "nullification." That's a legal term, Mr. Speaker, which means that a State ignores or passes legislation contrary to Federal law. Nullification is not a new concept. It started over 150 years ago when several southern States decided they could nullify Federal laws that they didn't like.

□ 1645

And so one reason for the Great War between the States was because of the nullification concept where States voted laws that were contrary to Federal law.

So this DREAM Act will legalize the conduct of these 10 States. It will then give amnesty and in-state tuition to illegals in this country at the detriment of American students and legal foreign students. Mr. Speaker, this ought not to be. Americans should not have to pay the cost for the education of illegals in this country. And illegals that come to this country and get in our universities should not get to pay less than Americans who live in other States.

And that's just the way it is.

"GREENSPAN"

The SPEAKER pro tempore (Mr. SARBANES). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, the former Fed Chairman, Alan Greenspan, has recently released his memoir for the years of his time in public service. And it comes as a surprise to many that President Bush and the Republicans in Congress do not fair particularly well.

Reuters said the Fed chairman, Mr. Greenspan, in his book, "sharply criticizes the President, President Bush's administration and Republican congressional leaders for putting political imperatives ahead of sound economic policies." The New York Times said of Mr. Greenspan's book: "The Bush administration was so captive to its own political operation that it paid little attention to fiscal discipline."

And the irony here is that when President Bush took office and the Republicans had control of the House and the Senate, they were left with $5 trillion in surplus. And in a short period of time, they've added $3 trillion to the Nation's debt; $3 trillion, the fastest accumulation of debt and greatest amount of debt in the shortest period of time in American history.

Now, this is what he goes on to say about this administration, which I find almost intriguing, and also about the Republicans. He looked forward, he says, to working with this administration because at least he worked, as he said, with some of the best and brightest of this administration. And he shared memorable experiences with DICK CHENEY, Don Rumsfeld, among others. And on a personal basis, that is how it worked. But on policy matters, I was soon to see my old friends veer off in unexpected directions.

He was disappointed, he says, from the start. Mr. Greenspan notes that "little value was placed on rigorous economic policy debate or weighing the long-term consequences." He says that in George W. Bush's White House, the political operation was far more dominant.

Now, I will mention, since it's only fair, that he is quite complimentary of what President Clinton and the Democrats did in the 1990s of basically a pay-as-you-go process, weighing long-term economic consequences to their decisions, and always putting America's long-term economic consequences before political considerations. And he praises what was then the fiscal discipline that was adopted in the 1990s that led to unprecedented economic growth.

Now, Mr. Greenspan does not put all the burden of the $3 trillion of debt on President Bush. He puts that burden also on the Republicans in Congress for what they did in conjunction with this President. And, again, let me read from his book. Greenspan says that "for many of the Republican Party leaders, altering the electoral process to create permanent Republican-led government became a major goal. House Speaker HASTERT and House Majority Leader Tom Delay seemed readily inclined to loosen the Federal purse strings any time it might help add a few more seats to the Republican majority."

Alan Greenspan notes that the Republicans led an earmark explosion and says Congress was too busy feeding at the trough. In the end, Mr. Greenspan says again, "The Republican Congress lost their way. They swapped principle for power. They ended up with neither." Mr. Greenspan praises the pay-as-you-go spending rules and the fiscal disciplines of the 1990s that resulted in the surplus I just mentioned.

That is exactly what this new Congress has done is adopt the pay-as-you-go rules, the fiscal discipline that put us on a path to again putting our fiscal house in order and in balance with our priorities as we go.

But Mr. Greenspan's book, I don't think any time soon will be on the best seller list or talked about in Republican clubs or Republican book circles, lays bare what a number of us have been saying about this administration and the Republican Congress, that they, or as JOHN MCCAIN quotes, "spend like a bunch of drunken sailors." And they have now left America stranded with mountains of debt.

The one thing that we can say about President Bush and the Republican Congress when it comes to the economy and the fiscal mess that they've left is that we will forever be in their debt. That is one thing that you can always say. But I find it most intriguing that Greenspan, who is a life-long Republican and served and worked with President Reagan, President Bush, President Clinton, President Bush, and President Ford, saw that this administration and this Republican Congress and cohorts, when they worked together for 6 years, left this country in a worse fiscal shape than the one they inherited. And all of us will be judged in our public life for the country we inherited and the country we left behind. And what we got left behind is nothing but a fiscal mess that those of us who have taken the tough votes and the tough decisions put America's long-term economic interests at the center of our economic policy.

IN SUPPORT OF ONSLOW VIETNAM VETERANS MEMORIAL FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I rise today in support of an important effort to honor our Nation's Vietnam veterans.

The Onslow County Vietnam Veterans Memorial Foundation in Jacksonville, North Carolina, is a nonprofit organization that was established by veterans and supporters in 1998. It was created to raise funds for the construction of a memorial to honor the brave men and women from all branches of the Armed Forces who served their country in Vietnam.

More than 9 million veterans of the Armed Forces served on active duty from August 5, 1964 to May 7, 1975. Of the 3 million men and women who served in the Vietnam theater, 300,000 were wounded and more than 58,000 were killed. The Veterans Administration estimates that nearly 200 of the surviving Vietnam veterans die each and every day.

Today, nearly 10 years after its formation, the goal of the Onslow Vietnam Veterans Memorial Foundation is on the verge of becoming a reality. On the grounds of Marine Corps base Camp Lejeune, land has been acquired adjacent to the Beirut memorial, and the first phase of construction is expected to begin later this year.

The design of the memorial consists of a gazebo over a reflecting pool and fountain encircled by a glass wall inscribed with the names of all those who made the ultimate sacrifice for our Nation. Hidden within a dark gray granite base, lights will gently illuminate the engraved names on the curved glass memorial.

Once completed, the memorial will enhance the Beirut memorial and any further memorials built within the Lejeune Memorial Garden. By creating an environment where relatives and the general public can come to remember and reflect on the men and women who gave their lives in Vietnam, this memorial will attract thousands of visitors to Onslow County each year.

The Onslow Vietnam Veterans Memorial Foundation has raised and collected about $1.2 million toward the $5 million estimated cost of the memorial. In support of this worthy project, Mr. Kenji Horn and others who believe in this memorial have organized a fund-raising motorcycle run in Jacksonville, North Carolina, on Saturday, September 22 of this year. It is open to everyone, and all types of motorcycles are welcome. Registrations have come in from Florida, Pennsylvania, South Carolina, Kentucky, and other States around the country; and more than 1,500 motorcycles are expected to participate.

Mr. Speaker, in today's world, we all are aware of the debt of this Nation, and we understand the reality that most worthwhile projects must be funded by the private sector. So it is my hope, Mr. Speaker, that people from around this Nation will be interested in learning more about the Onslow Vietnam Veterans Memorial Foundation. Our Vietnam veterans have earned this honor.

And I close, Mr. Speaker, by saying, please God, continue to bless our men and women in uniform, and please, God, continue to bless America.

A BIPARTISAN WAY AHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, there is a bipartisan "way ahead" in Iraq if viewed in terms of progress for America's security and not solely Iraq's, with a strategy that focuses on our natural interests in this conflict, not just the interests of Iraqis.

Our troops have served our country courageously and brilliantly, but our engagement in Iraq has degraded our security, pushing our Army to the breaking point so that it cannot confront other pressing security concerns at home and abroad. My military service as a 3-star admiral, having led an aircraft carrier battle group in combat operations in Afghanistan and Iraq and served as Director of the Navy's anti-terrorism unit, convinces me that an inconclusive, open-ended involvement in Iraq is not in our security interests.

Ending this war is necessary, but how we end it is of even greater importance both for our security and our troops' safety. These two considerations, our security and our troops' safety, are the dual catalysts for a bipartisan discussion to end this war.

First, America's security. Our Army will rapidly unravel if redeployment from Iraq does not begin before spring, 2008. Today, 40 percent of all U.S. Army equipment is in Iraq. There is no Army unit now at home in a state of readiness able to deploy anywhere another contingency might occur in the world.

Second, the safety of our troops. Redeployment from Iraq will be lengthy. Moving 160,000 troops and 50,000 civilians and closing bases are logistically challenging, especially in conflict. To ensure our troops' safety, it will take at least a year, probably 15 to 24 months. The "long pole in the tent" is the closure or turnover of 65 forward operating bases. Conservatively, it takes 100 days to close one forward operating base. It will be important to balance how many to close at one time, with calculations about surrounding strife, and the fact that Kuwait's receiving facilities to clean and package vehicles for customs and shipment back to the United States can handle only two to 2½ brigade combat teams at a time, with the fact that there are currently 40 brigade combat team equivalents in Iraq today.

Redeployment is the most vulnerable of all military operations, particularly because this one will be down a single road leading from Iraq to Kuwait, "Road Tampa." Such vulnerability is why, in 1993, after "Black Hawk Down" in Somalia, it took 6 months to extract our 6,300 troops safely and only then after inserting an additional 19,000 troops to protect their redeployment.

And what of Iraqi stability in the aftermath of our redeployment, which affects the region and, thus, our security? Because the redeployment of troops will take a long time, we can have a bipartisan approach to Iraq's security. To do this, we Democrats must turn from pure opposition to this war and an immediate withdrawal and begin to help author a comprehensive regional security plan that accepts the necessity for a deliberate redeployment.

In turn, the Republican leadership must accept that the U.S. Government must also work diplomatically with Iran and Syria during this deliberate redeployment. While these two countries are currently involved destructively in this war, according to our intelligence community, these nations want stability in Iraq after our departure and, therefore, can play a constructive role.

I have consistently argued that a planned end to our military engagement is necessary and that such a date certain deadline would force Iraqi leaders to assume responsibility, providing Iran and Syria the incentive to prevent violence otherwise caused by our departure.

Our troops could either return home or deploy to regions such as Afghanistan, where terrorists pose a threat to our security, while others remain at our existing bases in Kuwait, Bahrain, the United Arab Emirates, Qatar, and on aircraft carrier and amphibious groups to ensure our interests in the region as we did prior to invading Iraq.

Because our Army must either start a lengthy redeployment or risk unraveling, we have the catalyst for a bipartisan agreement to end this war with a stable Iraq if we also work with Iran and Syria to meet this goal. However, this opportunity for a bipartisan congressional approach to convince the President to use diplomacy to bring about a stable accommodation in Iraq once our troops redeploy will undoubtedly require an initial redeployment deadline that is a "goal" instead of a "date certain." Therefore, despite my continuing belief that a date certain is the best leverage we have to change Iraqis' and regional nations' behavior, when faced with the otherwise assured consequences of a bipartisan stalemate on resolving the tragic misadventure in Iraq, this compromise is needed for America's security.

☐ 1700

WE MOURN THE PASSING OF SHEIK SATTAR BUZAIGH AL RISHAWI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, scripture tells us to mourn with those who mourn and to grieve with those who grieve. I rise today to join our allies and his family and neighbors and friends to grieve the passing by assassination last week of a courageous Iraqi in Anbar province, Sheik Abdul Sattar Buzaigh al Rishawi, a man 37 years of age that I had the privilege of meeting this last April when I visited Falluja in Ramadi.

It was there that I learned from General Odierno, as well, in our nearly 1-hour meeting with Sheik Sattar about how what has come to be known, Mr. Speaker, globally as the Anbar Awakening was born. You see, it was this Iraqi sheik, whose father had been killed by al Qaeda in Iraq, his three brothers had been murdered by al Qaeda, who said sometime in late 2006, "I have had enough." What the general told me, and the Sheik affirmed, as he came across the river in Ramadi, sat down with the Marines perhaps in the same room where we are pictured here, and said, "How can we, as Sunni sheik leaders, work with you, American forces, and the Maliki government to rid Ramadi, to rid al Anbar of al Qaeda?"

It was the end of a bloody year in 2006, just a few months earlier that Ramadi was at the very center of what was called the Triangle of Death. According to National Intelligence Estimates, Ramadi was so far gone that it could not be reclaimed militarily. But Sheik Sattar stepped forward. He had a vision for driving terrorists from his community. As General Petraeus and Ambassador Crocker reported to Congress last week and independent organizations, like the Brookings Institution, a left-leaning think tank, have confirmed, because of the leadership of Sheik Sattar and over 42 other Iraqi sheiks that he recruited, Anbar province is transformed. The city of Ramadi is transformed. It has truly been a miraculous turnaround with the virtual elimination of al Qaeda in western Iraq being the result.

Iraqi military leaders say to the world media, "We considered the sheik our first line of defense." President Bush just 10 days ago met with Sheik Sattar in Ramadi to celebrate the first anniversary of the Anbar Awakening. Of his passing, the interior ministry named a national police brigade after him. The leader of that ministry said, "We will be building a great statue for Sheik Sattar Buzaigh al Rishawi at the entrance of Anbar province so it will be a witness to his great accomplishments and those of the people of Iraq."

Amidst the thousands who gathered for his funeral on Friday in Ramadi, his brother would say, "All of Anbar is Abu Risha, so Abu Risha has not been killed." He went on to say, "I pledge to you, my father, my brother, my cousins, we will follow the road taken by Sheik Abdul Risha. We will follow it until we kill the last terrorist in Iraq." I was pleased to see that even this Sunday U.S. military forces took into custody a man believed to have been involved in his assassination.

We mourn with those who mourn. In my meeting with Sheik Sattar, he said a few things to me I will never forget. He said, "Congressman PENCE, when you go home, tell your people that we in Anbar believe that an attack on an American is an attack on an Iraqi." He said, "Anyone who points a weapon at an American is pointing a weapon at an Iraqi." He also looked at me, at age 37, wearing those flowing robes with a pinstripe suit underneath them, he looked at me, and he said through those warm brown eyes, he said, "Anyone who tells you that Iraqis don't like Americans is lying to you." He said, "Iraqis love Americans." And then he asked me, sitting at Camp Falluja and Ramadi, why we would even discuss permanently leaving Iraq.

He was a man of hope, a man of courage, a man of conviction. I mourn his loss as should every American and every freedom-loving citizen of the world mourn the passing of Sheik Sattar.

JENA SIX

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I am very pleased to see that the Third Circuit Court of Appeals has tossed out the conviction of aggravated battery for 17-year-old Mychal Bell. I can no longer be silent about the ongoing struggle for justice for the 6 high school students in Jena, Louisiana, known as the Jena Six. These young boys, who were arrested after a racially charged school fight and charged with attempted murder following a noose hanging incident now face the prospect of losing much of their young lives to a tainted criminal justice system.

I have carefully reviewed all of the news accounts of the events surrounding this most troubling case. I have talked with the parents, and I have talked with the attorneys. I remain convinced that this case is a result of long-standing, deep-seated racial divisions in Jena, Louisiana.

It seems unreasonable that on a school campus the administration was unaware of the fact that white students had claimed the space under a tree and declared it off limits to black students. Even so, once the black students asked permission of the administration to sit under the tree and were granted permission to sit under the tree, the school should have recognized that a problem was brewing. The school should have initiated discussions surrounding the residual racial issues that existed in order to avoid a confrontation.

After the black students sat under the tree, it is reported that the white students responded by hanging 3 hangman's nooses in a tree. Given this country's history of racially motivated violence, specifically lynchings, the black students were offended and threatened by the physical and emotional message sent by the nooses hanging in the tree. It seems unconscionable that this kind of Jim Crow era segregation, exclusion and emotional terrorism could be tolerated today.

There was tension on the campus and several fights took place. In 1 fight, a black student was beaten and the white student responsible was suspended. In another fight, a white student was beaten and the black students allegedly responsible were arrested and charged first with attempted murder and later charged with aggravated battery. These are serious criminal charges.

Let me be clear. I do not condone physical violence. I believe all of the students involved in the alleged fighting incidents should be held accountable by school officials. But school-age children all over this country get in fights every day and are appropriately disciplined by school administrators, whether it is a suspension or some other administrative punishment. Appropriate action is taken, and rarely do these incidents rise to the level of a criminal act. However, regardless of the charges and the unusually harsh approach that was taken by the district attorney, 1 young man, Mychal Bell, who is now still in jail, should never have been tried as an adult for this incident. That is why the Third Circuit Court of Appeals just ruled that that conviction must be tossed out and the other students should never have been incarcerated for the better part of a year awaiting their fate. This injustice cannot be swept under the rug and pacified simply by moving the case from the adult court.

The work here is not done. Along with Mychal Bell, there are 5 other students, Robert Bailey, Carwin Jones, Theodore Shaw, Jesse Beard and Bryant Ray Purvis, whose lives have been placed on hold awaiting their day in court.

I call on the district attorney to drop all charges against the Jena Six. The City of Jena must begin a reconciliation process which begins with the apology by and investigation of District Attorney Reed Walters for breach of ethics, false imprisonment and civil rights violations. His comments and actions have been both rogue and irresponsible and clearly demonstrate an agenda that is not in line with peace, justice or fairness.

Young people are traveling to Jena on Thursday led by Howard University students. They are coming from all over America to go to Jena, Louisiana to show support. These cases stand as the greatest civil rights challenges this Nation has faced in the 21st century. I will be traveling with them. I will be in Jena with the students. This is a new chapter in the civil rights movement led by young people to get America to do the right thing and to bring justice to Jena.

A TRIBUTE TO VICKI ANN SUMMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, I want to pay tribute to Vicki Ann Summers, 59, of Pinehurst, North Carolina, who died on Monday, July 23, 2007, at her home. She was born February 19, 1948, in Stanly County to the late Rudy Lamar Summers and Margaret Ewing Lisk Summers. Vicki was a talented newspaper reporter with a long history in journalism who was most recently employed by The News-Journal in Hoke County. Throughout her career, she spent most of her time covering local government, but she also wrote human interest stories, covered the crime beat and was a photographer. She was recognized for her writings by the North Carolina Press Association.

Vicki grew up in Fayetteville and attended Pine Forest High School before graduating from the North Carolina School of the Arts, which she attended on a full scholarship. She later attended Miami-Dade Junior College in Florida and East Carolina University.

In early 1970, she was a director of public relations for Sheraton Hotels Corporation and the Fountain Bleu Resort in Miami Beach. Around the same time, she worked as a celebrity correspondent for the National Enquirer, as a lifestyle writer for the Miami News, and as a trends writer and garden editor for the Sun Sentinel in Fort Lauderdale. Before coming to the News-Journal, she worked for the Harnett County News in Lillington and the Erwin Times in Erwin, North Carolina.

Vicki was very diligent and really cared about her local community. She took great pride in reporting about the economic development of the county and downtown Raeford streets' redevelopment.

A memorial service was held on Monday, July 30, at 7 p.m. at Northwood Temple in Fayetteville. She is survived by her mother, Margaret Ewing Pope, of Fayetteville, three sisters, Carla S. Merritt and Jan Hernandez, both of Fayetteville, and Lydia Aldridge of Raleigh, and one brother, Eric Summers of Linden.

☐ 1715

BLACKWATER'S OPERATING LICENSE IS REVOKED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the Government of Iraq today took the extraordinary step of revoking the operating license of Blackwater U.S.A. in light of accusations that Blackwater employees killed eight Iraqi civilians. Blackwater is a North Carolina-based firm providing private security forces inside Iraq.

This incident has caused another international uproar about the role of the United States in Iraq. Here at home, it is bringing long overdue attention to the role of the so-called contractors. Some call them mercenaries, as many of them are paid more than five times what our regular forces are paid.

The role of private contractors is an issue about which I have been ringing the alarm bell in this House and in the House Appropriations Defense Subcommittee for a long time.

Now the Government of Iraq has been compelled to pull the plug on Blackwater U.S.A. The company claims its employees were acting in self-defense. Many people in Iraq claim the company committed atrocities. Who knows the truth? Who has the authority to investigate? Where is the accountability when it comes to private contractors? How many such hired guns are operating in Iraq? Some say 25,000. Some say more. How many contractors totally are operating in Iraq? Some have estimated the number at 180,000, which is more than the U.S. military we have based in Iraq.

Here in Washington, Congress and the President are debating the proper troop levels for U.S. forces. But, meanwhile, there seem to be more and more contractors operating in Iraq. Due to the unpopularity of this war, I have little doubt that the Bush-Cheney plan is to replace our military forces with paid mercenaries. This would be the first time in U.S. history that our Nation will act as an occupying force by contracted mercenaries.

Indeed, the contracting out process of the U.S. military started in a small way back in the 1980s when Vice President CHENEY was Secretary of Defense. It expanded greatly under the first President Bush, and now it has exploded in this administration.

America, pay attention. Make no mistake: private contractors are also very much the face of the West in the Middle East. They might be accountable only to their bosses and shareholders, but they are Americans in the eyes of Iraqis. Blackwater's eviction from Iraq comes as no surprise to those of us who have followed the now well-established, usually irresponsible use of defense contractors as mercenary forces. In fact, I believe that you cannot win in an engagement through the use of mercenary forces.

Blackwater is not the only defense contracting firm operating irresponsibly in lieu of our well-trained and well-respected military. Unlike our government, the Iraqi Government seems to recognize this.

Today, The New York Times reported that the Iraqi Government said it would review the status of all foreign and local security companies working in Iraq. According to the Private Security Company Association of Iraq, the Iraqi Government has suspended the licenses of two other security companies, but they were reinstated after a review.

Problems with private contractors are not a new phenomenon. In December, a Blackwater employee killed one of the Iraqi Vice President's guards but was never charged under Iraqi or American law because private contractors enjoy immunity, thanks to a law imposed by the United States.

On July 12, 2005, I delivered a floor statement after Iraqis cheered the brutal death of four Blackwater contractors in Fallujah. I pointed out that those soldiers of fortune are not bound by the same values of duty and honor like those brave young men and women serving in our regular forces, and those contracted forces are paid astronomically more than our regular forces.

There aren't just problems in theater. There are problems right here in Washington, like the opaque and often unfair process of awarding no-bid contracts. In fact, Blackwater has won over $505 million in publicly identifiable contracts since 2000 and in 2003 was awarded a $21 million no-bid contract to guard the Director of the Office for Reconstruction and Humanitarian Assistance, Mr. Bremer. Why aren't our regular forces doing that?

I have raised questions before about these contractors and their behavior in Iraq and Afghanistan, but to no avail, in a Congress still not focused on upholding the great traditions of the U.S. military, and that means regular force, not mercenary force, not contracted force.

Mr. Speaker, the private contractors in Iraq all too often are rogue elephants, operating beyond the command and control system of our U.S. military. It is time to restore the time-heralded tradition of regular forces of this U.S. military, committed to duty, honor and country, not bounty.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN R. "RANDY" KUHL, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Colleen Banik, District Office Coordinator, Office of the Honorable John R. "Randy" Kuhl, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have been served with a trial subpoena for testimony in a criminal case issued by the Bath Village Court of Steuben County in the State of New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

COLLEEN BANIK,
District Office Coordinator

OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, what a great opportunity it is to come back to the floor of the House as the designee of the minority leader, the Republican leader, and bring some issues hopefully into a little greater perspective.

We come here often and try to shed a little light as a group that we call the Official Truth Squad. The Official Truth Squad is a group that got started a little over 2 years ago, because, Mr. Speaker, as you well know, when folks tend to speak on the floor of the House, sometimes they exaggerate a little bit. I know that is hard to believe, but in fact that is the case. In fact, what we just heard, I would suggest, Mr. Speaker, is a bit of an exaggeration, and maybe a distortion of the facts.

What we would like to do tonight is to talk about a number of issues, primarily monetary issues, taxing and spending and those kinds of things. But before we get started, we want to bring a couple of issues together that have as their common core and their common theme truth.

Our desire is to try to bring into perspective some of those areas that oftentimes don't have the light of day given to them, if you will, Mr. Speaker. We have a favorite phrase or quote that we use in the Official Truth Squad, and it comes from a gentleman who was revered in this Capitol, and truly across this Nation, a former Senator from New York, Daniel Patrick Moynihan. He is quoted, and a number of folks have said something like this, but he has my favorite quote that crystallizes this issue, and that is that everyone is entitled to their opinion, but they are not entitled to their own facts. Everyone is entitled to their own opinion, but they are not entitled to their own facts.

Before I begin and talk about some of the fiscal matters, the monetary matters, that we have confronting us in this Nation and that this Congress has already dealt with in ways that I think would benefit from a little light, and certainly issues that we will be dealing with further as we go on into this fall and winter, I want to talk about 2 very specific issues that have come to this Congress within the last week.

The first is something that the American people are well aware of, and that is that General Petraeus, who was the commanding officer of the coalition forces in Iraq, came last week after much fanfare in the media to present to Congress his perspective on what was going on in Iraq, and only in Iraq. Leading up to that, we had a remarkable display by Members of the other side of the aisle, the majority party, that did their best, their dead level best, to discredit this incredible hero and this incredible patriot and this incredible man of service to this Nation.

All the while you hear them say over and over and over, "we support the troops." "We don't like the war, but we support the troops." Well, nobody likes the war. But some people back up their statement that they indeed support the troops with action, and the action that occurred leading up to last week's presentation before a joint committee in the House and a committee in the Senate by General Petraeus, a true hero and a true patriot, the action that led up to that by Members of the majority party, the Democrat majority party, I found to be disconcerting. When I was home last week for our extended recess, folks at home found it to be disconcerting.

But then what we heard after a remarkable ad was taken out by a left-wing advocacy group that questioned the patriotism and that questioned the honor and that questioned the veracity of what General Petraeus was going to present to the committee, what we heard from the other side after that was remarkable silence, a remarkable silence.

So when you hear Members on the other side of the aisle, as we just did within the last 15 minutes, say, Mr. Speaker, I support the troops, but I don't support the mission, well, it is clear, Mr. Speaker, that you can't do that and be true to our men and women on the ground. You can't do that. Because what we heard after the ad that was put in The New York Times, at a discount rate, I might add, the ad that was put in The New York Times, when it questioned the honesty of one of our bravest heroes, military heroes, what we heard from the other side was virtually nothing, which put it all into perspective.

That is the truth that Senator Moynihan was talking about. You can have your opinion, but you can't have your own facts. And the fact of the matter is in that instance, when there was an attack on one of our leaders in the military, one of our heroes, when there was an attack, where were the Americans in the majority party, who represent the majority party? Where were they?

I know where their constituents were, because I represent many of them, and they were as disgusted as I with the actions of MoveOn.org. They were as disgusted as I with the remarkable, remarkable betrayal of the public trust that anybody in the public arena has. And it was distressing. I found it distressing and saddening that in fact we heard virtually nothing from folks on the other side of the aisle.

So that is a bit of truth that the American people are paying attention to. When I go home, that is what I hear. I hear folks ask me all the time, why is it that our Congress, the majority party now in our Congress, cannot stand up proudly and say that they match their words with action when it comes to our brave men and women in the military? So that is a bit of truth that I wanted to highlight, to bring a little light to in this House of Representatives.

The other is an issue that again doesn't have anything to do with that, except we are trying to shed some light of truth on it. It happened just a couple of hours ago, Mr. Speaker, on the floor of this House.

The majority party has bent over backwards in their efforts to try to make certain that individuals who are in this Nation illegally are able to access certain benefit that are paid for with hard-earned taxpayer money. Now, I don't know why that is. I can't answer the question I get at home, why on Earth would they do those sorts of things? I can't answer that. But they bend over backwards to make certain that individuals who have come into this Nation illegally are able to get access to housing, get access to all sorts of things that in fact my constituents, your constituents, I suspect, Mr. Speaker, don't believe is appropriate.

They believe that we ought to make certain that our borders are secure and that individuals come into this Nation correctly, legally. I don't know of anybody that opposes legal immigration. What many of us, especially on the minority side, the Republican side, oppose is illegal immigration and the consequences of attempting to take care of or provide services for those folks that are here illegally. The problem is, those services, all of the services that we address here, are paid for by hard-earned American taxpayer money.

So what we had on the floor of the House here today was a bill that should have gotten broad support, the reauthorization of the Federal Housing Act. It is a bill that in its original intent was supposed to try to provide assistance for people who were kind of at the margins. They weren't able to make certain that they were able to afford some kind of housing, and this bill was an attempt to try to provide in a very generous and positive way some assistance to those that needed it.

Over time, that mission has become a bit distorted. In this instance today, it has not only become distorted; it has become abused, abused in a way that, again, my constituents at home, they just shake their head when they hear these kinds of stories.

What happened is what the bill included, at the direction of the chairman of the committee and of the Democrat majority. What it included was up to a $5 billion slush fund.

Mr. Speaker, remember, that is $5 billion of hard-earned American taxpayer money, $5 billion to go into what is euphemistically called an Affordable Housing Fund. But in fact what that money can be used for is virtually anything that the majority party believes is appropriate in terms of giving money to organizations that have something to do with housing.

Now, how is that something defined? Well, it isn't, which means that that money can be used for an organization that simply advertises that if you are having difficulty with housing, then we would like to assist you and move you and get you to talk to the people who truly have the answers.

☐ 1730

That may be 1 percent of their mission, and the other 99 percent of their mission is advocacy for left-leaning organizations all across this Nation. And advocacy for individuals on the other side of the aisle to get elected, and advocacy in ways that the vast majority of the American people would say we ought not be doing that. We ought not be spending hard-earned American taxpayer money that way. Yet this is a $5 billion slush fund for individuals to be able to use it kind of as their own little pet project.

If that weren't bad enough, on our side of the aisle we get one opportunity to truly affect and change the course or the description, the content of a bill. It is called a motion to recommit, as you know, Mr. Speaker. In that motion to recommit that we offered today, it was very simple. It said, if you are going to allow individuals to have access to that $5 billion of hard-earned taxpayer money, you ought to make certain that the people receiving that money are either U.S. citizens or here legally. Kind of a simple, commonsense amendment.

What we heard from the other side was oh, no, you can't do that. That would limit the ability of us to do, to accomplish our mission. That would make it so we are not able to do the kinds of things that we want to do.

Remember, the kinds of things that they want to do is to support organizations that are not consistent with mainstream America. So we offered that amendment that would have provided that you had to be legal in this Nation, that you had appropriate documentation of your legality. You had to be a U.S. citizen or here legally. The other side strenuously objected and defeated it. So 216 or 217 Members of the Democrat Party said no, we don't believe that you ought to be here legally and get those kinds of moneys. We believe those moneys ought to be able to go to those folks here illegally.

Mr. Speaker, when I go home and try to explain that to my constituents, there is no way I can do that. They stand in front of me just dumbfounded that the majority party that we have right now is intent on providing taxpayer benefits, taxpayer-funded benefits, to individuals here illegally. That is a bit of a truth that I am trying to weave through and make certain that Members of this body, Mr. Speaker, understand and appreciate that some of these votes actually do matter. Some of these votes matter. That vote today mattered.

I am attempting to shed some light on issues that in fact matter, and the issue of the ad that denigrated and criticized and brought into question the honesty and truthfulness of one of our military heroes about which we heard nothing, virtually nothing from the other side, that is truth. That's truth. And the American people are watching. The American people are watching.

I mentioned, Mr. Speaker, when I go home I often get some questions from folks who are concerned about what is going on here in Washington. I was reminded by a friend here on the floor of the House today that it is striking that so often what seems to matter at home doesn't matter here, and what matters here doesn't matter at home. So we get the kind of remarkable back-and-forth that goes on here on the floor of the House that oftentimes is not full of the kind of substance that the American people are concerned about, and the issues about which they are concerned we often get very little attention paid to those things here in Washington.

We are going to talk about one of those that I hear about all the time from my constituents back home. We are going to talk about the issue of taxes and the issue of spending and the issue of entitlements. "Entitlements" is a word I am not very fond of because it is not an appropriate description. Entitlements have come to en capture the Social Security program, Medicare program and Medicaid program. They are called entitlements, because in order to receive the benefits from those three programs, and other entitlements, there are other entitlements, all you have to do is meet certain parameters. So if you are a certain age, for example, you are eligible for Medicare, regardless of anything else. If you are below a certain income and you have a certain family situation, then you are eligible for Medicaid. Once you reach a certain age, you are eligible for Social Security. The proceeds or the benefits that are in those programs are automatic. So I prefer to call them automatic spending as opposed to entitlements. And instead of mandatory spending, I like to call them automatic spending because the spending is on autopilot. It just goes and goes.

Regardless of what happens in this Chamber and in the Senate, the spending continues and continues and continues. The inertia here in Washington about these programs is to do nothing. It is to do absolutely nothing because they are automatic. They are entitlements. Why would we want to do anything. We would want to do something because of the changing demographics of our society. We are on a collision course with a fiscal disaster. A collision course with a fiscal disaster. That is not my opinion, that is a fact, to quote Senator Moynihan.

If you go to other folks who are much more knowledgeable about this situation, they will tell you the same thing. The chairman of the Federal Reserve, Chairman Bernanke said in February 2007, "Without early and meaningful action to address the rapid growth of entitlement, the U.S. economy could be seriously weakened with future generations bearing much of the cost." That is the Federal Reserve chairman saying if something isn't done, the economy could be seriously weakened. What that means is fewer jobs, decreasing income, higher taxes, decreasing opportunity, a shadow coming across the dreams of the American people. That's what that means.

The comptroller general, David Walker, who has been working as hard as he can for literally years to get the American people and this Congress to wake up to this impending crisis, David Walker said in March of this year, "The rising cost of government entitlements are 'a fiscal cancer' that threatens catastrophic consequences for our country and could 'bankrupt America.'"

Mr. Speaker, that's not Representative PRICE talking. That's not somebody who is talking willy-nilly about the sky falling for no reason at all. That is the comptroller general of the United States of America who looks at the numbers and looks into the projections of spending in these entitlement programs and says that there are catastrophic consequences for our country if nothing is done.

I am fond of saying that a picture is worth a thousand words, and graphs are oftentimes worth more than that. This graph demonstrates clearly the course we are on. These are pie charts that identify the amount of the portion, the percentage of the Federal budget, that goes to mandatory or automatic spending, the entitlement programs, Medicare, Medicaid, and Social Security.

In 1995, these programs, the entitlement programs, automatic spending programs, comprised about 48.7 percent of the Federal budget. And the prediction then in 2005 was that they would comprise about 54 percent of the Federal budget. That was the prediction back in 1995. And what happened? Well, it was right on track. Right on track. 53.4 percent of the Federal budget went to automatic spending in the area of entitlements.

Now what's the prediction for 2017? It is 62.2 percent. This yellow portion of the pie continues to get larger and larger and larger. That's the spending in the automatic spending area, the entitlement area: Medicare, Medicaid and Social Security. That is a course, Mr. Speaker, that we as a Nation are not able to sustain. It is crying out for reform. It is crying out for improvement and programs that will be more responsive to the individuals receiving it. It is crying out to make certain that as the baby boomers of our Nation retire, as they age, and as we have individuals who are at the lower end of the economic spectrum, it is crying out for programs that are more responsive to them, that answer their concerns, that listen to them. These programs will not be able to do that because they will not be able to be funded. And to sit here in 2007 and act as a Congress and not address these issues is irresponsible. It is irresponsible.

This chart, Mr. Speaker, talks about this looming entitlement or automatic spending crisis. In 2007, Federal spending as a percentage of GDP, that's the gross domestic product, is about 20 percent. That means about 20 percent, about two dimes out of every dollar that every American earns, goes towards taxes in order to cover the programs that the Federal Government provides. And the bulk of this, remember, the bulk of this yellow bar here is entitlement spending: Medicare, Medicaid, Social Security.

If we remain on our current course, if we do nothing at all, and remember, we have done nothing. If we continue to do nothing, what happens is that in relatively short order, 2020, we go to 23, 24 percent. In 2030 we go over 30 percent. In 2040, we go to 40 percent. In 2050, we exceed 50 percent of the gross domestic product.

It's important to remember that, and I have another chart which I don't have with me, but it is important to remember that the average level of Federal budget, taxation to the American people is 18 to 20 percent and has been for decades. It is also important to note that amount of spending, that amount of taxation, that amount of Federal spending, a Nation spending at about 20 percent, is about the maximum that any Nation can sustain for any period of time and remain financially viable. Once you get up into these areas here, Mr. Speaker, you can't sustain that. The economy won't sustain it. People won't have jobs. You begin to lose companies and jobs. You begin to lose the infrastructure that makes it so that individuals can go to work and send their money to Uncle Sam.

There is a balance, and that's what Federal Reserve Chairman Ben Bernanke knows. That is what Comptroller General David Walker knows, and that is why they are sounding these alarms.

So you would think that this Congress that is charged with making certain that our financial stake, that our financial future, is positive and optimistic and that my son, our son and children all across this Nation can grow up and be able to have the wonderful opportunities that so many of us have had. You would think that this majority would want to continue or want to make reforms so that those kinds of dreams and visions and entrepreneurship and excitement about America's future would continue. You would think that the current leadership would listen to what they hear if they take that shell and they put it up to their ear or they read the tea leaves or they listen to the people that truly know like David Bernanke and like David Walker. You would think that they would reform these programs or put a proposal on the table to reform these programs.

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You would think, Mr. Speaker, that there would be no expansion of entitlements, there would be no more additions to the automatic spending that is going on here in Washington. Well, Mr. Speaker, as you know, that is not the case.

We have had a number of bills that have come through the floor of this House that have in fact expanded entitlements. The most recent one was terribly discomforting to me. It was the State Children's Health Insurance Program.

Before I came to Congress, Mr. Speaker, I was a physician. I spent over 20 years, 25 years taking care of people, trying to get them well, trying to heal them, trying to make certain that in spite of all the remarkable rules and regulations that are put on the backs of every single physician across this here Nation, that we could actually take care of patients.

One of the things that became much more onerous than it ought to be is the State Children's Health Insurance Program, which actually provided greater rules to how to care for individuals than otherwise. It also ultimately didn't fit the original definition.

The State Children's Health Insurance Program began in 1997. Its mission was to make certain that those individuals, those children in families where their family made too much money to qualify for Medicaid but they didn't make enough money to be able to readily afford health insurance were given some help; that those families were able to provide some type of health insurance that was truly quality for their children.

It is a good mission. It is a bipartisan program, a program that passed through this House in Congress in 1997 in a bipartisan manner because it had an appropriate ideal; it was an appropriate compromise between some Federal program, a State program, and a lot of private input. That program was to run for 10 years. So it is about to expire.

So what has happened in this House is that the Democrat majority decided that they weren't interested in working in a bipartisan way, contrary to so much of what they talk about. They weren't interested in working in a bipartisan way. It was their way or the highway.

Their way was a remarkable expansion of an entitlement. Remember, the State Children's Health Insurance Program was a discretionary program, which means that the Federal Government determines what resources it has available to provide that kind of care, and it works with the States to make certain that the amount of money is there but that it is not on one of those automatic trajectories to the sky in terms of spending. It is not one of those programs that will assist in bankrupting the Nation, as David Walker talks about.

But what does this majority do, this new majority, this Democrat majority that talks all the time about being fiscally responsible? It takes that program and instead of keeping it in the discretionary side, that side where folks at home can be able to appreciate that it is that side of the budget where if they are able to afford it, they utilize the money in that area, and it puts it in the entitlement side.

Instead of these bar graphs and those pie charts being accurate in their prediction, that will be significantly off. In fact, they will be off so much that we will reach this position of not being able to sustain those programs and of decreasing economic activity in this Nation and of lowering wages and of losing jobs in this Nation sooner because of the recent actions of this Democrat majority.

They made it an entitlement. They did all sorts of other things which I thought were egregious, as well as they pitted seniors against children in their effort to try to pay for it. You don't see the kind of reform that is so necessary.

So, again, Mr. Speaker, you would think that this new majority would say, well, it looks like when we look into the future that we have got a problem on our hands. We have got a problem, financial problem. It is our responsibility as elected representatives of the people of the United States that we need to be responsible, that we need to be responsive to the concerns of our constituents, that we need to make certain that the programs that we put in place will allow Americans to continue to dream and continue to have that great opportunity for success.

We need to make certain that we don't allow the entitlement programs to consume an ever greater portion of the Federal budget so that that discretionary side, which, Mr. Speaker, as you know, is not just the military, it is roads, it is highways, it is all transportation, it is all funding for the aviation, it is all of the other kinds of programs. It is jobs, housing. It is the wonderful housing bill that we worked on today.

It is all those kinds of things. It is everything that you think of when you think of the Federal Government having activity, everything is all of the discretionary side, and it will be consumed by the entitlements, which means all of the things that folks think about other than those three programs will not be able to take place.

So you would think that this new majority would say, well, we better get our act in order, get our House in order, better work together in a collegial and a positive and a bipartisan way to be able to solve this problem. It is what we have been trying to do, what we have been talking about, what we have proposed.

In fact, we did so in the Balanced Budget Act of 1997. That act reformed entitlements, about $130 billion of reform. That is one of the big things that resulted in the ability to balance the budget, to have a surplus. That was done with a Republican Congress and a Democrat President. In fact, in 2005, in spite of all the kicking and screaming from the other side, another $40 billion in appropriate entitlement reform.

What has happened with the budget for this year among this majority, who clearly can read the same charts, who get the same information from the Federal Reserve Chairman, Ben Bernanke, and Comptroller David Walker, who can look at the same projections? What have they done in terms of entitlement reform? Nothing. Nothing, Mr. Speaker.

That is an abrogation of duty; that is irresponsible out of this majority. The American people are paying attention because, again, when I go home, they want these problems solved. They want them solved. They ask why can't you work together and get these problems solved. Mr. Speaker, we stand ready, willing and able to work together to get these problems solved.

We are going to talk a little more about entitlements, but we want to talk a fair amount about the taxing that has been hoisted upon the American public by this current majority. We will talk about spending. There are a number of ways you can increase revenue to the Federal Government and cover the programs that are so vital and necessary to the American people.

I would suggest, Mr. Speaker, that increasing taxes and increasing spending together are not 2 of them. I believe that we ought to be decreasing taxes and decreasing spending and being fiscally responsible as a Congress.

I am pleased to be joined by my good friend, the gentleman from New Jersey (Mr. GARRETT), who is a fiscal hawk, an individual who recognizes and appreciates the importance of balancing budgets and making certain that we don't spend beyond our means at the Federal level. I look forward to your comments. I am happy to yield to you.

Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate the good work of the gentleman from Georgia on so many areas that I work with you on, Financial Services and otherwise; but here tonight most specifically what is important to the American public and American taxpayer, and that is just how much money is coming out of their wallet, out of their pocket here and being sent down to Washington, where those dollars are going and whether are being held responsibly.

I am not sure whether you were on the floor at the moment, but prior to your speaking we had a Member from the other side of the aisle on the floor giving their comments, and the gentleman from the other side of the aisle, the Democratic Caucus Chair, who was speaking for a little bit about the new book that is out there on Federal responsibility and issues of such. Alan Greenspan just did the book.

If you listen to his comments, it almost harkens back to prior to the elections and the exact same rhetoric we heard at that time as we did just 35 minutes ago from the other side of the aisle. He was lambasting and had been lambasting this administration and the past Congresses, saying that they have spent too much money, that the past leadership in this House was being fiscally irresponsible, that they were passing bill after bill, spending increase after spending increase.

On and on the rhetoric went, just 35 minutes ago, the same rhetoric that we heard during the last election about looking towards the past and all the mistakes that were made in the past.

Now if you listen to that, you would always assume that the next words out of their mouth were going to be: But this is what we are going to do when we get into the majority. We are going to reverse those trends. If spending was too high, we are going to go in the other direction.

That is what you think would be the next words out of their mouth, but of course they can't be. Here we are in September, 9 months into this new 110th Congress, under the leadership now of the Democrat majority, both in this House and the Senate, and we have their track record to look at to see what course do they take. They lambasted, attacked the path of too much spending.

Did they reduce spending? They did not. Instead, they have piled onto that spending. Increased spending in the past was bad. Well, they exacerbated that problem by spending even more.

There was a study recently that goes to this point, taking a look now at this new 110th Congress. The National Taxpayers Union, basically a nonpartisan organization, looking at both sides of the aisle fairly recently did a study that shows that the 110th Congress, both Senate and House, have introduced far more bills for budget savings than they have in previous administrations, previous Congresses.

On first blush, that would be a positive thing until, again, you think of what the record has been over the last 9 months. Has anyone seen any of those savings bills passed through this House and passed through the Senate and get signed into law? I can't think of any.

It's one thing to talk the rhetoric, which they have been doing. It is another thing to drop in the savings bills, which some of them may have been doing. But when we see the leadership will not post any of those savings bills, that is the problem. For each bill introduced in this House that would reduce Federal spending, and this makes the point, there have been over 20 bills, a 20 to 1 ratio increasing the size and amount of spending in Congress.

If you additionally listened to the other side, they will talk about and applaud themselves and pat themselves on the back about PAYGO, which you have already discussed, which is a good term described in a very elementary way to say pay-as-you-go, something that all families have to do in this country, and we wish Congress could live by that as well.

Well, there are two aspects to PAYGO. One is the spending side of the equation. Let's talk about that for a minute. I don't know whether you have this chart up there. I know you have a number of charts. One of the charts is headed "New Majority's Fiscal Irresponsibility." I don't want to make you go through all your charts.

One of the ways you can deal with PAYGO is this, and this is exactly what every family does as well. When the family sits down and looks at their budget for that week or that month as far as paying their bills, they have to prioritize and say we may have a new expense here that we would like or need to pay, but we don't have enough money in the checkbook. So what are we going to do, we are going to reduce spending elsewhere.

Good idea. American families should do it; Congress should do it. This side tried to reduce spending by 2 percent. That didn't get anywhere. How about 1 percent? Can we agree there is 1 percent of waste, fraud, and abuse in Congress? You would think we could agree to that.

But if we could look to the chart right next to you right now, what that chart says is as follows: when that 1 percent reduction legislation was proposed to this House, who voted for it and who was against it.

Mr. PRICE of Georgia. I appreciate you pointing that out. What this chart demonstrates is that the rhetoric that we hear from the other side doesn't match the action. It happens in so many different areas; it is hard to keep up with. I call it Orwellian democracy, which is that the words don't match the actions.

This chart demonstrates the seven appropriations bills. A number of us, and you were so very, very supportive of these efforts, attempted to say the Federal Government is spending too much, we ought to decrease that. If you don't want to decrease it in certain specific programs, then let's just decrease it by a certain percent.

In this instance, I promoted amendments that would decrease it by 1 percent. Decrease these seven appropriations bills by 1 percent. That is one penny out of every dollar. That reduction would have saved $3.9 billion. Yet the individuals who so often say over and over and over that they are champions of fiscal responsibility, that they certainly don't want to see us overspend, and you see on the far right there the number of times that they voted for and then against this type of amendment, overwhelmingly voted against it, 95 percent almost all the time.

I am happy to yield to my friend.

Mr. GARRETT of New Jersey. I will leave you to make that point in greater detail because I think it is a significant point.

I will leave you on this note as well, that the other side of the ledger sheet, if you are not going to cut spending, the other side is increased revenue. I believe you will probably show a chart that you will have later on with regard to how they have been doing it. But the American public must know this in a larger sense, that since the Democrats have been in power, they have given us the largest tax increase in America's history. The last time we had such a large tax increase was back when the Democrats were in charge 12 years ago.

It was just a week ago, a couple of weeks ago when they wanted to raise taxes by $53 billion with regard to a piece of legislation that they had no offsets for. Additionally, just yesterday, or the day before, they wanted to raise taxes again by another billion dollars on redundant programs.

So as you pointed out, there are two ways to do this, either cut spending, which they are not agreeable to do, or raise taxes; and of course we have seen the history over the last month: every time they get a chance, they do that.

□ 1800

Mr. PRICE of Georgia. I thank my good friend for coming and helping out and participating and trying to shed light, trying to put a little fact on the table when we talk about the issue of taxing and spending.

I do, Mr. Speaker, want to talk fairly specifically about taxes because, as you know, Mr. Speaker, the general consensus out in America is that the majority party, the Democrats, are the party of tax and spend. I grew up believing that, I grew up thinking that, and that is one of the reasons that I was so staunchly a Republican as I entered my political career, because I thought it was most appropriate to decrease taxes and to decrease spending at the State and the Federal level, because I believe firmly, as I believe most Americans believe, that the American people are better able to decide how to spend their hard-earned money, not the Federal Government, not the State government.

Our friends on the other side of the aisle tend to believe by and large that the Federal Government knows best; that the choices that the Federal Government makes with how to spend individuals' money, those are better choices than that person could make for themselves. I simply don't believe it and I don't think the American people believe that.

But what has happened in a relatively short period of time, Mr. Speaker, we have been in this 110th Congress now a little over 9 months, right about 9 months, in a relatively short period of time the bills that have been passed would increase taxes on the American people, and truly across the board, not just a small focal area. They will talk about increasing taxes on the rich, and we will talk about that a little bit, but in fact what they have passed through this House are bills repeatedly that increase taxes on virtually every single American. And why do I say that? Well, they passed a budget that includes this portion, these parameters laid out in terms of increasing taxes.

When you talk about ordinary income, the highest rate would go from 35 percent to 39.6 percent. When you talk about capital gains, it would go from 15 percent to 20 percent. Dividends, 15 percent to 39.6 percent. Those are all increases, Mr. Speaker. They are also facts, not opinions. They are facts.

The estate tax in 2010 will be zero. That is the death tax. That means that if you are unfortunate enough to have somebody in your family that dies, that their estate on that day that they die, you don't have to write a check to the Federal Government. But on January 1, 2011, with the budget that the new majority passed, that amount, that death tax goes right back up to 55 percent, which is where it was when we have been trying to get it down, 55 percent. That is an increase, Mr. Speaker.

The child tax credit, the amount of money that you are given from the Federal Government as a credit to assist in raising your child, $1,000, in 2010, 2011 down to $500, cut in half, slashed in half.

The lowest tax bracket, curiously enough, those at the lowest end of the economic spectrum in 2010 would have a taxable income tax at 10 percent, and then in 2011 at 15 percent.

What does that mean, Mr. Speaker? What does that mean to people? The other side is fond of saying that all they are going to do is tax the rich. They demonize the rich, because there is a tried-and-true method in politics which is to divide people. We believe, I believe that it is important to bring people together to work together in a positive way to solve problems, to solve the challenges that we have as the American people. And so they say, well, all we are going to do is increase taxes on the rich.

In fact, with these tax rates here, one in five people who benefit from the lower rate on capital gains that was passed earlier in this decade have incomes below $50,000. That is 20 percent have incomes below $50,000. So I guess that all we can conclude from that is that our friends on the other side, the majority party, believe that anybody who makes less than $50,000 is rich, the only conclusion that we could reach given their rhetoric, given what they say. One in four people who benefit from the lowered rate on dividends, one in four, 25 percent have an income less than $50,000. Again, are those people rich, Mr. Speaker? Are those people rich? When you pit people against each other, it doesn't do well or a service to our Nation in terms of the discussion as we move forward.

How many folks is that? 2.4 million people earning less than $50,000 benefit from the capital gains tax relief, 2.4 million Americans; 5.4 million Americans who earn less than $50,000 benefit from the dividend tax relief, 5.4 million. In fact, 58 percent of the people who have benefited, Americans who have benefited from the capital gains tax cuts earn less than $100,000 a year. Over half of the individuals earn less than $100,000 a year. So I guess all those people, Mr. Speaker, by the definition of our friends on the other side, are rich.

Mr. Speaker, we are talking a bit about taxes and about the Orwellian nature of the rhetoric that we hear from folks on the other side of the aisle as they continually say, well, we will only tax the rich and we will only tax corporations, as if corporations are this inanimate object that don't relate at all to the American people, that there is no nexus between the American people's jobs and businesses. In fact, when they tax at the rate that they do or that they propose, it affects virtually every single individual in this Nation who has a job. And, Mr. Speaker, that is personal. That is personal to those folks.

So we have talked about the $392.5 billion tax increase that was incorporated in the budget that our friends adopted on the other side. We have talked about that, and we outlined where that came from with all of the increases in income taxes, capital gains taxes, the death tax coming back. But what else have they done? Virtually a new tax at every single turn. A new bill comes through here, and it is a new tax or it is a new fee. $15 billion in the energy bill that was passed, $15 billion in new taxes on American corporations, American oil corporations. And I know it is popular to beat up on the oil companies. But, Mr. Speaker, if you tax them more, who is going to pay those taxes? The American people are going to pay those taxes. Corporations don't make any money, they don't mint any money. What they do is American people purchase their products. And if they are taxed more, the American people will pay more for those taxes.

In addition to what that means is that we are penalizing American corporations. And they didn't tax foreign oil companies. That is not what they did. They taxed American oil companies $15 billion; $5.8 billion in new tobacco taxes. That might be appropriate. In fact, as a physician I strongly believe that individuals ought not smoke. Ought not smoke. But what they have done is incorporate new tobacco taxes in a children's health insurance bill, so that as you decrease the number of folks that are smoking, you will have to find that money elsewhere. And then where does that come from? Yes, Mr. Speaker, you guessed it, new taxes.

$7.5 billion in new taxes in the farm bill. Remember, Mr. Speaker, at every single turn, virtually every single turn, every new bill, this new majority has seen to find an opportunity to raise taxes on the American people.

Five-cent-per-gallon gasoline tax increase for infrastructure. That infrastructure is an appropriate thing to pay for. But, Mr. Speaker, as you know, when you set a budget, you ought to set priorities. And one of the priorities of this Nation ought to be infrastructure improvement, but we have got enough money to be able to do that if we would set those priorities. We ought not be increasing the taxes on the American people.

A 50-cent-per-gallon, 50-cents-per-gallon tax increase to study global warming. Now, Mr. Speaker, I believe that it is fairly well documented that the temperature on the Earth has increased some over the past couple of years. I don't know that that is due to human activity, but I do believe that we ought to be studying it and looking at it. I also believe that it ought to be a priority of our Nation and it ought to be a priority of our budget, but I don't believe that we need to increase taxes in order to perform that study. I believe that those resources are certainly already there.

New taxes on homeowners by ending the mortgage deductions. That is what has been proposed by the other side.

And in the SCHIP bill again, in the State Children's Health Insurance Program, there was a small little portion of it that many people didn't even know they were voting on when they voted on it that will provide, if it becomes law, for a tax on every single personal private health insurance policy in this Nation. Every single one. Mr. Speaker, it is not the way that we ought to be proceeding to increase economic development to solve the challenges that we have by taxing Americans over and over and over.

I want to spend a few brief moments talking about taxes on corporations, because our friends on the other side, it is one of their favorite pinatas. They beat up on the corporations left, right, and center, and they do so as if the corporations in America aren't paying any tax at all, they aren't paying their fair share. You will hear them say that, Mr. Speaker. If you look at the facts, if you look at the facts, then we could see where the American corporations stand as it relates to the rest of the industrialized world.

Now, one would think, given the Orwellian rhetoric that we have heard from the other side, that American corporations are clearly not paying their fair share. Right? They are not paying as much as they might be in, say, oh, pick a nation. Canada? Canadian corporations pay about 22 percent. American corporations, oh, by the way, they are down there on the far right on this chart, Mr. Speaker. They are down there on the far right paying the greatest percentage of taxes of their income of any other nation, tied with Spain. Granted, we are tied with Spain, 35 percent. Switzerland down here, 8 or 9 percent. Ireland is about 12 percent.

In fact, Ireland is a great case study, because Ireland used to be way down at this end of the chart, way down at that end. In fact, what they did was decrease their corporate taxes, decrease their taxes on corporations and businesses. And what happened, Mr. Speaker? An incredible economic boom, an incredible economic development occurred, because when you allow corporations to create more jobs, more people get jobs, more money is created in terms of revenue for the Federal Government. And it seems counterintuitive, but when you decrease taxes on both people and on corporations, there is more money that comes into the Federal Government.

So, Mr. Speaker, when you look at the facts, when you look at the facts you appreciate that the United States corporations, again, a wonderful whipping boy and it is easy to criticize them because it is tough for them to defend themselves, especially with the rhetoric that we so often hear on this floor of the House. And I find that troubling and I think that is distressing, and it ought to be to the American people, Mr. Speaker. Because when you look at the facts, what you see is that United States corporations are taxed more than any other industrialized nation except for Spain, and we are tied with Spain, 35 percent. So those are the facts, Mr. Speaker.

Now, what is the solution? Well, the solution is to respect the hard-earned money of the American taxpayer. That is the solution. We have proposed a taxpayer bill of rights. I encourage my colleagues on the other side to look at the bill, to cosponsor the bill. I would love to have it passed. I would love to bring it to the floor and passed.

What does it include? It says that the Federal Government ought not grow beyond their ability to pay for it. That is the balanced budget portion of the bill. You ought not spend more than you take in. You ought to make certain that you end deficit spending. We believe taxpayers have a right to that. We believe that taxpayers have a right to receive back each dollar that they entrust to the Federal Government for their retirement. That is the Social Security portion. As you well know, Mr. Speaker, we talked about entitlements earlier, entitlement reform is imperative. If young people across this Nation are going to be able to receive back with some benefit the resources that they have sent to the Federal Government for their retirement, if that is going to be able to occur, then what needs to happen is that that money needs to be put into a fund that is not used for anything else. Social Security trust fund money ought to be used for Social Security alone. That is what the taxpayer bill of rights says. That is what we say in our bill. That is what many individuals across this Chamber on both sides of the aisle have said that they support.

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Well, Mr. Speaker, let's vote on that. That's a positive move to make. In fact, that would be a bipartisan positive move to make. We encourage that to happen. We believe that taxpayers have a right to a balanced budget amendment without raising taxes.

As we've demonstrated already, the current majority believes that if you just tax more, you'll be able to increase the money coming to the Federal Government to pay for all these programs, these new programs that they want to enact.

In fact, what happens if you tax more, you decrease money coming to the Federal Government. And every single President that has decreased taxes recognized that. John Kennedy did when he decreased taxes, saw a significant increase to the Federal Government in terms of revenue. Ronald Reagan did when he decreased taxes, saw an increasing amount of money to the Federal Government. And certainly in this administration we've seen significant increased revenues to the Federal Government. When you decrease taxes, money to the Federal Government increases. Again, it sounds counterintuitive; but it's not, because what happens is that American people get to keep more of their hard-earned money.

And you remember, Mr. Speaker, we talked about choices, who ought to be able to choose. One of the most fundamental principles that we believe, I believe, is that the American individual, the American citizen ought to be the one that has the right to choose when they save or they spend or they invest, not the Federal Government, with their money. So many of our good friends on the other side believe that they can make better decisions than the American people with that hard-earned taxpayer money.

We believe that you ought to be able to get to a balanced budget without raising taxes. We have a bill that will allow that to happen. We strongly encourage our friends on the other side to support it.

We believe that taxpayers have a right to fundamental and fair tax reform. Some of my friends are supporters of a flat tax, a flat income tax. Some are supporters of a fair tax, the national retail sales tax, which I believe to be the most appropriate way to align our form of taxation in our Nation with our form of commerce. We would then incentivize all the things that we say that we want, like hard work and vision and entrepreneurship and success. Right now we punish all those things. Our current tax system punishes people when they do more, when they succeed, when they die. Those aren't things we ought to be taxing. My goodness.

And we believe also that the taxpayers have a right to a supermajority required for any tax increase. In fact, as you know, Mr. Speaker, that was the rule of the House until this new majority took over. When they changed the rules on the very first day that we met in January of this year, they changed the rule to make it so that it only took a majority to raise taxes on any bill that comes through this House, not a supermajority, which meant 60 percent before.

So, Mr. Speaker, it's very clear. We believe, I believe, that working together positively, productively we can solve the challenges that we have before us.

It's an incredible honor to represent the Sixth District of Georgia in this United States House of Representatives. It's an incredible honor for each and every one of us to be a Member here.

But what our constituents demand of us, I believe, is responsibility to act together and to work together in a positive way, in an uplifting way, in a way that will make certain that we preserve the American Dream and a system in place, an economic system in place that will allow the majority of Americans, the vast majority of Americans, if not every single American, the opportunity to succeed in his or her own life.

I challenge my colleagues across the aisle to work together positively in that direction. I know that you've got partners who will assist you on this side.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Florida (during the Special Order of Mr. PRICE of Georgia), from the Committee on Rules, submitted a privileged report (Rept. No. 110-332) on the resolution (H. Res. 659) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2761, TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

Mr. HASTINGS of Florida (during the Special Order of Mr. PRICE of Georgia), from the Committee on Rules, submitted a privileged report (Rept. No. 110-333) on the resolution (H. Res. 660) providing for consideration of the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LIVING VICTIMS OF 9/11

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under the Speaker's announced policy of January 18, 2007, the gentleman from New York (Mr. NADLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 1 week ago today, we marked the sixth anniversary of the tragic events of September 11, 2001. I appreciate the opportunity to speak today about an issue that faces not just my district, where the attack on the United States occurred, where the World Trade Center once stood, but our entire Nation.

I am honored to be here today to support legislation sponsored by CAROLYN MALONEY and myself and others. CAROLYN has been such a strong advocate for the living victims of 9/11.

I also want to thank Chairmen GEORGE MILLER and FRANK PALLONE for the recent hearings they have held on this issue, one last week and one earlier today.

I am pleased to announce that yesterday, along with Congresswoman MALONEY and others, I introduced essential new legislation that would ensure that everyone exposed to World Trade Center toxins, no matter where they live now or in the future, would have a right to high-quality medical monitoring and treatment and access to a reopened victim compensation fund for their losses.

Whether you are a first responder who toiled without proper protection, who came to help in the rescue and recovery from New York, from elsewhere in New York or from elsewhere in the country, or whether you're an area resident worker or student who was caught in the plume, or subject to ongoing indoor contamination, if you were harmed by the environmental effects of 9/11, you would be eligible.

This bill builds on the best ideas brought to Congress thus far, and on the infrastructure already in place providing critical treatment and monitoring.

Mr. Speaker, when the World Trade Center collapsed on September 11, 2001, the towers sent up a plume of poisonous dust that blanketed Lower Manhattan and parts of Brooklyn, Queens, and New Jersey. A toxic cloud of lead, dioxin, asbestos, mercury, Benzene, PCBs, PAHs and other hazardous contaminants swirled around the site and around Lower Manhattan and Brooklyn and Jersey City as rescue workers labored furiously in the wreckage, many without adequate protective gear. Thousands of first responders inhaled this poisonous dust before it settled onto and into countless homes, shops and office buildings where it remains to this day.

Mr. Speaker, I've always said that there were 2 coverups conducted here, 2 coverups conducted by the administration. The first coverup was that the air was okay, that no one would get sick from the exposure to World Trade Center dust at or near Ground Zero. The administration denied the air was toxic and insisted that no one would get sick. They lied. They lied deliberately to the American people, to the people of New York, to the first responders. They said the air was safe, when they had test results saying it was toxic. As a result, tests at Mt. Sinai Hospital published in a peer reviewed medical study just about a year ago revealed that of the 10,000 first responders tested, over 70 percent suffer from lung disease at this point, or at least as of last year. We have seen this in test after test and study after study. All the literature goes in the same direction. Thousands of people are sick who need not have been sick. Thousands of people are sick because the administration lied, and because OSHA failed to do its job.

Mr. Speaker, there was air pollution at the site of the Pentagon attack on this country also. But OSHA, the Occupational Safety and Health Administration, enforced the law. Nobody was permitted to work on the site without wearing proper respiratory protective gear, as the law demands.

Mr. Speaker, nobody is suffering lung damage or respiratory disease today as a result of participating in the rescue and recovery efforts at the Pentagon. But in Lower Manhattan, somebody made a deliberate decision not to enforce the occupational safety and health laws. OSHA did not enforce the laws. People were permitted on the site without respirators. Indeed, public officials went to the site and wore only masks, paper masks, which were worse than useless, we are told by the scientists. Many workers worked without respirators. Many workers had no access to respirators. Police officers have testified they had no access to respirators.

Many workers who did have access to respirators believed the assurances they got that the air was safe and didn't use the respirators because they got in the way of the work. The result is, thousands of people are sick and some are dead, unnecessarily, as a result of the malfeasance, the deliberate malfeasance of the Federal Government.

Mr. Speaker, two things establish a moral obligation on the Federal Government. One, the people who were hurt, the people who are sick as a result of participating in the clean up, the people who are sick as a result of living in Lower Manhattan or working in Lower Manhattan, the government workers who returned to government offices in the Securities and Exchange Commission or other government agencies and worked there before the buildings had been cleaned and are now sick as a result, are sick for 2 reasons. They are sick because of the terrorist attack on this country, and they are sick because their government lied to them and urged people to go back into unsafe environments and told people things were safe when they weren't.

We owe, the Federal Government owes a moral debt to all these victims. Because they are victims of a terrorist attack on this country, the words of Abraham Lincoln apply. Abraham Lincoln said that it is the duty of all of us to care for him who shall have borne the battle. The people who are sick today with deadly illnesses, with long-term illnesses, are just as much victims of the terrorists as those 3,000 people who were killed on 9/11, and the United States Government owes them long-term health care, monitoring and treatment because they are victims of the attack on the United States. Al Qaeda didn't attack them individually. They attacked United States. They happen to be the individual victims.

Secondly, they are victimized because, many of them, perhaps most of them would not have gotten sick if the Federal Government had not lied to them and if the Federal Government had not decided not to enforce the occupational safety and health laws. That too establishes a moral obligation to care for the victims of the Federal malfeasance.

Now, that is all the first coverup. But as a result of the Mt. Sinai study, as a result of other studies that have come out all within the last year as a result of some newspaper reports, that coverup has unraveled. Almost nobody today still maintains that these people aren't sick as a result of 9/11. The only question is how best to deal with that sickness.

And the answer, we believe, is that the Federal Government should adopt the bill, Congress should adopt the bill that Congresswoman MALONEY and I and others introduced that provides two things: one, reopen the victims compensation fund for people whose health was damaged, who weren't immediately killed, but whose lives were perhaps shortened, whose health was damaged as a result of 9/11 of the attack on our country.

And, secondly, provide for long-term medical monitoring and treatment through the centers of excellence, through the institutions that have treated people and through a network of institutions that would be, not formed, but would be brought into a network around the country that would be fed the latest data on diagnosis and treatment. So this legislation ought to be adopted.

Secondly, Senator CLINTON and I have introduced legislation of a more immediate nature to appropriate $1.9 billion for the next 5 years to provide for this medical monitoring and treatment in case we cannot immediately adopt the long-term legislation that Congresswoman MALONEY and I have introduced. The mayor of New York estimates that the annual cost of treatment for the first responders is now about $198 million and will increase to $413 million in the next few years as more and more people need more and more treatment.

But I said there were two coverups. The second coverup is the failure of EPA to clean up indoor contamination. When the World Trade Center collapsed, it released, as I said, thousands of tons of toxic dust and debris. Much of it settled on the ground and in the air outdoors; much of it blew in through windows and into heating vents and air conditioning vents, into buildings, all throughout Manhattan and Queens and Brooklyn and perhaps New Jersey.

Now, nature cleans up the outdoor air. The rain washes the toxins away. The wind blows them away.

☐ 1830

Nature does not clean up the indoor air. Only people can clean up the indoor air. Only people can clean up the residue of those toxins that are still there. And if they are not properly cleaned up, they will stay there, and they will stay there forever, poisoning people on a daily basis. And that is exactly what we have reason to believe is going on.

Now, the EPA said people should clean up on their own. Under the Giuliani administration, the City of New York said landlords should clean up the exterior surfaces of buildings and the public spaces in the buildings but let the tenants, individual tenants, individual residents, individual small business owners and large business owners, to clean up their space, without providing any help or expertise to do so. And, of course, most of these spaces were not properly cleaned.

The EPA and New York City Department of Health put on its Web site very early on that if you came home and you saw World Trade Center dust in your apartment, clean it up with a wet mop and a wet rag. And if there is a lot of dust, if it's really thick, consider using a HEPA filter.

Now, this advice is illegal because the law says you may not remove or move asbestos-containing material unless you are trained and certified and licensed to do so and unless you are wearing a moon suit, proper protective equipment. OSHA, the Occupational Safety and Health Administration, ruled that all World Trade Center dust had to be presumed to be asbestos-containing material because there were thousands of tons of asbestos in the World Trade Center. We know that. So this advice said illegally move this material.

Now, when we had a hearing in our subcommittee, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, back in June, I inquired of Christie Todd Whitman, the former head of EPA at the time, I said, Governor Whitman, when you were administrator of EPA, if you were told that some company or some individuals who were not trained to do so were removing asbestos-containing material, what would you do?

She said, We would certainly have arrested them.

I said, If you were told they were disposing of that material in the garbage, in the regular garbage, what would you have done?

We would certainly have arrested them, she said.

But EPA and the City Department of Health put on their Web site the advice to do exactly that to every individual who saw the World Trade Center dust in their own apartment.

So this was illegal advice, but it was also unsafe advice. It was also unsafe advice because if you remove asbestos-containing material without wearing proper respiratory protection, you are guaranteed to inhale some of that, and that's poison. That's toxic. Not to mention all the other toxins that we know were in that dust. And, also, if you are not trained properly how to do this, you are not going to do a thorough job. You may think you have cleaned your apartment or your office, but the material is still going to be in the drapes. It's still going to be in the carpets. It's still going to be in the porous wood surfaces. It's still going to be in the HVAC system. It's still going to be behind the refrigerator or the stove. And every time the baby crawls on that carpet for the next however many years, the baby is going to release some into the atmosphere and is going to inhale it. So these indoor spaces are unsafe to work or live in. And we are daily poisoning people.

How many such spaces? Tens of apartments, hundreds of apartments, thousands of apartments, tens of thousands of apartments? We don't know. Over what geographic area does this spread? We don't know because EPA, the Federal Government, never did any proper testing.

Now, they say they did testing, but the EPA's own Inspector General says it was nonsense. The EPA says it did a cleanup in 2002, an indoor cleanup, on a voluntary basis of several thousand apartments. But the EPA's own Inspector General said it was a phony cleanup for any number of reasons I won't go into now. And every time that anyone qualified has looked at this, they have labeled what has been done hazardous and phony.

At my request, back in February and March of 2002, the EPA's ombudsman held public hearings in lower Manhattan to talk about the indoor contamination to examine this. What did the EPA do? They dismantled the ombudsman's office after telling people not to attend the hearing. The EPA Inspector General released a report in August of 2003 labeling the EPA's actions atrocious and its cleanup phony. What did the EPA do? It ignored the recommendations.

Under pressure from Senator CLINTON and myself and others, the EPA in 2004 formed a scientific advisory panel to look into this and to advise us what ought to be done. But when the scientific advisory panel of people hand picked by the EPA started coming to the conclusions similar to what I have been stating here, what did the EPA do? Did they listen? No. They dismantled the panel and they didn't permit them to issue a report. The administration has promised us reports; we haven't seen them.

What has to be done? What has to be done is what the Inspector General recommended 4 years ago. What the Inspector General said was that there has to be active testing of indoor spaces, several hundred indoor spaces, in concentric circles from the World Trade Center. Why concentric circles? To see how far the contamination expanded and still exists.

Now, the EPA, when they talked about their cleanup, they established an arbitrary line. They said, We consider that the problem is limited to lower Manhattan below Canal Street, as if there were a 30,000-foot-high wall at Canal Street blocking the plume from going north of Canal Street, as if there were a 30,000-foot wall across the East River and the Hudson River protecting New Jersey and Queens and Brooklyn. Well, I've never seen any evidence of that 30,000-foot wall. We have to assume that the toxins went in these places too. We have to find out where they went. That's why the Inspector General instructed us that we should properly inspect several hundred indoor spaces, randomly selected indoor spaces, in concentric circles from the World Trade Center to see where the contamination extended to. And it may be that in one direction it extends three blocks and in another direction three miles. It may be, as I said, that we are talking about a few hundred apartments or tens of thousands. We don't know. But wherever that extended, wherever the tests in the concentric circles show that those toxins are present indoors, we must draw lines on the map, and then we must go into every single building in those geographic areas, however small or large the areas may be, and professionally clean them up. This may take several hundred million dollars; it may take several billion dollars. We won't know the extent of it until we do the testing. But as long as we don't do that testing, we have to assume, from everything we know, that hundreds, maybe thousands, maybe tens of thousands of people are being poisoned daily and will come down 10 years from now with mesothelioma, with lung cancer, asbestosis, and other dreaded diseases because they are living or working in contaminated environments.

And we know something else about these kinds of contaminated environments. We know the effects of the toxins are cumulative. That is to say, if you waved a magic wand tomorrow and cleaned up all the contaminated indoor spaces, a certain number of people, we don't know how many, we don't know whom, but a certain number of people, because of the failure over the last 6 years to clean up these indoor spaces, because they worked there for 6 years, are unavoidably destined to come down with these dreaded diseases because we didn't clean it up 6 years ago. But if we don't wave that magic wand, if we don't conduct a proper cleanup, then a much larger number of people will come down with lung cancer, mesothelioma, asbestosis, and so forth 10 and 15 years from now. And the liability, the tort liability, of billions, tens of billions, maybe hundreds of billions of dollars, will mount up and mount up.

Now, this second coverup is still covered up in the sense that the government doesn't admit the problem. On the first coverup that thousands of people are sick, almost nobody denies it anymore. We know that. The only question is what we do about it, and I spoke about that a few minutes ago. We should make sure that people are plugged into centers of excellence and networks and we should pass legislation affording them long-term health care, monitoring and services. But this problem that we still have, people who will come down with these dread diseases unnecessarily because they are being exposed on a daily basis to World Trade Center toxins that were never cleaned up, this is still unadmitted by the EPA or by the Federal Government.

Mr. Speaker, if we are going to be true to what we have said about the heroes of 9/11, if we are going to be true to what Abraham Lincoln said when he said that it is our duty to care for him who shall have borne the battle, we must do two things: We must provide for the long-term monitoring and health care by passing the bill that CAROLYN and others and I introduced yesterday. We must also demand that EPA implement a proper indoor testing and cleaning program. Not a cleanup that the EPA's own scientific advisory panel says is a joke and a fraud, not a cleanup that the EPA's Inspector General says is woefully inadequate, but a proper cleanup to test buildings thoroughly, to test for all pollutants, not just for one or two, and that is not limited by arbitrary geographic boundaries in a way that allows the EPA to minimize its responsibility.

Mr. Speaker, for the past 6 years, we have demanded that the EPA, that this administration, fulfill its legal mandate to protect the public health by telling the truth about post-9/11 air quality and by implementing a scientifically sound testing and cleanup program to address indoor contamination. They have absolutely failed on both fronts. The Federal Government has incurred a heavy moral liability because the blood of many of the people who will die early because of these diseases lies on the hands not only of the terrorists but of the administration officials who lied to the people about the conditions and therefore caused people to work in unsafe environments and who are continuing to allow people to work today in unsafe environments. If we are to be true to the survivors and the heroes of 9/11, we must learn something of this nightmare so that, God forbid, if there is a disaster, natural or manmade, we will protect the innocent rather than allowing our malfeasance and carelessness to shorten the lives of thousands of people.

Now, when we have talked about this in the past, some people have said, and Christie Todd Whitman, the former administrator of EPA has said, the fault for all the people who are suffering and dying is the fault of the terrorists. Of course that is partially true. If the terrorists hadn't attacked us, none of these people would be sick.

But it is the job of government and of government officials to minimize damages, to mitigate damages, to make sure that the number of people who get sick and die because of a terrorist attack is the fewest possible. Not to act in such a way that thousands of people who would have been fine had it not been for the malfeasance of government are not going to be fine. So for that it is the terrorists' fault but it is also the fault of these government officials. And that is another reason why the government has a heavy moral responsibility to clean up the indoor environment so that people stop being further exposed to the toxins so that we put a halt to further numbers of people getting sick from this. And, secondly, the government has a heavy moral responsibility to help those who have lost their jobs because they can no longer breathe, who are getting sick, who are sick, to minimize their damages by making sure that their health care is not a problem, by enacting legislation to provide for long-term health care and monitoring.

So I thank you for yielding to me. I hope that these rather harsh words but realistic words and absolutely truthful words will get some response from an administration that has been completely callous toward the survivors and has paid only lip service toward the survivors, and I hope that we can redeem the moral values that we all share on behalf of the Federal Government by doing the right thing in the future on this if we have not done so in the past, which we have not.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KNOLLENBERG (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SESTAK) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 25.

Mr. JONES of North Carolina, for 5 minutes, September 25.

Mr. PENCE, for 5 minutes, today.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, September 20.

Mr. HULSHOF, for 5 minutes, September 19.

Mr. HAYES, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 954. An act to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the "Percy Sutton Post Office Building".

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 3218. An act to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as "Cal Ripken Way".

☐ 1845

ADJOURNMENT

Mr. NADLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 19, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3304. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report detailing purchases from foreign entities in FY 2006, pursuant to Public Law 109-359, section 8030(b); to the Committee on Armed Services.

3305. A letter from the Office of the District of Columbia Auditor, transmitting a copy of a report entitled, "Letter Report: Audit of Advisory Neighborhood Commission 6B for Fiscal Years 2005 Through 2007, as of March 31, 2007," pursuant to DC Code section 47-117(d); to the Committee on Oversight and Government Reform.

3306. A letter from the Chairman, Broadcasting Board of Governors, transmitting the Broadcasting Board of Governors' 2006 Annual Report, pursuant to Section 305(a)(9) of the U.S. International Broadcasting Act of 1994, Pub. L. 103-236, pursuant to 22 U.S.C. 6204; to the Committee on Oversight and Government Reform.

3307. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's fiscal year 2007 FAIR Act inventory, pursuant to 31 U.S.C. 501; to the Committee on Oversight and Government Reform.

3308. A letter from the Secretary, Department of Education, transmitting the Department's annual report for FY 2006 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

3309. A letter from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's 2006 Revised Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Oversight and Government Reform.

3310. A letter from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's 2006 Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Oversight and Government Reform.

3311. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's annual report for FY 2006 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Public Law 107-174; to the Committee on Oversight and Government Reform.

3312. A letter from the Chairman and CEO, Farm Credit Administration, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Administration's FY 2007 inventory of inherently governmental activities; to the Committee on Oversight and Government Reform.

3313. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

3314. A letter from the EEO Director, National Mediation Board, transmitting the Board's FY 2006 report, pursuant the requirements of section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Oversight and Government Reform.

3315. A letter from the Director, Office of Management and Budget, transmitting the Office's Fiscal Year 2006 list of commercial activities in accordance with the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270); to the Committee on Oversight and Government Reform.

3316. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2006; to the Committee on Oversight and Government Reform.

3317. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2009, prepared in compliance with OMB Circular No. A-11; to the Committee on Oversight and Government Reform.

3318. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Norwalk River, Norwalk, CT [CGD01-07-019] (RIN: 1625–AA09) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3319. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [Docket No. CGD05–07–046] (RIN: 1625–AA08) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3320. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Vessel Documentation; Recording of Instruments [USCG–2007–28098] (RIN: 1625–AB18) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3321. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG–2007–27887] (RIN: 1625–ZA13) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3322. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Buzzards Bay, Massachusetts; Navigable Waterways within the First Coast Guard District [CGD01–04–133] (RIN: 1625–AB17) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3323. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Rio Vista, CA [Docket No. CGD11–07–013] received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3324. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX–1, HI. [COTP Honolulu 07–005] (RIN: 1625–AA87) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3325. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Hawaii Super Ferry Arrival/Departure, Nawiliwili Harbor, Kauai, Hawaii [Docket No. USCG–2007–29153] (RIN: 1625–AA87) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3326. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Oahu, Maui, Hawaii, and Kauai, HI [CGD14–07–001] (RIN: 1625–AA87) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3327. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; China Basin, San Francisco, CA [Docket No. CGD11–07–012] received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3328. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Ouachita River, Louisiana [CGD08–07–019] (RIN: 1625–AA09) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3329. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Beaufort (Gallants) Channel, Beaufort, NC [CGD05–07–077] (RIN: 1625–AA09) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3330. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [CGD05–07–074] (RIN: 1625–AA–09) received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3331. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Mystic River, Charlestown and Boston, MA [CGD01–07–112] received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3332. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Hackensack River, Jersey City, NJ [CGD01–07–093] received September 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3333. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Model AT–602 Airplanes [Docket No. FAA–2004–20007; Directorate Identifier 2004–CE–50–AD; Amendment 39–14798; AD 2006–23–01] (RIN: 2120–AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 659. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–332). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 660. Resolution providing for consideration of the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes (Rept. 110–333). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOOZMAN (for himself, Mr. HALL of New York, Mrs. WILSON of New Mexico, Ms. BERKLEY, Mr. MILLER of Florida, Mr. GORDON, Mr. FILNER, Mr. MCGOVERN, Mr. HAYES, Mr. BILIRAKIS, Ms. NORTON, Mr. BRADY of Pennsylvania, and Mr. BERRY):

H.R. 3558. A bill to provide for the establishment of a Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. PITTS, Mr. MATHESON, and Mr. MCINTYRE):

H.R. 3559. A bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska (for himself, Mr. PALLONE, Mr. KENNEDY, Mr. ABERCROMBIE, and Mr. FALEOMAVAEGA):

H.R. 3560. A bill to provide for the completion of certain land selections under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. GENE GREEN of Texas (for himself, Mr. WAMP, Mr. SMITH of Washington, and Mr. BACA):

H.R. 3561. A bill to authorize the Secretary of Health and Human Services to make grants to community health coalitions to assist in the development of integrated health care delivery, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HILL (for himself, Mr. FOSSELLA, Mr. PENCE, Mr. BURTON of Indiana, Mr. HALL of New York, Mr. ELLSWORTH, Mrs. GILLIBRAND, Mr. DONNELLY, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 3562. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for real property taxes on the principal residences to all individuals whether or not they itemize other deductions; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Mr. WYNN, Mrs. CAPPS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. BURTON of Indiana, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, and Mr. MEEKS of New York):

H.R. 3563. A bill to provide for prostate cancer imaging research and education; to the Committee on Energy and Commerce.

By Mr. CANNON (for himself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3564. A bill to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. FORTUÑO):

H.R. 3565. A bill to require rate integration for wireless interstate toll charges; to the Committee on Energy and Commerce.

By Mr. KLINE of Minnesota (for himself, Mr. MCKEON, Mr. KELLER, and Mr. SESTAK):

H.R. 3566. A bill to permanently extend the waiver authority of the Secretary under the Higher Education Relief Opportunities for Students Act of 2003; to the Committee on Education and Labor.

By Mr. ALTMIRE (for himself, Mr. GRAVES, and Ms. VELÁZQUEZ):

H.R. 3567. A bill to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes; to the Committee on Small Business.

By Mr. ARCURI:

H.R. 3568. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide grants to prosecutors and law enforcement to combat violent crime; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 3569. A bill to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BOREN:

H.R. 3570. A bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes; to the Committee on Natural Resources.

By Mr. BRADY of Pennsylvania:

H.R. 3571. A bill to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term; to the Committee on House Administration.

By Mr. CLEAVER (for himself, Mr. AKIN, Mr. GRAVES, Mr. SKELTON, Mr. HULSHOF, Mr. CARNAHAN, Mr. BLUNT, Mr. CLAY, and Mrs. EMERSON):

H.R. 3572. A bill to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. FRELINGHUYSEN:

H.R. 3573. A bill to authorize the addition of 100 acres to Morristown National Historical Park; to the Committee on Natural Resources.

By Ms. HOOLEY (for herself, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WU):

H.R. 3574. A bill to continue the work to enhance access to the Willamette River that has been initiated by the Willamette River Basin communities, State, regional, local, and Indian tribal governments and non-government partnerships, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 3575. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; to the Committee on Natural Resources.

By Mr. PASTOR:

H.R. 3576. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit to include the hiring of certain domestic abuse victims by small employers, and for other purposes; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. POMEROY, Mr. HOLT, Ms. DELAURO, Mrs. MCCARTHY of New York, Mr. ELLSWORTH, Mr. POE, Ms. BORDALLO, Mr. CHABOT, Mr. KENNEDY, Mr. MCINTYRE, and Mr. KIND):

H.R. 3577. A bill to direct the Attorney General to provide grants for Internet safety education programs; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. CHABOT, Mr. DONNELLY, and Mr. COHEN):

H.R. 3578. A bill to safeguard the economic health of the United States and the health and safety of United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.J. Res. 50. A joint resolution expressing the sense of Congress regarding the contribution of the USO to the morale and welfare of the members of the Armed Forces and their families; to the Committee on Armed Services.

By Mr. THOMPSON of California (for himself, Mr. RADANOVICH, Mrs. TAUSCHER, Mr. BERMAN, Ms. HARMAN, Mr. HERGER, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, Mr. LEWIS of California, Ms. MATSUI, Mr. CARDOZA, Mr. MCCARTHY of California, Mr. MCNERNEY, Mr. CALVERT, Ms. WOOLSEY, Mr. GALLEGLY, Ms. WATSON, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mrs. EMERSON, Mr. SHERMAN, Mr. STARK, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Mr. ROHRABACHER, Mr. FARR, Mrs. BONO, Mr. BILBRAY, Mr. HUNTER, Mr. NUNES, and Mrs. DAVIS of California):

H. Con. Res. 213. Concurrent resolution celebrating the outstanding contributions of California's wine industry to the State, the Nation and winemaking as a whole and supporting the goals and ideals of "California Wine Month"; to the Committee on Oversight and Government Reform.

By Mr. KING of New York (for himself, Mr. JACKSON of Illinois, Mr. PAUL, and Mr. RANGEL):

H. Con. Res. 214. Concurrent resolution expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur "Jack" Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself and Mr. WALSH of New York):

H. Res. 658. A resolution supporting the goals and ideals of Federal Credit Union Month and recognizing the importance of Federal credit unions to the economy, and their critical mission in serving those of modest means; to the Committee on Financial Services.

By Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. COHEN, Ms. MATSUI, and Ms. WASSERMAN SCHULTZ):

H. Res. 661. A resolution honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world; to the Committee on Transportation and Infrastructure.

By Ms. HOOLEY:

H. Res. 662. A resolution supporting the goals and ideals of National Assisted Living Week; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. PAYNE and Mr. SHUSTER.

H.R. 89: Mr. SPACE.

H.R. 98: Mr. ALTMIRE.

H.R. 154: Mr. JONES of North Carolina.

H.R. 160: Mr. SOUDER.

H.R. 211: Mr. ARCURI.

H.R. 229: Mr. BARRETT of South Carolina.

H.R. 303: Mrs. BLACKBURN, Mrs. MCMORRIS RODGERS, Mr. RUPPERSBERGER, and Mr. MICA.

H.R. 371: Ms. LEE.

H.R. 405: Mr. WALDEN of Oregon and Ms. DEGETTE.

H.R. 436: Mr. GARY G. MILLER of California.

H.R. 507: Ms. BERKLEY.

H.R. 549: Mr. WU and Mr. SHUSTER.

H.R. 621: Mr. BISHOP of Utah and Mr. BARRETT of South Carolina.

H.R. 677: Ms. HERSETH SANDLIN.

H.R. 688: Mr. BAIRD.

H.R. 699: Mr. GORDON and Mr. BROWN of South Carolina.

H.R. 724: Mr. HUNTER.

H.R. 726: Mr. SMITH of Washington.

H.R. 743: Mr. CARTER, Mr. YOUNG of Florida, Mr. FORBES, Mr. CONAWAY, Mr. DOYLE, Mr. BONNER, Mr. ADERHOLT, Mr. GARRETT of New Jersey, Mrs. CHRISTENSEN, and Mr. GRAVES.

H.R. 854: Ms. SOLIS and Mr. TOWNS.

H.R. 882: Mr. PLATTS and Mrs. MYRICK.

H.R. 901: Mr. YARMUTH.

H.R. 943: Mr. HILL.

H.R. 989: Mr. KUHL of New York.

H.R. 997: Mr. AKIN, Mr. PICKERING, Mr. BONNER, Mr. KUHL of New York, and Mr. BROUN of Georgia.

H.R. 1029: Mr. GRAVES and Mr. ROGERS of Kentucky.

H.R. 1064: Mr. CONAWAY.

H.R. 1077: Mr. ADERHOLT.

H.R. 1084: Mr. FORBES.

H.R. 1102: Mr. BRALEY of Iowa.

H.R. 1127: Mr. PAUL.

H.R. 1223: Mr. CARNEY.

H.R. 1225: Ms. WOOLSEY and Ms. BERKLEY.

H.R. 1232: Mr. ROGERS of Michigan, Mr. BOSWELL, and Mr. SPACE.

H.R. 1233: Mr. GORDON.

H.R. 1237: Mr. MANZULLO, Mr. BRALEY of Iowa, Mr. ENGEL, Mr. BERRY, and Mr. BOOZMAN.

H.R. 1287: Mr. BERMAN.

H.R. 1302: Mr. FARR.

H.R. 1333: Mr. PERLMUTTER, Mr. REYNOLDS, Mrs. MILLER of Michigan, and Mr. BERMAN.

H.R. 1376: Ms. SOLIS.

H.R. 1400: Mr. FRANK of Massachusetts.

H.R. 1439: Mr. SHUSTER.

H.R. 1512: Ms. ESHOO.

H.R. 1532: Mr. GONZALEZ.

H.R. 1553: Mr. ELLISON, Ms. SCHAKOWSKY, and Mr. LEWIS of Georgia.

H.R. 1644: Mr. VAN HOLLEN, Mr. HONDA, Mr. ARCURI, Ms. CARSON, Mr. PETERSON of Minnesota, Mr. GUTIERREZ, Mr. CARNAHAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mr. HALL of New York, Ms. VELÁZQUEZ, Ms. SHEA-PORTER, Mr. BECERRA, Mr. HINOJOSA, Mr. MCNULTY, and Mr. WU.

H.R. 1671: Mr. ELLISON.

H.R. 1767: Mr. MORAN of Kansas and Mr. HAYES.

H.R. 1843: Mr. BLUMENAUER.

H.R. 1876: Mr. ELLISON, Mr. DAVIS of Kentucky, Ms. BERKLEY, Ms. MOORE of Wisconsin, Mr. ROYCE, Mr. HONDA, Mr. KENNEDY, Mrs. DAVIS of California, Mr. HINCHEY, and Mrs. JONES of Ohio.

H.R. 1884: Mr. SPACE, Mr. KLEIN of Florida, Mr. WU, and Mr. KAGEN.

H.R. 1926: Ms. MCCOLLUM of Minnesota and Mr. GONZALEZ.

H.R. 1940: Mr. WICKER.

H.R. 1955: Mr. THOMPSON of Mississippi, Mr. DICKS, Mr. PERLMUTTER, Mr. LANGEVIN, Mr. CARNEY, Mrs. CHRISTENSEN, Ms. CLARKE, Mrs. LOWEY, Mr. AL GREEN of Texas, Mr. DANIEL E. LUNGREN of California, and Ms. ZOE LOFGREN of California.

H.R. 1975: Mr. PRICE of North Carolina and Mr. LOBIONDO.

H.R. 1983: Mr. SIRES, Mr. SPACE, Mr. WU, Mr. KLEIN of Florida, and Mr. KAGEN.

H.R. 1992: Ms. WASSERMAN SCHULTZ and Mr. SESTAK.

H.R. 2016: Mr. BRALEY of Iowa and Mr. LOBIONDO.

H.R. 2017: Ms. WOOLSEY and Mr. CLAY.

H.R. 2032: Mr. MURTHA.

H.R. 2038: Mr. PLATTS.

H.R. 2039: Mr. STUPAK.

H.R. 2045: Ms. BORDALLO, Ms. SCHAKOWSKY, Mr. WEINER, and Mr. BOUCHER.

H.R. 2075: Mr. BOREN.

H.R. 2084: Mr. FORBES.

H.R. 2088: Mr. WAMP.

H.R. 2103: Mr. SPACE.

H.R. 2136: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2211: Ms. WOOLSEY.

H.R. 2212: Mr. FILNER.

H.R. 2232: Ms. MATSUI.

H.R. 2236: Mr. BAIRD.

H.R. 2256: Mr. WAMP.

H.R. 2266: Ms. DELAURO.

H.R. 2349: Mr. CONAWAY.

H.R. 2360: Mr. COBLE.

H.R. 2370: Mr. UPTON and Ms. WASSERMAN SCHULTZ.

H.R. 2380: Mr. EDWARDS.

H.R. 2503: Mr. ENGEL.

H.R. 2511: Mrs. CUBIN.

H.R. 2550: Mr. LATOURETTE, Mr. MACK, Mr. MCHUGH, and Mr. FEENEY.

H.R. 2561: Mr. BOOZMAN and Mr. GERLACH.

H.R. 2562: Mr. ADERHOLT.

H.R. 2609: Mrs. GILLIBRAND.

H.R. 2619: Mr. HARE.

H.R. 2668: Mr. ALLEN.

H.R. 2677: Mr. JINDAL.

H.R. 2694: Mr. VAN HOLLEN, Mrs. JO ANN DAVIS of Virginia, and Mr. GERLACH.

H.R. 2702: Ms. DELAURO, Mr. HAYES, Mr. BISHOP of Georgia, and Mr. KENNEDY.

H.R. 2706: Mr. GOODE.

H.R. 2734: Mr. PUTNAM.

H.R. 2758: Mr. FRANK of Massachusetts.

H.R. 2768: Mr. SPACE.

H.R. 2769: Mr. SPACE.

H.R. 2770: Mr. ROSS.

H.R. 2779: Mr. YARMUTH, Mr. WEXLER, Mr. LARSEN of Washington, Mr. KLEIN of Florida, Mr. MCNERNEY, Mr. TANNER, Mr. REYES, Mr. DONNELLY, and Mr. COURTNEY.

H.R. 2820: Mr. ROGERS of Alabama.

H.R. 2832: Mrs. GILLIBRAND.

H.R. 2834: Mrs. NAPOLITANO.

H.R. 2927: Mrs. MUSGRAVE, Mr. LAMBORN, and Mr. PERLMUTTER.

H.R. 2933: Mr. FORTENBERRY.

H.R. 2943: Mrs. CAPITO, Mr. PETERSON of Minnesota, and Mr. MCINTYRE.

H.R. 2976: Ms. DELAURO, Ms. ZOE LOFGREN of California, and Mr. ROTHMAN.

H.R. 2989: Mr. SHAYS and Ms. MATSUI.

H.R. 2990: Mr. VISCLOSKY, Mr. SULLIVAN, Mr. SOUDER, Mr. THOMPSON of California, Mr. CROWLEY, and Mr. LARSON of Connecticut.

H.R. 3005: Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Mr. PAYNE, Mr. FALEOMAVAEGA, and Mr. MORAN of Virginia.

H.R. 3025: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3036: Mr. SAXTON, Mr. PAYNE, Mr. LOBIONDO, Ms. CLARKE, Mr. HARE, Mr. WU, Ms. SHEA-PORTER, Mr. MCGOVERN, Mr. PERLMUTTER, Mrs. DAVIS of California, Mr. CUMMINGS, Mr. GRIJALVA, Ms. WOOLSEY, Mr. KIND, Mr. VAN HOLLEN, and Mr. SIRES.

H.R. 3041: Mr. ABERCROMBIE.

H.R. 3058: Mr. ROSS and Mr. SIRES.

H.R. 3065: Mr. MICHAUD, Mr. ABERCROMBIE, and Mr. HINCHEY.

H.R. 3088: Mr. JONES of North Carolina and Mr. MORAN of Kansas.

H.R. 3090: Mr. SNYDER and Mr. DAVIS of Alabama.

H.R. 3099: Mr. DELAHUNT.

H.R. 3111: Mr. HINCHEY, Mr. DELAHUNT, and Mr. STARK.

H.R. 3115: Ms. LINDA T. SÁNCHEZ of California and Mr. GRIJALVA.

H.R. 3145: Mr. WAMP.

H.R. 3168: Mr. ELLISON and Ms. ZOE LOFGREN of California.

H.R. 3197: Mr. WEINER.

H.R. 3202: Ms. WATSON.

H.R. 3204: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3253: Mr. ABERCROMBIE and Ms. CARSON.

H.R. 3265: Mr. HULSHOF and Mr. CLAY.

H.R. 3282: Ms. KILPATRICK, Mr. MCCOTTER, Mr. CUMMINGS, and Mr. JINDAL.

H.R. 3289: Mrs. MALONEY of New York and Mr. SESTAK.

H.R. 3329: Mr. GRIJALVA and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3404: Ms. DEGETTE.

H.R. 3416: Mr. STARK.

H.R. 3432: Mr. MEEK of Florida, Mr. SCOTT of Virginia, Mr. CROWLEY, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Mr. KLEIN of Florida, Mr. WEXLER, Mr. HINOJOSA, and Ms. WOOLSEY.

H.R. 3446: Mrs. MILLER of Michigan.

H.R. 3448: Ms. LORETTA SANCHEZ of California and Ms. SOLIS.

H.R. 3463: Mr. UDALL of New Mexico.

H.R. 3479: Mr. HUNTER.

H.R. 3480: Ms. BORDALLO and Mr. ROHRABACHER.

H.R. 3496: Mr. KINGSTON.

H.R. 3501: Mr. EMANUEL.

H.R. 3513: Ms. HOOLEY and Mr. WU.

H.R. 3529: Ms. GIFFORDS and Mr. MCNERNEY.

H.R. 3531: Mr. GALLEGLY, Mr. BOOZMAN, and Mr. GOODE.

H.R. 3533: Mr. GENE GREEN of Texas, Mr. COHEN, Mr. HINCHEY, Mr. NADLER, and Mrs. LOWEY.

H.J. Res. 12: Mr. KING of New York.

H. Con. Res. 28: Mrs. WILSON of New Mexico.

H. Con. Res. 37: Mrs. CAPITO.

H. Con. Res. 75: Mr. MCCOTTER.

H. Con. Res. 83: Mr. CARTER and Mr. FRANKS of Arizona.

H. Con. Res. 122: Mr. WYNN, Mr. CASTLE, Ms. HOOLEY, Mr. DOYLE, Mr. FALEOMAVAEGA, and Mrs. LOWEY.

H. Con. Res. 134: Mr. WAXMAN, Mr. ELLISON, Mr. STARK, Ms. BORDALLO, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 176: Mr. RADANOVICH and Mr. GOODE.

H. Con. Res. 183: Mr. NUNES.

H. Con. Res. 193: Mr. KANJORSKI and Mr. KILDEE.

H. Con. Res. 200: Ms. ZOE LOFGREN of California and Ms. ROS-LEHTINEN.

H. Con. Res. 204: Mr. SMITH of Texas.

H. Con. Res. 207: Ms. BORDALLO, Mr. HARE, Mr. MCCARTHY of California, and Mr. SESTAK.

H. Res. 79: Mr. HILL, Mr. MCHENRY, and Mr. KILDEE.

H. Res. 113: Mr. LAMPSON.

H. Res. 128: Mr. PASCRELL.

H. Res. 145: Mr. MATHESON, Mr. MELANCON, and Mr. LAMPSON.

H. Res. 212: Mr. KILDEE, Mr. MCGOVERN, Ms. LINDA T. SÁNCHEZ of California, Ms. SUTTON, and Mr. PETRI.

H. Res. 237: Ms. SUTTON.

H. Res. 282: Mr. HALL of Texas.

H. Res. 356: Mr. HONDA.

H. Res. 573: Mr. CHABOT, Mr. HONDA, Mr. DELAHUNT, Mrs. CAPPS, Mr. OLVER, Mr. BRADY of Pennsylvania, and Ms. WOOLSEY.

H. Res. 587: Mr. GORDON.

H. Res. 616: Mr. MCCAUL of Texas.

H. Res. 630: Mr. JEFFERSON, Mr. MCINTYRE, Mr. PETERSON of Pennsylvania, Mr. MCGOVERN, Mr. MURTHA, Mr. DOYLE, Mr. CARNEY, Mr. ABERCROMBIE, Ms. Bean, Ms. CORRINE BROWN of Florida, Mr. BOYD of Florida, Mr. DICKS, Mr. GENE GREEN of Texas, and Mr. FILNER.

H. Res. 634: Mr. RODRIGUEZ and Mrs. BACHMANN.

H. Res. 635: Ms. BERKLEY, Mr. CLEAVER, and Mr. TOWNS.

H. Res. 640: Mrs. TAUSCHER, Mr. LAHOOD, Ms. BEAN, Mr. HASTERT, Mr. BRADY of Pennsylvania, and Mr. LARSEN of Washington.

H. Res. 641: Mr. BLUNT.

H. Res. 651: Mr. MEEKS of New York, Mr. MACK, Mr. FORTUÑO, Ms. LINDA T. SÁNCHEZ of California, and Mr. SIRES.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Frank of Massachusetts or a designee to H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendments to be offered by Mr. Oberstar or his designee to H.R. 2881, the "FAA Reauthorization Act of 2007", does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SENATE—*Tuesday, September 18, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, thank You for the promise of this new day, a gift from Your bounty. We praise You for opportunities to solve problems that keep so many people in life's margins. Please make Your presence felt today on Capitol Hill.

May the whisper of Your wisdom fill our Senators with peace, power, and praise. Infuse them with confidence in Your providence, and in the ultimate triumph of Your purposes. Empower them to see their challenges from Heaven's perspective, and to rejoice that no weapon formed against them will prosper. Give each lawmaker a heightened sense of the special role You have for him or her to play in Your unfolding drama of human history.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 18, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following any time used by Senator MCCONNELL and me, the Senate will be in a period of morning business for an hour, with Republicans controlling the first half and the majority controlling the second half.

After this period of morning business, the Senate will proceed to H.R. 1124, the DC College Access bill. The bill will be considered under a very short time agreement. Members should expect a rollcall vote around noon or maybe even before that. Upon disposition of the DC College Access bill, the Senate will recess for the regular party meetings.

This afternoon, when the Senate resumes at 2:15, there will be 15 minutes of debate prior to a vote on the motion to invoke cloture on the underlying bill, the DC Voting Rights bill. Of course, if cloture is invoked, the Senate will remain on the motion. If cloture fails, the Senate will resume consideration of the Department of Defense authorization measure.

Mr. President, I would also say with respect to the schedule we have this week, we have a lot of work to do, but the most religious, the most important holiday of the year for those of the Jewish faith, begins this Friday at sundown. Yom Kippur is the holiest of days for Jews all around the world, and there are a number of the Jewish faith who need to be on the west coast by sundown on Friday. Therefore, we will probably not have any votes after about 10:30 or quarter to 11 on Friday. We have a lot of work to do, but this is something that is important and necessary that we do.

LEAVE OF ABSENCE

Mr. REID. Mr. President, Senator BYRD is necessarily absent from the Senate today until approximately 6 p.m. because he is accepting an honorary degree for his late wife Erma at Wheeling Jesuit University in Wheeling, WV.

DC VOTING RIGHTS AND COLLEGE ACCESS

Mr. REID. Mr. President, let me also say this about the remarks I am about to give. This has no negative reflection on my distinguished colleague, the Senator from Kentucky. He and I disagree on a number of issues. We have had longstanding debates here on the Senate floor about how he feels about campaign finance reform. He approaches this on an intellectual basis. I think I am right; he thinks he is right. But it doesn't take away from my respect for his having the right to have an opinion here in the Senate about the issue of campaign finance. The same, I think, on the issue of flag burning, for example. He will disagree with me on the DC Voting Rights bill. That is his privilege. He does it on an intellectual basis, a conclusion that he has reached. So my remarks have nothing to do, in any way, with an intention to denigrate my friend's feelings about this bill.

Yesterday we celebrated the 220th anniversary of the signing of our Constitution, and I talked about it yesterday. In its preamble, our Founders laid out the values to which our Nation has aspired: justice, domestic tranquility, common defense, general welfare, the blessings of liberty. The Government which has endured, our Government, and served us so well, recognized these goals could only be secured by equal representation. That means the right to vote, the right to elect individuals who will protect and promote our personal rights as well as the national interest.

The universal right to vote was established a long time ago with the 15th amendment, which barred discrimination based on race, with the 19th amendment, which guaranteed the right for women to vote, and with the Voting Rights Act, which ensured enforcement of these laws for people no matter their color.

In 1873, Susan B. Anthony faced trial for voting illegally, a woman who voted. In her defense she said:

> In the first paragraph of the Declaration of Independence is an assertion of the natural right of all to the ballot; for how can "the consent of the governed" be given, if the right to vote be denied?

Today the right to equal representation is still denied to residents of the District of Columbia. These nearly 600,000 Americans pay Federal taxes, sit on juries, serve in our Armed Forces. Yet they are given only a delegate in the Congress, not a real voting Member. This is nothing more than shadow representation. This injustice has stood for far too long. We haven't voted on this matter for some 50 years. It is time we did that again. Shadow representation is shadow citizenship.

This afternoon we will move to vote on a bill that honors the residents of the District who responsibly meet every single expectation of American citizenship but are denied this basic civil right in return. I commend Senator LIEBERMAN, who has taken the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

leadership on this issue for no reason or agenda other than he thinks it is the right thing to do.

I urge all my colleagues to vote for cloture so we can guarantee the full rights of citizenship for District residents.

I also urge my colleagues to support reauthorization of the DC College Access Act, which we will vote on this morning. This provides to District students who would otherwise be unfairly disadvantaged by the lack of in-State universities. It provides scholarships to make up the difference between in-State and out-of-State public universities. It doesn't allow any student to get in who is not qualified. It does allow a differential in the method of paying. The DC College Access Act levels the playing field and unlocks the doors to education and all the opportunity it affords to thousands of American students right here in the District of Columbia.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TODAY IN HISTORY

Mr. McCONNELL. Mr. President, historians tell us that George Washington's decision to preside over the Constitutional Convention lent instant credibility and respect to the document it produced, and yesterday we recalled the signing of that document upon which this Nation's laws and institutions are firmly built.

Six years later, George Washington would lend his reputation to another enduring work, a white beacon of stone and mortar that inspires us and others around the world more than two centuries later. On this day in 1793, George Washington laid the cornerstone to the United States Capitol. The building would take nearly a century to complete, but the magnificence of the finished product would stand as a testament to the perseverance of generations of Americans, and to the enduring principles it was meant to embody and project. So we pause today to reflect on the many contributions of our first President, not only to this Nation but also to the city that bears his name, not the least of which is this gleaming symbol at its heart.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The Senator from Kansas is recognized.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT

Mr. BROWNBACK. Mr. President, I rise to speak on the DC Voting Rights Act today. It is a tough issue. It is one with which I am familiar. I have chaired the DC Subcommittee both on the authorizing and the appropriating side. I have worked in the District of Columbia on a number of different issues. I reside here when I am not in my home State of Kansas. My home is in Kansas, but I have an apartment that is here, so I am living in the District. I have talked with many people about the Voting Rights Act issue. I am sympathetic with the people of the District of Columbia not having an elected delegate to represent them, although I know very well the lady who is representing them in the House, ELEANOR HOLMES NORTON, who is an outstanding Representative for the District of Columbia, although she does not have the right to vote on the floor. I have worked with her on many issues to rebuild the family structure in Washington, DC with things such as Marriage Development Accounts. I worked with her on revitalizing the District of Columbia with an economic revitalization bill that passed when I first came into the Senate in 1996. I worked with her and others on the schools in Washington, DC, and the deplorable state of the schools in Washington, DC.

I have worked on all these issues and I am familiar with this issue and the Voting Rights Act of 2007. Yet I cannot support this bill. I can and would support a constitutional amendment allowing the District of Columbia the right to vote in the House of Representatives, but I cannot support this Voting Rights Act. I want to speak here on the floor this morning and outline why I cannot vote for it.

Congress has long recognized we can only grant District residents the ability to participate in Federal elections through constitutional amendment. Congress has recognized that. Prior to 1961, for example, District residents were not permitted to vote in Presidential elections. Article II, section 1 of the Constitution expressly provides that the electoral college should be comprised of electors from each State, in a number equal to the State's combined congressional delegation. In the face of this express constitutional language, Congress recognized that a change in the law would require a change in the Constitution itself, looking at the plain meaning of the statute and the plain meaning of the Constitution. That is why, when we granted DC residents the right to participate in Presidential elections, we went about it the right way, by passing what would become the 23rd amendment to the Constitution, allowing DC residents the right to participate in a Presidential election.

We saw the plain meaning of the Constitution and we did the right thing; we amended the Constitution. Just as article II of the Constitution, which deals with the Presidency, limited the right to appoint Presidential electors to the States, article I, which deals with the Congress, clearly and repeatedly limits representation in the House and the Senate to the States. That is what it says. Article I says that the House:

> shall be composed of members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

It requires that each Representative:

> when elected, be an Inhabitant of that State in which he [was] chosen.

It mandated that:

> each State . . . have at Least one Representative,

and provides that:

> When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

Rarely do we have an issue in the Senate that has so much plain language from the Constitution involved. This one has a lot of plain language from the Constitution. I believe in strict construction of the Constitution. I think it would be hard for me to call myself a strict constructionist and say that we can, as a Congress, bypass the clear words in the U.S. Constitution and say we are just going to grant these rights to the District of Columbia to have an elected representative voting in the House of Representatives, even though I support that. That is something we should do, but we should do it the right way by amending the Constitution and not the wrong way by passing a law here that is clearly unconstitutional—and I will go through the court cases that have declared it unconstitutional—and then say: We will let the courts sort it out. I am a Federal officer, sworn to uphold the Constitution. I need to do so in this body and not just say I will hand it off to the courts.

Congressional Democrats in 1978 recognized this fact. That year, Congress passed an amendment giving District residents a voting seat in the House. When the House Judiciary Committee, under the leadership of Democratic chairman Peter Rodino, reported out the amendment, the accompanying report properly recognized that "[i]f the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice." Sadly, the 1978 amendment failed to garner the support needed from the States to secure ratification.

We all recognize that amending the Constitution is difficult, but it still remains the right way to deal with something of this nature. I am certainly not alone in concluding that this bill, although well intentioned, violates the plain language of the Constitution. The very court that will hear challenges to this bill under its expedited judicial review provision has previously ruled that District residents do not have a constitutional right to congressional representation.

In Adams vs. Clinton in 2000, a three-judge panel of the Federal District Court for the District of Columbia concluded that the Constitution plainly limited congressional representation to the States. The court explained that "the overlapping and interconnected use of the term 'state' in the relevant provisions of Article I, the historical evidence of contemporary understandings, and the opinions of our judicial forebears all reinforce how deeply congressional representation is tied to the structure of statehood. . . . There is simply no evidence that the Framers intended that not only citizens of states, but unspecified others as well, would share in the congressional franchise."

The District residents who brought suit in Adams v. Clinton appealed their case all the way to the Supreme Court, and the Supreme Court affirmed the trial court's ruling. That is the same court which would hear this case.

When Congress granted the DC and territorial delegates a broader role in the House by allowing them to vote in committee, several House Members sued to challenge the delegates' expanded power. In Michael v. Anderson, the Federal court for the District of Columbia Circuit took care to note that their expanded roles passed constitutional muster only because they did not give the essential qualities of House Representatives to the delegates.

In light of the Constitution's clear limitation on House membership to representatives from the States, I cannot vote for cloture on the motion to proceed to this bill. I don't believe we in Congress should act to pass legislation that we know violates the Constitution, essentially passing the buck to the Federal courts to strike down what we never should have enacted in the first place and to strike down what they have already spoken on as recently as 2000. When we neglect our duty to the Constitution, we fail to uphold our oath as Senators to defend this great document.

My friends in the Senate who support this bill rely primarily on two arguments, neither of which outweighs the clear mandate of article II.

First, they claim that another provision in the Constitution, the so-called District clause, allows Congress to essentially grant any sort of legislation related to the District of Columbia, including legislation to give DC residents a voting House Member. This clause permits Congress to pass laws to provide for the general welfare of District residents. This bill, however, does not propose to provide for the welfare of DC residents; it seeks to alter the fundamental composition of the House.

Second, they correctly point out that there are certain instances in the Constitution where references to "citizens of the states" have been interpreted to include District residents. Many of these cases, though, involve individual rights, and it is obvious that DC residents do not lose their rights as citizens of the United States by choosing to live in the District. For example, they retain the right to trial by jury. They may bring civil suits in Federal courts against citizens of other States. This bill, however, is not a bill about individual rights such as the right to free speech, freedom of religion, or due process of law. This is a bill about the makeup of the House of Representatives itself. It is about the delicate balance our constitutional Framers struck in affording representation to the States in the House and the Senate. It is about the fundamental structure of our Government. We simply cannot override the clear language of the Constitution which limits congressional representation to the States simply by legislative fiat.

While I sympathize with the supporters of this bill, I also take seriously my duty to the law, to upholding the Constitution. I will support and do support a constitutional amendment allowing DC the right to gain the vote. I do not support this bill as I do not believe it to be constitutional under the clear reading of the Constitution and under recent interpretations by the court.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana is recognized for 6 minutes.

Mr. VITTER. Thank you very much, Mr. President.

WATER RESOURCES DEVELOPMENT ACT

Mr. VITTER. Mr. President, I rise today to again urge the entire Senate, and particularly the majority leader, to get the WRDA bill, the Water Resources Development Act, onto the floor of the Senate absolutely as soon as possible for passage.

Of course, I represent the State of Louisiana. A little while ago, on August 29, we commemorated—certainly did not celebrate but properly commemorated—the 2-year anniversary of Hurricane Katrina. A little while from now, on September 24, we will similarly commemorate the 2-year anniversary of Hurricane Rita, which devastated southwest Louisiana, South Acadiana, as well as southeast Texas.

Of course, the Nation and this Congress, this Senate, has done an enormous amount with regard to hurricane recovery. But we all know that challenge and that work continues. There is nothing more important with regard to that work, with regard to ensuring good, strong hurricane flood protection in the future—unlike we have had in the past, clearly, in light of Hurricane Katrina—than passing this water resources bill.

As you know, it has gone through every stage of the process except passage on the floor of the Senate. We had a Senate bill. We had a House bill. We had a conference committee. We had deliberations of the conference committee. I was honored to serve on that conference committee and helped finalize the final conference committee report.

Even before the August recess, the House of Representatives passed that conference committee report. So now all eyes are on the floor of the Senate. That is where we must finish the job. That is why I urge Senator REID and others to put the WRDA bill on the floor of the Senate as soon as possible.

Recently, on September 6, I sent Senator REID a letter, following up on numerous discussions we have had with other Members, urging him to put the bill on the floor as soon as possible, certainly during September. Again, I come to the floor of the Senate to urge the Senate leadership to do that in light of the crucial nature of this bill for continued recovery, hurricane flood protection in Louisiana.

I am particularly disappointed this week that is not happening while we go to other business, including the DC voting rights bill. Now, there are folks very interested and focused and committed to that DC voting rights bill. That is their right. I have no particular quarrel with that. I am going to vote against it because I sincerely believe it is clearly contrary to the U.S. Constitution. But that is a legitimate disagreement, and we can debate about that and have that legitimate disagreement. I do not quarrel with their focus and their passion. I do, quite frankly, quarrel with putting that on the floor of the Senate before the WRDA bill, when that WRDA bill and significant provisions in it are life and death to south Louisiana, to our recovery in the wake of Hurricanes Katrina and Rita.

Those events, 2 years ago last month and this month, make passage of the WRDA bill a true emergency priority for this body. The same cannot be said of the DC voting rights bill or other things that are being considered for Senate floor action. Again, those other measures—the DC voting rights bill, in particular—have their proponents, and that is their right. I do not quarrel with their passion for that. But that is not the sort of real emergency as we face in Louisiana with regard to the protection we need.

We are in the midst of a hurricane season. We are at the peak of a hurricane season. Yet we continue to be years and years overdue for this WRDA bill and all the very significant provisions it contains for our people, for our State, for our vanishing coastline.

So, in closing, I again urge the majority leader to put the WRDA bill on the floor of the Senate as soon as possible, and absolutely this month, and to establish the right priorities for this body and for this country, including that very important effort which I believe should be on the floor of the Senate, should gain action, should gain focus before other measures, including the DC voting rights bill.

With that, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVATE SECURITY CONTRACTORS IN IRAQ

Mr. DURBIN. Mr. President, there was an event that occurred yesterday in Iraq which is significant. A decision was made by the Iraqi Government to order a private security firm known as Blackwater USA to leave the country. It involved the fatal shooting of eight Iraqi civilians following a car bomb attack against the State Department convoy. I don't know the circumstances of that attack, nor do I know the circumstances that led to the killing of these innocent civilians. Only a thorough and fair investigation will bring us to any kind of closure on this particular matter.

What happened yesterday is going to dramatize to the American people something significant that has occurred in this war in Iraq. For the first time, we are seeing massive numbers of private security contractors who are at work for the U.S. Government in Iraq. They are in a security or quasi-military capacity. I have been to Iraq three times. They are often dispatched to provide security for visiting members of the Cabinet and Members of Congress. I will say at the outset that although I have serious misgivings about Blackwater as an organization, the individual men who have dedicated their lives to this service are risking their lives in the process, and their courage and bravery to step up is something that should be acknowledged and never diminished.

But what this matter will bring to light is the fact that this security contractor, Blackwater, has enjoyed a charmed existence with the Bush administration from the start. This is another example of a firm which has been given millions of taxpayers' dollars to do a job in Iraq without accountability, without the kind of disclosure—basic disclosure—which American taxpayers deserve and demand. The circumstances of these contracts, the particulars involved in them, and the standards that are applied to them are in a shadowy world that has been kept away from the public eye by the Bush administration from the start. That is not only unfortunate, it is unfair, and we need to do something about it as a government.

This operation, Blackwater USA, started by Mr. Erik Prince of Michigan, has been politically affiliated with this administration for a long time. Now that there have been questions raised about the conduct of their operations, they have brought in some of the biggest political heavy-hitters in Washington to keep their operations cloaked in secrecy and veiled so that the American people don't know what they are all about. They do it in the name of security and classified information at a time when we need more transparency and more openness and more accountability.

These security contractors are often paid three times what ordinary soldiers receive. The rules they operate under are much different than those our military faces every single day in Iraq. They are given mundane tasks in many instances and paid enormous sums of money to perform them—to transport kitchen equipment, for example—in Iraq at great expense to our Government.

Several years ago in Fallujah, there was a terrible incident involving several Blackwater contractors. These contractors were guarding kitchen equipment that was being transported across Fallujah when they were ambushed and killed. It is hard for anyone to forget the images that followed. Their bodies were dragged out of their vehicles, and they were beaten and burned and hanged on a local bridge. There were newscasts and videotape around the world of this heinous and barbaric act. As a result of it, our Government made an invasion of Fallujah and put at risk thousands of American troops to bring some order to that scene.

What is not well known is that the families of those Blackwater security forces—contractors—who were killed in Fallujah believe their loved ones were put in harm's way by this company, by Blackwater. Blackwater had promised to these contractors that if they would come to Iraq, they would be given armored vehicles, adequate protection, and adequate equipment. In fact, that was not the case. Many of the same contractors who were at risk were complaining about this. In fact, one who died that day had made a formal request of the leadership of Blackwater to make good on their promise to protect their employees who worked for Blackwater. They lost their lives.

Their families then went to court trying to make sure Blackwater was held accountable. As the mother of one of these contractors and former Navy SEAL said, it wasn't about the money, it was about accountability and to make sure Blackwater, a company that was very profitable through this administration and this war, actually protected its employees. Well, I need not tell you that they faced an uphill struggle with their lawsuit, which is still pending. Blackwater refused discovery, refused to disclose information, made every effort they could to keep material witnesses away from this trial and this proceeding, and unfortunately, the facts have never come forward as they should for all of us to understand.

Where the Blackwater security contractors were promised armored vehicles, in fact, they were given SUVs with little protection. Where they were promised to have groups to protect them, they were sent into harm's way with inadequate numbers of forces. Time and again, this contractor, profiting from our Government, profiting from this administration, didn't provide the basic protection it promised to its own employees.

I believe it is time for this Congress to open this door, to lift this lid and look inside, about the security contractors who are at work in Iraq today at the expense of our Government. We need to know how many are working. We need to know what rules they operate by. We need to know what incidents they have been involved in. America is held accountable for their conduct. Even though they may be private sector employees, for every Iraqi, I am sure they look at them as symbolizing and representing the United States of America.

It is our responsibility to ask the hard questions about these security contractors, what they are doing, and whether anything improper has occurred. The Iraqi Government has reached this conclusion and asked them to leave. I will be surprised at the end of the day if they do leave. They are so closely connected to the highest levels of this administration, it is hard to imagine they will actually leave the country even after the Iraqi Government has called publicly for that to happen.

So I have asked the leadership on the Democratic side to look into the security contractor arrangements, as well as the Blackwater USA company in particular, to get down to the bottom line and the basic question as to whether these people who are involved in this conduct have done things that really don't advance the cause of peace and stability in Iraq. That is a legitimate question which should be asked of every contractor involved in business in Iraq.

We know for the last 5 years on Capitol Hill hard questions were not asked. There was little or no oversight by this Congress asking whether our taxpayers' dollars were being well spent, whether the right decisions were being made. Sadly, we find ourselves mired in a war that has cost us almost 3,800 American lives, with more than 30,000 injured, with no end in sight. It has been a colossal foreign policy mistake—one that we will pay for for generations.

Despite the heroism of our men and women in uniform day-in and day-out, policymakers in Washington have let them down. This President made an appeal to the American people the other night to allow him to stay the course until he can leave office. To think that 130,000 soldiers will still be in Iraq next year is really unacceptable. We have pushed our military to the absolute limit. I have been there. I have talked to them. I have met with their families. I have talked to the support groups back home. I have visited the veterans hospitals. I have seen these soldiers on the battlefront as well as back home, and they have paid a heavy price for this war. The President suggests that we just keep 130,000 troops there indefinitely until he finds what he can define as success, but that isn't good enough. We have to make sure we are sensitive to these soldiers and the toll that is being taken on them personally.

I am sorry to report that the divorce rates among American enlisted personnel now are twice what they are normally, and among officers three times. The suicide rate is the highest it has been since Vietnam and, unfortunately, those who are subject to multiple deployments come back and face many needs for health care and counseling. That is the reality. We are now paying the highest cash incentives ever in our history for people to enlist and to reenlist. Mr. President, $10,000 is common. If a 19-year-old soldier will agree to show up in 6 weeks or so, they double it to $20,000 in cash—to someone fresh out of high school. We have changed a lot of rules of eligibility for service in our military. Unfortunately, we are pushing them to the absolute limit. That is part of the reality of where we are today in Iraq. It is a reality which the President did not address when he spoke to the American people last week.

This event yesterday, where Blackwater was expelled by Iraq's Government, should be a wake-up call to this administration and this Congress to provide the kind of meaningful oversight of these private security operations, to ask whether these men and women who were under our employ, as employees of our Government through private contractors, have stood up and done the right thing for our Nation. Many have, but those who have not have to be held accountable.

Mr. President, SPC Darryl Dent died in Iraq on August 26, 2003, when an IED exploded under his humvee. Specialist Dent—21 years old—had hoped to go to medical school one day. He was the first National Guard member from his hometown to die in combat since Vietnam.

LCpl Greg MacDonald died in Iraq on June 25, 2003, when his humvee rolled as he and six other marines raced to rescue American soldiers caught in an ambush. Lance Corporal MacDonald—29 years old—had a master's degree and hoped to make a career in foreign affairs and help create peace in the Middle East.

MAJ Kevin Shea, a veteran of the first gulf war, was killed by rocket fire in Al Anbar province on September 14, 2004—his 38th birthday. He was promoted posthumously to lieutenant colonel, making him the highest-ranking marine killed in the war in Iraq at that time.

Army Reserve LTC Paul Kimbrough was a lawyer who once worked for a Member of the House of Representatives and even ran unsuccessfully for a House seat himself. He was in Afghanistan, overseeing improvements to living conditions for our soldiers at Bagram Air Base, when he suffered a fatal heart attack on October 3, 2003. He was 44 years old.

CAPT Darrell Lewis grew up in a tough housing project, earned a scholarship to a private high school and another scholarship to college. He graduated, joined the Army and rose quickly through the ranks. Three months ago, on June 23, he died in Vashir City, Afghanistan, when his unit was attacked by insurgents using RPGs, mortars and small arms fire. Captain Lewis was 31 years old.

What did these five fallen warriors all have in common, besides their devotion to duty and to our Nation? A hometown. At the time of their deaths, all five were residents of the District of Columbia. They died trying to bring democracy to Afghanistan and Iraq, but they did not have the legal right to participate fully in our American democracy. That is wrong. This week, we have an opportunity to right this wrong.

This week, for the first time in nearly 30 years, the U.S. Senate will take up a bill to grant the citizens of the District of Columbia, our Nation's Capital, a voting member—one voting representative—in the U.S. House of Representatives. I am one of the cosponsors of the bipartisan District of Columbia House Voting Rights Act of 2007.

Our aim is to not to strengthen the hand of either political party, but to strengthen American democracy. For that reason, the DC House Voting Rights Act would also create an additional House seat for the State of Utah.

DC VOTING RIGHTS

Mr. DURBIN. Mr. President, a little later this morning, we are going to face an important debate on the DC House Voting Rights Act. It is one that I support. It is a cause that I have supported for a long time. It is unimaginable that nearly 600,000 Americans have no voice and no vote in Congress today. But it is a fact. It reflects decisions made long ago about whether the District of Columbia and its residents would be represented in Congress. There is good reason why they should be.

I was saddened to learn this morning that President Bush has threatened to veto this bill. He will ask men and women in the District of Columbia to fight and risk their lives so the people of Iraq and Afghanistan have a right to vote, but he has threatened to veto the bill which gives those same soldiers the right to vote for congressional representation of their own. That is unacceptable.

The President says he has constitutional concerns. He and other opponents of the DC House Voting Rights Act point to language in the Constitution that says that the House of Representatives will be composed of members chosen by "the people of the several states." They argue that the District of Columbia is a district, not a State.

It is a weak argument at best. Our Federal judiciary has long treated the District of Columbia as a "State" for many purposes. For example, the 16th amendment of the Constitution grants Congress the power to tax our incomes, "without apportionment among the several states." The 16th amendment has been interpreted to apply to DC residents; the Federal Government can and does require residents of Washington, DC, to pay Federal income taxes.

DC residents are also required to serve on Federal juries and register for selective service. Why should the right to vote be any different?

I think when we look at this basic purpose, the right to vote for congressional representation, the people who live in Washington, DC, deserve it.

Do opponents of DC voting rights believe that residents of America's Capital City should bear the full responsibilities of citizens but do not deserve the full rights of citizens?

It is not just Democrats who believe the DC voting bill is constitutional. Several prominent Republicans, including Kenneth Starr, Jack Kemp, and Viet Dinh, principal author of the PATRIOT Act, have testified that the bill meets constitutional muster.

Yesterday, September 17, marked the 220th anniversary of the signing of the U.S. Constitution. This is a time to celebrate the genius of the Framers who had the vision and insight—in the year 1789—to lay the foundation for what has become the world's oldest democracy.

The Constitution our Framers gave us was a brilliant document—but not a flawless one. It denied full participation in our democracy to the people of Washington.

Over the past 2 centuries, we have refined the Constitution to expand the right to vote to all Americans. We have expanded freedom. Some expansions of voting rights have come as a result of constitutional amendment. In other cases, Congress has expanded the right to vote by statute.

Just last year, this Congress reauthorized the Voting Rights Act, which another, courageous Congress first passed in 1965. The Voting Rights Act is often considered the most important civil rights law ever passed by Congress. It removed poll taxes and dismantled Jim Crow.

A few weeks ago, on September 5, the Senate Judiciary Committee—on which I serve—held a hearing to celebrate the 50th anniversary of the Civil Rights Act of 1957. One of the witnesses at that hearing was a hero of mine and a giant of our civil rights movement: Representative JOHN LEWIS of Georgia.

Representative LEWIS testified about discrimination against African Americans when he was growing up in Alabama. He talked about the inspiration he drew from meeting Martin Luther King, Jr. and Rosa Parks. He talked about how far we have come as a nation when it comes to the treatment of African Americans and persons of color. And he talked about the progress we have made when it comes to voting rights.

JOHN LEWIS was nearly beaten to death on the Edmund Pettus Bridge in Selma, AL, marching for voting rights in 1965. He put his life on the line for the right to vote. So I think we should take special note of what JOHN LEWIS had to say when he was asked at the Judiciary Committee hearing about the bill that would create voting rights for the residents right here in Washington, DC.

JOHN LEWIS said the following:

> [W]e are going to say to the District of Columbia, where people leave this district, leave this city, they go and fight in our wars, and then they cannot participate in the democratic process. That is wrong.

The Senate can heed those words this week. The Senate can give the residents of Washington, DC, a voice in Congress.

For two centuries, Washington, DC, residents have fought and died in this Nation's wars, often suffering among the highest casualty rates.

Twenty-three Washington, DC, residents have been killed or wounded in Iraq and Afghanistan.

Haven't the residents of this city earned the right to have their voices heard, and their vote count, in the House of Representatives? Haven't the people of Washington, DC, waited long enough?

Washington, DC, is the only capital city in the world whose citizens do not have voting representation in their national legislature.

For over 200 years, Washingtonians have been mere spectators to our great democracy.

In the course of our Nation's history, we have many times expanded freedom and expanded voting rights to people whom our Founders, in their incomplete genius, left out.

This week, we have an opportunity, and an obligation, to take another important and long overdue step forward in the historic struggle for voting rights by giving the residents of the District of Columbia a vote in the U.S. House of Representatives. Let us vote for the right to vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1124, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 1124) to extend the District of Columbia College Access Act of 1999.

Mr. AKAKA. Mr. President, I rise to speak in support of H.R. 1124 and the opportunity it provides for DC's college-bound students. The reauthorization of the District of Columbia College Access Act of 1999 would continue a successful and effective scholarship program.

The DC tuition assistance grant program, or DCTAG, provides scholarships to cover the difference between in-State and out-of-State tuition for eligible DC residents attending any public college or university in the country. DCTAG awards those recipients up to $10,000 annually and $50,000 total in tuition assistance.

The original purpose of the bill was to address concern that college-bound students in the District were at a disadvantage because DC lacks a State university system. DCTAG expanded higher education opportunities by allowing students to attend public universities and colleges nationwide at in-State tuition rates.

The original bill also allows students to attend a limited number of nonprofit private schools to receive scholarships of up to $2500 annually and $12,500 total. Students who attend any historically black college or university or any private school in the District, Maryland, or Virginia qualify for private school grants. The 2002 reauthorization clarified that the grants were only for U.S. citizens residing in DC.

The success of the program is clear. Since the launch of DCTAG in 2000, participation among DC residents more than doubled from 1,900 recipients to 4,700 recipients. DCTAG has awarded 26,000 grants totaling over $141 million to 9,769 District students. I am pleased to say that a few of those grants went to students attending the University of Hawaii at Manoa in my home State.

Not only are more students receiving grants; more are going to college. The college enrollment rate for DC public school students has doubled to 60 percent and 38 percent of students in the program are the first ones in their family to attend college. DCTAG affords many District residents a chance to go to college when they otherwise would not be able to afford it.

In July, my Subcommittee on the District of Columbia held a hearing with the Mayor and his education leadership team on their reform proposal for the public school system. They offered a realistic picture of DC public schools and a realistic vision for accountability and reform.

The Chancellor of Education, Michelle Rhee, and the Mayor are working very hard to improve the unacceptably low performance of DC students by recruiting talented teachers, reforming the administrative offices, and repairing crumbling schools. They deserve all the support that the Congress can provide in their efforts.

As the cost of college tuition continues to rise at both public and private institutions, this scholarship program offers the District's students hope that if they perform well in high school they can have the same opportunity to access affordable, public, higher education as students in Virginia, in Maryland, and across the country.

Students who know they have the opportunity to go to college are more likely to perform well in high school. The DCTAG program supports the Mayor's efforts to improve DC public schools by offering students the chance to go to college at a minimal cost to the Federal Government.

The DCTAG bill was reported out of committee in February, and now is the time to finally get it passed. I understand my colleague and fellow committee member, Senator COBURN, has asked that two amendments to the legislation be considered.

The first amendment would modify the eligibility standard for the scholarship recipients to exclude any student whose family earns an income of $1 million or more. Despite the high income threshold, I am concerned about starting down the road of making this a needs-based scholarship program. The program is designed to provide all DC residents access to a range of higher education institutions. I have agreed to accept this amendment despite my misgivings for the sake of the entire program's reauthorization.

The second amendment, however, I am not prepared to accept. It would threaten the integrity and success of the program by increasing the grant amounts for private schools. Nearly 10 times the number of students in the program attend public schools versus private schools, and an increase in the grant amounts for private schools would reduce the overall available funding. Fewer students would be able to participate in the program, and lower income students trying to attend more affordable public schools, in particular, would be significantly burdened, in some cases, potentially, being forced to forego college altogether.

For many students, the importance of this program in defraying out-of-State tuition costs means the difference between attending college or not. I cannot support this amendment, and I urge my colleagues to vote against this amendment as well.

DCTAG has helped thousands of DC students who receive postsecondary education. Its credibility and its effectiveness is evident.

I urge my colleagues to support the bill and oppose Senator COBURN's second amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, today the Senate considers, as my good friend, Senator AKAKA, has mentioned, H.R. 1124 that will reauthorize the District of Columbia Tuition Assistance Grant Program. Senator AKAKA and I have been working on this legislation for quite some time and both believe it is one of the most significant efforts the Congress has made to help students of the District of Columbia.

I thank both the majority leader and the minority leader for allowing us to move this bill forward today. This bill passed the House in May by a vote of 268 to 100. Earlier this year, we introduced the Senate companion bill sponsored by Senator AKAKA, Senator BROWNBACK, Senator LANDRIEU, Senator LIEBERMAN, and Senator WARNER offering this needed reauthorization. I thank the Senator from Hawaii for his cosponsorship of this legislation.

I understand the special relationship between the Federal Government and the District. Congress shares the responsibility of making certain that the Nation's Capital remains a socially, economically, and culturally vibrant city. As a former mayor and Governor, I also believe that education is one of the most important factors in ensuring this Nation's future. Thus, one can imagine my dismay when I came to Washington, the shining city on the Hill, and learned that only 43 percent of students entering the ninth grade graduated from high school and even fewer go on to college. One would have thought that our Nation's Capital, the most powerful city in the world, would be the home for a first-class education system.

I am very concerned about the dropout rate in our Nation. America cannot afford to have urban schoolchildren drop out of school and become wards of society. Unless this situation changes, we are planting the seeds for social unrest. As the United Negro College Fund says, a mind is a terrible thing to waste.

Concerned with the future of the District's children, Representative TOM DAVIS and I crafted the District of Columbia College Access Act which created the DCTAG Program, tuition assistance program. I consider the creation of the DCTAG Program to be one of the most worthwhile efforts I have done since my time in the Senate.

The aim of the DCTAG Program is to level the playing field for high school graduates in the District of Columbia who do not have access to a comprehensive, State-supported education system by assisting them in attending college. Before the DCTAG Program, DC students were the only students in the United States—the only ones in the United States—with a limited State higher education system. As a result, few District graduates went on to attend college.

Beginning in 2000, DCTAG scholarships have been used by District students to cover the difference between instate and out-of-State tuition at State universities. Senator AKAKA has already explained the limitations on the program, but it provides up to $10,000 per year for out-of-State tuition, with a cap of $50,000, and $2,500 for private schools, with a cap of $12,500.

Again, the way this has worked out is the District has seen an unprecedented increase, a 60-percent increase in college attendance. No other State in the Union can make this claim. Think about that: a 60-percent increase in college attendance. More than 1,500 DCTAG recipients have graduated from college. In my State of Ohio, there are currently 74 District students attending 11 universities, including Ohio State, Kent State, and Bowling Green State University. I truly believe the majority of the students would not be attending colleges and universities in Ohio without the DCTAG Program.

I am particularly proud of the fact that many DCTAG recipients are the first in their family to attend college. In a survey of students attending the District's H.D. Woodson High School, 75 percent of the respondents felt DCTAG made a difference in their decision and ability to continue their education beyond high school.

I know how important this is because in my own situation, my father was raised by foster parents. It didn't look as if he would have a chance to go on to college. His principal and social studies teacher came out to see the man who was the foster parent, who wanted my dad to quit school at 16 and be a laborer. The principal and social studies teacher said: No, keep your George in school. They found him a job at night. Then they also helped him obtain a scholarship from Kroger. He went on to Carnegie Tech to become an architect. I don't know what would have happened if it had not been for those teachers intervening and for that Kroger scholarship. His life would have been quite different.

Sixty-five percent of the kids indicated that the existence of the program enabled them to choose a college that would best suit their needs.

Erica, who attends Virginia State University and is supported by her grandparents living on a fixed income, said:

> Without the help of DCTAG, I would not be able to attend college.

And Randa, a full-time single working mother, said:

> The support I received is unmatched. DC-TAG made my future come true. Before hearing of the grants that existed, I had no intention of pursuing higher education, let alone attending a private school that ranks in the top 10 across the Nation. This contribution to my life has inspired me to help others as I have been so richly blessed.

These stories and many other successes of the TAG Program have resulted—and this is really important, Mr. President—in the private sector taking a vested interest in improving opportunities for the kids in the District.

A public-private partnership modeled after the Cleveland Scholarship Program, called the District of Columbia Access Program, or DC-CAP, was established in 1999 by Don Graham of the

Washington Post and other Washington area corporations and foundations to assist the District high school students with their enrollment in and graduation from college.

DC-CAP is privately funded, a nonprofit organization. It provides full-time counseling and financial assistance, available throughout their college career, to students who otherwise might never have the opportunity to go on to college.

To date, DC-CAP has disbursed more than $10 million, funded 5,300 students, and provided counseling services to 71,000 people. Similar to the population served by the DCTAG Program, the majority of students served are from low-income, minority, single-parent households, with many the first in their family to attend college.

It is important to understand that without the DCTAG Program, we would not have the DC-CAP program. They were so impressed with the fact that we were willing to step up and do something and give these kids an opportunity for higher education that they said the private sector ought to step in, and they created the public-private partnership.

Building on the success of the DCTAG and the public-private CAP program, the Bill and Melinda Gates Foundation announced this year a $122 million grant program aimed at improving urban education in the District. The program, known as the DC Achievers Program, represents one of the foundation's largest investments to date in education, with the intention of becoming a model for other communities throughout the United States. They chose the District because of the fact that we had DCTAG and the CAP program.

The scholarships are designed to jump-start the low high school and college graduation rates among students living in certain DC neighborhoods. They are going to concentrate their attention in two regions of the District where there is a 66-percent dropout rate. Think of that. I am hopeful that with these programs continuing, we are going to really make a big difference in the District.

In addition to the programs I have just mentioned, we have America's first federally funded scholarship program that was created as part of the DC Choice Incentive Act of 2003. Under this program, each District scholarship student receives up to $7,500 per year for tuition, transportation, and fees so they may attend a nonpublic school. Last year, more than 1,800 kids participated in this program at 66 nonpublic schools in the District, and a number of these students have used the DCTAG tuition grants to help their dream of a higher education become a reality. And it was available to them.

In 1996, we created the charter schools in the District. Today, over 13,000 students are attending 34 charter schools in the District. In other words, we are really starting to make some progress. Supporting the Charter Schools Program is the Federal City Council, a nonprofit organization composed of and funded by approximately 200 local businesses and educational leaders. It is chaired by former Oklahoma Gov. Frank Keating. Members of the President's Cabinet and a number of key Federal officials serve as trustees. That council has spearheaded the business community's support for reforming the District's public school system. In other words, we are bringing together tremendous resources today where we are going to try to make a difference in an urban district in this country—there are about 65,000 kids today in the District—make a difference in their lives so that maybe in the next several years, we can start talking about an urban education system that actually works.

That is why this reauthorization is so very important not only to the District, but it could be the model for the rest of the United States of America. We have to break this dropout rate we are having in urban school districts or this country is in deep trouble.

So I say that it is successful because we have brought together the public and private sectors to make a difference. That is what it is. In other words, we realized that the District's school system is just one thread in this community, and if it is going to be successful, it is going to take their Federal partner and it is going to take their private partner working together to make a real difference for the kids in this community.

The Senator from Hawaii, Mr. AKAKA, mentioned the fact that we brought on Michelle Rhee, who, by the way—I tell you, if it wasn't for DCTAG, if it wasn't for CAP, if it wasn't for the Gates Foundation, if it wasn't for some of the other efforts, I do not think we would have been able to land her. She is terrific. She sees this potential—this young woman, dynamic as all get out—she sees the potential.

I yield the floor, Mr. President. The Senator from Oklahoma has an amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, my reason for offering amendments is not in opposition to this bill's goal. I think the Senator from Ohio and the Senator from Hawaii know that. But there are two really blatant things wrong with this bill.

There is a limited amount of money. Everybody will agree we have allocated—it is going to be about $38 million this year that is going to go for this program. That is what the spendout is going to be. Right now, 20 families who make over $1 million a year are taking an opportunity from 20 families who are below the poverty level. Twenty families right now with household income greater than $1 million a year are taking this program. Why would we have a program that says to the richest in this country that we are going to pay for their college education and we are going to do it on the backs of the poorest in this country? These 20 people who are in college today whose families make more than $1 million a year are stealing an opportunity from 20 kids. Nineteen percent of the District lives under the poverty level. So we are taking from them because we do not have an earnings test on this program.

I put in an amendment, which I am going to call up in a minute, because it is ridiculous to think that somebody earning $1 million a year cannot afford to pay for their kid's college. But the amendment should have been at $300,000 or $400,000 a year, because when you extrapolate that number, you get 400 or 500 kids who are now taking the opportunity from kids who have no income or are living below the poverty level.

So the idea of helping people in the District and enticing people to come to the District to get an education is a great idea. There is not a thing wrong with this program. But it is very shortsighted to say we don't want to put an earnings test on something because it might change the program. The fact is the program is being changed by the wealthy taking advantage of it to the disadvantage of the kids who can't get this grant.

I read in the paper this morning that the House is going to object to a million-dollar-per-year earnings test on this program. Just do a little finger commonsense poll and talk to the American people. Do they think their taxpayer dollars ought to be spent on sending somebody to college whose parents make $1 million a year? The answer to that is a resounding "no." So why would we have any resistance at all in the House or this body to putting an earnings limit at $1 million? It makes no sense.

The second problem with this bill is we have discriminated against historically Black, private, nonprofit universities because they are private: Morehouse State, Spelman College, Stillman College, Tuskegee. Yes, we will let you go if you are from Washington, DC, if you want to go to those, but we are only going to give you $2,500. We are not going to give you $10,000 because it is a private nonprofit. We are going to limit your ability to embrace your culture at one of the historically Black colleges because it happens to be a private, nonprofit university. We are going to say you can only have $2,500. And by the way, if you have a good reason that you might want to pursue a field of study that is not offered at one of the universities, the State publicly supported universities, but is offered at a private college, we are going to discriminate against you again. We are going to say we will give you $2,500.

What we are doing is we are putting a carrot out there and saying, you can't quite get to the carrot. You can't quite get to that carrot. Why would we discriminate against private and nonprivate, if a child wants to seek a certain level of education that is not available anywhere except that? If we want opportunity for these kids, we ought to give them opportunity and we ought to let the choice be theirs. Let them choose where to go.

If they want to go into bioneurologic sciences, where can they get that? A private university. They can't get it at a public university. If they want to go into some other area that is not available to them in a public fashion, through a public university, we are going to say, yes, you can, but you get 75 percent less benefit than everybody else gets because you choose to go into a field of endeavor that may be highly sought after but it is not offered at a public university.

So the idea behind the bill is good. The goal of increasing what the chairman and ranking member wanted to do in terms of DC is right, it is right-headed, but if we were thinking about how do we help the most kids, we wouldn't let the first dollar go to parents making $500,000 a year or $300,000 a year. We would let it go to the kids, this 20 percent of the population who lives under the poverty level. That is where we would send the money.

What we are saying here is, in the namesake of not wanting to change and not allow the flexibility for more impoverished children to get that college education, we don't want to change. We don't want to allow a young African-American male to go to Morehouse College, because we are going to give him $7,500 less a year to go there than if he chose some other university. Why would we not want to enhance that culture for him?

AMENDMENT NO. 2888

Mr. President, I ask unanimous consent that any pending amendment be set aside, and I call up amendment No. 2888 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CASEY). The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2888.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the Federal Government from favoring public colleges and universities over private colleges and universities under the District of Columbia College Access Act of 1999)

At the end of the bill, add the following:

SEC. 2. NON-DISCRIMINATION FOR PRIVATE SCHOOL STUDENTS.

Section 6 of the District of Columbia College Access Act of 1999 (113 Stat. 1327; Public Law 106-98) is amended by adding at the end the following:

"(i) NON-DISCRIMINATION FOR PRIVATE SCHOOL STUDENTS.—In awarding grants under this Act to eligible institutions, the Mayor shall pay amounts, on behalf of eligible students, that are equivalent regardless of whether the students attend a public or private eligible institution.".

Mr. COBURN. Mr. President, this is the amendment that says, let's don't discriminate against the private schools. Let us let the kids go where they want. Let us give them an equal shot at Morehouse, at Tuskegee, at Spelman, and Stillman. Let us let them have an equal shot to go there as well as everywhere else. We have decided you can't. We are going to make you more disadvantaged to go to someplace that is culturally better for you.

So I would ask reconsideration on the part of the chairman and the ranking member for this amendment. It makes sense, it is equal, and it treats every sought-after degree the same. We don't discriminate between private and public. It doesn't change where the restrictions are already. It doesn't say every private university in America can have it. What it says is, if we are going to hold this apple out in front of you and say here is your education, we are going to give you a fair shot whether you want to go to a private school or a public school that is on the list. We are going to treat you the same, and we are going to hope that no matter which one you attend that you finish that education and come back and become a productive citizen contributing to DC.

That is what this is about. It is not about expanding the realm of private universities. It is saying that if I choose to go to Morehouse State, I should get the same treatment as if I choose to go to Oklahoma State or Ohio State or the University of Hawaii. I get the same treatment. Don't give me part of an apple, give me the whole apple. Give me everything.

AMENDMENT NO. 2887

Mr. President, I ask unanimous consent that amendment No. 2888 be set aside, and I call up amendment No. 2887.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2887.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exempt millionaires from receiving educational scholarship funds intended for needy families)

At the end of the bill, add the following:

SEC. 2. MEANS TESTING.

(a) IN GENERAL.—Section 3(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1324; Public Law 106-98) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) is from a family with a taxable annual income of less than $1,000,000.".

(b) CONFORMING AMENDMENT.—Section 5(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1328; Public Law 106-98) is amended by striking "through (F)" and inserting "through (G)".

Mr. COBURN. Mr. President, this amendment says if you make $1 million a year, we shouldn't be paying for your kids to go to college. The rest of the American taxpayers shouldn't.

I am disappointed to hear from the House that when they get this, when we get to conference, they are not going to accept it. It is amazing to me that anybody in this country would think that the Federal Government—all of us collectively—ought to pay for their children's education. If we are going to do that, then let us pay for everybody's education across the country.

But that is not what this bill is about. This bill is about trying to direct funds to those kids who won't have an opportunity for college without these funds. And by giving those funds to the well-to-do families who do not need or require our help to send their children to college, we are stealing opportunity from those kids. There is a limited amount of money. Everybody knows that. There is a limited pie here. And for those 20 times 50,000, that $1 million is not going to be spent on somebody living below the poverty level wanting to get out and wanting to move up.

I understand it is the chairman and ranking member's opinion that they will accept this amendment, so I graciously thank them for that, and my hope is you would hold this as we discuss this with the House. It is ludicrous to take this away from people who don't have means.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Under the previous order, amendment No. 2887 is adopted.

The amendment (No. 2887) was agreed to.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, the Senator from Hawaii and I have accepted the amendment that limits the participation of people in this program to those who earn less than $1 million, but the fact is what we tried to do when we put this program together was to mimic what we were doing in States today around the country. In my State, we have a very robust higher education system, but we do not have an income level that establishes who can participate and who can't. I suspect there are people in Ohio who have kids at Ohio State University who are subsidized and who may make over $1 million or make $350,000. But our State has chosen not to have an earnings limit as a matter of public policy. I suspect if you go around the country, you will find that is the case just about everywhere you go.

Mr. COBURN. Mr. President, will the Senator yield for a question?

Mr. VOINOVICH. Let me finish, and then I will yield for a question.

Second, in terms of the private colleges, we looked at what we do around the country, and if you are in the State of Ohio and you are a resident of Ohio, we have a special program that says if you go to a private school, you don't get the full subsidy you would get if you go to a public school, but we provide the private schools up to $2,500 so you can attend a private school. When we put this program together, we had a limitation saying, as we have in the State—and we took certain areas of Virginia and Maryland and brought them in as part of a State—and we said if you go to the University of Maryland, if you go to the University of Virginia, then you can participate in this program. But what we realized at the time was that the number of people trying to get into Maryland and Virginia was so large it wouldn't give these kids the chance they needed to have so they could get into school, and so we opened it up to public colleges all over the United States of America. As Senator AKAKA says, there are people in Hawaii, I am sure we have people in Pennsylvania and all over America, in Oklahoma, and we are trying to do what a State would do.

The other thing we did, which was unusual, is that because we have historical Black colleges around the country, we provided a special program that at those private colleges, even though they are outside of the region of the District of Columbia, the children would be able to receive up to $2,500, and that lays out why this whole program came together. What the Senator from Oklahoma is making mention of is that he wants everybody to get the same amount of money. If we provide equal funding for private and public colleges, as proposed by the amendment, we would be limiting the reach of what is, by all accounts, a very successful program.

The current level of funding of the DCTAG is about $33.2 million. If we expanded that to allow District schools to receive grants of up to $10,000, funding would have to be increased significantly to serve the existing population served by the DCTAG. As mentioned earlier in the debate, the average grant amount per student is $6,500. They do not get the $10,000, they get the average of $6,500, and the difference of $3,500 would have to be made up somewhere. Of the 6,400 students enrolled in the DCTAG today, 886 are attending private colleges. These students are receiving about $2 million. If this amendment were to pass, funding would have to increase by over $5 million to cover these students, or the District would have to reduce the number of students attending public universities by 875 students. So it is a matter of money and dividing it. My guess is that would result in fewer students attending college because the pool of available money would shrink.

I would hope none of my colleagues is willing to ask 875 students not to attend college. This program has been an unprecedented success since the first grants were handed out in 2000. There is an old saying, and I have believed in it my entire years in Government—over 40 years—"If it ain't broken, don't fix it." This program is not broken. This program is one of the most successful programs in the United States of America to reduce dropout rates and increase the attendance of youngsters to get a college education. I hope my colleagues who are listening and paying attention right now will vote against this amendment because I don't think it is going to add one iota to this program except to take away from it.

Mr. COBURN. Will the Senator yield for a question?

Mr. VOINOVICH. I am glad to yield.

Mr. COBURN. Do the people of upper income in Ohio pay higher taxes in the State of Ohio?

Mr. VOINOVICH. Yes, and I am sure the people in the District of Columbia are paying higher income taxes to the United States of America.

Mr. COBURN. So the people of Ohio, who send their children to Ohio State, even though they pay in-State tuition, actually pay more for that college because they pay a much higher percentage of the State budget and the State of Ohio, similar to the State of Oklahoma, has decided that with that increased income, we will grant everybody. But it doesn't cost the same. So the argument is, in terms of the difference in incomes: Those people who make exceptional incomes in Ohio and Oklahoma actually pay more for their kids to go to college in their States because they pay a much higher percentage of the total income taxes in the State.

The second point is I think the Senator is right. If it ain't broke, don't fix it. This is one of the rare programs that ought to be expanded, but we have terrible priorities in this Senate and in this Government. So we will not take another $10 million to make sure more kids go and get rid of some duplicitous earmark somewhere that is a favor for some politician somewhere so we can, in fact, enhance it.

This is a very straightforward amendment. It says why would you discriminate against somebody who wants to go to a private college over a public college? That is what we are doing. The answer is because we don't have enough money. That is the answer. The answer is we do not have enough money, so therefore, if we give the same amount of scholarship to private schools as we give to public, we would not have enough money for 886 people who are getting a full boat now.

The answer to that is here is a program that is working, here is where we ought to have priorities, here is where we ought to be putting more money rather than less. But the answer, our closed-minded answer in Washington is: That is all the money we have. Even though this is working and a lot of other programs are not working, we are not going to defund those programs that are not working. We are not going to measure with a metric whether they are effective. We are going to let them go. Here is a good program that is making a difference in people's lives, and we are not going to go fight for more money.

To me, that says it all about where we are in Washington today.

Mr. VOINOVICH. Mr. President, I would like to say—and I am pleased the junior Senator from Oklahoma is talking about a Federal program where he wants to see more money spent. I think that is terrific. The fact is, he does agree this is a very special program. I would like to point out so do the appropriators, because year after year, they have provided more money for this program.

Initially, it started out at about $17 million. They are up to about $33.3. In their consideration of the importance of this program, they have, in fact, provided more money for it because it is a very worthwhile, successful program. The fact of the matter is we all believe that if we evened it out across-the-board, fewer of our youngsters, the socially deprived kids in the District, would be able to take advantage of the program.

Again, I wish to emphasize we tried to copy what we do in States such as Ohio, where we say to the private schools: You are here. God bless you. And we give them, not the total subsidy, $6,500—they get up to $2,500 for those students.

If you are thinking about kids who need help, I know in my State if you have a youngster who has some potential—by the way, these youngsters who have the potential are taking advantage of the college assistance program the private sector set up here, set up by Don Graham over at the Washington Post. So they come in with this little extra money for them. We also have the Pell Grant Programs available to these individuals.

I can tell you this. If we had a bright kid in the District who was qualified to go to Georgetown—we mentioned a young lady who is at one of the top universities. They have special programs that reach out and say here is a youngster—such as my dad—who is bright, hardworking, and we are going to give them some extra, such as dad got at Carnegie Tech so he could go on to get his architectural degree.

I think we are talking about reality here. We are talking about a program that is making a difference. I respectfully say I think the proposal doesn't help the program but rather takes away from it.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, reclaiming my time, I wish to echo the remarks of my good friend and ranking member, Senator VOINOVICH. Senator COBURN's amendment threatens to reduce the number of participants in the program by nearly 1,000 students and would increase the costs of the program by more than $5 million.

Furthermore, it conflicts with the intent of the legislation. Because of the high number of private schools in the District, Congress allowed students who chose to stay close to home a greater range of options, similar to a State school program. However, it was never intended to supplement the private education to the same degree as public education.

Once again, I urge my colleagues to vote against his amendment and in support of the underlying bill.

At this time, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I will finish up with this. I thank the Senators for their debate and points of view.

The reason the average is $6,500 is because you only give $2,500 to the private. If you took all the private schools out, the average would be $10,000. That is what you get. So to play the game with numbers is not accurate because when you filter in the $2,500, you get that average of $6,500.

I would make the point again, you, in fact, are discriminating against a young DC minority child who says I want to go to Morehouse State, and I want to major in X at Morehouse State. I know heroes of mine who went to Morehouse State.

Under this bill, you say you can't do that. They may be bright, but $2,500 compared to that education, versus $10,000 in public, doesn't begin to accomplish the level of financing and scholarships—it will be next to impossible. I ask you to reconsider. The intent of what you are trying to do—we can, in fact, appropriate more money for this. If I and GEORGE VOINOVICH and DANNY AKAKA go for a spending increase on an appropriations bill, that will make history in the Senate. That would make history. We could do that. We could find the money to do that.

The point is, why should we take away opportunity? Why should we be the parlayers of somebody's lost opportunity? We ought to give it to all, it ought to be equally based and ought to be based on their aspirations, their hopes for what they want to do. We should not artificially say because you want to go here, this is all the opportunity you get. But if you want to go somewhere that doesn't excite you, doesn't stimulate you, isn't going to give you as good an education, we will give you more money.

I think that is inherently wrong and disadvantageous to the very people we are trying to help. Not only should we want them to get the education, we should want them to get the best education, so they can be the best that they can be.

I will yield the floor.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Mr. AKAKA. Mr. President, I yield the remainder of my time.

Mr. VOINOVICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to Coburn amendment No. 2888.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—38

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter

NAYS—59

Akaka
Barrasso
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Enzi
Feingold
Feinstein
Grassley
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Byrd
Domenici
Obama

The amendment (No. 2888) was rejected.

Mr. AKAKA. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BUNNING. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. BUNNING. Mr. President, I ask for the yeas and nays, please.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virgina (Mr. BYRD), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—96

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Dorgan
Durbin
Ensign
Enzi

Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—4

Byrd
Dodd
Domenici
Obama

The bill (H.R. 1124), as amended, was passed.

Mr. AKAKA. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes equally divided between the two leaders or their designees on the motion to invoke cloture on the motion to proceed to S. 1257.

Who seeks time? The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to support the legislation before us today which was reported out of our committee on a 9-to-1 vote, bipartisan support.

In some sense, it is unbelievable that we are here today in 2007 trying, against some odds at this moment, to give to the residents of the Capital City of the United States, the District of Columbia, the right to have a voting representative in the Congress of the United States. To me, it is unbelievable, it is palpably unjust and, in my opinion, a national embarrassment.

This bill, comparable to a bill that passed the House of Representatives—bipartisan—cosponsored by Delegate ELEANOR HOLMES NORTON and Congressman TOM DAVIS—basically rights this grievous wrong by giving the District of Columbia, more than a half a million of our fellow Americans, a voting Member of Congress in the House of Representatives and to, frankly and directly, overcome concerns of the partisan impact of giving a House seat to the District because it tends to vote Democratic, and correcting another injustice, saying that the State of Utah, which came very close—less than 900 citizens—from having another seat in the Congress in the House as a result of the 2000 census also gets a seat. So one for the District of Columbia, one for Utah.

The situation is this: The residents of the Capital City of the greatest democracy in the world do not have voting representation in Congress. And yet, they have to pay the taxes we adopt—this is taxation without representation—their budget uniquely has to be approved by the Congress, and their sons and daughters today are serving, and I add dying in disproportionate numbers, in Iraq and Afghanistan in the war on terrorism, and yet they do not have a voting representative in Congress to pass judgment on appropriations and other matters related to that war.

It is time to end the injustice, to end the national embarrassment that the citizens of this great Capital City do not have voting representation in Congress.

I ask all my colleagues to vote for cloture. Do not let a filibuster kill a voting rights act, as used to happen too often around here.

I have been honored to join as a cosponsor of this measure my dear friend, a great Senator, Senator ORRIN HATCH of Utah.

I yield the remaining time we have to Senator HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we have had a lot of people talking about, oh, let's not do this because it is unconstitutional. I want everybody to know there are conservative and liberal advocates on both sides of this issue with regard to the District of Columbia and, I might add, I think most people will know Utah was not treated fairly after the last census. Naturally, Senator BENNETT and I are for adding a seat in Utah.

Let's go back to that point. There are good people on both sides of this issue, Democrats and Republicans on each side. There are decent arguments on each side of this issue, although I think our side has been given short shrift by some. And those who are so sure this is unconstitutional, that which the distinguished Senator from Connecticut, Mr. LIEBERMAN, and I have been advocating, then why do they fear the expedited provision in this bill that will get us to the Supreme Court of the United States of America in what would be a very appropriate decision on who is right and who is wrong in this matter?

We all know the argument that we should do this as a constitutional amendment is not a valid argument. It is a good argument, but the fact is it will never pass that way. There are 600,000 people in the District of Columbia, never contemplated by the Founders of this country to be without the right to vote. They are the only people in this country who do not have a right to vote for their own representative in the House of Representatives. This bill would remedy that situation.

Those who argue it would be a presage to getting two Senators don't know the people in America or in this body. The fact is that Senators are elected by States with equal rights of suffrage. This representative, should this bill pass both Houses of Congress, would represent 600,000 people as the people's representative in the House of Representatives, which is what that is supposed to be.

I might add, Supreme Court decision after Supreme Court decision has said the Congress has plenary power in this area, unique power in this area. It says Congress has authority over the District of Columbia. If Congress wants to give the District of Columbia a representative, Congress has the power to do so, and I believe the Supreme Court would uphold it. I do not believe the Supreme Court would uphold an attempt to try and get two Senators for something that is clearly not a State requiring equal rights of suffrage.

I compliment my good friend from Connecticut, Senator LIEBERMAN, for the hard battle he waged and for those in the House who worked so hard on this issue. I hope we can at least debate this matter. All we are doing today is deciding whether we are even going to allow a debate to occur. My gosh, when has the Senate been afraid to debate a constitutional issue as important as this one? This is an important issue. We are prepared to debate. We are prepared to see what happens.

We know if it passes, it is going to have expedited review by the Supreme Court. We are prepared to accept whatever the Supreme Court decides to do, and those who say this is unconstitutional, per se, should not be afraid then. I am willing to go to the Supreme Court, and I will abide by whatever the Supreme Court says. I believe the Supreme Court would uphold this legislation because there are 600,000 people without a right to vote for their own representative.

I used to be opposed to this issue. The more I studied it, the more I agreed with the conservative and liberal constitutional proponents and the more I have become an advocate for it, and I am going to continue to do so. I hope we can at least debate this matter and then, hopefully, get it out of this body and go to the Supreme Court and have them finally decide what should be done.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President. I rise to speak in support of S. 1257, the District of Columbia House Voting Rights Act of 2007. It is a measure introduced by Senator LIEBERMAN and Senator HATCH and favorably reported by the Committee on Homeland Security and Governmental Affairs.

After carefully considering the constitutional issues, I have come to believe, on balance, that S. 1257 is a legitimate mechanism for providing voting representation in the U.S. House of Representatives for the 600,000 Americans who live in the District of Columbia—citizens who serve in the Armed Forces, pay Federal taxes, participate in Federal programs, and support a local government overseen by Congress—yet who cannot choose a representative with voting rights for the House that meets in their midst.

S. 1257 would also correct an inequity affecting the State of Utah. That State fell just short of qualifying for an additional House seat in the last apportionment—a margin that likely would have disappeared had the census counted the thousands of Mormons who were out of State performing their religious duty as missionaries.

As the Senate considers this legislation, much hinges on our view of the powers assigned, and the rights protected, by our Constitution. Those powers and rights were discussed at length in the May 15 hearing that our committee conducted on this bill.

We heard vigorous debate from legal experts on whether the enclave clause of the Constitution enables Congress to provide voting representation in the House for the District of Columbia—as a corollary of its exclusive power of legislation in Federal enclaves, including the District. We also heard an impassioned argument that the bill would pass constitutional muster purely on its merits as an equal-representation measure consistent with court rulings in civil rights cases.

I recognize that other lawmakers, and some constitutional scholars, have expressed sincere doubts about this measure. For those who have such concerns, the bill now offers a powerful safeguard. During our June markup, the committee adopted my amendment providing for expedited judicial review of this legislation in the event of a legal challenge. Thus, the new law's legitimacy could be determined promptly by our Federal courts.

My colleagues on the committee also adopted an amendment that I proposed concerning the scope and implications of the bill. The text now carries an explicit statement that the District of Columbia shall not be considered a State for purposes of representation in the Senate. This is an important distinction. Our Constitution links House representation to population, but it links Senate representation to statehood. The residents of the District of Columbia are Americans entitled to House representation, but they are not residents of an entity admitted to the Union as a State. The language added by the committee simply clarifies that the bill does not contemplate or provide support for a legislative grant of Senate representation.

The District of Columbia House Voting Rights Act of 2007 is a carefully crafted measure that provides for speedy review of any legal challenge. The bill's 21 sponsors and cosponsors span the liberal-to-conservative spectrum and includes two independent Senators, as well as Republicans and Democrats—eloquent testimony to the fact that this is not a partisan measure.

I urge my colleagues to support S. 1257, a simple matter of fundamental fairness for American citizens.

Mr. President, I wish to make a final point and say again that there are legitimate arguments about the constitutionality of the measure that is before us, and that is why, when it was before the Homeland Security Committee, I offered an amendment which is incorporated into the bill to allow for expedited judicial review of its constitutionality. I suggest to my colleagues that we should proceed with this measure. If, in fact, it fails on constitutional grounds, that is up to the courts. But today we can stand for an important principle of providing a vote to the residents of the District of Columbia.

I hope my colleagues will allow this bill to go forward, and I urge their support of this measure.

Mr. CARDIN. Mr. President, I rise in strong support of S. 1257, the District of Columbia House Voting Rights Act. This bill would provide the 580,000 residents of our Nation's Capital the voting representation in the House of Representatives that is so long overdue. It would also give the State of Utah a temporary at-large seat in the House through the next reapportionment.

Today's vote presents us the opportunity to grant District of Columbia residents the voice in "the people's House" that other Americans possess. It is time to remember the cry of our Founders that "taxation without representation is tyranny" and end the discriminatory treatment of our Capital City's residents.

District of Columbia citizens pay Federal taxes, and they deserve their full say in determining the direction of our country. They should have as much influence on the House and Senate floors as any other American over the policies that shape this Nation: our Tax Code, our involvement in Iraq and Afghanistan, and our laws affecting Social Security, health care, and childcare.

The right to representation is a basic civil right, and this is no less than a moral issue. Since coming to Congress, I have supported full voting representation for the citizens of the District of Columbia that would comprise one voting member of the House of Representatives and two Senators. The authors of this bill have, after much deliberation, crafted a compromise that they believe can pass both Chambers and be sent to President Bush for his signature. I will support that compromise with the hope that one day we will be able to enact legislation providing full representation to the District.

Mr. DODD. Mr. President, today we will vote on whether or not to take up one of the most important pieces of civil rights and voting rights legislation the Senate will consider in this Congress: the DC House Voting Rights Act of 2007. After months of careful consideration by the Committee on Homeland Security and Governmental Affairs, floor action on this bill has been blocked by a filibuster. We will soon see if there are sufficient votes to break that filibuster and enable it to move forward. We are in this procedural position because some of my Republican colleagues have persistently refused to even allow the Senate to take up and debate this measure, insisting on throwing up procedural roadblocks all along the way. I urge my colleagues to vote to bring this bill to the floor, and if that effort succeeds, to support its adoption.

There is nothing more fundamental to the vitality and endurance of a democracy of the people, by the people, and for the people than the people's right to vote. In the words of Thomas Paine: "The right of voting for representatives is the primary right by which other rights are protected." It is, in fact, the right on which all others in our democracy depend. The Constitution guarantees it, and the U.S. Supreme Court has repeatedly underscored that it is one of our most precious and fundamental rights as citizens.

Although not all Americans were entitled to vote in the early days of the Republic, virtually all legal restrictions on the franchise have since been eliminated, including those based on race, sex, wealth, property ownership, and marital status. Americans living in the Nation's Capital also deserve to have voting representation in the body that makes their laws, taxes them, and can call them to war.

Even with most explicit barriers to voting removed, we still have a way to go before we get to the point where all Americans are able to participate without obstacle in our elections, and with confidence in the voting systems they use. In the 2000 Presidential election, 51.2 percent of the eligible American electorate voted. And although in the 2004 Presidential election voting participation reached its highest level since 1968, only 60.7 percent of eligible Americans voted. That dropped back down, in the 2006 off-year elections, to just over 40 percent. We should do everything we can to strengthen voter registration efforts and to move the election reform process forward in this Congress, and at the same time to extend voting representation to the nearly 600,000 people—hard-working, taxpaying U.S. citizens who fight for our country and serve on juries and fulfill their other civic duties—who live within the borders of the District of Columbia.

I know that some opponents argue that the reasons the Founders made the Nation's Capital a separate district, rather than locate it within a State, remain sound, and therefore we should not tinker with their work, even at the cost of continued disenfranchisement of DC's citizens. That argument ignores the fundamental commitment we all must have to extending the franchise to all Americans. And it ignores the fact that article I of the Constitution explicitly gives Congress legislative authority over the District "in all cases whatsoever." The courts have over time described this power as "extraordinary and plenary" and "full and unlimited," and decades of legislative and judicial precedents make clear that the simple word "states" in article I (which provides that the House of Representatives "shall be composed of members chosen . . . by the people of the several states"), does not trump, Congress's legislative authority to grant representation in the House to citizens of the District.

I know that Senator HATCH, LIEBERMAN, and others have already thoroughly covered this important legal ground, so I will not belabor the history. But when even conservative legal scholars—from Judges Ken Starr and Patricia Wald to former Assistant Attorney General Viet Dinh—have done exhaustive legal analyses which outline the positive case for Congress ceding representational rights to citizens of the District, you know there is a strong case to be made. In any event, it is clear to me that these important constitutional questions should ultimately be resolved by the U.S. Supreme Court, and enactment of this bill would enable us to do just that. If opponents of the bill are so certain of their constitutional arguments, they should, it seems to me, allow those arguments to be tested in the full light of day, in the courts, and resolved once and for all. The bill provides for expedited consideration of appropriate court challenges. If it were to be enacted and then struck down because of constitutional infirmities, it would then be clear that a constitutional amendment is the only viable alternative left to DC citizens.

This is the latest in a series of proposals to extend full rights of representation to voters in the District. In 1978, with overwhelming bipartisan support, both Chambers of Congress passed the DC voting rights constitutional amendment, which would have given District residents voting representation in the House and the Senate, by two-thirds majority in each Chamber. The amendment required 38 States to ratify it, but it fell short. In 1993, the House voted to give partial voting representation to the DC delegate in the "Committee of the Whole" of the House, unless her vote actually determined the outcome, in which case it would not be counted. That is obviously no real voting "right" at all, if it can be taken away when it really counts.

There have been many differing proposals over the years to extend the right to vote to DC citizens, from constitutional amendments to statehood legislation to retrocession proposals. Since many Americans would be shocked to learn that something as basic as voting representation is now withheld from certain of our citizens, and it is coming in a particular historical context in which Utah is poised to gain an additional House seat due to its growing population, let me describe briefly what this bill would actually do.

First, it would create two new permanent seats in the House of Representatives, one for the District of Columbia and the other for Utah. An election for the seat in DC would be held in 2008 and the new representative would be sworn in for the 111th Congress. The bill explicitly states that DC can only be considered one district and receive only one seat in all future censuses.

It also repeals the District of Columbia delegate and other related language once a full voting representative is sworn into the 111th Congress. Finally, it would allow the State of Utah to create a Fourth District, not an at-large seat, using census data from 2000. The election for that seat would be held in 2008. This seat would be guaranteed to Utah for the 111th Congress and the 112th Congress until another census is done and new districts are made in 2012. It also explicitly says that the District should not be considered a State for the purpose of representation in the Senate; that question is left for another day.

Mr. President, as my colleague Senator HATCH has observed, there are really two fundamental questions here for the Senate to consider. The first is the constitutional question about whether Congress may enact legislation to address this issue. The second is an essentially political question about whether we should enact such legislation. I have briefly addressed the first. On the second, I think there really should not be much of a debate. Citizens of the District, a majority of them African-Americans, who fulfill all of the duties of citizenship, ought to have the right to vote and be represented in Congress as decisions are made about their taxes, about war and peace, or about any of the myriad other questions that Congress faces every day.

This is not a perfect bill. There are provisions of it that some oppose, and that I might have drawn differently. But it is an exquisitely balanced compromise, and I believe it deserves our support. I commend Chairman LIEBERMAN and Ranking Minority Member COLLINS for developing the bill, and I congratulate the majority leader for bringing it to the floor today. We know it enjoys the support of a large majority of Americans—over 80 percent in national polls support the proposition that DC residents should be represented in Congress. I hope it will garner the broad support in the Senate it deserves. I urge my colleagues on both sides of the aisle to vote aye to enable this measure to come to the floor, and to support it when it does.

Mr. KENNEDY. Mr. President, today's debate involves one of the most important issues in our democracy. Dr. Martin Luther King called the right to vote "civil right number one." Yet hundreds of thousands of Americans who live in the Nation's Capital have been denied an equal voice in our democracy. Citizens in the District of Columbia live in the very shadow of the Capitol Building, but they have no representative who can vote their interests within these halls. It is long past time for us to finally correct this basic wrong.

I commend Senators LIEBERMAN, HATCH, and BENNETT for their strong leadership on this legislation.

Since the Revolutionary War, "No taxation without representation" has been a fundamental American principle. It is a famous phrase in our history. James Otis said it first in a historic speech in Massachusetts in 1763, and it was so inspiring that John Adams later said, "Then and there, the child 'independence' was born."

Yet more than two centuries later, citizens who live in the Nation's Capital still bear the unfair burden of taxation without representation. The more than half a million District of Columbia residents pay significant Federal taxes each year. In fact, DC residents have the second-highest per capita tax burden in the Nation. Yet they have no say in how Federal taxes are spent, and they have no role in writing the Nation's tax laws.

Residents of the District have fought and died in every war to defend American interests. Two hundred thirty-seven DC residents died in the Vietnam war. Today, while we debate whether DC citizens deserve a vote in Congress, many brave Americans who live in the District are fighting for voting rights in Iraq. Since the beginning of the current wars in Iraq and Afghanistan, 2813 DC residents—2110 members of the Active Duty military and 703 members of the Reserve Forces—have been deployed in Iraq and Afghanistan. In the course of these conflicts, 28 DC residents have been wounded or killed.

Citizens of the District of Columbia have no voice when Congress considers whether to go to war. The brave soldiers from the Nation's Capital have no representation in Congress when the votes are counted on funding levels for our troops and other issues relating to the war. When Congress debates assistance to war veterans or considers how to improve conditions at Walter Reed Hospital, the patriotic veterans who live in this city have no vote. It is unconscionable.

If we are for democracy in Iraq and Afghanistan, we should certainly be for democracy in the District of Columbia as well.

I have long been a strong supporter of DC representation in Congress. In 1978, I worked with Walter Fauntroy and many others on a constitutional amendment to correct this basic injustice. We finally passed the constitutional amendment in Congress, but we weren't able to get it ratified by a sufficient number of States to take effect. Because we weren't successful then, the issue remains just as urgent today.

Fortunately, a constitutional amendment isn't the only option. The Constitution's District clause provides another, legal means for providing citizens of the District of Columbia a vote in Congress. As respected constitutional scholars have made clear, article I, section 8 of the Constitution gives Congress the authority "to exercise exclusive Legislation, in all Cases whatsoever, over such District" of Columbia. The Supreme Court has ruled that Congress's exclusive authority over the District of Columbia is broad and "national in the highest sense."

Some have questioned the constitutionality of this approach. Although I supported a constitutional amendment in the past, I disagree that a constitutional amendment is the only valid option. Nothing in the Constitution explicitly denies residents of this city a voice in Congress. Judges Patricia Wald and Kenneth Starr, both of whom served on the respected U.S. Court of Appeals for the DC Circuit, have studied this approach to giving the District a vote in the House of Representatives. Both have concluded that it is constitutional. As they and others have noted, the Supreme Court has recognized that Congress has the power to treat District of Columbia citizens as citizens of a State in other contexts. For instance, the District is treated as a State for purposes of diversity jurisdiction in Federal courts, although article III, section 2 of the Constitution provides for diversity jurisdiction in suits "between citizens of different States."

It is impossible to believe that the Founding Fathers, having just finished a war to ensure democratic representation in America, would then insist on denying that representation to citizens living in the capital of their new Nation. Granting the District a vote in Congress is consistent with the spirit, as well as the letter, of our Constitution.

Even if you disagree about the bill's constitutionality, we should not filibuster this important measure. Surely even my colleagues who have a different view of the constitutionality can agree that this issue is important enough to deserve an up-or-down vote. The Senate's filibuster of the landmark Voting Rights Act of 1965 was one of its darkest days. We should not repeat that mistake now.

This is not a Republican or a Democratic issue. When we passed the constitutional amendment in 1978, we had strong support from Republicans like Senators Goldwater, Dole, and Thurmond, in addition to Democrats. Today, the bill has strong bipartisan support in both the House and Senate. That is because this issue is so obviously an issue of simple justice.

The Senate Judiciary Committee recently held a hearing to celebrate the 50th anniversary of the Civil Rights Act of 1957. We heard moving testimony in favor of this bill from Congressman JOHN LEWIS, our distinguished colleague in the House of Representatives and a leader in the continuing struggle for equal voting rights. At the age of only 23, Congressman LEWIS headed the Student Nonviolent Coordinating Committee and helped organize a march on Washington. He and others were brutally assaulted during the fateful voting rights march at the Edmund Pettis Bridge, but their sacrifices helped inspire the progress that was to come.

Congressman LEWIS reminded us of the sacrifices of those who gave their lives for equal voting rights in this country, and called on us to pass the DC Voting Rights Act. He reminded us of our obligation to give the District a vote in Congress.

I urge my colleagues to vote for cloture on this important bill and then vote for final passage of the bill so that we can finally correct this historic wrong and to do it on our watch.

Mrs. FEINSTEIN. Mr. President, S. 1257, the District of Columbia House Voting Rights Act of 2007, is an important and consequential bill.

The bill before us would increase the 435-seat House of Representatives to 437 seats, by providing one seat for a voting member in DC, which is predominately Democratic, and one additional seat for Utah, which is predominately Republican. And it does it in a way that doesn't give advantage to one political party over the other.

The time has come to give the District a voice and a vote in the House of Representatives.

I encourage my colleagues to support this legislation.

The legislation is sponsored by Senator JOSEPH LIEBERMAN, chairman of the Homeland Security and Governmental Affairs Committee; Senator ORRIN HATCH; and my distinguished ranking member on the Rules Committee, Senator ROBERT BENNETT. I am a cosponsor this legislation.

The District of Columbia occupies an interesting and unique place in the United States:

It covers just 61.4 square miles, sandwiched between Virginia and Maryland: Yet with more than 580,000 residents, the population of the District surpasses that of the entire State of Wyoming. The District of Columbia is the seat of American government. The U.S. Congress determines the laws for the District; the Federal Government impacts the District's transportation system, health system, and police function. DC residents pay the second highest per capita Federal income taxes in the country. And District residents have sacrificed their lives defending our Nation. During World War I, World War II, Vietnam, the Korean war, and today in Iraq, they have fought for our democracy. Despite all this, DC residents have no vote in how the Federal Government operates.

"No taxation without representation," the colonists told King George in the late 1700s. We cannot allow this lack of representation to continue during the 21st century.

Today, the District of Columbia has a nonvoting representative in Congress—Representative ELEANOR HOLMES NORTON. She has been vocal in representing the interests of the residents of DC, but she is unable to cast a vote on the House floor to ensure that voice is heard. This makes little sense.

We now have an opportunity to change this and to strike the right balance while doing it. The bill before us would add two seats to the House of Representatives, one for the District of Columbia and one for Utah.

Utah was next in line for a fourth congressional district representation in the House, according to 2000 population census data. At that time, Utah was only 856 residents away from becoming eligible for an additional seat.

So this legislation strikes the appropriate balance by allowing additional representation for both DC and Utah without disadvantaging either national political party.

In the last 200 years, Congress has not granted House representation to the District of Columbia by statute. Whether such a Federal law is constitutional has never been before the courts. As a result, critics of the legislation have argued that a bill providing for a vote for the District representative is unconstitutional. However, a bipartisan group of academics, judges, and lawyers argue that Congress has the authority and historical precedents to enact Federal law, and I agree with their view.

The Constitution vests in Congress broad power to regulate national elections and plenary authority over DC under the District clause, article I, section 8, clause 17. This clause permits Congress wide discretion to grant rights to the District of Columbia, including for the purposes of congressional representation.

From 1790 to 1800, Congress allowed District residents to vote in congressional elections in Virginia and Maryland. This was allowed not because they were residents of those States but because Congress acted within its District clause authority.

Constitutional scholars from the right and the left, the most notable conservatives being Judge Kenneth Star and Professor Viet Dinh, believe this legislation is constitutional. These scholars reference the sweeping authority of the District clause, which provides that "The Congress shall have power . . . to exercise exclusive legislation in all cases whatsoever" over the District of Columbia.

In addition to believing that Congress can pass this legislation, I believe there are strong reasons why it should pass this legislation.

DC is affected, perhaps more directly than any other U.S. jurisdiction, by the actions of Congress.

Citizens of the District, rich and poor, work in this town and work in the industries of law, policy, business, tourism, academia and medicine. They pay high taxes; they face the challenges of living in one of the major cities in the United States.

This legislation would provide DC with permanent voting rights for the first time in over 200 years.

From the Boston Tea Party and "no taxation without representation" to the suffragettes and struggles over voting rights in the 1960s, the goal of American society has been to bring a voice to citizens who were voiceless.

Voting is the voice of democracy.

This political limbo that Congress has placed on the District has run its course.

It is time to give the District a voice and a vote in the House of Representatives.

This important step can not only right this wrong but can do it without causing partisan rancor or disadvantage to any party. What is at stake here is nothing less than a fundamental fairness voting issue.

This bill is consistent with the historical precedents of Congress's role in protecting and preserving the right to vote, regardless of color or class, age or gender, disability or original language, party or precinct, and geography domestic or foreign.

It is the right thing to do, and the 21st century is the right times to do it.

I urge my colleagues to join me in taking up and passing this bill on a majority vote in the full Senate.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BYRD. Mr. President, in 1978, as the majority leader of the United States Senate, I strongly supported and voted for H.J. Res. 554, a joint resolution that proposed amending the Constitution to provide for representation of the District of Columbia in Congress. Unfortunately, over the next 7 years, that resolution, which had passed the Senate by a vote of 67 to 32, failed to obtain the approval of the 38 States it needed for ratification under Article V of the Constitution.

Today, the Senate seeks to obtain the same commendable goal of granting voting rights to representatives of the District of Columbia. The Senate seeks to do so by passing S. 1257. However, Art. 1, Sec. 2 of the Constitution states that the House of Representatives shall be composed of Members chosen by the people of the several States. The Constitution does not refer to the people of the District of Columbia in this context. While I recognize that others believe that Art.1, Sec. 8 of the Constitution authorizes the Congress to "exercise exclusive legislation" over the District, including legislation that would grant the District's representatives voting rights, the historical intent of the Founders on this point is unclear.

I oppose S. 1257, because I doubt that our Nation's Founding Fathers ever intended that the Congress should be able to change the text of the Constitution by passing a simple bill. The ability to amend the Constitution in only two ways was provided with particularity in Article V of the Constitution for a reason. If we wish to grant representatives of the citizens of the District of Columbia full voting rights, let us do so, once again, the proper way: by passing a resolution to amend the Constitution consistent with its own terms.

Now is certainly not the time for us to make it easier, rather than more difficult, to alter the text of the Constitution. We serve with a President who already believes that he can ignore the rule of law by issuing a simple directive, a signing statement, or an order that undermines the delicately balanced separation of powers, which the Framers so painstakingly included in the Constitution. A series of Federal judges is now confirming what many of us have known from the start: that this Administration believes it can write 200 years of civil liberties out of the Constitution with a simple stroke of a pen.

We all seek the same laudable goal: to provide full Congressional representation and voting rights for the citizens of the District of Columbia. But let us accomplish that goal in the way the way the Founders intended—by amending the Constitution. Let us support a resolution to amend the Constitution that would enhance, rather than undermine, the rights of the 600,000 residents of the District of Columbia who seek a stronger voice in their government.•

Mrs. CLINTON. Mr. President, Our Nation was born out of a struggle against taxation without representation. Yet even as we endeavor to promote democracy around the world, it is alarming that we deny our own American citizens who live in the District of Columbia the right to representation in Congress. The nearly 600,000 residents of the District of Columbia have been denied voting representation in Congress for over 200 years. But this is not just an injustice perpetrated on DC residents. Their disenfranchisement tarnishes our democracy as a whole. The right to be represented in the national legislature is fundamental to our core American values, and for that reason, I am proud to cosponsor the District of Columbia House Voting Rights Act of 2007.

There is no principled basis for the disenfranchisement of the District's residents. After the Nation's Capital was founded, citizens who lived in the District were represented by congressmen from Maryland or Virginia. They were able to make themselves heard in Congress. It was only in 1801 that Congress chose to strip the District of voting rights. As a result of this decision, for more than 200 years, the District's residents have been taxed like other Americans but have been denied a vote in the Nation's legislature. It is Congress that took away the District's representation. After two centuries, it is time for us to fix that mistake. The District's residents deserve a voice in how the Nation is governed.

The people of this city are proud Americans. They pay their taxes. They serve with honor and distinction in our military. But yet we deny them the ability to fully participate in our democracy. The legislation before us goes a long way towards righting this wrong by giving the residents of the District representation in Congress that is long overdue.

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for the legislation before us today to ensure that citizens of the District of Columbia and the State of Utah are properly represented in the U.S. House of Representatives.

In the 1964 Wesberry v. Sanders case, Supreme Court Justice Hugo L. Black wrote that "no right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live." The bill we are considering today—S. 1257—serves this purpose. It would, for the first time, give the citizens of the District of Columbia full voting representation in the House of Representatives, while adding a fourth Congressional seat for the state of Utah, based on updated population statistics from the 2000 Census.

I want to thank my good friends Senators HATCH and BENNETT for greatly increasing the possibility of success this year with their support for this effort. Earlier in the year, the three of us introduced S. 1257 as a compromise that would move us beyond the partisan stalemates of the past that have denied the citizens of DC their most precious right.

I must also thank DC Delegate ELEANOR HOLMES NORTON and Congressman TOM DAVIS, whose persistence and bipartisan cooperation has brought us to where we are today. It was they who forged the original compromise that passed the House in April by a vote of 241–177 and is now before us here in the Senate.

Notwithstanding the remarkable service of Congresswoman NORTON, the citizens of the District of Columbia deserve more than a non-voting delegate in the House. They deserve a representative who can vote not only in committee, as Delegate NORTON now does, but also on the House floor, which she is barred from doing.

The fact that District residents have been without voting representation in Congress since the District was formed more than 200 years ago is not only a national embarrassment, it is a grave injustice and at complete odds with the democratic principles on which our great nation was founded. America is the only democracy in the world that denies the citizens of its capital city this most essential right.

And yet, the people of DC have been the direct target of terrorist attacks but they have no voting power over how the federal government provides homeland security. They have given their lives to protect our country in foreign wars—including the current one—but have no say in our foreign policy. They pay taxes, like every other American. In fact, they pay more: Per capita, District residents have the second-highest federal tax obligation in the country. Yet they have no voice in how high those taxes will be or how they will be spent.

The District is also the only jurisdiction in the country that must seek congressional approval—through the appropriations process—before spending locally-generated tax dollars. So when Congress fails to pass appropriations bills before the beginning of the new fiscal year, the District's budget is essentially frozen. And yet DC has no say in our federal appropriations process.

Giving the residents of DC voting representation in the House is not only the right and just thing to do; it has popular support. A poll conducted by the Washington Post earlier this year found that 61 percent of the nation believes it is time to end centuries of bias against the District by giving its citizens voting representation in Congress.

It helps to take a look back in history to locate the original source of this inequity. In 1800, when the nation's capital was established as the District of Columbia, an apparent oversight left the area's residents without Congressional representation. Maryland and Virginia ceded land for the capital in 1788 and 1789 respectively, but it took another 11 years for Congress to establish the District. In the interim, residents continued to vote either in Maryland or Virginia, but Congress withdrew those voting rights once the District was established. Apparently by omission, Congress neglected to establish new voting rights for the citizens of the new District.

Whatever the reason for this oversight, it has no relevance to reality or national principles today. To have your voice heard by your government is central to a functioning democracy and fundamental to a free society.

The Homeland Security and Governmental Affairs Committee held a hearing on the bill May 15, during which we heard compelling testimony on the need for and constitutionality of S. 1257 from legal scholars, civil rights leaders, and fellow members of Congress. The bill was reported to the full Senate on June 13 by a bipartisan vote of 9–1.

The primary argument against the bill that we heard at our hearing was the question of constitutionality. Opponents cite Article I, Section 2, of the Constitution which states that the House "shall be composed of members chosen . . . by the people of the several states." But those words were not written in a vacuum. Just 6 sections later, the framers of the Constitution gave Congress authority to "exercise exclusive legislation in all cases whatsoever" regarding the District. Numerous legal scholars, including Judge Ken Starr and former Assistant Attorney General Viet Dinh, both of whom have testified before Congress on this issue—said this broad authority is sufficient to give District residents full House representation.

Congress has repeatedly used this authority to treat the District of Columbia as a state. In 1940, the Judiciary Act of 1789 was revised to broaden the definition of diversity jurisdiction, which refers to the authority of the federal courts to hear cases where the parties are from different states, to include the District of Columbia. This revision upheld by the courts when challenged.

The courts have also found that Congress has the authority to impose federal taxes on the District; to provide a jury trial to residents of the District; and to include the District in interstate commerce regulation. These are rights and responsibilities granted to states in the Constitution, yet the District Clause has allowed Congress to apply them to DC.

We should also remember that Congress has granted voting rights to Americans abroad in their last state of residence regardless of whether they are citizens of that state, pay taxes in that state, or have any intent to return to that state. Clearly, the courts have supported broader interpretations of Article I, Section 2 of the Constitution.

If, after listening to these arguments, you still doubt the constitutionality of this legislation, I hope I can persuade you to support it because it is the right thing to do, and we can let the courts resolve the constitutional dispute at a later date, once and for all. S. 1257 requires expedited judicial consideration of any appropriate court challenge, so any question of constitutional interpretation will be answered promptly.

Finally, allow me to reassure skeptics that in no way does this bill open the door to granting the District voting representation in the Senate, as some have contended. In fact, language was added in our Committee markup explicitly stating that DC, and I quote here, "shall not be considered a state for purposes of representation in the United States Senate." End of quote. It can't get any clearer than that.

The vote we are about to cast will decide whether the Senate should proceed to the bill. It is a vote on whether this legislation is worthy of Senate consideration. No matter where you stand on the merits of this bill, surely you must agree that a bill on voting representation and equal rights deserves consideration by the United States Senate. The Senate has not filibustered a civil rights bill since the summer of 1964 when it spent 57 days including 6 Saturdays on the Civil Rights Act of 1964. Let us together assure the American public that the days of filibustering voting rights bills are over.

The House has acted. It is now time for the Senate to do the same. The legislation introduced in both the House and the Senate is an expression of fairness and bipartisanship, an example of what we can do when we work across party lines as the good people of this nation have so often asked us to do.

Members from both parties and both houses have finally come together to find a solution to break the stalemates of the past that have denied DC residents equal representation in the Congress of the United States. Now is the time to give the residents of the District what they so richly deserve and that is the same civic entitlement that every other federal tax-paying American citizen enjoys, no matter where he or she lives. By giving the citizens of the District of Columbia a genuine vote in the House, we will ensure not only that their voices will finally be fully heard. We will be following the imperatives of our national democratic values.

The PRESIDING OFFICER. Who seeks time?

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 257, S. 1257, a bill to provide the District of Columbia a voting seat, and for other purposes.

Harry Reid, Joe Lieberman, Patrick Leahy, Russell D. Feingold, Benjamin L. Cardin, Robert P. Casey, Jr., Bernard Sanders, B.A. Mikulski, Byron L. Dorgan, Patty Murray, Dianne Feinstein, Mary Landrieu, Kent Conrad, Robert Menendez, Mark Pryor, Ken Salazar, Jim Webb.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—57

Akaka
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Barrasso
Baucus
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter
Warner

NOT VOTING—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 57 and the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. OBAMA. Mr. President, I rise today to speak about the DC voting rights bill that the Senate just voted on. I am disappointed that this measure failed to receive the necessary 60 votes in order for the bill to be considered.

This is a bill that seeks to protect the most fundamental right of citizens in our democracy the right to vote. Different generations in our Nation's history have struggled to gain and safeguard this universal right—from the 15th amendment, which extended the right to vote to newly freed slaves, to the 19th amendment, which guaranteed the right to women, and finally to the Voting Rights Act, which gave real substance to voting laws that had been previously abused. Yet, as we speak, this most basic right in a democracy is denied to the citizens of the District of Columbia.

Our brave civil rights leaders sacrificed too much to ensure that every American has the right to vote for us to tolerate the disenfranchisement of the nearly 600,000 residents of the District of Columbia. Those who live in our Nation's Capital pay taxes like other Americans. They serve bravely in the Armed Forces to defend our country like other Americans. They are called to sit on Federal juries like other Americans. Yet they are not afforded a vote in Congress. Instead, they are granted a nonvoting Delegate who can sit in the House of Representatives and serve on committees but cannot cast a vote when legislation comes to the floor.

As a community organizer in Chicago and as a civil rights attorney, I learned that disenfranchisement can lead to disengagement from our political system. In many parts of DC, you can look down the street and see the dome of the U.S. Capitol. Yet so many of these streets couldn't be more disconnected from their Government.

If we are to take seriously our claim to a government of, by, and for the people, Washington shouldn't be just the seat of our Government, but it also should reflect the core values and fundamental promise of our democracy. Denying the right to vote to citizens who are equally subject to the laws of this Nation undermines a central premise of our representative Government. The right to vote belongs to every American, regardless of race, creed, gender, or geography.

For these reasons, I fully support this important legislation. Although today's vote is a disappointment, I will continue to work with Mayor Fenty, Congresswoman NORTON, and the sponsors of this bill until the residents of the District of Columbia achieve full representation in Congress.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin (for Specter/Leahy) amendment No. 2022, to restore habeas corpus for those detained by the United States.

Warner (for Graham/Kyl) amendment No. 2064, to strike section 1023, relating to the granting of civil rights to terror suspects.

Mr. SMITH. Madam President, I ask unanimous consent to call up my amendment No. 2067.

Mr. McCAIN. Madam President, reserving the right to object, I will object. I say to my friend from Oregon, I understand this is the hate crimes bill. I appreciate his passion and commitment on this issue. There is no one more respected in the Senate who has had the situation of my distinguished friend from Oregon. But we are on the Defense bill. We have to move forward with the amendments. We have to get it done. We have both Iraq as well as the impending 1st of October date staring us in the face. At this time I object to the request by the Senator from Oregon.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH. I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, we have had an informal discussion. I am sad that there is not an opportunity on this bill to bring up the hate crimes bill. I do hope there is a way, following this session, to bring up the hate crimes bill. It has broad support and deserves to be heard and, I hope, passed. I discussed with Senator McCAIN the possibility that the Senator from Delaware would now be recognized. We agreed that he would at this time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2335.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Madam President, I reserve the right to object.

Mr. BIDEN. Madam President, I will not call it up at the moment. I withdraw the request.

I do ask unanimous consent that Senators GRAHAM, CASEY, BROWN, and SANDERS be added as cosponsors to amendment No. 2335.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I want to explain briefly what this amendment does. It adds $23.6 billion to allow the Army to replace all of its up-armored HMMWVs with mine resistant ambush protected vehicles, the so-called MRAPs. It also adds a billion dollars to increase the cost of the 8,000 MRAPs we are trying to purchase today. In terms of the specifics of this amendment, the idea is simple. If we can prevent two-thirds or more of our casualties with a vehicle that is basically a modified and armored truck, we have to do all in our power to do it, in my view.

Last, it provides $400 million for better protection against explosively formed penetrators or EFPs. These are those shaped-charges that hit our vehicles from the side and are increasingly deadly.

I want to be straight with my colleagues. This is a very expensive amendment. Twenty-five billion dollars is a lot of money. But compared to saving the lives and limbs of American soldiers and marines, it is cheap.

Our commanders in the field tell us that MRAPs will reduce casualties by 67 to 80 percent.

The lead commander on the ground in Iraq, LTG Ray Odierno, told us months ago that he wanted to replace every Army up-armored HMMWV in Iraq with an MRAP.

Instead of adjusting the requirement immediately, the Pentagon has taken its time to study this issue and just recently they have agreed that the general needs a little over half of what he asked for. 10,000 instead of approximately 18,000.

This makes no sense. Are we only supposed to care about the tactical advice of our commanders in the field when it is cheap?

I don't think that is what the American people or our military men and women expect from us.

More importantly, while we argue about the best strategy for Iraq, we must still protect those under fire. I disagree with the President's strategy in Iraq. I do not believe a strong central government will lead to a stable, self-sufficient Iraq.

I think we need a new strategy that focuses on implementing the Iraqi constitution's call for federalism and refocuses the mission of American forces on fighting al-Qaida, border protection, and continuing to train the Iraqi forces.

While we disagree on strategy, the fight continues in the alleys of Baghdad and the streets of Diyala Province. American soldiers and marines are targets every day they are there. So every day they are there, we must give them the best protection this nation has.

The American political process is designed to make change and decisionmaking a slow and deliberative process. Those of us who want a change in strategy have three options.

One, we must convince enough colleagues to sustain a veto from the President; or, two, we must convince the American people to elect enough new Senators and House Members willing to sustain a veto. Or, finally, three, we must convince the American people to elect a President willing to change strategies. That is reality. I believe in this system, which means I will not walk away from my duty to try to convince both my colleagues and the American people that there is a better path to stability in Iraq.

It also means that I will not give up on my obligation to our military men and women.

While we take the time necessary to move the political process for change, they face improvised explosive devices, rocket propelled grenades, explosively formed penetrators, sniper fire, and suicide bombers every day. We have an obligation to protect each and every one of them to the best of our ability. I agree with the Commandant of the Marine Corps, GEN James Conway when he said, "Anything less is immoral."

In terms of the specifics of this amendment, the idea is very simple. If we can prevent two-thirds or more of our casualties with a vehicle that is basically a modified and armored truck, we must do all in our power to do that.

Will it be a challenge to American industry to build close to 23,000 MRAPs in the next 12 to 15 months? Absolutely. Can they do it? Only if we give them a real chance. If we provide funding up front for all that is needed, we give business the ability to increase capacity to produce. If we give little bits here and there, they and their subcontractors will be limited in their ability to produce these life-saving vehicles. Less will be produced and more Americans will return injured or dead.

I gave a statement on July 19, when I first introduced this amendment, that laid out some of the history of the MRAP program. I won't go into all of that again, but I will reiterate the key choice my colleagues have to make: Do we do our best to save American lives, knowing that the only downside is the possible need to reprogram funding at the end of the year, or do we care more about some unknown topline wartime funding number than those lives?

I urge my colleagues to support this amendment.

I thank the managers of the bill and yield the floor.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have had conversations with the two managers, Senator McCAIN and Senator LEVIN. I would hope people who feel strongly about the amendment that is pending; that is, the habeas corpus amendment, would come and speak on this amendment. The floor is open for debate on that issue. It is an extremely important amendment. No matter how you feel about it, it is important—whether you are for it or against it. I would hope Senators would come and talk about that amendment.

I have also spoken with Senator LEVIN and Senator McCAIN about how we proceed from this point forward. We have been somewhat tepid in moving forward because we did not know how the vote would turn out on the DC voting rights. We know that now, so we are moving ahead as quickly as we can on the Defense authorization bill because that matter is out of the way procedurally.

What I have spoken to the two managers about is that we would have the Defense authorization bill, and as a sidetrack, we would have Iraq amendments—a finite number from the Democrats, a finite number from the Republicans. We would work on time agreements for those amendments. Our floor staff is trying to draw something up and submit that to the Republican leader. I have not today—even though I have spoken to him in the past about that—spoken to him about that, although we have spoken to Senator KYL, Senator MCCAIN, Senator LOTT, and others. The distinguished Republican leader was simply off the floor at the time. So our two staffs are coming up with something in writing to see if there is a way we can move forward on that; otherwise, we will offer them as part of the Defense authorization bill.

On this matter, I have the greatest comfort level with Senator LEVIN's ability to manage this bill. He has, in years past, done such a remarkably good job. For many years, it has been Senator WARNER working with him. Now, because of the change in the ranking membership of that committee, it is Senator MCCAIN, who also is very experienced. So we should be able to move this legislation along, I hope, quickly.

There is a lot to do on this bill, and I would hope Members on this side would listen to what Senator LEVIN has to say and come when it is to their interest, and maybe even sometimes when it is not to their interest, but at least in an effort to dispose of this legislation.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that I be permitted to speak as in morning business for up to about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS are printed in today's RECORD under "Morning business.")

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I would like to repeat what my friend and distinguished chairman said: We need to get opening statements done. The debate has now begun on the National Defense Authorization Act for Fiscal Year 2008. We are looking at the date of September 18, and we want to get this bill done as quickly as possible and to conference with the House so we can provide the much needed equipment, training, pay, and care for our veterans as well as our military personnel. I urge my colleagues, if they have any statements to make on this bill, that they come over and make them.

I also would like to point out, as my friend from Michigan has, that we will be working on the large number of amendments on the bill as well as the provisions on Iraq. The sooner we complete action on this legislation, the sooner we can get it to conference with the other body and to the President's desk for signature.

This is not the first time we have addressed this bill, and I hope it is the last for the National Defense Authorization Act, at least for fiscal year 2008. I again express my appreciation and admiration for the distinguished chairman, Senator LEVIN, who has not only worked closely with this side of the aisle but also has worked very hard to forge a bipartisan bill that received a unanimous vote from the committee upon its reporting to the floor of the Senate. Obviously, we have a great debate here again on the issue of Iraq with the consideration of several amendments, so I hope we will be able to also dispose of those as quickly as possible.

As all of my colleagues know, we have received the much anticipated testimony of GEN David Petraeus and Ambassador Ryan Crocker, and the Senate now begins a debate of historic proportions. In my opinion, at stake is nothing less than the future of Iraq, the Middle East, and the security of all Americans for decades to come. The Senate faces a series of stark choices: whether to build on the success of the surge and fight for additional gains or whether to set a date for Americans to surrender in Iraq and thereby suffer the terrible consequences that will ensue. As we consider each of the Iraq-related amendments filed on this bill, let us understand the enormous consequences of decisions that are taken here.

Henry Kissinger framed the debate in a Washington Post article this weekend, saying:

> American decisions in the next few months will affect the confidence and morale of potential targets, potential allies, and radical Jihadists around the globe. Above all, they will define the U.S. capacity to contribute to a safer and better world.

I ask unanimous consent to have the article by Dr. Kissinger from the Washington Post over the weekend printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DISASTER OF HASTY WITHDRAWAL

(By Henry A. Kissinger)

Two realities define the range of a meaningful debate on Iraq policy: The war cannot be ended by military means alone. But neither is it possible to "end" the war by ceding the battlefield. The radical jihadist challenge knows no frontiers; American decisions in the next few months will affect the confidence and morale of potential targets, potential allies and radical jihadists around the globe. Above all, they will define the U.S. capacity to contribute to a safer and better world. The imperative is for bipartisan cooperation in a coordinated political and military strategy, even while the political cycle tempts a debate geared to focus groups.

The experience of Vietnam is often cited as the example for the potential debacle that awaits us in Iraq. But we will never learn from history if we keep telling ourselves myths about it. The passengers on American helicopters fleeing Saigon were not U.S. troops but Vietnamese civilians. American forces had left two years earlier. Vietnam collapsed because of the congressional decision to reduce aid by two-thirds to Vietnam and to cut it off altogether for Cambodia in the face of a massive North Vietnamese invasion that violated every provision of the Vietnam Peace Agreement.

Should America repeat a self-inflicted wound? An abrupt withdrawal from Iraq would not end the war; it would only redirect it. Within Iraq, the sectarian conflict could assume genocidal proportions; terrorist base areas could reemerge. Lebanon might slip into domination by Iran's ally, Hezbollah; a Syria-Israel war or an Israeli strike on Iranian nuclear facilities might become more likely as Israel attempted to break the radical encirclement; Turkey and Iran would probably squeeze Kurdish autonomy. The Taliban in Afghanistan would gain new impetus. Countries where the radical threat is as yet incipient, such as India, would face a mounting domestic challenge. Pakistan, in the process of a delicate political transformation, would encounter more radical pressures and might even turn into a radical challenge itself. That is what is meant by "precipitate" withdrawal—a withdrawal in which the United States loses the ability to shape events, either within Iraq, on the antijihadist battlefield or in the world at large.

The proper troop level in Iraq will not be discovered by political compromise at home. To be sure, no "dispensable" forces should be retained there. Yet the definition of "dispensable" must be based on strategic and political criteria. If reducing troop levels turns into the litmus test of American politics, each withdrawal will generate demands for additional ones until the political, military and psychological framework collapses. An appropriate Iraq strategy requires political direction. But the political dimension must be the ally of military strategy, not a resignation from it.

Symbolic withdrawals, urged by such wise elder statesmen as Sens. John Warner and Richard Lugar, might indeed assuage the immediate public concerns. They should be understood, however, as palliatives; their utility depends on a balance between their capacity to reassure the U.S. public and their propensity to encourage America's adversaries to believe that they are the forerunners of complete retreat.

The argument that the mission of U.S. forces should be confined to defeating terrorism, protecting the frontiers, preventing the emergence of Taliban-like structures and staying out of the civil war aspects is also tempting. In practice, it will be difficult to distinguish among the various aspects of the conflict with any precision.

Some answer that the best political result is most likely to be achieved by total withdrawal. The option of basing policies on the most favorable assumptions about the future is, of course, always available. Yet nothing in Middle East history suggests that abdication confers influence. Those who urge this course need to put forward their recommendations for action if what occurs are the dire consequences of an abrupt withdrawal foreseen by the majority of experts and diplomats.

The missing ingredient has not been a withdrawal schedule but a political and diplomatic design connected to a military strategy. The issue is not whether Arab or Muslim societies can ever become democratic; it is whether they can become so under American military guidance in a time frame for which the U.S. political process will stand.

American exhortations for national reconciliation are based on constitutional principles drawn from the Western experience. But it is impossible to achieve this in a six-month period defined by the "surge" in an artificially created state racked by the legacy of a thousand years of ethnic and sectarian conflicts. Experience should teach us that trying to manipulate fragile political structures—particularly one resulting from American-sponsored elections—is likely to play into radical hands. Nor are the present frustrations with Baghdad's performance a sufficient excuse to impose a strategic disaster on ourselves: However much Americans may disagree about the decision to intervene or about the policy afterward, the United States is in Iraq in large part to serve the American commitment to global order, not as a favor to the Baghdad government.

It is possible that the present structure in Baghdad is incapable of national reconciliation because its elected constituents were chosen on a sectarian basis. A wiser course would be to place more emphasis on the three principal regions and promote technocratic, efficient and humane administration in each. The provision of services and personal security coupled with emphasis on economic, scientific and intellectual development may represent the best hope for fostering a sense of community. More efficient regional government leading to a substantial decrease in the level of violence, to progress toward the rule of law and to functioning markets could over time give Iraqis an opportunity for national reconciliation—especially if no region is strong enough to impose its will on the others by force. Failing that, the country may well drift into de facto partition under the label of autonomy, such as already exists in the Kurdish region. That very prospect might encourage the Baghdad political forces to move toward reconciliation. Much depends on whether it is possible to create a genuine national army rather than an agglomeration of competing militias.

The second and ultimately decisive route to overcoming the Iraqi crisis is through international diplomacy. Today the United States is bearing the major burden for regional security militarily, politically and economically in the face of passivity of the designated potential victims. Yet many other nations know that their internal security and, in some cases, their survival will he affected by the outcome in Iraq. That passivity cannot last. These countries must participate in the construction of a civil society, and the best way for us to foster those efforts is to turn reconstruction into a cooperative international effort under multilateral management.

It will not be possible to achieve these objectives in a single, dramatic move: The military outcome in Iraq will ultimately have to be reflected in some international recognition and some international enforcement of its provisions. The international conference of Iraq's neighbors and the permanent members of the U.N. Security Council has established a possible forum for this. A U.N. role in fostering such a political outcome could be helpful.

Such a strategy is the best path to reduce America's military presence in the long run; an abrupt reduction of American forces will impede diplomacy and set the stage for more intense military crises down the road.

Pursuing diplomacy inevitably raises the question of how to deal with Iran. Cooperation is possible and should be encouraged with an Iran that pursues stability and cooperation. Such an Iran has legitimate aspirations that need to be respected. But an Iran that practices subversion and seeks regional hegemony—which appears to be the current trend—must be faced with lines it will not be permitted to cross: The industrial nations cannot accept radical forces dominating a region on which their economies depend, and the acquisition of nuclear weapons by Iran is incompatible with international security. These truisms need to be translated into effective policies, preferably common policies with allies and friends.

None of these objectives can be realized, however, unless two conditions are met: The United States needs to maintain a presence in the region on which its supporters can count and which its adversaries have to take seriously. The country must recognize that whatever decisions are made now, multiple crises in Iraq, in the Middle East and to world order will continue after a new administration takes office. Bipartisanship is a necessity, not a tactic.

Mr. McCAIN. Madam President, let us proceed with this debate, keeping in mind that the underlying bill, the National Defense Authorization Act, contains many non-Iraq provisions which constitute good defense policy and which will strengthen the ability of our country to defend itself. That is why the committee voted unanimously to report the bill, which fully funds the President's $648 billion defense budget request, authorizes a 3.5-percent pay raise for all military personnel, increases Army and Marine end-strength, reforms the system that serves wounded veterans, and provides necessary measures to avoid waste, fraud, and abuse in defense procurement. It is a good bill. It is a bipartisan bill. I believe we need to send it to the President's desk.

While the Senate moved off the bill in July and on to other things and then went on to a month-long recess, America's soldiers, marines, sailors, and airmen continued fighting bravely and tenaciously in Iraq in concert with their Iraqi counterparts. Some Senators undoubtedly welcomed the delay in considering the Defense bill, believing that General Petraeus would deliver to Congress a report filled only with defeat and despair. If this was their hope, they were sorely disappointed. As we all now know, General Petraeus and Ambassador Crocker reported what some of us argued before the bill was pulled 2 months ago: that the surge is working, that we are making progress toward our goals, and that success, while long, hard, and by no means certain, is possible. We are succeeding only after 4 years of failures, years which have exacted an enormous cost on our country and on the brave men and women who fight in Iraq on our behalf.

Some of us from the beginning warned against the Rumsfeld strategy of too few troops, insufficient resources, and a plan predicated on hope rather than on the difficult business of stabilization and counterinsurgency. We lost years to that strategy, years we cannot get back. In the process, the American people became saddened, frustrated, and angry. I, too, am heartsick at the terrible price we have paid for nearly 4 years of mismanaged war. But I also know America cannot simply end this effort in frustration and accept the terrible consequences of defeat in Iraq. We cannot choose to lose in Iraq. I believe we must give our commanders the time and support they have asked for to win this conflict.

Ralph Peters, the distinguished military strategist, summed it up best, noting that Congress's failure to support General Petraeus:

> Would be a shame, since, after nearly 4 years of getting it miserably wrong in Iraq, we are finally getting it right.

In 2 days of testimony and countless interviews, General Petraeus and Ambassador Crocker described how we are finally getting it right. We finally have in place a counterinsurgency strategy, one we should have been following from the beginning, which makes the most effective use of our strength and does not advance the tactics of our enemy. This new strategy, backed by a tactical surge in troops, is the only approach that has resulted in real security improvements in Iraq.

General Petraeus reported that the overall number of "security incidents" in Iraq has declined in 8 of the last 12 weeks and that sectarian violence has dropped substantially since the change in strategy. Civilian deaths nationwide are down by nearly half since December and have dropped by some 70 percent in Baghdad. Deaths resulting from sectarian violence have come down by 80 percent since December, and the number of car bombings and suicide attacks has declined in each of the past 5 months. Anyone who has traveled recently to Anbar or Diyala or Baghdad can see the improvements that have taken place over the past months. With violence down, commerce has risen, and the bottom-up efforts to forge counterterrorism alliances are bearing tangible fruit. This is not to argue that Baghdad or other areas have suddenly become safe—they have not—but such positive developments illustrate General Petraeus's contention that Americans and Iraqi forces have achieved substantial progress.

There are many challenges remaining, and the road ahead is long and tough. The Maliki government has not taken advantage of our efforts to enable reconciliation and is not functioning as it must. While violence has declined significantly, it remains high, and success is not certain. We can be sure, however, that should the Congress choose to lose by legislating a date for withdrawal, and thus surrender, or by mandating a change in mission that would undermine our efforts in Iraq, then we will fail for certain. Make no mistake, the consequences of America's defeat in Iraq will be terrible and long lasting.

There is in some corners a belief that we can simply turn the page in Iraq, come home, and move on to other things. This is dangerously wrong. If we surrender in Iraq, we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure. Two weeks ago, General Jim Jones testified before the Armed Services Committee and outlined what he believes to be the consequences of such a course: "a precipitous departure which results in a failed state in Iraq," he said, "will have a significant boost in the numbers of extremists, jihadists, in the world, who will believe that they will have toppled the major power on Earth and that all else is possible. And I think it will not only make us less safe; it will make our friends and allies less safe. And the struggle will continue. It will simply be done in different and in other areas."

Some Senators would like to withdraw our troops from Iraq so we can get back to fighting what they believe to be the real war on terror. This, too, is inaccurate. Iraq has become the central front in the global war on terror, and failure there would turn Iraq into a terrorist sanctuary, in the heart of the Middle East, next door to Iran, the world's largest state-sponsor of terrorism. If we fail in Iraq, we will concede territory to jihadists to plan attacks against America and our friends and allies. The region could easily descend into chaos, wider war, and genocide, and we should have no doubt about who will take advantage.

The Iranian President has stated his intentions bluntly. This is the same fellow who announced his dedication and his nation's dedication to the extinction of the state of Israel the same President of the country that is exporting lethal explosive devices of the most lethal and dangerous kind into Iraq, killing American service men and women. This President said this:

> Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap.

We cannot allow an Iranian dominated Middle East to take shape in the context of wider war and terrorist safehavens. General Jones is just one of many distinguished national security experts who warn against the consequences of a precipitous withdrawal from Iraq. As Brent Scowcroft said, "The costs of staying are visible; the costs of getting out are almost never discussed . . . If we get out before Iraq is stable, the entire Middle East region might start to resemble Iraq today. Getting out is not a solution." Natan Sharansky has, written that a precipitous withdrawal of U.S. forces "could lead to a bloodbath that would make the current carnage pale by comparison." And Henry Kissinger warns that, "An abrupt withdrawal from Iraq would not end the war; it would only redirect it."

The proponents of withdrawal counter that none of these terrible consequences would unfold should any of their various proposals become law. On the contrary, they argue, U.S. forces could, when not engaged in training the Iraqi forces, engage in targeted counterterrorism operations. But our own military commanders say that such a narrow approach to the complex Iraqi security environment will not succeed, and that moving in with search and destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is a recipe for failure. How can they be so sure? It's simple—this focus on training and counterterrorism constitutes the very strategy that so plainly failed for the first four years of this war. To return to such an unsuccessful approach is truly "staying the course," and it is a course that will inevitably lead to our defeat and to catastrophic consequences for Iraq, the region, and the security of the United States.

General Petraeus and his commanders have embraced a new strategy, one that can, over time, lead to success in Iraq. They are fighting smarter and better, and in a way that can give Iraqis the security and opportunity to make decisions necessary to save their country from the abyss of genocide and a permanent and spreading war, and in a way that will safeguard fundamental American interests. They ask just two things of us: the time to continue this strategy and the support they need to carry out their mission. They must have both, and I will fight to ensure that they do.

As we engage in this debate, I hope that each of us will recall our most solemn allegiance, which is not to party or politics but to country. I have heard on this floor the claim that our efforts in Iraq somehow constitute "Bush's war" or the "Republican war." Nothing could be farther from the truth. Presidents do not lose wars. Political parties do not lose wars. Nations lose wars and suffer the consequences, or prevail and enjoy the blessings of their success.

All of us want our troops to come home, and to come home as soon as possible. But we should want our soldiers to return to us with honor, the honor of victory that is due all of those who have paid with the ultimate sacrifice. We have many responsibilities to the people who elected us, but one responsibility outweighs all the others, and that is to protect this great and good Nation from all enemies foreign and domestic.

This is a serious debate and one we engage at a time of national peril. The Americans who make the greatest sacrifices have earned the right to insist that we do our duty, as best we can and remember to whom and what we owe our first allegiance—to the security of the American people and to the ideals upon which our Nation was founded.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, earlier in the day, there was the attempt of my friend and colleague, Senator SMITH, to at least try to propose an amendment that deals with hate crimes and try to get it into an order and to be able to have consideration of that amendment during the Defense authorization bill. There has been objection. I can understand the importance of the underlying amendment. I certainly believe that underlying amendment has great significance and importance, and we are going to have an opportunity, I believe, tomorrow to vote on it.

I wish to indicate I have every intention, with Senator SMITH, of offering at some time the hate crimes legislation. I know the question comes up: Why are we offering hate crimes legislation on a Defense authorization bill? The answer is very simple: The Defense authorization bill is dealing with the challenges of terrorism, and the hate crimes issue—to try to get a handle on the problems of hate crimes, we are talking about domestic terrorism. We have our men and women who are over in Iraq and Afghanistan and around the world fighting for American values. One of the values we have as Americans is the recognition that we do not believe individuals ought to be singled out because of their race, religion or sexual orientation and be the subject of hate attack.

This has been an ongoing and continuing issue for our country. At another time, I will get into greater detail about the nature of the challenges we are facing on this particular issue. We passed hate crime legislation at the time of Dr. King, but it was somewhat restrictive in terms of its application. We have been reminded about this challenge probably most dramatically with Mr. Shepard out in the Wyoming countryside, who was selected to be a victim of a hate crime and suffered a horrific death.

I, for one, and I think others do, understand we have voted on this on other Defense authorization bills. It has been carried on other Defense authorization bills. I know my friend and colleague, Senator SMITH, would not have taken an unreasonable period of time. We have voted on this issue. We voted in 2004 and in 2000 on this issue. Members are familiar with the substance of the issue. So we don't need a great deal of time. We are glad to cooperate with the floor managers in terms of the time.

I didn't want to let the afternoon go by and leave any doubt. I have had the opportunity to mention this to Senator LEVIN on other occasions. I mentioned it, as well, to our majority leader, Senator REID, who has been supportive. I know Senator LEVIN has been supportive of the substance of it. It seems to me we are talking about Defense authorization and we are talking effectively about the national security and about the values of our country and why our men and women are involved in defending our country and these values. Certainly, we ought to be able to say, as we are dealing with the problem of hatred and violence around the world, that we will battle hatred and violence as it is applied here at home.

As I mentioned, at another time I will go into detail on the history of the legislation and, again, the reasons for it and the facts on this particular issue in recent times.

At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach, and that we are doing all we can to root out the bigotry and prejudice in our own country that leads to violence here at home.

Crimes motivated by hate because of the victim's race, religion, ethnic background, sexual orientation, disability, or gender are not confined to the geographical boundaries of our great Nation. The current conflicts in the Middle East and Northern Ireland, the ethnic cleansing campaigns in Bosnia and Rwanda, or the Holocaust itself demonstrate that violence motivated by hate is a world-wide danger, and we have a special responsibility to combat it here at home.

This amendment will strengthen the Defense Authorization Act by protecting those who volunteer to serve in the military. The vast majority of our soldiers serve with honor and distinction. These men and women put their lives on the line to ensure our freedom and for that, we are truly grateful. Sadly, our military bases are not immune from the violence that comes from hatred.

In 1992, Allen Schindler, a sailor in the Navy was viciously murdered by two fellow sailors because of his sexual orientation. Seven years later, PFC Barry Winchell, an infantry soldier in the Army, was brutally slain for being perceived as gay. These incidents prompted the military to implement guidelines to prevent this type of violence, but there is more that we can do. We have to send a message that these crimes won't be tolerated against any member of society.

A disturbing trend has also been discovered in the military. Last year, the Southern Poverty Law Center reported that members of hate groups have been entering into the military. As recruiters struggle to fulfill their quotas, they are being forced to accept recruits who may be extremists, putting our soldiers at higher risk of hate motivated violence. This can't be tolerated. We must stem the tied of hatred and bigotry by sending a loud and clear message that hate crimes will be punished to the fullest extent of the law.

Since the September 11 attacks, we've seen a shameful increase in the number of hate crimes committed against Muslims, Sikhs, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks of September 11. We have authorized the use of force against terrorists and those who harbor them in other lands. We have enacted legislation to provide aid to victims and their families, to strengthen airport security, to improve the security of our borders, to strengthen our defenses against bioterrorism, and to give law enforcement and intelligence officials enhanced powers to investigate and prevent terrorism.

Protecting the security of our homeland is a high priority, and there is more that we should do to strengthen our defenses against hate that comes from abroad. There is no reason why Congress should not act to strengthen our defenses against hate that occurs here at home.

Hate crimes are a form of domestic terrorism. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like other acts of terrorism, hate crimes have an impact far greater than the impact on the individual victims. They are crimes against entire communities, against the whole nation, and against the fundamental ideals on which America was founded. They are a violation of all our country stands for.

Since the September 11 attacks, the Nation has been united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism here at home.

Attorney General Ashcroft put it well when he said:

> Just as the United States will pursue, prosecute, and punish terrorists who attack America out of hatred for what we believe, we will pursue, prosecute and punish those who attack law-abiding Americans out of hatred for who they are. Hatred is the enemy of justice, regardless of its source.

Now more than ever, we need to act against hate crimes and send a strong message here and around the world that we will not tolerate crimes fueled by hate.

The Senate should not hesitate in condemning countries that tolerate crimes motivated by the victim's race, religion, ethnic background, sexual orientation, disability, or gender. Hate is hate regardless of what nation it originates in. We can send a strong message about the need to eradicate hate crimes throughout the world by passing this hate crimes amendment to the Defense Department Authorization Bill.

We should not shrink now from our role as the beacon of liberty to the rest of the world. The national interest in condemning bias-motivated violence in the United States is great, and so is our interest in condemning bias-motivated violence occurring world-wide.

The hate crimes amendment we are offering today condemns the poisonous message that some human beings deserve to be victimized solely because of their race, religion, or sexual orientation and must not be ignored. This action is long overdue. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, first, I concur with something Senator MCCAIN said which is that the floor is open now for people to come down and speak, either on the bill, on the pending habeas corpus amendment, or on any other matter on which they wish to speak. There will be no more votes today, I am authorized to say. Also, there will be a cloture vote tomorrow at approximately 10:30 a.m. on the Specter-Leahy-Dodd amendment. Then we hope to take action relative to the Graham amendment. There are some discussions going on relative to that amendment. Then, hopefully, we would promptly move to take up the Webb amendment. It is the intention of this manager that the Webb amendment then be called up immediately after the disposition of, first, the Specter-Leahy-Dodd cloture vote and then the Graham amendment, and it is my intention that Senator WEBB then have his amendment called up. I believe

Senator WEBB will be ready to proceed at that time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, will the distinguished chairman yield for a question?

Mr. LEVIN. I will be happy to yield.

Mr. McCAIN. Madam President, it is my understanding in my conversations with the chairman, we are moving forward in narrowing down amendments so we have an additional managers' package so we have a manageable number of amendments that need to be debated and voted on, and we will try to get time agreements on those, as well as the Iraqi amendments.

Mr. LEVIN. The Senator is correct. I did fail to mention that the leaders are meeting to see if there can't be a unanimous consent agreement worked out relative to the Iraq amendments. Senator REID described that proposed unanimous consent agreement, but that is going on.

The Senator from Arizona is correct, we are going to seek to reduce the number of amendments that require rollcalls. We are going to seek time agreements. We have a huge number of amendments which have been filed, in the two hundreds. We made some progress because we disposed of 50 amendments the other day.

We very much thank Senator McCAIN, by the way, and his staff, and Senator WARNER, for the efforts they are putting into this legislation. Senator McCAIN is a very easy person with whom to work. We are used to having people on the committee who are both chairman and ranking member, regardless who is in control of the committee, work on a bipartisan basis. Senator McCAIN is surely in that tradition. We are grateful for that effort.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I thank the distinguished chairman for his kind remarks. All things considered, I would rather the situation be reversed, but I certainly do appreciate the opportunity.

One of the nice things about this body is that over a 20-year period, the Senator from Michigan and I have had the honor of working together on behalf of this Nation's defense on this very important committee, the Armed Services Committee. One of the previous chairman's statues presides in the office named after him—the office in which we both work and where we spend our time on the committee. I believe given our past history, I say to the chairman, that it is very possible we could dispose of this bill by the end of the week. One of the reasons why the chairman and I both made the argument to our colleagues to get it done is because we have to go to conference with the House, the other body, which has a number of different provisions that have to be reconciled. Then we have to get it to the President's desk, and October 1 is the beginning of a new fiscal year. So I hope our colleagues all appreciate the urgency.

One of the provisions of this legislation is the Wounded Warriors. We were all appalled at the conditions at Walter Reed. That is why we in the committee, with some guidance from a distinguished commission—a lot of guidance from a distinguished commission, headed by Senator DOLE and former Secretary Shalala. These are very important issues for the medical care of the men and women who are serving. It will not happen unless we get this legislation passed. So we are kind of asking for a higher calling here to understand the necessity to get this bill to the President's desk before the October 1.

Of course, we can have a continuing resolution. We have done that, not on the DOD bill, as I recall. I don't know if the chairman recalls it. That, obviously, does not do what these thousands of hours of hard work on our part and on the part of the military leaders and the members of staff do.

It is my fine hope, I say to the chairman, that we are able to finish this bill this week with the cooperation of all involved.

I yield the floor.

Mr. LEVIN. Madam President, while we hope the Senator from Arizona is right and we can complete the bill this week, we also are aware of the fact that on Friday, we do have to leave here somewhat early because of the Jewish holidays. That will be only part of the day. I hope we can make tremendous progress this week. It may be a bit optimistic in terms of finishing it this week. That is going to depend on the cooperation of our colleagues. We have hundreds of amendments. We need colleagues who can clear many of them, and we need time agreements on the rest. It depends on our colleagues.

We are going to do everything we can to continue a great tradition here. May I say, this is the 46th year in a row that the authorization bill has come to the floor, and we are not going to break the record of having an authorization for every one of those previous 45 years. We always had it because of the provisions of the bill which are so important—the pay and benefits and the support of not only our troops but also their families.

When the Senator from Arizona made reference to the Wounded Warriors legislation, I know our Presiding Officer, Senator McCASKILL, because of her active role and participation in that legislation, understands precisely what we are saying. That legislation is so important that it is not only in the bill but it is in a separate bill which was passed that is now awaiting, hopefully, a resolution between the Senate and the House. But in any event, the Senator is correct, the presence of that legislation in this bill may be the greatest assurance we have that legislation is going to become law. There are a lot of reasons, hundreds of reasons, why we need this authorization bill passed. That is surely one of the most important ones, one that has had the support of so many of our Members. So many of our Members and our Veterans' Affairs Committee have been so active with that legislation as well.

I join in the comments of my good friend from Arizona and hope our colleagues will come to the floor now. We can take up matters. We can get unanimous consent. We can even set aside pending matters. There are things we can do this afternoon. I do hope our colleagues will come to the floor and give their speeches on habeas corpus or other subjects.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I rise today in the course of this Defense authorization bill to discuss an amendment which I am working on and preparing to offer. It is an important amendment to this bill. It is a critically important amendment for our Nation. It is an amendment known as the DREAM Act.

The DREAM Act is a narrowly tailored bipartisan measure that I have sponsored with Republican SENATOR CHUCK HAGEL of Nebraska, Republican Senator DICK LUGAR of Indiana, and in past years with Senator ORRIN HATCH of Utah. It would give a select group of students in America a chance to become permanent residents only if they came to this country as children, are long-term U.S. residents, have good moral character, and enlist in the military or attend college for at least 2 years. The DREAM Act is supported by a large coalition in the Senate, and also by military leaders, religious leaders, and educators from across the political spectrum and around the country.

During the 109th Congress, the DREAM Act was adopted unanimously as an amendment to the immigration reform legislation that passed in the Senate. In the 108th Congress, the DREAM Act was the only immigration reform proposal reported to the Senate floor on a bipartisan 16-to-3 vote by the Senate Judiciary Committee.

Now, obviously, in the midst of the Defense authorization bill, some people question why one might bring up an immigration issue. The answer is simple: The DREAM Act would address a very serious recruitment crisis facing our military. Under the DREAM Act, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time. They are eager to serve in the armed services, and under the DREAM Act, they would have a very strong incentive to enlist because it would give them a path to permanent legal status.

First, let us look at the recruitment crisis we face today. Largely due to the wars in Iraq and Afghanistan, the Army is struggling to meet recruitment quotas. Because of these recruitment difficulties, the Army is accepting more applicants who are high school dropouts, have low scores on military aptitude tests, and, unfortunately, have criminal backgrounds.

The statistics tell the story. In 2006, almost 40 percent of Army recruits had below-average scores on the military aptitude test. That is the highest rate of students with low scores since 1985. In 2006, almost 20 percent of Army recruits did not have a high school degree. This is the highest rate of high school dropouts enlisting in the Army since 1981. By comparison, from 1984 to 2004, 90 percent or more of Army recruits had high school diplomas. Why does this matter? The Army said itself that high school graduation is the best single predictor of "stick-to-itiveness" that is required to succeed in the military and in life.

Charles Moskos, a Northwestern University sociologist, is an expert in military culture, and he says:

> The more dropouts who enlist, the more discipline problems the Army is likely to have.

Even more disturbing, the number of so-called moral waivers for Army recruits who have committed crimes has increased by 65 percent in the last 3 years, from 4,918 in 2003 to 8,129 in 2006. Many of these waivers are for serious crimes—aggravated assault, burglary, robbery, and even vehicular homicide. In fact, individuals with criminal backgrounds were 11.7 percent of the 2006 recruiting class. Now, in contrast, under the DREAM Act, all recruits would be well-qualified high school graduates with good moral character.

Let me tell you how the DREAM Act would work. Currently, our immigration laws prevent thousands of young people from pursuing their dreams and really becoming part of America's future. Their parents brought these children to the United States when they were under the age of 16. For many, it is the only home they know. They are fully assimilated into American society. They really don't want much more than just to be Americans and to have a chance to succeed. They have beaten the odds all of their young lives. The kids who would be helped by the DREAM Act face a high school dropout rate among undocumented immigrants of 50 percent. So it is a 50-50 chance that they would even qualify to be part of this act.

Incidentally, the dropout rate for legal immigrants is 21 percent and for native-born Americans, 11 percent. So already these young people would have to beat the odds and graduate from high school to even qualify to be considered.

They have also demonstrated the kind of determination and commitment that makes them successful students and points the way to significant contributions they will make in their lives. They are junior ROTC leaders, honor roll students, and valedictorians. They are tomorrow's soldiers, doctors, nurses, teachers, Senators, and Congressmen.

Over the years, I have had a chance to meet a lot of these DREAM Act kids. That is what they call themselves, incidentally. Let me give you one example. Oscar Vasquez was brought to Phoenix, AZ, by his parents when he was 12 years old. He spent his high school years in Junior ROTC and dreamed of one day enlisting in the U.S. military. At the end of his junior year, the recruiting officer told Oscar he was ineligible for military service because he was undocumented. He was devastated.

But he found another outlet for his talent. Oscar, because of the help of 2 energetic science teachers, was enrolled in a college division robot competition sponsored by the National Aeronautics and Space Administration. With 3 other undocumented students, Oscar worked for months in a windowless storage room in his high school and tested their invention at a scuba training pool on the weekends. Competing against students from MIT and other top universities, Oscar's team won first place in this robot competition.

Oscar has since graduated from high school. You know what he does? He is not in the military. He is not using his scientific skills. He is an undocumented person in America. He hangs sheetrock for a living. It is the best job he could get without a college education or the opportunity to enlist in the military. He wants to save his money in hopes that someday—just someday—the door will open and give him a chance to be part of this Nation, the only Nation he has really ever known. Couldn't we use his talent? Couldn't the military use someone like Oscar? The DREAM Act would help students just like him. It is designed to assist only a select group of students who would be required to earn their way to legal status.

Now, the fundamental premise of the DREAM Act is that we shouldn't punish children for the mistakes their parents made. That isn't the American way. The DREAM Act says to these students: America is going to give you a chance. It won't be easy, but you can earn your way into legal status. We will give you the opportunity if you meet the following requirements: If you came to the United States when you were 15 years old or younger; if you have lived here at least 5 years, are of good moral character, and you graduate from high school and then serve in the military or attend college for at least 2 years.

The DREAM Act doesn't mandate military service. There is a college option. A student who is otherwise eligible could earn legal status that way. It would be inconsistent with the spirit of our volunteer military to force young people to enlist as a condition for obtaining legal status, but the DREAM Act creates strong incentives for military service.

Many DREAM Act kids come from a demographic group that is already predisposed to serve the United States in the military. A 2004 survey by the RAND Corporation found that 45 percent of Hispanic males and 31 percent of Hispanic females between ages 16 and 21 were very likely to serve in the Armed Forces, compared to 24 percent of White males and 10 percent of White females.

It is important to note that immigrants have an outstanding tradition of service in the military. There are currently 35,000 noncitizens serving in the military and about 8,000 more will enlist each year. These are not citizens; they are legal residents who are willing to serve our country.

I have met them. The second trip I made to Iraq was to a Marine Corps base west of Baghdad. They lined up a group of young marines from Illinois to whom I could say hello. It was a hot and dusty day. They stood there waiting for this Senator to show up. The last one of them in line was a young Hispanic man from Chicago named Jesus. Jesus had with him a brown envelope. He said: Senator, I would like to ask you a favor. He said: I enlisted in the Marines and I am glad to be a marine, but the one thing I would like to do someday is to vote. I am not a citizen and, he said, I need a chance. He said: I hope you can help me get a chance to become a U.S. citizen.

I said to myself, what more could we ask of this young man? He volunteered for the U.S. Marine Corps to go to a battle zone and risk his life for America.

I listen to speeches on the floor here. My friend from Alabama, Senator SESSIONS, comes to the floor on a regular basis and criticizes the DREAM Act. He criticizes this bill that would give young people who are undocumented and graduate from high school, of good moral character, without a criminal background, who want to serve our Nation in the military on their path to becoming legal. He criticizes this bill. He calls it amnesty.

Do you know what, an amnesty is a giveaway. Amnesty is a card to pass "Go" and collect $200 in America. Do you think those who would volunteer for the military, who are willing to risk their lives for our country, are going to receive amnesty? Is this a gift? It is a gift to America that they are willing to risk their lives for our country. It is a gift to America that once having served, they will come back as proud Americans, voting and living in this country. It is a gift to America that they will use their skills and talent to make this a greater nation. For my colleagues to come to the floor and call this amnesty is to, in some ways, denigrate the fantastic sacrifice these young people would be willing to make, who serve in the military to become citizens.

I will concede this is not the only path to citizenship under this DREAM Act. Those who finish 2 years of college would also have a chance. I think that is only fair. To make this contingent only on military service I think would create a situation which is not consistent with a volunteer military. I hate to see us lose these young men and women who want to be part of America and are willing to risk their lives for that opportunity.

A recent study by the Center for Naval Analysis concluded "non-citizens have high rates of success while serving in the military—they are far more likely, for example, to fulfill their enlistment obligations than their U.S.-born counterparts."

The study also concluded there are additional benefits to enlisting noncitizens. For example, noncitizens "are more diverse than citizen recruits—not just racially and ethnically, but also linguistically and culturally. This diversity is particularly valuable as the United States faces the challenges of the global war on terrorism."

The DREAM Act is not just the right thing to do; it would be good for America. The DREAM Act would allow a generation of immigrants with great potential and ambitions to contribute to the military and other sectors of American society.

I am not just speaking for myself here, as the sponsor of this legislation. The Department of Defense recognizes it, and we have worked with them. Bill Carr, the Acting Under Secretary of Defense for Military Personnel Policy, recently said the DREAM Act is "very appealing" to the military because it would apply to the "cream of the crop" of students, in his words. Mr. Carr concluded the DREAM Act would be "good for [military] readiness."

On the Defense authorization bill, I don't believe it is unusual or improper for us to consider a bill that a leader in the Department of Defense said would be good for military readiness.

Last year at a Senate Armed Services Committee hearing on the contributions of immigrants to the military, David Chu, the Under Secretary of Defense for Personnel and Readiness, said:

> There are an estimated 50,000 to 65,000 undocumented alien young adults who entered the United States at an early age and graduate from high school each year, many of whom are bright, energetic and potentially interested in military service. They include many who participated in high school Junior ROTC programs. Under current law, these young people are not eligible to enlist in the military . . . Yet many of these young people may wish to join the military, and have the attributes needed—education, aptitude, fitness and moral qualifications. . . .

The Under Secretary went on to say:

> . . . the DREAM Act would provide these young people the opportunity of serving the United States in uniform.

Military experts agree. Margaret Stock, a professor at West Point, said:

> Passage of the DREAM Act would be highly beneficial to the U.S. military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces . . . passage of this bill could well solve the Armed Forces enlistment recruiting woes.

Do you know what we are offering to young people now to enlist in our military? For many of them, a $10,000 cash bonus, right out of high school, if they will enlist in the military. And if they will show up within 6 weeks, we double it to $20,000, the largest cash incentive we have ever offered. These young people aren't looking for a cash incentive. All they want is a chance to fight for America, to defend our country and to become part of our Nation's future.

Conservative military scholar Max Boot agrees. When asked about the DREAM Act, he said:

> It's a substantial pool of people and I think it's crazy we are not tapping into it.

These experts are right. The DREAM Act kids are ideal recruits. They are high school graduates, they have good moral character, and they desperately want to serve America. At the time when the military has been forced to unfortunately lower many of its standards to meet recruitment targets, we should not underestimate the significance of these young people as a national security asset.

This is the choice the DREAM Act presents us. We can allow a generation of immigrant students with great potential and ambition to contribute more to America, or give them the future of living in the shadows, uncertain about what they can do, uncertain about where life will lead them.

I am going to urge my colleagues to support this legislation and I hope they will, for a moment, pause and reflect. There have been a lot of things said about immigration during the course of this debate. I look back on this issue as one who doesn't come to it objectively. I am the son of an immigrant. My mother came to this country as a young girl at the age of 2 from Lithuania. Her naturalization certificate sits behind my desk upstairs. She became a naturalized citizen at the age of 25. She lived long enough to see me sworn into the Senate, and I was so proud of that day and so proud to be a Senator from the State of Illinois.

I believe in immigration. I believe the diversity of America is our strength; that Black, White, and Brown, from every corner of this Earth we have come together to create something no nation on Earth can rival.

There are those who will always see immigration differently, those who will question it, and those who will be critical. For those people, I ask them to step back and take an honest look at this. Step back and take an honest look at these young people, meet them, sit down with them, as I have. They will bring tears to your eyes when they talk to you about how hard they are working to make it in this country. They don't get many of the breaks which other kids get, but they keep on trying.

One of my friends is getting his graduate degree in microbiology at the University of Chicago. He keeps going to school because, as he said: Senator, I don't know what to do when I get out of school. I am not a legal American. I am undocumented. My dream is to work for a pharmaceutical company, to do medical research one day. Can we afford to let him go? Can we afford to turn our back on what he will bring to America?

It is interesting to me, before the end of this year we are likely to debate H–1B visas. The debate behind H–1B visas is that we don't have a large talent pool in America. We need to bring the best and brightest from India, from Asia, from Africa, and from Europe. We need to bring them in so our companies in America, starved for talent, that can't find it here, could find it in these visa holders coming in from foreign countries. We will let them work for 3 years or 6 years. Some them may try to stay. Some of them will go home.

But if we are at a point where we don't have a large enough talent pool in America, can we honestly say that these young people, the people who would be benefitted by the DREAM Act, are a talent we can waste? I don't think so.

Just last year I was eating in a restaurant in Chicago. It is a pretty famous breakfast place called Ann Suther's. Tom Tully is an alderman for the city of Chicago, and his family owns the restaurant. He introduced me to a young man with an apron on. He called him Juan and he said: Juan, come over and meet the Senator. He explained to me that Juan, who came to this country illegally, was allowed to stay and become a citizen under the amnesty that was offered by President Reagan 20 years ago. Juan went on to get an engineering degree and went on to work with an engineering firm, but because he remembers that this restaurant offered him a chance to wash dishes when nobody else would give him a job, he shows up every once in a while on a Saturday and works for a few hours for nothing, just to be around his old friends.

Those are heart-warming stories and there are many of them out there. I know there are people who seriously question whether immigration can be debated successfully on the floor of the Senate. I am hoping it can be and I am hoping my colleagues on the Democratic side and the Republican side will join me in this bipartisan effort for these young people, to give them a chance to serve and a chance to excel. It will make their lives better and make America a better nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

(The remarks fo Mr. CONRAD and Mr. GREGG pertaining to the introduction of S. 2063 are printed in today's RECORD under "Statements of Inroduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first of all, let me say I applaud both of the Senators who are working in an exemplary way to try to achieve something that is very difficult to achieve. I applaud them for their effort.

Madam President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is amendment No. 2022 offered by the Senator from Michigan.

Mr. INHOFE. All right. Madam President, I ask unanimous consent to set the pending amendment aside for the purpose of considering my amendment No. 2271 and then to revert back to this pending amendment. It is my understanding that this amendment is one of 10 amendments that is going to be considered.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I am constrained to object on behalf of the managers of the bill.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. All right.

Mr. President, I ask unanimous consent that I be recognized as in morning business.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, there has been a lot of discussion since last week when MoveOn.org, with a very liberal antiwar stance—which we understand has been their position for quite some time, raising millions of dollars for various Democratic Party candidates—ran an ad. Up until the September 10 ad in the New York Times calling General Petraeus "General Betray Us," MoveOn.org seemed to be in line with the Democrat's public statements supporting the troops but opposing the war.

It is my understanding my good friend, the junior Senator from Texas, is going to be having a resolution that will be coming up shortly. I want a chance to talk a little bit about that resolution.

I believe that MoveOn.org's ad crossed the line by attacking the character and integrity of America's top military leader in Iraq.

General Petraeus is a man of honor, honesty, and integrity. He is a West Point graduate. He has held leadership positions in airborne, mechanized, and air assault infantry units in Europe and the United States, including command of a battalion in the 101st Airborne Division, as well as a brigade in the 82nd Airborne Division.

He was the aide to the Chief of Staff of the Army; battalion, brigade, and division operations officer; he has done it all. He was the Executive Assistant to the Chairman of the Joint Chiefs of Staff.

He was the top graduate—not one of the top graduates, but the top graduate—of the U.S. Army Command and General Staff College. He earned M.P.A. and Ph.D. degrees from Princeton University. We are talking about a Ph.D. from Princeton University. This is not an ordinary officer. This is a man with incredible credentials.

He has won multiple awards and decorations, including being recognized by US News & World Report as one of America's 25 best leaders in the year 2005.

He is our top military commander in Iraq and commander of the Multi-National Force-Iraq, confirmed by the Senate as the right man for the job. He was confirmed, I might add, unanimously by the Senate.

The very day General Petraeus sat before Congress to offer his latest report, MoveOn.org ran a full-page ad in the New York Times attacking his message before they even heard his message.

The ad accused General Petraeus of "Cooking the Books for the White House" and called him "a military man constantly at war with the facts." Their shameless attack on his character did not stop there. They accused him of being a traitor, calling him "General Betray Us."

Well, anyway, MoveOn.org's attempt to discredit General Petraeus is deplorable, and I join with other Members of the Senate in condemning its actions.

I have no issue with news agencies or individuals offering and debating opposing views. That is what we do on this floor every day. However, MoveOn.org crossed the line when they ran the ad attacking the motives and honor of our No. 1 commander on the ground in Iraq.

I support Senator LIEBERMAN's condemnation of MoveOn.org's attempt at character assassination, and I call on them to retract their scurrilous ad with another full-page ad apologizing for their error in judgment. But they would not do it. You know they would not do it. Still, we can try. They don't have the character to do it.

While no American is above scrutiny, this was clearly a calculated move on the part of this organization to undermine the noble efforts of this patriot to execute his duties that we in Congress unanimously sent him to accomplish.

It amazes me how far some will go to root for American failure in Iraq. MoveOn.org clearly placed their political agenda ahead of the best interests of the United States and particularly the men and women of the military when they chose to run that ad.

Now, something interesting happened. A reporter from the Washington Post came up with this, did a little research. According to the director of public relations for the New York Times, the open rate for an ad of that size and type is $181,000. According to a September 14 Washington Post article, the New York Times dramatically slashed its normal rates for the full-page ad.

A spokesman for MoveOn.org confirmed to the Post they paid only $65,000 for the ad. The Post reporter called the Times advertising department without identifying himself and was quoted a price of $167,000 for a full-page black-and-white ad on a Monday. The New York Times refused to offer any explanation for why the paper would give them a rate one-third of their published rate.

Now, my first visit to Iraq was in August of 2003, and my latest visit was on the August 30, 2007. The Iraq I saw last time is not the Iraq I visited in 2003. I would like to say also that between those years I have actually been to the Iraqi AOR, area of operations, some 15 times. During that period of time I have seen these things.

I knew what General Petraeus was going to say when he came here last week because I was with him a few days before that. I read General Petraeus's and Ambassador Crocker's prepared statements and listened intently to their testimonies. I compared their assessment with the assessments I have made over the past 4 years visiting Iraq. It appears our assessments are based on similar events that have occurred in Iraq.

I watched Ramadi as it changed. You might remember a year ago they claimed Ramadi was going to become the terrorist capital of the world. Ramadi is now totally secured.

I visited Fallujah. I have been there several times. I was there during all the elections. I watched those Iraqi security forces go and vote. I watched the American marines go door to door World War II style. Fallujah now—

which was the hotbed in Anbar Province of Iraq—is now under total security, and not with U.S. forces but with Iraqi security forces.

I visited Patrol Base Murray, south of Baghdad, and met with local Iraqis who came forward and established provisional units of neighborhood security volunteers. These individuals heard the Americans were coming and were there and cheering, waiting for them to arrive.

I watched these Neighborhood Watch and Concerned Citizens groups take root in Anbar Province and slowly make their way to other cities spreading across Iraq—local civilians willing to stand up and take back their neighborhoods, their cities, and province.

Citizens are marking IEDs with orange paint—undetonated IEDs and PRGs—identifying al-Qaida in their towns and testifying against them. It is something that was not happening a few months before or prior to the surge. They are guarding critical infrastructure and working side by side with the U.S. forces.

I saw the anti-American messages at the mosques. Our intelligence goes into the mosques for each of their weekly meetings. Up through December of this past year, they averaged that 85 percent of the messages were anti-American messages. Since April of this year, there have been no anti-American messages. I guess I learned something that no one else seems to agree with; that is, we spend entirely too much time talking about the political leaders, when the religious leaders are the ones responsible for these major changes. These are the ones who are standing in the mosques and talking about Americans and the coalition forces as their allies, not as adversaries, as they were before.

I visited the Joint Security Stations in Baghdad. It used to be our kids would go out on a mission during the daytime, and they would come back at night to the green zone. They do not do that anymore. These Joint Security Stations—even as to the report that came in, our goal was to have 34, and there are now 32 of those Joint Security Stations. These guys go out, and instead of coming back, they sit and become friends with the Iraqis and actually sleep in the homes of the Iraqi security forces.

I watched the surge operations take effect, visited a former al-Qaida sanctuary, and saw a strengthening of Iraqi forces resulting in an increase in burden sharing.

I observed a steady decrease in the number of attacks in Anbar from 40 to less than 10 a day.

I visited the markets. There is a lot of talk about that. A lot of people go and visit the markets with all kinds of protection. I went to the markets without any protection, and I talked, through an interpreter, to people. I picked out people holding babies, and they were all glad to see us.

I met with U.S. and coalition leaders and commanders, Iraqi leaders and commanders, and local civilian groups on each trip.

I watched the political, economic, and diplomatic growth over time. It has been uneven and frustrating, but it has been a movement in the right direction.

I guess the bottom line is Iraq is achieving progress. No one can debate that. It is not just General Petraeus. It is what the Iraqis say. It is what they are saying, the religious leaders and the political leaders. It is happening, happening since the surge. The surge is clearly working.

The coalition forces are handing back control of Iraq to the Iraqis and to the Iraqi security forces. Local leaders who want better lives for their people are bravely standing up and rejecting the fatalist, cynical, and hate-filled diet fed to them by al-Qaida and other extremists.

Iraqis are realizing that al-Qaida does not offer a long-term vision of hope or an opportunity for them any more than it would for the average Californian or New Yorker or Oklahoman.

A backlash and rebellion against al-Qaida has been going on over the last 6 months in places such as Anbar Province and Babil Province south of Baghdad. When the tribal leaders and clerics in Anbar made the conscious decision to reject al-Qaida, they virtually overnight transformed their province into a model for the rest of the country to emulate. The "concerned citizens" of Babil Province—I was there—recognized the progress made in Anbar and decided they wanted to do the same thing. So it is spreading. It is spreading into areas even up toward Tikrit, the hometown of Saddam Hussein.

So al-Qaida understands the importance of the collective American will when it comes to prosecuting the war on terror. They understand they have absolutely no chance of winning this war over the long run militarily. They understand their only chance of achieving victory is to get the American people to call for a withdrawal. If we pull out of the fight, they win. There is no other way to characterize it. This is a strategic military objective for them. Like with any military objective, they have developed a tactic to achieve it. Their tactic in this case is to tear away the American will to win by committing horrific and brutal attacks against innocent victims. They understand that Americans agonize over the pictures and the news reports of those atrocities.

Let there be no doubt about it, our will as Americans to fight for freedom and democracy around the world is under attack by a brutal and ruthless enemy. That enemy would be emboldened by a victory in Iraq. Iraq would become a safe haven for terrorists and extremists from which they can launch their wicked atrocities around the world.

We could accept the offer of Iran's President to step in and fill the vacuum. He has clearly said: If the Americans pull out, we go in. However, this offer comes from a man who has vowed the extermination of the Jewish State of Israel, and he has vowed to expand his nuclear program and clearly puts us in jeopardy of being held hostage.

It is not in the American ethic to turn our back on people who are striving for a better way of life for their children. It is not in our national interest to leave a failed Iraqi State.

The surge is working, largely due to the leadership of one great American—GEN David Petraeus. MoveOn.Org should just once retreat from their attack on America and apologize to that great American hero, GEN David Petraeus.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I see Senator SPECTER on the floor. I ask unanimous consent that after Senator SPECTER is recognized, if Senator GRAHAM is on the floor, he be recognized for debate only on the bill, and then that Senator CHAMBLISS be recognized, if he is on the floor, for debate only, and that then the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair and my friend from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to comment on the amendment to restore the constitutional right of habeas corpus—an amendment that is pending before the Senate and will be voted on tomorrow morning at 10:30 on a motion to invoke cloture.

The issue of the availability of habeas corpus for the detainees at Guantanamo is a matter of enormous importance. It is a matter of a fundamental constitutional right that people should not be held in detention unless there is an evidentiary reason to do so, or at least some showing that the person ought to be in detention. It is a constitutional right that has existed since the Magna Carta in 1215, and it has been upheld in a series of cases in the Supreme Court of the United States.

In the decision of Hamdi v. Rumsfeld, Justice O'Connor, speaking for a plurality, said that they "all agree that, absent suspension, the writ of habeas corpus remains available to every individual detained within the United States." What Justice O'Connor was referring to was the express constitutional provision in Article I, Section 9, Clause 2, that habeas corpus may not be suspended except in time of invasion or rebellion. Obviously, if there cannot be a suspension of the writ of habeas corpus, there is a provision in that clause recognizing the existence of the constitutional right of habeas corpus. You cannot suspend a right that doesn't exist.

As amplified by Justice Stevens, in the case of Rasul v. Bush, the statutory right to habeas corpus applies to those held at the United States Naval Base at Guantanamo Bay, Cuba. Although Guantanamo Bay is not within the territory of the United States, it is under the complete jurisdiction and control of the United States.

In that case, Justice Stevens noted that "application of the [writ of] habeas corpus to persons detained at the base is consistent with the historical reach of the writ of habeas corpus. At common law, courts exercised habeas jurisdiction over the claims of aliens detained within sovereign territory of the realm, as well as the claims of persons detained in the so-called 'exempt jurisdiction,' where ordinary writs did not run, and all other dominions under the sovereign's control." That is obviously a conclusive statement of the Supreme Court that in Guantanamo, under the control of the United States, the writ of habeas corpus would apply in accordance with the historic reach of habeas corpus under the common law. Although Justice Stevens wrote as to statutory habeas, his historic analysis implicates the right to habeas under the common law and the Constitution.

Justice Stevens went on to point out:

> Habeas corpus is, however [citing from Williams v. Kaiser] "a writ antecedent to statute, . . . throwing its root deep into the genius of our common law."

And continuing, he said that the writ had "received explicit recognition in the Constitution, which forbids suspension of '[t]he Privilege of the Writ of Habeas Corpus . . . unless when in Cases of Rebellion or Invasion the public Safety may require it.'"

Obviously, the exceptions—Rebellion or Invasion—do not apply in the Guantanamo situation.

Justice Stevens went on to say:

> [A]t its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.

Justice Stevens then went on to note this—referring to the opinion of Justice Jackson, concurring in the result in the case of Brown v. Allen:

> The historic purpose of the writ has been to relieve detention by executive authorities without judicial trial.

And he goes on to say:

> Executive imprisonment has been considered oppressive and lawless since John, at Runnymede, pledged that no free man should be imprisoned, dispossessed, outlawed, or exiled save by the judgment of his peers or by the law of the land. The judges of England developed the writ of habeas corpus largely to preserve these immunities from executive restraint.

Going on, Justice Stevens pointed out:

> Consistent with the historic purpose of the writ, this Court has recognized the federal court's power to review applications for habeas corpus in a wide variety of cases involving Executive detention, in wartime as well as in times of peace.

In a very curious decision, in Boumediene v. Bush, the Court of Appeals for the District of Columbia ignored the historic common law analysis of the Rasul case in concluding that the Supreme Court's decision was based solely upon the statutory provision for habeas corpus. The Boumediene court reasoned that Rasul could be changed by an act of Congress, the Military Commissions Act, which was passed in 2006. In that case, instead of looking to Rasul, as noted in the New York Times article by Adam Liptak on March 5 of this year, the Boumediene court looked to case law decided before Rasul. Liptak points out:

> Instead of looking to Rasul, which was recent and concerned Guantanamo, the appeals court, reverting to the Court of Appeals for the District of Columbia, justified its decision by citing a 1950 Supreme Court decision, Johnson v. Eisentrager. That case involved German citizens convicted of war crimes in China and held at a prison in Germany. The court ruled that they had no right to habeas corpus.

Liptak points out the inapplicability of the Eisentrager case, stating:

> The Court's reliance on Eisentrager was curious. Both Antonin Scalia, dissenting in Rasul, and John Yu, an architect of the Bush administration's post-9/11 legal strategy, have written that they understood Rasul to have overruled Eisentrager.

The Boumediene decision seemed to ignore the finding in Rasul that the Naval Base at Guantanamo Bay fell within the jurisdiction and control of the United States. If detainees at Guantanamo Bay fall within United States jurisdiction, as Rasul found, the aliens held at Guantanamo have a greater claim to habeas corpus rights. For example, Courts have held that aliens within the United States cannot be denied habeas corpus without violating the Suspension Clause.

Following its discussion of Rasul and Eisentrager, the Boumediene decision relied upon the proceedings in the Combatant Status Review Tribunals which, realistically viewed, are totally insufficient. The procedures of the Combatant Status Review Tribunals were taken up by the U.S. District Court for the District of Columbia in a case captioned: In re Guantanamo Detainees Cases, 355 F.Supp.2d 443 (2005).

Beginning on page 468 of the opinion, the district court noted a proceeding in the Combatant Status Review Tribunal where an individual was accused of associating with al-Qaida personnel. The court noted:

> ". . . [T]he Recorder of the [Combatant Status Review Tribunal] asserted, 'While living in Bosnia, the Detainee associated with a known Al Qaida operative.'"

The detainee then said:

> "Give me his name."

The Tribunal President said:

> "I do not know."

The detainee then said:

> "How can I respond to this?"

The detainee went on to say:

> ". . . I asked the interrogators to tell me who this person was. Then I could tell you if I might have known this person, but not if this person is a terrorist. Maybe I knew this person as a friend. Maybe it was a person that worked with me. Maybe it was a person that was on my team. But I do not know if this person is Bosnian, Indian, or whatever. If you tell me the name, then I can respond and defend myself against this accusation."

Later in the court's opinion, the detainee is quoted to the following effect:

> "That is it, but I was hoping you had evidence that you can give me. If I was in your place—and I apologize in advance for these words—but if a supervisor came to me and showed me accusations like these, I would take these accusations and I would hit him in the face with them."

And at that, everyone in the tribunal room burst into laughter.

This is illustrative of what goes on in the Combatant Status Review Tribunals. They charge someone with being an associate of al-Qaida, but they cannot even give the person a name.

There was a very informative declaration filed by Stephen Abraham about what goes on in a Combatant Status Review Tribunal.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks this declaration.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Colonel Abraham identified himself as a lieutenant colonel in the U.S. Army Reserves who served as a member of a Combatant Status Review Tribunal and had an opportunity to observe and participate in the CSRT process.

Among other things, Colonel Abraham points out:

> On one occasion, I was assigned to a CSRT panel with two other officers. . . . We reviewed evidence presented to us regarding the recommended status of a detainee. All of

us found the information presented to lack substance.

What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by percipient witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating any source of the information or providing a basis for establishing the reliability or the credibility of the source. Statements of interrogators presented to the panel offered inferences from which we were expected to draw conclusions favoring a finding of "enemy combatant" but that, upon even limited questioning from the panel, yielded the response from the Recorder, "We'll have to get back to you." The personal representative did not participate in any meaningful way.

On the basis of the paucity and weakness of the information provided both during and after the CSRT hearing, we determined that there was no factual basis for concluding that the individual should be classified as an enemy combatant.

The details of Colonel Abraham's statement are very much in line with the opinion of the U.S. District Court for the District of Columbia in the matter captioned: In re Guantanamo Detainee Cases. They had charges but presented absolutely no information. Consequently, there can be no contention that Combatant Status Review Tribunals are an adequate and effective alternative approach to Federal court habeas corpus. There must be a type of review which presents a fair opportunity for determination as to whether there was any basis to hold a detainee. For such a purpose, Combatant Status Review Tribunals are totally inadequate.

It is for that reason that I urge my colleagues to legislate in the pending Department of Defense authorization bill to reinstate the statutory right of habeas corpus. It is my judgment that the Supreme Court of the United States will act on the case now pending there to uphold the constitutional right, disagreeing with the decision of the Court of Appeals for the District of Columbia in Boumediene v. Bush.

Initially, the U.S. Supreme Court had denied to take certiorari in the case, and it was curious because Justice Stevens did not vote for cert. where three other Justices had. But then after the declaration by Colonel Abraham was filed on a petition for rehearing, which required five affirmative votes by Supreme Court Justices, the petition for rehearing was granted, and the Supreme Court of the United States now has that case.

I have filed a brief as amicus curiae in the case, urging the Supreme Court to overrule the District of Columbia case and to uphold the decision in Rasul v. Bush, which holds that there is a statutory right to habeas corpus and that is rooted in historic common law that predates the Constitution, tracing its roots to the Magna Carta with John at Runnymede in 1215. But pending any action by the Supreme Court of the United States, which is not by any means certain, notwithstanding my own view that the Supreme Court will reaffirm Rasul and reverse the Court of Appeals for the District of Columbia's ruling in Boumediene, the Congress should now alter the statutory provision in 2006 and make it clear that the statutory right to habeas corpus applies to Guantanamo because of the total inadequacy of the fairness of the procedures under the Combatant Status Review Tribunal.

EXHIBIT 1

DECLARATION OF STEPHEN ABRAHAM

LIEUTENANT COLONEL, UNITED STATES ARMY RESERVE

I, Stephen Abraham, hereby declare as follows:

1. I am a lieutenant colonel in the United States Army Reserve, having been commissioned in 1981 as an officer in Intelligence Corps. I have served as an intelligence officer from 1982 to the present during periods of both reserve and active duty, including mobilization in 1990 ("Operation Desert Storm") and twice again following 9–11. In my civilian occupation, I am an attorney with the law firm Fink & Abraham LLP in Newport Beach, California.

2. This declaration responds to certain statements in the Declaration of Rear Admiral (Retired) James M. McGarrah ("McGarrah Dec."), filed in Bismullah v. Gates, No. 06–1197 (D.C. Cir.). This declaration is limited to unclassified matters specifically related to the procedures employed by Office for the Administrative Review of the Detention of Enemy Combatants ("OARDEC") and the Combatant Status Review Tribunals ("CSRTs") rather than to any specific information gathered or used in a particular case, except as noted herein. The contents of this declaration are based solely on my personal observations and experiences as a member of OARDEC. Nothing in this declaration is intended to reflect or represent the official opinions of the Department of Defense or the Department of the Army.

3. From September 11, 2004 to March 9, 2005, I was on active duty and assigned to OARDEC. Rear Admiral McGarrah served as the Director of OARDEC during the entirety of my assignment.

4. While assigned to OARDEC, in addition to other duties, I worked as an agency liaison, responsible for coordinating with government agencies, including certain Department of Defense ("DoD") and non-DoD organizations, to gather or validate information relating to detainees for use in CSRTs. I also served as a member of a CSRT, and had the opportunity to observe and participate in the operation of the CSRT process.

5. As stated in the McGarrah Dec., the information comprising the Government Information and the Government Evidence was not compiled personally by the CSRT Recorder, but by other individuals in OARDEC. The vast majority of the personnel assigned to OARDEC were reserve officers from the different branches of service (Army, Navy, Air Force, Marines) of varying grades and levels of general military experience. Few had any experience or training in the legal or intelligence fields.

6. The Recorders of the tribunals were typically relatively junior officers with little training or experience in matters relating to the collection, processing, analyzing, and/or dissemination of intelligence material. In no instances known to me did any of the Recorders have any significant personal experience in the field of military intelligence. Similarly, I was unaware of any Recorder having any significant or relevant experience dealing with the agencies providing information to be used as a part of the CSRT process.

7. The Recorders exercised little control over the process of accumulating information to be presented to the CSRT board members. Rather, the information was typically aggregated by individuals identified as case writers who, in most instances, had the same limited degree of knowledge and experience relating to the intelligence community and intelligence products. The case writers, and not the Recorders, were primarily responsible for accumulating documents, including assembling documents to be used in the drafting of an unclassified summary of the factual basis for the detainee's designation as an enemy combatant.

8. The information used to prepare the files to be used by the Recorders frequently consisted of finished intelligence products of a generalized nature—often outdated, often "generic," rarely specifically relating to the individual subjects of the CSRTs or to the circumstances related to those individuals' status.

9. Beyond "generic" information, the case writer would frequently rely upon information contained within the Joint Detainee Information Management System ("JDIMS"). The subset of that system available to the case writers was limited in terms of the scope of information, typically excluding information that was characterized as highly sensitive law enforcement information, highly classified information, or information not voluntarily released by the originating agency. In that regard, JDIMS did not constitute a complete repository, although this limitation was frequently not understood by individuals with access to or who relied upon the system as a source of information. Other databases available to the case writer were similarly deficient. The case writers and Recorders did not have access to numerous information sources generally available within the intelligence community.

10. As one of only a few intelligence-trained and suitably cleared officers, I served as a liaison while assigned to OARDEC, acting as a go-between for OARDEC and various intelligence organizations. In that capacity, I was tasked to review and/or obtain information relating to individual subjects of the CSRTs. More specifically, I was asked to confirm and represent in a statement to be relied upon by the CSRT board members that the organizations did not possess "exculpatory information" relating to the subject of the CSRT.

11. During my trips to the participating organizations, I was allowed only limited access to information, typically prescreened and filtered. I was not permitted to see any information other than that specifically prepared in advance of my visit. I was not permitted to request that further searches be performed. I was given no assurances that the information provided for my examination represented a complete compilation of information or that any summary of information constituted an accurate distillation of the body of available information relating to the subject.

12. I was specifically told on a number of occasions that the information provided to me was all that I would be shown, but I was

never told that the information that was provided constituted all available information. On those occasions when I asked that a representative of the organization provide a written statement that there was no exculpatory evidence, the requests were summarily denied.

13. At one point, following a review of information, I asked the Office of General Counsel of the intelligence organization that I was visiting for a statement that no exculpatory information had been withheld. I explained that I was tasked to review all available materials and to reach a conclusion regarding the non-existence of exculpatory information, and that I could not do so without knowing that I had seen all information.

14. The request was denied, coupled with a refusal even to acknowledge whether there existed additional information that I was not permitted to review. In short, based upon the selective review that I was permitted, I was left to "infer" from the absence of exculpatory information in the materials I was allowed to review that no such information existed in materials I was not allowed to review.

15. Following that exchange, I communicated to Rear Admiral McGarrah and the OARDEC Deputy Director the fundamental limitations imposed upon my review of the organization's files and my inability to state conclusively that no exculpatory information existed relating to the CSRT subjects. It was not possible for me to certify or validate the non-existence of exculpatory evidence as related to any individual undergoing the CSRT process.

16. The content of intelligence products, including databases, made available to case writers, Recorders, or liaison officers, was often left entirely to the discretion of the organizations providing the information. What information was not included in the bodies of intelligence products was typically unknown to the case writers and Recorders, as was the basis for limiting the information. In other words, the person preparing materials for use by the CSRT board members did not know whether they had examined all available information or even why they possessed some pieces of information but not others.

17. Although OARDEC personnel often received large amounts of information, they often had no context for determining whether the information was relevant or probative and no basis for determining what additional information would be necessary to establish a basis for determining the reasonableness of any matter to be offered to the CSRT board members. Often, information that was gathered was discarded by the case writer or the Recorder because it was considered to be ambiguous, confusing, or poorly written. Such a determination was frequently the result of the case writer or Recorder's lack of training or experience with the types of information provided. In my observation, the case writer or Recorder, without proper experience or a basis for giving context to information, often rejected some information arbitrarily while accepting other information without any articulable rationale.

18. The case writer's summaries were reviewed for quality assurance, a process that principally focused on format and grammar. The quality assurance review would not ordinarily check the accuracy of the information underlying the case writer's unclassified summary for the reason that the quality assurance reviewer typically had little more experience than the case writer and, again, no relevant or meaningful intelligence or legal experience, and therefore had no skills by which to critically assess the substantive portions of the summaries.

19. Following the quality assurance process, the unclassified summary and the information assembled by the case writer in support of the summary would then be forwarded to the Recorder. It was very rare that a Recorder or a personal representative would seek additional information beyond that information provided by the case writer.

20. It was not apparent to me how assignments to CSRT panels were made, nor was I personally involved in that process. Nevertheless, I discerned the determinations of who would be assigned to any particular position, whether as a member of a CSRT or to some other position, to be largely the product of ad hoc decisions by a relatively small group of individuals. All CSRT panel members were assigned to OARDEC and reported ultimately to Rear Admiral McGarrah. It was well known by the officers in OARDEC that any time a CSRT panel determined that a detainee was not properly classified as an enemy combatant, the panel members would have to explain their finding to the OARDEC Deputy Director. There would be intensive scrutiny of the finding by Rear Admiral McGarrah who would, in turn, have to explain the finding to his superiors, including the Under Secretary of the Navy.

21. On one occasion, I was assigned to a CSRT panel with two other officers, an Air Force colonel and an Air Force major, the latter understood by me to be a judge advocate. We reviewed evidence presented to us regarding the recommended status of a detainee. All of us found the information presented to lack substance.

22. What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by percipient witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating the source of the information or providing a basis for establishing the reliability or the credibility of the source. Statements of interrogators presented to the panel offered inferences from which we were expected to draw conclusions favoring a finding of "enemy combatant" but that, upon even limited questioning from the panel, yielded the response from the Recorder, "We'll have to get back to you." The personal representative did not participate in any meaningful way.

23. On the basis of the paucity and weakness of the information provided both during and after the CSRT hearing, we determined that there was no factual basis for concluding that the individual should be classified as an enemy combatant. Rear Admiral McGarrah and the Deputy Director immediately questioned the validity of our findings. They directed us to write out the specific questions that we had raised concerning the evidence to allow the Recorder an opportunity to provide further responses. We were then ordered to reopen the hearing to allow the Recorder to present further argument as to why the detainee should be classified as an enemy combatant. Ultimately, in the absence of any substantive response to the questions and no basis for concluding that additional information would be forthcoming, we did not change our determination that the detainee was not properly classified as an enemy combatant. OARDEC's response to the outcome was consistent with the few other instances in which a finding of "Not an Enemy Combatant" (NEC) had been reached by CSRT boards. In each of the meetings that I attended with OARDEC leadership following a finding of NEC, the focus of inquiry on the part of the leadership was "what went wrong."

24. I was not assigned to another CSRT panel.

I hereby declare under the penalties of perjury based on my personal knowledge that the foregoing is true and accurate.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise this afternoon in opposition to the Leahy-Specter amendment on the Defense authorization bill. The Leahy-Specter amendment will strike an important change made by the Military Commissions Act of 2006 that strips courts of jurisdiction to hear habeas corpus petitions from alien unlawful enemy combatants detained by the United States.

This amendment would restore jurisdiction to the Federal courts to hear habeas petitions from detainees who are currently pending trial before a military commission. Essentially, this amendment would grant habeas corpus rights to all non-U.S. citizens, regardless of location, who are detained by the United States.

The amendment would have the effect during the current global war on terrorism or during a large-scale protracted war on the scale of World War II of giving any noncitizen detained by U.S. forces, regardless of where they are detained and regardless of the reason for their detention, the right to challenge that detention in the U.S. court system.

I can think of few better ways to ensure that the United States is defeated in any conflict in which we engage and few better ways to undermine the national security of the United States than to adopt this amendment.

In 2004, the Supreme Court's decision in Hamdi v. Rumsfeld held that the President is authorized to detain enemy combatants for the duration of hostilities based on longstanding law-of-war principles. It also held that Congress could authorize the President to detain persons, including U.S. citizens, designated as enemy combatants without trial for a criminal offense so long as the enemy combatant has a process to challenge that designation.

As a result of the Hamdi decision, the Department of Defense created the Combatant Status Review Tribunal, a process where detainees may challenge their status designations.

Congress passed and the President signed the Detainee Treatment Act on December 30, 2005, which included the Graham-Levin amendment to eliminate the Federal court statutory jurisdiction over habeas corpus claims by aliens detained at Guantanamo Bay.

After a full and open debate, a bipartisan majority of Congress passed the Military Commissions Act just last fall. The MCA amended the Detainee Treatment Act provisions regarding appellate review and habeas corpus jurisdictions by making the provisions of the DTA the exclusive remedy for all aliens detained as enemy combatants anywhere in the world, including those detained at Guantanamo Bay, Cuba. The MCA's restrictions on habeas corpus codified important and constitutional limits on captured enemies' access to our courts.

The District of Columbia Circuit upheld the MCA's habeas restrictions in Boumediene v. Bush earlier this year. The Supreme Court, in a rare move, reconsidered their denial of certiorari and will make a decision on this case in the near future. In the meantime, Congress should not act hastily.

Before the Supreme Court decision in Rasul v. Bush in June 2004, the controlling case law for over 50 years was set out in the Supreme Court case of Johnson v. Eisentrager, a 1950 case which held that aliens in military detention outside the United States were not entitled to judicial review through habeas corpus petitions in Federal courts. The Court recognized that extension of habeas corpus to alien combatants captured abroad "would hamper the war effort and bring aid and comfort to the enemy," and the Constitution requires no such thing.

The Rasul case changed the state of the law for detainees held at Guantanamo Bay, Cuba, due to the unique nature of the long-term U.S. lease of that property. The Supreme Court reasoned that the habeas corpus statute and the exercise of complete jurisdiction and control over the Navy base in Cuba were sufficient to establish the jurisdiction of U.S. Federal courts over habeas petitions brought by detainees.

The Supreme Court ruled that the status of a detainee as an enemy combatant must be determined in a way that provides the fundamentals of due process—namely, notice and opportunity to be heard. The executive branch established Combatant Status Review Tribunals, or CSRTs, to comply with this mandate. Judicial review of CSRT determinations of enemy combatant status by article III courts is provided by the Detainee Treatment Act. Under the DTA, appeals of CSRT decisions may be made to the U.S. Court of Appeals for the DC Circuit.

In his dissent in the Rasul case, Justice Scalia wisely pointed out that at the end of World War II, the United States held approximately 2 million enemy soldiers, many of whom no doubt had some complaint about their capture or conditions of confinement. Today, approximately 25,000 persons are detained by the United States in Iraq, Afghanistan, and at Guantanamo Bay.

Restoring jurisdiction over alien enemy combatants could result in providing the right of habeas corpus to all those detainees held outside the United States so long as their place of detention is under the jurisdiction and control of the U.S. Armed Forces.

In fact, habeas challenges on behalf of detainees held in Afghanistan have already been filed.

The Supreme Court recognized in Johnson v. Eisentrager that allowing habeas petitions from enemy combatants forces the judiciary into direct oversight of the conduct of war in which they will be asked to hear petitions from all around the world, challenging actions and events on the battlefield. This would simply be unworkable as a practical matter and could greatly interfere with the Executive's authority to wage war. As the Supreme Court revisits these issues, Congress should not undue what it has done.

Federal courts have ruled twice—in December 2006 at the district court level on the remand of the Hamdan case from the Supreme Court and again in February 2007 at the DC Circuit Court level in the consolidated cases of Boumediene and Al Odah—that the Military Commissions Act is constitutional and that alien enemy unlawful combatants have no constitutional rights to habeas corpus.

The Supreme Court, at the end of June, decided it would hear these cases on expedited appeal this fall. It is appropriate for Congress to allow the Supreme Court to review the decision made by the DC Circuit Court of Appeals, applying the standards of review enacted in the DTA and the MCA before granting habeas rights to and opening the Federal courts to thousands of detainees held outside the United States.

For these reasons, and simply because it represents extremely bad policy, I urge my colleagues to oppose the Leahy-Specter amendment.

Mr. President, I had also intended to talk a little while today about Senator GRAHAM's amendment seeking to strike section 1023 of the underlying bill. It is my understanding now that there are discussions ongoing relative to the possibility of trying to work that amendment out. So if that amendment does come to the floor for consideration, I will be back to talk about the support of that amendment at that time.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. The Senate is now proceeding under a previous order in a period of morning business, with Senators being recognized for up to 10 minutes.

The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Chair.

DEFENSE AUTHORIZATION AND APPROPRIATIONS

Mr. SESSIONS. Mr. President, I would just say that we have a limited amount of time in this body—and we all know that—before the end of the fiscal year will be coming up on September 30. We have to pass some sort of appropriation to fund our defense and our military by that date. We need to pass the Defense authorization bill, which has been voted out of the Armed Services Committee. Senator LEVIN, our Democratic chairman, has moved that bill forward, and it had strong bipartisan support. It is on the floor today, and it provides quite a number of valuable and critically important benefits for our defense on which we need to vote. For example, it increases the number of persons in the Army, the end-strength of the Army, by 13,000, and 9,000 for the Marine Corps. We have a lot of people talking about the stress on the military, so we need to authorize the growth of the military. It is something we know we need to do, and I think we have a general agreement on that. It is in this bill. We need to move this bill. It authorizes numerous pay bonuses and benefits for our warfighters and their family members. It allows a reservist to draw retirement before age 60 if they volunteer under certain circumstances for active mobilizations. It directs studies on mental health and well-being for soldiers and marines. It establishes a Family Readiness Council. It authorizes funding for the MRAPs, which are those vehicles which are so much more effective against even the most powerful bombs and IED-type attacks.

So this bill, this authorization bill, is not an unimportant matter. Our soldiers are out there now in harm's way, where we sent them, executing the policies we asked them to execute, and we need to support them by doing our job. We complain that Iraq can't pass this bill or that bill; we need to pass our own bill.

Not only do we need to get this authorization bill passed, but we have to get on next week to the appropriations bill to actually fund the military because if we do not do so, the funding stops. Under American law, if Congress does not appropriate funds, nobody can spend funds. It is just that simple.

We have to do our job, and I hope we will. I am troubled to see a lot of things beginning to occur that indicate there is an agenda afoot here, at least by some, that would make it difficult, if not impossible, for us to get this work done.

For example, the first amendment brought up on the Defense bill—not a part of the committee bill but on the floor here—is to provide to enemy terrorists habeas corpus rights they have never been provided by any nation in history during a time of war and certainly not our own Nation. It is frustrating for me to hear people say we want to restore habeas rights to captive enemy combatants. If we did it, we should at least perhaps give priority to lawful enemy combatants. Most of these are unlawful enemy combatants who have not in any way followed the rules of war and therefore are not provided, in normal circumstances, the full protections of the Geneva Convention. So I am worried about that.

The President has said if that amendment passes, he will veto the bill. So what will we have done then? Are people in here going to have a good feeling about that—they made the President veto the bill—that we provide unprecedented rights to captives who are setting about to attack and kill Americans? We are releasing people from Guantanamo and have released quite a number of them. Quite a number of them have been recaptured on the battlefield trying to kill our sons and our daughters who are out there because this Congress sent them out there. So I think we need to get our heads straight.

Now, in addition to that, we have Senator DURBIN offering the DREAM Act amendment, an immigration bill, to this bill.

Senator KENNEDY says he intends to offer hate crimes legislation. These are controversial pieces of legislation, unrelated, really, to the Defense Department. They ought not be passed. They have been rejected before. Certainly the DREAM Act was.

Let me talk about this DREAM Act. It is something Senator DURBIN points out that I have objected to before. I have objected to it before when it came up in the Judiciary Committee, not in the Armed Services Committee.

The Durbin amendment, as filed as of the end of July, would do a number of things. It will, indeed, provide amnesty, the full panoply of rights we give to any citizen who comes here lawfully. It provides a full citizenship track and full rights for quite a number of illegal aliens, putting them on a direct path to citizenship. A conservative estimate done by the Migration Policy Institute suggests that at least 1.3 million will be eligible for amnesty. It will also allow current illegal aliens, those who would be provided amnesty under this bill, and future illegal aliens who come here after this day, illegally—hopefully, I thought we decided when the comprehensive bill was voted down, the American people were saying let's end illegal immigration—it would provide for them to be eligible for in-State tuition at public universities, even when the university denies in-State tuition to U.S. citizens and legally present aliens.

It would reverse 1996 law that quite rationally said let's not reward people who are here illegally by giving them a discounted rate of tuition. How much more simple is it than that?

It would provide Federal financial aid in the form of student loans and work/study programs, subsidized by Federal money. It is unclear, it appears, whether Pell grants, direct Federal grants, are going to be provided to people in our country illegally, with which to go to college, whereas hard-working Americans, many of them, don't qualify for Pell grants—and we need to expand Pell grants. Why would we then be providing them to persons who would come into our country illegally?

They say they may have come when they were younger. Maybe they did. But if you have a limited number of persons to whom you can provide Pell grants or subsidized loans, I suggest they should be given to those who are lawfully here, not those who are unlawfully here.

There is an old slogan: If you are in a hole, the first thing you should do is stop digging. I suggest if you have a problem with people coming into the country illegally, the first thing you should do is stop subsidizing that illegal behavior by giving them discounted tuition.

The DREAM Act establishes a seamless process to take illegal aliens directly from illegal status to conditional permanent resident status, then to legal permanent resident status, and then the next step, of course, is citizenship. First, illegal aliens who came here before age 16 and have been here illegally for the past 5 years will be given "conditional" permanent residence, or green cards, if they have been admitted to an institution of higher education or have a GED, or have a high school diploma. The "conditional" green card, which is good for 6 years, will be converted to a full green card. A green card means you have a legal permanent residence status in America. In this case it would be a direct result of an illegal entry into the United States, or an illegal overstay. It will be converted to a full green card if the alien completes 2 years of a bachelor's degree or serves 2 years in the uniformed services. This is broader than the term "military service," as people have said. "Uniformed services," as defined by title 10, includes the National Oceanic and Atmospheric Administration Commissioned Corps and the U.S. Public Health Service Commissioned Corps, in addition to the military. Or they would qualify if they can't do those because of hardship.

After 5 years of "conditional," or full green card permanent status, the aliens amnestied under the DREAM Act will be eligible for citizenship.

We are also expanding, through this amendment, if it is to be adopted, immigration into the country based on an illegal action in a number of ways. There is nothing in the DREAM Act that limits the ability of the illegal aliens who are being provided permanent status and citizenship here to bring in their family members. Once an illegal alien becomes a legal resident under the act, they can immigrate their spouses and their children. As soon as the illegal alien becomes a citizen, he or she will be able to bring in, to immigrate their parents to the country as a matter of right. So there is no numerical limit to the number of parents a citizen can immigrate into the United States. I think that is one of the flaws in our current law.

The reason that is important is because we are generous in immigration. We allow a million or more a year to come legally into our country. We do provide quite a number of generous provisions that allow people to come. But if you are allowing those limited number of slots—in effect, we have only so many that the country does allow and would desire to allow to come—we are providing parents of those who have been illegal to be able to come as a guaranteed right, whereas another who may have a master's degree, may have a high skill, may have learned English in Honduras and is valedictorian of their school or college—they can't get in. But they have an automatic right for a parent, who may have done far less in the scheme of things to justify taking one of those limited slots the country has to offer. That is why I am concerned about that.

We don't think about it in correct terms. We have to understand we cannot accept everybody in the world. We should create a generous system of immigration that allows people to come to America, but we ought to set up a legal system that we are proud of and that sets good standards, that allows a person to have the greatest opportunity to be successful here, to have more precedence in entry—which is exactly what Canada does, and Canada is quite proud of it.

In 1996, Congress passed this law:

> Not withstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State . . . for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration and scope) without regard to whether the citizen or national is such a resident.

The DREAM Act eliminates this provision that has been offered on the Defense bill. It would reverse this current Federal law. The result is that States will be able to offer in-State tuition to illegal aliens.

The PRESIDING OFFICER. The Chair advises the Senator from Alabama he has consumed his 10 minutes.

Mr. SESSIONS. I thank the Chair and ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will conclude by saying there are a host of reasons why we need not, ought not pass the DREAM Act itself. But that is a matter of debate that we have had several different times now. What we need to be doing now is providing support for the soldiers, sailors, airmen, marines, and guardsmen we sent in harm's way by passing the Defense authorization bill and the Defense appropriations bill. We don't need to be talking about the DREAM Act. We don't need to be talking about hate crimes. We don't need to be offering the first amendment out of the chute, an amendment that provides habeas benefits to unlawful combatants, legal rights that have never been given by the United States in the history of the Republic, nor any other nation in the history of the world.

We need to get serious and get some work done here that is important and not be distracted with amendments that are going to be politically controversial and can only make it more difficult for us to do our duty as a Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

FIGHT TO END HATE CRIMES

Mr. CARDIN. Mr. President, only 2 weeks ago this Nation marked the 50th anniversary of the Civil Rights Act of 1957. That landmark legislation, signed into law on September 9, 1957, was Congress' first civil rights bill since the end of Reconstruction.

It established the Civil Rights Division of the Justice Department and empowered Federal prosecutors to obtain court injunctions against interference with the right to vote. It also established a Federal Commission on Civil Rights with authority to investigate discriminatory conditions and recommend corrective measures.

In the Judiciary Committee, under the leadership of my distinguished colleague, the senior Senator from Vermont, we held a hearing to commemorate this milestone, to talk about our Nation's progress over the past half century and how we must move forward if we are to live up to the ideals enumerated in the Constitution. My former colleague from the House and an American hero, JOHN LEWIS, shared his recollections and his hopes for the future with us.

Today, however, it is with great sadness that I come to the Senate floor to talk about a rash of incidents that have occurred over the past month in this region of the country. These incidents are a painful reminder of just how far we have to go.

At the College Park Campus of the University of Maryland, fewer than 10 miles from here, students found a noose hanging in a tree near the University's African-American Cultural Center. It is believed that the noose had been hanging there for almost 2 weeks before the assistant editor of the school's African-American newspaper noticed it and notified the police.

University President C.D. Mote has denounced the incident, as have student leaders and faculty. It is under investigation as a possible hate crime and may be connected to the trial of six African-American teenagers in Jena, Louisiana. In that case, three nooses were placed in the so called "white-only" tree on campus after black students sat under it. The ensuing altercations led to charges of attempted murder against only the black teenagers, charges that have since been dismissed.

In Montgomery County, Maryland, three separate acts of vandalism were reported at Jewish centers in Rockville, Gaithersburg, and Silver Spring.

In two of those cases, vandals defaced banners declaring the synagogues' support for the State of Israel, scrawling anti-Semitic slurs on them. Police are investigating all three acts as possible hate crimes.

Then, in the hills of Big Creek, West Virginia, a 20-year-old African-American woman was held captive in a shed for more than a week. During her ordeal, she was beaten, choked, stabbed, sexually assaulted, and forced to perform inhumane acts. Throughout, she was called racist slurs and was told she was being victimized because of her skin color. She was rescued by police responding to an anonymous tip. A local Sheriff described this as "something that would have come out of a horror movie." Six people, all white, have been arrested in connection with the assault and kidnapping, and police are still searching for two more. The young woman is recovering in a hospital from her ordeal.

In Gaithersburg, Maryland, a Muslim family was again the victim of vandalism. Over the years, the family had been victimized multiple times, beginning in 1994 when they moved to the area. Their house and automobiles were broken into, garbage and dead animals were strewn in their yard, and racist notes were taped to their door.

This time, on September 11, tires on both of the family's vehicles were slashed. The mother has worked hard to counteract anti-Muslim and anti-Arab sentiment in America, speaking at schools and libraries about Islam and Arab-American culture and teaching a cultural sensitivity class. Police are continuing to investigate this incident as a possible hate crime.

In Manassas, Virginia, the Ku Klux Klan recently began distributing leaflets urging "white Christian America" to stand up for its rights. The neighborhood has recently begun a demographic shift as older residents moved out and younger Latino families moved in.

Finally, Mr. President, last Friday, it was reported that the Metropolitan Police Department here in Washington is investigating a series of hate crimes targeting gay and transgender people. The latest attack happened 7 blocks from here near the Verizon Center, where reportedly a group of young men threw a 16-year-old male-to-female transgender person through a plate glass window. Police reports indicate that the suspect had been arrested twice before for similar attacks against gay men.

The Federal Bureau of Investigation has reported that in 2005 there were approximately 7,100 incidents classified as hate crimes. The FBI uses voluntary reports from local law enforcement agencies across the country to determine the totals, but the actual number could be far higher.

The Southern Poverty Law Center has analyzed data compiled and reported by the federal Bureau of Justice Statistics. That November 2005 report, based on data from the biannual National Crime Victimization Survey (NCVS), found that fewer than half of hate crimes are reported to the police and others are not counted by the FBI. This is because they are not recorded as hate crimes, or because some police departments do not report statistics to their State offices. The NCVS estimates that the United States averages about 191,000 hate crimes each year.

The report also found that hate crimes involve violence far more than other crimes. The data showed that four out of five hate crimes were violent—involving a sexual attack, robbery, assault or murder, as compared to 23 percent of non-hate crimes.

Mr. President, the situation is even more dire than most Americans imagine. The Southern Poverty Law Center's Intelligence Project counted 844 active hate groups in the United States in 2006.

Hate crimes' tentacles reach far beyond the intended targets. They bring a chill to entire neighborhoods and create a sense of fear, vulnerability, and insecurity in our communities. They poison the well of our democracy and strike at the very heart of the American spirit.

Our local law enforcement agencies need help in investigating and prosecuting these crimes, and this help must come from the United States Attorney General and the Department of Justice.

I am a cosponsor of the Mathew Shepard Local Law Enforcement Hate Crimes Prevention Act, S. 1105, to strengthen existing Federal hate crime laws. I want to thank Senator KENNEDY for his leadership on this issue.

While the responsibility for prosecuting hate crimes primarily rests with the individual States, this new measure will give local law enforcement additional tools to combat violent hate crimes. It also will provide Federal support through training and assistance to ensure that hate crimes are effectively investigated and prosecuted. In addition, it will ensure that Federal investigations and prosecutions are carried out when local authorities request assistance or are unwilling or unable to effectively prosecute cases.

It is important that the Federal Government have the ability to take aggressive action against hate crimes in States where current laws are inadequate. For example, only 31 States and the District of Columbia include sexual orientation-based or disability-based crimes in their hate crimes statutes. This law will help ensure that all hate crimes are fully investigated and prosecuted.

This measure, which has strong bipartisan support, would strengthen existing law in two ways. First, it would eliminate a serious limitation on Federal involvement under existing law—namely, the requirement that a victim of a hate crime was attacked because he or she was engaged in federally-protected activity such as voting or attending school. It also would authorize the Department of Justice to investigate and prosecute hate crimes based on sexual orientation, gender, gender identity, or disability. Current law does not provide authority for involvement in these four categories.

Hate crimes are un-American. They cannot be tolerated. When individuals are targeted and attacked because of who they are, entire communities suffer and we are all diminished by it.

S. 1105 would give us the tools we need to be more effective in combating crimes of hate. The House passed its version of hate crimes legislation on May 3 and now the Senate must do our part. I call on my colleagues to support S. 1105 and I urge its passage without further delay.

MILITARY COMMISSIONS ACT

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, first of all, thank you for taking some time and presiding in the chair so I can make this statement.

Last year, I made a very difficult decision. I voted for the Military Commissions Act because I believed it would make our Nation safer and help us fight the war on terrorism. I did not support the bill, however, without reservations.

I said at the time it was not the law I would have written. To the contrary, I supported the bill with the understanding we would go back and fix some of the problems that remained unsolved. Tomorrow, the Senate has an opportunity to fix one of the most glaring of those problems, the failure to provide detainees with the right to habeas corpus.

A right to habeas corpus was a fundamental right in the eyes of our Founding Fathers. It was seen as a mechanism for accountability within our Government, giving prisoners a way to challenge detentions that were unlawful or unconstitutional.

A right to habeas corpus has remained a cornerstone of our criminal justice system since our very beginning as a Nation. It continues to be reaffirmed time and time again by every court in the land. Granting all prisoners the right to petition for habeas corpus is something that makes our Nation special and sets us apart.

Now, I am sure many Americans may wonder: Well, what is habeas corpus? What is the big fuss about this habeas corpus thing? Well, let me try to explain.

Habeas corpus gives a person, a citizen, people, the right to ensure they are being held by the Government lawfully, that they were not the victim of malfeasance or misfeasance on the part of the Government. It is not an easy standard to meet, and it is not taken lightly by the court system.

To make a case for habeas corpus requires a significant amount of proof that a detention of that individual violates the laws of the United States. Let me say that one more time. Proving that you are entitled to relief, proving that you are entitled to a writ of habeas corpus by the court, is not an easy task.

The claim is usually denied. Only those who truly deserve the writ are able to obtain it. I say this to reassure those who may feel that granting detainees the right to habeas corpus, as the amendment would do, would quickly let loose those who would then attack our country and our citizens. That simply will not happen.

What will happen is those detainees who are being held unlawfully, if there are any who are being held unlawfully, who are being denied their basic human rights, will have a chance to make their case in court. They will, for the first time, be able to argue they are being held without any evidence of wrongdoing. They will be able to argue, possibly, they were tortured for a confession that is simply not true.

In short, they will be allowed to hold our great Nation to the standard of fairness, lawfulness, and decency that our Founding Fathers established when they penned the U.S. Constitution.

Some people may not believe detainees are entitled to such a basic right. They argue these people may not be U.S. citizens; that they do not believe the Constitution provides them with any protection or any guarantees.

I disagree. I would ask those people one thing: If the terrorists convince us to throw away the very rights that make us free, the very rights that make our Nation what we uniquely are, does that not mean the terrorists have won?

If we believe in the rule of law, and if we believe in a system of justice, we must give all people detained by our Government the right to challenge that detention. Our Government must play by the rules. It must detain people who are supposed to be detained, and it must be prepared to make that case in a court of law.

The United States can do better than depending on indefinite, unchallengeable detentions to imprison an individual suspected to be a terrorist. We do not need shortcuts to keep our Nation safe.

We can fight the war on terror and respect human rights at the same time. What makes America worthy of fighting for and dying for is the Constitution and the Bill of Rights. It sets us apart from the rest of the world, and we cannot permit its erosion or its undermining. The Constitution and the Bill of Rights need to be preserved.

Therefore, I intend to fully support the Leahy-Specter amendment that will be offered tomorrow to restore habeas rights to detainees. I urge my colleagues to do the same.

I yield the floor.

EULOGY FOR HOWARD GITTIS

Mr. SPECTER. Mr. President, a very close, personal friend and a great American died the day before yesterday, Howard Gittis, a very distinguished Philadelphia lawyer in the great tradition of Andrew Hamilton who defended Peter Zenger. Those of us who are Philadelphia lawyers take great pride in that tradition from Andrew Hamilton and the historic defense of Peter Zenger, and Howard Gittis was in that mold.

I have been a personal friend of Howard Gittis for some 50 years. I was told he went to sleep on Sunday night and didn't awaken, died in his sleep apparently of a heart attack.

Howard Gittis was a partner in the very prestigious firm of Wolf, Block, Schorr & Solis-Cohen for some 23 years. He then joined a noted entrepreneur, Ronald Perelman of New York, and was the executive vice president of McAndrews & Forbes in New York City.

Howard was noted for his charitable contributions both as an alumnus of the University of Pennsylvania Law School, where he contributed substantially to Penn's law school which named Gittis Hall and the Gittis Center for Clinical Legal Studies at Penn in honor of Howard Gittis's contribution to the law school and his charitable support of the university.

Not only did he support the University of Pennsylvania, but he also served on the board of Temple University for 31 years, including 5 as chairman of the board, and the Temple Student Center is named for him.

Always affable, always cheerful, always ready to lend assistance to friends or even to those who were not close friends. He left an indelible mark in the Philadelphia legal community and in the New York business community.

His funeral services occurred earlier today in New York and burial occurred this afternoon in Philadelphia.

I think it appropriate to pay tribute to an outstanding American who did so much for the legal profession and so much for charitable contributions with both the University of Pennsylvania and Temple University.

TRIBUTE TO AUGIE HIEBERT

Mr. STEVENS. Mr. President, I have come to the Senate floor today to honor one of Alaska's most admired pioneers and a dear friend of mine and my whole family.

Alaskans will remember Augie Hiebert for his many achievements in the field of broadcasting and for opening the doors to modern communications for all Alaskans. In a State with few roads, where hundreds of miles of wilderness often separate towns and villages, Alaskans rely upon airwaves to connect them with people and events across our State, across the country, and around the globe. Augie was one of the first to bring the benefits of broadcast technology to our last frontier.

At an early age, Augie developed a fascination for electronics and radio which would lead him to a career in broadcasting. While growing up on an orchard in Washington State during the Great Depression, Augie built his own first radio. He earned his ham radio license at the age of 15. He was just 22 years old when he came to Fairbanks in 1939 to help a friend build KFAR Radio.

On the morning of December 7, 1941, Augie was listening to ham radio broadcasts at KFAR's transmitter when he heard of the attack on Pearl Harbor. He was one of the first in Alaska to hear the shocking news and immediately alerted the commander of Ladd Field right there in Fairbanks.

Having witnessed firsthand the impact broadcasting had on the lives of those who were living in Alaskan territory, Augie set out to bring the technology of television to what we call our great land. In 1953, Augie built Alaska's first television station, KTVA, bringing news, weather, sports, and entertainment to the people of Anchorage. Two years later, he broadcast the first television shows to Fairbanks when he built KTVF. Augie's TV stations brought history's defining events from around the globe into Alaska's living rooms. In 1969, Augie gave us the first live satellite broadcasts, and Alaskans from Fairbanks to Anchorage watched Neil Armstrong walk on the moon.

As Alaska's broadcast industry grew, so did Augie's family. He and his wife Pat raised four daughters.

During his long career in broadcasting, Augie served Alaska in many ways. He was the founder and president of the Alaska Broadcasters Association. When I was practicing law, I helped him form that association. Every year, Augie brought a group of Alaskan broadcasters to Washington for Alaska Day at the Federal Communications Commission, where he gave them a rare opportunity to speak on a one-to-one basis with commissioners about the unique challenges facing broadcasters in Alaska. But Augie's efforts to educate the FCC about Alaskan broadcasting didn't end there. He invited them, and the entire FCC at one time traveled to Alaska at his request.

In the early 1980s, Augie led the fight to preserve AM broadcast coverage in Alaska, which resulted in the creation of the class of the 1-N FCC category, a category just for our State of Alaska. Over the years, Augie introduced countless Alaskans to broadcasting and gave many their start in the industry. Though he officially retired in 1997, Augie remained committed to the future of broadcasting in Alaska, and until the day of his death, he was talking to me about the problem of white spaces in the current debate over new digital broadcasting.

He became a mentor to the students at Mirror Lake Middle School in Chugiak, AK, where he shared his enthusiasm for broadcasting and he helped students produce news programs for the school's closed-circuit television system, and they did that every morning before school started. He showed them how to prepare a morning show for their school. Augie brought leading professionals in the field of broadcasting to Mirror Lake to share their experiences and knowledge with these students. Today, the school operates a low-powered FM radio station which Augie helped build and license. It is the only class D low-powered radio license in the country issued to a school.

Rather than all of the firsts he achieved during his long career, Alaskans will remember Augie most as the man who made the Nation's largest State a little bit smaller. His efforts brought us closer to one another and closer to the rest of the world. Our thoughts and prayers are with Augie's daughters, their families, and all who loved him.

This man was a great American, a great Alaskan, and my great friend.

60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE

Mr. DOMENICI. Mr. President, today I would like to pay tribute to the U.S. Air Force as it commemorates its 60th anniversary, known as "Heritage to Horizons . . . Commemorating 60 Years of Air and Space Power." New Mexico has maintained a long and close relationship with the U.S. Air Force, and I am proud to congratulate the Air Force on its 60th anniversary.

New Mexico is home to Cannon, Holloman, and Kirtland Air Force Bases as well as the former Walker Air Force Base. We in New Mexico are honored and proud that so many Air Force officers and airmen, whose professionalism and dedication are unsurpassed, have called New Mexico home.

The fact that the Air Force is celebrating Air and Space Power is not lost on New Mexico, where work is done in both areas. Holloman will be a premier site of air power when the 49th Tactical Fighter Wing becomes home to the F-22A Raptor, the most advanced fighter in the world. Cannon is also undergoing changes and growth in the air power arena, as Air Force Special Operations Command stands up a new wing at Cannon on October 1. Kirtland continues to grow as home to much space work, including the Air Force Research Laboratory's Space Vehicle Directorate and the Operationally Responsive Space Office.

For the last 60 years, America has been protected by the greatest Air Force in the world. I salute the men and women of the Air Force and hope that on the Air Force's 60th anniversary, New Mexicans will take time to thank the officers and airmen who have served and honor the memory of those who have given their lives in our defense.

Mr. CRAPO. Mr. President, GEN H.H. "Hap" Arnold, USAF, once said, "A modern, autonomous, and thoroughly trained Air Force in being at all times will not alone be sufficient, but without it there can be no national security." It is in the name of our national security that today I recognize the U.S. Air Force's 60th anniversary.

One hundred years ago, Henry H. "Hap" Arnold graduated from the U.S. Military Academy. That same year, in August 1907, the U.S. Army Signal Corps established an aeronautical division to oversee "military ballooning, air machines and all kindred subjects." Arnold went on to become the Chief of the Army Air Corps, and 2 years after the creation of the U.S. Air Force as a separate branch of the military in 1947, 3 years after General Arnold's retirement, Congress appointed him to the rank of five star general in the Air Force—the first and only in its history.

The U.S. Air Force was created by Congress to "be organized, trained, and equipped primarily for prompt and sustained offensive and defensive air operations." "[It] shall be responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war." Today, on the anniversary of the National Security Act of 1947, we celebrate 60 years of an independent Air Force. This independence was necessary and critical and remains so in order that, in the recent words of MG Charles J. Dunlap, Jr., the United States has "one service that focuses on maximizing options for decision-makers by optimizing airpower."

The U.S. Air Force, comprised of close to 700,000 Active Duty, civilian, Air National Guard, and Air Force reservists, plays a vital and instrumental role in the ongoing fight against terrorism and other emerging threats on multiple fronts, from flying combat missions and conducting manned and unmanned surveillance to logistical ground support. Thirty-five thousand Air Force personnel are currently deployed to 120 duty stations worldwide, keeping freedom alive and the forces of tyranny at bay. Whether it is monitoring satellites in orbit or the space shuttle, delivering precision-guided munitions to air and ground targets or patrolling the far reaches of cyberspace, the USAF maintains strategic and operational dominance in theater and around the globe. Fighters, bombers, missiles, and unmanned aircraft are the unparalleled tools of today's airmen, tools they use with unmatched skill and lethal precision in defense of our freedom and liberties.

On a daily basis for over 4 years now, dozens of close air support missions—troop support, infrastructure protection, reconstruction activities and operations to deter and disrupt terrorist activities—are conducted by coalition forces in Iraq. The U.S. Air Force is responsible for the majority of these.

Sixty years of Air Force excellence and superiority has been possible only because of those who have voluntarily dedicated their lives to the success of U.S. air power. With the esteemed heritage of "Hap" Arnold and other distinguished and outstanding leaders in their hearts, the men and women of the USAF and their families serve our Nation with distinction, integrity, and patriotism. They approach their mission in the same spirit with which they swore their oath of allegiance: with a grave sense of duty, honor and bravery.

Idaho has been home to Mountain Home Air Force Base for over 60 years now. Over the past half century, Mountain Home AFB has hosted many diverse missions of the Air Force including special and covert operations, combat and reconnaissance operations, ballistic missile defense, electronic combat, and fighter operations. It is one of the largest employers in the State of Idaho.

The Gunfighters, as Mountain Home AFB personnel are known, deploy to fight terror in an integrated fashion, from the maintenance and piloting of F-15 Eagles, F-15E Strike Eagles, and F-16 Fighting Falcons to complementary support missions such as intelligence and communications. In the air campaign against the Taliban in Afghanistan, the Gunfighters flew almost 1,000 individual sorties.

In addition to executing its military mission, the Air Force recognizes its environmental responsibility to the communities in which it operates and has worked diligently over the years to be a good steward of Federal land in southern Idaho. I have worked with leadership at the base on many land management issues during my service in Congress. Further, the Air Force continues to respect Native-American cultural sensitivities and practices and works hard to do its part in maintaining a respectful relationship for the betterment of Shoshone-Paiute tribal interests as well as maintaining state of the art training for our airmen.

As a Nation, we are blessed to have such an outstanding, committed, and respectable military. The Air Force works intricately and effectively with the other military branches to skillfully execute the war on terror, specifically, but not limited to, military operations in Iraq and Afghanistan. Always innovative, the Air Force continues to look ahead, establishing itself as the dominant space defense force empowered and capable of facing new strategic global realities in an ever-changing global threat environment, ensuring its ability to respond to threats immediately and wherever they arise. Americans can be incredibly proud of and thankful for the sacrifice of their Air Force women and men worldwide. In the words of another famous former Chief of the Air Force, GEN Curtis LeMay, "If we maintain our faith in God, love of freedom, and superior global air power, the future looks good."

NEPAL'S FUTURE

Mr. LEAHY. Mr. President, there are times in virtually every country's history when years of underdevelopment and conflict give rise to opportunities to change course. Such times are rare, and such opportunities are too often missed.

I think of our Civil War, which caused so much loss of life and devastation. It preserved the Union, and it led to the emancipation of some 3 million African slaves. Nothing can diminish those achievements or the sacrifice of those who gave their lives. But instead of providing the former slaves with the equal rights to which they were entitled, until passage of the Civil Rights Act a century later African Americans suffered from racially discriminatory laws that kept them in an inferior status. The country remained bitterly divided because of it.

Nepal today faces its own historic choice.

For more than a decade, Nepal has been plagued by an internal armed conflict in which savage brutality was inflicted on impoverished civilians by Maoist insurgents and the Royal Nepal Army. Over 13,000 people died, mostly noncombatants, and virtually no one has been held accountable for those crimes.

For more than 2 centuries, Nepal has been a monarchy whose Kings, with rare exception, denied the rights and ignored the needs of their people who remain among the world's poorest. In February 2005, King Gyanendra, a narcissistic, arrogant autocrat, seized absolute power, jailed his opponents, and muzzled the press, only to relent in April 2006 in the face of mounting international pressure and the protests of thousands of courageous Nepali citizens.

Nepal's previous experiment with multiparty democracy during the 1990s had been disappointing. The leaders of the country's political parties distinguished themselves by amassing personal fortunes and doing little for the people.

But since the restoration of civilian government in April last year there has been impressive progress. A Comprehensive Peace Agreement was signed, Maoist combatants have gone into cantonments, the army has been confined to barracks, and the Maoists, until today, were part of the interim Government. The King has been stripped of all political power, although the ultimate fate of the monarchy has yet to be decided. The word "royal" has been eliminated from Government institutions, including the army. Elections for a Constituent Assembly to be held in June were postponed, but they have been rescheduled for November 22. The assembly is to draft a new constitution.

Also during this period, Nepal's ethnic minorities, women, and other groups who have long been persecuted and denied a voice have demanded equal rights and representation. This poses both challenges and opportunities for the Government.

The international community, including the United States, has supported the peace process directly and through our financial contributions to the United Nations which has performed key monitoring functions. Recently, the United States provided $3 million to purchase the ballots for the elections.

Much has transpired since April 2006, when I last spoke in this Chamber about political developments in Nepal. Today, just 65 days before Nepal's elections, I would like to address my brief remarks to the people of Nepal and to Nepal's political parties, including the Maoists.

On November 22, the people of Nepal will be presented with 1 of 2 options: They will either have a historic opportunity to create a legitimate, representative government which can only be achieved through a popular vote or they will be denied that opportunity. If the elections are held, Nepal will continue on a path that can bring its governmental institutions and its society into the modern age and begin to finally address the poverty and injustices that gave rise to the conflict. If they are denied, the Nepali people will likely see their country become more fragmented and ungovernable and more vulnerable to external influences over which they have little control.

Recent developments have been both encouraging and troubling. Perhaps that is to be expected in a country of multiple ethnic groups speaking some 93 languages that is struggling to transform itself.

The bombings in Kathmandu 3 weeks ago, other violent acts perpetrated by newly formed armed groups in the Terai and members of the Maoist young wing, the Young Communist League, and the Maoists decision to withdraw from the Government illustrate the fragility of the process.

Moreover, the leaders of the Congress parties and the Maoists have done little to prepare for the elections. At times, party members have seemed more interested in furthering their own personal ambitions and in derailing the electoral process altogether. The leading party of the left, the UML, has done more to prepare. But all parties will need to promptly step up their election activities if voters are to have the informed choice they deserve.

On the positive side, the Election Commission deserves credit for a voter registration process that has reached Nepal's remotest villages. There is no doubt that the people are eager to go to the polls, just as they were determined to put an end to the King's abuse of power.

Over the past 3 years, I have observed the fortitude of the Nepali people's desire for peace, for justice, and for a meaningful voice in government. Their desire is shared and admired by the American people.

To the Maoists, I would say that it was you who called for a Constituent Assembly. Saying you are committed to the democratic process at the same time that you withdraw from the Government, make new demands that contradict previous commitments, support disruptive economic strikes, and threaten to return to confrontation is not the way to earn the people's trust and support that are necessary to become an effective force for change. Nor is it the way to earn the trust of the United States.

I have campaigned for elective office five times over more than 30 years, and I know something about earning the people's trust and support. It does not come from dogmatic speeches or lofty party platforms or manifestos. It does not come from saying one thing and then doing the opposite. It certainly does not come through the use of violence, threats, and extortion. It comes by showing that you deserve the people's trust and support. There is no better way to begin that process than to seize this opportunity and show the people that you can make the government work for them.

History is replete with examples of armed groups that achieved popular legitimacy through the democratic process. If the Maoists win seats through free and fair elections, uphold the commitments they have made in the Comprehensive Peace Agreement and other agreements, and devote themselves to working for change peacefully, I am confident the United States will treat them as rightful members of the elected Constituent Assembly or of the Government. We may disagree with their positions on some issues but not about their right to serve in Government and to advocate for those positions.

I know the Maoists are looking to the United States to lift our restrictions on their party and its leaders and to remove them from our list of terrorist organizations. In order for that to happen, the Maoists need to take unequivocal, positive steps. The cases of the murdered Nepali security guards need to be satisfactorily resolved. The party's resumption of land seizures and the reopening of so-called people's courts are steps in the wrong direction.

To the other political parties in Government, I would say that it is time to make good on your commitments. Not only the Maoists but traditionally marginalized groups as well are increasingly skeptical that the Government is serious about delivering on its key commitments to the peace process, whether downsizing and reforming the army, supporting land reform, or creating jobs and opportunities for minority groups that have long been disadvantaged and ignored. While those groups should pursue their grievances through a vigorous election campaign, not through obstruction of the democratic process, the failure of the parties to govern and match rhetoric with action threatens the elections, as does the Maoists' saber rattling.

The leaders of Nepal's political parties know that the power of holding office comes with responsibilities, and the spotlight is on them. Lasting legitimacy comes not only through the ballot box but in the day-to-day ability to honor commitments and improve the lives of all citizens. This is their chance to put the Nepali people and their country first, by showing that they believe in effective, accountable government. If they do not, the United States, and I suspect many other countries, will no longer afford them the legitimacy they will need for our continued support.

Mr. President, Nepal's path to the future may be decided in the waning months of this year. Although a small country wedged between two emerging giants, Nepal is unique in more ways, more beautiful ways, than most other countries its size. Today, the United States—Congress and the Executive—are united in our desire to help Nepal become a democracy whose Government is representative of Nepal's remarkably diverse population and where the fundamental rights of all people are respected.

REPRESENTATIVE PIGNATELLI TAKES ON KATRINA

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend my friend and colleague in Massachusetts, State representative William Pignatelli, who represents the fourth Berkshire district. In addition to his tireless dedication to the people of western Massachusetts, Smitty, as we all call him, has also shown his extraordinary commitment to public service by going far above and beyond the call of duty to help people in New Orleans devastated by Hurricane Katrina.

During a trip to New Orleans last December, Smitty met Stanley Stewart and his family of 12, who had just moved into a FEMA trailer after 16 horrific months of suffering. The family had been rescued from the second-floor balcony of their home in the city after spending 2 days without food, water, and plumbing.

Distressed by the plight of Stanley and his family, Smitty decided to help them rebuild their home and has already made a number of trips to New Orleans to do what he can. Now he has decided to spend his fall vacation in New Orleans to finish the job. On September 30, he will be taking a group of volunteer builders from the Berkshires to New Orleans to do so. With these generous acts of kindness, Smitty has shown us extraordinary dedication to those less fortunate.

As my brother Robert F. Kennedy said, "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest of oppression and resistance."

I commend Smitty for the remarkable ripple of hope he is sending forth.

A recent article in the Berkshire Eagle describes this amazing chapter in Smitty's life. I believe the article will be of interest to all my colleagues in the Senate, and I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Berkshire Eagle, Sept. 3, 2007]

PIGNATELLI WILL TAKE ON KATRINA AGAIN

(By Derek Gentile)

LENOX.—State Rep. William "Smitty" Pignatelli admitted yesterday that he understands that he cannot repair all the problems that beset many of the folks in New Orleans affected by Hurricane Katrina.

But he and a group of contractor friends and constituents are going to try to fix a very small corner of that world.

Pignatelli and a small army of local builders will be heading down to New Orleans on Sept. 30 to repair and rebuild the home of New Orleans native Stanley Stewart, whose house was one of the tens of thousands of homes devastated by the 2005 hurricane.

"This is going to be the Berkshire County version of (the television show) 'Extreme Home Makeover,'" Pignatelli said.

This will be Pignatelli's fourth trip to New Orleans. He said he has been appalled by the damage he has seen.

"When you go down there, and see the damage that is still in evidence, you feel ashamed of the government responsible for this," he said.

But he is also heartened constantly by the way people from other parts of the country have come to try to help the survivors.

Pignatelli met Stewart, who lives in the lower ninth ward of New Orleans, last December, while on one of his first trips to the beleaguered city. Eventually, he learned that Stewart and his family lost their home in the hurricane and were living in a FEMA trailer "maybe a little bit bigger than my SUV," Pignatelli said.

Resolving to help the family, he has made several trips to New Orleans since with other builders, basically gutting the two-story home and preparing it for renovation. A few months ago, they put a roof on the house.

Now, he said, the volunteer force he assembled is ready to rebuild the rest of the structure.

"We're going to try to do it in seven days," he said.

The companies that are sending workers are Pignatelli Electric (run by brother Scott) and Don Fitzgerald Carpentry of Lenox; Comalli Electric, Cardillo Plumbing electrician Jim Sorrentino and Fabino Drywall of Pittsfield; Doug Trombley Windows and Moran Mechanical of Lee; and carpenter Dan Sartori of West Stockbridge.

In addition, Granite City Electric of Pittsfield donated much of the electrical equipment, Scott's Carpet One of Pittsfield donated the kitchen cabinets and bathroom vanities, and Pam Sandler Architects of Stockbridge donated the blueprint.

All are volunteers, Pignatelli said.

Pignatelli himself sent a letter to many of his supporters asking that, instead of giving to his annual Aug. 31 fundraiser, they donate to the project. To date, he has raised $25,000 for materials, lodging and transportation for the volunteer crew, he said.

"It's not often a politician puts aside political ambition like this," said one of his supporters, Rachel Fletcher of Great Barrington. "It's commendable."

Don Fitzgerald was one of the carpenters who went down the last time to help with the roof.

"I was on top of the roof, looking around at all the other houses in the neighborhood, and I thought, 'Man, these guys got whacked,'" he said.

He said he met Stewart, "and I want to help the guy. He's a good son of a gun."

As to whether or not the crew can finish the house in one week, Fitzgerald was confident.

"In a week? We're gonna kick the hell out of it," he said.

INCAN ARTIFACTS AGREEMENT

Mr. DODD. Mr. President, I rise today to commend Yale University and the Government of Peru on their agreement to settle a 6-year-long dispute over Incan artifacts.

Nearly 100 years ago, Yale history professor Hiram Bingham made a historic archeological discovery near the famed Incan city of Machu Picchu. His find, which included over 300 artifacts, featuring rare examples of jewelry and ceramic pottery, helped bring worldwide attention to the rich culture of the Incan peoples. For the past 95 years, these artifacts, which were claimed by the Peruvian Government, have been in the possession of Yale University.

The landmark agreement, reached on September 14, 2007, between Yale University and the Government of Peru, which includes the creation of a traveling international exhibition featuring these priceless historical artifacts, is a symbol of both parties' dedication to international cooperation and scholarship. I applaud Yale University and the Peruvian Government for finding a compromise that will allow scholars, students, and interested people from across the globe and from all walks of life to enjoy these splendid cultural artifacts for generations to come.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. MARTIN D. ABELOFF

• Mr. CARDIN. Mr. President, I wish to commemorate the life of Dr. Martin Abeloff, a leader in Maryland's health care community who passed away last Thursday, September 14, 2007. Our State and our Nation have lost a phenomenally gifted doctor who was also a pioneer in the fight against cancer. Tragically, his life was taken by the disease he dedicated his career to fighting.

Dr. Martin Abeloff was an internationally recognized oncologist who for 15 years led the Johns Hopkins Kimmel Cancer Center, one of America's premier cancer research and treatment centers.

During his tenure as cancer center director, Dr. Abeloff doubled the size of the center's facility, helped increase research funding sixfold, and expanded facilities to nearly 1 million square feet of treatment and research space. Under his leadership, some of the most salient findings in cancer genetics and cancer cell biology were realized and have begun to be translated into patient care.

Foremost a humanitarian, Dr. Abeloff was an activist who worked diligently to get clinical trials legislation passed in Maryland to ensure that cancer patients have access to state-of-the-art therapies. A staunch advocate for tobacco control, he led the Maryland Cigarette Restitution Fund initiatives at Johns Hopkins supporting research and cancer prevention outreach to benefit poor and underserved communities burdened by disproportionately high cancer death rates.

A trusted authority and adviser, Abeloff had served as president of the American Society of Clinical Oncology, ASCO, chairman of the FDA Oncology Drug Advisory Committee, and he had been a member of the National Cancer Institute Executive Committee.

He is remembered by his colleagues and friends across the globe for his characteristic humility, wry sense of humor, extraordinary devotion to his patients and students, and the collaborative spirit he nurtured in his long tenure at Johns Hopkins, where he spent most of his career.

Dr. Edward Miller, the CEO of Johns Hopkins Medicine, described Abeloff as an "iconic Hopkins physician, scientist, educator, leader, and good citizen rolled into one."

I wish to express my condolences to Dr. Abeloff's family and to the Johns Hopkins community, which will also miss him greatly. I ask my colleagues to join me in remembering him today.•

THE 50TH ANNIVERSARY OF EASTERN NEW MEXICO UNIVERSITY-ROSWELL

• Mr. DOMENICI. Mr. President, I wish to recognize Eastern New Mexico University-Roswell for reaching its gold anniversary of 50 years. When the branch was established 50 years ago, founders probably only dreamed it would still be thriving well into the 21st century.

ENMU–R started out as Roswell Community College, only offering night classes 50 years ago. Through the last half century, they have continued to grow and expand into an established branch of Eastern New Mexico University. Most recently, they have opened an expansive housing complex with dormitory rooms as well as apartments for students. The university branch is adding program offerings every year. To date, they offer 70 different certificate and associate degrees. ENMU–R continues to be a great place to learn and experience the college life.

To celebrate the anniversary, the university has planned several events throughout the fall. Events include free concerts, parades, festivals, and even a golf tournament, with the kick off event being a hot air balloon rally held in late August.

I join with ENMU-R in celebrating this momentous milestone. I look forward to at least 50 more years of providing quality education to thousands of students.•

• Mr. CHAMBLISS. Mr. President, I wish to encourage my colleagues to join Senator ISAKSON and me in support of the 2007 Senior League World Series Champions, the Senior League team of Cartersville, GA.

On August 18, 2007, the Senior League team from Cartersville, GA, defeated the defending World Series champions of Falcon, Venezuela, by a score of 9 to 0 after Chris Huth pitched a complete game one-hitter. This victory concluded their impressive season with a record of 30 wins and only 2 losses.

I would like to recognize the 14 young men of the Cartersville Senior League team individually for their great accomplishment: Garison Boston, Ben Bridges, Trey Dickson, Brad Green, Taylor Greene, Tyler Higgins, Chris Huth, Tyler Linn, Levi Mauldin, Colton Montgomery, Cole Payne, Zack Philliber, Hank Stewart, and Tyler Williams. Their manager Eric Stewart and coaches Jeff Payne and Mark Montgomery each deserve strong recognition for guiding these young players to victory.

Moreover, I would be remiss if I did not recognize the teachers and students of these young men's schools, the fans who represented their community, and the State of Georgia for their enthusiasm and support.

It is with great pride that I extend my heartfelt congratulations to the Cartersville Senior League team and their families. I am extremely proud of each of them and their accomplishments. I wish them great success in the future and urge my colleagues to join Senator ISAKSON and me in congratulating them on this great accomplishment.•

LOSS OF RAUL HILBERG

• Mr. SANDERS. Mr. President, the State of Vermont has lost one of its greatest scholars, Raul Hilberg. I wish to honor this remarkable man, the central figure in the founding and establishment of Holocaust studies, not just in the United States, but in the world. It is fitting that he was also a central contributor to the establishment and development of the U.S. Holocaust Museum.

So horrific were the events of the Holocaust that for many years scholars avoided the subject. Not Raul Hilberg. Born in Vienna, Austria, he and his family fled the Anschluss of Hitler and the Nazis to emigrate, first to Cuba, and ultimately to the United States. While in Cuba, he saw the fate of the S.S. St. Louis, a ship full of Jews who had fled Germany seeking asylum. The ship was denied permission to land in Havana, and only after a long voyage from port to port were its 936 Jewish passengers finally allowed to disembark in several European countries.

In the United States, Hilberg served in the Infantry of the U.S. Army. Upon his return to this country he did graduate work at Columbia University, where he received a Ph.D. under the tutelage of Franz Neumann. His doctoral thesis was on the Holocaust: he took careful and copious notes on Nazi documents seized by the U.S. Army, transcribing the information he uncovered on index cards. Then he sat at a small table in his parents' apartment and wrote his thesis on the basis of those cards. That thesis was the kernel of the greatest scholarly work ever written on the Holocaust.

In 1956, Raul Hilberg became an assistant professor of political science at the University of Vermont. He later became professor and chairman of that department. He remained at U.V.M. for the rest of his career until his retirement in 1991, despite many enticements to go to major research universities, sustained in his academic life by his friends Jay Gould, Stan Staron, and Sam Bogorad. He was a great teacher. One of his colleagues remembers attending his course on the Holocaust: "His words came out in perfectly structured paragraphs, eloquent with a quiet gravity, so compelling that every student in the class was transfixed from the moment Raul began speaking until the bell rang for the end of class."

In 1961, Raul Hilberg's magisterial "The Destruction of the European Jews" was published, but only after rejections from many publishers. Even Yad Vashem rejected the manuscript because some scholars disagreed with Hilberg's perspective. Thereafter revised and updated in succeeding editions, the book was then, and has remained, the most important, the most seminal, work on the Holocaust. It, more than any other scholarly work, was responsible for the creation of what we know today as the field of Holocaust Studies.

The great documentary filmmaker, Claude Lanzmann, spoke recently of his discovery of Hilberg's book, which occurred as he was considering making the film that was to become "Shoah." "It took me months to get through this formidable, magnificent, monstrous book. Hilberg was a man of details, and that is what I especially liked. The first time he appears in "Shoah" he says, 'All along, during my work, I never began with the big questions because I feared inadequate answers.'" Lanzmann continues, "He laid bare the implacable mechanism of what he held to be a bureaucratic process of destruction. From the moment the German bureaucracy made its object, it could only go all the way, as through carried by its own logic."

Hilberg published other important books, among them "Perpetrators, Victims, Bystanders" and a memoir, "The Politics of Memory." He edited "The Warsaw Diaries of Adam Czerniakov," which was translated by his colleague, Stanislaw Staron.

But he was not just a scholar in an archive. As one of the Senate's representatives on the U.S. Holocaust Memorial Council, I am very aware of his work in the public sphere, work which richly supplemented his great contributions as an academic scholar. An original member of the President's Commission on the Holocaust, Raul Hilberg, played a central role in the founding of the U.S. Holocaust Museum. He then served on the U.S. Holocaust Memorial Council from 1980 through 1988, and further served on the Museum's Academic Committee from its inception through 2005.

His friend, Michael Berenbaum recently wrote this about his involvement with our Nation's great memorial to the "Shoah": "For his work with the U.S. Holocaust Memorial Museum, Hilberg never once accepted remuneration, even when others were paid for their work. He was a consistent, gracious and insisting presence demanding the highest of standards of others and measuring up to them himself." In his honor, the museum has established the Raul Hilberg Scholarship.

For his great scholarly and public accomplishments, Raul Hilberg was named a Fellow of the American Academy of Arts and Sciences in 2005.

An enthralling and inspiring teacher, Raul Hilberg will be missed by many generations of students at the University of Vermont. The absence of his deep knowledge and unsparing honesty leaves the world of Holocaust studies bereft of its presiding genius. And his passing leaves a great loss in the lives of his wife, Gwendolyn and his children, David and Deborah.

Raul Hilberg's work, however, which so carefully details the bureaucracy of annihilation, will live on to serve as a constant reminder of the responsibilities that we have, as citizens and as individuals, for the sufferings of others.•

COMMEMORATING THE RETIREMENT OF HANCEL PORTERFIELD

• Mr. AKAKA. Mr. President, today I wish to congratulate Mr. Hancel Porterfield on his retirement from Federal service on September 30, 2007, as the Corrosion Prevention and Control Program Manager for the Marine Corps. Hank, as he is known, along with a handful of staff, has been instrumental in giving new direction and cohesion to the Marine Corps' efforts to combat corrosion. Since being hired as the first Program Manager for USMC CPAC, Mr. Porterfield has been instrumental in completely changing the direction of CPAC from a study program administered by the Naval Surface Warfare Command, NSWC, to a program serving the warfighter at the Marine Expeditionary Force, MEF, level.

Not only has Mr. Porterfield created a full service program with a workforce of 95 people from Camp Lejeune to Okinawa in just 3½ years, Mr. Porterfield also established a research and development arm to examine new products, procedures, and methods for reducing corrosion. Recently, I had occasion to participate in a ribbon-cutting ceremony for a U.S. Marines Corps corrosion prevention and control complex in Kaneohe Bay, HI, and had the privilege of meeting Mr. Porterfield in person. I was impressed by his dedication to duty and his service and leadership in launching the USMC CPAC Program.

I would like to express my deepest appreciation and warmest aloha to Mr. Porterfield. In government we all hope one person can make a difference. I think Mr. Porterfield is one person who has made a difference and leaves behind a legacy of success. Best wishes Hank for a long and enjoyable retirement.•

TRIBUTE TO COBB COUNTY, GEORGIA PUBLIC SAFETY PERSONNEL

• Mr. ISAKSON. Mr. President, on October 1, 2007, the Cobb Chamber of Commerce will hold its Public Safety Recognition Awards breakfast, and I wish to express my heartfelt gratitude and appreciation for all public safety personnel in my home county of Cobb.

Our public safety officers and personnel make the difference in ensuring that we are able to go about our daily routines, get a good night's sleep, and enjoy the many freedoms we have in our country today because we don't have to constantly fear for our well-being. For this, I believe I am representing not only my Cobb County constituents, but all Georgians when I say thank you to all of our public safety personnel.

Whether they are the dispatcher answering the telephone, an officer on the street, an undercover agent living in dirty and dangerous conditions to obtain needed information or an assistant at a desk, they all work as a team to keep me safe, my family safe, and Cobb County safe.

In addition to the daily requirements of basic safety, they go above and beyond by helping to educate our citizens and young people through special programs in schools, such as Partners in Education, and throughout the community to help fight crime and keep folks off drugs.

As we recently observed the sixth anniversary of the September 11 attacks on our Nation, we are reminded of the great lengths our public safety personnel and first responders go to in order to keep us safe. Cobb County's public safety personnel—our police, firefighters and emergency medical professionals—have answered the extraordinary call to serve their county and risk their lives to keep our community safe. They are America's first line of defense, and they are our true American heroes.•

CONGRATULATING THE CARTERSVILLE SENIOR LEAGUE TEAM

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD the Senior League team of Cartersville, GA, on their victory in the 2007 Senior League World Series.

These fine young men played outstanding baseball through the entire tournament, but in the World Series Championship game, they soared and played like true professionals. In their final game, Chris Huth pitched a complete game one-hitter and Cole Montgomery hit a three-run home run to lead their team to a dominating victory over the defending champion Falcon, Venezuela.

These are special young men: Garison Boston, Ben Bridges, Trey Dickson, Brad Green, Taylor Greene, Tyler Higgins, Chris Huth, Tyler Linn, Levi Mauldin, Colton Montgomery, Cole Payne, Zack Philliber, Hank Stewart, and Tyler Williams. The men have brought great pride to their State, great pride to their parents, and great pride to the great city of Cartersville, GA.

Their manager Eric Stewart and coaches Jeff Payne and Mark Montgomery each deserve strong recognition for guiding these young players to victory.

I am pleased to join Senator CHAMBLISS in acknowledging the great achievement of these young men and to extend my deepest congratulations to the 2007 Senior League World Series Champions, the Senior League team of Cartersville, GA.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:35 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 954. An act to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the "Percy Sutton Post Office Building".

H.R. 3218. An act to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as "Cal Ripken Way".

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1154. An act to award a Congressional Gold Medal to Michael Ellis DeBakey, M.D.

H.R. 1657. An act to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs.

H.R. 3527. An act to extend for two months the authorities of the Overseas Private Investment Corporation.

H.R. 3528. An act to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1657. An act to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON (for herself and Mr. KENNEDY):

S. 2059. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. DODD, and Mr. OBAMA):

S. 2060. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Mrs.

Clinton, Mr. Obama, Mrs. Boxer, Mr. Schumer, Ms. Cantwell, and Mr. Casey):

S. 2061. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. Reid, Ms. Murkowski, Mr. Inouye, Mr. Johnson, Ms. Cantwell, Mr. Tester, Mr. Bingaman, and Mr. Domenici):

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. CONRAD (for himself and Mr. Gregg):

S. 2063. A bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans; to the Committee on the Budget.

By Mr. DURBIN:

S. 2064. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 2065. A bill to provide assistance to community health coalitions to increase access to and improve the quality of health care services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 2066. A bill to establish nutrition and physical education standards for schools; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MARTINEZ (for himself, Mr. Burr, Mr. Lott, Mrs. Dole, Mr. Isakson, Mr. Bunning, and Mr. Cornyn):

S. 2067. A bill to amend the Federal Water Pollution Control Act relating to recreational vessels; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN:

S. Res. 319. A resolution expressing the sense of the Senate regarding the United States Transportation Command on its 20th anniversary; to the Committee on Armed Services.

By Mr. BIDEN (for himself, Mr. Lugar, and Mr. Cardin):

S. Res. 320. A resolution recognizing the achievements of the people of Ukraine in pursuit of freedom and democracy, and expressing the hope that the parliamentary elections on September 30, 2007, preserve and extend these gains and provide for a stable and representative government; to the Committee on Foreign Relations.

By Mr. ENZI (for himself, Mr. Nelson of Nebraska, Mr. Thune, Mr. Martinez, Mr. Domenici, Mr. Bingaman, Ms. Murkowski, Mr. Allard, Mr. Crapo, Mr. Isakson, Mr. Graham, Mr. Roberts, Mr. Tester, Mr. Salazar, Mr. Brownback, Mr. Brown, and Mrs. Lincoln):

S. Con. Res. 47. A concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 156

At the request of Mr. McCain, the name of the Senator from Mississippi (Mr. Lott) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 185

At the request of Mr. Leahy, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 338

At the request of Mr. Conrad, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 338, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 469

At the request of Mr. Baucus, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 573

At the request of Ms. Stabenow, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 626

At the request of Mr. Kennedy, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 638

At the request of Mr. Roberts, the name of the Senator from Louisiana (Mr. Vitter) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 819

At the request of Mr. Dorgan, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 911

At the request of Mr. Reed, the name of the Senator from Arkansas (Mr. Pryor) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 935

At the request of Mr. Nelson of Florida, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 988

At the request of Ms. Mikulski, the names of the Senator from California (Mrs. Boxer) and the Senator from Minnesota (Ms. Klobuchar) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1239

At the request of Mr. Rockefeller, the name of the Senator from Arkansas (Mr. Pryor) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1418

At the request of Mr. Dodd, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. Obama, the name of the Senator from Mississippi (Mr. Lott) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1459

At the request of Mr. Menendez, the name of the Senator from Maryland (Mr. Cardin) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1465

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices.

S. 1515

At the request of Mr. BIDEN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1518

At the request of Mr. REED, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1708

At the request of Mr. DODD, the names of the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1760

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1843

At the request of Mr. KENNEDY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1895

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1944

At the request of Mr. LAUTENBERG, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1984

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1984, a bill to strengthen immigration enforcement and border security and for other purposes.

S. 2049

At the request of Mr. KENNEDY, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2049, a bill to prohibit the implementation of policies to prohibit States from providing quality health coverage to children in need under the State Children's Health Insurance Program (SCHIP).

S. CON. RES. 45

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 45, a concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 315

At the request of Mr. CORNYN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 315, a resolution to express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

S. RES. 316

At the request of Mr. REED, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 316, a resolution designating the week of October 21 through October 27, 2007 as "National Childhood Lead Poisoning Prevention Week."

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2057

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 2057 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2072

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2072 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2074

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2074 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2313

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2313 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2335

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. CASEY), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 2335 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. DODD, and Mr. OBAMA):

S. 2060. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I am today introducing the Teachers at the Table Act of 2007. This bill is the Senate companion to legislation introduced in the House of Representatives earlier this year by Representative CAROLYN MCCARTHY of New York and Representative LEE TERRY of Nebraska. I am pleased this legislation is cosponsored by my colleagues, Senator JOSEPH LIEBERMAN of Connecticut, Senator BLANCHE LINCOLN of Arkansas, and Senator CHRISTOPHER DODD of Connecticut.

This legislation would create a Volunteer Teacher Advisory Committee to advise Congress and the Department of Education on the impact of No Child Left Behind, NCLB, on students, their families, and the classroom learning environment. The teachers serving on this Committee would be chosen from past or present state or national Teachers of the Year and would be competitively selected by the Secretary of Education and the majority and minority leaders of both the U.S. Senate and the House of Representatives.

Every year I travel to each of Wisconsin's 72 counties to hold a listening session to listen to Wisconsinites concerns and answer their questions. Since NCLB was enacted in early 2002, education has rated as one of the top issues brought up at my listening sessions. I have received feedback from constituents about the noble intentions of NCLB, but I have also heard about the multitude of implementation problems with the law's provisions. The feedback from teachers, parents, school administrators, and school board members has been invaluable over the past 5 years and yesterday, I introduced the Improving Student Testing Act of 2007 in response to some of that feedback.

The Teachers at the Table bill I am introducing today seeks to help ensure that Congress and the Department of Education receive high-quality yearly feedback on how NCLB is impacting classroom learning around the country. The teachers who will serve on the committee will be competitively chosen from past and present Teachers of the Year, who represent some of the best that teaching has to offer. The bill would create a committee of twenty teachers, with four selected by the Secretary of Education and four selected by each of the majority and minority leaders in the U.S. Senate and House of Representatives. These teachers would serve 2-year terms on the advisory committee and would work to prepare annual reports to Congress as well as quarterly updates on the law's implementation.

Every State and every school district is different and this legislation ensures that the teacher advisory committee will represent a wide range of viewpoints. The bill specifies that the volunteer teacher advisory committee should include teachers from diverse geographic areas, teachers who teach different grade levels, and teachers from a variety of specialty areas. Creating a diverse committee will help ensure that the committee presents a broad range of viewpoints on NCLB to Congress and the Department of Education.

Much work needs to be done this fall to reform many of the mandates of NCLB and I look forward to working with my colleagues during the reauthorization to make those necessary changes. One thing is certain—whatever form the reauthorized NCLB takes, there will be a need for consistent feedback from a diverse range of viewpoints.

We need to ensure that the voices of students, educators, parents, and administrators, who are on the frontlines of education reform in our country, are heard during the reauthorization of NCLB this fall and going forward during the reauthorized law's implementation in years to come. This bill seeks to help address that need by enlisting the service of some of America's best teachers in providing information to Federal education policymakers. The advisory committee created by this legislation will provide nationwide feedback and will allow Congress to hear about NCLB directly from those who deal with the law and its consequences on a daily basis.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. DODD, Mrs. CLINTON, Mr. OBAMA, Mrs. BOXER, Mr. SCHUMER, Ms. CANTWELL, and Mr. CASEY):

S. 2061. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have come to the floor, today, to introduce the Fair Home Health Care Act of 2007 to recognize the extraordinary value of the services that home health care workers perform. This legislation is in response to a Supreme Court decision in June that ruled that home care workers are not entitled to the protections provided by the Fair Labor Standards Act.

At the center of that case was a 73-year-old retiree named Evelyn Coke, who spent some two decades of her life cooking, bathing, feeding, and caring for the everyday medical needs of people who cannot take care of themselves. Today, Evelyn Coke suffers from kidney failure. But despite 20 years of working more than 40 hours a week, she can't afford a home health care worker to take care of her. She sued her employer for not paying time-and-a-half pay for all those hours that she worked overtime but was denied premium pay by way of compensation. Unfortunately, Evelyn Coke lost her case before the Court because of an outdated exemption to the Federal minimum wage and overtime laws.

In 1974, Congress expanded the Fair Labor Standards Act, FLSA, include protections for most domestic workers, such as chauffeurs and housekeepers. However, a narrow exemption was created for employees providing "companionship services" to seniors and people with disabilities. At that time, home care, like babysitting, was largely provided by neighbors and friends.

In the three decades since the exemption was created, the numbers of home care workers and their responsibilities have expanded dramatically as the population has aged and more and more people are choosing long-term health care services in their homes rather than in institutions. There are more than 1 million home care workers in the U.S. They provide physically and emotionally demanding and often life-sustaining care for the elderly and disabled still living in their own homes.

This bill brings together two issues that are very close to my heart—on the one hand, independent living and quality of life for seniors and people with disabilities, and, on the other hand, the basic rights of American workers to premium pay for overtime work. Service providers and the people they serve agree on this: no one is served well when home care workers are not paid a living wage. Home care workers deserve fair pay. Seniors and people with disabilities deserve continuous relationships with home care aides that they can trust to deliver the care that they need.

Last week, several constituents who provide these kinds of services came to my office. One man, Pete Faust, has worked in home care settings for 30 years. Pete makes $12 an hour and admits he has trouble making ends meet; the overtime pay he receives makes it possible to pay the bills. He knows that he could go work somewhere else and make twice as much, but he worries that it is hard on his clients not to see the same friendly familiar face on a regular basis.

Casey Cole is another of my constituents, and he is in a similar position. He works 12 days in a row, and then gets two days off. Often, however, there isn't anyone else to cover the shifts when he is off, so he will work 26 days in a row. Even his days off aren't really days off, because he's answering calls or checking in to make sure that all the people under his care are getting their needs met.

Not everyone is fortunate enough to have a Pete Faust or a Casey Cole to help them out. There is a shortage of qualified home care workers, and of there is high turnover in the field. Some 86 percent of direct care workers turn over every year. Almost 90 percent of homecare workers are women, and they are predominantly minority women, making an average of just $9 an hour.

The reason for the shortage of people to do this work is certainly not a shortage of compassion. The problem is that people need to be able to make a living wage when they have their own families to take care of. It is high time to grant these hard-working people the minimum wage and overtime protection. That is why I am introducing this legislation, today.

The Fair Home Health Care Act will include home care workers under the same rules that currently cover babysitters. That is to say, they will be entitled to Fair Labor Standards Act protections if they are not employed on a "casual basis." Casual basis is defined as employment on an irregular or intermittent basis, when the employee's primary vocation is not the provision of homecare, the employee is not employed by an agency other than the family or household using his or her services, and the employee does not work more than 20 hours per week.

I urge my colleagues to join me in cosponsoring this legislation. The bill will improve pay for hardworking caregivers, and it will increase access to care for our Nation's seniors and people with disabilities.

By Mr. DORGAN (for himself, Mr. REID, Ms. MURKOWSKI, Mr. INOUYE, Mr. JOHNSON, Ms. CANTWELL, Mr. TESTER, Mr. BINGAMAN, and Mr. DOMENICI):

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; to the Committee on Indian Affairs.

Mr. DORGAN. Mr. President, I am here today with my colleagues Senators REID, MURKOWSKI, INOUYE, JOHNSON, TESTER, DOMENICI and BINGAMAN to introduce legislation to reauthorize and amend the Native American Housing Assistance and Self-Determination Act, NAHASDA. This bill, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 will not only reauthorize the primary housing programs for Indian Country but it will enhance the crucial services provided under these programs.

The Native American Housing Assistance and Self-Determination Act provides formula-based block grant assistance to Indian tribes which allows them the flexibility to design housing programs to address the needs of their communities. Since its adoption in 1996, the Native American Housing Assistance and Self-Determination Act has transformed the way in which Indian housing is provided in the tribal communities. It is clear that the programs have been very successful. For example, in 2006, Tribes have been able to build, acquire, or substantially rehabilitate more than 1,600 rental units and more than 6,000 homeownership units. Each of these units became a home to an American Indian or Alaska Native family.

Even with these improvements, we are still facing a housing crisis in Indian Country. At the Senate Committee on Indian Affairs March and July hearings on Indian housing, we heard alarming statistics: 90,000 Indian families are homeless or under-housed. Approximately 40 percent of on-reservation housing is considered inadequate. Over one-third of Indian homes are overcrowded. More than 230,000 housing units are immediately needed to provide adequate housing in Indian Country.

Tribal elders in the Northern Plains are living in homes without roofs, with only tarps to shield them from the harsh elements including below-zero temperatures. Indian children across the country are forced to live in overcrowded conditions in homes with 23 other people or in trailers in the Northern Plains with wood stoves and no fresh drinking water. This is a national disgrace. How are children supposed to grow and learn in these conditions and how are communities supposed to thrive? This is particularly distressing given the fact that funding for Indian housing has decreased over the last several years, because it has not kept up with inflation and the rising cost of building materials.

The U.S. has a trust responsibility to provide housing for our First Americans. The bill my colleagues and I are introducing today will strengthen NAHASDA by providing tribes with increased flexibility, with the goal of producing more homes in Indian country. The amendments are incremental changes to current law. We realize that "one size does not fit all" in Indian housing. Housing needs in the Great Plains differ greatly from those in the southwest. This is why we retained the basic structure of the Indian Housing Block Grant Program, because through this block grant program, tribes and tribal housing entities are able to use the funds to serve their unique needs.

NAHASDA works and with the amendments we are proposing, it will continue to improve housing conditions for American Indians and Alaska Natives. Please allow me to highlight some of the major amendments we are proposing.

Title I of the bill would reauthorize the Indian housing block grant and amend the program to streamline reporting requirements. Title I will also allow Indian tribes to have increased flexibility in running their housing programs by allowing funds to be utilized for community buildings such as day-care centers, Laundromats, and multi-purpose community centers. Through housing we are not only building homes, but the hope is to also build communities.

Title II of the bill creates a new Self-Determined Housing Activities program under which grant recipients may use a portion of their funding to meet their distinct needs in a self-determined manner. This title also expands the list of activities that grant funds may be used for to include operation, maintenance and rehabilitation of rental and homeownership units, mold remediation and necessary infrastructure.

Title III of the bill authorizes a study to assess the existing data sources for determining the need for housing for funding purposes, while Title VI creates a new demonstration project to allow grant recipients to access vital economic development and infrastructure programs.

I am committed to finding ways to provide more homes in Indian Country. The Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 is an important and crucial step towards fulfilling this commitment. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.
Sec. 102. Indian housing plans.
Sec. 103. Review of plans.
Sec. 104. Treatment of program income and labor standards.
Sec. 105. Regulations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

Sec. 201. National objectives and eligible families.
Sec. 202. Eligible affordable housing activities.
Sec. 203. Program requirements.
Sec. 204. Low-income requirement and income targeting.
Sec. 205. Treatment of funds.
Sec. 206. Availability of records.
Sec. 207. Self-determined housing activities for tribal communities program.

TITLE III—ALLOCATION OF GRANT AMOUNTS

Sec. 301. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Sec. 401. Remedies for noncompliance.
Sec. 402. Monitoring of compliance.
Sec. 403. Performance reports.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

Sec. 501. Effect on Home Investment Partnerships Act.

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

Sec. 701. Training and technical assistance.

TITLE VIII—FUNDING

Sec. 801. Authorization of appropriations.
Sec. 802. Funding conforming amendments.

SEC. 2. CONGRESSIONAL FINDINGS.

Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking "should" each place it appears and inserting "shall".

SEC. 3. DEFINITIONS.

Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—

(1) by striking paragraph (22);

(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and

(3) by inserting after paragraph (7) the following:

"(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—

"(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—

"(i) is owned by an Indian tribe or a tribally designated housing entity;

"(ii) is necessary to the provision of housing in an Indian area; and

"(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;

"(II) would make housing more affordable, accessible, or practicable in an Indian area; or

"(III) would otherwise advance the purposes of this Act.

"(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).".

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "For each" and inserting the following:

"(1) IN GENERAL.—For each";

(ii) by striking "tribes to carry out affordable housing activities." and inserting the following: "tribes—

"(A) to carry out affordable housing activities under subtitle A of title II; and"; and

(iii) by adding at the end the following:

"(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title."; and

(B) in the second sentence, by striking "Under" and inserting the following:

"(2) PROVISION OF AMOUNTS.—Under";

(2) in subsection (g), by inserting "of this section and subtitle B of title II" after "subsection (h)"; and

(3) by adding at the end the following:

"(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—

"(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and

"(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

"(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).".

SEC. 102. INDIAN HOUSING PLANS.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) in subsection (a)(1)—

(A) by striking "(1)(A) for" and all that follows through the end of subparagraph (A) and inserting the following:

"(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or"; and

(B) in subparagraph (B), by striking "subsection (d)" and inserting "subsection (c)";

(2) by striking subsections (b) and (c) and inserting the following:

"(b) 1-YEAR PLAN REQUIREMENT.—

"(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—

"(A) be in such form as the Secretary may prescribe; and

"(B) contain the information described in paragraph (2).

"(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:

"(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—

"(i) the types of household to receive assistance;

"(ii) the types and levels of assistance to be provided;

"(iii) the number of units planned to be produced;

"(iv)(I) a description of any housing to be demolished or disposed of;

"(II) a timetable for the demolition or disposition; and

"(III) any other information required by the Secretary with respect to the demolition or disposition;

"(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

"(vi) outcomes anticipated to be achieved by the recipient.

"(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

"(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

"(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

"(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

"(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and

"(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.

"(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—

"(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

"(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;

"(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;

"(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;

"(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and

"(vi) a certification that the recipient will comply with section 104(b).";

(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and

(4) in subsection (d) (as redesignated by paragraph (3)), by striking "subsection (d)" and inserting "subsection (c)".

SEC. 103. REVIEW OF PLANS.

Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—

(1) in subsection (d)—

(A) in the first sentence—

(i) by striking "fiscal" each place it appears and inserting "tribal program"; and

(ii) by striking "(with respect to" and all that follows through "section 102(c))"; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

"(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—

"(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and

"(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).".

SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:

"(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.".

SEC. 105. REGULATIONS.

Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—

(1) in subparagraph (B)(i), by striking "The Secretary" and inserting "Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act, the Secretary"; and

(2) by adding at the end the following:

"(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—

"(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act; and

"(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 and any other Act to reauthorize this Act.

"(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.".

TITLE II—AFFORDABLE HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by inserting "and except with respect to loan guarantees under title VI," after "paragraphs (2) and (4),";

(2) in paragraph (2)—

(A) by striking the first sentence and inserting the following:

"(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance."; and

(B) in the second sentence, by striking "The Secretary" and inserting the following:

"(B) LIMITS.—The Secretary";

(3) in paragraph (3)—

(A) in the paragraph heading, by striking "NON-INDIAN" and inserting "ESSENTIAL"; and

(B) by striking "non-Indian family" and inserting "family"; and

(4) in paragraph (4)(A)(i), by inserting "or other unit of local government," after "county,".

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—

(1) in the matter preceding paragraph (1), by striking "to develop or to support" and inserting "to develop, operate, maintain, or support";

(2) in paragraph (2)—

(A) by striking "development of utilities" and inserting "development and rehabilitation of utilities, necessary infrastructure,"; and

(B) by inserting "mold remediation," after "energy efficiency,";

(3) in paragraph (4), by inserting "the costs of operation and maintenance of units developed with funds provided under this Act," after "rental assistance,"; and

(4) by adding at the end the following:

"(9) RESERVE ACCOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

"(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).".

SEC. 203. PROGRAM REQUIREMENTS.

Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:

"(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—

"(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

"(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

"(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.".

SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:

"(c) APPLICABILITY.—This section applies only to rental and homeownership units that are owned or operated by a recipient.".

SEC. 205. TREATMENT OF FUNDS.

The Native American Housing Assistance and Self-Determination Act of 1996 is amended by inserting after section 205 (25 U.S.C. 4135) the following:

"SEC. 206. TREATMENT OF FUNDS.

"Notwithstanding any other provision of law, tenant- and project-based rental assistance provided using funds made available under this Act shall not be considered to be Federal funds for purposes of section 42 of the Internal Revenue Code of 1986.".

SEC. 206. AVAILABILITY OF RECORDS.

Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting "applicants for employment, and of" after "records of".

SEC. 207. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

(1) by inserting after the title designation and heading the following:

"Subtitle A—General Block Grant Program"; and

(2) by adding at the end the following:

"Subtitle B—Self-Determined Housing Activities for Tribal Communities

"SEC. 231. PURPOSE.

"The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

"SEC. 232. PROGRAM AUTHORITY.

"(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

"(1) on behalf of which a grant is made under section 101;

"(2) that has complied with the requirements of section 102(b)(6); and

"(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—

"(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or

"(B) an independent financial audit prepared in accordance with generally accepted auditing principles.

"(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2008 through 2012, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.

"(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

"(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and

"(2) $2,000,000.

"SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.

"(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure to provide a benefit to families described in section 201(b)(1).

"(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.

"SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.

"(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—

"(1) the program under this subtitle; or

"(2) amounts made available in accordance with this subtitle.

"(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:

"(1) Section 101(c) (relating to local cooperation agreements).

"(2) Subsections (d) and (e) of section 101 (relating to tax exemption).

"(3) Section 101(j) (relating to Federal supply sources).

"(4) Section 101(k) (relating to tribal preference in employment and contracting).

"(5) Section 102(b)(4) (relating to certification of compliance).

"(6) Section 104 (relating to treatment of program income and labor standards).

"(7) Section 105 (relating to environmental review).

"(8) Section 201(b) (relating to eligible families).

"(9) Section 203(c) (relating to insurance coverage).

"(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).

"(11) Section 206 (relating to treatment of funds).

"(12) Section 209 (relating to noncompliance with affordable housing requirement).

"(13) Section 401 (relating to remedies for noncompliance).

"(14) Section 408 (relating to public availability of information).

"(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).

"SEC. 235. REVIEW AND REPORT.

"(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—

"(1) the housing constructed, acquired, or rehabilitated under the program;

"(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;

"(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and

"(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.

"(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—

"(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and

"(2) recommendations for—

"(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and

"(ii) the period for which such a prohibition should remain in effect; or

"(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

"(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.".

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—

(1) by inserting after the item for title II the following:

"Subtitle A—General Block Grant Program";

(2) by inserting after the item for section 205 the following:

"Sec. 206. Treatment of funds.";

and

(3) by inserting before the item for title III the following:

"Subtitle B—Self-Determined Housing Activities for Tribal Communities

"Sec. 231. Purposes.
"Sec. 232. Program authority.
"Sec. 233. Use of amounts for housing activities.
"Sec. 234. Inapplicability of other provisions.
"Sec. 235. Review and report.".

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. ALLOCATION FORMULA.

Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—

(1) in subsection (a)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) STUDY OF NEED DATA.—

"(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

"(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and

"(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended."; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

"(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or

"(ii) the unit is lost to the recipient by conveyance, demolition, or other means.

"(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

"(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

"(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—

"(i) delays in obtaining or the absence of title status reports;

"(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

"(iii) clouds on title due to probate or intestacy or other court proceedings; or

"(iv) any other legal impediment.".

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

SEC. 401. REMEDIES FOR NONCOMPLIANCE.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.".

SEC. 402. MONITORING OF COMPLIANCE.

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting "an appropriate level of" after "shall include".

SEC. 403. PERFORMANCE REPORTS.

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking "goals" and inserting "planned activities"; and

(B) by adding "and" after the semicolon at the end;

(2) in paragraph (3), by striking "; and" at the end and inserting a period; and

(3) by striking paragraph (4).

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

"SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.

"Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

"Sec. 509. Effect on HOME Investment Partnerships Act.".

TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

"SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.

"(a) AUTHORITY.—To the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

"(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

"(c) FINANCIAL SOUNDNESS.—

"(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

"(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

"(d) TERMS OF OBLIGATIONS.—

"(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

"(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

"(A) the period is more than 20 years; or

"(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

"(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

"(f) SECURITY AND REPAYMENT.—

"(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

"(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

"(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

"(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

"(2) FULL FAITH AND CREDIT.—

"(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

"(B) TREATMENT OF GUARANTEES.—

"(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

"(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

"(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, shall carry out training and information activities with respect to the guarantee program under this section.

"(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

"(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2008 through 2012.

"(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section such sums as are necessary for each of fiscal years 2008 through 2012.

"(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

"(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

"(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

"(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

"(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

"(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

"(i) REPORT.—Not later than 4 years after the date of enactment of this section, the

Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

"(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

"(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

"(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2012.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:

"Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.".

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 701. TRAINING AND TECHNICAL ASSISTANCE.

(a) DEFINITION OF INDIAN ORGANIZATION.—In this section, the term "Indian organization" means—

(1) an Indian organization representing the interests of Indian tribes, Indian housing authorities, and tribally designated housing entities throughout the United States;

(2) an organization registered as a nonprofit entity that is—

(A) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under section 501(a) of that Code;

(3) an organization with at least 30 years of experience in representing the housing interests of Indian tribes and tribal housing entities throughout the United States; and

(4) an organization that is governed by a Board of Directors composed entirely of individuals representing tribal housing entities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Housing and Urban Development, for transfer to an Indian organization selected by the Secretary of Housing and Urban Development, in consultation with Indian tribes, such sums as are necessary to provide training and technical assistance to Indian housing authorities and tribally-designated housing entities for each of fiscal years 2008 through 2012.

TITLE VIII—FUNDING

SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking "1998 through 2007" and inserting "2008 through 2012".

(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking "1997 through 2007" each place it appears and inserting "2008 through 2012".

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking "1997 through 2007" and inserting "2008 through 2012".

SEC. 802. FUNDING CONFORMING AMENDMENTS.

Chapter 97 of title 31, United States Code, is amended—

(1) by redesignating the first section 9703 (relating to managerial accountability and flexibility) as section 9703A;

(2) by moving the second section 9703 (relating to the Department of the Treasury Forfeiture Fund) so as to appear after section 9702; and

(3) in section 9703(a)(1) (relating to the Department of the Treasury Forfeiture Fund)—

(A) in subparagraph (I)—

(i) by striking "payment" and inserting "Payment"; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (J), by striking "payment" the first place it appears and inserting "Payment"; and

(C) by adding at the end the following:

"(K)(i) Payment to the designated tribal law enforcement, environmental, housing, or health entity for experts and consultants needed to clean up any area formerly used as a methamphetamine laboratory.

"(ii) For purposes of this subparagraph, for a methamphetamine laboratory that is located on private property, not more than 90 percent of the clean up costs may be paid under clause (i) only if the property owner—

"(I) did not have knowledge of the existence or operation of the laboratory before the commencement of the law enforcement action to close the laboratory; or

"(II) notified law enforcement not later than 24 hours after discovering the existence of the laboratory.".

By Mr. CONRAD (for himself and Mr. GREGG):

S. 2063. A bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans; to the Committee on the Budget.

Mr. CONRAD. Madam President, I rise today to introduce, along with Senator JUDD GREGG, the ranking member of the Senate Budget Committee, legislation we have called the Bipartisan Task Force for Responsible Fiscal Action. We are introducing this legislation because, as the chairman and ranking member of the Budget Committee, we understand that we are on an unsustainable fiscal course; that we confront a budgetary crisis of unprecedented proportions if we fail to act. That crisis will be caused by a combination of our current budget deficits and enormous Federal debt, combined with the explosion created by the baby boom generation.

Here is the outlook we confront with respect to the demographic tidal wave coming at us. We see, in 2007, we are at about 40 million people who are of retirement age, and that will grow to 80 million by 2050, dramatically changing the budget circumstance for this country.

We know we face enormous challenges with Medicare and Social Security. You can see the long-term cost of Medicare. The shortfall over 75 years is now estimated at $33.9 trillion. The shortfall in Social Security over that same period is $4.7 trillion. These are staggering amounts, a shortfall in Medicare of almost $34 trillion, a shortfall in Social Security of over $4.7 trillion.

Looked at another way, Medicare and Medicaid spending, according to experts, if it stays on the current course, will consume as much of our national economy as the entire Federal budget does today.

Let me repeat that. If the trend lines continue, by 2050 we will be spending as much, just on Medicare and Medicaid, of our national income as we spend for the entire Federal Government today. This fundamentally threatens the economic security of the country.

At the same time, we have tax cuts in place. they are extended, according to the President's proposal, it will drive us right over the cliff.

This chart shows the Medicare deficits in purple, the Social Security deficits in green, and the cost of extending the President's tax cuts in red. We can see the combined effect is to take us right over the fiscal cliff, deep into debt and deficit in a way that is unprecedented.

The Chairman of the Federal Reserve said this about our budget outlook in January:

> [O]ne might look at these projections and say, "Well, these are about 2030 and 2040 and so . . . we don't really have to start worrying about it yet." But, in fact, the longer we wait, the more severe, the more draconian, the more difficult . . . the adjustments are going to be. I think the right time to start is about 10 years ago.

The Chairman of the Federal Reserve has it right.

SENATOR GREGG and I are coming to our colleagues today and calling for this bipartisan task force for responsible fiscal action.

What would it do? Simply, it would be given the responsibility to address our unsustainable long-term imbalances between spending and revenue. Everything is on the table. The task force would consist of 16 members, 8 Democrats, 8 Republicans, all of them Members of Congress, except for 2 representing the administration. The Secretary of the Treasury would chair the task force. The obligation of this group would be to submit a report on December 9, 2008. It would take 12 of the 16 members to report a blueprint for our fiscal future. They would be given the responsibility to find ways to address the shortfall in Medicare and Social Security and the ongoing and endemic budget deficits. These 16 members, 8 Democrats, 8 Republicans, would have the opportunity and the responsibility to develop a plan for our fiscal future, but it would take 12 of the 16 to report a plan, and the plan would only come at the beginning of the next administration. This would not be part of election year politics. This would be part of a serious plan to address our long-term fiscal imbalances.

If 12 of the 16 agreed to a plan, it would then receive fast-track treatment in the Senate. It would come to a vote without amendment after 100 hours of debate. Final passage would require a supermajority, 60 votes in the Senate, 60 percent of the House of Representatives.

Senator GREGG and I have worked on this all year. We have discussed this with many Members in both the House and the Senate. This is our best judgment of how best to proceed. We believe this would give the Congress and the country an opportunity to write a better fiscal future, one that would strengthen America, reduce our dependence on foreign capital and put us in a position to keep the promise that has been made to the American people of a country that is strong and fair, that respects those in retirement and, at the same time, gives maximum opportunity to those working to strengthen their families and this country.

I thank my colleague Senator GREGG, the ranking member of the Budget Committee, for the extraordinary time and effort he has put into developing this proposal.

I ask unanimous consent to have printed comments in the RECORD about this proposal: Support for it from David Walker, the Comptroller General of the United States; support from the Concord Coalition, the bipartisan Concord Coalition that is well known for its support of a fiscally responsible future; and from the Committee for a Responsible Federal Budget.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONRAD/GREGG TASK FORCE

I would like to thank and commend Chairman Conrad and Senator Gregg for their leadership in connection with the issue of fiscal sustainability and intergenerational equity. As I have noted on numerous occasions, our nation is on an imprudent and unsustainable fiscal path. Tough choices are required in order to help ensue that our future is better than our past The sooner we make these choices the better because time is working against us.

During the past two years, I have traveled to 23 states as part of the Fiscal Wake-up Tour. During the Tour, it has become clear that the American people are starved for two things from their elected officials—truth and leadership. I am here today because Senators Conrad and Gregg are trying to address this need. I'm pleased to say that several other members on both sides of the political aisle and on both ends of Capitol Hill are taking steps to answer this call by proposing bills to accomplish similar objectives and by also putting "everything on the table."

I was especially pleased to see that the "Task Force" that would be created by Senator Conrad's and Gregg's legislation was informed by GAO's work on the key elements necessary for any task force or commission to be successful. For example, the commission would have a statutory basis, be bipartisan, involve leaders from both the executive and legislative branch, and would require a super-majority vote for any recommendations to be sent to the President and the Congress. As a result, the Conrad-Gregg proposal provides one potential means to achieve an objective we all should share—taking steps to make the tough choices necessary to Keep America Great, and to help make sure that our country's, children's and grandchildren's future is better than our past. Hopefully, this and other related bills will be given serious and timely consideration by the Congress and the President.

Thank you Senators Conrad and Gregg for your leadership and thank you for the opportunity to join the both of you today.

[From the Concord Coalition, Sept. 18, 2007]

CONCORD COALITION PRAISES SENATORS CONRAD AND GREGG FOR BIPARTISAN INITIATIVE TO ADDRESS LONG-TERM FISCAL IMBALANCE

WASHINGTON.—The Concord Coalition today praised Senate Budget Committee Chairman Kent Conrad (D-ND) and Ranking Member Judd Gregg (R-NH) for introducing legislation that would create a bipartisan commission charged with developing specific solutions to the nation's long-term fiscal imbalance.

"There is very little dispute that current fiscal policies are unsustainable. Yet, too few of our elected leaders in Washington are willing to acknowledge the seriousness of the long-term fiscal problem and even fewer are willing to put it on the political agenda. By focusing attention on this critical issue and insisting that it must be dealt with in a bipartisan manner, Senators Conrad and Gregg are setting a very positive example," said Concord Coalition Executive Director Robert L. Bixby.

Changing course to a more sustainable path will require hard choices, the active involvement of the American people and suspension of partisan trench warfare. Since the regular legislative process has been incapable of dealing with the impending fiscal crisis, a new bipartisan commission makes sense as a means of jump-starting serious action," Bixby said.

In Concord's view, several aspects of this proposal are promising:

First, the commission would have equal representation from Democrats and Republicans. It would thus be truly bipartisan—an essential element for success.

Second, the commission would have a broad mandate to address the overall fiscal imbalance, not just the actuarial imbalance of individual programs.

Third, there are no preconditions. If either side sets preconditions, the other side will not participate.

Fourth, the commission's recommendations would be given an up or down vote in Congress. Absent that, the report would likely join many others on a shelf.

"This proposal, and others like it that are now being put forward, are very welcome. Our experience with the Fiscal Wake-Up Tour is that the public is hungry for a nonpartisan dialogue on the long-term fiscal challenge. When presented with the facts, they appreciate that each of the realistic options comes with economic and political consequences that must be carefully weighed, and that there must be tradeoffs. This commission would help to clarify those tradeoffs and establish a process for resolving them," Bixby said.

[From the Committee for a Responsible Federal Budget, Sept. 18, 2007]

CRFB PRAISES BIPARTISAN TASK FORCE EFFORT

WASHINGTON, DC.—Today, the Committee for a Responsible Federal Budget applauded the effort by Senators Conrad and Gregg to form a Bipartisan Task Force on Responsible Fiscal Action.

"This is precisely the type of bipartisan collaboration we need to jumpstart the discussion of how to confront the nation's fiscal challenges," said Maya MacGuineas, President of the Committee for a Responsible Federal Budget. "Bringing together sitting Members of Congress and representatives from the Administration to discuss these daunting challenges and evaluate the options for reform is a critical first step. We applaud the effort to get this discussion underway and very much hope that it leads to the hard choices that are needed to rebalance the federal government's budget."

The task force would be made up of sixteen members. Seven would come from the House of Representatives (four appointed by the Speaker of the House and three appointed by the Minority Leader of the House); seven would come from the Senate (four appointed by the Majority Leader of the Senate and three appointed by the Minority Leader of the Senate); and two would come from the Administration (one of whom would be the Secretary of the Treasury, who would serve as the Chairman of the task force). The task force would review all areas of the budget including Social Security, Medicare, and taxes. The task force would be responsible for submitting a set of policy recommendations to improve the federal government's fiscal imbalances, which would then be considered by Congress on an expedited basis.

While the specific mission of the task force—to significantly improve the long-term fiscal balance of the federal government—is somewhat vague, it nonetheless represents an important effort to begin discussing these issues on a bipartisan basis with no preconditions regarding the policy options which can be considered. The Committee for a Responsible Budget supports the creation of a Bipartisan Task Force as an important first step to addressing the country's fiscal policy challenges.

Mr. CONRAD. Again, I recognize my colleague, the very able Senator from New Hampshire, the ranking member of the Senate Budget Committee.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Let me begin by thanking the chairman of the Budget Committee, Senator CONRAD, for moving forward with this important effort to try to reach a conclusion and progress on the most significant issue this Nation faces beyond our fight with Islamic terrorism. In the post-Katrina world, if the country knew that a category 5 hurricane was headed at us, we knew where it was going to hit, we knew the size of the hurricane, and we knew the damage it would do, the Government would be absolutely irresponsible not to respond to that.

What we have coming at us is a category 5 fiscal hurricane. We know when it is going to hit, and that is when the baby boom generation retires and begins to retire next year and reaches its peak in its retirement size by about the year 2025. We know the impact of the problem, the size of the problem, that there is $62 trillion of unfunded liability which will be generated by the retirement of the baby boom generation to pay for the benefits under Medicare, Medicaid, and Social Security.

To try to put that in context, that is more than the entire net worth of all of America—all our homes, cars, stocks, all our assets. That is how big this liability is. We know the effect of this category 5 fiscal hurricane because we know it is going to basically wipe out the ability of our children and our children's children to have as high a quality of life as we have had because the cost of paying for this fiscal tsunami will be so high.

We need to get on to the issue of trying to address this looming threat. As the Comptroller General said today, we have a category 5 hurricane headed at us and people are still playing on the beach as if the wave is not going to arrive. Well, the wave is going to arrive. So what the chairman of the Budget Committee has put forward today—and I am honored to have the opportunity to participate in this effort—is a proposal to move forward with substantive and definitive legislation which will result in action. That is what we need—action. It is similar to the old Fram oil filter ad: You can pay me now or you can pay me later. If we act now, the cost is going to be less than if we act later.

So this proposal, which has been put together after a lot of thought and effort on behalf of myself and Senator CONRAD, is basically built around three concepts. First, that there must be absolute bipartisanship. So as Senator CONRAD has outlined, the task force, when it meets, must have a three-fourths vote in favor of whatever proposal they bring forward. Secondly, everything has to be on the table. Nothing can be off. After all the discussion, in order for this to work, all these parts interplay with each other, you have to be willing to address not only reform and how you deliver better benefits at a lower cost under Medicare and Medicaid and better benefits at a reasonable cost under Social Security, but you also have to address the tax side of the ledger. So everything needs to be on the table. Third, that for this to work, there has to be an action-forcing mechanism. We have seen report after report, commission after commission. A lot of them have done excellent work. But on these issues, which are such hot buttons, what happens is, a commission will make a report, and all the interest groups will attack it from this side and that side and the next side. So this proposal is structured so there is an action-forcing event; specifically, fast-track approval which, again, has to be by a supermajority of the final report of the task force.

This truly is an opportunity to move forward to address this issue. Our failure to do so would be truly ironic because the problem which we confront as a nation, which I say is probably the single biggest issue after the war on Islamic terrorism, fighting the war against Islamic terrorism, is that this fiscal category 5 hurricane is headed toward us, which is essentially going to wipe out our children's opportunity to have a quality of lifestyle equal to ours, is totally the responsibility of the present generation who is governing, the baby boom generation. We are the generation of governance today. So before we pass our problem on to the next generation, we have a responsibility to address it and to try to improve the effort.

I know, as I look around this Chamber and at this administration, there are people of goodwill who, given the right structure, which this task force is, would be willing to come together, make the difficult decisions, and have the expertise to know how to make those decisions to move maybe not a complete resolution of these issues but a significant resolution of the issues down the road so the next generation does not have to bear the whole burden of resolving the problems. It is time to act.

I congratulate the chairman of the Budget Committee for being the force behind getting this effort going. It is a very positive initiative. I think it will be received very well on our side of the aisle. I believe strongly that the administration will receive it well. Therefore, I believe we have a great opportunity to move forward in a way which will make sure our children and their children have as good a country and as strong a country from the standpoint of fiscal policy as we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I again thank my colleague, Senator GREGG, who has been incredibly engaged in this effort. He is very fair-minded in the structure of this proposal and I think visionary in terms of understanding the need for action.

I say to my colleagues or staffs who may be listening, all those who recognize we are headed for a fiscal cliff and that we need to take action, this is our opportunity. This is it. Those who say we have to do something, here is our chance. This is completely bipartisan, eight Democrats, eight Republicans. It takes 12 of the 16 to make a report, a supermajority; that is, to assure it is bipartisan in result. This is a task force of Members of Congress and representatives of the administration, 14 Members of Congress, 2 representatives of the administration. It is not outside experts, people who would not be responsible or be held accountable for the outcome. These will be people who are accountable, who are responsible for the outcome. This is a measure that will lead to a vote.

I say to my colleagues, this will assure that the work of this group will come before the Congress if 12 of the 16 agree. Because if they do, there will then be 100 hours of debate but no amendment permitted, and there will be a vote up or down. Those who recognize it takes us working together to face up to these difficult problems, I ask them to join with us, Republicans and Democrats. Absent this, I suspect what will happen is further delay, further divisiveness, and no real result. That will mean even tougher choices in the future.

I urge my colleagues to think carefully of this moment. This will not be considered until after the election. We have done everything we can to take election politics out of this, understanding it is highly unlikely that a matter of this import would be considered in an election year and that perhaps the best opportunity is at the beginning of a new administration. None of us know whether the new administration will be a Republican or a Democratic administration. None of us can know the makeup of the next Congress. What we do know is we face a ticking timebomb. The faster we act, the better for our Nation.

Mr. GREGG. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. GREGG. I think the Senator made an excellent point that we are now in a Presidential election. This Commission is a gift to those candidates because they can come forward and point to this Commission as taking on some of the most complicated issues they are going to face. Because this timebomb—which is an appropriate description, using the Senator's words—is going to start to explode, and the explosion will be rather large during the term of the next Presidency.

So this is an opportunity to give those candidates for President a forum and a procedure where these issues, which are so critical to the success of the next Presidency, can actually be moved down the road toward resolution. Is that not true?

Mr. CONRAD. I thank the Senator. I had a number of my colleagues, as the Senator knows, come to me with great concern. Their concern was: Gee, you are putting the Presidential candidates in an awkward position. How are they going to react to this? My reaction was: This is a gift to all the Presidential candidates, this is a gift to the next administration because this will provide them a bipartisan blueprint on how to proceed with some of the most vexing issues facing this country.

So I see absolutely no downside for either side, Republican or Democratic—for Presidential candidates on either side or candidates for Congress on either side—because this is a process leading to a proposal that would have bipartisan support if it is to proceed.

If I were an incoming administration, I would welcome a bipartisan plan to deal with Social Security, with Medicare, with the growth of deficits and the debt, and not to have it come in the middle of an election but to only be presented after the election but before the next Congress meets and the next administration takes on its responsibilities.

I see it as not only a gift to the candidates but, more importantly, as a gift to the American people to take on some of the greatest challenges facing our country and to do it in a bipartisan way and to do it in a way that actually leads to a result and action.

Mr. GREGG. I once again congratulate the chairman of the Budget Committee for his exceptional leadership in this area. This is the first step in a bipartisan effort which, hopefully, will lead to a bipartisan solution that America will see as fair and which will pass on to our children a stronger and more vital Nation.

Thank you.

Mr. CONRAD. I again thank my colleague. This is the beginning of an effort. I ask colleagues on both sides, please, join us in this effort. Let's do what we all know must happen—that we must take on these issues, that we must come up with solutions, and we must do it sooner rather than later.

I thank my colleagues.

By Mr. DURBIN:

S. 2064. A bill to fund comprehensive programs to ensure an adequate supply of nurses; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, Americans depend on nurses to deliver quality patient care, yet our Nation faces a critical shortage of nurses. The U.S. Bureau of Labor Statistics projects that more than 1.2 million new and replacement nurses will be needed by 2014 to keep up with the aging Baby Boomer population and the increased demand for health care.

To avoid this dramatic shortage, we need to reach a significant and sustained increase in the number of nurses entering the workforce each year. We can do this by building on the current health care workforce. Nurses who advance from other health care positions are better prepared to meet the demands of the bedside because they are more aware of the work environment and ready to meet its unique challenges. They also require less time in orientation than new workers and represent a diverse population more representative of the patients being served.

Today, I am pleased to introduce legislation that will foster career ladders for current health care workers who are ready to upgrade their skills. Our health care system is an untapped resource in the effort to increase the supply of nurses. Many people in the health care workforce are in entry level jobs that don't always offer opportunities for advancement. For much of this population, advanced education is unaffordable and unattainable.

The Nurse Training and Retention Act offers incumbent health care workers realistic options to enhance their skills, advance their careers, and meet the growing demand for nurses. The legislation authorizes the Department of Labor to award grants to support training programs for health care workers. Health aides can use these programs to earn a certificate or degree in nursing. Nurses can upgrade their skills and qualifications so that they can serve as nurse faculty, which would help relieve the backlog of qualified applicants who aren't in nursing school because of the lack of faculty.

Programs administered by joint labor/management training partnerships have made great progress in the effort to educate and retain nurses. The proposed grant program builds on the good work these partnerships have done, and encourages further collaboration with colleges and universities. The combination of support at the workplace and collaboration with nursing schools to meet the needs of the non traditional student has led to strong performance by these students in nursing school. These new nurses have higher retention rates than other, more traditional students who do not have work experience in the field. Another benefit of the career ladder is that these collaborations are building a more diverse nursing workforce.

Another important player in this process is the employer. That is why my bill asks employers of incumbent health care workers to invest in the training programs. This completes the partnership, so that labor, employer, and the participating school are all working together to retain and grow the health care workforce we have today.

Nurses play an invaluable role in patient care in this country. Unless we do something today to improve the way we train and retain nurses, we face a severe shortage within the next decade. The Nurse Training and Retention Act can help us tap an overlooked resource by ensuring those who are in the health care industry have a chance to move up in their field, while expanding the supply of nurses and nurse faculty. I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nurse Training and Retention Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) America's healthcare system depends on an adequate supply of trained nurses to deliver quality patient care.

(2) Over the next 15 years, this shortage is expected to grow significantly. The Health Resources and Services Administration has projected that by 2020, there will be a shortage of nurses in every State and that overall only 64 percent of the demand for nurses will be satisfied, with a shortage of 1,016,900 nurses nationally.

(3) To avert such a shortage, today's network of healthcare workers should have access to education and support from their employers to participate in educational and training opportunities.

(4) With the appropriate education and support, incumbent healthcare workers and incumbent bedside nurses are untapped sources which can meet these needs and address the nursing shortage and provide quality care as the American population ages.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM.

(a) Purposes.—It is the purpose of this section to authorize grants to—

(1) address the projected shortage of nurses by funding comprehensive programs to create a career ladder to nursing (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses) for incumbent ancillary healthcare workers;

(2) increase the capacity for educating nurses by increasing both nurse faculty and clinical opportunities through collaborative programs between staff nurse organizations, healthcare providers, and accredited schools of nursing; and

(3) provide training programs through education and training organizations jointly administered by healthcare providers and healthcare labor organizations or other organizations representing staff nurses and frontline healthcare workers, working in collaboration with accredited schools of nursing and academic institutions.

(b) Grants.—Not later than 6 months after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the "Secretary") shall establish a partnership grant program to award grants to eligible entities to carry out comprehensive programs to provide education to nurses and create a pipeline to nursing for incumbent ancillary healthcare workers who wish to advance their careers, and to otherwise carry out the purposes of this section.

(c) Eligible Entities.—To be eligible to receive a grant under this section an entity shall—

(1) be—

(A) a healthcare entity that is jointly administered by a healthcare employer and a labor union representing the healthcare employees of the employer and that carries out activities using labor management training funds as provided for under section 302 of the Labor-Management Relations Act, 1947 (18 U.S.C. 186(c)(6));

(B) an entity that operates a training program that is jointly administered by—

(i) one or more healthcare providers or facilities, or a trade association of healthcare providers; and

(ii) one or more organizations which represent the interests of direct care healthcare workers or staff nurses and in which the direct care healthcare workers or staff nurses have direct input as to the leadership of the organization; or

(C) a State training partnership program that consist of non-profit organizations that include equal participation from industry, including public or private employers, and labor organizations including joint labor-management training programs, and which may include representatives from local governments, worker investment agency one-stop career centers, community based organizations, community colleges, and accredited schools of nursing; and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) ADDITIONAL REQUIREMENTS FOR HEALTHCARE EMPLOYER DESCRIBED IN SUBSECTION (C).—To be eligible for a grant under this section, a healthcare employer described in subsection (c) shall demonstrate—

(1) an established program within their facility to encourage the retention of existing nurses;

(2) it provides wages and benefits to its nurses that are competitive for its market or that have been collectively bargained with a labor organization; and

(3) support for programs funded under this section through 1 or more of the following:

(A) The provision of paid leave time and continued health coverage to incumbent healthcare workers to allow their participation in nursing career ladder programs, including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses.

(B) Contributions to a joint labor-management training fund which administers the program involved.

(C) The provision of paid release time, incentive compensation, or continued health coverage to staff nurses who desire to work full- or part-time in a faculty position.

(D) The provision of paid release time for staff nurses to enable them to obtain a Bachelor of Science in Nursing degree, other advanced nursing degrees, specialty training, or certification program.

(E) The payment of tuition assistance which is managed by a joint labor-management training fund or other jointly administered program.

(e) OTHER REQUIREMENTS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The Secretary may not make a grant under this section unless the applicant involved agrees, with respect to the costs to be incurred by the applicant in carrying out the program under the grant, to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities, or may be provided through the cash equivalent of paid release time provided to incumbent worker students.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind (including paid release time), fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(2) REQUIRED COLLABORATION.—Entities carrying out or overseeing programs carried out with assistance provided under this section shall demonstrate collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs or specialty training or certification programs.

(f) ACTIVITIES.—Amounts awarded to an entity under a grant under this section shall be used for the following:

(1) To carry out programs that provide education and training to establish nursing career ladders to educate incumbent healthcare workers to become nurses (including Certified Nurse Assistants, Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses). Such programs shall include one or more of the following:

(A) Preparing incumbent workers to return to the classroom through English as a second language education, GED education, pre-college counseling, college preparation classes, and support with entry level college classes that are a prerequisite to nursing.

(B) Providing tuition assistance with preference for dedicated cohort classes in community colleges, universities, accredited schools of nursing with supportive services including tutoring and counseling.

(C) Providing assistance in preparing for and meeting all nursing licensure tests and requirements.

(D) Carrying out orientation and mentorship programs that assist newly graduated nurses in adjusting to working at the bedside to ensure their retention post graduation, and ongoing programs to support nurse retention.

(E) Providing stipends for release time and continued healthcare coverage to enable incumbent healthcare workers to participate in these programs.

(2) To carry out programs that assist nurses in obtaining advanced degrees and completing specialty training or certification programs and to establish incentives for nurses to assume nurse faculty positions on a part-time or full-time basis. Such programs shall include one or more of the following:

(A) Increasing the pool of nurses with advanced degrees who are interested in teaching by funding programs that enable incumbent nurses to return to school.

(B) Establishing incentives for advanced degree bedside nurses who wish to teach in nursing programs so they can obtain a leave from their bedside position to assume a full- or part-time position as adjunct or full time faculty without the loss of salary or benefits.

(C) Collaboration with accredited schools of nursing which may include community colleges and other academic institutions providing Associate, Bachelor's, or advanced nursing degree programs, or specialty training or certification programs, for nurses to carry out innovative nursing programs which meet the needs of bedside nursing and healthcare providers.

(g) PREFERENCE.—In awarding grant under this section the Secretary shall give preference to programs that—

(1) provide for improving nurse retention;

(2) provide for improving the diversity of the new nurse graduates to reflect changes in the demographics of the patient population;

(3) provide for improving the quality of nursing education to improve patient care and safety;

(4) have demonstrated success in upgrading incumbent healthcare workers to become nurse or which have established effective programs or pilots to increase nurse faculty; or

(5) are modeled after or affiliated with such programs described in paragraph (4).

(h) EVALUATION.—

(1) PROGRAM EVALUATIONS.—An entity that receives a grant under this section shall annually evaluate, and submit to the Secretary a report on, the activities carried out under the grant and the outcomes of such activities. Such outcomes may include—

(A) an increased number of incumbent workers entering an accredited school of nursing and in the pipeline for nursing programs;

(B) an increasing number of graduating nurses and improved nurse graduation and licensure rates;

(C) improved nurse retention;

(D) an increase in the number of staff nurses at the healthcare facility involved;

(E) an increase in the number of nurses with advanced degrees in nursing;

(F) an increase in the number of nurse faculty;

(G) improved measures of patient quality (which may include staffing ratios of nurses, patient satisfaction rates, patient safety measures); and

(H) an increase in the diversity of new nurse graduates relative to the patient population.

(2) GENERAL REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall, using data and information from the reports received under paragraph (1), submit to Congress a report concerning the overall effectiveness of the grant program carried out under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 319—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED STATES TRANSPORTATION COMMAND ON ITS 20TH ANNIVERSARY

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 319

Whereas the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) revoked prohibitions on the consolidation of military transportation functions, and President Reagan subsequently ordered the establishment of a unified transportation command within the Armed Forces;

Whereas October 1, 2007, marks the 20th year anniversary of the activation of the United States Transportation Command at Scott Air Force Base, Illinois;

Whereas the United States Transportation Command consists of—

(1) the United States Transportation Command at Scott Air Force Base, Illinois;

(2) the Air Mobility Command at Scott Air Force Base, Illinois;

(3) the Military Sealift Command in Washington, District of Columbia; and

(4) the Military Surface Deployment and Distribution Command at Scott Air Force Base, Illinois;

Whereas Operation Desert Shield and Operation Desert Storm provided a wartime test for the United States Transportation Command, resulting in a command that is fully operational in both peacetime and wartime;

Whereas the United States Transportation Command has continued to prove its worth during United States contingency operations, such as Operation Desert Thunder (enforcing United Nations resolutions in Iraq) and Operation Allied Force (North Atlantic Treaty Organization operations against Serbia), and United States peacekeeping endeavors, such as Operation Restore Hope (in Somalia), Operation Support Hope (in Rwanda), Operation Uphold Democracy (in Haiti), Operation Joint Endeavor (in Bosnia-Herzegovina), and Operation Joint Guardian (in Kosovo);

Whereas the United States Transportation Command has also supported numerous humanitarian relief operations transporting relief supplies to victims of natural disasters at home and abroad;

Whereas the United States Transportation Command is a vital element in the war against terrorism, supporting the Armed Forces around the world;

Whereas since October 2001, the United States Transportation Command, and its components and national partners, have transported nearly 4,000,000 passengers, 9,000,000 short tons of cargo, and more than 4,000,000,000,000 gallons of fuel in support of the war on terrorism;

Whereas in 2003 the Secretary of Defense designated the Commander of the United States Transportation Command as Distribution Process Owner to serve as the single Department of Defense entity to "improve the overall efficiency and interoperability of distribution related activities—deployment, sustainment and redeployment support during peace and war";

Whereas the Quadrennial Defense Review of 2005 recognized the importance of joint mobility and the critical role that it plays in global power projection; cited the successful investment in cargo transportability, strategic lift, and pre-positioned stock; and called for continued recapitalization and modernization of the airlift and aerial tanker fleet; and

Whereas the assigned responsibilities of the United States Transportation Command include—

(1) providing common-user and commercial transportation, terminal management, and aerial refueling;

(2) providing global patient movement for the Department of Defense through the Defense Transportation System;

(3) serving as the Mobility Joint Force Provider; and

(4) serving as Distribution Process Owner for the Department of Defense: Now, therefore, be it

Resolved, That the Senate—

(1) honors the sacrifice and commitment of the 155,000 members of the Armed Forces (including the National Guard and Reserve) and civilian employees and contractors that comprise the United States Transportation Command and recognizes the debt of gratitude of the American people;

(2) honors the families of United States Transportation Command members and recognizes their sacrifices while their loved ones are deployed around the world; and

(3) recognizes the success of United States Transportation Command over the last 20 years and its continuing vital contributions to the war against terrorism.

SENATE RESOLUTION 320—RECOGNIZING THE ACHIEVEMENTS OF THE PEOPLE OF UKRAINE IN PURSUIT OF FREEDOM AND DEMOCRACY, AND EXPRESSING THE HOPE THAT THE PARLIAMENTARY ELECTIONS ON SEPTEMBER 30, 2007, PRESERVE AND EXTEND THESE GAINS AND PROVIDE FOR A STABLE AND REPRESENTATIVE GOVERNMENT

Mr. BIDEN (for himself, Mr. LUGAR, and Mr. CARDIN) submitted the following resolutin; which was referred to the Committee on Foreign Relations:

S. RES. 320

Whereas the people of Ukraine have overcome financial and political hardships to achieve a democratic system in which decisions have been reached without violence and through free and fair elections;

Whereas Ukraine has already conducted elections considered free, fair, and consistent with the principles of the Organization for Security and Cooperation in Europe on 2 previous occasions;

Whereas the people of Ukraine deserve an elected and representative government that can work together and pass legislation to improve the quality of life for all Ukrainians; and

Whereas the people of Ukraine have successfully established a growing free press, an increasingly independent judiciary, and a respect for human rights and the rule of law, which enhance freedom, stability, and prosperity: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the cooperation and friendship between the people of the United States and the people of Ukraine since the restoration of Ukraine's independence in 1991 and the natural affections of the millions of Americans whose ancestors emigrated from Ukraine;

(2) expresses the admiration of the American people for the ongoing success of the Ukranian people at removing violence from politics, for which Ukrainians should be proud, in particular the free and fair presidential elections of December 26, 2004, and the parliamentary elections of March 26, 2006;

(3) encourages the people of Ukraine to maintain the democratic successes of the Orange Revolution of 2004, and expresses the hope that the leaders of Ukraine will conduct the September 30, 2007, elections in keeping with the standards of the Organization for Security and Cooperation in Europe (OSCE), of which both the United States and Ukraine are participating states;

(4) urges the leaders and parties of Ukraine to overcome past differences and work together constructively to enhance the economic and political stability of the country that the people of Ukraine deserve; and

(5) pledges the continued assistance of the United States to the continued progress and further development of a free and representative democratic government in Ukraine based on the rule of law and the principle of human rights.

SENATE CONCURRENT RESOLUTION 47—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE AS AN INDEPENDENT MILITARY SERVICE

Mr. ENZI (for himself, Mr. NELSON of Nebraska, Mr. THUNE, Mr. MARTINEZ, Mr. DOMENICI, Mr. BINGAMAN, Ms. MURKOWSKI, Mr. ALLARD, Mr. CRAPO, Mr. ISAKSON, Mr. GRAHAM, Mr. ROBERTS, Mr. TESTER, Mr. SALAZAR, Mr. BROWNBACK, Mr. BROWN, and Mrs. LINCOLN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 47

Whereas President Harry S. Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for "all matters pertaining to military ballooning, air machines, and all kindred subjects";

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William "Billy" Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry "Hap" Arnold, James "Jimmy" H. Doolittle, and Edward "Eddie" Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. "Hap" Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James "Jimmy" H. Doolittle led 16 North American B-25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S. Truman supported organizing air power as an equal arm of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles "Chuck" Yeager piloted the X-1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who steadfastly sacrifice personal fortune and family comfort in order to serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B–58 Hustler and B–36 Peacemaker, and the Boeing B–47 Stratojet and B–52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in the Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a trustworthy steward of resources, developing and applying technology, managing professional acquisition programs, and maintaining exacting test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2887. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1124, to extend the District of Columbia College Access Act of 1999.

SA 2888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1124, supra.

SA 2889. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2890. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2891. Mr. DODD submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2892. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2893. Mr. BOND (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2894. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2895. Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, Mr. ROBERTS, Mr. SUNUNU, Ms. CANTWELL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2896. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2897. Mr. KENNEDY (for himself, Mr. BYRD, Ms. MIKULSKI, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2898. Mr. LEVIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2899. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2900. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2166 submitted by Mr. SMITH and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2901. Mr. SESSIONS (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2902. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2903. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2904. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2905. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2906. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2907. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2908. Mr. REID (for Mr. DOMENICI (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 558, to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

TEXT OF AMENDMENTS

SA 2887. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1124, to extend the District of Columbia College Access Act of 1999; as follows:

At the end of the bill, add the following:

SEC. 2. MEANS TESTING.

(a) IN GENERAL.—Section 3(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1324; Public Law 106–98) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) is from a family with a taxable annual income of less than $1,000,000.".

(b) CONFORMING AMENDMENT.—Section 5(c)(2) of the District of Columbia College Access Act of 1999 (113 Stat. 1328; Public Law 106–98) is amended by striking "through (F)" and inserting "through (G)".

SA 2888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1124, to extend the District of Columbia College Access Act of 1999; as follows:

At the end of the bill, add the following:

SEC. 2. NON-DISCRIMINATION FOR PRIVATE SCHOOL STUDENTS.

Section 6 of the District of Columbia College Access Act of 1999 (113 Stat. 1327; Public Law 106–98) is amended by adding at the end the following:

"(1) NON-DISCRIMINATION FOR PRIVATE SCHOOL STUDENTS.—In awarding grants under this Act to eligible institutions, the Mayor shall pay amounts, on behalf of eligible students, that are equivalent regardless of whether the students attend a public or private eligible institution.".

SA 2889. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construciton, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. UNIFORM STANDARDS FOR THE INTERROGATION OF INDIVIDUALS DETAINED BY THE GOVERNMENT OF THE UNITED STATES.

(a) IN GENERAL.—No individual in the custody or under the effective control of an officer or agent of the United States or detained in a facility operated by or on behalf of the Department of Defense, the Central Intelligence Agency, or any other agency of the Government of the United States shall be subject to any treatment or technique of interrogation not authorized by and listed in United States Army Field Manual 2–22.3, entitled "Human Intelligence Collector Operations".

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) CONSTRUCTION.—Nothing in this section may be construed to diminish the rights under the Constitution of the United States of any individual in the custody or within the physical jurisdiction of the Government of the United States.

(d) DEFINITION.—In this section, the term "officer or agent of the United States" includes any officer, employee, agent, contractor, or subcontractor acting for or on behalf of the United States.

SA 2890. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construciton, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

"§ 2410r. Multiyear procurement authority: purchase of synthetic fuels

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of synthetic fuels.

"(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines, on the basis of a business case prepared by the agency, that—

"(1) the proposed purchase of fuels under such contract is cost effective for the agency; and

"(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years.

"(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase synthetic fuels under the authority in subsection (a) unless the lifecycle greenhouse gas emissions from such fuels are not greater than the lifecycle greenhouse gas emissions from conventional petroleum-based fuels that are used in the same application.

"(d) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

"(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

"(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

"(B) is produced by chemical or physical transformation of domestic sources of energy.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

"2410r. Multiyear procurement authority: purchase of synthetic fuels.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations requiring the head of an agency initiating a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), to find that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of synthetic fuels as so authorized; and

(C) the technical risks associated with such technologies are not excessive.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made

with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

SA 2891. Mr. DODD submitted an amendment intended to be proposed to amendment SA 2011 proposed by MR. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. REDEPLOYMENT REQUIREMENTS AND SPENDING RESTRICTIONS RELATED TO MILITARY OPERATIONS IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is no military solution to the ongoing conflict in Iraq;

(2) the President should change direction in Iraq if he wants to find a solution to the conflict in that country; and

(3) the President should launch a new diplomatic offensive in order to promote reconciliation and stability in Iraq, by appointing a special envoy to engage Iraqi leaders, regional leaders, and international organizations, such as the United Nations and the Arab League.

(b) REDEPLOYMENT OF UNITED STATES COMBAT FORCES.—

(1) REDEPLOYMENT REQUIRED.—The Secretary of Defense shall begin the phased redeployment of members of the Armed Forces from Iraq not later than 30 days after the date of the enactment of this Act, and shall redeploy all such forces, except those who are essential for the limited purposes set forth in paragraph (3), by April 30, 2008.

(2) PROHIBITION ON FUNDING.—No funds may be used to support military operations of the United States in Iraq after April 30, 2008, except for the limited purposes set forth in paragraph (3).

(3) EXCEPTION FOR LIMITED PURPOSES.—The requirement to redeploy forces under paragraph (1) and the prohibition on funding under paragraph (2) do not apply to forces essential—

(A) to conduct targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations;

(B) to provide security for United States infrastructure and personnel; or

(C) to train and equip Iraqi security forces.

(c) ARMED FORCES READINESS.—Upon completion of the redeployment required under subsection (b), funds authorized to be appropriated by this title for Operation Iraqi Freedom may be available to be expended in accordance with the lists of program priorities or requirements not included in the President's proposed budget for fiscal year 2008 submitted to the Committees on Armed Forces of the Senate and the House of Representatives by the Chief of the National Guard Bureau, the Chief of Staff of the Army, the Commandant of the Marine Corps, the Chief of Staff of the Air Force, and the Chief of Naval Operations. Such amounts may not exceed—

(1) $1,000,000,000 for the National Guard Reserve Equipment Account;

(2) $10,288,000,000 for the Army;

(3) $3,189,600,000 for the Marine Corps;

(4) $16,943,600,000 for the Air Force; and

(5) $5,657,000,000 for the Navy.

(d) LIMITATION ON USE OF FUNDS IN EVENT OF FAILURE TO REDEPLOY FORCES.—Twenty-five percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 2008 for activities in Iraq may not be obligated or expended unless the number of members of the Armed Forces deployed in Iraq by January 31, 2008, is at least 50,000 fewer than the number so deployed as of September 12, 2007, unless the President certifies to the congressional defense committees that it is still possible to redeploy all such forces, except those who are essential for the limited purposes set forth in subsection (b)(3), by April 30, 2008.

(e) REPORT.—Not later than 60 days after the date of the enactment of this Act, and every 30 days thereafter until May 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the status of redeployment efforts under this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting funding for personal protective equipment or other equipment or materiel necessary for improving the safety of members of the Armed Forces.

SA 2892. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1234. INCLUSION OF INFORMATION ON ASYMMETRIC CAPABILITIES IN ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 113 note) is amended by adding at the end the following new paragraph:

"(9) Developments in asymmetric capabilities, including cyberwarfare, including—

"(A) detailed analyses of the countries targeted;

"(B) the specific vulnerabilities targeted in these countries;

"(C) the tactical and strategic effects sought by developing threats to such targets; and

"(D) an appendix detailing specific examples of tests and development of these asymmetric capabilities.".

SA 2893. Mr. BOND (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the "National Guard Empowerment Act of 2007".

SEC. 1602. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(2) PURPOSE.—Subsection (b) of such section is amended by striking "between" and all that follows and inserting "between—

"(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands of the United States, and (B) the Department of the Army and the Department of the Air Force; and

"(2) the several States.".

(b) ENHANCEMENTS OF POSITION OF CHIEF OF NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting "to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff," after "principal adviser".

(2) GRADE.—Subsection (d) of such section is amended by striking "lieutenant general" and inserting "general".

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

"(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

"(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

"(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.".

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.".

(2) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

"(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

"(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

"(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

"(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

"(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

"(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

"(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

"(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

"(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

"(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

"(c) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.".

(3) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

"(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

"(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

"(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

"(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.".

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of title 10, United States Code, is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

"10503. Functions of National Guard Bureau: charter.
"10503a. Functions of National Guard Bureau: military assistance to civil authorities.".

(B) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

"10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.".

SEC. 1603. PROMOTION OF ELIGIBLE RESERVE OFFICERS TO LIEUTENANT GENERAL AND VICE ADMIRAL GRADES ON THE ACTIVE-DUTY LIST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers of the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) PROPOSAL.—The Secretary of Defense shall submit to Congress a proposal for mechanisms to achieve the objective specified in subsection (a). The proposal shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in order to achieve that objective.

(c) NOTICE ACCOMPANYING NOMINATIONS.—The President shall include with each nomination of an officer to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active-duty list that is submitted to the Senate for consideration a certification that all reserve officers who were eligible for consideration for promotion to such grade were considered in the making of such nomination.

SEC. 1604. PROMOTION OF RESERVE OFFICERS TO LIEUTENANT GENERAL GRADE.

(a) TREATMENT OF SERVICE AS ADJUTANT GENERAL AS JOINT DUTY EXPERIENCE.—

(1) DIRECTORS OF ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of subparagraph (B)(ii).".

(2) OTHER OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of promotion.

(b) REPORTS ON PROMOTION OF RESERVE MAJOR GENERALS TO LIEUTENANT GENERAL GRADE.—

(1) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Air Force shall each conduct a review of the promotion practices of the military department concerned in order to identify and assess the practices of such military department in the promotion of reserve officers from major general grade to lieutenant general grade.

(2) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the review conducted by such official under paragraph (1). Each report shall set forth—

(A) the results of such review; and

(B) a description of the actions intended to be taken by such official to encourage and facilitate the promotion of additional reserve officers from major general grade to lieutenant general grade.

SEC. 1605. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—A position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SEC. 1606. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard

personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1607. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Each report under this section concerning equipment of the National Guard shall also include the following:

"(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

"(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

"(A) for which funds were appropriated;

"(B) which was due to be procured for the National Guard during that fiscal year; and

"(C) which has not been received by a National Guard unit as of the close of that fiscal year.".

SA 2894. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. ASSESSMENTS OF SPONSOR PROGRAMS AT THE MILITARY SERVICE ACADEMIES.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees an assessment of the sponsor program at each military service academy of such military department together with a copy of the policy of the academy with respect to such program.

(b) CONTENT.—Each assessment submitted under subsection (a) shall describe—

(1) the purpose of the policy regarding the sponsor program at the academy;

(2) the implementation of the policy;

(3) the method used to screen potential sponsors;

(4) the responsibilities of sponsors;

(5) the guidance provided to midshipmen and cadets regarding the sponsor program; and

(6) any recommendations for change in the sponsor program.

SA 2895. Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, Mr. ROBERTS, Mr. SUNUNU, Ms. CANTWELL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE REPLACEMENT OF THE TANKER AIRCRAFT FLEET.

It is the sense of Congress that timely replacement of the Air Force aerial refueling tanker fleet in a manner that achieves the best value for the taxpayer is a vital national security priority for the reasons as follows:

(1) The average age of the aircraft in the Air Force aerial refueling tanker fleet is now more than 43 years, with the age of the aircraft in the KC–135 tanker fleet averaging 46 years.

(2) The development and fielding of a replacement tanker aircraft will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(3) Under current plans, it will take more than 30 years to replace the current fleet of KC–135 tanker aircraft, meaning that some KC–135 tanker aircraft are scheduled to remain operational until they are nearly 80 years old.

SA 2896. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. PROHIBITION ON USE OF FUNDS FOR CRUEL, INHUMAN, AND DEGRADING TREATMENT AND PUNISHMENT.

(a) PROHIBITION ON USE OF FUNDS FOR CRUEL, INHUMAN, AND DEGRADING TREATMENT AND PUNISHMENT.—No funds authorized to be appropriated by this Act may be used in contravention of the following laws enacted or regulations prescribed to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations;

(3) Sections 1002 and 1003 of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note; 42 U.S.C. 2000dd).

(b) PROHIBITION ON USE OF FUNDS FOR EXTRAORDINARY RENDITIONS.—No funds authorized to be appropriated by this Act may be used for any transfer (commonly referred to as an "extraordinary rendition") of any person who is imprisoned, detained, or held, or otherwise in the custody or control of a department, agency, or official of the United States Government, or any contractor of a department or agency of the United States Government, to a country where there are substantial grounds for believing that such person would subjected to torture.

SA 2897. Mr. KENNEDY (for himself, Mr. BYRD, Ms. MIKULSKI, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 354, after line 24, add the following:

SEC. 1070. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Pathology Center located at the National Naval Medical Center in Bethesda, Maryland, that shall function as the reference center in pathology for the Department of Defense.

(b) SERVICES.—The Joint Pathology Center shall provide, at a minimum, the following services:

(1) Diagnostic pathology consultation in medicine, dentistry, and veterinary sciences (including consultation services for patients who are civilians, veterans, or active duty military personnel).

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

(4) Maintenance and continued modernization of the Tissue Repository and, as appropriate, utilization of such Repository in conducting the activities described in paragraphs (1) through (3).

SA 2898. Mr. LEVIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 90 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION ALONG WITH A COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented along with a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Special Representative to the United Nations to use the voice, vote, and influence of the United States to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by not later than nine months after the date of the enactment of this Act.

SA 2899. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves because of a mental or physical disability in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service; and

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the employee's giving of care under the designation of the employee as a caregiver.

(5) COVERAGE OF FEDERAL EMPLOYEES NOT UNDER THE FEDERAL ANNUAL- AND SICK-LEAVE SYSTEM.—The program developed by the Office of Personnel Management under paragraph (2) shall also authorize employees of the executive branch who are not employees referred to in paragraph (1)(C) to use sick leave, or any other leave available to the employee, during a covered period of service for purposes relating to, or resulting from, the employee's giving of care under the designation of the employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2009.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves because of mental or physical disability in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the employee's giving of care under the designation of the employee as a caregiver.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing business entity; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the employee's giving of care under the designation of the employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2009.

(c) GAO REPORT.—Not later than March 31, 2009, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by $2,000,000.

SA 2900. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2166 submitted by Mr. SMITH and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 20 of the amendment, after line 12, insert the following:

(m) LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.—

(1) SHORT TITLE.—This subsection may be cited as the "Stop Business with Terrorists Act of 2007".

(2) DEFINITIONS.—In this subsection:

(A) ENTITY.—The term "entity" means a partnership, association, trust, joint venture, corporation, or other organization.

(B) PARENT COMPANY.—The term "parent company" means an entity that is a United States person and—

(i) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(ii) board members or employees of the entity hold a majority of board seats of another entity; or

(iii) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(C) UNITED STATES PERSON.—The term "United States person" means—

(i) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(ii) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in clause (i) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

(3) LIABILITY OF PARENT COMPANIES.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(4) APPLICABILITY.—Paragraph (3) shall not apply to a parent company of an entity on which the President imposed a penalty for a violation described in paragraph (3) that was in effect on the date of the enactment of this Act if the parent company divests or terminates its business with such entity not later than 90 days after such date of enactment.

SA 2901. Mr. SESSIONS (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. M4 CARBINE RIFLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) In recent months, government testing and surveys of commercially available small arms have identified alternative riles and carbines that, like the M4 carbine, meet or exceed existing performance and maintenance requirements for the Armed Forces.

(6) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should establish a new program of record for the Joint Enhanced Carbine not later than October 1, 2008.

(c) REPORT ON CAPABILITIES BASED ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(6).

(d) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on best weapon performance in light of the capabilities identified to be required in the Capabilities Based Assessment.

(e) REPORT ON CLASSIFICATION AS JOINT ENHANCED CARBINE.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a Joint Enhanced Carbine requirement that does not require commonality with existing technical data.

(2) The award of contracts for all available nondevelopmental carbines in accordance with the Joint Enhanced Carbine requirement.

(3) The reclassification, effective August 1, 2008, of funds for M4 Carbines to Joint Enhanced Carbines authorized only as the result of competition.

(4) The use of rapid equipping authority to procure weapons under $2,000 per unit using contracts for nondevelopmental items that are awarded through full and open competition.

SA 2902. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, modify the Certificate of Release or Discharge from Active Duty (Department of Defense from DD214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to elect the forwarding of the Certificate to the following:

(1) The Central Office of the Department of Veterans Affairs in Washington, District of Columbia.

(2) The appropriate office of the United States Department of Veterans in the State in which the member will first reside after such discharge or release.

SA 2903. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 536. ENHANCEMENT OF REVERSE SOLDIER READINESS PROCESSING DEMOBILIZATION PROCEDURE.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly modify the demobilization procedure for members of the Armed Forces known as Reverse Soldier Readiness Processing by providing for the presence of appropriate Department of Veterans Affairs personnel during such demobilization procedure in order to achieve the following:

(1) The voluntary registration of members of the Armed Forces covered by such procedure in applicable systems of the Department of Veterans Affairs.

(2) The voluntary registration of members of the Armed Forces covered by such procedure for applicable benefits and services from the Department of Veterans Affairs.

(3) The provision of information to members of the Armed Forces covered by such procedure on the benefits and services available to veterans from or through the Department of Veterans Affairs.

SA 2904. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ELECTRONIC DISTRIBUTION OF MEDICAL AND OTHER PERSONNEL RECORDS TO MEMBERS OF THE ARMED FORCES UPON THEIR DISCHARGE OR RELEASE FROM THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a policy, to apply uniformly across the military departments, for the distribution and transfer to members of the Armed Forces of their medical and other personnel records in CD-ROM or other appropriate electronic format at the following times:

(1) Upon the discharge or release of such members from the Armed Forces.

(2) In the case of members of the National Guard or Reserve, upon the deactivation or demobilization of such members after a period on active duty in the Armed Forces of more than 30 days.

(b) PRIVACY AND OTHER APPLICABLE REQUIREMENTS.—The policy required by subsection (a) shall ensure the privacy, security, and protection of medical and other personnel records distributed and transferred pursuant to the policy in a manner consistent with applicable law.

SA 2905. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

On page 114, between lines 4 and 5, insert the following:

SEC. 583. PILOT PROGRAM ON MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing grants to eligible entities to create comprehensive soldier and family preparedness and reintegration outreach programs for members of the Armed Forces and their families to further the purposes described in section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act.

(2) COORDINATION.—In carrying out the pilot program, the Secretary shall—

(A) coordinate with the Department of Defense Military Family Readiness Council (established under section 1781a of title, United States Code, as added by section 581 of this Act); and

(B) consult with the Secretary of Veterans Affairs.

(3) DESIGNATION.—The pilot program established pursuant to paragraph (1) shall be known as the "National Military Family Readiness and Servicemember Reintegration Outreach Program" (in this section referred to as "the pilot program").

(b) GRANTS.—The Secretary shall carry out the pilot program through the award of grants to eligible entities for the provision of outreach services to members of the Armed Forces and their families as described in subsection (a).

(c) ELIGIBLE ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

(1) An Adjutant General of a State or territory of the United States.

(2) A medical center of a Veterans Integrated Service Network (VISN).

(3) A State veterans affairs agency.

(4) A family support group for regular members of the Armed Forces or for members of the National Guard or Reserve, if such organization partners with an entity described in paragraphs (1) through (3).

(5) An organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code, if such organization partners with an entity described in paragraphs (1) through (3).

(6) A State or local nonprofit organization, if such organization partners with an entity described in paragraphs (1) through (3).

(d) USE OF GRANT FUNDS.—

(1) IN GENERAL.—Recipients of grants under the pilot program shall develop programs of outreach to members of the Armed Forces and their family members to educate such members and their family members about the assistance and services available to them that meet the purposes of section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act, and to assist such members and their family members in obtaining such assistance and services. Such assistance and services may include the following:

(A) Marriage counseling.

(B) Services for children.

(C) Suicide prevention.

(D) Substance abuse awareness and treatment.

(E) Mental health awareness and treatment.

(F) Financial counseling.

(G) Anger management counseling.

(H) Domestic violence awareness and prevention.

(I) Employment assistance.

(J) Development of strategies for living with a member of the Armed Forces with post traumatic stress disorder or traumatic brain injury.

(K) Other services that may be appropriate to address the unique needs of members of the Armed Forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

(L) Assisting members of the Armed Forces and their families find and receive assistance with military family readiness and servicemember reintegration, including referral services.

(M) Development of strategies and programs that recognize the need for long-term follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

(N) Assisting members of the Armed Forces and their families in receiving services and assistance from the Department of Veterans Affairs, including referral services.

(2) PROVISION OF OUTREACH SERVICES.—A recipient of a grant under this section shall carry out programs of outreach in accordance with paragraph (1) to members of the Armed Forces and their families before, during, between, and after deployment of such members of the Armed Forces.

(e) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—An application submitted under subparagraph (A) shall include such elements as the Secretary considers appropriate.

(3) PRIORITY.—In selecting eligible entities to receive grants under the pilot program, the Secretary shall give priority to eligible entities that propose programs with a focus on personal outreach to members of the Armed Forces and their families by trained staff (with preference given to veterans and, in particular, veterans of combat) conducted in person.

(f) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 may be available to carry out this section.

SA 2906. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF FIRE RESISTANT RAYON FIBER MANUFACTURED IN AUSTRIA FOR UNIFORMS.

Section 2533a(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Fire resistant rayon fiber manufactured in Austria for use in the production of uniforms, unless fire resistant rayon fiber for such use is produced in the United States.".

SA 2907. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. FIRE RESISTANT RAYON FIBER FOR UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORIZED SOURCES.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following:

"§ 2410r. Foreign manufactured fire resistant rayon fiber for uniforms: procurement

"(a) AUTHORITY.—The Secretary of Defense may procure fire resistant rayon fiber manufactured in a foreign country referred to in subsection (b) for use in the production of uniforms.

"(b) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

"(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

"(2) permits United States firms that manufacture fire resistant rayon fiber to compete with foreign firms for the sale of fire resistant rayon fiber in that country, as determined by the Secretary of Defense.

"(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

"(d) DEFINITIONS.—In this section, the terms 'United States firm' and 'foreign firm' have the meanings given such terms in section 2532(d) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following new item:

"2410r. Foreign manufactured fire resistant rayon fiber for uniforms: procurement".

SA 2908. Mr. REID (for Mr. DOMENICI (for himself and Mr. KENNEDY)) proposed an amendment to the bill S. 558, to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health Parity Act of 2007".

SEC. 2. MENTAL HEALTH PARITY.

(a) AMENDMENTS OF ERISA.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 712 (29 U.S.C. 1185a) the following:

"SEC. 712A. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

"(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

"(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

"(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and complies with the requirements of subsection (a), such plan or coverage shall not be prohibited from—

"(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

"(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; and

"(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

"(c) IN- AND OUT-OF-NETWORK.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

"(d) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any group health plan (or group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

"(2) NO PREEMPTION OF CERTAIN STATE LAWS.—Nothing in paragraph (1) shall be construed to preempt any State insurance law relating to employers in the State who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

"(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(e) COST EXEMPTION.—

"(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

"(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

"(A) 2 percent in the case of the first plan year in which this section is applied; and

"(B) 1 percent in the case of each subsequent plan year.

"(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under paragraph (6).

"(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

"(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a) and shall be subject to the applicable notice requirements under section 104(b)(1).

"(6) NOTIFICATION TO APPROPRIATE AGENCY.—

"(A) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under paragraph (3), qualifies for an exemption under this subsection, and elects to implement the exemption, shall notify the Department of Labor or the Department of Health and Human Services, as appropriate, of such election.

"(B) REQUIREMENT.—A notification under subparagraph (A) shall include—

"(i) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this subsection by such plan (or coverage);

"(ii) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan; and

"(iii) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health benefits under the plan.

"(C) CONFIDENTIALITY.—A notification under subparagraph (A) shall be confidential. The Department of Labor and the Department of Health and Human Services shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

"(i) a breakdown of States by the size and type of employers submitting such notification; and

"(ii) a summary of the data received under subparagraph (B).

"(7) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this subsection, the Department of Labor and the Department of Health and Human Services, as appropriate, may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to paragraph (3), during the 6 year period following the notification of such exemption under paragraph (6). A State agency receiving a notification under paragraph (6) may also conduct such an audit with respect to an exemption covered by such notification.

"(f) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance use disorder treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.".

(b) PUBLIC HEALTH SERVICE ACT.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by inserting after section 2705 (42 U.S.C. 300gg-5) the following:

"SEC. 2705A. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

"(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

"(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

"(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and complies with the requirements of subsection (a), such plan or coverage shall not be prohibited from—

"(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

"(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; and

"(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

"(c) IN- AND OUT-OF-NETWORK.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

"(d) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any group health plan (or group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

"(2) NO PREEMPTION OF CERTAIN STATE LAWS.—Nothing in paragraph (1) shall be construed to preempt any State insurance law relating to employers in the State who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

"(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(e) COST EXEMPTION.—

"(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

"(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

"(A) 2 percent in the case of the first plan year in which this section is applied; and

"(B) 1 percent in the case of each subsequent plan year.

"(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under paragraph (6).

"(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

"(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a) of the Employee Retirement Income Security Act of 1974 and shall be subject to the applicable notice requirements under section 104(b)(1) of such Act.

"(6) NOTIFICATION TO APPROPRIATE AGENCY.—

"(A) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under paragraph (3), qualifies for an exemption under this subsection, and elects to implement the exemption, shall notify the Department of Labor or the Department of Health and Human Services, as appropriate, of such election. A health insurance issuer providing health insurance coverage in connection with a group health plan shall provide a copy of such notice to the State insurance department or other State agency responsible for regulating the terms of such coverage.

"(B) REQUIREMENT.—A notification under subparagraph (A) shall include—

"(i) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this subsection by such plan (or coverage);

"(ii) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan; and

"(iii) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health benefits under the plan.

"(C) CONFIDENTIALITY.—A notification under subparagraph (A) shall be confidential. The Department of Labor and the Department of Health and Human Services shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

"(i) a breakdown of States by the size and type of employers submitting such notification; and

"(ii) a summary of the data received under subparagraph (B).

"(7) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this subsection, the Department of Labor and the Department of Health and Human Services, as appropriate, may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to paragraph (3), during the 6 year period following the notification of such exemption under paragraph (6). A State agency receiving a notification under paragraph (6) may also conduct such an audit with respect to an exemption covered by such notification.

"(f) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance use disorder treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this Act shall apply to group health plans (or health insurance coverage offered in connection with such plans) beginning in the first plan year that begins on or after January 1 of the first calendar year that begins more than 1 year after the date of the enactment of this Act.

(b) TERMINATION OF CERTAIN PROVISIONS.—

(1) ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended by striking subsection (f) and inserting the following:

"(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.".

(2) PHSA.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended by striking subsection (f) and inserting the following:

"(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.".

SEC. 4. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) GROUP HEALTH PLAN OMBUDSMAN.—

(1) DEPARTMENT OF LABOR.—The Secretary of Labor shall designate an individual within the Department of Labor to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under group health plans in accordance with this Act.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall designate an individual within the Department of Health and Human Services to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under health insurance coverage issued in connection with group health plans in accordance with this Act.

(b) AUDITS.—The Secretary of Labor and the Secretary of Health and Human Services shall each provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans are in compliance with this Act (and the amendments made by this Act).

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, the impact on benefits and coverage for mental health and substance use disorders, the impact of any additional cost or savings to the plan, the impact on out-of-network coverage for mental health benefits (including substance use disorder treatment), the impact on State mental health benefit mandate laws, other impact on the business community and the Federal Government, and other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor and the Secretary of Health and Human Services shall jointly promulgate final regulations to carry out this Act.

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on September 27, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing will be to receive testimony on the following bills: S. 128, to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; S. 148, to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; S. 189, to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; S. 697, to establish the Steel Industry National Historic Site in the State of Pennsylvania; S. 867, to adjust the boundary of Lowell National Historical Park, and for other purposes; S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; S. 1476, to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of establishing a unit of the National Park System; S. 1709 and H.R. 1239, to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; S. 1808, to authorize the exchange of certain land in Denali National Park in the State of Alaska; S. 1969, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, September 18, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on the National Football League Retirement System and the current compensation system for NFL retirees with claims of advanced injuries that became symptomatic after retiring from the NFL.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 18, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Breaking the Methamphetamine Supply Chain: Meeting Challenges at the Border."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 18, 2007, at 2:30 p.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled "Examining Approaches to Corporate Fraud Prosecutions and the Attorney-Client Privilege Under the McNulty Memorandum" on Tuesday, September 18, 2007 at 10:30 a.m., in the Dirksen Senate Office Building, room 226.

Witness list

Panel I: Karin Immergut, United States Attorney, District of Oregon, U.S. Department of Justice, Chair; and White Collar Subcommittee for the Attorney General's Advisory Committee, Portland, Oregon.

Panel II: Dick Thornburgh, Of Counsel, K&L Gates, Washington, DC; Daniel Richman, Professor, Columbia Law School, New York, NY; Michael Seigel, Professor, University of Florida Levin College of Law, Gainesville, FL; and Andrew Weissmann, Partner, Jenner & Block, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. AKAKA. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 18, 2007, at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

MENTAL HEALTH PARITY ACT OF 2007

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 93, S. 558.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 558) to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor and Pensions with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health Parity Act of 2007".

SEC. 2. MENTAL HEALTH PARITY.

(a) AMENDMENTS OF ERISA.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 712 (29 U.S.C. 1185a) the following:

"SEC. 712A. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

"(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

"(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

"(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not be prohibited from—

"(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

"(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; or

"(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

"(c) IN- AND OUT-OF-NETWORK.—

"(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

"(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or coverage in connection with such a plan) eliminate, reduce, or provide out-of-network coverage with respect to such plan (or coverage).

"(d) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(e) COST EXEMPTION.—

"(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

"(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

"(A) 2 percent in the case of the first plan year in which this section is applied; and

"(B) 1 percent in the case of each subsequent plan year.

"(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under

a plan (or coverage) for purposes of this section shall be made by a qualified actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be certified by the actuary and be made available to the general public.

"(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connections with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

"(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a)(1) and shall be subject to the applicable notice requirements under section 104(b)(1).

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

"(g) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance abuse treatment) as defined under the terms of the group health plan or coverage.".

(b) PUBLIC HEALTH SERVICE ACT.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by inserting after section 2705 (42 U.S.C. 300gg-5) the following:

"SEC. 2705A. MENTAL HEALTH PARITY.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

"(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

"(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

"(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not be prohibited from—

"(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

"(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; or

"(3) be prohibited from applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

"(c) IN- AND OUT-OF-NETWORK.—

"(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

"(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or coverage in connection with such a plan) eliminate, reduce, or provide out-of-network coverage with respect to such plan (or coverage).

"(d) SMALL EMPLOYER EXEMPTION.—

"(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

"(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

"(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(e) COST EXEMPTION.—

"(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

"(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

"(A) 2 percent in the case of the first plan year in which this section is applied; and

"(B) 1 percent in the case of each subsequent plan year.

"(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made by a qualified actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be certified by the actuary and be made available to the general public.

"(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connections with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

"(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a)(1) and shall be subject to the applicable notice requirements under section 104(b)(1).

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

"(g) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance abuse treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this Act shall apply to group health plans (or health insurance coverage offered in connection with such plans) beginning in the first plan year that begins on or after January 1 of the first calendar year that begins more than 1 year after the date of the enactment of this Act.

(b) TERMINATION OF CERTAIN PROVISIONS.—

(1) ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended by striking subsection (f) and inserting the following:

"(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.".

(2) PHSA.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended by striking subsection (f) and inserting the following:

"(f) SUNSET.—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2007.".

SEC. 4. SPECIAL PREEMPTION RULE.

(a) ERISA PREEMPTION.—Section 731 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

"(c) SPECIAL RULE IN CASE OF MENTAL HEALTH PARITY REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any provision of section 514 to the contrary, the provisions of this part relating to a group health plan or a health insurance issuer offering coverage in connection with a group health plan shall supercede any provision of State law that establishes, implements, or continues in effect any standard or requirement which differs from the specific standards or requirements contained in subsections (a), (b), (c), or (e) of section 712A.

"(2) CLARIFICATIONS.—Nothing in this subsection shall be construed to preempt State insurance laws relating to the individual insurance market or to small employers (as such term is defined for purposes of section 712A(d)).".

(b) PHSA PREEMPTION.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg-23) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

"(c) SPECIAL RULE IN CASE OF MENTAL HEALTH PARITY REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding any provision of section 514 of the Employee Retirement Income Security Act of 1974 to the contrary, the provisions of this part relating to a group health plan or a health insurance issuer offering coverage in connection with a group health plan shall supercede any provisions of State law that establishes, implements, or continues in effect any standard or requirement which differs from the specific standards or requirements contained in subsections (a), (b), (c), or (e) of section 2705A.

"(2) CLARIFICATIONS.—Nothing in this subsection shall be construed to preempt State insurance laws relating to the individual insurance market or to small employers (as such term is defined for purposes of section 2705A(d)).".

(c) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to a State, on the date on which the provisions of section 2 apply with respect to group health plans and health insurance coverage offered in connection with group health plans.

SEC. 5. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) GROUP HEALTH PLAN OMBUDSMAN.—

(1) DEPARTMENT OF LABOR.—The Secretary of Labor shall designate an individual within the Department of Labor to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under group health plans in accordance with this Act.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall designate an individual within the Department of Health and Human Services to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under health insurance coverage issued in connection with group health plans in accordance with this Act.

(b) AUDITS.—The Secretary of Labor and the Secretary of Health and Human Services shall each provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans are in compliance with this Act (and the amendments made by this Act).

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, the impact on benefits and coverage for mental health and substance abuse, the impact of any additional cost or savings to the plan, the impact on out-of-network coverage for mental health benefits (including substance abuse treatment), the impact on State mental health benefit mandate laws, other impact on the business community and the Federal Government, and other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor and the Secretary of Health and Human Services shall jointly promulgate final regulations to carry out this Act.

Mr. KENNEDY. Mr. President, today is a landmark day in our nation's struggle to achieve access to mental health services for all Americans. The Mental Health Parity Act of 2007 reflects a major agreement by the mental health community, business leaders, and the insurance industry to guarantee that persons with mental health needs receive fair and equitable health insurance. Its passage will mean dramatic new help for 113 million Americans who today are without mental health care and treatment.

Access to such care and treatment is one of the most important and neglected civil rights issues facing the nation. For too long, persons living with mental disorders have suffered discriminatory treatment at all levels of society. They have been forced to pay more for the services they need and to worry about their job security if their employer learns of their condition. Sadly, in America today, patients with biochemical problems in their livers receive better care and greater compassion than patients with biochemical problems in their brains.

This bill will help end such unacceptable discrimination. As we have seen in the recent bipartisan CHIP legislation, no one questions the need for affordable treatment of physical illnesses, but those who suffer from mental illnesses face serious barriers in obtaining the care they need at a cost they can afford.

Like those suffering from physical illnesses, persons with mental disorders deserve the opportunity for quality care. The failure to obtain treatment can mean years of shattered dreams, unfulfilled potential and broken lives.

The need is clear. One in five Americans will suffer some form of mental illness this year, but only a third of them will receive treatment. Millions of our fellow citizens are unnecessarily enduring the pain and sadness of seeing a family member, friend, or loved one suffer illnesses that seize the mind and break the spirit.

Battling mental illness is a difficult process, but discrimination against persons with such illnesses is especially cruel, since the success rates for treatment often equal or surpass those for physical conditions. According to the National Institute of Mental Health, clinical depression treatment can be 70 percent successful, and treatment for schizophrenia can be 60 percent successful.

Eleven years ago, a bipartisan majority in Congress approved the original Mental Health Parity Act. That legislation was an important first step in bringing attention to discriminatory practices against the mentally ill, but it did little to correct the injustices that so many Americans continue to face. This bill takes the actions needed to end the long-standing discrimination against persons with mental illness.

Over the years we have heard compelling testimony from experts, activists, and patients about the need to equalize coverage of physical and mental illnesses. Some of the most forceful testimony came several years ago from Lisa Cohen, a hardworking American from New Jersey, who suffers from both physical and mental illnesses, and is forced to pay exorbitant costs for treating her mental disorder, while paying very little for her physical disorder. Lisa is typical of millions of Americans for whom the burden of mental illness is compounded by the burden of unfair discrimination.

No Americans should be denied equal treatment for an illness because it involves the brain instead of the heart, the lungs, or other parts of their body. Mental health parity is a good investment for the Nation. The costs from lost worker productivity and extra physical care outweigh the costs of implementing parity for mental health treatment.

Study after study has shown that parity makes good financial sense. Mental illness imposes a huge financial burden on the Nation. It costs us $300 billion each year in treatment expenses, lost worker productivity, and crime. This country can afford mental health parity. What we can't afford is to continue denying persons with mental disorders the care they need.

But equal treatment of those affected by mental illness is not just an insurance issue. It is a civil rights issue. At its heart, mental health parity is a question of simple justice.

Today is a turning point. We are finally moving toward ending this shameful form of discrimination in our society—discrimination against persons with mental illness. This bill is a true commitment by the insurance industry, business industry and the mental health community to bring fairness and dignity to the millions of Americans who have been second class patients for too long.

The 1996 act was an important step towards ending health insurance discrimination against mental illness. This bill takes another large step to close the loopholes that remain.

We would not be here without the strong commitment and skillful determination of the late Senator Paul Wellstone and Senator PETE DOMENICI. They deserve immense credit for their bipartisan leadership on mental health parity.

I also commend the staff, both Democrat and Republican, who worked so long and hard on this legislation. I particularly thank Carolyn Gluck of Senator REID's office and all the Democratic staff who worked in recent weeks to help us produce the bill we have today.

I also commend Ed Hild of Senator DOMENICI's staff and Andrew Patzman of Senator ENZI's staff for the many hours they spent with my staff to negotiate the bill.

On my staff, I especially commend several who worked so long and hard and well on this legislation—Michael Myers, Carmel Martin, Kelsey Phipps, Daniel Dawes, Jennie Fay, Ches Garrison, and above all Connie Garner, whose passion, counsel and commitment I value so highly on this and many other issues. Without her dedicated guidance, we would not be at this important threshold today.

My hope is that as we improve access to mental health services for all Americans, we will also help end the stigma and discrimination against those with mental illness. Mental illnesses are treatable and curable, and it is high time to bring relief to those who suffer from them.

Mr. President, I yield the floor.

Mr. ENZI. Mr. President, I rise to join my colleagues and sponsors of this legislation, Senators DOMENICI and KENNEDY, for their long and tireless work bringing us to passage of this bill tonight.

This legislation is literally years, if not decades in the making, and reflects countless hours of sweat and negotiation.

With much effort and indispensable help, we managed to bring together long-opposed advocates from the mental health advocacy, provider, employer, and insurance communities around a solid, responsible, bipartisan, and long-overdue bill.

Passage of this bill is a beacon example of what can be accomplished when people roll up their sleeves and work together in a bipartisan way.

This legislation will bring fairness and relief to millions of Americans suffering from mental illness. The road is not yet over, but tonight is a tremendous step forward.

Mr. REID. Mr. President, Passage of the Mental Health Parity Act of 2007 is an important victory for individuals who are affected by mental illnesses. Over a decade has passed since we enacted the landmark 1996 mental health parity law that was championed by my good friend, the late Senator Paul Wellstone, and Senator DOMENICI. Before his untimely death, Paul Wellstone was a tireless and eloquent advocate for legislation that would strengthen the 1996 law and achieve full parity in coverage between mental and physical illnesses.

The Mental Health Parity Act of 2007 is the culmination of many years of work to build on and strengthen the 1996 Mental Health Parity Act. It is a good compromise that will ensure that plans covering mental health services cannot provide different financial requirements or treatment limitations than they would for medical or surgical benefits. This legislation is long overdue and I will continue to work to ensure it is enacted as soon as possible.

Mr. DODD. Mr. President, I rise in support of S. 558, the Mental Health Parity Act of 2007. After many months of negotiations, I am pleased to call myself a strong supporter of this legislation. I thank the Chairman of the Health, Education, Labor and pensions Committee and the senior Senator from New Mexico for working with me and congratulate them on passage of S. 558. They and their staff have worked long hours to craft this compromise bill. Supporters of mental health parity, old and new, should commend the leadership of Senators KENNEDY and DOMENICI for their years of commitment and struggle to pass expanded Federal mental health parity legislation.

Millions of Americans are affected by mental illness. Each year, more than 50 million American adults will suffer from a mental disorder. All of us know a friend, a relative, a neighbor, a colleague whose life has been touched by mental illness, either their own or the illness of a loved one. Yet despite the compelling need, under many health plans, mental health benefits are much more limited than benefits for medical or surgical care. Even though a range of effective treatments exist for almost all mental disorders, those suffering from mental illness often face increased barriers to care and the stigma that underlies discriminatory practices in how we treat mental illness. These are the individuals that have insurance. It can only be worse for those without insurance. Mental health must not take a backseat to other health conditions.

My own State of Connecticut recognized the disparity between insurance coverage for physical and mental illness and made significant steps to address it by enacting strong mental health parity and consumer protection laws. These laws far exceed what exists currently at the Federal level and I believe the bill being passed by the Senate today will allow my State to maintain those strong laws in the future.

I was an original cosponsor of the original mental health parity bill in 1996 along with Senator DOMENICI and the late Senator Wellstone and have been a strong supporter of efforts to strengthen that bill since it was signed into law. But the legislation the HELP Committee marked up last February was different from what our late colleague Paul championed for so many years. The legislation our committee marked up contained preemption language which was broader in scope than what was in Federal mental health parity bills in the past.

For that reason, I offered amendments during that markup to address preemption in a way I believed would have taken a major step toward protecting State insurance laws and ensuring that we do no harm to State-based consumer protections through passage of Federal mental health parity. At that markup, I voiced concerns about the impact the bill would have on States like Connecticut who have strong mental health parity laws, strong consumer protection laws, and strong benefit mandate laws.

As a result of my continued concerns about the impact this bill would have on the residents of my State, I withheld cosponsorship of the legislation until the issues surrounding preemption could be resolved. Due to the hard work and dedication of members on both sides of the aisle, my concerns have been addressed and I can now support the legislation.

Specifically, the bill being passed today removed the broad preemption language entirely. The bill now relies on the existing preemption of State law standard currently in the Employee Retirement Income Security Act and the Public Health Service Act, preserving States' laws relating to health insurance issuers. In many States, such issuers contract out the key insurance function of reviewing medical claims by their insureds to utilization review or medical management companies, which are licensed and regulated by the states. In fact, the legislation written by Chairman KENNEDY, called the Health Insurance Portability and Accountability Act, HIPAA, was an innovative approach to Federal health care reform that has worked well in setting a minimum standard of protections while allowing stronger State-based consumer protections. It is my understanding that the bill passed today will operate in a very similar manner.

I thank Senators KENNEDY and DOMENICI for entering into a colloquy with me to further clarify the intent of this legislation. They have been open and willing to working with me since the HELP Committee markup occurred to address the concerns I had with this legislation. I would also like to acknowledge and thank the tremendous work and expertise of Mila Kofman, Associate Research Professor, Health Policy Institute, Georgetown University. She worked tirelessly to assist the members and staff through the complex issues of ERISA and preemption. From my own State of Connecticut, I would like to thank Kevin Lembo, Victoria Veltri, and Richard Kehoe who worked closely with my staff to ensure that Connecticut's strong mental health parity laws would be protected under this legislation.

The bill we are passing today will not only mean new Federal protections for people in self-insured ERISA plans, but it will also protect workers and families in States with insurance laws that are stronger than the Federal ones by allowing those State laws to remain in effect. It reflects months and years of hard work and compromise. It is a victory for patients who need coverage for mental health services and I am pleased to stand in support of this legislation.

Mr. DOMENICI. Mr. President, I want to start by thanking my colleagues, Senators KENNEDY and ENZI, for all of their work and dedication on the Mental Health Parity Act of 2007. We would not be here this evening without them and a whole host of others both in and out of the Senate.

Simply put, our legislation will ensure individuals with a mental illness have parity between mental health coverage and medical and surgical coverage. No longer will people with a mental illness have their mental health coverage treated differently than their coverage for other illnesses. That means parity between the coverage of mental illnesses and other medical conditions like cancer, heart disease, and diabetes.

No longer will people be treated differently only because they suffer from a mental illness, and that means 113 million people in group health plans will benefit from our bill. We are here after years of hard work. We have worked with the mental health community and the business and insurance groups to carefully craft a compromise bill.

No longer will a more restrictive standard be applied to mental health coverage and another more lenient standard be applied to medical and surgical coverage. What we are doing is a matter of simple fairness. I believe that becomes even more important when you consider the following: 26 percent of American adults, or nearly 58 million people, suffer from a diagnosable mental disorder each year, and 6 percent of those adults suffer from a serious mental illness. More than 30,000 people commit suicide each year in the United States, and 16 percent of all inmates in State and local jails suffer from a mental illness.

I would like to take a minute to talk about what we are doing with the passage of the Mental Health Parity Act of 2007. The bill provides mental health parity for about 113 million Americans who work for employers with 50 or more employees, ensures that 98 percent of businesses which provide a mental health benefit do so in a manner that is no more restrictive than the coverage of medical and surgical benefits, and ensures health plans do not place more restrictive conditions on mental health coverage than on medical and surgical coverage. The bill accomplishes this by providing parity for financial requirements like deductibles, copayments, and annual and lifetime limits and parity for treatment limitations, the number of covered hospital days and visits.

Again, I want to thank everyone for their extraordinary efforts that have allowed us to achieve Senate passage of the Mental Health Parity Act of 2007.

Mr. DURBIN. Mr. President, today the Senate takes a long overdue step in the right direction for the health of all Americans. The passage of the Mental Health Parity Act of 2007 recognizes the millions of people living with a mental illness and the millions of friends, family members, and communities who support them.

Mental health parity legislation simply calls for health plans to provide comparable levels of coverage for mental health services as are provided for traditional medical services. It doesn't sound like a radical proposal, yet it has taken years to move this legislation through the Senate.

We have made progress, though, and much of the leadership on this issue has been provided by Senator KENNEDY and Senator DOMENICI in recent years. We started in 1992, when my good friend, the late Senator Paul Wellstone, and Senator PETE DOMENICI introduced the Mental Health Parity Act to correct the unfair burden placed on American families living with mental illness without access to mental health services.

It took a while, but in 1996, the first mental health parity legislation was enacted into law. It wasn't a perfect bill. It fell far short of its goal in many respects, but it was a significant piece of legislation that acknowledged the longstanding bias against covering mental health services.

Based on what we did in 1996, current law requires insurers that offer mental health care to offer comparable benefit caps for mental health and physical health. Unfortunately, that left a loophole that has allowed the common practice in which insurers set higher deductibles, charge higher copays, and cover fewer services for mental health care. As a result, millions of Americans are left without affordable mental health treatment. What they are left with is the often crushing aftermath—loss of employment, poor school performance, poverty, and even suicide.

Every year since that 1996 law was enacted, the Senate has had a mental health parity bill to fix this problem, but to no avail. This year, for the first time in a decade, the Senate has passed a bill to address the loopholes in the mental health parity law. I commend Senators KENNEDY and DOMENICI for their dedication to seeing this through. I only wish that Paul Wellstone could have lived to see this day.

Paul Wellstone was a good friend of mine and an inspiration to me and to many others who served with him in the Chamber. Throughout his congressional career, Paul fought tirelessly for equal rights for all, regardless of their race, religion, socioeconomic status, or health status. He was a champion of many causes, but no cause was more dear, or more personal, to him than making sure that people with mental illness were treated fairly and with dignity.

Paul Wellstone was touched personally by mental illness. His older brother lived and struggle with mental illness most of his life. Paul believed that for his brother, and for all Americans, mental health was as important as physical health. Senator PETE DOMENICI, too, understands the importance of having access to mental health services. His daughter also has struggled with mental illness.

Fifteen years ago, Senators Wellstone and DOMENICI brought home a fact that is as true today as it was then—nearly everyone knows someone living with a mental illness. According to the National Institute of Mental Health, more than one in four adults in the United States—more than 57 million adults—suffer from a diagnosable mental disorder in a given year. One in seventeen Americans suffers from a serious mental illness.

These two Senators were fiercely determined to end discrimination against people with mental illness. We all lost a spirited champion for mental health on October 25, 2002, when Paul Wellstone was in a fatal plane crash. But the fight for mental health parity has lived on. Senator KENNEDY quickly took up the fight, and he and Senator DOMENICI have resolutely worked to strengthen common ground and supporters who would bring us to this day, the day of Senate passage of the mental health parity bill.

Last year, the Senate passed a resolution I submitted that marked the fourth anniversary of Paul Wellstone's death. The resolution expresses the sense of the Senate that Congress should act "to provide for equal coverage of mental health benefits with respect to health insurance coverage"—in other words, pass mental health parity.

I am proud to note the Senate's action today. With the passage of the Mental Health Parity Act of 2007, we are assuring millions of Americans that mental illness deserves equal treatment as physical illness. We are telling millions of families that help is available and that they no longer have to feel excluded. And most importantly, we are opening doors to hope and closing doors to desperation.

We may not live in a perfect world but we are closer to a more perfect union. It is in the spirit of Paul Wellstone and—thanks to Senators KENNEDY and DOMENICI—the spirit of bipartisanship that we pass this historic piece of legislation. Senator Wellstone was quoted as saying:

> I don't think politics has anything to do with left, right, or center. It has to do with trying to do right by the people.

Today, I think Paul would agree that the Senate has done right.

PREEMPTION AND PROTECTING STATE LAWS

Mr. DOMENICI. Mr. President, as someone who has worked to bring a greater understanding of mental illness and to end all forms of discrimination against people who suffer from a mental illness, I am pleased to report that the Senate has passed a monumental mental health parity bill that could bring hope and greater measure of fairness in mental health insurance care coverage to as many as 113 million Americans and nearly 500,000 New Mexicans. This legislation, the Mental Health Parity Act of 2007, builds on the 1996 Mental Health Parity law that I authored with the late Senator Paul Wellstone. It is supported by more than 230 organizations and has been a bipartisan effort from the beginning. I thank Senator KENNEDY, the chairman of the Health, Education, Labor and Pensions Committee, for his vision, his leadership and his support for this legislation.

Mr. KENNEDY. I thank the Senator from New Mexico for his tremendous leadership on this bill. He has fought for this legislation for many years, and I am grateful for his commitment to getting this bill passed. This legislation represents the culmination of more than a year's negotiations involving lawmakers, mental health, insurance and business organizations to craft compromise legislation. During the markup of the bill last February, my colleague Senator DODD raised very important issues regarding the effects of the preemption language in the legislation. Since then, he was joined by several other Senators, attorneys general, and State insurance commissioners who have voiced concerns about unintended consequences of the bill. It was never the intent of the bill to harm or weaken State insurance laws but in response to concerns raised by several of my colleagues and insurance experts, the language pertaining to preemption was stricken from the legislation.

Mr. DODD. I thank the chairman of the HELP Committee and the distinguished senior Senator from New Mexico and congratulate them on passage of S. 558, the Mental Health Parity Act. They and their staff have worked long hours to craft this compromise bill, and I congratulate them on this victory for individuals with mental illness throughout the country. Supporters of mental health parity, old and new, should commend the leadership of Senators DOMENICI and KENNEDY for their years of commitment and struggle to pass Federal mental health parity legislation.

I was an original cosponsor of the original mental health parity bill in 1996, along with Senator DOMENICI and the late Senator Wellstone, and have been a strong supporter of efforts to strengthen that bill since it was signed into law. But, as my colleagues may know, the legislation the HELP Committee marked up last February which is now before the Senate is different from what our late colleague Paul championed for so many years. The legislation our committee marked up contained preemption language which was broader in scope than what was in Federal mental health parity bills in the past. For that reason, I filed amendments during that markup to address preemption in a way I believed would have taken a major step toward protecting State insurance laws and ensuring that we do no harm to State-based consumer protections through Federal mental health parity. At that markup, I voiced concerns about the impact the bill would have on States like Connecticut who have strong mental health parity laws, strong consumer protection laws, and strong benefit mandate laws.

As a result of my continued concerns about the impact this bill would have on the residents of my State, I withheld cosponsorship of the legislation until the issues surrounding preemption could be resolved. I am pleased to say that because of the hard work and dedication of Members on both sides of the aisle, my concerns have been addressed and I can now support the legislation.

Mr. KENNEDY. I thank the senior Senator from Connecticut and appreciate his leadership on this issue. He raised a number of important issues during the consideration of this bill. I believe we have addressed those concerns in the legislation and I am pleased that he is now a strong supporter of the legislation.

Mr. DODD. The bill passing the Senate today relies on the existing preemption of State law standard currently in ERISA and the Public Health Service Act, preserving States laws relating to health insurance issuers. In many States, such issuers contract out the key insurance function of reviewing medical claims by their insurers to utilization review or medical management companies, which are licensed and regulated by the States. In fact, the legislation written by the Senator from Massachusetts, called HIPAA, was an innovative approach to Federal health care reform that has worked so well in setting a minimum standard of protections while allowing stronger State-based consumer protections. Is it the distinguished senior Senator from Massachusetts' belief that S. 558 preserves the States' ability to regulate such companies?

Mr. KENNEDY. Yes, nothing in this bill affects any State law or State regulation of any company or issuer who performs utilization review or other medical management services. The changes made to the preemption section of S. 558 mean that the current HIPAA standard would apply to this legislation, just like it applies to existing law passed in 1996. By using existing preemption language, we mean only the narrowest preemption of State laws. A minimum standard of Federal protection allows States to provide additional protection for their citizens. State laws designed to regulate medical management or utilization review to protect plan participants are not preempted under the bill because they do not "prevent the application" of the substantive provisions of this bill.

Mr. DODD. Is it also the understanding of the senior Senator from New Mexico that this legislation will not only mean new Federal protections for people in self-insured ERISA plans, but it will also protect workers and families in States with insurance laws that are stronger than the Federal ones by allowing those State laws to remain in effect?

Mr. DOMENICI. Yes, the senior Senator from Connecticut is correct.

Mr. DODD. I thank the Senator and want to thank the Senator from Massachusetts for allowing my concerns about preemption and protecting State laws to be heard in the committee and for working tirelessly with me to address those concerns. The bill we are passing reflects months and years of hard work and compromise, and I am pleased to voice my strong support for S. 558. It is a victory for patients who need coverage for mental health services.

Mr. REID. I ask unanimous consent that the amendment at the desk be considered and agreed to; the committee-reported amendment, as amended, be agreed to; the motions to reconsider be laid upon the table, en bloc; the bill, as amended, be read three times and passed; the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2908) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 558), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I congratulate Senators KENNEDY, ENZI, and others who worked on this legislation for such a long time. They are to be commended. Senator Wellstone, I am sure, is smiling on us today.

ORDERS FOR WEDNESDAY, SEPTEMBER 19, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow; that on September 19, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and, following the time utilized by the two leaders, the Senate then resume consideration of H.R. 1585, the Defense Department authorization bill, and we proceed to 60 minutes of debate prior to a vote on the motion to invoke cloture on amendment No. 2022, with the time to be equally divided and controlled between the leaders or their designees; that upon the conclusion of the debate, the Senate proceed to vote on the motion to invoke cloture; that Members have until 10 a.m. to file any germane second-degree amendments to amendment No. 2022.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Wednesday, September 19, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE WILLIAM A. NAVAS, JR., RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

MICHAEL W. HAGER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND MANAGEMENT), VICE ROBERT ALLEN PITTMAN, RESIGNED.

DEPARTMENT OF LABOR

KEITH HALL, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS, VICE KATHLEEN P. UTGOFF, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MICHAEL R. SEWARD, 2642

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

To be captain

JOSEPH E. VORBACH, 4330
RICHARD W. SANDERS, 2249

To be commander

DARRELL SINGLETERRY, 3552

To be lieutenant commander

THOMAS W. DENUCCI, 3271

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVES UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JEFFREY G. ANDERSON, 8194
MICHAEL A. CICALESE, 0936
MICHAEL D. COLLINS, 5010
DOUGLAS J. DAWSON, 0333
SERENA J. DIETRICH, 0687
DALE V. FERRIERE, 0670
DAVID M. GARDNER, 3795
DOUGLAS W. HEUGEL, 1827
BRIAN H. OFFORD, 2169
KEVIN J. OLD, 2596
CONRAD W. ZVARA, 4661

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

CHRISTOPHER D. ALEXANDER, 5716
LATICIA J. ARGENTI, 4855
WEBSTER D. BALDING, 6259
MATTHEW T. BELL, 1724
MELISSA BERT, 1433
MELVIN W. BOUBOULIS, 8068
WYMAN W. BRIGGS, 4367
JAMES M. CASH, 7562
PAULINE F. COOK, 0150
THOMAS E. CRABBS, 5534
JOHN T. DAVIS, 6112
SCOTT N. DECKER, 6289
JERRY D. DOHERTY, 5455
THOMAS H. FARRIS, 6169
JAMES O. FITTON, 2321
JOHN M. FITZGERALD, 1020
PAUL E. FRANKLIN, 5168
JOHN D. GALLAGHER, 4079
PETER W. GAUTIER, 7093
GLENN L. GEBELE, 7483
ANTHONY R. GENTILELLA, 7507
VERNE B. GIFFORD, 3580
NANCY R. GOODRIDGE, 7596
THOMAS C. HASTINGS, 1922
BEVERLY A. HAVLIK, 6621
WILLIAM G. HISHON, 5943
GWYN R. JOHNSON, 3706
ERIC C. JONES, 4626
WILLIAM G. KELLY, 2695
JOHN S. KENYON, 1514
JAMES L. KNIGHT, 3092
DONALD A. LACHANCE, 9932
ROGER R. LAFERRIERE, 3645
JOHN K. LITTLE, 5738
GORDON A. LOEBL, 7546
KEVIN E. LUNDAY, 2704
SEAN M. MAHONEY, 0773
DWIGHT T. MATHERS, 6356
STUART M. MERRILL, 2593
MICHAEL A. MOHN, 3027
FREDERICK G. MYER, 4018
JACK W. NIEMIEC, 4502
JOANNA M. NUNAN, 7695
SALVATORE G. PALMERI, 0762
JOHN J. PLUNKETT, 7464
ANTHONY POPIEL, 6153
RAYMOND W. PULVER, 5980
STEVEN J. REYNOLDS, 8455
MARK D. RIZZO, 8208
MATTHEW T. RUCKERT, 8431
JAMES W. SEBASTIAN, 7922
KEITH M. SMITH, 8854
MARC D. STEGMAN, 3170
GRAHAM S. STOWE, 4243
ROBERT J. TARANTINO, 7325
JOHN G. TURNER, 6650
KEITH J. TURRO, 6724
ANTHONY J. VOGT, 7426
SAMUEL WALKER, 6260
ROBERT B. WATTS, 2458
STEVEN A. WEIDEN, 3608

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

FREDERICK M. ABRUZZO, 4554

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

WILLIAM W. DODSON, 3637

To be major

NICHOLAS MEXAS, 7506
DAVID A. NIEMIEC, 7129
JOHN R. SHAW, 1706

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

THOMAS E. MARCHIONDO, 9804

To be lieutenant colonel

KENNETH KLINE, 2566

To be major

KYUNG L. BOEN, 3767

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DAVID W. ASHLEY, 8255
PETER G. BAER, 1798
WILLIAM S. BAIR, 9553
RUTH P. BAKER, 1888
WALTER R. BALL, 6816
DAVID A. BECK, 7080
ROBERT C. BOLTON, 5161
WILLIE BRAGGS III, 5521
ROBERT T. BROOKS, JR., 7842
RANDY D. BUCKNER, 7794
PETER J. BYRNE, 2915
ANTHONY J. CARRELLI, 7701
CHARLES W. CHAPPUIS, 1940
JOEL A. CLARK, 1058
JAMES A. CONWAY, JR., 0930
RONALD G. COREY, 4154
MICHAEL E. CRADER, 8682
JIM A. CUMINGS, 4103
GREGG A. DAVIES, 6352
GEORGE M. DEGNON, 4710
PETER J. DEPATIE, 2234
THOMAS H. DOUGLAS, 7088
MARY S. DOWLING, 4014
DANIEL J. DUNBAR, 7834
HAROLD S. EGGENSPERGER, 6556
CLARENCE ERVIN, 2592
MARK T. FAVETTI, 4433
MICHAEL J. FEELEY, 6832
GREGORY R. FOURNIER, 7830
MATTHEW R. GODFREY, 9067
JOHN S. GOODWIN, 7585
JAMES E. GRANDY, 2186
JUDY M. GRIEGO, 9350
JOHN J. HERNANDEZ, 6357
EDWARD G. HERRERA, 1572
BARRY K. HOLDER, 6674
PAUL HUTCHINSON, 7227
CHARLES C. INGALLS, 5453
PAUL D. JACOBS, 4348
STEPHEN E. JESELNICK, 8941
PAUL D. JULIAN, 8547
ROBERT S. JUSTUS, 5660
WOODY R. KLINNER, JR., 7859
KENNETH L. KOBS, 0544
JAMES M. LEFAVOR, 4236
ROBERT P. LEMIEUX, 3073
CARLISLE A. LINCOLN III, 7293
MICHAEL J. LINDEMAN, 4687
ANDREW J. MAMROL, 1074
MURIEL A. MARSHALL, 6662
RICHARD L. MARTIN, 7261
STEVEN D. MARTIN, 9777
DONALD A. MCGREGOR, 0254
JUAN J. MEDINALAMELA, 7852
PETER A. MERCIER, 8537
BRIAN A. MILLER, 4505
MURRY MITTEN, 3353
BRIAN C. NEWBY, 3058
JOHN W. OGLE III, 3255
GERALD R. OSTERN, 3996
MATTHEW J. PAPE, 2948
ROBERT R. PETERSEN, 0164
WILLIAM S. PETTI, 0679
THOMAS POWERS, JR., 2721
ROY V. QUALLS, 1115
MARK J. RICHMAN, 1602
DAVID L. ROMUALD, 3886
MATHEW J. RULAND, 8618
CHRIS K. SAKAMOTO, 4195
LEIGH A. SCARBORO, 6513
NANCY L. SEETS, 0233
DAVID A. SIMON, 7688
MICHAEL P. SKOMROCK, 5131
CALVIN C. STARLIN, JR., 2715
TERRANCE C. STIFF, 8795
STEPHEN A. SUTHERLAND, 0655
GREGORY P. SWANSON, 5150
DEAN A. TREMPS, 4904
ERIC R. VOGT, 6736
JONATHAN T. WALL, 8531
THOMAS K. WARK, 5282
PATTY R. WILBANKS, 2916
MARC D. WILSON, 5204

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SHAWN D. SMITH, 5947

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRIAN D. ALLEN, 6066
MICHAEL R. CONNERS, 9652

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 18, 2007 withdrawing from further Senate consideration the following nomination:

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

HONORING MR. JACK HOLEFELDER

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SESTAK. Madam Speaker, I rise before you to honor Jack Holefelder on his retirement from presidency of the Delaware County Chamber of Commerce, a post he has held for the past 26 years. Mr. Holefelder has overseen an over 500 percent increase in chamber membership such that the chamber is now the third largest chamber in Pennsylvania. Over this period, the Delaware County Chamber of Commerce has twice won the Chamber of the Year award.

Along with his decades of exemplary leadership over the chamber, Mr. Holefelder has been an active member of the community. He has headed or been a member of numerous committee organizations including Chairman of the Delaware County Fair; Chairman of the Chester Housing Authority Advisory Board; Chairman of Red Cross, Heart Fund, Cancer Society, and March of Dimes fund raising; President of the Delaware County Education Foundation; Board Member of the Delaware County Hero Scholarship Fund; Board Member of the Southeastern Delaware County United Way; Board Member of the Delaware County Crime Commission; a member of the Neumann College Board of Trustees; and a coach in the Aston and Middletown Little League and Girl's Soccer league. He has raised over 5 million dollars for local charities and special projects.

Most impressive of all Mr. Holefelder's many achievements is his commitment to the Rotaplast International program. Since 2002, Mr. Holefelder has participated in three trips to Peru and one trip to India in support of that exceptional program. Dedicated to providing free reconstructive cleft-palate operations and treatment for children in need worldwide, Mr. Holefelder and his colleagues have been ambassadors of goodwill to hundreds of families who will never forget the life-changing nature of their kindness.

Mr. Holefelder is a published author, a TV and radio personality, and an entrepreneur. He is a recipient of the U.S. Air Force Commendation Medal for service in Vietnam, the Red Cross David Henderson Humanitarian Award, Glen Riddle Rotary Community Service Award, and March of Dimes Lifetime Achievement Award among numerous other awards and recognitions.

Madam Speaker, I ask you to join me in honoring Jack Holefelder, a pillar of the community and a man who represents the very best of the United States of America at home and abroad.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. BERKLEY. Madam Speaker, because I was attending to important constituent matters in my congressional district, I was unable to vote on rollcall Nos. 865 and 866. Had I been present, I would have voted "aye."

SIKHS SHOULD NOT BE FORCED TO REMOVE TURBANS AT AIRPORTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. TOWNS. Madam Speaker, recently a Sikh named Dr. Ranbir Singh Sandhu was stopped at the San Francisco airport as he tried to board a flight and forced by agents of the Transportation Security Administration to take off his turban. Dr. Sandhu, who is around 80, was on his way to a funeral in Vancouver. He refused to take off his turban and was barred from the flight, forcing him to make a 20-hour drive to get to the funeral.

This is unacceptable. I certainly understand and support wanding the turban for security reasons in this day and age, but forcing a Sikh to remove his turban is an insult to his religious identity. TSA does not make Jewish passengers take off their yarmulkes and that is right. They shouldn't. But they require Sikhs to take off their turbans. That is unfair, discriminatory, and wrong.

Airport security is important. We were just reminded of that again by the passing of another anniversary of the September 11 attacks. But we must not let that be used as an excuse to violate the religious liberties or the civil rights of anyone. We should stop asking Sikhs to remove their turbans.

The Council of Khalistan recently wrote to President Bush, Homeland Security Secretary Chertoff, and the TSA Administrator, Kip Hawley, asking that this policy be changed.

SEPTEMBER 12, 2007.

Hon. MICHAEL CHERTOFF,
Secretary of Homeland Security,
Washington, DC.

DEAR SECRETARY CHERTOFF: I am writing to you today about the Transportation Safety Administration's practice of making Sikhs remove their turbans in order to travel. Recently, Dr. Ranbir Singh Sandhu of California, a retired engineering professor who is around 80 years old, was stopped at San Francisco International Airport on his way to Vancouver for a funeral. He was ordered by TSA security workers to remove his turban. When he refused he was not allowed to board his flight and he wound up having to drive 20 hours to Vancouver to get to the funeral.

Asking a Sikh to remove his turban in public is worse than asking someone to remove his pants in public. No one would even think of making such a request, yet the TSA thinks nothing of asking Sikhs to remove their turbans in public.

I salute TSA for not asking Jewish people to remove their yarmulkes in public. This is because they are religious symbols. Jewish people are required to wear them in public. By the same principle, Sikhs are required to wear their turbans. Wanding the turban should be enough and would be understandable in light of security concerns, but forcing a Sikh to remove his turban is unacceptable. It is a strike against his Sikh religion and his Sikh identity.

I respectfully but strongly urge you to take action to prevent what happened to Dr. Sandhu from happening to any other Sikh traveller. Please order the TSA workers to respect the religion and identity of Sikhs and not to force them to remove their turbans. Thank you for your attention to this matter.

Sincerely,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

IN HONOR OF DR. ROBERT L. WRIGHT

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise to honor Dr. Robert L. Wright, as the Chattahoochee Council of the Boy Scouts of America's 2007 Distinguished Citizen Award recipient, which honors his outstanding service to the Columbus, Georgia community.

There is much to admire about a man like Dr. Wright. As one of the first African American men to attend the Ohio State University, Dr. Wright received a degree in optometry, and later began his optometry practice in Columbus. Then, in 1985, he founded Dimensions International, a defense logistics company, as a three person operation. Today, Dimensions has over 1,200 employees in more than 30 locations.

However, I believe Dr. Wright's sense of civic duty, which has been a running theme throughout his life, truly distinguishes him from his peers and makes him a man worthy of praise. He has fought for racial equality, serving as both a moderator and trail blazer in several organizations, including the Georgia Republican Party. He has served as a mentor to other minority small business owners and helped craft policy to aid their success, including serving as associate administrator for minority small business at the Small Business Administration under President Reagan. He

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

also was on the planning committee to create the National Museum of African-American History and Culture in Washington, DC.

Perhaps it is the many challenges Dr. Wright encountered as a young man, or perhaps it is his unwavering belief in human achievement that drives him. No matter the source of his inspiration, I know the numerous organizations that have benefited from his service are extremely grateful.

Also, as someone who admires Dr. Wright greatly, I feel blessed to have known him. I am honored to call Dr. Wright a constituent, and friend. May our community and our country continue to benefit from his tremendous legacy of service.

TRIBUTE TO THE WASHINGTON FIRE COMPANY

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SESTAK. Madam Speaker, I rise today to congratulate the Washington Fire Company No. 1 on the dedication of its firehouse and the housing of its equipment.

The station will be home to the fire company's new 2007 E-One Rescue Pumper as well as its 1999 E-One Ladder truck and its 1990 E-One Rescue Pumper. It will also house the pride and joy of the company, a beautiful, fully restored 1924 American LaFrance Pumper.

This new station is twice the size of the previous station, and will allow the members of the Company to more effectively protect the Borough of Conshohocken, which they have proudly served since 1874. From a small hose house 128 years ago to a new modern facility with a banquet hall, the Washington Fire Company has remained a staple of the Borough of Conshohocken.

The fire company's mission has expanded over time to include not only protecting the community, but also educating it. The company hosts an annual "Fire Prevention Show" that teaches the community about fire prevention and what to do in the case of a fire emergency.

The members of Washington Fire Company No. 1 selflessly serve the community while balancing their full-time careers and families. Through the years, their names and faces have changed, but the commitment and pride with which they serve the community has persevered. I ask everyone to join me in commending the members of the Washington Fire Company, past and present, and to congratulate them on the dedication of their new firehouse.

TRIBUTE TO SHERRY L. CART

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Sherry L. Cart, a dedicated woman with a long history of service to our country. Mrs. Cart, a resident of Brandenburg, Kentucky, is retiring on September 28, 2007 after 33 years of active federal service.

Sherry Cart began her civilian service career on January 2, 1974. She is retiring, as Deputy Protocol Officer, United States Army Armor Center, Fort Knox, Kentucky.

Mrs. Cart's hard work has not gone unnoticed during her time at Fort Knox. She was the recipient of the Commander's Award for Civilian Service along with numerous performance awards and service awards.

It is my privilege to honor Sherry L. Cart today, before the entire United States House of Representatives, for her service to the soldiers of Fort Knox, the United States Army, and this Nation. I wish Sherry, her husband Steve, and the rest of their family a safe and happy retirement.

ENERGY INDEPENDENCE

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. BERKLEY. Madam Speaker, last month this House approved landmark legislation to put our nation on the path toward energy independence. Among other provisions, this bill would provide incentives to encourage the production and use of renewable energy, and calls for greater energy efficiency in both public and private sectors.

When it comes to energy usage, my home town of Las Vegas has received more than its share of scrutiny. But I would like to share with my colleagues an example of how Las Vegas is leading the nation in the effort to become more energy efficient. The following is a response from MGM MIRAGE, the largest employer in my district and a good corporate citizen, to an accusation that the casinos of Las Vegas use too much energy. I would suggest to my colleagues that if more businesses would follow the lead of MGM MIRAGE, the impact on our nation's energy consumption would be substantial.

SEPTEMBER 17, 2007.

Hon. CANDICE MILLER,
228 Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MILLER: We recently read reports of your comments regarding energy consumption by the Las Vegas gaming and tourism industry. We would like to share with you some of the initiatives that we are taking at MGM MIRAGE to reduce our energy impact in our state.

Currently, we are in the process of building the largest privately funded construction project in the history of our country. CityCenter, a 76 acre, mixed-use urban development in the heart of the Las Vegas Strip, will include 2,700 residences and a 4,000 room resort and casino. In keeping with our commitment of green building design and construction, CityCenter is being built according to Leadership in Energy and Environmental Design (LEED) certification standards. Once complete, it will be the largest green campus in the history of the United States.

The following is a list of some of the energy efficiency features being incorporated into CityCenter: CityCenter will have a highly efficient state of the art central plant with combined heat and power capability. This combined heat and power plant will utilize excess heat, reusing it for heating domestic water; Facades will have higher glazing to reduce air conditioning costs; "Airbrows" or "shades" on the façade will help to prevent overheating of units from direct sun; A docking station for the room key is being considered for some hotel rooms; when the key is removed most of the lights will shut down and thus conserve energy; The design maximizes the use of natural light in residential units, thus helping to reduce energy consumption; Most structures will have a reflective roof, also helping to reduce air-conditioning and therefore energy consumption.

In addition to these energy efficient features, we have taken many steps to also improve the efficiency of our existing buildings.

MGM MIRAGE recently implemented improvements in lighting technologies and mechanical equipment that will conserve 23 million kilo-watt hours annually; this is the equivalent of removing over 1,700 homes from the Las Vegas power grid.

The impact on air emissions by not having to produce this energy is equivalent to a reduction of approximately 17,000 tons of greenhouse gas per year; it would take about 500,000 trees to offset that amount of greenhouse gasses each year.

We are also working with the Rocky Mountain Institute (RMI), a not-for-profit think tank that assists companies in identifying and using energy and resources efficiently. The RMI will aid MGM MIRAGE in the development of a corporate strategy for alternative and renewable energy.

We also strive to work in a partnership with our local government in Nevada. Recently, our Senior Vice President of the Energy and Environmental Services Division, Cindy Ortega, was appointed by the Governor to serve on the Nevada's Climate Change Advisory Committee. In addition, we have recently been joined by Gary Mayo as our Vice President of Energy and Environmental Services Division. You might remember Gary in his former capacity as Director of Government Affairs and Corporate Responsibility for Visteon Corporation in Van Buren Township, Michigan.

MGM MIRAGE is committed to continue to demonstrate leadership in the areas of energy and water conservation. If you have any questions or would like additional information about CityCenter, or our efforts with regard to energy and natural resource conservation, please contact Robert Elliott, Vice President of Government Affairs.

Sincerely,

ROBERT ELLIOTT,
Vice President of Government Affairs,
MGM MIRAGE.

SONIA GANDHI SHOULD NOT SPEAK ON NONVIOLENCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. TOWNS. Madam Speaker, I was distressed to learn that the United Nations invited Sonia Gandhi to speak on nonviolence next month. She is the leader of the Congress

Party, which has presided over massive atrocities against Christians, Sikhs, Muslims, and other minorities.

Mrs. Gandhi is Catholic. How can she speak on nonviolence when her party presides over a country in which nuns have been raped and forced to drink their own urine, priests have been murdered, Christian schools have been burned to the ground, and prayer halls have been vandalized?

It was Mrs. Gandhi's party that carried out the Golden Temple massacre that killed so many thousands of innocent Sikhs, including young boys ages 8 to 13. Her party presided over the Delhi massacres in which over 20,000 Sikhs were murdered while the Sikh police were locked in their barracks.

It was Beant Singh, a Congress Party Chief Minister, who presided over the murders of over 50,000 Sikhs while he was in office. No one from that party has the moral authority to speak on nonviolence, especially when there are so many better spokespersons, such as the Dalai Lama, who will be in America to receive an award right after Mrs. Gandhi's speech.

Madam Speaker, the Council of Khalistan wrote an excellent letter to UN Secretary General Ban Ki-moon, which follows.

COUNCIL OF KHALISTAN,
September 12, 2007.

Hon. BAN KI-MOON,
Secretary-General of the United Nations, Dag Hammerskjold Plaza, New York, NY.

DEAR SECRETARY GENERAL BAN: It has come to my attention that you are having Sonia Gandhi speak to the United Nations on nonviolence on October 2. Mrs. Gandhi has no moral standing to be discussing this subject. I urge you to find someone else. Perhaps the Dalai Lama, who will be in the United States the following weekend to receive an award, would be a good choice. There are other people more qualified than Mrs. Gandhi, as well.

How could you pick the head of India's Congress Party for this talk? India is one of the most violent countries in the world. According to the Punjab State Magistracy, over 250,000 Sikhs have been murdered at the hands of the Indian government. Between 1993 and 1995, according to the United States Department of State, the Indian government paid out over 41,000 cash bounties to police officers for killing Sikhs. A report by the Movement Against State Repression (MASR) reveals that over 52,000 Sikhs are being held as political prisoners without charge or trial. Some have been in illegal custody since 1984!

Amnesty International reports that tens of thousands of other minorities are being held as political prisoners as well. In addition, the regime has killed 300,000 Christians in Nagaland, more than 90,000 Kashmiri Muslims and tens of thousands of Muslims and Christians in the rest of the country, and tens of thousands of Assamese, Bodos, Dalits (the dark-skinned aboriginal people of South Asia, referred to as "Untouchables"), Manipuris, Tamils, and others.

The Gandhi family were perhaps the most cruel of Indian rulers; it was Mrs. Gandhi's mother-in-law, Indira Gandhi, who suspended democracy and imposed martial law (dictatorship) on the country. It was the Congress Party under Indira Gandhi, then under Mrs. Gandhi's husband, Rajiv Gandhi, who succeeded Indira Gandhi as Prime Minister, that the government carried out the brutal attack on the Golden Temple in Amritsar, the center and seat of the Sikh religion, in June 1984, as well as 224 other Gurdwaras (Sikh places of worship) throughout Punjab. Sikh leaders Sant Jarnail Singh Bhindranwale, General Shabeg Singh, and others, as well as over 20,000 Sikhs were killed in these attacks. The Sikh holy scripture, the Guru Granth Sahib, written in the time of the Sikh Gurus, was shot full of bullet holes by the Indian Army. Over 100 young Sikh boys ages 8 to 13 were taken out into the courtyard and asked if they supported Khalistan, the independent Sikh state. When they answered with the Sikh religious incantation "Bole So Nihal" they were summarily shot to death.

After Indira Gandhi was killed, Rajiv Gandhi said, "When a tree falls, the Earth shakes." Then he locked the Sikh Police in their barracks while the government murdered another 20,000 Sikhs in Delhi and the surrounding areas in the massacres of November 1984. Sikhs were burned alive, Sikh businesses were burned, Sikhs were chained to trucks. The driver for Baba Charam Singh, a Sikh religious leader, was killed by tying his legs to jeeps which then drove off in different directions.

Sardar Jaswant Singh Khalra looked at the records of the cremation grounds at Patti, Tarn Taran, and Durgiana Mandar and documented at least 6,018 secret cremations of young Sikh men ages 20–30. These young Sikhs were arrested by the police, tortured, murdered, then declared unidentified and secretly cremated. Their bodies were not even returned to their families. They have never officially been accounted for. The Punjab Human Right Commission estimates that about 50,000 such secret cremations have occurred.

For exposing this horrendous atrocity, Sardar Khalra was abducted by the police on September 6, 1995 while he was washing his car, then murdered in police custody. The only witness to his kidnapping, Rajiv Singh Randhawa, has been repeatedly harassed by the police. Once he was arrested for trying to hand a petition to the then-British Home Minister, Jack Straw. in front of the Golden Temple in Amritsar.

Police SSP Swaran Singh Ghotna tortured and murdered Akal Takhl Jathedar Gurdev Singh Kaunke and has never been punished for doing so. K.P.S. Gill, who was responsible for the murders of over 150,000 Sikhs in his time as Director General of Police, is still walking around scot-free. He was even involved in leading the Indian Olympic field hockey team. His trip to the Atlanta Olympics in 1996 was protested by the Sikh community in the United States, which is over half a million strong, but he was allowed to come to the Olympics on an Olympic Committee visa. Immediately after the Olympic hockey game, he was shipped back to Punjab as a threat to peace and an affront to the Sikh community. 50 members of the U.S. Congress from both parties wrote to the President protesting his appearance in the United States.

Unfortunately, other minorities have also suffered greatly under the boot of Indian repression. In March 2002, 5,000 Muslims were killed in Gujarat while police were ordered to stand by and let the carnage happen, in an eerie parallel to the Delhi massacre of Sikhs in November 1984 in which Sikh police officers were locked in their barracks while the state-run television and radio called for more Sikh blood.

Christians have suffered under a wave of repression since Christmas 1998. An Australian missionary, Graham Staines, and his two young sons, ages 8 and 10, were burned to death while they slept in their jeep by a mob of Hindu militants connected with the Rashtriya Swayamsewak Sangh (RSS), an organization formed in support of the Fascists. The mob surrounded the burning jeep and chanted "Victory to Hannuman," a Hindu god. None of the mob has ever been brought to justice; instead the crime has been blamed on one scapegoat. Mr. Staines's widow was thrown out of the country after the incident. An American missionary, Joseph Cooper of Pennsylvania, was expelled from India after being beaten so severely that he had to spend a week in the hospital. None of the persons responsible for beating Mr. Cooper has been prosecuted. Churches have been burned. Christian schools and prayer halls have been attacked and vandalized, priests have been murdered, nuns have been raped, all with impunity. Police broke up a Christian religious festival with gunfire.

Amnesty International has not been allowed into Punjab since 1978. Even Castro's Cuba has allowed Amnesty into the country more recently. What is India hiding?

My organization, the Council of Khalistan, is leading the Sikh struggle for freedom and sovereignty. Working with the Congress of the United States, we have internationalized the struggle for freedom for Sikhs and all the people of South Asia since the Council of Khalistan's inception on October 7, 1987, the day that the Sikh Nation declared its independence from India. We have worked to preserve the accurate history of the Sikhs and the repression of minorities by India by preserving the information in the Congressional Record. We continue to work for freedom for the Sikh Nation. Self-determination is the essence of democracy.

We cannot accept the leader of the Congress Party, the party that carried out the bulk of these atrocities, speaking to an organization like the United Nations on a subject like non-violence, especially when there are much better spokespersons available. I cannot urge you strongly enough to cancel this appearance.

Thank you in advance for your attention to this situation and helping the people of South Asia.

Sincerely,
DR. GURMIT, SINGH AULAKH,
President, Council of Khalistan.

HONORING MAJOR BERNARD PROCTOR, PH.D.

HON. JOE SESTAK

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 18, 2007

Mr. SESTAK. Madam Speaker, our Nation will soon commemorate the 230th Anniversary of the Battle of Brandywine. Let me take this opportunity to relate the importance of that battle, the largest land battle of the Revolutionary War, and to remember the brave soldiers who fought for the independence of our country.

In 1777, the British army campaigned to control Philadelphia, which was then the capital of the newly-declared United States of America. British General William Howe and his troops approached Philadelphia through the Chesapeake, landing in Elkton, Maryland in early September of that year.

American General George Washington was confident that his army would secure the capital city. On September 9, 1777, American troops were stationed along the Brandywine River, guarding the fords. Washington's strategy was to force a fight at Chadds Ford, where the Americans would have the advantage.

On September 9, a small portion of British troops marched from Kennett Square as if they would battle the Americans at Chadds Ford. However, the majority of British troops this time marched north to cross the river at a ford unknown to Washington and his army.

The battle began in the early morning on September 11. Washington, believing that all of Howe's army would fight at Chadds Ford, was unprepared when British troops arrived at the right flank of the American line. He ordered his troops to take the high ground, near the Birmingham Friends Meetinghouse to defend their position. However, British troops were already stationed nearby, and the Americans were unable to secure these grounds.

General Howe's army soundly defeated the Americans due to their superior position and the surprise of their attack. By night, Washington's troops were forced to retreat to Chester.

Despite being outnumbered and outmaneuvered, Washington's troops fought valiantly. The American Congress was able to escape from Philadelphia to safety in Lancaster, and then York, PA. Military supplies were also removed from the capital city before the impending British takeover.

On September 26, 1777, British forces marched unopposed through the city of Philadelphia. This takeover proved of little strategic value, however.

Washington's troops regrouped. The General wrote to John Hancock that night, "Notwithstanding the misfortune of the day, I am happy to find the troops in good spirits; and I hope another time we shall compensate for the losses now sustained." Congress sent reinforcements, strengthening the American army.

Washington's troops successfully defended the military supplies in Reading. On June 18, 1778, British troops abandoned Philadelphia and the city returned to American control.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, September 17, on very urgent business. Had I been present for the three votes which occurred yesterday evening, I would have voted "aye" on H.R. 3246; rollcall vote No. 867, I would have voted "aye" on H.R. 1657; rollcall vote No. 868, and I would have voted "aye" on H. Res. 3527; rollcall vote No. 869.

TRIBUTE TO MR. EDWARD "JACK" EUBANKS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Mr. Edward "Jack" Eubanks, a proud veteran and dedicated public servant. Mr. Eubanks, a resident of Elizabethtown, Kentucky, is retiring after 43 years of service to our country.

Mr. Eubanks served in the United States Army for 20 years and retired as sergeant first class. His military service included 3 overseas tours of duty, 1 being in Vietnam.

Upon his retirement from the Army, Mr. Eubanks joined the Federal civilian workforce at Fort Knox, Kentucky, serving most recently as Chief of Armor Center Protocol. During his 23 years of civilian work, he has been the recipient of the Superior Civilian Service Award twice, the Gold Medallion-Noble Patron of Armor, and the Kentucky Distinguished Service Medal.

It is my privilege to honor Jack Eubanks today, before the entire United States House of Representatives, for his service to his country. I wish Jack, and his wife Kathy a safe and happy retirement.

TRIBUTE TO SIR DAVID GEOFFREY MANNING

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. KING of New York. Madam Speaker, today I rise to recognize the remarkable and significant career of the distinguished British Ambassador to the United States, Sir David Geoffrey Manning. Ambassador Manning is stepping down from his post after 4 years of devoted service and I would like to commend him on his long service to the British Government and his vital contributions to the enduring relationship between the United States and the United Kingdom.

Ambassador Manning began his career as a civil servant in the Foreign and Commonwealth office in 1972, where he was posted in the Mexico/Central America Department. He then served in posts in Warsaw, New Delhi, and Paris. It was in 1990 that Sir David was appointed to the senior position of Counselor, Head of Chancery in Moscow. Ambassador Manning held this post from 1990 to 1993, during which time the fall of communism and the break-up of the former Soviet Union occurred.

In 1995, Ambassador Manning was named British Ambassador to Israel during the difficult period after the assassination of Israeli Prime Minister Yitzhak Rabin. He served in that post with distinction throughout his 3 years of service. In 2001, Sir David was appointed to head the UK delegation to NATO in Brussels, a post he held for 8 months until he was designated by Prime Minister Tony Blair to serve as his chief foreign policy adviser. It was in this capacity that he worked closely for Prime Minister Blair in the aftermath of September 11, 2001, and for the 2 years that followed. It was in this position that Ambassador Manning also developed a close working relationship with Secretary of State Condoleezza Rice, who at that time was serving as President Bush's national security adviser.

In September 2003, Ambassador Manning was appointed by Prime Minister Blair to be the British ambassador to the United States, the 40th ambassador to hold this post. In this position, Sir David has played an invaluable role in strengthening the uniquely close U.S.-UK alliance. Now after 4 years of service, he is leaving Washington and I want to take this opportunity to thank him for his distinguished service to the United Kingdom and for the friendship he has consistently shown toward the United States. I have appreciated my dealings with Ambassador Manning on a range of issues including the war against terrorism and the fulfillment of the Irish Peace Process. And on a personal level, my wife Rosemary and I have thoroughly enjoyed our relationship with Ambassador Manning and his wife Catherine.

Sir David, thank you for your impressive service and I wish you and Lady Catherine the best in all your future endeavors.

HONORING MR. CARL ULLRICH

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SESTAK. Madam Speaker, I rise before you to honor Carl Ullrich on his recent induction in the Army's Sports Hall of Fame and his lifetime of service to our Nation's young athletes and his service to our Nation both in U.S. Navy during World War II and in the U.S. Marine Corps during the Korean Conflict. Mr. Ullrich was the first civilian director of athletics at the Military Academy at West Point serving in that capacity from 1980 to 1990. He oversaw 5 winning football seasons, the program's first 3 bowl game appearances, and negotiated a deal to ensure the winner of the Commander in Chiefs Trophy was invited to a post-season bowl game.

Mr. Ullrich has a long career in mentoring and teaching our youth and young adults, starting in 1952 with a coaching position at the Friends Academy in New York and includes serving as a coach at Irvington High School and Newark Academy in New Jersey, freshman crew coach at Cornell University, varsity crew coach at Columbia University and Boston University, and as an assistant commandant at the Sanford Naval Academy. He served as athletic administrator at the Naval Academy for 11 years where he supervised the areas of admissions, counseling, recruiting, eligibility, Congressional liaison, and NCAA and AIAW policy, and coached the Navy varsity crew for 6 years, winning the Eastern Intercollegiate championship in 1971.

Additionally, Mr. Ullrich has served as athletic director of Western Michigan University, the President of the Metro Atlantic Athletic Conference, and in many capacities for the NCAA and ECAC. He has also served as the initial Executive Director of the Patriot League, and most recently as the Athletic Director of St. Andrews Presbyterian College. He was awarded the Eastern College Athletic Conference's James Lynah Distinguished Achievement Award in 1995 in recognition of his outstanding success in his career and his extraordinary contribution in the interest of intercollegiate athletics.

Mr. Ullrich served his country in active duty in both World War II and the Korean Conflict reaching the rank of Captain in the U.S. Marine Corps.

Madam Speaker, I ask you to join me in honoring Carl Ullrich, an inspiration to over five decades of this nation's young athletes and an exemplary role-model of service and dedication for them to follow.

TRIBUTE TO THE CUSIMANO FAMILY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to pay tribute to the Cusimano family as they and our community gather this month to celebrate the 50th anniversary of the Cusimano Family Colonial Mortuary.

The Cusimano Family Colonial Mortuary was founded in 1957 by Joseph and Sue Cusimano in Mountain View, California, Joseph and Sue devoted their entire lives to the work of their business, and to the service of their community. For 50 years, Cusimano Family Colonial Mortuary has maintained a family-oriented approach to providing mortuary services to the community—a commitment that has been carried on by their children. In 1980, in recognition of the exemplary professional standards and extensive community involvement, the mortuary was invited to join the distinguished association of Selected Independent Funeral Homes.

Joseph and Sue lived their broad and continuing commitment to the service of their community—ranging from the Mortuary's 50-year sponsorship of the local Babe Ruth Little League team to Joseph's service as the Mayor of Mountain View. The generosity of the Cusimanos also extended beyond our community to others in need, as exemplified by their gift of children's caskets to the victims of the 1995 Oklahoma City tragedy.

Joseph and Sue bequeathed both their business and their sense of responsibility to their children. The Cusimano Family Colonial Mortuary is now managed by Matthew and Sherri, who have maintained the spirit of service and community participation that began with their parents 50 years ago. Madam Speaker, it is my honor to congratulate the Cusimano family as they celebrate this special anniversary.

IN HONOR OF VIOLET DE CRISTOFORO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. FARR. Madam Speaker, I rise today to recognize one of my district's most outstanding citizens, Violet de Cristoforo. Today, the National Endowment for the Arts will honor Mrs. de Cristoforo with a National Heritage Fellowship Award, our country's highest honor in folk and traditional arts.

Violet de Cristoforo was born Kazue Yamane in Ninole, Hawaii. At the age of 8 she was sent to Hiroshima, Japan for her primary education. Then at the age of 13 she returned to the United States to attend high school in Fresno, California. Upon her graduation Mrs. de Cristoforo married Shigaru Matsuda. It was also around this time that Mrs. de Cristoforo joined the Valley Ginsha Haiku Kai, a local haiku kais, or poetry club, and began focusing on the newer kaiko style that loosened haiku traditional 5–7–5 structure.

With the onset of WWII, Mrs. de Cristoforo, her husband and 3 children were moved to forced detention facility in Jerome, Arkansas. After her husband refused to complete a questionnaire, the family was split up; Mrs. de Cristoforo and her children were sent to Tule Lake, California, while her husband was sent to a detention facility in Santa Fe, New Mexico. While under forced internment, she wrote hundreds of haikus reflecting on her environment and everyday life in the camps. Sadly, only 15 of the hundreds of haikus survived upon her release in 1946.

It is important that we recognize Mrs. de Cristoforo not only for her own haikus but for the hard work and dedication she contributed to the preservation, translation and publication of other haikus of the Japanese culture and life in the forced internment camps. Mrs. Cristoforo's own book, "Poetic Reflections of the Tule Lake Internment Camp, 1944" was published over 40 years after it was originally written. Years later Mrs. de Cristoforo compiled the haikus of many former internment camp poets and published, "May Sky: There's Always Tomorrow: A History and Anthology of Haiku". These poems are not just their history; they are part of our American history, because these people were also Americans.

It is sad that so few of these works survived that time, for not only were many lost in the camps but, prior to their forced detention when many of them were destroyed. At the time Mrs. de Cristoforo and her husband ran a small bookstore in Fresno. This material is forever lost which makes her work that much more important.

Madam Speaker, Violet Kazue de Cristoforo is truly deserving of our thanks and her recognition by the NEA with the National Heritage Fellowship Award is but a small token of appreciation for a lifetime of dedication and sacrifice.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. EHLERS, Madam Speaker, on rollcall No. 867, 868, and 869, I was delayed because my airplane was very late in reaching DCA, due to weather problems in Minneapolis, and I was too late for the votes.

Had I been present I would have Voted "no" on rollcall No. 867, H.R. 3246; "yes" on rollcalls No. 868 and 869, H.R. 1657 and H.R. 3527.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol on Monday, September 17, 2007 and was unable to cast votes on the House floor that evening.

However, had I been present I would have voted "aye" on H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007; "aye" on H.R. 1657, a bill to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs; and "aye" on H.R. 3527, a bill to extend for 2 months the authorities of the Overseas Private Investment Corporation.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, September 17, 2007, I was unable to cast my votes on H.R. 3246, H.R. 1657, and H.R. 3527.

Had I been present for rollcall No. 867 on suspending the rules and passing H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007, I would have voted "nay."

Had I been present for rollcall No. 868 on suspending the rules and passing H.R. 1657, to establish a Science and Technology Scholarship Program to award scholarships to recruit and prepare students for careers in the National Weather Service and in National Oceanic and Atmospheric Administration marine research, atmospheric research, and satellite programs, I would have voted "aye."

Had I been present for rollcall No. 869 on H.R. 3527, to extend for 2 months the authorities of the Overseas Private Investment Corporation, I would have voted "aye."

TRIBUTE TO THE BELIZE 26TH ANNIVERSARY OF INDEPENDENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the 26th anniversary of the Independence of Belize, which will be on September 21, 2007.

On September 21, 1981, Belize became an independent nation within the Commonwealth of Nations, formerly British Commonwealth. Belize is located in South America and is a member of the Caribbean Community, also known as CARICOM.

Belize is an extraordinary country because of its people. Nowhere else in the world are people with diverse ethnicities and heritage so unified and harmonious. The country's population consists of people with Mayan, African, European, Afro-European, and Afro-Amerindian ancestry, just to name a few. In recent years, people of Asian descent have made Belize their home.

Due to globalization and other factors the world is getting smaller and smaller. It will be important for countries to be unified in order to interact politically, economically, and culturally within the world. Belize's diverse and unified characteristics can serve as a model to other nations struggling with internal conflict and peace.

I offer congratulations to the people of Belize as they celebrate their independence. I encourage people from all over the world to look to Belize for inspiration and hope for a better world.

TRIBUTE TO ZION EVANGELICAL AND REFORMED UNITED CHURCH OF CHRIST

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Zion Evangelical and Reformed United Church of Christ in Addieville, IL. One hundred years ago this past Saturday, the congregation of Zion Church of Christ set the cornerstone of their present church building. Contents of the cornerstone included, among other things, the church constitution, membership list, a catechism, songbook, and church calendar.

On May 31, 1908, the new church was finally completed. Over 3000 parishioners and spectators attended the dedication services, The magnificent edifice was erected at a cost of $23,000 dollars and was hailed in the Nashville Journal as the finest church in Washington County, IL.

But while a sturdy and beautiful building is a testament to the handiwork of the church's carpenters and craftsman—the success of the Zion Church over the course of a century is a living testament to the souls who fill the church pews. May God continue to bless the Zion Church for another hundred years.

TRIBUTE TO REV. DR. LARRY LOVEJOY AND JEAN CARLOTTA LOVEJOY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. ORTIZ. Madam Speaker, I rise today to pay tribute to two outstanding patriots in the Rio Grande Valley: Rev. Dr. Larry Lovejoy, and his wife, Jean Carlotta Lovejoy. They are very special people in our community and have greatly enriched our lives in south Texas.

Rev. Dr. Larry Lovejoy is a religious leader who uses simple human compassion, courage, and conviction to advocate for religious freedoms. He has worked diligently to make better the lives of both the American and Mexican people who populate the south Texas border community.

His tireless work with those who have less than many of us inspires people to trust him. They know he is working for the betterment of the community we all share.

He has promoted partnerships with the international community among the people of Brownsville, and has been instrumental in efforts to provide fresh clean water to the people living in colonias in Matamoros, Mexico. Colonias are poor, unincorporated neighborhoods outside of cities along the border.

He and his wife, Jean Carlotta Lovejoy, both helped coordinate efforts by the local business community and federal policy makers to a badly-needed new or additional postal facility for the rapidly-growing Brownsville community.

His wife, Jean, his partner in life and work, serves as the Postmaster for Brownsville, TX. She, too, works to improve the lives of everyday citizens in the border area of Texas, particularly the Rio Grande Valley area.

Jean has worked closely with the area food bank to secure food for the economically disadvantaged children of the community. Her efforts have resulted in underprivileged children being able to eat over the summer while out of school. This is an enormous effort on her part.

I ask the House of Representatives to join me today in commending these patriots who love this country and believe in the possibilities of all our citizens—all God's children—to participate in our community and our national life.

IN HONOR OF THE PUBLIC SERVICE OF NOREEN EGAN OF GLEN ROCK, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to the tremendous public service of Noreen Egan of Glen Rock, New Jersey. For the past quarter of a century, Noreen has been the rock of the Glen Rock Volunteer Ambulance Corps.

A graduate of Holy Name Hospital School of Nursing and Seton Hall University, Noreen settled in Glen Rock with her husband, Tom, and has raised two sons there—Dan and Jamie. She soon became interested in using her nursing skills to help her community by joining the Glen Rock Volunteer Ambulance Corps. Over the years, she has not only been one of its most active members, Noreen has also served as its Chief and Lieutenant.

Earlier this year, Noreen was nominated by her fellow Corps members for the John R. Rinaldi Special Recognition Award given by the Bergen County Chapter of the 200 Club at their Annual Valor Awards luncheon in April 2007. The award is a highly competitive honor presented to one person each year for his or her outstanding contribution to emergency services. And later this year, the Glen Rock Ambulance Corps will honor Noreen for her 25 years of service at their annual installation dinner.

In addition to serving people in need through the Ambulance Corps, Noreen has also served the children of the Academy of Our Lady as their school nurse for the past 24 years. And, last year, she was appointed Assistant Director for the Glen Rock Office of Emergency Management.

Furthermore, Noreen and Tom Egan—a Vietnam War veteran and Commander of VFW Post 850 in Glen Rock—have cultivated a sense of community spirit and civic responsibility in their sons. Dan, who joined the Ambulance Corps with his mother when he was in high school, is now an emergency room doctor at St. Vincent's Hospital in New York and at Bergen County's own Valley Hospital. Jamie just completed a tour of Iraq as an Army Ranger. The Nation has achieved its greatness because of families like the Egans.

The Glen Rock Volunteer Ambulance Corps has served the people of Glen Rock for just over 50 years—almost half of that with the help of Noreen Egan. She and her colleagues are what make the words of the Ambulance Corps' slogan, "Neighbor helping Neighbor," ring true.

THE RECOGNITION OF 25 YEARS OF SERVICE AWARDS FOR EMPLOYEES OF THE OFFICERS OF THE HOUSE OF REPRESENTATIVES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to congratulate and recognize outstanding employees of the Officers of the U.S. House of Representatives (Clerk of the House, Chief Administrative Officer, Inspector General, and Sergeant at Arms) who have completed 25 years or more of service to the U.S. House of Representatives.

In any organization, the most important resource is its dedicated employees, and without these employees, failure is certain. The employees we recognize today are acknowledged and commended for their hard work, contributions, and support of House Members, their staffs and constituents, and the overall operations of the House. These people have accomplished a great many things in a wide range of activities, and the House of Representatives, Members, staff, and the general public are better served because of them. The individuals we honor today have collectively provided 3,896 years of service to the U.S. House of Representatives:

Employee, officer, years of service: Maura P. Kelly, Clerk of the House, 50; Doris Boyd, Sergeant at Arms, 42; Ben J. Vann, Chief Administrative Officer, 40; Jerry L. Gallegos, Chief Administrative Officer, 40; Christine Stewart, Chief Administrative Officer, 38; Patricia A. Madson, Clerk of the House, 38; Gerald E. Bennett, Chief Administrative Officer, 38; James L. Newsome, Chief Administrative Officer, 37; Sue E. Dean, Clerk of the House, 36; Rodric J. Myers, Sergeant at Arms, 35; Deborah A. Bates, Chief Administrative Officer, 35; Janice L. Glosson, Clerk of the House, 35; Dane Stalbaum, Chief Administrative Officer, 35; Donna G. Downs, Clerk of the House, 34; Paul F. Lozito, Chief Administrative Officer, 34.

Bobby R. Small, Chief Administrative Officer, 34; H.D. Engel, Sergeant at Arms, 34; Lea Fowlie, Chief Administrative Officer, 33; Donald W. Reedy, Chief Administrative Officer, 33; Gloria J. Washington, Chief Administrative Officer, 33; Flora A. Posey, Chief Administrative Officer, 32; Caroline Klemp, Chief Administrative Officer, 32; Richard R. Villa, Sergeant at Arms, 32; Elliot C. Chabot, Chief Administrative Officer, 32; Elaine Comer, Chief Administrative Officer, 32; David J. First, Chief Administrative Officer, 32; Eric C. King, Chief Administrative Officer, 32; Daniel H. Ertel, Chief Administrative Officer, 32; William P. Sims, Sergeant at Arms, 32; George R. Cannon, Chief Administrative Officer, 32.

Karen F. Forriest, Sergeant at Arms, 32; Marion M. Pacic, Chief Administrative Officer, 32; Kelly D. Patrick, Sergeant at Arms, 32; Marie E. Higgs, Chief Administrative Officer, 31; Alice B. Bridges, Clerk of the House, 31; Sharyn B Alexander, Chief Administrative Officer, 31; Charles R. McCall, Jr., Clerk of the House, 31; Richard N. Hughes, Chief Administrative Officer, 31; Stanton Sechler, Chief Administrative Officer, 31; Wendell E. Twombly, Chief Administrative Officer, 31; Donald T. Kellaher, Sergeant at Arms, 31; Robert L. Stallings, Chief Administrative Officer, 31; Bridget A. Cox, Chief Administrative Officer, 31; Deborah M. Spriggs, Clerk of the House, 30; Vincent L. Marcum, Jr., Chief Administrative Officer, 30.

Charles D. Roche, Sergeant at Arms, 30; Stefan L. Rusnak, Chief Administrative Officer, 30; James M. Garrott, Chief Administrative Officer, 30; Joe D. Berg, Chief Administrative Officer, 30; Frank H. Jones, Chief Administrative Officer, 30; Newton B. Pendergraph, Chief Administrative Officer, 30; John P. Mooney, Chief Administrative Officer, 30; Trevera R. Jackson, Chief Administrative Officer, 30; Mark D. O'Sullivan, Clerk of the House, 30; Alessandro Cusati, Chief Administrative Officer, 30; Cathy J. Kell, Chief Administrative Officer, 30; Michael J. Arceneaux, Clerk of the House, 30; Peyton J. Jackson, Chief Administrative Officer, 29; Peggy C. Sampson, Clerk of the House, 29; John F. Kelliher, Sergeant at Arms, 29.

Jacqueline L. Hurda, Chief Administrative Officer, 29; Carnelius Thomas, Clerk of the House, 29; Michael K. Allen, Chief Administrative Officer, 29; Frederick J. Masheter, Jr., Chief Administrative Officer, 29; Arden Moser, Chief Administrative Officer, 29; Robert W. Warnick, Chief Administrative Officer, 29; John T. Lewis, Chief Administrative Officer, 29; Douglas C. Toms, Clerk of the House, 29; Ronny K. VanDyke, Chief Administrative Officer, 29; John T. Whitmyer, Chief Administrative Officer, 29; William M. Cox, Clerk of the House, 29; Pearl J. Mangrum, Chief Administrative Officer, 29; Lois A. Cortese, Chief Administrative Officer, 29; Thomas K. Hanrahan, Clerk of the House, 29; Stephen E. Pingeton, Clerk of the House, 29.

Joseph P. Coppa, Chief Administrative Officer, 29; Joseph A. Lee, Sergeant at Arms, 29; Matthew F. Cizek, Clerk of the House, 28; Patrica N. Smith, Clerk of the House, 28; Willie M. Roane, Chief Administrative Officer, 28; Teresa A. Rowe, Chief Administrative Officer, 28; Alfredda L. Horton, Chief Administrative Officer, 28; Cookie Clark-Henry, Sergeant at Arms, 28; Peter Shipman, Chief Administrative Officer, 28; Patrick H. Pettis, Sergeant at Arms, 28; Timothy A. Claggett, Chief Administrative Officer, 28; Horace E. Hamlin, Sergeant at Arms, 28; Russell A. Malone, Chief Administrative Officer, 27; Edwarda P. Moore, Chief Administrative Officer, 27; Alvin C. Thompson, Chief Administrative Officer, 27.

Lorraine C. Miller, Clerk of the House, 27; Louis A. Constantino, Sergeant at Arms, 27; Alfred R. Powers, Chief Administrative Officer, 27; Stephen P. Mathis, Chief Administrative Officer, 27; Ted Daniel, Sergeant at Arms, 27; Sheila L. Roscoe, Chief Administrative Officer, 27; David W. Roth, Clerk of the House, 27; Thomas D'Amico, Chief Administrative Officer, 27; John P. Long, Chief Administrative Officer, 27; Mary K. Niland, Clerk of the House, 27; Melissa K. Franger, Sergeant at Arms, 27; Patricia C. Nuzzo, Chief Administrative Officer, 27; Ronnie W. Reed, Chief Administrative Officer, 27; Nicarsia K. Mayes, Sergeant at Arms, 27; George D. Moore, Jr., Chief Administrative Officer, 27.

Willie C. Williams, Sergeant at Arms, 27; Sandra M. Rubio-Marrero, Chief Administrative Officer, 27; Kevin N. Chambers, Chief Administrative Officer, 27; Charles M. McGee, Clerk of the House, 26; Helene M. Flanagan, Chief Administrative Officer, 26; Frederick H. Bowles, Jr., Chief Administrative Officer, 26; Philip Melvin, Chief Administrative Officer, 26; Sandra F. Durham, Chief Administrative Officer, 26; Gail P. Davis, Chief Administrative Officer, 26; Anthony A. Thompson, Chief Administrative Officer, 26; Timothy W. Babcock, Chief Administrative Officer, 25; John M. Wright, Chief Administrative Officer, 25; Lewis L. Maiden III, Chief Administrative Officer, 25; John L. Carter, Jr., Chief Administrative Officer, 25; Jeanne M. Mershon, Sergeant at Arms, 25.

Roland S. Janifer, Chief Administrative Officer, 25; Janet H. DiMatteo, Chief Administrative Officer, 25; Bernestine Kea, Chief Administrative Officer, 25; Leslie D. Henderson, Chief Administrative Officer, 25; Floyd M. Johnson, Chief Administrative Officer, 25; Andrew W. Straughan, Chief Administrative Officer, 25; Thomas K. McGarry, Chief Administrative Officer, 25; Annette G. Brown, Chief Administrative Officer, 25; Su-Hwa Chang, Chief Administrative Officer, 25; Standley Brady, Sergeant at Arms, 25.

On behalf of the entire House community, I extend congratulations and once again recognize and thank these employees for their commitment to the U.S. House of Representatives as a whole, and to their respective House Officers in particular. Their long hours and hard work are invaluable, and they have set an example for other employees to share in their dedication and commitment, and to follow in their footsteps. I celebrate our honorees and celebrate the importance of their public service.

RECOGNIZING REVEREND DOCTOR WALLACE S. HARTSFIELD

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the great accomplishments of Reverend Doctor Wallace S. Hartsfield, Sr., a minister, dedicated community activist, civil servant, compassionate role model, and a member of the Fifth District of Missouri which I am deeply honored to represent. Reverend Hartsfield retires as Senior Pastor of the Metropolitan Missionary Baptist Church on January 1, 2008 after more than 40 years of service to Metropolitan and more than 55 years as a minister of God. He will be succeeded by his son, Dr. Wallace S. Hartsfield II.

Our community also rises on this occasion to honor his civic contribution in the renaming of the Parkway Post Office in an area he serves. This is a fitting tribute to Reverend Hartsfield whose legacy continues in his ministry, teachings, and goodwill. The Post Office building, whose new designation will officially bear his name, will celebrate Reverend Hartsfield's spirit and leadership at 4320 Blue Parkway, Kansas City, Missouri 64130.

Reverend Hartsfield was an only child, born to the late Ruby Morrissette in Atlanta, Georgia, on November 12, 1929. He served a 3-year tour of duty with the United States Army before receiving a bachelor of arts degree from Clark College in Atlanta, now Clark Atlanta University, in 1954. He went on to earn a master of divinity degree from Gammon Theological Seminary, now the Interdenominational Theological Center, in 1957, also located in Atlanta. He holds many honorary degrees, including a doctor of divinity degree from both Western Baptist Bible College in Kansas City, Missouri and from Virginia Seminary and College of Lyncher, Virginia. His first pastorate was in Pickens, South Carolina. He later served in Wichita, Kansas; Barstow, Florida; and Brunswick, Georgia. As a scholastic theologian, Rev. Hartsfield serves on the board of directors at the Morehouse School of Religion in Atlanta, Georgia, in addition to serving as an adjunct professor of the Central Baptist Theological Seminary in Kansas City, Kansas. He is affectionately referred to as the "Dean of Kansas City's ministers" by all denominations. A friend and honored minister, I have dubbed Dr. Hartsfield the "Godfather of

Preachers" because of his vast ministerial knowledge and oratorical skills.

Reverend Hartsfield celebrated his 50th wedding anniversary with his wife Matilda Hopkins on August 28. They are the proud parents of four children, Pamela Faith, Danise Hope, Ruby Love, and Wallace S. Hartsfield II.

Shining brightly as an example of unwavering open-mindedness, commitment, and heartfelt participation within his national community, Reverend Hartsfield has revealed himself as the quintessential citizen of both our American and world populations. The honor owed to this great leader and devoted man of profound faith reaches beyond our local, state, and national levels and touches our wider international community, just as he has sought to touch all of those he has met wherever he goes. He has fought tirelessly to promote, protect, and ensure civil rights and civil liberties for African Americans and other minorities throughout our great nation during its most shameful hours of injustice. He remains a member of the Alpha Phi Alpha Fraternity, Inc., the first intercollegiate Greek-letter fraternity created for African Americans. As a prolific and dynamic speaker, he has often been asked to serve as a guest speaker for lectures at colleges, universities, and seminaries locally and internationally, including as far from home as Australia. In 2006, he was selected as a member of an inter-denominational group and met with Turkish officials to tour the country and broaden international faith and community relations.

In many diverse capacities, Reverend Hartsfield has guided his broader, national faith community throughout the entirety of his devotion as a minister. He is a former chairman of the Congress of National Black Churches, representing over 65,000 churches with over 20 million members. Within the National Baptist Convention of America, Inc., he served as a member on the Foreign Mission Board, was secretary and treasurer of the Benevolent Board and Insurance Commission, is a former chairman of its Economic Development Commission, is former second vice president, and is currently vice president at-large under the leadership of Dr. Stephen J. Thurston.

Our greater Kansas City and Missouri communities stand stronger having been both blessed with and built upon by a cornerstone as unshakable and committed as Reverend Hartsfield. He was at the forefront of successful efforts to construct low income, 60 unit housing developments known as the Metropolitan Homes, located near the Linwood Shopping Center, the creation of which is also due largely to the encouragement of Reverend Hartsfield. Furthermore, he served as president of the Baptist Ministers Union, an influential organizer for the Concerned Clergy Association, and a moderator for the Sunshine District Association. Appointed by the Governor, Reverend Hartsfield served as commissioner on the Missouri Highway Commission. He was also president of the Greater Kansas City Chapter of Operation PUSH, an organization dedicated to the promotion of religious and social development and human rights.

While his long list of accolades helps detail his many great talents and achievements, it remains only a small sampling if one tries to understand the deeply positive and vast impact Reverend Hartsfield has so generously imparted to his neighbors. He is named "One of the Top 50 Ministers in America" by Upscale magazine of Atlanta, Georgia. As a local minister, he has received the One Hundred Most Influential Award from the K.C. Globe newspaper, the Greater Kansas City Image Award from the Urban League, and the Minister of the Year Award from the Baptist Ministers Union of Kansas City. As a public servant, a role inexorably intertwined with his role as a minister, he received the Public Service Award from the Ad Hoc Group Against Crime, the Role Model for Youth Award from Penn Valley Community College, and the Community Service Award from the city of Kansas City, Missouri, to name only a few.

Having personally been influenced and encouraged by his generosity, compassion, and myriad successful endeavors throughout his career, I find it among the greatest honors and opportunities to acknowledge and celebrate the great victories of Reverend Hartsfield as he prepares to enjoy the next stage of his life, retirement from the vocation of compassion he so joyously fills and will continue to fulfill in a new capacity.

Madam Speaker, please join me in expressing our appreciation to my dear friend, Reverend Doctor Wallace S. Hartsfield, Sr., for his loving ministry and limitless dedication to serving the residents of Kansas City, the State of Missouri, and the worldwide community. Strong, sustainable societies are built upon a foundation of goodness and devotion. It is our hometown heroes, like Reverend Hartsfield, the hallowed and benevolent, who ensure the longevity of, and strengthen, our free and democratic way of life. May God continue to bless Reverend Hartsfield as he embarks upon a new journey of embracing and improving the lives around him.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. SHAYS. Madam Speaker, on September 17, 2007, my flight to Washington from New York was delayed and I missed 3 recorded votes.

I take my voting responsibility very seriously and had I been present, I would have voted "no" on recorded vote No. 867, "yes" on recorded vote 868, and "yes" on recorded vote 869.

IN HONOR OF JUSTICE WILLIAM E. McANULTY, JR.

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. YARMUTH. Madam Speaker, I rise to salute the life of a good friend and great public servant. William E. McAnulty, Jr., lost his battle with lung cancer on August 23. His passing marks the culmination of an incredible life: the son of an Indiana mailman became the first African American to be elected to the Kentucky Supreme Court.

He will be missed not only by his wonderful family—wife Kristi, sons Patrick and William III, daughters Katheryn and Shannon, and father William E. McAnulty—but by legions of friends and admirers who loved him for his incredible wit, his lively intelligence, and his unwavering commitment to justice throughout society.

Bill, or Judge Mac as he was belovedly known, was born in Indianapolis in 1947. He received his B.A. from Indiana University and both his masters and J.D. degrees from the University of Louisville. He was first elected to the bench in 1975 as a judge in Jefferson County Juvenile Court. Two years later he was elected to the Jefferson County District Court, and then he was selected by Kentucky Governor John Y. Brown, Jr., to serve as Secretary of the Justice Cabinet in 1980.

Following his service in Frankfort, Bill was once again elected to the bench, this time to the Jefferson Circuit Court, where he served until 1998, when he became the first African American to be elected to the Kentucky Court of Appeals.

In June, 2006, McAnulty was appointed by Governor Ernie Fletcher to succeed Justice Martin E. Johnstone, who was retiring. Then last fall, he was elected to that post. While he tried to play down the significance of being the first African American to serve on the Supreme Court, he was well aware of what his accomplishment meant. Upon his swearing in, he said that other African Americans "will understand this door is open and they are able like any other lawyer or judge to enter."

But McAnulty was not like any other lawyer or judge. He was universally recognized and applauded for his fairness, his patience, and his disarming sense of humor. When he learned that he had cancer that had spread to his brain and was to undergo surgery, he said his only fear was that he would "wake up as Clarence Thomas or a UK fan."

Justice McAnulty was frequently the recipient of professional honors, including the Henry V. Pennington Outstanding Judge of the Year in 1997, awarded by the Kentucky Trial Attorneys.

Unfortunately, no simple biography can adequately describe the person under the black robe. Bill was one of those rare individuals who was equally comfortable with princes and paupers, and who never thought about the difference. I was fortunate to know him for more than 25 years, and most recently, as we both campaigned last year, I saw firsthand how deeply he cared about the least among us, and how steadfast was his commitment to combat injustice wherever he saw it.

I know he would have seen some kind of cosmic irony in the fact that his crowning achievement would have ended so quickly, but while his tenure on the Kentucky Supreme Court was short, his legacy to Kentucky justice will endure forever.

INTRODUCTION OF SOUTHEAST ALASKA NATIVE LAND ENTITLEMENT FINALIZATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. YOUNG of Alaska. Madam Speaker, I, along with my distinguished colleagues, Mr. PALLONE, Mr. KENNEDY, Mr. ABERCROMBIE and Mr. FALEOMAVAEGA, introduce today the Southeast Alaska Native Land Entitlement Finalization Act. This legislation will redress the inequitable treatment of the Native Regional Corporation for Southeast Alaska—Sealaska Corporation—by allowing it to select its remaining land entitlement under Section 14 of the Alaska Native Claims Settlement Act, ANCSA, from designated Federal land in Southeast Alaska.

Congress enacted ANCSA in 1971 to recognize and settle the aboriginal claims of Alaska Natives to the lands that Alaska Natives had used since time immemorial for traditional, cultural, and spiritual purposes. ANCSA allocated 44 million acres and nearly $1 billion to Alaska's Native people, to be managed by the 12 Regional Corporations, including Sealaska, and more than 200 Village Corporations. While Sealaska is one of the Regional Corporations with the largest number of Native shareholders, with 21 percent of all original Native shareholders, Sealaska received the smallest Regional Corporation land settlement—less than 1 percent of the total of all ANCSA lands.

ANCSA declared that the land settlement "should be accomplished rapidly, with certainty [and] in conformity with the real economic and social needs of [Alaska] Natives . . ." However, after more than 35 years since the passage of ANSCA, Sealaska has still not received conveyance of its full land entitlement. As a result of its small land entitlement, it is critical that Sealaska complete its remaining land entitlement under ANCSA in order to continue to meet the economic, social and cultural needs of its Native shareholders, and of the Native community throughout Alaska.

The Bureau of Land Management projects that Sealaska is entitled to receive between 355,000 and 375,000 acres pursuant to ANCSA. To date, 35+ years after ANCSA's enactment, Sealaska has secured conveyance of 290,000 acres. Accordingly, there are up to 85,000 acres remaining to be conveyed. ANCSA, however, limits Sealaska land selections to withdrawal areas surrounding certain Native villages in Southeast Alaska. The problem is that there are no lands remaining in these withdrawal areas that meet Sealaska's traditional, cultural, historic, or socioeconomic needs, and certain of those lands should more appropriately remain in public ownership. The selection limitations preclude Sealaska from to using any of its remaining ANCSA land settlement to select places of sacred, cultural, traditional, and historic significance located outside the withdrawal areas that are critical to facilitate the perpetuation and preservation of Alaska Native culture and history. Moreover, selection from the withdrawal areas would not allow Sealaska to meet the purposes of ANCSA—to create continued economic opportunities for the Native people of Southeast Alaska. Further, more than 40 percent of the original withdrawal areas are salt water and, therefore, not available for selection.

Despite the small land base in comparison to all other Regional Corporations, Sealaska has provided significant economic benefits to not only Sealaska Native shareholders, but also to the other Native Corporations throughout Alaska. Pursuant to a revenue sharing provision in ANCSA, Sealaska distributes considerable revenues derived from its development of its natural resources—more than $300 million between 1971 and 2005—to the other Native Corporations. Unless it is allowed to select land outside of the designated withdrawal areas, Sealaska will not be able to select land that would allow it to maintain its existing resource development and management operations, or provide continued economic opportunities for the Native people of Southeast Alaska and economic benefits to the broader Alaska Native community through the revenue sharing requirements under ANCSA.

The legislation presents a solution that would allow Sealaska to complete the conveyance of its land entitlement and enable the Federal Government to complete its statutory obligation to the Natives of Southeast Alaska, as promised under ANCSA. The elements of the legislation include the following:

Sealaska would be authorized to select its remaining ANCSA land entitlement from a pool of land outside the existing withdrawal areas established in ANCSA, a majority of which is on existing forest service roads which has second-growth timber land.

Sealaska would be authorized to use a majority of its remaining entitlement for economic development opportunities that would benefit its shareholders, the Southeast Alaska economy, and Native shareholders throughout Alaska.

The legislation would also allow Sealaska to use a portion of its remaining entitlement for sites with sacred, cultural, traditional, or historic significance and for remote Native Enterprise sites with traditional and recreational use value.

The legislation would allow the lands remaining in the withdrawal areas to remain in public ownership, almost all of which are roadless areas, old-growth timber lands, or land with important public interest value.

I thank my colleagues and urge your support for this important legislation for the Native people of Southeast Alaska.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. CARSON. Madam Speaker, on Monday, September 17, 2007, I was unable to vote on rollcall Nos. 867, 868, and 869. Had I been present, I would have voted "yes" on each of these measures.

FRIDAY NIGHT LIGHTS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. POE. Madam Speaker, according to Darrel Royal, there are only two sports in Texas—football and spring football. In coffee shops, barber shops, and even in the beauty salons all across Texas, the talk is all the same—how's the team gonna be this year? It's that time of year, a time that folks in Texas and across the south prepare for all year long. Football in Texas is its own religion, where even your preacher cuts the sermon short on Sundays to get you home in time to watch the game. Nowhere else on earth will you find a culture so wrapped up in football like we are in Texas.

Proud Texans naturally believe everything is bigger and better in Texas—and that's because it is. And like most fathers, I am a proud dad. My son Kurt started playing football when he was 8 years old and I have watched him play every game from pee-wee football in Humble, Texas until he took the field wearing the purple and white of my alma mater, Abilene Christian University.

Throughout school, Kurt played quarterback. Quarterback is one of those positions that is tough on parents—it's all the frame or all the blame. Every time I saw him take the field wearing number 3, I saw that same little 8-year-old boy full of determination. It was that very determination that led to him walking on at ACU and earning a spot as a safety and becoming an Academic All Conference player. With this new position, came a new prayer for the Poe family. The word "interception" took on a whole new meaning for us.

I was a judge during that time and I would head out on Friday nights after court and drive all night to towns such as Kingsville, Canyon, Wichita Falls, Commerce, Las Cruces, New Mexico, and Ada, Oklahoma, and of course, Abilene, to get there for Saturday's game. There is nothing more fun that being in a stadium on that first crisp fall weekend and seeing your team, and your son, take the field to thousands of college fans chanting: W–I–L–D–C–A–T–S, purple, white, purple, white, fight, fight, fight!

Texas football is that of legend and legacy. It has spawned books, movies, and a TV series. A look into a way of life that is so unique, so Texan. It's the Junction Boys, the Tyler Rose, the last minute touchdown run by Vince Young of Texas against USC in the Rose Bowl National Championship game—I was there by the way with my son Kurt. What a game. What a memory.

Yes, Texans love their football—right down to the names they choose for their children to the cars they buy. I am sure there is some big executive up in Detroit wondering why they have to send so many maroon pickups to Texas. We may not have too many fall weddings on Saturdays, because they conflict with college football, but I am willing to bet that you have been to a wedding where the new Mr. and Mrs. took off down the aisle to the "Eyes of Texas" or got a big "Whoop!" after the preacher declared them husband and wife.

Now I am not one to say that we don't love our Texans and Cowboys. A smile still comes across my face when I think of the Astrodome and those Luv Ya Blue days. But, professional football today just doesn't have that same thrill and excitement anymore. Sure, maybe up North it does since they don't have high school stadiums that hold 15,000 people, field turf, jumbotrons and the caliber of coaches and players we have in Texas.

But it's not just the facilities, what makes the game so special is the atmosphere of it all. It's the band, the drill team, the cheerleaders, the moms selling T-shirts, the school clubs hanging banners—the whole atmosphere is what makes the game great. The whole community comes together, people from all walks of life get together every weekend and share in the tears and cheers and root for their team to victory.

So this weekend and every weekend in the fall, Texas families put on school colors and head to the game. They grab some hot dogs and a coke and take part in one of Texas's finest traditions. You see some of those folks that you went to high school with and some of the same old guys sitting in the same seats they were in 20–30 years ago. The players, the coaches, the trainers, the cheerleaders, the drill team and all those people that volunteer their time to support the kids are all part of the excitement. Football in Texas is something special. It's the Texas Religion.

And that's just the way it is.

TRIBUTE TO CAPTAIN NICK ANDRYUK

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and gratitude that I stand before you today to recognize one of northwest Indiana's most dedicated, distinguished, and honorable citizens, Captain Nick Andryuk. I have known Nick for many years, and he is one of the most passionate and involved citizens that I have ever known, especially when it comes to serving his country and to serving the young men and women of the First Congressional District. Since the mid–1970's, Nick has served the youth of the First Congressional District. Since 1985, he has done so as a member of my Military Academy Board. During this time, Nick has been a constant source of knowledge and insight for students interested in attending the Merchant Marine Academy and all other military academies. Recently, Nick informed me that he will be leaving northwest Indiana and relocating to Texas.

Nick Andryuk was born and raised in Brooklyn, NY. Following his graduation from Brooklyn Technical High School in 1974, where he studied structural design, Nick chose to attend the United States Merchant Marine Academy, where he earned a bachelor of science degree in marine engineering with a minor in nuclear engineering. Upon his graduation, Nick was commissioned as an ensign in the Naval Reserves, specializing in surface warfare. Always seeking to broaden his horizons, Nick would continue his educational and occupational pursuits over the years to amass an impressive résumé, which includes a master's degree in business administration from Indiana University Northwest and a Professional Engineering License from the State of Indiana.

During his time in the Naval Reserves, Nick held various positions, including: administration officer, training officer, executive officer, and eight additional commanding officer positions. In 1985, Nick was named an engineering duty officer, and finally, in 1995, he was promoted to the esteemed rank of captain. While serving in his capacity as a captain, a position he held until his retirement from the Navy Reserves in June 2004, Nick also served as an explosive safety chief inspector.

While he has served his country and community in various capacities throughout his lifetime, Nick came to be known for not only his wisdom and his willingness to serve others, but also for his strong work ethic, a trait he undoubtedly developed during his career at Inland Steel, later Ispat Inland Steel. For over 26 years, Nick served in capacities ranging from assistant engineer to section manager. Following his retirement from Ispat Inland Steel in 2001, he went on to work as a project manager and engineering consultant with Superior Engineering from 2001 to 2007. In September 2007, Nick accepted a position as vice-president of operations with Zimmerman and Jansen, a company located in Humble, Texas. While he will surely be missed in northwest Indiana, his efforts and the impact he has had on the lives of many students in the First Congressional District are to be admired. I am sure Nick will continue to share his vast knowledge with prospective academy students in his new location, and I wish him well on his endeavors.

Madam Speaker, Captain Nick Andryuk is a friend who has selflessly given his time and efforts to the young men and women of the First Congressional District, and he has served his country with the utmost eagerness and dedication as a member of the Armed Forces. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication, and I ask that you join me in wishing him the best of success, health, and happiness in the years to come.

INTRODUCTION OF THE TURN-ABOUT RANCH IN GARFIELD COUNTY, UTAH, BILL

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. MATHESON. Madam Speaker, I rise today to introduce legislation that would correct a drafting error that involves a 25-acre parcel of Bureau of Land Management (BLM) land, and land that is part of the Turn-About Ranch, which rehabilitates troubled youth.

An erroneous survey in January 1999 was the cause of this trespass conflict when Congress approved a major land exchange (P.L. 105–335) between the state of Utah and the border of the Grand Staircase Escalante (GSE) Monument. This legislation makes a minor boundary change to resolve the trespass conflict. It would grant the owners of the ranch the right to purchase the erroneously surveyed land at a fair market value, enabling this important and effective program for troublesome youth to continue unimpeded.

The Turn-About Ranch has graduated approximately 500 troubled and at-risk teenagers through an intense program of training and rehabilitation. The ranch also employs about 35 Garfield County residents. The Turn-About Ranch has strong support from the local community, and the Garfield County Commission, as well as approval from the parents of the troubled youth.

The government-owned land administered by the BLM surrounds the congressional action by passing this legislation in Congress. The land was historically used for agriculture and grazing purposes. The Townsend family purchased the ranch and then leased the land to the Turn-About Ranch, Inc., for the sole purpose of rehabilitating the troubled youth, and restoring the values and self-esteem of these wayward teens.

Madam Speaker, this legislation is a fair resolution to a technical problem. The Senate Energy Committee staff has expressed support for solving the problem, and the community is eager for this legislation to be passed. I hope Congress can implement this legislation and resolve this problem to continue helping our troubled adolescent teens.

INTRODUCTION FOR H.R. 3565, REQUIRING RATE INTEGRATION FOR WIRELESS COMMUNICATIONS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. BORDALLO. Madam Speaker, I rise today to reintroduce legislation that will require rate integration for wireless interstate toll charges. Specifically, this legislation, H.R. 3565, would amend Section 254(g) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, to provide for rate integration of wireless long distance service within the United States, including the territories. This legislation, if enacted, would require uniformity in rates charged by cellular phone and other wireless service providers for calls and communications to and from Guam within the United States.

Section 254(g) directs the Federal Communications Commission (FCC) "to adopt rules to require that the rates charged by providers of interexchange telecommunication services to subscribers in rural and high cost areas shall be no higher than the rates charged by each such provider to its subscribers in urban areas."

Pursuant to Section 254(g), the FCC promulgated a regulation (FCC Order 98–347) to cover Commercial Mobile Radio Services (CMRS) as an interexchange service. CMRS includes Personal Communications Service (PCS) and cellular services. In defense of their Order, the FCC noted that "if Congress had intended to exempt CMRS providers, it presumably would have done so expressly as it had done in other sections of the [1996 Telecommunications] Act."

The United States Court of Appeals for the District of Columbia Circuit, however, subsequently vacated FCC Order 98–347, by ruling that interexchange telecommunication services do not encompass CMRS. In its ruling, the Court cited the phrase "interexchange telecommunications service" contained in Section 254(g). Since wireless telecommunications technically do not use exchanges, the Court held that "it is by no means obvious that the Congress, when it used a phrase in which the word 'interexchange' is an essential term, was referring to CMRS."

It is, therefore, unclear from the language of the statute whether section 254 applies to wireless services. Section 254 does not include specific language regarding its applicability to wireless services. Nor does it specifically exclude such services. Moreover, the legislative history of Section 254(g) is not instructive as to Congress' intent regarding the applicability of the rate integration requirement to wireless services.

Ambiguity in the law therefore exists. As a result, cellular customers are subject to varying rates for calls made within the United States. This is particularly evident with respect to rates assessed to calls made to Guam and to the other U.S. territories under service plans offered to cellular customers within the 48 contiguous states of the United States. Again, the Telecommunications Act of 1996 requires rate integration for noncellular, landline communication services. The legislation that I have reintroduced today would simply extend this same requirement to wireless communications.

Rate integration for wireless interstate toll charges is important to businesses and individuals located on the U.S. mainland who engage in regular and reoccurring voice communication with other businesses and contacts located in the offshore territories. Family members and friends are among the customers who are assessed higher and different rates for cellular calls made to Guam or to the other territories. These differences in wireless rates exist despite the fact that the U.S. territories are included in the North American Numbering Plan, the numbering plan for the Public Switched Telephone Network of the United States.

This legislation would bring the uniformity and fairness in rates desired by those consumers located on Guam who aim to keep in regular contact with relatives, friends, and associates who reside in other parts of the United States through the latest technology. Additionally, as technology in telecommunication advances, laws should be updated and developed to keep pace. This legislation would update existing law to take into account advances in and the popularity of wireless telecommunications since enactment of the Telecommunications Act of 1996. The legislation would do so in a manner consistent with both a previous, but vacated, FCC Order and with rate integration requirements applied to other more traditional telecommunication technology.

I look forward to addressing the issue of rate integration for wireless services as part of any legislative effort to reauthorize the Telecommunications Act of 1996.

INTRODUCING A RESOLUTION TO HONOR BARRINGTON IRVING

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today with my good friend Congressman KENDRICK MEEK to introduce legislation to honor the achievements of Captain Antonio Barrington Irving, the youngest pilot and first person of African descent to fly solo around the world. The historic achievements of this dedicated young man are worthy of the utmost respect and recognition by this great Congress. I urge my colleagues to join me in commemorating his achievement and encouraging youth to pursue careers in aviation.

Barrington Irving was born in Kingston, Jamaica in 1983 and soon after moved to Miami, FL. When Irving was 15 years old, he met Captain Gary Robinson, a Jamaican airline pilot who invited Irving to tour a Boeing 777. After this inspirational experience, Captain Robinson became a lifelong mentor, inspiring Irving to fly one day himself. Enduring the challenges of growing up in inner-city Miami, Irving never let his dreams of becoming a pilot be stifled. Irving worked miscellaneous jobs to save for lessons and diligently practiced on a home computer flight simulator. Irving also volunteered quite frequently in his community and eventually earned a joint Air Force/Florida Memorial University Flight Awareness Scholarship to study aviation and take professional flying lessons.

Madam Speaker, Irving took tremendous steps to pursue his dreams in aviation while still a student at Florida Memorial University. In 2003, he contacted companies, including the aircraft manufacturer Columbia, which agreed to provide him with a plane to fly around the world if he could secure donations and components. Over several years, Irving visited aviation trade shows throughout the country and secured more than $300,000 in cash and donated components for a Columbia 400, one of the world's fastest single-engine piston airplanes.

On March 23, 2007, Irving embarked from Miami, FL, on a 24,600-mile flight around the world in an airplane named "Inspiration." He was 23 years of age while still a senior majoring in aerospace at Florida Memorial University at the time. Irving traveled the world as an ambassador of aviation, teaching young people in 27 cities about opportunities in aviation and the importance of academics. He returned from his journey on June 27, 2007, concluding his flight in Miami, FL.

Impressively, even before his around the world flight, Irving founded the non-profit organization Experience Aviation, Inc. to address the significant shortage of youth pursuing careers in aviation and aerospace. This nonprofit has been extremely effective in garnering widespread community support and sponsorship to expose youth and underrepresented groups to opportunities in aviation. Irving continues to be dedicated to his community after his around the world flight and tirelessly works to inspire those around him to reach for their dreams.

Madam Speaker, this young man embodies the perseverance and dedication necessary to truly pursue one's dreams. Barrington Irving realized those aspirations and deserves acknowledgement for continuing to inspire so many. I urge my colleagues' support for this resolution as we work to demonstrate what can be achieved if you never let go of your passion and commitment to the community.

FINAL POST

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to bring to the attention of the Members of the House of Representatives and the American public an article written by Chris Raymond for the The Director magazine. The article is a great description of what goes on at The Port Mortuary at Delaware's Dover Air Force Base, the first stop on the final journey for those who have given their life in defense of this Nation.

[From The Director, July 2007]

FINAL POST

(By Chris Raymond)

The Port Mortuary at Delaware's Dover Air Force Base exemplifies this nation's highest ideals and those underlying the funeral service profession as it cares for the men and women that sacrifice their lives in defense of our country—Chris Raymond.

Show me the manner in which a nation cares for its dead, and I will measure with mathematical exactness the tender mercies of its people, their respect for the laws of the land and their loyalty to high ideals—William Gladstone, British Prime Minister.

On this night, the bodies wait quietly in the darkness, their caskets in a long line, positioned with military precision before a large steel garage door. A massive U.S. flag, perhaps 30 by 20 feet, hangs silently above them. In the morning, this flag will offer one final salute to each fallen soldier as the staff of the Dover Air Force Base Port Mortuary drapes each casket with a smaller American flag, a stack of which hang ready on a rack near the exit for this purpose, before carefully wheeling each outside onto a broad cement landing. From there, vehicles will transport each of these meticulously, lovingly prepared men and women to the planes that will fly them home to their grieving families and the military honors each has earned.

On March 23, 2007, U.S. Army Sergeant First Class Cedric Thomas kneeled before the simple urn containing the cremated remains of U.S. Army Specialist Ross McGinnis during his funeral at Arlington National Cemetery. Resting his hand atop the urn, Thomas, wearing his full uniform, hung his head for a few moments, saying his silent goodbyes, lost in his thoughts. Rising, Thomas offered one final salute to the 19-year-old who sacrificed his life so he could live.

A few months earlier, on December 4, 2006, McGinnis manned a machine gun atop a

Humvee as he, Thomas and three other soldiers patrolled the streets of Adhamiyah, Iraq. From a rooftop, an enemy insurgent tossed a grenade at their truck. Whizzing past McGinnis, the grenade fell through the Humvee's hatch and lodged next to a radio. According to a later account written by Rodney Sherman and published in The Clarion News, Thomas recalls McGinnis shouting to his four comrades: "Grenade! It's in the truck!"

Thomas also told the newspaper, "[McGinnis] had time to jump out of the truck."

McGinnis did not desert his comrades, however. Instead, he jumped through the hatch and threw his body atop the grenade. Upon detonation, McGinnis died instantly. While wounded, the four other soldiers survived, thanks entirely to the heroic action of a teenager from Knox, Pennsylvania.

U.S. Army Specialist Ross McGinnis has been posthumously nominated for receipt of the Medal of Honor, the nation's highest military award and an honor bestowed upon only 3,460 other members of the U.S. armed services since its inception shortly before the Civil War. During his funeral at Arlington, McGinnis received full military honors as three of the four people he saved in the Humvee that day paid their respects, after receiving special permission to attend the funeral before returning to the war zone.

Undoubtedly, the staff of the Dover Port Mortuary prepared the remains of U.S. Army Specialist Ross McGinnis during his journey home and before his ultimate interment at Arlington because Dover processes all of our deceased soldiers. Yet, despite his heroism, not one of the roughly 1,200 other military dead that Dover handles each year receive any less care, respect and honor than McGinnis did—regardless of rank and regardless of chosen method or location of interment.

That is simply how the Dover Port Mortuary operates, every day.

A long bus ride from Washington, DC, to Dover, Delaware, eventually delivers me at a security checkpoint just within the fenced-in, razor-wired confines of Dover Air Force Base. After spending more than two hours chatting with the entire NFDA Executive Board, staff members Christine Pepper, John Fitch and Lesley Witter, and former NFDA At-large Rep. Charlie Hastings, who organized this private tour in his home state, the onboard appearance of a military official demanding we surrender our drivers licenses suddenly sobers me.

"Oh yeah," I recall. "Several months ago, I had to provide my Social Security number so Dover could conduct whatever background checks it requires."

Suddenly, the serious nature of an entirely different way of life floods my thoughts. This is no tour-bus lark to visit the sights of Niagara Falls or the Grand Canyon, a feeling reinforced when I see a massive steel barrier descend into the ground so the bus can pass after receiving clearance.

Stepping off the bus, I enter a modern, recently built facility. As the group gathers within the lobby, I gaze at a massive, curved display just inside, constructed of polished gray stone and inscribed across the top with the words "Dignity, Honor and Respect." The sound of falling water fills my ears from somewhere nearby as I read the many panels beneath these words, each listing an "incident" and the number of dead the Dover Port Mortuary handled each time, dating back to the 1960s. The astronauts of space shuttle Challenger; the victims of the Jim Jones tragedy in Guyana in the late 1970s, when I was a kid; many soldiers from Desert Shield/Desert Storm; the remains of Lt. Michael Blassie, the unidentified Air Force pilot representing the Vietnam War at the Tomb of the Unknowns for 14 years until his identification in 1998 and reinterment; the soldiers that died during the failed attempt to rescue the hostages in Iran during the Carter administration; and countless other members of the U.S. armed services.

A guy my age, dressed in a brown polo and multi-pocket khakis, begins addressing our group, welcoming us to Dover. Although William Zwicharowski—"Zig" as we would come to address him—is a licensed funeral director, I can immediately tell he is also military; he stands ramrod straight even when he's being "casual." Noting that the tour we are about to receive is extremely rare given the sensitive nature of Dover's operations, Zig proceeds to explain that the present facility was built about three years ago. While Dover's mortuary operations date back decades, some authorities felt the former facility looked like a "warehouse" after the attention given by the nation to victims of the 9/11 terrorist attack on the Pentagon. Even if only one grieving family visits the Dover facility each year, these powers realized that this family deserves to know that their son or daughter received the highest level of care and respect, something the ad hoc nature of the former facility did not convey.

Subsequently, Congress authorized the appropriation of $30 million for design and construction of the present Dover Port Mortuary installation. No other mortuary "model" to emulate existing anywhere else on earth, Zig and his staff helped shape the ultimate design and function of the current facility—the Charles C. Carson Center for Mortuary Affairs. As the tour progressed, I would grow to appreciate the government's wisdom of listening to the practitioner's point of view because every detail in the new facility—from the choice of equipment to the layout of the building itself—reflects the expertise and experience of people that know how to care for the dead while also serving the living.

After fielding our many initial questions, Zig beckons the group to walk around behind the incident display in the lobby. While certainly not hidden in any way, I am amazed to discover a large, comfortably appointed atrium just beyond. A soaring glass canopy overarches many ornamental trees and colorful flowers and plants surrounding a central bubbling water pond. The effect is soothing, even comforting, and again reflects the practitioner's insight: serving the living. Along the perimeter of the atrium, I notice numerous offices, some labeled "Counseling," "Chaplain" or "Meditation."

Zig leads us to the Escort Briefing room. Inside, set up for the next morning, nine chairs at one end of the room hold green folders and clear-plastic bags. On each folder, the name of a deceased soldier. Within each bag, their personal effects. Suddenly, the body count in Iraq I hear each morning on my local news becomes personal. Those are more than just numbers; each represents someone's child, spouse, sibling, friend. And nine more of them or their representatives will sit in these chairs tomorrow with the pain of loss numbing their senses and try to follow the details about a far-away incident that took their loved ones as they view information projected from a laptop computer onto a screen at the front of the room. Some will find comfort in such knowledge. Others will caress perhaps the odd personal effect found in one of the plastic bags. A comb. A calling card. A tattered photo. Still others will hear or see nothing, numb from the immediacy of forever-loss.

The roughly 12 people working full-time at Dover understand this, however. For them, the true essence of what funeral directing is all about reigns paramount, which has nothing to do with "efficiency" or "volume" or getting one family "out" because another is scheduled to arrive in 15 minutes—the buzzwords too often filling The Director and your other trade publications. No, the mantra of these dedicated men and women is consistency; the belief that every deceased armed services member passing through their facility deserves complete, unwavering adherence to the words inscribed atop the incident display in the foyer: Dignity, Honor and Respect. Zig and his staff hold zero tolerance for even one "mishap." As he would later convey during the tour about Dover's meticulous handling of every soldier's personal effects: "It is not okay for us to say we 'only lost one item last year.' You try telling that to a family."

Thus, whatever transpires within the Escort Briefing room the next morning, I know that these dedicated professionals will do whatever is necessary to afford every survivor with whatever comfort they require, for however long it takes.

The new Port Mortuary at Dover Air Force Base was designed for both war- and peacetime. Given the U.S. military presence in Iraq, the facility obviously now operates on a wartime status, and Zig and roughly a dozen others work at the mortuary full-time. When the volume of deceased military personnel threatens to grow greater than this crew can handle—which they can generally anticipate courtesy of CNN within 48 hours—Dover activates other professionals from within the military, as well as civilians, to assist.

The process of caring for a fallen soldier is extremely complex, but the Port Mortuary has an amazing system in place and continually strives to handle each case more effectively. Medical examiners want each body returned from the field of battle almost exactly as each man or woman fell, without any live ammunition or grenades, in order to determine if gear improvements are possible to save future lives. This possibly overlooked attention to detail recently resulted in an advancement in each soldier's body armor when Dover's personnel noticed a growing number of deaths due to neck wounds. Insurgent snipers had identified a vulnerability in American military armor—the exposed neck—and consciously aimed their rifles at this spot. Because the staff at Dover recognized this, however, American forces now wear a neck collar, saving an untold number of lives.

The grim fact remains, however, that the Port Mortuary at Dover exists primarily to process those that die defending our country. This begins with the transportation of each body from overseas to another large cement area at the rear of the facility. Transported within aluminum transfer cases, the remains arrive encased in ice and in great condition, usually within 48 hours of death. Again, I feel impressed and oddly proud when Zig relates the solemnity with which Dover's staff receives each case. These are no mere factory workers handling anonymous, insignificant packages along some conveyor belt, I think.

Moreover, despite helping to design and build a state-of-the-art facility, Zig acknowledges that there is always room for improvement in the care he and his staff provides.

Thus, their practitioner-practical suggestions have also resulted in several innovations—most of them little things with profound impact. The aluminum transfer cases, for instance, once bore only two handles along each long side, forcing several pallbearers to "pretend" to carry each case and, frankly, forcing others to handle by themselves a heavy load. Because Zig suggested adding a few more handles to each case, these reused transfer cases (once sterilized) now sport the necessary number of handles. Dover's staff also suggested adding insulation to the inside of each transfer case to improve the cooling power of the ice preserving the remains during their journey to Dover.

Once received, the staff at Dover initiates a comprehensive system to track every aspect of a body's progress through the facility. Nearly 200 computers, utilizing a proprietary software program, gather and communicate with each other every detail concerning each particular deceased soldier. Each transfer case is logged in electronically using handheld bar-coding units. (The reason for this will become clear later in this article.)

At this point, each body is scanned in the "EOD Room," which checks for the presence of live explosive ordnance. Again, I begin to appreciate the serious nature of the work these people perform as I glance at the construction of these twin chambers. The doors and walls consist of one-foot-thick, steel-reinforced concrete, which Zig tells me can withstand the blast of one pound of C–4 explosive. Later, I ask him why bodies aren't scanned for dangerous ordnance before transfer to Dover.

He smiles and says, "I wish I had a dollar for every time I hear that question... I don't know."

Next, each body enters the "Photography/Bar-coding" area. Here every aspect of the deceased soldier whether consisting of a full body or merely a body part—is digitally recorded, assigned a unique bar code and tracked electronically. When/if a body's viscera are removed, Dover even tracks them to ensure their eventual return to the proper body. Such is the dedication Dover provides to ensure that our country's military dead receive the mathematically exacting tender mercies and loyalty to high ideals each has earned.

Fingerprinting of the deceased occurs next, performed entirely digitally in less than 10 minutes and again intended to ensure that no mistakes occur while each deceased soldier remains entrusted to the care of Dover's staff. Offering another practitioner-practical suggestion, Zig notes that he also recommends digital "foot printing" of each body. While yet uncommon, he explains that the skin patterns on the bottom of our feet are as unique as the pads on our fingertips, and while the latter is too often subject to damage, the boots issued to military personnel afford excellent tissue preservation, even in cases involving fire, which can later provide positive identification.

The sophistication of the equipment is impressive, as is the networking that enables an operator to access pertinent information at any time. In fact, this system even helped Zig identify from a small body part one of the terrorists that hijacked the plane that hit the Pentagon on 9/11.

Someone in the group asks what happened to the terrorist's body part. Was it returned? Was it discarded?

A shadow passes across Zig's face and his gaze grows distant. "We decided we are better than them," he says quietly. "We returned the body part in a casket to his homeland."

He leads us toward the next station within the mortuary, which focuses on dental records. As we walk down a hallway, I noticed a framed document on a wall: "Nerve Agent Symptoms and Antidote."

"Truly a different way of life," I think again, not for the last time, before noticing 16 tan-plastic gurneys lined neatly along a wall. I recall Zig mentioning earlier that at the start of the Iraq War, Dover utilized almost everyone of its 75 gurneys.

Within the Dental Station, another impressive device takes digital X-rays of each body. Again, because of the sophisticated computer network at the Port Mortuary, personnel can quickly match these post-mortem scans with existing anti-mortem X-rays, making positive identification possible if not already verified in some other way. It was this device that helped the staff at Dover identify one of the 9/11 victims from only three teeth and a piece of the victim's jawbone.

Another method that Dover uses to identify the remains in its care involves a full-body X-ray. If a decedent remains unidentified at this point, this X-ray enables medical examiners to identify unique qualities within the body, such as healed broken bones. By asking a family if "'Johnny' once broke his arm as a teenager," Dover staff have another tool that helps them make positive identification.

It is important to remember, however, that too often, the body is not intact. In such cases, a full-body X-ray allows medical examiners to reassociate a severed limb with a torso by matching the ends of bones, joints, etc.

Finally, Zig shows us one more high-tech gizmo in this area of the mortuary: a GE "virtual autopsy" machine. Similar in appearance (to my untrained eye) to a CAT-scan device, this unit records digital information about the decedent's physiology in case it is needed.

We enter the "Autopsy Suite" next, a room even larger than the lobby we first visited. Late in the evening at this point, the work finished, the dozen or so autopsy stations along the perimeter sit clean, spotless, ready for whoever will need one next.

Gazing about the room, I feel my hair tussled as I step into a breeze from overhead. Numerous vents pockmark the ceiling, their louvers rattling, creating a state of constant white noise. Zig smiles, explaining the importance of proper ventilation in this room and that the goal is "windy," that the air is circulated numerous times each hour and that it is "obviously not returned [to the room]."

The "Embalming Suite" is nearly identical to the previous room in terms of setup. Each of the dozen or so stations sits neatly ready for use. Three Portiboy Mark V machines sit near each embalming table, as does a large spool of wire, used to rewire skull fractures. Along one wall, shelves hold the requisite practitioner equipment: body bags, coveralls, pants, caps, personal protection equipment, all in a range of sizes. Above Embalming Station #4, a large American flag hangs on the wall. In a cupboard rests a broad selection of embalming chemicals in a variety of strengths from numerous manufacturers. The choice of fluid type is up to each embalmer, but Dover generally uses a weaker solution in the head and a strong mix in the body because, as Zig says, "You never know where a body is going."

This comment might sound odd given all that the staff at Dover does to positively identify each body and/or body part, but it stems from the electronic bar coding noted earlier, revealing a second important reason for its use. Not only does this method accurately track every item associated with a deceased soldier, but it also reinforces the staffs commitment to treating each case as if it is the single most-important one that each of these professionals will ever handle. Stripped of name and rank, digital bar coding ensures that every set of remains receives the highest level of dignity, honor and respect.

Before leaving this room, Zig further clarifies the Port Mortuary's dedication to caring for the dead while serving the living by noting that every bright-red medical-waste box is X-rayed just in case some personal effect, such as a ring, is overlooked. Each box is then properly stored for 60 days, another precaution. This is also why each individual's initial aluminum transfer case is bar coded upon receipt—in case the need arises to locate a missing personal effect, which might have gone overlooked.

We visit the "Personal Effects" area next. In one room, more than a dozen floor-to-ceiling wire shelving units, each bearing five shelves, hold the electronically tracked personal effects of each person while he or she is prepared. Dover routinely cleans all personal effects before returning them to families.

As the group quietly files out of the room and toward the dressing area, two shelves at the back of the room catch my eye. Labeled "Disassociated P.E.," I stand for a while, alone, gazing at the small number of personal effects that arrived at Dover at some point in the past that could not be reassociated with someone in their care despite the exhaustive efforts of its staff. A dime. Several long-distance calling cards. Two different photos of the same infant girl wearing a bright yellow dress. The combination to a Master Lock. Small stuff indeed, yet I sadly realize how significant the slightest of these might prove to a grieving family. Shaking myself from my reverie, I again feel proud of the lengths these people go to in order to serve the living before setting off to find the group.

Entering the dressing area, I hear Zig explain the four stages of viewing that Dover assigns to each case: a head wrap, a full wrap, viewable for ID, and viewable. Deaths involving mutilation of the entire body and deemed unviewable receive a dignified full wrap, and Zig demonstrated this process for the group (without the presence of remains). First, Dover staff cocoon the body or body part(s) in absorbent layers of cotton gauze before wrapping it in plastic sheeting. Then a crisp white cotton sheet shrouds the body before a green Army blanket is wrapped around that. Finally, in such cases, the soldier's uniform is placed on top of the fully wrapped body within a casket.

As I watch this demonstration, I sense that death from a bullet must prove easier to prepare, comparatively speaking, versus death caused by a roadside bomb or some other form of insurgent explosive device. I can neither imagine the horrors these people must witness nor fathom how they can handle such, but the respect I hold for their professionalism is undeniable at this point.

"Uniform Prep" is the next area we visit. Here, high Plexiglas shelving units, like you might see in your local department store, contain hundreds of uniform components—pants, shirts, ties, etc.—each in dozens of sizes and representing every conceivable military branch, as well as numerous American flags. On racks located along one wall, freshly pressed uniform jackets hang.

Two walls of this area display every conceivable military medal, insignia, patch, stripe, bar and decoration you can name in plastic packages. John Fitch, a veteran of Vietnam, tells me that each military branch, each division, each unit, has its own special—often unique—insignias, explaining the vast array before us. The Dover Port Mortuary strives in every case to prepare meticulously, lovingly the remains of a fallen soldier as completely and as accurately as possible for the many grieving his or her death. While these walls hold a tremendous number of items to help them "get it right," Zig later states that Dover continually adds such items because it is nearly impossible to have all of them in stock, just in case.

Briefly, I find myself examining, fascinated, the many rows of shiny decorations on these walls as if I'm some dopey tourist in a souvenir shop debating which trinket to purchase for the kids. Then the realization of where I am and the horrible, sad purpose of these items breaks through my fog of denial and I feel ashamed.

Finally, we visit the areas where the staff prepares caskets and urns and gets each case ready for transportation back to his or her family. The Dover Port Mortuary is almost entirely self-sufficient, further testament to its commitment to caring for the dead. Zig explains that Dover even engraves the name plates needed for urns, and will cremate a body at its own facility if a family so desires, before summarizing that Dover handles everything but "sewing the stripes onto uniforms." (I later discover that he isn't kidding. Sewing duties required to meticulously prepare a burial uniform remain the only duty that Dover still outsources.)

A large area at the rear of the facility holds the numerous caskets, urns and temporary containers Dover will need. The mortuary stocks only one type of wood and one type of metal casket, purchased from several manufacturers, as well as Jewish caskets and even oversized caskets, testament again to its dedication to meeting the needs of each unique case with the dignity, honor and respect that each fallen soldier has earned.

The average age of the 1,200 cases Dover's Port Mortuary staff handles each year is 25. Despite the horrors of war, and thanks to the dedication, commitment and expertise of this remarkable facility's full- and part-time employees, Dover returns these young loved ones to their grieving families in a state suitable for viewing 85 percent of the time. (Again, it is crucial to understand that "viewability" has a different meaning here versus that used in a typical funeral home. Sadly, in some cases, only the decedent's head is viewable but not the body, or vice versa.)

As I take my seat aboard our chartered bus and settle in for the two-hour return journey to Washington, D.C., I gaze at the now-illuminated landscape of Delaware through my window as the miles pass unnoticed, lost in thought, sensing the night chill through my shirt. I do not feel like idly chatting right now.

I wish every funeral service professional, every citizen, had the opportunity to experience firsthand the tour I still struggle to assimilate. Learning how each set of remains that arrives at the Charles C. Carson Center for Mortuary Affairs is steadfastly treated as unique—as was each individual—and receives from a small group of amazing people the requisite time, attention and care their due moves me profoundly. Each is special. Each is one of a kind. Each—as well as everyone that grieves their death—is worthy of the mathematically exacting tender mercies and loyalty to high ideals each fallen soldier earned. Thanks to this facility and its staff, we—as a nation—bestow such on friend or foe alike.

I will never think of them as numbers again.

CONGRATULATING PAYSON, ARIZONA, ON ITS 125TH ANNIVERSARY

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. RENZI. Madam Speaker, today I want to recognize and honor the Town of Payson, Arizona, which is in my district. This year Payson will be celebrating its 125th anniversary October 3rd through the 7th.

This beautiful mountain village community is known for its natural beauty and deep history. Surrounded by the rich ponderosa pine Tonto National Forest, Payson is located in Gila County at the base of the 7,000 foot, 200 mile long Mogollon Rim, which defines the southwestern edge of the Colorado Plateau. Seven Rim Lakes are located in the vicinity, offering a wide array of outdoor recreation for residents and tourists to enjoy.

In 1882 community leaders surveyed the current town site of Payson, originally calling the settlement Green Valley. The town changed its name after constructing its post office. In 1884 then postmaster, Frank C. Hise, renamed the town in honor of the congressional chairman of the Committee on Post Office and Post Road, Senator Louis Edward Payson, who was instrumental in establishing the post office.

Payson will forever be linked to the American Old West. It was in 1884 that the town held its first rodeo, holding it every year since, earning the title of "World's Oldest Continuous Rodeo." Author Zane Grey, who idealized the ruggedness of the Old West, used Payson and its surrounding areas for the backdrop and inspiration for some of his literary works, including "Code of the West," "Under the Tonto Rim," and "To the Last Man."

It was not until 1973 that Payson was incorporated, and since then it has grown to become a thriving community that anchors the area known as "Rim Country." I would like to applaud Payson for all of its achievements, recognize its distinct history, and congratulate it on its 125th anniversary. This community serves as a beacon for all other burgeoning south Western communities to follow, and is home to a people of deep community spirit and fervent respect for their environment.

RECOGNIZING JORDAN LEIGH YOUNG

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. CHANDLER. Madam Speaker, today I would like to recognize one of my constituents, Miss Jordan Leigh Young of Salvisa, Kentucky, who will be performing at the Grand Ole Opry in Nashville, Tennessee on Tuesday, September 18, 2007.

As a 15-year-old, this is an exciting chance for Miss Young to showcase her singing and banjo-playing abilities in front of Nashville's Music Row insiders. Her long list of accomplishments proves that she has no difficulty entertaining crowds ranging from three to thousands of people. In fact, she is already a member of the Kentucky Country Music Association and was awarded the 2005 and 2006 Female vocalist and Entertainer of the Year and the 2006 Duo of the Year.

Miss Young's opportunity to perform at the legendary Grand Ole Opry is the grand finale in a series of events that have helped to expand her musical talents beyond the borders of Kentucky. After being selected by CBS News' The Early Show for their "Magic Moment" series, she was invited by her life-long idol, Dolly Parton, to perform at the Opry.

In addition to Miss Young's gift of singing and playing the 5 string banjo, she also knows a thing or two about living on a family farm and has done her fair share of hard work. Part of this work includes raising and showing goats in regional competitions, where she has won several grand championship awards.

I would like to congratulate Miss Jordan Leigh Young for her unique contributions to Central Kentucky, and I wish her the best in her musical pursuits. I have no doubt that her determination will take her as far as she wants to go, and I imagine that many of us will soon be hearing her captivating voice broadcast across national air-waves.

HOUSE OF REPRESENTATIVES—*Wednesday, September 19, 2007*

The House met at 10 a.m.

The Reverend Richard Estrada, Executive Director, Jovenes, Inc., Los Angeles, California, offered the following prayer:

Let us begin this morning by acknowledging the presence of God the Almighty. Lord, we praise You for having given us this good Earth and having called us to take care of her resources. Lord, you have blessed us with opportunities and freedom for people of all backgrounds.

Lord, inspire our Nation's leaders to seek justice, defend liberty, and unite diverse cultures and languages. Lord, bless our Nation's Representatives here today. Fill them with Your wisdom to make laws that will provide for all.

Lord, You made us in Your own wonderful image. Look with compassion on families. Remove the arrogance and hatred that infects our hearts. Break down walls that separate us. Unite us in bonds of love. Work through our struggles to accomplish Your purpose. In time, all people will serve You in harmony.

Lord, God Almighty, we humbly ask You to bless us now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mrs. MILLER of Michigan. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. MILLER of Michigan. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S.558. An act to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

WELCOMING THE REVEREND RICHARD ESTRADA

The SPEAKER. Without objection, the gentlewoman from California (Ms. SOLIS) is recognized for 1 minute.

There was no objection.

Ms. SOLIS. Thank you, Madam Speaker, and good morning to all.

It's a privilege and honor today to welcome a dear friend of mine, Father Richard Estrada, who traveled from Los Angeles to be here to provide the House with its opening prayer. I am delighted to present Father Estrada to my colleagues, and I want to thank him for taking the time to be here.

As we celebrate Hispanic Heritage Month, it is fitting to have Father Estrada serve as guest chaplain. Father Estrada has dedicated his entire life to serving those less fortunate than us, particularly the homeless and at-risk youth.

He is the founder and executive director of Jovenes, Inc., a nonprofit organization which serves the homeless and at-risk immigrant youth and other disadvantaged individuals from the East Los Angeles area. He is the associate pastor at Our Lady Queen of Angels Catholic Church, La Placita, the oldest church probably in the country.

Father Estrada received a bachelor of arts degree from the University of San Francisco and studied theology and pastoral counseling at the Graduate School of Theology in Berkeley, California, the Mexican American Cultural Center in San Antonio, Texas, and the Fred C. Neiles School in Whittier, California.

In addition to his advocacy on behalf of the homeless and young people, Father Estrada is a champion for the humane treatment of all immigrants and their families. In fact, I recall him asking me to go with him across the border to place bottles of water for those immigrants that were dying in the fields and in the desert.

I ask my colleagues to welcome Father Richard to the House today. We have before us a great man of honor and compassion.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 1-minute speeches on each side.

PRIVATIZATION OF IRAQI OIL—SPOILS OF WAR TO BUSH ALLY?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The recent oil deal between the U.S.-based Hunt Oil Company and the Kurdistan Regional Government raises questions since Hunt Oil, a privately held oil company based in Texas and its founder, Ray Hunt, have close ties to Vice-President CHENEY and are large donors to President Bush. The deal also appears to undercut the goal of oil revenue sharing but is predictably consistent with the administration's attempt to privatize Iraqi oil assets. Both Hunt Oil Company and Kurdistan are strong allies with the Bush administration.

As I have said for 5 years, this war is about oil. The Bush administration desires private control of Iraqi oil, but we have no right to force Iraq to give up control of their oil. We have no right to set preconditions for Iraq which lead Iraq to giving up control of their oil. The Constitution of Iraq designates that the oil of Iraq is the property of all Iraqi people.

I am calling for a congressional investigation to determine the role the administration may have played in the Hunt-Kurdistan deal, the effect the deal could have on the oil revenue sharing plan and the attempt by the administration to privatize Iraqi oil.

EARMARKING THE SWAMP

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, after we Republicans lost the majority in last year's elections, the new majority promised that they would "drain the swamp." The new majority seemed to recognize that the political cost of earmarks far outweighed the benefits, and modest reforms were instituted to make the process more transparent.

However, it soon became clear that the earmark reform rhetoric was not matched by reality. The old majority seems just as mired in the mud as the old.

Still, it was with some excitement that I recently discovered in the House-passed Interior appropriations bill a $750,000 earmark for the Great Swamp National Wildlife Preserve in New Jersey. Predictably, this earmark was not to drain the swamp, but to preserve it.

This begs the question: If we can't stop passing earmarks to preserve swamps, how will we ever drain the earmark swamp?

Mr. Speaker, our constituents and this institution deserve far better. Let's follow up on our promises for earmark reform with actual reform.

THE NEED TO INSURE MORE OF AMERICA'S CHILDREN

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, the news about health care in our Nation continues to get more discouraging, especially when it comes to health insurance for children. New Census data shows that the number of children without health insurance in the United States has grown over the last year by 700,000, to nearly 8.7 million children. This means that now one in nine American kids do not have health insurance.

To try and reverse these unacceptable trends, the Democratic Congress voted last month to reauthorize the Children's Health Insurance Program. Our legislation will provide an additional 5 million low-income children with the health insurance they need to live healthier lives. These kids are already eligible but not enrolled.

Mr. Speaker, President Bush has threatened to veto this legislation, despite bipartisan support it received in Congress and from our Governors. In the face of these discouraging new Census numbers, it is time for the President to end his veto threat and pledge his support for this legislation that will provide 11 million children with the health care coverage they need and deserve.

OH NO! ANOTHER TAX INCREASE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, as air travel increases, revenue to airports, of course, increases as well. Much of that money is from hidden taxes passengers pay. But now this increased revenue isn't enough for some. They want to tax flyers even more to fly.

Right now, if a citizen buys a typical round trip ticket, the fare is about $230. But additional taxes raise the fare another $45. So the passenger is now really paying $275.

Airports now want to collect more Federal taxes from each passenger by increasing the passenger facility charge, another word for tax, to $7 per passenger per segment. What that means is a family of four that flies from Odessa, Texas, to Washington, D.C., with a stopover in Dallas, is going to pay another $112 in more taxes.

Airports already get plenty of money. They sell bonds; they get millions in Federal, City and State taxes; they charge airlines for gates and the right to land; they get taxes off rental cars; and they lease airport space to businesses.

Airports should make do with the abundance of revenue they already get from the taxpayers. Don't raise taxes any more on passengers.

And that's just the way it is.

□ 1015

HUNT OIL

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Mr. Speaker, while President Bush is asking Congress and the American people to give his failed policy in Iraq more time, even some of the President's closest allies don't believe the strategy will work.

Last week, it was reported that Hunt Oil Company of Dallas, Texas had signed an oil exploration and production deal with the Kurdish Regional Government. That Hunt Oil Company is owned by Ray Hunt, major campaign supporter of President Bush and a member of the President's Foreign Intelligence Advisory Board. His decision to bypass the Iraqi Government in Baghdad and negotiate directly with the Kurds shows his lack of confidence that Iraq will develop a functioning government in the near future, and it undermined important efforts for the Iraqi oil sharing law, which collapsed last week.

While President Bush is asking our Nation to sacrifice more of our brightest young soldiers and to spend hundreds of billions more in taxpayer dollars in pursuit of his Iraq strategy, one of the President's closest allies and advisers is betting that his strategies will continue to fail and, in fact, is looking to profit from it.

VETERANS APPROPRIATIONS BILL

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, as I travel throughout my south-central Michigan district, I have learned over the past few months in town hall meetings, small group meetings, or coffees, that virtually all Americans believe we owe a great debt of gratitude to those who have worn the uniform in service to our country.

Unfortunately, Democrat leadership in both Chambers appears willing to make the veterans appropriations bill, which funds our Nation's veterans health care, become part of political gamesmanship in Washington.

It appears Democrats may withhold sending this bipartisan veterans funding bill to the President in an effort to ensure greater spending levels for their pet projects. There is a chance Democrats will hold off on final passage of this legislation so they can include it in a massive budget-busting spending bill at the end of the year.

Let me be very clear. The funding of veterans should not be a political issue. Congress should swiftly pass this important legislation, and Republicans and Democrats should jointly celebrate when it becomes law.

BUSH REFUSES TO BUDGE FROM THE STATUS QUO IN IRAQ

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, last week President Bush told the American people that the status quo would continue in Iraq for 10 months. Last year, the American people demanded a change of course in Iraq. They wanted us to begin the process of bringing our troops home. The President's response: a troop escalation plan that sent an additional 30,000 troops to Iraq.

At the time, he said that if the Iraqi Government did not meet certain economic and political benchmarks, they would lose the support of our Nation. After months of delay, September became the moment of truth; and despite the fact that the nonpartisan GAO report found that the Iraqi Government had failed to fully meet 15 of the 18 benchmarks, the President said the troop escalation plan is going to continue until next summer.

Mr. Speaker, it is now clear that the President's only plan for Iraq is to stay the course until he can hand off the war to his successor.

The time for stalling is over. Staying the course is no longer acceptable. It is time for Republicans to join us in charting a new course.

OUR DOMESTIC AUTO INDUSTRY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, there has been a great deal of talk over the years that the Big 3 domestic auto companies have been too generous in providing pay and benefits to their workers which has made them less competitive.

I think it is wrong that these companies that helped, literally helped, create the American middle class have been attacked in such a way, but detractors of our domestic auto industry fail to understand that blatant cheating by foreign competitors and foreign governments on such matters as currency manipulation and piracy of intellectual property distort the marketplace and give foreign companies a competitive advantage. Detractors now want to expand the attack on our domestic auto industry by imposing draconian fuel economy standards that will benefit foreign companies and cost American jobs.

Enough is enough. The American auto companies and the UAW are poised to revolutionize the way health care and other benefits are delivered to autoworkers, retirees, and their family members; and, at the same time, the companies and their incredible scientists are working on new technologies for the vehicles of the future that will significantly reduce our dependence on foreign oil. Now is not the time for increased government regulation that will simply kill American jobs.

DEMOCRATIC CONGRESS SENDS COLLEGE COST REDUCTION ACT TO THE PRESIDENT'S DESK

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, elections do make a difference. Last November, Democrats promised that if the American people entrusted us with the control of Congress, one of our top six priorities would be putting college in reach for more Americans.

This week, the Democratic Congress delivers on that promise, sending the College Cost Reduction and Access Act to the President's desk for his signature. The President says he will sign it, which is good news for millions of students and families who are trying to fulfill the American Dream.

The landmark legislation is the largest college aid expansion since the GI Bill in 1944. Under the legislation, the maximum Pell Grant scholarship will increase by more than $1,000 over the next 5 years. More than 5.5 million low- and moderate-income students will receive an immediate boost of almost $500 in their Pell Grant scholarships. The legislation also cuts interest rates in half on student loans, which will save the average student $4,400 over the life of the college loan.

Mr. Speaker, the Democratic Congress has delivered on another of our top priorities as we take America in a new direction.

UNNECESSARY DELAY IN PASSING VETERANS APPROPRIATIONS

(Mr. PEARCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, I rise today to call attention to the unnecessary delay in passing this year's veterans appropriations.

This year's veterans appropriations passed with an overwhelming majority in both Houses, 409–2 in this body and 92–1 in the Senate. This kind of bipartisanship makes it clear to all that Congress takes its obligation to our Nation's veterans very seriously.

I sincerely believe America's veterans want to see a final version of veterans funding quickly passed so they may receive the desperately needed funding. However, I feel this will not be the case. Last week, one Democratic aide, asked about this year's veterans appropriations, was quoted in Roll Call saying, "These bills constitute the little bit of leverage we have."

Mr. Speaker, the sacrifices that our young men and women are making in Iraq and Afghanistan are not leverage. The tragedies that occurred at Walter Reed are not leverage. Veterans health care is not political leverage. We must recognize that veterans funding is critical and should not be used for partisan politics.

I urge my colleagues to rise above the partisan bickering and pass this. Our veterans are demanding: Do not betray us.

COLLEGE COST REDUCTION & ACCESS ACT: DEMOCRATS ACT ON MAKING COLLEGE MORE AFFORDABLE

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Speaker, according to the U.S. Department of Education, an estimated 200,000 academically qualified students are not able to go to college every year because they can't afford the cost.

This is a dangerous trend for our Nation, but it is not surprising. Under the Bush administration, prices at public colleges have increased by 40 percent after inflation. And under Republican rule, Pell Grants remained stagnant for 4 years in a row.

When our Democratic majority was elected, we pledged to address this growing crisis, and this week are fulfilling that pledge by sending the College Cost Reduction and Access Act to the President's desk. This important legislation provides the single largest increase in college aid since the GI Bill, increases the maximum Pell Grant over the next 5 years, and cuts interest rates in half on need-based student loans.

Mr. Speaker, this legislation will help millions of students across our Nation afford a college education without saddling themselves with thousands of dollars in debt, and it is the latest example of what the Democratic Congress is doing.

SCHIP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I rise today as a strong supporter of the State Children's Health Insurance Program, SCHIP, and I support a responsible reauthorization of this very successful program.

Everybody knows it is going to expire on September 30, unless Congress passes reauthorizing legislation by this date. However, the Democrat leadership in the House and the Senate have been unsuccessful in completing the package.

I am proud today to stand as an original cosponsor of legislation that would reauthorize SCHIP for a period of 18 months. By reauthorizing the program for an additional 18 months, we are taking the politics out of SCHIP policy and protecting the children who are in this program and who deserve the care. It is an extension of the program that we need; and, if it is not enacted, at least 12 States are going to find themselves without SCHIP funds.

There is a very simple solution to the SCHIP problem: Support the Barton-Deal SCHIP legislation.

NEW BUSH ADMINISTRATION RESTRICTIONS TO THE CHILDREN'S HEALTH INSURANCE PROGRAM

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, last month the Bush administration dealt yet another blow to uninsured Americans, this time focused on millions of uninsured children in our Nation.

New guidelines set forth by the administration require that children must go without health insurance for at least 1 year before States will be allowed to provide them with coverage under the Children's Health Insurance Program. The administration also requires States to enroll at least 95 percent of the children below 200 percent of the Federal poverty level before they can provide health coverage to other low-income children, a standard that no State in the country can currently meet. The Bush administration is limiting the very flexibility that has made the CHIP program successful.

Mr. Speaker, it is unconscionable for the President to require low-income children to spend a year of their lives without health insurance, especially when we have a program in place that can provide them with the coverage they need today. It is time for the President to stop playing political games with the children's health care and to vow to work with us to strengthen, not weaken, the CHIP program.

CONGRATULATING MISS ANN MIRON

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, too often we heard about the negatives of America's teenagers, but today I rise to congratulate the work of a wonderful young accomplished woman from my district, the Sixth District in Minnesota. Her name, Mr. Speaker, is Ann Miron of Hugo, Minnesota. She is a very accomplished young woman, representing the next generation of American dairy farmers, being an American dairy farmer herself at age 19.

She descends from a long line of Minnesota dairy farmers, living on a country dairy farm, and she was just recently crowned Princess Kay of the Milky Way. In Minnesota, this is a pretty big deal at the county fair. She was crowned Princess Kay, and Ann Miron will begin a year of speaking and promoting Minnesota area dairy farms.

I am privileged to represent the area with the largest number of dairy farms in the State of Minnesota, and even more privileged to have married a dairy farmer myself.

Ann, I join your great parents, Mayor Fran Miron of Hugo, Minnesota, Mary Ann Miron, and the people of Minnesota to wish you a wonderful year promoting dairy farming in the State of Minnesota.

REAL PROGRESS IS NOT BEING MADE IN IRAQ—IT IS TIME FOR A CHANGE OF COURSE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, President Bush says progress is being made in Iraq, but many of the examples he pointed to in the nationally televised speech last week were overestimated or overly optimistic. Let me just cite a couple examples.

First, President Bush said, "Iraq's national leaders are getting some things done, such as sharing oil revenues with the provinces." But according to the Washington Post, the President's statement ignored the fact that U.S. officials have been frustrated that none of these actions have become law and that a possible compromise has collapsed.

The President also thanked "the 36 nations who have troops on the ground in Iraq." But if he had checked with his own State Department, he would have realized that only 25 countries are still involved in the war, supplying only 11,600 troops. Now, that is less than 7 percent of the size of the U.S. forces still on the ground.

Mr. Speaker, this is nothing new. The President has been painting rosy scenarios for the situation in Iraq from the very beginning. Time and time again they have been proven wrong. The status quo simply can't continue. It is time to change course.

REENACT FISA

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, yesterday in the House Judiciary Committee we heard from Admiral McConnell, who is the Director of National Intelligence, over the need for us to reenact that bill which we passed just 1½ months ago which reformed FISA, which of course is the Foreign Intelligence Surveillance Act.

Mr. Speaker, probably in the 3 years that I have been here, in my second tour of duty as a Member of Congress, no more important bill did I vote on than voting the passage of a reform of FISA.

The admiral indicated that two-thirds of our foreign terrorist targets were blinded from our review as a result of a FISA court decision under the old FISA. That is why we needed to pass the reform. We put a 6-month leash on it, that is, it will go out of existence in 6 months.

There is no more important thing for this body to do than to pass a reform of FISA that makes permanent the changes that we adopted just 1½ months ago. Our Nation depends on it. Our children and our grandchildren's future depends on it. Let's make sure we act responsibly.

☐ 1030

MY FIRST VISIT TO ISRAEL

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, traveling to the Holy Land in August, I saw firsthand the challenges facing our ally and friend, Israel. From Syria, the terrorist state in the north, to Lebanon and the chaos existing there further to the north, to the enemies that surround the state, I saw the challenges traveling down the Galilee to the Jordan, down to the Dead Sea and going to the capital, Jerusalem.

While it was my great privilege to walk on that sacred holy ground, I also realized the eye-opening national security issues that they face as a nation. Israel is our greatest ally in the war against Islamic extremists, and it is our function to support them in Israel. It is our imperative to support them. That's why our 10-year security agreement that we recently signed between the United States and Israel is so necessary for the ongoing security, not just of Israel, but of the United States. Israel's enemies are our enemies. We share a common cause, and it is necessary that we stand strong for Israel because it makes us that much stronger.

I encourage the American people to support our greatest ally in the Middle East, Israel.

PROVIDING FOR CONSIDERATION OF H.R. 2761, TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 660 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 660

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2761 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only. I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 660.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 660 provides for consideration of H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act of 2007 under a structured rule. The rule provides 1 hour of general debate to be controlled by the Committee on Financial Services. The rule also makes in order the substitute reported by the Committee on Financial Services, modified by the amendment in part A of the Rules Committee report, as an original bill for the purpose of amendment. The self-executing amendment in part A would ensure that the bill complies with the new PAYGO requirements. It would require the enactment of a joint resolution to permit Federal compensation under the Terrorism Risk Insurance Act of 2002. The joint resolution, approving a certification by the Secretary of Treasury, in concurrence with the Secretaries of State, Homeland Security and the Attorney General, that there has been an act of terrorism, would be considered by Congress under fast-track procedures.

The rule makes in order two amendments printed in the Rules Committee report, each debatable for 10 minutes.

Mr. Speaker, the Terrorism Insurance Program was originally enacted as a short-term backstop for an insurance industry that was very hard hit by the terrorist attacks that occurred on September 11, 2001. In the years since, we have seen that the private insurance market is unable to cover the risk of both domestic and foreign acts of terrorism without assistance.

The original legislation, the Terrorism Risk Insurance Act, referred to as TRIA, was set to expire at the end of 2005. The Terrorism Risk Insurance Extension Act of 2005 extended the government backstop for two more years, through the end of this year, but left the long-term questions surrounding the program unanswered. Those unanswered questions include: whether the government-run terrorism insurance program is really necessary; how to manage the possibility of a nuclear, biological, chemical or radiological attack, and how best to allocate the risk of terrorist attack between the government and private insurers. The rule provides for consideration of a bill that answers those questions.

Experience has shown that there is a true need for government involvement in terrorism insurance. The exposure for private companies is just too great. In the wake of September 11, 2001, many companies opted to exclude terrorism risk from private insurance policies, leaving no coverage in the event of another attack. TRIA requires primary insurers to make terrorism insurance available to commercial clients that wish to purchase it while at the same time helping those insurers manage their exposure to risk of loss.

The legislation this rule provides for consideration will extend TRIA for 15 years and make necessary revisions aimed at furthering the development of a private market of terrorism risk insurance. Such a long-term extension is vital because it provides certainty and stability to the insurance and real estate markets.

People may think that TRIA is only an issue for businesses in New York City, but that is clearly not the case. In the upstate New York district which I represent, small insurance companies like Utica First, Preferred Mutual and Utica National felt the dramatic impact that 9/11 had on the private market. In the year that followed the September 11 attacks, Utica First saw the volume of policies they were writing in the New York City area increase 27 percent as other companies ceased offering coverage. In order to do so, they risked both their existing surplus and their industry ratings and also incurred greater expense because their own reinsurance required that they purchase a separate terrorism cover. Small companies like this, that continued to offer coverage, are to be commended for taking on greater risk exposure in order to provide the necessary coverage and allow businesses to continue in business and people to continue to work to support their families.

The legislation would also require insurers to offer coverage for nuclear, biological, chemical and radiological terrorist acts. Small insurers, like those in my district, are especially concerned about the effect of adding the nuclear, biological, chemical and radiological requirements to TRIA, but the risk of such an attack is real, and not having any system in place would enhance the devastating effect such a horrific attack would have if it were to happen again in our country.

This bill strikes a good balance because it not only phases in the nuclear, biological, chemical and radiological coverage beginning in 2009, but also provides small insurers, those whose direct earned premium is less than $50 million, the ability to apply for an exemption of up to 2 years with the possibility of further extending that exemption.

This legislation would also make several other critical changes to the terrorism risk insurance program. It would change the definition of terrorism under TRIA to include domestic terrorism, and reset the program trigger level at $50 million. It would expand the program to provide for group life insurance coverage, would decrease deductibles for terrorist attacks costing over $1 billion, and reduce the trigger level in the event of such an attack. Finally, it would require studies on the development of a private insurance market for terrorism risk insurance.

Mr. Speaker, this legislation is a critical step in protecting our national and economic security in the fight against terrorism.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise in strong opposition to this modified closed rule that shuts down debate in the House to every Member of this body, except the chairman of the Financial Services Committee, who has already had ample time and opportunity to modify this legislation, and to one token Republican amendment.

Two nights ago, in the Democrat Rules Committee, which over the last year has truly solidified its reputation as the graveyard of good ideas in the House of Representatives, we had a wide-ranging discussion from Members on both sides of the aisle about their proposals to improve this legislation. We adjourned this meeting without reporting out a rule so that alternatives to subverting the Rules Committee jurisdiction, while sticking to the Democrat pay-for rule, could be studied. Unfortunately, when the opportunity came for the majority to make good on its campaign promises to run the most honest, ethical and transparent House in history by providing an open and transparent legislative process, Members of this House were, once again, silenced by the heavy-handed Democrat leadership.

While I am no longer surprised by the Democrat leadership's decision to allow politics to prevail over good government, I'm still disappointed, because as the sponsor of legislation to extend the TRIA program in the 108th Congress, I fundamentally believe that it has helped the private sector to stabilize our Nation's economy by providing a functioning marketplace for policyholders to acquire terrorism insurance and for insurers to provide it to them.

In fact, many of the positive aspects of this bill mimic policy proposals included in my legislation, and in legislation introduced last Congress by my good friend from Louisiana, RICHARD BAKER. Like these Republican bills, today's legislation would extend the current program, providing both policyholders and insurers with the certainty needed for long-term projects and our domestic economic health to move forward.

And, like prior Republican legislation, today's bill would eliminate the false distinction between foreign and domestic acts of terror. As we have learned from the London bombings and from the recent foiled terrorist plots in Germany and in New Jersey, no country is insulated from home-grown terrorism, which can be just as destructive and as costly as terrorists from abroad.

Other aspects of this legislation, such as the inclusion of nuclear, biological, chemical, or radiological coverage, mimic past Republican proposals without including market-based modifications that our proposals also contained in order to make this coverage both taxpayer friendly and cost efficient.

Unfortunately, there's one proposal in today's legislation that is unprecedented and that I simply cannot support. Written in the Rules Committee, without any consideration or debate in the Financial Services Committee, and then self-executed by the rule so that it receives no up-or-down vote, this rule contains language that skirts recent Democrat promises to abide by their own self-imposed PAYGO rules by shifting the responsibility of funding TRIA onto future Congresses.

□ 1045

By including this mandate on future Congresses, which the Supreme Court has roundly rejected as unconstitutional, the market stabilization benefits of TRIA completely evaporate.

Rather than helping to provide insurers and policyholders with the certainty that they need to manage their exposure to the financial costs of terrorism, this bill simply kicks the responsibility down the road and by and large says "we will let somebody else worry about that."

Rather than clearly signaling to the private sector what the Federal Government will spend in the event of another attack on the United States and what their own costs and responsibilities would be, this hastily drafted language, shoved in in the middle of the night, reintroduces political risk into this financial transaction by leaving these hard decisions up to the whims of a future Congress.

Mr. Speaker, I think this Congress should do better and they can do better than this. Instead of closed rules and artful dodges of the PAYGO rule, I think that Members and their constituents deserve the openness promised by Democrat leadership. Instead of procedural trickery and inserting language of a mysterious origin into this rule without any minority input or open debate, I think that Members and their constituents deserve transparency, which was promised by the Democrat leadership. And, most of all, instead of leaving the hard decisions and potential costs of this program to future Congresses, I believe that Members and their constituents deserve a bill that deals honestly with one of the most serious problems facing the American economy.

Unfortunately, this bill provides none of these things and is a far less responsible approach to dealing with the real-world economic problems posed by terrorism to our country, more than past Republican proposals. In fact, about the best thing that can be said about this bill and the process under which it is being considered today is the fact that perhaps it will spur the Senate to provide the American people with a more serious proposal in dealing with TRIA so that all of the flaws of this legislation can be worked out in conference.

I oppose this rule and encourage all of my colleagues on both sides of the aisle to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, there are several aspects of this. One is, of course, whether or not we should go forward with a renewal of terrorism risk insurance.

There are, in our midst, people who believe in the free market so firmly that they believe in it the way other people believe in unicorns. They believe in it even when it does not exist. There are people who oppose terrorism risk insurance from the outset and continue to because they say it should be up to the market. No one involved in the market thinks that makes sense. Indeed, we received a letter from the head of Goldman Sachs in 2005 saying there is no evidence that this can become a market item. His name was Henry Paulson, and he quite clearly said at the time the market wouldn't do it. We then proceeded with a bill that took that into account.

By the way, if the market could do it, it shouldn't because here is what the market would do, and we are talking about the insurance market: If you left this to the market or if you try to phase this out so the market would take it over, the principle of insurance says it should be more expensive to do business in those parts of the country which are likeliest to be hit by terrorists than not because that's the insurance principle. If there is a higher risk, you charge people more. We should not allow murderous fanatics who seek to damage this country to dictate what the cost of doing business is in different regions. That's not a market decision; that's a national security decision. I don't want it to be more expensive because of the murderers who would try to undermine this country to do business here or there.

It is also the case that one of the principles of insurance is that you give it and you give incentives to the insured to reduce the risk and you price in a way that gives those incentives. People can't avoid the risk. There is nothing you can do to stop the terrorists as private citizens from attacking you.

So we were going ahead with the bill. Now, we had a set of markups in subcommittee and committee in which there were some disagreements but some agreements. A number of amendments offered by Republican Members were adopted and the bill had a very large vote coming out of committee.

We then ran into a surprising obstacle. The Congressional Budget Office issued what seems to me an intellectually quite weak opinion. They said this is going to cost $10 billion over the next 5 years. Now, a $10 billion terrorism attack is not within our contemplation. I could see their saying it is not going to cost anything for this period or that it is going to cost hundreds of billions. Apparently they calculated the probability of a terrorist attack and imputed that cost. There will, in fact, be no costs until there is an attack.

My own view, frankly, was that this would have justified an emergency waiver under PAYGO. If being attacked by terrorists, if September 11, 2001, was not an emergency, then I don't understand what the word means.

We have been forced now to try to deal with this in other ways, and I understand that. It has been forced on us by CBO. The notion that we can say something now and leave it to future Congresses, the gentleman from Texas said it was unconstitutional. I am aware of no Supreme Court decision that would invalidate what we have proposed here. And it couldn't be binding. Nothing is binding of one on a future one. I think that would be a very high degree of probability.

So we do have this approach which came up suddenly. It came up suddenly. It wasn't debated in our committee because the issue of the CBO estimate hadn't come before us in the committee. So we now have Members on the other side complaining that the rule was too restrictive.

Mr. Speaker, when I hear Members of the Republican Party who ran this House in the most blatantly undemocrat fashion for so many years now complain about a lack of democracy, I feel like I am in a motion picture theater and I'm watching an Ingmar Bergman dark movie which features the Three Stooges. The incongruity of these masters of authoritarian legislative procedure now complaining because there isn't enough democracy is one of the great conversions of all time. And I would have to say to my born-again believers in an open process that in this case at the committee level, we had a hearing, we had a subcommittee markup and a committee markup, and we dealt very much with those issues.

My own preference would have been to allow a few more amendments, but the fundamental issues have been debated, and the key issue is, unfortunately, the one that has troubled them, is how do you deal with the CBO. Now, either you do a waiver of PAYGO or you make cuts now of $10 billion in programs on the possibility of there being a terrorist attack. It seems to me that is a great favor to terrorists. Let them cut programs now by just threatening to blow us up. Or you try to come up with some set of procedures that say we really intend to do this but we can't make it absolutely binding.

I do not think the set of procedures we have here will be the final say. It was a difficult situation that we found with that, I thought, CBO estimate. And the CBO estimate basically says here is what we say but it's probably not going to be this way. And I hope, as we go forward, there will be meetings with industry. And, by the way, industry is not just the insurance industry. It's the commercial building industry. They are the ones who are at risk here. The insurance industry can walk away, but if they walk away, we won't get commercial buildings built, particularly in our big cities, which is why the mayors of the big cities are so concerned and others are concerned about economic development.

So we need further work to see how we can deal with this CBO issue, and I think we have a reasonable first cut. It is one where, it is true, we did not deal with it in our committee. What we dealt with in the committee in great detail with a number of amendments and a lot of compromise were all the other factors. And we now get this new issue. This is a good-faith effort to deal with the new issue but not in a way that is final. So I hope we can go forward.

Mr. SESSIONS. Mr. Speaker, at this time I am going to yield to the gentleman from California, who will help us to understand a little bit more clearly about the uncooked and, I believe, sloppy work that was presented to the Rules Committee such that many, many, many Members on a bipartisan basis questioned the decision that was made, and it will help us to reflect upon an opportunity about how it could be done better.

I yield 5 minutes to the ranking member of the Rules Committee, the gentleman from San Dimas, California, the Honorable DAVID DREIER.

Mr. DREIER. Mr. Speaker, a week ago yesterday we marked the sixth anniversary of one of the most tragic days in our Nation's history, that being September 11, 2001. We all, in the wake of that tragedy, the likes of which we had never seen in our Nation's history, came together and united in a bipartisan way to deal with the aftermath of September 11 of 2001. One of the many things that we did was realize that we are a Nation at war, and in light of that, the private insurance industry, and I am a free marketeer, the private insurance industry needed to have some kind of Federal backdrop if another horrendous terrorist attack is thrust upon the American people. So I supported the notion of saying, you know what, when we are a Nation at war, the free market can't just automatically protect those who are victimized by that kind of attack. So I became a supporter of this and I worked on it early on and supported the extension of it. And as I stand here today, I still believe that we are a Nation at war and it is imperative that we do everything possible to ensure that we, the Federal Government, stand up and play the role that we have to in leading the fight.

Well, Mr. Speaker, unfortunately, what we are doing with this rule is undermining something that Mr. ARCURI said in his opening remarks that this bill creates: certainty. Mr. ARCURI said that this bill creates certainty. Mr. Speaker, what we are doing with this self-executed provision in this rule, and my friend Mr. ACKERMAN from New York understands this very well, is we are completely obliterating any kind of certainty.

Now, this was designed as a mandatory program. Mandatory, why? Because if we face the attack, there needs to be certainty that the Federal Government is behind it. Now, I know that many people will say, oh, of course the Congress is going to take action, of course the Congress will do it. You know what, Mr. Speaker? That is not good enough for people who are investors, people who are in an industry that is responsible for dealing with the aftermath of the kind of attack that we saw on September 11.

That is why I believe it is absolutely imperative that we oppose this rule. We need to do everything that we can in a bipartisan way to defeat this rule. Why? Because we have been given this multipage, self-executing provision which undermines the jurisdiction of the Rules Committee. And that is why I am really hard pressed to believe that any member of the House Rules Committee, the traffic cop for this institution, I believe the single most important committee in this institution, how any member could basically cede the authority that we would have on this. And you look at the other committees of jurisdiction that are completely ignored, the Judiciary Committee. The Budget Committee clearly should be involved in this process. We need to have budget process reform. Our committee, our Rules Committee, Mr. Speaker, should be holding hearings on this. We should look at the issue of dynamic scoring. Yes, the hands of the Congressional Budget Office are tied because they have to look at 5- and 10-year projections. What we need to do is we need to bring about the kind of responsible reform that can ensure, that can ensure that we have the kind of certainty that is necessary.

So, Mr. Speaker, I have got to say that I know that there is strong bipartisan concern about this issue. This is not the way to deal with it. I said if given a simple choice in the Rules Committee between a waiver of PAYGO, which is, I believe, a very flawed rule that was put into place at the beginning of this Congress, or this provision, this self-executing provision, sure, I'd prefer that waiver over that. But there has got to be another solution. And the reason is that this new Congress put into the rules this PAYGO provision, very well intentioned but very, very badly flawed, Mr. Speaker. So I think that if we look at what it is we are doing on this in the name of trying to avoid a waiver of PAYGO, this self-executing provision actually waives PAYGO completely.

□ 1100

And so I've got to tell you, this is a horrible rule; it is a horrible process; it is unprecedented. And I hope the Democrats and Republicans alike will join in saying, yes, we need to have a responsible terrorism risk insurance measure passed, but we need to come down with a provision that responsibly budgets that, and this is not it.

Mr. ARCURI. I think the gentleman is right, this may be unprecedented; but the attack on 9/11 was unprecedented as well, and sometimes unprecedented events require unprecedented action, and that's what we are attempting to do today, create a rule to enact legislation like TRIA to create a backstop so that insurance companies can continue to create a stable environment for business to thrive in New York City.

Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I rise to support this resolution setting forth the terms of debate for considering H.R. 2761 on the House floor.

The adoption of this rule will allow the House to debate this must-pass legislation to extend the Terrorism Risk Insurance Program. We need to move this process forward as quickly as possible.

I know that some participants in today's debate will raise concerns about the structure of the rule concerning the method by which it addresses issues related to the PAYGO rules. I must concede to them that the proposed rule is imperfect in this regard.

Throughout the debate on this legislation, the chairman of the Financial Services Committee, the gentleman from Massachusetts, and I have agreed that the Terrorism Risk Insurance program is very important. It protects America's economy from terrorist attacks. Certainly, the Federal Government has a role in protecting our Nation from terrorist events.

Moreover, this Federal backstop only responds to an emergency situation and only becomes implemented after a terrorist attack. Because TRIA plans ahead for an emergency caused by terrorists, Congress should treat spending under this law as an emergency.

PAYGO is an important rule that keeps Congress fiscally responsible. PAYGO, however, should not apply to all pieces of legislation, especially those bills that plan ahead for national emergencies caused by terrorists. My view is that all legislation should be fiscally responsible to the maximum extent possible.

Accordingly, I have had concerns about costs throughout the development and debate of this legislation. In fact, I voted, in many instances, to control those costs, such as limiting the length of the extension and increasing the private sector's responsibilities after a reset.

TRIA is not an entitlement program. It is a program for protecting the economic security of our Nation. H.R. 2761 is a necessary piece of legislation that will maintain stability in our economy after a terrorist attack on our Nation, rather than waiting for the government to develop an ad hoc plan after an event.

While we cannot predict when or where the terrorists may choose to attack us, we can prudently plan ahead for such a possibility. Like many participants familiar with this debate, I have concerns about the requirement in this rule to have a separate vote of Congress on funding for the program after an attack. With Federal payments conditioned on a congressional vote even under expedited procedures, much of the certainty of the program is taken away. It is my hope, therefore, that we will continue to work on a better solution before this bill comes back to the House floor in a conference report.

That said, Mr. Speaker, we must move the process forward. I, therefore, urge my colleagues to support this rule on H.R. 2761.

Mr. SESSIONS. Mr. Speaker, I would like to congratulate the gentleman for his fine remarks. As a matter of fact, I agree with him, that I do not believe that it is proper or correct to have a mandatory bill which requires mandatory spending, but discretionary funding that's available. And that is exactly what this new Democrat majority is doing. They are saying we would be absolutely required, mandatory, to spend the money, but discretionary as to whether we're really serious about providing that or not. And I believe that that is a serious question that comes under question today about the serious nature of the policy of this.

I don't attack the underlying legislation at all. The legislation does not bother me. I've supported this for years. That's what will be the underpinning of making our country stronger and better and preparing us for what may be in our future. But you can't require something and then not provide the money, especially under PAYGO rules that you had initiated yourself.

So this is simply a debate that the new Democrat majority is having within itself about whether they're really serious about their opportunity to bring to the table serious policy issues that face this great Nation.

Mr. Speaker, at this time, I would like to yield 5 minutes to the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate my colleague from Texas and his leadership on this issue.

Mr. Speaker, I rise to oppose this remarkable rule, this martial-law rule.

Mr. Speaker, as you likely know, the new majority is becoming much more creative with their rule writing, and frankly it would be humorous if it weren't so serious.

At the beginning of this Congress, this new majority promised us a fair and an open process, but again the majority has failed to live up to that promise. Speaker PELOSI said, "Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule." That's what she said before the election last year. Well, I agree with the Speaker, we ought to vote against this restrictive rule.

Chairman LOUISE SLAUGHTER of the Rules Committee said before, "If we want to foster democracy in this body, we should take the time and the thoughtfulness to debate all legislation under an open rule. An open process should be the norm and not the exception." Well, I agree, Mr. Speaker. Now, is that a broken promise, or is it political expediency?

Democrat Caucus Chairman RAHM EMANUEL said before the election, "Let's have an up-or-down vote. Don't be scared. Don't hide behind some little rule. Come on out here. Put it on the table, and let's have a vote." Well, Mr. Speaker, I agree.

Mr. Speaker, there were five amendments in total that were submitted to the Rules Committee last night. Two were made in order. What's the rush, Mr. Speaker? Which idea was so scary that the new majority decided to shut down debate? In the wake of a terrorist attack, as a result of this legislation, the liability of the American taxpayer is over $100 billion. So this legislation represents a dramatic increase in exposure to the taxpayer. And that may be appropriate.

I offered an amendment that would have allowed for appropriate PAYGO rules to make certain that we funded this bill. It went down by a partisan vote. My amendment would have protected the taxpayer dollars of hard-working Americans. There would be real offsets, a commonsense approach. If there is to be a taxpayer subsidy, as good stewards of the American hard-earned taxpayer dollars, we should provide the specific spending decrease to offset any new spending required by this legislation. Instead, Mr. Speaker, we get a budget gimmick that many of my friends and I believe is likely unconstitutional.

And that's not only the opinion of those on our side of the aisle. I have here a letter to Speaker PELOSI and Majority Leader HOYER from the office of Congressman ACKERMAN, a respected Member on the other side, who said, "It is our strong belief that making the entire program contingent on Congress passing a second piece of legislation completely undermines the intent and the desired effect of the legislation." Not only unconstitutional, Mr. Speaker, but irresponsible.

Well, welcome to the theater of the absurd. Only in Washington would someone believe that requiring an additional vote at some point in the future for Congress to be able to release funds, where PAYGO won't apply, that it would diminish the cost to the hard-earned American taxpayer, or even that it's possible to do so.

Mr. Speaker, rules aren't rules if you only follow them when you want to. The Democrats promised to use PAYGO rules for everything. Instead, they're picking and choosing when they do so. At home, we call that breaking a rule and breaking a promise. Fiscal responsibility shouldn't just be something that we trump out there during campaigns and on the campaign trail.

What idea, what amendment was so scary that it inspired this incredibly draconian and restrictive rule? I urge my colleagues not to be scared. Don't hide behind, as Mr. EMANUEL said, some little rule. Vote "no" on this rule so we can have real PAYGO, real fiscal responsibility on this legislation. The American people deserve no less.

Mr. ARCURI. Mr. Speaker, the gentleman from Georgia asks, What is the rush? He then talks about the theater of the absurd. What I find to be absurd is the fact that we are doing everything that we possibly can to try to prevent this legislation from being passed.

This is critical legislation. This is important not just to New Yorkers, this is important to the entire country. This is a critical piece of legislation that must get passed, and the steps that we are taking today are necessary if we are going to create the stability in business that is necessary to continue and allow our economy to grow.

I don't think it's absurd for the people who were there on 9/11. I don't think it's absurd for the insurance companies that now want to begin to insure the businesses and buildings in New York City. Oh, no, this is not absurd at all. This is the business of Congress. This is what we do, and this is what we do best.

Mr. Speaker, I now yield 5 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. I thank the other gentleman from New York.

Mr. Speaker, there are equities on both sides of this issue.

First of all, I think that we all have to and do understand that in order for any major development project to go forward, developers have to put together a plan, they have to put together their financing. Financing has to be secured in order for financing to be assured. Insurance has to be issued for any major project to go forward. There is no insurer that I can think of that would put $10 billion on the line without some backup in this day and age by the Federal Government, and I think that we're all pretty much in agreement to that.

In this argument of what to do on this rule and how to proceed, there are equities on both sides. It has been my view that the first thing that we should do is fix the rule so that in case this country is under a terrorist attack anywhere in the country, and this is not just New York City, we've been attacked, we've been attacked already, but anywhere in the country where a terrorist attack involving huge amounts of money, that the Federal Government would step in and we would not worry about the budget and the bottom line and balancing. Any city, any town, any State, any American community deserves to know that if America is attacked, and attacked in their city, in their neighborhood, in their community, that America stands behind them and will help make them whole and help put them back together again.

So it makes tremendous sense that the rule on PAYGO that was instituted and put into the rules of this House be made to accommodate the situation that says, in the case of war and in the case of a terrorist attack, nothing is going to stop us from moving forward, doing the business of America and assuring the American people.

My friends on the Republican side understand that, and they were helping to try to put this together. But the approach that we have taken up until this very moment, and, that is, putting the bill forward and then looking to find a fix later on down the road in my view was putting the horse in back of the cart. That has to be fixed, and that has to be addressed.

I originally came down here with the intent of opposing the rule, opposing the rule not because I oppose the bill, because I serve on the Financial Services Committee and worked very hard under the leadership and tutelage of Chairman FRANK who has done an immense job together with our Republican colleagues on the committee to bring a great bill to the floor only to find that it was subject to PAYGO.

I've come to the conclusion, Mr. Speaker, that we should not be looking to sidestep PAYGO. We should not be looking to make an exception to PAYGO. We should not be looking to work around PAYGO. What we should be doing is bringing common sense to the process and amending the PAYGO rules so that in the case of a terrorist attack, PAYGO is not applicable, not that we make an end run around it.

In the last few moments, Mr. Speaker, I have, after consultation with the majority leader, received a letter from him, and he has been in meetings with the Speaker of the House on this up until this very moment. And those who have intended to oppose the rule have received in writing from the majority leader, after consultation with the Speaker, an assurance in writing in this letter to us that this process will not go forward in its final form for a second vote in the House until we not sidestep PAYGO, but address the issue of PAYGO and make it right so that it makes common sense to the House and to the American people.

I have that assurance, Mr. Speaker, that this process will be fixed and that we are engaged in an ongoing process, that this vote will not be the final step, that the vote after the rule on the bill will not be final, that this bill will not be brought before us in the conference, that we will reverse and put the horse in front of the cart.

□ 1115

I would urge those with whom I have conferred, New Yorkers and others who were very, very concerned about this process, that with the assurance of the Speaker of the House and the majority leader of the House with whom I have worked for 25 years and whose word is gold, that we will bring common sense to this process and fix it before this process is through.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman, once again, another speaker from our friends on the Democrat side, talking with us about how they are going to fix it. We appreciate that.

That is what we are asking for today. The best I can tell you is that the Republican Party is in favor of fixing it. We believe the best way to do it is on the floor of the House right now, because right now we could fix it where all the Members will understand what the ramifications are. The ramifications are either that we are going to say that terrorist attacks don't apply under PAYGO rules or that terrorist attacks would be in fine print, that now perhaps the Democrat majority wants to put in that all this spending applies but perhaps not under certain circumstances. I think we could craft a deal here.

But now what the gentleman is asking us to do is "just trust me." Well, the first thing I would like to do is get a copy of the letter. It would be appropriate for me to ask for that. I know the gentleman, Mr. ACKERMAN, does not oppose my getting a copy of that letter. But what we are now being told is, "now trust us that it will be brought back in a forum where there is debate, but it is either an up or down vote." We can't change that decision, nor can any other Member of this body change that. We have heard enough people talk today about how what is happening is wrong, should not happen, is bad policy. We ought to fix it today here on the floor if we are going to move forward and not say, "trust me, trust me, wait for fine print or disagreement later."

I appreciate the gentleman, Mr. ACKERMAN. I thought it was not only very nice what he did but well spoken, and I appreciate the gentleman very much.

Mr. Speaker, I yield 5 minutes to my friend, the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Texas for yielding.

I rise in strong support of the underlying legislation and certainly with very strong questions and reservations about the rule. Like Mr. ACKERMAN, I certainly came to the floor intending to oppose the rule. I will study the letter which Mr. ACKERMAN obtained from the majority leader. I agree with Mr. SESSIONS that this is a very uncertain way to proceed, relying on a promise from a letter. Not that I, in any way, question the intent to follow through on the promise, but again, how that could be interpreted, what the final language will be, does raise serious issues.

Having said that, I commend Mr. ACKERMAN for his efforts. I do believe it is important that this process continue to go forward.

The reason I support the underlying legislation, Mr. Speaker, is that this is not a New York issue, even though it is often focused that way because of the fact that there have been 2 major terrorist attacks on New York City, but it truly is a national issue. I want to commend Chairman FRANK for his efforts at the committee level. I also want to emphasize that this was a bipartisan vote which voted this bill out of committee. I particularly appreciate the fact that, in the committee, an amendment was offered by myself and Mr. ACKERMAN which extends TRIA 15 years, passed by a bipartisan vote.

I know that, certainly on my side of the aisle, a number of Members are concerned about the reason that the 15-year term is essential. The fact is that any significant project is going to be of 15 years' duration. Both the preliminary work and the construction itself is going to go to 15 years. The insurance money, for instance, in New York, where they are attempting to rebuild Ground Zero, would not be available at this time unless TRIA is extended. And also the insurers have the certainty that TRIA will be there for the 15 years, for the duration of the project.

I have to emphasize that there will be not one nickel spent of this money unless New York or Chicago or Los Angeles or any other city in the country is attacked by terrorists. So if any city were attacked, we know the government would step in. Why not have that precaution now? Why not give the insurers the certainty, and the municipalities the certainty, so they can go forward with this development? Otherwise, we are allowing the terrorists to set the terms and conditions. We are letting them determine what is going to be built and not rebuilt. If this 15-year extension does not go forward, if TRIA is not extended, the reality is that there will not be a rebuilding of Ground Zero. If Ground Zero is not rebuilt, then this is a magnificent victory for a horrible, horrible force, Islamic terrorism. So we should be the ones determining what our economic security is and what our homeland security is. Passage of TRIA is an essential component of that.

As the former chairman of the Homeland Security Committee and its ranking member, Mr. Speaker, I am very much aware how New York and other cities in other parts of our country are in the crosshairs of Islamic terrorism. We know that attacks are inevitable. Whether or not they are successful is another story, but certainly attempted attacks are inevitable. I believe it is essential that no matter what part of the country you are from, you have the assurance that if, God forbid, you are attacked, that there will be insurance in place for you to rebuild. Because otherwise, you are not going to find insurers stepping forward. Places like New York, which was attacked, will not receive insurance that it needs to go forward. And the terrorists will have scored and attained not just the victory they attained on September 11 where almost 3,000 people were murdered, but they will have the additional victory in that the area that they attacked will not be rebuilt.

It could be New York. As I said, it was New York in 1993. It was New York in 2001. It could be any one of a number of other cities in the future. So let us protect ourselves in the ultimate essence of homeland security and have a complete component of security, and TRIA is essential to that.

Mr. Speaker, I urge adoption of the underlying legislation. I look forward to examining the letter which Mr. ACKERMAN procured and see what that signifies for the future. But the reality is that we have to have the absolute assurance. We cannot be relying on a vote sometime in the future. The government itself could be attacked. The Capitol may not be here. There may not be a quorum of Members attainable. We have to have that absolute assurance in place now.

With that, again, I thank Chairman FRANK. I thank, certainly, Mr. SESSIONS for his courtesy. I thank Mr. ACKERMAN for his efforts. I also thank Ranking Member BACHUS for his cooperation and courtesy throughout this hearing.

Mr. ARCURI. Mr. Speaker, I thank my friend and colleague from New York (Mr. KING) for his words. He has worked hard on the TRIA legislation, and we appreciate that.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, reasonable people have differences of opinion on the base bill. There are a lot of things in here that I think different people can have different opinions on, the 15-year time limits and the triggers in the deductibles. A lot of them, almost all of them, are reasonable best guesses based on experience, and that is it. They are open to discussion. They are open to debate. There is no definitive answer as to which one is right. This bill is the classic example of compromise upon compromise to try to get to a bill that as many people can support and feel comfortable with as possible.

If the debate here right now or later on is on the base bill, that is hard to argue. That is a gut feeling. There are no definitives and no real answers. But I will tell you that when the argument turns to fiscal responsibility and there is this false argument that someone is more fiscally responsible than someone else, it bothers me. It bothers me a lot, because I think that is beginning to get into the great lie to the American people: "We are more responsible than you. We are more responsible. We do this; you do that." Well, the truth is, not a single penny of taxpayers' money will be paid out in this bill under this rule unless Congress acts again. Not one penny.

Now, I understand that some people find that uncomfortable. I respect that. If there is another route to take, fine. I am open to discussion. I am open to the proposals. But to pretend this bill is somehow going to spend taxpayers' money when it is not is ludicrous. To pretend that people here are more fiscally responsible than others when they are not bothers me even more.

We had one major vote on PAYGO. One. And that was November 14, 2002, when the Republican-led House put forth a bill on this floor that basically gutted and terminated PAYGO. Only 19 Members of this House voted against that bill. Not a single Republican voted against it. Not one. And it gutted and killed PAYGO, according to CRS, to the tune of $560 billion. That was real money and real PAYGO that threatened a real sequestration over 5 years. Yet, the Republican-led House then, after the 9/11 attack, while we were in the middle of war, decided PAYGO was not important then. They killed it. If it wasn't important then, and yet today we are taking an action that we guarantee that no taxpayer money gets spent without additional action by this House, then I don't understand the logic. I see it as nothing but hypocritical.

Mr. SESSIONS. Mr. Speaker, you know, I do appreciate my good friend, the gentleman from Massachusetts, coming in and arguing, but his side has already given in on this point. They have already conceded that they don't like the way the bill is, the self-executing rule. There is already agreement on his side, "Whoa, this is wrong. We don't agree with this. We will agree to fix it."

So, I love the gentleman from Massachusetts, he and I are very good friends, but they have already conceded that point. They have already said, "We think there could be a better way to do it. We agree to fix it." So what did we say on this side? "Thank you very much, Mr. ACKERMAN. We appreciate this. That is what we have been asking for. We are pleased that we got it."

I wish we had the agreement here today. I wish we knew what that deal was going to be before you brought the bill to the floor. That's why we held off in the Rules Committee for an extra day waiting for a better answer. Didn't get it, get to the floor.

I would say to my good friends on this side, if you want us to be a better minority, you are going to have to be a better majority. We took seriously what Speaker PELOSI said, "honest, open, ethical Congress." We are still waiting for that through the Rules Committee. When she said, "PAYGO is going to apply to everything," it implied that Republicans didn't do that. Then we took that at the surface of the words, not looking for fine print, not looking for how they are going to try and get out of it. So we are trying to make sure that we simply know what we are supposed to count on.

They have come to the floor today, and they have said, "We are going to work on it." I am pleased we are going to do that. I am simply saying that it should have been done before it got here. That is sloppy.

Mr. Speaker, at this time, I have no additional speakers on the rule. I yield to the gentleman from New York to run down his time, then I will make my closing statement.

Mr. ARCURI. I have no further speakers, Mr. Speaker.

Mr. SESSIONS. Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to allow for the consideration of H. Res. 479, a resolution that I have not heard talked about today but the concepts are in that that I will call the "Earmark Accountability Rule."

At the beginning of this Congress, a number of promises were made to the American people about the Democrats' supposedly new and improved earmark rules.

□ 1130

As the Congress has worn on, however, I have noticed that while the Democrats' rule changes definitely sound good, they have not really lived up to their promise and have not really accomplished much, since the majority has repeatedly turned their head the other way when it comes to their actual enforcement.

I acknowledge that the majority has given into the minority demands for enforcement of their own rules a handful of times when it comes to appropriations conference reports. Unfortunately, we continue to see non-disclosed earmarks in all sorts of bills, also.

This rules change would simply allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills, not just appropriations bills. If we defeat the previous question, we can address that problem today and restore this Congress' nonexistent credibility when it comes to enforcement of its rules, like we have seen once again today.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I am troubled by the fact that today, everything we hear from the other side is smoke and mirrors. They want to talk about everything except what we are here to talk about today, and that is the rule on the TRIA legislation.

My friend from Texas infers that the Rules Committee is not open, honest and ethical. Well, I resent that. I think we are very open, we are honest, and we are very ethical. He knows that, and he shouldn't put petty partisan politics ahead of what we are here today to do, and that is to pass a rule on TRIA legislation.

Protecting the security and safety of America is without question our top priority and the reason that we are here in Congress as Members of this institution. The horrible terrorist attacks of September 11, 2001, had a devastating effect on so many people in this country; not just New Yorkers, but people all over this country.

It also had a devastating economic impact on the commercial insurance market. Many primary insurers stopped writing policies. Special guidelines were instituted when insuring buildings thought to be likely terrorist targets and other properties surrounding them. Reinsurers, those companies that insure the insurance companies, excluded terrorist events from coverage altogether.

To address this market failure, Congress passed the Terrorism Risk Insurance Act, and that was under the Republican Congress, because it was the right thing to do. And we will continue to do the right thing here today.

TRIA has been a success. Primary insurers are able to write policies and business owners are able to obtain coverage. Stability was restored to this vital market. If we do not act now to extend TRIA, this program will expire and we will be back where we were following the September 11 attacks.

H.R. 2761 extends TRIA by 15 years to provide added certainty to this vital sector of our economy that a mere 2-year extension cannot provide. The bill also lays the groundwork for the inclusion of coverage for nuclear, biological, chemical and radiological terrorist acts, while at the same time allowing for an exemption for small insurers that would be unfairly impacted by this necessary expansion.

The circumstances before us are unlike anything we have confronted in our Nation's history. We must not allow terrorist attacks to force valuable businesses to fail because they cannot afford insurance.

Mr. Speaker, I am proud to stand here today as a member of the new Democratic majority, watching out for the interests of our Nation's business community by providing much-needed predictability in the terrorism risk insurance market.

Mr. Speaker, I urge a "yes" vote on this rule and on the previous question.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 660 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCURI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: on approving the Journal, de novo; on ordering the previous question on H. Res. 660, by the yeas and nays; on adopting H. Res. 660, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ARCURI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 192, not voting 12, as follows:

[Roll No. 878]

YEAS—228

Abercrombie
Ackerman
Andrews
Arcuri
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Allen
Baca
Braley (IA)
Carney
Cubin
Davis, Jo Ann
Garrett (NJ)
Gilchrest
Jindal
Johnson (GA)
Knollenberg
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1159

Mr. KUHL of New York changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2761, TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 660, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 11, as follows:

[Roll No. 879]

YEAS—224

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Allen
Bachus
Carney
Cubin
Davis, Jo Ann
Engel
Gilchrest
Jindal
Johnson (GA)
Jones (OH)
Knollenberg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1206

Mr. WELCH of Vermont changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 195, not voting 14, as follows:

[Roll No. 880]

AYES—223

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw

Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Allen
Carney
Conaway
Cubin
Davis, Jo Ann
Engel
Gilchrest
Jindal
Johnson (GA)
Knollenberg
Matsui
McCarthy (NY)
Pryce (OH)
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1214

Mr. ALTMIRE changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 2761 and to insert extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 660 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2761.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes, with Mr. ISRAEL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, this is a continuation of a program that the Congress adopted in one of the previous Congresses to provide insurance in case of a terrorist attack. We had, obviously, the terrible murderous attack on America in 2001.

Substantial damage was done. Obviously, the overwhelming cost of that was in the human lives caused by these murderers, but we also had property damage. And I believe that it is unrealistic to think, and in fact inappropriate to urge, that the private insurance market, which functions very well in this country and serves us well, that that ought to be used in response to terrorism. We bring a bill forward that would provide both for life and property insurance from the Federal Government worked out in various ways.

There are two arguments for continuing this on an ongoing basis. Everybody agrees that it needs to be extended for a while. Some have said phase it out, let the private market ultimately take it over. I believe there are two reasons why that is not a good idea.

First, virtually no entities that are in the private insurance market believe that the private market could handle this well. Not only do the insurers believe that, but the customers of the insurance believe it. And primarily, by the way, the customers here are commercial real estate developers. People who are going to build large commercial buildings with tens, hundreds of millions of dollars in construction costs cannot build without a bank loan, and the banks will not lend and would not be allowed to lend by the regulators without fully insuring against all risks, including the risks of the terrorism that we wish were not around but clearly still is.

We do not believe, based on extensive conversations with virtually everyone in the marketplace, that this will work. In fact, I submit for printing in the RECORD a letter from the head of Goldman Sachs in 2005, that very important financial institution, clearly an entity that knows a great deal about the market. And in 2005, only 2 years ago, after we had TRIA for a while and the question was coming up about whether or not to continue it, he wrote to the gentleman from Louisiana (Mr. BAKER), then Chair of the Capital Market Subcommittee, that:

"Current data suggests that reinsurance, and consequently insurance, participation in the terrorism insurance market will decline if the Federal backstop is left to expire.

"Some have suggested that private markets for terrorism can successfully utilize risk transfer mechanisms such as catastrophe bonds.

"There is no evidence to suggest that the rating agencies or capital markets investors will be able to quantify the risk."

And what he says is that he does not believe the market can do this.

THE GOLDMAN SACHS GROUP, INC.,
New York, NY, July 26, 2005.

Hon. RICHARD BAKER,
Chairman, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of The Goldman Sachs Group, Inc., a leading global investment banking, securities and investment management firm, I am writing to express my support for maintaining a federal terrorism insurance backstop.

The federal terrorism insurance program, enacted by the Terrorism Risk Insurance Act of 2002 (TRIA), has helped provide the underpinning to a robust economic recovery despite the ongoing threat of terrorism. Notwithstanding Treasury's conclusion that TRIA has achieved its original purpose, we are not aware of any meaningful evidence showing that private terrorism risk insurance or reinsurance markets have developed ample capacity to rationally price and insure against terrorism on a scale that would adequately protect our nation's economy. In fact, current data suggests that reinsurance, and consequently insurance, participation in the terrorism insurance market likely will decline significantly if the federal terrorism insurance backstop is left to expire.

Some have suggested that private markets for terrorism risk can successfully utilize risk transfer mechanisms such as catastrophe bonds (CAT bonds) that transfer risk from insurers to capital markets. Such securitization vehicles, however, represent a minor percentage of the overall insurance market and have been used mainly for natural disasters, such as earthquakes and hurricanes. There is no evidence to suggest that the rating agencies or capital markets investors will be able to more effectively quantify the risk of terrorism than insurers or reinsurers. As such, CAT bonds and other risk transfer mechanisms are unlikely to offer, at this time, the broad capacity necessary to insure America's businesses, workers and property owners against the risk of terrorism.

With less than five months remaining in the current program, American businesses soon will be forced to compete for portions of a severely constrained private insurance market and risk the possibility of being left with inadequate levels of terrorism insurance. In short, we simply cannot afford to let the private sector be economically exposed.

I appreciate your attention to this very important matter.

Sincerely,

HENRY M. PAULSON, Jr.,
Chairman and Chief Executive Officer.

The CEO of Goldman Sachs who signed this is a very distinguished expert, Henry M. Paulson, Jr. He is no longer the chief of Goldman Sachs; he is now the Secretary of the Treasury and has somewhat different views, but this is a letter that he sent in late July 2005.

So we don't think the market can handle it. But I want to argue that even if you thought the market could handle it, we shouldn't ask it to for this reason: If you insure against risk, you ultimately pass the costs along to the people who are at risk. Insurance allows you to spread that risk out among those who are at risk. But the more you are at risk, the more you pay in insurance.

If we were to adopt a purely market solution, that would mean that those parts of the country which were calculated to be likelier targets of terrorism would pay more. That is the insurance principle. If you are more likely to be the victim of terrorism, then you should pay more.

I do not think we should allow vicious fanatics who hate this country and seek to inflict severe physical damage on us to decide where it should be more expensive to do business in our country and where it should not. But if you use the private insurance mechanism, that is what you get.

There is another problem with the private insurance mechanism, not a problem, a good facet, that doesn't apply here. What you can do with private insurance is to say to these entities: You know what, if you lower your risk, we will lower your insurance costs. But people who have large office buildings cannot significantly lower their risk of being attacked by terrorists. If they could, we wouldn't want them to be. We wouldn't want people in America in the business sector to be told, well, why don't you try to appease the terrorists so they don't blow you up. So it ought to be a public program.

Now, we have had significant debate in the committee. We had in the subcommittee and committee two full markups, an unusual degree of attention. A number of amendments were adopted from both parties. It is a different and, I believe, better bill now than it was when it was introduced. There are still some philosophical differences.

There is one issue, though, that came up after the committee consideration, and to our surprise the Congressional Budget Office said that this is going to cost a certain amount of money. I will get the estimate. I think they said $10 billion over a period of 10 years. That is a very odd thing to say. A terrorist attack will cost hundreds of billions if it happens; it will cost nothing if it doesn't. They apparently used some calculation of probability, which I think is in itself kind of dubious. Nobody, I think, can realistically talk about the probability of a terrorist attack, to give us the number that it will cost $3.5 billion over 5 years and $8.4 billion over 10 years.

One thing we know for sure is that these estimates are wrong. It will either cost a lot more, or nothing. CBO did its job, I don't think very well. Maybe that is because of the constraints they operate under. I don't make a personal criticism of them. But we have this PAYGO rule.

I will say that my own preference as an individual Member would have been to grant an emergency waiver, because if a terrorist attack is an emergency, then we shouldn't have that in there. I do not represent the thinking of the majority as of now on this or the Democratic leadership. That is an open question to evolve. So we did the next best thing, which is to adopt a set of procedures to deal with what will happen if the Federal Government has to make a payout under this.

I will say that I think that was a good effort, given the time frame. And I think it is important, given the potential expiration or the expiration date, that we should move forward, and maybe it will encourage our colleagues across the Capitol to act.

I do not believe that what we have in here will be the final answer. We have one possibility: Maybe a consensus will develop on a waiver. I can't say that I have confidence in that, but I certainly will advocate for it. If we can't get a waiver, we will within the framework of the PAYGO requirement, $3 billion over 5 years, try to work something out. And I know that is what the Democratic leadership has assured the Members from New York in particular, that they will do their best within the context of PAYGO to work this out. And I believe we can improve on where we are. We will reduce the risk that there won't be payment to the minimum amount possible, and then maybe we share that risk.

So I do not believe that what we have in this bill will be the final version. I think it is important to move this process along. I think this is as good an effort to do it as we could now. We will have to be consulting with the various parties in interest, including the cities, including the insurers, including the insured and others, and we will move forward on that. So I do believe it is very important to move forward now.

The only reason to vote against this bill at this point is not because of disagreement on some of the specifics. They will evolve as we go forward, particularly in the PAYGO response. But if you believe this is something that should be left to the market, and I do not believe that the market can or should be asked to handle terrorism. Adam Smith is one of the great intellectual contributors to thought in this world, but I don't think he knew much about terrorism, luckily for him. I do not think that the free market was adopted or is adaptable to murderous attacks of the sort we had on September 11.

So I believe this is the best we can do at this point. It is a very good bill, I believe, not perfect, with regard to the PAYGO fix, but that is something that I believe will evolve. I have every confidence that we will be able to do it better as we go forward, and I hope the bill passes.

I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as one of the original authors of the first TRIA legislation back in 2002, which passed this House with a strong vote, and also as a supporter of the extension in 2005, which I also cosponsored, I am disappointed that I have to rise today in opposition to the present bill. But I do so sincerely.

The whole idea of TRIA, the 2002 bill, the 2005 extension, was to create a short-term government backstop which would allow the insurance industry, the private market to adjust to the 9/11 reality.

By any objective measure, people on both sides of the aisle have said TRIA has been a success. Secretary Hank Paulson supported a TRIA which was a government backstop as the government continued to process the stepping back.

The terrorist insurance markets have stabilized. We have heard this debate, this word today of the gentleman from New York and the leadership and the Democratic Party and some of their differences. Even in correspondence which I have seen, he said terrorist insurance, the approach we have has been working. It is giving us insurance. The markets have stabilized. Policyholders are requesting and they are receiving coverage. Prices have declined. Reinsurance has become more available. The private marketplace is diversifying, and it is absorbing additional risk exposure every day.

This past July, Secretary Paulson, which, as I said, he supported TRIA, he doesn't support this legislation because it essentially preempts the private market. But he made this statement to me: It is my belief that the most efficient, lowest cost, and most innovative methods of providing terrorist risk insurance will come from the private sector.

I agree, and it is therefore that reason that I must oppose the bill before us today, because it works at cross-purposes with that whole philosophy of allowing a temporary backstop as the private market fills in and meets the need for terrorist risk insurance.

We presently have a TRIA program in place that relies on that private sector first and the government only as a backstop and, as I said, it is working very well. It is effectively creating what is a temporary assistance or a hand up, not a permanent handout. However, this bill replaces what has been a successful and temporary mechanism which has worked so well to allow the insurance marketplace to adopt to the 9/11 realities. It replaces it with legislation that, instead of scaling back the Federal backstop, it expands it greatly. It increases the government growth greatly. It increases taxpayers' exposure tremendously, so much so that we are not going to pay for it here today. We are going to disregard PAYGO. And I understand there is some private deal that may have been agreed to out of the public domain and unknown to Members. That is not how legislation should function. But it is a flawed bill that is, unfortunately, a departure from what has heretofore been a very successful bipartisan consensus effort on behalf of this Congress that we have all come together and adopted in the past.

TRIA should not be a partisan issue. Our division on this legislation reflects a philosophical difference and disagreement over how, how much and for how long middle-class America should subsidize the cost of terrorist insurance for both insurers and for urban developers.

□ 1230

And what is the taxpayer role?

I had hoped that we could consider a number of important amendments today to scale back these new Federal subsidies; i.e., taxpayer-supported guaranteed benefits. I had hoped that we could ask that the insurance companies pay a greater percentage; that they collect an increased amount. Unfortunately, the Democratic leadership has decided not to even allow a fair and free debate on these amendments.

The expanded Federal subsidies provided for in this bill are so expensive that they violate the House's budget rules. But, as I said, instead of admitting this violation, or even waiving it, which would be a more honest approach, or finding a way to pay for the costs to the taxpayers, the majority has turned to what I call a "fantasy fix" that mandates various terrorist coverage, but removes any certainty in the Federal payment.

Even the most ardent proponents of TRIA are opposed to this so-called solution to the PAYGO problem. One Democratic colleague that's on the floor today has made this statement which I associate myself with: "Making the entire program contingent on Congress passing a second piece of legislation completely undermines the intent and desired effect of the legislation." He went on to say, and I quote, "It would render the legislation almost completely useless." That's the legislation we have before us. That's it. That's what we're considering today.

We heard as we debated the rule that there have been some assurances given in a letter which none of us have seen from the majority leader to the Member that they're going to fix this, that they're going to fix it in conference. We're just asked to take a leap of faith. To me, that violates not only the promises that the Democratic majority made in this campaign to have an open, honest process with full disclosure, not back-room agreements. We don't even know what we're voting on. We're told, vote for something on blind faith. It'll be fixed. Yes, it's flawed. Yes, it won't work. Yes, we know we're not paying for it, but we'll do that later. Trust us.

You know, it's one thing to ask Members of Congress, it's another thing to ask the American people for their representatives to pass something they have no idea entirely what it is; to act on the assurance of a letter that 433 Members have not seen, surely not the 210 in the minority.

Policyholders are also shortchanged in this legislation. If an insurance company's losses exceed a certain level, the new bill that Members saw for the first time last night says that the consumer gets no more money until a later Congress acts, regardless of what the insurance policy says or what the company agreed to pay. In other words, they're writing a policy, the company is agreeing to pay a certain amount, but all of it is contingent upon Congress then coming in and paying for it. I'm not sure that's even constitutional, that we as a legislative body would say, go out and write insurance policies, tell policyholders this is their coverage, and another legislative body, 5, 10, 15 years down the road, they'll come in and they'll pay for it. How do we know that? What will the policy read? It will be interesting to see what the policy says. All this is contingent upon an act of Congress. How about all of this is contingent upon the ability of the United States to write such a check, or the willingness of the people to do that? What if these policies are extended and then we have a new Congress and that Congress says "no"? The policyholders have paid for something and they have no assurance they'll ever receive a dime.

While I am a strong supporter of what has to this date been the approach of Congress for short-term extensions of this program that continues down the road of phasing out the government backstop, the taxpayer funding, and phases in greater private sector participation, and by private sector participation, I simply mean that those who are provided the coverage pay for the coverage, not someone in rural Kansas or New Mexico or Georgia, but that who's getting the benefit pays the price, not the American people.

I cannot support this bill. It extends the program for 15 years, in other words, more or less basically permanent. It writes a blank check, asks the taxpayers to pay it, but doesn't pay for it now. It makes no provisions for paying for it, other than a letter from the majority leader to a member of the New York delegation saying, in a month or two, we know this is a flawed bill, it's a no go, but we'll fix it. But vote for it right now. I cannot do that. I cannot ask the Members of the minority to do that.

Mr. Chairman, let me just say in closing that Members on this side of the aisle are prepared and we have been prepared to strongly support an extension of the TRIA program that is fiscally responsible, that does the right thing for taxpayers. But we're not going to vote for something we have no idea what we have, other than an assurance in a letter we have not seen.

While we have complete bipartisan agreement on the merits of the current TRIA program, we know that in the aftermath of 9/11 there was a need to act. We acted. We've been successful. Let's not change something that's proven to work well with a blank check from the taxpayers. This bill is a gimmick. It increases government subsidies without providing greater certainty in the marketplace. I urge my colleagues to oppose this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself first 30 seconds to note that I was impressed when the gentleman said he was going to vote against this bill because of this new amendment. But he voted against the bill the last time, so apparently my friend from Alabama intends to vote against this bill twice, because he voted against it in committee. So no one should think that the effort to deal with PAYGO is the reason he's voting against it.

Secondly, no one is asking anybody to accept any blank checks, and that is a misrepresentation of the legislative process. Changes will be made, I hope, in an open way. There will be an open conference, in total contrast to the way in which his party operated. I guarantee Members, as chairman of this committee, that we will have a conference committee, it will be a legitimate conference committee, and everything will be done openly, and votes will be taken. So no one is asking anybody to do anything in secret.

And again, the gentleman, having already voted against the bill, there are only so many bases you can claim on which you vote against the bill. He says he's not going to vote for the bill. We never thought he would. He voted against it the last time.

Mr. Chairman, I yield 5½ minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Chairman, on September 11, in addition to the enormous loss of human life, the value of which cannot be measured, our Nation suffered catastrophic economic losses. The attacks of September 11 resulted in $30 billion worth of insured losses, the largest catastrophic insurance loss in the history of the United States, larger than any blizzard, tornado or hurricane. As a result, insurers and reinsurers began to worry about the likelihood and the cost of a future terrorist attack.

Worrying about risk and then monetizing that risk is the key to the insurance industry, which is an essential element in a modern dynamic economy. As happened, businesses with legitimate concerns about their solvency, insurance and reinsurance firms withdrew from the market where the attack took place. As the supply of terrorism insurance rapidly decreased, New York City developers, for whom terrorism insurance was essential to secure financing for their projects, were put in a precarious position. They needed terrorism insurance to continue building, but the market for insurance simply did not have enough supply to meet their demand. Similar shortages began occurring throughout the country. In simple terms, there was a market failure.

It was out of this dilemma that the critical need to address that original version of TRIA was born. TRIA increased the availability of terrorism insurance coverage by creating a Federal backstop that would share the burden of losses caused by any future attacks of terrorism with the insurance industry.

In the wake of 9/11, we had hoped that a temporary, 3-year program would provide enough of a shield to allow the market to fully recover. By late 2005, however, the Financial Services Committee and others in Congress realized that TRIA had not resulted in as quick or as robust a recovery of the market as was originally hoped. TRIA was extended for an additional 2 years, and is currently set to expire on December 31 of this year.

Mr. Chairman, the Terrorism Risk Insurance Revision and Extension Act is a major achievement. It eliminates the distinction between foreign and domestic acts of terror. It incorporates group life insurance into the program. And, most importantly, this legislation extends TRIA for another 15 years.

Let us be clear: The enemy of business is uncertainty. This is particularly true for multi-million or multi-billion dollar real estate development projects, the kind that breathe life into our Nation. Designing, securing capital and then contracting for construction is a multi-year process, and if we want these kinds of projects to go forward during these uncertain times, there is simply no alternative to providing a long-term terrorism insurance backstop.

Extending TRIA by 15 years is not a whim. It is not an arbitrary number. A 15-year extension would allow developers to secure 10- and 15-year bonds when financing their projects and would cover the life span of construction for our Nation's most innovative and remarkable development projects.

Equally as important to our Nation's developers, insurers and reinsurers is the inclusion of the so-called "reset mechanism" in this legislation. This language ensures that, in the aftermath of another catastrophic terrorist attack, the affected area or areas do not experience the same capacity problems that we experienced in New York following September 11.

To be clear, however, the reset mechanism included in H.R. 2761 is not a special favor extended to New York. Under the language I worked out with Mr. BAKER, representing the minority side, in the event of a terrorist attack with losses of $1 billion or greater, the deductibles for any insurance company that pays out losses due to the event immediately would lower to 5 percent, while the nationwide trigger for any insurer for any future event drops to $5 million.

Mr. BAKER and I also reached agreement on my proposal to enable the Secretary of the Treasury to aggregate the total losses for two or more attacks that occur in the same geographic area in the same year, if the Secretary so chooses, so that if the total insured losses for those events are over $1 billion, the reset mechanism would be triggered. Permitting the Secretary of the Treasury to aggregate the losses of two or more attacks in the same year is absolutely essential to protect our Nation's developers, insurers and reinsurers from a scenario in which the same area suffers a loss of $1 billion in insured losses, either from two or more medium-scale attacks or from one large-scale attack.

The reset language is a true bipartisan compromise with the minority, accommodating a vast number of their concerns, and one in which I think Members of both sides should be very pleased. The new language simultaneously addresses the need to boost capacity in our Nation's highest risk areas, while recognizing that in case America suffers another catastrophic terrorist attack anywhere in this Nation, capacity shortages could be expected not only in the geographic area surrounding the site of the attack but also, quite possibly, throughout the Nation as a whole.

The chairman has asserted that he would accommodate the needs of those who have complained about the openness of the process, which I assure everybody is open. And as the leader of the conference, when the House goes into conference on this matter, Mr. Chairman, could you give us your assurance that this bill will come back in the kind of form that we will not have an issue?

Mr. FRANK of Massachusetts. Absolutely.

Let me just say, first of all, having grown up in New Jersey, I'm used to complaints from New Yorkers. But in this particular case I believe they are entirely legitimate and justified, and I can assure the gentleman that we will work together in an open way to resolve it.

Mr. BACHUS. Mr. Chairman, I would yield the gentleman from New York 30 seconds to answer an inquiry if he would allow me.

I would ask the gentleman, this letter that we heard of earlier from Mr. HOYER to yourself, could you share a copy of that letter with the minority?

Mr. ACKERMAN. This is a private letter from the leadership to myself. I will be glad to show it to a Member of the minority side that signed the letter.

Mr. BACHUS. Could we see it now?

Mr. ACKERMAN. I will share it with a Member of the minority side who signed the letter.

Mr. BACHUS. Could we make a copy of it?

Mr. ACKERMAN. I think you have heard my answer.

Mr. BACHUS. So this is a private sort of agreement between the two of you?

Mr. ACKERMAN. This is the word of the majority leader to our delegation.

□ 1245

Mr. BACHUS. Mr. Chairman, at this time I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, just as a disclaimer to the chairman of the committee, I did vote against this bill in committee and am still talking against the bill. Mr. Chairman, that is always a shock to you, and I'm just trying to settle your nerves down here at the beginning of my comments.

I am supportive of the TRIA concept in general. I understand the market is not yet where it needs to be. As I explained in committee, our company was one of the companies who had to renew our insurance 30 days after 9/11. On October 11 every year we had to renew insurance. So we were some of the first to encounter the problem that some insurances simply weren't going to write insurance if we did not have some solutions. So I understood the concept. But we put into place some legislative changes that were slowly moving the marketplace to where it needed to be.

And the market was responding. The marketplace was increasing the deductible percentages. The trigger limit was raised between the first 2 versions of the TRIA bill, and the industry retention level was raised, the Federal co-share was lowered, and those were all positive signs because we all recognized that the last thing we want to do is have, say, an agency like the Postal Service in charge of risk insurance. It does not meet the standards for a very mobile market.

So in the long term, we would like to have the private sector handling this problem. It's where the responsibility then would fall on the people who are getting the benefit.

As it is written, this bill begins to move us far beyond that concept. It begins to increase the mission, providing what should have been a temporary solution making it into a 15-year solution and with decreasing amounts of private sector employment or utilization. So responsibility in the end should be borne by the people who are buying the insurance and the insurance companies.

And, again, I would speak against the bill, and I thank the gentleman for yielding.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes now to a senior member of our committee, the Chair of the Subcommittee on Financial Institutions and Consumer Credit, someone who has worked a great deal on this, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank our chairman for his heroic leadership on this, along with the New York delegation, GARY ACKERMAN, and many, many others. This is an absolutely necessity for New York City and for our country and for our economy.

After 9/11, I have never seen this body so united and determined, and I thank you for all of your help. But by far, the most important action by this Congress was enacting TRIA. Before TRIA, we could not even build a Popsicle stand in lower Manhattan. No one could build anything. Critical to our economic recovery was the passage of this Federal backstop, and I implore my colleagues to join the leadership, Mr. FRANK and others, in passing this.

They say it is not needed, but I hear from businesses in New York they cannot get insurance. Some have gone to Lloyd's of London. They get insurance policies that say you have this policy on the condition that TRIA is reauthorized. This is critically important.

And I would like to stress to my colleagues that a very important part of our homeland security is our economic security. TRIA not only helped the rebuilding of New York City, it created jobs and helped America's economy grow despite the continuing terrorist threats against the United States.

TRIA has no cost to the taxpayer unless there is a terrorist attack. And in that terrible event, if it happens, and I hope it doesn't, TRIA saves the government money by structuring what would otherwise be hastily drafted emergency spending. Of course, setting up a public/private partnership to provide insurance coverage is more cost-effective than throwing money at the disaster after the fact.

So this is very important. I would like to be associated with the comments of my colleagues Mr. ACKERMAN and Mr. FRANK on the reset and the need for long-term planning, 15 years. I thank my colleagues for your help after 9/11. Give our economy help now. Vote for this.

Mr. BACHUS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding. I certainly thank him for his leadership in this area.

If I could paraphrase President Ronald Reagan, the closest thing to eternal life on Earth is a Federal program. And certainly the legislation that comes before us today helps prove this.

When TRIA was brought to the floor, and I, admittedly, was not here but I have read the RECORD, supposedly it was to be a temporary program at a time of great economic hardship to our Nation.

I just heard the gentlewoman from New York speak very eloquently on the subject. But I recall from the RECORD her own words: "We are simply working to keep our economy on track with a short-term program that addresses the new terrorist threat."

Now we are being asked for a 15-year extension on what has already been a 5-year program.

The gentleman from Pennsylvania, who is now our chairman of the Capital Markets Subcommittee: "We wisely designed the TRIA Act as a temporary backstop to get our Nation through a period of economic uncertainty until the private sector could develop models."

Now, maybe those on the other side of the aisle have a different definition of "temporary." I was here to vote for the TRIA extension, and I voted for it. I thought that the market needed some time to develop. But let's face it. If we vote for this, we are voting for a permanent, a de facto permanent, huge government insurance program on top of those that we already have, none of which, none of which, are financially sound.

And we have to remember when we are hearing debate on the floor about how critical it is in the fight against terror that we have terrorism reinsurance. I believe terrorism reinsurance is important, but I think even more important in fighting terror is prevention, ensuring it doesn't happen in the first place. And yet we have Member after Member after Member on the other side of the aisle that would make it more difficult for our government to monitor the conversations of suspected terrorists. We have Member after Member on the other side of the aisle voting to assure that a portion of our intelligence budget, to paraphrase the former Director of the CIA, goes to spying on bugs and bunnies instead of terrorists. Prevention is what is key in the fight against this terror.

Now, of course, reinsurance is important, and, again, as I said, I voted for another extension. But to hear those on the other side of the aisle, they would say, well, there is no way that the market can develop this. I'm not sure I agree with that, and I know that the President's working group on financial markets doesn't agree with that. They say that the availability and affordability of terrorism risk insurance has improved since the terrorist attacks. Despite increases in risk retentions under TRIA, insurers have allocated additional capacity to terrorism risk, prices have declined, and take-up rates have increased.

And let me quote here from this working group: "The presence of subsidized Federal reinsurance through TRIA appears to negatively affect the emergence of private reinsurance capacity because it dilutes demand for private sector reinsurance."

Now, the chairman, whom I certainly respect, and he is entitled to his own opinions, he doesn't believe the market could ever develop. Well, I would respectfully say to our chairman: How are we ever going to know? How are we ever going to know when you are giving away something for free that the market otherwise would charge for and all of the signs are there that the market can develop?

Some tell us this is a new risk that we don't know how to model for. Well, there was a time when the insurance industry didn't know how to model for airline catasrophes. They didn't know how to model for data processing collapses. And this is not the first time in our Nation's history that we have faced great threats. How did we model the Cold War when thousands of nuclear arms were pointed at us and somehow construction still took place in America?

Construction has taken place in New York based upon a 3-year extension, not a de facto permanent extension, but based on a 3-year extension with higher deductibles and with less government subsidy.

So I don't believe that building is going to come to a complete stop. But if there is a market failure, we could have worked on a bipartisan basis for something restricted that was temporary, dealing with nuclear, chemical, and biological, with large deductibles and large industry retentions.

Instead, we are going to create a massive new insurance program that threatens the taxpayer, another great threat to this Nation. We should oppose this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield 2 minutes to another member of the committee, whose district in Jersey City is as close to the site of the terrorism attack of 2001 as any, other than the district in which it happened.

Mr. SIRES. Mr. Chairman, I thank the chairman for yielding me time.

As you know, my district is in northern New Jersey, right across the river from New York City. I also represent parts of Newark and Jersey City, which are both considered high-threat areas. As a matter of fact, the New York Times has called parts of my district as containing two of the most dangerous miles in the country. As you can imagine, my constituents deal with the threat of terrorism every day.

When I was Speaker of the New Jersey Assembly, I made homeland security a top priority. Already in my first year in the U.S. House of Representatives, we have tackled important national security issues. The reauthorization of TRIA is another step in the process and something of great importance to the businesses of my congressional district and to this country.

I believe that the Financial Services Committee has thoroughly considered this reauthorization. We held hearings in New York City back in March where we had the opportunity to hear directly from the mayor of New York, Mayor Bloomberg, and Senator SCHUMER about the need for TRIA reauthorization. I am confident that H.R. 2761 takes their suggestions into consideration. The work of the Financial Services Committee that led to the drafting of this bill makes me proud to be a cosponsor. I think this legislation addresses all the major issues involved in the reauthorization, while maintaining the system that continues to ensure that there is coverage for terrorist attacks.

I want to thank Chairman FRANK and Congressman CAPUANO for introducing the reauthorization legislation, and I look forward to working with the committee and the leadership to make sure that this bill passes.

Mr. BACHUS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, this bill should be defeated because it is irresponsible and absolutely fiscally dangerous to pass a piece of legislation like this with an open-ended obligation on the U.S. Treasury. The bill should be defeated because, for all practical purposes, no private insurer will ever write coverage again in this area because they can now count on the U.S. Treasury to pay for this coverage. And the bill should be defeated because of its massive potential cost that the CBO has scored it, a 10-year cost of about $10.4 billion.

But I think probably the most important reason this bill should be defeated is one that we, as stewards of the Treasury, need to keep in mind on every bill, on every amendment, on every vote that involves spending a dollar of the taxpayers' money, that all of us in Congress should keep in mind the single, in my mind, most important fact that I have run across as a Member of Congress, and that is that David Walker, the Comptroller General of the United States, the director of the Government Accountability Office, has estimated that in order to pay off the existing obligations of the Federal Government, both direct and indirect, the existing obligations of the Federal Government are so massive that every American would have to buy $170,000 worth of Treasury bills today in order to pay off the debt, the interest on the national debt, Medicare, Medicaid, Social Security. All the existing obligations, the Federal programs that are out there in existence today, those obligations are so massive that every living American would have to buy $170,000 in Treasury bills in order to pay them off.

□ 1300

It is absolutely imperative that this Congress on every bill, every amendment and every vote do everything we can to prevent adding to that burden, and to subtract from it as much as we can as, in our private lives, if you had a second mortgage on a house and the credit cards were all topped out, you would only spend money on the bare essentials. We have the same obligation, and even higher, a greater obligation here in Congress, as stewards of the Federal Treasury, to ensure that we're not passing on obligations to future generations, or adding to that $170,000 burden. And I don't want to hear the proponents of this bill come back and say, well, this administration added a lot to that burden. I can tell you personally I voted against almost every one of those big spending initiatives that the White House proposed. My district opposed a lot of the expansions of these big new spending programs. I voted against No Child Left Behind as a violation of the 10th amendment and spending money we didn't have. I voted against the Medicare prescription drug bill as spending money we didn't have. I voted against the farm bill as spending money we didn't have and I'm not going to pass that on to my daughter or future generations.

Most of us on this side, the fiscal conservatives in this House, have consistently opposed big new spending programs, and this bill is probably the worst I've seen so far. It is, in my mind, a perfect illustration of a liberal Democrat fiscal policy that they have passed an open-ended obligation onto future generations, a blank check on the U.S. Treasury. It's an utterly irresponsible and dangerous piece of legislation and it should be defeated.

Mr. FRANK of Massachusetts. Mr. Chairman, I will give myself 15 seconds to say I was waiting for the gentleman to tell me he voted against the war in Iraq. He talked about all these things he voted against. Added together and doubled, they don't add up to the war in Iraq, the continuing indefinite drain. Hundreds of billions of dollars have already gone, and they are committed to spending hundreds of billions more to make us worse off.

Mr. Chairman, I yield 1½ minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank my friend, the chairman, for yielding.

I commend the last two speakers on the Republican side because they have at last made it clear what this debate is really about: Is there a Federal role for assisting the private sector in dealing with the management of the infinite risk of terror, or is there not?

I'm really surprised to hear in this debate how firmly my friends on the other side of the aisle cling to the notion that the market and the market alone can work this one out.

I used to be an insurance commissioner. What I know about insurance is that infinite risk cannot be priced, it cannot be underwritten, it cannot be reserved, it doesn't work. And that is why, right across the face of the insurance industry, we have heard as a body from the experts that they cannot make this coverage work private sector alone. They can whittle away at the edges basically by backing away from risk, coshares, enormous deductibles, the rest of it, but they have not told us they can make this market function.

But in the face of what reality holds forth, the minority is unmoved. They don't like government making business work. And so even in the face of a very uncertain construction sector, they would pull this coverage away.

Pass this bill.

Mr. BACHUS. Mr. Chairman, I would like to inquire as to the remaining time on our side.

The CHAIRMAN. The gentleman from Alabama has 8 minutes left; the gentleman from Massachusetts has 9¼ minutes left.

Mr. BACHUS. Mr. Chairman, at this time I would like to yield 3½ minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the gentleman for yielding and am appreciative of this time.

I wish to express my appreciation to committee leadership for attempting to address a most difficult subject matter. I have had some interest in this matter for a period of years, and understand the difficulty of crafting a remedy to which all Members may agree.

However, I have been troubled by the characterization that there would be Members, if voting "no" on this measure, would be ideologues voting for some unusual reason rather than in the Nation's best interests or in the Nation's recovery effort in the great city of New York.

It would be of note, I think, to the body to recall that it was November 29, 2001, at 4:37 p.m., in this august body when the House had a recorded vote 2 months after 9/11 on the adoption of the very first Terrorism Risk Insurance Program. You will find in the RECORD, which I have a copy of should it be needed for review, Mr. ACKERMAN, Mr. CLYBURN, Mr. CROWLEY, Mr. HINCHEY, Mr. HOYER, Mr. ISRAEL, Mr. KANJORSKI, Mrs. MALONEY, Mrs. MCCARTHY, Ms. PELOSI, Mr. SERRANO, Ms. SLAUGHTER, Mr. WEINER, Ms. WATERS, Ms. VELÁZQUEZ, Mr. MEEKS, Mr. MCNULTY, Mr. ENGEL, Mr. FRANK all found it appropriate and the right discharge of duty to vote "no" on the terrorism reinsurance proposal adopted two months after 9/11.

Now, I have no criticism to be made of those Members for taking that action. They did what they thought best for their constituents in that window of responsibility. I would merely point out that in the bills that we have passed on two occasions in this House under Republican leadership, we looked upon this responsibility as a loan to the industry to help them at a time of serious liquidity crisis to be able to withstand this assault, meet their financial obligations to the insureds, and move forward. But at such time as it was determined the crisis had passed, there was a mandatory obligation to repay the taxpayers of the United States the generosity that was extended in the form of a bridge loan and to give back to the taxpayers their generosity which enabled the industry to survive.

This bill does not require mandatory repayment of assistance. It is, in fact, a gift to the industry in a time of crisis, which is appropriate. But in the period of time in which the industry returns to profitability, is it wrong to say, "Taxpayers, here's your money back. You helped us in a crisis, now it's time for us to repay your generosity"? I think that is a pivotal cornerstone of whatever we do going forward in assisting sectors of our economy which have untoward experiences that we cannot predict, where there is serious economic dislocation. But it is not right to give away the taxpayers' money without accountability.

For that reason alone, I suggest Members, who may choose to do so, could oppose this legislation and do so on a philosophical basis that is purely defensible. There are many other reasons why some may have concern.

Now, I will be quick to acknowledge that I worked with the gentleman from New York in addressing one serious flaw, and I appreciate the gentleman's willingness to extend that courtesy and fix that one significant difficulty with a legislative proposal. I am appreciative of that, and I look forward to working with him as they go forward through this process.

The bill today is flawed, and I would hope you would seriously consider a "no" vote.

Mr. FRANK of Massachusetts. I yield 15 seconds to the gentleman from New York to make a response.

Mr. ACKERMAN. I thank the chairman.

My name was cited, along with a list of other New Yorkers having opposed the original TRIA when it came to the floor. The reason we did so is not because of TRIA, it was because the minority side, the Republican side at the time, tried to use this as a vehicle to move tort reform and added all sorts of tort reform provisions to the TRIA bill, which we absolutely opposed because it was a politically motivated move and not because of TRIA.

Mr. FRANK of Massachusetts. I yield 3¾ minutes to the gentleman from Pennsylvania, the chairman of the subcommittee who guided this bill through a very thoughtful bipartisan markup.

Mr. KANJORSKI. Mr. Chairman, I rise in support of H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act. Because the supply of terrorism reinsurance has not returned to its pre-September 11 levels, we must now act to extend TRIA before the law expires on December 31.

Terrorism insurance plays a critical role in protecting jobs and promoting our Nation's economic security. While this legislation may contain a few provisions that cause me concern, passage of this bill today will move the process forward. This extension makes several meaningful and necessary reforms to the program.

First, this bill eliminates the distinction between foreign and domestic acts of terrorism. Terrorism, regardless of its cause or perpetrator, aims to destabilize the government. We must protect against that risk.

Second, H.R. 2761 incorporates group life insurance as a covered line. The original TRIA did not include group life. I am pleased that this House, as it did in 2005, has decided to correct that oversight. We need to protect individuals, not just buildings they work in, by adding group life to TRIA.

Third, the bill improves protection against acts of nuclear, biological, chemical and radiological terrorism. This coverage properly represents the most significant reform of this extension effort.

We designed TRIA to protect the economic security of our Nation against terrorist threats. Congress, therefore, should address the possible threat of an attack by nuclear, biological, chemical or radiological means. Recognizing insurers' difficulty of modeling and pricing these events, this package limits the exposure of insurers on this risk, but allows the market to grow over time. H.R. 2761 further allows Treasury to exempt certain small insurers from this requirement. We need each of these prior modifications in order to sustain our Nation's economic recovery after a terrorist event.

This legislation is not about helping the insurance industry. The Terrorist Risk Insurance Program is about the continued availability and affordability of terrorism coverage and keeping America's markets strong.

That said, I do have some lingering concerns about some provisions in the product before us. When considering this legislation in the Financial Services Committee, I recognized the need for a longer extension period, but a 15-year extension is too long in my view.

Additionally, we should improve the bill's reset mechanism going forward. A reset mechanism can help both the area suffering an attack and the Nation to recover after a terrorist event. It can also help insurers to rebuild capacity. However, we ought to make sure that the size of the reset is in proportion to the size of the loss and to rebuild private capacity as quickly as possible.

In closing, Mr. Chairman, this is not a Democratic or a Republican issue. As I have previously said on this floor, it is an American issue, a business issue, an economic security issue.

I encourage my colleagues, including Mr. BAKER, to put your doubts aside and help us move this process forward so that over the next 110 days we can provide the coverage necessary to keep the American economy growing.

Mr. BAKER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to this. My friend from North Dakota said in the debate a minute ago that the minority doesn't want the government to help business. That was kind of an odd characterization. Here's what the minority wants: We want Congress to keep its word. And what do I mean when I say that? In the beginning of this Congress, Congress said that they were going to pay for things as they go. We were going to have this vaunted PAYGO rule that when we commit new spending, we will pay for it. We won't do deficit spending. What does this bill do? This bill thumbs its nose at the PAYGO system.

I think the best description of how this bill is not paid for was written in Congress Daily this morning, and I quote: "The House will take up legislation today to renew the Federal Government's Terrorism Risk Insurance

Program despite concerns that it violates PAYGO rules. CBO has ruled that the bill, which would reauthorize and expand the program for 15 years and cost the Federal government $3.7 billion over 5 years, $10.4 billion over a 10-year period. House leaders pulled the bill last week because it carried no offsets, but Democratic leaders found a way around the problem by requiring that if an attack occurred, Congress would have to vote again in a fast-track procedure to release the funds contained in the bill." Well, to do it justice, it's about $8.4 billion net cost, just to set the record straight for the minority.

What they're basically doing here is they're declaring this an emergency when an emergency hasn't even occurred yet. They're basically declaring this emergency spending, outside of the budget rules, not paid for, $8.4 billion, before an emergency has even occurred.

I've seen gimmicks in my day, Mr. Chairman, but this one takes the cake. This violates PAYGO. If it doesn't do it technically, it sure does it in spirit. So if we're going to say we're going to pay for legislation, then, by golly, let's pay for legislation. This doesn't do that. Not to mention the fact that this crowds out the private sector. Not to mention the fact that this tells all the insurers, go ahead and release this insurance, and if a terrorist attack occurs, we'll have some emergency legislation that pays for it after the fact. It's kind of like telling the homeowner, you don't have to pay premiums on your insurance until after your house has been burnt down, then pay your premiums and then we'll give you your payback. It doesn't work like that. That's not how insurance works. That's not how taxpayers pay their bills. That's not how Congress should operate. And, more importantly, that is not the rules that this Congress said it would operate under.

This violates those rules. If not technically, it sure does so in spirit. And I think when Congress says it's a new day, that we're going to pay for our spending, by golly, that's exactly what Congress ought to do, and that is not what this Congress is doing.

□ 1315

For this and many other reasons, Mr. Chairman, this legislation is flawed. It should be defeated. It encourages a crowding out of the private sector. And more importantly, it doesn't pay for the promises that are being committed here today. That is wrong. That violates the rhetoric and the principles that the majority has set out for itself.

Mr. Chairman, I urge a "no" vote.

Mr. FRANK of Massachusetts. I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I ask the gentleman to engage in a colloquy.

On the travel fairness language included in the bill, there are two provisions which I believe require additional work and which I hope the gentleman will be willing to work on with me as the bill progresses toward conference, the war exception and the impact on existing State laws.

The first is the exception allowing denial or limitation of coverage for people traveling to areas under intense armed conflict. The current language uses the term "ongoing military conflict"; however, this term is not defined in statute or any other legislation. We must make sure the language reflects the most accurate description of the conflict areas in question and not unintentionally include areas that do not rise to the definition of war zone.

Secondly, on another point that I want to try to ask for the gentleman's assistance in conference is the issue of how this law will affect the States with similar laws. The current provision is silent on the issue of States with stronger travel fairness laws on the book, States such as Florida, Colorado, and Washington. As representatives of the Federal Government, Congress should not attempt to preempt State laws with Federal legislation when the State law provides greater protection. In other words, the Federal law should act as a floor, not as a ceiling, a base level of protection for the consumer.

I would appreciate the gentleman's willingness to work to address these two issues in the conference.

Mr. FRANK of Massachusetts. I agree with the gentlewoman on both points. First, there is nothing in this language, and I should say that this issue of preventing unfair denials of life insurance, she was the one who brought it up. She brought it up in the prior Congress. And now that we are in the majority, we are able to accommodate it.

I appreciate the fact that the gentlewoman worked with us as we worked with the life insurance companies. I believe we have an acceptable set of principles. She is right that this language does need a little bit more, I think, refinement on conflict. I think there's a conceptual agreement. I agree with her as to the need for definition.

As a preemption, that is very simple. I am a strong believer we should not be preempting unless we say so explicitly. There has been an excess of subtle preemption. By itself, this bill does not do that. Insurance has been primarily a State issue. This is a Federal statement, but it is not at all meant to be preemptive.

Ms. WASSERMAN SCHULTZ. I thank the gentleman and Mr. BACHUS both for their support.

Mr. BACHUS. Mr. Chairman, TRIA is working well as a temporary matter. The insurance market is beginning to fill out and, sadly, this is a step in the wrong direction.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Before I yield to the gentleman from Vermont (Mr. WELCH), I would just point out that when we voted on this in committee before we had the PAYGO glitch, the vote on the Republican side was 19 opposed, 14 in favor, so it was hardly a one-sided partisan bill. It partly reflects the work that the gentleman from Pennsylvania (Mr. KANJORSKI) did in accommodating a lot of the concerns.

Mr. Chairman, I yield 2 minutes to the gentleman from Vermont.

Mr. WELCH of Vermont. May I engage in a colloquy with the gentleman from Massachusetts?

Mr. FRANK of Massachusetts. Yes.

Mr. WELCH of Vermont. Mr. Chairman, among other things, your bill balances the needs of smaller insurers and larger insurers. You have two provisions in there to try to help the small insurers play their part but not be overly burdened.

Mr. FRANK of Massachusetts. Get to the question.

Mr. WELCH of Vermont. The question is this: Our small insurers in Vermont that do business in a good and friendly way usually are in the range of $100 million. That is above your limit. The requirement that they will have to, in effect, indicate an insolvency risk threatens their rating which would adversely affect their business.

My question is, as you go forward, and as new information becomes available, my hope is that you and the committee would be willing to make what adjustments are feasible within the context of the overall goal.

Mr. FRANK of Massachusetts. If the gentleman would yield, he has pointed to a very important issue. We did try to make some accommodation with the small insurers, but I don't think we have finally done that. But I would say, you know, the notion that a bill that comes to the floor is not graven in stone shouldn't come as a surprise to people. We have a Senate. We have a genuine conference. It will be an open conference.

I should say I understand why some of my colleagues on the Republican side were somewhat puzzled at the notion that we might go to conference and, in an open way in conference, further amend the bill. They didn't believe in that. They didn't have any. So for them, that was all done in secret.

We will have an open conference to address these. And this is one of the issues. I do believe that it is legitimate. We will be meeting with, and the staffs will be meeting with, the smaller private insurers. To the extent possible consistent with the purpose of the bill, we will seek to improve on the accommodation.

Mr. WELCH of Vermont. I very much appreciate that.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentleman from Rhode Island (Mr. LANGEVIN).

The CHAIRMAN. The gentleman from Rhode Island is recognized for 1¼ minutes.

Mr. LANGEVIN. I truly do thank the gentleman from Massachusetts for yielding and the minority for granting the unanimous consent request.

Mr. Chairman, I rise in strong support of the Terrorism Risk Insurance Revision and Extension Act of 2007. This critical bill reauthorizes the Federal Terrorism Insurance Program, which backs up private insurers in the event of a terrorist attack and extends the measure for 15 years. As chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I am certainly pleased that this bill would ensure coverage in the event of a nuclear, biological, chemical or radiological attack.

While no one wants to ever imagine that a nuclear, chemical, biological, radiological event could occur, the possibility is, unfortunately, a reality. Therefore, we must not only protect against this risk, but ensure that our Nation can recover financially if the unthinkable does happen.

This measure takes an important step forward by lowering the deductible from 20 percent to 3.5 percent for insurance coverage against NCBR attacks, and I am certainly proud to support this important measure.

Mr. Chairman, I want to thank Chairman FRANK for his leadership on this important issue.

Mr. HINOJOSA. Mr. Chairman, I rise today in support of H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act, TRIREA, of 2007, which will both extend and improve upon the current Terrorism Risk Insurance Program.

I am very pleased that the legislation will include domestic terrorism as a covered event. I strongly support the inclusion of group life insurance as a covered line under the new TRIA legislation, and I applaud Chairman FRANK for allowing the return of farm owners multiple peril as a TRIA-covered line.

I want to thank Chairman BARNEY FRANK, Chairman PAUL KANJORSKI, Chairwoman CAROLYN MALONEY and Congressman MICHAEL CAPUANO for working so diligently on this bill and bringing it to the floor today.

At this point, I ask unanimous consent to submit for the record the following letters of support of H.R. 2761: (1) a letter from the American Insurance Association; (2) a letter from the Financial Services Roundtable; (3) a letter from the Coalition to Insure Against Terrorism; and, (4) a letter of support from the Mortgage Bankers Association.

I want to stress one important point that seems to have been lost in the discussion of terrorism overall and the debate on the Terrorism Risk Insurance Act and program in particular.

Mr. Chairman, we are all in this together—not just New York City or Washington, DC, or other large cities but cities both large and small. We must protect all our constituents in all our cities in the United States, and this bill, H.R. 2761 goes a long way towards attaining that goal.

As far as I know, there is no definitive methodology that will determine where terrorists might strike next in the United States. So, we all need to remain vigilant, even those of us from small cities and rural areas. We all need to be prepared, and we all need to help prevent terrorist attacks.

This legislation will help us attain our goals.

For these reasons and more, I encourage my colleagues to vote in favor of H.R. 2761.

AMERICAN INSURANCE ASSOCIATION,
Washington, DC, September 18, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. STENY HOYER,
Majority Leader, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.
Hon. ROY BLUNT,
Minority Whip, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, MINORITY LEADER BOEHNER, MAJORITY LEADER HOYER, AND MINORITY WHIP BLUNT: We understand that H.R. 2761 is scheduled for House floor consideration tomorrow. We commend the House for moving forward on this critical legislation.

Apart from extending the existing program, H.R. 2761 confronts the unique insurance challenges posed by terrorist threats of a nuclear, biological, chemical or radiological nature (NBCR). In the last two years, two separate government studies—one by the President's Working Group on Financial Markets (led by Treasury) and another by the Government Accountability Office—have concluded what insurers already knew: that, outside of state mandates, there is virtually no private insurance market capacity for NBCR terrorism risk and there is little potential for such a market to emerge in the near future. H.R. 2761 fills that void by requiring insurers to make available additional NBCR terrorism insurance as part of the Federal backstop where policyholders accept the terrorism coverage offered under current law, and by providing insurers with more limited and certain financial exposure that reflects the distinctive catastrophic nature of NBCR terrorism. For this and other reasons, the American Insurance Association and its more than 350 property casualty insurance company members strongly endorse H.R. 2761 as it was reported out of the House Financial Services Committee.

We understand that a new provision has been added to address the concerns resulting from the Congressional Budget Office report, which would require additional Congressional action to authorize Federal payment for an act of terrorism. The industry has serious reservations about the commercial workability and certainty of the provision and the potential adverse marketplace impact. As the legislation moves forward in the process, we look forward to working with you and others in Congress to ensure these concerns are resolved in a way that preserves the future viability of the program.

Sincerely,

MARC RACICOT,
President.

THE FINANCIAL SERVICES ROUNDTABLE,
Washington, DC, September 19, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: On behalf of the members of the Financial Services Roundtable, I am writing to express my strong support for H.R. 2761, the "Terrorism Risk Insurance Revision and Extension Act of 2007 (TRIREA)" which will extend the public/private partnership created in 2002 to enhance our nation's economic security.

The Terrorism Risk Insurance Act (TRIA) has served as a vital economic policy enabling insurers and policy holders to arrive at commercial insurance agreements that provide adequate coverage for the insured while protecting the solvency of the insurer. Without TRIA, the commercial insurance marketplace faces severe disruption.

H.R. 2761 continues this important partnership, and improves upon it. Notably, the bill extends the program for 15 years, enables coverage for megacatastrophes involving nuclear, biological, chemical and radiological events and covers group life—the only type of life insurance held by most Americans.

I understand that the manager's amendment to the bill makes an essential change to the program making government funds available only after a future congressional action. While generally, we could not support adding contingencies into a bill that is designed to create certainty, I understand the change is necessary to move the bill forward in a timely manner.

As such, I encourage your support for the rule and H.R. 2761 and ask you to oppose any motion to recommit.

Thank you for your consideration of this important matter. Should you have any questions, please do not hesitate to call me, or Andy Barbour of my staff.

Best Regards,

STEVE BARTLETT,
President and CEO.

VOTE "YES" ON H.R. 2761

The undersigned members of the Coalition to Insure Against Terrorism (CIAT), a broad based coalition of business insurance policyholders representing a significant segment of the nation's GDP, strongly urge you to vote "yes" on H.R. 2761 Terrorism Risk Insurance Revision and Extension Act of 2007 (TRIREA).

American Bankers Association; American Bankers Insurance Association; American Council of Engineering Companies; American Gas Association; American Hotel and Lodging Association; American Land Title Association; American Public Gas Association; American Public Power Association; American Resort Development Association; American Society of Association Executives; Associated Builders and Contractors; Associated General Contractors of America; Association of American Railroads; Association of Art Museum Directors; Babson Capital Management LLC; The Bond Market Association; Building Owners and Managers Association International; Boston Properties; and CCIM Institute.

Campbell Soup Company; Century 21 Department Stores; Chemical Producers and Distributors Association; Citigroup Inc.; Commercial Mortgage Securities Association; Cornerstone Real Estate Advisers, Inc.; CSX Corporation; Edison Electric Institute; Electric Power Supply Association; The Financial Services Roundtable; The Food Marketing Institute; General Aviation Manufacturers Association; Helicopter Association

International; Hilton Hotels Corporation; Host Hotels and Resorts; Independent Electrical Contractors; Institute of Real Estate Management; Intercontinental Hotels; and International Council of Shopping Centers.

International Franchise Association; International Safety Equipment Association; The Long Island Import Export Association; Marriott International; Mortgage Bankers Association; National Apartment Association; National Association of Home Builders; National Association of Industrial and Office Properties; National Association of Manufacturers; National Association of REALTORS®; National Association of Real Estate Investment Trusts; National Association of Waterfront Employers; National Association of Wholesaler-Distributors; National Basketball Association; National Collegiate Athletic Association; National Council of Chain Restaurants; National Football League; National Hockey League; and National Multi Housing Council.

National Petrochemical & Refiners Association; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Rural Electric Cooperative Association; The New England Council; Partnership for New York City; Office of the Commissioner of Baseball; Public Utilities Risk Management Association; The Real Estate Board of New York; The Real Estate Roundtable; Society of American Florists; Starwood Hotels and Resorts; Taxicab, Limousine & Paratransit Association; Travel Business Roundtable; Trizec Properties, Inc.; UJA-Federation of New York; Union Pacific Corporation; and U.S. Chamber of Commerce.

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, September 17, 2007.

Hon. STENY H. HOYER,
Majority Leader, House of Representatives, Washington, DC.

Hon. JOHN A. BOEHNER,
Republican Leader, House of Representatives, Washington, DC.

DEAR LEADER HOYER AND LEADER BOEHNER: On behalf of the Mortgage Bankers Association (MBA), I am writing to express my strong support for H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act of 2007 and strongly urge Members of the House of Representatives to support the legislation when it comes to the House floor.

H.R. 2761, introduced by Representative Michael Capuano, passed the Committee on Financial Services by a bipartisan vote of 49–20 on August 1, 2007. Significant additions to the prior legislation, the Terrorism Risk Insurance Extension Act of 2005 (TRIEA), include:

Extension of the Terrorism Risk Insurance Act for 15 years;

Coverage of nuclear, biological, chemical or radiological (NBCR) attacks;

Coverage of domestic source terrorism; and

Provision for group life insurance.

The 15-year extension will allow for greater stability in the commercial real estate lending industry where the average loan duration is 10 years. The addition of NBCR coverage will be welcome news to owners and investors in a market where the very limited availability of NBCR terrorism coverage, at any price, has left virtually all properties uninsured against an NBCR event. Given the current concerns about homegrown terrorist acts, particularly since recent events in Europe, the bill extends the program to include acts of domestic terrorism. Finally, the bill includes, for the first time, group life insurance in the program. As a whole, the inclusion of these items in H.R. 2761 eliminates significant terrorism insurance coverage gaps that could inflict great financial damage to American businesses.

Extending TRIEA is essential to continued American economic growth. An inadequate supply of terrorism insurance would potentially trigger bond downgrades, sharply reducing the availability of loan capital for commercial real estate, increasing borrowing costs and undermine economic growth, including employment in the construction and real estate sectors. In fact, conversations with rating agencies indicate that without such a federal backstop, bond downgrades will likely occur, as was the case in the time period between the September 11, 2001 terrorist attacks and the enactment of Terrorism Risk Insurance Act of 2002.

The Terrorism Risk Insurance Revision and Extension Act is strong legislation that will greatly benefit the American economy, giving developers and their investors the constancy they need to work on large-scale real estate projects.

Thank you for the opportunity to share our views on this critical issue. We urge Members of the House of Representatives to support this important legislation.

Sincerely,

JOHN M. ROBBINS,
Chairman.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise in support of H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act of 2007. This legislation extends the TRIA program for 15 years, and it is vital to our Nation.

A longer TRIA means economic certainty and stability in commercial real estate. A longer TRIA means better planning, better rates, and better returns for investors. A longer TRIA is good for the economy.

Financing for major construction often takes more than 10 years. If a project seeks finance for a project in year one of the new TRIA, investors might have the confidence to advance these funds. However, if a project is conceived in year two or year three, and if TRIA is extended for only 10 years, then investors will know that TRIA will be around for only 7 years. The investors may not provide the necessary capital, or those investors may change far more interest than they would under TRIA.

What happens if a community cannot rebuild after an act of terror? Jobs are lost and with them tax revenue from the local to the state and to the federal level. It simply is not rational to believe that somehow a limited TRIA will save money in the long run.

I simply do not believe that the reinsurance industry has the ability or the interest in providing terrorism risk insurance. A federal backup like TRIA is essential.

My colleagues need to remember that TRIA is not a handout and it is not a benefit. The program pays out only in the event of an act of terrorism against the United States; and terrorism is neither a benefit nor a handout.

When one part of America is attacked, the entire country is attacked. When one city or region suffers, then the rest of the country pitches in to help. We have done that in the past after earthquakes, floods, droughts, hurricanes, and acts of terror.

I hope that none of you have to experience what the people of New York, New Jersey, and Connecticut experienced 6 years ago. The next attack may occur in Orlando, Chicago, Los Angeles, or even small cities across this Nation. The people and the government will respond, as we have in the past.

But, TRIA ensures that taxpayers will not have to bear the entire burden of the response. The bill requires insurance companies to do what they do best: provide insurance. Without TRIA, the American taxpayers will have to bear the entire cost of responding to another act of terrorism.

I fully support the TRIA legislation brought before the House today and urge my colleagues to pass the legislation and allow for Senate Action.

Mr. GARRETT of New Jersey. Mr. Chairman, I rise today to voice my very reluctant opposition to the underlying bill.

Over the last 8 months, the Financial Services Committee has had several hearings on this important topic, including one that I attended in New York City. I thought these hearings were very productive and I am pleased that the Committee and this House are focused on an issue that is not only very important to the 5th district of New Jersey, but to our national economic well-being.

After the terrorist attacks of 9/11, terrorism risk insurance either became unavailable or extremely expensive and many businesses were no longer able to purchase insurance that would protect them in any future terrorist attack. Financially, terrorist threats pose a risk of serious harm not only to the insurance industry, but also to the real estate, transportation, construction, energy, and utility sectors. Even beyond the horrific human toll, terrorists could inflict real pain by melting our infrastructure and economy down.

Recognizing the detrimental effects an attack could have upon our economy, Congress acted quickly and responsibly to debate and pass the Terrorism Risk Insurance Act of 2002, better known as TRIA. This temporary Act helped stabilize the terrorism insurance marketplace and restore capacity to that large part of the U.S. economy.

In 2005, Congress extended the TRIA program with some additional reforms and changes for 2 more years. I supported this extension because I felt that more time was needed to allow the private markets increase their capacity and develop new and creative ways to work out the problems that existed.

Since September 11, insurers and reinsurers have cautiously reentered the terrorism insurance market, allocating more capacity year-to-year. More commercial policyholders are becoming insured, year-to-year. At the same time, the federal role has scaled back correspondingly, with higher deductibles, higher co-pays, higher triggers, and fewer lines of insurance covered. I view this increased private-sector involvement and decreased government involvement, to be a positive development.

Unfortunately, the bill before us today sets these positive and natural developments back. Still more unfortunate is that though this is an issue that the Financial Services Committee has historically acted on in a bipartisan manner, the Chairman rebuffed in full and without, what I believe, proper consideration a number of very reasonable proposals that my colleagues on this side of the aisle offered—

amendments that might have made this bill more palatable and perhaps staved off the Presidential veto threat now on the table.

My primary concern is the proposed length of duration of the government program. This bill would extend the life of this program by 15 years. A short-term, temporary extension allows for periodic reassessment of market conditions to see if there is more room for private sector participation. It allows for a gradual scaling-back of the government program going-forward as we observe how private insurers and reinsurers continue to expand the market. A short-term extension permits the natural evolution of the market to occur.

Given that the private sector continues to increase its capacity to cover terrorism risk insurance, I believe a short-term extension is more appropriate than creating a permanent government program. If we establish an essentially permanent program, the private sector will lose its incentive to look for innovative and newer solutions.

And realistically passing a 15-year extension is equivalent to passing an essentially permanent program. If we extend the program for too long of a time period, I fear we will not revisit this important topic and continue to try and make improvements like we did after the last time the program expired. As we all know, Congress rarely opens already passed legislation to make changes and improvements. We did not reopen the Transportation Bill, the Farm Bill and other long-term reauthorizations regardless of the problems that arose. And, we will not reopen this bill either.

So, Mr. Chairman, while I would support a temporary extension of this important program, I cannot support extending the program by 15 years, decreasing the amount of private sector participation, and loading an extra burden on the U.S. taxpayer. I ask my colleagues to vote against this legislation.

Mr. PAUL. Mr. Chairman, six years ago, when the Congress considered the bill creating the terrorism insurance program, I urged my colleagues to reject it. One of the reasons I opposed the bill was my concern that, contrary to the claims of the bill's supporters, terrorism insurance would not be allowed to sunset. As I said then:

"The drafters of H.R. 3210 claim that this creates a 'temporary' government program. However, Mr. Speaker, what happens in three years if industry lobbyists come to Capitol Hill to explain that there is still a need for this program because of the continuing threat of terrorist attacks. Does anyone seriously believe that Congress will refuse to reauthorize this 'temporary' insurance program or provide some other form of taxpayer help to the insurance industry? I would like to remind my colleagues that the federal budget is full of expenditures for long-lasting programs that were originally intended to be 'temporary.'"

I am disappointed to be proven correct. I am also skeptical that, having renewed the program twice, this time for fifteen years, Congress will ever allow it to expire.

As Congress considers extending this program, I renew my opposition to it for substantially the same reasons I stated six years ago. However, I do have a suggestion on how to improve the program. Since one claimed problem with allowing the private market to provide terrorism insurance is the difficulty of quantifying the risk of an attack, the taxpayers' liability under the terrorism reinsurance program should be reduced for an attack occurring when the country is under orange or red alert. After all, because the point of the alert system is to let Americans know when there is an increased likelihood of an attack it is reasonable to expect insurance companies to demand that their clients take extra precautionary measures during periods of high alert. Reducing taxpayer subsidies will provide an incentive to ensure private parties take every possible precaution to minimize the potential damage from possible terrorists attack.

Since my fundamental objections to the program remain the same as six years ago, I am attaching my statement regarding H.R. 3210, which created the terrorist insurance program in the 107th Congress:

Mr. Chairman, no one doubts that the government has a role to play in compensating American citizens who are victimized by terrorist attacks. However, Congress should not lose sight of fundamental economic and constitutional principles when considering how best to provide the victims of terrorist attacks just compensation. I am afraid that H.R. 3210, the Terrorism Risk Protection Act, violates several of those principles and therefore passage of this bill is not in the best interests of the American people.

Under H.R. 3210, taxpayers are responsible for paying 90 percent of the costs of a terrorist incident when the total cost of that incident exceeds a certain threshold. While insurance companies technically are responsible under the bill for paying back monies received from the Treasury, the administrator of this program may defer repayment of the majority of the subsidy in order to "avoid the likely insolvency of the commercial insurer," or avoid "unreasonable economic disruption and market instability." This language may cause administrators to defer indefinitely the repayment of the loans, thus causing taxpayers to permanently bear the loss. This scenario is especially likely when one considers that "avoid . . . likely insolvency, unreasonable economic disruption, and market instability" are highly subjective standards, and that any administrator who attempts to enforce a strict repayment schedule likely will come under heavy political pressure to be more "flexible" in collecting debts owed to the taxpayers.

The drafters of H.R. 3210 claim that this creates a "temporary" government program. However, Mr. Speaker, what happens in three years if industry lobbyists come to Capitol Hill to explain that there is still a need for this program because of the continuing threat of terrorist attacks. Does anyone seriously believe that Congress will refuse to reauthorize this "temporary" insurance program or provide some other form of taxpayer help to the insurance industry? I would like to remind my colleagues that the federal budget is full of expenditures for long-lasting programs that were originally intended to be "temporary."

H.R. 3210 compounds the danger to taxpayers because of what economists call the "moral hazard" problem. A moral hazard is created when individuals have the costs incurred from a risky action subsidized by a third party. In such a case individuals may engage in unnecessary risks or fail to take steps to minimize their risks. After all, if a third party will bear the costs of negative consequences of risky behavior, why should individuals invest their resources in avoiding or minimizing risk?

While no one can plan for terrorist attacks, individuals and businesses can take steps to enhance security. For example, I think we would all agree that industrial plants in the United States enjoy reasonably good security. They are protected not by the local police, but by owners putting up barbed wire fences, hiring guards with guns, and requiring identification cards to enter. One reason private firms put these security measures in place is because insurance companies provide them with incentives, in the form of lower premiums, to adopt security measures. H.R. 3210 contains no incentives for this private activity. The bill does not even recognize the important role insurance plays in providing incentives to minimize risks. By removing an incentive for private parties to avoid or at least mitigate the damage from a future terrorist attack, the government inadvertently increases the damage that will be inflicted by future attacks!

Instead of forcing taxpayers to subsidize the costs of terrorism insurance, Congress should consider creating a tax credit or deduction for premiums paid for terrorism insurance, as well as a deduction for claims and other costs borne by the insurance industry connected with offering terrorism insurance. A tax credit approach reduces government's control over the insurance market. Furthermore, since a tax credit approach encourages people to devote more of their own resources to terrorism insurance, the moral hazard problems associated with federally funded insurance is avoided.

The version of H.R. 3210 passed by the Financial Services committee took a good first step in this direction by repealing the tax penalty which prevents insurance companies from properly reserving funds for human-created catastrophes. I am disappointed that this sensible provision was removed from the final bill. Instead, H.R. 3210 instructs the Treasury Department to study the benefits of allowing insurers to establish tax-free reserves to cover losses from terrorist events. The perceived need to study the wisdom of cutting taxes while expanding the federal government without hesitation demonstrates much that is wrong with Washington.

In conclusion, Mr. Chairman, H.R. 3210 may reduce the risk to insurance companies from future losses, but it increases the costs incurred by the American taxpayer. More significantly, by ignoring the moral hazard problem this bill may have the unintended consequence of increasing the losses suffered in any future terrorist attacks. Therefore, passage of this bill is not in the long-term interests of the American people.

Mr. LARSON of Connecticut. Mr. Chairman, today I rise in strong support of H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act of 2007, which would reauthorize the Federal terrorism insurance program (TRIA) for 15 years.

I am pleased that the years spent working on this issue with constituents, the insurance industry, and the financial services industries to build a consensus has produced a bill so widely supported by Members in the House on both sides of the aisle that has the strong support of the business community. I applaud Chairman FRANK, the members of the House Financial Services Committee, and Representative CAPUANO, the chief sponsor of the bill, for their leadership in crafting this critical legislation protecting the safety and security of America.

It is estimated that the September 11th terrorist attacks resulted in $40 billion in insured claims, the largest man-made insurance disaster on record. After the 9/11 attacks, given the size of potential liabilities, there was growing concern that insurance companies and reinsurers might not be able to write policies to insure losses due to future acts of terrorism. As a result, the TRIA program was enacted in 2002 in an attempt to prevent an industry-wide catastrophe in the event of another domestic terrorist attack. The TRIA program provides a federal backstop to the insurance industry by providing compensation for a portion of insured losses resulting from acts certified by the Government as acts of terrorism. The law was reauthorized with some changes in 2005 (P.L. 109–44) and will expire on December 31, 2007.

Currently, TRIA only covers foreign terrorism; however, this bill would extend TRIA coverage to both foreign and domestic terrorism. The bill would set the "trigger" level—the size of an attack at which the Federal Government would provide aid to insurers—at $50 million. According to studies from the Government Accountability Office (GAO), the risk of nuclear, biological, chemical and radiological terrorism is uninsurable absent a Federal Government backstop. In response, this legislation would include acts of nuclear, biological, chemical, and radiological terrorism in TRIA. The bill would also add group life insurance to the types of insurance for which terrorism insurance coverage must be made available by insurers. Finally, H.R. 2761 would create a 21-member "blue ribbon" commission to propose long-term solutions to covering terrorism risk. The goal of this legislation is to protect America's economy during a time of national crisis and is important to the economic security of the business community in Hartford and the Capital Region.

I urge my colleagues to vote in favor of final passage and for the President to sign this bill into law. The continued insurance and safety of our Nation against terrorist attacks is an urgent and bipartisan issue.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in support of H.R. 2761, the Terrorism Risk Insurance Act (TRIA) Revision and Extension, as Chairman of the Committee on Homeland Security. This bill necessarily reauthorizes TRIA for 15 years—through 2022. At its essence, TRIA provides a Federal backstop to the insurance industry by providing compensation for a portion of insured losses resulting from acts certified by the Federal government as acts of terrorism. Importantly, TRIA has no cost to the taxpayer unless there is a terrorist attack. This program is not an ongoing subsidy to the insurance industry but, instead, an incident-based program that will help to ensure the continuity of our livelihoods and commerce in the wake of a terrorist incident in the United States.

Mr. Chairman, history has shown that Al Qaeda and other extremist organizations will explicitly direct acts of terror against American citizens and property in an effort to inflict economic harm upon this country. The Congressional Research Service estimated that insured losses from the attacks on the World Trade Center total around $32 billion. This bill helps build resiliency in our country to respond to the known objectives of our adversaries.

As the Committee with oversight of the Department of Homeland Security (DHS), our Committee works diligently to ensure that DHS effectively executes and manages its duties. Since its inception, there has been an understandable focus on the protection of the United States against acts of terror. However, as demonstrated in the wake of Hurricane Katrina, I do not believe that there has been an adequate focus on recovering from the aftermath of a catastrophic incident by the Department. I believe that the extension of TRIA demonstrates our nation's necessary commitment to planning for the recovery and resumption of economic activity following an act of terrorism. Whereas we can never take our eyes off of protection and prevention, we must show a commitment to resiliency in the wake of an incident. This bill will help our nation begin its climb back to normality should we ever again be struck on our shores by terrorists.

Furthermore, the revision and extension of TRIA represents a vital element of homeland security, particularly in its protection of critical infrastructure: the effective cooperation between the public and private sectors. The Committee on Homeland Security has focused extensively on this necessary partnership and the homeland security solutions that can be achieved by both sectors working together. This necessary partnership will be essential to the successful stabilization of the United States economy at a time of national crisis, should one occur.

Last year, I expressed my concern with the TRIA not requiring insurers to offer coverage from acts of nuclear, biological, chemical, and radiological (NBCR) terrorism. Studies by numerous entities concluded that the risk of NBCR terrorism is essentially uninsurable unless there is a Federal government backstop. I am pleased that this legislation includes acts of NBCR terrorism in TRIA and, therefore, provides that federal backstop. This provision will hopefully encourage efforts by the insurance industry while providing it with the necessary support that it needs.

I am pleased that the bill incorporates the Secretary of DHS, especially relating to the certification of NBCR terrorism. It says that where a certified act of terrorism is carried out by means of an NBCR weapon or instrumentality, the Secretary of the Treasury will certify that act as an act of NBCR terrorism. Importantly, if a certified act of terrorism involves any other "weapon or instrumentality," then the Secretary of the Treasury will consult with the Secretary of Homeland Security, among other officials, to determine whether the act of terrorism meets the definition of NBCR terrorism, as defined by the bill. This language recognizes the ever-changing threat we face as well as the expertise and sophistication of DHS.

It is important that this extension of TRIA will be for 15 years. This long-term extension will enhance economic stability—for example, by bringing more stability to the real estate and construction industries so that they can move forward with large-scale building projects in areas considered at high risk for terrorism. After all, TRIA was enacted in 2002 in an attempt to stabilize the economy that was badly disrupted by the events of 9/11 and to spur commercial development, as well as to prevent an industry-wide catastrophe in the event of another terrorist attack. This 15-year extension will create the predictability and confidence that the private sector needs to make investments that help our national economy.

This legislation will help our country and its industry spur economic development and, importantly, will provide the necessary economic security in the aftermath of a terrorist event to get our country moving as quickly as possible.

In closing, let me thank my colleagues on the Financial Services Committee for their leadership on this legislation, especially my colleagues Chairman FRANK as well as Representative CAROLYN MALONEY of New York.

I encourage my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of H.R. 2761, which revises and extends the Terrorism Risk Insurance Act (TRIA) for 15 years. I commend Chairman FRANK and Congressman CAPUANO for their fine work in shepherding this critical legislation to the House floor. This act reminds us that the true measure of our homeland's preparedness against terrorist attack is our ability to prepare for such an attack comprehensively and that includes the insurance industry which is an essential part of our economic landscape.

Mr. Chairman, the horrendous events of September 11, 2001, tested our Nation's ability to defend itself in many ways. Along with the human and emotional toll these events took on all Americans, we noticed that not only our Government but also our private industries were not sufficiently prepared to deal with the implications of a terrorist attack. Terrorist activity since September 11, 2001, has come to prove that our enemies are becoming more agile and technologically sophisticated. There is no doubt in my mind that terrorists are targeting not only our fellow citizens but also our critical infrastructure including our financial services sector, since they are determined to undermine the United States in the most fundamental of ways.

History has shown that al Qaeda and other extremist organizations will explicitly direct their efforts against American citizens and property in an effort to inflict economic harm. According to a RAND policy brief, "there is reason to believe that al Qaeda is interested in continuing its efforts to disrupt the fiscal base of the United States by attacking its borders." If al Qaeda and others are determined to strike our financial targets, public policymakers need to examine possible financial mechanisms to mitigate these effects.

Mr. Chairman, H.R. 2761 is a critical and timely legislative response to the fact that after the terrorist attacks of September 11, many insurance companies excluded terrorism events from their policies. After the 9/11 terrorist attacks, many insurance companies excluded terrorism events from their insurance policies. As a result, Congress passed the Terrorism Risk Insurance Act as a 3-year temporary program in 2002. The act created a Federal backstop to protect against terrorism related losses. In 2005, the measure was extended until 2007. TRIA is now set to expire at the end of this year, unless we today extend the law.

Since its enactment, TRIA has ensured the availability of affordable terrorism risk insurance in the marketplace and thereby fostered continued urban development and real estate development in the United States. While the TRIA program has successfully kept terrorism insurance affordable, the President's Working Group on Financial Markets' most recent report concluded that a private market for terrorism reinsurance is virtually nonexistent—especially with regard to nuclear, biological chemical and radiological (NBCR) acts of terrorism.

Mr. Chairman, I support H.R. 2761 because it provides federal backstop for private terrorism insurance. One of the strongest features of the bill is that it comes at no cost to the American taxpayer unless there is a terrorist attack.

The security of our country can not be ensured unless we make certain that the U.S. Government works hand-in-hand with the private sector to confront terrorist threats. H.R. 2761 exemplifies this idea.

The bill before us is based on the idea that it is in the best interest of our country that the Federal Government coordinate with insurers to provide financial compensation to insured parties for losses from acts of terrorism. It will contribute to the stabilization of the United States economy at a time of national crisis.

Mr. Chairman, I am also in support of this bill because I believe that extending TRIA for 15 years will contribute to the long-term stability of 2 critical American industries, the construction and real estate industries. The long-term stability it provides will allow both industries to engage in large-scale building projects in areas considered high-risk for terrorism.

Mr. Chairman, terrorist attacks target our country as a whole and not individual cities or States. I support the bill because it also exemplifies the critical idea that the risk from such attacks should be dealt with at the national level. H.R. 2761 should be seen as part of our broader efforts to confront and defeat the terrorist enemy.

No legislative initiative, especially in such a critical field related to the security of our country, can become really effective unless it enjoys the support of the private industry it affects.

Mr. Chairman, I understand that H.R. 2761 is broadly supported by insurance companies, insurance agents and brokers, policyholders, commercial developers, and construction companies.

Another important provision in the bill is that it extends TRIA to cover both foreign and domestic terrorism. Currently, it covers only foreign terrorism. It also adds group life insurance to the types of insurance for which terrorism insurance coverage must be made available by insurers. It also sets the "trigger" level—the size of an attack at which the Federal Government would provide aid to insurers—at $50 million. Current law (P.L. 109–44), enacted in 2005, sets the level at $50 million in 2006 and $100 million in 2007. Yet another strong feature of the bill is it requires continuation of studies of the development of a private market for terrorism and risk insurance.

Mr. Chairman, I support the passage of H.R. 2761 and call on my colleagues to do likewise because I strongly believe that it will strengthen our Nation's efforts to confront the terrorist threat in a more comprehensive way and will provide long-term stability for critical American industries.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110–333, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 2761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Revision and Extension Act of 2007".

SEC. 2. TERMINATION OF PROGRAM.

Subsection (a) of section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking "December 31, 2007" and inserting "December 31, 2022".

SEC. 3. REVISION OF TERRORISM INSURANCE PROGRAM.

(a) IN GENERAL.—The Terrorism Risk Insurance Act of 2002 is amended—

(1) by striking sections 101, 102, and 103 and inserting the following new sections:

"SEC. 101. CONGRESSIONAL FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the ability of businesses and individuals to obtain property and casualty insurance at reasonable and predictable prices, in order to spread the risk of both routine and catastrophic loss, is critical to economic growth, urban development, and the construction and maintenance of public and private housing, as well as to the promotion of United States exports and foreign trade in an increasingly interconnected world;

"(2) property and casualty insurance firms are important financial institutions, the products of which allow mutualization of risk and the efficient use of financial resources and enhance the ability of the economy to maintain stability, while responding to a variety of economic, political, environmental, and other risks with a minimum of disruption;

"(3) the ability of the insurance industry to cover the unprecedented financial risks presented by potential acts of terrorism in the United States can be a major factor in the recovery from terrorist attacks, while maintaining the stability of the economy;

"(4) widespread financial market uncertainties have arisen following the terrorist attacks of September 11, 2001, including the absence of information from which financial institutions can make statistically valid estimates of the probability and cost of future terrorist events, and therefore the size, funding, and allocation of the risk of loss caused by such acts of terrorism;

"(5) a decision by property and casualty insurers to deal with such uncertainties, either by terminating property and casualty coverage for losses arising from terrorist events, or by radically escalating premium coverage to compensate for risks of loss that are not readily predictable, could seriously hamper ongoing and planned construction, property acquisition, and other business projects, generate a dramatic increase in rents, and otherwise suppress economic activity;

"(6) the United States Government should coordinate with insurers to provide financial compensation to insured parties for losses from acts of terrorism, contributing to the stabilization of the United States economy in a time of national crisis, and periodically assess the ability of the financial services industry to develop the systems, mechanisms, products, and programs necessary to create a viable financial services market for private terrorism risk insurance that will lessen the financial participation of the United States Government;

"(7) in addition to a terrorist attack on the United States using conventional means or weapons, there is and continues to be a potential threat of a terrorist attack involving the use of unconventional means or weapons, such as nuclear, biological, chemical, or radiological agents;

"(8) as nuclear, biological, chemical, or radiological acts of terrorism (known as NBCR terrorism) present a threat of loss of life, injury, disease, and property damage potentially unparalleled in scope and complexity by any prior event, natural or man-made, the Federal Government's responsibility in providing for and preserving national economic security calls for a strong Federal role in ensuring financial compensation and economic recovery in the event of such an attack;

"(9) a report issued by the Government Accountability Office in September 2006 concluded that 'any purely market-driven expansion of coverage' for NBCR terrorism risk is 'highly unlikely in the foreseeable future', and the September 2006 report from the President's Working Group on Financial Markets concluded that reinsurance for NBCR terrorist events is virtually unavailable and that '[g]iven the general reluctance of insurance companies to provide coverage for these types of risks, there may be little potential for future market development';

"(10) group life insurance companies are important financial institutions whose products make life insurance coverage affordable for millions of Americans and often serve as their only life insurance benefit;

"(11) the group life insurance industry, in the event of a severe act of terrorism, is vulnerable to insolvency because high concentrations of covered employees work in the same locations, because primary group life insurers do not exclude conventional and NBCR terrorism risks while most catastrophic reinsurance does exclude such terrorism risks, and because a large-scale loss of life would fall outside of actuarial expectations of death; and

"(12) the United States Government should provide temporary financial compensation to insured parties, contributing to the stabilization of the United States economy in a time of national crisis, while the financial services industry develops the systems, mechanisms, products, and programs necessary to create a viable financial services market for private terrorism risk insurance.

"(b) PURPOSE.—The purpose of this title is to establish a temporary Federal program that provides for a transparent system of shared public and private compensation for insured losses resulting from acts of terrorism, in order to—

"(1) protect consumers by addressing market disruptions and ensure the continued widespread availability and affordability of property and casualty insurance and group life insurance for all types of terrorism risk, including

conventional terrorism risk and nuclear, biological, chemical, and radiological terrorism risk;

"(2) allow for a transitional period for the private markets to stabilize, resume pricing of such insurance, and build capacity to absorb any future losses, while preserving State insurance regulation and consumer protections (unless otherwise preempted by this Act); and

"(3) provide finite liability limits for terrorism insurance losses for insurers and the United States Government.

"SEC. 102. DEFINITIONS.

"In this title, the following definitions shall apply:

"(1) ACT OF TERRORISM.—

"(A) CERTIFICATION.—The term 'act of terrorism' means any act that is certified by the Secretary, in concurrence with the Secretary of State, the Secretary of Homeland Security, and the Attorney General of the United States—

"(i) to be an act of terrorism;

"(ii) to be a violent act or an act that is dangerous to—

"(I) human life;

"(II) property; or

"(III) infrastructure;

"(iii) to have resulted in damage within the United States, or outside of the United States in the case of—

"(I) an air carrier or vessel described in paragraph (9)(B); or

"(II) the premises of a United States mission; and

"(iv) to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

"(B) LIMITATION.—No act shall be certified by the Secretary as an act of terrorism if—

"(i) the act is committed as part of the course of a war declared by the Congress, except that this clause shall not apply with respect to any coverage for workers' compensation; or

"(ii) property and casualty insurance and group life insurance losses resulting from the act, in the aggregate, do not exceed $5,000,000.

"(C) CERTIFICATION OF ACT OF NBCR TERRORISM.—Upon certification of an act of terrorism, the Secretary, in concurrence with the Secretary of State, the Secretary of Homeland Security, and the Attorney General of the United States, shall determine whether the act of terrorism meets the definition of NBCR terrorism in this section. If such determination is that the act does meet such definition, the Secretary shall further certify such act of terrorism as an act of NBCR terrorism.

"(D) DETERMINATIONS FINAL.—Any certification of, or determination not to certify, an act as an act of terrorism or as an act of NBCR terrorism under this paragraph shall be final, and shall not be subject to judicial review.

"(E) NONDELEGATION.—The Secretary may not delegate or designate to any other officer, employee, or person, any determination under this paragraph of whether, during the effective period of the Program, an act of terrorism, including an act of NBCR terrorism, has occurred.

"(F) COMPENSATION SUBJECT TO FURTHER CONGRESSIONAL ACTION.—Nothwithstanding any certification of an act under this paragraph as an act of terrorism or an act of NBCR terrorism, Federal compensation under the Program shall be subject to the provisions of section 103(h).

"(G) SUBMISSION OF CERTIFICATION UNDER THIS PARAGRAPH.—Upon any certification under subparagraph (A), the Secretary shall submit such certification to the Congress.".

"(2) AFFILIATE.—The term 'affiliate' means, with respect to an insurer, any entity that controls, is controlled by, or is under common control with the insurer.

"(3) AMOUNT AT RISK.—The term 'amount at risk' means face amount less statutory policy reserves for group life insurance issued by any insurer for insurance against losses occurring at the locations described in subparagraph (A) of paragraph (9).

"(4) CONTROL.—An entity has 'control' over another entity, if—

"(A) the entity directly or indirectly or acting through 1 or more other persons owns, controls, or has power to vote 25 percent or more of any class of voting securities of the other entity;

"(B) the entity controls in any manner the election of a majority of the directors or trustees of the other entity; or

"(C) the Secretary determines, after notice and opportunity for hearing, that the entity directly or indirectly exercises a controlling influence over the management or policies of the other entity; except that for purposes of any proceeding under this subparagraph, there shall be a presumption that any entity which directly or indirectly owns, controls, or has power to vote less than 5 percent of any class of voting securities of another entity does not have control over that entity.

"(5) COVERED LINES.—The term 'covered lines' means property and casualty insurance and group life insurance, as defined in this section.

"(6) DIRECT EARNED PREMIUM.—The term 'direct earned premium' means a direct earned premium for property and casualty insurance issued by any insurer for insurance against losses occurring at the locations described in subparagraph (A) of paragraph (9).

"(7) EXCESS INSURED LOSS.—The term 'excess insured loss' means, with respect to a Program Year, any portion of the amount of insured losses during such Program Year that exceeds the cap on annual liability under section 103(e)(2)(A).

"(8) GROUP LIFE INSURANCE.—The term 'group life insurance' means an insurance contract that provides life insurance coverage, including term life insurance coverage, universal life insurance coverage, variable universal life insurance coverage, and accidental death coverage, or a combination thereof, for a number of individuals under a single contract, on the basis of a group selection of risks, but does not include 'Corporate Owned Life Insurance' or 'Business Owned Life Insurance,' each as defined under the Internal Revenue Code of 1986, or any similar product, or group life reinsurance or retrocessional reinsurance.

"(9) INSURED LOSS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'insured loss' means any loss resulting from an act of terrorism (including an act of war, in the case of workers' compensation) that is covered by primary or excess property and casualty insurance, or group life insurance to the extent of the amount at risk, issued by an insurer, if such loss—

"(i) occurs within the United States; or

"(ii) occurs to an air carrier (as defined in section 40102 of title 49, United States Code), to a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs, or at the premises of any United States mission.

"(B) LIMITATION FOR GROUP LIFE INSURANCE.—Such term shall not include any losses of an insurer resulting from coverage of any single certificate holder under any group life insurance coverages of the insurer to the extent such losses are not compensated under the Program by reason of section 103(e)(1)(D).

"(10) INSURER.—The term 'insurer' means any entity, including any affiliate thereof—

"(A) that is—

"(i) licensed or admitted to engage in the business of providing primary or excess insurance, or group life insurance, in any State;

"(ii) not licensed or admitted as described in clause (i), if it is an eligible surplus line carrier listed on the Quarterly Listing of Alien Insurers of the NAIC, or any successor thereto;

"(iii) approved for the purpose of offering property and casualty insurance by a Federal agency in connection with maritime, energy, or aviation activity;

"(iv) a State residual market insurance entity or State workers' compensation fund; or

"(v) any other entity described in section 103(f), to the extent provided in the rules of the Secretary issued under section 103(f);

"(B) that receives direct earned premiums for any type of commercial property and casualty insurance coverage, or, in the case of group life insurance, that receives direct premiums, other than in the case of entities described in sections 103(d) and 103(f); and

"(C) that meets any other criteria that the Secretary may reasonably prescribe.

"(11) INSURER DEDUCTIBLE.—The term 'insurer deductible' means—

"(A) for the Transition Period, the value of an insurer's direct earned premiums over the calendar year immediately preceding the date of enactment of this Act, multiplied by 1 percent;

"(B) for Program Year 1, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 1, multiplied by 7 percent;

"(C) for Program Year 2, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 2, multiplied by 10 percent;

"(D) for Program Year 3, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 3, multiplied by 15 percent;

"(E) for Program Year 4, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 4, multiplied by 17.5 percent;

"(F) for Program Year 5, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 5, multiplied by 20 percent;

"(G) for each additional Program Year—

"(i) with respect to property and casualty insurance, the value of an insurer's direct earned premiums over the calendar year immediately preceding such Program Year, multiplied by 20 percent; and

"(ii) with respect to group life insurance, the value of an insurer's amount at risk over the calendar year immediately preceding such Program Year, multiplied by 0.0351 percent;

"(H) notwithstanding subparagraphs (A) through (G), for the Transition Period or any Program Year, if an insurer has not had a full year of operations during the calendar year immediately preceding such Period or Program Year, such portion of the direct earned premiums with respect to property and casualty insurance, and such portion of the amounts at risk with respect to group life insurance, of the insurer as the Secretary determines appropriate, subject to appropriate methodologies established by the Secretary for measuring such direct earned premiums and amounts at risk;

"(I) notwithstanding subparagraphs (A) through (H) and (J), in the case of any act of NBCR terrorism, for any additional Program Year—

"(i) with respect to property and casualty insurance, the value of an insurer's direct earned premiums over the calendar year immediately preceding such Program Year, multiplied by a percentage, which—

"(I) for the second additional Program Year, shall be 3.5 percent; and

"(II) for each succeeding Program Year thereafter, shall be 50 basis points greater than the percentage applicable to the preceding additional Program Year; and *"(ii) with respect to group life insurance, the value of an insurer's amount at risk over the calendar year immediately preceding such Program Year, multiplied by a percentage, which—*

"(I) for the first additional Program Year, shall be 0.00614 percent; and

"(II) for each succeeding Program Year thereafter, shall be 0.088 basis point greater than the percentage applicable to the preceding additional Program Year; and

"(J) notwithstanding subparagraph (G)(i), if aggregate industry insured losses resulting from a certified act of terrorism exceed $1,000,000,000, for any insurer that sustains insured losses resulting from such act of terrorism, the value of such insurer's direct earned premiums over the calendar year immediately preceding the Program Year, multiplied by a percentage, which—

"(i) for the first additional Program Year shall be 5 percent;

"(ii) for each additional Program Year thereafter, shall be 50 basis points greater than the percentage applicable to the preceding additional Program Year, except that if an act of terrorism occurs during any additional Program Year that results in aggregate industry insured losses exceeding $1,000,000,000, the percentage for the succeeding additional Program Year shall be 5 percent and the increase under this clause shall apply to additional Program Years thereafter;

except that for purposes of determining under this subparagraph whether aggregate industry insured losses exceed $1,000,000,000, the Secretary may combine insured losses resulting from two or more certified acts of terrorism occurring during such Program Year in the same geographic area (with such area determined by the Secretary), in which case such insurer shall be permitted to combine insured losses resulting from such acts of terrorism for purposes of satisfying its insurer deductible under this subparagraph; and except that the insurer deductible under this subparagraph shall apply only with respect to compensation of insured losses resulting from such certified act, or combined certified acts, and that for purposes of compensation of any other insured losses occurring in the same Program Year, the insurer deductible determined under subparagraph (G)(i) or (I) shall apply.

"(12) NAIC.—The term 'NAIC' means the National Association of Insurance Commissioners.

"(13) NBCR TERRORISM.—The term 'NBCR terrorism' means an act of terrorism that involves nuclear, biological, chemical, or radiological reactions, releases, or contaminations, to the extent any insured losses result from any such reactions, releases, or contaminations.

"(14) PERSON.—The term 'person' means any individual, business or nonprofit entity (including those organized in the form of a partnership, limited liability company, corporation, or association), trust or estate, or a State or political subdivision of a State or other governmental unit.

"(15) PROGRAM.—The term 'Program' means the Terrorism Insurance Program established by this title.

"(16) PROGRAM YEARS.—

"(A) TRANSITION PERIOD.—The term 'Transition Period' means the period beginning on the date of enactment of this Act and ending on December 31, 2002.

"(B) PROGRAM YEAR 1.—The term 'Program Year 1' means the period beginning on January 1, 2003 and ending on December 31, 2003.

"(C) PROGRAM YEAR 2.—The term 'Program Year 2' means the period beginning on January 1, 2004 and ending on December 31, 2004.

"(D) PROGRAM YEAR 3.—The term 'Program Year 3' means the period beginning on January 1, 2005 and ending on December 31, 2005.

"(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

"(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007.

"(G) ADDITIONAL PROGRAM YEAR.—The term 'additional Program Year' means any additional one-year period after Program Year 5 during which the Program is in effect, which period shall begin on January 1 and end on December 31 of the same calendar year.

"(17) PROPERTY AND CASUALTY INSURANCE.—The term 'property and casualty insurance'—

"(A) means commercial lines of property and casualty insurance, including excess insurance, workers' compensation insurance, and directors and officers liability insurance; and

"(B) does not include—

"(i) Federal crop insurance issued or reinsured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), or any other type of crop or livestock insurance that is privately issued or reinsured;

"(ii) private mortgage insurance (as that term is defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901)) or title insurance;

"(iii) financial guaranty insurance issued by monoline financial guaranty insurance corporations;

"(iv) insurance for medical malpractice;

"(v) health or life insurance, including group life insurance;

"(vi) flood insurance provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);

"(vii) reinsurance or retrocessional reinsurance;

"(viii) commercial automobile insurance;

"(ix) burglary and theft insurance;

"(x) surety insurance; or

"(xi) professional liability insurance.

"(18) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(19) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, each of the United States Virgin Islands, and any territory or possession of the United States.

"(20) UNITED STATES.—The term 'United States' means the several States, and includes the territorial sea and the continental shelf of the United States, as those terms are defined in the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C. 2280, 2281).

"(21) RULE OF CONSTRUCTION FOR DATES.—With respect to any reference to a date in this title, such day shall be construed—

"(A) to begin at 12:01 a.m. on that date; and

"(B) to end at midnight on that date.

"SEC. 103. TERRORISM INSURANCE PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—There is established in the Department of the Treasury the Terrorism Insurance Program.

"(2) AUTHORITY OF THE SECRETARY.—Notwithstanding any other provision of State or Federal law, the Secretary shall administer the Program, and, subject only to subsection (h)(1), shall pay the Federal share of compensation for insured losses in accordance with subsection (e).

"(3) MANDATORY PARTICIPATION.—Each entity that meets the definition of an insurer under this title shall participate in the Program.

"(4) NBCR EXEMPTION FOR CERTAIN INSURERS.—Notwithstanding the requirements of paragraph (3):

"(A) ELIGIBILITY.—Upon request, the Secretary may provide an exemption from the requirements of subparagraph (B) of subsection (c)(1) in the Program to an entity that otherwise meets the definition of an insurer under this title if—

"(i) such insurer's direct earned premium is less than $50,000,000 in the calendar year immediately preceding the current additional Program Year; and

"(ii) the Secretary makes the determination set forth in subparagraph (D).

"(B) INSURER GROUP.—For purposes of subparagraph (A)(i), the direct earned premium of any insurer shall include the direct earned premiums of every affiliate of that insurer.

"(C) INFORMATION AND CONSULTATION.—Any insurer requesting an exemption pursuant to this paragraph shall provide any information the Secretary may require to establish its eligibility for the exemption. In developing standards for evaluating eligibility for the exemption under this paragraph, the Secretary shall consult with the NAIC.

"(D) DETERMINATION.—In making any determination regarding eligibility for exemption under this paragraph, the Secretary shall consult with the insurance commissioner of the State or other appropriate State regulatory authority where the insurer is domiciled and determine whether the insurer has demonstrated that it would become insolvent if it were required, in the event of an act of NBCR terrorism, to satisfy—

"(i) its deductible and maximum applicable share above the deductible pursuant to sections 102(11)(I) and 103(e)(1)(B), respectively, for such act of NBCR terrorism resulting in aggregate industry insured losses above the trigger established in section 103(e)(1)(C); or

"(ii) its maximum payment obligations for insured losses for such act of NBCR terrorism resulting in aggregate industry insured losses below the trigger established in section 103(e)(1)(C).

"(E) WORKERS' COMPENSATION AND OTHER COMPULSORY INSURANCE LAW.—In granting an exemption under this paragraph, the Secretary shall not approve any request for exemption with regard to State workers' compensation insurance or other compulsory insurance law requiring coverage of the risks described in subparagraph (B) of subsection (c)(1).

"(F) EXEMPTION PERIOD.—

"(i) IN GENERAL.—Any exemption granted to an insurer by the Secretary under this paragraph shall have a duration of not longer than 2 years.

"(ii) EXTENSION.—Notwithstanding clause (i), the Secretary may, upon application by an insurer granted an exemption under this paragraph, extend such exemption for additional periods of not longer than 2 years.

"(b) CONDITIONS FOR FEDERAL PAYMENTS.—No payment may be made by the Secretary under this section with respect to an insured loss that is covered by an insurer, unless—

"(1) there is enacted a joint resolution for payment of Federal compensation with respect to the act of terroism that resulted in the insured loss;

"(2) the person that suffers the insured loss, or a person acting on behalf of that person, files a claim with the insurer;

"(3) the insurer provides clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the Program (including the additional premium, if any, charged for the coverage for insured losses resulting from acts of NBCR terrorism as made available pursuant to subsection (c)(1)(B)) and the Federal share of compensation for insured losses under the Program—

"(A) in the case of any policy that is issued before the date of enactment of this Act, not later than 90 days after that date of enactment;

"(B) in the case of any policy that is issued within 90 days of the date of enactment of this Act, at the time of offer, purchase, and renewal of the policy; and

"(C) in the case of any policy that is issued more than 90 days after the date of enactment

of this Act, on a separate line item in the policy, at the time of offer, purchase, and renewal of the policy;

"(4) the insurer processes the claim for the insured loss in accordance with appropriate business practices, and any reasonable procedures that the Secretary may prescribe; and

"(5) the insurer submits to the Secretary, in accordance with such reasonable procedures as the Secretary may establish—

"(A) a claim for payment of the Federal share of compensation for insured losses under the Program;

"(B) written certification—

"(i) of the underlying claim; and

"(ii) of all payments made for insured losses; and

"(C) certification of its compliance with the provisions of this subsection.

"(c) MANDATORY AVAILABILITY.—

"(1) AVAILABILITY OF COVERAGE FOR INSURED LOSSES.—Subject to paragraph (3), during each Program Year, each entity that meets the definition of an insurer under section 102 shall make available—

"(A) in all of its insurance policies for covered lines, coverage for insured losses that does not differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism; and

"(B) in insurance policies for covered lines for which the coverage described in subparagraph (A) is provided, exceptions to the pollution and nuclear hazard exclusions of such policies that render such exclusions inapplicable only as to insured losses arising from acts of NBCR terrorism.

"(2) ALLOWABLE EXCLUSIONS IN OTHER COVERAGE.—Subject to paragraph (3) and notwithstanding any other provision of Federal or State law, including any State workers' compensation and other compulsory insurance law, if a person elects not to purchase an insurance policy with the coverage described in paragraph (1)—

"(A) an insurer may exclude coverage for all losses from acts of terrorism including acts of NBCR terrorism, except for State workers' compensation and other compulsory insurance law requiring coverage of the risks described in subsection (c)(1) (unless permitted by State law); or

"(B) an insurer may offer other options for coverage that differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism;

except that nothing in this paragraph shall affect paragraph (4).

"(3) APPLICABILITY FOR NBCR TERRORISM.—Notwithstanding any other provision of this Act, paragraphs (1)(B) and (2) shall apply, beginning upon January 1, 2009, with respect to coverage for acts of NBCR terrorism, that is purchased or renewed on or after such date.

"(4) AVAILABILITY OF LIFE INSURANCE WITHOUT REGARD TO LAWFUL FOREIGN TRAVEL.—During each Program Year, each entity that meets the definition of an insurer under section 102 shall make available, in all of its life insurance policies issued after the date of the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2007 under which the insured person is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, coverage that neither considers past, nor precludes future, lawful foreign travel by the person insured, and shall not decline such coverage based on past or future, lawful foreign travel by the person insured or charge a premium for such coverage that is excessive and not based on a good faith actuarial analysis, except that an insurer may decline or, upon inception or renewal of a policy, limit the amount of coverage provided under any life insurance policy based on plans to engage in future lawful foreign travel to occur within 12 months of such inception or renewal of the policy but only if, at time of application—

"(A) such declination is based on, or such limitation applies only with respect to, travel to a foreign destination—

"(i) for which the Director of the Centers for Disease Control and Prevention of the Department of Health and Human Services has issued a highest level alert or warning, including a recommendation against non-essential travel, due to a serious health-related condition;

"(ii) in which there is an ongoing military conflict involving the armed forces of a sovereign nation other than the nation to which the insured person is traveling; or

"(iii)(I) that the insurer has specifically designated in the terms of the life insurance policy at the inception of the policy or at renewal, as applicable; and

"(II) with respect to which the insurer has made a good-faith determination that—

"(aa) a serious unlawful situation exists which is ongoing; and

"(bb) the credibility of information by which the insurer can verify the death of the insured person is compromised; and

"(B) in the case of any limitation of coverage, such limitation is specifically stated in the terms of the life insurance policy at the inception of the policy or at renewal, as applicable.

"(d) STATE RESIDUAL MARKET INSURANCE ENTITIES.—

"(1) IN GENERAL.—The Secretary shall issue regulations, as soon as practicable after the date of enactment of this Act, that apply the provisions of this title to State residual market insurance entities and State workers' compensation funds.

"(2) TREATMENT OF CERTAIN ENTITIES.—For purposes of the regulations issued pursuant to paragraph (1)—

"(A) a State residual market insurance entity that does not share its profits and losses with private sector insurers shall be treated as a separate insurer; and

"(B) a State residual market insurance entity that shares its profits and losses with private sector insurers shall not be treated as a separate insurer, and shall report to each private sector insurance participant its share of the insured losses of the entity, which shall be included in each private sector insurer's insured losses.

"(3) TREATMENT OF PARTICIPATION IN CERTAIN ENTITIES.—Any insurer that participates in sharing profits and losses of a State residual market insurance entity shall include in its calculations of premiums any premiums distributed to the insurer by the State residual market insurance entity.

"(e) INSURED LOSS SHARED COMPENSATION.—

"(1) FEDERAL SHARE.—

"(A) CONVENTIONAL TERRORISM.—Except as provided in subparagraph (B), the Federal share of compensation under the Program to be paid by the Secretary subject to subsection (h)(1), for insured losses of an insurer during any additional Program Year shall be equal to the sum of—

"(i) 85 percent of that portion of the amount of such insured losses that—

"(I) exceeds the applicable insurer deductible required to be paid during such Program Year; and

"(II) based upon pro rata determinations pursuant to paragraph (2)(B), does not result in aggregate industry insured losses during such Program Year exceeding $100,000,000,000; and

"(ii) 100 percent of the insured losses of the insurer that, based upon pro rata determinations pursuant to paragraph (2)(B), result in aggregate industry insured losses during such Program Year exceeding $100,000,000,000, up to the limit under paragraph (2)(A).

"(B) NBCR TERRORISM.—

"(i) AMOUNT OF COMPENSATION.—The Federal share of compensation under the Program to be paid by the Secretary for insured losses of an insurer resulting from NBCR terrorism during any additional Program Year shall be equal to the sum of—

"(I) the amount of qualified NBCR losses (as such term is defined in clause (ii)) of the insurer, multiplied by a percentage based on the aggregate industry qualified NBCR losses for the Program Year, which percentage shall be—

"(aa) 85 percent of such aggregate industry qualified NBCR losses of less than $10,000,000,000;

"(bb) 87.5 percent of such aggregate industry qualified NBCR losses between $10,000,000,000 and $20,000,000,000;

"(cc) 90 percent of such aggregate industry qualified NBCR losses between $20,000,000,000 and $40,000,000,000;

"(dd) 92.5 percent of such aggregate industry qualified NBCR losses of between $40,000,000,000 and $60,000,000,000; and

"(ee) 95 percent of such aggregate industry qualified NBCR losses of more than $60,000,000,000;

and shall be prorated per insurer based on each insurer's percentage of the aggregate industry qualified NBCR losses for such additional Program Year; and

"(II) 100 percent of the insured losses of the insurer resulting from NBCR terrorism that, based upon pro rata determinations pursuant to paragraph (2)(B), result in aggregate industry insured losses during such Program Year exceeding $100,000,000,000, up to the limit under paragraph (2)(A).

"(ii) QUALIFIED NBCR LOSSES.—For purposes of this subparagraph, the term 'qualified NBCR losses' means, with respect to insured losses of an insurer resulting from NBCR terrorism during an additional Program Year, that portion of the amount of such insured losses that—

"(I) exceeds the applicable insurer deductible required to be paid during such Program Year; and

"(II) based upon pro rata determinations pursuant to paragraph (2)(B), does not result in aggregate industry insured losses during such Program Year exceeding $100,000,000,000.

"(C) PROGRAM TRIGGER.—In the case of a certified act of terrorism occurring after March 31, 2006, no compensation shall be paid, pursuant to subsection (h)(1), by the Secretary under subsection (a), unless the aggregate industry insured losses resulting from such certified act of terrorism exceed $50,000,000, except that if a certified act of terrorism occurs for which resulting aggregate industry insured losses exceed $1,000,000,000, the applicable amount for any subsequent certified act of terrorism shall be the amount specified in section 102(1)(B)(ii).

"(D) LIMITATION ON COMPENSATION FOR GROUP LIFE INSURANCE.—Notwithstanding any other provision of this Act, the Federal share of compensation under the Program paid, pursuant to subsection (h)(1), by the Secretary for insured losses of an insurer resulting from coverage of any single certificate holder under any group life insurance coverages of the insurer may not during any additional Program Year exceed $1,000,000.

"(E) PROHIBITION ON DUPLICATIVE COMPENSATION.—The Federal share of compensation for insured losses under the Program shall be reduced by the amount of compensation provided by the Federal Government to any person under any other Federal program for those insured losses.

"(2) CAP ON ANNUAL LIABILITY.—

"(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of Federal or State law, including any State workers' compensation or other compulsory insurance law, if

the aggregate amount of the Federal share of compensation to be paid to all insurers pursuant to paragraph (1) exceeds $100,000,000,000, during any additional Program Year (until such time as the Congress may act otherwise with respect to such losses)—

"(i) the Secretary shall not make any payment under this title for any portion of the amount of the aggregate insured losses during such Program Year for which the Federal share exceeds $100,000,000,000; and

"(ii) no insurer that has met its insurer deductible shall be liable for the payment of any portion of the aggregate insured losses during such Program Year that exceeds $100,000,000,000.

"(B) INSURER SHARE.—For purposes of subparagraph (A), the Secretary shall determine the pro rata share of insured losses to be paid by each insurer that incurs insured losses under the Program.

"(C) CLAIMS ALLOCATIONS.—The Secretary shall, by regulation, provide for insurers to allocate claims payments for insured losses under applicable insurance policies in any case described in subparagraph (A). Such regulations shall include provisions for payment, for the purpose of addressing emergency needs of applicable individuals affected by an act of terrorism, of a portion of claims for insured losses promptly upon filing of such claims.

"(3) LIMITATION ON INSURER FINANCIAL RESPONSIBILITY.—

"(A) LIMITATION.—Notwithstanding any other provision of Federal or State law, including any State workers' compensation or other compulsory insurance law, an insurer's financial responsibility for insured losses from acts of terrorism shall be limited as follows:

"(i) FEDERAL COMPENSATION NOT PROVIDED.—In any case of an act of terrorism with respect to which there has not been enacted a joint resolution for payment of Federal compensation described in subsection (h)(2), an insurer's financial responsbility for insured losses from such act of terrorism shall be limited to its applicable insurer deductible.

"(ii) FEDERAL COMPENSATION PROVIDED.—In any case of an act of terrorism with respect to which there has been enacted a joint resolution for payment of Federal compensation described in subsection (h)(2), an insurer's financial responsbility for insured losses from such act of terrorism shall be limited to—

"(I) its applicable insurer deductible; and

"(II) its applicable share of insured losses that exceed its applicable insurer deductible, subject to the requirements of paragraph (2).

"(B) FEDERAL REIMBURSEMENT.—"In the case of any act of terrorism with respect to which there has been enacted a joint resolution for payment of Federal compensation described in subsection (h)(2) and notwithstanding any other provision of Federal or State law, the Secretary shall—

"(i) reimburse insurers for any payment of excess insured losses made prior to publication of any notification pursuant to paragraph (4)(A);

"(ii) reimburse insurers for any payment of excess insured losses occurring on or after the date of any notification pursuant to paragraph (4)(A), but only to the extent that—

"(I) such payment is ordered by a court pursuant to subparagraph (C) of this paragraph or is directed by State law, notwithstanding this paragraph, or by Federal law;

"(II) such payment is limited to compensating insurers for their payment of excess insured losses and does not include punitive damages, or litigation or other costs; and

"(III) the insurer has made a good-faith effort to defend against any claims for such payment; and

"(iii) have the right to intervene in any legal proceedings relating to such claims specified in clause (ii)(III).

"(C) FEDERAL COURT JURISDICTION.—

"(i) CONDITIONS.—All claims relating to or arising out of an insurer's financial responsibility for insured losses from acts of terrorism under this paragraph shall be within the original and exclusive jurisdiction of the district courts of the United States, in accordance with the procedures established in subparagraph (D), if the Secretary certifies that the following conditions have been met, or that there is a reasonable likelihood that the following conditions may be met:

"(I) The aggregate amount of the Federal share of compensation to be paid to all insurers pursuant to paragraph (1) exceeds $100,000,000,000, pursuant to paragraph (2); and

"(II) the insurer has paid its applicable insurer deductible and its pro rata share of insured losses determined pursuant to paragraph (2)(B).

"(ii) REMOVAL OF STATE COURT ACTIONS.—If the Secretary certifies that conditions set forth in subclauses (I) and (II) of clause (i) have been met, all pending State court actions that relate to or arise out of an insurer's financial responsibility for insured losses from acts of terrorism under this paragraph shall be removed to a district court of the United States in accordance with subparagraph (D).

"(D) VENUE.—For each certification made by the Secretary pursuant to subparagraph (C)(i), not later than 90 days after the Secretary's determination the Judicial Panel on Multidistrict Litigation shall designate one district court or, if necessary, multiple district courts of the United States that shall have original and exclusive jurisdiction over all actions for any claim relating to or arising out of an insurer's financial responsibility for insured losses from acts of terrorism under this paragraph.

"(E) FEDERAL COURT JURISDICTION AND VENUE IN CASES OF NO FEDERAL COMPENSATION.—In the case of any act of terrorism with respect to which there has not been enacted a joint resolution for payment of Federal compensation described in subsection (h)(2)—

"(i) all claims relating to or arising out of an insurer's financial responsbility for insured losses from such act of terrorism shall be within the original and exclusive jurisdiction of the district courts of the United States, in accordance with the procedures established in clause (iii);

"(ii) all pending State court actions that relate to or arise out of an insurer's financial responsbility for insured losses from such act of terrorism shall be removed to a district court of the United States in accordance with clause (iii); and

"(iii) not later than 90 days after the Secretary's certification of such act of terrorism, the Judicial Panel on Multidistrict Litigation shall designate one district court or, if necessary, multiple district courts of the United States that shall have original and exclusive jurisdiction over all actions for any claim relating to or arising out of an insurer's financial responsibility for insured losses from such act of terrorism.

"(4) NOTICES REGARDING LOSSES AND ANNUAL LIABILITY CAP.—

"(A) APPROACHING CAP.—If the Secretary determines estimated or actual aggregate Federal compensation to be paid pursuant to paragraph (1) equals or exceeds $80,000,000,000 during any Program Year, the Secretary shall promptly provide notification in accordance with subparagraph (D)—

"(i) of such estimated or actual aggregate Federal compensation to be paid;

"(ii) of the likelihood that such aggregate Federal compensation to be paid for such Program Year will equal or exceed $100,000,000,000; and

"(iii) that, pursuant to paragraph (2)(A)(ii), insurers are not required to make payments of excess insured losses.

"(B) EVENT LIKELY TO CAUSE LOSSES TO EXCEED CAP.—If any act of terrorism occurs that the Secretary determines is likely to cause estimated or actual aggregate Federal compensation to be paid pursuant to paragraph (1) to exceed $100,000,000,000 during any Program Year, the Secretary shall, not later than 10 days after such act, provide notification in accordance with subparagraph (D)—

"(i) of such estimated or actual aggregate Federal compensation to be paid; and

"(ii) that, pursuant to paragraph (2)(A)(ii), insurers are not required to make payments for excess insured losses.

"(C) EXCEEDING CAP.—If the Secretary determines estimated or actual aggregate Federal compensation to be paid pursuant to paragraph (1) equals or exceeds $100,000,000,000 during any Program Year—

"(i) the Secretary shall promptly provide notification in accordance with subparagraph (D)—

"(I) of such estimated or actual aggregate Federal compensation to be paid; and

"(II) that, pursuant to paragraph (2)(A)(ii), insurers are not required to make payments for excess insured losses unless the Congress provides for payments for excess insured losses pursuant to clause (ii) of this subparagraph; and

"(ii) the Congress shall determine the procedures for and the source of any payments for such excess insured losses.

"(D) PARTIES NOTIFIED.—Notification is provided in accordance with this subparagraph only if notification is provided—

"(i) to the Congress, in writing; and

"(ii) to insurers, by causing such notice to be published in the Federal Register.

"(E) DETERMINATIONS.—The Secretary shall make determinations regarding estimated and actual aggregate Federal compensation to be paid promptly after any act of terrorism as may be necessary to comply with this paragraph.

"(F) MANDATORY DISCLOSURE FOR INSURANCE CONTRACTS.—All policies for property and casualty insurance and group life insurance shall be deemed to contain a provision to the effect that, in the case of any act of terrorism with respect to which there has been enacted a joint resolution for payment of Federal compensation described in subsection (h)(2), no insurer that has met its applicable insurer deductible and its applicable share of insured losses that exceed its applicable insurer deductible but are not compensated pursuant to paragraph (1), shall be obligated to pay for any portion of excess insured loss. Notwithstanding the preceding sentence, insurers shall include a disclosure in their policies detailing the maximum level of Government assistance and the applicable insurer share. "All policies for property and casualty insurance and group life insurance shall be deemed to contain, and insurers shall be permitted to include in their policies, a provision to the effect that, in the case of insured losses resulting from any act of terrorism with respect to which there has not been enacted a joint resolution for payment of Federal compensation described in subsection (h)(2), no insurer shall be obligated to pay for any portion of any such insured losses that exceeds its applicable insurer deductible.

"(5) FINAL NETTING.—The Secretary shall have sole discretion to determine the time at which claims relating to any insured loss or act of terrorism shall become final.

"(6) DETERMINATIONS FINAL.—Any determination of the Secretary under this subsection shall be final, unless expressly provided, and shall not be subject to judicial review.

"(7) INSURANCE MARKETPLACE AGGREGATE RETENTION AMOUNT.—For purposes of paragraph (8), the insurance marketplace aggregate retention amount shall be—

"(A) for the period beginning on the first day of the Transition Period and ending on the last day of Program Year 1, the lesser of—

"(i) $10,000,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such period;

"(B) for Program Year 2, the lesser of—

"(i) $12,500,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year;

"(C) for Program Year 3, the lesser of—

"(i) $15,000,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year;

"(D) for Program Year 4, the lesser of—

"(i) $25,000,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year;

"(E) for Program Year 5, the lesser of—

"(i) $27,500,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

"(F) for each additional Program Year—

"(i) for property and casualty insurance, the lesser of—

"(I) $27,500,000,000; and

"(II) the aggregate amount, for all such insurance, of insured losses during such Program Year; and

"(ii) for group life insurance, the lesser of—

"(I) $5,000,000,000; and

"(II) the aggregate amount, for all such insurance, of insured losses during such Program Year.

"(8) RECOUPMENT OF FEDERAL SHARE.—

"(A) MANDATORY RECOUPMENT AMOUNT.—For purposes of this paragraph, the mandatory recoupment amount for each of the Program Years referred to in subparagraphs (A) through (F) of paragraph (7) shall be the difference between—

"(i) the applicable insurance marketplace aggregate retention amount under paragraph (7) for such Program Year; and

"(ii) the aggregate amount, for all applicable insurers (pursuant to subparagraph (E)), of insured losses during such Program Year that are not compensated by the Federal Government because such losses—

"(I) are within the insurer deductible for the insurer subject to the losses; or

"(II) are within the portion of losses of the insurer that exceed the insurer deductible, but are not compensated pursuant to paragraph (1).

"(B) NO MANDATORY RECOUPMENT IF UNCOMPENSATED LOSSES EXCEED APPLICABLE INSURANCE MARKETPLACE RETENTION.—Notwithstanding subparagraph (A), if the aggregate amount of uncompensated insured losses referred to in clause (ii) of such subparagraph for any Program Year referred to in any of subparagraphs (A) through (F) of paragraph (7) is greater than the applicable insurance marketplace aggregate retention amount under paragraph (7) for such Program Year, the mandatory recoupment amount shall be $0.

"(C) MANDATORY ESTABLISHMENT OF SURCHARGES TO RECOUP MANDATORY RECOUPMENT AMOUNT.—The Secretary shall collect, for repayment of the Federal financial assistance provided in connection with all acts of terrorism (or acts of war, in the case of workers' compensation) occurring during any of the Program Years referred to in any of subparagraphs (A) through (F) of paragraph (7), terrorism loss risk-spreading premiums in an amount equal to any mandatory recoupment amount for such Program Year.

"(D) DISCRETIONARY RECOUPMENT OF REMAINDER OF FINANCIAL ASSISTANCE.—To the extent that the amount of Federal financial assistance provided exceeds any mandatory recoupment amount, the Secretary may—

"(i) recoup, through terrorism loss risk-spreading premiums, such additional amounts; or

"(ii) submit a report to the Congress identifying such amounts that the Secretary believes cannot be recouped, based on—

"(I) the ultimate costs to taxpayers of no additional recoupment;

"(II) the economic conditions in the commercial marketplace, including the capitalization, profitability, and investment returns of the insurance industry and the current cycle of the insurance markets;

"(III) the affordability of commercial insurance for small- and medium-sized businesses; and

"(IV) such other factors as the Secretary considers appropriate.

"(E) SEPARATE RECOUPMENT.—"The Secretary shall provide that—

"(i) any recoupment under this paragraph of amounts paid for Federal financial assistance for insured losses for property and casualty insurance shall be applied to property and casualty insurance policies; and

"(ii) any recoupment under this paragraph of amounts paid for Federal financial assistance for insured losses for group life insurance shall be applied to group life insurance policies.

"(9) POLICY SURCHARGE FOR TERRORISM LOSS RISK-SPREADING PREMIUMS.—

"(A) POLICYHOLDER PREMIUM.—Subject to paragraph (8)(E), any amount established by the Secretary as a terrorism loss risk-spreading premium shall—

"(i) be imposed as a policyholder premium surcharge on property and casualty insurance policies and group life insurance policies in force after the date of such establishment;

"(ii) begin with such period of coverage during the year as the Secretary determines appropriate; and

"(iii) be based on—

"(I) a percentage of the premium amount charged for property and casualty insurance coverage under the policy; and

"(II) a percentage of the amount at risk for group life insurance coverage under the policy.

"(B) COLLECTION.—The Secretary shall provide for insurers to collect terrorism loss risk-spreading premiums and remit such amounts collected to the Secretary.

"(C) PERCENTAGE LIMITATION.—A terrorism loss risk-spreading premium may not exceed, on an annual basis—

"(i) with respect to property and casualty insurance, the amount equal to 3 percent of the premium charged under the policy; and

"(ii) with respect to group life insurance, the amount equal to 0.0053 percent of the amount at risk under the policy.

"(D) ADJUSTMENT FOR URBAN AND SMALLER COMMERCIAL AND RURAL AREAS AND DIFFERENT LINES OF INSURANCE.—

"(i) ADJUSTMENTS.—In determining the method and manner of imposing terrorism loss risk-spreading premiums, including the amount of such premiums, the Secretary shall take into consideration—

"(I) the economic impact on commercial centers of urban areas, including the effect on commercial rents and commercial insurance premiums, particularly rents and premiums charged to small businesses, and the availability of lease space and commercial insurance within urban areas;

"(II) the risk factors related to rural areas and smaller commercial centers, including the potential exposure to loss and the likely magnitude of such loss, as well as any resulting cross-subsidization that might result; and

"(III) the various exposures to terrorism risk for different lines of insurance.

"(ii) RECOUPMENT OF ADJUSTMENTS.—Any mandatory recoupment amounts not collected by the Secretary because of adjustments under this subparagraph shall be recouped through additional terrorism loss risk-spreading premiums.

"(E) TIMING OF PREMIUMS.—The Secretary may adjust the timing of terrorism loss risk-spreading premiums to provide for equivalent application of the provisions of this title to policies that are not based on a calendar year, or to apply such provisions on a daily, monthly, or quarterly basis, as appropriate.

"(f) CAPTIVE INSURERS AND OTHER SELF-INSURANCE ARRANGEMENTS.—The Secretary may, in consultation with the NAIC or the appropriate State regulatory authority, apply the provisions of this title, as appropriate, to other classes or types of captive insurers and other self-insurance arrangements by municipalities and other entities (such as workers' compensation self-insurance programs and State workers' compensation reinsurance pools), but only if such application is determined before the occurrence of an act of terrorism in which such an entity incurs an insured loss and all of the provisions of this title are applied comparably to such entities.

"(g) REINSURANCE TO COVER EXPOSURE.—

"(1) OBTAINING COVERAGE.—This title may not be construed to limit or prevent insurers from obtaining reinsurance coverage for insurer deductibles or insured losses retained by insurers pursuant to this section, nor shall the obtaining of such coverage affect the calculation of such deductibles or retentions.

"(2) LIMITATION ON FINANCIAL ASSISTANCE.—The amount of financial assistance provided pursuant to this section shall not be reduced by reinsurance paid or payable to an insurer from other sources, except that recoveries from such other sources, taken together with financial assistance for the Transition Period or a Program Year provided pursuant to this section, may not exceed the aggregate amount of the insurer's insured losses for such period. If such recoveries and financial assistance for the Transition Period or a Program Year exceed such aggregate amount of insured losses for that period and there is no agreement between the insurer and any reinsurer to the contrary, an amount in excess of such aggregate insured losses shall be returned to the Secretary.

"(h) PRIVILEDGED PROCEDURE FOR JOINT RESOLUTION FOR PAYMENT OF FEDERAL COMPENSATION.—

"(1) IN GENERAL.—The Secretary shall pay the Federal share of compensation under the Program for insured losses resulting from an act of terrorism only if there is enacted a joint resolution for payment of Federal compensation with respect to such act of terrorism.

"(2) JOINT RESOLUTION.—For purposes of this subsection, the term 'joint resolution for payment of Federal compensation' means a joint resolution that—

"(A) does not have a preamble;

"(B) the matter after the resolving clause of which is as follows: 'That the Congress approves of the certification by the Secretary of the Treasury under section 102(1)(A) of the Terrorism Risk Insurance Act of 2002.'; and

"(C) the title of which is as follows: 'To permit Federal compensation under the Terrorism Risk Insurance Act of 2002'.

"(3) INTRODUCTION AND REFERRAL.—Upon receipt of a submission under section 102(1)(G), the joint resolution described in this subsection shall be introduced by the majority leader of each House or his designee (by request). In the case in which a House is not in session, such joint resolution shall be so introduced upon convening the first day of session after the date of receipt of the certification. Upon introduction, the joint resolution shall be referred to the appropriate calendar in each House.

"(4) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) PROCEEDING TO CONSIDERATION.—Upon referral to the appropriate calendar, it shall be in order to move to proceed to consider the joint resolution in the House. Such a motion shall be

in order only at a time designated by the Speaker in the legislative schedule within two legislative days. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

"(B) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against teh joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except one hour of debate equally divided and controlled by a proponent and an opponent and one motion to limit debate on the joint resolution. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

"(5) CONSIDERATION IN THE SENATE.—

"(A) PROCEEDING.—Upon introduction, the joint resolution shall be placed on the Calendar of Business, General Orders. A motion to proceed to the consideration of the joint resolution shall be in order at any time. The motion is privileged and not debatable. A motion to proceed to consideration of the joint resolution may be made even though a previous motion to the same effect has been disagreed to. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to.

"(B) DEBATE.—Debate on the joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between and controlled by, the majority leader and the minority leader or their designees.

"(C) DEBATABLE MOTIONS AND APPEALS.—Debate on any debatable motion or appeal in relation to the joint resolution shall be limited to not more than one hour from the time allotted for debate, equally divided and controlled by the majority leader and the minirity leader or their designees.

"(D) MOTION TO LIMIT DEBATE.—A motion to further limit debate is not debatable.

"(E) MOTION TO RECOMMIT.—Any motion to commit or recommit the joint resolution shall not be in order.

"(F) FINAL PASSAGE.—The Chair shall put the question on final passage of the joint resolution no later than 72 hours from the time the measure is introduced.

"(6) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a joint resolution considered under this subsection shall be in order in either the Senate or the House of Representatives.

"(7) CONSIDERATION BY THE OTHER HOUSE.—In the case of a joint resolution described in this subsection, if before passage by one House of a joint resolution of that House, that House receives such joint resolution from the other House, then—

"(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(B) the vote on final passage shall be on the joint resolution of the other House.

"(8) HOUSE AND SENATE RULEMAKING.—This subsection is enacted by the Congress as an exercise of the rulemaking power of the house of Representatives and Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such rules; and with full recognition of the consitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.";

(2) in section 104(a)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) during the 90-day period beginning upon the certification of any act of terrorism, to issue such regulations as the Secretary considers necessary to carry out this Act without regard to the notice and comment provisions of section 553 of title 5, United States Code.";

(3) in section 104, by adding at the end the following new subsection:

"(h) ANNUAL ADJUSTMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall adjust, for the second additional Program Year and for each additional Program Year thereafter, based upon the percentage change in an appropriate index during the 12-month period preceding such Program Year, each of the following amounts (as such amount may have been previously adjusted):

"(A) The dollar amount in section 102(1)(B)(ii) (relating to act of terrorism).

"(B) The dollar amount in section 102(11)(J) (relating to aggregate industry insured losses in a previously impacted area).

"(C) The dollar amounts in subparagraphs (A) and (B) of section 103(e)(1) (relating to limitation on Federal share).

"(D) The dollar amounts in section 103(e)(1)(C) (relating to Program trigger).

"(E) The dollar amount in section 103(e)(1)(D) (relating to limitation on group life insurance compensation).

"(F) The dollar amounts in section 103(e)(2) (relating to cap on annual liability).

"(G) The dollar amounts in section 103(e)(3)(C) (relating to limitation on insurer financial liability).

"(H) The dollar amounts in section 103(e)(4) (relating to notices regarding losses and annual liability cap).

"(I) The dollar amounts in section 103(e)(7) (relating to insurance marketplace aggregate retention amount).

"(J) The dollar amounts in section 109(b)(1)(C) (relating to membership of Commission on Terrorism Insurance Risk).

"(2) PUBLICATION.—The Secretary shall make the dollar amounts for each additional Program Year, as adjusted pursuant to this subsection, publicly available in a timely manner.";

(4) in section 106(a)(2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B) the following new subparagraphs:

"(C) during the period beginning on the date of the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2007 and ending on December 31, 2008, rates and forms for property and casualty insurance, and group life insurance, required by this title and providing coverage except for NBCR terrorism that are filed with any State shall not be subject to prior approval or a waiting period under any law of a State that would otherwise be applicable, except that nothing in this title affects the ability of any State to invalidate a rate as excessive, inadequate, or unfairly discriminatory, and, with respect to forms, where a State has prior approval authority, it shall apply to allow subsequent review of such forms;

"(D) during the period beginning on the date of the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2007, and ending on December 31, 2009, forms for property and casualty insurance, and group life insurance, covered by this title and providing coverage for NBCR terrorism that are filed with any State, to the extent of the addition of such coverage for NBCR terrorism and where such coverage was not previously required, shall not be subject to prior approval or waiting period under any law of a State that would otherwise be applicable;

"(E) during the period beginning on the date of the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2007, and ending on December 31, 2010, rates for property and casualty insurance, and group life insurance, covered by this title and providing coverage for NBCR terrorism that are filed with any State, to the extent of the addition of such coverage for NBCR terrorism and where such coverage was not previously required, shall not be subject to prior approval or waiting period under any law of a State that would otherwise be applicable, except that nothing in this title affects the ability of any State to invalidate a rate as inadequate or unfairly discriminatory; and";

(5) in section 106, by adding at the end the following new subsection:

"(c) RULE OF CONSTRUCTION REGARDING INSURER COORDINATION.—Nothing in this Act shall be construed to prohibit, restrict, or otherwise limit an insurer from entering into an arrangement with another insurer to make available coverage for any portion of insured losses to fulfill the requirements of section 103(c). The Secretary shall develop, in consultation with the NAIC, minimum financial solvency standards and other standards the Secretary determines appropriate with respect to such arrangements. Nothing in this subsection shall be construed to establish any legal partnership."; and

(6) in section 108(c)(1), by striking "paragraph (4), (5), (6), (7), or (8)" and inserting "paragraph (5), (6), (7), (8), or (9)".

(b) REGULATIONS ON CLAIMS ALLOCATIONS.—The Secretary of the Treasury shall issue the regulations referred to in subparagraph (C) of section 103(e)(2) of the Terrorism Risk Insurance Act of 2002, as amended by subsection (a)(1) of this section, and to carry out subparagraph (B) of such section 103(e)(2), not later than the expiration of the 120-day period beginning upon the date of the enactment of this Act.

(c) REGULATIONS ON NBCR EXEMPTIONS.—The Secretary of the Treasury shall issue the regulations to carry out paragraph (4) of section 103(a) of the Terrorism Risk Insurance Act of 2002, as amended by subsection (a)(1) of this section, not later than the expiration of the 180-day period beginning upon the date of the enactment of this Act.

SEC. 4. TERRORISM BUY-DOWN FUND.

The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by inserting after section 106 the following new section:

"SEC. 106A. TERRORISM BUY-DOWN FUND.

"(a) ESTABLISHMENT.—The Secretary shall establish a Terrorism Buy-Down Fund (in this section referred to as the 'Fund') that shall make available additional terrorism coverage for the insured losses of insurers, which shall be available for purchase by insurers on a voluntary basis.

"(b) PURCHASE OF DEDUCTIBLE, CO-SHARE, AND TRIGGER BUY-DOWN COVERAGE.—

"(1) IN GENERAL.—An insurer may purchase deductible, co-share, and pre-trigger buy-down coverage (in this section referred to as 'buy-down coverage') through the Fund by making an election, in advance, to treat some or all of the premiums it has disclosed pursuant to section 106(b)(3) as fee charges for the Program imposed by the Secretary and remitting such amounts to the Fund.

"(2) LIMITS.—An insurer may not purchase buy-down coverage in an amount greater than the lesser of—

"(A) the highest amount specified in section 103(e)(1)(C); and

"(B) the insurer's one-in-one-hundred-year risk exposure to acts of terrorism.

"(c) BUY-DOWN COVERAGE.—The Fund shall provide the buy-down coverage to an insurer for losses for acts of terrorism, without application of the insurer deductible and in addition to any otherwise payable Federal share of compensation pursuant to section 103(e).

"(d) BUILD-UP.—The buy-down coverage that shall be payable to an insurer for qualifying losses shall be the aggregate of the insurer's buy-down coverage premiums plus interest accrued on such amounts.

"(e) USE BY INSURERS.—

"(1) QUALIFYING LOSSES.—For the purpose of this section, qualifying losses are insured losses by an insurer that are not excess losses and that do not include amounts for which Federal financial assistance pursuant to section 103(e) is received, notwithstanding any limits otherwise applicable regarding section 103(e)(1)(C) (regarding program triggers) or section 102(11) (regarding insurer deductibles).

"(2) USE OF BUY-DOWN COVERAGE.—An insurer may use any buy-down coverage payments received under subsection (f) to satisfy—

"(A) the applicable insurer deductibles for the insurer;

"(B) the portion of the insurer's losses that exceed the insurer deductible but are not compensated by the Federal share; and

"(C) the insurer's obligations to pay for insured losses if the Program trigger under section 103(e)(1)(C) is not satisfied.

"(3) BUY-DOWN COVERAGE DOES NOT REDUCE FEDERAL CO-SHARE.—The receipt by an insurer of buy-down coverage under this section for insured losses shall not be considered with respect to calculating the insurer's insured losses with respect to the insurer's deductible and eligibility for Federal financial assistance pursuant to section 103(e).

"(4) INSOLVENCY.—An insurer may sell its rights to buy-down coverage from the Fund to another insurer as part of or to avoid an insolvency or as part of a merger, sale, or major reorganization.

"(f) PAYMENT OF BUY-DOWN COVERAGE.—The Fund shall pay the qualifying losses of an insurer purchasing buy-down coverage up to the amount described in subsection (d).

"(g) GOVERNMENT BORROWING.—The Secretary may borrow the funds from the Fund to offset, in whole or in part, the Federal share of compensation provided to all insurers under the Program, except that—

"(1) the Fund shall always immediately provide any buy-down coverage payments required under subsection (f); and

"(2) any such amounts borrowed must be replenished with appropriate interest.

"(h) RISK-SHARING MECHANISMS.—The Secretary shall establish voluntary risk-sharing mechanisms for insurers purchasing buy-down coverage from the Fund to pool their reinsurance purchases and otherwise share terrorism risk.

"(i) TERMINATION.—Upon termination of the Program under section 108, and subject to the Secretary's continuing authority under section 108(b) to adjust claims in satisfaction under the Program, the Secretary shall provide that the Fund shall become a privately-operated mutual terrorism reinsurance company owned by the insurers that have submitted buy-down coverage premiums in proportion to such premiums minus any buy-down coverage payments received."; and

(2) in the table of contents in section 1(b), by inserting after the item relating to section 106 the following new item:

"Sec. 106A. Terrorism Buy-Down Fund.".

SEC. 5. ANALYSIS AND STUDY.

(a) ANALYSIS OF MARKET CONDITIONS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking subsection (e) and inserting the following:

"(e) ANALYSIS OF MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.—

"(1) IN GENERAL.—The Secretary, in consultation with the NAIC, representatives of the insurance industry, representatives of the securities industry, and representatives of policyholders, shall perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk in the private marketplace, including coverage for—

"(A) property and casualty insurance;

"(B) group life insurance;

"(C) workers' compensation;

"(D) nuclear, biological, chemical, and radiological events; and

"(E) commercial real estate.

"(2) BIENNIAL REPORTS.—The Secretary shall submit biennial reports to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on its findings pursuant to the analysis conducted under paragraph (1). The first such report shall be submitted not later than the expiration of the 24-month period beginning on the date of the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2007.

"(3) TESTIMONY.—Upon submission of each biennial report under paragraph (2), the Secretary shall provide oral testimony to the Committee on Financial Services of the House of Representatives and Committee on Banking, Housing, and Urban Affairs of the United States Senate regarding the report and the analysis under this subsection for which the report is submitted.".

(b) COMMISSION ON TERRORISM RISK INSURANCE.—Title I of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by adding at the end the following new section:

"SEC. 109. COMMISSION ON TERRORISM RISK INSURANCE.

"(a) ESTABLISHMENT.—There is hereby established the Commission on Terrorism Risk Insurance (in this section referred to as the 'Commission').

"(b) MEMBERSHIP.—

"(1) The Commission shall consist of 21 members, as follows:

"(A) The Secretary of the Treasury or the designee of the Secretary.

"(B) One member who is a State insurance commissioner, designated by the NAIC.

"(C) 15 members, who shall be appointed by the President, who shall include—

"(i) a representative of group life insurers;

"(ii) a representative of property and casualty insurers with direct earned premium of $1,000,000,000 or less;

"(iii) a representative of property and casualty insurers with direct earned premium of more than $1,000,000,000;

"(iv) a representative of multiline insurers;

"(v) a representative of independent insurance agents;

"(vi) a representative of insurance brokers;

"(vii) a policyholder representative;

"(viii) a representative of the survivors of the victims of the attacks of September 11, 2001;

"(ix) a representative of the reinsurance industry;

"(x) a representative of workers' compensation insurers;

"(xi) a representative from the commercial mortgage-backed securities industry;

"(xii) a representative from a nationally recognized statistical rating organization;

"(xiii) a real estate developer;

"(xiv) a representative of workers' compensation insurers created by State legislatures, selected in consultation with the American Association of State Compensation Insurance Funds from among its members; and

"(xv) a representative from the commercial real estate brokerage industry or the commercial property management industry.

"(D) Four members, who shall serve as liaisons to the Congress, who shall include two members jointly selected by the Chairman and Ranking Member of the Committee on Financial Services of the House of Representatives and two members jointly selected by the Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(2) SECRETARY.—The Program Director of the Terrorism Risk Insurance Act of the Department of the Treasury shall serve as Secretary of the Commission. The Secretary of the Commission shall determine the manner in which the Commission shall operate, including funding and staffing.

"(c) DUTIES.—

"(1) IN GENERAL.—The Commission shall identify and make recommendations regarding—

"(A) possible actions to encourage, facilitate, and sustain provision by the private insurance industry in the United States of affordable coverage for losses due to an act or acts of terrorism;

"(B) possible actions or mechanisms to sustain or supplement the ability of the insurance industry in the United States to cover losses resulting from acts of terrorism in the event that—

"(i) such losses jeopardize the capital and surplus of the insurance industry in the United States as a whole; or

"(ii) other consequences from such acts occur, as determined by the Commission, that may significantly affect the ability of the insurance industry in the United States to cover such losses independently; and

"(C) possible actions to significantly reduce the Federal role in covering losses resulting from acts of terrorism.

"(2) EVALUATIONS.—In identifying and making the recommendations required under paragraph (1), the Commission shall specifically evaluate the utility and viability of proposals aimed at improving the availability of insurance against terrorism risk in the private marketplace.

"(3) INITIAL MEETING.—The Commission shall hold its first meeting during the 3-month period that begins 15 months after the date of the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2007.

"(4) REPORTS.—

"(A) CONTENTS.—The Commission shall submit two reports to the Congress that—

"(i) evaluate and make recommendations regarding whether there is a need for a Federal terrorism risk insurance program;

"(ii) if so, include a specific, detailed recommendation for the replacement of the Program under this title; and

"(iii) include the identifications, evaluations, and recommendations required under paragraphs (1) and (2).

"(B) TIMING.—The first report required under subparagraph (A) shall be submitted before the expiration of the 60-month period beginning on the date of the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2007. The second such report shall be submitted before the expiration of the 96-month period beginning upon such date of enactment."; and

(2) in the table of contents in section 1(b), by inserting after the item relating to section 108 the following new item:

"Sec. 109. Commission on Terrorism Risk Insurance.".

SEC. 6. APPLICABILITY.

The amendments made by this Act shall apply beginning on January 1, 2008. The provisions of *the Terrorism Risk Insurance Act of 2002, as in effect on the day before the date of the enactment of this Act, shall apply through the end of December 31, 2007.*

The CHAIRMAN. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–333.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

Strike section 102(1)(C) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, and insert the following:

"(C) CERTIFICATION OF ACT OF NBCR TERRORISM.—Where a certified act of terrorism is carried out by means of a nuclear, biological, chemical, or radiological weapon or similar instrumentality, the Secretary shall further certify such act of terrorism as an act of NBCR terrorism. If a certified act of terrorism involves any other weapon or instrumentality, the Secretary, in concurrence with the Secretary of State, the Secretary of Homeland Security, and the Attorney General of the United States, shall determine whether the act of terrorism meets the definition of NBCR terrorism in this section. If such determination is that the act does meet such definition, the Secretary shall further certify that such act as an act of NBCR terrorism. Nothing in this subparagraph shall prohibit the Secretary from determining that a single act of terrorism resulted in both NBCR and non-NBCR insured losses.".

In section 102(11)(I)(ii)(II) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, strike "and" at the end.

In section 102(11)(J)(i) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, add "and" at the end.

In section 102(11)(J) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, strike the period at the end and insert "; and".

At the end of section 102(11) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, add the following:

"(K) for the fifth additional Program Year and any Additional Program year thereafter, notwithstanding subparagraph (I)(i), if aggregate industry insured losses resulting from a certified act of NBCR terrorism exceed $1,000,000,000, for any insurer that sustains insured losses resulting from such act of NBCR terrorism, the value of such insurer's direct earned premiums over the calendar year immediately preceding the Program Year, multiplied by a percentage, which—

"(i) for the fifth additional Program Year shall be 5 percent; and

"(ii) for each additional Program Year thereafter, shall be 50 basis points greater than the percentage applicable to the preceding additional Program Year, except that if an act of NBCR terrorism occurs during the fifth additional Program Year or any additional Program Year thereafter that results in aggregate industry insured losses exceeding $1,000,000,000, the percentage for the succeeding additional Program Year shall be 5 percent and the increase under this clause shall apply to additional Program Years thereafter;

except that for purposes of determining under this subparagraph whether aggregate industry insured losses exceed $1,000,000,000, the Secretary may combine insured losses resulting from two or more certified acts of NBCR terrorism occurring during such Program Year in the same geographic area (with such area determined by the Secretary), in which case such insurer shall be permitted to combine insured losses resulting from such acts of NBCR terrorism for purposes of satisfying its insurer deductible under this subparagraph; and except that the insurer deductible under this subparagraph shall apply only with respect to compensation of insured losses resulting from such certified act, or combined certified acts, and that for purposes of compensation of any other insured losses occurring in the same Program Year, the insurer deductible determined under subparagraph (I)(i) shall apply.".

In section 102(13) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, strike "involves nuclear, biological" and all that follows and insert "involves or triggers nuclear, biological, chemical, or radiological reactions, releases, or contaminations, but only if any aggregate industry insured losses that result from such reactions, releases, or contaminations exceed the amount set forth in paragraph (1)(B)(ii).".

In section 103(c)(4)(A)(iii)(II)(aa) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, strike "unlawful" and insert "fraudulent".

In section 103(c)(4)(A)(iii)(II)(bb) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, after "insured person is" insert "substantially".

In section 103(e)(1)(B)(ii) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, insert "result from any such reactions, releases, or contaminations and that" after "such insured losses that" .

In section 103(e)(1)(B)(ii)(I) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, strike "exceeds" and insert "exceed".

In section 103(h)(1) of the Terrorism Risk Insurance Act of 2002, in the matter preceding subparagraph (A), as proposed to be amended by section 3(a)(1) of the bill, strike "an appropriate index" and all that follows through the colon and insert "the Consumer Price Index for All Urban Consumers (CPI–U), as published by the Bureau of Labor Statistics of the Department of Labor, during the 12-month period preceding such program year, each of the dollar amounts set forth in this title (as such amount may have been previously adjusted), including the following amounts:".

Strike subparagraph (B) of section 103(h)(1) of the Terrorism Risk Insurance Act of 2002, as proposed to be amended by section 3(a)(1) of the bill, and insert the following:

"(B) The dollar amounts in subparagraphs (J) and (K) of section 102(11) (relating to an insurer deductible threshold based on the amount of aggregate industry insured losses).".

In section 3 of the bill, redesignate subsection (c) as subsection (d).

In section 3 of the bill, after subsection (b) insert the following new subsection:

(c) REGULATIONS ON CERTIFICATION OF AN ACT OF NBCR TERRORISM.—The Secretary of the Treasury shall issue the regulations to carry out subparagraph (C) of section 102(1) of the Terrorism Risk Insurance Act of 2002, as amended by subsection (a)(1) of this section, not later than the expiration of the 180-day period beginning upon the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 660, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I recognize myself for 1 minute.

Mr. Chairman, this is an agreed-upon set of amendments. As I said, it was a bipartisan process, to some extent, in drafting. This makes technical revisions and requires Treasury to promulgate rules to clarify the nuclear, biological, chemical and radiation certification process. It provides that there be indexing, which is, I think, in accordance, there are some copayments, et cetera, and these will be indexed. It applies the reset mechanism to the deductible for nuclear, biological, chemical and radiological, and it makes technical and conforming changes. I believe, as I said, this represents a consensus.

Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the manager's amendment.

The CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BACHUS. Mr. Chairman, this amendment has some improvements to the bill. I would like to express to the chairman that I appreciate his willingness to work to make, I think, some needed and technical changes to the bill. I would encourage my colleagues to vote for the manager's amendment and, again, express, although the chairman and I have some philosophical differences in the overall TRIA legislation and whether how temporary it ought to be or how permanent it ought to be or the extent of where the Federal subsidies, on this amendment we have no disagreement.

We continue to work well in a bipartisan manner despite our philosophical differences.

Mr. Chairman, I urge Members to support the manager's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member. We were able to work out a number of these things. I would just want to return to a couple of broader points. I want to make two points. One, I don't think the market will work and neither does any participant in the market either as an insurer, or any significant number, or as the insured. But even if it could, it does not seem to me that it should. If you did this purely in the private market, you would give to the vicious attackers of America the power to decide that it would be more expensive to do business in some parts of our country than others. You could have another video from the despicable Osama Bin Laden in which he could threaten that he would take action against this area or that area, these facilities or those facilities, and their insurance premiums would go up.

Yes, the private market should govern all those things which it deals with, with fire and with other forms of casualty and even with natural disasters. But to put in the hands of America's enemies this economic power is a grave error. Should the taxpayers pay for it? Yes, because it is a matter of national defense. It is a matter of homeland security. We are not talking about insuring people against the risk if they built a commercial building of liability to injury, of fire, of theft, of improper or inadequate construction. We are saying that, no, if you are in business in America, you should not have to insure against an attack on this country based on hatred of us.

So that is why I believe that we should do this as a public policy matter.

Mr. Chairman, at this point, I yield 2 minutes to the gentleman from North Carolina, a member of the committee who is one of our most thoughtful Members to discuss the general principle of the bill.

Mr. WATT. I am actually walking into the floor at a good time to pick up on the point that the Chair of the committee is making.

This has kind of turned out to be the kind of debate that you hear in politics: Democrats believe in government and government can do everything; and Republicans believe in the private sector, and the private sector can do everything. The truth of the matter is neither one of those things is correct. There are some things that government can do and there are some things, a lot of things, that the private sector can do. One thing I think the private sector cannot do effectively is to insure against the kind of things that are really governmental responsibilities, protection of ourselves, our national defense. When that fails, it becomes a responsibility of government to accept and provide a safety net for our business community, or for our people.

It is unfortunate that this debate has deteriorated into that kind of dichotomy. You have to either have all of government or all of the private sector.

We think this is an ideal time for the government to be providing this kind of insurance protection so that business and the private sector and real estate development can continue to operate without fear of intervention by foreign powers or terrorists.

And I rise in support of the amendment

☐ 1330

Mr. BACHUS. Mr. Chairman, I ask unanimous consent to reclaim 30 seconds of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. I thank the Chairman.

Let me say to all Members of this body, we are not saying and neither has it been our position that the government does not have a role to play in offering a backstop to terrorist insurance. We believe that that ought to be a limited goal, and we believe that we ought to continue in the path of the prior TRIA extensions, where we continue to let the private market fill in.

We believe, on the other hand, and we not only believe, but this bill calls for higher deductibles, higher premiums and higher taxpayer participation, and we feel like we are reversing our role

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110-333.

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PEARCE:

In the matter proposed to be added by the amendment made by section 3(a)(1) of the bill, in section 102(11)(J)(ii), strike "50 basis points" and insert "100 basis points".

The CHAIRMAN. Pursuant to House Resolution 660, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to the Terrorism Risk Insurance Revision and Extension Act of 2007. My amendment takes one critical step forward in writing insurer participation back into TRIA.

Five years ago, the Terrorism Risk Insurance Act, TRIA, was signed into law as a temporary program to facilitate transition to a viable market for private terrorism insurance. Since enacting TRIA in 2002, insurer deductibles have increased incrementally by at least 2.5 percent each year, from 7 percent in the first year to the current 20 percent level.

The bill before us today scales back insurance industry participation in the terrorism risk market and reduces the expectation that a private market will one day take over. H.R. 2761 would lower the 20 percent deductible to 5 percent, increasing by one-half percent each year for events above $1 billion. At that rate, it would take 30 years before the deductibles would reach today's level, where Treasury assures us the market is performing very well.

While I am supportive of TRIA as a concept and understand the market is not yet where it needs to be to take over terrorism insurance, I believe strongly that the responsibility for terrorism insurance needs to be on the insurers, not on the taxpayers.

My amendment will rewrite some of the insurance industry participation back into TRIA. I have proposed a modest increase in deductible each year of 1 percent, an increase of one-half percent from where the bill is today. It will ensure that deductibles are back up to the current 20 percent level at the end of the 15-year extension.

I believe my amendment is a step in the right direction towards encouraging a private terrorism insurance market, while providing the insurance industry with the environment for a stable transition. I hope that you will join me in supporting this important amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. ACKERMAN. Mr. Chairman, our friends on the Republican side pride themselves on being tough on terror, and rightfully so. To be honest, it is evident when you listen to President Bush and he says things like "You're either with us or against us."

But also the President said in the wake of 9/11, he said this here in this

Chamber to the Congress and to the American people, and I quote our President, "Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundations of America. These acts shatter steel, but they cannot dent the steel of American resolve." Our President said that to us, Mr. Chairman.

After looking over the amendment, I realize the gentleman from New Mexico was not yet elected to be here and probably didn't get the memo about what the President said, because the effect of his amendment would allow terrorists to tell us where we can and where we cannot build after a catastrophic terrorist attack.

The bill would reset the deductible from 20 percent to 5 percent after a terrorist attack, which is good. The amendment that the gentleman proposes would increase the reset deductible to as high as 19 percent after a terrorist attack, which is almost the same as the original 20 percent. Small comfort.

Undermining the purpose and the intent of the reset mechanism by eliminating the incentives created by the reset would price insurers out of areas affected by terrorist attacks, prohibiting developers from rebuilding.

It would seem to me that to support this amendment is so blatantly to oppose the American resolve that President Bush claimed in the wake of September 11. Should we have left Ground Zero smoldering and not build the Freedom Tower? Should we concede defeat to Osama bin Laden? Should he dictate where we can and cannot build?

I say to the gentleman from New Mexico, if we cannot build and rebuild in the areas where terrorists attack, that is a major defeat for our country and a resounding retreat from the spirit of our Nation.

I yield to the gentleman from Massachusetts, the chairman of the committee.

Mr. FRANK of Massachusetts. I join the gentleman in opposition, and I want to address this charge that we heard from one of the Members that this is a typical liberal Democratic big-spending program.

I will include for the RECORD a strong endorsement of H.R. 2761 from the Coalition to Insure Against Terrorism. It is composed of such traditional liberal groups as the American Bankers Association, the National Apartment Association, the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Retail Federation, the National Restaurant Association and the National Association of Industrial and Office Property. Virtually every business involved in this, the Financial Services Roundtable, led by that radical, our former colleague, Mr. Bartlett of Texas, every business group from the insuring and insured part says this is not for the market.

I would add also a letter from the National League of Cities strongly urging on behalf of the cities of America passage of this bill as it was reported out of committee.

Finally, from the American Insurance Association, a strong argument. In particular, it thanks us for including nuclear, biological, chemical and radiological.

Those who said the market can do it, it says two separate government studies have concluded what insurers already knew, that outside of State mandates, there is virtually no private insurance market capacity for NBCR. "For this and other reasons," they like the whole bill, "the American Insurance Association and its more than 350 property casualty insurance companies strongly endorse H.R. 2761 as it was reported out of the committee." They have got some concern about the reset, and we will talk about that and we agree with them. But here is this strong endorsement.

Yes, it is true that this is something that some liberal Democrats support. And here is the signer on behalf of the American Insurance Association, Governor Marc Racicot, I believe a former chairman of the Republican National Committee. I want to congratulate my Democratic colleagues. To have insinuated a liberal Democrat into the chairmanship of the Republican National Committee is a degree of flexibility I didn't know we have.

So this notion that this is some liberal invention and that the market can do it is repudiated by everyone who knows anything about the market. I hope the amendment is defeated and the bill is passed.

VOTE "YES" ON H.R. 2761

The undersigned members of the Coalition to Insure Against Terrorism (CIAT), a broad based coalition of business insurance policyholders representing a significant segment of the nation's GDP, strongly urge you to vote "yes" on H.R. 2761 Terrorism Risk Insurance Revision and Extension Act of 2007 (TRIREA).

American Bankers Association; American Bankers Insurance Association; American Council of Engineering Companies; American Gas Association; American Hotel and Lodging Association; American Land Title Association; American Public Gas Association; American Public Power Association; American Resort Development Association; American Society of Association Executives; Associated Builders and Contractors; Associated General Contractors of America; Association of American Railroads; Association of Art Museum Directors; Babson Capital Management LLC; The Bond Market Association; Building Owners and Managers Association International; Boston Properties; and CCIM Institute.

Campbell Soup Company; Century 21 Department Stores; Chemical Producers and Distributors Association; Citigroup Inc.; Commercial Mortgage Securities Association; Cornerstone Real Estate Advisers, Inc.; CSX Corporation; Edison Electric Institute; Electric Power Supply Association; The Financial Services Roundtable; The Food Marketing Institute; General Aviation Manufacturers Association; Helicopter Association International; Hilton Hotels Corporation; Host Hotels and Resorts; Independent Electrical Contractors; Institute of Real Estate Management; Intercontinental Hotels; and International Council of Shopping Centers.

International Franchise Association; International Safety Equipment Association; The Long Island Import Export Association; Marriott International; Mortgage Bankers Association; National Apartment Association; National Association of Home Builders; National Association of Industrial and Office Properties; National Association of Manufacturers; National Association of REALTORS®; National Association of Real Estate Investment Trusts; National Association of Waterfront Employers; National Association of Wholesaler-Distributors; National Basketball Association; National Collegiate Athletic Association; National Council of Chain Restaurants; National Football League; National Hockey League; and National Multi Housing Council.

National Petrochemical & Refiners Association; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Rural Electric Cooperative Association; The New England Council; Partnership for New York City; Office of the Commissioner of Baseball; Public Utilities Risk Management Association; The Real Estate Board of New York; The Real Estate Roundtable; Society of American Florists; Starwood Hotels and Resorts; Taxicab, Limousine & Paratransit Association; Travel Business Roundtable; Trizec Properties, Inc.; UJA-Federation of New York; Union Pacific Corporation; and U.S. Chamber of Commerce.

AMERICAN INSURANCE ASSOCIATION,
Washington, DC, September 18, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. STENY HOYER,
Majority Leader, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.
Hon. ROY BLUNT,
Minority Whip, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, MINORITY LEADER BOEHNER, MAJORITY LEADER HOYER, AND MINORITY WHIP BLUNT: We understand that H.R. 2761 is scheduled for House floor consideration tomorrow. We commend the House for moving forward on this critical legislation.

Apart from extending the existing program, H.R. 2761 confronts the unique insurance challenges posed by terrorist threats of a nuclear, biological, chemical or radiological nature (NBCR). In the last two years, two separate government studies—one by the President's Working Group on Financial Markets (led by Treasury) and another by the Government Accountability Office—have concluded what insurers already knew: that, outside of state mandates, there is virtually no private insurance market capacity for NBCR terrorism risk and there is little potential for such a market to emerge in the near future. H.R.2761 fills that void by requiring insurers to make available additional NBCR terrorism insurance as part of the Federal backstop where policyholders accept the terrorism coverage offered under current law, and by providing insurers with more limited and certain financial exposure that reflects the distinctive catastrophic nature of NBCR terrorism. For this and other reasons, the American Insurance Association and its more than 350 property casualty insurance company members strongly endorse H.R. 2761 as it was reported out of the House Financial Services Committee.

We understand that a new provision has been added to address the concerns resulting from the Congressional Budget Office report, which would require additional Congressional action to authorize Federal payment for an act of terrorism. The industry has serious reservations about the commercial workability and certainty of the provision and the potential adverse marketplace impact. As the legislation moves forward in the process, we look forward to working with you and others in Congress to ensure these concerns are resolved in a way that preserves the future viability of the program.

Sincerely,
GOVERNOR MARC RACICOT,
President, American Insurance Association.

NATIONAL LEAGUE OF CITIES,
Washington, DC, September 19, 2007.
Hon. BARNEY FRANK,
Chairman, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, House of Representatives, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: I am writing on behalf of the 19,000 cities and towns represented by the National League of Cities to express our support for the Terrorism Risk Insurance Revision and Extension Act of 2007, H.R. 2761.

The Terrorism Risk Insurance Act (TRIA) creates an important mechanism under which the Federal government provides a vital federal backstop to potential catastrophic loss caused by terrorism. In addition to safeguarding America's economy and stabilizing the terrorism insurance marketplace, TRIA provides the necessary direct federal insurance assistance to state and local governments in the case of terrorist acts.

The Act would extend the Terrorism Insurance Program for a sufficient time period to assure local governments that adequate and affordable insurance against losses caused by terrorism is readily available in the marketplace. The legislation also extends coverage to domestic acts of terrorism, which will add an additional level of protection against losses to America's cities and towns.

For these reasons, NLC supports H.R. 2761. We thank you for your leadership on this important legislation and look forward to working with you to ensure its passage.

Sincerely yours,
DONALD J. BORUT,
Executive Director.

Mr. PEARCE. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I want to thank the chairman of the full committee for reading that list of those that endorsed it. You will notice that some of the absences were the Consumer Federation of America, which said that this bill was not good for consumers, i.e. taxpayers. The National Taxpayers Association obviously wasn't on that list, because it is a great deal for the insurance companies, and we all acknowledge that. It merely subsidizes them at the expense of taxpayers. The one name missing is taxpayers. They will pay for this legislation.

Mr. ACKERMAN. Mr. Chairman, I further yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I would say yes, the taxpayers do pay. It is a matter of national defense. Where people are building and incurring risks, they should pay for it themselves. I accept that point. We are talking about how we respond to Osama bin Laden or other murderers who would attack this country.

I think it is appropriate that the country as a whole respond, and not allow the terrorists to pick and choose which Americans will have to suffer disproportionately.

Mr. PEARCE. Mr. Chairman, I find the comments very strange from the opponents of the amendment. They say that my amendment will stop rebuilding and let Osama bin Laden tell us where to rebuild.

Currently the rate of insurance deductible is at 20 percent. The rebuilding is going on quite well, frankly, and they have sustained 2.5 percent increases through the past 6 years. What we are simply saying is we are going to start at 5 percent and increase 1 percent a year over 15 years back up to the 20 percent level. Yet we are being told that regardless of what is being built now, something is going to change in the equation and the people are going to stop rebuilding if we go up and go to this one-half percent increase.

I find it heartening to know that we are within a half percent of stopping the entire economy of the U.S. on a one-half percent deductible and giving over our independence to the terrorists based on this one-half percent, when the truth is the last 6 years showed us that the industry will sustain 2.5 percent increases and continue to build exactly where they want to build, and in fact the industry will sustain on its own at least up to 20 percent. If we are estimating something above that, that would be unchartered territory. But I do find the arguments somewhat stunning.

I reserve the balance of my time.

Mr. ACKERMAN. Mr. Chairman, we have no further speakers. I would just urge all of our colleagues to join with the former chairman of the Republican National Committee and Mr. FRANK and myself and oppose this amendment before the House.

Mr. Chairman, I yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, I have no other speakers and would just urge Members to support the amendment so that we can convert this public program back into a private program over a long course of time.

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong opposition to this amendment. This amendment effectively guts a provision of this bill which is essential for the recovery of localities that are the subject of terrorist attacks.

As we know in New York, insurance companies are reluctant to write coverage at all for sites of terrorist attacks because they find the risk of another attack too high given the deductible under TRIA. Insurance companies aren't willing to pay the higher deductible more than once, in other words, for any given site. We in New York face this problem today as there is far less coverage available for lower Manhattan than is required, but this problem will confront any locality that is the subject of an attack.

The reset mechanism in the bill solves this problem by lowering the deductible for any locality that has been the subject of a significant attack. It applies nationally and will greatly help with economic recovery by helping to provide adequate terrorism insurance.

We have worked on a bipartisan basis to make sure this reset mechanism works for the whole Nation, for industry, for policy holders and that it is fiscally responsible.

This amendment guts the reset mechanism by mandating large and rapid increases in the deductible once it resets to a lower number after a large terrorist attack.

Under this amendment, the reset deductible could rise in a short time to as high as 19 percent, which is almost the same as the original deductible of 20 percent. This defeats the purpose of the reset mechanism, which we worked so hard to craft as a balanced and effective tool.

A TRIA bill that does not consider the special problems of sites recovering from an attack is not an effective or well designed plan.

I urge my colleagues to reject this misguided amendment.

Mr. PEARCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PEARCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part B by Mr. FRANK of Massachusetts;

Amendment No. 2 printed in part B by Mr. PEARCE of New Mexico.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 426, noes 1, not voting 10, as follows:

[Roll No. 881]

AYES—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—1

Castle

NOT VOTING—10

Allen
Carney
Cubin
Davis, Jo Ann
Gilchrest
Jindal
Johnson (GA)
Johnson, Sam
Meeks (NY)
Serrano

☐ 1407

Mrs. BACHMANN, Messrs. SIMPSON, EHLERS, BURGESS, BRADY of Texas and Mrs. BLACKBURN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. PEARCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 230, not voting 13, as follows:

[Roll No. 882]

AYES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—230

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Allen
Carney
Cubin
Davis, Jo Ann
Gilchrest
Hooley
Jindal
Johnson (GA)
Marchant
McCaul (TX)
Miller, George
Serrano
Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1414

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. ISRAEL, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes, pursuant to House Resolution 660, he reported the bill, as amended by that resolution, back to the House with a further amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DREIER. Absolutely.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Dreier moves to recommit the bill, H.R. 2761, to the Committee on Financial Services with instructions to report the same to the House promptly without the changes made by the amendment printed in part A of the report of the Committee on Rules (Report No. 110-333, 110th Congress) accompanying the resolution, H. Res. 660, 110th Congress.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I offer this motion to recommit to rectify what my Rules Committee colleague, the gentleman from Miami (Mr. LINCOLN DIAZ-BALART), eloquently described as an outrage.

What we have done in this measure is unprecedented, and we are undermining the goal that I think most all of us share of trying to have a responsible Federal backdrop to deal with the potential terrorist attack on our country.

Mr. Speaker, one of the things that we all know is that certainty is absolutely essential when you are dealing with the issue of insurance. Now, we know that people can't run a business without insurance, people can't hire people without insurance, they can't build without insurance. Insurance is absolutely essential. But it is critical that certainty be provided and, unfortunately, it is not being provided under this measure.

I would like to quote the letter that was sent from our friend from New York (Mr. ACKERMAN) to Speaker PELOSI when he said, "It is our strong belief, however, that making the entire program contingent on Congress passing a second piece of legislation completely undermines the intent and desired effect of the legislation. Under this proposal, policyholders would not know for certain whether their policies would pay out in the event of an attack and insurers could be placed in the unthinkable position of either not paying out on their policies or facing insolvency. The uncertainty that this proposed solution to the PAYGO problem would cause would render the legislation almost completely useless."

Now, Mr. Speaker, it is very, very important that that certainty be provided. Now, I have heard that there is a letter that has come from the Speaker to my friend from New York (Mr. ACKERMAN) that says this will be rectified. Well, Mr. Speaker, by passing this motion to recommit, we can guarantee that it will be rectified. We can guarantee that it will be rectified because we are in fact sending it back to the committee.

Why is it we are doing this promptly rather than forthwith? We know there are PAYGO problems that need to be addressed by this committee. The problem with what we have done is that in the name of trying to protect this poorly crafted PAYGO rule that was put into place at the beginning of the 110th Congress, we are waiving PAYGO. That is exactly what is happening here, Mr. Speaker.

So I urge my colleagues, if you in fact want a responsible Terrorism Insurance Act package, we need to recommit this bill to the committee so that they can come out with an even better work product than the one they have today.

I urge an "aye" vote on the motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. First of all, of course it says "promptly." Members make a choice. The purpose of this is terrorism risk insurance expires the end of this year. We are on a reasonable timetable but not one that has a lot of water in it.

Yesterday, on an important bill that goes before the Committee on Financial Services, they said "promptly." So the notion is that they can make the Committee on Financial Services a revolving door and then complain when we can't get the work done when we will have to do it two and three times.

Secondly, Members on the other side, and I don't know where the gentleman from California was on this, but in Committee, before the PAYGO problem arose, while we got substantial Republican support, 14, 19 Republicans, including the ranking member, voted "no." So the Republicans had taken an opposing position in the majority. The administration is in the majority against it.

And what are they telling us? That a bill that the Republicans on the whole are against doesn't do enough for the people who want the bill. This is people intervening on behalf of people who don't want their intervention.

It is true that there is some ambiguity that I hope will be resolved; but the American Insurance Association, and that is the group that, despite the Republican's argument that this can be done by the market, says no, the market can't handle it. And, in a letter signed by a former chairman of the Republican National Committee, Governor Marc Racicot, president of the AIA, they say please go ahead with the bill. And they say: We have concerns about this fix. We hope we can go forward and work on it as opposed to delaying it further.

We got a letter today from the Chamber of Commerce and the National Association of Manufacturers, the Bankers, the League of Cities, being aware of the problem and of the first cut at fixing it, that say please go forward.

Now, if the people who were expecting to be the participants in this program said, wait a minute, this can't go forward, they would be, I think, entitled to be listened to. When people who have on the whole been opposed to the whole program and who voted against it before this arose now appear to say, oh, my goodness, this poor program, you are not doing enough justice, when they want to kill it, I don't think have a lot of credibility.

So, yes, this does need some work. There are a variety of suggestions that have been made. We do have a Senate to go forward and we have a conference process.

And I will say to the Republicans, I understand their skepticism about a conference process, because when they were in power, they didn't have any. They did a lot of backroom, okay, we will do this.

We will have a conference. I am chairman of this committee. I can promise, and I have talked to the leadership, we will have an open conference and there will be debates and discussions.

I am explaining it because the Republicans, some of them, the newer ones don't know what one is. It will be the House and the Senate, and we will talk about it. And so we will address this particular issue.

And, again, all of those who are in favor of this program as it was drafted, all of them want us to go forward as we continue to make this final fix. Most of those who are saying, oh, no, you can't go forward, it is not perfect, didn't like it in any case.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. Just to answer the question that was raised earlier, I will say to my friend, if we pass this motion to recommit, I will vote in favor of the legislation and I would recommend that some of the other committee follow the example set.

Mr. FRANK of Massachusetts. I thank the gentleman, but I take back my time. He will vote in favor of the legislation after it is sent back to committee, after it is wide open again to an amendment process, after members of the committee on his side of the aisle will offer a whole lot of new amendments. And so weeks could go by before we are able to get floor time again and do it. There are a lot of things on the floor, and they are complaining that we didn't pass other things.

So the gentleman will vote for it in the sweet by-and-by if we send it back. There is an alternative: We go through the regular process. The Senate votes on this, aware of the CBO. We go to an open conference. We debate it, and we bring that to the floor.

I will yield again to the gentleman.

Mr. DREIER. I thank my friend for yielding.

And I will simply say, Mr. Speaker, that the issue here happens to be jurisdictional as well. He is talking about conference committees and everything. The Rules Committee abdicates this responsibility through expedited procedures by going through this process.

Mr. FRANK of Massachusetts. I know turf is more important to some Members than anything else.

Mr. DREIER. No, the institution is very important.

Mr. FRANK of Massachusetts. It is rather odd to proclaim yourself an institutionalist while violating the rules.

The fact is that I understand turf makes some people jittery. And I will certainly advocate that the Rules Committee be included in the conference report.

Again, the Republicans have forgotten how conferences work. Conferences can have more than one committee, so the Rules Committee can get representation on the conference.

Again, everybody who is for this bill in the House and the private sector, people on the whole and the cities, the representatives of the public affected, want us to go forward and say, in good faith, work this out.

People who have been on the whole opposed to it, not entirely but on the whole opposed to it, have found this hook to try and hold it up. I don't think they are trying to hold it up to make it better when a majority of them wanted to kill it in the first place.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 196, noes 228, not voting 8, as follows:

[Roll No. 883]

YEAS—196

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns

Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—228

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Allen
Carney
Cubin
Davis, Jo Ann
Jindal
Johnson (GA)
McHugh
Miller, George

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1445

Mr. RUPPERSBERGER changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 312, nays 110, not voting 10, as follows:

[Roll No. 884]

YEAS—312

Abercrombie
Ackerman
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—110

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Blackburn
Bonner
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Carter
Castle
Chabot
Cole (OK)
Conaway
Culberson
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
LaHood
Lamborn
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Radanovich
Rogers (AL)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—10

Allen
Boehner
Carney
Cubin
Davis, Jo Ann
Delahunt
Jindal
Johnson (GA)
McHugh
Miller, George

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes are remaining in this vote.

☐ 1454

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2761, TERRORISM RISK INSURANCE REVISION AND EXTENSION ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2761, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1644

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin's (Mr. RYAN) name be removed as a cosponsor of H.R. 1644. Our staff inadvertently, mistakenly added his name.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3580) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Amendments Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

Sec. 101. Short title; references in title; finding.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use drug fees.
Sec. 104. Fees relating to advisory review of prescription-drug television advertising.
Sec. 105. Reauthorization; reporting requirements.
Sec. 106. Sunset dates.
Sec. 107. Effective date.
Sec. 108. Savings clause.
Sec. 109. Technical amendment; conforming amendment.

TITLE II—MEDICAL DEVICE USER FEE AMENDMENTS OF 2007

Sec. 201. Short title; references in title; finding.

Subtitle A—Fees Related to Medical Devices

Sec. 211. Definitions.
Sec. 212. Authority to assess and use device fees.
Sec. 213. Reauthorization; reporting requirements.
Sec. 214. Savings clause.
Sec. 215. Additional authorization of appropriations for postmarket safety information.
Sec. 216. Effective date.
Sec. 217. Sunset clause.

Subtitle B—Amendments Regarding Regulation of Medical Devices

Sec. 221. Extension of authority for third party review of premarket notification.
Sec. 222. Registration.
Sec. 223. Filing of lists of drugs and devices manufactured, prepared, propagated, and compounded by registrants; statements; accompanying disclosures.
Sec. 224. Electronic registration and listing.
Sec. 225. Report by Government Accountability Office.
Sec. 226. Unique device identification system.
Sec. 227. Frequency of reporting for certain devices.
Sec. 228. Inspections by accredited persons.
Sec. 229. Study of nosocomial infections relating to medical devices.
Sec. 230. Report by the Food and Drug Administration regarding labeling information on the relationship between the use of indoor tanning devices and development of skin cancer or other skin damage.

TITLE III—PEDIATRIC MEDICAL DEVICE SAFETY AND IMPROVEMENT ACT OF 2007

Sec. 301. Short title.
Sec. 302. Tracking pediatric device approvals.
Sec. 303. Modification to humanitarian device exemption.
Sec. 304. Encouraging pediatric medical device research.
Sec. 305. Demonstration grants for improving pediatric device availability.
Sec. 306. Amendments to office of pediatric therapeutics and pediatric advisory committee.
Sec. 307. Postmarket surveillance.

TITLE IV—PEDIATRIC RESEARCH EQUITY ACT OF 2007

Sec. 401. Short title.
Sec. 402. Reauthorization of Pediatric Research Equity Act.
Sec. 403. Establishment of internal committee.
Sec. 404. Government Accountability Office report.

TITLE V—BEST PHARMACEUTICALS FOR CHILDREN ACT OF 2007

Sec. 501. Short title.
Sec. 502. Reauthorization of Best Pharmaceuticals for Children Act.
Sec. 503. Training of pediatric pharmacologists.

TITLE VI—REAGAN-UDALL FOUNDATION

Sec. 601. The Reagan-Udall Foundation for the Food and Drug Administration.
Sec. 602. Office of the Chief Scientist.
Sec. 603. Critical path public-private partnerships.

TITLE VII—CONFLICTS OF INTEREST

Sec. 701. Conflicts of interest.

TITLE VIII—CLINICAL TRIAL DATABASES

Sec. 801. Expanded clinical trial registry data bank.

TITLE IX—ENHANCED AUTHORITIES REGARDING POSTMARKET SAFETY OF DRUGS

Subtitle A—Postmarket Studies and Surveillance

Sec. 901. Postmarket studies and clinical trials regarding human drugs; risk evaluation and mitigation strategies.
Sec. 902. Enforcement.
Sec. 903. No effect on withdrawal or suspension of approval.
Sec. 904. Benefit-risk assessments.
Sec. 905. Active postmarket risk identification and analysis.
Sec. 906. Statement for inclusion in direct-to-consumer advertisements of drugs.
Sec. 907. No effect on veterinary medicine.
Sec. 908. Authorization of appropriations.
Sec. 909. Effective date and applicability.

Subtitle B—Other Provisions to Ensure Drug Safety and Surveillance

Sec. 911. Clinical trial guidance for antibiotic drugs.
Sec. 912. Prohibition against food to which drugs or biological products have been added.
Sec. 913. Assuring pharmaceutical safety.
Sec. 914. Citizen petitions and petitions for stay of agency action.
Sec. 915. Postmarket drug safety information for patients and providers.
Sec. 916. Action package for approval.
Sec. 917. Risk communication.
Sec. 918. Referral to advisory committee.
Sec. 919. Response to the institute of medicine.
Sec. 920. Database for authorized generic drugs.
Sec. 921. Adverse drug reaction reports and postmarket safety.

TITLE X—FOOD SAFETY
Sec. 1001. Findings.
Sec. 1002. Ensuring the safety of pet food.
Sec. 1003. Ensuring efficient and effective communications during a recall.
Sec. 1004. State and Federal Cooperation.
Sec. 1005. Reportable Food Registry.
Sec. 1006. Enhanced aquaculture and seafood inspection.
Sec. 1007. Consultation regarding genetically engineered seafood products.
Sec. 1008. Sense of Congress.
Sec. 1009. Annual report to Congress.
Sec. 1010. Publication of annual reports.
Sec. 1011. Rule of construction.
TITLE XI—OTHER PROVISIONS
Subtitle A—In General
Sec. 1101. Policy on the review and clearance of scientific articles published by FDA employees.
Sec. 1102. Priority review to encourage treatments for tropical diseases.
Sec. 1103. Improving genetic test safety and quality.
Sec. 1104. NIH Technical amendments.
Sec. 1105. Severability clause.
Subtitle B—Antibiotic Access and Innovation
Sec. 1111. Identification of clinically susceptible concentrations of antimicrobials.
Sec. 1112. Orphan antibiotic drugs.
Sec. 1113. Exclusivity of certain drugs containing single enantiomers.
Sec. 1114. Report.

TITLE I—PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

SEC. 101. SHORT TITLE; REFERENCES IN TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the "Prescription Drug User Fee Amendments of 2007".

(b) REFERENCES IN TITLE.—Except as otherwise specified, amendments made by this title to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) FINDING.—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Section 735 (21 U.S.C. 379g) is amended—

(1) in the matter before paragraph (1), by striking "For purposes of this subchapter" and inserting "For purposes of this part";

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "505(b)(1)," and inserting "505(b), or";

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in the matter following subparagraph (B), as so redesignated, by striking "subparagraph (C)" and inserting "subparagraph (B)";

(3) in paragraph (3)(C)—

(A) by striking "505(j)(7)(A)" and inserting "505(j)(7)(A) (not including the discontinued section of such list)"; and

(B) by inserting before the period "(not including the discontinued section of such list)";

(4) in paragraph (4), by inserting before the period at the end the following: "(such as capsules, tablets, or lyophilized products before reconstitution)";

(5) by amending paragraph (6)(F) to read as follows:

"(F) Postmarket safety activities with respect to drugs approved under human drug applications or supplements, including the following activities:

"(i) Collecting, developing, and reviewing safety information on approved drugs, including adverse event reports.

"(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

"(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

"(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies).

"(v) Carrying out section 505(k)(5) (relating to adverse event reports and postmarket safety activities).";

(6) in paragraph (8)—

(A) by striking "April of the preceding fiscal year" and inserting "October of the preceding fiscal year"; and

(B) by striking "April 1997" and inserting "October 1996";

(7) by redesignating paragraph (9) as paragraph (11); and

(8) by inserting after paragraph (8) the following paragraphs:

"(9) The term 'person' includes an affiliate thereof.

"(10) The term 'active', with respect to a commercial investigational new drug application, means such an application to which information was submitted during the relevant period.".

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "2003" and inserting "2008";

(2) in paragraph (1)—

(A) in subparagraph (D)—

(i) in the heading, by inserting "OR WITHDRAWN BEFORE FILING" after "REFUSED FOR FILING"; and

(ii) by inserting before the period at the end the following: "or withdrawn without a waiver before filing";

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (D) the following:

"(E) FEES FOR APPLICATIONS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—A human drug application or supplement that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest, unless the fee is waived or reduced under subsection (d)."; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(B) by adding at the end the following:

"(C) SPECIAL RULES FOR POSITRON EMISSION TOMOGRAPHY DRUGS.—

"(i) IN GENERAL.—Except as provided in clause (ii), each person who is named as the applicant in an approved human drug application for a positron emission tomography drug shall be subject under subparagraph (A) to one-sixth of an annual establishment fee with respect to each such establishment identified in the application as producing positron emission tomography drugs under the approved application.

"(ii) EXCEPTION FROM ANNUAL ESTABLISHMENT FEE.—Each person who is named as the applicant in an application described in clause (i) shall not be assessed an annual establishment fee for a fiscal year if the person certifies to the Secretary, at a time specified by the Secretary and using procedures specified by the Secretary, that—

"(I) the person is a not-for-profit medical center that has only 1 establishment for the production of positron emission tomography drugs; and

"(II) at least 95 percent of the total number of doses of each positron emission tomography drug produced by such establishment during such fiscal year will be used within the medical center.

"(iii) DEFINITION.—For purposes of this subparagraph, the term 'positron emission tomography drug' has the meaning given to the term 'compounded positron emission tomography drug' in section 201(ii), except that paragraph (1)(B) of such section shall not apply.".

(b) FEE REVENUE AMOUNTS.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) FEE REVENUE AMOUNTS.—

"(1) IN GENERAL.—For each of the fiscal years 2008 through 2012, fees under subsection (a) shall, except as provided in subsections (c), (d), (f), and (g), be established to generate a total revenue amount under such subsection that is equal to the sum of—

"(A) $392,783,000; and

"(B) an amount equal to the modified workload adjustment factor for fiscal year 2007 (as determined under paragraph (3)).

"(2) TYPES OF FEES.—Of the total revenue amount determined for a fiscal year under paragraph (1)—

"(A) one-third shall be derived from fees under subsection (a)(1) (relating to human drug applications and supplements);

"(B) one-third shall be derived from fees under subsection (a)(2) (relating to prescription drug establishments); and

"(C) one-third shall be derived from fees under subsection (a)(3) (relating to prescription drug products).

"(3) MODIFIED WORKLOAD ADJUSTMENT FACTOR FOR FISCAL YEAR 2007.—For purposes of paragraph (1)(B), the Secretary shall determine the modified workload adjustment factor by determining the dollar amount that results from applying the methodology that was in effect under subsection (c)(2) for fiscal year 2007 to the amount $354,893,000, except that, with respect to the portion of such determination that is based on the change in the total number of commercial investigational new drug applications, the Secretary shall count the number of such applications that were active during the most recent 12-month period for which data on such submissions is available.

"(4) ADDITIONAL FEE REVENUES FOR DRUG SAFETY.—

"(A) IN GENERAL.—For each of the fiscal years 2008 through 2012, paragraph (1)(A) shall be applied by substituting the amount determined under subparagraph (B) for '$392,783,000'.

"(B) AMOUNT DETERMINED.—For each of the fiscal years 2008 through 2012, the amount determined under this subparagraph is the sum of—

"(i) $392,783,000; plus

"(ii)(I) for fiscal year 2008, $25,000,000;

"(II) for fiscal year 2009, $35,000,000;

"(III) for fiscal year 2010, $45,000,000;

"(IV) for fiscal year 2011, $55,000,000; and

"(V) for fiscal year 2012, $65,000,000.".

(c) ADJUSTMENTS TO FEES.—

(1) INFLATION ADJUSTMENT.—Section 736(c)(1) (21 U.S.C. 379h(c)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking "The revenues established in subsection (b)" and inserting "For fiscal year 2009 and subsequent fiscal years, the revenues established in subsection (b)";

(B) in subparagraph (A), by striking "or" at the end;

(C) in subparagraph (B), by striking the period at the end and inserting ", or";

(D) by inserting after subparagraph (B) the following:

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years."; and

(E) in the matter following subparagraph (C) (as added by subparagraph (D)), by striking "fiscal year 2003" and inserting "fiscal year 2008".

(2) WORKLOAD ADJUSTMENT.—Section 736(c)(2) (21 U.S.C. 379h(c)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking "Beginning with fiscal year 2004," and inserting "For fiscal year 2009 and subsequent fiscal years,";

(B) in subparagraph (A), in the first sentence—

(i) by striking "human drug applications," and inserting "human drug applications (adjusted for changes in review activities, as described in the notice that the Secretary is required to publish in the Federal Register under this subparagraph),";

(ii) by striking "commercial investigational new drug applications,"; and

(iii) by inserting before the period the following: ", and the change in the total number of active commercial investigational new drug applications (adjusted for changes in review activities, as so described) during the most recent 12-month period for which data on such submissions is available";

(C) in subparagraph (B), by adding at the end the following: "Any adjustment for changes in review activities made in setting fees and revenue amounts for fiscal year 2009 may not result in the total workload adjustment being more than 2 percentage points higher than it would have been in the absence of the adjustment for changes in review activities."; and

(D) by adding at the end the following:

"(C) The Secretary shall contract with an independent accounting firm to study the adjustment for changes in review activities applied in setting fees and revenue amounts for fiscal year 2009 and to make recommendations, if warranted, for future changes in the methodology for calculating the adjustment. After review of the recommendations, the Secretary shall, if warranted, make appropriate changes to the methodology, and the changes shall be effective for each of the fiscal years 2010 through 2012. The Secretary shall not make any adjustment for changes in review activities for any fiscal year after 2009 unless such study has been completed.".

(3) RENT AND RENT-RELATED COST ADJUSTMENT.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) RENT AND RENT-RELATED COST ADJUSTMENT.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, before making adjustments under paragraphs (1) and (2), decrease the fee revenue amount established in subsection (b) if actual costs paid for rent and rent-related expenses for the preceding fiscal year are less than estimates made for such year in fiscal year 2006. Any reduction made under this paragraph shall not exceed the amount by which such costs fall below the estimates made in fiscal year 2006 for such fiscal year, and shall not exceed $11,721,000 for any fiscal year.".

(4) FINAL YEAR ADJUSTMENT.—Paragraph (4) of section 736(c) (21 U.S.C. 379h(c)), as redesignated by paragraph (3)(A), is amended to read as follows:

"(4) FINAL YEAR ADJUSTMENT.—

"(A) INCREASE IN FEES.—For fiscal year 2012, the Secretary may, in addition to adjustments under this paragraph and paragraphs (1), (2), and (3), further increase the fee revenues and fees established in subsection (b) if such an adjustment is necessary to provide for not more than 3 months of operating reserves of carryover user fees for the process for the review of human drug applications for the first 3 months of fiscal year 2013. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2012. If the Secretary has carryover balances for such process in excess of 3 months of such operating reserves, the adjustment under this subparagraph shall not be made.

"(B) DECREASE IN FEES.—

"(i) IN GENERAL.—For fiscal year 2012, the Secretary may, in addition to adjustments under this paragraph and paragraphs (1), (2), and (3), decrease the fee revenues and fees established in subsection (b) by the amount determined in clause (ii), if, for fiscal year 2009 or 2010—

"(I) the amount of the total appropriations for the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of the total appropriations for the Food and Drug Administration for fiscal year 2008 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under paragraph (1); and

"(II) the amount of the total appropriations expended for the process for the review of human drug applications at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of appropriations expended for the process for the review of human drug applications at the Food and Drug Administration for fiscal year 2008 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under paragraph (1).

"(ii) AMOUNT OF DECREASE.—The amount determined in this clause is the lesser of—

"(I) the amount equal to the sum of the amounts that, for each of fiscal years 2009 and 2010, is the lesser of—

"(aa) the excess amount described in clause (i)(II) for such fiscal year; or

"(bb) the amount specified in subsection (b)(4)(B)(ii) for such fiscal year; or

"(II) $65,000,000.

"(iii) LIMITATIONS.—

"(I) FISCAL YEAR CONDITION.—In making the determination under clause (ii), an amount described in subclause (I) of such clause for fiscal year 2009 or 2010 shall be taken into account only if subclauses (I) and (II) of clause (i) apply to such fiscal year.

"(II) RELATION TO SUBPARAGRAPH (A).—The Secretary shall limit any decrease under this paragraph if such a limitation is necessary to provide for the 3 months of operating reserves described in subparagraph (A).".

(5) LIMIT.—Paragraph (5) of section 736(c) (21 U.S.C. 379h(c)), as redesignated by paragraph (3)(A), is amended by striking "2002" and inserting "2007".

(d) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by inserting after "The Secretary shall grant" the following: "to a person who is named as the applicant in a human drug application"; and

(B) by inserting "to that person" after "one or more fees assessed";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

"(2) CONSIDERATIONS.—In determining whether to grant a waiver or reduction of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant involved and any affiliate of the applicant."; and

(4) in paragraph (4) (as redesignated by paragraph (2)), in subparagraph (A), by inserting before the period the following: ", and that does not have a drug product that has been approved under a human drug application and introduced or delivered for introduction into interstate commerce".

(e) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 736(g)(3) (21 U.S.C. 379h(g)(3)) is amended to read as follows:

"(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2012, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under subsection (c) and paragraph (4) of this subsection.".

(2) OFFSET.—Section 736(g)(4) (21 U.S.C. 379h(g)(4)) is amended to read as follows:

"(4) OFFSET.—If the sum of the cumulative amount of fees collected under this section for the fiscal years 2008 through 2010 and the amount of fees estimated to be collected under this section for fiscal year 2011 exceeds the cumulative amount appropriated under paragraph (3) for the fiscal years 2008 through 2011, the excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

(f) EXEMPTION FOR ORPHAN DRUGS.—Section 736 (21 U.S.C. 379h) is further amended by adding at the end the following:

"(k) ORPHAN DRUGS.—

"(1) EXEMPTION.—A drug designated under section 526 for a rare disease or condition and approved under section 505 or under section 351 of the Public Health Service Act shall be exempt from product and establishment fees under this section, if the drug meets all of the following conditions:

"(A) The drug meets the public health requirements contained in this Act as such requirements are applied to requests for waivers for product and establishment fees.

"(B) The drug is owned or licensed and is marketed by a company that had less than $50,000,000 in gross worldwide revenue during the previous year.

"(2) EVIDENCE OF QUALIFICATION.—An exemption under paragraph (1) applies with respect to a drug only if the applicant involved submits a certification that its gross annual revenues did not exceed $50,000,000 for the preceding 12 months before the exemption was requested.".

(g) CONFORMING AMENDMENT.—Section 736(a) (21 U.S.C. 379h(a)) is amended in paragraphs (1)(A)(i), (1)(A)(ii), (2)(A), and (3)(A) by striking "(c)(4)" each place such term appears and inserting "(c)(5)".

(h) TECHNICAL AMENDMENT.—

(1) AMENDMENT.—Section 736(g)(1) (21 U.S.C. 379h(g)(1)) is amended by striking the first sentence and inserting the following: "Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended.".

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in section 504 of the Prescription Drug User Fee Amendments of 2002 (Public Law 107–188; 116 Stat. 687).

SEC. 104. FEES RELATING TO ADVISORY REVIEW OF PRESCRIPTION-DRUG TELEVISION ADVERTISING.

Part 2 of subchapter C of chapter VII (21 U.S.C. 379g et seq.) is amended by adding after section 736 the following:

"SEC. 736A. FEES RELATING TO ADVISORY REVIEW OF PRESCRIPTION-DRUG TELEVISION ADVERTISING.

"(a) TYPES OF DIRECT-TO-CONSUMER TELEVISION ADVERTISEMENT REVIEW FEES.—Beginning in fiscal year 2008, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) ADVISORY REVIEW FEE.—

"(A) IN GENERAL.—With respect to a proposed direct-to-consumer television advertisement (referred to in this section as a 'DTC advertisement'), each person that on or after October 1, 2007, submits such an advertisement for advisory review by the Secretary prior to its initial public dissemination shall, except as provided in subparagraph (B), be subject to a fee established under subsection (c)(3).

"(B) EXCEPTION FOR REQUIRED SUBMISSIONS.—A DTC advertisement that is required to be submitted to the Secretary prior to initial public dissemination is not subject to a fee under subparagraph (A) unless the sponsor designates the submission as a submission for advisory review.

"(C) NOTICE TO SECRETARY OF NUMBER OF ADVERTISEMENTS.—Not later than June 1 of each fiscal year, the Secretary shall publish a notice in the Federal Register requesting any person to notify the Secretary within 30 days of the number of DTC advertisements the person intends to submit for advisory review in the next fiscal year. Notwithstanding the preceding sentence, for fiscal year 2008, the Secretary shall publish such a notice in the Federal Register not later than 30 days after the date of the enactment of the Food and Drug Administration Amendments Act of 2007.

"(D) PAYMENT.—

"(i) IN GENERAL.—The fee required by subparagraph (A) (referred to in this section as 'an advisory review fee') shall be due not later than October 1 of the fiscal year in which the DTC advertisement involved is intended to be submitted for advisory review, subject to subparagraph (F)(i). Notwithstanding the preceding sentence, the advisory review fee for any DTC advertisement that is intended to be submitted for advisory review during fiscal year 2008 shall be due not later than 120 days after the date of the enactment of the Food and Drug Administration Amendments of 2007 or an earlier date as specified by the Secretary.

"(ii) EFFECT OF SUBMISSION.—Notification of the Secretary under subparagraph (C) of the number of DTC advertisements a person intends to submit for advisory review is a legally binding commitment by that person to pay the annual advisory review fee for that number of submissions on or before October 1 of the fiscal year in which the advertisement is intended to be submitted. Notwithstanding the preceding sentence, the commitment shall be a legally binding commitment by that person to pay the annual advisory review fee for that number of submissions for fiscal year 2008 by the date specified in clause (i).

"(iii) NOTICE REGARDING CARRYOVER SUBMISSIONS.—In making a notification under subparagraph (C), the person involved shall in addition notify the Secretary if under subparagraph (F)(i) the person intends to submit a DTC advertisement for which the advisory review fee has already been paid. If the person does not so notify the Secretary, each DTC advertisement submitted by the person for advisory review in the fiscal year involved shall be subject to the advisory review fee.

"(E) MODIFICATION OF ADVISORY REVIEW FEE.—

"(i) LATE PAYMENT.—If a person has submitted a notification under subparagraph (C) with respect to a fiscal year and has not paid all advisory review fees due under subparagraph (D) not later than November 1 of such fiscal year (or, in the case of such a notification submitted with respect to fiscal year 2008, not later than 150 days after the date of the enactment of the Food and Drug Administration Amendments Act of 2007 or an earlier date specified by the Secretary), the fees shall be regarded as late and an increase in the amount of fees applies in accordance with this clause, notwithstanding any other provision of this section. For such person, all advisory review fees for such fiscal year shall be due and payable 20 days before any direct-to-consumer advertisement is submitted to the Secretary for advisory review, and each such fee shall be equal to 150 percent of the fee that otherwise would have applied pursuant to subsection (c)(3).

"(ii) EXCEEDING IDENTIFIED NUMBER OF SUBMISSIONS.—If a person submits a number of DTC advertisements for advisory review in a fiscal year that exceeds the number identified by the person under subparagraph (C), an increase in the amount of fees applies under this clause for each submission in excess of such number, notwithstanding any other provision of this section. For each such DTC advertisement, the advisory review fee shall be due and payable 20 days before the advertisement is submitted to the Secretary, and the fee shall be equal to 150 percent of the fee that otherwise would have applied pursuant to subsection (c)(3).

"(F) LIMITS.—

"(i) SUBMISSIONS.—For each advisory review fee paid by a person for a fiscal year, the person is entitled to acceptance for advisory review by the Secretary of one DTC advertisement and acceptance of one resubmission for advisory review of the same advertisement. The advertisement shall be submitted for review in the fiscal year for which the fee was assessed, except that a person may carry over not more than one paid advisory review submission to the next fiscal year. Resubmissions may be submitted without regard to the fiscal year of the initial advisory review submission.

"(ii) NO REFUNDS.—Except as provided by subsections (d)(4) and (f), fees paid under this section shall not be refunded.

"(iii) NO WAIVERS, EXEMPTIONS, OR REDUCTIONS.—The Secretary shall not grant a waiver, exemption, or reduction of any fees due or payable under this section.

"(iv) RIGHT TO ADVISORY REVIEW NOT TRANSFERABLE.—The right to an advisory review under this paragraph is not transferable, except to a successor in interest.

"(2) OPERATING RESERVE FEE.—

"(A) IN GENERAL.—Each person that on or after October 1, 2007, is assessed an advisory review fee under paragraph (1) shall be subject to fee established under subsection (d)(2) (referred to in this section as an 'operating reserve fee') for the first fiscal year in which an advisory review fee is assessed to such person. The person is not subject to an operating reserve fee for any other fiscal year.

"(B) PAYMENT.—Except as provided in subparagraph (C), the operating reserve fee shall be due no later than—

"(i) October 1 of the first fiscal year in which the person is required to pay an advisory review fee under paragraph (1); or

"(ii) for fiscal year 2008, 120 days after the date of the enactment of the Food and Drug Administration Amendments Act of 2007 or an earlier date specified by the Secretary.

"(C) LATE NOTICE OF SUBMISSION.—If, in the first fiscal year of a person's participation in the program under this section, that person submits any DTC advertisements for advisory review that are in excess of the number identified by that person in response to the Federal Register notice described in subsection (a)(1)(C), that person shall pay an operating reserve fee for each of those advisory reviews equal to the advisory review fee for each submission established under paragraph (1)(E)(ii). Fees required by this subparagraph shall be in addition to any fees required by subparagraph (A). Fees under this subparagraph shall be due 20 days before any DTC advertisement is submitted by such person to the Secretary for advisory review.

"(D) LATE PAYMENT.—

"(i) IN GENERAL.—Notwithstanding subparagraph (B), and subject to clause (ii), an operating reserve fee shall be regarded as late if the person required to pay the fee has not paid the complete operating reserve fee by—

"(I) for fiscal year 2008, 150 days after the date of the enactment of the Food and Drug Administration Amendments Act of 2007 or an earlier date specified by the Secretary; or

"(II) in any subsequent year, November 1.

"(ii) COMPLETE PAYMENT.—The complete operating reserve fee shall be due and payable 20 days before any DTC advertisement is submitted by such person to the Secretary for advisory review.

"(iii) AMOUNT.—Notwithstanding any other provision of this section, an operating reserve fee that is regarded as late under this subparagraph shall be equal to 150 percent of the operating reserve fee that otherwise would have applied pursuant to subsection (d).

"(b) ADVISORY REVIEW FEE REVENUE AMOUNTS.—Fees under subsection (a)(1) shall be established to generate revenue amounts of $6,250,000 for each of fiscal years 2008 through 2012, as adjusted pursuant to subsections (c) and (g)(4).

"(c) ADJUSTMENTS.—

"(1) INFLATION ADJUSTMENT.—Beginning with fiscal year 2009, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

"(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

"(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 fiscal years of the previous 6 fiscal years.

The adjustment made each fiscal year by this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2008 under this subsection.

"(2) WORKLOAD ADJUSTMENT.—Beginning with fiscal year 2009, after the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary with respect to the submission of DTC advertisements for advisory review prior to initial dissemination. With respect to such adjustment:

"(A) The adjustment shall be determined by the Secretary based upon the number of DTC advertisements identified pursuant to subsection (a)(1)(C) for the upcoming fiscal year, excluding allowable previously paid carry over submissions. The adjustment shall be determined by multiplying the number of such advertisements projected for that fiscal year that exceeds 150 by $27,600 (adjusted each year beginning with fiscal year 2009 for inflation in accordance with paragraph (1)). The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

"(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the fee revenues established for the prior fiscal year.

"(3) ANNUAL FEE SETTING FOR ADVISORY REVIEW.—

"(A) IN GENERAL.—Not later than August 1 of each fiscal year (or, with respect to fiscal year 2008, not later than 90 days after the date of the enactment of the Food and Drug Administration Amendments Act of 2007), the Secretary shall establish for the next fiscal year the DTC advertisement advisory review fee under subsection (a)(1), based on the revenue amounts established under subsection (b), the adjustments provided under paragraphs (1) and (2), and the number of DTC advertisements identified pursuant to subsection (a)(1)(C), excluding allowable previously-paid carry over submissions. The annual advisory review fee shall be established by dividing the fee revenue for a fiscal year (as adjusted pursuant to this subsection) by the number of DTC advertisements so identified, excluding allowable previously-paid carry over submissions under subsection (a)(1)(F)(i).

"(B) FISCAL YEAR 2008 FEE LIMIT.—Notwithstanding subsection (b) and the adjustments pursuant to this subsection, the fee established under subparagraph (A) for fiscal year 2008 may not be more than $83,000 per submission for advisory review.

"(C) ANNUAL FEE LIMIT.—Notwithstanding subsection (b) and the adjustments pursuant to this subsection, the fee established under subparagraph (A) for a fiscal year after fiscal year 2008 may not be more than 50 percent more than the fee established for the prior fiscal year.

"(D) LIMIT.—The total amount of fees obligated for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the advisory review of prescription drug advertising.

"(d) OPERATING RESERVES.—

"(1) IN GENERAL.—The Secretary shall establish in the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation a Direct-to-Consumer Advisory Review Operating Reserve, of at least $6,250,000 in fiscal year 2008, to continue the program under this section in the event the fees collected in any subsequent fiscal year pursuant to subsection (a)(1) do not generate the fee revenue amount established for that fiscal year.

"(2) FEE SETTING.—The Secretary shall establish the operating reserve fee under subsection (a)(2)(A) for each person required to pay the fee by multiplying the number of DTC advertisements identified by that person pursuant to subsection (a)(1)(C) by the advisory review fee established pursuant to subsection (c)(3) for that fiscal year, except that in no case shall the operating reserve fee assessed be less than the operating reserve fee assessed if the person had first participated in the program under this section in fiscal year 2008.

"(3) USE OF OPERATING RESERVE.—The Secretary may use funds from the reserves only to the extent necessary in any fiscal year to make up the difference between the fee revenue amount established for that fiscal year under subsections (b) and (c) and the amount of fees actually collected for that fiscal year pursuant to subsection (a)(1), or to pay costs of ending the program under this section if it is terminated pursuant to subsection (f) or not reauthorized beyond fiscal year 2012.

"(4) REFUND OF OPERATING RESERVES.—Within 120 days after the end of fiscal year 2012, or if the program under this section ends early pursuant to subsection (f), the Secretary, after setting aside sufficient operating reserve amounts to terminate the program under this section, shall refund all amounts remaining in the operating reserve on a pro rata basis to each person that paid an operating reserve fee assessment. In no event shall the refund to any person exceed the total amount of operating reserve fees paid by such person pursuant to subsection (a)(2).

"(e) EFFECT OF FAILURE TO PAY FEES.—Notwithstanding any other requirement, a submission for advisory review of a DTC advertisement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person under this section have been paid.

"(f) EFFECT OF INADEQUATE FUNDING OF PROGRAM.—

"(1) INITIAL FUNDING.—If on November 1, 2007, or 120 days after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, whichever is later, the Secretary has not received at least $11,250,000 in advisory review fees and operating reserve fees combined, the program under this section shall not commence and all collected fees shall be refunded.

"(2) LATER FISCAL YEARS.—Beginning in fiscal year 2009, if, on November 1 of the fiscal year, the combination of the operating reserves, annual fee revenues from that fiscal year, and unobligated fee revenues from prior fiscal years falls below $9,000,000, adjusted for inflation (as described in subsection (c)(1)), the program under this section shall terminate, and the Secretary shall notify all participants, retain any money from the unused advisory review fees and the operating reserves needed to terminate the program, and refund the remainder of the unused fees and operating reserves. To the extent required to terminate the program, the Secretary shall first use unobligated advisory review fee revenues from prior fiscal years, then the operating reserves, and finally, unused advisory review fees from the relevant fiscal year.

"(g) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the advisory review of prescription drug advertising.

"(2) COLLECTIONS AND APPROPRIATION ACTS.—

"(A) IN GENERAL.—The fees authorized by this section—

"(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

"(ii) shall be available for obligation only if the amounts appropriated as budget authority for such fiscal year are sufficient to support a number of full-time equivalent review employees that is not fewer than the number of such employees supported in fiscal year 2007.

"(B) REVIEW EMPLOYEES.—For purposes of subparagraph (A)(ii), the term 'full-time equivalent review employees' means the total combined number of full-time equivalent employees in—

"(i) the Center for Drug Evaluation and Research, Division of Drug Marketing, Advertising, and Communications, Food and Drug Administration; and

"(ii) the Center for Biologics Evaluation and Research, Advertising and Promotional Labeling Branch, Food and Drug Administration.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2012, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted pursuant to subsection (c) and paragraph (4) of this subsection, plus amounts collected for the reserve fund under subsection (d).

"(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'advisory review' means reviewing and providing advisory comments on DTC advertisements regarding compliance of a proposed advertisement with the requirements of this Act prior to its initial public dissemination.

"(2) The term 'advisory review fee' has the meaning indicated for such term in subsection (a)(1)(D).

"(3) The term 'carry over submission' means a submission for an advisory review for which a fee was paid in one fiscal year that is submitted for review in the following fiscal year.

"(4) The term 'direct-to-consumer television advertisement' means an advertisement for a prescription drug product (as defined in section 735(3)) intended to be displayed on any television channel for less than 3 minutes.

"(5) The term 'DTC advertisement' has the meaning indicated for such term in subsection (a)(1)(A).

"(6) The term 'operating reserve fee' has the meaning indicated for such term in subsection (a)(2)(A).

"(7) The term 'person' includes an individual, partnership, corporation, and association, and any affiliate thereof or successor in interest.

"(8) The term 'process for the advisory review of prescription drug advertising' means the activities necessary to review and provide advisory comments on DTC advertisements prior to public dissemination and, to the extent the Secretary has additional staff resources available under the program under this section that are not necessary for the advisory review of DTC advertisements, the activities necessary to review and provide advisory comments on other proposed advertisements and promotional material prior to public dissemination.

"(9) The term 'resources allocated for the process for the advisory review of prescription drug advertising' means the expenses incurred in connection with the process for the advisory review of prescription drug advertising for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees, and to contracts with such contractors;

"(B) management of information, and the acquisition, maintenance, and repair of computer resources;

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies;

"(D) collection of fees under this section and accounting for resources allocated for the advisory review of prescription drug advertising; and

"(E) terminating the program under this section pursuant to subsection (f)(2) if that becomes necessary.

"(10) The term 'resubmission' means a subsequent submission for advisory review of a direct-to-consumer television advertisement that has been revised in response to the Secretary's comments on an original submission. A resubmission may not introduce significant new concepts or creative themes into the television advertisement.

"(11) The term 'submission for advisory review' means an original submission of a direct-to-consumer television advertisement for which the sponsor voluntarily requests advisory comments before the advertisement is publicly disseminated.".

SEC. 105. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 2 of subchapter C of chapter VII (21 U.S.C. 379g et seq.), as amended by section 104, is further amended by inserting after section 736A the following:

"SEC. 736B. REAUTHORIZATION; REPORTING REQUIREMENTS.

"(a) PERFORMANCE REPORT.—Beginning with fiscal year 2008, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(c) of the Food and Drug Administration Amendments Act of 2007 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.

"(b) FISCAL REPORT.—Beginning with fiscal year 2008, not later than 120 days after the end of each fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

"(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

"(d) REAUTHORIZATION.—

"(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for the process for the review of human drug applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) scientific and academic experts;

"(D) health care professionals;

"(E) representatives of patient and consumer advocacy groups; and

"(F) the regulated industry.

"(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the regulated industry on the reauthorization of this part, the Secretary shall—

"(A) publish a notice in the Federal Register requesting public input on the reauthorization;

"(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

"(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

"(D) publish the comments on the Food and Drug Administration's Internet Web site.

"(3) PERIODIC CONSULTATION.—Not less frequently than once every month during negotiations with the regulated industry, the Secretary shall hold discussions with representatives of patient and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

"(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

"(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

"(B) publish such recommendations in the Federal Register;

"(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

"(D) hold a meeting at which the public may present its views on such recommendations; and

"(E) after consideration of such public views and comments, revise such recommendations as necessary.

"(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to the Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

"(6) MINUTES OF NEGOTIATION MEETINGS.—

"(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the Secretary shall make publicly available, on the public Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the regulated industry.

"(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.".

SEC. 106. SUNSET DATES.

(a) AUTHORIZATION.—The amendments made by sections 102, 103, and 104 cease to be effective October 1, 2012.

(b) REPORTING REQUIREMENTS.—The amendment made by section 105 ceases to be effective January 31, 2013.

SEC. 107. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2007, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all human drug applications received on or after October 1, 2007, regardless of the date of the enactment of this Act.

SEC. 108. SAVINGS CLAUSE.

Notwithstanding section 509 of the Prescription Drug User Fee Amendments of 2002 (21 U.S.C. 379g note), and notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2002, but before October 1, 2007, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2008.

SEC. 109. TECHNICAL AMENDMENT; CONFORMING AMENDMENT.

(a) Section 739 (21 U.S.C. 379j–11) is amended in the matter preceding paragraph (1) by striking "subchapter" and inserting "part".

(b) Paragraph (11) of section 739 (21 U.S.C. 379j–11) is amended by striking "735(9)" and inserting "735(11)".

TITLE II—MEDICAL DEVICE USER FEE AMENDMENTS OF 2007

SEC. 201. SHORT TITLE; REFERENCES IN TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the "Medical Device User Fee Amendments of 2007".

(b) REFERENCES IN TITLE.—Except as otherwise specified, amendments made by this title to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) FINDING.—The Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

Subtitle A—Fees Related to Medical Devices

SEC. 211. DEFINITIONS.

Section 737 is amended—

(1) in the matter preceding paragraph (1), by striking "For purposes of this subchapter" and inserting "For purposes of this part";

(2) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (8), (9), (10), and (12), respectively;

(3) by inserting after paragraph (4) the following:

"(5) The term '30-day notice' means a notice under section 515(d)(6) that is limited to a request to make modifications to manufacturing procedures or methods of manufacture affecting the safety and effectiveness of the device.

"(6) The term 'request for classification information' means a request made under section 513(g) for information respecting the class in which a device has been classified or the requirements applicable to a device.

"(7) The term 'annual fee', for periodic reporting concerning a class III device, means the annual fee associated with periodic reports required by a premarket application approval order.";

(4) in paragraph (10), as so redesignated—

(A) by striking "April of the preceding fiscal year" and inserting "October of the preceding fiscal year"; and

(B) by striking "April 2002" and inserting "October 2001";

(5) by inserting after paragraph (10), as so amended, the following:

"(11) The term 'person' includes an affiliate thereof."; and

(6) by inserting after paragraph (12), as so redesignated, the following:

"(13) The term 'establishment subject to a registration fee' means an establishment that is required to register with the Secretary under section 510 and is one of the following types of establishments:

"(A) MANUFACTURER.—An establishment that makes by any means any article that is a device, including an establishment that sterilizes or otherwise makes such article for or on behalf of a specification developer or any other person.

"(B) SINGLE-USE DEVICE REPROCESSOR.—An establishment that, within the meaning of section 201(ll)(2)(A), performs additional processing and manufacturing operations on a single-use device that has previously been used on a patient.

"(C) SPECIFICATION DEVELOPER.—An establishment that develops specifications for a device that is distributed under the establishment's name but which performs no manufacturing, including an establishment that, in addition to developing specifications, also arranges for the manufacturing of devices labeled with another establishment's name by a contract manufacturer.".

SEC. 212. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—

(1) IN GENERAL.—Section 738(a) (21 U.S.C. 379j(a)) is amended—

(A) in paragraph (1), by striking "Beginning on the date of the enactment of the Medical Device User Fee and Modernization Act of 2002" and inserting "Beginning in fiscal year 2008"; and

(B) by amending the designation and heading of paragraph (2) to read as follows:

"(2) PREMARKET APPLICATION, PREMARKET REPORT, SUPPLEMENT, AND SUBMISSION FEE, AND ANNUAL FEE FOR PERIODIC REPORTING CONCERNING A CLASS III DEVICE.—".

(2) FEE AMOUNTS.—Section 738(a)(2)(A) (21 U.S.C. 379j(a)(2)(A)) is amended—

(A) in clause (iii), by striking "a fee equal to the fee that applies" and inserting "a fee equal to 75 percent of the fee that applies";

(B) in clause (iv), by striking "21.5 percent" and inserting "15 percent";

(C) in clause (v), by striking "7.2 percent" and inserting "7 percent";

(D) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively;

(E) by inserting after clause (v) the following:

"(vi) For a 30-day notice, a fee equal to 1.6 percent of the fee that applies under clause (i).";

(F) in clause (viii), as so redesignated—

(i) by striking "1.42 percent" and inserting "1.84 percent"; and

(ii) by striking ", subject to any adjustment under subsection (e)(2)(C)(ii)"; and

(G) by inserting after such clause (viii) the following:

"(ix) For a request for classification information, a fee equal to 1.35 percent of the fee that applies under clause (i).

"(x) For periodic reporting concerning a class III device, an annual fee equal to 3.5 percent of the fee that applies under clause (i).".

(3) PAYMENT.—Section 738(a)(2)(C) (21 U.S.C. 379j(a)(2)(C)) is amended to read as follows:

"(C) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the premarket application, premarket report, supplement, premarket notification submission, 30-day notice, request for classification information, or periodic reporting concerning a class III device. Applicants submitting portions of applications pursuant to section 515(c)(4) shall pay such fees upon submission of the first portion of such applications.".

(4) REFUNDS.—Section 738(a)(2)(D) (21 U.S.C. 379j(a)(2)(D)) is amended—

(A) in clause (iii), by striking the last two sentences; and

(B) by adding after clause (iii) the following:

"(iv) MODULAR APPLICATIONS WITHDRAWN BEFORE FIRST ACTION.—The Secretary shall refund 75 percent of the application fee paid for an application submitted under section 515(c)(4) that is withdrawn before a second portion is submitted and before a first action on the first portion.

"(v) LATER WITHDRAWN MODULAR APPLICATIONS.—If an application submitted under section 515(c)(4) is withdrawn after a second or subsequent portion is submitted but before any first action, the Secretary may return a portion of the fee. The amount of refund, if any, shall be based on the level of effort already expended on the review of the portions submitted.

"(vi) SOLE DISCRETION TO REFUND.—The Secretary shall have sole discretion to refund a fee or portion of the fee under clause (iii) or (v). A determination by the Secretary concerning a refund under clause (iii) or (v) shall not be reviewable.".

(5) ANNUAL ESTABLISHMENT REGISTRATION FEE.—Section 738(a) (21 U.S.C. 379j(a)) is amended by adding after paragraph (2) the following:

"(3) ANNUAL ESTABLISHMENT REGISTRATION FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each establishment subject to a registration fee shall be subject to a fee for each initial or annual registration under section 510 beginning with its registration for fiscal year 2008.

"(B) EXCEPTION.—No fee shall be required under subparagraph (A) for an establishment operated by a State or Federal governmental entity or an Indian tribe (as defined in the Indian Self Determination and Educational Assistance Act), unless a device manufactured by the establishment is to be distributed commercially.

"(C) PAYMENT.—The fee required under subparagraph (A) shall be due once each fiscal year, upon the initial registration of the establishment or upon the annual registration under section 510.".

(b) FEE AMOUNTS.—Section 738(b) (21 U.S.C. 379j(b)) is amended to read as follows:

"(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), (e), and (h) the fees under subsection (a) shall be based on the following fee amounts:

Fee Type	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
Premarket Application	$185,000	$200,725	$217,787	$236,298	$256,384
Establishment Registration	$1,706	$1,851	$2,008	$2,179	$2,364.''.

(c) ANNUAL FEE SETTING.—

(1) IN GENERAL.—Section 738(c) (21 U.S.C. 379j(c)(1)) is amended—

(A) in the subsection heading, by striking "Annual Fee Setting" and inserting "ANNUAL FEE SETTING"; and

(B) in paragraph (1), by striking the last sentence.

(2) ADJUSTMENT OF ANNUAL ESTABLISHMENT FEE.—Section 738(c) (21 U.S.C. 379j(c)), as amended by paragraph (1), is further amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following:

"(2) ADJUSTMENT.—

"(A) IN GENERAL.—When setting fees for fiscal year 2010, the Secretary may increase the fee under subsection (a)(3)(A) (applicable to establishments subject to registration) only if the Secretary estimates that the number of establishments submitting fees for fiscal year 2009 is fewer than 12,250. The percentage increase shall be the percentage by which the estimate of establishments submitting fees in fiscal year 2009 is fewer than 12,750, but in no case may the percentage increase be more than 8.5 percent over that specified in subsection (b) for fiscal year 2010. If the Secretary makes any adjustment to the fee under subsection (a)(3)(A) for fiscal year 2010, then such fee for fiscal years 2011 and 2012 shall be adjusted so that such fee for fiscal year 2011 is equal to the adjusted fee for fiscal year 2010 increased by 8.5 percent, and such fee for fiscal year 2012 is equal to the adjusted fee for fiscal year 2011 increased by 8.5 percent.

"(B) PUBLICATION.—For any adjustment made under subparagraph (A), the Secretary shall publish in the Federal Register the Secretary's determination to make the adjustment and the rationale for the determination."; and

(C) in paragraph (4), as redesignated by this paragraph, in subparagraph (A)—

(i) by striking "For fiscal years 2006 and 2007, the Secretary" and inserting "The Secretary"; and

(ii) by striking "for the first month of fiscal year 2008" and inserting "for the first month of the next fiscal year".

(d) SMALL BUSINESSES; FEE WAIVER AND FEE REDUCTION REGARDING PREMARKET APPROVAL.—

(1) IN GENERAL.—Section 738(d)(1) (21 U.S.C. 379j(d)(1)) is amended—

(A) by striking ", partners, and parent firms"; and

(B) by striking "clauses (i) through (vi) of subsection (a)(2)(A)" and inserting "clauses (i) through (v) and clauses (vii), (ix), and (x) of subsection (a)(2)(A)".

(2) RULES RELATING TO PREMARKET APPROVAL FEES.—

(A) DEFINITION.—Section 738(d)(2)(A) (21 U.S.C. 379j(d)(2)(A)) is amended by striking ", partners, and parent firms".

(B) EVIDENCE OF QUALIFICATION.—Section 738(d)(2)(B) (21 U.S.C. 379j(d)(2)(B)) is amended—

(i) by striking "(B) EVIDENCE OF QUALIFICATION.—An applicant" and inserting the following:

"(B) EVIDENCE OF QUALIFICATION.—

"(i) IN GENERAL.—An applicant";

(ii) by striking "The applicant shall support its claim" and inserting the following:

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim";

(iii) by striking ", partners, and parent firms" each place it appears;

(iv) by striking the last sentence and inserting "If no tax forms are submitted for any affiliate, the applicant shall certify that the applicant has no affiliates."; and

(v) by adding at the end the following:

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—In the case of an applicant that has not previously submitted a Federal income tax return, the applicant and each of its affiliates shall demonstrate that it meets the definition under subparagraph (A) by submission of a signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant or affiliate meets the criteria for a small business and a certification, in English, from the national taxing authority of the country in which the applicant or, if applicable, affiliate is headquartered. The certification from such taxing authority shall bear the official seal of such taxing authority and shall provide the applicant's or affiliate's gross receipts or sales for the most recent year in both the local currency of such country and in United States dollars, the exchange rate used in converting such local currency to dollars, and the dates during which these receipts or sales were collected. The applicant shall also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, or that the applicant has no affiliates.".

(3) REDUCED FEES.—Section 738(d)(2)(C) (21 U.S.C. 379j(d)(2)(C)) is amended to read as follows:

"(C) REDUCED FEES.—Where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fees established under subsection (c)(1) may be paid at a reduced rate of—

"(i) 25 percent of the fee established under such subsection for a premarket application, a premarket report, a supplement, or periodic reporting concerning a class III device; and

"(ii) 50 percent of the fee established under such subsection for a 30-day notice or a request for classification information.".

(e) SMALL BUSINESSES; FEE REDUCTION REGARDING PREMARKET NOTIFICATION SUBMISSIONS.—

(1) IN GENERAL.—Section 738(e)(1) (21 U.S.C. 379j(e)(1)) is amended—

(A) by striking "2004" and inserting "2008"; and

(B) by striking "(a)(2)(A)(vii)" and inserting "(a)(2)(A)(viii)".

(2) RULES RELATING TO PREMARKET NOTIFICATION SUBMISSIONS.—

(A) DEFINITION.—Section 738(e)(2)(A) (21 U.S.C. 379j(e)(2)(A)) is amended by striking ", partners, and parent firms".

(B) EVIDENCE OF QUALIFICATION.—Section 738(e)(2)(B) (21 U.S.C. 379j(e)(2)(B)) is amended—

(i) by striking "(B) EVIDENCE OF QUALIFICATION.—An applicant" and inserting the following:

"(B) EVIDENCE OF QUALIFICATION.—

"(i) IN GENERAL.—An applicant";

(ii) by striking "The applicant shall support its claim" and inserting the following:

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim";

(iii) by striking ", partners, and parent firms" each place it appears;

(iv) by striking the last sentence and inserting "If no tax forms are submitted for any affiliate, the applicant shall certify that the applicant has no affiliates."; and

(v) by adding at the end the following:

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—In the case of an applicant that has not previously submitted a Federal income tax return, the applicant and each of its affiliates shall demonstrate that it meets the definition under subparagraph (A) by submission of a signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant or affiliate meets the criteria for a small business and a certification, in English, from the national taxing authority of the country in which the applicant or, if applicable, affiliate is headquartered. The certification from such taxing authority shall bear the official seal of such taxing authority and shall provide the applicant's or affiliate's gross receipts or sales for the most recent year in both the local currency of such country and in United States dollars, the exchange rate used in converting such local currency to dollars, and the dates during which these receipts or sales were collected. The applicant shall also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, or that the applicant has no affiliates.".

(3) REDUCED FEES.—Section 738(e)(2)(C) (21 U.S.C. 379j(e)(2)(C)) is amended to read as follows:

"(C) REDUCED FEES.—For fiscal year 2008 and each subsequent fiscal year, where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fee for a premarket notification submission may be paid at 50 percent of the fee that applies under subsection (a)(2)(A)(viii), and as established under subsection (c)(1).".

(f) EFFECT OF FAILURE TO PAY FEES.—Section 738(f) (21 U.S.C. 379j(f)) is amended to read as follows:

"(f) EFFECT OF FAILURE TO PAY FEES.—

"(1) NO ACCEPTANCE OF SUBMISSIONS.—A premarket application, premarket report, supplement, premarket notification submission, 30-day notice, request for classification information, or periodic reporting concerning a class III device submitted by a person subject to fees under subsection (a)(2) and (a)(3) shall be considered incomplete and shall not be accepted by the Secretary until all fees owed by such person have been paid.

"(2) NO REGISTRATION.—Registration information submitted under section 510 by an establishment subject to a registration fee shall be considered incomplete and shall not be accepted by the Secretary until the registration fee under subsection (a)(3) owed for the establishment has been paid. Until the fee is paid and the registration is complete, the establishment is deemed to have failed to register in accordance with section 510.".

(g) CONDITIONS.—Section 738(g) (21 U.S.C. 379j(g)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) PERFORMANCE GOALS; TERMINATION OF PROGRAM.—With respect to the amount that, under the salaries and expenses account of the Food and Drug Administration, is appropriated for a fiscal year for devices and radiological products, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if—

"(A) the amount so appropriated for the fiscal year, excluding the amount of fees appropriated for the fiscal year, is more than 1 percent less than $205,720,000 multiplied by the adjustment factor applicable to such fiscal year; or

"(B) fees were not assessed under subsection (a) for the previous fiscal year."; and

(2) by amending paragraph (2) to read as follows:

"(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate for premarket applications, supplements, premarket reports, premarket notification submissions, 30-day notices, requests for classification information, periodic reporting concerning a class III device, and establishment registrations at any time in such fiscal year, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.".

(h) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 738(h)(3) (21 U.S.C. 379j(h)(3)) is amended to read as follows:

"(3) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $48,431,000 for fiscal year 2008;
"(B) $52,547,000 for fiscal year 2009;
"(C) $57,014,000 for fiscal year 2010;
"(D) $61,860,000 for fiscal year 2011; and
"(E) $67,118,000 for fiscal year 2012.".

(2) OFFSET.—Section 738(h)(4) (21 U.S.C. 379j(h)(3)) is amended to read as follows:

"(4) OFFSET.—If the cumulative amount of fees collected during fiscal years 2008, 2009, and 2010, added to the amount estimated to be collected for fiscal year 2011, which estimate shall be based upon the amount of fees received by the Secretary through June 30, 2011, exceeds the amount of fees specified in aggregate in paragraph (3) for these four fiscal years, the aggregate amount in excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

SEC. 213. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 3 of subchapter C of chapter VII is amended by inserting after section 738 the following:

"SEC. 738A. REAUTHORIZATION; REPORTING REQUIREMENTS.

"(a) REPORTS.—

"(1) PERFORMANCE REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(c) of the Food and Drug Administration Amendments Act of 2007 during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all device premarket applications and reports, supplements, and premarket notifications in the cohort.

"(2) FISCAL REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

"(3) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under paragraphs (1) and (2) available to the public on the Internet Web site of the Food and Drug Administration.

"(b) REAUTHORIZATION.—

"(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of device applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) scientific and academic experts;

"(D) health care professionals;

"(E) representatives of patient and consumer advocacy groups; and

"(F) the regulated industry.

"(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the regulated industry on the reauthorization of this part, the Secretary shall—

"(A) publish a notice in the Federal Register requesting public input on the reauthorization;

"(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a)(1);

"(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

"(D) publish the comments on the Food and Drug Administration's Internet Web site.

"(3) PERIODIC CONSULTATION.—Not less frequently than once every month during negotiations with the regulated industry, the Secretary shall hold discussions with representatives of patient and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

"(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

"(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

"(B) publish such recommendations in the Federal Register;

"(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

"(D) hold a meeting at which the public may present its views on such recommendations; and

"(E) after consideration of such public views and comments, revise such recommendations as necessary.

"(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

"(6) MINUTES OF NEGOTIATION MEETINGS.—

"(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the Secretary shall make publicly available, on the public Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the regulated industry.

"(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.".

SEC. 214. SAVINGS CLAUSE.

Notwithstanding section 107 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107-250), and notwithstanding the amendments made by this subtitle, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the day before the date of the enactment of this subtitle, shall continue to be in effect with respect to premarket applications, premarket reports, premarket notification submissions, and supplements (as defined in such part as of such day) that on or after October 1, 2002, but before October 1, 2007, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2008.

SEC. 215. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR POSTMARKET SAFETY INFORMATION.

For the purpose of collecting, developing, reviewing, and evaluating postmarket safety information on medical devices, there are authorized to be appropriated to the Food and Drug Administration, in addition to the amounts authorized by other provisions of law for such purpose—

(1) $7,100,000 for fiscal year 2008;
(2) $7,455,000 for fiscal year 2009;
(3) $7,827,750 for fiscal year 2010;
(4) $8,219,138 for fiscal year 2011; and
(5) $8,630,094 for fiscal year 2012.

SEC. 216. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on October 1, 2007, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act shall be assessed for all premarket applications, premarket reports, supplements, 30-day notices, and premarket notification submissions received on or after October 1, 2007, regardless of the date of the enactment of this Act.

SEC. 217. SUNSET CLAUSE.

The amendments made by this subtitle cease to be effective October 1, 2012, except that section 738A of the Federal Food, Drug, and Cosmetic Act (regarding annual performance and financial reports) ceases to be effective January 31, 2013.

Subtitle B—Amendments Regarding Regulation of Medical Devices

SEC. 221. EXTENSION OF AUTHORITY FOR THIRD PARTY REVIEW OF PREMARKET NOTIFICATION.

Section 523(c) (21 U.S.C. 360m(c)) is amended by striking "2007" and inserting "2012".

SEC. 222. REGISTRATION.

(a) ANNUAL REGISTRATION OF PRODUCERS OF DRUGS AND DEVICES.—Section 510(b) (21 U.S.C. 360(b)) is amended—

(1) by striking "(b) On or before" and inserting "(b)(1) On or before";

(2) by striking "or a device or devices"; and

(3) by adding at the end the following:

"(2) During the period beginning on October 1 and ending on December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a device or devices shall register with the Secretary his name, places of business, and all such establishments.".

(b) REGISTRATION OF FOREIGN ESTABLISHMENTS.—Section 510(i)(1) (21 U.S.C. 360(i)(1)) is amended by striking "On or before December 31" and all that follows and inserting the following: "Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary—

"(A) upon first engaging in any such activity, immediately register with the Secretary the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such drug or device in the United States that is known to the establishment, and the name of each person who imports or offers for import such drug or device to the United States for purposes of importation; and

"(B) each establishment subject to the requirements of subparagraph (A) shall thereafter—

"(i) with respect to drugs, register with the Secretary on or before December 31 of each year; and

"(ii) with respect to devices, register with the Secretary during the period beginning on October 1 and ending on December 31 of each year.".

SEC. 223. FILING OF LISTS OF DRUGS AND DEVICES MANUFACTURED, PREPARED, PROPAGATED, AND COMPOUNDED BY REGISTRANTS; STATEMENTS; ACCOMPANYING DISCLOSURES.

Section 510(j)(2) (21 U.S.C. 360(j)(2)) is amended, in the matter preceding subparagraph (A), by striking "Each person" and all that follows through "the following information:" and inserting "Each person who registers with the Secretary under this section shall report to the Secretary, with regard to drugs once during the month of June of each year and once during the month of December of each year, and with regard to devices once each year during the period beginning on October 1 and ending on December 31, the following information:".

SEC. 224. ELECTRONIC REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended to read as follows:

"(p) Registrations and listings under this section (including the submission of updated information) shall be submitted to the Secretary by electronic means unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.".

SEC. 225. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the appropriate use of the process under section 510(k) of the Federal Food, Drug, and Cosmetic Act as part of the device classification process to determine whether a new device is as safe and effective as a classified device.

(b) CONSIDERATION.—In determining the effectiveness of the premarket notification and classification authority under section 510(k) and subsections (f) and (i) of section 513 of the Federal Food, Drug, and Cosmetic Act, the study under subsection (a) shall consider the Secretary of Health and Human Services's evaluation of the respective intended uses and technologies of such devices, including the effectiveness of such Secretary's comparative assessment of technological characteristics such as device materials, principles of operations, and power sources.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Congress a report on the results of such study.

SEC. 226. UNIQUE DEVICE IDENTIFICATION SYSTEM.

(a) IN GENERAL.—Section 519 (21 U.S.C. 360i) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"Unique Device Identification System

"(f) The Secretary shall promulgate regulations establishing a unique device identification system for medical devices requiring the label of devices to bear a unique identifier, unless the Secretary requires an alternative placement or provides an exception for a particular device or type of device. The unique identifier shall adequately identify the device through distribution and use, and may include information on the lot or serial number.".

(b) CONFORMING AMENDMENT.—Section 303 (21 U.S.C. 333) is amended—

(1) by redesignating the subsection that follows subsection (e) as subsection (f); and

(2) in paragraph (1)(B)(ii) of subsection (f), as so redesignated, by striking "519(f)" and inserting "519(g)".

SEC. 227. FREQUENCY OF REPORTING FOR CERTAIN DEVICES.

Subparagraph (B) of section 519(a)(1) (21 U.S.C. 360i(a)(1)) is amended by striking "were to recur;" and inserting the following: "were to recur, which report under this subparagraph—

"(i) shall be submitted in accordance with part 803 of title 21, Code of Federal Regulations (or successor regulations), unless the Secretary grants an exemption or variance from, or an alternative to, a requirement under such regulations pursuant to section 803.19 of such part, if the device involved is—

"(I) a class III device;

"(II) a class II device that is permanently implantable, is life supporting, or is life sustaining; or

"(III) a type of device which the Secretary has, by notice published in the Federal Register or letter to the person who is the manufacturer or importer of the device, indicated should be subject to such part 803 in order to protect the public health;

"(ii) shall, if the device is not subject to clause (i), be submitted in accordance with criteria established by the Secretary for reports made pursuant to this clause, which criteria shall require the reports to be in summary form and made on a quarterly basis; or

"(iii) shall, if the device is imported into the United States and for which part 803 of title 21, Code of Federal Regulations (or successor regulations) requires an importer to submit a report to the manufacturer, be submitted by the importer to the manufacturer in accordance with part 803 of title 21, Code of Federal Regulations (or successor regulations)".

SEC. 228. INSPECTIONS BY ACCREDITED PERSONS.

Section 704(g) (21 U.S.C. 374(g)) is amended—

(1) in paragraph (1), by striking "Not later than one year after the date of the enactment of this subsection, the Secretary" and inserting "The Secretary";

(2) in paragraph (2), by—

(A) striking "Not later than 180 days after the date of enactment of this subsection, the Secretary" and inserting "The Secretary"; and

(B) striking the fifth sentence;

(3) in paragraph (3), by adding at the end the following:

"(F) Such person shall notify the Secretary of any withdrawal, suspension, restriction, or expiration of certificate of conformance with the quality systems standard referred to in paragraph (7) for any device establishment that such person inspects under this subsection not later than 30 days after such withdrawal, suspension, restriction, or expiration.

"(G) Such person may conduct audits to establish conformance with the quality systems standard referred to in paragraph (7).";

(4) by amending paragraph (6) to read as follows:

"(6)(A) Subject to subparagraphs (B) and (C), a device establishment is eligible for inspection by persons accredited under paragraph (2) if the following conditions are met:

"(i) The Secretary classified the results of the most recent inspection of the establishment as 'no action indicated' or 'voluntary action indicated'.

"(ii) With respect to inspections of the establishment to be conducted by an accredited person, the owner or operator of the establishment submits to the Secretary a notice that—

"(I) provides the date of the last inspection of the establishment by the Secretary and the classification of that inspection;

"(II) states the intention of the owner or operator to use an accredited person to conduct inspections of the establishment;

"(III) identifies the particular accredited person the owner or operator intends to select to conduct such inspections; and

"(IV) includes a certification that, with respect to the devices that are manufactured, prepared, propagated, compounded, or processed in the establishment—

"(aa) at least 1 of such devices is marketed in the United States; and

"(bb) at least 1 of such devices is marketed, or is intended to be marketed, in 1 or more foreign countries, 1 of which countries certifies, accredits, or otherwise recognizes the person accredited under paragraph (2) and identified under subclause (III) as a person authorized to conduct inspections of device establishments.

"(B)(i) Except with respect to the requirement of subparagraph (A)(i), a device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 30 days after receiving such notice, issues a response that—

"(I) denies clearance to participate as provided under subparagraph (C); or

"(II) makes a request under clause (ii).

"(ii) The Secretary may request from the owner or operator of a device establishment in response to the notice under subparagraph (A)(ii) with respect to the establishment, or from the particular accredited person identified in such notice—

"(I) compliance data for the establishment in accordance with clause (iii)(I); or

"(II) information concerning the relationship between the owner or operator of the establishment and the accredited person identified in such notice in accordance with clause (iii)(II).

The owner or operator of the establishment, or such accredited person, as the case may be, shall respond to such a request not later than 60 days after receiving such request.

"(iii)(I) The compliance data to be submitted by the owner or operator of a device establishment in response to a request under clause (ii)(I) are data describing whether the quality controls of the establishment have been sufficient for ensuring consistent compliance with current good manufacturing practice within the meaning of section 501(h) and with other applicable provisions of this Act. Such data shall include complete reports of inspectional findings regarding good manufacturing practice or other quality control audits that, during the preceding 2-year period, were conducted at the establishment by persons other than the owner or operator of the establishment, together with all other compliance data the Secretary deems necessary. Data under the preceding sentence shall demonstrate to the Secretary whether the establishment has facilitated consistent compliance by promptly correcting any compliance problems identified in such inspections.

"(II) A request to an accredited person under clause (ii)(II) may not seek any information that is not required to be maintained by such person in records under subsection (f)(1).

"(iv) A device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 60 days after receiving the information requested under clause (ii), issues a response that denies clearance to participate as provided under subparagraph (C).

"(C)(i) The Secretary may deny clearance to a device establishment if the Secretary has evidence that the certification under subparagraph (A)(ii)(IV) is untrue and the Secretary provides to the owner or operator of the establishment a statement summarizing such evidence.

"(ii) The Secretary may deny clearance to a device establishment if the Secretary determines that the establishment has failed to demonstrate consistent compliance for purposes of subparagraph (B)(iii)(I) and the Secretary provides to the owner or operator of the establishment a statement of the reasons for such determination.

"(iii)(I) The Secretary may reject the selection of the accredited person identified in the notice under subparagraph (A)(ii) if the Secretary provides to the owner or operator of the establishment a statement of the reasons for such rejection. Reasons for the rejection may include that the establishment or the accredited person, as the case may be, has failed to fully respond to the request, or that the Secretary has concerns regarding the relationship between the establishment and such accredited person.

"(II) If the Secretary rejects the selection of an accredited person by the owner or operator of a device establishment, the owner or operator may make an additional selection of an accredited person by submitting to the Secretary a notice that identifies the additional selection. Clauses (i) and (ii) of subparagraph (B), and subclause (I) of this clause, apply to the selection of an accredited person through a notice under the preceding sentence in the same manner and to the same extent as such provisions apply to a selection of an accredited person through a notice under subparagraph (A)(ii).

"(iv) In the case of a device establishment that is denied clearance under clause (i) or (ii) or with respect to which the selection of the accredited person is rejected under clause (iii), the Secretary shall designate a person to review the statement of reasons, or statement summarizing such evidence, as the case may be, of the Secretary under such clause if, during the 30-day period beginning on the date on which the owner or operator of the establishment receives such statement, the owner or operator requests the review. The review shall commence not later than 30 days after the owner or operator requests the review, unless the Secretary and the owner or operator otherwise agree.";

(5) in paragraph (7)—

(A) in subparagraph (A), by striking "(A) Persons" and all that follows through the end and inserting the following: "(A) Persons accredited under paragraph (2) to conduct inspections shall record in writing their inspection observations and shall present the observations to the device establishment's designated representative and describe each observation. Additionally, such accredited person shall prepare an inspection report in a form and manner designated by the Secretary to conduct inspections, taking into consideration the goals of international harmonization of quality systems standards. Any official classification of the inspection shall be determined by the Secretary."; and

(B) by adding at the end the following:

"(F) For the purpose of setting risk-based inspectional priorities, the Secretary shall accept voluntary submissions of reports of audits assessing conformance with appropriate quality systems standards set by the International Organization for Standardization (ISO) and identified by the Secretary in public notice. If the owner or operator of an establishment elects to submit audit reports under this subparagraph, the owner or operator shall submit all such audit reports with respect to the establishment during the preceding 2-year periods."; and

(6) in paragraph (10)(C)(iii), by striking "based" and inserting "base".

SEC. 229. STUDY OF NOSOCOMIAL INFECTIONS RELATING TO MEDICAL DEVICES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the number of nosocomial infections attributable to new and reused medical devices; and

(2) the causes of such nosocomial infections, including the following:

(A) Reprocessed single-use devices.

(B) Handling of sterilized medical devices.

(C) In-hospital sterilization of medical devices.

(D) Health care professionals' practices for patient examination and treatment.

(E) Hospital-based policies and procedures for infection control and prevention.

(F) Hospital-based practices for handling of medical waste.

(G) Other causes.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Congress a report on the results of such study.

(c) DEFINITION.—In this section, the term "nosocomial infection" means an infection that is acquired while an individual is a patient at a hospital and was neither present nor incubating in the patient prior to receiving services in the hospital.

SEC. 230. REPORT BY THE FOOD AND DRUG ADMINISTRATION REGARDING LABELING INFORMATION ON THE RELATIONSHIP BETWEEN THE USE OF INDOOR TANNING DEVICES AND DEVELOPMENT OF SKIN CANCER OR OTHER SKIN DAMAGE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, shall determine—

(1) whether the labeling requirements for indoor tanning devices, including the positioning requirements, provide sufficient information to consumers regarding the risks that the use of such devices pose for the development of irreversible damage to the eyes and skin, including skin cancer; and

(2)(A) whether modifying the warning label required on tanning beds to read, "Ultraviolet radiation can cause skin cancer", or any other additional warning, would communicate the risks of indoor tanning more effectively; or

(B) whether there is no warning that would be capable of adequately communicating such risks.

(b) CONSUMER TESTING.—In making the determinations under subsection (a), the Secretary shall conduct appropriate consumer testing to determine consumer understanding of label warnings.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that provides the determinations under subsection (a). In addition, the Secretary shall include in the report the measures being implemented by the Secretary to significantly reduce the risks associated with indoor tanning devices.

TITLE III—PEDIATRIC MEDICAL DEVICE SAFETY AND IMPROVEMENT ACT OF 2007

SEC. 301. SHORT TITLE.

This title may be cited as the "Pediatric Medical Device Safety and Improvement Act of 2007".

SEC. 302. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

"SEC. 515A. PEDIATRIC USES OF DEVICES.

"(a) NEW DEVICES.—

"(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

"(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

"(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

"(B) the number of affected pediatric patients.

"(3) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

"(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

"(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

"(C) the number of pediatric devices approved in the year preceding the year in which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

"(D) the review time for each device described in subparagraphs (A), (B), and (C).

"(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

"(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

"(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.

"(c) PEDIATRIC SUBPOPULATION.—For purposes of this section, the term 'pediatric subpopulation' has the meaning given the term in section 520(m)(6)(E)(ii).".

SEC. 303. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking "No" and inserting "Except as provided in paragraph (6), no";

(2) in paragraph (5)—

(A) by inserting ", if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met," after "public health"; and

(B) by adding at the end the following: "If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing."; and

(3) by striking paragraph (6) and inserting after paragraph (5) the following new paragraphs:

"(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

"(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

"(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of the enactment of the Pediatric Medical Device Safety and Improvement Act of 2007.

"(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

"(iv) The request for such exemption is submitted on or before October 1, 2012.

"(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

"(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

"(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

"(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

"(I) Neonates.

"(II) Infants.

"(III) Children.

"(IV) Adolescents.

"(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.

"(8) The Secretary, acting through the Office of Pediatric Therapeutics and the Center for Devices and Radiological Health, shall provide for an annual review by the Pediatric Advisory Committee of all devices described in paragraph (6) to ensure that the exemption under paragraph (2) remains appropriate for the pediatric populations for which it is granted.".

(b) REPORT.—Not later than January 1, 2012, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of purchasing pediatric devices, based on a representative sampling of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any

modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 305, which shall include an evaluation of the number of pediatric medical devices—

(A) that have been or are being studied in children; and

(B) that have been submitted to the Food and Drug Administration for approval, clearance, or review under such section 520(m) (as amended by this Act) and any regulatory actions taken.

(c) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 304. ENCOURAGING PEDIATRIC MEDICAL DEVICE RESEARCH.

(a) CONTACT POINT FOR AVAILABLE FUNDING.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (21), by striking "and" after the semicolon at the end;

(2) in paragraph (22), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (22) the following:

"(23) shall designate a contact point or office to help innovators and physicians identify sources of funding available for pediatric medical device development.".

(b) PLAN FOR PEDIATRIC MEDICAL DEVICE RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, the Director of the National Institutes of Health, and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Secretary of Health and Human Services shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(2) CONTENTS.—The plan under paragraph (1) shall include—

(A) the current status of federally funded pediatric medical device research;

(B) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(C) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

SEC. 305. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) IN GENERAL.—

(1) REQUEST FOR PROPOSALS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue a request for proposals for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) DETERMINATION ON GRANTS OR CONTRACTS.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) APPLICATION.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—A nonprofit consortium that receives a grant or contract under this section shall facilitate the development, production, and distribution of pediatric medical devices by—

(1) encouraging innovation and connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentoring and managing pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connecting innovators and physicians to existing Federal and non-Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assessing the scientific and medical merit of proposed pediatric device projects; and

(5) providing assistance and advice as needed on business development, personnel training, prototype development, postmarket needs, and other activities consistent with the purposes of this section.

(d) COORDINATION.—

(1) NATIONAL INSTITUTES OF HEALTH.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 402(b)(23) of the Public Health Service Act, as added by section 304(a) of this Act; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) FOOD AND DRUG ADMINISTRATION.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(3) EFFECTIVENESS AND OUTCOMES.—Each consortium that receives a grant or contract under this section shall annually report to the Secretary of Health and Human Services on the status of pediatric device development, production, and distribution that has been facilitated by the consortium.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 306. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) OFFICE OF PEDIATRIC THERAPEUTICS.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(b) PEDIATRIC ADVISORY COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions;"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 307. POSTMARKET SURVEILLANCE.

Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) by amending the section heading and designation to read as follows:

"SEC. 522. POSTMARKET SURVEILLANCE.";

(2) by striking subsection (a) and inserting the following:

"(a) POSTMARKET SURVEILLANCE.—

"(1) IN GENERAL.—

"(A) CONDUCT.—The Secretary may by order require a manufacturer to conduct postmarket surveillance for any device of the manufacturer that is a class II or class III device—

"(i) the failure of which would be reasonably likely to have serious adverse health consequences;

"(ii) that is expected to have significant use in pediatric populations; or

"(iii) that is intended to be—

"(I) implanted in the human body for more than 1 year; or

"(II) a life-sustaining or life-supporting device used outside a device user facility.

"(B) CONDITION.—The Secretary may order a postmarket surveillance under subparagraph (A) as a condition to approval or clearance of a device described in subparagraph (A)(ii).

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1) shall have no effect on authorities otherwise provided under the Act or regulations issued under this Act."; and

(3) in subsection (b)—

(A) by striking "(b) SURVEILLANCE APPROVAL.—Each" and inserting the following:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) LONGER SURVEILLANCE FOR PEDIATRIC DEVICES.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety or efficacy of the device.

"(c) DISPUTE RESOLUTION.—A manufacturer may request review under section 562 of any order or condition requiring postmarket surveillance under this section. During the pendency of such review, the device subject to such a postmarket surveillance order or condition shall not, because of noncompliance with such order or condition, be deemed in violation of section 301(q)(1)(C), adulterated under section 501(f)(1), misbranded under section 502(t)(3), or in violation of, as applicable, section 510(k) or section 515, unless deemed necessary to protect the public health.".

TITLE IV—PEDIATRIC RESEARCH EQUITY ACT OF 2007

SEC. 401. SHORT TITLE.

This title may be cited as the "Pediatric Research Equity Act of 2007".

SEC. 402. REAUTHORIZATION OF PEDIATRIC RESEARCH EQUITY ACT.

(a) IN GENERAL.—Section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended to read as follows:

"SEC. 505B. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

"(a) NEW DRUGS AND BIOLOGICAL PRODUCTS.—

"(1) IN GENERAL.—A person that submits, on or after the date of the enactment of the Pediatric Research Equity Act of 2007, an application (or supplement to an application)—

"(A) under section 505 for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration, or

"(B) under section 351 of the Public Health Service Act (42 U.S.C. 262) for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration,

shall submit with the application the assessments described in paragraph (2).

"(2) ASSESSMENTS.—

"(A) IN GENERAL.—The assessments referred to in paragraph (1) shall contain data, gathered using appropriate formulations for each age group for which the assessment is required, that are adequate—

"(i) to assess the safety and effectiveness of the drug or the biological product for the claimed indications in all relevant pediatric subpopulations; and

"(ii) to support dosing and administration for each pediatric subpopulation for which the drug or the biological product is safe and effective.

"(B) SIMILAR COURSE OF DISEASE OR SIMILAR EFFECT OF DRUG OR BIOLOGICAL PRODUCT.—

"(i) IN GENERAL.—If the course of the disease and the effects of the drug are sufficiently similar in adults and pediatric patients, the Secretary may conclude that pediatric effectiveness can be extrapolated from adequate and well-controlled studies in adults, usually supplemented with other information obtained in pediatric patients, such as pharmacokinetic studies.

"(ii) EXTRAPOLATION BETWEEN AGE GROUPS.—A study may not be needed in each pediatric age group if data from one age group can be extrapolated to another age group.

"(iii) INFORMATION ON EXTRAPOLATION.—A brief documentation of the scientific data supporting the conclusion under clauses (i) and (ii) shall be included in any pertinent reviews for the application under section 505 of this Act or section 351 of the Public Health Service Act (42 U.S.C. 262).

"(3) DEFERRAL.—

"(A) IN GENERAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

"(i) the Secretary finds that—

"(I) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

"(II) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

"(III) there is another appropriate reason for deferral; and

"(ii) the applicant submits to the Secretary—

"(I) certification of the grounds for deferring the assessments;

"(II) a description of the planned or ongoing studies;

"(III) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time; and

"(IV) a timeline for the completion of such studies.

"(B) ANNUAL REVIEW.—

"(i) IN GENERAL.—On an annual basis following the approval of a deferral under subparagraph (A), the applicant shall submit to the Secretary the following information:

"(I) Information detailing the progress made in conducting pediatric studies.

"(II) If no progress has been made in conducting such studies, evidence and documentation that such studies will be conducted with due diligence and at the earliest possible time.

"(ii) PUBLIC AVAILABILITY.—The information submitted through the annual review under clause (i) shall promptly be made available to the public in an easily accessible manner, including through the Web site of the Food and Drug Administration.

"(4) WAIVERS.—

"(A) FULL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients is so small or the patients are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups; or

"(iii) the drug or biological product—

"(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients; and

"(II) is not likely to be used in a substantial number of pediatric patients.

"(B) PARTIAL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

"(iii) the drug or biological product—

"(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

"(II) is not likely to be used by a substantial number of pediatric patients in that age group; or

"(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

"(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation. An applicant seeking either a full or partial waiver shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the Web site of the Food and Drug Administration.

"(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

"(b) MARKETED DRUGS AND BIOLOGICAL PRODUCTS.—

"(1) IN GENERAL.—After providing notice in the form of a letter (that, for a drug approved under section 505, references a declined written request under section 505A for a labeled indication which written request is not referred under section 505A(n)(1)(A) to the Foundation of the National Institutes of Health for the pediatric studies), the Secretary may (by order in the form of a letter) require the sponsor or holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act to submit by a specified date the assessments described in subsection (a)(2), if the Secretary finds that—

"(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

"(ii) adequate pediatric labeling could confer a benefit on pediatric patients;

"(B) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; or

"(C) the absence of adequate pediatric labeling could pose a risk to pediatric patients.

"(2) WAIVERS.—

"(A) FULL WAIVER.—At the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments under this subsection if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed); or

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups.

"(B) PARTIAL WAIVER.—At the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

"(iii)(I) the drug or biological product—

"(aa) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

"(bb) is not likely to be used in a substantial number of pediatric patients in that age group; and

"(II) the absence of adequate labeling could not pose significant risks to pediatric patients; or

"(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

"(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation. An applicant seeking either a full or partial waiver shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the Web site of the Food and Drug Administration.

"(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

"(c) MEANINGFUL THERAPEUTIC BENEFIT.—For the purposes of paragraph (4)(A)(iii)(I) and (4)(B)(iii)(I) of subsection (a) and paragraphs (1)(B) and (2)(B)(iii)(I)(aa) of subsection (b), a drug or biological product shall be considered to represent a meaningful therapeutic benefit over existing therapies if the Secretary determines that—

"(1) if approved, the drug or biological product could represent an improvement in the treatment, diagnosis, or prevention of a disease, compared with marketed products adequately labeled for that use in the relevant pediatric population; or

"(2) the drug or biological product is in a class of products or for an indication for which there is a need for additional options.

"(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit an assessment described in subsection (a)(2), or a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b)—

"(1) the drug or biological product that is the subject of the assessment or request may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303); but

"(2) the failure to submit the assessment or request shall not be the basis for a proceeding—

"(A) to withdraw approval for a drug under section 505(e); or

"(B) to revoke the license for a biological product under section 351 of the Public Health Service Act.

"(e) MEETINGS.—Before and during the investigational process for a new drug or biological product, the Secretary shall meet at appropriate times with the sponsor of the new drug or biological product to discuss—

"(1) information that the sponsor submits on plans and timelines for pediatric studies; or

"(2) any planned request by the sponsor for waiver or deferral of pediatric studies.

"(f) REVIEW OF PEDIATRIC PLANS, ASSESSMENTS, DEFERRALS, AND WAIVERS.—

"(1) REVIEW.—Beginning not later than 30 days after the date of the enactment of the Pediatric Research Equity Act of 2007, the Secretary shall utilize the internal committee established under section 505C to provide consultation to reviewing divisions on all pediatric plans and assessments prior to approval of an application or supplement for which a pediatric assessment is required under this section and all deferral and waiver requests granted pursuant to this section.

"(2) ACTIVITY BY COMMITTEE.—The committee referred to in paragraph (1) may operate using appropriate members of such committee and need not convene all members of the committee.

"(3) DOCUMENTATION OF COMMITTEE ACTION.—For each drug or biological product, the committee referred to in paragraph (1) shall document, for each activity described in paragraph (4) or (5), which members of the committee participated in such activity.

"(4) REVIEW OF PEDIATRIC PLANS, ASSESSMENTS, DEFERRALS, AND WAIVERS.—Consultation on pediatric plans and assessments by the committee referred to in paragraph (1) pursuant to this section shall occur prior to approval of an application or supplement for which a pediatric assessment is required under this section. The committee shall review all requests for deferrals and waivers from the requirement to submit a pediatric assessment granted under this section and shall provide recommendations as needed to reviewing divisions, including with respect to whether such a supplement, when submitted, shall be considered for priority review.

"(5) RETROSPECTIVE REVIEW OF PEDIATRIC ASSESSMENTS, DEFERRALS, AND WAIVERS.—Not later than 1 year after the date of the enactment of the Pediatric Research Equity Act of 2007, the committee referred to in paragraph (1) shall conduct a retrospective review and analysis of a representative sample of assessments submitted and deferrals and waivers approved under this section since the enactment of the Pediatric Research Equity Act of 2003. Such review shall include an analysis of the quality and consistency of pediatric information in pediatric assessments and the appropriateness of waivers and deferrals granted. Based on such review, the Secretary shall issue recommendations to the review divisions for improvements and initiate guidance to industry related to the scope of pediatric studies required under this section.

"(6) TRACKING OF ASSESSMENTS AND LABELING CHANGES.—The Secretary, in consultation with the committee referred to in paragraph (1), shall track and make available to the public in an easily accessible manner, including through posting on the Web site of the Food and Drug Administration—

"(A) the number of assessments conducted under this section;

"(B) the specific drugs and biological products and their uses assessed under this section;

"(C) the types of assessments conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

"(D) the total number of deferrals requested and granted under this section and, if granted, the reasons for such deferrals, the timeline for completion, and the number completed and pending by the specified date, as outlined in subsection (a)(3);

"(E) the number of waivers requested and granted under this section and, if granted, the reasons for the waivers;

"(F) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons any such formulation was not developed;

"(G) the labeling changes made as a result of assessments conducted under this section;

"(H) an annual summary of labeling changes made as a result of assessments conducted under this section for distribution pursuant to subsection (h)(2);

"(I) an annual summary of information submitted pursuant to subsection (a)(3)(B); and

"(J) the number of times the committee referred to in paragraph (1) made a recommendation to the Secretary under paragraph (4) regarding priority review, the number of times the Secretary followed or did not follow such a recommendation, and, if not followed, the reasons why such a recommendation was not followed.

"(g) LABELING CHANGES.—

"(1) DISPUTE RESOLUTION.—

"(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If, on or after the date of the enactment of the Pediatric Research Equity Act of 2007, the Commissioner determines that a sponsor and the Commissioner have been unable to reach agreement on appropriate changes to the labeling for the drug that is the subject of the application or supplement, not later than 180 days after the date of the submission of the application or supplement—

"(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

"(ii) if the sponsor does not agree within 30 days after the Commissioner's request to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

"(i) review the pediatric study reports; and

"(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

"(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application or supplement to make any labeling changes that the Commissioner determines to be appropriate.

"(D) MISBRANDING.—If the sponsor of the application or supplement, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application or supplement to be misbranded.

"(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

"(2) OTHER LABELING CHANGES.—If, on or after the date of the enactment of the Pediatric Research Equity Act of 2007, the Secretary makes a determination that a pediatric assessment conducted under this section does or does not demonstrate that the drug that is the subject of such assessment is safe and effective in pediatric populations or subpopulations, including whether such assessment results are inconclusive, the Secretary shall order the label of such product to include information about the results of the assessment and a statement of the Secretary's determination.

"(h) DISSEMINATION OF PEDIATRIC INFORMATION.—

"(1) IN GENERAL.—Not later than 210 days after the date of submission of a pediatric assessment under this section, the Secretary shall make available to the public in an easily accessible manner the medical, statistical, and clinical pharmacology reviews of such pediatric assessments, and shall post such assessments on the Web site of the Food and Drug Administration.

"(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of the enactment of the Pediatric Research Equity Act of 2007, the Secretary shall require that the sponsors of the assessments that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(6)(H) distribute such information to physicians and other health care providers.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection shall alter or amend section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

"(i) ADVERSE EVENT REPORTING.—

"(1) REPORTING IN YEAR ONE.—Beginning on the date of the enactment of the Pediatric Research Equity Act of 2007, during the one-year period beginning on the date a labeling change is made pursuant to subsection (g), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics. In considering such reports, the Director of such Office shall provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to such reports.

"(2) REPORTING IN SUBSEQUENT YEARS.—Following the one-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

"(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.

"(j) SCOPE OF AUTHORITY.—Nothing in this section provides to the Secretary any authority to require a pediatric assessment of any drug or biological product, or any assessment regarding other populations or uses of a drug or biological product, other than the pediatric assessments described in this section.

"(k) ORPHAN DRUGS.—Unless the Secretary requires otherwise by regulation, this section does not apply to any drug for an indication for which orphan designation has been granted under section 526.

"(l) INSTITUTE OF MEDICINE STUDY.—

"(1) IN GENERAL.—Not later than three years after the date of the enactment of the Pediatric Research Equity Act of 2007, the Secretary shall contract with the Institute of Medicine to conduct a study and report to Congress regarding the pediatric studies conducted pursuant to this section or precursor regulations since 1997 and labeling changes made as a result of such studies.

"(2) CONTENT OF STUDY.—The study under paragraph (1) shall review and assess the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, the number and type of pediatric adverse events, and ethical issues in pediatric clinical trials.

"(3) REPRESENTATIVE SAMPLE.—The Institute of Medicine may devise an appropriate mechanism to review a representative sample of studies conducted pursuant to this section from each review division within the Center for Drug Evaluation and Research in order to make the requested assessment.

"(m) INTEGRATION WITH OTHER PEDIATRIC STUDIES.—The authority under this section shall remain in effect so long as an application subject to this section may be accepted for filing by the Secretary on or before the date specified in section 505A(q).".

(b) APPLICABILITY.—

(1) IN GENERAL.—Notwithstanding subsection (h) of section 505B of the Federal Food, Drug and Cosmetic Act, as in effect on the day before the date of the enactment of this Act, a pending assessment, including a deferred assessment, required under such section 505B shall be deemed to have been required under section 505B of the Federal Food, Drug and Cosmetic Act as in effect on or after the date of the enactment of this Act.

(2) CERTAIN ASSESSMENTS AND WAIVER REQUESTS.—An assessment pending on or after the date that is 1 year prior to the date of the enactment of this Act shall be subject to the tracking and disclosure requirements established under such section 505B, as in effect on or after such date of enactment, except that any such assessments submitted or waivers of such assessments requested before such date of enactment shall not be subject to subsections (a)(4)(C), (b)(2)(C), (f)(6)(F), and (h) of such section 505B.

SEC. 403. ESTABLISHMENT OF INTERNAL COMMITTEE.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505B the following:

"SEC. 505C. INTERNAL COMMITTEE FOR REVIEW OF PEDIATRIC PLANS, ASSESSMENTS, DEFERRALS, AND WAIVERS.

"The Secretary shall establish an internal committee within the Food and Drug Administration to carry out the activities as described in sections 505A(f) and 505B(f). Such internal committee shall include employees of the Food and Drug Administration, with expertise in pediatrics (including representation from the Office of Pediatric Therapeutics), biopharmacology, statistics, chemistry, legal issues, pediatric ethics, and the appropriate expertise pertaining to the pediatric product under review, such as expertise in child and adolescent psychiatry, and other individuals designated by the Secretary.".

SEC. 404. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than January 1, 2011, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to the Congress a report that addresses the effectiveness of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) and section 409I of the Public Health Service Act (42 U.S.C. 284m) in ensuring that medicines used by children are tested and properly labeled. Such report shall include—

(1) the number and importance of drugs and biological products for children that are being tested as a result of the amendments made by this title and title V and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs and biological products for children that are not being tested for their use notwithstanding the provisions of this title and title V and possible reasons for the lack of testing;

(3) the number of drugs and biological products for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this title, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee;

(4) any recommendations for modifications to the programs established under sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act (42 U.S.C. 284m) that the Secretary determines to be appropriate, including a detailed rationale for each recommendation; and

(5)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe.

TITLE V—BEST PHARMACEUTICALS FOR CHILDREN ACT OF 2007

SEC. 501. SHORT TITLE.

This title may be cited as the "Best Pharmaceuticals for Children Act of 2007".

SEC. 502. REAUTHORIZATION OF BEST PHARMACEUTICALS FOR CHILDREN ACT.

(a) PEDIATRIC STUDIES OF DRUGS.—

(1) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended to read as follows:

"SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

"(a) DEFINITIONS.—As used in this section, the term 'pediatric studies' or 'studies' means at least one clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age groups (including neonates in appropriate cases) in which a drug is anticipated to be used, and, at the discretion of the Secretary, may include preclinical studies.

"(b) MARKET EXCLUSIVITY FOR NEW DRUGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if, prior to approval of an application that is submitted under section

505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3)—

"(A)(i)(I) the period referred to in subsection (c)(3)(E)(ii) of section 505, and in subsection (j)(5)(F)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(II) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(E) of such section, and in clauses (iii) and (iv) of subsection (j)(5)(F) of such section, is deemed to be three years and six months rather than three years; and

"(ii) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

"(B)(i) if the drug is the subject of—

"(I) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(II) a listed patent for which a certification has been submitted under subsections (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(ii) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or (1)(B) if the determination made under subsection (d)(3) is made later than 9 months prior to the expiration of such period.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3)—

"(A)(i)(I) the period referred to in subsection (c)(3)(E)(ii) of section 505, and in subsection (j)(5)(F)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(II) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(D) of such section, and in clauses (iii) and (iv) of subsection (j)(5)(F) of such section, is deemed to be three years and six months rather than three years; and

"(ii) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

"(B)(i) if the drug is the subject of—

"(I) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(II) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B)(ii) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(ii) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions)

"(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or (1)(B) if the determination made under subsection (d)(3) is made later than 9 months prior to the expiration of such period.

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) REQUEST FOR STUDIES.—

"(A) IN GENERAL.—The Secretary may, after consultation with the sponsor of an application for an investigational new drug under section 505(i), the sponsor of an application for a new drug under section 505(b)(1), or the holder of an approved application for a drug under section 505(b)(1), issue to the sponsor or holder a written request for the conduct of pediatric studies for such drug. In issuing such request, the Secretary shall take into account adequate representation of children of ethnic and racial minorities. Such request to conduct pediatric studies shall be in writing and shall include a timeframe for such studies and a request to the sponsor or holder to propose pediatric labeling resulting from such studies.

"(B) SINGLE WRITTEN REQUEST.—A single written request—

"(i) may relate to more than one use of a drug; and

"(ii) may include uses that are both approved and unapproved.

"(2) WRITTEN REQUEST FOR PEDIATRIC STUDIES.—

"(A) REQUEST AND RESPONSE.—

"(i) IN GENERAL.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (b) or (c), the applicant or holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the applicant or holder to act on the request by—

"(I) indicating when the pediatric studies will be initiated, if the applicant or holder agrees to the request; or

"(II) indicating that the applicant or holder does not agree to the request and stating the reasons for declining the request.

"(ii) DISAGREE WITH REQUEST.—If, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the applicant or holder does not agree to the request on the grounds that it is not possible to develop the appropriate pediatric formulation, the applicant or holder shall submit to the Secretary the reasons such pediatric formulation cannot be developed.

"(B) ADVERSE EVENT REPORTS.—An applicant or holder that, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, agrees to the request for such studies shall provide the Secretary, at the same time as the submission of the reports of such studies, with all postmarket adverse event reports regarding the drug that is the subject of such studies and are available prior to submission of such reports.

"(3) MEETING THE STUDIES REQUIREMENT.—Not later than 180 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 180-day period, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

"(e) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall publish a notice of any determination, made on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section. Such notice shall be published not later than 30 days after the date of the Secretary's determination regarding market exclusivity and shall include a copy of the written request made under subsection (b) or (c).

"(2) IDENTIFICATION OF CERTAIN DRUGS.—The Secretary shall publish a notice identifying any drug for which, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, a pediatric formulation was developed, studied, and found to be safe and effective in the pediatric population (or specified subpopulation) if the pediatric formulation for such drug is not introduced onto the market within one year after the date that the Secretary publishes the notice described in paragraph (1). Such notice identifying such drug shall be published not later than 30 days after the date of the expiration of such one year period.

"(f) INTERNAL REVIEW OF WRITTEN REQUESTS AND PEDIATRIC STUDIES.—

"(1) INTERNAL REVIEW.—The Secretary shall utilize the internal review committee established under section 505C to review all written requests issued on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, in accordance with paragraph (2).

"(2) REVIEW OF WRITTEN REQUESTS.—The committee referred to in paragraph (1) shall review all written requests issued pursuant to this section prior to being issued.

"(3) REVIEW OF PEDIATRIC STUDIES.—The committee referred to in paragraph (1) may review studies conducted pursuant to this section to make a recommendation to the Secretary whether to accept or reject such reports under subsection (d)(3).

"(4) ACTIVITY BY COMMITTEE.—The committee referred to in paragraph (1) may operate using appropriate members of such committee and need not convene all members of the committee.

"(5) DOCUMENTATION OF COMMITTEE ACTION.—For each drug, the committee referred to in paragraph (1) shall document, for each activity described in paragraph (2) or (3), which members of the committee participated in such activity.

"(6) TRACKING PEDIATRIC STUDIES AND LABELING CHANGES.—The Secretary, in consultation with the committee referred to in paragraph (1), shall track and make available to the public, in an easily accessible manner, including through posting on the Web site of the Food and Drug Administration—

"(A) the number of studies conducted under this section and under section 409I of the Public Health Service Act;

"(B) the specific drugs and drug uses, including labeled and off-labeled indications, studied under such sections;

"(C) the types of studies conducted under such sections, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

"(D) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons such formulations were not developed;

"(E) the labeling changes made as a result of studies conducted under such sections;

"(F) an annual summary of labeling changes made as a result of studies conducted under such sections for distribution pursuant to subsection (k)(2); and

"(G) information regarding reports submitted on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007.

"(g) LIMITATIONS.—Notwithstanding subsection (c)(2), a drug to which the six-month period under subsection (b) or (c) has already been applied—

"(1) may receive an additional six-month period under subsection (c)(1)(A)(i)(II) for a supplemental application if all other requirements under this section are satisfied, except that such drug may not receive any additional such period under subsection (c)(1)(B); and

"(2) may not receive any additional such period under subsection (c)(1)(A)(ii).

"(h) RELATIONSHIP TO PEDIATRIC RESEARCH REQUIREMENTS.—Notwithstanding any other provision of law, if any pediatric study is required by a provision of law (including a regulation) other than this section and such study meets the completeness, timeliness, and other requirements of this section, such study shall be deemed to satisfy the requirement for market exclusivity pursuant to this section.

"(i) LABELING CHANGES.—

"(1) PRIORITY STATUS FOR PEDIATRIC APPLICATIONS AND SUPPLEMENTS.—Any application or supplement to an application under section 505 proposing a labeling change as a result of any pediatric study conducted pursuant to this section—

"(A) shall be considered to be a priority application or supplement; and

"(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

"(2) DISPUTE RESOLUTION.—

"(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Commissioner determines that the sponsor and the Commissioner have been unable to reach agreement on appropriate changes to the labeling for the drug that is the subject of the application, not later than 180 days after the date of submission of the application—

"(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

"(ii) if the sponsor of the application does not agree within 30 days after the Commissioner's request to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

"(i) review the pediatric study reports; and

"(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

"(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate.

"(D) MISBRANDING.—If the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.

"(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

"(j) OTHER LABELING CHANGES.—If, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary determines that a pediatric study conducted under this section does or does not demonstrate that the drug that is the subject of the study is safe and effective, including whether such study results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the study and a statement of the Secretary's determination.

"(k) DISSEMINATION OF PEDIATRIC INFORMATION.—

"(1) IN GENERAL.—Not later than 210 days after the date of submission of a report on a pediatric study under this section, the Secretary shall make available to the public the medical, statistical, and clinical pharmacology reviews of pediatric studies conducted under subsection (b) or (c).

"(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary shall include as a requirement of a written request that the sponsors of the studies that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(3)(F) distribute, at least annually (or more frequently if the Secretary determines that it would be beneficial to the public health), such information to physicians and other health care providers.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

"(l) ADVERSE EVENT REPORTING.—

"(1) REPORTING IN YEAR ONE.—Beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, during the one-year period beginning on the date a labeling change is approved pursuant to subsection (i), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering the reports, the Director of such Office shall provide for the review of the reports by the Pediatric Advisory Committee, including obtaining any recommendations of such Committee regarding whether the Secretary should take action under this Act in response to such reports.

"(2) REPORTING IN SUBSEQUENT YEARS.—Following the one-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

"(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.

"(m) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month exclusivity period under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended from—

"(1) the date on which the 180-day period would have expired by the number of days of the overlap, if the 180-day period would, but for the application of this subsection, expire after the 6-month exclusivity period; or

"(2) the date on which the 6-month exclusivity period expires, by the number of days of the overlap if the 180-day period would, but for the application of this subsection, expire during the six-month exclusivity period.

“(n) REFERRAL IF PEDIATRIC STUDIES NOT COMPLETED.—

“(1) IN GENERAL.—Beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, if pediatric studies of a drug have not been completed under subsection (d) and if the Secretary, through the committee established under section 505C, determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall carry out the following:

“(A) For a drug for which a listed patent has not expired, make a determination regarding whether an assessment shall be required to be submitted under section 505B(b). Prior to making such a determination, the Secretary may not take more than 30 days to certify whether the Foundation for the National Institutes of Health has sufficient funding at the time of such certification to initiate and fund all of the studies in the written request in their entirety within the timeframes specified within the written request. Only if the Secretary makes such certification in the affirmative, the Secretary shall refer all pediatric studies in the written request to the Foundation for the National Institutes of Health for the conduct of such studies, and such Foundation shall fund such studies. If no certification has been made at the end of the 30-day period, or if the Secretary certifies that funds are not sufficient to initiate and fund all the studies in their entirety, the Secretary shall consider whether assessments shall be required under section 505B(b) for such drug.

“(B) For a drug that has no listed patents or has 1 or more listed patents that have expired, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of studies.

“(2) PUBLIC NOTICE.—The Secretary shall give the public notice of a decision under paragraph (1)(A) not to require an assessment under section 505B and the basis for such decision.

“(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

“(o) PROMPT APPROVAL OF DRUGS UNDER SECTION 505(j) WHEN PEDIATRIC INFORMATION IS ADDED TO LABELING.—

“(1) GENERAL RULE.—A drug for which an application has been submitted or approved under section 505(j) shall not be considered ineligible for approval under that section or misbranded under section 502 on the basis that the labeling of the drug omits a pediatric indication or any other aspect of labeling pertaining to pediatric use when the omitted indication or other aspect is protected by patent or by exclusivity under clause (iii) or (iv) of section 505(j)(5)(F).

“(2) LABELING.—Notwithstanding clauses (iii) and (iv) of section 505(j)(5)(F), the Secretary may require that the labeling of a drug approved under section 505(j) that omits a pediatric indication or other aspect of labeling as described in paragraph (1) include—

“(A) a statement that, because of marketing exclusivity for a manufacturer—

“(i) the drug is not labeled for pediatric use; or

“(ii) in the case of a drug for which there is an additional pediatric use not referred to in paragraph (1), the drug is not labeled for the pediatric use under paragraph (1); and

“(B) a statement of any appropriate pediatric contraindications, warnings, or precautions that the Secretary considers necessary.

“(3) PRESERVATION OF PEDIATRIC EXCLUSIVITY AND OTHER PROVISIONS.—This subsection does not affect—

“(A) the availability or scope of exclusivity under this section;

“(B) the availability or scope of exclusivity under section 505 for pediatric formulations;

“(C) the question of the eligibility for approval of any application under section 505(j) that omits any other conditions of approval entitled to exclusivity under clause (iii) or (iv) of section 505(j)(5)(F); or

“(D) except as expressly provided in paragraphs (1) and (2), the operation of section 505.

“(p) INSTITUTE OF MEDICINE STUDY.—Not later than 3 years after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study and report to Congress regarding the written requests made and the studies conducted pursuant to this section. The Institute of Medicine may devise an appropriate mechanism to review a representative sample of requests made and studies conducted pursuant to this section in order to conduct such study. Such study shall—

“(1) review such representative written requests issued by the Secretary since 1997 under subsections (b) and (c);

“(2) review and assess such representative pediatric studies conducted under subsections (b) and (c) since 1997 and labeling changes made as a result of such studies;

“(3) review the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, and ethical issues in pediatric clinical trials;

“(4) review and assess the pediatric studies of biological products as required under subsections (a) and (b) of section 505B; and

“(5) make recommendations regarding appropriate incentives for encouraging pediatric studies of biologics.

“(q) SUNSET.—A drug may not receive any 6-month period under subsection (b) or (c) unless—

“(1) on or before October 1, 2012, the Secretary makes a written request for pediatric studies of the drug;

“(2) on or before October 1, 2012, an application for the drug is accepted for filing under section 505(b); and

“(3) all requirements of this section are met.”.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by this subsection shall apply to written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) issued on or after the date of the enactment of this Act.

(B) CERTAIN WRITTEN REQUESTS.—A written request issued under section 505A of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of the enactment of this Act, which has been accepted and for which no determination under subsection (d)(2) of such section has been made before such date of enactment, shall be subject to such section 505A, except that such written requests shall be subject to subsections (d)(2)(A)(ii), (e)(1) and (2), (f), (i)(2)(A), (j), (k)(1), (l)(1), and (n) of section 505A of the Federal Food, Drug, and Cosmetic Act, as in effect on or after the date of the enactment of this Act.

(b) PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended to read as follows:

“SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

“(a) LIST OF PRIORITY ISSUES IN PEDIATRIC THERAPEUTICS.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop and publish a priority list of needs in pediatric therapeutics, including drugs or indications that require study. The list shall be revised every three years.

“(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider—

“(A) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

“(B) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

“(C) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators.

“(b) PEDIATRIC STUDIES AND RESEARCH.—The Secretary, acting through the National Institutes of Health, shall award funds to entities that have the expertise to conduct pediatric clinical trials or other research (including qualified universities, hospitals, laboratories, contract research organizations, practice groups, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct the drug studies or other research on the issues described in subsection (a). The Secretary may use contracts, grants, or other appropriate funding mechanisms to award funds under this subsection.

“(c) PROCESS FOR PROPOSED PEDIATRIC STUDY REQUESTS AND LABELING CHANGES.—

“(1) SUBMISSION OF PROPOSED PEDIATRIC STUDY REQUEST.—The Director of the National Institutes of Health shall, as appropriate, submit proposed pediatric study requests for consideration by the Commissioner of Food and Drugs for pediatric studies of a specific pediatric indication identified under subsection (a). Such a proposed pediatric study request shall be made in a manner equivalent to a written request made under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to the information provided on the pediatric studies to be conducted pursuant to the request. The Director of the National Institutes of Health may submit a proposed pediatric study request for a drug for which—

“(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act; or

“(ii) there is a submitted application that could be approved under the criteria of such section; and

“(B) there is no patent protection or market exclusivity protection for at least one form of the drug under the Federal Food, Drug, and Cosmetic Act; and

“(C) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

“(2) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.—The Commissioner of Food and

Drugs, in consultation with the Director of the National Institutes of Health, may issue a written request based on the proposed pediatric study request for the indication or indications submitted pursuant to paragraph (1) (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified under subsection (a) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a written request shall be made in a manner equivalent to the manner in which a written request is made under subsection (b) or (c) of section 505A of such Act, including with respect to information provided on the pediatric studies to be conducted pursuant to the request and using appropriate formulations for each age group for which the study is requested.

"(3) REQUESTS FOR PROPOSALS.—If the Commissioner of Food and Drugs does not receive a response to a written request issued under paragraph (2) not later than 30 days after the date on which a request was issued, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for proposals to conduct the pediatric studies described in the written request in accordance with subsection (b).

"(4) DISQUALIFICATION.—A holder that receives a first right of refusal shall not be entitled to respond to a request for proposals under paragraph (3).

"(5) CONTRACTS, GRANTS, OR OTHER FUNDING MECHANISMS.—A contract, grant, or other funding may be awarded under this section only if a proposal is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(6) REPORTING OF STUDIES.—

"(A) IN GENERAL.—On completion of a pediatric study in accordance with an award under this section, a report concerning the study shall be submitted to the Director of the National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study, including a written request if issued.

"(B) AVAILABILITY OF REPORTS.—Each report submitted under subparagraph (A) shall be considered to be in the public domain (subject to section 505A(d)(4) of the Federal Food, Drug, and Cosmetic Act) and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each of the drugs.

"(C) ACTION BY COMMISSIONER.—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (7).

"(7) REQUESTS FOR LABELING CHANGE.—During the 180-day period after the date on which a report is submitted under paragraph (6)(A), the Commissioner of Food and Drugs shall—

"(A) review the report and such other data as are available concerning the safe and effective use in the pediatric population of the drug studied;

"(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

"(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

"(ii) publish in the Federal Register and through a posting on the Web site of the Food and Drug Administration a summary of the report and a copy of any requested labeling changes.

"(8) DISPUTE RESOLUTION.—

"(A) REFERRAL TO PEDIATRIC ADVISORY COMMITTEE.—If, not later than the end of the 180-day period specified in paragraph (7), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph, the Commissioner of Food and Drugs shall refer the request to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A), the Pediatric Advisory Committee shall—

"(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

"(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

"(9) FDA DETERMINATION.—Not later than 30 days after receiving a recommendation from the Pediatric Advisory Committee under paragraph (8)(B)(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

"(10) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (9), does not agree to make a requested labeling change, the Commissioner of Food and Drugs may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act.

"(11) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under the Federal Food, Drug, and Cosmetic Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

"(d) DISSEMINATION OF PEDIATRIC INFORMATION.—Not later than one year after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary, acting through the Director of the National Institutes of Health, shall study the feasibility of establishing a compilation of information on pediatric drug use and report the findings to Congress.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $200,000,000 for fiscal year 2008; and

"(B) such sums as are necessary for each of the four succeeding fiscal years.

"(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.".

(c) FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.—Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking "and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of this Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(a)(d)(4)(C)'" and inserting "and studies for which the Secretary issues a certification in the affirmative under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act".

(d) CONTINUATION OF OPERATION OF COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by adding at the end the following new subsection:

"(d) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee shall continue to operate during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007.".

(e) PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.—Section 15 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(D) provide recommendations to the internal review committee created under section 505B(f) of the Federal Food, Drug, and Cosmetic Act regarding the implementation of amendments to sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act with respect to the treatment of pediatric cancers."; and

(B) by adding at the end the following new paragraph:

"(3) CONTINUATION OF OPERATION OF SUBCOMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act, the Subcommittee shall continue to operate during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007."; and

(2) in subsection (d), by striking "2003" and inserting "2009".

(f) EFFECTIVE DATE AND LIMITATION FOR RULE RELATING TO TOLL-FREE NUMBER FOR ADVERSE EVENTS ON LABELING FOR HUMAN DRUG PRODUCTS.—

(1) IN GENERAL.—Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act") and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled "Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products," 69 Fed. Reg. 21778, (April 22, 2004) shall take effect on January 1, 2008, unless such Commissioner issues the final rule before such date.

(2) LIMITATION.—The proposed rule that takes effect under subsection (a), or the final rule described under subsection (a), shall, notwithstanding section 17(a) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(a)), not apply to a drug—

(A) for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355);

(B) that is not described under section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)); and

(C) the packaging of which includes a toll-free number through which consumers can report complaints to the manufacturer or distributor of the drug.

SEC. 503. TRAINING OF PEDIATRIC PHARMACOLOGISTS.

(a) INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.—Section 452G(2) of the Public Health Service Act (42 U.S.C. 285g–10(2)) is amended by adding before the period at the end the following: ", including pediatric pharmacological research".

(b) PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM.—Section 487F(a)(1) of the Public Health Service Act (42 U.S.C. 288–6(a)(1)) is amended by inserting "including pediatric pharmacological research," after "pediatric research,".

TITLE VI—REAGAN-UDALL FOUNDATION

SEC. 601. THE REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter I—Reagan-Udall Foundation for the Food and Drug Administration

"SEC. 770. ESTABLISHMENT AND FUNCTIONS OF THE FOUNDATION.

"(a) IN GENERAL.—A nonprofit corporation to be known as the Reagan-Udall Foundation for the Food and Drug Administration (referred to in this subchapter as the 'Foundation') shall be established in accordance with this section. The Foundation shall be headed by an Executive Director, appointed by the members of the Board of Directors under subsection (e). The Foundation shall not be an agency or instrumentality of the United States Government.

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation is to advance the mission of the Food and Drug Administration to modernize medical, veterinary, food, food ingredient, and cosmetic product development, accelerate innovation, and enhance product safety.

"(c) DUTIES OF THE FOUNDATION.—The Foundation shall—

"(1) taking into consideration the Critical Path reports and priorities published by the Food and Drug Administration, identify unmet needs in the development, manufacture, and evaluation of the safety and effectiveness, including postapproval, of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics, and including the incorporation of more sensitive and predictive tools and devices to measure safety;

"(2) establish goals and priorities in order to meet the unmet needs identified in paragraph (1);

"(3) in consultation with the Secretary, identify existing and proposed Federal intramural and extramural research and development programs relating to the goals and priorities established under paragraph (2), coordinate Foundation activities with such programs, and minimize Foundation duplication of existing efforts;

"(4) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, which may include the Food and Drug Administration, university consortia, public-private partnerships, institutions of higher education, entities described in section 501(c)(3) of the Internal Revenue Code (and exempt from tax under section 501(a) of such Code), and industry, to efficiently and effectively advance the goals and priorities established under paragraph (2);

"(5) recruit meeting participants and hold or sponsor (in whole or in part) meetings as appropriate to further the goals and priorities established under paragraph (2);

"(6) release and publish information and data and, to the extent practicable, license, distribute, and release material, reagents, and techniques to maximize, promote, and coordinate the availability of such material, reagents, and techniques for use by the Food and Drug Administration, nonprofit organizations, and academic and industrial researchers to further the goals and priorities established under paragraph (2);

"(7) ensure that—

"(A) action is taken as necessary to obtain patents for inventions developed by the Foundation or with funds from the Foundation;

"(B) action is taken as necessary to enable the licensing of inventions developed by the Foundation or with funds from the Foundation; and

"(C) executed licenses, memoranda of understanding, material transfer agreements, contracts, and other such instruments, promote, to the maximum extent practicable, the broadest conversion to commercial and noncommercial applications of licensed and patented inventions of the Foundation to further the goals and priorities established under paragraph (2);

"(8) provide objective clinical and scientific information to the Food and Drug Administration and, upon request, to other Federal agencies to assist in agency determinations of how to ensure that regulatory policy accommodates scientific advances and meets the agency's public health mission;

"(9) conduct annual assessments of the unmet needs identified in paragraph (1); and

"(10) carry out such other activities consistent with the purposes of the Foundation as the Board determines appropriate.

"(d) BOARD OF DIRECTORS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Foundation shall have a Board of Directors (referred to in this subchapter as the 'Board'), which shall be composed of ex officio and appointed members in accordance with this subsection. All appointed members of the Board shall be voting members.

"(B) EX OFFICIO MEMBERS.—The ex officio members of the Board shall be the following individuals or their designees:

"(i) The Commissioner.

"(ii) The Director of the National Institutes of Health.

"(iii) The Director of the Centers for Disease Control and Prevention.

"(iv) The Director of the Agency for Healthcare Research and Quality.

"(C) APPOINTED MEMBERS.—

"(i) IN GENERAL.—The ex officio members of the Board under subparagraph (B) shall, by majority vote, appoint to the Board 14 individuals, of which 9 shall be from a list of candidates to be provided by the National Academy of Sciences and 5 shall be from lists of candidates provided by patient and consumer advocacy groups, professional scientific and medical societies, and industry trade organizations. Of such appointed members—

"(I) 4 shall be representatives of the general pharmaceutical, device, food, cosmetic, and biotechnology industries;

"(II) 3 shall be representatives of academic research organizations;

"(III) 2 shall be representatives of patient or consumer advocacy organizations;

"(IV) 1 shall be a representative of health care providers; and

"(V) 4 shall be at-large members with expertise or experience relevant to the purpose of the Foundation.

"(ii) REQUIREMENTS.—

"(I) EXPERTISE.—The ex officio members shall ensure the Board membership includes individuals with expertise in areas including the sciences of developing, manufacturing, and evaluating the safety and effectiveness of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics.

"(II) FEDERAL EMPLOYEES.—No employee of the Federal Government shall be appointed as a member of the Board under this subparagraph or under paragraph (3)(B).

"(D) INITIAL MEETING.—

"(i) IN GENERAL.—Not later than 30 days after the date of the enactment of this subchapter, the Secretary shall convene a meeting of the ex officio members of the Board to—

"(I) incorporate the Foundation; and

"(II) appoint the members of the Board in accordance with subparagraph (C).

"(ii) SERVICE OF EX OFFICIO MEMBERS.—Upon the appointment of the members of the Board under clause (i)(II)—

"(I) the terms of service of the Director of the Centers for Disease Control and Prevention and of the Director of the Agency for Healthcare Research and Quality as ex officio members of the Board shall terminate; and

"(II) the Commissioner and the Director of the National Institutes of Health shall continue to serve as ex officio members of the Board, but shall be nonvoting members.

"(iii) CHAIR.—The ex officio members of the Board under subparagraph (B) shall designate an appointed member of the Board to serve as the Chair of the Board.

"(2) DUTIES OF BOARD.—The Board shall—

"(A) establish bylaws for the Foundation that—

"(i) are published in the Federal Register and available for public comment;

"(ii) establish policies for the selection of the officers, employees, agents, and contractors of the Foundation;

"(iii) establish policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds;

"(iv) establish policies that would subject all employees, fellows, and trainees of the Foundation to the conflict of interest standards under section 208 of title 18, United States Code;

"(v) establish licensing, distribution, and publication policies that support the widest and least restrictive use by the public of information and inventions developed by the Foundation or with Foundation funds to carry out the duties described in paragraphs (6) and (7) of subsection (c), and may include charging cost-based fees for published material produced by the Foundation;

"(vi) specify principles for the review of proposals and awarding of grants and contracts that include peer review and that are consistent with those of the Foundation for the National Institutes of Health, to the extent determined practicable and appropriate by the Board;

"(vii) specify a cap on administrative expenses for recipients of a grant, contract, or cooperative agreement from the Foundation;

"(viii) establish policies for the execution of memoranda of understanding and cooperative agreements between the Foundation and other entities, including the Food and Drug Administration;

“(ix) establish policies for funding training fellowships, whether at the Foundation, academic or scientific institutions, or the Food and Drug Administration, for scientists, doctors, and other professionals who are not employees of regulated industry, to foster greater understanding of and expertise in new scientific tools, diagnostics, manufacturing techniques, and potential barriers to translating basic research into clinical and regulatory practice;

“(x) specify a process for annual Board review of the operations of the Foundation; and

“(xi) establish specific duties of the Executive Director;

“(B) prioritize and provide overall direction to the activities of the Foundation;

“(C) evaluate the performance of the Executive Director; and

“(D) carry out any other necessary activities regarding the functioning of the Foundation.

“(3) TERMS AND VACANCIES.—

“(A) TERM.—The term of office of each member of the Board appointed under paragraph (1)(C) shall be 4 years, except that the terms of offices for the initial appointed members of the Board shall expire on a staggered basis as determined by the ex officio members.

“(B) VACANCY.—Any vacancy in the membership of the Board—

“(i) shall not affect the power of the remaining members to execute the duties of the Board; and

“(ii) shall be filled by appointment by the appointed members described in paragraph (1)(C) by majority vote.

“(C) PARTIAL TERM.—If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed under subparagraph (B) to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

“(D) SERVING PAST TERM.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

“(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

“(e) INCORPORATION.—The ex officio members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

“(f) NONPROFIT STATUS.—In carrying out subsection (b), the Board shall establish such policies and bylaws under subsection (d), and the Executive Director shall carry out such activities under subsection (g), as may be necessary to ensure that the Foundation maintains status as an organization that—

“(1) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986; and

“(2) is, under subsection (a) of such section, exempt from taxation.

“(g) EXECUTIVE DIRECTOR.—

“(1) IN GENERAL.—The Board shall appoint an Executive Director who shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

“(2) COMPENSATION.—The compensation of the Executive Director shall be fixed by the Board but shall not be greater than the compensation of the Commissioner.

“(h) ADMINISTRATIVE POWERS.—In carrying out this subchapter, the Board, acting through the Executive Director, may—

“(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

“(2) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define their duties;

“(3) prescribe the manner in which—

“(A) real or personal property of the Foundation is acquired, held, and transferred;

“(B) general operations of the Foundation are to be conducted; and

“(C) the privileges granted to the Board by law are exercised and enjoyed;

“(4) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of such department or agencies in carrying out this section;

“(5) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

“(6) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation under subsection (i);

“(7) enter into such other contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

“(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subchapter;

“(9) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

“(10) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

“(11) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

“(12) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subchapter.

“(i) ACCEPTANCE OF FUNDS FROM OTHER SOURCES.—The Executive Director may solicit and accept on behalf of the Foundation, any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including from private entities, for the purposes of carrying out the duties of the Foundation.

“(j) SERVICE OF FEDERAL EMPLOYEES.—Federal Government employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its functions, so long as such employees do not direct or control Foundation activities.

“(k) DETAIL OF GOVERNMENT EMPLOYEES; FELLOWSHIPS.—

“(1) DETAIL FROM FEDERAL AGENCIES.—Federal Government employees may be detailed from Federal agencies with or without reimbursement to those agencies to the Foundation at any time, and such detail shall be without interruption or loss of civil service status or privilege. Each such employee shall abide by the statutory, regulatory, ethical, and procedural standards applicable to the employees of the agency from which such employee is detailed and those of the Foundation.

“(2) VOLUNTARY SERVICE; ACCEPTANCE OF FEDERAL EMPLOYEES.—

“(A) FOUNDATION.—The Executive Director of the Foundation may accept the services of employees detailed from Federal agencies with or without reimbursement to those agencies.

“(B) FOOD AND DRUG ADMINISTRATION.—The Commissioner may accept the uncompensated services of Foundation fellows or trainees. Such services shall be considered to be undertaking an activity under contract with the Secretary as described in section 708.

“(l) ANNUAL REPORTS.—

“(1) REPORTS TO FOUNDATION.—Any recipient of a grant, contract, fellowship, memorandum of understanding, or cooperative agreement from the Foundation under this section shall submit to the Foundation a report on an annual basis for the duration of such grant, contract, fellowship, memorandum of understanding, or cooperative agreement, that describes the activities carried out under such grant, contract, fellowship, memorandum of understanding, or cooperative agreement.

“(2) REPORT TO CONGRESS AND THE FDA.—Beginning with fiscal year 2009, the Executive Director shall submit to Congress and the Commissioner an annual report that—

“(A) describes the activities of the Foundation and the progress of the Foundation in furthering the goals and priorities established under subsection (c)(2), including the practical impact of the Foundation on regulated product development;

“(B) provides a specific accounting of the source and use of all funds used by the Foundation to carry out such activities; and

“(C) provides information on how the results of Foundation activities could be incorporated into the regulatory and product review activities of the Food and Drug Administration.

“(m) SEPARATION OF FUNDS.—The Executive Director shall ensure that the funds received from the Treasury are held in separate accounts from funds received from entities under subsection (i).

“(n) FUNDING.—From amounts appropriated to the Food and Drug Administration for each fiscal year, the Commissioner shall transfer not less than $500,000 and not more than $1,250,000, to the Foundation to carry out subsections (a), (b), and (d) through (m).”.

(b) OTHER FOUNDATION PROVISIONS.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) (as amended by subsection (a)) is amended by adding at the end the following:

“SEC. 771. LOCATION OF FOUNDATION.

“The Foundation shall, if practicable, be located not more than 20 miles from the District of Columbia.

“SEC. 772. ACTIVITIES OF THE FOOD AND DRUG ADMINISTRATION.

“(a) IN GENERAL.—The Commissioner shall receive and assess the report submitted to the Commissioner by the Executive Director of the Foundation under section 770(l)(2).

“(b) REPORT TO CONGRESS.—Beginning with fiscal year 2009, the Commissioner shall submit to Congress an annual report summarizing the incorporation of the information provided by the Foundation in the report described under section 770(l)(2) and by other recipients of grants, contracts, memoranda of understanding, or cooperative agreements into regulatory and product review activities of the Food and Drug Administration.

“(c) EXTRAMURAL GRANTS.—The provisions of this subchapter and section 566 shall have no effect on any grant, contract, memorandum of understanding, or cooperative agreement between the Food and Drug Administration and any other entity entered into before, on, or after the date of the enactment of this subchapter.”.

(c) CONFORMING AMENDMENT.—Section 742(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379l(b)) is amended by adding at the end the following: “Any such fellowships and training programs under this section or under section 770(d)(2)(A)(ix) may include provision by such scientists and physicians of services on a voluntary and uncompensated basis, as the Secretary determines appropriate. Such scientists and physicians shall be subject to all legal and ethical requirements otherwise applicable to officers or employees of the Department of Health and Human Services.”.

SEC. 602. OFFICE OF THE CHIEF SCIENTIST.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 910. OFFICE OF THE CHIEF SCIENTIST.

“(a) ESTABLISHMENT; APPOINTMENT.—The Secretary shall establish within the Office of the Commissioner an office to be known as the Office of the Chief Scientist. The Secretary shall appoint a Chief Scientist to lead such Office.

“(b) DUTIES OF THE OFFICE.—The Office of the Chief Scientist shall—

“(1) oversee, coordinate, and ensure quality and regulatory focus of the intramural research programs of the Food and Drug Administration;

“(2) track and, to the extent necessary, coordinate intramural research awards made by each center of the Administration or science-based office within the Office of the Commissioner, and ensure that there is no duplication of research efforts supported by the Reagan-Udall Foundation for the Food and Drug Administration;

“(3) develop and advocate for a budget to support intramural research;

“(4) develop a peer review process by which intramural research can be evaluated;

“(5) identify and solicit intramural research proposals from across the Food and Drug Administration through an advisory board composed of employees of the Administration that shall include—

“(A) representatives of each of the centers and the science-based offices within the Office of the Commissioner; and

“(B) experts on trial design, epidemiology, demographics, pharmacovigilance, basic science, and public health; and

“(6) develop postmarket safety performance measures that are as measurable and rigorous as the ones already developed for premarket review.”.

SEC. 603. CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

“SEC. 566. CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

“(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner of Food and Drugs, may enter into collaborative agreements, to be known as Critical Path Public-Private Partnerships, with one or more eligible entities to implement the Critical Path Initiative of the Food and Drug Administration by developing innovative, collaborative projects in research, education, and outreach for the purpose of fostering medical product innovation, enabling the acceleration of medical product development, manufacturing, and translational therapeutics, and enhancing medical product safety.

“(b) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means an entity that meets each of the following:

“(1) The entity is—

“(A) an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965) or a consortium of such institutions; or

“(B) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

“(2) The entity has experienced personnel and clinical and other technical expertise in the biomedical sciences, which may include graduate training programs in areas relevant to priorities of the Critical Path Initiative.

“(3) The entity demonstrates to the Secretary's satisfaction that the entity is capable of—

“(A) developing and critically evaluating tools, methods, and processes—

“(i) to increase efficiency, predictability, and productivity of medical product development; and

“(ii) to more accurately identify the benefits and risks of new and existing medical products;

“(B) establishing partnerships, consortia, and collaborations with health care practitioners and other providers of health care goods or services; pharmacists; pharmacy benefit managers and purchasers; health maintenance organizations and other managed health care organizations; health care insurers; government agencies; patients and consumers; manufacturers of prescription drugs, biological products, diagnostic technologies, and devices; and academic scientists; and

“(C) securing funding for the projects of a Critical Path Public-Private Partnership from Federal and nonfederal governmental sources, foundations, and private individuals.

“(c) FUNDING.—The Secretary may not enter into a collaborative agreement under subsection (a) unless the eligible entity involved provides an assurance that the entity will not accept funding for a Critical Path Public-Private Partnership project from any organization that manufactures or distributes products regulated by the Food and Drug Administration unless the entity provides assurances in its agreement with the Food and Drug Administration that the results of the Critical Path Public-Private Partnership project will not be influenced by any source of funding.

“(d) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this section, and annually thereafter, the Secretary, in collaboration with the parties to each Critical Path Public-Private Partnership, shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives—

“(1) reviewing the operations and activities of the Partnerships in the previous year; and

“(2) addressing such other issues relating to this section as the Secretary determines to be appropriate.

“(e) DEFINITION.—In this section, the term ‘medical product’ includes a drug, a biological product as defined in section 351 of the Public Health Service Act, a device, and any combination of such products.

“(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.”.

TITLE VII—CONFLICTS OF INTEREST

SEC. 701. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting at the end the following:

“SEC. 712. CONFLICTS OF INTEREST.

“(a) DEFINITIONS.—For purposes of this section:

“(1) ADVISORY COMMITTEE.—The term ‘advisory committee’ means an advisory committee under the Federal Advisory Committee Act that provides advice or recommendations to the Secretary regarding activities of the Food and Drug Administration.

“(2) FINANCIAL INTEREST.—The term ‘financial interest’ means a financial interest under section 208(a) of title 18, United States Code.

“(b) APPOINTMENTS TO ADVISORY COMMITTEES.—

“(1) RECRUITMENT.—

“(A) IN GENERAL.—The Secretary shall—

“(i) develop and implement strategies on effective outreach to potential members of advisory committees at universities, colleges, other academic research centers, professional and medical societies, and patient and consumer groups;

“(ii) seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities; and

“(iii) take into account the advisory committees with the greatest number of vacancies.

“(B) RECRUITMENT ACTIVITIES.—The recruitment activities under subparagraph (A) may include—

“(i) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

“(ii) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

“(iii) developing a method through which an entity receiving funding from the National Institutes of Health, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or the Veterans Health Administration can identify a person who the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

“(2) EVALUATION AND CRITERIA.—When considering a term appointment to an advisory committee, the Secretary shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subsection (c)(2) of this section for service on the committee at a meeting of the committee.

“(c) DISCLOSURES; PROHIBITIONS ON PARTICIPATION; WAIVERS.—

“(1) DISCLOSURE OF FINANCIAL INTEREST.—Prior to a meeting of an advisory committee regarding a ‘particular matter’ (as that term is used in section 208 of title 18, United States Code), each member of the committee who is a full-time Government employee or special Government employee shall disclose to the Secretary financial interests in accordance with subsection (b) of such section 208.

"(2) PROHIBITIONS AND WAIVERS ON PARTICIPATION.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), a member of an advisory committee may not participate with respect to a particular matter considered in an advisory committee meeting if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

"(B) WAIVER.—If the Secretary determines it necessary to afford the advisory committee essential expertise, the Secretary may grant a waiver of the prohibition in subparagraph (A) to permit a member described in such subparagraph to—

"(i) participate as a non-voting member with respect to a particular matter considered in a committee meeting; or

"(ii) participate as a voting member with respect to a particular matter considered in a committee meeting.

"(C) LIMITATION ON WAIVERS AND OTHER EXCEPTIONS.—

"(i) DEFINITION.—For purposes of this subparagraph, the term 'exception' means each of the following with respect to members of advisory committees:

"(I) A waiver under section 505(n)(4) (as in effect on the day before the date of the enactment of the Food and Drug Administration Amendments Act of 2007).

"(II) A written determination under section 208(b) of title 18, United States Code.

"(III) A written certification under section 208(b)(3) of such title.

"(ii) DETERMINATION OF TOTAL NUMBER OF MEMBERS SLOTS AND MEMBER EXCEPTIONS DURING FISCAL YEAR 2007.—The Secretary shall determine—

"(I)(aa) for each meeting held by any advisory committee during fiscal year 2007, the number of members who participated in the meeting; and

"(bb) the sum of the respective numbers determined under item (aa) (referred to in this subparagraph as the "total number of 2007 meeting slots"); and

"(II)(aa) for each meeting held by any advisory committee during fiscal year 2007, the number of members who received an exception for the meeting; and

"(bb) the sum of the respective numbers determined under item (aa) (referred to in this subparagraph as the "total number of 2007 meeting exceptions").

"(iii) DETERMINATION OF PERCENTAGE REGARDING EXCEPTIONS DURING FISCAL YEAR 2007.—The Secretary shall determine the percentage constituted by—

"(I) the total number of 2007 meeting exceptions; divided by

"(II) the total number of 2007 meeting slots.

"(iv) LIMITATION FOR FISCAL YEARS 2008 THROUGH 2012.—The number of exceptions at the Food and Drug Administration for members of advisory committees for a fiscal year may not exceed the following:

"(I) For fiscal year 2008, 95 percent of the percentage determined under clause (iii) (referred to in this clause as the "base percentage").

"(II) For fiscal year 2009, 90 percent of the base percentage.

"(III) For fiscal year 2010, 85 percent of the base percentage.

"(IV) For fiscal year 2011, 80 percent of the base percentage.

"(V) For fiscal year 2012, 75 percent of the base percentage.

"(v) ALLOCATION OF EXCEPTIONS.—The exceptions authorized under clause (iv) for a fiscal year may be allocated within the centers or other organizational units of the Food and Drug Administration as determined appropriate by the Secretary.

"(3) DISCLOSURE OF WAIVER.—Notwithstanding section 107(a)(2) of the Ethics in Government Act (5 U.S.C. App.), the following shall apply:

"(A) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but (except as provided in subparagraph (B)) not later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (2)(B) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet Web site of the Food and Drug Administration—

"(i) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination, certification, or waiver applies; and

"(ii) the reasons of the Secretary for such determination, certification, or waiver.

"(B) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (2)(B) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code) on the Internet Web site of the Food and Drug Administration, the information described in clauses (i) and (ii) of subparagraph (A) as soon as practicable after the Secretary makes such determination, certification, or waiver, but in no case later than the date of such meeting.

"(d) PUBLIC RECORD.—The Secretary shall. ensure that the public record and transcript of each meeting of an advisory committee includes the disclosure required under subsection (c)(3) (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code).

"(e) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) with respect to the fiscal year that ended on September 30 of the previous year, the number of vacancies on each advisory committee, the number of nominees received for each committee, and the number of such nominees willing to serve;

"(2) with respect to such year, the aggregate number of disclosures required under subsection (c)(3) for each meeting of each advisory committee and the percentage of individuals to whom such disclosures did not apply who served on such committee for each such meeting;

"(3) with respect to such year, the number of times the disclosures required under subsection (c)(3) occurred under subparagraph (B) of such subsection; and

"(4) how the Secretary plans to reduce the number of vacancies reported under paragraph (1) during the fiscal year following such year, and mechanisms to encourage the nomination of individuals for service on an advisory committee, including those who are classified by the Food and Drug Administration as academicians or practitioners.

"(f) PERIODIC REVIEW OF GUIDANCE.—Not less than once every 5 years, the Secretary shall review guidance of the Food and Drug Administration regarding conflict of interest waiver determinations with respect to advisory committees and update such guidance as necessary.".

(b) CONFORMING AMENDMENTS.—Section 505(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)) is amended by—

(1) striking paragraph (4); and

(2) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

TITLE VIII—CLINICAL TRIAL DATABASES

SEC. 801. EXPANDED CLINICAL TRIAL REGISTRY DATA BANK.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by—

(1) redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) inserting after subsection (i) the following:

"(j) EXPANDED CLINICAL TRIAL REGISTRY DATA BANK.—

"(1) DEFINITIONS; REQUIREMENT.—

"(A) DEFINITIONS.—In this subsection:

"(i) APPLICABLE CLINICAL TRIAL.—The term 'applicable clinical trial' means an applicable device clinical trial or an applicable drug clinical trial.

"(ii) APPLICABLE DEVICE CLINICAL TRIAL.—The term 'applicable device clinical trial' means—

"(I) a prospective clinical study of health outcomes comparing an intervention with a device subject to section 510(k), 515, or 520(m) of the Federal Food, Drug, and Cosmetic Act against a control in human subjects (other than a small clinical trial to determine the feasibility of a device, or a clinical trial to test prototype devices where the primary outcome measure relates to feasibility and not to health outcomes); and

"(II) a pediatric postmarket surveillance as required under section 522 of the Federal Food, Drug, and Cosmetic Act.

"(iii) APPLICABLE DRUG CLINICAL TRIAL.—

"(I) IN GENERAL.—The term 'applicable drug clinical trial' means a controlled clinical investigation, other than a phase I clinical investigation, of a drug subject to section 505 of the Federal Food, Drug, and Cosmetic Act or to section 351 of this Act.

"(II) CLINICAL INVESTIGATION.—For purposes of subclause (I), the term 'clinical investigation' has the meaning given that term in section 312.3 of title 21, Code of Federal Regulations (or any successor regulation).

"(III) PHASE I.—For purposes of subclause (I), the term 'phase I' has the meaning given that term in section 312.21 of title 21, Code of Federal Regulations (or any successor regulation).

"(iv) CLINICAL TRIAL INFORMATION.—The term 'clinical trial information' means, with respect to an applicable clinical trial, those data elements that the responsible party is required to submit under paragraph (2) or under paragraph (3).

"(v) COMPLETION DATE.—The term 'completion date' means, with respect to an applicable clinical trial, the date that the final subject was examined or received an intervention for the purposes of final collection of data for the primary outcome, whether the clinical trial concluded according to the prespecified protocol or was terminated.

"(vi) DEVICE.—The term 'device' means a device as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act.

"(vii) DRUG.—The term 'drug' means a drug as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act or a biological product as defined in section 351 of this Act.

"(viii) ONGOING.—The term 'ongoing' means, with respect to a clinical trial of a drug or a device and to a date, that—

"(I) 1 or more patients is enrolled in the clinical trial; and

"(II) the date is before the completion date of the clinical trial.

"(ix) RESPONSIBLE PARTY.—The term 'responsible party', with respect to a clinical trial of a drug or device, means—

"(I) the sponsor of the clinical trial (as defined in section 50.3 of title 21, Code of Federal Regulations (or any successor regulation)); or

"(II) the principal investigator of such clinical trial if so designated by a sponsor, grantee, contractor, or awardee, so long as the principal investigator is responsible for conducting the trial, has access to and control over the data from the clinical trial, has the right to publish the results of the trial, and has the ability to meet all of the requirements under this subsection for the submission of clinical trial information.

"(B) REQUIREMENT.—The Secretary shall develop a mechanism by which the responsible party for each applicable clinical trial shall submit the identity and contact information of such responsible party to the Secretary at the time of submission of clinical trial information under paragraph (2).

"(2) EXPANSION OF CLINICAL TRIAL REGISTRY DATA BANK WITH RESPECT TO CLINICAL TRIAL INFORMATION.—

"(A) IN GENERAL.—

"(i) EXPANSION OF DATA BANK.—To enhance patient enrollment and provide a mechanism to track subsequent progress of clinical trials, the Secretary, acting through the Director of NIH, shall expand, in accordance with this subsection, the clinical trials registry of the data bank described under subsection (i)(1) (referred to in this subsection as the 'registry data bank'). The Director of NIH shall ensure that the registry data bank is made publicly available through the Internet.

"(ii) CONTENT.—The clinical trial information required to be submitted under this paragraph for an applicable clinical trial shall include—

"(I) descriptive information, including—

"(aa) a brief title, intended for the lay public;

"(bb) a brief summary, intended for the lay public;

"(cc) the primary purpose;

"(dd) the study design;

"(ee) for an applicable drug clinical trial, the study phase;

"(ff) study type;

"(gg) the primary disease or condition being studied, or the focus of the study;

"(hh) the intervention name and intervention type;

"(ii) the study start date;

"(jj) the expected completion date;

"(kk) the target number of subjects; and

"(ll) outcomes, including primary and secondary outcome measures;

"(II) recruitment information, including—

"(aa) eligibility criteria;

"(bb) gender;

"(cc) age limits;

"(dd) whether the trial accepts healthy volunteers;

"(ee) overall recruitment status;

"(ff) individual site status; and

"(gg) in the case of an applicable drug clinical trial, if the drug is not approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act, specify whether or not there is expanded access to the drug under section 561 of the Federal Food, Drug, and Cosmetic Act for those who do not qualify for enrollment in the clinical trial and how to obtain information about such access;

"(III) location and contact information, including—

"(aa) the name of the sponsor;

"(bb) the responsible party, by official title; and

"(cc) the facility name and facility contact information (including the city, State, and zip code for each clinical trial location, or a toll-free number through which such location information may be accessed); and

"(IV) administrative data (which the Secretary may make publicly available as necessary), including—

"(aa) the unique protocol identification number;

"(bb) other protocol identification numbers, if any; and

"(cc) the Food and Drug Administration IND/IDE protocol number and the record verification date.

"(iii) MODIFICATIONS.—The Secretary may by regulation modify the requirements for clinical trial information under this paragraph, if the Secretary provides a rationale for why such a modification improves and does not reduce such clinical trial information.

"(B) FORMAT AND STRUCTURE.—

"(i) SEARCHABLE CATEGORIES.—The Director of NIH shall ensure that the public may, in addition to keyword searching, search the entries in the registry data bank by 1 or more of the following criteria:

"(I) The disease or condition being studied in the clinical trial, using Medical Subject Headers (MeSH) descriptors.

"(II) The name of the intervention, including any drug or device being studied in the clinical trial.

"(III) The location of the clinical trial.

"(IV) The age group studied in the clinical trial, including pediatric subpopulations.

"(V) The study phase of the clinical trial.

"(VI) The sponsor of the clinical trial, which may be the National Institutes of Health or another Federal agency, a private industry source, or a university or other organization.

"(VII) The recruitment status of the clinical trial.

"(VIII) The National Clinical Trial number or other study identification for the clinical trial.

"(ii) ADDITIONAL SEARCHABLE CATEGORY.—Not later than 18 months after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, the Director of NIH shall ensure that the public may search the entries of the registry data bank by the safety issue, if any, being studied in the clinical trial as a primary or secondary outcome.

"(iii) OTHER ELEMENTS.—The Director of NIH shall also ensure that the public may search the entries of the registry data bank by such other elements as the Director deems necessary on an ongoing basis.

"(iv) FORMAT.—The Director of the NIH shall ensure that the registry data bank is easily used by the public, and that entries are easily compared.

"(C) DATA SUBMISSION.—The responsible party for an applicable clinical trial, including an applicable drug clinical trial for a serious or life-threatening disease or condition, that is initiated after, or is ongoing on the date that is 90 days after, the date of the enactment of the Food and Drug Administration Amendments Act of 2007, shall submit to the Director of NIH for inclusion in the registry data bank the clinical trial information described in of subparagraph (A)(ii) not later than the later of—

"(i) 90 days after such date of enactment;

"(ii) 21 days after the first patient is enrolled in such clinical trial; or

"(iii) in the case of a clinical trial that is not for a serious or life-threatening disease or condition and that is ongoing on such date of enactment, 1 year after such date of enactment.

"(D) POSTING OF DATA.—

"(i) APPLICABLE DRUG CLINICAL TRIAL.—The Director of NIH shall ensure that clinical trial information for an applicable drug clinical trial submitted in accordance with this paragraph is posted in the registry data bank not later than 30 days after such submission.

"(ii) APPLICABLE DEVICE CLINICAL TRIAL.—The Director of NIH shall ensure that clinical trial information for an applicable device clinical trial submitted in accordance with this paragraph is posted publicly in the registry data bank—

"(I) not earlier than the date of clearance under section 510(k) of the Federal Food, Drug, and Cosmetic Act, or approval under section 515 or 520(m) of such Act, as applicable, for a device that was not previously cleared or approved, and not later than 30 days after such date; or

"(II) for a device that was previously cleared or approved, not later than 30 days after the clinical trial information under paragraph (3)(C) is required to be posted by the Secretary.

"(3) EXPANSION OF REGISTRY DATA BANK TO INCLUDE RESULTS OF CLINICAL TRIALS.—

"(A) LINKING REGISTRY DATA BANK TO EXISTING RESULTS.—

"(i) IN GENERAL.—Beginning not later than 90 days after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, for those clinical trials that form the primary basis of an efficacy claim or are conducted after the drug involved is approved or after the device involved is cleared or approved, the Secretary shall ensure that the registry data bank includes links to results information as described in clause (ii) for such clinical trial—

"(I) not earlier than 30 days after the date of the approval of the drug involved or clearance or approval of the device involved; or

"(II) not later than 30 days after the results information described in clause (ii) becomes publicly available.

"(ii) REQUIRED INFORMATION.—

"(I) FDA INFORMATION.—The Secretary shall ensure that the registry data bank includes links to the following information:

"(aa) If an advisory committee considered at a meeting an applicable clinical trial, any posted Food and Drug Administration summary document regarding such applicable clinical trial.

"(bb) If an applicable drug clinical trial was conducted under section 505A or 505B of the Federal Food, Drug, and Cosmetic Act, a link to the posted Food and Drug Administration assessment of the results of such trial.

"(cc) Food and Drug Administration public health advisories regarding the drug or device that is the subject of the applicable clinical trial, if any.

"(dd) For an applicable drug clinical trial, the Food and Drug Administration action package for approval document required under section 505(l)(2) of the Federal Food, Drug, and Cosmetic Act.

"(ee) For an applicable device clinical trial, in the case of a premarket application under section 515 of the Federal Food, Drug, and Cosmetic Act, the detailed summary of information respecting the safety and effectiveness of the device required under section 520(h)(1) of such Act, or, in the case of a report under section 510(k) of such Act, the section 510(k) summary of the safety and effectiveness data required under section 807.95(d) of title 21, Code of Federal Regulations (or any successor regulation).

"(II) NIH INFORMATION.—The Secretary shall ensure that the registry data bank includes links to the following information:

"(aa) Medline citations to any publications focused on the results of an applicable clinical trial.

"(bb) The entry for the drug that is the subject of an applicable drug clinical trial in the National Library of Medicine database of structured product labels, if available.

"(iii) RESULTS FOR EXISTING DATA BANK ENTRIES.—The Secretary may include the links described in clause (ii) for data bank entries for clinical trials submitted to the data bank prior to enactment of the Food and Drug Administration Amendments Act of 2007, as available.

"(B) INCLUSION OF RESULTS.—The Secretary, acting through the Director of NIH, shall—

"(i) expand the registry data bank to include the results of applicable clinical trials (referred to in this subsection as the 'registry and results data bank');

"(ii) ensure that such results are made publicly available through the Internet;

"(iii) post publicly a glossary for the lay public explaining technical terms related to the results of clinical trials; and

"(iv) in consultation with experts on risk communication, provide information with the information included under subparagraph (C) in the registry and results data bank to help ensure that such information does not mislead the patients or the public.

"(C) BASIC RESULTS.—Not later than 1 year after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, the Secretary shall include in the registry and results data bank the following elements for drugs that are approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act and devices that are cleared under section 510(k) of the Federal Food, Drug, and Cosmetic Act or approved under section 515 or 520(m) of such Act:

"(i) DEMOGRAPHIC AND BASELINE CHARACTERISTICS OF PATIENT SAMPLE.—A table of the demographic and baseline data collected overall and for each arm of the clinical trial to describe the patients who participated in the clinical trial, including the number of patients who dropped out of the clinical trial and the number of patients excluded from the analysis, if any.

"(ii) PRIMARY AND SECONDARY OUTCOMES.—The primary and secondary outcome measures as submitted under paragraph (2)(A)(ii)(I)(ll), and a table of values for each of the primary and secondary outcome measures for each arm of the clinical trial, including the results of scientifically appropriate tests of the statistical significance of such outcome measures.

"(iii) POINT OF CONTACT.—A point of contact for scientific information about the clinical trial results.

"(iv) CERTAIN AGREEMENTS.—Whether there exists an agreement (other than an agreement solely to comply with applicable provisions of law protecting the privacy of participants) between the sponsor or its agent and the principal investigator (unless the sponsor is an employer of the principal investigator) that restricts in any manner the ability of the principal investigator, after the completion date of the trial, to discuss the results of the trial at a scientific meeting or any other public or private forum, or to publish in a scientific or academic journal information concerning the results of the trial.

"(D) EXPANDED REGISTRY AND RESULTS DATA BANK.—

"(i) EXPANSION BY RULEMAKING.—To provide more complete results information and to enhance patient access to and understanding of the results of clinical trials, not later than 3 years after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, the Secretary shall by regulation expand the registry and results data bank as provided under this subparagraph.

"(ii) CLINICAL TRIALS.—

"(I) APPROVED PRODUCTS.—The regulations under this subparagraph shall require the inclusion of the results information described in clause (iii) for—

"(aa) each applicable drug clinical trial for a drug that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act; and

"(bb) each applicable device clinical trial for a device that is cleared under section 510(k) of the Federal Food, Drug, and Cosmetic Act or approved under section 515 or 520(m) of such Act.

"(II) UNAPPROVED PRODUCTS.—The regulations under this subparagraph shall establish whether or not the results information described in clause (iii) shall be required for—

"(aa) an applicable drug clinical trial for a drug that is not approved under section 505 of the Federal Food, Drug, and Cosmetic Act and not licensed under section 351 of this Act (whether approval or licensure was sought or not); and

"(bb) an applicable device clinical trial for a device that is not cleared under section 510(k) of the Federal Food, Drug, and Cosmetic Act and not approved under section 515 or section 520(m) of such Act (whether clearance or approval was sought or not).

"(iii) REQUIRED ELEMENTS.—The regulations under this subparagraph shall require, in addition to the elements described in subparagraph (C), information within each of the following categories:

"(I) A summary of the clinical trial and its results that is written in non-technical, understandable language for patients, if the Secretary determines that such types of summary can be included without being misleading or promotional.

"(II) A summary of the clinical trial and its results that is technical in nature, if the Secretary determines that such types of summary can be included without being misleading or promotional.

"(III) The full protocol or such information on the protocol for the trial as may be necessary to help to evaluate the results of the trial.

"(IV) Such other categories as the Secretary determines appropriate.

"(iv) RESULTS SUBMISSION.—The results information described in clause (iii) shall be submitted to the Director of NIH for inclusion in the registry and results data bank as provided by subparagraph (E), except that the Secretary shall by regulation determine—

"(I) whether the 1-year period for submission of clinical trial information described in subparagraph (E)(i) should be increased from 1 year to a period not to exceed 18 months;

"(II) whether the clinical trial information described in clause (iii) should be required to be submitted for an applicable clinical trial for which the clinical trial information described in subparagraph (C) is submitted to the registry and results data bank before the effective date of the regulations issued under this subparagraph; and

"(III) in the case when the clinical trial information described in clause (iii) is required to be submitted for the applicable clinical trials described in clause (ii)(II), the date by which such clinical trial information shall be required to be submitted, taking into account—

"(aa) the certification process under subparagraph (E)(iii) when approval, licensure, or clearance is sought; and

"(bb) whether there should be a delay of submission when approval, licensure, or clearance will not be sought.

"(v) ADDITIONAL PROVISIONS.—The regulations under this subparagraph shall also establish—

"(I) a standard format for the submission of clinical trial information under this paragraph to the registry and results data bank;

"(II) additional information on clinical trials and results that is written in nontechnical, understandable language for patients;

"(III) considering the experience under the pilot quality control project described in paragraph (5)(C), procedures for quality control, including using representative samples, with respect to completeness and content of clinical trial information under this subsection, to help ensure that data elements are not false or misleading and are non-promotional;

"(IV) the appropriate timing and requirements for updates of clinical trial information, and whether and, if so, how such updates should be tracked;

"(V) a statement to accompany the entry for an applicable clinical trial when the primary and secondary outcome measures for such clinical trial are submitted under paragraph (4)(A) after the date specified for the submission of such information in paragraph (2)(C); and

"(VI) additions or modifications to the manner of reporting of the data elements established under subparagraph (C).

"(vi) CONSIDERATION OF WORLD HEALTH ORGANIZATION DATA SET.—The Secretary shall consider the status of the consensus data elements set for reporting clinical trial results of the World Health Organization when issuing the regulations under this subparagraph.

"(vii) PUBLIC MEETING.—The Secretary shall hold a public meeting no later than 18 months after the date of the enactment of the Food and Drug Administration Amendments Act of 2007 to provide an opportunity for input from interested parties with regard to the regulations to be issued under this subparagraph.

"(E) SUBMISSION OF RESULTS INFORMATION.—

"(i) IN GENERAL.—Except as provided in clause (iii), (iv), (v), and (vi) the responsible party for an applicable clinical trial that is described in clause (ii) shall submit to the Director of NIH for inclusion in the registry and results data bank the clinical trial information described in subparagraph (C) not later than 1 year, or such other period as may be provided by regulation under subparagraph (D), after the earlier of—

"(I) the estimated completion date of the trial as described in paragraph (2)(A)(ii)(I)(jj)); or

"(II) the actual date of completion.

"(ii) CLINICAL TRIALS DESCRIBED.—An applicable clinical trial described in this clause is an applicable clinical trial subject to—

"(I) paragraph (2)(C); and

"(II)(aa) subparagraph (C); or

"(bb) the regulations issued under subparagraph (D).

"(iii) DELAYED SUBMISSION OF RESULTS WITH CERTIFICATION.—If the responsible party for an applicable clinical trial submits a certification that clause (iv) or (v) applies to such clinical trial, the responsible party shall submit to the Director of NIH for inclusion in the registry and results data bank the clinical trial information described in subparagraphs (C) and (D) as required under the applicable clause.

"(iv) SEEKING INITIAL APPROVAL OF A DRUG OR DEVICE.—With respect to an applicable clinical trial that is completed before the drug is initially approved under section 505 of the Federal Food, Drug, and Cosmetic Act or initially licensed under section 351 of this Act, or the device is initially cleared under section 510(k) or initially approved under section 515 or 520(m) of the Federal Food, Drug, and Cosmetic Act, the responsible party shall submit to the Director of NIH for inclusion in the registry and results data bank the clinical trial information described in subparagraphs (C) and (D) not later than 30 days after the drug or device is approved under such section 505, licensed under such section 351, cleared under such section 510(k), or approved under such section 515 or 520(m), as applicable.

"(v) SEEKING APPROVAL OF A NEW USE FOR THE DRUG OR DEVICE.—

"(I) IN GENERAL.—With respect to an applicable clinical trial where the manufacturer of the drug or device is the sponsor of an applicable clinical trial, and such manufacturer has filed, or will file within 1 year, an application seeking approval under section 505 of the Federal Food, Drug, and Cosmetic Act, licensing under section 351 of this Act, or clearance under section 510(k), or approval under section 515 or 520(m), of the Federal Food, Drug, and Cosmetic Act for the use studied in such clinical trial (which use is not included in the labeling of the approved drug or device), then the responsible party shall submit to the Director of NIH for inclusion in the registry and results data bank the clinical trial information described in subparagraphs (C) and (D) on the earlier of the date that is 30 days after the date—

"(aa) the new use of the drug or device is approved under such section 505, licensed under such section 351, cleared under such section 510(k), or approved under such section 515 or 520(m);

"(bb) the Secretary issues a letter, such as a complete response letter, not approving the submission or not clearing the submission, a not approvable letter, or a not substantially equivalent letter for the new use of the drug or device under such section 505, 351, 510(k), 515, or 520(m); or

"(cc) except as provided in subclause (III), the application or premarket notification under such section 505, 351, 510(k), 515, or 520(m) is withdrawn without resubmission for no less than 210 days.

"(II) REQUIREMENT THAT EACH CLINICAL TRIAL IN APPLICATION BE TREATED THE SAME.—If a manufacturer makes a certification under clause (iii) that this clause applies with respect to a clinical trial, the manufacturer shall make such a certification with respect to each applicable clinical trial that is required to be submitted in an application or report for licensure, approval, or clearance (under section 351 of this Act or section 505, 510(k), 515, or 520(m) of the Federal Food, Drug, and Cosmetic Act, as applicable) of the use studied in the clinical trial.

"(III) TWO-YEAR LIMITATION.—The responsible party shall submit to the Director of NIH for inclusion in the registry and results data bank the clinical trial information subject to subclause (I) on the date that is 2 years after the date a certification under clause (iii) was made to the Director of NIH, if an action referred to in item (aa), (bb), or (cc) of subclause (I) has not occurred by such date.

"(vi) EXTENSIONS.—The Director of NIH may provide an extension of the deadline for submission of clinical trial information under clause (i) if the responsible party for the trial submits to the Director a written request that demonstrates good cause for the extension and provides an estimate of the date on which the information will be submitted. The Director of NIH may grant more than one such extension for a clinical trial.

"(F) NOTICE TO DIRECTOR OF NIH.—The Commissioner of Food and Drugs shall notify the Director of NIH when there is an action described in subparagraph (E)(iv) or item (aa), (bb), or (cc) of subparagraph (E)(v)(I) with respect to an application or a report that includes a certification required under paragraph (5)(B) of such action not later than 30 days after such action.

"(G) POSTING OF DATA.—The Director of NIH shall ensure that the clinical trial information described in subparagraphs (C) and (D) for an applicable clinical trial submitted in accordance with this paragraph is posted publicly in the registry and results database not later than 30 days after such submission.

"(H) WAIVERS REGARDING CERTAIN CLINICAL TRIAL RESULTS.—The Secretary may waive any applicable requirements of this paragraph for an applicable clinical trial, upon a written request from the responsible party, if the Secretary determines that extraordinary circumstances justify the waiver and that providing the waiver is consistent with the protection of public health, or in the interest of national security. Not later than 30 days after any part of a waiver is granted, the Secretary shall notify, in writing, the appropriate committees of Congress of the waiver and provide an explanation for why the waiver was granted.

"(I) ADVERSE EVENTS.—

"(i) REGULATIONS.—Not later than 18 months after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, the Secretary shall by regulation determine the best method for including in the registry and results data bank appropriate results information on serious adverse and frequent adverse events for drugs described in subparagraph (C) in a manner and form that is useful and not misleading to patients, physicians, and scientists.

"(ii) DEFAULT.—If the Secretary fails to issue the regulation required by clause (i) by the date that is 24 months after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, clause (iii) shall take effect.

"(iii) ADDITIONAL ELEMENTS.—Upon the application of clause (ii), the Secretary shall include in the registry and results data bank for drugs described in subparagraph (C), in addition to the clinical trial information described in subparagraph (C), the following elements:

"(I) SERIOUS ADVERSE EVENTS.—A table of anticipated and unanticipated serious adverse events grouped by organ system, with number and frequency of such event in each arm of the clinical trial.

"(II) FREQUENT ADVERSE EVENTS.—A table of anticipated and unanticipated adverse events that are not included in the table described in subclause (I) that exceed a frequency of 5 percent within any arm of the clinical trial, grouped by organ system, with number and frequency of such event in each arm of the clinical trial.

"(iv) POSTING OF OTHER INFORMATION.—In carrying out clause (iii), the Secretary shall, in consultation with experts in risk communication, post with the tables information to enhance patient understanding and to ensure such tables do not mislead patients or the lay public.

"(v) RELATION TO SUBPARAGRAPH (C).—Clinical trial information included in the registry and results data bank pursuant to this subparagraph is deemed to be clinical trial information included in such data bank pursuant to subparagraph (C).

"(4) ADDITIONAL SUBMISSIONS OF CLINICAL TRIAL INFORMATION.—

"(A) VOLUNTARY SUBMISSIONS.—A responsible party for a clinical trial that is not an applicable clinical trial, or that is an applicable clinical trial that is not subject to paragraph (2)(C), may submit complete clinical trial information described in paragraph (2) or paragraph (3) provided the responsible party submits clinical trial information for each applicable clinical trial that is required to be submitted under section 351 or under section 505, 510(k), 515, or 520(m) of the Federal Food, Drug, and Cosmetic Act in an application or report for licensure, approval, or clearance of the drug or device for the use studied in the clinical trial.

"(B) REQUIRED SUBMISSIONS.—

"(i) IN GENERAL.—Notwithstanding paragraphs (2) and (3) and subparagraph (A), in any case in which the Secretary determines for a specific clinical trial described in clause (ii) that posting in the registry and results data bank of clinical trial information for such clinical trial is necessary to protect the public health—

"(I) the Secretary may require by notification that such information be submitted to the Secretary in accordance with paragraphs (2) and (3) except with regard to timing of submission;

"(II) unless the responsible party submits a certification under paragraph (3)(E)(iii), such information shall be submitted not later than 30 days after the date specified by the Secretary in the notification; and

"(III) failure to comply with the requirements under subclauses (I) and (II) shall be treated as a violation of the corresponding requirement of such paragraphs.

"(ii) CLINICAL TRIALS DESCRIBED.—A clinical trial described in this clause is—

"(I) an applicable clinical trial for a drug that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act or for a device that is cleared under section 510(k) of the Federal Food, Drug, and Cosmetic Act or approved under section 515 or section 520(m) of such Act, whose completion date is on or after the date 10 years before the date of the enactment of the Food and Drug Administration Amendments Act of 2007; or

"(II) an applicable clinical trial that is described by both by paragraph (2)(C) and paragraph (3)(D)(ii)(II)).

"(C) UPDATES TO CLINICAL TRIAL DATA BANK.—

"(i) SUBMISSION OF UPDATES.—The responsible party for an applicable clinical trial shall submit to the Director of NIH for inclusion in the registry and results data bank updates to reflect changes to the clinical trial information submitted under paragraph (2). Such updates—

"(I) shall be provided not less than once every 12 months, unless there were no changes to the clinical trial information during the preceding 12-month period;

"(II) shall include identification of the dates of any such changes;

"(III) not later than 30 days after the recruitment status of such clinical trial changes, shall include an update of the recruitment status; and

"(IV) not later than 30 days after the completion date of the clinical trial, shall include notification to the Director that such clinical trial is complete.

"(ii) PUBLIC AVAILABILITY OF UPDATES.—The Director of NIH shall make updates submitted under clause (i) publicly available in the registry data bank. Except with regard to overall recruitment status, individual site status, location, and contact information, the Director of NIH shall ensure that updates to elements required under subclauses (I) to (V) of paragraph (2)(A)(ii) do not result in the removal of any information from the original submissions or any preceding updates, and information in such databases is presented in a manner that enables users to readily access each original element submission and to track the changes made by the updates. The Director of NIH shall provide a link from the table of primary and secondary outcomes required under paragraph (3)(C)(ii) to the tracked history required under this clause of the primary and secondary outcome measures submitted under paragraph (2)(A)(ii)(I)(ll).

"(5) COORDINATION AND COMPLIANCE.—

"(A) CLINICAL TRIALS SUPPORTED BY GRANTS FROM FEDERAL AGENCIES.—

"(i) GRANTS FROM CERTAIN FEDERAL AGENCIES.—If an applicable clinical trial is funded in whole or in part by a grant from any agency of the Department of Health and Human Services, including the Food and Drug Administration, the National Institutes of Health, or the Agency for Healthcare Research and Quality, any grant or progress report forms required under such grant shall include a certification that the responsible party has made all required submissions to the Director of NIH under paragraph (2) and (3).

"(ii) VERIFICATION BY FEDERAL AGENCIES.—The heads of the agencies referred to in clause (i), as applicable, shall verify that the clinical trial information for each applicable clinical trial for which a grantee is the responsible party has been submitted under paragraph (2) and (3) before releasing any remaining funding for a grant or funding for a future grant to such grantee.

"(iii) NOTICE AND OPPORTUNITY TO REMEDY.—If the head of an agency referred to in clause (i), as applicable, verifies that a grantee has not submitted clinical trial information as described in clause (ii), such agency head shall provide notice to such grantee of such non-compliance and allow such grantee 30 days to correct such non-compliance and submit the required clinical trial information.

"(iv) CONSULTATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

"(I) consult with other agencies that conduct research involving human subjects in accordance with any section of part 46 of title 45, Code of Federal Regulations (or any successor regulations), to determine if any such research is an applicable clinical trial; and

"(II) develop with such agencies procedures comparable to those described in clauses (i), (ii), and (iii) to ensure that clinical trial information for such applicable clinical trial is submitted under paragraph (2) and (3).

"(B) CERTIFICATION TO ACCOMPANY DRUG, BIOLOGICAL PRODUCT, AND DEVICE SUBMISSIONS.—At the time of submission of an application under section 505 of the Federal Food, Drug, and Cosmetic Act, section 515 of such Act, section 520(m) of such Act, or section 351 of this Act, or submission of a report under section 510(k) of such Act, such application or submission shall be accompanied by a certification that all applicable requirements of this subsection have been met. Where available, such certification shall include the appropriate National Clinical Trial control numbers.

"(C) QUALITY CONTROL.—

"(i) PILOT QUALITY CONTROL PROJECT.—Until the effective date of the regulations issued under paragraph (3)(D), the Secretary, acting through the Director of NIH and the Commissioner of Food and Drugs, shall conduct a pilot project to determine the optimal method of verification to help to ensure that the clinical trial information submitted under paragraph (3)(C) is non-promotional and is not false or misleading in any particular under subparagraph (D). The Secretary shall use the publicly available information described in paragraph (3)(A) and any other information available to the Secretary about applicable clinical trials to verify the accuracy of the clinical trial information submitted under paragraph (3)(C).

"(ii) NOTICE OF COMPLIANCE.—If the Secretary determines that any clinical trial information was not submitted as required under this subsection, or was submitted but is false or misleading in any particular, the Secretary shall notify the responsible party and give such party an opportunity to remedy such noncompliance by submitting the required revised clinical trial information not later than 30 days after such notification.

"(D) TRUTHFUL CLINICAL TRIAL INFORMATION.—

"(i) IN GENERAL.—The clinical trial information submitted by a responsible party under this subsection shall not be false or misleading in any particular.

"(ii) EFFECT.—Clause (i) shall not have the effect of—

"(I) requiring clinical trial information with respect to an applicable clinical trial to include information from any source other than such clinical trial involved; or

"(II) requiring clinical trial information described in paragraph (3)(D) to be submitted for purposes of paragraph (3)(C).

"(E) PUBLIC NOTICES.—

"(i) NOTICE OF VIOLATIONS.—If the responsible party for an applicable clinical trial fails to submit clinical trial information for such clinical trial as required under paragraphs (2) or (3), the Director of NIH shall include in the registry and results data bank entry for such clinical trial a notice—

"(I) that the responsible party is not in compliance with this Act by—

"(aa) failing to submit required clinical trial information; or

"(bb) submitting false or misleading clinical trial information;

"(II) of the penalties imposed for the violation, if any; and

"(III) whether the responsible party has corrected the clinical trial information in the registry and results data bank.

"(ii) NOTICE OF FAILURE TO SUBMIT PRIMARY AND SECONDARY OUTCOMES.—If the responsible party for an applicable clinical trial fails to submit the primary and secondary outcomes as required under section 2(A)(ii)(I)(ll), the Director of NIH shall include in the registry and results data bank entry for such clinical trial a notice that the responsible party is not in compliance by failing to register the primary and secondary outcomes in accordance with this act, and that the primary and secondary outcomes were not publicly disclosed in the database before conducting the clinical trial.

"(iii) FAILURE TO SUBMIT STATEMENT.—The notice under clause (i) for a violation described in clause (i)(I)(aa) shall include the following statement: 'The entry for this clinical trial was not complete at the time of submission, as required by law. This may or may not have any bearing on the accuracy of the information in the entry.'.

"(iv) SUBMISSION OF FALSE INFORMATION STATEMENT.—The notice under clause (i) for a violation described in clause (i)(I)(bb) shall include the following statement: 'The entry for this clinical trial was found to be false or misleading and therefore not in compliance with the law.'.

"(v) NON-SUBMISSION OF STATEMENT.—The notice under clause (ii) for a violation described in clause (ii) shall include the following statement: 'The entry for this clinical trial did not contain information on the primary and secondary outcomes at the time of submission, as required by law. This may or may not have any bearing on the accuracy of the information in the entry.'

"(vi) COMPLIANCE SEARCHES.—The Director of NIH shall provide that the public may easily search the registry and results data bank for entries that include notices required under this subparagraph.

"(6) LIMITATION ON DISCLOSURE OF CLINICAL TRIAL INFORMATION.—

"(A) IN GENERAL.—Nothing in this subsection (or under section 552 of title 5, United States Code) shall require the Secretary to publicly disclose, by any means other than the registry and results data bank, information described in subparagraph (B).

"(B) INFORMATION DESCRIBED.—Information described in this subparagraph is—

"(i) information submitted to the Director of NIH under this subsection, or information of the same general nature as (or integrally associated with) the information so submitted; and

"(ii) information not otherwise publicly available, including because it is protected from disclosure under section 552 of title 5, United States Code.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(jj)(1) The failure to submit the certification required by section 402(j)(5)(B) of the Public Health Service Act, or knowingly submitting a false certification under such section.

"(2) The failure to submit clinical trial information required under subsection (j) of section 402 of the Public Health Service Act.

"(3) The submission of clinical trial information under subsection (j) of section 402 of the Public Health Service Act that is false or misleading in any particular under paragraph (5)(D) of such subsection (j).".

(2) CIVIL MONEY PENALTIES.—Subsection (f) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as redesignated by section 226, is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (5), (6), and (7), respectively;

(B) by inserting after paragraph (2) the following:

"(3)(A) Any person who violates section 301(jj) shall be subject to a civil monetary penalty of not more than $10,000 for all violations adjudicated in a single proceeding.

"(B) If a violation of section 301(jj) is not corrected within the 30-day period following notification under section 402(j)(5)(C)(ii), the person shall, in addition to any penalty under subparagraph (A), be subject to a civil monetary penalty of not more than $10,000 for each day of the violation after such period until the violation is corrected.";

(C) in paragraph (2)(C), by striking "paragraph (3)(A)" and inserting "paragraph (5)(A)";

(D) in paragraph (5), as so redesignated, by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2),or (3)";

(E) in paragraph (6), as so redesignated, by striking "paragraph (3)(A)" and inserting "paragraph (5)(A)"; and

(F) in paragraph (7), as so redesignated, by striking "paragraph (4)" each place it appears and inserting "paragraph (6)".

(3) NEW DRUGS AND DEVICES.—

(A) INVESTIGATIONAL NEW DRUGS.—Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended in paragraph (4), by adding at the end the following: "The Secretary shall update such regulations to require inclusion in the informed consent documents and process a statement that clinical trial information for such clinical investigation has been or will be submitted for inclusion in the registry data bank pursuant to subsection (j) of section 402 of the Public Health Service Act.".

(B) NEW DRUG APPLICATIONS.—Section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended by adding at the end the following:

"(6) An application submitted under this subsection shall be accompanied by the certification required under section 402(j)(5)(B) of the Public Health Service Act. Such certification shall not be considered an element of such application.".

(C) DEVICE REPORTS UNDER SECTION 510(k).—Section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) is amended by adding at the end the following:

"A notification submitted under this subsection that contains clinical trial data for an applicable device clinical trial (as defined in section 402(j)(1) of the Public Health Service Act) shall be accompanied by the certification required under section 402(j)(5)(B) of such Act. Such certification shall not be considered an element of such notification.".

(D) DEVICE PREMARKET APPROVAL APPLICATION.—Section 515(c)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)(1)) is amended—

(i) in subparagraph (F), by striking "; and" and inserting a semicolon;

(ii) by redesignating subparagraph (G) as subparagraph (H); and

(iii) by inserting after subparagraph (F) the following:

"(G) the certification required under section 402(j)(5)(B) of the Public Health Service Act (which shall not be considered an element of such application); and".

(E) HUMANITARIAN DEVICE EXEMPTION.—Section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended in the first sentence in the matter following subparagraph (C), by inserting at the end before the period "and such application shall include the certification required under section 402(j)(5)(B) of the Public Health Service Act (which shall not be considered an element of such application)".

(c) SURVEILLANCES.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue guidance on how the requirements of section 402(j) of the Public Health Service Act, as added by this section, apply to a pediatric postmarket surveillance described in paragraph (1)(A)(ii)(II) of such section 402(j) that is not a clinical trial.

(d) PREEMPTION.—

(1) IN GENERAL.—Upon the expansion of the registry and results data bank under section 402(j)(3)(D) of the Public Health Service Act, as added by this section, no State or political subdivision of a State may establish or continue in effect any requirement for the registration of clinical trials or for the inclusion of information relating to the results of clinical trials in a database.

(2) RULE OF CONSTRUCTION.—The fact of submission of clinical trial information, if submitted in compliance with subsection (j) of section 402 of the Public Health Service Act (as amended by this section), that relates to a use of a drug or device not included in the official labeling of the approved drug or device shall not be construed by the Secretary of Health and Human Services or in any administrative or judicial proceeding, as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. The availability of clinical trial information through the registry and results data bank under such subsection (j), if submitted in compliance with such subsection, shall not be considered as labeling, adulteration, or misbranding of the drug or device under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

TITLE IX—ENHANCED AUTHORITIES REGARDING POSTMARKET SAFETY OF DRUGS

Subtitle A—Postmarket Studies and Surveillance

SEC. 901. POSTMARKET STUDIES AND CLINICAL TRIALS REGARDING HUMAN DRUGS; RISK EVALUATION AND MITIGATION STRATEGIES.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following subsections:

"(o) POSTMARKET STUDIES AND CLINICAL TRIALS; LABELING.—

"(1) IN GENERAL.—A responsible person may not introduce or deliver for introduction into interstate commerce the new drug involved if the person is in violation of a requirement established under paragraph (3) or (4) with respect to the drug.

"(2) DEFINITIONS.—For purposes of this subsection:

"(A) RESPONSIBLE PERSON.—The term 'responsible person' means a person who—

"(i) has submitted to the Secretary a covered application that is pending; or

"(ii) is the holder of an approved covered application.

"(B) COVERED APPLICATION.—The term 'covered application' means—

"(i) an application under subsection (b) for a drug that is subject to section 503(b); and

"(ii) an application under section 351 of the Public Health Service Act.

"(C) NEW SAFETY INFORMATION; SERIOUS RISK.—The terms 'new safety information', 'serious risk', and 'signal of a serious risk' have the meanings given such terms in section 505–1(b).

"(3) STUDIES AND CLINICAL TRIALS.—

"(A) IN GENERAL.—For any or all of the purposes specified in subparagraph (B), the Secretary may, subject to subparagraph (D), require a responsible person for a drug to conduct a postapproval study or studies of the drug, or a postapproval clinical trial or trials of the drug, on the basis of scientific data deemed appropriate by the Secretary, including information regarding chemically-related or pharmacologically-related drugs.

"(B) PURPOSES OF STUDY OR CLINICAL TRIAL.—The purposes referred to in this subparagraph with respect to a postapproval study or postapproval clinical trial are the following:

"(i) To assess a known serious risk related to the use of the drug involved.

"(ii) To assess signals of serious risk related to the use of the drug.

"(iii) To identify an unexpected serious risk when available data indicates the potential for a serious risk.

"(C) ESTABLISHMENT OF REQUIREMENT AFTER APPROVAL OF COVERED APPLICATION.—The Secretary may require a postapproval study or studies or postapproval clinical trial or trials for a drug for which an approved covered application is in effect as of the date on which the Secretary seeks to establish such requirement only if the Secretary becomes aware of new safety information.

"(D) DETERMINATION BY SECRETARY.—

"(i) POSTAPPROVAL STUDIES.—The Secretary may not require the responsible person to conduct a study under this paragraph, unless the Secretary makes a determination that the reports under subsection (k)(1) and the active postmarket risk identification and analysis system as available under subsection (k)(3) will not be sufficient to meet the purposes set forth in subparagraph (B).

"(ii) POSTAPPROVAL CLINICAL TRIALS.—The Secretary may not require the responsible person to conduct a clinical trial under this paragraph, unless the Secretary makes a determination that a postapproval study or studies will not be sufficient to meet the purposes set forth in subparagraph (B).

"(E) NOTIFICATION; TIMETABLES; PERIODIC REPORTS.—

"(i) NOTIFICATION.—The Secretary shall notify the responsible person regarding a requirement under this paragraph to conduct a postapproval study or clinical trial by the target dates for communication of feedback from the review team to the responsible person regarding proposed labeling and postmarketing study commitments as set forth in the letters described in section 101(c) of the Food and Drug Administration Amendments Act of 2007.

"(ii) TIMETABLE; PERIODIC REPORTS.—For each study or clinical trial required to be conducted under this paragraph, the Secretary shall require that the responsible person submit a timetable for completion of the study or clinical trial. With respect to each study required to be conducted under this paragraph or otherwise undertaken by the responsible person to investigate a safety issue, the Secretary shall require the responsible person to periodically report to the Secretary on the status of such study including whether any difficulties in completing the study have been encountered. With respect to each clinical trial required to be conducted under this paragraph or otherwise undertaken by the responsible person to investigate a safety issue, the Secretary shall require the responsible person to periodically report to the Secretary on the status of such clinical trial including whether enrollment has begun, the number of participants enrolled, the expected completion date, whether any difficulties completing the clinical trial have been encountered, and registration information with respect to the requirements under section 402(j) of the Public Health Service Act. If the responsible person fails to comply with such timetable or violates any other requirement of this subparagraph, the responsible person shall be considered in violation of this subsection, unless the responsible person demonstrates good cause for such noncompliance or such other violation. The Secretary shall determine what constitutes good cause under the preceding sentence.

"(F) DISPUTE RESOLUTION.—The responsible person may appeal a requirement to conduct a study or clinical trial under this paragraph using dispute resolution procedures established by the Secretary in regulation and guidance.

"(4) SAFETY LABELING CHANGES REQUESTED BY SECRETARY.—

"(A) NEW SAFETY INFORMATION.—If the Secretary becomes aware of new safety information that the Secretary believes should be included in the labeling of the drug, the Secretary shall promptly notify the responsible person or, if the same drug approved under section 505(b) is not currently marketed, the holder of an approved application under 505(j).

"(B) RESPONSE TO NOTIFICATION.—Following notification pursuant to subparagraph (A), the responsible person or the holder of the approved application under section 505(j) shall within 30 days—

"(i) submit a supplement proposing changes to the approved labeling to reflect the new safety information, including changes to boxed warnings, contraindications, warnings, precautions, or adverse reactions; or

"(ii) notify the Secretary that the responsible person or the holder of the approved application under section 505(j) does not believe a labeling change is warranted and submit a statement detailing the reasons why such a change is not warranted.

"(C) REVIEW.—Upon receipt of such supplement, the Secretary shall promptly review and act upon such supplement. If the Secretary disagrees with the proposed changes in the supplement or with the statement setting forth the reasons why no labeling change is necessary, the Secretary shall initiate discussions to reach agreement on whether the labeling for the drug should be modified to reflect the new safety information, and if so, the contents of such labeling changes.

"(D) DISCUSSIONS.—Such discussions shall not extend for more than 30 days after the response to the notification under subparagraph (B), unless the Secretary determines an extension of such discussion period is warranted.

"(E) ORDER.—Within 15 days of the conclusion of the discussions under subparagraph (D), the Secretary may issue an order directing the responsible person or the holder of the approved application under section 505(j) to make such a labeling change as the Secretary deems appropriate to address the new safety information. Within 15 days of such an order, the responsible person or the holder of the approved application under section 505(j) shall submit a supplement containing the labeling change.

"(F) DISPUTE RESOLUTION.—Within 5 days of receiving an order under subparagraph (E), the responsible person or the holder of the approved application under section 505(j) may appeal using dispute resolution procedures established by the Secretary in regulation and guidance.

"(G) VIOLATION.—If the responsible person or the holder of the approved application under section 505(j) has not submitted a supplement within 15 days of the date of such order under subparagraph (E), and there is no appeal or dispute resolution proceeding pending, the responsible person or holder shall be considered to be in violation of this subsection. If at the conclusion of any dispute resolution procedures the Secretary determines that a supplement must be submitted and such a supplement is not submitted within 15 days of the date of that determination, the responsible person or holder shall be in violation of this subsection.

"(H) PUBLIC HEALTH THREAT.—Notwithstanding subparagraphs (A) through (F), if the Secretary concludes that such a labeling change is necessary to protect the public health, the Secretary may accelerate the timelines in such subparagraphs.

"(I) RULE OF CONSTRUCTION.—This paragraph shall not be construed to affect the responsibility of the responsible person or the holder of the approved application under section 505(j) to maintain its label in accordance with existing requirements, including subpart B of part 201 and sections 314.70 and 601.12 of title 21, Code of Federal Regulations (or any successor regulations).

"(5) NON-DELEGATION.—Determinations by the Secretary under this subsection for a drug shall be made by individuals at or above the level of individuals empowered to approve a drug (such as division directors within the Center for Drug Evaluation and Research).

"(p) RISK EVALUATION AND MITIGATION STRATEGY.—

"(1) IN GENERAL.—A person may not introduce or deliver for introduction into interstate commerce a new drug if—

"(A)(i) the application for such drug is approved under subsection (b) or (j) and is subject to section 503(b); or

"(ii) the application for such drug is approved under section 351 of the Public Health Service Act; and

"(B) a risk evaluation and mitigation strategy is required under section 505–1 with respect to the drug and the person fails to maintain compliance with the requirements of the approved strategy or with other requirements under section 505–1, including requirements regarding assessments of approved strategies.

"(2) CERTAIN POSTMARKET STUDIES.—The failure to conduct a postmarket study under section 506, subpart H of part 314, or subpart E of part 601 of title 21, Code of Federal Regulations (or any successor regulations), is deemed to be a violation of paragraph (1).".

(b) REQUIREMENTS REGARDING STRATEGIES.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following section:

"SEC. 505–1. RISK EVALUATION AND MITIGATION STRATEGIES.

"(a) SUBMISSION OF PROPOSED STRATEGY.—

"(1) INITIAL APPROVAL.—If the Secretary, in consultation with the office responsible for reviewing the drug and the office responsible for postapproval safety with respect to the drug, determines that a risk evaluation and mitigation strategy is necessary to ensure that the benefits of the drug outweigh the risks of the drug, and informs the person who submits such application of such determination, then such person shall submit to the Secretary as part of such application a proposed risk evaluation and mitigation strategy. In making such a determination, the Secretary shall consider the following factors:

"(A) The estimated size of the population likely to use the drug involved.

"(B) The seriousness of the disease or condition that is to be treated with the drug.

"(C) The expected benefit of the drug with respect to such disease or condition.

"(D) The expected or actual duration of treatment with the drug.

"(E) The seriousness of any known or potential adverse events that may be related to the drug and the background incidence of such events in the population likely to use the drug.

"(F) Whether the drug is a new molecular entity.

"(2) POSTAPPROVAL REQUIREMENT.—

"(A) IN GENERAL.—If the Secretary has approved a covered application (including an application approved before the effective date of this section) and did not when approving the application require a risk evaluation and mitigation strategy under paragraph (1), the Secretary, in consultation with the offices described in paragraph (1), may subsequently require such a strategy for the drug involved (including when acting on a supplemental application seeking approval of a new indication for use of the drug) if the Secretary becomes aware of new safety information and makes a determination that such a strategy is necessary to ensure that the benefits of the drug outweigh the risks of the drug.

"(B) SUBMISSION OF PROPOSED STRATEGY.—Not later than 120 days after the Secretary notifies the holder of an approved covered application that the Secretary has made a determination under subparagraph (A) with respect to the drug involved, or within such other reasonable time as the Secretary requires to protect the public health, the holder shall submit to the Secretary a proposed risk evaluation and mitigation strategy.

"(3) ABBREVIATED NEW DRUG APPLICATIONS.—The applicability of this section to an application under section 505(j) is subject to subsection (i).

"(4) NON-DELEGATION.—Determinations by the Secretary under this subsection for a drug shall be made by individuals at or above the level of individuals empowered to approve a drug (such as division directors within the Center for Drug Evaluation and Research).

"(b) DEFINITIONS.—For purposes of this section:

"(1) ADVERSE DRUG EXPERIENCE.—The term 'adverse drug experience' means any adverse event associated with the use of a drug in humans, whether or not considered drug related, including—

"(A) an adverse event occurring in the course of the use of the drug in professional practice;

"(B) an adverse event occurring from an overdose of the drug, whether accidental or intentional;

"(C) an adverse event occurring from abuse of the drug;

"(D) an adverse event occurring from withdrawal of the drug; and

"(E) any failure of expected pharmacological action of the drug.

"(2) COVERED APPLICATION.—The term 'covered application' means an application referred to in section 505(p)(1)(A).

"(3) NEW SAFETY INFORMATION.—The term 'new safety information', with respect to a drug, means information derived from a clinical trial, an adverse event report, a postapproval study (including a study under section 505(o)(3)), or peer-reviewed biomedical literature; data derived from the postmarket risk identification and analysis system under section 505(k); or other scientific data deemed appropriate by the Secretary about—

"(A) a serious risk or an unexpected serious risk associated with use of the drug that the Secretary has become aware of (that may be based on a new analysis of existing information) since the drug was approved, since the risk evaluation and mitigation strategy was required, or since the last assessment of the approved risk evaluation and mitigation strategy for the drug; or

"(B) the effectiveness of the approved risk evaluation and mitigation strategy for the drug obtained since the last assessment of such strategy.

"(4) SERIOUS ADVERSE DRUG EXPERIENCE.—The term 'serious adverse drug experience' is an adverse drug experience that—

"(A) results in—

"(i) death;

"(ii) an adverse drug experience that places the patient at immediate risk of death from the adverse drug experience as it occurred (not including an adverse drug experience that might have caused death had it occurred in a more severe form);

"(iii) inpatient hospitalization or prolongation of existing hospitalization;

"(iv) a persistent or significant incapacity or substantial disruption of the ability to conduct normal life functions; or

"(v) a congenital anomaly or birth defect; or

"(B) based on appropriate medical judgment, may jeopardize the patient and may require a medical or surgical intervention to prevent an outcome described under subparagraph (A).

"(5) SERIOUS RISK.—The term 'serious risk' means a risk of a serious adverse drug experience.

"(6) SIGNAL OF A SERIOUS RISK.—The term 'signal of a serious risk' means information related to a serious adverse drug experience associated with use of a drug and derived from—

"(A) a clinical trial;

"(B) adverse event reports;

"(C) a postapproval study, including a study under section 505(o)(3);

"(D) peer-reviewed biomedical literature;

"(E) data derived from the postmarket risk identification and analysis system under section 505(k)(4); or

"(F) other scientific data deemed appropriate by the Secretary.

"(7) RESPONSIBLE PERSON.—The term 'responsible person' means the person submitting a covered application or the holder of the approved such application.

"(8) UNEXPECTED SERIOUS RISK.—The term 'unexpected serious risk' means a serious adverse drug experience that is not listed in the labeling of a drug, or that may be symptomatically and pathophysiologically related to an adverse drug experience identified in the labeling, but differs from such adverse drug experience because of greater severity, specificity, or prevalence.

"(c) CONTENTS.—A proposed risk evaluation and mitigation strategy under subsection (a) shall—

"(1) include the timetable required under subsection (d); and

"(2) to the extent required by the Secretary, in consultation with the office responsible for reviewing the drug and the office responsible for postapproval safety with respect to the drug, include additional elements described in subsections (e) and (f).

"(d) MINIMAL STRATEGY.—For purposes of subsection (c)(1), the risk evaluation and mitigation strategy for a drug shall require a timetable for submission of assessments of the strategy that—

"(1) includes an assessment, by the date that is 18 months after the strategy is initially approved;

"(2) includes an assessment by the date that is 3 years after the strategy is initially approved;

"(3) includes an assessment in the seventh year after the strategy is so approved; and

"(4) subject to paragraphs (1), (2), and (3)—

"(A) is at a frequency specified in the strategy;

"(B) is increased or reduced in frequency as necessary as provided for in subsection (g)(4)(A); and

"(C) is eliminated after the 3-year period described in paragraph (1) if the Secretary determines that serious risks of the drug have been adequately identified and assessed and are being adequately managed.

"(e) ADDITIONAL POTENTIAL ELEMENTS OF STRATEGY.—

"(1) IN GENERAL.—The Secretary, in consultation with the offices described in subsection (c)(2), may under such subsection require that the risk evaluation and mitigation strategy for a drug include 1 or more of the additional elements described in this subsection if the Secretary makes the determination required with respect to each element involved.

"(2) MEDICATION GUIDE; PATIENT PACKAGE INSERT.—The risk evaluation and mitigation strategy for a drug may require that, as applicable, the responsible person develop for distribution to each patient when the drug is dispensed—

"(A) a Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations); and

"(B) a patient package insert, if the Secretary determines that such insert may help mitigate a serious risk of the drug.

"(3) COMMUNICATION PLAN.—The risk evaluation and mitigation strategy for a drug may require that the responsible person conduct a communication plan to health care providers, if, with respect to such drug, the Secretary determines that such plan may support implementation of an element of the strategy (including under this paragraph). Such plan may include—

"(A) sending letters to health care providers;

"(B) disseminating information about the elements of the risk evaluation and mitigation strategy to encourage implementation by health care providers of components that apply to such health care providers, or to explain certain safety protocols (such as medical monitoring by periodic laboratory tests); or

"(C) disseminating information to health care providers through professional societies about any serious risks of the drug and any protocol to assure safe use.

"(f) PROVIDING SAFE ACCESS FOR PATIENTS TO DRUGS WITH KNOWN SERIOUS RISKS THAT WOULD OTHERWISE BE UNAVAILABLE.—

"(1) ALLOWING SAFE ACCESS TO DRUGS WITH KNOWN SERIOUS RISKS.—The Secretary, in consultation with the offices described in subsection (c)(2), may require that the risk evaluation and mitigation strategy for a drug include such elements as are necessary to assure safe use of the drug, because of its inherent toxicity or potential harmfulness, if the Secretary determines that—

"(A) the drug, which has been shown to be effective, but is associated with a serious adverse drug experience, can be approved only if, or would be withdrawn unless, such elements are required as part of such strategy to mitigate a specific serious risk listed in the labeling of the drug; and

"(B) for a drug initially approved without elements to assure safe use, other elements under subsections (c), (d), and (e) are not sufficient to mitigate such serious risk.

"(2) ASSURING ACCESS AND MINIMIZING BURDEN.—Such elements to assure safe use under paragraph (1) shall—

"(A) be commensurate with the specific serious risk listed in the labeling of the drug;

"(B) within 30 days of the date on which any element under paragraph (1) is imposed, be posted publicly by the Secretary with an explanation of how such elements will mitigate the observed safety risk;

"(C) considering such risk, not be unduly burdensome on patient access to the drug, considering in particular—

"(i) patients with serious or life-threatening diseases or conditions; and

"(ii) patients who have difficulty accessing health care (such as patients in rural or medically underserved areas); and

"(D) to the extent practicable, so as to minimize the burden on the health care delivery system—

"(i) conform with elements to assure safe use for other drugs with similar, serious risks; and

"(ii) be designed to be compatible with established distribution, procurement, and dispensing systems for drugs.

"(3) ELEMENTS TO ASSURE SAFE USE.—The elements to assure safe use under paragraph (1) shall include 1 or more goals to mitigate a specific serious risk listed in the labeling of the drug and, to mitigate such risk, may require that—

"(A) health care providers who prescribe the drug have particular training or experience, or are specially certified (the opportunity to obtain such training or certification with respect to the drug shall be available to any willing provider from a frontier area in a widely available training or certification method (including an on-line course or via mail) as approved by the Secretary at reasonable cost to the provider);

"(B) pharmacies, practitioners, or health care settings that dispense the drug are specially certified (the opportunity to obtain such certification shall be available to any willing provider from a frontier area);

"(C) the drug be dispensed to patients only in certain health care settings, such as hospitals;

"(D) the drug be dispensed to patients with evidence or other documentation of safe-use conditions, such as laboratory test results;

"(E) each patient using the drug be subject to certain monitoring; or

"(F) each patient using the drug be enrolled in a registry.

"(4) IMPLEMENTATION SYSTEM.—The elements to assure safe use under paragraph (1) that are described in subparagraphs (B), (C), and (D) of paragraph (3) may include a system through which the applicant is able to take reasonable steps to—

"(A) monitor and evaluate implementation of such elements by health care providers, pharmacists, and other parties in the health care system who are responsible for implementing such elements; and

"(B) work to improve implementation of such elements by such persons.

"(5) EVALUATION OF ELEMENTS TO ASSURE SAFE USE.—The Secretary, through the Drug Safety and Risk Management Advisory Committee (or successor committee) of the Food and Drug Administration, shall—

"(A) seek input from patients, physicians, pharmacists, and other health care providers about how elements to assure safe use under this subsection for 1 or more drugs may be standardized so as not to be—

"(i) unduly burdensome on patient access to the drug; and

"(ii) to the extent practicable, minimize the burden on the health care delivery system;

"(B) at least annually, evaluate, for 1 or more drugs, the elements to assure safe use of such drug to assess whether the elements—

"(i) assure safe use of the drug;

"(ii) are not unduly burdensome on patient access to the drug; and

"(iii) to the extent practicable, minimize the burden on the health care delivery system; and

"(C) considering such input and evaluations—

"(i) issue or modify agency guidance about how to implement the requirements of this subsection; and

"(ii) modify elements under this subsection for 1 or more drugs as appropriate.

"(6) ADDITIONAL MECHANISMS TO ASSURE ACCESS.—The mechanisms under section 561 to provide for expanded access for patients with serious or life-threatening diseases or conditions may be used to provide access for patients with a serious or life-threatening disease or condition, the treatment of which is not an approved use for the drug, to a drug that is subject to elements to assure safe use under this subsection. The Secretary shall promulgate regulations for how a physician may provide the drug under the mechanisms of section 561.

"(7) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this subsection during the period described in section 319(a) of the Public Health Service Act with respect to a qualified countermeasure described under section 319F–1(a)(2) of such Act, to which a requirement under this subsection has been applied, if the Secretary has—

"(A) declared a public health emergency under such section 319; and

"(B) determined that such waiver is required to mitigate the effects of, or reduce the severity of, such public health emergency.

"(8) LIMITATION.—No holder of an approved covered application shall use any element to assure safe use required by the Secretary under this subsection to block or delay approval of an application under section 505(b)(2) or (j) or to prevent application of such element under subsection (i)(1)(B) to a drug that is the subject of an abbreviated new drug application.

"(g) ASSESSMENT AND MODIFICATION OF APPROVED STRATEGY.—

"(1) VOLUNTARY ASSESSMENTS.—After the approval of a risk evaluation and mitigation strategy under subsection (a), the responsible person involved may, subject to paragraph (2), submit to the Secretary an assessment of, and propose a modification to, the approved strategy for the drug involved at any time.

"(2) REQUIRED ASSESSMENTS.—A responsible person shall, subject to paragraph (5), submit an assessment of, and may propose a modification to, the approved risk evaluation and mitigation strategy for a drug—

"(A) when submitting a supplemental application for a new indication for use under section 505(b) or under section 351 of the Public Health Service Act, unless the drug is not subject to section 503(b) and the risk evaluation and mitigation strategy for the drug includes only the timetable under subsection (d);

"(B) when required by the strategy, as provided for in such timetable under subsection (d);

"(C) within a time period to be determined by the Secretary, if the Secretary, in consultation with the offices described in subsection (c)(2), determines that new safety or effectiveness information indicates that—

"(i) an element under subsection (d) or (e) should be modified or included in the strategy; or

"(ii) an element under subsection (f) should be modified or included in the strategy; or

"(D) within 15 days when ordered by the Secretary, in consultation with the offices described in subsection (c)(2), if the Secretary determines that there may be a cause for action by the Secretary under section 505(e).

"(3) REQUIREMENTS FOR ASSESSMENTS.—An assessment under paragraph (1) or (2) of an approved risk evaluation and mitigation strategy for a drug shall include—

"(A) with respect to any goal under subsection (f), an assessment of the extent to which the elements to assure safe use are meeting the goal or whether the goal or such elements should be modified;

"(B) with respect to any postapproval study required under section 505(o) or otherwise undertaken by the responsible person to investigate a safety issue, the status of such study, including whether any difficulties completing the study have been encountered; and

"(C) with respect to any postapproval clinical trial required under section 505(o) or otherwise undertaken by the responsible party to investigate a safety issue, the status of such clinical trial, including whether enrollment has begun, the number of participants enrolled, the expected completion date, whether any difficulties completing the clinical trial have been encountered, and registration information with respect to requirements under subsections (i) and (j) of section 402 of the Public Health Service Act.

"(4) MODIFICATION.—A modification (whether an enhancement or a reduction) to the approved risk evaluation and mitigation strategy for a drug may include the addition or modification of any element under subsection (d) or the addition, modification, or removal of any element under subsection (e) or (f), such as—

"(A) modifying the timetable for assessments of the strategy as provided in subsection (d)(3), including to eliminate assessments; or

"(B) adding, modifying, or removing an element to assure safe use under subsection (f).

"(h) REVIEW OF PROPOSED STRATEGIES; REVIEW OF ASSESSMENTS OF APPROVED STRATEGIES.—

"(1) IN GENERAL.—The Secretary, in consultation with the offices described in subsection (c)(2), shall promptly review each proposed risk evaluation and mitigation strategy for a drug submitted under subsection (a) and each assessment of an approved risk evaluation and mitigation strategy for a drug submitted under subsection (g).

"(2) DISCUSSION.—The Secretary, in consultation with the offices described in subsection (c)(2), shall initiate discussions with the responsible person for purposes of this subsection to determine a strategy not later than 60 days after any such assessment is submitted or, in the case of an assessment submitted under subsection (g)(2)(D), not later than 30 days after such assessment is submitted.

"(3) ACTION.—

"(A) IN GENERAL.—Unless the dispute resolution process described under paragraph (4) or (5) applies, the Secretary, in consultation with the offices described in subsection (c)(2), shall describe any required risk evaluation and mitigation strategy for a drug, or any modification to any required strategy—

"(i) as part of the action letter on the application, when a proposed strategy is submitted under subsection (a) or a modification to the strategy is proposed as part of an assessment of the strategy submitted under subsection (g)(1); or

"(ii) in an order issued not later than 90 days after the date discussions of such modification begin under paragraph (2), when a modification to the strategy is proposed as part of an assessment of the strategy submitted under subsection (g)(1) or under any of subparagraphs (B) through (D) of subsection (g)(2).

"(B) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided under subparagraph (A).

"(C) PUBLIC AVAILABILITY.—Any action letter described in subparagraph (A)(i) or order described in subparagraph (A)(ii) shall be made publicly available.

"(4) DISPUTE RESOLUTION AT INITIAL APPROVAL.—If a proposed risk evaluation and mitigation strategy is submitted under subsection (a)(1) in an application for initial approval of a drug and there is a dispute about the strategy, the responsible person shall use the major dispute resolution procedures as set forth in the letters described in section 101(c) of the Food and Drug Administration Amendments Act of 2007.

"(5) DISPUTE RESOLUTION IN ALL OTHER CASES.—

"(A) REQUEST FOR REVIEW.—

"(i) IN GENERAL.—Not earlier than 15 days, and not later than 35 days, after discussions under paragraph (2) have begun, the responsible person may request in writing that a dispute about the strategy be reviewed by the Drug Safety Oversight Board under subsection (j), except that the determination of the Secretary to require a risk evaluation and mitigation strategy is not subject to review under this paragraph. The preceding sentence does not prohibit review under this paragraph of the particular elements of such a strategy.

"(ii) SCHEDULING.—Upon receipt of a request under clause (i), the Secretary shall schedule the dispute involved for review under subparagraph (B) and, not later than 5 business days of scheduling the dispute for review, shall publish by posting on the Internet or otherwise a notice that the dispute will be reviewed by the Drug Safety Oversight Board.

"(B) SCHEDULING REVIEW.—If a responsible person requests review under subparagraph (A), the Secretary—

"(i) shall schedule the dispute for review at 1 of the next 2 regular meetings of the Drug Safety Oversight Board, whichever meeting date is more practicable; or

"(ii) may convene a special meeting of the Drug Safety Oversight Board to review the matter more promptly, including to meet an action deadline on an application (including a supplemental application).

"(C) AGREEMENT AFTER DISCUSSION OR ADMINISTRATIVE APPEALS.—

"(i) FURTHER DISCUSSION OR ADMINISTRATIVE APPEALS.—A request for review under subparagraph (A) shall not preclude further discussions to reach agreement on the risk evaluation and mitigation strategy, and such a request shall not preclude the use of administrative appeals within the Food and Drug Administration to reach agreement on the strategy, including appeals as described in the letters described in section 101(c) of the Food and Drug Administration Amendments Act of 2007 for procedural or scientific matters involving the review of human drug applications and supplemental applications that cannot be resolved at the divisional level. At the time a review has been scheduled under subparagraph (B) and notice of such review has been posted, the responsible person shall either withdraw the request under subparagraph (A) or terminate the use of such administrative appeals.

"(ii) AGREEMENT TERMINATES DISPUTE RESOLUTION.—At any time before a decision and order is issued under subparagraph (G) , the Secretary (in consultation with the offices described in subsection (c)(2)) and the responsible person may reach an agreement on the risk evaluation and mitigation strategy through further discussion or administrative appeals, terminating the dispute resolution process, and the Secretary shall issue an action letter or order, as appropriate, that describes the strategy.

"(D) MEETING OF THE BOARD.—At a meeting of the Drug Safety Oversight Board described in subparagraph (B), the Board shall—

"(i) hear from both parties via written or oral presentation; and

"(ii) review the dispute.

"(E) RECORD OF PROCEEDINGS.—The Secretary shall ensure that the proceedings of any such meeting are recorded, transcribed, and made public within 90 days of the meeting. The Secretary shall redact the transcript to protect any trade secrets and other information that is exempted from disclosure under section 552 of title 5, United States Code, or section 552a of title 5, United States Code.

"(F) RECOMMENDATION OF THE BOARD.—Not later than 5 days after any such meeting, the Drug Safety Oversight Board shall provide a written recommendation on resolving the dispute to the Secretary. Not later than 5 days after the Board provides such written recommendation to the Secretary, the Secretary shall make the recommendation available to the public.

"(G) ACTION BY THE SECRETARY.—

"(i) ACTION LETTER.—With respect to a proposal or assessment referred to in paragraph (1), the Secretary shall issue an action letter that resolves the dispute not later than the later of—

"(I) the action deadline for the action letter on the application; or

"(II) 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(ii) ORDER.—With respect to an assessment of an approved risk evaluation and mitigation strategy under subsection (g)(1) or under any of subparagraphs (B) through (D) of subsection (g)(2), the Secretary shall issue an order, which shall be made public, that resolves the dispute not later than 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(H) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided for under subparagraph (G).

"(I) EFFECT ON ACTION DEADLINE.—With respect to a proposal or assessment referred to in paragraph (1), the Secretary shall be considered to have met the action deadline for the action letter on the application if the responsible person requests the dispute resolution process described in this paragraph and if the Secretary—

"(i) has initiated the discussions described under paragraph (2) not less than 60 days before such action deadline; and

"(ii) has complied with the timing requirements of scheduling review by the Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under subparagraphs (B), (F), and (G), respectively.

"(J) DISQUALIFICATION.—No individual who is an employee of the Food and Drug Administration and who reviews a drug or who participated in an administrative appeal under subparagraph (C)(i) with respect to such drug may serve on the Drug Safety Oversight Board at a meeting under subparagraph (D) to review a dispute about the risk evaluation and mitigation strategy for such drug.

"(K) ADDITIONAL EXPERTISE.—The Drug Safety Oversight Board may add members with relevant expertise from the Food and Drug Administration, including the Office of Pediatrics, the Office of Women's Health, or the Office of Rare Diseases, or from other Federal public health or health care agencies, for a meeting under subparagraph (D) of the Drug Safety Oversight Board.

"(6) USE OF ADVISORY COMMITTEES.—The Secretary may convene a meeting of 1 or more advisory committees of the Food and Drug Administration to—

"(A) review a concern about the safety of a drug or class of drugs, including before an assessment of the risk evaluation and mitigation strategy or strategies of such drug or drugs is required to be submitted under any of subparagraphs (B) through (D) of subsection (g)(2);

"(B) review the risk evaluation and mitigation strategy or strategies of a drug or group of drugs; or

"(C) review a dispute under paragraph (4) or (5).

"(7) PROCESS FOR ADDRESSING DRUG CLASS EFFECTS.—

"(A) IN GENERAL.—When a concern about a serious risk of a drug may be related to the pharmacological class of the drug, the Secretary, in consultation with the offices described in subsection (c)(2), may defer assessments of the approved risk evaluation and mitigation strategies for such drugs until the Secretary has convened 1 or more public meetings to consider possible responses to such concern.

"(B) NOTICE.—If the Secretary defers an assessment under subparagraph (A), the Secretary shall—

"(i) give notice of the deferral to the holder of the approved covered application not later than 5 days after the deferral;

"(ii) publish the deferral in the Federal Register; and

"(iii) give notice to the public of any public meetings to be convened under subparagraph (A), including a description of the deferral.

"(C) PUBLIC MEETINGS.—Such public meetings may include—

"(i) 1 or more meetings of the responsible person for such drugs;

"(ii) 1 or more meetings of 1 or more advisory committees of the Food and Drug Administration, as provided for under paragraph (6); or

"(iii) 1 or more workshops of scientific experts and other stakeholders.

"(D) ACTION.—After considering the discussions from any meetings under subparagraph (A), the Secretary may—

"(i) announce in the Federal Register a planned regulatory action, including a modification to each risk evaluation and mitigation strategy, for drugs in the pharmacological class;

"(ii) seek public comment about such action; and

"(iii) after seeking such comment, issue an order addressing such regulatory action.

"(8) INTERNATIONAL COORDINATION.—The Secretary, in consultation with the offices described in subsection (c)(2), may coordinate the timetable for submission of assessments under subsection (d), or a study or clinical trial under section 505(o)(3), with efforts to identify and assess the serious risks of such drug by the marketing authorities of other countries whose drug approval and risk management processes the Secretary deems comparable to the drug approval and risk management processes of the United States. If the Secretary takes action to coordinate such timetable, the Secretary shall give notice to the responsible person.

"(9) EFFECT.—Use of the processes described in paragraphs (7) and (8) shall not be the sole source of delay of action on an application or a supplement to an application for a drug.

"(i) ABBREVIATED NEW DRUG APPLICATIONS.—

"(1) IN GENERAL.—A drug that is the subject of an abbreviated new drug application under section 505(j) is subject to only the following elements of the risk evaluation and mitigation strategy required under subsection (a) for the applicable listed drug:

"(A) A Medication Guide or patient package insert, if required under subsection (e) for the applicable listed drug.

"(B) Elements to assure safe use, if required under subsection (f) for the listed drug. A drug that is the subject of an abbreviated new drug application and the listed drug shall use a single, shared system under subsection (f). The Secretary may waive the requirement under the preceding sentence for a drug that is the subject of an abbreviated new drug application, and permit the applicant to use a different, comparable aspect of the elements to assure safe use, if the Secretary determines that—

"(i) the burden of creating a single, shared system outweighs the benefit of a single, system, taking into consideration the impact on health care providers, patients, the applicant for the abbreviated new drug application, and the holder of the reference drug product; or

"(ii) an aspect of the elements to assure safe use for the applicable listed drug is claimed by a patent that has not expired or is a method or process that, as a trade secret, is entitled to protection, and the applicant for the abbreviated new drug application certifies that it has sought a license for use of an aspect of the elements to assure safe use for the applicable listed drug and that it was unable to obtain a license.

A certification under clause (ii) shall include a description of the efforts made by the applicant for the abbreviated new drug application to obtain a license. In a case described in clause (ii), the Secretary may seek to negotiate a voluntary agreement with the owner of the patent, method, or process for a license under which the applicant for such abbreviated new drug application may use an aspect of the elements to assure safe use, if required under subsection (f) for the applicable listed drug, that is claimed by a patent that has not expired or is a method or process that as a trade secret is entitled to protection.

"(2) ACTION BY SECRETARY.—For an applicable listed drug for which a drug is approved under section 505(j), the Secretary—

"(A) shall undertake any communication plan to health care providers required under subsection (e)(3) for the applicable listed drug; and

"(B) shall inform the responsible person for the drug that is so approved if the risk evaluation and mitigation strategy for the applicable listed drug is modified.

"(j) DRUG SAFETY OVERSIGHT BOARD.—

"(1) IN GENERAL.—There is established a Drug Safety Oversight Board.

"(2) COMPOSITION; MEETINGS.—The Drug Safety Oversight Board shall—

"(A) be composed of scientists and health care practitioners appointed by the Secretary, each of whom is an employee of the Federal Government;

"(B) include representatives from offices throughout the Food and Drug Administration, including the offices responsible for postapproval safety of drugs;

"(C) include at least 1 representative each from the National Institutes of Health and the Department of Health and Human Services (other than the Food and Drug Administration);

"(D) include such representatives as the Secretary shall designate from other appropriate agencies that wish to provide representatives; and

"(E) meet at least monthly to provide oversight and advice to the Secretary on the management of important drug safety issues.".

(c) REGULATION OF BIOLOGICAL PRODUCTS.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(D) POSTMARKET STUDIES AND CLINICAL TRIALS; LABELING; RISK EVALUATION AND MITIGATION STRATEGY.—A person that submits an application for a license under this paragraph is subject to sections 505(o), 505(p), and 505–1 of the Federal Food, Drug, and Cosmetic Act."; and

(2) in subsection (j), by inserting ", including the requirements under sections 505(o), 505(p), and 505–1 of such Act," after ", and Cosmetic Act".

(d) ADVERTISEMENTS OF DRUGS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), as amended by section 801(b), is amended—

(1) in section 301 (21 U.S.C. 331), by adding at the end the following:

"(kk) The dissemination of a television advertisement without complying with section 503B."; and

(2) by inserting after section 503A the following:

"SEC. 503B. PREREVIEW OF TELEVISION ADVERTISEMENTS.

"(a) IN GENERAL.—The Secretary may require the submission of any television advertisement for a drug (including any script, story board, rough, or a completed video production of the television advertisement) to the Secretary for review under this section not later than 45 days before dissemination of the television advertisement.

"(b) REVIEW.—In conducting a review of a television advertisement under this section, the Secretary may make recommendations with respect to information included in the label of the drug—

"(1) on changes that are—

"(A) necessary to protect the consumer good and well-being; or

"(B) consistent with prescribing information for the product under review; and

"(2) if appropriate and if information exists, on statements for inclusion in the advertisement to address the specific efficacy of the drug as it relates to specific population groups, including elderly populations, children, and racial and ethnic minorities.

"(c) NO AUTHORITY TO REQUIRE CHANGES.—Except as provided by subsection (e), this section does not authorize the Secretary to make or direct changes in any material submitted pursuant to subsection (a).

"(d) ELDERLY POPULATIONS, CHILDREN, RACIALLY AND ETHNICALLY DIVERSE COMMUNITIES.—In formulating recommendations under subsection (b), the Secretary shall take into consideration the impact of the advertised drug on elderly populations, children, and racially and ethnically diverse communities.

"(e) SPECIFIC DISCLOSURES.—

"(1) SERIOUS RISK; SAFETY PROTOCOL.—In conducting a review of a television advertisement under this section, if the Secretary determines that the advertisement would be false or misleading without a specific disclosure about a serious risk listed in the labeling of the drug involved, the Secretary may require inclusion of such disclosure in the advertisement.

"(2) DATE OF APPROVAL.—In conducting a review of a television advertisement under this section, the Secretary may require the advertisement to include, for a period not to exceed 2 years from the date of the approval of the drug under section 505 or section 351 of the Public Health Service Act, a specific disclosure of such date of approval if the Secretary determines that the advertisement would otherwise be false or misleading.

"(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as having any effect on requirements under section 502(n) or on the authority of the Secretary under section 314.550, 314.640, 601.45, or 601.94 of title 21, Code of Federal Regulations (or successor regulations).".

(3) DIRECT-TO-CONSUMER ADVERTISEMENTS.—

(A) IN GENERAL.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by adding at the end the following: "In the case of an advertisement for a drug subject to section 503(b)(1) presented directly to consumers in television or radio format and stating the name of the drug and its conditions of use, the major statement relating to side effects and contraindications shall be presented in a clear, conspicuous, and neutral manner.".

(B) REGULATIONS TO DETERMINE CLEAR, CONSPICUOUS, AND NEUTRAL MANNER.—Not later than 30 months after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, the Secretary of Health and Human Services shall by regulation establish standards for determining whether a major statement relating to side effects and contraindications of a drug, described in section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) (as amended by subparagraph (A)) is presented in the manner required under such section.

(4) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as amended by section 801(b), is amended by adding at the end the following:

"(g)(1) With respect to a person who is a holder of an approved application under section 505 for a drug subject to section 503(b) or under section 351 of the Public Health Service Act, any such person who disseminates or causes another party to disseminate a direct-to-consumer advertisement that is false or misleading shall be liable to the United States for a civil penalty in an amount not to exceed $250,000 for the first such violation in any 3-year period, and not to exceed $500,000 for each subsequent violation in any 3-year period. No other civil monetary penalties in this Act (including the civil penalty in section 303(f)(4)) shall apply to a violation regarding direct-to-consumer advertising. For purposes of this paragraph: (A) Repeated dissemination of the same or similar advertisement prior to the receipt of the written notice referred to in paragraph (2) for such advertisements shall be considered one violation. (B) On and after the date of the receipt of such a notice, all violations under this paragraph occurring in a single day shall be considered one violation. With respect to advertisements that appear in magazines or other publications that are published less frequently than daily, each issue date (whether weekly or monthly) shall be treated as a single day for the purpose of calculating the number of violations under this paragraph.

"(2) A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after providing written notice to the person to be assessed a civil penalty and an opportunity for a hearing in accordance with this paragraph and section 554 of title 5, United States Code. If upon receipt of the written notice, the person to be assessed a civil penalty objects and requests a hearing, then in the course of any investigation related to such hearing, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation, including information pertaining to the factors described in paragraph (3).

"(3) The Secretary, in determining the amount of the civil penalty under paragraph (1), shall take into account the nature, circumstances, extent, and gravity of the violation or violations, including the following factors:

"(A) Whether the person submitted the advertisement or a similar advertisement for review under section 736A.

"(B) Whether the person submitted the advertisement for review if required under section 503B.

"(C) Whether, after submission of the advertisement as described in subparagraph (A) or (B), the person disseminated or caused another party to disseminate the advertisement before the end of the 45-day comment period.

"(D) Whether the person incorporated any comments made by the Secretary with regard to the advertisement into the advertisement prior to its dissemination.

"(E) Whether the person ceased distribution of the advertisement upon receipt of the written notice referred to in paragraph (2) for such advertisement.

"(F) Whether the person had the advertisement reviewed by qualified medical, regulatory, and legal reviewers prior to its dissemination.

"(G) Whether the violations were material.

"(H) Whether the person who created the advertisement or caused the advertisement to be created acted in good faith.

"(I) Whether the person who created the advertisement or caused the advertisement to be created has been assessed a civil penalty under this provision within the previous 1-year period.

"(J) The scope and extent of any voluntary, subsequent remedial action by the person.

"(K) Such other matters, as justice may require.

"(4)(A) Subject to subparagraph (B), no person shall be required to pay a civil penalty under paragraph (1) if the person submitted the advertisement to the Secretary and disseminated or caused another party to disseminate such advertisement after incorporating each comment received from the Secretary.

"(B) The Secretary may retract or modify any prior comments the Secretary has provided to an advertisement submitted to the Secretary based on new information or changed circumstances, so long as the Secretary provides written notice to the person of the new views of the Secretary on the advertisement and provides a reasonable time for modification or correction of the advertisement prior to seeking any civil penalty under paragraph (1).

"(5) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which may be assessed under paragraph (1). The amount of such penalty, when finally determined, or the amount charged upon in compromise, may be deducted from any sums owed by the United States to the person charged.

"(6) Any person who requested, in accordance with paragraph (2), a hearing with respect to the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty, may file a petition for de novo judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessments was issued.

"(7) If any person fails to pay an assessment of a civil penalty under paragraph (1)—

"(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (6), or

"(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Secretary,

the Attorney General of the United States shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (6) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(5) REPORT ON DIRECT-TO-CONSUMER ADVERTISING.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall report to the Congress on direct-to-consumer advertising and its ability to communicate to subsets of the general population, including elderly populations, children, and racial and ethnic minority communities. The Secretary shall utilize the Advisory Committee on Risk Communication established under this Act to advise the Secretary with respect to such report. The Advisory Committee shall study direct-to-consumer advertising as it relates to increased access to health information and decreased health disparities for these populations. The report required by this paragraph shall recommend effective ways to present and disseminate information to these populations. Such report shall also make recommendations regarding impediments to the participation of elderly populations, children, racially and ethnically diverse communities, and medically underserved populations in clinical drug trials and shall recommend best practice approaches for increasing the inclusion of such subsets of the general population. The Secretary of Health and Human Services shall submit the report under this paragraph to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(6) RULEMAKING.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by striking "the procedure specified in section 701(e) of this Act" and inserting "section 701(a)".

(e) RULE OF CONSTRUCTION REGARDING PEDIATRIC STUDIES.—This title and the amendments made by this title may not be construed as affecting the authority of the Secretary of Health and Human Services to request pediatric studies under section 505A of the Federal Food, Drug, and Cosmetic Act or to require such studies under section 505B of such Act.

SEC. 902. ENFORCEMENT.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(y) If it is a drug subject to an approved risk evaluation and mitigation strategy pursuant to section 505(p) and the responsible person (as such term is used in section 505–1) fails to comply with a requirement of such strategy provided for under subsection (d), (e), or (f) of section 505–1.

"(z) If it is a drug, and the responsible person (as such term is used in section 505(o)) is in violation of a requirement established under paragraph (3) (relating to postmarket studies and clinical trials) or paragraph (4) (relating to labeling) of section 505(o) with respect to such drug.".

(b) CIVIL PENALTIES.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act, as amended by section 801(b), is amended—

(1) by inserting after paragraph (3), as added by section 801(b)(2), the following:

"(4)(A) Any responsible person (as such term is used in section 505–1) that violates a requirement of section 505(o), 505(p), or 505–1 shall be subject to a civil monetary penalty of—

"(i) not more than $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding; or

"(ii) in the case of a violation that continues after the Secretary provides written notice to the responsible person, the responsible person shall be subject to a civil monetary penalty of $250,000 for the first 30-day period (or any portion thereof) that the responsible person continues to be in violation, and such amount shall double for every 30-day period thereafter that the violation continues, not to exceed $1,000,000 for any 30-day period, and not to exceed $10,000,000 for all such violations adjudicated in a single proceeding.

"(B) In determining the amount of a civil penalty under subparagraph (A)(ii), the Secretary shall take into consideration whether the responsible person is making efforts toward correcting the violation of the requirement of section 505(o), 505(p), or 505–1 for which the responsible person is subject to such civil penalty."; and

(2) in paragraph (5), as redesignated by section 801(b)(2)(A), by striking "paragraph (1), (2), or (3)" each place it appears and inserting "paragraph (1), (2), (3), or (4)".

SEC. 903. NO EFFECT ON WITHDRAWAL OR SUSPENSION OF APPROVAL.

Section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) is amended by adding at the end the following: "The Secretary may withdraw the approval of an application submitted under this section, or suspend the approval of such an application, as provided under this subsection, without first ordering the applicant to submit an assessment of the approved risk evaluation and mitigation strategy for the drug under section 505–1(g)(2)(D).".

SEC. 904. BENEFIT-RISK ASSESSMENTS.

Not later than 1 year after the date of the enactment of this Act, the Commissioner of Food and Drugs shall submit to the Congress a report on how best to communicate to the public the risks and benefits of new drugs and the role of the risk evaluation and mitigation strategy in assessing such risks and benefits. As part of such study, the Commissioner may consider the possibility of including in the labeling and any direct-to-consumer advertisements of a newly approved drug or indication a unique symbol indicating the newly approved status of the drug or indication for a period after approval.

SEC. 905. ACTIVE POSTMARKET RISK IDENTIFICATION AND ANALYSIS.

(a) IN GENERAL.—Subsection (k) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(3) ACTIVE POSTMARKET RISK IDENTIFICATION.—

"(A) DEFINITION.—In this paragraph, the term 'data' refers to information with respect to a drug approved under this section or under section 351 of the Public Health Service Act, including claims data, patient survey data, standardized analytic files that allow for the pooling and analysis of data from disparate data environments, and any other data deemed appropriate by the Secretary.

"(B) DEVELOPMENT OF POSTMARKET RISK IDENTIFICATION AND ANALYSIS METHODS.—The Secretary shall, not later than 2 years after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, in collaboration with public, academic, and private entities—

"(i) develop methods to obtain access to disparate data sources including the data sources specified in subparagraph (C);

"(ii) develop validated methods for the establishment of a postmarket risk identification and analysis system to link and analyze safety data from multiple sources, with the goals of including, in aggregate—

"(I) at least 25,000,000 patients by July 1, 2010; and

"(II) at least 100,000,000 patients by July 1, 2012; and

"(iii) convene a committee of experts, including individuals who are recognized in the field of protecting data privacy and security, to make recommendations to the Secretary on the development of tools and methods for the ethical and scientific uses for, and communication of, postmarketing data specified under subparagraph (C), including recommendations on the development of effective research methods for the study of drug safety questions.

"(C) ESTABLISHMENT OF THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.—

"(i) IN GENERAL.—The Secretary shall, not later than 1 year after the development of the risk identification and analysis methods under subparagraph (B), establish and maintain procedures—

"(I) for risk identification and analysis based on electronic health data, in compliance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, and in a manner that does not disclose individually identifiable health information in violation of paragraph (4)(B);

"(II) for the reporting (in a standardized form) of data on all serious adverse drug experiences (as defined in section 505–1(b)) submitted to the Secretary under paragraph (1), and those adverse events submitted by patients, providers, and drug sponsors, when appropriate;

"(III) to provide for active adverse event surveillance using the following data sources, as available:

"(aa) Federal health-related electronic data (such as data from the Medicare program and the health systems of the Department of Veterans Affairs);

"(bb) private sector health-related electronic data (such as pharmaceutical purchase data and health insurance claims data); and

"(cc) other data as the Secretary deems necessary to create a robust system to identify adverse events and potential drug safety signals;

"(IV) to identify certain trends and patterns with respect to data accessed by the system;

"(V) to provide regular reports to the Secretary concerning adverse event trends, adverse event patterns, incidence and prevalence of adverse events, and other information the Secretary determines appropriate, which may include data on comparative national adverse event trends; and

"(VI) to enable the program to export data in a form appropriate for further aggregation, statistical analysis, and reporting.

"(ii) TIMELINESS OF REPORTING.—The procedures established under clause (i) shall ensure that such data are accessed, analyzed, and reported in a timely, routine, and systematic manner, taking into consideration the need for data completeness, coding, cleansing, and standardized analysis and transmission.

"(iii) PRIVATE SECTOR RESOURCES.—To ensure the establishment of the active postmarket risk identification and analysis system under this subsection not later than 1 year after the development of the risk identification and analysis methods under subparagraph (B), as required under clause (i), the Secretary may, on a temporary or permanent basis, implement systems or products developed by private entities.

"(iv) COMPLEMENTARY APPROACHES.—To the extent the active postmarket risk identification and analysis system under this subsection is not sufficient to gather data and information relevant to a priority drug safety question, the Secretary shall develop, support, and participate in complementary approaches to gather and analyze such data and information, including—

"(I) approaches that are complementary with respect to assessing the safety of use of a drug in domestic populations not included, or underrepresented, in the trials used to approve the drug (such as older people, people with comorbidities, pregnant women, or children); and

"(II) existing approaches such as the Vaccine Adverse Event Reporting System and the Vaccine Safety Datalink or successor databases.

"(v) AUTHORITY FOR CONTRACTS.—The Secretary may enter into contracts with public and private entities to fulfill the requirements of this subparagraph.

"(4) ADVANCED ANALYSIS OF DRUG SAFETY DATA.—

"(A) PURPOSE.—The Secretary shall establish collaborations with public, academic, and private entities, which may include the Centers for Education and Research on Therapeutics under section 912 of the Public Health Service Act, to provide for advanced analysis of drug safety data described in paragraph (3)(C) and other information that is publicly available or is provided by the Secretary, in order to—

"(i) improve the quality and efficiency of postmarket drug safety risk-benefit analysis;

"(ii) provide the Secretary with routine access to outside expertise to study advanced drug safety questions; and

"(iii) enhance the ability of the Secretary to make timely assessments based on drug safety data.

"(B) PRIVACY.—Such analysis shall not disclose individually identifiable health information when presenting such drug safety signals and trends or when responding to inquiries regarding such drug safety signals and trends.

"(C) PUBLIC PROCESS FOR PRIORITY QUESTIONS.—At least biannually, the Secretary shall seek recommendations from the Drug Safety and Risk Management Advisory Committee (or any successor committee) and from other advisory committees, as appropriate, to the Food and Drug Administration on—

"(i) priority drug safety questions; and

"(ii) mechanisms for answering such questions, including through—

"(I) active risk identification under paragraph (3); and

"(II) when such risk identification is not sufficient, postapproval studies and clinical trials under subsection (o)(3).

"(D) PROCEDURES FOR THE DEVELOPMENT OF DRUG SAFETY COLLABORATIONS.—

"(i) IN GENERAL.—Not later than 180 days after the date of the establishment of the active postmarket risk identification and analysis system under this subsection, the Secretary shall establish and implement procedures under which the Secretary may routinely contract with one or more qualified entities to—

"(I) classify, analyze, or aggregate data described in paragraph (3)(C) and information that is publicly available or is provided by the Secretary;

"(II) allow for prompt investigation of priority drug safety questions, including—

"(aa) unresolved safety questions for drugs or classes of drugs; and

"(bb) for a newly-approved drugs, safety signals from clinical trials used to approve the drug and other preapproval trials; rare, serious drug side effects; and the safety of use in domestic populations not included, or underrepresented, in the trials used to approve the drug (such as older people, people with comorbidities, pregnant women, or children);

"(III) perform advanced research and analysis on identified drug safety risks;

"(IV) focus postapproval studies and clinical trials under subsection (o)(3) more effectively on cases for which reports under paragraph (1) and other safety signal detection is not sufficient to resolve whether there is an elevated risk of a serious adverse event associated with the use of a drug; and

"(V) carry out other activities as the Secretary deems necessary to carry out the purposes of this paragraph.

"(ii) REQUEST FOR SPECIFIC METHODOLOGY.—The procedures described in clause (i) shall permit the Secretary to request that a specific methodology be used by the qualified entity. The qualified entity shall work with the Secretary to finalize the methodology to be used.

"(E) USE OF ANALYSES.—The Secretary shall provide the analyses described in this paragraph, including the methods and results of such analyses, about a drug to the sponsor or sponsors of such drug.

"(F) QUALIFIED ENTITIES.—

"(i) IN GENERAL.—The Secretary shall enter into contracts with a sufficient number of qualified entities to develop and provide information to the Secretary in a timely manner.

"(ii) QUALIFICATION.—The Secretary shall enter into a contract with an entity under clause (i) only if the Secretary determines that the entity has a significant presence in the United States and has one or more of the following qualifications:

"(I) The research, statistical, epidemiologic, or clinical capability and expertise to conduct and complete the activities under this paragraph, including the capability and expertise to provide the Secretary de-identified data consistent with the requirements of this subsection.

"(II) An information technology infrastructure in place to support electronic data and operational standards to provide security for such data.

"(III) Experience with, and expertise on, the development of drug safety and effectiveness research using electronic population data.

"(IV) An understanding of drug development or risk/benefit balancing in a clinical setting.

"(V) Other expertise which the Secretary deems necessary to fulfill the activities under this paragraph.

"(G) CONTRACT REQUIREMENTS.—Each contract with a qualified entity under subparagraph (F)(i) shall contain the following requirements:

"(i) ENSURING PRIVACY.—The qualified entity shall ensure that the entity will not use data under this subsection in a manner that—

"(I) violates the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996;

"(II) violates sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually-identifiable beneficiary health information; or

"(III) discloses individually identifiable health information when presenting drug safety signals and trends or when responding to inquiries regarding drug safety signals and trends.

Nothing in this clause prohibits lawful disclosure for other purposes.

"(ii) COMPONENT OF ANOTHER ORGANIZATION.—If a qualified entity is a component of another organization—

"(I) the qualified entity shall establish appropriate security measures to maintain the confidentiality and privacy of such data; and

"(II) the entity shall not make an unauthorized disclosure of such data to the other components of the organization in breach of such confidentiality and privacy requirement.

"(iii) TERMINATION OR NONRENEWAL.—If a contract with a qualified entity under this subparagraph is terminated or not renewed, the following requirements shall apply:

"(I) CONFIDENTIALITY AND PRIVACY PROTECTIONS.—The entity shall continue to comply with the confidentiality and privacy requirements under this paragraph with respect to all data disclosed to the entity.

"(II) DISPOSITION OF DATA.—The entity shall return any data disclosed to such entity under this subsection to which it would not otherwise have access or, if returning the data is not practicable, destroy the data.

"(H) COMPETITIVE PROCEDURES.—The Secretary shall use competitive procedures (as defined in section 4(5) of the Federal Procurement Policy Act) to enter into contracts under subparagraph (G).

"(I) REVIEW OF CONTRACT IN THE EVENT OF A MERGER OR ACQUISITION.—The Secretary shall review the contract with a qualified entity under this paragraph in the event of a merger or acquisition of the entity in order to ensure that the requirements under this paragraph will continue to be met.

"(J) COORDINATION.—In carrying out this paragraph, the Secretary shall provide for appropriate communications to the public, scientific, public health, and medical communities, and other key stakeholders, and to the extent practicable shall coordinate with the activities of private entities, professional associations, or other entities that may have sources of drug safety data.".

(b) RULE OF CONSTRUCTION.—Nothing in this section or the amendment made by this section shall be construed to prohibit the lawful disclosure or use of data or information by an entity other than as described in paragraph (4)(B) or (4)(G) of section 505(k) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(c) REPORT TO CONGRESS.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall report to the Congress on the ways in which the Secretary has used the active postmarket risk identification and analysis system described in paragraphs (3) and (4) of section 505(k) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), to identify specific drug safety signals and to better understand the outcomes associated with drugs marketed in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out activities under the amendment made by this section for which funds are made available under section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), there are authorized to be appropriated to carry out the amendment made by this section, in addition to such funds, $25,000,000 for each of fiscal years 2008 through 2012.

(e) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall evaluate data privacy, confidentiality, and security issues relating to accessing, transmitting, and maintaining data for the active postmarket risk identification and analysis system described in paragraphs (3) and (4) of section 505(k) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and make recommendations to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and any other congressional committees of relevant jurisdiction, regarding the need for any additional legislative or regulatory actions to ensure privacy, confidentiality, and security of this data or otherwise address privacy, confidentiality, and security issues to ensure the effective operation of such active postmarket identification and analysis system.

SEC. 906. STATEMENT FOR INCLUSION IN DIRECT-TO-CONSUMER ADVERTISEMENTS OF DRUGS.

(a) PUBLISHED DIRECT-TO-CONSUMER ADVERTISEMENTS.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352), as amended by section 901(d)(6), is further amended by inserting "and in the case of published direct-to-consumer advertisements the following statement printed in conspicuous text: 'You are encouraged to report negative side effects of prescription drugs to the FDA. Visit www.fda.gov/medwatch, or call 1-800-FDA-1088.'," after "section 701(a),".

(b) STUDY.—

(1) IN GENERAL.—In the case of direct-to-consumer television advertisements, the Secretary of Health and Human Services, in consultation with the Advisory Committee on Risk Communication under section 567 of the Federal Food, Drug, and Cosmetic Act (as added by section 917), shall, not later than 6 months after the date of the enactment of this Act, conduct a study to determine if the statement in section 502(n) of such Act (as added by subsection (a)) required with respect to published direct-to-consumer advertisements is appropriate for inclusion in such television advertisements.

(2) CONTENT.—As part of the study under paragraph (1), such Secretary shall consider whether the information in the statement described in paragraph (1) would detract from the presentation of risk information in a direct-to-consumer television advertisement. If such Secretary determines the inclusion of such statement is appropriate in direct-to-consumer television advertisements, such Secretary shall issue regulations requiring the implementation of such statement in direct-to-consumer television advertisements, including determining a reasonable length of time for displaying the statement in such advertisements. The Secretary shall report to the appropriate committees of Congress the findings of such study and any plans to issue regulations under this paragraph.

SEC. 907. NO EFFECT ON VETERINARY MEDICINE.

This subtitle, and the amendments made by this subtitle, shall have no effect on the use of drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act by, or on the lawful written or oral order of, a licensed veterinarian within the context of a veterinarian-client-patient relationship, as provided for under section 512(a)(5) of such Act.

SEC. 908. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For carrying out this subtitle and the amendments made by this subtitle, there is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2012.

(b) RELATION TO OTHER FUNDING.—The authorization of appropriations under subsection (a) is in addition to any other funds available for carrying out this subtitle and the amendments made by this subtitle.

SEC. 909. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—This subtitle takes effect 180 days after the date of the enactment of this Act.

(b) DRUGS DEEMED TO HAVE RISK EVALUATION AND MITIGATION STRATEGIES.—

(1) IN GENERAL.—A drug that was approved before the effective date of this Act is, in accordance with paragraph (2), deemed to have in effect an approved risk evaluation and mitigation strategy under section 505–1 of the Federal Food, Drug, and Cosmetic Act (as added by section 901) (referred to in this section as the "Act") if there are in effect on the effective date of this Act elements to assure safe use—

(A) required under section 314.520 or section 601.42 of title 21, Code of Federal Regulations; or

(B) otherwise agreed to by the applicant and the Secretary for such drug.

(2) ELEMENTS OF STRATEGY; ENFORCEMENT.—The approved risk evaluation and mitigation strategy in effect for a drug under paragraph (1)—

(A) is deemed to consist of the timetable required under section 505–1(d) and any additional elements under subsections (e) and (f) of such section in effect for such drug on the effective date of this Act; and

(B) is subject to enforcement by the Secretary to the same extent as any other risk evaluation and mitigation strategy under section 505–1 of the Act, except that sections 303(f)(4) and 502(y) and (z) of the Act (as added by section 902) shall not apply to such strategy before the Secretary has completed review of, and acted on, the first assessment of such strategy under such section 505–1.

(3) SUBMISSION.—Not later than 180 days after the effective date of this Act, the holder of an approved application for which a risk evaluation and mitigation strategy is deemed to be in effect under paragraph (1) shall submit to the Secretary a proposed risk evaluation and mitigation strategy. Such proposed strategy is subject to section 505–1 of the Act as if included in such application at the time of submission of the application to the Secretary.

Subtitle B—Other Provisions to Ensure Drug Safety and Surveillance

SEC. 911. CLINICAL TRIAL GUIDANCE FOR ANTIBIOTIC DRUGS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 510 the following:

"SEC. 511. CLINICAL TRIAL GUIDANCE FOR ANTIBIOTIC DRUGS.

"(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary shall issue guidance for the conduct of clinical trials with respect to antibiotic drugs, including antimicrobials to treat acute bacterial sinusitis, acute bacterial otitis media, and acute bacterial exacerbation of chronic bronchitis. Such guidance shall indicate the appropriate models and valid surrogate markers.

"(b) REVIEW.—Not later than 5 years after the date of the enactment of this section, the Secretary shall review and update the guidance described under subsection (a) to reflect developments in scientific and medical information and technology.".

SEC. 912. PROHIBITION AGAINST FOOD TO WHICH DRUGS OR BIOLOGICAL PRODUCTS HAVE BEEN ADDED.

(a) PROHIBITION.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 901(d), is amended by adding at the end the following:

"(ll) The introduction or delivery for introduction into interstate commerce of any food to which has been added a drug approved under section 505, a biological product licensed under section 351 of the Public Health Service Act, or a drug or a biological product for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public, unless—

"(1) such drug or such biological product was marketed in food before any approval of the drug under section 505, before licensure of the biological product under such section 351, and before any substantial clinical investigations involving the drug or the biological product have been instituted;

"(2) the Secretary, in the Secretary's discretion, has issued a regulation, after notice and comment, approving the use of such drug or such biological product in the food;

"(3) the use of the drug or the biological product in the food is to enhance the safety of the food to which the drug or the biological product is added or applied and not to have independent biological or therapeutic effects on humans, and the use is in conformity with—

"(A) a regulation issued under section 409 prescribing conditions of safe use in food;

"(B) a regulation listing or affirming conditions under which the use of the drug or the biological product in food is generally recognized as safe;

"(C) the conditions of use identified in a notification to the Secretary of a claim of exemption from the premarket approval requirements for food additives based on the notifier's determination that the use of the drug or the biological product in food is generally recognized as safe, provided that the Secretary has not questioned the general recognition of safety determination in a letter to the notifier;

"(D) a food contact substance notification that is effective under section 409(h); or

"(E) such drug or biological product had been marketed for smoking cessation prior to the date of the enactment of the Food and Drug Administration Amendments Act of 2007; or

"(4) the drug is a new animal drug whose use is not unsafe under section 512.".

(b) CONFORMING CHANGES.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) in section 304(a)(1), by striking "section 404 or 505" and inserting "section 301(ll), 404, or 505"; and

(2) in section 801(a), by striking "is adulterated, misbranded, or in violation of section 505," and inserting "is adulterated, misbranded, or in violation of section 505, or prohibited from introduction or delivery for introduction into interstate commerce under section 301(ll),".

SEC. 913. ASSURING PHARMACEUTICAL SAFETY.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.), as amended in section 403, is amended by inserting after section 505C the following:

"SEC. 505D. PHARMACEUTICAL SECURITY.

"(a) IN GENERAL.—The Secretary shall develop standards and identify and validate effective technologies for the purpose of securing the drug supply chain against counterfeit, diverted, subpotent, substandard, adulterated, misbranded, or expired drugs.

"(b) STANDARDS DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall, in consultation with the agencies specified in paragraph (4), manufacturers, distributors, pharmacies, and other supply chain stakeholders, prioritize and develop standards for the identification, validation, authentication, and tracking and tracing of prescription drugs.

"(2) STANDARDIZED NUMERAL IDENTIFIER.—Not later than 30 months after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, the Secretary shall develop a standardized numerical identifier (which, to the extent practicable, shall be harmonized with international consensus standards for such an identifier) to be applied to a prescription drug at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing) at the package or pallet level, sufficient to facilitate the identification, validation, authentication, and tracking and tracing of the prescription drug.

"(3) PROMISING TECHNOLOGIES.—The standards developed under this subsection shall address promising technologies, which may include—

"(A) radio frequency identification technology;

"(B) nanotechnology;

"(C) encryption technologies; and

"(D) other track-and-trace or authentication technologies.

"(4) INTERAGENCY COLLABORATION.—In carrying out this subsection, the Secretary shall consult with Federal health and security agencies, including—

"(A) the Department of Justice;

"(B) the Department of Homeland Security;

"(C) the Department of Commerce; and

"(D) other appropriate Federal and State agencies.

"(c) INSPECTION AND ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary shall expand and enhance the resources and facilities of agency components of the Food and Drug Administration involved with regulatory and criminal enforcement of this Act to secure the drug supply chain against counterfeit, diverted, subpotent, substandard, adulterated, misbranded, or expired drugs including biological products and active pharmaceutical ingredients from domestic and foreign sources.

"(2) ACTIVITIES.—The Secretary shall undertake enhanced and joint enforcement activities with other Federal and State agencies, and establish regional capacities for the validation of prescription drugs and the inspection of the prescription drug supply chain.

"(d) DEFINITION.—In this section, the term 'prescription drug' means a drug subject to section 503(b)(1).".

SEC. 914. CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 901(a), is amended by adding at the end the following:

"(q) PETITIONS AND CIVIL ACTIONS REGARDING APPROVAL OF CERTAIN APPLICATIONS.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—The Secretary shall not delay approval of a pending application submitted under subsection (b)(2) or (j) because of any request to take any form of action relating to the application, either before or during consideration of the request, unless—

"(i) the request is in writing and is a petition submitted to the Secretary pursuant to section 10.30 or 10.35 of title 21, Code of Federal Regulations (or any successor regulations); and

"(ii) the Secretary determines, upon reviewing the petition, that a delay is necessary to protect the public health.

"(B) NOTIFICATION.—If the Secretary determines under subparagraph (A) that a delay is necessary with respect to an application, the Secretary shall provide to the applicant, not later than 30 days after making such determination, the following information:

"(i) Notification of the fact that a determination under subparagraph (A) has been made.

"(ii) If applicable, any clarification or additional data that the applicant should submit to the docket on the petition to allow the Secretary to review the petition promptly.

"(iii) A brief summary of the specific substantive issues raised in the petition which form the basis of the determination.

"(C) FORMAT.—The information described in subparagraph (B) shall be conveyed via either, at the discretion of the Secretary—

"(i) a document; or

"(ii) a meeting with the applicant involved.

"(D) PUBLIC DISCLOSURE.—Any information conveyed by the Secretary under subparagraph (C) shall be considered part of the application and shall be subject to the disclosure requirements applicable to information in such application.

"(E) DENIAL BASED ON INTENT TO DELAY.—If the Secretary determines that a petition or a supplement to the petition was submitted with the primary purpose of delaying the approval of an application and the petition does not on its face raise valid scientific or regulatory issues, the Secretary may deny the petition at any point based on such determination. The Secretary may issue guidance to describe the factors that will be used to determine under this subparagraph whether a petition is submitted with the primary purpose of delaying the approval of an application.

"(F) FINAL AGENCY ACTION.—The Secretary shall take final agency action on a petition not later than 180 days after the date on which the petition is submitted. The Secretary shall not extend such period for any reason, including—

"(i) any determination made under subparagraph (A);

"(ii) the submission of comments relating to the petition or supplemental information supplied by the petitioner; or

"(iii) the consent of the petitioner.

"(G) EXTENSION OF 30-MONTH PERIOD.—If the filing of an application resulted in first-applicant status under subsection (j)(5)(D)(i)(IV) and approval of the application was delayed because of a petition, the 30-month period under such subsection is deemed to be extended by a period of time equal to the period beginning on the date on which the Secretary received the petition and ending on the date of final agency action on the petition (inclusive of such beginning and ending dates), without regard to whether the Secretary grants, in whole or in part, or denies, in whole or in part, the petition.

"(H) CERTIFICATION.—The Secretary shall not consider a petition for review unless the party submitting such petition does so in written form and the subject document is signed and contains the following certification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition; and (c) I have taken reasonable steps to ensure that any representative data and/or information which are unfavorable to the petition were disclosed to me. I further certify that the information upon which I have based the action requested herein first became known to the party on whose behalf this petition is submitted on or about the following date: ________________. If I received or expect to receive payments, including cash and other forms of consideration, to file this information or its contents, I received or expect to receive those payments from the following persons or organizations: ______________________. I verify under penalty of perjury that the foregoing is true and correct as of the date of the submission of this petition.', with the date on which such information first became known to such party and the names of such persons or organizations inserted in the first and second blank space, respectively.

"(I) VERIFICATION.—The Secretary shall not accept for review any supplemental information or comments on a petition unless the party submitting such information or comments does so in written form and the subject document is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) I have not intentionally delayed submission of this document or its contents; and (b) the information upon which I have based the action requested herein first became known to me on or about ________________. If I received or expect to receive payments, including cash and other forms of consideration, to file this information or its contents, I received or expect to receive those payments from the following persons or organizations: _________. I verify under penalty of perjury that the foregoing is true and correct as of the date of the submission of this petition.', with the date on which such information first became known to the party and the names of such persons or organizations inserted in the first and second blank space, respectively.

"(2) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—

"(A) FINAL AGENCY ACTION WITHIN 180 DAYS.—The Secretary shall be considered to have taken final agency action on a petition if—

"(i) during the 180-day period referred to in paragraph (1)(F), the Secretary makes a final decision within the meaning of section 10.45(d) of title 21, Code of Federal Regulations (or any successor regulation); or

"(ii) such period expires without the Secretary having made such a final decision.

"(B) DISMISSAL OF CERTAIN CIVIL ACTIONS.—If a civil action is filed against the Secretary with respect to any issue raised in the petition before the Secretary has taken final agency action on the petition within the meaning of subparagraph (A), the court shall dismiss without prejudice the action for failure to exhaust administrative remedies.

"(C) ADMINISTRATIVE RECORD.—For purposes of judicial review related to the approval of an application for which a petition under paragraph (1) was submitted, the administrative record regarding any issue raised by the petition shall include—

"(i) the petition filed under paragraph (1) and any supplements and comments thereto;

"(ii) the Secretary's response to such petition, if issued; and

"(iii) other information, as designated by the Secretary, related to the Secretary's determinations regarding the issues raised in such petition, as long as the information was considered by the agency no later than the date of final agency action as defined under subparagraph (2)(A), and regardless of whether the Secretary responded to the petition at or before the approval of the application at issue in the petition.

"(3) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITIONS.—The Secretary shall annually submit to the Congress a report that specifies—

"(A) the number of applications that were approved during the preceding 12-month period;

"(B) the number of such applications whose effective dates were delayed by petitions referred to in paragraph (1) during such period;

"(C) the number of days by which such applications were so delayed; and

"(D) the number of such petitions that were submitted during such period.

"(4) EXCEPTIONS.—This subsection does not apply to—

"(A) a petition that relates solely to the timing of the approval of an application pursuant to subsection (j)(5)(B)(iv); or

"(B) a petition that is made by the sponsor of an application and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

"(5) DEFINITIONS.—

"(A) APPLICATION.—For purposes of this subsection, the term 'application' means an application submitted under subsection (b)(2) or (j).

"(B) PETITION.—For purposes of this subsection, other than paragraph (1)(A)(i), the term 'petition' means a request described in paragraph (1)(A)(i).".

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to encourage the early submission of petitions under section 505(q), as added by subsection (a).

SEC. 915. POSTMARKET DRUG SAFETY INFORMATION FOR PATIENTS AND PROVIDERS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 914(a), is amended by adding at the end the following:

"(r) POSTMARKET DRUG SAFETY INFORMATION FOR PATIENTS AND PROVIDERS.—

"(1) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, the Secretary shall improve the transparency of information about drugs and allow patients and health care providers better access to information about drugs by developing and maintaining an Internet Web site that—

"(A) provides links to drug safety information listed in paragraph (2) for prescription drugs that are approved under this section or licensed under section 351 of the Public Health Service Act; and

"(B) improves communication of drug safety information to patients and providers.

"(2) INTERNET WEB SITE.—The Secretary shall carry out paragraph (1) by—

"(A) developing and maintaining an accessible, consolidated Internet Web site with easily searchable drug safety information, including the information found on United States Government Internet Web sites, such as the United States National Library of Medicine's Daily Med and Medline Plus Web sites, in addition to other such Web sites maintained by the Secretary;

"(B) ensuring that the information provided on the Internet Web site is comprehensive and includes, when available and appropriate—

"(i) patient labeling and patient packaging inserts;

"(ii) a link to a list of each drug, whether approved under this section or licensed under such section 351, for which a Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations), is required;

"(iii) a link to the registry and results data bank provided for under subsections (i) and (j) of section 402 of the Public Health Service Act;

"(iv) the most recent safety information and alerts issued by the Food and Drug Administration for drugs approved by the Secretary under this section, such as product recalls, warning letters, and import alerts;

"(v) publicly available information about implemented RiskMAPs and risk evaluation and mitigation strategies under subsection (o);

"(vi) guidance documents and regulations related to drug safety; and

"(vii) other material determined appropriate by the Secretary;

"(C) providing access to summaries of the assessed and aggregated data collected from the active surveillance infrastructure under subsection (k)(3) to provide information of known and serious side-effects for drugs approved under this section or licensed under such section 351;

"(D) preparing, by 18 months after approval of a drug or after use of the drug by 10,000 individuals, whichever is later, a summary analysis of the adverse drug reaction reports received for the drug, including identification of any new risks not previously identified, potential new risks, or known risks reported in unusual number;

"(E) enabling patients, providers, and drug sponsors to submit adverse event reports through the Internet Web site;

"(F) providing educational materials for patients and providers about the appropriate means of disposing of expired, damaged, or unusable medications; and

"(G) supporting initiatives that the Secretary determines to be useful to fulfill the purposes of the Internet Web site.

"(3) POSTING OF DRUG LABELING.—The Secretary shall post on the Internet Web site established under paragraph (1) the approved professional labeling and any required patient labeling of a drug approved under this section or licensed under such section 351 not later than 21 days after the date the drug is approved or licensed, including in a supplemental application with respect to a labeling change.

"(4) PRIVATE SECTOR RESOURCES.—To ensure development of the Internet Web site by the date described in paragraph (1), the Secretary may, on a temporary or permanent basis, implement systems or products developed by private entities.

"(5) AUTHORITY FOR CONTRACTS.—The Secretary may enter into contracts with public and private entities to fulfill the requirements of this subsection.

"(6) REVIEW.—The Advisory Committee on Risk Communication under section 567 shall, on a regular basis, perform a comprehensive review and evaluation of the types of risk communication information provided on the Internet Web site established under paragraph (1) and, through other means, shall identify, clarify, and define the purposes and types of information available to facilitate the efficient flow of information to patients and providers, and shall recommend ways for the Food and Drug Administration to work with outside entities to help facilitate the dispensing of risk communication information to patients and providers.".

SEC. 916. ACTION PACKAGE FOR APPROVAL.

Section 505(l) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(l)) is amended by—

(1) redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively;

(2) striking "(l) Safety and" and inserting "(l)(1) Safety and"; and

(3) adding at the end the following:

"(2) ACTION PACKAGE FOR APPROVAL.—

"(A) ACTION PACKAGE.—The Secretary shall publish the action package for approval of an application under subsection (b) or section 351 of the Public Health Service Act on the Internet Web site of the Food and Drug Administration—

"(i) not later than 30 days after the date of approval of such application for a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act; and

"(ii) not later than 30 days after the third request for such action package for approval received under section 552 of title 5, United States Code, for any other drug.

"(B) IMMEDIATE PUBLICATION OF SUMMARY REVIEW.—Notwithstanding subparagraph (A), the Secretary shall publish, on the Internet Web site of the Food and Drug Administration, the materials described in subparagraph (C)(iv) not later than 48 hours after the date of approval of the drug, except where such materials require redaction by the Secretary.

"(C) CONTENTS.—An action package for approval of an application under subparagraph (A) shall be dated and shall include the following:

"(i) Documents generated by the Food and Drug Administration related to review of the application.

"(ii) Documents pertaining to the format and content of the application generated during drug development.

"(iii) Labeling submitted by the applicant.

"(iv) A summary review that documents conclusions from all reviewing disciplines about the drug, noting any critical issues and disagreements with the applicant and within the review team and how they were resolved, recommendations for action, and an explanation of any nonconcurrence with review conclusions.

"(v) The Division Director and Office Director's decision document which includes—

"(I) a brief statement of concurrence with the summary review;

"(II) a separate review or addendum to the review if disagreeing with the summary review; and

"(III) a separate review or addendum to the review to add further analysis.

"(vi) Identification by name of each officer or employee of the Food and Drug Administration who—

"(I) participated in the decision to approve the application; and

"(II) consents to have his or her name included in the package.

"(D) REVIEW.—A scientific review of an application is considered the work of the reviewer and shall not be altered by management or the reviewer once final.

"(E) CONFIDENTIAL INFORMATION.—This paragraph does not authorize the disclosure of any trade secret, confidential commercial or financial information, or other matter listed in section 552(b) of title 5, United States Code.".

SEC. 917. RISK COMMUNICATION.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.), as amended by section 603, is amended by adding at the end the following:

"SEC. 567. RISK COMMUNICATION.

"(a) ADVISORY COMMITTEE ON RISK COMMUNICATION.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the 'Advisory Committee on Risk Communication' (referred to in this section as the 'Committee').

"(2) DUTIES OF COMMITTEE.—The Committee shall advise the Commissioner on methods to effectively communicate risks associated with the products regulated by the Food and Drug Administration.

"(3) MEMBERS.—The Secretary shall ensure that the Committee is composed of experts on risk communication, experts on the risks described in subsection (b), and representatives of patient, consumer, and health professional organizations.

"(4) PERMANENCE OF COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the Committee established under this subsection.

"(b) PARTNERSHIPS FOR RISK COMMUNICATION.—

"(1) IN GENERAL.—The Secretary shall partner with professional medical societies, medical schools, academic medical centers, and other stakeholders to develop robust and multi-faceted systems for communication to health care providers about emerging postmarket drug risks.

"(2) PARTNERSHIPS.—The systems developed under paragraph (1) shall—

"(A) account for the diversity among physicians in terms of practice, willingness to adopt technology, and medical specialty; and

"(B) include the use of existing communication channels, including electronic communications, in place at the Food and Drug Administration.".

SEC. 918. REFERRAL TO ADVISORY COMMITTEE.

Section 505 of the Federal Food, Drug, and Cosmetic Act, as amended by section 915, is further amended by adding at the end the following:

"(s) REFERRAL TO ADVISORY COMMITTEE.—Prior to the approval of a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act, the Secretary shall—

"(1) refer such drug to a Food and Drug Administration advisory committee for review at a meeting of such advisory committee; or

"(2) if the Secretary does not refer such a drug to a Food and Drug Administration advisory committee prior to the approval of the drug, provide in the action letter on the application for the drug a summary of the reasons why the Secretary did not refer the drug to an advisory committee prior to approval.".

SEC. 919. RESPONSE TO THE INSTITUTE OF MEDICINE.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the Secretary shall issue a report responding to the 2006 report of the Institute of Medicine entitled "The Future of Drug Safety—Promoting and Protecting the Health of the Public".

(b) CONTENT OF REPORT.—The report issued by the Secretary under subsection (a) shall include—

(1) an update on the implementation by the Food and Drug Administration of its plan to respond to the Institute of Medicine report described under such subsection; and

(2) an assessment of how the Food and Drug Administration has implemented—

(A) the recommendations described in such Institute of Medicine report; and

(B) the requirement under section 505-1(c)(2) of the Federal Food, Drug, and Cosmetic Act (as added by this title), that the appropriate office responsible for reviewing a drug and the office responsible for post-approval safety with respect to the drug work together to assess, implement, and ensure compliance with the requirements of such section 505-1.

SEC. 920. DATABASE FOR AUTHORIZED GENERIC DRUGS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 918, is further amended by adding at the end the following:

"(t) DATABASE FOR AUTHORIZED GENERIC DRUGS.—

"(1) IN GENERAL.—

"(A) PUBLICATION.—The Commissioner shall—

"(i) not later than 9 months after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, publish a complete list on the Internet Web site of the Food and Drug Administration of all authorized generic drugs (including drug trade name, brand company manufacturer, and the date the authorized generic drug entered the market); and

"(ii) update the list quarterly to include each authorized generic drug included in an annual report submitted to the Secretary by the sponsor of a listed drug during the preceding 3-month period.

"(B) NOTIFICATION.—The Commissioner shall notify relevant Federal agencies, including the Centers for Medicare & Medicaid Services and the Federal Trade Commission, when the Commissioner first publishes the information described in subparagraph (A) that the information has been published and that the information will be updated quarterly.

"(2) INCLUSION.—The Commissioner shall include in the list described in paragraph (1) each authorized generic drug included in an annual report submitted to the Secretary by the sponsor of a listed drug after January 1, 1999.

"(3) AUTHORIZED GENERIC DRUG.—In this section, the term 'authorized generic drug' means a listed drug (as that term is used in subsection (j)) that—

"(A) has been approved under subsection (c); and

"(B) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the listed drug.".

SEC. 921. ADVERSE DRUG REACTION REPORTS AND POSTMARKET SAFETY.

Subsection (k) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 905, is amended by adding at the end the following:

"(5) The Secretary shall—

"(A) conduct regular, bi-weekly screening of the Adverse Event Reporting System database and post a quarterly report on the Adverse Event Reporting System Web site of any new safety information or potential signal of a serious risk identified by Adverse

Event Reporting System within the last quarter;

"(B) report to Congress not later than 2 year after the date of the enactment of the Food and Drug Administration Amendments Act of 2007 on procedures and processes of the Food and Drug Administration for addressing ongoing post market safety issues identified by the Office of Surveillance and Epidemiology and how recommendations of the Office of Surveillance and Epidemiology are handled within the agency; and

"(C) on an annual basis, review the entire backlog of postmarket safety commitments to determine which commitments require revision or should be eliminated, report to the Congress on these determinations, and assign start dates and estimated completion dates for such commitments.".

TITLE X—FOOD SAFETY

SEC. 1001. FINDINGS.

Congress finds that—

(1) the safety and integrity of the United States food supply are vital to public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) illnesses and deaths of individuals and companion animals caused by contaminated food—

(A) have contributed to a loss of public confidence in food safety; and

(B) have caused significant economic losses to manufacturers and producers not responsible for contaminated food items;

(3) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination;

(B) an increasing volume of imported food from a wide variety of countries; and

(C) a shortage of adequate resources for monitoring and inspection;

(4) according to the Economic Research Service of the Department of Agriculture, the United States is increasing the amount of food that it imports such that—

(A) from 2003 to 2007, the value of food imports has increased from $45,600,000,000 to $64,000,000,000; and

(B) imported food accounts for 13 percent of the average American diet including 31 percent of fruits, juices, and nuts, 9.5 percent of red meat, and 78.6 percent of fish and shellfish; and

(5) the number of full-time equivalent Food and Drug Administration employees conducting inspections has decreased from 2003 to 2007.

SEC. 1002. ENSURING THE SAFETY OF PET FOOD.

(a) PROCESSING AND INGREDIENT STANDARDS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this title as the "Secretary"), in consultation with the Association of American Feed Control Officials and other relevant stakeholder groups, including veterinary medical associations, animal health organizations, and pet food manufacturers, shall by regulation establish—

(1) ingredient standards and definitions with respect to pet food;

(2) processing standards for pet food; and

(3) updated standards for the labeling of pet food that include nutritional and ingredient information.

(b) EARLY WARNING SURVEILLANCE SYSTEMS AND NOTIFICATION DURING PET FOOD RECALLS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish an early warning and surveillance system to identify adulteration of the pet food supply and outbreaks of illness associated with pet food. In establishing such system, the Secretary shall—

(1) consider using surveillance and monitoring mechanisms similar to, or in coordination with, those used to monitor human or animal health, such as the Foodborne Diseases Active Surveillance Network (FoodNet) and PulseNet of the Centers for Disease Control and Prevention, the Food Emergency Response Network of the Food and Drug Administration and the Department of Agriculture, and the National Animal Health Laboratory Network of the Department of Agriculture;

(2) consult with relevant professional associations and private sector veterinary hospitals;

(3) work with the National Companion Animal Surveillance Program, the Health Alert Network, or other notification networks as appropriate to inform veterinarians and relevant stakeholders during any recall of pet food; and

(4) use such information and conduct such other activities as the Secretary deems appropriate.

SEC. 1003. ENSURING EFFICIENT AND EFFECTIVE COMMUNICATIONS DURING A RECALL.

The Secretary shall, during an ongoing recall of human or pet food regulated by the Secretary—

(1) work with companies, relevant professional associations, and other organizations to collect and aggregate information pertaining to the recall;

(2) use existing networks of communication, including electronic forms of information dissemination, to enhance the quality and speed of communication with the public; and

(3) post information regarding recalled human and pet foods on the Internet Web site of the Food and Drug Administration in a single location, which shall include a searchable database of recalled human foods and a searchable database of recalled pet foods, that is easily accessed and understood by the public.

SEC. 1004. STATE AND FEDERAL COOPERATION.

(a) IN GENERAL.—The Secretary shall work with the States in undertaking activities and programs that assist in improving the safety of food, including fresh and processed produce, so that State food safety programs and activities conducted by the Secretary function in a coordinated and cost-effective manner. With the assistance provided under subsection (b), the Secretary shall encourage States to—

(1) establish, continue, or strengthen State food safety programs, especially with respect to the regulation of retail commercial food establishments; and

(2) establish procedures and requirements for ensuring that processed produce under the jurisdiction of State food safety programs is not unsafe for human consumption.

(b) ASSISTANCE.—The Secretary may provide to a State, for planning, developing, and implementing such a food safety program—

(1) advisory assistance;

(2) technical assistance, training, and laboratory assistance (including necessary materials and equipment); and

(3) financial and other assistance.

(c) SERVICE AGREEMENTS.—The Secretary may, under an agreement entered into with a Federal, State, or local agency, use, on a reimbursable basis or otherwise, the personnel, services, and facilities of the agency to carry out the responsibilities of the agency under this section. An agreement entered into with a State agency under this subsection may provide for training of State employees.

SEC. 1005. REPORTABLE FOOD REGISTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1994, Congress passed the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417) to provide the Food and Drug Administration the legal framework which is intended to ensure that dietary supplements are safe and properly labeled foods.

(2) In 2006, Congress passed the Dietary Supplement and Nonprescription Drug Consumer Protection Act (Public Law 109–462) to establish a mandatory reporting system of serious adverse events for nonprescription drugs and dietary supplements sold and consumed in the United States.

(3) The adverse event reporting system created under the Dietary Supplement and Nonprescription Drug Consumer Protection Act is intended to serve as an early warning system for potential public health issues associated with the use of these products.

(4) A reliable mechanism to track patterns of adulteration in food would support efforts by the Food and Drug Administration to target limited inspection resources to protect the public health.

(b) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 417. REPORTABLE FOOD REGISTRY.

"(a) DEFINITIONS.—In this section:

"(1) RESPONSIBLE PARTY.—The term 'responsible party', with respect to an article of food, means a person that submits the registration under section 415(a) for a food facility that is required to register under section 415(a), at which such article of food is manufactured, processed, packed, or held.

"(2) REPORTABLE FOOD.—The term 'reportable food' means an article of food (other than infant formula) for which there is a reasonable probability that the use of, or exposure to, such article of food will cause serious adverse health consequences or death to humans or animals.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary shall establish within the Food and Drug Administration a Reportable Food Registry to which instances of reportable food may be submitted by the Food and Drug Administration after receipt of reports under subsection (d), via an electronic portal, from—

"(A) Federal, State, and local public health officials; or

"(B) responsible parties.

"(2) REVIEW BY SECRETARY.—The Secretary shall promptly review and assess the information submitted under paragraph (1) for the purposes of identifying reportable food, submitting entries to the Reportable Food Registry, acting under subsection (c), and exercising other existing food safety authorities under this Act to protect the public health.

"(c) ISSUANCE OF AN ALERT BY THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall issue, or cause to be issued, an alert or a notification with respect to a reportable food using information from the Reportable Food Registry as the Secretary deems necessary to protect the public health.

"(2) EFFECT.—Paragraph (1) shall not affect the authority of the Secretary to issue an alert or a notification under any other provision of this Act.

"(d) REPORTING AND NOTIFICATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable, but in no case later than 24 hours after a responsible party determines that an article of food is a reportable food, the responsible party shall—

"(A) submit a report to the Food and Drug Administration through the electronic portal established under subsection (b) that includes the data elements described in subsection (e) (except the elements described in paragraphs (8), (9), and (10) of such subsection); and

"(B) investigate the cause of the adulteration if the adulteration of the article of food may have originated with the responsible party.

"(2) NO REPORT REQUIRED.—A responsible party is not required to submit a report under paragraph (1) if—

"(A) the adulteration originated with the responsible party;

"(B) the responsible party detected the adulteration prior to any transfer to another person of such article of food; and

"(C) the responsible party—

"(i) corrected such adulteration; or

"(ii) destroyed or caused the destruction of such article of food.

"(3) REPORTS BY PUBLIC HEALTH OFFICIALS.—A Federal, State, or local public health official may submit a report about a reportable food to the Food and Drug Administration through the electronic portal established under subsection (b) that includes the data elements described in subsection (e) that the official is able to provide.

"(4) REPORT NUMBER.—The Secretary shall ensure that, upon submission of a report under paragraph (1) or (3), a unique number is issued through the electronic portal established under subsection (b) to the person submitting such report, by which the Secretary is able to link reports about the reportable food submitted and amended under this subsection and identify the supply chain for such reportable food.

"(5) REVIEW.—The Secretary shall promptly review a report submitted under paragraph (1) or (3).

"(6) RESPONSE TO REPORT SUBMITTED BY A RESPONSIBLE PARTY.—After consultation with the responsible party that submitted a report under paragraph (1), the Secretary may require such responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, 1 or more of the following:

"(A) Amend the report submitted by the responsible party under paragraph (1) to include the data element described in subsection (e)(9).

"(B) Provide a notification—

"(i) to the immediate previous source of the article of food, if the Secretary deems necessary;

"(ii) to the immediate subsequent recipient of the article of food, if the Secretary deems necessary; and

"(iii) that includes—

"(I) the data elements described in subsection (e) that the Secretary deems necessary;

"(II) the actions described under paragraph (7) that the recipient of the notification shall perform, as required by the Secretary; and

"(III) any other information that the Secretary may require.

"(7) SUBSEQUENT REPORTS AND NOTIFICATIONS.—Except as provided in paragraph (8), the Secretary may require a responsible party to perform, as soon as practicable, but in no case later than a time specified by the Secretary, after the responsible party receives a notification under subparagraph (C) or paragraph (6)(B), 1 or more of the following:

"(A) Submit a report to the Food and Drug Administration through the electronic portal established under subsection (b) that includes those data elements described in subsection (e) and other information that the Secretary deems necessary.

"(B) Investigate the cause of the adulteration if the adulteration of the article of food may have originated with the responsible party.

"(C) Provide a notification—

"(i) to the immediate previous source of the article of food, if the Secretary deems necessary;

"(ii) to the immediate subsequent recipient of the article of food, if the Secretary deems necessary; and

"(iii) that includes—

"(I) the data elements described in subsection (e) that the Secretary deems necessary;

"(II) the actions described under this paragraph that the recipient of the notification shall perform, as required by the Secretary; and

"(III) any other information that the Secretary may require.

"(8) AMENDED REPORT.—If a responsible party receives a notification under paragraph (6)(B) or paragraph (7)(C) with respect to an article of food after the responsible party has submitted a report to the Food and Drug Administration under paragraph (1) with respect to such article of food—

"(A) the responsible party is not required to submit an additional report or make a notification under paragraph (7); and

"(B) the responsible party shall amend the report submitted by the responsible party under paragraph (1) to include the data elements described in paragraph (9), and, with respect to both such notification and such report, paragraph (11) of subsection (e).

"(e) DATA ELEMENTS.—The data elements described in this subsection are the following:

"(1) The registration numbers of the responsible party under section 415(a)(3).

"(2) The date on which an article of food was determined to be a reportable food.

"(3) A description of the article of food including the quantity or amount.

"(4) The extent and nature of the adulteration.

"(5) If the adulteration of the article of food may have originated with the responsible party, the results of the investigation required under paragraph (1)(B) or (7)(B) of subsection (d), as applicable and when known.

"(6) The disposition of the article of food, when known.

"(7) Product information typically found on packaging including product codes, use-by dates, and names of manufacturers, packers, or distributors sufficient to identify the article of food.

"(8) Contact information for the responsible party.

"(9) The contact information for parties directly linked in the supply chain and notified under paragraph (6)(B) or (7)(C) of subsection (d), as applicable.

"(10) The information required by the Secretary to be included in a notification provided by the responsible party involved under paragraph (6)(B) or (7)(C) of subsection (d) or required in a report under subsection (d)(7)(A).

"(11) The unique number described in subsection (d)(4).

"(f) COORDINATION OF FEDERAL, STATE, AND LOCAL EFFORTS.—

"(1) DEPARTMENT OF AGRICULTURE.—In implementing this section, the Secretary shall—

"(A) share information and coordinate regulatory efforts with the Department of Agriculture; and

"(B) if the Secretary receives a report submitted about a food within the jurisdiction of the Department of Agriculture, promptly provide such report to the Department of Agriculture.

"(2) STATES AND LOCALITIES.—In implementing this section, the Secretary shall work with the State and local public health officials to share information and coordinate regulatory efforts, in order to—

"(A) help to ensure coverage of the safety of the food supply chain, including those food establishments regulated by the States and localities that are not required to register under section 415; and

"(B) reduce duplicative regulatory efforts.

"(g) MAINTENANCE AND INSPECTION OF RECORDS.—The responsible party shall maintain records related to each report received, notification made, and report submitted to the Food and Drug Administration under this section for 2 years. A responsible party shall, at the request of the Secretary, permit inspection of such records as provided for section 414.

"(h) REQUEST FOR INFORMATION.—Except as provided by section 415(a)(4), section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Reportable Food Registry.

"(i) SAFETY REPORT.—A report or notification under subsection (d) shall be considered to be a safety report under section 756 and may be accompanied by a statement, which shall be part of any report released for public disclosure, that denies that the report or the notification constitutes an admission that the product involved caused or contributed to a death, serious injury, or serious illness.

"(j) ADMISSION.—A report or notification under this section shall not be considered an admission that the article of food involved is adulterated or caused or contributed to a death, serious injury, or serious illness.

"(k) HOMELAND SECURITY NOTIFICATION.—If, after receiving a report under subsection (d), the Secretary believes such food may have been deliberately adulterated, the Secretary shall immediately notify the Secretary of Homeland Security. The Secretary shall make relevant information from the Reportable Food Registry available to the Secretary of Homeland Security.".

(c) DEFINITION.—Section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)) is amended by striking "section 201(g)" and inserting "sections 201(g) and 417".

(d) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 912, is further amended—

(1) in subsection (e), by—

(A) striking "414," and inserting "414, 417(g),"; and

(B) striking "414(b)" and inserting "414(b), 417"; and

(2) by adding at the end the following:

"(mm) The failure to submit a report or provide a notification required under section 417(d).

"(nn) The falsification of a report or notification required under section 417(d).".

(e) EFFECTIVE DATE.—The requirements of section 417(d) of the Federal Food, Drug, and

Cosmetic Act, as added by subsection (a), shall become effective 1 year after the date of the enactment of this Act.

(f) GUIDANCE.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall issue a guidance to industry about submitting reports to the electronic portal established under section 417 of the Federal Food, Drug, and Cosmetic Act (as added by this section) and providing notifications to other persons in the supply chain of an article of food under such section 417.

(g) EFFECT.—Nothing in this title, or an amendment made by this title, shall be construed to alter the jurisdiction between the Secretaries of Agriculture and of Health and Human Services, under applicable statutes and regulations.

SEC. 1006. ENHANCED AQUACULTURE AND SEAFOOD INSPECTION.

(a) FINDINGS.—Congress finds the following:

(1) In 2007, there has been an overwhelming increase in the volume of aquaculture and seafood that has been found to contain substances that are not approved for use in food in the United States.

(2) As of May 2007, inspection programs are not able to satisfactorily accomplish the goals of ensuring the food safety of the United States.

(3) To protect the health and safety of consumers in the United States, the ability of the Secretary to perform inspection functions must be enhanced.

(b) HEIGHTENED INSPECTIONS.—The Secretary is authorized to enhance, as necessary, the inspection regime of the Food and Drug Administration for aquaculture and seafood, consistent with obligations of the United States under international agreements and United States law.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes the specifics of the aquaculture and seafood inspection program;

(2) describes the feasibility of developing a traceability system for all catfish and seafood products, both domestic and imported, for the purpose of identifying the processing plant of origin of such products; and

(3) provides for an assessment of the risks associated with particular contaminants and banned substances.

(d) PARTNERSHIPS WITH STATES.—Upon the request by any State, the Secretary may enter into partnership agreements, as soon as practicable after the request is made, to implement inspection programs to Federal standards regarding the importation of aquaculture and seafood.

SEC. 1007. CONSULTATION REGARDING GENETICALLY ENGINEERED SEAFOOD PRODUCTS.

The Commissioner of Food and Drugs shall consult with the Assistant Administrator of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to produce a report on any environmental risks associated with genetically engineered seafood products, including the impact on wild fish stocks.

SEC. 1008. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is vital for Congress to provide the Food and Drug Administration with additional resources, authorities, and direction with respect to ensuring the safety of the food supply of the United States;

(2) additional inspectors are required to improve the Food and Drug Administration's ability to safeguard the food supply of the United States;

(3) because of the increasing volume of international trade in food products the Secretary should make it a priority to enter into agreements with the trading partners of the United States with respect to food safety; and

(4) Congress should work to develop a comprehensive response to the issue of food safety.

SEC. 1009. ANNUAL REPORT TO CONGRESS.

The Secretary shall, on an annual basis, submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report that includes, with respect to the preceding 1-year period—

(1) the number and amount of food products regulated by the Food and Drug Administration imported into the United States, aggregated by country and type of food;

(2) a listing of the number of Food and Drug Administration inspectors of imported food products referenced in paragraph (1) and the number of Food and Drug Administration inspections performed on such products; and

(3) aggregated data on the findings of such inspections, including data related to violations of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), and enforcement actions used to follow-up on such findings and violations.

SEC. 1010. PUBLICATION OF ANNUAL REPORTS.

(a) IN GENERAL.—The Commissioner of Food and Drugs shall annually submit to Congress and publish on the Internet Web site of the Food and Drug Administration, a report concerning the results of the Administration's pesticide residue monitoring program, that includes—

(1) information and analysis similar to that contained in the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003" as released in June of 2005;

(2) based on an analysis of previous samples, an identification of products or countries (for imports) that require special attention and additional study based on a comparison with equivalent products manufactured, distributed, or sold in the United States (including details on the plans for such additional studies), including in the initial report (and subsequent reports as determined necessary) the results and analysis of the Ginseng Dietary Supplements Special Survey as described on page 13 of the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003";

(3) information on the relative number of interstate and imported shipments of each tested commodity that were sampled, including recommendations on whether sampling is statistically significant, provides confidence intervals or other related statistical information, and whether the number of samples should be increased and the details of any plans to provide for such increase; and

(4) a description of whether certain commodities are being improperly imported as another commodity, including a description of additional steps that are being planned to prevent such smuggling.

(b) INITIAL REPORTS.—Annual reports under subsection (a) for fiscal years 2004 through 2006 may be combined into a single report, by not later than June 1, 2008, for purposes of publication under subsection (a). Thereafter such reports shall be completed by June 1 of each year for the data collected for the year that was 2-years prior to the year in which the report is published.

(c) MEMORANDUM OF UNDERSTANDING.—The Commissioner of Food and Drugs, the Administrator of the Food Safety and Inspection Service, the Department of Commerce, and the head of the Agricultural Marketing Service shall enter into a memorandum of understanding to permit inclusion of data in the reports under subsection (a) relating to testing carried out by the Food Safety and Inspection Service and the Agricultural Marketing Service on meat, poultry, eggs, and certain raw agricultural products, respectively.

SEC. 1011. RULE OF CONSTRUCTION.

Nothing in this title (or an amendment made by this title) shall be construed to affect—

(1) the regulation of dietary supplements under the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417); or

(2) the adverse event reporting system for dietary supplements created under the Dietary Supplement and Nonprescription Drug Consumer Protection Act (Public Law 109-462).

TITLE XI—OTHER PROVISIONS

Subtitle A—In General

SEC. 1101. POLICY ON THE REVIEW AND CLEARANCE OF SCIENTIFIC ARTICLES PUBLISHED BY FDA EMPLOYEES.

Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.), as amended by section 701, is further amended by adding at the end the following:

"SEC. 713. POLICY ON THE REVIEW AND CLEARANCE OF SCIENTIFIC ARTICLES PUBLISHED BY FDA EMPLOYEES.

"(a) DEFINITION.—In this section, the term 'article' means a paper, poster, abstract, book, book chapter, or other published writing.

"(b) POLICIES.—The Secretary, through the Commissioner of Food and Drugs, shall establish and make publicly available clear written policies to implement this section and govern the timely submission, review, clearance, and disclaimer requirements for articles.

"(c) TIMING OF SUBMISSION FOR REVIEW.—If an officer or employee, including a Staff Fellow and a contractor who performs staff work, of the Food and Drug Administration is directed by the policies established under subsection (b) to submit an article to the supervisor of such officer or employee, or to some other official of the Food and Drug Administration, for review and clearance before such officer or employee may seek to publish or present such an article at a conference, such officer or employee shall submit such article for such review and clearance not less than 30 days before submitting the article for publication or presentation.

"(d) TIMING FOR REVIEW AND CLEARANCE.—The supervisor or other reviewing official shall review such article and provide written clearance, or written clearance on the condition of specified changes being made, to such officer or employee not later than 30 days after such officer or employee submitted such article for review.

"(e) NON-TIMELY REVIEW.—If, 31 days after such submission under subsection (c), the supervisor or other reviewing official has not cleared or has not reviewed such article and provided written clearance, such officer or employee may consider such article not to have been cleared and may submit the article for publication or presentation with an appropriate disclaimer as specified in the policies established under subsection (b).

"(f) EFFECT.—Nothing in this section shall be construed as affecting any restrictions on such publication or presentation provided by other provisions of law.".

SEC. 1102. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"SEC. 524. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

"(a) DEFINITIONS.—In this section:

"(1) PRIORITY REVIEW.—The term 'priority review', with respect to a human drug application as defined in section 735(1), means review and action by the Secretary on such application not later than 6 months after receipt by the Secretary of such application, as described in the Manual of Policies and Procedures of the Food and Drug Administration and goals identified in the letters described in section 101(c) of the Food and Drug Administration Amendments Act of 2007.

"(2) PRIORITY REVIEW VOUCHER.—The term 'priority review voucher' means a voucher issued by the Secretary to the sponsor of a tropical disease product application that entitles the holder of such voucher to priority review of a single human drug application submitted under section 505(b)(1) or section 351 of the Public Health Service Act after the date of approval of the tropical disease product application.

"(3) TROPICAL DISEASE.—The term 'tropical disease' means any of the following:

"(A) Tuberculosis.

"(B) Malaria.

"(C) Blinding trachoma.

"(D) Buruli Ulcer.

"(E) Cholera.

"(F) Dengue/dengue haemorrhagic fever.

"(G) Dracunculiasis (guinea-worm disease).

"(H) Fascioliasis.

"(I) Human African trypanosomiasis.

"(J) Leishmaniasis.

"(K) Leprosy.

"(L) Lymphatic filariasis.

"(M) Onchocerciasis.

"(N) Schistosomiasis.

"(O) Soil transmitted helmithiasis.

"(P) Yaws.

"(Q) Any other infectious disease for which there is no significant market in developed nations and that disproportionately affects poor and marginalized populations, designated by regulation by the Secretary.

"(4) TROPICAL DISEASE PRODUCT APPLICATION.—The term 'tropical disease product application' means an application that—

"(A) is a human drug application as defined in section 735(1)—

"(i) for prevention or treatment of a tropical disease; and

"(ii) the Secretary deems eligible for priority review;

"(B) is approved after the date of the enactment of the Food and Drug Administration Amendments Act of 2007, by the Secretary for use in the prevention, detection, or treatment of a tropical disease; and

"(C) is for a human drug, no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under section 505(b)(1) or section 351 of the Public Health Service Act.

"(b) PRIORITY REVIEW VOUCHER.—

"(1) IN GENERAL.—The Secretary shall award a priority review voucher to the sponsor of a tropical disease product application upon approval by the Secretary of such tropical disease product application.

"(2) TRANSFERABILITY.—The sponsor of a tropical disease product that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher to a sponsor of a human drug for which an application under section 505(b)(1) or section 351 of the Public Health Service Act will be submitted after the date of the approval of the tropical disease product application.

"(3) LIMITATION.—

"(A) NO AWARD FOR PRIOR APPROVED APPLICATION.—A sponsor of a tropical disease product may not receive a priority review voucher under this section if the tropical disease product application was submitted to the Secretary prior to the date of the enactment of this section.

"(B) ONE-YEAR WAITING PERIOD.—The Secretary shall issue a priority review voucher to the sponsor of a tropical disease product no earlier than the date that is 1 year after the date of the enactment of the Food and Drug Administration Amendments Act of 2007.

"(4) NOTIFICATION.—The sponsor of a human drug application shall notify the Secretary not later than 365 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay for the user fee to be assessed in accordance with this section.

"(c) PRIORITY REVIEW USER FEE.—

"(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a human drug application that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

"(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary and based on the average cost incurred by the agency in the review of a human drug application subject to priority review in the previous fiscal year.

"(3) ANNUAL FEE SETTING.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2007, for that fiscal year, the amount of the priority review user fee.

"(4) PAYMENT.—

"(A) IN GENERAL.—The priority review user fee required by this subsection shall be due upon the submission of a human drug application under section 505(b)(1) or section 351 of the Public Health Services Act for which the priority review voucher is used.

"(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection and all other applicable user fees are not paid in accordance with the Secretary's procedures for paying such fees.

"(C) NO WAIVERS, EXEMPTIONS, REDUCTIONS, OR REFUNDS.—The Secretary may not grant a waiver, exemption, reduction, or refund of any fees due and payable under this section.

"(5) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

"(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.".

SEC. 1103. IMPROVING GENETIC TEST SAFETY AND QUALITY.

(a) REPORT.—If the Secretary's Advisory Committee on Genetics, Health, and Society does not complete and submit the Regulatory Oversight of Genetic/Genomic Testing Report & Action Recommendations to the Secretary of Health and Human Services (referred to in this section as the "Secretary") by July of 2008, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study to assess the overall safety and quality of genetic tests and prepare a report that includes recommendations to improve Federal oversight and regulation of genetic tests. Such study shall take into consideration relevant reports by the Secretary's Advisory Committee on Genetics, Health, and Society and other groups and shall be completed not later than 1 year after the date on which the Secretary entered into such contract.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Federal efforts with respect to regulatory oversight of genetic tests to cease or be limited or delayed pending completion of the report by the Secretary's Advisory Committee on Genetics, Health, and Society or the Institute of Medicine.

SEC. 1104. NIH TECHNICAL AMENDMENTS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in section 319C–2(j)(3)(B), by striking "section 319C–1(h)" and inserting "section 319C–1(i)";

(2) in section 402(b)(4), by inserting "minority and other" after "reducing";

(3) in section 403(a)(4)(C)(iv)(III), by inserting "and postdoctoral training funded through research grants" before the semicolon;

(4) by designating the second section 403C (relating to the drug diethylstilbestrol) as section 403D; and

(5) in section 403C(a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "graduate students supported by the National Institutes of Health" after "with respect to"; and

(ii) by deleting "each degree-granting program";

(B) in paragraph (1), by inserting "such" after "percentage of"; and

(C) in paragraph (2), by inserting "(not including any leaves of absence)" after "average time".

SEC. 1105. SEVERABILITY CLAUSE.

If any provision of this Act, an amendment made this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

Subtitle B—Antibiotic Access and Innovation

SEC. 1111. IDENTIFICATION OF CLINICALLY SUSCEPTIBLE CONCENTRATIONS OF ANTIMICROBIALS.

(a) DEFINITION.—In this section, the term "clinically susceptible concentrations" means specific values which characterize bacteria as clinically susceptible, intermediate, or resistant to the drug (or drugs) tested.

(b) IDENTIFICATION.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), through the Commissioner of Food and Drugs, shall identify (where such information is reasonably available) and periodically update clinically susceptible concentrations.

(c) PUBLIC AVAILABILITY.—The Secretary, through the Commissioner of Food and Drugs, shall make such clinically susceptible concentrations publicly available, such as by posting on the Internet, not later than 30 days after the date of identification and any update under this section.

(d) EFFECT.—Nothing in this section shall be construed to restrict, in any manner, the prescribing of antibiotics by physicians, or to limit the practice of medicine, including for diseases such as Lyme and tick-borne diseases.

SEC. 1112. ORPHAN ANTIBIOTIC DRUGS.

(a) PUBLIC MEETING.—The Commissioner of Food and Drugs shall convene a public meeting regarding which serious and life threatening infectious diseases, such as diseases due to gram-negative bacteria and other diseases due to antibiotic-resistant bacteria, potentially qualify for available grants and contracts under section 5(a) of the Orphan Drug Act (21 U.S.C. 360ee(a)) or other incentives for development.

(b) GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

"(c) For grants and contracts under subsection (a), there is authorized to be appropriated $30,000,000 for each of fiscal years 2008 through 2012.".

SEC. 1113. EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 920, is further amended by adding at the end the following:

"(u) CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.—

"(1) IN GENERAL.—For purposes of subsections (c)(3)(E)(ii) and (j)(5)(F)(ii), if an application is submitted under subsection (b) for a non-racemic drug containing as an active ingredient (including any ester or salt of the active ingredient) a single enantiomer that is contained in a racemic drug approved in another application under subsection (b), the applicant may, in the application for such non-racemic drug, elect to have the single enantiomer not be considered the same active ingredient as that contained in the approved racemic drug, if—

"(A)(i) the single enantiomer has not been previously approved except in the approved racemic drug; and

"(ii) the application submitted under subsection (b) for such non-racemic drug—

"(I) includes full reports of new clinical investigations (other than bioavailability studies)—

"(aa) necessary for the approval of the application under subsections (c) and (d); and

"(bb) conducted or sponsored by the applicant; and

"(II) does not rely on any investigations that are part of an application submitted under subsection (b) for approval of the approved racemic drug; and

"(B) the application submitted under subsection (b) for such non-racemic drug is not submitted for approval of a condition of use—

"(i) in a therapeutic category in which the approved racemic drug has been approved; or

"(ii) for which any other enantiomer of the racemic drug has been approved.

"(2) LIMITATION.—

"(A) NO APPROVAL IN CERTAIN THERAPEUTIC CATEGORIES.—Until the date that is 10 years after the date of approval of a non-racemic drug described in paragraph (1) and with respect to which the applicant has made the election provided for by such paragraph, the Secretary shall not approve such non-racemic drug for any condition of use in the therapeutic category in which the racemic drug has been approved.

"(B) LABELING.—If applicable, the labeling of a non-racemic drug described in paragraph (1) and with respect to which the applicant has made the election provided for by such paragraph shall include a statement that the non-racemic drug is not approved, and has not been shown to be safe and effective, for any condition of use of the racemic drug.

"(3) DEFINITION.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'therapeutic category' means a therapeutic category identified in the list developed by the United States Pharmacopeia pursuant to section 1860D–4(b)(3)(C)(ii) of the Social Security Act and as in effect on the date of the enactment of this subsection.

"(B) PUBLICATION BY SECRETARY.—The Secretary shall publish the list described in subparagraph (A) and may amend such list by regulation.

"(4) AVAILABILITY.—The election referred to in paragraph (1) may be made only in an application that is submitted to the Secretary after the date of the enactment of this subsection and before October 1, 2012.".

SEC. 1114. REPORT.

Not later than January 1, 2012, the Comptroller General of the United States shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives that examines whether and how this subtitle has—

(1) encouraged the development of new antibiotics and other drugs; and

(2) prevented or delayed timely generic drug entry into the market.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today to express strong support for H.R. 3580, the Food and Drug Administration Amendments Act of 2007. This is excellent legislation. It contains needed reforms to strengthen the safety of our Nation's drug, device, and food supply.

I want to pay a word of compliment to my Republican colleagues and say that we have come to a compromise which I believe is satisfactory in the broad public interest and is an excellent piece of legislation. And I want to commend my friend Mr. BARTON and our Republican colleagues for having worked with us well on this matter.

On July 11, 2007, the House passed H.R. 2900, the Food and Drug Administration Amendments, by a bipartisan vote of 403–16. The bill was hailed by all as a strong bill that would improve the lives of Americans by ensuring that drugs and devices are reviewed in a competent and in a timely fashion.

Earlier this year the Senate passed a similar bill. Since July, bipartisan meetings have been held frequently between the House Energy and Commerce Committee and the Senate Committee on Health, Education, Labor, and Pensions to reconcile the differences between the 2 bills.

This bill includes 2 very different user-fee programs, both vital to the timely approval of lifesaving drugs and devices. The legislation would significantly improve our postmarket safety programs, thereby preventing many of the drug and device injuries and deaths that occur today. It fills an important gap in therapies available to one of our most vulnerable and important patient groups: Our children. Finally, I note that the period of market exclusivity in the pediatric studies remains 6 months, as in current law.

I want to thank all the members of the committee who have worked hard on this bill. They have endured long hours to ensure that this bill would be completed before the expiration of the 2 user-fee programs at the end of this month. And I want to pay particular tribute to the staff on both sides for their outstanding labors.

Mr. Speaker, I want to point out that if this bill does not pass in the time limits which are imposed upon us by the September 30 expiration of this statute, we will have significant problems here that we may not be able to address because, I would point out, that failure to do so will leave us with a situation where we are going to find that RIF notices will be going out at Food and Drug and the ability to approve new drugs will all of a sudden come to a screeching and unfortunate halt.

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I urge my friends and colleagues to support this legislation; it is a good piece of legislation, it has the support of all who have worked with it, and I would commend it to the attention and the kindness of my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, most of us are too young to remember, but in the early days of the movies there was a series of movies based on the "Perils of Pauline." Pauline was a heroine who always got tied to the railroad track, and just as the train was bearing down on her the hero would come out and rescue her for another adventure in the next movie reel.

Well, this bill before us has kind of experienced the Perils of Pauline. It started out in a tremendous positive bipartisan spirit here in the House. Chairman DINGELL and Subcommittee Chairman PALLONE on the majority and Mr. DEAL and myself on the minority side and our colleagues in the rank-and-file worked together. We reported a bill, and I don't remember how many votes it got on the House floor, but I believe it was over 400. It got over to the other body, and they modified it in some ways that were somewhat different than the House bill. The negotiations broke down, and it looked for a while this week that the Food and Drug Administration was going to have to send out reduction in force notices to over 2,000 employees at the Food and Drug Administration. But thanks to the tremendous leadership of Chairman DINGELL and Subcommittee Chairman PALLONE and the help of people like Congressman WAXMAN and others on the majority side, we've been able to come back together and create a unified House position and work with our friends in the other body. And they've accepted the compromise that's before us to say that here, at 3 o'clock on Wednesday afternoon, we're going to rescue Pauline and pass the PDUFA, I hope by unanimous consent on the suspension calendar, the PDUFA reauthorization bill, and lots of good things are going to happen.

I am honored to be the ranking member on the Energy and Commerce Committee, along with Subcommittee Ranking Member DEAL, who has worked with the majority to put this compromise together.

I want to stress the sensitivity of completing the reauthorization of the Prescription Drug User Fee Program and the Medical Device User Fee Program right now. As I said earlier, if we were not to have done that by the end of this week, over 2,000 employees at the FDA would probably have received a reduction in force notice sometime next week or the week after. These are dedicated experts who are responsible for reviewing and approving new drugs, biologics and medical devices. If we were to lose those individuals, we would probably never get them back. That would have severe negative repercussions for everybody in this country.

The legislation before us will promote advancement in pediatric therapies both for pharmaceuticals and for medical devices. The Pediatric Rule and the Best Pharmaceuticals for Children Act have helped to fill a void in pediatric medicine. Prior to these acts, many children were not getting the best treatment because the information was simply not available to determine how a drug would act on them. Drugs do perform differently in different patients, which is especially true when that patient is a child. These acts have begun to provide physicians the information they need to make the best decisions for their pediatric patients. These two acts work together to ensure that accurate, timely pediatric use information is developed to ensure the best medical outcomes for the Nation's children.

The bill preserves the 6-month incentive that companies receive to do additional testing in pediatric populations. I want to emphasize that. The bill before us preserves the 6-month pediatric exclusivity provision in current law, and I think that's a real accomplishment. Chairman DINGELL should be commended for his leadership on that effort. I was glad to support him in that insistence on that particular provision. I would also like to thank Congresswoman ANNA ESHOO for her work on that provision.

Finally, the legislation addresses the issue of drug safety. No drug is completely safe. All drugs have some risk. The goal of the Food and Drug Administration is to ensure that the benefits of the drug outweigh any potential risks and ensure that patients have access to life-saving and life-improving medications.

The legislation before us today strives to ensure that the FDA has the authority to monitor drugs to ensure that the balance between the benefit and the risk remains in equilibrium. The FDA will now have the authority to require that drug sponsors conduct postmarket clinical trials. The FDA will now have the authority to require that a drug make a label change. The FDA will also now have the authority to impose additional requirements on a drug in the form of a risk evaluation and mitigation strategy when it is needed to ensure that a drug's benefits outweigh its risk.

Mr. Speaker, this bill is a bipartisan compromise that does strengthen the FDA, it will improve children's health, and it will reauthorize programs that are essential to ensuring that patients have timely access to drugs and medical devices.

Before I reserve the balance of my time, I again want to thank Chairman DINGELL, Subcommittee Chairman PALLONE, Ranking Member DEAL, and all the rank-and-file members. I also want to especially thank Ryan Long on the minority staff, the gentleman that is sitting to my left. He stayed up all last night working on these final nuances. I shouldn't say this, but I'm told that he has the same clothes on today that he had on yesterday because he has worked so hard on this bill. We do want to give him special commendation. And I would urge that he take the appropriate hygienic provisions as soon as possible.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that I be permitted to yield the remainder of my time to the distinguished gentleman from New Jersey (Mr. PALLONE), the chairman of the subcommittee, and that he be permitted to control the time.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized.

There was no objection.

Mr. PALLONE. Thank you, Mr. Speaker, and I yield myself such time as I may consume.

Mr. Speaker, this is an important day for American consumers. Thanks to the legislation the House is about to pass, the Food and Drug Administration will have the financial resources and authorities necessary to ensure patients have timely access to safe and effective therapies.

First and foremost, this bill is about drug safety. In order to empower the FDA to protect the public from harmful drugs, we are giving the agency new authority to compel important labeling changes. This is a significant improvement over current policy, where FDA must haggle with drug companies and protracted negotiations that put patients and consumers at risk.

Under this bill, FDA will also be better equipped to force drug manufacturers to fulfill their responsibility to the American public and complete postmarket study commitments which are critical to ensuring a drug is safe.

In addition to these important new authorities, this bill authorizes the collection of $225 million in new user fees, a significant increase in the amount of funds dedicated for the use of drug safety activities.

The FDA Revitalization Act also provides for commonsense improvements to our Nation's food safety system, such as more stringent ingredient and labeling standards, establishment of an adulterated food registry, and improvements in public notifications.

Patients will be happy to know that the bill before us also requires greater transparency of drug makers by calling for clinical trials to be registered in a database monitored by the National Institutes of Health, along with basic results data. As we saw with the case of Avandia, making this information available to patients, providers and researchers is critical to uncovering potential harmful effects of a drug. And under this legislation, the public will also have greater access to internal documents that FDA used in its review of a drug application.

We also secure FDA scientists' right to publish by requiring the Secretary to establish clear policies on the timely clearance of articles written by FDA employees.

And finally, Mr. Speaker, this bill would make significant progress in reducing the number of conflicted experts who serve on advisory committees.

Mr. Speaker, I'm proud to say that this bill reauthorizes two very important programs for our Nation's children, the Best Pharmaceuticals for Children Act and the Pediatric Research and Equity Act. These programs have been crucial in the successful cultivation of important research used by doctors and parents to better determine what kinds of drug therapy is safest and most appropriate for a child patient.

In addition to the two existing programs, we're creating a new program that would help provide device manufacturers with greater incentives to conduct research and development of pediatric devices. Combined, these three bills will strengthen the research being done on pediatric uses of drugs and devices, and will make sure that our Nation's children have access to the medicines and therapies they need to grow up healthy and strong.

And finally, this bill reauthorizes two critically important user fee agreements with respect to prescription drugs and medical devices. These programs provide FDA with the necessary resources to review applications in a timely manner so patients who rely on new and improved drugs and devices don't have to go without. In addition to reauthorizing these existing user fee programs, this bill would establish a new user fee for the specific purpose of reviewing direct-to-consumer advertising.

I just want to commend Mr. DINGELL, our ranking member Mr. BARTON, Mr. DEAL, and all of the members here, Mr. WAXMAN, Ms. ESHOO, Mr. MARKEY. Their leadership on these issues has been unwavering. It is to their credit that we have a bill on the floor today.

This is a great victory for American consumers that will make tremendous strides in empowering the FDA and restoring public confidence in its ability to protect the public health, and I would urge my colleagues to vigorously support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I would ask unanimous consent that the balance of the time on the minority side be yielded to Mr. NATHAN DEAL, the ranking member of the Health Subcommittee, for him to use and control as he sees fit.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia is recognized.

There was no objection.

Mr. DEAL of Georgia. Thank you, Mr. Speaker.

I want to, first of all, thank Chairman DINGELL and Chairman PALLONE for working in a bipartisan fashion on this very important piece of legislation.

As we all know, the work of the FDA is vital to the health and safety of the citizens of this country, and especially legislation such as this that enhances their ability to deal with the questions of drug safety and the monitoring capabilities and the continuing programs that are so vital both to the drugs and to medical devices which require review and approval by the FDA.

The user fee programs that are being reauthorized by this legislation are very important to fulfilling their role in meeting their personnel needs to achieve a timely review of drugs and medical devices, and I believe that Congress should not and cannot afford to delay further action on this package. Certainly to do so would require FDA to begin to scale back their personnel, and none of us want to see that happen.

Moreover, patients demand and deserve to know that the medications they are taking are safe and effective, and that the FDA has adequate resources, both pre- and postmarket, in order to ensure that the safety of the Nation's drug supply is intact.

This legislation makes sensible bipartisan strides in that direction and balances the need to bring new life-saving medications to market, and at the same time provide the necessary protections for patient safety.

Like all compromises, there was a necessary give-and-take from all sides to bring this bill to the floor today. I think it is through the responsible work of the leadership of our committee of Energy and Commerce and through the processes that the committee has followed that we were able to accomplish that on this very significant piece of legislation.

I would urge my colleagues to vote in favor of the bill and hope that our colleagues across the rotunda would do likewise so that we can present a bill to the desk of the President for his signature which will keep this vital program and functions of FDA going forward and will not allow it to expire.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from California who has been a leader on this issue for so many years.

Mr. WAXMAN. Mr. Speaker, the legislation we are considering provides FDA with critical tools the agency has been desperately lacking in its efforts to protect the American public from unsafe drugs. This legislation will provide FDA with the ability to require companies to update their drug label with new information, and FDA won't have to haggle with companies to get them to make those changes.

It also says, in giving FDA this labeling change authority, Congress is making it clear that we do not intend to impact a drug company's responsibility to promptly update its label with safety information on its own accord.

The legislation also gives FDA the authority to require companies to conduct postmarket studies and clinical trials of drugs. And it creates a mandatory clinical trial registry and results database to increase the transparency of those trials.

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Mr. Speaker, before we break our arms trying to pat ourselves on the back, I want to express my deep disappointment that today we are walking away from a critical opportunity to make some reasonable adjustments to the windfall profits that drug companies receive for conducting pediatric studies under the Best Pharmaceuticals for Children Act. This is not about whether those pediatric studies should be done. We all agree about that. They are being done now. There is no question they will continue to be done. But if we were to cut back slightly on the term of exclusivity for only the blockbuster drugs, that would make a great deal of difference to people who are paying the high cost for pharmaceuticals.

In my view, we lost that opportunity, and it is going to hurt a lot of our consumers. In my view, there is simply no justification for rewarding companies with incentives that are so far in excess of the actual cost of doing the studies themselves.

I am also deeply disturbed the legislation fails to remove the sunset on FDA's authority to require pediatric studies under the Pediatric Research and Equity Act. There is absolutely no reason Congress needs to keep revisiting this commonsense measure that allows FDA to get essential information about whether new therapies are safe and effective for children.

So although I am pleased that today will provide FDA with important new authorities and resources, I must express my deep regret that we fail to take this opportunity to help individuals, businesses, State governments and insurers who pay the bill for the higher prices that result when generic competition is delayed for these expensive blockbuster drugs. I think it is a shame. We are talking about drugs of $5 billion in sales a year. If they spend a couple million dollars for their studies, they are being overreimbursed at the consumer's expense.

Mr. DEAL of Georgia. Mr. Speaker, I have no other requested time and would be prepared to close whenever the gentleman from New Jersey is prepared.

Mr. PALLONE. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts who, again, had quite a bit to do with this legislation, particularly on the safety provisions.

Mr. MARKEY. First of all, I want to commend you, Mr. Chairman, and Chairman DINGELL, your staffs, Mr. WAXMAN, Ranking Member BARTON and Mr. DEAL, all the Members on the Republican side for the product that is here, all of the staff which has worked on it for so long. My own staff, Kate Bazinsky, who is sitting right here, just was married 2 months ago, this has definitely affected those first 2 months of marriage, the incredible negotiations that have taken place to reach this point, along with Mark Bayer who was working on the privacy parts of this legislation with your staffs. I congratulate everyone.

I am pleased that the final bill before us today retains the core drug safety and clinical trial provisions from the bill that Congressman WAXMAN and I introduced in March, which will improve transparency at the FDA and make drugs safer. Although I had hoped the sunset would be removed from the pediatric rule and less exclusivity given to blockbuster products under the pediatric incentive program, this bill is a historic achievement which will make drugs and medical devices safer for consumers around the world.

The past several years have been marked by drug scandal after drug scandal, Vioxx, Ketek, Paxil and Avandia. These drugs have harmed families across the country and come to symbolize the urgent need for reform at the FDA. Taking drugs should not be a game of RX roulette, and yet the FDA's current system is broken, and thousands of American families have been harmed by drugs with dangerous side effects.

Today, the House is responding to those failures. The bill is a victory for consumers and for patients. The bill will empower the FDA with important new authorities to mandate label changes and require postmarket studies. However, these new FDA authorities do not change the responsibility of companies to maintain drug labels and warn the public about risk.

For the first time ever, the FDA will have the power to impose civil monetary penalties on companies that fail to conduct required postmarket studies. It will also establish a new postmarket risk identification and analysis system to identify harmful side effects without compromising patient privacy.

Since 2004, I have been fighting for a mandatory clinical trial registry and results database which will ensure that the public has accurate and complete information about drugs and devices. This bill will create that mandatory clinical trials database.

I am also extremely pleased that the FDA package includes language from the Markey-Rogers pediatric devices bill which is a major step forward for getting better and better devices for kids.

Mr. Speaker, again, I thank the chairman from New Jersey for all his great work.

Mr. PALLONE. Mr. Speaker, I would yield 3 minutes to the gentlewoman from California (Ms. ESHOO) and point out, again, her leadership on this issue, particularly with regard to children and the pediatric issues.

Ms. ESHOO. Mr. Speaker, I thank the distinguished chairman of the Health Subcommittee as well as all of my colleagues that have worked so hard to bring this bill forward. So I rise, obviously, in support of it because I think the bill is going to make an enormous difference in the safety and the effectiveness of drugs and medical devices used to treat adults and children.

I think the bill also strengthens the FDA. I think the American people want the FDA to be an agency that is strong in its protection of consumers around the country. We know that there have been shortcomings that have had terrible effects on many families in our country. So, I think this bill is a victory in that arena.

I am also pleased that the bill adopts much of my legislation relative to children and pharmaceutical drugs for children. The American Academy of Pediatrics has instructed us that only about 25 percent of drugs administered to children have been appropriately tested and labeled for use in kids. Pediatricians often had to prescribe adult pharmaceuticals for children by telling parents, "cut the pill in half, cut it in thirds, cut it in quarters." We understood that we had to do better. By every measurement, the reauthorization of this legislation, previous legislation, was supported because it was very, very successful. We know that children are not small adults, and the legislation recognizes that. We have reauthorized, and we are doing the right thing.

I am pleased that the blockbuster provision is not a part of this legislation. The other body supported that. I didn't. This bill doesn't. In all negotiations, there is always give-and-take. There are items I supported that didn't make it into the package, including the permanent extension of the Pediatric Research Equity Act, which I championed, obviously, as part of my legislation in the original House bill. I hope that we can get to this at some point. I am sorry it is not in this bill.

Overall, I want to thank all of my colleagues that made this possible and that we are here today; certainly, Chairman DINGELL, Ranking Member BARTON, most especially the professional staff, because they do so much work, no one more than John Ford of our staff, and Virgil Miller. I would like to also thank Jennifer Nieto Carey, formerly of my staff, who worked so hard and extensively to help bring us to this point.

So this is a good bill. I think the whole House should support it. I think it is a tribute to the substance of it, that it is coming up under suspension. I salute everyone that made the effort a winning one. Most importantly, I think the bill is a winner for the people of our country, both children and adults.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, I would like to thank my colleague from New Jersey who has done a fabulous job of chairing the subcommittee.

Mr. Speaker, I rise today in strong support of H.R. 3580. Patients and consumers are the clear winners in this legislation today. This legislation will save lives by promoting the safe and quick approval of lifesaving medications and providing the FDA with vital new authority to protect consumers after a drug is on the market. This bill collects an additional $225 million over 5 years to enhance drug safety reviews and also promotes testing of pharmaceuticals and medical devices to ensure that they are safe for children.

Revisions I crafted with my colleague, Mr. DOYLE, the FDA and others require the creation of a unique device identification, or a UDI, system for medical devices that will help take important strides to improve the public health. Medical devices cannot easily be tracked or identified in any systemic fashion with current tools. A UDI system will enable the FDA to detect warning signs of a defective device earlier and quickly respond to recalls. Every person with an artificial knee, hip, pacemaker or any one of the thousands of other medical devices will benefit once this UDI system is in place.

Mr. Speaker, I urge my colleagues to support this bipartisan and comprehensive drug and device safety bill.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank Chairman DINGELL and Chairman PALLONE, Mr. WAXMAN and Mr. MARKEY and Congresswoman ESHOO and all my colleagues on both sides of the aisle and their hard-working staffs for bringing this landmark bill to the floor today.

This bill strikes to the heart of some of FDA's most troubling issues by granting additional authorities to the Food and Drug Administration that are critical to enhancing drug safety. This bill gives consumers a larger role in deciding how user fees are spent to enhance drug safety, a huge victory for consumer protection. It will take steps to enhance the kind of information that will be available to patients and their families as they make personal decisions regarding their health care.

I am particularly pleased by the inclusion of an amendment I offered that will improve consumer's awareness of the MedWatch program, one of FDA's best but least known ways of monitoring adverse drug events once a product has been approved. Consumer reports of bad effects signal to FDA when prescription drugs pose a threat. The success of this program is crucial to postmarketing surveillance. Unfortunately, 9 out of 10 Americans are unaware that the MedWatch program exists, yet adverse drug and device reactions account for as many as 100,000 deaths every year.

My amendment requires that printed prescription drug ads include information on how to report side effects to the FDA's MedWatch program, both on the Internet and through a 1-800 number. It also requires the FDA to do a study on how we can best include this important information on the TV ads that have become so pervasive and influential in our society. So, again, I thank the chairman and staff for working with me to include this language.

This bill makes a strong statement about the importance of protecting people who rely on prescription medications to get through their day and remain active members of society. I am encouraged by the steps it takes toward a safer, more transparent Food and Drug Administration.

Mr. Speaker, I urge all my colleagues to support it.

Mr. DEAL of Georgia. Mr. Speaker, I have no other requests for time.

Mr. Speaker, I thank our staff and urge the adoption of this bill and I yield back the balance of our time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank everyone, particularly the staff that were involved in putting this legislation together and all the negotiations. I want to thank our legislative counsel, Warren Burke, Energy and Commerce Republicans, Ryan Long and Nandan Kenkeremath; Mr. DEAL's staff, John Little; our Energy and Commerce Democrats, John Ford, Pete Goodloe, Virgil Miller, Bobby Clark; and Mr. WAXMAN's staff, Karen Nelson, Rachel Sher, Stephen Cha, Anne Witt; and also Mr. MARKEY's staffperson, Kate Bazinsky.

Needless to say, this bill is a product of a lot of hard work here in the House on both sides of the aisle, and, of course, we are also expecting, since this is going to be a consensus bill passed on the suspension list today, that it will pass easily in the Senate hopefully tonight or tomorrow. And it really addresses the problems and the safety issues that have come to light in the last few years.

☐ 1530

I think many of us know there has been a lot of media attention to the fact that oftentimes drugs in the postmarketing situation have been problems. People have died. People have gotten sick. This bill I think effectively addresses those issues. I hope and expect that it will be noticed, because it will make a difference in people's lives.

Mr. WAXMAN. Mr. Speaker, the legislation are poised to pass today provides FDA, for the first time, critical tools that the Agency has been desperately lacking in its efforts to protect the American public from unsafe drugs.

This legislation will provide FDA with the ability to require companies to update their drug label with new safety information. Our goal here is to address tragic situations like Vioxx. In that case, because FDA could not compel the company to promptly make a labeling change, the Agency haggled with the company for 14 months before consumers were finally warned about serious cardiac risks in the drug label. This is simply unacceptable.

However, this legislation will make clear that, in giving FDA this labeling change authority, Congress does not intend to impact, in any way, a drug company's responsibility to promptly update its label with safety information on its own accord. Under FDA's current regulations, companies are required to add new warnings to their labels as soon as they learn of new dangers, even if FDA has not yet required the change.

In promulgating those regulations, FDA made a sensible policy choice. FDA recognized that the companies themselves are in the best position to know about risks associated with their own drugs. Logically, then, the companies should also be charged with the duty to make consumers aware of a drug's risk at the earliest possible moment. FDA recognized that drug safety is first and foremost a shared responsibility between the Agency and the company. And, today, Congress is making it clear that we do not mean to disrupt that balance.

This legislation will also give FDA for the first time the authority to require companies to conduct post-market studies and clinical trials of drugs. Another section of the bill creates a mandatory clinical trial registry and results database to increase the transparency of those trials. Both of these provisions will make a critical contribution towards increasing the safety of our drugs once they are on the market.

But I want to express my deep disappointment that this legislation failed to adopt a compromise that would have provided consumers with much-needed relief from the ever-increasing cost of drugs. Today, we are walking away from a critical and very rare opportunity to make some reasonable adjustments to the windfall profits drug companies receive for conducting pediatric studies under the Best Pharmaceuticals for Children Act.

This is not about whether these pediatric studies should be done. We all agree about that. They are being done now. And there is no question that they would continue to be done if we were to cut back slightly on the term of exclusivity for just the blockbuster drugs that are realizing profits many times over the cost of doing pediatric studies. The Senate did this in its bill and I regret that the compromise agreement we are considering today did not reflect anything from the Senate approach on this issue.

In my view, there simply is no justification for rewarding companies with incentives that are far in excess of the actual costs of the studies themselves—often hundreds of times over.

I also am deeply disturbed that this legislation fails to remove what is an unprecedented sunset on FDA's statutory authority to require pediatric studies under the Pediatric Research and Equity Act. There is no reason Congress needs to keep revisiting this common sense measure that allows FDA to get critical information about whether new therapies are safe and effective for children—FDA quite obviously needs to have the ability to require that new treatments be tested in children. And there need not be any further discussion about that.

So, although I am pleased that we will provide FDA with critical new authorities and resources in this bill today, I must express my deep regret that we failed to take this opportunity to help individuals, businesses, State governments, and insurers who pay the bill for the higher prices that result when generic competition is delayed for these expensive, blockbuster drugs.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of this conference agreement to reauthorize important user fee programs at the Food and Drug Administration and enact critical drug safety reforms at the agency.

This legislation is the result of intense negotiations between the House and Senate, whose negotiators have worked tirelessly to reach consensus on this legislation. They did so with a looming deadline of September 31, after which the user fee program would expire and many hard-working FDA scientists would likely lose their jobs. To reach a compromise, all parties to the negotiation had to give and take, but I am pleased that the product before us represents something we can all support. I would like to congratulate the negotiators on their success.

The FDA Amendments Act of 2007 makes important changes at the FDA to place a greater emphasis on post-market surveillance within the agency. The Risk, Evaluation, and Mitigation Strategy established by this bill would give the agency the authority to monitor drugs throughout their life-cycle for adverse events or other signs of safety concerns. A critical aspect of this strategy is the additional authority this bill gives the Secretary of HHS to mandate that drug manufacturers conduct post-market studies.

Under this bill, the additional post-market activities extend to the user fee programs that help fund the drug approval process. Specifically, this bill directs drug manufacturers utilizing the FDA's drug approval process to dedicate an additional $225 million over 5 years for postmarket surveillance activities at the FDA. This additional funding represents an important investment by the pharmaceutical industry in the FDA's post-market safety activities, while also ensuring that pre-market user fees are adequate to bring potentially life-saving medicines to market in a reasonable time.

There is no question that the labeling and liability language prompted a great deal of debate during conference negotiations, but one thing is clear: the Congress in no way intends to limit the ability of a patient injured by a drug to seek redress from our Nation's justice system. FDA should have the ability to require labeling changes, but that additional authority does not absolve the drug manufacturer of any duty to initiate labeling changes on their own when new data bears out the need for a change. The implementation of stronger drug safety authorities does not mean that drug companies get a free pass when their products harm consumers. I am pleased that the conference agreement makes this point perfectly clear.

This legislation also reauthorizes the Medical Device User Fee Act, as well as the Best Pharmaceuticals For Children Act and the Pediatric Research Equity Act, which help ensure that pharmaceuticals are tested for their effect on children. After all, we know that children are not simply smaller adults, and part of protecting America's children is knowing how best to treat them when they face health concerns.

I would like to thank our Chairman, Mr. DINGELL, and our Health Subcommittee Chairman, Mr. PALLONE, for their work on this important legislation, and encourage my colleagues to support this important bill. These necessary changes at the FDA will go a long way toward restoring the American public's confidence in the agency and its ability to ensure the safety of the Nation's drug supply.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 3580, the Food and Drug Administration Amendments Act.

This bill will make an enormous difference in the safety and effectiveness of drugs and medical devices used to treat adults and children.

I'm pleased that the bill adopts much of my legislation (H.R. 2589, Improving Pharmaceuticals for Children Act) to renew the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA). Together, BPCA and PREA represent two halves of a comprehensive effort to make sure that prescription drugs are appropriately tested and labeled for children.

According to the American Academy of Pediatrics, about 25 percent of drugs administered to children have been appropriately tested and labeled for use in kids. Pediatricians often have to prescribe drugs for "off-label" use, because the drug has not been studied in appropriate FDA-approved pediatric clinical trials. Children are not small adults; they have specific medical needs that have to be considered when drugs are used. Children have died or suffered serious side effects after taking drugs that were shown safe for use in adults but had different results in children.

The bill helps improve drug safety for children in two ways. First, under BPCA, the bill provides an incentive, an extra 6 months of marketing exclusivity, for a drug if the innovator company agrees to undertake comprehensive pediatric studies requested by the FDA. Second, under PREA, FDA is granted authority to require studies when there is a demonstrated need and drug companies are required to submit a pediatric assessment each time they apply to market a new drug or change an existing drug's indication.

I'm pleased this bill continues the BPCA incentive without the so-called "blockbuster provision" adopted by the Senate. The Senate's proposal would have reduced the incentive for drugs with annual sales of $1 billion, and, I believe the Senate language had the potential to kill "the goose that laid the golden egg." The 6-month incentive has worked. According to GAO, 81 percent of the time FDA has offered this incentive for a drug, drug companies have accepted, undertaking studies that have generated pediatric data that would otherwise not have been available. Scaling back the incentive for "blockbusters" would risk that proven record of success. That is a gamble on the health of children, and I'm pleased it's not in the bill.

In all negotiations there is give and take. There are items I supported that didn't make it into this package, including the permanent extension of PREA which I championed as part of my legislation and the original House bill. I hope we'll have a chance to revisit the issue in the next reauthorization, if not sooner.

On balance, this bill will make a huge improvement in the safety of drugs and devices. We should pass it and send it to the President today.

I want to commend Chairman DINGELL, Ranking Member BARTON and the professional staff of the House Energy and Commerce Committee, especially John Ford and Virgil Miller, as well as Jennifer Nieto Carey formerly of my staff, who worked extensively on this bill.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the Food and Drug Administration (FDA) Amendments Act.

It is critical that the FDA has the authority and resources it needs to protect the health and safety of American families. Recent highly-publicized tragic events linked to prescription drugs, such as Vioxx, have highlighted the importance of the mission of the FDA and the improvements necessary to ensure its effectiveness.

This bill strengthens the FDA's oversight of drug safety by establishing a new program within the FDA exclusively for the purpose of monitoring the safety of drugs and allowing the FDA to examine drug safety after a drug has been approved and is on the market. It also significantly increases penalties for companies that violate safety standards. Additionally, H.R. 3580 reauthorizes through 2012 both the Prescription Drug User Fee Act (PDUFA) and the Medical Device User Fee and Modernization Act (MDUFMA), programs essential in expediting FDA's review of new drug and medical device applications and helping to avoid backlogs.

To regain the public's trust in the drug and device approval processes, The FDA Amendments Act imposes strict conflict-of-interest provisions to help ensure that FDA's advisory committees are medically qualified, independent, and acting on behalf of the health and safety of the American people. H.R. 3580 increases transparency and accountability by requiring that all drugs, devices, and biologics be included in a clinical trials registry and in a results database. All registry data on the safety and effectiveness of drugs and devices will be posted on an Internet site accessible to the public.

H.R. 3580 also improves health care and begins to address the high cost of prescription drugs by imposing penalties on pharmaceutical companies for false or misleading direct-to-consumer advertising (DTC) of prescription drugs. Studies have shown that spending on DTC advertising from pharmaceutical companies has tripled in recent years and plays a role in the unsustainably increasing cost of health care. DTC advertising has also changed the doctor-patient relationship with an increased number of patients requesting a specific drug or treatment, even in cases where a less expensive or different medication would be appropriate. I look forward to continuing to work with my colleagues to further address DTC advertising of medications.

The safety of the drugs and devices on which so many Americans rely must be a priority for Congress. I urge my colleagues to join me in voting for H.R. 3580.

Mr. PALLONE. Mr. Speaker, I want to thank everyone again, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 3580.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 7, not voting 20, as follows:

[Roll No. 885]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin

Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—7

Duncan
Emerson
Flake
Goode
Hinchey
Kucinich
Paul

NOT VOTING—20

Allen
Andrews
Bishop (UT)
Blunt
Boehner
Cantor
Carney
Carter
Cole (OK)
Cubin
Davis, Jo Ann
Dicks
Granger
Jindal
Johnson (GA)
McCotter
McHugh
Ortiz
Putnam
Waters

□ 1555

Mr. GOODE changed his vote from "yea" to "nay."

Mr. PRICE of North Carolina changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

Stated for:

Mr. COLE of Oklahoma. Mr. Speaker, on Wednesday, September 19, 2007, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted "yea" on rollcall No. 885.

INSURANCE CRISIS FACING HOMEOWNERS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, after terrorists attacked New York City and Washington, DC on September 11, 2001, our Nation came together. Without a study commission or partisanship, Congress quickly passed the Terrorism Risk Insurance Act to help business owners, and acted swiftly again by passing an extension in 2005. Now again, less than 2 years later, we just considered another TRIA extension.

If Congress can come together and help businesses after a terrorist attack, we should be able to come together to help homeowners who cannot afford the skyrocketing costs of insurance. For over 3 years, Congress has forgotten about homeowners around the country who are grappling with ever-increasing insurance rates.

For these reasons, Mr. BUCHANAN and I offered an amendment in the Rules Committee that would have added homeowners' reinsurance as losses covered under TRIA. This measure would have helped new families, parents, and grandparents who are homeowners. Sadly, the Rules Committee did not allow this amendment to be part of the rule and so Members did not have the opportunity to help their constituents.

Although I voted for TRIA, we should be saddened that the majority chose only to help business owners today and to ignore the insurance crisis facing homeowners.

INJUSTICE IN JENA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, tomorrow in Jena, Louisiana will be the culmination of the frustration and the outrage felt by so many across America as relates to the Jena 6.

The Jena 6 is not about a few boys misbehaving, because we understand that when young people need correcting, we do so, but it is about the systemic discrimination, if you will, of African American males and Hispanic males as relates to the juvenile justice system. This young man should have been tried in the juvenile justice system, but he was tried in a system that gave him a sentence that was clearly, clearly without merit.

Tomorrow we go to ask for justice not just for this young man and the other five that are there, but for young men across America who have been discriminated against, not given a second chance, and using the justice system to punish on the basis of race or ethnic background.

Enough is enough. Where is the Department of Justice Civil Rights Division? Obviously, the lights are out. They need to turn their lights on.

□ 1600

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COURTNEY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GREEN BERET AND MEDAL OF HONOR HERO ROY BENAVIDEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, America is about people. Who we are and what we are is because of the people who have come to America. They are individuals who have lived and died and influenced the rest of us because of their tenacious spirit and determination.

Mr. Speaker, I am a history fan. I love American history especially, and Texas history, not the history of dates and movements, but the history of the lives of individual Americans who made a difference.

Roy Benavidez was one of those Americans. Roy Benavidez was born in South Texas in a small town called Cuero, August 5, 1935. He was the son of a sharecropper. He was an orphan and he had mixed blood of Yaqui Indian and Hispanic. He was raised by his uncle after he lost his family and he dropped out of school in the seventh grade. He didn't see the need for an education at that time.

He was a migrant farm worker. He worked all over Texas and as far as Colorado in the sugar beet fields and the cotton fields. He decided to join the

United States Army in 1955, and he joined in Houston, Texas. He was in love with his hometown sweetheart, Lala Coy. So while he was away in Germany on active duty, he asked a local priest, his grandfather and his uncle if they would go to Lala's father and ask permission for Roy to marry her, and he agreed. Mr. Speaker, you have to appreciate that old school that marry this way.

While he was in the Army, however, he was in a lot of trouble, even though he was a member of the Military Police. So he finally joined the Special Forces training at Fort Bragg and reached the rank of staff sergeant and went to Vietnam as a Green Beret.

But on May 2, 1962, his life changed and the lives of many Americans changed. It is a story that is almost unbelievable. On the morning of May 2, 1968, a 12-man Special Forces team was inserted in Cambodia to observe a large-scale North Vietnamese troop movement, and they were discovered by the enemy.

Most of the team members were close friends of Roy Benavidez, who was the forward operating officer in Loc Ninh, Vietnam. Three helicopters were sent to rescue this 12-man team, but they were unable to land because of the heavy enemy concentration. When a second attempt was made to reach the stranded team, Benavidez jumped onboard one of the helicopters, armed only with a Bowie knife.

As the helicopters reached the landing zone, Benavidez realized the team members were likely too severely wounded to move to the helicopters. So by himself he ran through heavy small arms fire to the wounded soldiers. He was wounded himself in the leg, the face, and the head in the process.

He reorganized the team and signaled the helicopters to land. But despite his injuries, Benavidez was able to carry off half of the wounded men to the helicopters. He then collected the classified documents held by the now dead team leader. As he completed this task, he was wounded by an exploding grenade in the back and shot in the stomach. At that moment, the waiting helicopter's pilot was also mortally wounded, and that helicopter crashed.

He ran to collect the stunned crash survivors and form a perimeter. He directed air support, ordered another extraction attempt and was wounded again when shot in the thigh. At this point he was losing so much blood from his face wounds that his vision became blocked. Finally, another helicopter landed and as Benavidez carried a wounded friend to it, he was clubbed in the head with a rifle butt by an enemy soldier. That soldier bayonetted Benavidez twice.

Mr. Speaker, Benavidez was wounded in that one battle 37 times; seven gunshot wounds, he had mortar in his back, and two bayonet wounds. He was taken for dead and left for dead and zipped up in a body bag, but right before they zipped the bag up, he spit in the doctor's face, letting the doctor know he was yet alive.

He later recovered. He received the Distinguished Service Cross and then many years later Ronald Reagan presented him with the Congressional Medal of Honor. President Reagan stated that if this were a movie, no one would believe it because of the heroic deed of Roy Benavidez.

Mr. Speaker, after he retired from the military, Roy Benavidez went around America talking about the importance of an education, since he only went to the seventh grade. He talked to young gang members, he talked to youth, telling them to stay in school and get an education.

He was a remarkable individual. A Navy ship has been named after him, several elementary schools in Texas have been named after Roy Benavidez, and even a toy company has issued a Roy Benavidez GI Joe action figure.

Mr. Speaker, as we celebrate and honor Hispanic Heritage Month, one of those great Hispanic Americans was Roy Benavidez, a Texas hero, an American hero, a war hero that loved America and, as he said, got to live the American Dream the way that he wanted.

And that's just the way it is.

* * *

IRAQI CIVILIAN DEATH TOLL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, we now know that the President intends to keep U.S. forces in Iraq throughout the remainder of his term and that he intends for the U.S. to perpetually occupy Iraq via massive and permanent military bases he has ordered built. We have just learned of the staggering loss of life as a result of this war.

According to a new and incredible study, the number of civilians killed in Iraq since the war began now exceeds 1 million Iraqi people. The Iraqi civilian death toll exceeds the death toll from the genocide in Rwanda. For years, we and others said we didn't know how bad it was in Rwanda. With this report, that excuse is no longer valid in Iraq.

The official death toll in Iraq, fewer than 100,000 is what the official number is, has long been considered fictitious by humanitarian and other international organizations. Now we are forced to confront evidence that puts the death toll above 1 million Iraqis.

Opinion Research Business, a respected and mainstream London-based research company that works for major corporations and government clients, including the U.K.'s Conservative Party, conducted the survey in August. I point this out to inoculate my colleagues, the media and the American people from the venom that will spew from this for those who want to keep the real cost of this war in human lives as far from public view as possible, because no one who knows the truth could stand and let it go on.

Joshua Holland, a journalist at AlterNet, broke the news online the other day. I enter his story into the RECORD, which includes a link directly to the Opinion Research site where people can read the entire research survey online. It was conducted in 15 out of Iraq's 18 provinces during mid August.

In his speech last week, the President referred to Anbar Province as a model of success. The research company did not even visit Anbar or Karbala for security reasons. And they were not allowed to conduct their field research in Irbil.

While the President is willing to stand up and say that he sees signs of success, the survey found that in Baghdad alone, almost half the houses say they have lost at least one member of their family. That's the reality in the largest Iraqi city, which has the largest concentration of U.S. military forces. Baghdad may have a fortified green zone for U.S. diplomats and Iraqi government officials, but the rest of the people live in a bloody red zone, where the killing has claimed someone from 50 percent of the households.

The President cannot claim signs of success in Iraq when his stubborn determination to remain is dissolving Baghdad into a dead zone. The civilian carnage is not isolated in Baghdad. Other major cities also registered dramatic civilian murder rates that would make the world weep at the staggering loss of humanity occurring in Iraq.

For a long time, I and other Members have spoken out about the number of U.S. soldiers killed or gravely wounded in Iraq, and we must never forget the sacrifices made by American soldiers and the painful losses suffered by American families across this country. But Congress must not ignore the overwhelming loss of life in Iraq. News that 1 million Iraqi civilians have been killed should compel us to get the U.S. forces out of Iraq immediately.

I know and respect many of my Republican colleagues. Our politics may differ, but our principle to protect innocent people does not. How many more Iraqis must die? The carnage will continue as long as Republicans in Congress wear the blinders that the President hands out to enforce allegiance to his blind and bloody armed occupation in Iraq.

For the sake of humanity, remove the blinders and speak the truth to power. The Iraq war is a humanitarian catastrophe on a scale that exceeds the genocide in Rwanda. We claimed we didn't know about Rwanda. We can't claim that any more about Iraq

[From AlterNet, Sept. 17, 2007]

IRAQ DEATH TOLL RIVALS RWANDA GENOCIDE, CAMBODIAN KILLING FIELDS

(By Joshua Holland)

A new study estimates that 1.2 million Iraqis have met violent deaths since Bush and Cheney chose to invade.

According to a new study, 1.2 million Iraqis have met violent deaths since the 2003 invasion, the highest estimate of war-related fatalities yet. The study was done by the British polling firm ORB, which conducted face-to-face interviews with a sample of over 1,700 Iraqi adults in 15 of Iraq's 18 provinces. Two provinces—al-Anbar and Karbala—were too dangerous to canvas, and officials in a third, Irbil, didn't give the researchers a permit to do their work. The study's margin of error was plus-minus 2.4 percent. Field workers asked residents how many members of their own household had been killed since the invasion. More than one in five respondents said that at least one person in their home had been murdered since March of 2003. One in three Iraqis also said that at least some neighbors "actually living on [their] street" had fled the carnage, with around half of those having left the country.

In Baghdad, almost half of those interviewed reported at least one violent death in their household.

Before the study's release, the highest estimate of Iraqi deaths had been around 650,000 in the landmark Johns Hopkins' study published in the Lancet, a highly respected and peer-reviewed British medical journal. Unlike that study, which measured the difference in deaths from all causes during the first three years of the occupation with the mortality rate that existed prior to the invasion, the ORB poll looked only at deaths due to violence.

The poll's findings are in line with the rolling estimate maintained on the Just Foreign Policy website, based on the Johns Hopkins' data, that stands at just over 1 million Iraqis killed as of this writing.

These numbers suggest that the invasion and occupation of Iraq rivals the great crimes of the last century—the human toll exceeds the 800,000 to 900,000 believed killed in the Rwandan genocide in 1994, and is approaching the number (1.7 million) who died in Cambodia's infamous "Killing Fields" during the Khmer Rouge era of the 1970s.

While the stunning figures should play a major role in the debate over continuing the occupation, they probably won't. That's because there are three distinct versions of events in Iraq—the bloody criminal nightmare that the "reality-based community" has to grapple with, the picture the commercial media portrays and the war that the occupation's last supporters have conjured up out of thin air. Similarly, American discourse has also developed three different levels of Iraqi casualties. There's the approximately 1 million killed according to the best epidemiological research conducted by one of the world's most prestigious scientific institutions, there's the 75,000–80,000 (based on news reports) the Washington Post and other commercial media allow, and there's the clean and antiseptic blood-free war the administration claims to have fought (recall that they dismissed the Lancet findings out of hand and yet offered no numbers of their own). Here's the troubling thing, and one reason why opposition to the war isn't even more intense than it is: Americans were asked in an AP poll conducted earlier this year how many Iraqi civilians they thought had been killed as a result of the invasion and occupation, and the median answer they gave was 9,890. That's less than a third of the number of civilian deaths confirmed by U.N. monitors in 2006 alone.

Most of that disconnect is probably a result of American exceptionalism—the United States is, by definition, the good guy, and good guys don't launch wars of choice that result in over a million people being massacred. Never mind that that's exactly what the data show; acknowledging as much creates intolerable cognitive dissonance for most Americans, so as a nation, we won't.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Persons in the gallery must refrain from displays of approval or disapproval of the proceedings.

SHOULD WE BE SURPRISED? NOT REALLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, it is 4:10 and we have finished the work of today. Should I be surprised? I wish I wouldn't be surprised. I was going to give the new majority a chance to get their sea legs in about 6 months to manage the floor so that we would work throughout the day, but I continue to get disappointed at our early departure hours from the floor.

I have got numerous dates from throughout the year where we have stopped work: January 11 at 3:26 p.m.; 17 January, 5:52 p.m.; 23 January, 2:40 p.m.; 4:23 p.m., 2:44 p.m., 2:28 p.m., 4:58 p.m., 3:01 p.m., 2:51 p.m., 3:21, 3:46. Yesterday I think we left work at 3:30. Today we leave work at 4.

The problem, Mr. Speaker, is that just because we are here more days a week doesn't mean we are doing any more work. Many of us who would like to be home to visit with our constituents or be home to visit with our families would say let's work in the evening, let's work at 6 p.m., let's work at 7 p.m., let's go to 10 p.m. By golly, let's go to 11 o'clock at night. Let's be brave. Let's be courageous.

We know there are many issues that the American public want us to address. We heard the concern from my colleague just before. But where are we? We're done for the day. No more business. Now it is just Members coming to the floor and speaking what is on their mind. What is on my mind is we ought to be about the business that we are sent here to do.

I understand the new majority, and I wanted to cut them some slack on the first 6 months. Five days a week. Let's work. That's fine. But now we're past that time. Now we should be able to say: The days we are here in Washington, let's work. Let's start at 10, let's go to 6, let's go to 8, let's go to 10. Let's get our work done and then allow 435 Members to go back to their districts to do their town hall meetings, to visit with their constituents, to take care of the business.

Not only that, but most of us live at home. Most of our families live in the districts we represent. We can't be good fathers, good mothers, good parents when we are stuck here at 4 p.m., 4:10, nothing else to do, just wait for the next workday to begin.

So, Mr. Speaker, my simple point is, if we are going to work here in Washington, can't we please go back to working in the evening? I don't think that is too much to ask for.

□ 1615

IN RECOGNITION OF ALAN KRUTCHKOFF AND THE ADOPT-A-SOLDIER PLATOON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROTHMAN) is recognized for 5 minutes.

Mr. ROTHMAN. Mr. Speaker, I rise to recognize the Adopt-A-Soldier Platoon, Incorporated, their partners, Unilever and DHL, and in particular Mr. Alan Krutchkoff, the president and founder of the Adopt-A-Soldier Platoon and fellow resident of Fairlawn, New Jersey.

Alan Krutchkoff started the Adopt-A-Soldier Platoon with one simple act of charity in April of 2003, when he discovered that the son of one of his wife's colleagues was being sent to Iraq as part of Operation Iraqi Freedom. Alan took the initiative to pair this young man with his friend and cofounder of the Adopt-A-Soldier Platoon, Mr. Holmes Brady, who had been a reservist with Special Forces. Alan and Holmes went shopping for supplies and sent a care package to the young man stationed in Iraq.

News of this act of kindness spread, and it wasn't long before Alan discovered that many of his coworkers at Unilever had relatives or friends serving overseas. And, thus, the idea of the Adopt-A-Soldier Platoon was born.

The people of the Adopt-A-Soldier Platoon have made many outstanding donations to our brave troops serving overseas. Their contributions include numerous care packages consisting of snack foods, soft drinks, books, movies and clothes, a custom-built giant video screen for a Super Bowl party, personal care items for female soldiers and 25,000 blank DVDs and camcorders which enable tens of thousands of our troops to make personal videos to send to their families during the holidays.

In their efforts to support our troops, the Adopt-A-Soldier Platoon has also gone well beyond simply sending care packages. In 2006, they worked with the chief information officer of the 10th Combat Support Hospital, which is the largest American military hospital in

Iraq, to provide wireless Internet access for all of our soldiers. This provided the servicemen and women at the 10th CHS a closer connection to friends and family members and helped keep their morale high. The adoptee units of this exceptional volunteer group also includes the 412th Civil Affairs Battalion in Iraq, the 28th Combat Support Hospital in Baghdad, Logistics Support Area Anaconda where 25,000 Americans troops live, the 324th Integrated Theater Signal Battalion, and the 449th and 209th Aviation Support Battalions.

In addition to these activities, the extraordinary people of the Adopt-A-Soldier Platoon are supporting our soldiers in their mission to rebuild Iraq. They have partnered with Charlie Company, 412 Civil Affairs Battalion, in the al Anbar province to implement what is called Operation Hearts and Minds. This operation is aimed at helping Iraqi residents build schools and work on local infrastructure.

Supporters of the Adopt-A-Soldier Platoon at Unilever have also raised money to send soccer balls to local Iraqi children and to provide additional security equipment to strengthen military checkpoints.

I also want to draw particular attention to this group for their compassion. On June 6 this year, the Adopt-A-Soldier Platoon received a call from their contact at Charlie Company asking if they could help a sick Iraqi child get an operation in Jordan. Mariam, who was 1 year old, had a hole in her mouth and could not eat without getting sick. In one day, the people at the Adopt-A-Soldier Platoon raised $1,800 for Mariam's family to offset the costly medical and travel expenses she required.

Acts like this demonstrate the inherent kindness and generosity of Americans and, hopefully, generate much needed goodwill in Iraq.

Mr. Speaker, today it is my great honor to recognize the exceptional work of the Adopt-A-Soldier Platoon in supporting our troops; Unilever for their generous donations of products, money, and time; DHL for generously shipping care packages to Iraq; and, especially my friend and constituent, my fellow Fair Lawn resident, Alan Krutchkoff, for his tireless efforts and inspiring dedication to provide our men and women serving in the Middle East with a connection to their homes and families.

The organizations and individuals involved in this effort have greatly lifted the morale of tens of thousands of our troops who are putting their lives in harm's way tens of thousands of miles away from home, away from their families and friends.

This group of people, Mr. Speaker, is well deserved of every bit of recognition and praise we can impart upon them. I commend each and every person involved in this honorable effort, and hope that every Member of Congress will join me in recognizing the outstanding work of the Adopt-A-Soldier Platoon.

CONGRESSIONAL PROGRESSIVE CAUCUS AND THE OUT OF IRAQ CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Congressional Progressive Caucus and the Out of Iraq Caucus sponsored a very important meeting this morning to review the dire situation in Iraq and to explore ways to end the occupation. At this event, we heard from Dr. William Polk, one of America's leading experts on the Middle East.

Dr. Polk taught Middle Eastern history, politics, and Arabic at Harvard before joining the U.S. State Department's Policy Planning Council responsible for the Middle East and responsible for North Africa. Later, he became professor of history and founding director of the Center for Middle Eastern Studies at the University of Chicago.

Dr. Polk is the author of many books, including the recently published book entitled, "Violent Politics, a History of Insurgency, Terrorism, and Guerilla Warfare from the American Revolution to Iraq." To write the book, Dr. Polk studied insurgent movements throughout world history. He found that they were motivated by many different causes, including race, religion, culture, economics, and language, but he found that they all had one thing in common, an opposition to foreign occupation.

Dr. Polk's research has clear implications for our policy in Iraq. It tells us that the American occupation of Iraq can never solve the country's problems. Only the Iraqis can solve Iraqi problems. And it tells us that the only policy that now makes sense is to withdraw our troops in an orderly but rapid way, and couple that action with a carefully constructed program that will help the Iraqis to pick up the pieces and to rebuild their country with the help of the regional international community.

The lesson of history is clear, Mr. Speaker; yet, our leaders in the White House continue to follow a disastrous course of foreign occupation. Their blindness has put our Nation on a very dangerous course. The administration has called for an enduring relationship with Iraq, meaning many years, perhaps even decades, of American military involvement.

If the administration has its way, babies now in diapers will grow up and march off to Baghdad while the neocons who crafted our Iraq policy play golf in their retirement communities.

The administration's policy of endless occupation will cost us trillions of dollars and countless casualties. It will lead to the deaths of countless Iraqi civilians and surely force millions more to become refugees. Meanwhile, al Qaeda will continue to hatch its plots against the United States in their safe havens far from Iraq.

It is clear that Iraq will never stabilize and find peace while we are present. Our occupation of Iraq prevents Iraqis from finding solutions to their own problems, and it prevents the regional and international diplomacy that is absolutely needed to help them reconcile and to rebuild.

The timely withdrawal of American troops is the essential first step in solving the Iraqi problem. So long as our troops and military contractors are there, the situation can only and will only get worse.

In the days ahead, I and others will urge Congress to move to end the occupation. Congress has the power of the purse. We must pass a bill requiring that all spending related to Iraq be used for only one purpose, and that is to fully fund the safe, orderly, and responsible withdrawal of all American troops and military contractors.

If we fail to do this, we will have failed the American people, who sent us to Congress last November with a clear message: End the occupation of Iraq. And we will have failed our country morally, we will have failed our country politically, and certainly we will have failed it economically.

It is time, Mr. Speaker, to do what we know is right and what is best for our country: Bring our troops home.

MAJORITY MAKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 60 minutes as the designee of the majority leader.

Ms. SUTTON. Mr. Speaker, I would like to begin this hour by talking about a subject that has become one of the most significant issues of our time. I am going to be joined by members of the freshman class or the Majority Makers throughout this hour to talk about Iraq.

We have heard in recent days about what the President's idea of our way forward is. He has called for more money and more patience and a renewed commitment to U.S. troops in Iraq for the foreseeable future, another stay-the-course strategy that puts us on a path toward a $1 trillion, at least 10-year presence war in Iraq. On top of that, we have no convincing evidence that the political reconciliation necessary will be achieved even after so much sacrifice on the part of our brave troops will be realized.

I believe that the President's plan for Iraq amounts to an open-ended and dangerous commitment of American troops in Iraq and an open wallet from the American people to pay for it.

The question should not be whether we keep our troops in Iraq for 10 years. The question should be: How do we responsibly redeploy our troops? And how do we develop that plan that will do so while we continue to protect our homeland and fight against terrorists?

On August 19, we saw in the New York Times an editorial that was written by seven brave U.S. soldiers. I bring this to the attention, Mr. Speaker, of you and all those who may be tuned in because I think it is important that we listen to their vantage point. And while I won't be reading the entire article, I will read excerpts from it. Again, it is August 19, the New York Times, and I would suggest that everybody who can take a look at the complete editorial. It is entitled, "The War As We Saw It." And it begins:

"Viewed from Iraq at the tail end of a 15-month deployment, the political debate in Washington is indeed surreal. Counterinsurgency is, by definition, a competition between insurgents and counterinsurgents for the control and support of a population.

□ 1630

To believe that Americans, with an occupying force that long ago outlived its reluctant welcome, can win over a recalcitrant local population and win this counterinsurgency is farfetched. As responsible infantrymen and noncommissioned officers with the 82nd Airborne Division soon heading back home, we are skeptical of recent press coverage portraying the conflict as increasingly manageable and feel it has neglected the mounting civil, political and social unrest we see every day."

And then they say, in parentheses, "Obviously these are our personal views and should not be seen as official within our chain of command."

They continue:

"The claim that we are increasingly in control of the battlefields in Iraq is an assessment arrived at through a flawed, American-centered framework. Yes, we are militarily superior, but our successes are offset by some failures elsewhere. What soldiers call the 'battle space' remains the same, with changes only at the margins. It is crowded with actors who do not fit neatly into boxes: Sunni extremists, al Qaeda terrorists, Shiite militiamen, criminals and armed tribes. This situation is made more complex by the questionable loyalties and Janus-faced role of the Iraqi police and Iraqi army, which have been trained and armed at United States taxpayers' expense."

And then they continue:

"Reports that a majority of Iraqi army commanders are now reliable partners can be considered only misleading rhetoric. The truth is that battalion commanders, even if well meaning, have little or no influence over the thousands of obstinate men under them in an incoherent chain of command who are really loyal only to their militias."

They continue in this article, and they state, "Political reconciliation in Iraq will occur, but not at our insistence or in ways that meet our benchmarks. It will happen on Iraqi terms when the reality on the battlefield is congruent with that in the political sphere. There will be no magnanimous solutions that please every party the way we expect, and there will be winners and losers. The choice that we have left is to decide which side we will take. Trying to please every party to this conflict, as we do now, will only ensure we are hated by all in the long run."

These brave soldiers conclude this op-ed with the following:

"It would be prudent for us to increasingly let Iraqis take center stage in all matters, to come up with a nuanced policy in which we assist them from the margins but let them resolve their differences as they see fit. This suggestion is not meant to be defeatist, but rather to highlight our pursuit of incompatible policies to absurd ends without recognizing the incongruities."

They say, "We need not talk about our morale. As committed soldiers, we will see this mission through."

I share that because I think it's worth having out there for our consideration and our contemplation to add to the wealth of information that is being presented to the American people.

I'm sad to report that since this op-ed began, they started writing this, during the course of writing it, 1 of these brave soldiers was shot in the head, and he is recovering. But on September 13, the headline in the same New York Times sadly stated, "Skeptical But Loyal Soldiers Die in a Truck Crash in Iraq." And 2 of these soldiers who had the courage not only to go and fight for our Nation but to do everything they were asked to do were killed in Iraq.

We are here today to talk about this pressing, pressing issue. The light that has been shed on this by these soldiers should be part of the discussion. I am joined here on the floor right now by a couple of my colleagues, leaders on this issue, I know, who feel it deeply. The gentleman from Florida, RON KLEIN, a tremendous new Member, at this point I am going to just yield to him for his remarks.

Mr. KLEIN of Florida. Thank you, Congresswoman SUTTON.

It's a pleasure to serve with you and the other 54 Members of our class. They call us freshmen. Some people call us freshmen. Some people call us majority makers. But clearly we're new Members, and I think that as new Members we probably have heard through some very active campaigns a very clear message from our communities and, that is, what's going on in Iraq, this is back in November, but continues to today, as your point is, is not working. And it's not working on a number of levels.

The way I sort of focus on this is the notion that all this should be about the national security of the American people. This is about what makes us safe in our homes, our communities, our States, our country. And yes, we obviously have interests around the world in other places as well. But first and foremost, what's important to us is at home, that we know our families and that we are protected.

The problem as I see it, and I think it has now been confirmed, and I'm on the Foreign Affairs Committee, so I've had the opportunity, as many of the Members of Congress have had, to get the briefings of a number of people, including members of the State Department and others, and we've all had the chance to go over and speak to the Joint Chiefs of Staff over at the Pentagon to get a firsthand question-and-answer about what the assumptions were in the surge and what the assumptions were in adding or subtracting military personnel and how our commitments were affecting the rest of our military and the rest of the commitments that we as Americans have internally. National Guard. I come from Florida. We have hurricane season, and are we at risk in terms of being able to respond, or anywhere in the world where our military is needed.

I think it's very clear, and I think most Americans understand this, that al Qaeda, Osama bin Laden, the people that perpetrated 9/11, it wasn't Iraq, it was Osama bin Laden and al Qaeda. Al Qaeda was not in Iraq at the time of September 11.

The bottom line is Osama bin Laden is still operating. Al Qaeda is still operating. And it's not operating in Baghdad. Sure there are cells in places in Iraq, and it's up to our military, and our military understands its responsibilities to root them out. Those are specific engagements and we should find those cells and root them out.

But al Qaeda is not limited to Iraq. They're operating in different parts of the world. Afghanistan is at a tipping point, as we understand it. Nobody, no Democrat or Republican, seems to be contesting that issue. Americans understand that the Taliban and al Qaeda are re-emerging in Afghanistan. Yet, our assets, our men, our women, our military hardware and equipment are saddled and stuck in Iraq. That's not to say that there's not a terrible situation in Iraq. It is a terrible situation.

But as Americans, we have to put ourselves first and say, what's in the best interest for America? Both here at home, and dealing with Afghanistan, dealing if there's a problem in Pakistan, dealing with Iran, dealing with North Korea. These are the potential hot spots around the world, where there are potential nuclear issues and things like that.

My biggest concern all along, and I know I shar this with certainly all Members of our Democratic side, and I know many Republicans. This is not a Democrat-Republican issue. This is an American issue. It's what is the right thing to do. I think it's very clear, based on everything we've seen so far, is that this is not going to get resolved now, 6 months from now, a year from now, 5, 10 years from now, with just a military solution.

Senator LINDSAY GRAHAM, a Republican from the Carolinas, was before our Foreign Affairs Committee today, and he said he was there. He also specifically said, listen, our generals are generals. He comes from a military background. He did work in the legal corps of our military. He said, but, you know, generals are not always necessarily right. Ask them the tough questions. I know when General Petraeus came before our committee and many of us listened very carefully as to what he had to say, many of us were not quite fully satisfied that the answers were consistent. On the one hand he said, yeah, we're going to draw down. On the other hand he's saying, we need power, we need troops, we need, you know, the power to make sure that everything is there. It didn't all sound consistent to me.

But the bottom line is I think we need to be strategic and smart. And redeployment is not a question of getting everybody out immediately. Nobody is suggesting that among our group here today. What we are saying is be smart. Secure the borders. Do some things to make sure this doesn't spill out. Really double and triple our efforts to retrain the military, and there are other ideas not limited to anybody in this room. There are lots of generals out there, retired and active, that are coming up with good suggestions.

But repackaging the stay-the-course approach, which is what is going on right now, is not the answer. We need to have a better answer to protect our men and women in the field, and protect America most significantly, at home and abroad.

Ms. SUTTON. Thank you, Congressman KLEIN.

I couldn't agree more that we need to have that kind of a plan. And unfortunately, a plan for responsibly redeploying and a plan for dealing with the broad scope of protecting America and what's in America's best interest is not being offered up. In fact, it's not even being discussed, because we're having the same discussion that we've been having for years now about staying the course in Iraq.

I would like to shift it over to my colleague from New Hampshire, Representative CAROL SHEA-PORTER, who I know can shed a great deal of light on this as well as a member of the Armed Services Committee.

Ms. SHEA-PORTER. Thank you, Congresswoman.

I am on the Armed Services Committee and we've had many, many hearings on this issue. It has become very clear to me that we need a plan to redeploy responsibly and to start it immediately.

First, let's go over some of the facts once again because it is a national security issue here. There were no Iraqis on the plane that day. 9/11, there were no Iraqis. But we were attacked by people who had been trained in Afghanistan in Osama bin Laden's group, and we needed to go there. We needed to go to Afghanistan. We still need to win in Afghanistan. But somehow or another we got diverted to Iraq, and we have paid the price, and the Iraqis have paid the price as well.

We are now spending $10 billion a month, that we acknowledge, in Iraq. We really don't know the cost. We borrow money from Communist China to pay for this.

I was a military spouse and so I'm feeling particularly protective of our troops. Our soldiers are exhausted. We send the same team in over and over again. This is an American problem, not a Republican problem or a Democratic problem. It's an American problem, and it calls for an American solution.

Let us talk about what it looks like in Iraq right now. And I have been there. What it looks like right now, and it was the independent Jones report that verified this, and I appreciated the report very much, retired General Jones and his commission. What they talked about was 2.2 million Iraqis displaced within the borders of Iraq. Every single month for the past 6 months, 100,000 Iraqis have moved. They've left their homes, their communities, their jobs, if they had jobs, and they have moved.

Now, why would 100,000 people move? Because it's not safe. It's as simple as that. We've had ethnic cleansing there. If you look at the maps that was in the Jones Commission, 2005, you could see in the neighborhoods in Baghdad that they were mixed, Sunni and Shiia living side by side. By 2007, the mixed neighborhoods are virtually gone. They've had ethnic cleansing. They have militias.

People say, well, you know, take a look at this. The Sunnis have joined with the United States to defeat al Qaeda. No, not really. What it is is an enemy of my enemy is a friend. What has happened here is that the Sunnis have joined with the U.S. right now so they can rid themselves of their enemies.

We estimate that al Qaeda is maybe 7 to 10 percent of the violence there. But the reality is that most of this violence is still a civil war. It comes from within and it has not gotten better.

We know that 95 percent of the children are showing terrible signs of post-traumatic stress syndrome disorder. We know that they have dirty water. We know that they have 2 hours of electricity if they're lucky.

We know that in every way to measure standard of life, it has declined. Why are we still there? That's the question that all of us are asking. Why are we still in Iraq? And why does the President have a plan that says, stay. Stay for how long? Just stay. That is not acceptable to the American public anymore.

I yield back to you and I thank you very much for bringing this to the floor today so that we can tell the American people what has really happened, what we have heard from independent commissions, and what the reality is for the people of Iraq and the people of the United States.

I would like to add one more point which is important. Let's look at the American benchmarks and let's ask where America is now. Where are we on education? Where are we on health care? Where are we on jobs? Where are we on infrastructure? We have poured so much money into Iraq. What about American benchmarks?

Ms. SUTTON. I thank the gentlewoman for her excellent remarks. I guess the question that comes to mind when you ask where are we on these domestic items, where are we going to be in 10 years on these domestic items?

At this point I would just like to shift it over to my great colleague, a new freshman Member, a majority maker who has brought a lot of valuable insight and knowledge to this body and on this subject, the Honorable JOE COURTNEY.

□ 1645

Mr. COURTNEY. Thank you, Congressman SUTTON, for yielding.

And I just want to follow up with my friend from the Armed Services Committee about the lack of strategic balance that presently is occurring right now in Iraq and Afghanistan. In late August, German authorities arrested three terrorists who were plotting a major attack on an American military installation in Germany. Where were they trained? Well, we know the answer. They were trained in northern Pakistan, in that region of the world where our own military and intelligence officials have identified the real threat to Europe and the U.S. in terms of where future hits are going to take place.

As a member of the Armed Services Committee, I was in Afghanistan in May. We had briefings from military commanders over there who have said that training camps are in full level of activity, and they made a flat prediction that we are going to see attempted attacks emanating from that region of the world.

Let's step back. We have 26,000 troops in Afghanistan; 165,000 troops in Iraq. Is this a strategy that is really aimed at what is in the national interest of this country? I mean obviously if we look at just recent events in terms of where arrests are taking place, where the real training is taking place to hit Europe and the U.S., the fact of the matter is it is in the northern part of Pakistan, which is an area that the Taliban is now pretty much able to move and operate unimpeded because we have a dysfunctional relationship with the Pakistani Government and the Afghan Government is too weak to basically police those borders.

And I think a lot of the debate that is taking place right now after the Petraeus-Crocker report, which is appropriately focused on whether or not the benchmarks that the Iraq Government set forth have been met and what is the level of wear and tear in terms of our Armed Forces, they are clearly important to discuss, but we also need to have an overall strategic vision about what is in the national interest of this country. And the fact is being involved at the level that we are at right now in a civil war in Iraq is not in America's national interest, and for the sake of our military families, as Congresswoman SHEA-PORTER indicated, and certainly for a safer, smarter foreign policy, we need to have a change in course and a redeployment.

Over the summer the New York Times did a study on the situation right now in terms of the mid-level officer corps of our Armed Services, our ground forces. In the 2001 graduating class from West Point, which just completed their 5-year tour of duty, 44 percent of the class have left the Armed Forces. That is the highest number in three decades. People need to think about that in terms of what is happening to the best and the brightest in our military. They are voting with their feet. They are leaving the armed services. And many commanders from the Vietnam era, General Shinseki being one of them, the Army chief of staff who had the wisdom and vision to predict that we would need hundreds of thousands of troops if we were going to truly police Iraq after Afghanistan, have spoken all across the country about the fact that what's happening in Iraq today is having the same effect, same negative effect, on our Armed Forces that the war in Vietnam had, which is a hollowed-out mid-level officer corps of our armed services. It took a generation to recover from that, and we are now seeing, with the exodus that is happening right now with, again, the best and brightest of our West Point graduates leaving our armed services, that we, for the sake of our own future, ground forces and military readiness, need to have a change of course in Iraq.

And Senator WEBB has an amendment that's coming up, the Dwell Time Amendment, which will require the Armed Forces by law to make sure that our Armed Forces have the same amount of dwell time as they do deployment. I think that is an important step. I am very excited that it looks like we are going to get to the 60-vote number in the Senate and overcome a cloture, that we are going to start bringing some sanity back into our military and defense policy so that we don't destroy the greatest warfighting machine in the world.

And I know Congressman WELCH from Vermont, my neighbor to the north and a good Red Sox fan, is also someone who has talked a lot about this issue in terms of the impact on our military families, and I would be happy to hear from Congressman WELCH from Vermont.

Mr. WELCH of Vermont. Thank you, Mr. COURTNEY.

Mr. Speaker, I don't think any of us want to be here talking about the war because it's a tragedy, and I believe the American people have come to that conclusion. Whether they supported going into the war or they opposed going into the war, they figured out that at this point our military men and women have done all they can do. They toppled Saddam. They reported back truthfully that there were no weapons of mass destruction, and they allowed stability in Iraq so that Iraq had three democratic elections. At a certain point, it is up to the Iraqis to step up and build their own institutions and their own democracy. We obviously can help and we have some responsibility. But the American people, those who supported the war, those who opposed going into the war initially, have come to a pretty commonsense conclusion: We have done our job, the military has performed ably, and it is time for the Iraqis to take our place.

The fundamental question that the President has put to this Congress and to the American people is this: Is it the proper role of the United States military to be refereeing a civil war? That's the question. Now, Republicans and Democrats in the past have been united that our military has a primary responsibility for defending us in fighting wars, not for refereeing civil wars.

A couple of things. One, there has never been an example in the history of the world where a third-party military has actually refereed a civil war to a peaceful political and economic conclusion. There are examples of third-party militaries, outside militaries, coming in on one side and, through force of arms, imposing an outcome. But that is not the policy even of the Bush administration.

Is this a civil war? Here's what is going on in Iraq right now: There are several different civil wars that are underway. In the south in the Basra region where our ally Great Britain has basically taken its 44,000 troops down to 5,000 troops and redeployed them to a base, there are three different Shia wars going on. They're not fighting about democracy. They're not fighting pro- or anti-Iran primarily. They're not fighting about the future of Iraq as a united country. They are fighting about oil. It is about who is going to be in control of that port and that refinery in Basra.

You then go to Kurdistan. Kurdistan has been, in effect, independent since 1991, Mr. Speaker, after the first Gulf War. And they have actually built an economy. They have outside investment coming in. They will not even allow the Iraqi flag to be flown in Kurdistan and are bent on achieving their own independence. But they want oil as well and are threatening, and they have an independent military, the Peshmurga, to take significant forceful action if they don't, from their perspective, get their share of oil in the Kirkuk region.

Then you have Baghdad. Baghdad has been the site of the most extreme ethnic cleansing. Before the fall o Saddam, Baghdad had 65 percent population that was Sunni. That was the seat of Saddam's power. Now it is 75 percent Shia.

A neighborhood that I visited, Mr. COURTNEY, when I was with a delegation to Iraq, the Dora neighborhood, had previously been Sunni and was now Shia, and peace came about basically by displacing the people who used to be there and putting new people in.

And the overall dislocation in Iraq is astonishing, as you mentioned, my friend from New Hampshire: 2 million Iraqis displaced internally, 2 million exiled; 4 million people already, about 60,000 a month, are affected by this. And that is the equivalent in the United States, 20 percent of our population or about 50 million people. Think about it if 50 million people were displaced, either thrown out of the country or fleeing the country or had to move from Texas to Vermont or Vermont to New York because of force and fear.

Then you have the provinces around Baghdad. The Sunni Triangle, Anbar, Diyala, a couple of provinces where General Petraeus was arguing that there was, quote, "progress." Well, again, no one is going to quibble about a military person's estimation of whether there is military progress, but what has happened there largely is that there has been dislocation. The Sunni tribal leaders have done what most analysts expected they would do: They would turn against al Qaeda because they are nationalists. They are much more concerned about Iraq than they are accommodating this radical ideology and they would, quote, "work with the United States."

But what's the price that we are paying? What is the tactical decision that was made? The decision was made to arm tribal chiefs. Now, that can work in the short run. It gives them arms to fight alongside American soldiers in some particular circumstances. But what is the overall policy of the Bush administration? It is a strong central Iraqi Government centered in Baghdad. So what you have now is a United States policy that arms factions in the provinces, which is a momentary truce of convenience, that has no loyalty to the central government in Baghdad. And down the road, as what happened in Afghanistan when the United States, to pursue its interest against the Soviet invasion of Afghanistan, armed the Taliban, and that Taliban then became the monster that produced an Osama bin Laden. But we have our policy where we are literally doing two things against the middle: arming factions who are hostile to a central government even as we say our goal is to have a strong central government.

So none of us know what all the details are, but what you have is an incredibly internal complexity: a Shia south where there is Shia factional fighting, a Sunni Triangle where there is a temporary alliance of convenience, you have ethnic cleansing in Baghdad, and you have a Kurdistan that is insisting upon being independent.

Incidentally, on this question of being independent, even the President's friends who have business interests are getting it. You read the report last week about Hunt Oil. Hunt Oil is owned by Mr. Hunt, a very good friend of the President, a big contributor and a member of the Foreign Policy Advisory Committee that the President pays deference to, listens to. Mr. Hunt bypassed the central government in Iraq and is entering into a direct oil agreement with Kurdistan. So he not only has made his bet that the President's policy is going to fail, he is making arrangements to profit by that failure.

So why is it that we are asking the American military, the American taxpayer to continue pursuing a dead-end policy? There is one reason that the President now offers to defend a policy that is bankrupt, that is a dead end, that has a history of failure. That argument that the administration is making is this: If we leave, there will be chaos.

Now, think about it. Those who oppose the war, those who voted against it argue that if we invaded Iraq, in all likelihood the outcome would be the quick toppling of Saddam and the long-term chaos and violence that would follow. The argument that the President rejected then he is embracing now.

All of us who oppose the war really do so with a heavy heart because we know that the choices that are available to this country and to the people of Iraq are very constrained and there is going to be untold suffering that lies ahead. We don't have good choices, but the question is what is the right choice that is going to mitigate the suffering? And that right choice has to be to redeploy our troops because the continued presence of the United States through the military emphasizes a military approach to a political problem. And that's why all of us are here doing everything we can to change our direction in Iraq.

And I thank you for my opportunity to participate with my wonderful colleagues.

Ms. SUTTON. Thank you, Congressman WELCH.

And we have been joined by another great new Member of the class and a great help on issues related to Iraq and so many more things, my colleague from the Rules Committee, the esteemed MIKE ARCURI.

I yield to Mr. ARCURI.

Mr. ARCURI. Mr. Speaker, I thank my friend and colleague from the great State of Ohio for organizing this and bringing us all together here, and I thank all of you for being here.

Like so many other Members of Congress, I have had an opportunity to go to Iraq. And recently I came back from there, about 3 weeks ago, and I couldn't help but be so impressed with the incredible job that our troops are doing there. The men and women that are there are doing everything that is asked of them and much more in an incredibly hostile environment.

□ 1700

And they're doing it not just as a job, but they're doing it with intensity and passion. And they're doing a great job at what they do in just incredibly hostile circumstances. I am convinced, after seeing the job that they did, that our military, in a just cause, could accomplish anything we ask of them, anything in the world. And I was just very impressed with how hard they're working.

But you can't help but be troubled by the fact that the mission there continues to change. I can't help but think about, the old example that they use in football is every time that the team sets up to kick a field goal they move the goalpost back. It just seems like that's what we're doing. First, as my friend from Vermont just said, we were told we were going to Iraq for weapons of mass destruction. That didn't pan out. We were told we had to remove a dictator in Saddam Hussein. Our soldiers did that, and they did it magnificently. Then we were told we had to stay until there were free elections. We had free elections. Then we were told that we had to stay there; in fact, we not only had to stay there, we had to increase our numbers there, we had to have a surge so that we could reduce the violence so that the government would have an opportunity, would have a chance to come together. And that's exactly what our soldiers did. And despite that fact, we are still told that we will continue to be there. This is just unimaginable.

Our soldiers have done everything that we have asked of them, and much more, in an incredibly hostile environment, and yet they continue to be told that they have to stay in Iraq. And for what?

I am convinced, after meeting with Dr. Salam al-Zubaie, the Deputy Prime Minister, that the factions in Iraq will continue to fight, they will continue to use America as a crutch for as long as they possibly can. We gave them time. We did exactly what we said we would do. And what did they do? They squandered that time. They continued to posture for a better position, and they continue to do that today. Blood is spilling, Iraqi blood, American blood, and they continue to posture. Violence increases, and they continue to posture. They refuse to come together. It is high time for us to allow Iraq to take over, to stand up for itself. They will stand up when we stand down.

The other thing that was very amazing, when you see it, and we talk about how much money we're spending there, we talk about the $16 million an hour, the $2 billion a week. And they sound like numbers until you actually go there and you see the amount of equipment and you see the amount of investment we are making there. And obviously that is something that we have been doing and we will continue to do. But when you think about the fights that we have here right on this floor, the debates that we have on this floor about things like SCHIP, about things like improving our infrastructure that's crumbling, about things that are good domestically for our economy, and we don't do them. And we discuss and continue to debate about the money, and yet we spend billions and billions of dollars in Iraq.

I think while we do that, countries like China continue to take money and they invest it in their economy. We need to make our investment in our domestic economy, in our bridges, in our infrastructure, in our economy, in our health care system, in education. Those are the things that the American people want. Those are the things that we ran on last year. Those are the things that we promised the American people. And those are the things that we need to continue to work on.

I thank you thank you very much, my colleagues from the freshman class, for being here today. And, Ms. SUTTON, thank you very much for bringing us here.

Ms. SUTTON. Thank you, Representative ARCURI. That firsthand account and your observations are very enlightening. We appreciate you bringing them forward and, again, highlighting the fact that as we make this choice and as the President opts to try and keep us in Iraq for 10 years, or beyond, it means there are other consequences. Beyond all of those other consequences we talked about militarily and the effects on our military, there are those domestic issues, Representative SHEA-PORTER, that you point out and Mr. ARCURI points out that we will continue to fall behind on. I think that the picture is becoming a little bit more clear down here tonight that we need some comprehensive thinking that is smart and effective. And the question of a responsible redeployment and what that plan should look like is really the one that we need to be working on.

With that, I want to pass it over to another great Member of the new Congress, a freshman from Minnesota who I think is going to shed some light on the Blackwater situation.

Mr. ELLISON. Mr. Speaker, I am really honored to join my members of this freshman class. I am so proud to be a Member of the 110th Congress.

I just wanted to point out that this week as we contemplate and as we've seen the three reports, the GAO report, the report from General Petraeus, the report from General Jones, we are at a point where we have to make a big decision. The people of America and Iraq want our troops to have a safe but clear end point to this conflict. The surge has not been successful, as we see 11 of 18 legislative security and economic benchmarks set down have not been met.

But I just wanted to talk about a very interesting and curious development in this whole conflict, which is that part of the story of the Iraq conflict is the contractors. Blackwater is the most well known of them, but that's not the only one. There's DynCorp, there's Titan, there's Casey, there's many of them. As a matter of fact, what we have seen is a privatization of this conflict. We've seen the privatization of this conflict as literally estimated at upwards of 150,000 contractors have been in Iraq. And the question is, since we've never privatized a war, since we've always kept an essential governmental function, which is defense of the Nation, within the firm hands of the government and we've never really privatized a military conflict before, what does all of this mean? Interestingly and sadly, we've seen this privatization situation devolve into a very dangerous situation which I believe has in many ways compromised national security and has damaged the reputation of the United States and has led, in my view, to a situation where the Iraqi Government, even though it is a government under occupation, under U.S. military occupation, has had to make a statement to throw Blackwater out of its country.

Now, think about that. This is a government that is not in full control of its own country but has mustered itself and said, Look, in order to go forward, this institution, Blackwater, must leave our country. I just want to talk about this a little bit because I think that it's an important part of the story and it needs to be told even from the floor of Congress.

The recent incident that I'm talking about has caused the Iraqi Government to revoke the license of Blackwater. This is the result of a situation, of a killing of Iraqi citizens that happened on September 11, 2007 and the wounding of 14 others by a Blackwater USA security company. Ostensibly, this private security company guards U.S. Embassy personnel in Iraq. Blackwater USA is based in North Carolina and is one of the largest of at least 28 different private security firms that have received governmental contracts to work in Iraq, paid for by at least $4 billion in taxpayer dollars.

This group, funded by American taxpayer dollars through their contract, seems to hold very few American values, it seems to me, except for making money, by some accounts as much as five times the amount that our brave soldiers make. Five times the amount the average soldier is making is what one of these contractors can make, particularly one that was in Blackwater. According to one source, in February 2004, Blackwater started training former Chilean commandos, some of whom were serving during the Pinochet years in Chile, for duty in Iraq. People who know the Pinochet regime know that this regime was known for people disappearing in the country. Torture was routine. Other news reports indicate that four of the guards killed in January while working for a subcontractor had served in South Africa's security forces during the apartheid era, and one of them had applied for amnesty for crimes that he committed while operating under the apartheid regime. Not good news.

Press reports further indicate that this latest incident was not isolated, with Iraqi Interior Minister spokesman Abdul-Karim Khalaf calling the episode the "last and biggest mistake" committed by Blackwater.

Khalaf went on to say, "Security contracts do not allow them to shoot people randomly. They are here to protect personnel, not to shoot people without reason."

Mr. Speaker, we are not in a position to win the hearts and minds of the Iraqi people if we have cowboy mercenary vigilantes. Blackwater seems to be accountable neither to the Iraqi Government, and there are serious questions as to whether they're even accountable to the U.S. Government. They are not subject to the Geneva Convention, which our soldiers are. If accounts of this and other incidents prove to be accurate, and of course due process is critically important, then the Iraqi Government's actions to expel Blackwater from Iraq could indicate the first concrete sign that a real government may exist in Baghdad. Who knows. We'll see.

Mr. Speaker, I think it is very critical that we continue to look into this issue of private contractors. It is an important part of the story of Iraq. It is a critical and fundamental part of this dialogue that we're having. We can't privatize our Nation's national defense. When we do, we lose control of these people.

Mercenary actions are not deemed sanctioned by U.N. charter. And to hire a private mercenary army is something that we should not be associated with. They call themselves security contractors, and yet they have been involved in major military actions in Najaf. Everybody remembers the horrific incident that occurred in Fallujah that was succeeded by a major action against that city. At this point I think it's important for us to pay much closer attention to this situation and put some real accountability on this situation.

I yield back at this time, but I do ask that we raise these important issues and focus on exactly what this means for our country and our national security.

Ms. SUTTON. I thank Representative ELLISON for that addition to this debate this evening. It's important that all of this be exposed to the light of day so that we can make the inquiries that are appropriate as well as the policies that make sense from this Chamber.

At this point, I would like to throw it back over to Representative CAROL SHEA-PORTER from New Hampshire. I think, Representative SHEA-PORTER, you were going to share with us some statistics and information from a report.

Ms. SHEA-PORTER. Thank you, Congresswoman.

I am holding in my hands a report to Congress from September 6, 2007 called "The Independent Commission Security Forces of Iraq." This is retired General Jones. They did an absolutely wonderful job, nonpartisan, and I'm very pleased to say that it seems incredibly accurate and fair in all respects.

Here is a concern, or one of the many concerns that I have, and I just want to read a couple of lines and talk about it. It says, Iraq's central government in Baghdad, and this is page 39, does not have national reach in terms of security, nor does it have a monopoly on use of force, a defining characteristic of a functioning nation state. Militias continue to play a prominent role and are seen by American and Iraqi officials alike as posing almost as significant a threat to Iraqi stability and security as al Qaeda in Iraq.

Now, isn't that fascinating? We hear them talk about al Qaeda, al Qaeda, al

Qaeda in Iraq. Al Qaeda was not in Iraq on 9/11, 2001, and yet we have militias roaming around and there is very little talk about that.

Now, as this report states, if you have militias, it means that the Iraqi Central Government is not in control of their streets. This is where we have our soldiers, in the middle of a civil war. And this is the reason that we've had ethnic cleansing and the other problems that we're having.

I want to talk about the Iraqi political establishment for a moment. Our troops have done everything they've been asked to do. They are guarding the streets. And yes, violence has gone down where our troops are, and it's a great credit to our troops, but I can tell you right now that if you put 50 policemen and women on a corner of any major city in America, or anywhere, crime would go down because these forces do a terrific job, but it doesn't mean that you've changed the hearts and minds of the people, the criminals. What we have here is an Iraqi Government that has not stepped forward. And so we are relying on our troops to not only control the violence in Baghdad, but also to run everything.

The Iraqi Government, the Parliament, wanted to take 2 months off this summer in the middle of this crisis. When the White House, Tony Snow, was asked about the 2-month vacation, he said, well, it's 140 degrees there. And somebody said, well, aren't our troops in 140 degrees as well?

The Iraqi Parliament also, more than half of them, signed a petition asking the United States to leave Iraq. Now, this is not leadership. Our troops have waited for years for Iraqi leadership to step forward and run their country.

□ 1715

We cannot ask our troops to not only be the police there, be the cop on the beat there, but also to be the politicians there. If the Iraqi Government will not, cannot, step up, we have to finally say we have to step down. It has been just too long.

So picture that, what it is like, and you will understand why 100,000 Iraqis have been leaving every month and why there is more than 2 million people who are now out of the Iraqi borders. They have lost their middle class. They have lost anybody who could help the society. They have fled. And you understand why, when you think about militias and you think about the lack of Iraqi political leadership. You didn't hear very much about that coming out of the White House. Ask them to name the Iraqi politicians, the leaders, who are going to take over, and ask when. Because they can't say when. They can't name who is going to take over. We cannot leave our troops there indefinitely until the Iraqis decide to find political reconciliation.

That is the problem. As long as we have our troops there, yes, we can tamp down the violence where our troops are. But we must have a government. That report shows that they have militia wandering around and that the Iraqi Government has not stepped up to the task. We are in our fifth year. Americans know that, our fifth year of our treasure and our blood of our people. It is time to stop.

Ms. SUTTON. Well, I thank the gentlewoman from New Hampshire. It is a sad state of affairs, but it goes back to the point that we have heard here tonight, and that is that unity in Iraq, really, at the end of the day, is going to be determined by the people of Iraq. We all know that our military has performed valiantly and selflessly and that they are true American heroes. But as you point out, it is not fair to keep them trapped in the middle of a civil war and refuse to acknowledge that all that has been discussed here tonight is going on. That is not a prudent plan. I think it is time. We have heard the call when we go home and talk to our constituents. It is time for a plan to responsibly redeploy. That is what the American people need from our President.

I will share just a few statistics with you that sort of buttress this need. We know that there was a great rollout when we had this so-called surge introduced as a new way forward. But let me just shed some light on some of the results. In June, July and August of 2007, it marked the bloodiest summer so far U.S. troops in Iraq have had, with 264 soldiers killed. U.S. casualties in Iraq are 56 percent higher this year than they were at this time in 2006. Since January of this year, we have lost 761 brave servicemen and women to the war in Iraq.

By the way, I should say that these statistics are as of September 10. I have fear they have grown since then. As of September 10, 3,759 U.S. troops have been killed and more than 27,770 have been wounded in Iraq since it began in March 2003. Think about that. Think about the cost in lives. Think about the cost in the casualties and the injuries that our soldiers are facing for the rest of their lives in many cases, the costs to them, which is unfathomable and enormous, and the cost to the American people as we do what we must do, and that is provide them with the health care and the resources they need and to fulfill the promise that we make to them when we send them into harm's way. We must take care of our veterans.

We also learn that, and you pointed this out, Representative SHEA-PORTER, that in Iraq, opinions are also that they would like our troops to be responsibly deploying. Just to share some information from a new poll that was jointly conducted and released by ABC News, BBC News and Japan's NHK, 47 percent of Iraqis want American forces and their coalition allies to leave the country immediately. That is a 12 percent increase over March. Remember, our soldiers are there in that environment. The polls showed that every person interviewed in Baghdad and Anbar province, a Sunni-dominated area where Bush recently visited and cited progress, said the troop increase has worsened security. Seventy percent believe security has deteriorated in the areas where the U.S. surge troops were located. Between 67 and 70 percent say that the surge has hampered conditions for political dialogue, reconstruction and economic development. Fifty-seven percent of Iraqis say that attacking coalition forces is "acceptable," more than three times higher than when polled in February of 2004. That is the environment we are keeping our troops in. The President's plan is to do so for the very foreseeable future.

It is time for a plan of responsible redeployment. Our military should not be asked to try to control a civil war, a sectarian civil war. We have heard all the components of all the factions and all the dynamics that are going on in Iraq. Just think about our troops sitting in the middle of that and doing everything they are asked to do. We know from the report that Representative SHEA-PORTER referenced, and we know from the GAO reports. They confirm that our strategy is not working and that this conflict begs for a political solution, not a military one; though the United States can play a constructive role, and we will, and we have done so by providing, through high cost and blood and money, an opportunity to embrace a different way to the Iraqi people. We also know the toll that that country has, along the way, encountered.

Seventy-eight percent of Americans say they believe that the U.S. should withdraw some or all troops from Iraq. Sixty percent of Americans say the U.S. should set a timetable to withdraw our forces from Iraq and should "stick to that timetable regardless of what is going on in Iraq." That is not because we don't care. That is because we are looking at the evidence, and we are trying to make the responsible decision for our troops, for the safety of this country and for domestic policy.

At this point, I would like to turn it over to Representative SHEA-PORTER, and we will be wrapping up here in a few moments.

Ms. SHEA-PORTER. I would also like to point out that this really is a national security issue for the United States of America. General Peter Pace was asked if he was comfortable with the ability of our Nation to respond to an emerging world threat. He paused and he said, "No, I am not comfortable."

We have our troops bogged down in Iraq. We do have enemies around the world, no question about it, but our military is strained. We know that the troops could not stay at this pace past March anyway, so it is natural that the President would call to bring back some of the troops in March. It is not really progress. It is just acknowledging that we have to have them back. But here is the issue: If you know there is a burglar in your neighborhood, the first thing you do is you lock your own door. We didn't do that. We went to Iraq instead of locking our own door. We didn't even pass the 9/11 recommendations. The 110th Congress had to take care of that business. So, finally, we are going to be inspecting cargo from airplanes, and we are going to be inspecting cargo that comes from overseas, and we are going to inspect 100 percent of it after a period of time. That should have been done immediately. We should have beefed up homeland security, locked our doors, so to speak, and then worked with other nations to catch terrorists. They were ready.

On 9/12/01, we had the world's sympathy and empathy. They were ready to work with us to catch these horrible terrorists. Instead, we went to Iraq, and now our brave troops are bogged down there. The Iraqis have suffered enough. It is time to bring them home responsibly and to start looking at building up our troop strength again so that we can respond to anyplace around the world that we might need to be.

Ms. SUTTON. Well said, Representative SHEA-PORTER.

Mr. Speaker, we are going to close and yield back the balance of our time.

REPUBLICAN FRESHMEN THIRD QUARTERLY REPORT TO THE 110TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. McCARTHY) is recognized for 60 minutes as the designee of the minority leader.

Mr. McCARTHY of California. Mr. Speaker, tonight we are having our third quarterly report to the 110th Congress. This is a quarterly report for the newly elected republican freshmen. We came here to solve problems. We came here to find partnerships. We came here to really, what we listened about during the campaign, to make America better. Tonight, I have a few freshmen joining with me.

The idea tonight is about accountability. What has gone on here in Congress? I think every time we do this quarterly report, I go and I check the Web sites. Again, today is a new record. Congress has the lowest approval rating, at 11 percent, that it has in the history of its taking a poll; lower than in the years of Watergate, lower than during the years when we were rationing and being held hostage in Iran, lower than the time of 1994 when the last time the parties switched powers here. Tonight is the night we talk about what has gone on, the accountability of what has happened here, and what has taken place.

To start us out tonight is a congresswoman from Minnesota, from St. Cloud, MICHELE BACHMANN. I yield to Mrs. BACHMANN.

Mrs. BACHMANN. Mr. Speaker, I thank my colleague from the great State of California, Congressman McCARTHY. What a wonderful leadership role he is playing with our freshmen class.

It is true, Mr. Speaker, we are so grateful, as freshmen Members, to be here with new ideas and a new perspective. Part of that perspective is a positive outlook on life and a positive outlook on our country. One thing about Americans, Mr. Speaker, is we tend to be happy people, go-getter people, people that have ideas, innovation. We are entrepreneurs. We always look over the next hill. We always look for the next goal. We are forward-looking people.

One thing that I have been a little dismayed about in my time here in the Congress is I have heard so much negativity on the floor. As a matter of fact, in the previous Special Order, I was amazed at the level of negativity that I heard. That is not representative of the American people. It certainly is not representative of the people of the Sixth District of the State of Minnesota. They are positive people that are looking, as we Republican freshmen are looking, at new ideas, at fresh perspectives.

I was so intrigued this weekend when I was home in my district, I had the chance to read the Sunday paper. I found an article in that paper that talked about the incredible progress we have made in recent years. So much of that has to do, Mr. Speaker, with a lot of the very good decisions that were made in the previous Congresses, particularly, Mr. Speaker, the tax cuts that were passed in 2001, 2003. I say that because I am a Federal tax litigation attorney. I hate high taxation. If you speak with most Americans, they also detest high levels of taxation. One thing that the Congress did so well was to reduce that level in 2001 and in 2003. The one thing we don't want to see happen is to have the country take a dramatic turn now under the Democrat controlled House of Representatives and embrace tax increases. This really concerns us because what we have seen so far is the Democrats are now embracing what, you know, the argument is, will it be the largest or the second largest tax increase in American history? Whatever, it is a very large tax increase. But what the other formula for success has brought about, Mr. Speaker, is prosperity.

□ 1730

Prosperity not just for those who are the high income earners, not even just the middle income earners. We have seen tremendous levels of prosperity, even for those who we would consider the poor among us, who government considers the poor among us, and if there is anyone who deserves help up, a hand up, it is the poorest among us.

In this article I read this weekend, it is really a scorecard of sorts on the Republicans and the great tax cuts that they put through this Congress, and it is very good news.

If you dig into the numbers, as this author writes, his name is Jason Lewis, he is a writer from the Twin Cities, and I want to quote from this article, he writes, "We now have a record number of Americans with health insurance."

I will tell you what. You would never know that, listening to people speak on the floor of this House. You would think everyone is destitute and no one has health insurance. We are at an all-time high in this country with the number of people that have health insurance.

The doom-and-gloom focus says that most of those people who do not have health insurance currently live in households with incomes that are in excess of $50,000 a year. So even the people who don't have health insurance in the United States are making over $50,000 a year. In fact, many of them today are eligible for government healthcare programs. They have just simply decided or elected not to enroll in those programs.

The median household income, more good news is that adjusted for inflation, the median household income today has risen in 2006 to over $48,451 nationwide, and in the Twin Cities in Minnesota, median household income today is at a robust $62,223.

This is great news. We should be talking about this great news. And how did we get to this level of prosperity? It is because of the tax cuts that came in 2001 and 2003, and that great investment is now paying off.

Surprisingly, in August, the figures show the first significant drop in poverty in a decade. This is great news. Shout it from the housetop, which we are. This is the "big House." We are shouting it. The official rate declined from 12.6 percent in 2005 down to 12.3 percent. That is great. We want to reduce the level of poverty in the United States.

The Federal tax cuts of 2003 gave us an economy that added $1.3 trillion in real output. We have grown more than 3 percent annually, according to Investors Business Daily.

Business spending, way up, adding 8 million new jobs to this economy. Real labor compensation per hour has rebounded, because now wages have advanced 3.9 percent from a year ago.

Those are statistics. But it really means things for American families. As a woman, as a wife, as a mother of five children, we have raised over 23 foster children, I will tell you what: When your wage goes up, that means you can afford to pay the light bill at the end of the month. You can afford to have groceries. You can take your kids and buy them the clothes that they need for school. You can pay for the field trips they have to go on. And you can pay for all the sports activities that they love to do after school.

These are real benefits, when government doesn't have that money, when normal real people have this money. That is what we want, to have all households have that money, and the poorest families are the ones that need to benefit even the most.

Mr. Speaker, even with the slight decline in job creation in August, the Nation's unemployment rate remained in record low territory of 4.6 percent. Great news. Great news for today.

Robert Rector also just came out for the Heritage Foundation, and he told us among the households considered poor in our country, of those households that we call poor, 46 percent of those households in America, almost half actually own their own home. That is something that we don't always understand, that almost half of all poor people in this country own a home. If you own a home, Mr. Speaker, that is your greatest down payment on the next generation and on wealth creation.

Most people that are considered poor by our government own a car. In fact, of people considered poor, 31 percent of poor households own two or more cars. That is great, and we want to keep prosperity going for the poor.

Seventy-eight percent of those who are considered poor by the government have a DVD player or have a VCR player. In fact, 62 percent have cable or satellite TV. One-third of poor households have both cell phones and land line phones. And a stunning 80 percent have air conditioning. This is really good news, significant, because as recently as 1970, and I remember this, only 36 percent of all American households had air conditioning. My family wasn't one of those. So I am grateful that today 80 percent of the people that even the government considers poor today have air conditioning. This is great news that we have.

In fact, the study said that 89 percent of poor families themselves, and this is very important, say that they have enough food. Boy, if there is any measure of poor, it is, are you hungry? No one wants to see one child, one older person, anyone go hungry in this country. Eight-nine percent of people who themselves are categorized as poor say that that they have enough food. Only 2 percent of that category say that they don't.

That isn't to say, Mr. Speaker, that there are not serious problems for those who live below the poverty line. Trust me. The foster children that we took into our home, they were categorized in this category. There are needs aplenty for those who are below the poverty line. We need to address those needs.

That being said, there is good news out there. Let's celebrate the fact that Census Bureau figures don't even include when they categorize people that are poor the value of non-cash benefits. So if you are poor, the government doesn't even include the fact of the amount of money you receive in food stamps. They don't include the amount you receive in housing subsidies, in Medicaid, or even the Earned Income Tax Credit. That is to say, and this again is good news, that the gap between the poor and average households is even smaller than sometimes what it is stated to be.

That being said, we are now at a juncture, Mr. Speaker, when we are looking at a turn. I know my colleagues that are also going to be speaking in the freshman class are going to be talking about this turn.

I will end on this note, because I gave a lot of great news. The negative news that we are looking at is that so far in this Congress, the Democrat majority in the House has passed their budget, and their budget included, again, the largest, or however you want to parse it, the second largest tax increase in American history. I just want to say that for the people of my district and the people for your district, they will probably have to be paying an additional $3,000 a year for every average American family, and that will negatively impact the poorest among us the most.

So we have two choices in front of us: Do we want to continue with lower taxes and prosperity, where the poorest among us have seen actually tangible benefits? Or do we want to take the route that the Democrats have proposed, and increase taxes knowingly $3,000 a year on my family, on your family, on families in our districts? I can't abide by that, especially for the low-income families in my district.

With that, I say let's do what our founders would want us to do, and that is to embrace hope, prosperity, new ideas and a fresh perspective.

Mr. Speaker, with that, I yield back to the kind gentleman from California, Congressman McCARTHY.

Mr. McCARTHY of California. Mr. Speaker, I thank Congresswoman BACHMANN for her talk. You can see from her enthusiasm, you can see from being a mother of 23 foster children, that she brings hope, not only to America, but to Congress. She brings a problem-solving idea, trying to find some commonsense ways actually to make change here. We are so proud to have you here.

As I said, this is the third quarterly report put on by the freshmen Republicans on accountability of what has gone on here in Congress. We want to bring it back to your house, Mr. Speaker, to let people know what has gone on on this floor.

There is a reason why America has lost faith in their Congress. The approval rating is now at 11 percent, the lowest in the history of any poll on the approval rating of what has gone on in Congress. So tonight we want to talk about what has happened here. But we want to also talk about our future and how we can make things better, how we can find common ground, how we can actually bring hope back to America and have real change.

Tonight I have the honor of introducing one of the superstars in the freshman class. He comes from the Sixth District of Illinois, Congressman PETER ROSKAM from Wheaton, Illinois. I yield to the gentleman.

Mr. ROSKAM. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I really appreciate Congressman McCARTHY's leadership this afternoon and this evening, this opportunity to have a conversation and really to reflect on what it is that we have been sent here to do. I know that I and my colleagues that join me here on the floor, Mr. Speaker, are people that came here as problem solvers. We didn't come here to fight partisan fights. We didn't come here to have sharp elbows. We didn't come here to call people names. But we came here to try to get something done.

We represent districts that are really commonsense districts, that have a high expectation of this process. I know that all of us who are on the floor today, we don't celebrate in the very low view that the American public has of the Congress under this current leadership. We don't celebrate in that at all. In fact, we mourn that in many ways, because there has been a real lack of leadership and a lack of an opportunity.

I think whenever you have conversations about how you are doing so far, and this is our third quarterly report that the Republican freshmen are participating in, it is always in the context of looking at what the expectations were as the 2006 elections came about. What was it that people said, that the American people trusted in, that the American people believed in, that the American people cast their votes for? What was it, that rhetoric that called people forth?

I think we don't have to go very far to really look at the rhetoric from the 2006 campaign and look at the comparison to the accomplishments in 2007, and you can see why 89 percent of the American public says, "that's not what I voted for." So let's kind of refresh our memories.

First off was that we were going to be a very hard-working Congress. The

109th Congress, we were told, was essentially lazy and wasn't accomplishing anything. That was the characterization of the previous Congress under the previous leadership. In fact, we were told that during the next year, Members of the House will be expected in the Capitol for votes each week by 6:30 p.m., and will finish their business by about 2 p.m. on Fridays, we were told by then Minority Whip HOYER.

Well, as it has come into fruition, here we are, it is 5:40 p.m. in Washington, DC. There is plenty of time for us to be doing substantive work, amending bills, debating bills, considering things. We could all be in committees. And yet the House is quiet today, and here we have this time to be reflecting on what the performance has been.

I regret that. My sense is that we are here to work, and we are willing to work, and we are anxious to work. Yet the way that the majority has structured the calendar, there is simply too much time. Of the 21 weeks in session, only 6 have included 5 full days of work. That is according to the official website of the Clerk of the House of Representatives.

Or, we were told that the Members of the House would have at least 24 hours to examine a bill and a conference report text prior to floor consideration. That is what the gentlewoman from California, Ms. PELOSI, said in her publication, "A New Direction For America." She also said, and it was reported in the Washington Post, that she would insist that bills be made available to the public at least 24 hours before they would be voted on by the full House. Yet the reality, Mr. Speaker, is far different than that.

You know, it is one thing to not make a big deal about something in a campaign and then follow through and you keep things the way they are. But it is an entirely different situation to create this overarching sense of expectation, to create this sort of nirvana invitation, to come to this new 110th Congress where everything is fantastic, and you are just going to love serving here.

Yet the harsh reality is this: The following bills did not enjoy that generous 24 hours notice: The following bills are H.R. 1, the very first bill of this new Congress. H.R. 1 did not enjoy a 24 hour notice period.

Now, let's think about it. Is 24 hour notice the biggest deal in the world? No, frankly, it is not. It is not the biggest deal in the world. There is a little bit of process argument to it and there is a little bit of inside baseball feel to it.

□ 1745

But the point is the current majority leadership created the expectation that 24-hour notice was going to be the standard. So here are just a few things: H.R. 1, H.R. 2, H.R. 3, H.R. 4, all of the first bills, no 24-hour notice. H. Res. 35, the intelligence oversight authority, not the ability to have 24-hour notice. H. Res. 296, H. Con. Res. 63, and on and on and on, no 24-hour notice.

Or we were told by Mrs. PELOSI in the last election cycle, she is quoted as saying, "Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day." That sounds great. But the problem, you see, is that the Democrat majority leadership hasn't followed through on that.

According to this report which was put together fairly quickly, nine bills with the twinkling of an aye haven't enjoyed that notice.

As we are moving forward and considering this, my district is sort of interested in the process, Mr. Speaker, but they are really interested in the substance of this Congress. This is a group that is now in the leadership and now in the majority that made very clear promises about what, fiscal discipline and fiscal responsibility. And those are things that deeply resonate in the district I represent.

This is what Mrs. PELOSI said. She said, "Democrats are committed to ending years of irresponsible budget policies that have produced historic benefits."

Additionally, she said, "We will work to lead the House of Representatives with a commitment to integrity, to civility, and to fiscal responsibility." That sounds fantastic.

You go door to door in the Sixth Congressional District in Illinois, you go door to door in Mrs. BACHMANN's district, you go door to door in Mr. MCCARTHY's district in California, and you say I am going to stand for fiscal responsibility, and they say, hip hip hurray, go to Congress. You go do the right thing.

But where the breakdown has happened or the disconnect has happened is when people say, hey, I voted for fiscal responsibility. I voted for fiscal discipline. That's how I cast my vote last November. And now they come into the third quarter of this year and all of a sudden they realize that is not happening. That is not even close to happening. Oh, they are spending money like there is no tomorrow. That is how this majority has approached the budget situation.

Do you remember the conversation we had on the earmark process on this House floor, Mr. Speaker? Earmarks are those abilities to sort of put a little Post-it note in an appropriations bill, and the note says this money is going to be spent on this particular program in this particular way.

There are some people who say all earmarks are bad. I don't necessarily think that is true, but I think all earmarks should be transparent. People should have the ability to look at the Federal budget, people should have the ability to look at the appropriations bills and look at the work of Congress and say, who is behind that spending item, what is motivating that person, and where is it going.

Well, what we were told is that these earmarks would be transparent. In fact, we were told throughout the course of the 2006 campaign what the Democratic leadership wanted to do was completely transcend the earmark process and open it up to sunshine and goodness and light. But the reality was much different than that.

The reality was it was the Republican minority in this Chamber that had to fight tooth and nail on this floor to drive the appropriations process open so that earmarks were transparent because the way it was originally set up was that we were told that all we could do was simply write a letter if we had an objection to an earmark to the chairman of the Appropriations Committee. That is simply not good enough.

So as we are reflecting today and looking about at what is it, how is it that an institution that is to be celebrated, an institution that is to be admired, an institution that is to be respected, is now down at an approval rating at an all-time low? I regret that. I am sad about that. I don't celebrate in that.

I think what has happened is the American people have come to the conclusion that the rhetoric of the Democrat majority, the rhetoric of the leadership of the Democratic Party, the rhetoric of the last campaign simply doesn't match with the reality of what they are seeing in Congress. And so the promise to make this the most ethical group in history hasn't come to fruition. The promise to be fiscally disciplined has not come to fruition. The promise to make this process open and accessible to all hasn't come to fruition.

I think that, Mr. Speaker, in large part is why we are now at this historic low of 11 percent. I think we can do better. I think there are some of us who are on the floor this afternoon and evening who want to be problem solvers. There are some of us who want to get things done. There are some of us who understand that living within our means means making fundamental choices and decisions.

We were elected as leaders, and yet sometimes there is a temptation, which I sense on the majority side that they simply want to kick the can down the lane and have another Congress make the tough decisions.

Mr. Speaker, I was sent here to make tough choices and I stand ready with these good colleagues. We are here calling balls and strikes. We don't come in as harsh critics of everything. We are not simply here about donkeys and elephants necessarily, but we are here talking about those things that ought to bring us together as Americans, and that is the ability to work together towards solutions, to make the tough choices now and not defer them to future generations.

Mr. MCCARTHY of California. Mr. Speaker, I thank Congressman PETER ROSKAM. He makes a good point that you may campaign as a Republican or a Democrat, but when you come here, you should come to the issues as Americans. That is how we come to you tonight, looking for common ground, and the place where we can actually solve problems. That is what we campaigned on and made a promise to do, and that is why we are before you.

Just as when you are back home sitting at your table with your children, and I have mine, Connor, 13, and Megan, 11. I look for their report cards. I look at their grades. Tonight we are going to talk about Congress's grades.

The next speaker we have tonight is an individual from Ohio. He was a State senator, kind of a star there as well as on match, a wrestler, an NCAA champion. And currently, he is serving on Judiciary, Oversight and Government Reform, and Small Business. He is also looking out after us when it comes to the budget.

Mr. JORDAN of Ohio. Let me thank the gentleman from California for putting this together. I appreciate the chance to be with you and some of my colleagues from the freshman class.

I particularly want to reference the tone that the gentlewoman from Minnesota brought to the discussion this evening. She talked about the optimistic can-do spirit that has always been a part of this country and that is alive and well today. Frankly, we are going to need that spirit when we confront the challenges that we face.

I call it the David attitude. You may remember the old story from Scripture. When the Israelites were camped against the Philistines, and every day the Philistine giant would walk out and issue the challenge. He would ask: Who will fight Goliath?

The Israelites' response was: He is so big, we can never defeat him. But David's response was: He is so big, I can't miss.

That is the attitude we need to confront the challenges we face. You think about the challenges that America faces today, unprecedented in our Nation's history.

First, we have the terrorist threat as real and serious as it gets. We have this debate in our culture over whose set of values are going to win. There is a core set of principles, a traditional set of American values that made this Nation special. We should not be afraid to defend and protect and promote those principles and values.

But the challenge I want to focus on tonight is fiscal discipline. This is so, so important. Many of us have been back home over the last 6 weeks talking to all kinds of folks across our congressional districts. Many times what I do when I am speaking in front of a group, I say, you all may find this a surprise, but the Federal Government spends a lot of money. Everyone starts to laugh. And I say, they spend a heck of a lot of money.

The Federal Government spends $23,000 per household per year. We have an $8 trillion national debt. We have spending that is out of control. If we don't get a handle on that, what we are going to do to future generations is going to be difficult and it is going to make it tough for us as a Nation to continue to be number one economically.

I like to remind folks that the way the world works today, the economic superpower is also the leader in the military area. The economic superpower is the military superpower. Right now that is the United States of America, and I believe the world is safer because of that fact. We want America to lead diplomatically, we want America to lead militarily, and we want America to lead economically. It is important we do that. When America leads, the world is a safer and better place. And we want to make sure that continues.

In order for that to continue, we have to get spending under control. Over the course of the budget process, the budget that the majority party brought forward would in essence raise taxes over the next several years over $200 billion. When they look at scaling back the good tax cuts that were put in place back in 2001 and 2003, that have helped our economy respond to some of the hardships we faced after the 9/11 attacks and the recession that followed, we need to make sure that we get spending under control.

We always hear about tax-and-spend elected officials, tax-and-spend politicians. In fact, I would argue it is the opposite. It is spend and tax. Spending always drives the equation. We have to get spending under control.

In the appropriations process that we went through this summer, 12 different spending bills that finance the government over the course of the fiscal year, of those 12 bills, nine are nondefense. To those nine bills we offered a series of amendments that would have held spending at last year's level. It wouldn't have been a cut. It would have simply said to the government, the government that already spends $23,000 per household, it would have simply said: We want the government to spend what we spent last year. After all, all kinds of families have to do that, and all kinds of taxpayers have to do that, and all kinds of businesses have to do it from time to time. Why can't the Federal Government do the same thing?

Yet we heard from the majority party we can't do that. If we would simply spend what we spent last year, the sky would fall. The world would end. We have to have more of the taxpayers' money. That is the argument we heard. But it was not a cut; it was simply level spending. If we would have been able to do that, we would have saved taxpayers $20 billion and helped to begin to put us on a path to deal with the financial problems that will come if we continue to deficit spend.

Don't take my word for it. A former governor on the Federal Reserve Board, Dr. Edward Gramlich, said this: "Budget deficits lead to less economic growth and a lower level of economic activity than would otherwise be the case."

Mr. Walker, the comptroller general said, "Today, we are failing in one of our most important stewardship duties: our duty to pass on a country better positioned to deal with the challenges of the future than the one we were given."

One of our fundamental challenges as people elected to public office is to make sure that the next generation has it better than we did. If you think about what has really allowed America to grow and prosper, we are the greatest country in the world for all kinds of reasons and all kinds of policies that we have, but in the end it is that parents have been willing to sacrifice so that their kids can have life a little better than they did. That kind of philosophy should be present in how we run the United States Congress and how we run government and how we spend taxpayer dollars.

Unfortunately, those amendments weren't passed and we were not able to save over $20 billion to help to begin to put us on a path towards greater fiscal responsibility. It is important that we do that, and it is important that we do it for the future of Americans. But we are going to get there.

The gentlewoman from Minnesota is right; Americans always figure out a way to address the obstacles and hurdles that are in front of us, and we will figure out a way to do this. We just need to keep talking about it and stay diligent. If we do that, we will put our country on the path that it needs to be fiscally so we continue to be that leader economically, militarily and diplomatically.

I appreciate what the gentleman from California is doing in helping to lead our freshman class and thank him for a chance to be a part of this hour this evening.

□ 1800

I want to thank the gentleman from Ohio because he is right. Many people talk about the tax and spend, but really it is the spending that drives it. Just from last year, with the bills that were passed on this floor with the largest tax increase in American history, they increased spending by 9 percent. A lot of people ask out there: What was the spending on? How did you go about doing it? I think that is what we are going to talk about tonight.

Before I get to our next speaker, I just want to show a couple of little slides here about where we are going. First, you see the promise that was made, that the gentleman from Illinois talked about, what Speaker PELOSI had said: "Democrats are ready to lead, prepared to govern, and determined to make you proud."

Today, we sit at an 11 percent approval rating of this new majority. That is the lowest in the history that they have ever taken the poll. Lower than in the years of Watergate. Lower than when we had to ration gasoline during the years of President Jimmy Carter. Lower than in 1994 when the public decided after 40 years they wanted to change the majority here and put the Republicans in charge. It is now at the lowest level.

Why? And why is that spending taking place? I want to tell you an example, and I actually saw this on the news the other day, and I credit the news, Mr. Speaker, and CBS doing a story on this. What are we spending our money on? You sit around that table and you decide where you put your money away and where you go to save. Let me tell you a little story. It happened right here on this floor.

I was sitting down here and I was watching, and one of those spending bills, the Health and Human Services, there was $2 million put in. You say was it put in for education? Was it put in to make America greater? It was put in by a Member, Mr. Speaker, to name a library after himself. Two million dollars was spent. What did it say within here that it needed to be? You needed $2 million for the new Rangel Conference Center, a well-furnished office for CHARLES RANGEL and the Charles Rangel Library. In the brochure, when you look at this library for a college that the library is not even there yet, it will say it will be as nice as President Clinton and as nice as President Jimmy Carter. Well, those libraries were funded by private funds. Those people were Presidents.

Now, what do you say? Maybe this is something that every chairman of Ways and Means would do. It just so happens the Member that served and represented Kern County, where I represent, was chairman of Ways and Means just a year ago. What did he do with his papers? He didn't name a library after himself. He took his papers to the junior college, Bakersfield Junior College, and gave them to them, where the kids can go and look and read.

Well, you know what happened? Just like Mr. JORDAN had said, there were many amendments on this floor, many amendments by this freshman Republican class that said we want to get spending under control. There was an amendment by a Congressman from California, JOHN CAMPBELL, Mr. Speaker, that wanted to take that $2 million out. He thought that wasn't the best way to go about it. Much as the Congressman from Illinois said, earmarks. This is what an earmark is all about.

Well, just behold, the Congressman that had put this in, Mr. Speaker, Mr. RANGEL, came to this floor. He said he was proud of this. One of the Congressmen asked him: "Well, if it's going to name it after yourself, should we name one after ourselves?" He said: "No, they don't deserve it. They haven't been here long enough."

Mr. Speaker, this is the monument to me, but it is the monument to me paid by taxpayers. It is a monument to me, where not even the college asked to name it after him. He asked to name it after himself.

I am proud to tell you that all 13 freshmen Republicans voted for the amendment to strike out this earmark, to stop this type of activity. This is why we ran, this is what we said we would do, and this is not what the Democrats in the majority party said they would do when they were in control.

This is what has got to stop. This is why spending is 9.3 percent higher, and it's paid by taxpayers' money. I don't think the Members across this country wanted this to take place, I don't believe this person was the President of the United States, and I think individuals that are chairmen of Ways and Means ought to look for the path of what Congressman Bill Thomas did when he was chairman of Ways and Means, he gave his papers to a junior college. He didn't put $2 millions in to have nice furniture and an office and a librarian, to be as nice as the presidential libraries are.

Having said that, Mr. Speaker, we have some more Members with us tonight. We have an individual from Tennessee, the First District of Tennessee. He served in the legislature back there. You may recognize him. He is on the floor quite often talking about bringing America back, finding solutions here.

I yield to Congressman DAVID DAVIS.

Mr. DAVID DAVIS of Tennessee. I thank my friend from California. Thank you for your leadership tonight. Thank you for pointing out some of our spending and taxing waste. I would like to thank my colleagues that have spoken before me tonight.

I have been absolutely pleased with the group of freshmen Republicans that I came in with, a group of men and women that are very honorable, willing to work hard and do the right things. Thank you so much for serving with me in Washington.

I look back at one of my favorite Presidents, a President that was enjoyed by Republicans, conservative Democrats, independents, and that President was Ronald Reagan. Ronald Reagan once said, "We don't have a trillion dollar debt because we haven't taxed enough. We have a trillion dollar debt because we spend too much." It goes right back to what we have been saying, spending then taxing.

There are many people sitting around their kitchen tables around America tonight trying to decide just how they are going to put their budget together, how they are going to make their car payment, how they are going to send Junior to school, Sissy to school, how they are going to pay for their health insurance. Those families are having to make hard decisions. The Government, this Congress could learn from those Americans sitting around kitchen tables.

I did come from the mountains of east Tennessee. Those people back in the mountains of east Tennessee have a lot of common sense. They have enough common sense to know that you can't spend more than you take in, and you can't tax people to death and expect success. That is exactly what this Congress is doing.

According to the Congressional Research Service, the President's program of comprehensive tax reforms, President Bush's tax reforms and the congressional Republicans when they were in charge, those tax reliefs were well-timed to respond to a weak economy. My colleagues have spoken about it. We had terrorist attacks. We have had natural disasters.

That tax relief enacted in 2001 granted immediate tax rebates, reduced marginal tax rates, and lowered the marriage tax penalty. It actually allowed Americans to keep more of their money in their pocket so moms and dads can take care of their families.

My wife and I have two children. We fundamentally believe that we can take care of our children better than some bureaucrat in Washington, DC. I think it's just common sense. I think there are many people across America, it doesn't matter what party you're part of, it doesn't matter if you're Republican, Democrat or independent, I have just got to feel that you believe you can spend your money better than Washington can as well.

Then, to go on, the tax relief of 2003 accelerated the much-anticipated and successful tax cuts of 2001. Those tax cuts of 2001 and 2003 actually strengthened our economy. The Republican tax relief has seen nearly 4 straight years of economic growth, while adding 7.5 million new jobs into our economy. That is the success that MICHELE BACHMANN spoke about.

Things are going very well, and I am glad to see that. The Congressional Budget Office confirmed that the tax cuts of 2003 helped boost Federal revenues by 68 percent. Again, it's not partisan. It works every time. When Democrat John F. Kennedy cut taxes, the tax increase into the Federal Government increased. The economy got stronger. It happened when Reagan did it, and it happened when Bush did it. It is not partisan, it is just fact.

We must make the successful tax cuts of 2001 and 2003 permanent. If they are not made permanent, which I am convinced that this new hold-on-to-your-wallet Congress is not interested in doing, here's what will happen: 84 million women will see their taxes increase by $1,970. If you're female and you're listening to me, this Congress is going to raise your taxes by $1,970. Forty-eight million married couples will see their taxes increase by $2,726. Forty-two million families with children would see their tax bill go up $2,084. Twenty-six million small business owners would see a devastating $3,637 tax increase, the very small businesses that are creating the jobs in the economy. Five million low-income individuals and couples will no longer be exempt from individual income taxes.

We must make the 2001 and 2003 tax cuts permanent. Unfortunately, I am convinced that we will not see those tax cuts made permanent under the spending I see going on on the floor of this House. When we see those tax cuts start to be repealed, we are going to start to see the economic growth actually come to an end.

Washington Democrats have passed a fiscal blueprint that raises taxes by almost $400 billion on millions of Americans in one fell swoop. As part of their ill-gotten budget, taxpayers in Tennessee will not be allowed to deduct their sales tax from their Federal income tax. Taxes on small businesses, as I said earlier, will go up. The child tax credit will decrease from $1,000 to $500. The marriage penalty is coming back.

Residents of the First Congressional District in Tennessee's average tax expense is going up over $2,000. The definition of a small business will decrease from $400,000 to $200,000. Dividends will no longer be taxed at the personal gains rate, thereby increasing the double taxation on dividends by as much as 62 percent.

People all across America voted for change, but they are not getting the change that they wanted in the last election. Over the last quarter there were a couple of bills we have talked about and passed on this floor without my vote, and one of them was the energy bill. The energy bill that we passed had plenty of taxes, very little energy.

The Democrat majority in the energy bill actually decided to tax American oil producers at the level of 16 billion extra dollars. American oil producers. If we take the ability for American oil producers to produce oil, it makes us more dependent on foreign oil, on countries that hate us and hate our freedoms. I think that is the wrong direction for America. I don't think that is the change that the American people voted for.

Then we had the SCHIP bill. It sounds good, giving poor children health care. We all certainly want to do that. I am for continuing the program at its current level. But at the level that passed on this floor, the Heritage Institute said it will take 22 million new smokers to pay for the bill. Now, is there anyone in America that wants to see 22 million new children have to take up the habit of smoking to pay for a health care bill?

In addition to that, they decided that wouldn't be enough to pay for it so they actually added a tax on your health insurance premiums. So if you buy your own health insurance, your taxes will go up.

We have a choice between a bigger economy or bigger government. The majority party has made a choice. They are for bigger government. Congress has an approval rating down now to 11 percent, and I can certainly understand why we have such a low rating. We need to hold the line on spending, reduce earmarks, pass a line-item veto and crack down on worthless pork-barrel projects and be good stewards of the taxpayer.

Remember, Ronald Reagan once said: "We don't have a trillion dollar debt because we haven't taxed enough. We have a trillion dollar debt because we spend too much." I think we need to start running Congress like the American family has to run their household budget.

Mr. McCARTHY of California. I want to thank the Congressman from Tennessee, Congressman DAVID DAVIS. I appreciate your talk directed to the people back home, telling them we should run Congress much like you run your house. It is not being done today.

As we heard earlier from the Congressman from Ohio about the spending, we heard from Congresswoman MICHELE BACHMANN from Minnesota, we have found that we are not talking about hope here, we are talking about the largest tax increase in American history, because that is what has gone on on this floor, and we want to make a real change about it.

I now have another freshman who is joining us. He comes from Colorado, Colorado Springs, the home of the Air Force Academy, Congressman DOUG LAMBORN.

Mr. LAMBORN. I thank the gentleman from California.

It's a pleasure to be here with my fellow Republican colleagues as we talk about fiscal responsibility. I rise today with new poll numbers in hand regarding the performance in Congress under the Democratic majority. According to a Reuter's/Zobgy poll released earlier today, a measly 11 percent of Americans approve of the job Congress is doing. The American public is disappointed with their government, and understandably so.

When the Democrats took charge in January, they promised to usher in an age of fiscal responsibility. Instead, they propose to hit 115 million American families with new tax increases totaling $392.5 billion. That is almost $400 billion.

In addition, the Democratic Congress has also fallen short on their promise to enact serious earmark reform. As a result, wasteful earmark spending continues to be a problem. This is evident by Democrat Congressman CHARLIE RANGEL's $2 million earmark to pay for a building to be named in his honor. You heard some about that earlier. Ninety-seven percent of Democrats, who only a year ago told the American people they would restore responsibility to government, voted in favor of this self-glorifying measure at the taxpayers' expense.

In a time, Mr. Speaker, when the Federal Government faces an $8.8 trillion national debt, this Congress must demonstrate to the American people that we can be fiscally disciplined and that we can spend their hard-earned tax dollars responsibly.

I am proud to say that Republicans have been leading the fight for this in the 110th Congress. Increasing the size of the budget and allowing earmarks to go unchecked will not reduce the deficit. I look forward to continuing my work on this effort with my Republican colleagues as we attempt to restore sanity upon the out-of-control spending practices of the Democratic majority.

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At this point, Mr. Speaker, I would yield back to the gentleman from California.

Mr. McCARTHY of California. I thank the gentleman from Colorado, and I appreciate his opportunity to come down and talk with us.

As I said earlier, as we talked about the accountability of what has gone on on this floor and we said, why has spending increased by 9.3 percent from last year? And we talked about the majority here and how they have had the "Monument to Me," where they put $2 million in to name a library after themselves.

When you talk about earmarks, when you talk about transparency, this is what we are talking about. We can find ways that we can eliminate waste, fraud and abuse. That is what the American people want to have happen here. I don't believe the taxpayers of America think Members of Congress deserve $2 million libraries with well-furnished offices and a library for your papers and memorabilia, that taxpayers should be spending their money on that. I think we should be spending their money in the classroom teaching our kids to read and write English. That is what we should be spending our money on.

But I will tell you, we have another Member, a brand new Member of the freshman class. Unfortunately, there was a death after the election by Congressman Charlie Norwood in Georgia, and that special election has taken place and we have a new Member to join with us tonight. He actually has some late-breaking news that he wants to share with us, so I would like to introduce and yield what time he desires to Congressman PAUL BROUN, representing Augusta and Athens.

Mr. BROUN of Georgia. I would like to thank Congressman McCARTHY for yielding me time to speak on the floor this afternoon.

This afternoon, it was reported that Iranian President Mahmoud Ahmadinejad sought permission from the City of New York and the United States Secret Service to visit Ground Zero, the site of the September 11 attacks. This is an outrage, that this person would request to go to the place that he and his terrorist brethren have caused such destruction in this country.

President Ahmadinejad is coming to the United Nations as the representative of a country, Iran, that the State Department has declared the "world's most active state sponsor of terrorism." His presence at Ground Zero would represent a slap in the face not only to those who were lost in the attacks on September 11, 2001, and to their families, but to all Americans.

Make no mistake about it, Iran is a rogue nation that views America and the Americans as their enemy. General Petraeus and Ambassador Crocker just spent a significant amount of their time recently here on the Hill detailing the Iranian efforts to come against our troops and kill our boys and ladies in Iraq. To allow Ahmadinejad to abuse his status as a diplomat to visit this site would send a signal that we fail to take the threat that he and his country bring to this Nation and to our people in a serious manner.

What kind of man is Ahmadinejad? Please let me read you some of the public policy positions as compiled by the Jerusalem Post.

He denies the Holocaust. "We ask the West to remove what they created 60 years ago; and if they do not listen to our recommendations, then the Palestinian nation and other nations will eventually do this for them."

"The real Holocaust is what is happening in Palestine, where the Zionists avail themselves of the fairy tale of Holocaust as blackmail and justification for killing children and women and making innocent people homeless."

"The West claims that more than 6 million Jews were killed in World War II, and to compensate for that they established and support Israel. If it is true that the Jews were killed in Europe, why should Israel be established in the East, in Palestine?"

"If you have burned the Jews, why don't you give a piece of Europe, the United States, Canada, or Alaska to Israel? My question is, if you have committed this huge crime, why should the innocent nation of Palestine pay for this crime?"

His quotes about threats against Israel: "Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury."

"Remove Israel before it is too late, and save yourself from the fury of regional nations."

"The skirmishes in the occupied land are part of a war of destiny. The outcome of hundreds of years of war will be defined in Palestinian land. As the Imam said, Israel must be wiped off the map."

"If the West does not support Israel, this regime will be toppled. As it has lost its raison d'etre, Israel will be annihilated."

"Israel is a tyrannical regime that will one day be destroyed."

"Israel is a rotten, dried tree that will be annihilated in one storm."

Late this afternoon, this very afternoon, the New York Police Department indicated that they would not issue a permit to Ahmadinejad. I hope they stand firm on this decision, and I applaud that decision. However, we should go one step further. This despotic, Holocaust denying madman should not be allowed in this country. I call upon the State Department and the President to do the right thing; refuse Ahmadinejad an entry visa.

Mr. McCARTHY of California. I thank the Congressman from Georgia bringing forward exactly what is going on right now in America.

I would like to, as we have a few moments left, turn back to Congressman PETER ROSKAM from Illinois and yield him the time that he desires.

Mr. ROSKAM. I thank the gentleman for yielding.

I think one of the things that is upon us is this time, Mr. Speaker, that we are in as a country right now and we are really in, essentially, a time of choosing. And there are great weighty issues that are before us as a Nation. There are great challenges that we face today, and yet this Congress is not taking up those challenges. Let me give you an example.

Today, we have the free market. That is something to be celebrated and something to be heralded and something to be defended, because the free market has brought about more prosperity for this country, for more people than the world has ever known. Yet, in many ways, the free market is under attack. And so this Congress, if it chose to, could stand up and defend the free market and celebrate the free market and say we are going to stand by the free market. But, no, actually there has been an attitude that has crept into this Congress that says, no, no, no, the free market is something that brings people down. The free market is something that is to bring suspicion on people and ought not to be celebrated.

Or, that other thing that we are dealing with, and that is that notion of energy independence. This Congress, if it chose to, could come together in a bipartisan way and create the environment where we strive towards energy independence, where we are not dependent on a complicated and difficult part of the world, Mr. Speaker, and that is the Middle East; where we are not dependent on them for our economic vitality and, ironically, for our national security; where we are not funding in many ways indirectly the very people that do us harm. This is the time of choosing.

I think that the reason that we are seeing that this leadership is at an 11 percent figure, and that is almost hard to do if you think about it, to have almost 9 out of 10 people disapproving of you, is because they have squandered this opportunity to deal seriously with these issues.

Mr. McCARTHY of California. I thank the Congressman from Illinois, Mr. PETER ROSKAM, and all those who have joined with us tonight.

Mr. BILIRAKIS. Mr. Speaker, before I begin, some of you may have noticed that I have a different haircut. This past August, I kept a promise to my local American Cancer Society chapter that I would shave my head if they met their fundraising goal.

My promise was grounded in an effort to bring greater awareness to the American Cancer Society's work on finding a cure for a disease that some estimates show will claim more than 559,000 lives in 2007.

The statistics on cancer are mind numbing. Cancer strikes one out of two men and one out of three women, killing 1,500 people every day.

Having been at the front lines of cancer research and services for more than half a century, the American Cancer Society remains a pillar of hope for millions of Americans facing this dreadful disease.

I encourage my colleagues to get out there and support the work of organizations like the American Cancer Society. The war against cancer is a war we must, and can win—but only together.

Well, it has been more than 9 months since the 110th Congress convened under the leadership of Democrats who promised the American people many things, but have since failed to deliver on many of their commitments. This is most evident in recent approval ratings of this Democrat-run Congress, which have reached historic lows.

These numbers say everything about the failed promises of this majority. During the 2006 campaign, the Democrats pledged to rein in spending, yet their budget proposal contains more than $217 billion in tax increases, representing the second largest tax increase in American history, and proposes spending $23 billion above the amount proposed in the President's budget blueprint.

This is not the kind of reform promised by the new Democrat majority; rather, it is very reminiscent of the old Democrat majority that took more money out of the American taxpayers' wallets, while creating new wasteful spending and sprawling government programs.

Now, if the numbers are too much to bear, perhaps we can look at a particular issue of great concern to my constituents, my fellow Floridians, and residents of disaster-prone regions throughout the United States. That is the outrageous cost of homeowners' insurance.

Our national economy, and the quality of life for many Americans is severely burdened by the fact that disaster-prone areas, like Florida, continue to suffer from an insurance market that has overblown its rates and refused to take the necessary risk to ensure that every homeowner has access to affordable, quality homeowners' insurance.

Earlier this week, my Democrat colleagues took to the House floor to proclaim their outrage over the troubles homeowners are currently facing throughout the United States as a result of the tanking subprime mortgage market.

I want you to know that the concern of this body should focus on these same homeowners, in addition to the millions of homeowners who can pay their mortgage, yet are not adequately insured. This disparity is a tragedy of equal or greater measure.

You see, faced with increasingly expensive and limited insurance options, Florida embodies the kinds of problems plaguing homeowners in high-risk areas across the country.

Owning a home is fundamental to the "American Dream." It should not be an insurmountable burden. Sadly though, such a possibility is slowly eroding under unbelievably high homeowners' insurance.

As we speak this week about improving the opportunities for existing and future homeowners, we must not forget the next catastrophe is just around the corner for millions of American homeowners. This catastrophe is not limited to the prospect of home foreclosures, but also hurricanes, flooding and other disasters both man-made and natural.

If the American homeowner cannot adequately protect themselves from these dangers, then they are just as vulnerable to losing their homes as those who are facing the subprime credit debacle.

I recently introduced legislation that would allow Gulf Coast States to pool their resources and jointly coordinate responses and preparation for major disasters. The Gulf Coast All-Hazard Readiness Act would allow the Gulf Coast States to form an interstate compact to mitigate, respond to and recover from major natural disasters.

Additionally, I have cosigned important legislation that would remedy the skyrocketing cost of homeowners' insurance in disaster-prone regions of the country. These bills, H.R. 91 and H.R. 330, will go a long way to addressing a problem that is only getting worse.

I implore this body to act, and for this Democrat-led majority to make good on their promise to protect American families. They can start by allowing a vote on legislation that will help families adequately protect their homes from future and almost certain disasters.

GENERAL LEAVE

Mr. McCARTHY of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials therein.

The SPEAKER pro tempore (Mr. WALZ of Minnesota). Is there objection to the request of the gentleman from California?

There was no objection

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2881, FAA REAUTHORIZATION ACT OF 2007

Ms. SUTTON (during the Special Order of Mr. McCARTHY of California), from the Committee on Rules, submitted a privileged report (Rept. No. 110–335) on the resolution (H. Res. 664) providing for consideration of the bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, which was referred to the House Calendar and ordered to be printed

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, it is a privilege to be recognized to speak here on the floor of the United States Congress and have the opportunity to address you—while I understand that there are—many of our Members overhear this conversation that we are having and so do the American people. That is the important part about this; it is the people's House and the people need to be heard.

And I would take us back to, Mr. Speaker, the people were heard. They were heard on the immigration issue. They were heard on that issue twice in this year, in this legislative year, Mr. Speaker. And that is, even though we had a great number of immigration hearings before the Immigration Subcommittee here in the House of Representatives, and where I am ranking member on the Immigration Subcommittee we listened to dozens and dozens of witnesses that testified across the breadth of this issue of immigration that has been on the front of the minds of the American people. It has been in the front of our minds for the last about 2 years, and it becomes part of debate in every conversation that has to do with American policy.

Certainly, being a Member of Congress from the State of Iowa where we are the first in the Nation caucus, we have a number of presidential candidates, both Democrats and Republicans, that are in that State much of the time. It is a rare night that the shades aren't closed and there isn't at least one presidential candidate that is spending the night in Iowa after having spent the day and will spend the next day there. In fact, just at the Iowa State game last Saturday, I ran into two presidential candidates just random, not planned, just by the fact of the circumstances. They hear about the immigration issue on a daily basis, wherever they might go across the State of Iowa, New Hampshire, South Carolina, and beyond. The Presidential candidates are getting an earful from the American people. And the reason is, the American people understand that they are going to have to defend this central pillar of American exceptionalism called the rule of law. They rose up to defend it when, I call it, the comprehensive amnesty bill was brought before the Senate this year. We didn't bring a large bill before the House. I don't know if we are actually going to bring one. But twice it was brought before the Senate, and each time the American people rose up and they sent e-mails and they sent faxes and they made phone calls and they stopped in and visited their Senators in their district offices back in their States and also came out here to Washington to go into the Senate offices on the other side of the Capitol dome.

The presence of the American people, the intensity of the message that they delivered to our Senators said, we don't want amnesty. And however you define amnesty, the American people know what it is. And so what I have done is, Mr. Speaker, is I have brought the definition of "amnesty" to the floor of the House of Representatives so we can be talking about the same thing, because what I hear from the American people is the same thing that I believe, and I believe this:

The rule of law is sacrosanct and must be protected. We can't suspend the rule of law because it creates an inconvenience for an individual or a family or a class of people.

It is kind of like the Constitution itself in a way. The Constitution defines and protects our rights, and it is a unique document and it is the oldest document of its kind in the world. The oldest continuously functioning, surviving, effective Constitution in the world is ours, ratified in 1789. And that Constitution sets out parameters, guarantees individual rights, establishes the rule of law, determines where those laws are actually passed, here in this Congress or those responsibilities that are left to the States or to the people

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And yet when we disagree with the results of a constitutional decision, if the American people decide that we like our Constitution, we revere our Constitution and the parameters that are established in this Constitution, Mr. Speaker, if we want to change it, there are provisions in this Constitution to amend it.

We respect this Constitution as being sacrosanct; that it means what it says, and it means what the text of the Constitution said as understood at the time of ratification. And when we amend this Constitution, it's a pretty high bar, but the provision is in here because we are going to hold that standard and adhere to the language that's here because we understand that that's what holds this civilization and this society together. And if we want to amend it, then we go through the process of amending, and it has been done a number of times. It's a high bar.

But that standard of respect for that profound rule of the Constitution is the same standard that we need to have with respect for the profound viability of the rule of law. When we ignore laws, they're undermined. If we ignored the Constitution, if we simply decided I don't like the results of the language that's here, I'm going to disregard this Constitution and cast it asunder and operate in a fashion that we see fit, if we do that, the Constitution is systemically destroyed. It would be destroyed by our failure to respect it. It would be destroyed by a Supreme Court that didn't respect the text of the Constitution. It actually has been undermined, in my opinion, by a number of the decisions of the Supreme Court when they didn't respect the text of the Constitution, its original intent and its original understanding.

And if the administration, the Department of Justice, if the people in this Congress, if the people in America don't have respect for the rule of law in the same fashion we must have respect for the Constitution itself, then the disrespect for the rule of law, the ignoring of the law, the failure to enforce the law, the turning a blind eye, the whisper, that's okay, the people that break the law because it's inconvenient to them, all of you, Mr. Speaker, all Americans who ignore the rule of law undermine it, erode it and erode that central pillar of American exceptionalism, the rule of law.

Think of this as a huge pillar that's been established by our founders. Think of building a large office building or a shining city on a hill or a castle. What would you put it on? You'd put it on a foundation. You would drill down to bedrock and you would build your foundation for a shining city on the hill or a castle or a large office building. You would build that foundation down to bedrock. And if you had to hold it together with a central pillar, build it all on the strength of one pillar, it would be a large pillar drilled to bedrock, and that pillar would be the rule of law.

There are other pillars, too, that you'd use to hold up the corners. Our Christian faith, the Judeo-Christian values, our family values, marriage, free enterprise, free enterprise capitalism, property rights, those things all are corner pillars that hold up the outside.

But the central pillar is the rule of law. And the things that we do in this country that disrespect that central pillar of American exceptionalism, the rule of law, erode it like it would erode a concrete or a marble pillar of a bridge, for example.

And all of us that might chip away by disregarding the law, by disrespecting the law, by failing to enforce the law, by turning a blind eye, by allowing entire classes of people to ignore and defy the law, those things become a corrosive agent that erodes that central pillar of American exceptionalism, that rule of law.

That's why it's so important that we adhere to the law. And if we don't like the law, then we need to come, Mr. Speaker, to the floor of this House of Representatives, offer legislation, offer amendments to the legislation, perfect that legislation in a full debate process here, and amend the law. Not ignore it.

And now I'm hearing from the administration that to not pass comprehensive immigration reform, which I refer to as a comprehensive amnesty plan, brings about de facto amnesty, in fact, amnesty, amnesty in reality. That's the language that's coming out of our administration and has been for the last couple of months since the people last rose up and drove another stake in the heart of the comprehensive amnesty plan.

Well, to not pass comprehensive immigration reform does not mean that there has to be a de facto amnesty. First we need to define what amnesty is. I have put this poster out here and this poster defines amnesty.

We've had many debates with the American people on what amnesty actually is. Presidential candidate after presidential candidate, politician after politician, Senator after Senator, Congressman after Congressman will tell you, I'm opposed to amnesty. And they will say that because they know the American people are opposed to amnesty. And in some of their cases they have a strong conviction that they're opposed to amnesty, Mr. Speaker. But that's not in all cases.

But in most cases they want to avoid the criticism of being a proponent for amnesty. And so to do that they say, I'm opposed to amnesty. The thing that they don't do is define amnesty. If you can't get them to define amnesty, then you have a pretty good suspicion that maybe they're not really against amnesty in all of its shapes and forms.

And so I've put up here the definition, after a careful study, of amnesty itself. Amnesty, to grant amnesty, Mr. Speaker, is to pardon immigration lawbreakers and reward them with the objective of their crime.

Now, a pardon for immigration lawbreakers, and generally an amnesty is a pardon to a class of people, a group of people. Whereas the President might pardon an individual, he has powers to do that, and that happens. Often it happened at the end of Bill Clinton's second term when he pardoned a large number of people for a variety of reasons.

Well, this is a pardon for a class of people. To define that pardon a little bit, class of people, would be the immigration law-breakers. All those people that came to the United States, both illegally, and those who came here legally and overstayed their visas, found themselves unlawfully present in the United States, or misrepresented their status here in the United States, maybe as a lawful immigrant without the right to work in the United States but misrepresented themselves in order to work and earn money. For whatever reason, they have broken immigration law. If they allowed their visa to expire and stayed in the United States, they've broken immigration law. If they came into the United States illegally, if they came here with contraband, if they came here and misrepresented themselves, if they worked when they didn't have a permit to work, if they came on a student visa and took a job, if they came on a visitor's visa and took a job, they've broken immigration law. To give them amnesty is to pardon them, those people who broke our immigration law. And that's really enough for that amnesty definition, but I thought I'd be a little more generous because this defines then what the Senate tried to do, what the majority in this House of Representatives seems to be seeking to do, and that is, not only grant them a pardon, not only grant them amnesty, the people that have broken our immigration laws, but also reward them with the objective of their crime or crimes. Pardon immigration lawbreakers, reward them with the objective of their crimes.

Now, I define that that way because some will say, well, reward them with a job. Some came here for a job. All did not. And, in fact, of the 12 million that the government admits are here, about 7 million of them are working. About 5 million of them are not. So it's clear that 42 percent of them who come here, even for a job, are not working. And some are keeping house, some are not in the work force in one fashion or another.

But I want to point out, Mr. Speaker, that we don't get one worker per illegal immigrant, one who comes across that border just for a job. Seven out of 12 are working. Five out of 12 are not. Fifty-eight percent are working, 42 percent are not. That's how it breaks down out of those that come into the United States.

What was their objective? Some was to get a better job, coming here for a better life. Some came in here with illegal drugs on them with the willful intent to smuggle those drugs into the United States, take them to the next level of the distribution chain, sell them, pocket the money. Some came in here illegally, dropped off their contraband and went back to get another load. And that goes on and on and on. Every single day, Mr. Speaker, there are people coming into the United States illegally carrying illegal drugs to the tune of $65 billion a year in illegal drugs coming across our southern border. That's 90 percent of the illegal drugs, $65 billion worth. And I'll perhaps come back to that.

But I wanted to drive this point in, Mr. Speaker. What is amnesty? And when a presidential candidate takes a position and says, I'm opposed to amnesty, I believe, Mr. Speaker, that the public should ask them, do you agree with STEVE KING's definition of amnesty? If not, what is your definition of amnesty? Do you agree that amnesty is to pardon immigration law-breakers and reward them with the objective of their crime? Or do you have another definition that allows you to grant amnesty and say that it's not amnesty? For example, if you require them to leave the United States and go, touch back to their home country, or go to their embassy and sign up and then go into the work force, wouldn't you consider that to be amnesty? Do you think that you're waived from the responsibility of declaring it amnesty if you ask someone to pay a fine?

That's the Flake/Gutierrez bill, the bill that we held a hearing on. It will be 2 weeks ago tomorrow, Mr. Speaker, a large hearing on the largest amnesty bill that this Congress has seriously considered. We had witness after witness come forward, and they wanted to testify that this wasn't amnesty in that bill. It wasn't amnesty because it was going to require them to pay a fine. And I think in that bill it's a $2,500 fine.

Well, the going rate for a coyote to bring someone into the United States, and the report that comes back to me is, I'm sure it works cheaper but someplace in that $1,500 to $2,500 category is in the main of the going rate to be illegally brought into the United States and pay a coyote to do so. So the fine they'd ask to pay is equivalent to the freight that you would pay a coyote to bring you in illegally. That's what they would sell citizenship for, a path to citizenship. Not guaranteed. I'll concede that point to the other side. But it's not guaranteed because if you commit a crime, if you get in trouble with the law, if you're not on good behavior, if you don't at least sit through some English classes, then they don't want to give you citizenship.

But those provisions that are written in there are not provisions that are a higher standard that we'd ask of someone who came into the United States legally, someone who came here with a visa, someone who acquired a legal green card, someone who, in that 5-year program, could find themselves taking the oath of citizenship.

Another one of the allegations that's made is, well, if you're against this comprehensive immigration reform, they don't dare call it amnesty, and they wouldn't call someone who is here illegally a criminal, or they would not call them an illegal immigrant or an illegal alien. All of those terms, however accurate they are, are anathema to the people who want to pass their comprehensive immigration reform, which is comprehensive amnesty.

No, Mr. Speaker, they won't use those terms. They say undocumented immigrant who simply is here looking for a better life. True for some of them, Mr. Speaker, but certainly not true for all of them.

So we face the systemic devolution of the rule of law here in the United States, the rule of law that's founded upon this Constitution, that's written in the U.S. Code, and something that is established there as a majority of the House of Representatives and a majority of the Senate, and then signed by the President of the United States, and then the American people shut down the switchboards in the United States Senate because they oppose amnesty.

The American people, Mr. Speaker, are with me on this definition of amnesty, to pardon immigration lawbreakers and reward them with the objective of their crime.

And so today, we're involved in a political dynamic, and the political dynamic is this, that the people over on the majority side of the aisle, for the most part, see a political leverage gain if they can grant amnesty to the 12 to 20 or more million people that are in these United States illegally.

The people on the other side of the aisle, some of them, see an economic advantage and maybe a political advantage working with those who have gained an economic advantage by hiring the cheap labor. And so they say, this economy will collapse if we don't have the cheap labor that comes from, they will say, immigration, immigration, immigration.

When I ask them to define the difference between legal and illegal immigration they have a little trouble there, too, Mr. Speaker, because they have constantly, for the last 2 to 3 and more years, sought to blur the distinctions between legal and illegal.

And they will say that those of us that want to secure our borders and reestablish the rule of law and end automatic citizenship for babies that happen to be born to illegal mothers on U.S. soil, they will accuse us of all being against legal immigration.

□ 1845

But truthfully, those who undermine the rule of law, those who are for the open borders have brought about this debate that has tried to blur the two together, and because they are blurred together, we can't get at the real subject matter of how to establish a good, sound legal immigration policy because of 12 to 20 million illegals in the country. It's kind of like when you apply for a college education and there are only so many desks available in the classrooms, only so many slots available. Let's just say 20 million slots for immigration are filled up by people that broke American law to get here. That's 20 million slots that we can't give out of this Congress to somebody that respects our law. And that is not just a policy of American immigration that should be set by Congress, and the Constitution defines immigration as a responsibility for Congress to set. It's not just that. And it's not just that the people of America are denied the opportunity to establish immigration policy, because they are. But it's that 12 to 20 million or more people who have elected to break American laws are now sitting in those desks, taking up those slots, filling up the available space that we might have to bring a legal immigration policy.

So this immigration policy is out of our control. It is out of control here on the floor of the United States Congress, Mr. Speaker. It is out of control in the United States Senate. It's not within the control of the President of the United States or administration. It's out of our control. It's out of the control, out of the hands of the people of America. They shut down amnesty in the Senate by shutting down the phones, but another reason it is out of control is because people from other countries have broken our laws and have come here and every one that did so took away a piece of our ability to set our own policy here on the floor of the United States Congress.

So I will submit, Mr. Speaker, that the people I know, the people that align themselves with me, those who will stand up and speak for border enforcement and the rule of law and shutting off illegal immigration coming into this country, are not opposed to immigration. I don't know anyone that is opposed to legal immigration, smart immigration, and one day I will put this up on a poster too, Mr. Speaker, but an immigration policy that is designed to enhance the economic, the social, and the cultural well-being of the United States of America. That's the policy that we have a responsibility to deliver to the American people. And we do not have a policy to a foreign country that reflects a responsibility to them to relieve the poverty, the pain, the suffering that goes on in other countries in the world. We can reach out with some of our compassion, but we simply do not have an obligation to absorb the poverty in the world. In fact, we don't have the ability to do that.

What we do know is that this lifeboat, America, this wonderful Nation that God has gifted us with the responsibility to do the best we can within the parameters of the Declaration, the Constitution, the rule of law and those pillars that I mentioned, all of those things, we have a responsibility to preserve and protect this American way of life.

Think of America as a huge lifeboat. This lifeboat has got to have a captain. It has got to have a course chartered. It has to be steered. There have to be people pulling on the oars. And there have to be people that are unfurling the sails and swabbing the decks and down in the engine room and making this entire lifeboat of ours function and function properly. And if we go sailing off on a zig-zag course or drift with the winds up onto the shoals, eventually we will have so many passengers aboard this lifeboat that we will sink the lifeboat. At some point we can't function. The engine room doesn't work. We can't chart our course any longer because the load of humanity has gotten so great, and the process of training them and bringing them on board with our crew has gotten so far behind that we can't get it up to speed.

How many can we bring into America and still function? How many can we bring into America and maintain this overall greater American culture that we are?

The thing that binds us all together, this common sense of history, common sense of struggle, common sense of destiny, a common language. The language that binds us all together that happens to be the most powerful unifying force known throughout history, throughout all mankind, is a common language. We start breaking that apart, and we find out that there are something like 37.5 million immigrants here in the United States, the largest number ever to be here, and in the highest percentages they speak foreign languages in their households. The American culture is being undermined and diminished, Mr. Speaker, by the illegal immigration that comes in.

And the legal immigration that we have, it's our job to set the valve down on that to allow an appropriate amount of legal immigration so that those that arrive here can do a number of things. The most important is that they assimilate into this civilization, into this American culture. That means they have to adapt to this broader American culture. It doesn't mean that you have to give up all of the culture of the foreign country. Those things that come from those countries that we adapt into this society, we would want to pick and choose the ones that are good. All things that come from other cultures are not good. There is a reason why people leave the countries that they leave. There is a reason why they come here.

I would like to say, Mr. Speaker, that this America is not just a giant ATM. It's not just some big machine that anyone can sneak across the border and punch that ATM and get some cash to come spitting out of it. This country is more than a cash transaction. This country is more than cheap labor for big business. This country is more than opening up our borders so that you can gain a political margin that's here and advance this cause of socialism on the left side and advance the cause of capitalism on the right side.

If you give either side the destination of their argument, if you give unlimited political power to those folks on the liberal side of the aisle, Mr. Speaker, and if you give unlimited economic advantage to the employers of cheap labor on not just the right side of the aisle, but I am finding out more and more on both sides of the aisle even more equally, turn those two forces loose with this policy on immigration, then big business will say "I want more cheap labor" and big politics will say "I want more political power."

So they bring in 2 million, 5 million, 10 million, 20 million more and pour those into the equation, and business comes out with their cheap labor and left-wing politics comes out with their political power. But what happens to the middle, Mr. Speaker? What happens to the American people? What happens to blue-collar America? What happens to the union worker who has trained, has skills, and has organized his ability to be able to collectively bargain and sell his skills as a unit with his other union members? How difficult is it to sell your skills as a unit and collectively bargain when you're watching 11,000 people a night pour across our southern border that come in that are low skilled or unskilled? How difficult is it to market yourself as a labor unit, a blue-collar labor unit, into an economy that is bringing more people in that will work cheaper than you want to work? How difficult is it to strike a labor agreement in a factory when there are tens of thousands, in fact, maybe even tens of millions of people outside that factory that will take those jobs at a cut rate from what you are getting today? How do you negotiate for a raise if there are thousands of people sitting outside the gates of your plant and those thousands of people are saying, I know, you're making $22 an hour and you're having trouble making ends meet with taxes as high as they are and having to make your copayment on your health insurance and on your retirement plan?

I know that $22 an hour squeezes you down a little tight and you would like to get a raise, maybe 5 percent, 6 percent raise. You are willing to turn up a little more production, add a little more professionalism, to be able to work better with management to produce a product that is going to be more competitive. That is how things work between management and labor when it's working right. But what kind of leverage do you think you have, blue-collar America, when there are tens of thousands of people outside the gates of the factory that say, $22 an hour? I will work for $10 an hour. I will work for $9. I will work for $8. And if you give them their $10-an-hour job, they will go to work for that, of course, and they won't press for a raise. And if you bring in another 1 or 2 or 5 or 10 million people, that $10-an-hour job is being pressured by the people who want to work for $5 or $6 an hour.

You have to understand that labor is a commodity. It is a commodity like corn or beans or gold or oil. The value of labor is determined by supply and demand in the marketplace. Labor is a commodity. That's why labor unions throughout history have always wanted to see a tight labor market so that they can negotiate for a good return on the labor. And business can operate in that kind of environment, too, because they want a high level of professionalism. They want job safety. They want skilled employees, people that are proud of what they do, people that can come in as a unit. And that is the bargaining power that is there.

Now, I want to emphasize also that I support merit shop employees. You don't have to be organized to market your skills. If you have a skill and you bring that flexibility to the job and the employer looks at that and determines, here is someone that doesn't come out of a labor shop or a labor union but I can use him in four, five, or six different areas here and he is flexible enough that he can jump from machine to machine for me on the factory floor or out on the construction job. Someone that you want to make sure that you can provide health insurance for them as an employer and retirement benefits for them and vacation benefits for them. Those things all come because labor has value, and it is the hardest commodity to deal with if you're in business. The rest becomes fairly predictable, and that is what business wants also is predictability. But labor today, the blue-collar labor today, organized labor today, confounds my sense of rationale. And I would think that if you are a rank-and-file labor member that your rationale would be confounded too, because the people who do the negotiations for the unions in America should be pressing for a tight labor market and a higher wage and a higher benefit and better retirement plan and vacation time. That has got to be the push. And the trade-off is more skills, more training, more efficiency, more professionalism, let me say the symbiotic relationship between labor and management.

But what is happening is the leaderships within the union are going the other way. I think the union bosses have written off the rank-and-file union members. I think they have forgotten about the tight labor supply. I think they have decided that they will not have the political power here in America if they stake their future on smaller numbers of workers. So they must have made one of those calculuses back in the smoke-filled room that decided, let's just write off this group of people and let's bring in as many as we can. Let's go for an open borders policy. Let's adopt the people that are today illegal into our side of this argument, and if we can get them legalized, we can get them to vote and we will get political power, and eventually we will get what we want with higher wages and better benefits for our workers, which, by the way, translates into more power, more cash for union bosses.

Mr. Speaker, if we have blue-collar rank-and-file people out there, I do believe that they ought to take a very good look at the rationale behind the leadership within the unions that are filing a lawsuit against the Department of Homeland Security, because they are enforcing current immigration law, and they would go to court to get an injunction to stop just sending the no-match Social Security letters and asking them to take action to clean up the no-match Social Security numbers in America, whether or not there is a legal argument. And, Mr. Speaker, I don't believe there is a legal argument. I believe from the legal perspective it is a specious argument, but in any case, it is not a moral position that they have taken. It is not a moral position to say you shall not enforce the law and I'm going to go to the court with my ACLU and AFL–CIO lawyers and we're going to ball up this system and prove to you that we can shut down government enforcement of the laws. That, Mr. Speaker, is an active and willful assault on the central pillar of American exceptionalism called the rule of law.

□ 1900

That's taking a concrete stone and a concrete saw and cutting notches into that pillar of American exceptionalism, the rule of law, which eventually will topple the rule of law. Where do you get a job then, Mr. Speaker? Where does business do their business then? What is the future for the rest of the world if the American civilization capitulates to those kind of assaults? These are some of the things that are on my mind, Mr. Speaker, as I read the news and watch the things that are happening and engage in the debate in the Judiciary Committee, where we've had some hearings now on the massive amnesty plan called Flake-Gutierrez.

When I hear the constant statements being made that the U.S. economy would collapse if we didn't have the people that are doing the work in this country that are defined by them as "undocumented," and those that I will call illegals, to address that subject matter, Mr. Speaker, first the American people need to understand that we are not hostage to any threat of running out of cheap labor in America. As I've read through history, I've yet to identify a single sovereign state throughout history that ever failed because of too low a supply, not enough cheap labor.

But in America today, you will see that the unemployment rates are the highest in the skills that are the lowest. That tells you that those jobs are being taken by people who have come across the border illegally or overstayed their visa, illegal aliens taking low-skilled jobs, many of them are illiterate in their own language and uneducated in their own language, and so they will take the lowest of skilled jobs because, whatever it is, it's better than where they came from. And unskilled Americans are missing out.

Now, we have something like a 13 percent high school dropout rate that would reflect my area, the region of the country that I'm in. The numbers go higher in different parts of the country. The numbers go up to 30 percent and more in inner cities. What's there for opportunities, Mr. Speaker, for those low-skilled Americans, American born or naturalized American citizens who are low skilled? What is there for them when the highest unemployment are in the lowest skilled jobs?

And so the question is, can we accept at face value the statement that an American economy can't function without the illegal labor that's here, without undocumented workers, to use their vernacular, Mr. Speaker? And I will argue that the American economy would function better if it had 100 percent legal workers that are here. Some immigrants, many naturalized, many naturally born American citizens, all of that put together, legal people in America working, are going to make this economy function better than opening up our borders for tens of millions of people who come in here without skills, without language, without the first indicators that they will be able to assimilate.

Here are some of the statistics that tell us why: We have 300 million people in America. That's a lot more than I thought we would have at this stage in my life. The administration won't answer the question of how many are too many; what do you think the population of America should be by the year 2050, or 2100 for that matter?

Three hundred million people in America, about 142 million people that are in the workforce. Now, if you look at that and you realize that those that are working in America, that are working unlawfully here, are about 6.9 million and, in fact, the testimony on the Flake-Gutierrez bill of the Judiciary Committee a couple of weeks ago, they said 7 million. So we're in there real close. We don't disagree. But let's just say my number, 6.9 million, I think they rounded their number up, 6.9 million working illegals in America. Well, that's a lot of folks. That's twice the population of the State of Iowa, for example. But as a percentage of the workforce, it amounts to about 4.7 percent of the overall workforce. And so 6.9 million people working, and that's out of their number of about 12 million altogether, and you can extrapolate that up to the 20 million or more that I think it is, but 6.9 million people working representing 4.7 percent of the workforce. But here's the catch, Mr. Speaker. They're doing 2.2 percent of the work. And they're working awfully hard to do that. I don't diminish the effort and the work ethic that's there. But we measure our gross domestic product by the overall production of the individuals that we have. Highly skilled, highly trained professional individuals command a high price, Mr. Speaker. The reason they do is because they're worth a lot, and they're worth a lot more. I have to pay a lawyer more than I get paid most of the time. We pay doctors more than we pay carpenters. We pay carpenters sometimes more than we pay taxi drivers. The list goes on because the value of the skills are also established in this society by supply and demand in the marketplace. That's the spectrum of the commodity that I defined as labor a little bit earlier, Mr. Speaker.

So 6.9 million illegals working out of the workforce here of 142 million, representing 4.7 percent of the workforce, producing 2.2 percent of the gross domestic product. Now, we're not going to pull the plug on that overnight. That's another one of those red herrings that get drug across the path of this debate. I don't know anyone who says we're going to go out here and in a single day round up 12 or 20 million people and put them on some transportation units and take them back where they came from. In fact, the Representative from Minnesota (Mr. ELLISON) in the Judiciary Committee asked this question of a witness, how many trains and boats and planes would it take to send them all back? I quite enjoyed the answer of the witness who said, Well, they got here somehow. They can get back somehow. They can take their own transportation and go back for the most part.

It's not the question of whether we're going to round everybody up and deport them. No one that is debating this policy is advocating that we actually do that. But let me just say, suppose, Mr. Speaker, suppose a magic wand were waved and the fairy dust came and sprinkled across all 50 States in America, and the sun went down, and tomorrow morning when it came up everyone who was here in this country illegally woke up in their home country magically, without angst, without trauma. Just suppose hypothetically everyone woke up tomorrow morning in a country that they were lawfully present, where they could lawfully work and lawfully contribute to the society and reform the countries that need it, we would be out, well, the 12 to 20 million people that are here today. The workforce, though, the point that is being argued, there would be 6.9 million jobs out there tomorrow morning at 8 o'clock, if everybody is going to clock in at the same time, 6.9 million jobs. Let's just say all those people worked on the same shift, 8 to 5, with an hour off for lunch, and they're all gone, and they represented 2.2 percent of your production and you had a factory that had a delivery deadline that said you're going to have to get your quota out that door and loaded on trucks and gone, and that day between 8 and 5, you've got to produce your daily quota. You get the notice at 7:30 in the morning that the fairy dust has been sprinkled and you're going to be missing 2.2 percent of your production that day. Well, as a CEO, that isn't a very tough question. If we're all a factory here, if I were the CEO, I would put out a memo, and it would take me about 5 minutes to figure out what to do, and that would be a memo that went out to everyone. When they punched in that day, there would be a little notice above the time clock: Punch in, you're coming to work at 8 o'clock, and your 15-minute coffee break, I'm sorry for this inconvenience, has to be ratcheted back to 9½ minutes this morning. It's got to be ratcheted back to 9½ minutes this afternoon because we've got 11 minutes of our 8-hour day here that will be lost in our production because 2.2 percent of the production didn't show up for work today. That's the magnitude on the American economy that we're dependent upon right now. The magnitude of 11 minutes out of an 8-hour day is the production that's being done by illegal work in America. Now, would anybody actually argue that we couldn't get by with 7 hours and 49 minutes of production instead of a full 8 hours of production?

There are a lot of other ways to solve the problem or skin the cat. You can shorten the lunch hour by 11 minutes. You could work 11 minutes past 5 o'clock. You could do any combination of those things. You could skip a coffee break and actually pick up production that day. It's not the equivalent even of one single coffee break on an 8-hour day if we did all of the American GDP in one-third of our 24 hours. But, of course, we know it's spread across all 24 hours and 24/7. That's the reality of it.

So 6.9 million people out of a workforce of 142 million, representing 4.7 percent of the workforce, doing 2.2 percent of work, representing 11 minutes out of an 8-hour day, and you could divide that by three if you wanted to spread it around. So it would be 3⅔ minutes, 3 minutes and 40 seconds out of each 8-hour shift, if you wanted to take it down that way, Mr. Speaker. Hardly something that this country can't adjust to or couldn't deal with, even if it were abrupt, let alone something that will only be incremental in its scope.

This is a red herring that has been drug across the path by the people on the other side. They have their reasons and their motivations, but a rational approach to an economic situation in America isn't something that they bring to the table, Mr. Speaker.

As a matter of fairness, I would also make the point that there are significant industries in this country that have become ever more dependent on illegal labor. That exists in the packing plant industry. It exists in the agriculture industry. It exists where there is a requirement for very low skills or trainable skills, and people that aren't required to have language skills often fit into that category as well.

But the lower skilled environments that have become more dependent upon illegal labor have done so incrementally. It's been an evolutionary process. In speaking, Mr. Speaker, to the organized blue collar workers in America, in some cases management has come in and broken the union and replaced the union with illegal labor, or let's say a mix of illegal labor. And as this flow began, the recruitment in foreign countries also opened up. While that was going on, the Federal Government was turning a blind eye to enforcement of immigration. And the people living in the communities didn't actually see it in its broader magnitude. And the resentment came a little bit at a time and the realization came a little bit at a time.

I have spoken at significant length here, Mr. Speaker, about the responsibility of what happens when foreign countries set our immigration policy, when illegal immigrants from foreign countries come in here and take a slot that a legal immigrant could have, that takes away our ability to set an immigration policy.

But the largest responsibility has been and the first blame has been on the administration's lack of enforcement. This takes us back to 1986, to that amnesty bill that at least President Reagan had enough frank intuition to declare it an amnesty bill. The distinctions between the 1986 bill and the legislation that's before this Congress today and the Senate this week are really not significant in their scope. Amnesty in '86 is amnesty today.

But when the '86 bill was passed, it was billed as an amnesty to end all amnesties, Mr. Speaker. And I, sitting out there in the countryside, running a construction company, struggling through the farm crisis, absorbed the statements that were made here on the floor of Congress by the leadership here in Congress, by the President of the United States when the '86 amnesty bill was passed. I knew that I had to collect I–9s from job applicants, and I had to take a good look at their driver's license and their other documentation and make sure that it was a credible representation of who they were. I did so diligently. Those I–9s are still in my files and they're covered with dust. Nobody ever came and checked on that. They probably didn't need to check a little construction company, but they needed to check some large companies. They needed to have a presence out there that they were enforcing immigration law. And from 1986, the great threat that the Federal Government would be out there aggressively enforcing that new immigration law that was an amnesty to end all amnesties was a huge threat, a cloud that hung over all of us. We wanted to make sure that we dotted the I's and crossed the T's. And we lived in fear that the Federal government would shut us down, fine us or imprison us for not following Federal law. That was 1986.

But every month that went by, the threat diminished because the enforcement didn't materialize to the extent that we anticipated at least. And every year that went by, the enforcement got less. And as we went through the Reagan years, it diminished. And as we went through the first Bush presidency, it diminished. And as it went through the Clinton presidency, I was full of frustration because I was honoring immigration law, and I was competing against my competitors who sometimes did not honor immigration law. And I had two choices: I could adhere to the law and hope for enforcement when that competition had cheaper labor because they violated the law. I could do that, or I could throw up my hands and say, Well, if he can do it, I can do it. Well, I was raised in a family that revered that central pillar of American exceptionalism, the rule of law, and respected it. I still revere it and respect it, even more so today, Mr. Speaker. So that option of "if you can't lick 'em, join them" wasn't an option for me because the rule of law and respect for it prevented me from going down that path.

☐ 1915

Today, we have watched the enforcement decline incrementally. I went through the Reagan administration from 1986 until the completion of Ronald Reagan's term. George Bush, the first President Bush, his lack of enforcement diminished it. The Reagan years, by comparison, were pretty good. The first President Bush diminished from there.

When Bill Clinton came to office, I began to really watch closely the lack of enforcement in the Clinton administration. I was full of frustration, as a construction company owner, that I was competing against that lack of enforcement. Yet when I look back at the statistics of the companies that were sanctioned during the Clinton administration, I see that, on the graph, it continued its decline of enforcement through these years that we are in today with a little uptick in the last year. I am not yet convinced that that uptick in enforcement from this administration is an uptick that comes from conviction on the rule of law or whether it is an uptick in increase and enforcement of immigration law to send a message to us that there will be enforcement if you just give us the comprehensive amnesty plan that we have asked for. You can choose your opinion on that, Mr. Speaker. I choose not to come down on either side of that argument for the sake of this discussion here.

I will say that this country has not been well served over the last 20 years due to lack of enforcement of immigration law. The country has been flooded with people that came in here illegally because we haven't enforced our laws and part of the things that came with that. Now, I will make the point, and it is a point that the opponents would continually make. I will make the point that most who come here do break the law to come here. But their goal is to provide for their family. At some point you make that decision, however hard the decision is, to provide for your family. But all who come here are not coming here to provide for their family. All who come here are not coming here with the goal of getting a job and finding a better way and finding a path through legalization and then bringing the rest of their family members here. That all happens. I admire the family network. I admire the faith network. I admire the work ethic that is within a significant majority of those who come here both legally and illegally. But I have a charge. I have a responsibility. I took an oath to uphold the Constitution. The complication of that oath is that I uphold the rule of law, as well. So I look into the statistical data that tells us what happens when we don't enforce the rule of law.

I listened to the immigration hearings over the last 5 years of constant immigration hearings, not every week, but sometimes multiple times a week, averaging every week at least, Mr. Speaker. The testimony constantly came. We are losing 250, 300 and then on up to 450 and more people who died in the desert in an effort to come into the United States. That is sad. It is tragic. I have seen the pictures. It is a hard thing to look at. But I began to think, Mr. Speaker, about that other responsibility, that responsibility that we all here in the Chamber have to the American people, the responsibility that is part of our oath to uphold the Constitution. The implication is we uphold also the rule of law.

So I began to ask the witnesses that were testifying as to the loss of life in the Arizona desert. But what has happened to the people that did make it into the United States? What has happened to the American citizens who fell victim to the hand of some of those who came in here that are criminals, recognizing that $65 billion worth of illegal drugs pours across our southern border every year? That is all a crime.

By the way, for the point of record, Mr. Speaker, anyone who alleges that it is not a crime to illegally enter the United States is wrong, that it is a criminal misdemeanor to cross the United States border in violation of U.S. law. So sneaking across the border in the middle of the night makes that person a criminal. One of the Presidential candidates said otherwise. He might be a district attorney or prosecuting attorney. Federal law says it is a criminal misdemeanor to enter the United States illegally. So those who do so, and among them are those who are smuggling in illegal drugs, among them are those who are trafficking in illegal humanity, among them are those who are trafficking in prostitution and victimizing small girls and children. In this huge human wave, we have contraband. We have criminals. They commit crimes here in the United States.

So, one of the questions is, what would happen to the drug distribution chain if the fairy dust were sprinkled across America and tomorrow morning everyone woke up legally? It would shut town the distribution of illegal drugs in America if magically tomorrow morning everyone woke up in a country that they were lawfully present in. It would shut it down literally, virtually, any way you want to describe it, Mr. Speaker, because the links in the chain of the distribution that start in places like Colombia, China, Mexico, 90 percent of the illegal drugs coming across our southern border, those links in the chain are links that are built within the stream of humanity which is the illegal humanity that is here in this country today. That is the path of their fellow travelers, however good their virtues are, however high their ideals of providing for their family, getting a job and creating a home, they still also provide a conduit within a culture that is the distribution of illegal drugs.

With those illegal drugs comes the massive damage to human potential, especially to our young people in America. Yes, we have a responsibility here to shut down that demand. That is ours. We need to take that on. I can't look the Mexican Government in the eye and say, "You need to help us shut down the illegal drugs in America and that will solve the problem." It will not. We need to shut down the demand in America. That is an American problem. It is a problem that causes problems in Mexico as well. That is a different subject, Mr. Speaker, and I will take that up perhaps another time. But this conduit for illegal drugs is a conduit that flows within illegal populations in America, and there are links to every distribution chain in America that go through that illegal population. So, that is one thing that would happen.

Another thing that would happen is there is a high crime rate, a higher crime rate in all the donor countries that send us people across at least our southern border and probably all of our borders, a higher crime rate than we have here in America. For example, violent death in America, 4.28 per 100,000 people. That is a statistic. Mexico, 13.2 per 100,000. That is three times the violent death rate in Mexico to that of the United States. So one could presume that out of every 100,000 people you would bring in, you would have three times more murderers than you would have within a typical population of the United States. That is not, when you look at the broader scheme, Mr. Speaker, as surprising or shocking as when you realize that Mexico has a lower crime rate than most, I will say, all of its neighbors with the exception of the United States, and most of the countries that are south of Mexico have a higher crime rate.

For example, the violent death rate in Honduras is nine times that of the United States. El Salvador can't find any statistics on. I can tell you in Colombia the rate is 63 violent deaths per 100,000. It works out to be 15.4 times more violent deaths per 100,000 than there are in the United States. Out of there comes a lot of cocaine, drug network, and drug trafficking.

My point is, Mr. Speaker, that American people die at the hands of criminal aliens here in the United States at a rate that we can't quantify nor comprehend at this point. I have a responsibility to protect the American people. This immigration policy that we have here in America, Mr. Speaker, is not a policy to accommodate any country in the world. It is a policy designed to enhance the economic, social and cultural well-being of the United States of America.

Every immigration policy for every sovereign state in the world should be established with the interests of that sovereign state, whether it would be Mexico, the United States, Holland, Norway, Russia, you name it. Every sovereign state needs to set an immigration policy that strengthens them. I support that we first seal the border, build a fence, build a wall, shut off automatic citizenship to babies that are born here to illegal mothers, workplace enforcement, pass the New Idea

Act, end Federal deductibility for wages and benefits that are paid to illegals, and shut down that jobs magnet. I support all of that. Force all traffic, both human, contraband and legal cargo through our ports of entry on our southern border. Beef them up. Add more science. Make sure that we are effective in the job that we do on our border. I support all of that. By doing so, we have shut down the jobs magnet and we have shut off the illegal traffic coming into the United States. We have really made it difficult to bring illegal drugs into the United States at the same time.

We do all of that, Mr. Speaker, and then what we get out of that other side is, now, we have cleared the field so we can establish a rational immigration policy for legal people, legal entrance into the United States, and we can score them according to their ability to contribute to this economy. We can put out a matrix, a point system, that says, especially if you are young you have a lot of time to contribute to the economy, if you have a high education, you are going to make a higher wage and you are going to pay more taxes and you are going to be able to fund your own retirement and that of a bunch of other people while you are here. We can score this system up so we can have an immigration policy that does enhance the economic, the social and the cultural well-being of the United States.

But what we cannot do, Mr. Speaker, is we can't grant amnesty. We can't pardon immigration lawbreakers. We can't reward them with the objective of their crimes. If we do that, we ultimately destroy the central pillar of American exceptionalism called the rule of law. If that happens, there is no foundation to build a greater America. There is no foundation upon which we can lift this country up to a greater destiny. There is only the devolution of a civilization that is great today, maybe was greater yesterday, and that would lose its opportunity to be greater tomorrow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSON of Georgia (at the request of Mr. HOYER) for today.

Mr. KNOLLENBERG (at the request of Mr. BOEHNER) for today until 1:00 p.m. on account of personal reasons.

Mr. MCHUGH (at the request of Mr. BOEHNER) for today after 2:15 p.m. and for September 20 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. ROTHMAN, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 26.

Mr. JONES of North Carolina, for 5 minutes, September 26.

Mr. HULSHOF, for 5 minutes, September 20.

Mr. SHIMKUS, for 5 minutes, today.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 558. An act to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services; to the Committee on Energy and Commerce; in addition to the Committee on Education and Labor for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 19, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 954. To designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the "Percy Sutton Post Office Building".

H.R. 2669. To provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 3218. To designate a portion of Interstate Route 395 located in Baltimore, Maryland, as "Cal Ripken Way".

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Thursday, September 20, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3334. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an extension of the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Peru Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures and Certain Ethnological Material from the Colonial Period of Peru, pursuant to 19 U.S.C. 2602(g); to the Committee on Foreign Affairs.

3335. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on Foreign Affairs.

3336. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

3337. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

3338. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute in Taiwan on July 10, 2007, pursuant to 22 U.S.C. 3311; to the Committee on Foreign Affairs.

3339. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-19, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Taipai Economic and Cultural Representative Office in the United States for defense articles and services; to the Committee on Foreign Affairs.

3340. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-51, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Taipai Economic and Cultural Representative Office in the United States for defense articles and services; to the Committee on Foreign Affairs.

3341. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2006, Pub. L. 109-289; to the Committee on Foreign Affairs.

3342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2006-30, Waiving Prohibition on United States Military Assistance with Respect to Montenegro, pursuant to Public Law 107-206, section 2007(a); to the Committee on Foreign Affairs.

3343. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification under Sections 610 and 614 of the Foreign Assistance Act to provide energy assistance to the Democratic People's Republic of Korea; to the Committee on Foreign Affairs.

3344. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

3345. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on Foreign Affairs.

3346. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3347. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3348. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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3355. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3356. A letter from the Secretary, Department of the Treasury, transmitting the strategic plan for fiscal years 2007 through 2012 in compliance with the Government Performance and Results Act of 1993 (GPRA); to the Committee on Oversight and Government Reform.

3357. A letter from the Assistant to the Director of Congressional Affairs, Federal Election Commission, transmitting the Commission's annual report for FY 2006 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

3358. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc., Model 369, YOH-6A, 369A, OH-6A, 369H, 369HM, 369HS, 369HE, 369D, 369E, 369F, and 369FF Helicopters [Docket No. FAA-2007-28449; Directorate Identifier 207-SW-18-AD; Amendment 39-15103; AD 2007-09-51] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3359. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145XR Airplanes [Docket No. FAA-2007-27981; Directorate Identifier 2007-NM-021-AD; Amendment 39-15107; AD 2007-13-03] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3360. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2007-27152; Directorate Identifier 2006-NM-219-AD; Amendment 39-15105; AD 2007-13-01] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3361. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model GIV-X, GV, and GV-SP Series Airplanes [Docket No. FAA-2007-28373; Directorate Identifier 2007-NM-110-AD; Amendment 39-15104; AD 2007-12-25] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3362. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No. FAA-2006-23803; Directorate Identifier 2005-NM-238-AD; Amendment 39-15108; AD 2007-13-04] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3363. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Airplanes [Docket No. FAA-2007-27565; Directorate Identifier 2006-NM-215-AD; Amendment 39-15111; AD 2007-13-07] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3364. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2007-27714; Directorate Identifier 2006-NM-277-AD; Amendment 39-15110; AD 2007-13-06] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. H.R. 3539. A bill to amend the Internal Revenue Code of 1986 to extend financing for the Airport and Airway Trust Fund, and for other purposes; with an amendment (Rept. 110–334 Pt. 1). Ordered to be printed.

Mr. WELCH: Committee on Rules. House Resolution 664. Resolution providing for consideration of the bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes (Rept. 110–335). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2095. A bill to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; with an amendment (Rept. 110–336). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3539 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. WOLF, and Mr. MARCHANT):

H.R. 3579. A bill to amend title 5, United States Code, to facilitate the temporary reemployment of Federal annuitants, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. DINGELL (for himself, Mr. BARTON of Texas, and Mr. PALLONE):

H.R. 3580. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.; to the Committee on Energy and Commerce. considered and passed.

By Mr. JONES of North Carolina:

H.R. 3581. A bill to clarify the roles of the Department of Defense and Department of Veterans Affairs disability evaluation systems for retirement and compensation of members of the Armed Forces for disability, to require the development of a single physical exam that can be used to determine both fitness for duty and disability ratings, to standardize fitness testing among the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY:

H.R. 3582. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for home health care workers from certain provisions of that Act; to the Committee on Education and Labor.

By Mr. HENSARLING (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. CONAWAY, Mr. COLE of Oklahoma, Mr. MARIO DIAZ-BALART of Florida, Ms. FALLIN, Mr. FEENEY, Mr. FLAKE, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. HOEKSTRA, Mr. KING of Iowa, Mr. LAMBORN, Mr. DANIEL E. LUNGREN of California, Mr. ISSA, Mr. MANZULLO, Mr. McHENRY, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. ROSKAM, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SHADEGG, and Mr. WELDON of Florida):

H.R. 3583. A bill to prevent Government shutdowns; to the Committee on Appropriations.

By Mr. BARTON of Texas (for himself, Mr. DEAL of Georgia, Mr. BOEHNER, Mr. SHIMKUS, Mr. WALDEN of Oregon, Mr. SESSIONS, Mrs. MYRICK, Mr. ROHRABACHER, Mr. PUTNAM, Mr. PITTS, Mr. KINGSTON, Mr. McCAUL of Texas, Mr. PORTER, Mr. LEWIS of Kentucky, Mr. HASTERT, Mr. WESTMORELAND, Mr. PICKERING, Mr. HASTINGS of Washington, Mr. BURGESS, Mr. BLUNT, Mr. HULSHOF, Mr. RADANOVICH, Mr. BAKER, Mr. BUYER, Mr. HALL of Texas, Mr. HAYES, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. CAMP of Michigan, Mr. STEARNS, Mr. HOEKSTRA, Ms. GRANGER, Mr. McCOTTER, Mr. PEARCE, Mr. LUCAS, Mr. MICA, Mr. LaTOURETTE, Mr. SMITH of Nebraska, Mr. WELLER, Mr. TERRY, Mrs. DRAKE, Mr. ADERHOLT, Mr. PRICE of Georgia, Mr. SAM JOHNSON of Texas, Mr. ISSA, Mr. HELLER, Mr. SULLIVAN, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. THORNBERRY, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. REYNOLDS, Mr. ROGERS of Alabama, Mr. NUNES, Mr. BARRETT of South Carolina, Mr. KUHL of New York, Mr. CONAWAY, Mr. SOUDER, Mr. BILBRAY, Mr. GINGREY, Mr. BROWN of South Carolina, Mr. SHUSTER, Mr. BOUSTANY, Mr. WHITFIELD, Mr. KIRK, Mr. LINDER, Mr. MILLER of Florida, Mr. McCARTHY of California, Mr. SMITH of Texas, Mr. GOHMERT, Mr. CARTER, Mr. MARCHANT, Mr. ROGERS of Michigan, Mr. GALLEGLY, Mr. McCRERY, Mr. GARY G. MILLER of California, Mr. WAMP, Mr. HERGER, Mr. DAVID DAVIS of Tennessee, Mr. CHABOT, Mr. BONNER, Mr. BOOZMAN, Mr. BILIRAKIS, Mr. CALVERT, Mr. WICKER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BUCHANAN, Mr. ALEXANDER, Mr. DREIER, Mrs. McMORRIS RODGERS, Mr. POE, Mr. LATHAM, Mr. COBLE, Mr. CASTLE, Mr. DENT, Mr. PETERSON of Pennsylvania, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. McKEON, Mrs. MILLER of Michigan, Mr. DAVIS of Kentucky, Mr. GILCHREST, Mr. GRAVES, Mr. TOM DAVIS of Virginia, Mr. ROGERS of Kentucky, Mr. TIBERI, Mr. HUNTER, Mr. KING of Iowa, Mr. BRADY of Texas, Mr. WALBERG, and Mr. JOHNSON of Illinois):

H.R. 3584. A bill to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP), and for other purposes; to the Committee on Energy and Commerce.

By Mr. BACA (for himself, Mr. KILDEE, Mr. KENNEDY, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. PASTOR, Mr. REYES, Mr. ORTIZ, Mr. CUELLAR, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mr. SIRES, Mr. GUTIERREZ, Mr. GONZALEZ, Ms. SOLIS, Mr. RAHALL, Mr. SALAZAR, Mr. HONDA, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, Ms. PELOSI, Mr. CARDOZA, Mr. GEORGE MILLER of California, Mr. COSTA, Mr. SERRANO, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mr. LAMPSON, Mr. PALLONE, Mr. MITCHELL, Ms. JACKSON-LEE of Texas, Mr. GENE GREEN of Texas, Ms. HERSETH SANDLIN, Mr. SHULER, Mr. CLYBURN, Mr. MORAN of Virginia, Ms. McCOLLUM of Minnesota, Ms. LEE, Mr. KAGEN, Mr. YOUNG of Alaska, Mr. COHEN, and Mr. KIND):

H.R. 3585. A bill to honor of the achievements and contributions of Native Americans to the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. DUNCAN (for himself, Mr. BOSWELL, and Mr. GRAVES):

H.R. 3586. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the production of certain material produced from organic matter which is available on a renewable or recurring basis; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. KENNEDY, Ms. SCHAKOWSKY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. ELLISON, and Mr. GRIJALVA):

H.R. 3587. A bill to establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on mortgages insured under the National Housing Act; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 3588. A bill to amend the Consumer Product Safety Act to provide the Consumer Product Safety Commission with greater authority to require recalls, mandatory routine product testing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 3589. A bill to amend the Trade Act of 1974 to extend trade adjustment assistance to certain service workers; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 3590. A bill to amend the Internal Revenue Code of 1986 to extend for one year relief from the alternative minimum tax on individuals; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 3591. A bill to amend the Internal Revenue Code of 1986 to provide that the net capital gain of certain individuals shall not be subject to tax; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 3592. A bill to amend the Internal Revenue Code of 1986 to make the election to deduct State and local sales taxes permanent law; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 3593. A bill to amend the Internal Revenue Code of 1986 to make permanent law the credit for nonbusiness energy property, the credit for gas produced from biomass and for synthetic fuels produced from coal, and the credit for energy efficient appliances; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 3594. A bill to amend the Internal Revenue Code of 1986 to make permanent law the penalty-free distributions from retirement plans to individuals called to active duty; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 3595. A bill to amend the Internal Revenue Code of 1986 to make permanent law the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 3596. A bill to amend the Internal Revenue Code of 1986 to make permanent law the tax-free distributions from individual retirement plans for charitable purposes; to the Committee on Ways and Means.

By Mrs. McCARTHY of New York (for herself and Mr. LaTOURETTE):

H.R. 3597. A bill to amend the Higher Education Act of 1965 to create a capitation grant program to increase the number of nurses and graduate educated nurse faculty to meet the future need for qualified nurses, and for other purposes; to the Committee on Education and Labor.

By Ms. McCOLLUM of Minnesota:

H.R. 3598. A bill to prohibit the cessation, degradation, or limitation of broadcasting activities by the Broadcasting Board of Governors; to the Committee on Foreign Affairs.

By Ms. MOORE of Wisconsin:

H.R. 3599. A bill to authorize the Secretary of Health and Human Services to make grants to improve access to dependable, affordable automobiles by low-income families; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3600. A bill to enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Administration.

By Mr. PAUL:

H.R. 3601. A bill to restore to taxpayers awareness of the true cost of government by eliminating the withholding of income taxes by employers and requiring individuals to pay income taxes in monthly installments, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3602. A bill to amend the Communications Act of 1934 with respect to retransmission consent and must-carry for cable operators and satellite carriers; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON:

H.R. 3603. A bill to authorize the exchange of certain land located in the State of Idaho, and for other purposes; to the Committee on Natural Resources.

By Mr. UDALL of New Mexico:

H.R. 3604. A bill to amend the Internal Revenue Code of 1986 to treat certain payments made to the European Union in lieu of income taxes to a member of the European Union as income taxes paid to a foreign country for purposes of the foreign tax credit; to the Committee on Ways and Means.

By Mr. WALZ of Minnesota (for himself, Mr. KIND, Mr. OBERSTAR, Mr. PATRICK MURPHY of Pennsylvania, Mrs. BOYDA of Kansas, Mr. HILL, and Ms. MCCOLLUM of Minnesota):

H.R. 3605. A bill to amend the Internal Revenue Code of 1986 to increase, extend, and make permanent the above-the-line deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Mr. HARE, Mr. LOEBSACK, Mr. SARBANES, and Mr. JEFFERSON):

H.R. 3606. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for core curriculum development; to the Committee on Education and Labor.

By Mr. KUHL of New York (for himself, Mr. BOREN, Mr. PICKERING, and Mrs. CAPPS):

H. Con. Res. 215. Concurrent resolution supporting the designation of a week as "National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week"; to the Committee on Oversight and Government Reform.

By Mr. KLINE of Minnesota (for himself, Mr. WILSON of South Carolina, Mrs. MCMORRIS RODGERS, Mr. GINGREY, Mr. ROSKAM, Mr. BUCHANAN, Mr. CARTER, Mrs. MUSGRAVE, Mr. KELLER, Mr. HASTERT, Mr. GOODE, Mr. LAHOOD, Mr. SESSIONS, Mr. ALEXANDER, Mr. BROUN of Georgia, Mrs. DRAKE, Mrs. BACHMANN, Mr. PITTS, Mr. HENSARLING, Mr. FEENEY, Mr. BOUSTANY, Ms. GRANGER, Mr. THORNBERRY, Mr. WELDON of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. LAMBORN, Mr. REHBERG, Mr. SHIMKUS, Mr. REICHERT, Mr. DAVID DAVIS of Tennessee, Mr. PORTER, Mr. SAXTON, Mr. AKIN, Mr. WALZ of Minnesota, Mr. GOHMERT, Mr. MAHONEY of Florida, Mr. SNYDER, Mr. SMITH of New Jersey, Mr. FORTENBERRY, Mr. PUTNAM, Mr. SMITH of Washington, Mr. KILDEE, Mr. BOSWELL, Mrs. BLACKBURN, Mr. JORDAN, Mr. BOREN, Mr. TERRY, Mr. WELLER, Mrs. MILLER of Michigan, Mr. ANDREWS, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. PETERSON of Minnesota, Mrs. BOYDA of Kansas, Mr. MCKEON, Ms. MCCOLLUM of Minnesota, Mr. ISSA, and Mr. YOUNG of Alaska):

H. Res. 663. A resolution supporting the goals and ideals of Veterans of Foreign Wars Day; to the Committee on Oversight and Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Ms. LORETTA SANCHEZ of California, and Ms. ZOE LOFGREN of California):

H. Res. 665. A resolution endorsing reforms for freedom and democracy in Vietnam; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ:

H. Res. 666. A resolution recognizing and celebrating the 35th anniversary of Guadalupe Mountains National Park, and for other purposes; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. CARNEY.

H.R. 371: Ms. LINDA T. SÁNCHEZ of California and Mr. HASTINGS of Florida.

H.R. 526: Mr. FRANK of Massachusetts.

H.R. 618: Mr. BROUN of Georgia.

H.R. 654: Ms. ROYBAL-ALLARD.

H.R. 743: Mr. BOOZMAN, Mr. YARMUTH, Mr. BILBRAY, Mr. WELDON of Florida, and Mr. HALL of Texas.

H.R. 821: Mr. SARBANES.

H.R. 854: Mr. WYNN.

H.R. 900: Mr. CARTER and Mr. ROSKAM.

H.R. 970: Mr. BUTTERFIELD and Mr. ANDREWS.

H.R. 971: Mr. LUCAS.

H.R. 977: Ms. DEGETTE.

H.R. 989: Mrs. WILSON of New Mexico.

H.R. 1110: Mr. TANNER, Mr. ELLSWORTH, Mr. MARCHANT, and Mrs. BONO.

H.R. 1125: Mr. LAMBORN, Mr. BOREN, Mrs. LOWEY, Mr. SESTAK, Mr. MORAN of Kansas, Mr. RYAN of Ohio, Mr. PENCE, Mr. HULSHOF, Ms. ROYBAL-ALLARD, Mr. WEXLER, Mr. PRICE of Georgia, Ms. ROS-LEHTINEN, Mr. WELDON of Florida, Mr. AKIN, and Mrs. EMERSON.

H.R. 1127: Mr. ROSKAM.

H.R. 1142: Mr. CARNAHAN.

H.R. 1155: Mr. BOUCHER.

H.R. 1190: Mr. PLATTS, Mrs. WILSON of New Mexico, Mr. RAHALL, and Mr. SOUDER.

H.R. 1201: Mr. KLINE of Minnesota, Mr. AKIN, Mr. WELDON of Florida, Mr. PITTS, Mr. FORTUÑO, and Mr. BISHOP of Utah.

H.R. 1213: Mr. ALTMIRE.

H.R. 1222: Mr. WOLF.

H.R. 1236: Mr. HALL of New York, Mr. TANNER, and Mr. DAVID DAVIS of Tennessee.

H.R. 1244: Mrs. NAPOLITANO.

H.R. 1275: Mr. TOWNS, Mr. WYNN, Mr. MARKEY, Mr. GUTIERREZ, and Mr. BLUMENAUER.

H.R. 1322: Mr. HIGGINS.

H.R. 1363: Mr. LAMPSON and Mr. GONZALEZ.

H.R. 1390: Mr. JONES of North Carolina.

H.R. 1422: Mr. BERMAN and Mr. TIERNEY.

H.R. 1439: Mr. PETERSON of Pennsylvania.

H.R. 1464: Mr. BOUCHER, Mr. WAXMAN, Mr. CARNAHAN, and Mr. BERMAN.

H.R. 1537: Mr. JOHNSON of Georgia.

H.R. 1553: Mr. BARRETT of South Carolina and Mr. SHULER.

H.R. 1576: Mr. PAYNE, Mr. OLVER, and Mr. RYAN of Ohio.

H.R. 1590: Mr. CARDOZA.

H.R. 1621: Mr. HINOJOSA.

H.R. 1634: Mr. ALLEN, Mr. GONZALEZ, and Mr. ARCURI.

H.R. 1644: Mr. SESTAK, Mr. BERMAN, Mr. PASTOR, and Mr. POMEROY.

H.R. 1683: Mr. GENE GREEN of Texas.

H.R. 1738: Mr. ABERCROMBIE and Mr. CARNEY.

H.R. 1843: Mr. KLINE of Minnesota, Mr. PERLMUTTER, and Mr. HERGER.

H.R. 1927: Mr. ISRAEL.

H.R. 1940: Mr. HALL of Texas.

H.R. 1960: Mr. BOREN and Mr. GORDON.

H.R. 1983: Mr. WAMP.

H.R. 1992: Mr. MCGOVERN, Mr. RUPPERSBERGER, Mr. UDALL of New Mexico, and Ms. MCCOLLUM of Minnesota.

H.R. 2015: Mr. TOWNS, Mr. BRALEY of Iowa, Mrs. BOYDA of Kansas, and Mr. GUTIERREZ.

H.R. 2054: Mr. UDALL of New Mexico.

H.R. 2138: Mr. DONNELLY and Mr. FORBES.

H.R. 2164: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2184: Mr. KENNEDY.

H.R. 2188: Mr. LEWIS of Kentucky.

H.R. 2231: Mr. BOUCHER and Mr. COHEN.

H.R. 2265: Mr. MARKEY.

H.R. 2266: Mr. CARNAHAN.

H.R. 2327: Mr. LEVIN, Mr. MCDERMOTT, Mr. HASTINGS of Florida, and Ms. CARSON.

H.R. 2390: Mrs. GILLIBRAND.

H.R. 2421: Ms. VELÁZQUEZ.

H.R. 2443: Ms. WATERS.

H.R. 2477: Mr. BRADY of Pennsylvania.

H.R. 2508: Mr. WAMP.

H.R. 2510: Mr. MCCARTHY of California.

H.R. 2539: Mr. AL GREEN of Texas.

H.R. 2585: Mr. WAMP and Mr. DAVID DAVIS of Tennessee.

H.R. 2593: Mr. UDALL of New Mexico and Mrs. CAPPS.

H.R. 2708: Mr. BOUCHER.

H.R. 2726: Mr. ETHERIDGE.

H.R. 2779: Mr. HODES and Mr. SNYDER.

H.R. 2807: Mr. JORDAN.

H.R. 2814: Mr. WAMP.

H.R. 2818: Mr. BAIRD and Mr. MORAN of Kansas.

H.R. 2820: Ms. ZOE LOFGREN of California.

H.R. 2915: Mr. ELLISON.

H.R. 2933: Mr. ISRAEL.

H.R. 2934: Mr. BARRETT of South Carolina.

H.R. 2964: Mr. REICHERT, Mr. VAN HOLLEN, Mr. BRALEY of Iowa, and Mr. FRANK of Massachusetts.

H.R. 3021: Mr. YARMUTH, Ms. MOORE of Wisconsin, and Mr. HARE.

H.R. 3033: Mr. FILNER.

H.R. 3075: Mr. ROSS.

H.R. 3076: Mr. PAUL and Mr. ROSS.

H.R. 3081: Ms. SUTTON, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. OLVER, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. WATSON, Mr. HARE, Mr. COHEN, and Mr. BRALEY of Iowa.

H.R. 3083: Mr. WELCH of Vermont.

H.R. 3090: Mr. PETERSON of Pennsylvania, Mr. COBLE, and Mr. POE.

H.R. 3168: Mr. JEFFERSON, Ms. CLARKE, and Ms. CASTOR.

H.R. 3177: Mr. MCCOTTER.

H.R. 3198: Mrs. DAVIS of California.

H.R. 3204: Mr. MCDERMOTT.

H.R. 3219: Mr. ARCURI and Mr. INGLIS of South Carolina.

H.R. 3256: Mr. MCDERMOTT, Ms. CARSON, Mr. BRADY of Pennsylvania, and Mr. COURTNEY.

H.R. 3257: Mr. KAGEN.

H.R. 3282: Mr. SPRATT and Ms. ZOE LOFGREN of California.

H.R. 3298: Ms. SUTTON.

H.R. 3317: Mr. JEFFERSON, Mr. BRADY of Pennsylvania, and Mr. MEEK of Florida.

H.R. 3329: Mr. ELLISON.

H.R. 3355: Mr. LYNCH.

H.R. 3358: Mr. BRADY of Pennsylvania and Mr. ROHRABACHER.

H.R. 3380: Mr. GOHMERT and Mr. YOUNG of Alaska.

H.R. 3393: Mr. DOYLE, Mr. HARE, and Mr. ELLISON.

H.R. 3405: Mr. HINOJOSA.

H.R. 3418: Mr. HOEKSTRA.

H.R. 3419: Mr. PRICE of North Carolina and Mr. WAMP.

H.R. 3432: Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. WELCH of Vermont, Mr. BRADY of Pennsylvania, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. JOHNSON of Georgia, Mr. ABERCROMBIE, Mr. BAIRD, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. COOPER, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Mr. FARR, Mr. FATTAH, Mr. HOLT, Mr. LAMPSON, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr.

MCNULTY, Mr. MARSHALL, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. SCOTT of Georgia, Mr. SIRES, Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Ms. WATERS, Mr. WATT, and Mr. WU.

H.R. 3448: Mrs. CAPPS.

H.R. 3481: Mr. BISHOP of New York, Mr. ALTMIRE, and Mr. PAYNE.

H.R. 3494: Mr. BILIRAKIS, Mr. CRAMER, Mr. LINCOLN DAVIS of Tennessee, Mr. MCINTYRE, Mrs. MILLER of Michigan, Mr. TAYLOR, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. DENT, Mr. GERLACH, Mr. GRAVES, Mr. KUHL of New York, Mr. YOUNG of Alaska, and Mr. RYAN of Wisconsin.

H.R. 3502: Mr. PETRI.

H.R. 3508: Mr. HENSARLING, Mr. GERLACH, and Mr. GINGREY.

H.R. 3529: Mr. SESTAK.

H.R. 3531: Mr. BARTLETT of Maryland and Mr. JONES of North Carolina.

H.R. 3533: Ms. ROS-LEHTINEN, Mr. MATHESON, Mrs. CAPPS, Mr. CROWLEY, Mr. MCNULTY, Mr. HALL of New York, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. TOWNS, Mr. MCNERNEY, Mrs. BONO, Mr. CONYERS, and Mr. HAYES.

H.R. 3544: Mr. GOODE.

H.R. 3558: Mr. PETERSON of Minnesota and Mr. LOBIONDO.

H.R. 3577: Mr. DAVIS of Alabama and Mr. BRADY of Pennsylvania.

H.J. Res. 3: Mr. HARE and Mr. GONZALEZ.

H.J. Res. 6: Mr. TANCREDO, Mr. JONES of North Carolina, and Mr. GINGREY.

H.J. Res. 12: Mr. BACHUS.

H.J. Res. 48: Mr. DOGGETT.

H. Con. Res. 40: Mr. EVERETT, Mr. POE, Mr. BROUN of Georgia, Mrs. MYRICK, and Mr. ISSA.

H. Con. Res. 83: Mr. SALI and Mrs. EMERSON.

H. Con. Res. 122: Mr. AL GREEN of Texas and Mr. SIRES.

H. Con. Res. 160: Mr. GILCHREST.

H. Con. Res. 176: Mr. MOLLOHAN.

H. Con. Res. 200: Mr. SOUDER and Ms. DELAURO.

H. Con. Res. 203: Ms. LINDA T. SÁNCHEZ of California, Mr. HASTINGS of Florida, Mr. PENCE, and Mr. MCCAUL of Texas.

H. Con. Res. 205: Ms. SUTTON, Ms. BERKLEY, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. BUTTERFIELD, Mrs. TAUSCHER, Ms. MCCOLLUM of Minnesota, Mr. BERRY, Mrs. BOYDA of Kansas, Mr. MOLLOHAN, Ms. WATSON, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. RICHARDSON, Ms. HERSETH SANDLIN, Mr. CLEAVER, Mr. DELAHUNT, Ms. SCHWARTZ, Mr. JACKSON of Illinois, Ms. LEE, Ms. SHEA-PORTER, Ms. DELAURO, Mr. YARMUTH, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Ms. ESHOO, Mr. KAGEN, Mr. COURTNEY, Mr. PAYNE, Ms. BEAN, Mr. FARR, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HODES, Mr. ELLISON, Ms. ZOE LOFGREN of California, Ms. SLAUGHTER, Mr. WELCH of Vermont, Mr. SESTAK, Mr. MORAN of Virginia, Mr. BERMAN, Mr. LOEBSACK, Ms. CASTOR, and Mr. SNYDER.

H. Con. Res. 210: Mr. AL GREEN of Texas, Mr. CLAY, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mrs. DAVIS of California, Mr. SESTAK, Mr. LOEBSACK, Mr. HOLT, Ms. CLARKE, Mr. HARE, Mr. YARMUTH, Mr. ALTMIRE, Mr. BISHOP of New York, Ms. HIRONO, Ms. SHEA-PORTER, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mr. JACKSON of Illinois, Mr. SARBANES, Ms. BERKLEY, Ms. LORETTA SANCHEZ of California, Ms. ROYBAL-ALLARD, Mr. RODRIGUEZ, Ms. BALDWIN, Mr. BARROW, Mrs. TAUSCHER, Mr. KENNEDY, Ms. MCCOLLUM of Minnesota, Ms. VELÁZQUEZ, Mr. TOWNS, Ms. KILPATRICK, Mr. OLVER, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY of New York, Ms. CARSON, Mr. MOLLOHAN, Mr. CUMMINGS, Ms. LEE, Mr. FATTAH, Mr. CLEAVER, Mr. ELLISON, Mr. HASTINGS of Florida, Mr. LEWIS of Kentucky, Ms. RICHARDSON, Ms. MOORE of Wisconsin, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Ms. NORTON, Ms. WATSON, Mr. PAYNE, Mr. SCOTT of Georgia, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mr. WATT, Mrs. JONES of Ohio, Mr. BISHOP of Georgia, Mr. ENGLISH of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. PAUL, Mr. MCDERMOTT, Mr. PASCRELL, Mr. LIPINSKI, Mr. GUTIERREZ, Ms. BEAN, Mr. MANZULLO, Mr. WELLER, and Mr. COHEN.

H. Res. 79: Mr. ALTMIRE.

H. Res. 111: Mr. SESTAK and Mr. MCINTYRE.

H. Res. 194: Mr. THOMPSON of California and Mrs. CAPPS.

H. Res. 213: Mrs. CAPPS, Mr. KUCINICH, Mr. MCGOVERN, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. MORAN of Virginia, Mr. OLVER, Mr. CARNAHAN, Mr. MICHAUD, Mr. HONDA, Ms. KILPATRICK, Mr. BERMAN, and Mr. DELAHUNT.

H. Res. 282: Mr. ORTIZ.

H. Res. 529: Mr. BRALEY of Iowa, Mr. COHEN, Mr. BLUMENAUER, Mr. ARCURI, Mr. DICKS, Mr. HODES, Mr. GRIJALVA, Mr. ALTMIRE, Mr. CUMMINGS, Mr. WALZ of Minnesota, Mr. CROWLEY, Mr. FILNER, Ms. BORDALLO, Mr. HINCHEY, Mr. MCCOTTER, and Mr. HOLT.

H. Res. 548: Mr. ENGLISH of Pennsylvania, Mr. PRICE of North Carolina, Mr. LAMBORN, and Mr. PALLONE.

H. Res. 576: Mr. ELLSWORTH.

H. Res. 584: Mr. SESSIONS, Mr. LATOURETTE, Mrs. CUBIN, Mr. GORDON, Ms. BERKLEY, Mr. COBLE, Mr. KNOLLENBERG, Mr. TERRY, Mr. KILDEE, Mrs. MCMORRIS RODGERS, Mr. DELAHUNT, Mr. BOOZMAN, Mr. PETERSON of Minnesota, Mr. DONNELLY, Mr. WICKER, Mr. GALLEGLY, Mr. COOPER, Mrs. BONO, Mr. POMEROY, Mr. WILSON of South Carolina, Ms. MATSUI, Mr. SMITH of Nebraska, Mr. WU, Ms. FOXX, Mr. ROSS, Mr. CONAWAY, Mr. PAUL, Mr. SPRATT, Mr. PICKERING, Mrs. BLACKBURN, Mr. MATHESON, Mr. PENCE, Mr. BARRETT of South Carolina, Mr. LEWIS of Kentucky, Ms. HIRONO, Mr. PLATTS, and Mr. TIBERI.

H. Res. 590: Mr. CONAWAY, Mr. SPRATT, Ms. SLAUGHTER, and Mr. POMEROY.

H. Res. 605: Mr. BOUCHER.

H. Res. 610: Mr. MARIO DIAZ-BALART of Florida, Mr. PENCE, and Mr. GOODE.

H. Res. 616: Mr. DOGGETT and Mr. HASTINGS of Florida.

H. Res. 618: Ms. WOOLSEY.

H. Res. 635: Mr. ROTHMAN.

H. Res. 640: Mr. WELLER, Mr. SMITH of Washington, Mr. DAVIS of Kentucky, Mr. KIRK, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. ROSKAM, and Mr. LOBIONDO.

H. Res. 644: Mr. HOEKSTRA, Mr. DAVIS of Kentucky, Mr. FEENEY, Mrs. DRAKE, Mr. KUHL of New York, Mr. HASTERT, Mr. YOUNG of Florida, Mr. MARSHALL, Mr. COLE of Oklahoma, Mr. WHITFIELD, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ENGLISH of Pennsylvania.

H. Res. 652: Mr. WELCH of Vermont, Mr. TAYLOR, Mr. CASTLE, and Mr. BARROW.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1644: Mr. RYAN of Wisconsin.

SENATE—*Wednesday, September 19, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, You promised that those who passionately seek You will find You. So we fervently ask for Your presence. Deliver us from worries and distractions that hinder our pursuit of You, and guard our hearts and minds with Your peace.

As frail children of time and fate, we are lost without the wisdom of Your providence. Speak to our leaders and draw them into intimacy with You. Remind them that neither death nor life, angels or principalities, powers or things present or things to come, heights or depths, can separate them from Your love. Rescue them from misplaced priorities that major in minors and minor in majors. Keep their minds alert and their hearts at full attention as they wait for the unfolding of Your will.

We pray in Your hallowed Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 19, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following any time used by me or Senator MCCONNELL, the Senate will resume debate on the Department of Defense authorization measure and then have a period of 1 hour to discuss the Specter-Leahy habeas corpus amendment prior to a vote to invoke cloture on that amendment. Members have until 10 o'clock this morning to file any germane second-degree amendments to this pending amendment.

Yesterday, there were discussions with respect to restructuring—I should not say restructuring, structuring the debate format for these Iraq amendments and the Defense authorization bill. Our staffs have been working. We hope something can be worked out.

Additionally, other Members have amendments on various topics dealing with the Defense authorization bill. We hope we can get a process going where we can move through these as rapidly as possible. I announced yesterday we would vote no later than 10:30 a.m. this Friday because of the Jewish holiday which begins at sundown, and some Members need that time to fly to their homes to be ready for Yom Kippur, which starts, as I indicated, at sundown. We also are going to have a vote at noon on Monday. Everyone should be aware of that. It is not going to be a judge's vote, it is going to be an important vote. I am well aware of the many scheduling issues facing Senators, but we have much work to do prior to the scheduled Columbus Day recess. We have to extend a number of bills because of the fiscal year ending, so I encourage Members to be mindful of the schedule and need for flexibility.

I ask unanimous consent the distinguished Senator from Oklahoma be allowed to speak for up to 7 minutes on an issue dealing with the war in Iraq, a fallen soldier, and that time not be taken away from the debate on the habeas corpus amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNIZING THE FALLEN

Mr. REID. These remarks are so important. I have had the duty—I feel it is my duty—to call home and speak to 55 mothers and fathers and husbands and wives and children of Nevadans who have died in the war. It is a difficult situation. I last week talked to a grandmother whose 19-year-old grandson committed suicide a week after he went back for his second tour of duty. He killed himself in Iraq. These are real difficult situations. I know how strongly Members feel. So I certainly appreciate the feeling of the Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I thank the majority leader for his comments. It will be my intention, after I conclude my remarks concerning a fallen marine, that the floor be given to the Senator from South Carolina, Senator LINDSEY GRAHAM, for a period of approximately 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

HONORING OUR ARMED FORCES

CORPORAL JEREMY D. ALLBAUGH

Mr. INHOFE. Mr. President, today I rise to remember the life of one of America's heroes, Marine CPL Jeremy David Allbaugh. Corporal Allbaugh came from Luther, OK, and graduated from nearby Harrah High School. Before graduating, he was chosen to be a U.S. marine, becoming a member in the 1st Battalion, 4th Marines. Tragically, Jeremy died on July 5, while conducting combat operations in Al Anbar Province near the city of al-Qa'im, when his humvee was struck by an improvised explosive device.

There are no words that can truly express the dedication and selflessness of this young marine. There are no words that can adequately convey our thoughts for their loss to his family, who are here with us today. They have given everything to our country, something many find it difficult to comprehend and a sacrifice fewer will ever face. But I will say these words so as to honor Jeremy's last request, a request which America will always oblige her heroes, which was: "Remember me."

Before deploying to Iraq with his Marine unit, Jeremy had a conversation with his brother, Army 2LT Jason Allbaugh, in which Jeremy made two simple requests. He said: If something happens to me, do me a favor. Jeremy said: Do two things for me. Take care of mom and dad, and remember me.

Jeremy, today we do that. We remember your life of service and thank you for giving the ultimate sacrifice in defense of our Nation.

Growing up, Jeremy seemed destined to become a marine. His brother

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Jason—and I visited with him—said as far back as he could remember, Jeremy wanted to be a marine. Most kids had the conventional costumes on Halloween but not Jeremy. He wore fatigues. Jeremy also wore a camouflage backpack to school. His dream became reality 3 years ago when, 2 months shy of his 18th birthday and prior to graduating from high school, Jeremy joined the Marine Corps. His father Jon and his mother Jenifer, seeing how much Jeremy loved his country and his desire to serve, supported his decision and gave their permission.

That decision could not have been an easy one. All parents can understand their concern, especially parents of our servicemembers who face the possibility that their son or daughter could see combat in Iraq, Afghanistan or anyplace else in the world. Although their concern was great, I am sure it was surpassed only by the enormous pride they felt for their son Jeremy.

Jeremy, driven by a sense of duty, was willing to leave the comfort of his family and friends and the life he knew and answer the call for his country. Jeremy arrived in Iraq this past April. Jenifer said in Jeremy's weekly phone calls he gave the family a much different picture of what was going on in Iraq compared to what was being reported in the media. There were a lot of good things being done there, Jeremy told his family. There were Neighborhood Watch programs, new schools, hospitals, clinics being built in the area where he was assigned. I know this is true because I was there when Jeremy was there, and I saw this for myself in some 15 trips to the area of operation in Iraq.

When asked how the local Iraqi people treated the marines, Jeremy was upbeat. "They appreciate what we do," he said. Jeremy believed in the positive changes he saw happening in Iraq, and he loved being a part of it.

Jenifer wishes so desperately that the American people knew and understood the sacrifices of our men and women in uniform. She hopes that more people will start to talk firsthand to our troops who are over there, not only to politicians in Washington. I, too, wish more people would talk to our troops who are over there and see their pride, their courage, their sense of honor and duty. Jeremy exemplified these qualities.

Maybe that is why Jenifer wishes people would talk to the troops, because she knows they would be talking to men and women similar to her own son.

Similar to so many of America's fallen heroes, Jeremy was young, only 21-years-old, when an IED took his life. Jeremy joined the Marine Corps after 9/11 and after the beginning of Operation Iraqi Freedom. He knew what it meant to serve. He knew what it meant to be a marine. He knew what chances he was taking. Jeremy's courage and selflessness are common for someone of his young age serving over there. Perhaps Jeremy's last wish, the wish that he be remembered, was his most selfless act.

When we remember Jeremy, we remember that which is great about our country, and his death will force us to remember the sacrifices of those throughout our history who have given their lives in defense of the Nation. We remember; we will always remember.

Rev. Jeff Koch, Pastor of the First Christian Church of Blackwell, OK, where Jeremy was honored before being laid to rest, said Jeremy "paid the ultimate sacrifice so tonight we can sleep easy."

I, too, believe this. Because of Jeremy's sacrifice, America can sleep easier. But I will rest easier knowing Jeremy lived and that, though they are rare, men and women similar to Jeremy are out there right now, protecting our lives and freedoms and our liberties. In this long war against terrorism and tyranny, America will continue to rely on men and women such as Jeremy, men and women who have been called to duty, men and women willing to put service before self.

We remember the life of Jeremy David Allbaugh, a marine, a friend, a brother, a grandson, and a son. We remember and pray for his family, father Jon; mother Jenifer; brothers Jason and Bryan; sister Alicia; and his grandparents, John, Dorothy, and Peggy.

Today, on the floor of this great deliberative body and in the annals of our RECORD, we mourn Jeremy's passing and forever honor and remember his life. Jeremy Allbaugh is a living memory to us, of what is great about America.

So we say: Rest easy, Jeremy. Semper Fidelis.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, the Department of Defense Authorization Act. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin (for Specter-Leahy) amendment No. 2022 (to amendment No. 2011), to restore habeas corpus for those detained by the United States.

Warner (for Graham-Kyl) amendment No. 2064 (to Amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.

AMENDMENT NO. 2022

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to 60 minutes of debate prior to a vote on the motion to invoke cloture on amendment No. 2022, offered by the Senator from Michigan, Mr. LEVIN, with the time equally divided and controlled between the leaders or their designees.

Who yields time? The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I yield 15 minutes to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I compliment Senator INHOFE in that moving tribute to a fallen marine.

The issue we have before the Senate is one of great importance to the country. It will affect the future of this bill. It will affect the national security needs of our Nation for a long time to come. It is a bit complicated, but at the end of the day, I don't think it is that difficult to get your hands around.

We are talking about a habeas corpus amendment to the Defense authorization bill that will confer upon any combatants housed at Guantanamo Bay, and maybe other places, the ability, as an enemy prisoner, to go to a Federal court of their choosing to bring lawsuits against the Government, against the military—something never granted to any other prisoner in any other war.

We had thousands of Japanese and German prisoners housed on American territory during World War II and not one of those Germans or Japanese prisoners were allowed to go to Federal court to sue the troops who had caught them on the battlefield or the Government holding them in detention as a prisoner of war.

To start that process now would be an absolute disaster for this country and has never been done before and should not be done now.

Now, the history of this issue: Guantanamo Bay is the place where international terrorists are sent, people suspected of being involved in the war on terror. Shaikh Mohammed is there, some very high-value targets are there, bin Ladin's driver. People who have been involved with al-Qaida activity and other terrorist groups are housed at Guantanamo Bay under the theory that they are unlawful enemy combatants. They do not wear a uniform as did the Germans and the Japanese, but they are very much at war with this country. They attack civilians randomly. Nothing is out of bounds in terms of their conduct. So they fit the definition, if there ever was one, of an unlawful enemy combatant. What they do in the law of war is unlawful. They certainly are enemies of this country. Shaikh Mohammed's transcript regarding his Combatant Status Review Tribunal—take time to read it. I can assure you he is at war with us. We need to be at war with him.

The basic premise I have been pushing now for years is that the attacks of 9/11 against the World Trade Center, against the Pentagon, the hijacking of the airplanes were an act of war. It would be a huge mistake for this country to look at the attacks of 9/11 as criminal activity. We are at war, and we should be applying the law of armed conflict.

The people whom we are fighting very much fall into the category of "warriors" based on their actions and their own words. What is the law of armed conflict? The law of armed conflict is governed by a lot of international treaties, the Uniform Code of Military Justice, and American case law.

What rights does an unlawful enemy combatant have? Well, our court looked at Guantanamo Bay. Habeas petitions were filed by detainees at Guantanamo Bay alleging that they were improperly held. The U.S. Supreme Court in the Rasul v. Bush decision in 2004 said: There is a congressional statute, 2241, that deals with habeas rights created by statute.

The Government argued that Guantanamo Bay was outside the jurisdiction of Federal courts; it was not part of the United States. The Supreme Court said: No, wait a minute. Guantanamo Bay is effectively controlled by the Navy; it is part of the United States.

The question for the court is, Did the Congress, under 2241, intend to exclude al-Qaida from the statute? And the answer was that Congress had taken no action. So the issue, 6 years after the war started here: Does the Congress wish to confer upon enemy combatant terrorists housed at Guantanamo Bay habeas corpus rights under section 2241, a statute we wrote? That is the issue.

Now, imagine after 9/11 if someone had come to the floor of the Senate and made the proposal: In case we catch anybody who attacked us on 9/11, I want to make sure they have the right of habeas corpus under 2241 because I want to make sure their rights exceed any other prisoner in any other war. I think you would have gotten zero votes.

Well, that is the issue.

Now, last year, Congress spoke to the courts, and the DC Circuit Court of Appeals understood what we were saying. Congress affirmatively struck from 2241 the ability of a noncitizen alien enemy combatant to have access to Federal court under the habeas statute. Why is that so important? From a military point of view, it is hugely important. Under the law of armed conflict, if there is a question of status—is the person a civilian? Are they part of an organized group? Are they an unlawful combatant? There are many different categories that can be conferred upon someone captured on a battlefield.

Under Geneva Conventions article 5, a competent tribunal should be impaneled—usually one person—to determine questions of status, and the only requirement is they be impartial. The question of who an enemy combatant is is a military decision. We should not allow Federal judges, through habeas petitions, to take away from the U.S. military what is effectively a military function of labeling who the enemies of America are. They are not trained for that. Our judges do not have the military background to make decisions as to who the enemy force is and how they operate.

So a habeas petition would really intrude into the military's ability to manage this war because if habeas rights were granted by statute to the prisoners at Guantanamo Bay, they could pick, through their lawyers, any district court in this country. They could go judge shopping and find any judge in this country they believed would be sympathetic and have a full-blown trial, calling people off the battlefield, having a complete trial as to whether this person is an enemy combatant in Federal court and let the judge make that decision. Well, that has never been done in any other war, and it should not be done in this war. Judges have a role to play in war, but that is not their role. The role of the U.S. military in this war, as it has been in every other war, is to capture people and classify them based on their activity within that war, and habeas would undo that. That is why last year Congress said: No, that is not the way we should proceed in this war.

This is not unknown to our courts. In World War II, there was a habeas petition filed by German and Japanese prisoners who were housed overseas asking the Federal courts to hear their case and release them from American military confinement. Chief Justice Jackson said:

> It would be difficult to devise a more effective fettering of a field commander than to allow the very enemies he has ordered to reduce to submission to call him to account in his own civil courts and divert his efforts and attention from the military offensive abroad to the legal defensive at home.

Justice Jackson was right. And what has happened since these habeas petitions have been filed? Hundreds of them have been filed in Federal court before Congress acted. Here is what they are alleging:

A Canadian detainee who threw a grenade that killed an American medic in a firefight and who comes from a family with long-standing al-Qaida ties moved for a preliminary injunction forbidding interrogation of him or engaging in cruel, inhumane, or degrading treatment of him. This was a motion made by an enemy prisoner for the judge to sit in there and conduct the interrogation or at least monitor the interrogation. I cannot think of anything worse in terms of undermining the war effort.

A motion by a high-level al-Qaida detainee complaining about base security procedures, speed of mail delivery, medical treatment, seeking an order that he be transferred to the least onerous conditions at GITMO, asking the court to order that GITMO allow him to keep any books, reading materials sent to him, and report to the court on his opportunities for exercise, communications, recreation, and worship.

Hundreds of these lawsuits have been filed under the habeas statute. That is why Congress said: No, dismiss these cases because they have no business in Federal court.

Surely to God, al-Qaida is not going to get more rights than the Nazis. Surely to God, the Congress, 6 years after 9/11, will not, hopefully, give a statutory right to some of the most brutal, vicious people in the world to bring lawsuits against our own troops in a fashion never allowed in any other war.

Here is what we did last year: We allowed the military to determine whether a person is an enemy combatant, whether they were an unlawful enemy combatant through a competent tribunal called a Combatant Status Review Tribunal made up of three officers. The legislation allows every decision by the military to be appealed to the D.C. Circuit Court of Appeals so the court can look at the quality of the work product and the procedures in place.

There is Federal court review over activity at Guantanamo Bay where judges review the work product of the military. To me, that is the proper way to move forward because some people at Guantanamo Bay, because they are so dangerous, may not be released anytime soon or may never be released. More people have been released at Guantanamo Bay than are still at Guantanamo Bay. They were thought not to be a threat. Thirty of them have gone back to the fight. We have released people at Guantanamo Bay to take up arms against us again. That is the result of a process where you make a discretionary decision.

It would be ill-advised for this Congress to confer on American courts the ability to hear a habeas petition from enemy prisoners housed at Guantanamo Bay where they could go judge shopping and sue our own troops for anything they could think of, including a $100 million lawsuit against the Secretary of Defense. That will lead to chaos at the jail. It will undermine the war effort.

I am urging a "no" vote to this amendment. We have in place Federal court review of every military decision at Guantanamo Bay and a way to allow the courts to do what they are best trained to do—review documents, review procedures, review outcomes—not to take the place of the U.S. military. I cannot think of a more ill-advised effort to undercut what I think is going to be a war of a long-standing nature than to turn it over to the judges and to take away the ability to define the enemy from the military, which is trained to make such decisions, and give it to whatever judge you can find, wherever you can find him or her, and let them have a full-blown trial at our national security detriment.

I urge a "no" vote.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. Mr. President, I believe I have 10 minutes reserved at this time.

The ACTING PRESIDENT pro tempore. The time is divided between the leaders or their designees.

Mr. SPECTER. Mr. President, I will act as the acting designee since no one is on this side of the aisle.

The ACTING PRESIDENT pro tempore. I see that the Senator from Vermont is yielding 10 minutes to the Senator from Pennsylvania. The Senator from Pennsylvania is recognized.

Mr. LEAHY. The Senator from Pennsylvania is the lead cosponsor of this amendment. I proudly yield him 10 minutes.

Mr. SPECTER. I thank my distinguished colleague from Vermont.

Mr. President, the arguments advanced by the Senator from South Carolina a few moments ago are outdated. The Supreme Court of the United States has held in the Rasul case that the Guantanamo detainees have rights under the Constitution to proceed in court in habeas corpus. In my view, that decision was based on both constitutional and statutory grounds. The Court of Appeals for the District of Columbia has held that it is a matter of statutory interpretation. I believe that will be reversed by the Supreme Court in a case now pending there. But the existing law is governed by the Military Commissions Act, and the question is whether the Congress should now correct the provision in the Military Commissions Act which eliminated the right of Guantanamo detainees to challenge their detention by habeas corpus proceedings in Federal court.

The District of Columbia Circuit has held that the provisions of the Combatant Status Review Tribunal are adequate. I believe that an examination of those proceedings will show that they are palpably deficient and obviously inadequate on their face.

The constitutional right of habeas corpus is expressly recognized in the Constitution, with a provision that habeas corpus may be suspended only in time of invasion or insurrection, neither of which situation is present here. That fundamental right has been in existence since the Magna Carta in 1215. As noted earlier, the Supreme Court, in Rasul, has recently applied that constitutional right to Guantanamo Bay detainees.

Now, Congress has acted to legislate to the contrary. Of course, Congress cannot legislate away a constitutional right; that can be done only by amendment to the Constitution. That matter is now pending before the Supreme Court, and I believe on the precedents it will be held that it remains a constitutional right.

But the issue which we confront today is the statute, the Military Commissions Act passed by Congress 2 years ago which eliminates habeas corpus. The Supreme Court has held, in the case of Swain v. Pressley, that habeas corpus in the Federal courts may be eliminated by an adequate substitute. In that case, the substitute held to be adequate was a proceeding in the District of Columbia courts. The Supreme Court said: That was adequate judicial review to superintend executive detention.

But when we take a look at the provisions of the Combatant Status Review Board, as examined by the District Court in the District of Columbia, in the In re: Guantanamo cases, this is illustrative. An individual was charged with being an associate of al-Qaida individuals. When asked to identify whom he was supposed to have associated with, the tribunal could not identify the person. I discussed this case at some length yesterday, and the courtroom broke into laughter. It was a laughing matter to be detaining somebody who was allegedly associated with someone from al-Qaida when they could not even identify who the person was.

Now, there has been a very revealing declaration filed by LTC Stephen Abraham, who was a member of the Combatant Status Review Tribunal and observed the process.

This is the way Lieutenant Colonel Abraham described the process:

> Those of us on the panel found the information presented to try to uphold detention to "lack substance." What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating the source of the information or providing a basis for establishing the reliability or credibility of the sources.

I put this in the RECORD yesterday, but it shows a proceeding totally devoid of any substance. You don't have to have sufficient evidence to go to court to detain someone at Guantanamo, but there has to be some basis for the detention. An examination of what is happening with the Combatant Status Review boards shows they are entirely inadequate under the standards set down by the Supreme Court in the case of Swain v. Pressley. Therefore, the alternative established by Congress in the Military Commissions Act is totally insufficient to provide fair play.

The Supreme Court of the United States has laid it on the line. Even the Guantanamo detainees are entitled to fairness. Guantanamo has been ridiculed around the world and Guantanamo is not being closed. No alternative has been found for it. But at a minimum, those who are detained at Guantanamo ought to have some proceeding to establish some basis, however slight, for their continued detention.

When Congress established the Military Commissions Act and provided for Combatant Status Review boards, we did so with the thought that we could have an alternative to going to Federal court, which would provide a basic rudimentary element of fairness required by the Geneva Conventions and required by the Supreme Court, which brushed aside the practices from World War II, overruling the prior precedents. So now it is up to the Congress of the United States to correct that mistake which we made 2 years ago. I believe any fair reading of what happens with the Combatant Status Review boards would demonstrate that we ought to correct the 2005 legislation. This amendment ought to be adopted.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LEAHY. Mr. President, I understand the Senator from New Mexico wants 3 minutes. I yield 3 minutes to the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized for 3 minutes.

Mr. BINGAMAN. I thank the Chair. Mr. President, I rise in support of the amendment being offered by Senators LEAHY and SPECTER to restore the writ of habeas corpus. I am proud to be a cosponsor of this legislation, and it is my sincere hope that it will be adopted.

One of the most troubling aspects of the administration's onslaught on basic civil rights, which has largely been carried out with the acquiescence of Congress, is with regard to the suspension of habeas corpus.

The "great writ," as it is known in Anglo-Saxon jurisprudence, is simply the basic right to challenge the legality of one's confinement by the Government. It is based on a core American value that it is unacceptable to give the executive branch unchecked authority to detain whomever it wants without an independent review of the legality of the Government's actions. The right dates back to the Magna Carta, and our Founding Fathers included it as one of the fundamental rights guaranteed by our Constitution.

I would like to take a moment to briefly recount how we ended up where we are today.

In 2004, in the case Rasul v. Bush, the U.S. Supreme Court ruled that individuals held at the Guantanamo Bay naval base have the right to challenge the legality of their detention by filing a habeas petition in a U.S. Federal court.

In November 2005, in response to the Supreme Court's decision, and at the behest of the Bush administration, Senator GRAHAM offered an amendment to the 2006 Defense Authorization bill that sought to overrule the Rasul decision and strip Federal courts of jurisdiction to hear habeas claims filed by Guantanamo prisoners.

I offered an alternative amendment aimed at preserving the right to habeas corpus. My amendment was voted on the day before the Senate recessed for Veterans Day. No hearings had been held in either the Senate Judiciary Committee or the Armed Services Committee regarding the impact of eliminating this longstanding right. After very little debate on the Senate floor, my amendment was defeated by a vote of 49–42. The next week I offered a second amendment also aimed at preserving habeas rights, but it was also defeated after a deal was reached as part of what is known as the Graham-Levin compromise.

Under the Graham-Levin compromise, which was ultimately included in the Detainee Treatment Act of 2005, habeas rights were curtailed but the D.C. Circuit was granted very limited jurisdiction to review the determination of a Combatant Status Review Tribunal. That compromise was adopted 84–14. In 2006, the Supreme Court ruled in the Hamdan case that it was unclear as to whether Congress intended to prospectively repeal habeas rights and that the military commissions in Guantanamo were improperly constituted in violation of the Geneva Conventions and the Uniform Code of Military Justice.

Once again, the Senate had the opportunity to restore our Nation's commitment to the rule of law.

Unfortunately, rather than standing up for the rights enshrined in our Constitution, the Senate passed, by a vote of 65–34, the Military Commissions Act of 2006, which explicitly eliminated habeas rights.

Today is almost exactly a year after the Senate voted to pass the Military Commissions Act, and the Senate once again has the opportunity do what is right. We have the chance to restore one of the most fundamental rights guaranteed by our Constitution, and I hope the Senate will take this important step in restoring our Nation's commitment to the rule of law.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KYL. Might I inquire how much time exists on both sides?

The ACTING PRESIDENT pro tempore. There is approximately 18½ minutes on both sides.

Mr. KYL. I thank the Chair.

I request the Chair to advise me when I have spoken for 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me respond to some of the arguments that have been made in support of this amendment and urge my colleagues, as they have done in the past, to reject it. The first thing that must be clarified is that the writ of habeas corpus is not being restored. It can't be restored because it has never existed to question detention. POWs and enemy combatants, detainees, have never, in the history of English common law or American jurisprudence, had the constitutional writ of habeas corpus to challenge their detention—never. So it is a mistake for those who support this amendment to claim that somehow we need to restore the right. It has never existed for this purpose; no case in the history of English or American jurisprudence or anywhere else in the world, for that matter.

Yesterday our distinguished friend and colleague Senator DODD praised and upheld the honor and wisdom of those like his father who participated in the Nuremberg tribunals after World War II. It is well that he should. Along with his father, Thomas Dodd, is, of course, Robert H. Jackson, who became a Justice of the U.S. Supreme Court in 1941 and who returned to the Court after serving as chief counsel at the Nuremberg tribunals from 1945 to 1946. The heroes of American justice and the lions of Nuremberg did not become evil men or ignorant in the law in the period between 1946 and 1950, the year that Johnson v. Eisentrager was decided by the U.S. Supreme Court. It is a case in which Justice Jackson delivered the opinion of the court that enemy combatants have no constitutional right to habeas corpus. That was the holding in the case by the very jurist who presided over the Nuremberg trials. He knew what he was talking about. That precedent remains the law of the United States to this day.

My colleague from South Carolina quoted Justice Jackson in that decision in which he said he could think of nothing that would fetter our commanders more than granting to enemy POWs a right to contest their detention, a constitutional habeas corpus right to question their detention in American courts. He said the very act of war is to subdue your opponent and for that opponent to have the right to require you to go into the courts of your land to defend your capturing of that enemy would be, from the commander's standpoint, an impossible burden to bear. He was right. It is the wisdom and correctness of that decision and all of the precedents that we defend today.

So, first, this is not about restoration of a right. With respect to questioning detention, that right has never existed. The reasons why should be evident to us all.

Secondly, to the extent there needs to be a process for determining whether an individual should be detained, this Congress has gone further than ever in the history of our country and granted an unprecedented process and procedure for that issue to be resolved. After the military tribunals sort out the people who have been captured and they determine, based upon the evidence they have, whether to detain these individuals, what we have granted to these detainees is a right never before granted. It is unprecedented in the history not just of the United States; no other country has done this. We allow that detainee to appeal that detention to a court in the United States, a Federal court, and not just any Federal court, the U.S. Circuit Court for the District of Columbia, the U.S. Court of Appeals for the District of Columbia, which many view as the court directly below the U.S. Supreme Court. And from a decision of that DC Circuit Court, the losing side can petition for writ of certiorari to the U.S. Supreme Court. Never has such an unprecedented legal right been granted to a POW or a detainee. So we should not be suffering under the illusion that by not granting habeas, they don't have any rights. They have more rights than they have ever had.

I would briefly respond to my good friend and colleague Senator SPECTER, who cited an affidavit of an individual who said, from his perspective, the evidence of the Government was inadequate in a case or in a series of cases, there are three remedies for that. The first is that the tribunal says the evidence is inadequate. The detainee gets to go. The second is for the court to ask for more evidence and say this isn't sufficient; do you have anything else you can provide. Of course, it is usually a question of classified information that the Government is loathe to release because frequently it is from a source to which a commitment has been made that the source would not be revealed or that the intelligence wouldn't be revealed, or sometimes it is from another country that we have gotten the information from and we have also made agreements with those countries not to air intelligence they provided to us. So there is always a tension between how much evidence the United States wants to reveal of a classified nature in order to keep this person in detention. But that is the second remedy.

The third remedy is if the court nonetheless decides that there is sufficient evidence, the individual is detained, he can appeal that detention to the circuit court. The circuit court can make all of those same inquiries. So you have one of the most prestigious courts in the country making the final decision about whether the evidence is sufficient. That is certainly adequate process.

The Congress has ratified that twice through our decisions in dealing with the statutory right of habeas. Remember, there is the constitutional right and a statutory right of habeas. What Congress did 2 years ago, in consideration of the Detainee Treatment Act, was to develop a compromise that provided this procedure and make it clear, we thought, that the statutory right of habeas did not apply to these detainees.

A subsequent court decision said: Well, you made that clear with respect to future cases, but for pending cases we think you have not made it clear. So we came back and made it clear that the statutory right applied to neither the existing cases nor future cases. Of course, Congress has the right to limit the statutory right of habeas corpus. So neither the statutory right nor the constitutional right has provided a remedy for these detainees.

There is an alternative remedy that is perfectly adequate. When the Military Commissions Act was marked up by the Armed Services Committee—the bill that is before us—it was adopted with an even more specific provision removing Federal court habeas jurisdiction over enemy combatants to clear up any remaining doubt after the Supreme Court's interpretation of the DTA in the Hamdan decision. That vote, last September, was 15 to 9, including all the committee's Democratic members. Were they all wrong about the Constitution at that time? After subsequent negotiations that did not change the habeas provisions in the bill, the MCA passed this body on a vote of 65 to 34.

We have acted on this matter. I urge my colleagues, when they vote in a few minutes, to refer to their previous vote. It was correct at that time. It remains correct today. If, by some reason, we are wrong, and the case the Supreme Court has before it decides that this fall, then there is no necessity for us to act in a statutory way now. It is not going to change what the Court decides. The Court will say that right exists, and nothing we do will affect that. It would be unnecessary in any event. But if the Court confirms we are right, then it would not only be unnecessary but wrong for us to change that law by supporting the habeas amendment in a few minutes.

The final point I wish to make is that the consequences of granting the habeas right would be horrendous. Justice Jackson referred to this in the Eisentrager decision. I can be more explicit. But as he said: No decision of this Court supports the view. None has ever even hinted that the right of habeas existed in this case.

What would the consequences of granting habeas be?

At least 30 detainees who have been released from the Guantanamo Bay facility have since returned to waging war against the United States and our allies. A dozen released detainees have been killed in battle by U.S. forces. They went right back to fighting us. Others have been recaptured. Two released detainees later became regional commanders for Taliban forces. One released Guantanamo detainee later attacked U.S. and allied soldiers in Afghanistan, killing 3 Afghan soldiers. Another former detainee killed an Afghan judge. One released detainee led a terrorist attack on a hotel in Pakistan and also led a kidnaping raid that resulted in the death of a Chinese civilian. This former detainee recently told Pakistani journalists he plans to fight America and its allies until the very end.

The point here is even detainees whom we have released, either because there was insufficient evidence to hold them or because we deemed they no longer posed a threat to us, have gone back to the battlefield and have fought us and fought our allies, have killed and been killed. These are dangerous killers.

This is not some law school exercise we are going through here. This is not the American criminal justice process. This is dealing with terrorists who are fighting us on the battlefield, and will continue to do so if they are released improperly. That is why dealing with something such as habeas is a very serious—very serious—matter.

I mentioned the problem of classified evidence. In a habeas trial, there clearly would be a right of the defendant or the detainee to both call witnesses—he would literally be able to call his captors, the people who captured him on the battlefield and require them to verify his identity and the reasons why he was held and why he needs to continue to be held—totally disrupting our operations—and classified evidence would probably be required in most of the cases because these are people on whom we have gotten good intelligence as to their intentions and their past activities. Much of this intelligence is highly sensitive as it comes from foreign sources and human sources to whom we have made commitments that we would not reveal the information they provided to us.

It is a Hobson's choice, then, if you treat this like an American trial, where you say either the Government has to come and make this classified evidence available—and then it becomes public—or you have to withhold the classified information and let the detainee go. That cannot be the case in the case of these detainees. That is another practical reason why you cannot have the habeas granted to allow them to contest detention.

Again, put this in the context. What we have is a process that allows them to contest their detention at several stages. It allows counsel to have access to at least some of the classified information. It allows the court—and, in fact, the court of appeals has said it has the right—to review this information, all of the information that is relevant to a particular detainee's case.

The process is not lacking. It is not as if you have to grant habeas in order for these individuals to have a fair determination of their detainee status. They have that today. What they do not have is the extra right that habeas accords American citizens, people here in the United States, to call the witnesses to the court who captured you, to call up all of the classified evidence that is used against you—for the detainee to have a right to that.

The judge who tried the 1993 World Trade Center bombing case and the Padilla case made the point that when information was granted to the lawyers of the detainees in that case, within 10 days the information that was supposed to remain classified—the lawyers were not supposed to reveal it to anyone because it was highly classified; it included the names of coconspirators—within 10 days that information was in Sudan and was in the hands of Osama bin Laden. He knew because his name was on the list that we were after him. He was named as a coconspirator in the case.

So when the habeas right exists, and you have an even greater requirement to release this information, it is inevitable that highly sensitive information in fighting this war on terror will find its way into enemy hands. So the detainees can get back to the battlefield and the highly sensitive information will be very much jeopardized.

These are reasons not to grant, for the first time, a writ of habeas corpus. It is a reason to sustain what we have established for these detainees—a very fair procedure. I urge my colleagues not to grant the cloture motion, to vote "no" on cloture, so we do not open up this can of worms, so we can continue to fight the war against these terrorists.

I reserve the remainder of the time on this side.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask to be yielded 2 minutes.

Mr. LEAHY. Mr. President, I yield 2 minutes to the senior Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 2 minutes.

Mr. LEVIN. Mr. President, the law we passed last Congress stripped the Federal courts of jurisdiction to grant habeas corpus despite a constitutional prohibition which says that habeas corpus may not be suspended except in cases of rebellion or invasion, neither of which is the state of affairs today.

I want to make in this 2 minutes one essential point. The Specter-Leahy-Dodd amendment does not grant any individual the affirmative right to go to court. It does not grant a right of habeas corpus. It simply removes a legislative barrier to such action, restoring the law as it was before we enacted this provision in the last Congress, leaving it up to the courts—where it belongs and it always has been—as to whether habeas corpus should be granted.

When we debated this provision in the last Congress, we received a letter from three retired Judge Advocates General who urged us not to strip the courts of habeas corpus jurisdiction. That letter, signed by Admirals Hutson and Guter, and General Brahms, said the following:

> We urge you to oppose any further erosion of the proper authority of our courts and to reject any provision that would strip the courts of habeas jurisdiction.
>
> As Alexander Hamilton and James Madison emphasized in the Federalist Papers, the writ of habeas corpus embodies principles fundamental to our nation. It is the essence of the rule of law, ensuring that neither king nor executive may deprive a person of liberty without some independent review to ensure that the detention has a reasonable basis in law and fact. That right must be preserved. Fair hearings do not jeopardize our security. They are what our country stands for.

Well, we received similar letters from nine distinguished retired Federal judges and from hundreds of law professors from around the United States, and from many others.

I urge our colleagues to support the Specter-Leahy-Dodd amendment.

Mr. KENNEDY. Mr. President, I am cosponsoring this amendment because I strongly support the restoration of the right to habeas corpus for noncitizens detained as enemy combatants.

This bill will reinstate one of the cornerstones of the rule of law. Habeas corpus protects one of our most fundamental guarantees: that the Government may not arbitrarily deprive persons of their liberty.

President Bush and Congress undermined that guarantee last year by enacting the Military Commissions Act, which stripped courts of jurisdiction over habeas corpus petitions by enemy combatants. That legislation is a stain on our human rights record and an insult to the rule of law. It is almost surely unconstitutional.

For centuries, the writ of habeas corpus has been a core principle of Anglo-American jurisprudence. Since the days of the Magna Carta in the 17th century, it has been a primary means for persons to challenge their unlawful government detention. Literally, the Latin phrase means "have the body" meaning that persons detained must be brought physically before a court or judge to consider the legality of their detention.

The writ prevents indefinite detention and ensures that individuals cannot be held in endless detainment, without indictment or trial. It requires the Government to prove to a court that it has a legal basis for its decision to deprive such persons of their liberty.

The Framers considered this principle so important that the writ of habeas corpus is the only common law writ enshrined in the Constitution. Article I, section 9, clause 2, specifically states, "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

Mr. President, 9/11 was a tragic time for our country, but we did not set aside the Constitution or the rule of law after those vicious attacks. We did not decide as a nation to stoop to the level of the terrorists. In fact, we have always been united in our belief that an essential part of winning the war on terrorism and protecting the Nation is safeguarding the values that Americans stand for, both at home and throughout the world.

Instead of standing by these principles, however, the Bush administration used 9/11 to justify abandoning this basic American value. It has consistently undermined habeas corpus, claiming that the Constitution, statutory habeas corpus, and the Geneva Conventions, which Alberto Gonzales described as "quaint," do not apply to enemy combatants held at Guantanamo Bay or elsewhere.

The administration even went so far as to establish detention facilities outside the United States to avoid the reach of U.S. courts and the application of basic legal protections such as habeas corpus. The administration's purpose was to hold these combatants indefinitely and try them in military commissions.

The commissions, however, have severely limited the rights of alleged enemy combatants. The accused have no access to the evidence which the Government claims it possesses and no ability to provide a meaningful defense. The tribunals are a sham and an insult to the rule of law.

The administration's lawlessness failed. Last year, the Supreme Court ruled in Hamdan v. Rumsfeld that Federal courts have jurisdiction over habeas corpus petitions brought by detainees at Guantanamo Bay. Justice Stevens reminded the administration that "in undertaking to try Hamdan and subject him to criminal punishment, the Executive is bound to comply with the Rule of Law."

In the face of this clear Supreme Court precedent, the administration and Congress recklessly responded with the Military Commissions Act, which eliminated the right of all noncitizens labeled by the executive as enemy combatants to be heard in an Article 3 court. This bill will repeal these disgraceful provisions of the Military Commissions Act and restore the right to habeas corpus for detainees held at Guantanamo Bay and elsewhere. I urge my colleagues to vote for the rule of law and to support this amendment.

Mr. DODD. Mr. President, I rise to once again voice my support for the Specter-Leahy-Dodd amendment to the Department of Defense Authorization Act. This amendment will restore habeas corpus rights to individuals held in U.S. custody.

Just as importantly, it will begin to undo the damage done by the Military Commissions Act of 2006—legislation that undermined our values and our commitment to the rule of law. In a struggle with terrorism in which our credibility, our good name, is a powerful weapon, the Military Commissions Act was not simply wrongheaded; it was dangerous. The amendment we offer today is a first step out of that danger and back to our moral authority.

Critics of this amendment in the Bush administration and elsewhere have argued that restoring habeas corpus rights will clog Federal courts and hamper our military operations in Iraq and Afghanistan. This is simply not true.

First, in keeping with long tradition, this amendment only applies to individuals held on clearly defined U.S. territory, including Guantanamo—but not to individuals held in U.S. custody in Iraq and Afghanistan. Several individuals filing habeas petitions from Iraq and Afghanistan have already been denied. The truth is that a relatively small number of individuals are covered by this amendment. Right now, fewer than 500 people are held in Guantanamo Bay. It is simply not credible to suggest that thousands or millions of petitions would deluge our courts and grind them to a halt. From 2002 to 2006, when detainees had the ability to file habeas petitions, the Federal courts continued to run smoothly. Last year, a distinguished group of retired judges wrote to Congress, stating clearly that habeas petitions from detainees in no way tied up our courts.

Second, habeas petitions heavily favor the Government's position. They are often decided solely by paper filings by the Government, and Federal judges have wide discretion in determining what type of evidence they need to make their determinations. In addition, usually only a minimal amount of evidence is needed to justify continued detention. Therefore, it is highly unlikely that U.S. servicemembers will be called from the battlefield to testify before a Federal judge.

Finally, many of those who oppose this amendment have relied on Justice Jackson's opinion in Johnson v. Eisenstrager to defend the stripping of habeas rights to detainees. But Eisentrager has been overtaken by more recent cases. Justice Jackson's opinion in that case relied in part on the fact that the petitioners were German prisoners of war who were imprisoned outside the United States. In 2004, however, the Supreme Court held in Rasul v. Bush that the U.S. courts have jurisdiction to hear challenges to the legality of detention of foreign nationals held there because the United States had complete jurisdiction and control over the base at Guantanamo. In other words, the Supreme Court itself rejected the Government's reliance on Eisentrager as it applies to individuals held in Guantanamo. That was the very decision that prompted the President and Congress to strip detainees of habeas rights with the Military Commissions Act.

In ignoring the most recent precedent, President Bush and his supporters are ignoring the history of the very bill they are now fighting to uphold. Their reliance on outdated rulings is, at best, disingenuous. Willfully or not, they have once again distorted the facts.

I believe that returning to the legal framework that was in place prior to the Military Commissions Act would not undermine our security. In fact, I believe reaffirming our commitment to the rule of law will strengthen our efforts to combat terrorism—we can protect our security and uphold our values at the same time. And so I ask my colleagues to support this amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to speak in favor of the Leahy-Specter amendment to restore habeas corpus, as part of the Defense authorization bill. This amendment is identical to S. 185, the Habeas Restoration Act, which was introduced earlier in this Congress and enjoys bipartisan support. I was pleased to sign onto that bill as one of its earliest cosponsors, and I am pleased to speak in favor of this amendment today.

I strongly disagree with the provisions in the Military Commissions Act that were passed last fall, eliminating the jurisdiction of American courts to consider any petition for a writ of habeas corpus filed by an alien detained by the United States after either being determined to be an enemy combatant or while awaiting such a determination.

I believe the Leahy-Specter amendment would rectify this provision, and I urge my colleagues to support it.

I firmly believe that we must do all we can to fight the war on terrorism. But we also must preserve the core principles that create the foundation of this country.

The right to habeas corpus is one of those fundamental principles. Habeas corpus is the right secured in the Constitution, allowing a person to seek relief from unlawful detention. It has roots that date back to the Magna Carta of 1215.

Habeas corpus has been suspended only a few times in our history—and then only temporarily, such as during our Civil War. Never in history have we suspended habeas corpus indefinitely, for a war that has no foreseeable end.

This is not simply a matter affecting a few hundred detainees at Guantanamo. The Military Commissions Act went far beyond eliminating the rights of the remaining detainees at Guantanamo—it also potentially can reach all 12 million lawful permanent residents in the United States, as well as visitors to our country. Under this law, any of these people can be detained, potentially forever, without any ability to challenge their detention in Federal court, simply based on the Government declaring them enemy combatants.

In fact, the Government need not even find that a noncitizen is an enemy combatant for their habeas rights to be stripped. It is enough for someone to be "awaiting" a determination—of a mere accusation is enough for a person to lose this basic right.

Here is what the Military Commissions Act says:

> No court, justice, or judge shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States who has been determined by the United States to have been properly detained as an enemy combatant or is awaiting such determination.

Most of the remaining detainees at Guantanamo have been held without charges for years. While they did receive very limited due process through DOD-sponsored administrative tribunals, designed to evaluate whether they can continue to be classified and held as enemy combatants, in these review tribunals, detainees can often face: secret and hearsay evidence, evidence obtained from "enhanced interrogation techniques," and no right to counsel. Appeals from these review tribunals are limited to the question of whether the Government followed its own limited procedures. There are even recent reports that when some of these tribunals found that a detainee was not an enemy combatant, the Defense Department arranged for the tribunals to be repeated, until Government officials got a result that they wanted.

Rather than abolishing habeas corpus, I believe the judiciary plays a vital role in evaluating and reviewing whether due process has been provided and whether innocent persons are being held.

This is not a partisan issue, as demonstrated by the fact that the lead Senators are the chair and ranking member of the Judiciary Committee. In addition, conservatives like Kenneth Starr, Professor Richard Epstein, and David Keene of the American Conservative Union have all called for restoration of habeas, as have a long list of liberal and other scholars, retired Federal judges, and military leaders such as RADM Donald Guter, former Judge Advocate General of the Navy, who wrote that the elimination of habeas corpus rights for detainees "makes us weaker and impairs our valiant troops."

The right of habeas corpus is a key component of what keeps our system of justice fair and balanced. It is time for Congress to ensure that it remains available. I urge my colleagues to support the Leahy-Specter amendment to restore the rule of law at Guantanamo and elsewhere and the Great Writ of habeas corpus to its rightful place in our American system of justice.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to——

Mr. LEAHY. Mr. President, if I could ask the Senator from Alabama a question.

Mr. SESSIONS. Yes.

Mr. LEAHY. Is it the Senator's intention to close for his side?

Mr. SESSIONS. Mr. President, let's see how the time looks. I think perhaps so. How much time is left on this side?

The ACTING PRESIDENT pro tempore. Three minutes remain.

Mr. SESSIONS. Mr. President, I would utilize that 3 minutes and allow the distinguished chairman of the Judiciary Committee to close with his remarks.

First, I express my appreciation to Senator LINDSEY GRAHAM and Senator JON KYL, who meticulously explained the origin of the situation we find ourselves in today and why we have never provided the writ of habeas corpus to enemy combatants and why we should not do so.

Let's back up a little bit and go to the core of it. The Senator from New Mexico, Mr. BINGAMAN, I think correctly gave us the status of the case. Congress passed section 2241, part of the United States Code, a statutory provision of Congress dealing with habeas. At that time, I suggest, without any doubt in my own mind, Congress had no idea that years later the Supreme Court would conclude that language—and rightly or wrongly on the Supreme Court ruling—that language would provide habeas rights to combatants captured on the battlefield. OK. But the Supreme Court ruled that based on the way the statute was written. It was an unintended consequence.

I would note, three members of the Supreme Court dissented and did not think that statute covered that.

So after that happened, we had to ask ourselves: Is the Supreme Court saying: You, Congress, provided habeas rights to prisoners. You did it when you passed the statute. We are not saying the Constitution requires it. We are not saying the Supreme Court requires it. What we are saying is you did it when you passed the statute?

So Congress said: OK, we did not mean that. Then we passed the amendment last year Senator GRAHAM offered that fixed it, and did not provide, for the first time in the history of American history—or world history, for that matter—enemy prisoners be given the right to sue the generals who have captured them.

All right. So we did that, and we passed it. The DC Circuit Court of Appeals, in interpreting that statute, has followed it and concluded that Congress has changed the law and that the prisoners in Guantanamo are not entitled to habeas rights that we provide to every American citizen.

Now, that is the right thing. This is exactly what we should do. So I am somewhat taken aback by the suggestion of those who are promoting this amendment that somehow Congress denied the Great Writ and changed the law and they are here to restore it.

This is purely a matter of congressional policy and national policy on how we want to conduct warfare now and in the future. How are we going to do that? Are we going to do it in a way that allows those we capture to sue us? Now you can utilize those rights if we choose to try a prisoner of war and to lock them up or to execute them. You can use a lot of legal rights. A prisoner can use those rights, but not in this circumstance. This is merely to restore the historical principles of habeas that already existed. The current law does that. The new amendment would change it.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, at the beginning of this debate, I said Congress committed a historic error when it eliminated the Great Writ of habeas corpus because it did it not just for those detained at Guantanamo Bay—that raises enough questions about our sense of history and our sense of our own basic jurisprudence in this country—but Congress also eliminated it for millions—millions—of permanent legal residents here in the United States. Some of them are professors in our finest schools, others are medical people in our hospitals, and some are actually serving in our law enforcement and in our military. Listening to the arguments these past few days of those opposed to restoring habeas rights, it becomes ever more apparent that this was a mistake the last Congress and the administration made based on fear. I cannot think of a greater mistake than one based on fear in the most powerful Nation on Earth.

Opponents make the alarmist argument that if we permit people to challenge their detention in Federal court, we will jeopardize our national security and place ourselves in greater danger. In fact, of course, the opposite is true.

We have heard these kinds of arguments before during trying and turbulent times in American history, such as when the Government shamefully interned tens of thousands of Japanese-Americans during World War II. We should know by now that it hurts this country, and especially our men and women in uniform, when we allow public policy to be guided by fear, rather than by American values and freedoms.

The critics of habeas restoration resort to scare tactics because they know that history and the facts are against them.

The truth is that casting aside the time-honored protection of habeas corpus makes us more vulnerable as a nation because it leads us away from our core American values and calls into question our historic role as the defender of human rights around the world. It also allows our enemies to accomplish something they could never achieve on the battlefield—the whittling away of liberties that make us who we are, the liberties we fought during the Revolutionary War to preserve, the liberties we fought a civil war to preserve, the liberties we defended not only our own freedom but the freedom of much of the Western World in two world wars to preserve.

The need for the Great Writ has never been stronger than it is today. We have an administration that at every opportunity has aggressively sought unchecked executive power while working to erode or to eliminate constitutionally enshrined checks on that power by the courts and by Congress. Stripping away habeas rights which allow people to go to court to challenge detention by the executive is just the latest brazen attempt in a 6-year-long effort to consolidate power in the executive branch. You could have picked up somebody, locked them up, and all that person wants to say is: I am not the person named here. Before we did this, someone could at least get a writ of habeas corpus, go to the court, and say: I am not going to contest the case or anything else, but just the fact that you picked up the wrong person. They can't even do that now. This is America?

The writ of habeas corpus is not some special benefit to be honored only when it is convenient. As no less a conservative than Justice Antonin Scalia has written, "[t]he very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive." Habeas has served for centuries to protect individuals against unlawful exercises of state power.

Habeas corpus is the only common law writ enshrined in the Constitution. Article I, section 9 provides that the "Writ of Habeas Corpus shall not be suspended, unless when in Cases of rebellion or invasion the public Safety may require it." The Judiciary Act of 1789 specifically empowered federal courts to issue writs of habeas corpus "for the purpose of an inquiry into the cause of commitment." In more than 2 centuries since then, habeas has only been suspended 4 times, all of them at times of active rebellion or invasion. Even this administration does not claim that we are at such a point now.

The Military Commissions Act of 2006 spurned centuries of tradition and empowered the executive to detain noncitizens potentially forever, with no meaningful check by another branch of Government. With this act, Congress permanently eliminated the writ of habeas corpus for any noncitizen determined to be an enemy combatant or even awaiting such determination. If the determination hasn't been made, we are going to spend a few years making up our minds whether you are an enemy combatant, but you still can't contest the fact that we have picked up the wrong person. So a mere accusation by the executive is enough to keep a person in custody indefinitely, and that detention is not subject to review. As our Founders knew well, no administration—no administration, not this one, not the next one, not the one after that—can be trusted with that kind of power.

The Specter-Leahy amendment would restore the proper balance of power between the branches of Government by reestablishing the law on habeas as it existed prior to the passage of the Detainee Treatment Act and the Military Commissions Act. It creates no new legal rights. The U.S. Supreme Court confirmed in the Rasul case that American and British courts have routinely assumed jurisdiction over habeas claims made by aliens.

British courts in the 18th century considered habeas claims of aliens held as enemy combatants, as did the U.S. Supreme Court during World War II, a war where we faced the possible destruction of democracy. These courts considered habeas claims of alien enemy combatants who had already received military trials—meaning even before their habeas claims, they had already received more process than most noncitizen detainees will ever get now. Our legendary Chief Justice, John Marshall, in one instance granted relief to an alien enemy combatant bringing a habeas claim. In most of these historical cases, though, habeas petitioners lost and were not granted any relief, and indeed most habeas petitioners have their claims dismissed with a simple, one-page ruling from a judge. This historical record is evidence that habeas can be relied upon as a necessary, but entirely reasonable, check on Executive power.

As in the past, noncitizen detainees alleged to be enemy combatants should at least have the right to go into an independent court to assert that they are being held in error—not to have a trial but at least to say: Hey, we read the warrant, this is not the person—I am not the person named; you picked up the wrong person. They can't even ask an independent court to determine that.

As in the past, a court will only grant habeas relief if the petitioner is able to, in fact, establish this effort. We are not talking about having a trial with all of these red herrings we have heard from those on the other side, who say that somehow we would have to bring in battlefield tactics or we would have to bring in classified information. That is not it. That is not it. We are talking about just being able to at least contest the fact that they have been picked up.

If the detainees held at Guantanamo truly are the worst of the worst of our enemies, as this administration claims, surely it will be easy for the Government to make a baseline showing in court that they are lawfully detained. If they are really such enemies, we ought to at least know that and know that they were lawfully detained. Of course, senior government and military officials have told the press a story very different from the party line. They have told the New York Times that the Government detained many of the Guantanamo detainees in error.

In any case, the sweep of the Military Commissions Act goes well beyond the few hundred detainees held at Guantanamo Bay. It threatens the civil liberties of an estimated 12 million lawful, permanent residents of the United States. They work here, they pay taxes in this country, and under current law, any of these people can be detained forever without the ability to challenge their detention in Federal court simply on the executive say-so, even if the Government made a mistake and picked up the wrong person. As we heard from Professor Mariano-Florentino Cuellar at the Judiciary Committee's hearing on this issue, this is of particular concern to the Latino community, which includes so many of the hard-working lawful permanent residents in this country.

The cursory review process set up by Congress for detainees, called combatant status review tribunals or CSRTs, is no substitute for habeas corpus because, among many other deficiencies, it does not provide a neutral arbiter—a Federal judge—to review the factual record for error. This summer, LTC Stephen Abraham, a military lawyer who participated in the CSRT process, said in a sworn affidavit that the evidence presented to CSRTs "lack[s] even the most fundamental earmarks of objectively credible evidence." He also said that superiors pressured the officers on review panels to find detainees to be "enemy combatants." That is neither just nor fair, and rigged tribunals are not the way this country has ever dispensed justice, nor the way it should. Court review allowed under current law that relies on the findings of such a flawed system falls well short of the independent review that our system of checks and balances demands.

Restoring habeas would send a clear message that when we promote democracy and the importance of human rights to the rest of the world, we are practicing what we preach. I have heard so many speeches on the floor of this body—and I agree with them—criticizing other countries for doing what we have done. How do we go to these other countries and say: You can't do this. And they say: But you do it. And we say: Oh, well, that was the war on terror; we are facing this great threat, so we have to do it, but you shouldn't do it. Well, we need to listen to our military leaders and our foreign policy specialists on this point who disagree with what we have done.

The former Navy Judge Advocate General Donald Guter told the Judiciary Committee in May that by stripping even our enemies of basic rights, we are providing a pretext to those who capture our troops or our civilians to deny them basic rights. What do we say the next time an American civilian, lawfully in another country, is picked up and detained and not even allowed to raise the point that they picked up the wrong person, and we go to that country, and they say: Hey, wait a minute, that is what you do in your country; don't preach to us. Your American citizen is going to stay behind bars. We are just doing to you what you are allowed to do to us.

William H. Taft IV, former Deputy Secretary of Defense under President George H. W. Bush, and a former State Department adviser in the current administration, told us that stripping the courts of habeas jurisdiction sacrificed an important opportunity to enhance the credibility of our detention system. Restoring habeas to detainees will improve our strategic and diplomatic positions in the world and remove a rallying point for our enemies.

The right to habeas corpus is a limited right. Habeas, as I said before, does not give a person the right to a trial. It does not give a habeas petitioner a right to personally appear in court. It most certainly does not mean that U.S. service men and women will be pulled from the battlefield to testify in such proceedings, notwithstanding the alarmist comments made on the other side of the aisle. All the Government must do to defeat a habeas claim is demonstrate to a judge by a preponderance of the evidence that the detainee is being lawfully held. That is all.

Most habeas petitions are rejected by the Federal courts without the need to call a single witness. I certainly knew that when I was a prosecutor. Any time I ever sent anybody to prison for more than a year, I knew there would be half a dozen habeas petitions filed. They would usually be denied without even ever having called a single witness. In fact, habeas petitions can be, and routinely are, disposed of in Federal court based on a single affidavit by a Government agent explaining the basis for detention. I simply sent over an affidavit showing the date and time of conviction to the court clerks. That is all I had to do. Habeas simply provides an opportunity for a detainee to argue to an independent Federal judge that he or she is being held in error. If the detainee is properly held, the Government can easily overcome that claim. The distinguished Presiding Officer was a distinguished U.S. attorney. He understands very well that point.

Recent history makes clear that restoring habeas will not invite habeas litigation from abroad, as some have claimed. The Supreme Court found habeas jurisdiction at Guantanamo Bay because Guantanamo is, for all intents and purposes, a U.S. territory. U.S. courts have found no habeas jurisdiction in the case of enemies captured, detained, and held in Iraq. There was no flood of international habeas petitions following the 2004 Rasul decision validating the extension of habeas rights at Guantanamo, and there is not going to be if habeas is restored now.

Guantanamo detainees had habeas rights until those rights were conclusively taken away last year. Between 2002 and late 2006, these claims were handled by judges in the U.S. District Court in Washington, DC. The judges in that court released no detainees, and they issued no orders compelling the Government to alter the detainees' conditions of confinement. Habeas is a necessary and appropriate check on executive power, but it is a far cry from a get-out-of-jail-free card.

Opponents of habeas restoration suggest other countries will not open their courts to petitions from enemy aliens. But if a foreign country imprisoned an American, as I said before—say an aid worker or a nurse or a civilian contract employee—and held that person without any charge as a combatant, or simply said: We are going to "determine" whether that person is a combatant because he or she has supported the U.S. military, for example, or had a "Support Our Troops" sticker on their car, the U.S. Government would surely demand that American have a chance to go to court. Our consul would be down there immediately demanding that. What kind of a reaction would there be in this country if we read in the paper where another country said: No, you have no right to challenge the fact that we picked them up; you have no right to challenge even that we picked up the wrong person. When we screamed about that in editorials all over this country saying how horrible that is, they would simply answer: We are just doing what you do. By denying basic rights to alien detainees, we encourage other nations to do the same to American civilians, and they will. They will. That is why we hear from so many of our military, so many distinguished people that we should change this.

Critics of the Specter-Leahy bill also point to released detainees who they assert went back to the battlefield, as a reason not to restore habeas rights. But the truth is that those Guantanamo detainees who have been released since 9/11 have been freed by the military following its own process, not by Federal judges on habeas review.

The critics' assertions that habeas proceedings in Federal court will somehow lead to the sharing of classified information with terrorists is cockamamie. It is merely fear-mongering. This argument demeans our Federal judiciary. It ignores the procedures established by Congress to ensure that classified information is safeguarded in Federal proceedings. Federal judges have significant discretion in determining what kinds of evidence to consider, what witnesses, if any, to allow for a habeas claim. Many detainee habeas claims could be resolved with no recourse to classified documents at all. Where classified evidence is relevant, all Federal judges are cleared to view such information, and they are well equipped to deal with it without compromising national security.

We must not succumb to baseless, fear-driven arguments. The sky will not fall if we vote to restore habeas. Quite the contrary: Congress will take a positive step toward returning to our core American values of liberty, due process, and checks and balances. In doing so, we will increase America's security and bolster our place in the world. That is why this amendment has support from across the political and ideological spectrum.

I thank Senator DODD, Senator MENENDEZ, Senator BINGAMAN, Senator LEVIN, and Senator SPECTER for coming to the floor and eloquently calling for a return to basic American values and the rule of law.

Yesterday, 41 Republicans voted to filibuster a bill that would have given to hundreds of thousands of residents of the District of Columbia the fundamental right to vote for Congress—the District of Columbia, which has roughly the same population as my own State of Vermont. I hope they will not follow that sad day with a filibuster today of legislation to restore the fundamental right of someone held by the Government without any charge to at least go to court and ask why.

The most daunting challenge in the age of terrorism is to strike the proper balance between maintaining our national security against very real threats but also preserving the liberties that are the proudest legacy of our Founders. It is our Founders who were willing to risk capture and hanging to bring about a nation based on the principles that you, Mr. President, and I have always supported and which we supported in our oath of office.

More than ever, especially in the wake of September 11, we have to remain vigilant against security threats, but let's never forget that our values are the foundation that makes our Nation strong. Now is the time to reaffirm those values, to be renewing this country's fundamental, longstanding commitment to habeas corpus review. I urge every Senator to support the Specter-Leahy amendment to restore habeas corpus.

Mr. President, I wish Members would look at those who support this. Support from this amendment goes across the political spectrum, from the American Conservative Union to liberal groups, to some of our leading citizens, including former Secretary of State Powell and others who have spoken out for this. We should pass this amendment.

Mr. President, how much time remains?

The PRESIDING OFFICER. All time has expired.

Mr. LEAHY. I thank the Chair. Mr. President, if the yeas and nays have not been ordered, I will ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are mandatory.

Mr. LEAHY. I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on amendment No. 2022, regarding restoration of habeas corpus, to H.R. 1585, the Department of Defense Authorization bill.
>
> Harry Reid, Dick Durbin, Carl Levin, Christopher Dodd, Jeff Bingaman, Barack Obama, Robert Byrd, Ken Salazar, Debbie Stabenow, Dianne Feinstein, Patrick Leahy, Sheldon Whitehouse, Daniel K. Akaka, Russell D. Feingold, Amy Klobuchar, Bill Nelson (FL).

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call be waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2022, offered by the Senator from Michigan, Mr. LEVIN, to amendment No. 2011 to H.R. 1585 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Webb
Whitehouse
Wyden

NAYS—43

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Stevens
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Chambliss

The motion was rejected.

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I have been talking with Senator McCAIN, and it is our understanding the agreement now is the Graham amendment, which would be next in order under the previous UC, would be laid aside temporarily—we think we are making some progress on working out that amendment—and then we would now have Senator WEBB recognized to introduce his amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I wish to thank my friend from Michigan. We would like to get a time agreement on debate on the Webb amendment, but I do not know how many speakers we have on our side. We will be proposing an amendment that has been put together by my other colleague from Virginia, Senator WARNER, as a sort of side-by-side effect.

I thank the Senator from Virginia, Mr. WARNER, for working on an amendment that I think expresses very clearly we all want all our troops home. We understand the stress and the strain that has been inflicted on the men and women in the military—and the Guard and Reserves—and we admire the motivation and the commitment of Senator WEBB from Virginia. We are, obviously, in opposition to his amendment and think his colleague from Virginia has an alternative idea that expresses the will of practically all of us to relieve this burden on the men and women in the military.

So I wish to thank my friend from Michigan, and I also wish to say again, hopefully, within a relatively short period of time we can get a time agreement on debate and vote as soon as possible on this issue. This same amendment has been debated before in the Senate and it is pretty well known to our colleagues, although it is very clear that many want to speak on it because of its importance.

So I thank my friend from Michigan and both Senators from Virginia, for whom I have the greatest respect, and we will look forward to a rather unusual situation here in the Senate—a vote on a resolution by one Senator from Virginia and a resolution from another Senator from Virginia on the same issue. I look forward to this debate. I know it will be both educational and, I hope, enlightening and informative not only to our colleagues but to the American people.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the pending amendments be set aside and that Senator WEBB be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object, and I would not object, but I ask my friend from Michigan, will the vote on this amendment have a 60-vote requirement?

Mr. LEVIN. I think that is the intention, as part of a unanimous-consent agreement. It is my understanding that is the intent, however, that will be part of a larger UC.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The Senator from Virginia.

Mr. WEBB. Mr. President, I assume you are calling on this particular Senator from Virginia.

I rise to offer, along with Senator HAGEL, as the lead Republican cosponsor, and 35 of my colleagues a bipartisan amendment that speaks directly to the welfare of our servicemembers and their families.

I have learned from Senator McCAIN's comments that Senator WARNER will be offering a side-by-side amendment that goes to the sense of the Congress rather than the will of the Congress, and I would like to state emphatically at the outset this is a situation that calls for the will of the Congress. It calls for the Congress to step in and act as, if nothing else, an intermediary in a situation that is causing our men and women in uniform a great deal of stress and which again calls for us in the Congress to do something about this.

We have been occupying Iraq for more than 4 years—more than 4½ years. During that time, it is sensible to assume our policies could move toward operational strategies that take into account the number of troops who are available rather than simply moving from one option to another, one so-called strategy to another, and continually going to the well and asking our troops to carry out these policies. This amendment would provide a safety net to our men and women in uniform by providing a minimum and more predictable time for them to rest and retrain before again deploying.

If you are a member of the regular military, this amendment basically says that as long as you have been gone, you deserve to have that much time at home. This is a 1-to-1 ratio we are trying to push. Many of our units and our individuals are below that, even when the Department of Defense's stated goal and the restated goal of the Commandant of the Marine Corps not long ago was to move back to 2 to 1. In other words, our troops right now are being deployed in environments, many of them, where they are spending more time in Iraq than they are spending at home, when traditionally they should have twice as much time in their home environments to refurbish their units, retrain, get to know their families, and then continue to serve their country. For the Guard and Reserve, we have a provision in here that would require that no member or unit be deployed to Iraq or Afghanistan within 3 years of a previous deployment.

I would like to emphasize this amendment is within the Constitution. There have been a number of Members, including the Senator from Arizona, who have stated publicly this is blatantly unconstitutional. It is well within the Constitution, and I read from article I, section 8:

> The Congress has the power to make rules for the government and regulation of the land and naval forces.

This constitutional authority has been employed many times in the past, most significantly during the Korean war, when the administration in charge at the time was sending soldiers to Korea before they had been adequately trained. The Congress stepped in under that provision of article I, section 8 and mandated that no one be deployed overseas until they had at least 120 days of training. We are doing essentially the same thing in terms of a protective measure for the troops of our military but on the other end. We are saying, as long as you have been deployed, you deserve to have that much time at home.

This amendment is responsible. It has been drafted with great care. We have put waivers that would apply to unusual circumstances into it. The President can waive the limitations of this amendment in the event of an operational emergency posing a threat to vital national security interests. People who want to go back, can go back. It does not stop anyone from volunteering to return if they want to waive this provision.

I have spoken with Secretary Gates, spoken with him at some length last week. I listened to his concerns. We put in two additional provisions in this amendment to react to the concerns the Secretary of Defense raised. The first is a 120-day enactment period, which is different from the way this amendment was introduced in July. In other words, the Department of Defense would have 120 days from the passage of this legislation in order to make appropriate plans and adjust to the provisions.

I also have a provision in this bill that would exempt the special operations units from the requirements of the amendment. Special operations units are highly selective, their operational tempos are unpredictable, and we believe it is appropriate they be exempted.

This amendment is not only constitutional, not only responsible, but it is needed. It is needed in a way that transcends politics. After 4½ years in the environment in Iraq, it is time we put into place operational policies that sensibly take care of the people we are calling upon to go again and again.

That is one reason why the Military Officers Association of America took the unusual step to actually endorse this amendment. The Military Officers Association of America is not like the Veterans of Foreign Wars, not like the American Legion. They rarely step into the middle of political issues. But this organization, which comprises 368,000 members, military officers, took the step of sending a letter of endorsement for this amendment, calling upon us in the Congress to become better stewards of the men and women who are serving.

It is beyond politics in another way. We are asking our men and women in uniform to bear a disproportionate sacrifice as the result of these multiple extended combat deployments with inadequate time at home. We owe them greater predictability.

This is this week's issue of the Army Times. The cover story in the Army Times this week talks about brigade redeployments, who has gone the most, who has gone the least, who is going next. At least eight of the Army's active combat teams have deployed three or four times already. These are year or 15-month deployments. Another six, including three from the 101st Airborne, leave this month for either round three or round four.

There is one brigade in the 10th Mountain Division, which is now nearing the end of its 15-month deployment, that is on its fourth deployment. When these soldiers return in November, they will have served 40 months since December 2001. That is about two-thirds of the time we have been engaged since December 2001. This amendment is needed for another reason, and that is that it has become clearer since the testimony of General Petraeus and Admiral Crocker that the debate on our numbers in Iraq and our policy in Iraq is going to continue for some time. We have divisions here in the Senate. We have divisions between the administration and the Congress. We are trying to find a formula, the right kind of a formula that can undo what I and many others believe was a grave strategic error in going into Iraq in the first place. But we have to have this debate sensibly. In the meantime, because this debate is going to continue for some time, we need to put a safety net under our troops who are being called upon to go to Iraq and Afghanistan.

I noted with some irony on Monday, as I was presiding, when the Republican leader expressed his view that it would not be an unnatural occurrence for us to be in Iraq for the next 50 years. This comparison to Korea and Western Europe is being made again and again.

I go back to 5 years ago this month when I wrote an editorial for the Washington Post, 6 months before we invaded Iraq. One of the comments I made in this editorial 5 years ago was that there is no end point, there is no withdrawal plan from the people who have brought us to this war, because they do not intend to withdraw.

I said that 5 years ago. It is rather stunning to hear that ratified openly now by people in the administration and by others who have supported this endeavor. We need to engage in that debate. We need to come to some sort of agreement about what our posture is going to be in the Middle East. And, as we have that debate, it is vitally important that we look after the well-being of the men and women who are being called upon, again and again, to serve.

We are seeing a number of predictable results from these constant deployments. We are seeing fallen retention among experienced combat veterans. We are seeing soldiers and marines—either retained on active duty beyond their enlistments in the "Stop Loss" program or being recalled from active duty after their enlistments are over—being sent again to Iraq or Afghanistan. We are seeing statistics on increased difficulties in marital situations and mental health issues.

There was a quote in this week's Army Times by one Army division's sergeant major who was saying:

> After the second deployment, it's hard to retain our Soldiers. They have missed all the first steps, they've missed all the birthdays; they've missed all the anniversaries.

I have seen that again and again with people I have known throughout their young lifetimes. One young man who is a close friend of my son just returned with an army unit, back for his second tour in Iraq. One of his comments at his going-away party was: 15-month deployments mean two Thanksgivings, two Christmases, two birthdays.

What we are trying to do with this amendment is to bring a sense of responsibility among the leadership of our country in terms of how we are using our people. It is an attempt to move beyond politics as the politics of the situation are sorted out. Again, it is constitutional, it is responsible, it has been drafted with care, it is needed beyond politics. I hope those in this body will step forward and support it to the point that it could become law.

I note my colleague, the Senator from Nebraska, has arrived, my principal cosponsor, for whom I have great regard. He and I have worked on many issues over nearly 30 years. I am grateful to be standing with him today and I yield my time and hope the Senator from Nebraska is recognized.

AMENDMENT NO. 2909 TO AMENDMENT NO. 2011

Mr. President, I had assumed the amendment was called up by the chairman. I erred. I ask amendment No. 2909 be called up.

The PRESIDING OFFICER (Mr. CASEY). The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WEBB] for himself, Mr. REID, Mr. HAGEL, Mr. LEVIN, Ms. SNOWE, Mr. SMITH, Mr. OBAMA, Mrs. CLINTON, Mr. BYRD, Mr. KENNEDY, Mr. SALAZAR, Mr. HARKIN, Mr. BROWN, Mrs. LINCOLN, Ms. KLOBUCHAR, Mr. DODD, Mr. BIDEN, Mr. LAUTENBERG, Mr. KERRY, Mr. DURBIN, Mr. TESTER, Mrs. MCCASKILL, Mr. SCHUMER, Mr. PRYOR, Mr. SANDERS, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, Ms. LANDRIEU, Mr. JOHNSON, Mr. CARPER, Mr. ROCKEFELLER, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. AKAKA, and Mr. MENENDEZ, proposes an amendment numbered 2909.

Mr. WEBB. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To specify minimum periods between deployment of units and members of the Armed Forces deployed for Operation Iraqi Freedom and Operation Enduring Freedom)

At the end of subtitle C of title X, add the following:

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES DEPLOYED FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress expresses its grateful thanks to the men and women of the Armed Forces of the United States for having served their country with great distinction under enormously difficult circumstances since September 11, 2001.

(2) The all-volunteer force of the Armed Forces of the United States is bearing a disproportionate share of national wartime sacrifice, and, as stewards of this national treasure, Congress must not place that force at unacceptable risk.

(3) The men and women members of the Armed Forces of the United States and their families are under enormous strain from multiple, extended combat deployments to Iraq and Afghanistan.

(4) Extended, high-tempo deployments to Iraq and Afghanistan have adversely affected the readiness of non-deployed Army and Marine Corps units, thereby jeopardizing their capability to respond quickly and effectively to other crises or contingencies in the world, and complicating the all-volunteer policy of recruitment, as well as the retention, of career military personnel.

(5) Optimal time between operational deployments, commonly described as "dwell time", is critically important to allow members of the Armed Forces to readjust from combat operations, bond with families and friends, generate more predictable operational tempos, and provide sufficient time for units to retrain, reconstitute, and assimilate new members.

(6) It is the goal of the Armed Forces of the United States to achieve an optimal minimum period between the previous deployment of a unit or member of a regular component of the Armed Forces and a subsequent deployment of such a unit or member that is equal to or longer than twice the period of such previous deployment, commonly described as a 1:2 deployment-to-dwell ratio.

(7) It is the goal of the Department of Defense that units and members of the reserve components of the Armed Forces of the United States should not be mobilized continuously for more than one year, and that a period of five years should elapse between the previous deployment of such a unit or member and a subsequent deployment of such unit or member.

(8) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Army has been required to deploy units

and members to Iraq for 15 months with a 12-month dwell-time period between deployments, resulting in a less than 1:1 deployment-to-dwell ratio.

(9) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Marine Corps currently is deploying units and members to Iraq for approximately seven months, with a seven-month dwell-time period between deployments, but it is not unusual for selected units and members of the Marine Corps to be deployed with less than a 1:1 deployment-to-dwell ratio.

(10) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Department of Defense has relied upon the reserve components of the Armed Forces of the United States to a degree that is unprecedented in the history of the all-volunteer force. Units and members of the reserve components are frequently mobilized and deployed for periods beyond the stated goals of the Department.

(11) The Commander of the Multi-National Force–Iraq recently testified to Congress that he would like Soldiers, Marines, and other forces have more time with their families between deployments, a reflection of his awareness of the stress and strain placed on United States ground forces, in particular, and on other high-demand, low-density assets, by operations in Iraq and Afghanistan.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(c) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that—

(A) the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and

(B) the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(d) INAPPLICABILITY TO SPECIAL OPERATIONS FORCES.—The limitations in subsections (b) and (c) shall not apply with respect to forces that are considered special operations forces for purposes of section 167(i) of title 10, United States Code.

(e) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (b) or (c) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(f) WAIVER BY MILIARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Staff of the Army (or the designee of the Chief of Staff of the Army).

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Naval Operations (or the designee of the Chief of Naval Operations).

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Commandant of the Marine Corps (or the designee of the Commandant of the Marine Corps).

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Staff of the Air Force (or the designee of the Chief of Staff of the Air Force).

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Commandant of the Coast Guard (or the designee of the Commandant of the Coast Guard).

(g) EFFECTIVE DATE.—In order to afford the Department of Defense sufficient time to plan and organize the implementation of the provisions of this section, the provisions of this section shall go into effect 120 days after the date of the enactment of this Act.

Mr. WEBB. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I wish to acknowledge my friend, the junior Senator from Virginia, and also recognize his leadership, not just on this issue that he has framed over the last few minutes on which the Senate will be voting, as we did in July, but his years of contributions to this country—specifically his efforts on behalf of our military. I think most of us recognize the distinguished record of Senator JIM WEBB, that service to his country. We appreciate that, and in particular his leadership on this amendment is important.

Senator WEBB and I wrote this amendment many months ago. We introduced it on the floor of the Senate in July. We received 56 bipartisan votes for it. As Senator WEBB has noted in his explanation of what this amendment does, it is relevant to our Armed Forces, to our country, and to our future. I wish to take a little time to expand on a couple of the points Senator WEBB has made.

First, a democracy of 300 million people, the greatest democracy in the world, the oldest living democracy in the world, finds itself in a situation today where we are asking about 1 percent of our citizens to carry all the burden, make all the sacrifices. We will be dealing with this issue for many years to come, because the consequences of what has been going on are that we are doing great damage to our military force structure, great damage to our Army and our Marines.

Senator WEBB noted some examples. These are not isolated episodes. The fact is, you cannot grind down your people, you cannot grind down your force structure as we have been doing to our force structure over the last years—redeployment after redeployment, and longer and longer deployments.

We know, because our generals and admirals tell us, that this will come to an end sometime next spring, the rate of redeployments. Why is that the case? That is the case because we can't sustain the force structure we have assigned in Iraq today. It is not because I say it or Senator WEBB says it, but our professional military leaders say it.

It doesn't do us much good to go back and review the mistakes we have made over the last 5 years, first when we invaded and occupied a country. The fact is, we never had enough force structure in that country. Many Senators, including the distinguished ranking Republican on the Armed Services Committee, our friend JOHN MCCAIN, noted that. He still talks about it, as many of us do. This administration refused to take the counsel of the then Chief of Staff of the U.S. Army, General Eric Shinseki, when he, in open hearing before the Senate Armed Services Committee, was asked the question: What will it take, General, to invade, occupy, and help stabilize Iraq? He said it would take hundreds of thousands of American forces.

He was right. He was right. But this administration chose not to listen to the Chief of Staff of the Army, who knew far more about the details of manpower requirements than anyone in the White House.

We are not going to go back and unwind all that series of bad decisions. We are where we are, and we are in a mess in Iraq today by any dynamic, any measurement, any qualifications. We heard about that, I think in some detail, as we probed General Petraeus and Ambassador Crocker's testimony last week—two distinguished Americans. General Petraeus and Ambassador Crocker are two of our best. But the military doesn't set policy. The civilian leadership sets policy. So we hand that off to the military. They salute; they say, Yes, sir. Now, you go implement the policy.

What we are addressing in this amendment is not only a basic component of fairness in how you treat your people—because, after all, as we know, it is people who represent the greatest resource of an institution, of a country, of a society. When you grind those people down to a point where they just cannot be effective, but when the morale is gone, when they leave the institution as we are seeing happen in the Army and Marines, when you are 15,000 short of Army captains and lieutenant colonels and majors, and senior enlisted, and story after story—every Senator in this body can relate these specific stories like I had in my office yesterday. A Marine Corps officer, couple of years in Iraq, 14 years in the Marines, got out. He loved the Marines. It pulled his heart out to leave the Marines.

I said, Why did you leave?

He said, Sir, I tried to balance my family life. The last time I got back from Iraq my youngest daughter said, Daddy, I am going to tape you to the refrigerator so you don't have to leave again.

The Chairman of the Joint Chiefs of Staff, Admiral Mullen, said in his confirmation hearing a few months ago, and I quote from Admiral Mullen, Chairman of the Joint Chiefs of Staff:

> I am concerned about the number of deployments, the time when they're home—in fact, even when they are home, there's training associated with that, so they spend weeks, if not months, out of their own house, again, away from their families, and I believe we've got to relieve that.

That is the end of the quote from the new Chairman of the Joint Chiefs of Staff. So, are we really asking so much here when we say that our brave fighting men and women, who are bearing all the burden, carrying all the sacrifice for this country, that 1 percent of our society, that we say they ought to have at least the same amount of downtime off as they serve in a war zone in combat? Is that outrageous?

We in this town are very good at abstractions. We talk about policies. We act like moving men and brigades in combat—that somehow this is a chess game. Somehow these people are objects.

No, humanity is always the underlying dynamic of the world and life and it always will be. As Senator WEBB has often said: Who speaks for the military? The National spokesmen.

Their leaders are appointed by the President. They have spokesmen, they are Governors, if no one else. But who speaks for the rifleman? Who speaks for the people whom we ask to go fight and die and their families?

Now, let's be very clear about another issue. As Senator WEBB has noted, this certainly is within the constitutional authority and responsibility of the Congress of the United States. Senator WEBB said article I of the Constitution is about the Congress. Section 8 of the Constitution, in article I, speaks specifically to Congress's responsibilities. We can have disagreements about policies and strategies, and that is appropriate, should be, absolutely, in a democracy. But let's not be confused about our responsibilities as well.

The fact is, as General Shinseki warned us in his comments before the Senate Armed Services Committee before we invaded Iraq, that it would take hundreds of thousands of American soldiers.

What has happened is we have a mission that does not match our manpower capabilities. So what is this administration's answer? Keep grinding down the people out there who have been fighting and dying. Keep grinding them down more because we do not have any choice. Are you going to suit the Boy Scouts up on the weekends?

Where is the manpower going to come from? So the easy answer is—because who speaks for the rifleman? Who speaks for the military? You keep asking them to do more. You keep pushing more down on them.

By the way, the so-called surge the President of the United States announced to America in January—by the way, I do not find the term "surge" in any military manuals. Surge is not a policy, it is not a strategy, it is a tactic.

But the President said: This is temporary. That escalation of troops, that 30,000 more troops on top of the 130,000 troops they already had over there, that is temporary. Because we are going to buy time for the Iraqi Government to find an accommodation so there can be political reconciliation. In the end, that is all that counts. As General Petraeus and everybody, every one of our great generals has said, there is no military solution in Iraq.

General Petraeus and every general has said that. They know it better than anyone knows it. The only solution in Iraq is going to come from, must come from, some political accommodation resulting in a political reconciliation.

So let's buy more time, let's grind those guys down more. Well, it will automatically come to some kind of an end. But in the process, what are we doing to our society, to our country, to our Armed Forces, that is going to take years to rebuild, just as General Schwarzkopf and General Powell and other great generals after Vietnam, they stayed in the military and rebuilt the military after what we had done to it during Vietnam.

This is a very modest step forward, of clear thinking. This is relevant. It is rational. This has at least a modicum of humanity in it. If we do not take these steps, the consequences we are going to continue to face are going to be severe.

I know the questions, the concerns on the other side of this issue are appropriate. Is this not a back-door way of trying to micromanage the war, micromanage our force structure? Well, the fact is, as I have already noted, we have inverted the logic. In order to carry out a mission or a policy or strategy, you have to match the resources for that. Those resources were never matched to that mission.

So the easy answer for all of us in Washington, and 99 percent of the American people, is: Well, let those guys over there do more. So we have 15-month deployments, in some cases they are 18-month deployments, in some cases they are longer than that. So what if they go over there three times.

That is not a good enough answer. That is a failed answer. That is irresponsible.

So I hope our colleagues take a hard look at this, and I hope they would give some intense thought to what we are doing, not only for the immediate term but for the long term. This is essential for our country. This has ramifications, societal implications that go far beyond our force structure.

I am very honored to be the original cosponsor and coauthor of this amendment with my distinguished colleague, the Senator from Virginia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, before I begin my comments on the pending amendment, I think—I hope it is appropriate to mention our colleague from Nebraska, Senator HAGEL, has announced his intentions not to seek reelection in this body.

I have the highest degree of affection and respect for my friend; we have adjoining offices in the Russell Senate

Office Building. He has served this Nation in many capacities, including in combat during the Vietnam War. I think he has been an outstanding Member of this body and a dear friend. I will say a lot more about him in many venues, but I wish to express my appreciation for his outstanding service in the Senate, to the people of Nebraska, and to this country.

On July 11 of this year, I spoke against Senator WEBB's amendment on dwell time, as it is now called. The amendment has not changed substantially since then. I thought the debate at the time was comprehensive and adequately addressed the merits of the proposal. But here we are again. Here we are again. Why?

In July, Senator WEBB said:

> This is an amendment that is focused squarely on supporting our troops who are fighting in Iraq and Afghanistan; it speaks directly to their welfare and the needs of their families by establishing minimum periods between deployments.

More recently, he has called it a "safety net for the troops." I have no doubt of Senator WEBB's sincerity and his concern for our ground troops and their families. No one in this body has served his family more honorably than Senator WEBB.

I share Senator WEBB's concerns for the well-being of our troops and their families, as I know all Senators do. But let me be clear: Senator WEBB's amendment is not a litmus test for whether you care about the troops. Would it not be great if our choices were that easy.

I argued back in July, and I repeat today, that the amendment would do more harm than good and should not pass. But the question remains: Why are we arguing again? Why are we arguing again about this proposal?

Unfortunately, the reason is obvious. It was spelled out in a New York Times article on September 15, by David Herszenhorn and David Cloud, who stated:

> The proposal by Senator Webb has strong support from top Democrats who say that the practical effect would be to add time between deployments and force General Petraeus to withdraw troops on a substantially swifter timeline than the one he laid out before Congress this week.

Senator BIDEN was quoted in the article as calling the proposal the "easiest way for his Republican colleagues to change the war strategy," to change the war strategy. The reporters referred to the amendment as a "backdoor approach" aimed at influencing the conduct of the war. That is what this amendment is about.

I say to my colleagues, I will say it again and again, the President's present strategy is succeeding. If you want the troops out, support the present mission, support the mission that is succeeding. Don't say you support the troops when you do not support their mission. Excuse me, I support you but not the mission you are embarking on today as you go out and put your life and limb on the line in a surge that is succeeding—that is succeeding.

We will have a lot of discussion on the floor of this body about the Maliki Government and the national police and the other challenges we have, but the military side of this is succeeding. This goes at the heart, this goes at the heart of the surge that is showing success in Anbar Province, in Baghdad, and other parts of Iraq.

Now, maybe someone does not agree with that. Maybe that is the point. But the effect of this amendment—the effect of this amendment—would be to emasculate this surge. That is why the Secretary of Defense, Mr. Gates, sent a letter to my colleague, Senator GRAHAM, which I intend to quote from in a minute. So what is this debate about? This debate is about whether we will force, as Senator BIDEN was quoted, as the easiest way for his Republican colleagues to change the war strategy, this backdoor approach aimed at influencing the conduct of the war.

Not only that, it is blatantly unconstitutional. Are we going to have, in conflicts the American people engage in—if it is unpopular with the American people, the way the Korean war was unpopular—and somehow designate who should stay and who should not and how long?

That is a micromanagement of the military that is very difficult to comprehend. The President is the Commander in Chief because he is the Commander in Chief. Nowhere in the Goldwater-Nickles bill, nowhere in the Constitution do I see the role for Congress to play in determining the parameters under which the men and women who have enlisted and are serving in the military, in an enterprise which the majority of this body voted to support, being embarked on.

Secretary Gates echoed this assessment last weekend in various interviews, stating the Webb amendment is:

> Really pretty much a backdoor effort to get the President to accelerate the drawdown so that it is an automatic kind of thing, rather than based on conditions in Iraq.

So I would say to my colleagues, let's not conceal or fail to mention the intended effect or purpose of this amendment. I wish to repeat, every one of us, every one of us cares about the men and women who are serving in the military, every single one of us on an equal basis. It is clear that in the wake of General Petraeus's report, the majority has brought this back in order to reduce the numbers of fully trained and combat-experienced troops available to our military commanders and thus to force an accelerated drawdown of troops and units in Iraq and Afghanistan.

Why don't we be clear about that? Let's consider the impact of this amendment on the force. The effect of the amendment would be to exclude fully trained, combat-experienced officers, NCOs, soldiers, and marines from military units that need them to perform in combat. I think we should ask the question: Will an unintended consequence of this amendment be to cause harm to our troops? I argued in July, as did various other Senators, that the amendment would cause harm to the mission, the units, and members who would have to succeed in combat despite the obstacle this amendment would impose.

Now we have the view of Secretary Gates to consider in a letter regarding the Webb amendment, which without objection, Mr. President, I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, September 18, 2007.

Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: Thank for your recent letter requesting my views on the Webb amendment.

I understand that the specifics of this amendment may be changing so my comments are based on the version filed for Senate consideration in July (the only version available publicly).

As drafted, the amendment would dramatically limit the nation's ability to respond to other national security needs while we remain engaged in Iraq or Afghanistan. Although the amendment language does provide the President a waiver for "operational emergencies," it is neither practical nor desirable for the President to have to rely on waivers to manage the global demands on U.S. military forces. Moreover, the amendment would serve to advance the dangerous perception by regional adversaries that the U.S. is tied down and overextended.

Further, the amendment, if adopted, would impose upon the President an unacceptable choice: between 1) accelerating the rate of drawdown significantly beyond what General Petraeus has recommended, which he and other senior military commanders believe would not be prudent and would put at real risk the gains we have made on the ground in Iraq over the past few months, and 2) resorting to force management options that would damage the force and its effectiveness in the field.

The first choice is not acceptable. The latter choice would require one or more of the following actions for units deployed or deploying to Iraq and Afghanistan:

Extension of units already deployed beyond their current scheduled rotation.

Creating "gaps" in combat capability as units would rotate home without a follow-on unit being available to replace them. Rearranging schedules to close such gaps would, even if possible, further limit the ability to continue the sound practice of overlapping unit rotations to achieve smooth hand-offs and minimize casualties.

Increase in the use of "in lieu of" units that are either minimally or not normally trained for the assigned mission. We will always deploy trained units, but the quality, depth of experience and thus combat capability associated with the broader use of "in

> lieu of" forces will invariably degrade combat readiness.
>
> Return to the cobbling together of new units from other disparate units or unassigned personnel. We have discouraged this practice by adopting a unit rotation policy.
>
> As the options for and availability of active duty units is constrained, the broader and more frequent mobilization of National Guard and Reserve units would be inevitable.
>
> I am told that one of the possible modifications to the original amendment is to allow a transition period of a few months before its requirements are binding. While transition periods are generally helpful, such a modification would not alleviate the damaging impact this amendment would have on our military force and our efforts against violent extremists.
>
> In sum, the cumulative effect of the above steps necessary to comply with Senator Webb's amendment, in our judgment, would significantly increase the risk to our service members. It would also lead to a return to unpredictable tour lengths and home station periods that we have sought to eliminate for our service members and their families.
>
> The above impacts on managing the flow of military units pale in comparison to the disruptive and harmful effects the amendment would have if we have to comply with its requirements at the level of each individual service member. Such an approach would make it exceedingly difficult to sustain unit cohesion and combat readiness.
>
> Finally, the amendment would unreasonably burden the President's exercise of his Constitutional authorities, including his authority as Commander in Chief. In particular, the amendment would hinder the President's ability to conduct diplomatic, military, and intelligence activities and limit his ability to move military forces as necessary to secure the national security.
>
> I believe that the intent of those who support this amendment is honorable and motivated by a desire to advance the welfare of our service members. Unfortunately, I also believe the amendment would in fact result in the opposite outcome while restricting our nation's ability to respond to an unpredictable and increasingly dangerous world.
>
> Sincerely,
>
> ROBERT M. GATES.

Mr. McCAIN. He said:

> As drafted, the amendment would dramatically limit the nation's ability to respond to other national security needs while we remain engaged in Iraq or Afghanistan.

He said the amendment would cause the Army and Marine Corps to resort to force management options that would further damage the force and its effectiveness on the field and would result in the following actions for units deploying to Iraq and Afghanistan:

> Extension of units [in Iraq and Afghanistan] already deployed beyond their current scheduled rotation.
>
> Creating "gaps" in combat capability as units would rotate home without a follow-on unit being available to replace them.

This, in turn, would squeeze "the ability to continue the . . . practice of overlapping unit rotations to achieve smooth hand-offs and minimize casualties." And minimize casualties. That seems important, minimizing casualties.

Secretary Gates goes on. The Webb amendment would:

> Increase the use of 'in-lieu of' units that are either minimally or not normally trained for the assigned mission.
>
> [Would] return to the cobbling together of new units from other disparate units or unassigned personnel.

A practice discouraged by the adoption of a unit rotation policy. As a result of the Webb amendment, it would result in the "broader and more frequent mobilization of National Guard and Reserve units [which] would be inevitable."

Secretary Gates, in his letter, said the Webb amendment would impose an unacceptable choice upon the President and our military to either, one, accelerate the rate of drawdown significantly beyond what General Petraeus has recommended, which he and all of our military commanders believe would not be prudent and would put at real risk the gains we have made on the ground in Iraq in the last few months; two, resorting to force management options that would further damage the force and its effectiveness in the field.

Not surprisingly, Secretary Gates has stated unequivocally that if this amendment were included in the authorization act, he would recommend the President veto it. I urge my colleagues to reject, again, the Webb amendment.

My friend from Nebraska, Senator HAGEL, pointed out accurately—and he has played an incredible role—the terrific mistakes made in the conduct of this conflict under Secretary Rumsfeld and other leaders. This strategy, the Senator from Nebraska and I knew, was doomed to failure. As far back as 2003, we came back from Iraq and said: This strategy has to change or it is doomed to failure. As I have said, it was very much like watching a train wreck. Those mistakes and errors in the strategy have been well chronicled in a number of books that have been written, among them, and which I strongly recommend, "Fiasco" by Tom Ricks and "Cobra II" by General Trainor and Michael Gordon But we are where we are.

I would be glad, along with my friends from Nebraska and Virginia, to chronicle those many mistakes. Those mistakes were made with expressions of optimism which were, on their face, not comporting with the facts on the ground in Iraq: a few dead-enders, stuff happens, last throes, on and on. The fact is, the American people became frustrated, and they have become saddened and angry. Nothing is more moving than to know the families and loved ones of those who have sacrificed, nearly 4,000 in this conflict, not to mention the tens of thousands who have been gravely wounded. But we have a new strategy. We have success on the ground.

As I said earlier, all of us are frustrated by the fact that the Maliki government has not functioned with anywhere near the effectiveness we need. We also acknowledge that there are portions of the national police which are "corrupt," which is a kind word, a kind description. But the facts were made very clear last week by the President of Iran, the President of a country that has dedicated itself to the extinction of Israel, a country that is developing nuclear weapons, a country that is exporting explosive devices of the most lethal kind into Iraq today that are killing young Americans. He said: When the United States of America leaves Iraq, we will fill the void. That is what this conflict is now about. It may not have been that when we started. The President of Iran has made Iranian intentions very clear. The Saudis will feel that the Sunnis have to be helped. Syria continues to try to destabilize the Government of Lebanon and continues to arm and equip Hezbollah. By the way, there is a standing United Nations Security Council resolution that calls for the disarmament of Hezbollah. Has anybody seen any effect of that lately? Jordan has 750,000 refugees in their small country.

The situation as regards Afghanistan, as far as Pakistan is concerned, is certainly murky at best, and perhaps we could see a nuclear-armed country, which Pakistan is, in the hands of people who may not be friendly to the United States or interested in controlling the Afghan-Pakistan border areas which are not under control now.

As Henry Kissinger wrote in the Washington Post over the weekend, a precipitous withdrawal would have profound consequences. As GEN Jim Jones testified, on the results of his commission, his last words were, a precipitous withdrawal would cause harm to America's national security interests, not only in Iraq but in the area.

The reason I point this out is because the effect of the Webb amendment—and whether it is intended by the Senator from Virginia or not but it is interpreted by many, including others whom I have quoted—would be to force precipitous withdrawal before the situation on the ground warranted.

I hope we understand that America is facing a watershed situation. We have grave challenges in Iraq. I believe if we set a date for withdrawal or, through this backdoor method, force a date for withdrawal, we will see chaos and genocide in the region, and we will be back.

I fully acknowledge to my friends and colleagues that we have paid a very heavy price in American blood and treasure because of failures for nearly 4 years. I understand their frustration. I understand their anger. But I am also hearing from the men and women serving in Iraq as we speak. Always throughout this long ordeal, the most professional and best- equipped and best-trained and bravest military this Nation has ever been blessed with were doing their job. They were doing their job under the most arduous conditions of warfare that any American, Army and Marine Corps and military, has ever been engaged, ever.

But now in the last few months, we are hearing a different message from these brave people; that is, they believe they are succeeding. They believe they are succeeding. In Anbar Province, the marines are walking in downtown Ramadi, which used to be Fort Apache. Neighborhoods in Baghdad are safer. They are not safe, but they are safer. Al-Qaida is being rejected in many areas. I pointed out the difficulties in the other part of it, but I also believe, from my study of history, that when you have a condition of military security, it is very likely and much more possible that the commercial, social, and political process moves forward in a successful fashion. I keep saying over and over: We have not seen that with the Maliki government, and we have every right to see it. But I believe the conditions have been created, if they seize it, that we will also see political progress in that country.

I believe the people of Iraq, not wanting to be Kurds or Sunni or Shia but Iraqis, harbor the same hopes and dreams and aspirations to live in a free and open society where they can send their kids to school and live in conditions of peace and harmony. That can be achieved over a long period of time.

Let me finally say that success in Iraq is long and hard and difficult, but I also believe the options are far worse than to pursue what has been succeeding.

This amendment will probably define our role in Iraq as to how this whole conflict will come out. I question no one's patriotism. I question no one's devotion to this country. I am sure there are Members on the other side of this issue, supporting this amendment, who are more dedicated than I am, perhaps. But the fact is, this is a watershed amendment. We need to defeat it. We need to make sure these brave young men and women who are now serving and succeeding have more opportunity to succeed and come home with honor. We all want them home. We don't want to see the spectacle of another defeated military. Overstressed, overdeployed, weary, but not defeated—that is our military today. The Webb amendment could easily bring about their defeat.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to yield further time to the Senator from New Jersey, but before doing so, I would like to respond to some of the things the Senator from Arizona said in his statement, just to clarify the intention of this amendment and the environment in which it is being offered.

Contrary to what the Senator from Arizona said, this amendment has been changed since July. There is a 120-day implementation provision in it, after my discussion with Secretary Gates. There is also an exclusion of special operations units from the requirements of the amendment. There are, as always, clear waiver provisions in here which would address a number of the situations Secretary Gates mentioned.

The Senator from Arizona may believe the impact of this amendment would be to alter the strategy in Iraq, and he has made a few implications that people cannot support our military people unless they support a political mission. I don't believe that is correct. I believe it is the role in American society to question missions when one believes they are heading in the wrong direction. I believe many of our troops have that option and also exercise it. You can look at poll after poll on that.

The one thing we can say about the U.S. military is that it has always controlled the tactical battle space into which it has been put. We can clearly say that in Iraq today. We can say that about other engagements. That is the job the military is being called upon to do.

When the Senator from Arizona talks about what is this debate really about, to characterize this as a debate about defeat is inappropriate. The narrow purpose of this amendment is not to question so much whether the strategy is working but how do you feed troops into an operational environment. Where do we draw the line? I suppose we could have a decision from an administration that we would put all of American forces in Iraq until the war was over. When does the Congress decide that the policies of the executive branch have reached an imbalance? This is a very modest amendment.

With respect to the constitutional implications, this is a tired old argument. I addressed it in July. I addressed it again today. There is a third provision in article I, section 8, which clearly gives Congress the authority to make these sorts of decisions.

Senator MCCAIN rightly talks about the loss of qualified officers and NCOs. My experience, looking at the U.S. military today, is that we are now losing them permanently. If you look at the retention rates from West Point, they are clearly on a marked downside. That is the canary in the bird cage.

With respect to the letter of Secretary Gates, I respect Secretary Gates. I talk with him. He is a political appointee. We can expect political answers to a number of these questions.

When Senator MCCAIN speaks of the implications of withdrawal, we are in a box, I agree. The same implications being addressed right now for withdrawal were the implications that people such as myself, General Zinni, General Scowcroft, General Hoar, and many others with long national security experience were warning about if we went in in the first place. We have a region that is on the edge of chaos. We have oil now at $82 a barrel. We have a situation with the Turks, who once were our greatest supporters in the region, being roundly critical of the United States, complaining about guerilla activities emanating out of the Kurdish areas. We need to get the Saudis to the table. We need to address Iran. The only way for us to do that on a permanent basis is through aggressive diplomacy.

I, too, read Henry Kissinger's article last Sunday. A big portion of it at the end was about the need to move forward more strongly with diplomacy.

All of those issues are legitimate. They are all going to be thoroughly debated. The purpose of this amendment, again, is to put a safety net under our Active-Duty military and our Guard and Reserve while these debates are taking place.

With that, I yield the floor and note the Senator from New Jersey wishes to speak. Perhaps the Senator from Arizona wants to speak.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Virginia for his comments. I would like to point out that the Senator from Virginia says his amendment has a waiver associated with it, so, therefore, it should be acceptable to us. I would like to quote from Secretary Gates's letter to Senator GRAHAM. He says:

> Although the amendment language does provide the President a waiver for "operational emergencies"—

"Operational emergencies"—not just a waiver, but there has to be an operational emergency—

> it is neither practical nor desirable for the President to have to rely on waivers to manage the global demands on U.S. military forces. Moreover, the amendment would serve to advance the dangerous perception by regional adversaries that the U.S. is tied down and overextended.

So I think we ought to understand what this waiver really means. Of course, Secretary Gates is a political appointee. That is the way the Government functions. But to somehow, therefore, question his judgment because he is a political appointee is inappropriate, I say to the Senator from Virginia.

GEN Brent Scowcroft, whom the Senator from Virginia referred to, said: The costs of staying are visible. The costs of getting out are almost never discussed. If we get out before Iraq is stable, the entire Middle East region might start to resemble Iraq today. Getting out is not a solution.

Now, that is the view of one of the most respected men in America. He also was a political appointee at one time as the President's National Security Adviser. He believed very strongly we should not have gone to Iraq, and I would be glad someday, along with Senator WEBB and Senator HAGEL, to talk about all the reasons why we should or should not have. But the fact we are where we are today, in his view, is very clear.

Now, on the issue of constitutionality, it clearly violates the principles of separation of powers. Congress has no business in wartime passing a law telling the Department of Defense which of its fully trained troops it can and cannot use in carrying out combat operations.

As we all know, this dwell time provision, as I said, has been tried before. The President, when it was included in the Emergency Supplemental Appropriations Act, said:

> [T]he micro-management in this legislation is unacceptable because it would create a series of requirements that do not provide the flexibility needed to conduct the war.
>
> This legislation is unconstitutional because it purports to direct the conduct of operations of the war in a way that infringes upon the powers vested in the Presidency by the Constitution, including as Commander in Chief of the Armed Forces.

The Senator from Virginia referred to article I, section 8 of the Constitution, which gives Congress the power "to make Rules for the Government and Regulation of the land and naval Forces." Well, clearly that applies to pay, equipment, end strength, basing, and most of the training, equipping, and organizing functions that are vested in the services under the Goldwater-Nichols Act. But the article I power cannot be employed to accomplish unconstitutional ends, and that would include restricting the President's authority as Commander in Chief in wartime to direct the movement of U.S. forces.

Justice Robert Jackson, who served as President Franklin Delano Roosevelt's Attorney General, said:

> The President's responsibility as Commander in Chief embraces the authority to command and direct the armed forces in their immediate movements and operations, designed to protect the security and effectuate the defense of the United States.

I submit that current policies regarding combat unit rotations, tour length, and dwell time that affect our brave men and women in uniform fall squarely under that authority.

In his letter, as I mentioned before, Secretary Gates addressed this constitutional question. He said:

> The amendment would unreasonably burden the President's exercise of his Constitutional authorities, including his authority as Commander in Chief. In particular, the amendment would hinder the President's ability to conduct diplomatic, military, and intelligence activities and limit his ability to move military forces as necessary to secure the national security.

Let's consider other legislation—the Goldwater-Nichols Act of 1986—which fundamentally reorganized the Department of Defense and reflected some serious thought about how wars ought to be conducted. The act says:

> Unless otherwise directed by the President, the chain of command to a unified or specified command runs—
>
> from the President to the Secretary of Defense; and
>
> from the Secretary of Defense to the commander of the combatant command.

I see no mention of Congress in that chain of command.

The Goldwater-Nichols Act also has a section titled "Responsibilities of the Combatant Commanders" that says: The commander of a combatant command is responsible to the President and to the Secretary of Defense for the performance of missions assigned to that command by the President or by the Secretary with the approval of the President. Again, no mention of Congress in that chain of command.

I want to clarify to my friend from Virginia, I have—again, I repeat, and I am sure I will repeat several times in the conduct of this discussion—I have no doubt that the intent of the Senator from Virginia is to relieve this terrible burden of service that is being laid upon a few Americans. He and I both know people who have been to Iraq and Afghanistan three and four times—an incredible level of service. The National Guard has never, ever that I know of in my study of history borne the burden they have today. These citizen soldiers have performed not only at the same level but sometimes at a higher level of our professional standing Army, Marine Corps, Air Force, and Navy. But the fact is, the amendment of the Senator from Virginia—I believe and am convinced from my study of the Constitution, my view of the role of the Commander in Chief, what is at stake in Iraq, as I pointed out—will have the effect of reversing what has been a successful strategy employed by General Petraeus, General Odierno, and the brave men and women. I have no doubt of the intention of the Senator from Virginia in this amendment, but I have great concerns and conviction that the effect of this amendment would have impacts that would lead to greater consequences and require, eventually, over time, because of chaos in the region, greater sacrifice of American blood and treasure.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise in strong support of the Webb-Hagel amendment. Both of our colleagues have served our country not only in the Senate but also in uniform, and they have done so honorably. So they speak from experience, and I, for one, do not question their sincerity of purpose. I do not know how every Member of the Senate will decide on how they will cast their vote, but I do not question their sincerity or the purpose of what they are driving at.

This is about preserving our troops, enhancing their ability, and in the long term being able to continue to enlist people who want to serve their country, who bear the overwhelming burden of the national security of the United States by a small percentage of the population. That is what I believe Senator WEBB is doing, and that is why I join him strongly in support of his and Senator HAGEL's amendment.

This amendment provides an important opportunity to recognize the courageous efforts of our men and women in uniform. This amendment provides a critical opportunity to ensure the care and safety of our troops—the care and safety of our troops—now, but I would argue not only now but for the long term. To those who believe this amendment is only about now, to change the current course of events, I believe the amendment has longstanding import now and for the long term. It sets our policy as to where we are going to be headed in the deployment of troops—the respites they need, the ability for us to sustain a voluntary Army under all of the circumstances.

This amendment provides a great opportunity for us in the Senate to ignore politics and work together on behalf of our troops. This amendment simply says that our troops should have at least—at least—the same time at home as they spend deployed abroad. It ensures that no unit, including the National Guard, which is clearly citizen soldiers who have been asked to do far beyond what many of them thought they were ever going to be called upon to do on behalf of their Nation—they would get the same treatment.

This amendment simply says that after 4½ years of bravely fighting for our country, we must honor the sacrifice of the troops and their families. This amendment simply says we must make sure we are taking care—underline "taking care"—of our troops. We believe we must protect our troops fighting in combat now, just as we must take care of our veterans when they return home from combat.

Let me be clear. I do not believe this amendment ties the hands of the administration in the case of a clear threat to our national security. Senator WEBB has been responsive in providing a fair and reasonable waiver for the President, as well as a waiver for those individuals in service who want to volunteer to return early. If they want to return, if they feel they are ready to return, they will be able to do so and provide the continued leadership they have been providing. I am sure many may. But the bottom line is, there are many who may not feel they can do that. So, therefore, their ability to perform at the optimum is not being preserved under the present circumstances.

This amendment also responds to specific concerns raised by the Secretary of Defense and other military leaders. It allows the Department of Defense time for a transition period, for an implementation period that is well within the scope that is necessary. It also provides a specific exemption for special operations forces since the nature of their deployment schedule is much different.

So I think Senator WEBB has listened and responded since the last time he offered this amendment, as has Senator HAGEL.

Now, unfortunately, the war in Iraq has taken a terrible toll on our military. I am deeply concerned about our ground forces. I am deeply concerned about severe mental health issues, such as post-traumatic stress syndrome, which comes out of extended and repeated deployments. I am deeply concerned about our ability to retain experienced servicemembers and our ability to recruit new forces.

Clearly, if someone is looking at whether to be engaged, in addition to their great desire to serve their country, especially if they have family, they are going to be looking at: Well, how are these deployments taking place? Are they taking place in a way to respond to my desire to serve but also to be able to sustain my family? That is why we have to adopt this amendment. It is about now and the long term.

Some here have argued that Congress should not interfere. But the Founding Fathers put it right up there early in the Constitution. They did not wait for various later articles; they put it right up there in article I. Article I, section 8 of the Constitution is where they gave the Congress the right, the power "to make Rules for the Government and Regulation of the land and naval Forces."

I have heard other statutory references here, but none of those statutory references have the power to undermine the Constitution. The Constitution is supreme. It comes first above all other acts. So, therefore, the Founders understood how important it was for the Congress to have the role "to make Rules for the Government and Regulation of the land and naval Forces," and they put it up early in the Constitution to make it very clear. Those who wish to ignore or reject that provision of the Constitution, in my mind, undermine the Constitution by doing so.

This President often acts as if the only role for the Congress is to provide a blank check for his failed war policy. I believe he is definitely wrong in believing that Congress's only role is to provide a blank check. That is not the role of the Congress. As a matter of fact, that would be an abdication of the duties and responsibilities of the Congress in its role under the Constitution. We have a fiduciary responsibility to the American people, both in national treasures and, most importantly, in lives. We have a responsibility to the men and women in uniform.

This amendment before us reflects the reality on the ground and the will of the American people, but most importantly the welfare of those sacrificing the most. I have heard a lot from our colleagues in the time I have been in the Senate, and before in the House, about supporting our troops. Well, we are providing here a plan to fully support our troops who volunteer to put their lives on the line for our country. Senator WEBB has referred to the Military Officers Associations' unusual movement or action of supporting this amendment. I think we need to listen to those who serve, especially when they act out of the norm and say: We believe this is in the interests of those men and women who serve. And it comes from the association of those men and women who are actively engaged in serving. I have so often heard our colleagues say: Let's listen to those on the ground. Well, this is a reflection of those in boots in service. Our brave troops have answered the call of duty. Let us now answer the call to do what is right by them.

I urge all of our colleagues to support this amendment. It goes to the heart of how we truly honor those people who are serving our country, sacrificing for our country, and in my mind, when we talk about supporting the troops, making sure our long-term security can be preserved and enhanced goes to the very core of how we are going to treat them in their service. That is why I strongly support Senator WEBB's and Senator HAGEL's amendment, and I hope all of our colleagues will do so as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I rise in opposition to the Webb amendment. I guess if I can pick up where my colleague from New Jersey left off, what is the best thing for the Congress to do in terms of supporting our troops? What are our duties? What are our obligations? I would argue the worst thing the Congress can do at a time of war is to start taking over operational control of deployments.

Many of us are up for reelection next year. This Iraq war has become one big political commercial. There are commercials being run out there—I don't know if they are on the air right at this moment, but every time there is a vote in this body, a Republican in a tough State will have an ad run in their State saying: Senator so-and-so has voted six times not to withdraw from Iraq. There are political commercials being run around every policy debate we have regarding this war. This is a political consultant's dream, this war.

Well, this war is not about the next election; this war is about generations to come. The commercials will keep coming. Every time we have a vote like this, somebody is going to take a work product, turn it into a political ad, and try to get some political momentum from the dialog we have on the floor.

None of us question each other's patriotism. That is great. To those who have served in combat, my hat is off to you. But we all have our independent obligation to make our own decisions here, and those who have never worn the uniform, you are just as capable of understanding this issue as I think anybody else. If you have been to Iraq, you understand how tired people are. They are tired. If you visit the military on a regular basis, you know they are stressed.

Let me give my colleagues some numbers here. The 1st Cavalry Division, their retention rates are 135 percent; The 25th ID, 202 percent; the 82nd Airborne, 121 percent retention rates. Recruiting and retention is very good because people who are in the fight now understand the consequences of the fight and they don't want to lose. I was in Baghdad on July 4. We had 680-something people reenlist in theater.

The troops are tired. That is not the problem. They understand the war. They understand the enemy because they deal with the enemy face-to-face, day-to-day. They realize that if we don't get this right—and in spite of the mistakes we have made, we can still get it right—if at the end of the day we don't get it right in Iraq, their kids are going to go back. The No. 1 comment I get from the troops after having been there many times is: I want to do this, Senator GRAHAM, so that my children do not have to come over here and fight this war. Let's get it right now.

Well, let's help them get it right. I think we are not helping them if the Congress mandates troop rotations that will undercut the ability for the surge to continue.

Everyone cares about the troops, but the politics of this amendment are such that it would get—the bill would be vetoed. The President has said that if this amendment gets to be part of the underlying Defense authorization bill, he would veto it. I think any President would veto this bill. The Secretary of Defense's letter to me is a chilling rendition of what would happen to the force if this amendment was adopted. So we know the Defense authorization bill would get vetoed, and all the good things in it we do agree on—about MRAPs, support for the troops, better health care—all that gets lost.

Now, why are we doing this? Some people have a very serious concern that the force is stressed, and they want to take pressure off the force by giving them as much time at home as they have in the theater. Some people want to use this amendment to make sure the surge can't go forward because that would be the effect of it. People are all over the board. The consequence to the Defense authorization bill is it would get vetoed over this provision. Now, if that is what my colleagues want to happen, this is a way to make sure it happens.

The idea of telling the Department of Defense how long someone can stay in combat once they are trained and ready to go to the fight is probably the most ill-advised thing any Congress could do in any war. The Congress is a political body that is driven, appropriately, by the moment, by the next election, the voices of constituents, concerns of the public. Wars are not fought that way. Decisions in wars are not poll-driven—I hope. Decisions of politicians appropriately incorporate political consequences to the Member. Let's not make military policy based on the political consequence to the Member of Congress. That is what you would be opening a can of worms to.

If we take on this responsibility of managing troops from a congressional point of view, setting their rotation schedules, how many can go and how long they can go, then their presence in whatever battlefield or theater we are talking about in the future is very much tied to the political moment back home. Think about that. If we begin to adopt this way of managing a war where the Congress takes this bold, unknown step of saying: You can only go in theater this long and you can't do A and you can't do B, but you can do C, what happens in the next war? Is it wise for political people who worry about their own reelection—which is an appropriate, rightful thing to be worried about if you are in politics—to have this much power? Is it good for the military for the Congress—535 people—to have this much power over military deployments? Our Constitution gives them a political Commander in Chief—a single person—who has to answer to the public at the ballot box.

The Congress can, as part of our constitutional responsibilities, terminate any war because our constitutional role allows us to fund wars. So to my colleagues on the other side and those on this side who want to support this amendment, you would be doing the country a service and eventually, I think, the troops a service by trying to stop this war by cutting off funding, if that is your goal. If you think the war is lost and you believe it is the biggest foreign policy mistake in a generation and that it is a hopeless endeavor and that Iraq will never get any better, then just come to the floor and offer an amendment on the appropriations bill to say we will not continue to fund this war and create an orderly withdrawal. If you do that, I will disagree with you, but you will have followed a constitutional path that is well charted, and if you believe all the things I have just said, you will be doing the troops a great service because you will not create a precedent in the future where some other politician may take up your model and use it in a way you never envisioned.

Once we legitimize politicians being able to make rotation deployment schedule decisions, once we go down that road, we have opened up Pandora's box where the politics of the next war could dramatically affect the ability to operate on the battlefield. If we limit our actions to cutting off funding, that will be a sustainable way for Congress to engage in terms of wars they believe have been lost.

Now, the majority leader, HARRY REID, said the war was lost in April and the surge has failed. If you really believe that, let's have a debate not about micromanaging troop schedules and deployment schedules; let's have a debate that would be worthy of this Congress and this Nation. Let's come back onto the floor and put an amendment on the desk to be considered that would end the war by stopping funding for the war. That is not going to happen. The reason that is not going to happen is because the surge has been somewhat successful and the politics of ending this war—everybody is trying to hedge their bet a little bit now. The politics of the next election are affecting the politics of this body when it comes to war policy in a very unhealthy way.

We have a side-by-side alternative to Senator WEBB that puts congressional voice behind the idea that we would like the policy of Secretary Gates to be implemented of ensuring the dwell time at home is consistent with the amount of time one is in theater. It is a sense-of-the-Senate that gives voice to Secretary Gates's goal and policy of dwell time without retreating into the Commander in Chief's functions, without getting out of our constitutional lane. Senator MCCAIN has introduced this side-by-side. It will be called up at an appropriate time, and I can talk about it later on. It is a sense-of-the-Congress where we all agree that it would be a great policy to have if the conditions on the ground would warrant it, to give our troops a little bit of rest.

But what our troops need more than anything else is a commander who knows what he is doing and who can carry out his mission unimpeded by a bunch of politicians who are scrambling to get an advantage over each other. This whole debate is unseemly. It is destructive to our constitutional system. It brings out the worst in American politics. You have an ad being run against the very general in charge of our troops that is sickening and disgusting, and we are just absolutely going to a new low as a nation over this war.

So if you think all the things I said before—the war is lost, hopeless, stupid; the worst decision ever made in terms of U.S. foreign policy—end the thing. End it. Cut off funding. Don't play this game of having 535 people become generals who have no clue of what they are talking about. I respect everybody in this body, and those who have served, I respect you, but there is not one person here who I think has anywhere close to the knowledge of General Petraeus in how to fight a war. You could dig up Audie Murphy, and he could come back and tell me to vote for this amendment, and I would respectfully disagree. To those who have been in battle: God bless you. You deserve all the credit and honor that comes your way.

This is about winning a war we can't afford to lose. This is about who should run this war—a group of politicians who are scared to death of the electorate and who will embrace almost anything to get an advantage over the other, who is at 14 percent approval rating in the eyes of their fellow citizens? You want to scare the military? You want to give them something to be afraid of? Let them read in the paper Congress takes over operational control of Iraq. We would have some retention problems then. Anybody in their right mind would get out.

There are a lot of choices to be made in our constitutional democracy about war and peace. The one choice we have never made before is to allow the Congress to set rotation schedules, deployment schedules, and if we do it now, not only will we hurt this war effort, we will make it impossible for future commanders and future Presidents to protect us.

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. McCAIN. It is my understanding that Senator GRAHAM, the senior Senator from South Carolina, is a member of the Air Force Reserve and the JAG Corps; is that correct?

Mr. GRAHAM. Yes, sir.

Mr. McCAIN. I understand you just spent a couple of weeks in Iraq serving in active duty and in your capacity as an Air Force colonel?

Mr. GRAHAM. Yes, sir.

Mr. McCAIN. And despite the mistake that was made in the promotion system, you did form impressions over there from the day-to-day interface with the men and women who are serving there?

Mr. GRAHAM. Yes.

Mr. McCAIN. I think it might be appropriate, given the Senator's recent probably longer stay than any Member of Congress has ever had in Iraq, maybe he can talk to us a bit on the record not only about where the troops' morale is, what they believe in, and about the issue that was the reason he went there, and that is this enormous challenge of the rule of law, and whether we are making progress in that area, and what he expects, particularly in the area of the prisoner situation.

Mr. GRAHAM. Mr. President, I will try my best. No. 1, my time in the service has been as a military lawyer. I am not a combat operational guy. If you want to talk about my experiences in the military, I am glad to talk about them, but they are limited, and I know how far they should go—not very. As a JAG colonel, I cannot tell you how to deploy troops. I don't know. That is out of my line. I have to make a decision as a Senator when the general comes, as Senator McCAIN says, as to whether it makes sense to me. I would not advise any Member of this body to follow a four star general's recommendation just because of the number of stars.

Here is what I would advise the Members of this body to do. Listen to what the general says. Use your own common sense. Go in theater and see if it makes sense. For 3½ years, we went to Iraq and we were told by the generals in the old strategy that things were fine. On about the third trip with Senator McCAIN, I would say we were in a tank. I am a lawyer, so I don't understand military deployments and how to deploy combat troops. But I can tell you this from a lawyer's perspective and from good old South Carolina common sense: After the third visit to Iraq, if you thought things were getting better, you were crazy. We blamed it on the Republican side. The media doesn't tell the story right. It wasn't the media's fault. We were losing operational control of Iraq because we didn't have enough troops. You could see it if you wanted to look. If you were blinded by the partisanship that exists in this building, you will find some other group to blame it on. But it was there to be seen.

I have been seven times—twice in uniform—working on issues where I think I have a little bit to offer. My contribution is insignificant, inconsequential, but I am honored to have been able to be allowed to go, because I am cheering on people over there and I am still in uniform and I am the only one left, and I wish I could stay over there longer because I feel an obligation to do so.

Here is the morale as I see it this time around. A year ago, I was in Iraq—maybe a little bit longer—sitting at lunch across the table with a sergeant. I asked him: Sergeant, how is it going? He said: Senator, I feel like I am driving around waiting to get shot. Not going very well.

This last tour, when I was there for 11 days, I got to have three meals a day with them in Baghdad and meet folks with different missions and responsibilities, including combat guys coming in from the field. I sat down with them every night and I asked: How is it going? I was told: Colonel, we are kicking their ass.

Morale is high because of the new strategy. They are fighting and living with the Iraqi troops out in the field. Their army is getting better. When you talk to the marines in Anbar, they will tell you with pride: Look at what we did here.

For us politicians to deny what they did is an insult to their hard work. They liberated Anbar Province because there were enough of them this time around to join up with the Sunnis in Anbar to make a difference and drive out al-Qaida. This new strategy—and everybody has been asking for something new for a long time—is working. It is working. There are areas in Iraq, as Senator McCAIN described, that are liberated from a vicious enemy.

On the rule-of-law front, judges have a new level of security because of the surge that they have never known before. The first thing General Petraeus did when he went in theater was create a rule-of-law green zone for judges. We have taken an old Iraqi base and built housing for judges and created a perimeter of security. We have a jail inside the complex, judge housing, a police station, and a brandnew courtroom, so that the judges can implement the law without fear of assassination. I have never seen such growth in an area as I have in the rule of law since the surge began. The judges now are able to do their job without their families being assassinated, and we have seen dramatic improvements.

I will give you two examples. There was a Shia police captain accused of torturing Sunnis at the police station he was in charge of. He is now facing a long-term prison sentence because the Iraqi legal system didn't listen to the fact that he was a Shia and the people he abused were Sunni. They gave a verdict based on what he did, not who he did it to. It is sweeping the whole legal system.

Judges are going into areas that al-Qaida operated from just months ago and they are rendering justice, but not based on what sect you come from; it is based on what the person was accused of. I witnessed a trial downtown Baghdad where two people of the three were Shia police officers in the Iraqi police force. There was a raid on the house they were living in by the American forces. Coalition troops were the only witnesses and these two defendants who were in a house full of IED material, rocket-propelled grenades, explosive devices that were meant to kill Americans. The defense said: Who are you going to believe, us or the invader? The lawyers in the trial looked the judge in the eye and started citing one verse of the Koran after another to tell the judge he had a duty to stand beside his Muslim brothers and reject the testimony of the infidels. I was there; I saw it.

The three judges conducted a trial that everybody who witnessed that trial would have been proud of. They asked hard questions. They separated the defendants, and rather than listening to dictates from the Koran coming out of the mouth of their lawyer, they asked questions such as how were they in the house, and how could they not have known the weapons were there? They did a great job proving these guys were lying through their teeth. When they reconvened, they got convicted, getting 6 years in jail.

There is progress going on in Iraq. There are people in Iraq who are bigger than sectarian differences. There are judges, lawyers, and average, everyday people who are risking their lives to make their country better. One of the biggest problems they have had is that we screwed up early on and let security get out of hand. With better security, people are beginning to engage in a way I have never seen before.

This idea of pulling back now, reducing our military footprint, at a time when we have made a real difference, is too disheartening to the troops. They are watching what we are doing. I was stopped every 30 feet with questions such as: What are we going to do? Is the war going to go on? Are they going to cut it short? The people fighting want one thing, and that is the ability to finish the job. Do they want to come home? Yes, God knows they want to be home. Are they tired of going over? Yes. But above all others, they want to win.

Senator McCAIN said he met people for the third and fourth time. Well, nobody stays in this military unless they volunteer, to begin with, and when their enlistment is up, there are stop-loss problems, but there is an end to this war for them; it is an end of their choosing. This force, unlike others, chooses when to end the war for them when their enlistment comes. What they are choosing to do we need to understand. They are choosing to reenlist at numbers greater than any other area of the military. Why can't this body sit down and think for a moment; what do they see about this war that I don't see? Why do they keep leaving their families and going to a dangerous place time and time again, in numbers larger than any other group in the military? Do you know why they do it? I think they do it because they interact with the judges I have just described to you. They see hope. They understand the enemy. They know an enemy that will take a 5-year-old child and put that child in front of their parents, douse him with gasoline and set him on fire, is an enemy to their family. They understand that Iran is trying to drive us out of Iraq because they want to be stronger. And they understand that will mean they are likely to have to fight a bigger war.

From the troops' perspective, from my view, they want to come home, and they want a lot of things; but they want, above all others, the chance to win a war they believe they can win and one we cannot afford to lose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the author of the amendment, Senator WEBB, be recognized, and that following his comments, Senator WARNER from Virginia be recognized, Senator VITTER be recognized, and that I follow Senator VITTER.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, at this point, I have to object, unless the Senator from Georgia will agree that if there is a person on the other side who wants to speak in opposition, we can go back and forth. If we can modify the request that a speaker in support of the amendment may be interjected into that lineup, if there is a speaker in support of the amendment, I will not object. Is that agreeable to the Senator from Virginia?

Mr. WEBB. That is agreeable.

Mr. CHAMBLISS. I say to my friends, I already discussed that with Senator WEBB. I agree to that.

The PRESIDING OFFICER. Without objection, the request, as modified, is agreed to.

Mr. McCAIN. Mr. President, can I hear the unanimous consent request again, please?

Mr. CHAMBLISS. Yes. I ask unanimous consent that the Senator from Virginia, Senator WEBB, be recognized; that following him, Senator WARNER be recognized; that following him, Senator VITTER and myself be recognized; that if there is a member of the other side of the aisle who comes in after Senator WARNER or after Senator VITTER, they be given the opportunity to be interjected into the rotation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE EXPLANATION

Mr. CHAMBLISS. Mr. President, I neglected to vote on rollcall vote No. 340. Had I voted, I would have voted negatively.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I want to take a few minutes and clarify, from my perspective, the intention of this amendment in the context of a number of the things the Senator from South Carolina spoke about. That was quite a lengthy speech. There was a lot of material in it.

This amendment is a very narrow amendment. It is talking about a minimal adjustment in terms of troop rotation ratios. That is all this amendment is doing.

When the Senator from South Carolina mentioned we should not have the politics of the next election being the driving force in these sorts of situations, I hasten to clarify that my election occurred last year. It is going to be a while before that decision is faced again. The principal cosponsor on the Republican side, Senator HAGEL, has indicated he is retiring from the Senate. These issues we are attempting to put before the Senate have nothing to do with the politics of being reelected.

Another point that I think needs to be made is that no one I know of is trying to push a precipitous withdrawal from Iraq. The Senator from South Carolina made a lot of comments about if you want to end the war, if you believe it is the worst strategic error we have ever made, we should call for cutting off the funding. There are a lot of us, including myself, who believe this was a huge strategic blunder and said so before we went in. As I said to General Petraeus when he was testifying: That was then, this is now.

We have to find a way out of Iraq, for those of us who want to remove our residual forces eventually. That doesn't include everybody in this body. For those of us who want to remove all residual forces eventually, we have to do so in a way that will not further increase the instability in the region and will allow us to focus on international terrorism and our other strategic interests around the world. There is no debate on that. That is not what this amendment is about. We must do that through a proper, regionally based diplomatic solution. That will only take place with the right sort of leadership out of the administration. But that is not on the table. That is not what we are trying to address in this amendment.

There have been questions on the constitutional issues. Again, I go to article I, section 8. The Congress has the power "To make Rules for the Government and Regulation of the land and naval Forces. . . ."

There has been some discussion about how this should not apply to movement of forces during a time of war. I don't see this as a movement of forces in a time of war, and I do see precedent, again, from the Korean war. This is a very similar situation; it is on the other end of it.

In the Korean war, an administration was sending our troops into combat before they had been properly trained. The administration would say that is proper. The Secretary of Defense would come in and say that is proper, we need these troops in Korea. But the Congress decided it was not proper, that once our people step forward and take the oath of enlistment or oath of office, there is some protection that should come if there is a belief from the Congress that the executive branch has not used them properly.

This is an intrinsically limited power. It is limited by the nature of this process. All one has to do is take a look at the votes we need today to move it forward. But it is a power that belongs in the Congress when the right vote is taken.

Senator McCAIN and Senator GRAHAM had a lengthy colloquy about service. Believe me, I am indebted to both of them and to the others who have served our country for the service they have given. Thirty years ago this year, I started as a committee counsel in the Congress. I was the first Vietnam veteran to work as a full committee counsel. At that time, two-thirds of the Members in the Congress had served in the military. That number is a very small percentage today. So it affects, in some cases, the ability of people to understand the movements on the ground, but it also increases the importance of people such as Senator McCAIN and Senator GRAHAM, both of whom I respectfully disagree with on this particular amendment, but it increases the importance of what they are saying and the insight they are bringing. I greatly respect both of them for their service.

I know there is going to be a sense of the Senate submitted after our vote is taken—I assume after our vote is taken. I wish to say again this is basically a figleaf. This is not a time for the Congress to be giving advice. It is a time for the Congress to step in and put a floor under those people who are serving us.

This is a very minimal adjustment, but it is, in my view and in the view of others, an essential adjustment in terms of how we are handling the welfare and well-being of people who are going again and again.

On that point, I again remind the Senate that for the first time in all the years we have been involved in Iraq, we are seeing people from the administration and from the other party openly saying they expect we might be in Iraq for the next 50 years. I was warning 5 years ago this month, in an editorial in the Washington Post, that there was no exit strategy from the people who wanted us to go into Iraq because they didn't intend to leave. Now we are seeing graphic evidence of that. That is a debate we are going to have. That is a debate we are going to have separate from this amendment. The only purpose of this amendment is to provide some stability in the rotational cycles, particularly of our traditional ground forces in the Army and Marine Corps, so we can have that debate in a way that calms down the instability in the forces.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Arizona.

Mr. McCAIN. Mr. President, while my friend from Virginia is on the floor—my other friend from Virginia—

I apologize to him for misspeaking this morning about his sponsorship of any amendment. I know he has a number of proposals he may bring before the Senate in the course of this debate, and I apologize to him for assuming he hadn't had any of those ready at that particular time.

Again, I thank him for the enormous input he has made in this debate and his wisdom and knowledge, and his leaving will create a void around here. Voids are always filled, but I think it may exist for a long time because of the many years of leadership on national security issues he has provided to this body, the State of Virginia, and the Nation. I say to the Senator, please accept my apologies.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague. The factual basis that this follows—I wish to thank him and I wish to indicate to my colleague from Virginia the exact background. I first saw the amendment, prepared by, I believe, Senator McCAIN and Senator GRAHAM, yesterday when it was circulated to the members of the Armed Services Committee. At that time, I promptly suggested a change in the amendment or, more specifically, an addition that a waiver be put in. I suggested the President. The draft now has the Secretary of Defense.

I say to my good friend—and, indeed, Senator WEBB and I share a very strong bond of friendship. It actually goes back over 30 years, when I was in the Navy Secretariat. Senator WEBB, at that time, a young—still young but anyway a bit younger—Marine captain who, fortunately for me and others in the Secretariat, was assigned to our staff. He had just finished his tour in Vietnam, where he displayed a measure of courage few in uniform in the history of our country can equal. For that he received our Nation's second highest decoration.

I stand in awe of his military career. My modest career pales in comparison to his. Nevertheless, we did form at that time a friendship and resumed it once he came here.

I would like to also say, Senator WEBB and I were both privileged to serve as Secretaries of the U.S. Navy. As I look back on the good fortune I have had in life, that was a chapter—5 years, 4 months, 3 days as Secretary of the Navy—that I cherish as the very foundation for whatever I have achieved thereafter in life. It was the association, the learning I had from men and women of the Armed Forces, that gave me a certain sense of confidence and inner strength that has enabled me to go on and do other things, most humbly, I say, to serve Virginia for now my 29th year in this chamber.

I have come to know Senator WEBB, of course, in the perspective of being a Senator. I said to others that he possesses the intellectual ability, the sincerity, the feeling about people to make him a great Senator. His career is before him; my career is behind me. When I leave some 14 months from now, having finished 30 years in the Senate, I leave with a sense of confidence that this fine young Senator will represent Virginia well, and they can take righteous pride in his leadership.

But the amendment by Senator GRAHAM is one I somewhat disagree with my colleague on. It embraces the principles he put forth in his amendment, principles which led me to join him when he first laid down his amendment and vote for that amendment. So the question arises: Why, at this point in time, would I go into a very intense deliberative process of reconsidering that process? I will enumerate those reasons.

But I wish to go back again to the service we both had as Secretary of the Navy. It was the management of a force of men and women in uniform. During my period, it was somewhat larger in number than when Senator WEBB was Secretary of the Navy. But nevertheless, we both learned the difficulty, the challenges of managing under the all-volunteer force the men and women of our Armed Forces.

One of the reasons I joined my good friend was the all-volunteer force. I was in the Department of Defense, as I stated, from 1969 through 1974, serving under three Secretaries of Defense, Melvin Laird being the first. He had the concept of going to the all-volunteer force. That concept was not by any means readily accepted. There was considerable and, I think, justified doubt among the uniform ranks at that time, in the White House, and elsewhere, that this daring concept, this unique concept would be able to adequately serve America, given the troubled world, not only at the time of Vietnam but subsequently and particularly at that time in the midst of the Cold War when the Soviet Union, in many respects, had challenged us potentially in terms of their military prowess. Nevertheless, in the wisdom of the executive branch, we went forward, and the Congress subsequently endorsed it.

Senator WEBB's amendment, I say without any equivocation, is designed to help protect the concept of the all-volunteer force. It was for that reason that I joined him because I felt, having been in the Department of Defense at the period of time when the formative stages of that concept were developed, I had a stake in it.

I have said many times on this floor it is a national treasure that the members of today's Armed Forces, every one of them, are men and women who have raised their hands and volunteered. They were not subjected, as previous generations had been, to a draft and compelled to go into uniform. They were there, every one of them, because they wanted to be there, they wanted to be a part of the Armed Forces that would protect our country.

If we add up all the men and women in the Armed Forces today and include the very valuable Reserve and Guard—because the Reserve and Guard are as much a part of our defense structure, more so than they have ever been—and how magnificently the Reserve and Guard have proven throughout the conflicts in Iraq and Afghanistan, their ability to take on in every way responsibilities, dangers, and personal risk equal to the regular force.

I come back to that little chapter when both of us served as Secretary, and then he subsequently served in the Department in other capacities where Senator WEBB gained a basic knowledge of personnel management, management of not only the Navy Secretariat but prior thereto, when he was looking at all the force structures of the Department of Defense. I readily acknowledge he is an expert and, in some ways, more current than I am, in terms of the management of our forces in uniform.

We have a difference, Senator WEBB and I, and I will spell it out, with regard to the amendment. I endorsed it. I intend now to cast a vote against it. The reasons are as follows:

I went forward some months ago and informed the Senate and, indeed, informed the country, having returned from my 10th trip to Iraq, that I was gravely concerned about the situation over there and gravely concerned about the turbulence here at home, gravely concerned that the U.S. Army and the U.S. Marine Corps were being pushed to the limits, greatly concerned that our Guard and Reserves were being pushed to the limit. Furthermore, I felt that the surge—although I did not fully support the surge, and the record of this body, the Senate, clearly reflects my concerns—at that time, I felt that far more of the responsibility should be borne by the Iraqi forces. In January of this year, 2007, when the President announced his policy regarding the surge, I believed that Iraqi forces should take on a far greater role, particularly as it related to the sectarian violence—the criminal elements that are striking against our forces, and for nothing more than a few bucks undertaking, to put at risk the lives of our great soldiers, airmen, marines, and sailors. I thought that the Iraqi force should take on that and we should concentrate more on the security of that nation, to maintain the sovereignty and integrity of its borders and tighten the borders.

I won't go into the details, but the record is clear that I questioned the surge. Once the decision was made, I think I felt, like most Senators, that I should support the President, and I have tried to do so.

But back again to the force structure problem. At that time, I felt that we should send a signal to the Iraqi Government by putting some teeth in what the President had repeatedly said; namely, we are not going to be there forever. Our Ambassador in Iraq at that point in time had said something to that same effect. At the time that I announced the recommendation to reduce the forces and have that reduction take place so they could be home by Christmas, Ambassador Crocker had said: We are not giving you a blank check. They were just verbal statements directed at the Maliki government and all levels of the Iraqi Government to say that we are not going to be there forever, but you had to put teeth in it.

I felt if we first announced that we were going to take the first group home—and I carefully said that the President should consult with the ground commanders before he accepted any recommendation from me or anybody else to reduce force levels and begin to send people back such that they would be back home with their families before Christmas, and the President obviously did that. In his message of a week or so ago, he indicated—not necessarily agreeing with me—that he agreed with the concept; that after consultation with General Petraeus and other on-scene commanders, that they could now, based on certain successes of the operation of the surge and visible successes that the intelligence community verified. Indeed, Senator LEVIN and I, on our trip a few weeks ago, saw with our own eyes, where there had been measurable success of the surge—but consequently the President agreed with the thought that troops could begin to depart Iraq ahead of schedule and come home. There are further details of that well-known to Members of this body.

So first and foremost, I asked for that, the administration and the uniformed side agreed with it, and it was done. That put me in a different posture because I felt my thought that it was time to bring some people home was accepted, and therefore I could then turn to the Webb amendment and the need to go back and get a clear understanding from the U.S. military, the uniformed side, of the consequences of the well-intentioned principles of the Webb amendment.

I would like to also digress momentarily to talk about politics. The Senator felt challenged. I wasn't here for the earlier debate. I was holding a briefing with senior members of the military from the Department of Defense on this very subject—the Webb amendment. And I can tell you without any equivocation whatsoever, knowing Senator WEBB as I do, that politics is not a factor in his judgment. He honestly believes—he honestly believes—based on his long experience and his current knowledge of the readiness of the situation of our Armed Forces today that we need a policy, and we need it now, of a 1-month home for every month served abroad in a combat zone.

As I said, I agreed with him. But in that subsequent period of time, I have had consultations with a lot of senior military officers and just concluded a briefing with Lieutenant General Ham, the Director of Operations of the Joint Staff and Lieutenant General Lovelace, the Deputy Chief of Staff for Operations for the U.S. Army. Two respected three-star generals, whom I invited to come over here and further brief me and several other Senators who were present. They are not politically motivated. They are motivated by what they have to do to be fair to those serving in Iraq today.

It is their professional judgment that if this amendment were to be adopted and become law—and I will put aside all the other issues of a possible veto, and I just don't want to see another veto scenario here right in the middle of the war, and that is another reason—but they are absolutely convinced, and have now convinced me, that they cannot effectively put into force that amendment at this time, without causing severe problems within the existing forces and those who are serving there.

One of the consequences that could change in some fashion could be the very thing I advocated—namely, let us bring some of the troops home by Christmas. That might not be feasible if this amendment were adopted. The announced schedule of withdrawals—bringing the force structure down by July 2008 to what we call the pre-surge level, announced by the President and General Petraeus that might not be achievable, the reason being that on any day, if you look at the totality of the U.S. Army, about one-third of it is globally deployed beyond our shores—some 250,000 men and women in uniform. There is a rotation in and out of Korea of roughly 20,000 a year and rotation in other areas of concentration. You just cannot simply look at Iraq or Afghanistan; you have to look at the totality of the Army.

A soldier coming out of, say, Korea, having spent a year over there and expecting to have a year back at home, joins a unit for further training, and that unit is suddenly called to go to Iraq. Well, the only recourse is to begin to pull that soldier and some others out because of their need to have 12 months back here. In fairness, that soldier should have 12 months back here, but that unit has to deploy.

These generals, again putting all politics aside, they have not been ordered to do this; they are simply trying to manage the U.S. Army today in a way that is equitable to every single soldier, and they have convinced me they cannot manage it in this time period. If this amendment were changed to be effective at, say, the beginning of fiscal year 2009—starting in October of 2008—they feel they could manage it, certainly with regard to the combat units that are going over. But they still have a problem with—for example, in Iraq today there are some 50,000 soldiers who are in what we call combat support roles, not just cooks and bakers, although they are essential, but the people who are performing the removal of the IEDs over which the combat trucks roll to go forward to the front. If there is any single front in Iraq, and I don't think there is, the concept being they are deployed there to different parts of Iraq. Iraq is a 360-degree battle zone, in my judgment. And how well we know that the IED is causing the most severe damage to our soldiers in terms of loss of life and limb in Iraq today. They explained to me that the persons, the explosives experts who know how to go in and detect and remove these lethal weapons, are in short supply. The Army is doing everything it can, the Marine Corps everything it can, to train sufficient numbers of these individuals to come in and do these jobs, but they, too, have to be treated with a sense of fairness. They cannot be subjected to having to stay there maybe 15 months, maybe even longer, because we have no replacement for them.

So at another time, because I don't want to go into greater detail here—there was point after point these generals made in our briefing and that I have studied that clearly documents the difficulty, the unfairness, to others now serving in Iraq if this amendment were to become law.

Now, to the credit of Senator WEBB and in my conversations with him—although I don't know that I was the one who persuaded him—he went ahead and added an extension to his amendment, so that it goes into effect 120 days after the authorization bill is signed into law. Well, that still does not carry it anywhere near the October 2008 date, which is the earliest date that the Army feels it can now follow the Webb amendment and its goals. These generals told me there is no one who wants to move to the 1-to-1 ratio with any greater fervor or desire than the senior military staff of the U.S. Army and, indeed, others in the Department of Defense. They want it. They would do everything within their realm of professional responsibility to make it happen. But they simply cannot make it happen in the time frame as it is now couched in the provisions of the Webb amendment.

Mr. President, for those reasons and others—and I know I am taking generously of the time of others here—I feel I will have to cast a vote against my good friend's amendment. It is a change of vote for me, I recognize that, but I change that vote only after a lot of very careful and analytical work with the uniformed side of the Department of Defense.

The Secretary of Defense has written me on this subject, in a very detailed letter. I have a great deal of respect for him. I traveled with him this week and talked to him, and I tried to explain that possibly there are changes which could be made to the Webb amendment which would enable us to go forward and enact it into law, as opposed to a sense of the Senate, which I do hope we vote on later, but that was not achievable. I did my very best, but it was not achievable.

So I say to my good friend from Virginia, I agree with the principles you have laid down in your amendment, but I regret to say that I have been convinced by those professionals in uniform that they cannot do it and do it in a way that wouldn't invoke further unfairness to other soldiers now serving in Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank the Senator from Virginia for his knowledge, his wisdom, and his indepth analysis of the situation. All of us who know him are appreciative of the very difficult process he has gone through as he has attempted to balance the needs of the military, America's national security, and the frustration and sorrow and anger that is felt by many Americans over our failures in this war. I thank him for the consultation process he has gone through. I have never known the Senator from Virginia to arrive at a decision without a thorough and complete analysis of it. He has used the wisdom he has acquired since World War II, when he served as a brave marine.

Mr. WARNER. Sailor, you rascal. How could you forget that?

Mr. MCCAIN. Excuse me—sailor, and later in the Marine Corps. He went wrong—I mean he did very well by serving both in the U.S. Navy and the U.S. Marine Corps, and then, of course, as Assistant Secretary of the Navy and as an outstanding chairman of the Armed Services Committee. So I thank him for his in-depth analysis, I thank him for his leadership and guidance to all of us and to all of our citizens, and for a very thoughtful and persuasive discussion.

As we move forward on this issue, no matter what happens with the Webb amendment, we will be faced with the situation in Iraq. I hope the situation improves and these debates can be eliminated over time. I am not sure they can. I hope and pray they can, but in the meantime we will rely on the judgment and guidance of our friend from Virginia.

Mr. WARNER. Mr. President, if I might ask the Senator a question because, indeed, the Senator has a career of active-duty service to the country that cannot be paralleled, certainly by this humble Senator or many others. But don't you believe in your heart of hearts the Webb concept of 1 to 1 is a good one, and if it were possible for the military to achieve it they would do so, and we would all vote for this amendment?

Mr. MCCAIN. I say to my friend, he is exactly right. He is exactly right. Among the many failures, as my friend from Virginia knows very well, is that at the onset of this conflict it was believed by the then Secretary of Defense and others in the administration, including the President of the United States, this was going to be quick, it was going to be easy, it was going to be over.

There were people such as the Senator from Virginia—and, I might add, and me—who said you have to have a bigger Army. You have to have a bigger Marine Corps. The Army and Marine Corps is one-third smaller than it was at the time of the first gulf war. We should have paid attention to our friend and comrade, General Powell, and the Powell doctrine, and we obviously should have understood the requirements in the postinitial combat phase, which I think would have relieved this terrific burden we have laid on the men and women in both the Active Duty and the Guard and Reserve. God bless them for being able to sustain it. It is a remarkable performance on their part.

Mr. WARNER. Mr. President, on that point, I grilled these officers today very intensely. You may recall that in January, subsequent to the President's announcement of the surge, the Secretary of Defense stepped up and said: Hold everything. I am going to put in place a callup policy for the Reserve and the Guard which will enable them to have a clearer understanding of how much active service they will be called upon to do and, more important, once that active service is completed, how much time they can remain home.

Now, a reservist has to maintain two jobs, in a way: his Reserve job and his job with which he puts, basically, the bread on the table for his family, in the private sector. So they are different than the regulars.

I was told today that, if the Webb amendment became law, they would have to go back and revisit and change that policy that the Secretary of Defense enunciated for the Guard and Reserve in January, this year.

Is that your understanding?

Mr. MCCAIN. That is my understanding, I would say to the Senator from Virginia, and I also say that is why I think we need to have a Sense-of-the-Senate resolution, to reflect the overall opinion of the Senate that we need to fix this situation. Obviously, the unintended consequences of putting it into law at this time are myriad. The Senator from Virginia has, in the most articulate fashion, described those. I agree with the Senator from Virginia.

Mr. WARNER. Mr. President, I conclude my remarks by saying—others are waiting to speak—the reason I brought up Senator WEBB's distinguished career as former Secretary of the Navy, and indeed in the Department of Defense in an earlier assignment, is he understands these arguments. He has looked at them. I respect his views. We have a personal difference of opinion on the professional viewpoints, that it can or cannot be done.

He believes honestly it can be done. I believe, based on what I related this morning and that my ranking member has stated—we feel it can't be done. Therein is the problem.

I, in no way, in any way denigrate what Senator WEBB is trying to do. It is just that we have an honest difference of opinion, mine based on basically the same facts that have been given to him. He has a different analysis than do I.

Mr. MCCAIN. Mr. President, I wish to add one additional point, though, that I think is important. I also believe that it is unconstitutional for this body to dictate the tours of duty and the service of the men and women in the military and how that is conducted. I am absolutely convinced, from my reading of history and of the Constitution, that to enact such an amendment would be an encroachment on the authority and responsibility of the Commander in Chief which could have significant consequences in future conflicts, particularly if those conflicts at some point may be unpopular with the American people. So I have additional reasons, besides our desire to—the impracticability, as the Senator has so adequately pointed out.

I see my friend from Illinois is waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, let me begin by expressing my utmost support for Senator WARNER. I am absolutely convinced of his commitment to our troops. I do not think there are many people in this Senate Chamber who understand our military better or care more deeply about our military. So I have the highest regard for him.

I have to say I respectfully disagree on this issue and must rise in strong support of the amendment offered by Senator WEBB to require minimum periods between deployments for members of our armed services who are serving in Iraq and Afghanistan. This amendment protects our brave men and women in uniform and ensures that our Armed Forces retain their ability to meet any challenge around the world. That is something that ultimately all of us have to be concerned about. I am proud to be a cosponsor of this amendment.

I opposed the war in Iraq from the beginning and have called repeatedly for a responsible end to the foreign policy disaster that this administration has created. Over 3,700 American service men and women have died in this war. Over 27,000 have been seriously wounded. Each month, this misguided war costs us a staggering $10 billion. When all is said and done, it will have cost us at least $1 trillion.

There are different views of the war in this Chamber, but there is no disagreement about the tremendous sacrifice of the men and women who are serving in Iraq and Afghanistan. They have performed valiantly under exceedingly difficult circumstances. They have done everything we have asked of them. But they have also been stretched to the limit. The truth is, we are not keeping our sacred trust with our men and women in uniform. We are asking too much of them, and we are asking too much of their families. We owe it to our troops and their families to adopt a fair policy that ensures predictable rotations, adequate time to be with their families before redeployment, and adequate time for realistic training for the difficult assignments we are giving them.

Our service men and women will always answer the call of duty, but the reality is extended deployments and insufficient rest periods are taking their toll. The effects of the strain are clear: Increasing attrition rates, falling retention rates among West Point graduates, increasing rates of post-traumatic stress disorder and unprecedented strain on military families.

This amendment is a responsible way to keep our sacred trust while restoring our military to an appropriate state of readiness. It ensures that members of our Armed Forces who are deployed to Iraq or Afghanistan have at least the same amount of time at home, before they are redeployed. It would also ensure that members of a Reserve component, including the National Guard, cannot be redeployed to Iraq or Afghanistan within 3 years of their previous deployment.

After 4½ years of fighting in Iraq and almost 6 years of fighting in Afghanistan, we owe it to our troops and their families to provide them with a more predictable schedule with sufficient time home between deployments. As the Military Officers Association of America, which represents 368,000 members, has stated:

> If we are not better stewards of our troops and their families in the future than we have been in the recent past, the Military Officers Association of America believes strongly that we will be putting the all-volunteer force at unacceptable risk.

There are scores of anecdotes that bear out the strain on our families. One woman from Illinois recently wrote my office telling me how her husband was facing his fourth deployment in 4½ years. She described how her husband had spent so much time in Iraq that, in her words: "He feels like he is stationed in Iraq and only deploys home." That is not an acceptable way to treat our troops. That is not an acceptable way to treat their families.

This amendment is not only important for military families, it is also important for our national security. Our military simply cannot sustain its current deployments without crippling our ability to respond to contingencies around the world.

This is all the more important since the administration has squandered our resources on the war in Iraq and neglected to address serious threats to our safety. According to the National Intelligence Estimate in July, al-Qaida has "protected or regenerated key elements of its homeland attack capability," including a safe haven in Pakistan's tribal areas, operational lieutenants, and its top leadership.

Ensuring the readiness and capabilities of our troops will be crucial to confronting the threat of al-Qaida in Afghanistan and other parts of the world and deterring other threats to America's national security.

Over the coming months, I will continue to push for a new course in Iraq that immediately begins a safe and orderly withdrawal of our combat troops, that changes our military mission to focus on training and counterterrorism, that puts real pressure on the Iraqis to resolve their grievances, and that focuses our military efforts on the real threats facing our country.

I believe this amendment is an important part of that new course. I strongly urge my colleagues to support this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I was on the floor when the Senator from Virginia, Senator WARNER, made his comments a little bit earlier. I hope a lot of the American people were listening to what Senator WARNER had to say because there is nobody in this Senate who has more respect, not just on military issues but principally on military issues, than does Senator WARNER. He not only has a lot of expertise, and great experience, but he is known to be very thoughtful in his deliberations. He doesn't arrive at decisions of major importance very easily or very quickly. For him to come to the floor and to make the statement he made earlier this afternoon, having thought through this issue and having now decided to change his vote on this particular amendment, is of monumental importance. It is the type of decision that makes all of us proud to serve in this great institution.

I rise in opposition to the Webb amendment. This amendment is about restricting the President and his military leaders' ability to prosecute a war we have asked them to execute and which we unanimously confirmed General Petraeus to carry out. It is an unwise and harmful effort to limit the ability of the President and his military leadership and to handicap their use of personnel and resources available to them.

Senator WEBB's amendment would preclude deployment of certain Active and Reserve Forces based on the number of days they have spent at home. Keep in mind, these restrictions would apply to the Nation's most experienced and capable troops during a time of war, when we face an unpredictable and highly adaptive enemy.

That statement is very similar to what Senator WARNER said a little bit earlier.

There is no one in this body who would not like to see every single one of our troops come home tomorrow. There is nothing pretty about a military conflict. There have been times in the history of our country when we have had to bow our backs and when we have had to stand up to an enemy that sought to destroy what America stands for. That is exactly what we are doing in Iraq today.

What Senator WARNER said is that if we make a decision in this body to micromanage the war, let's make no mistake about it, if this amendment passes, what we are really going to be doing is subjecting our men and women to greater harm and to the possibility of even greater inflicting of injuries and greater numbers, possibly, of making the ultimate sacrifice. This amendment says there are 435 Members of the House of Representatives and 100 Members of the Senate who have determined that this is the rotation that should be carried out by our military leadership relative to the conflict in Iraq, and that is a micromanagement of the war from the Halls of Congress versus the management of this conflict on the ground in theater by our military leadership in Iraq.

If we do micromanage this war, exactly what Senator WARNER said is what is going to happen, and that is, today in Iraq, the most dangerous weapon that is being fired at our brave men and women who wear our uniform and are protecting the freedom is what we call the IED and the EFPs. These particular weapons are inflicting injuries on our men and women, and are inflicting death on our men and women, requiring them to make the ultimate sacrifice for our sake. We have a very limited number of trained military personnel who are experts in the area of detecting and defusing IEDs and EFPs. If we put those men and women on a mandatory rotation, then we are setting our men and women in uniform up for failure.

I have had a policy since I have been elected to Congress of not trying to make decisions on military issues relative to my personal feelings and my personal beliefs. My decisions have been based upon information I have received from our military leadership, both inside and outside the Pentagon, some civilian folks as well as men and women in uniform, who are more expert in these areas than I am.

In this case, I listened very closely last week as General Petraeus and Ambassador Crocker came to Congress and spent the whole day Monday with the House of Representatives, the whole day Tuesday in the Senate, testifying, answering every question that was propounded to them about what is going on relative to the new vision and the new strategy on the ground in Iraq. What I heard from those men who are the leaders from a diplomatic standpoint as well as from the military standpoint is we are seeing great progress made on the ground by our military that is unlike any progress we have seen during the last 4½ years. That is significant.

If you are not impressed by that, then you simply did not hear what they had to say. So I think now to say to them: Well, we appreciate the great job you have done leading our troops, but we are going to take the decision-making process out of your hands, and we are now going to decide how the war is going to be prosecuted, that, I think would be a huge mistake.

The Pentagon and the civilian side have responded to the Webb amendment and said this, that if the Webb amendment passes:

> Operations and plans would need to be significantly altered. Units or individuals without sufficient dwell time would need a waiver to deploy based on threat. This waiver process adds time, cost, and uncertainty to deployment planning.

Secondly:

> In emergency situations, the waiver process could affect the war fight itself by delaying forces needed in theater.

Thirdly:

> Units would need to be selected for deployment based on dwell criteria that may in fact cause significant disruption to needed reset, planned transformation or unit training schedules.

Fourthly:

> The Department routinely deploys units at less than a one-to-one deployment-to-dwell ratio if the individuals within a unit meet minimum dwell requirements.

The proposed language stipulates minimum periods between deployments for both units and individuals. The requirement to meet both criteria for unit and individuals before deployment could severely limit the options for sourcing rotations.

And more specifically and directly to the point, in a letter dated September 18, 2007, from the Secretary of Defense, Robert Gates, to Senator LINDSEY GRAHAM, I quote a comment made by the Secretary. He says:

> The cumulative effect of the above steps [and he had outlined the Webb amendment] necessary to comply with Senator WEBB's amendment, in our judgment, would significantly increase the risk to our servicemembers.

Now, this is one of the military experts in the United States of America, the chief civilian military officer, saying: If this amendment passes, it could significantly—it would significantly increase the risk to our servicemembers. And yet some folks are going to vote in favor of this amendment in spite of the fact that the chief civilian military leader of the United States says it has the potential to significantly increase the risk to our men and women in uniform.

The power of Congress under article I of the Constitution to make rules for the Government and the regulation of the land and naval forces is well understood, as is the President's authority under article II, to command our military forces as commander-in-chief. This amendment, however, is an unprecedented wartime attempt to limit the authority of the President and the military leaders by declaring a substantial number of troops and units unavailable.

Now, again, let me close by saying I wish we could bring everybody home tomorrow and that this conflict would be over. We know we are going to be in this conflict for a long time. The President could not have been clearer on that issue when, on September 17, 2001, in a statement to a joint session of both the House and the Senate, he said:

> This is going to be a long and enduring war.

He was right then, and he is right now. This is a long and enduring war. It is not dictated by the brave and professional job our men and women are doing, but it is dictated by a vicious enemy that seeks to destroy everything that is good about America.

We have men and women who are serving today in an all-volunteer Army, Navy, Air Force, Marine Corps. They are very dedicated men and women. They know the mission they have to carry out in Iraq. I know because I have been there five times. I have talked with them with their boots on the ground, including about 3 months ago when I had an opportunity to visit with a number of soldiers in an area that had just been cleaned out, an area in Al Anbar Province called Ramadi.

Ramadi, a year ago this month, was the self-declared capital of al-Qaida in Iraq by al-Qaida itself. Today, because of the great job and the professional job our men and women, fighting side by side with members of the Iraqi Army and other coalition forces, is clear of al-Qaida. But if we seek to limit the ability of our leadership, if we seek to micromanage the war from the Halls of Congress versus on the ground by our leadership in Iraq, then the potential is certainly there for an immediate return of al-Qaida in Iraq to places such as Ramadi.

There is no more important time in the history of our country than the present. That has been the case in so many situations. Certainly this is a very critical time in the history of our country from the standpoint of the ability of future generations to live in the same safe and secure America every previous generation has enjoyed. There is no better way to ensure that, than to make sure we prevail and we win in Iraq.

It is my opinion and the opinion of military leadership, the passage of this amendment leads this nation down a trail of exposure to those who seek to do us harm, when what we need to be doing is listening those men and women who are serving proudly to secure our future generations from the enemy.

I yield the floor.

The ACTING PRESIDENT pro tempore (Mr. CARDIN). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as a supporter of the Webb amendment. I want to compliment the Senator from Virginia for offering that amendment. Although he is a freshman Senator, he certainly is no stranger to war a combat veteran, a warrior's warrior, and he is fully aware of the stresses the men and our military are facing along with their families.

I support the Webb amendment, and I support it for several reasons. One, I want to talk about the surge. I called it an escalation. The escalation was to send more troops to give the Iraqis more time to come up with a political solution.

Well, I wish to salute our troops. For those who are on the ground, the basic number, for those who were part of the escalation, we want to support them for doing their duty, and doing their duty so well. I think by every account, regardless of how one feels about the war, one is very proud of the men and women who are part of our military, who have been on the ground, and have been on the job. They have done their part. And that is what the two reports we got last week are, that if you send in more people, the violence will temporarily come down. But what happens when you do not keep that level? Well, that is a point of discussion.

Let's go back to why they went. They went this summer, in blazing heat, with blazing guns, to give the Iraqis more time. And what did the Iraqis do while our guys and gals were out there in 100-pound armor, trying to avoid IEDs? The Iraqis took a vacation. More time. More time. More time. What is wrong with this picture? So what did more time get us? It got us nowhere. With their 2-month break, they still did not go anywhere near a political solution. Now we are told we have got to keep this up, and we could be there indefinitely because of what? The Iraqis need more time.

Well, I think we are out of time. I think we are genuinely out of time. This is why I support the Webb amendment, because I think we need a different direction. I think we need a different direction in Iraq to do what we can to contain the violence and also to move ahead with a political solution. I am going to support the Webb amendment because I am never going to vote to cut off money. I will vote to protect our troops, and the best way is at least to give them more time while we are giving the Iraqis more time.

How about giving our troops more time to be at home? I am really hot about this. One hundred six degrees in July, they took a break; 110 degrees in Baghdad, our troops are there, they took a break—they, the Iraqis, took a break.

I am also going to be supporting the Biden amendment, because if the Iraqis will not come up with a political solution, now with the so-called soft position, it is time to go to the international community and see if there needs to a hard solution.

I am beginning to explore and believe that perhaps Iraq needs to be partitioned. Part of our solution, though, is while the Iraqis want more time, I want more time for our troops. I want more time for our troops to be at home. That is why I am supporting this brilliant amendment by Senator JIM WEBB, for our men and our women in the military.

We know what his amendment says is that they have to be at home for at least as long as the length of their last deployment. So if they were there for 15 months, they should be home for 15 months. Then, for the National Guard and for the Reserves, no one would be redeployed within 3 years of their previous deployment.

Why is that important? It is not only important for the Guard and the Reservists, but as the Presiding Officer knows, when a National Guards person goes to meet their duty, their employer in many instances is required to keep that job open, or they at least have that as a commitment of honor.

That used to be 6 months. Now it is 15 months, and home again, back again, while the Iraqis want more time. Our employers are wondering how they can keep those jobs open because they don't want to turn their backs on the military.

We have to get real here. A $20,000 bonus for a quick fix, quickly trained military doesn't cut it. JIM WEBB is really onto something. Our military is overstretched. Our troops are exhausted. Their families are living with tremendous stress. Every day they wonder what is happening. Every day a family that hears a news report about another attack wonders if their loved one was in it. Every time they are at home and they hear: CNN, breaking, 4 U.S. military killed, 10 killed, 4 killed, they first listen; is it in the zone where my husband or my wife or my son or daughter is? Then when they hear that, they think: Is it the Army or the Marines? They want to know because what they are doing is wondering how close to home it is.

Then they hear that news. For some, it is unbearable news. But all of the news is unbearable for the families at home. We are crushing the very spirit these families have to keep them going. It is not that they went once; it is that they go again. And no sooner do they come back and say: Hello, honey, I think your name is Mary Beth, than they have to go back out again. What are we doing to our families?

I want more time for the troops. I want to give them more time the way the Iraqi politicians want more time. When we think about our troops, we know what they are laboring under. You have heard me say it before. I check the temperature every day in Baghdad. Yesterday, it was 102 degrees. For us, it was 73, a beautiful day. What a day to be out on the bay. I know a lot of our National Guard already deployed would love to be there. I think about our troops, carrying 100 pounds of armor in brutal heat, being shot at, being attacked by IEDs, while we have a policy that is going to give the Iraqis more time, while they are there doing their duty. Let's talk about these families.

In World War II, the military would say: If the Army wanted you to have a wife, we would have issued you one. It was primarily a single military. That is not true today. For our families, the stress of maintaining a family during all of this while a spouse is at war is an enormous stress. Not only are they facing traumatic stress, but so is the spouse at home. They are trying to protect their children. They are trying to shield their children. The children wonder: How is daddy doing; how is mommy doing? The children learn e-mail. They e-mail mom. They e-mail dad. I know how they communicate. Mom and dad will communicate by e-mail. The little guys and gals will often read the first paragraph, but the last two paragraphs are spouse-to-spouse talking about what is going on. The tension, the fear, the anxiety and, I might add, the financial stress as well is amazing. We are talking about 19-year-olds, 21-year-olds. We are talking about people with two and three children. But we have to give the Iraqis more time.

Well, we are out of time. I know my time is up on the floor, but I will tell you, I am going to vote for this Webb amendment because I am going to give our troops more time. I am going to vote to give our troops more time at home.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that the next speaker on our side be Senator KYL. He has asked to be in line on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, I last came to the floor to speak on the subject of the way ahead in Iraq. Since that time, significant events, both good and bad, have occurred. First and foremost, General Petraeus has presented to the Congress a candid and encouraging assessment that the new strategy in Iraq has shifted the momentum in our favor. The testimony by the general and by Ambassador Crocker reinforced what I and my congressional delegation in May saw in Iraq and what I have heard directly from troops on the ground. The Petraeus counterinsurgency strategy, which is clear an area, move in with local forces, hold it, and then help them build their community, enlisting the locals in fighting the terrorist and showing them security is working—this is the strategy which, last year, I and many of our colleagues were asking for. The old strategy without enough people, without a permanent presence in the community, was not working. Well, it is starting to work now. But General Petraeus has proposed minor immediate withdrawals, withdrawals that are based on the commander's recommendations and security conditions, not Washington politics or micromanaging from this wonderful air-conditioned building.

The President used the term "return on success." That is the term I hope we will embrace. These brave men and women went over there as volunteers to accomplish a mission. We need to allow them to work with the commanders to accomplish that mission. Even General Petraeus testified that the new strategy had reversed the trajectory of the war. He said: "Al Qaeda is on the run. Security incidents" since the surge began have fallen in 8 of the last 12 weeks. Civilian deaths have decreased by 45 percent. Ethno-sectarian deaths are down 55 percent, and attacks in Al Anbar are down 85 percent.

For all the attempts by the antiwar movement to discredit General Petraeus—and I will address that—he demonstrated enough military progress from his new counterinsurgency strategy to conclude that "we have a realistic chance of achieving our objectives in Iraq."

Secretary Gates on Monday gave a speech in which he said:

> For America to leave Iraq and the Middle East in chaos would betray and demoralize our allies there and in the region, while emboldening our most dangerous adversaries. To abandon an Iraq where just two

> years ago 12 million people quite literally risked their lives to vote for a constitutional democracy would be an offense to our interests as well as our values, a setback for the cause of freedom as well as the goal of stability.
>
> We must realize and recognize that the institutions that underpin an enduring free society can only take root over time.

Secretary Gates was absolutely right. One only needs to look at our own history to understand this. After a long, bloody revolution, a civil war, a struggle for women's suffrage, and a civil rights movement, some 150 years later, democracy is still a work in progress.

Just as Ambassador Crocker testified:

> Iraq is experiencing a revolution, not a regime change.

Difficult challenges remain. Political progress in Iraq has been too slow. They have done some things. Actually, they have passed a few bills. In this body, we haven't passed an appropriations bill or a Defense authorization bill yet. We took August off ourselves. It is kind of tough for us to claim that the Iraqi Parliament is not doing its job when we can't seem to get our job done.

On the political front in Iraq, the Government is already sharing oil revenues among provinces. They are reaching out to former Baathists, allowing them to participate in the army and the Government. As I said, millions turned out to vote. It will take time for them, just as America's revolution did, but the benefits of a stable Iraq as an ally to the United States in the most volatile region of the world would be a major blow to terrorism, al-Qaida, and Iran's religious extremists.

Let me be clear: Our national security interest for the near and intermediate term is preventing chaos, genocide, and a regionwide war. That is our interest there, that is why our troops are there, because if they left, we could be facing far greater challenges, likely attacks on the United States and potentially a regionwide war. Our Intelligence Committee has long warned that precipitous withdrawal would create chaos and those impacts. If we were to be driven out of Iraq on the terms of terrorists and political timelines, terrorists from the Middle East to Southeast Asia to Europe to Africa would be emboldened to spread their fear, oppression of women, death and destruction, just as they were emboldened when we failed to respond appropriately to bombings of the USS *Cole*, Khobar Towers, embassies in Iraq, and the 1993 attack on the World Trade Center—all instances in which civilians and servicemembers were murdered.

Despite General Petraeus's testimony, despite our intelligence community warnings, and despite Secretary Gates's recent remarks, some war opponents continue to want to cede defeat. They refuse to listen to the advice of commanders. They ignore the consequences of a political withdrawal and the problems about which the Intelligence Committee warned.

I am very concerned about the amendment before us. I urge my colleagues to think about it and then vote against it. This is an amendment which would micromanage the war. Even a few of its supporters have been forthright enough to admit that it is a backdoor way of achieving what they want, which is defeat in Iraq by a premature withdrawal, because they know the chaos this would spread. They know what would happen if we tried to implement this into law. As Secretary Gates said on FOX News, such congressional meddling would mean force management, make problems that would be extremely difficult, and affect combat effectiveness and perhaps pose greater risk to our troops. He said when lawmakers intrude into this process, they could produce gaps during which one unit pulling out would not be immediately replaced by another, and as a result, they would have an area of combat operations with no U.S. forces, and the troops coming in would be at greater risk.

Contrary to the notion of its supporters that the measure would give the Armed Forces relief, it actually might force greater use of the National Guard and reservists. I am concerned about the National Guard and Reserve; they have been overstressed. I am concerned about our military; they have been overstressed. You know what happened? After the first gulf war in the 1990s, we slashed the size of our military. We slashed it far too much. The President recommended; the Congress went along with it. We slashed it too far. We are starting to rebuild. We have a very dangerous world. We need to have a military ready to respond.

Let me talk about the troops. I hear from a lot of them. I hear from my son, who is on his second tour in Iraq. He is a sniper platoon commander. He says he can only speak for 30 or 40 marines, but the one thing they understand is they want to complete their mission. They want to come home. Sure, they would like to be home. But they signed up for a mission. They don't want to withdraw, see all their contributions and sacrifices go for naught. They know that meddling in the war strategy, cut and withdrawal, cut and jog, or tying up the management of the war would be a disaster. They know that al-Qaida and the enemy is hoping that will happen.

This amendment is not as straightforward as cutting funding or withdrawing the troops, but it is perhaps more dangerous. That is why I urge my colleagues to stand up for the men and women who might be put at greater risk, and our national security interests, by refusing the amendment.

I want to talk about another part of this debate that is very shameful. MoveOn.org's attack depicting General Petraeus as "Betray Us" should be condemned, period.

It was an attack on the integrity of an intellectual, distinguished, and patriotic officer serving his Nation during a time of war, with the confidence of his troops behind him.

Make no mistake about it, discussing and condemning MoveOn.org's ad is not a sideshow or a distraction. In fact, it is paramount in a time of war we condemn the trashing of decorated military officers highly respected by their troops, and this one unanimously approved by this body, in order to achieve a political objective.

Marty Conaster, commander of the American Legion said:

> As Americans, we all have a duty to speak up when our uniformed heroes are slandered.

He went on to say:

> The libelous attack on a general is not the American Legion's primary concern about the anti-war movement. Our concern is for the private, the sergeant, the lieutenant and the major. If a distinguished general could be attacked in such a manner, what can the rank-and-file soldier expect when he or she returns home?

Sadly, the MoveOn.org ad is emblematic of a broader struggle by opponents of the war to muzzle other experts and discredit their views.

It is this tactic of desperation and, ironically, one that attempts to distract the American people from the realities of the threat our Nation and our allies face from terrorism.

Sadly, Mr. President, this effort is being used to attack another distinguished military man approved by this body. It has to do with the field of intelligence, and this is another area we learned is critically important on our Intelligence Committee delegation to Iraq in May.

When we were in Iraq, one of our key generals expressed his great frustration that old provisions of the FISA law were blocking him from keeping our troops in the field safe. Well, I have some good news on that front, and I thank the Members of this body on both sides of the aisle who, on a bipartisan basis, approved the Protect America Act on August 3 and August 4. That has opened up the lines of communications, the lines of intelligence for our troops in the field, for our safety here at home and homeland security. It has been very important and it eliminated a blockage that was critical.

Now, after we passed it, I have heard some critics, most recently, notably, in the House who have been trying to rewrite history and say the law did things it did not do. They have tried to discredit ADM Mike McConnell, the Director of National Intelligence. I am compelled to set the record straight.

As vice chairman of the Senate Intelligence Committee and sponsor of the

Protect America Act, I was the lead negotiator during the final hours as Congress acted to pass a critical short-term update to our Nation's law governing terrorist surveillance. As one who was there, I dispute the misinformation being spread by some, and largely those who were not there, and I will outline the events as they occurred. For my colleagues and members of the press who are interested in the other side of the story, here is what happened.

First, the timeline of events:

In January, the President announced his Terrorist Surveillance Program was being put under the FISA Court, the Foreign Intelligence Surveillance Act Court. Our Director of National Intelligence, the DNI, subsequently stated that after that time the intelligence community lost a significant amount of its collection capability because of the fact that the law, as interpreted, did not square with the technology now in place and it was imposing unwarranted limitations we had not had when we were collecting radio communications, and he asked the Congress to modernize FISA sooner rather than later.

As I said, when we toured Iraq in May, our Joint Special Operations Commander, LTG Stan McChrystal, told us the blockage in electronic surveillance by FISA was substantially hurting his ability to gain the intelligence he needed to protect our troops in the field and gain an offensive advantage.

On April 12, the DNI sent his full FISA modernization proposal to Congress. On May 1, DNI McConnell presented it in open session to the Senate Intelligence Committee. Immediately following the admiral's testimony, I urged that our committee mark up FISA legislation. The reply was until the President turned over certain legal opinions from the surveillance program, Congress would not modernize FISA.

That Congress would hold American security hostage to receiving documents from a program that no longer existed was disheartening. We have received an inordinate amount of documents from the Department of Justice and the DNI. Yet I do not dispute the desire or the right of Members to seek a few important documents from the executive branch. In fact, I have joined in requesting those. But I did disagree with holding up FISA modernization when those documents are not necessary to do that. Now, despite the urging from the DNI and knowing this outdated law was harming our terrorist surveillance capabilities, for more than 3 months Congress chose to do nothing.

In late June, Admiral McConnell briefed Members of the Senate again urging us to modernize FISA. Finally, his pleadings began to gain traction.

In mid-July, Members of Congress agreed to discuss a short-term, scaled-down version of FISA to protect the country for the next few months before we could address comprehensive reform this fall. Admiral McConnell immediately sent Congress his scaled-down proposal.

Over the next week, Admiral McConnell was given nearly a half dozen versions of unvetted proposals from various congressional staffs across Congress and then pressed for instant support of these proposals. The admiral returned a compromise proposal, including some of the provisions requested.

Finally, we in this body on August 3 and in the House on August 4 passed, on a bipartisan basis, the Protect America Act.

I am pleased that the admiral and I could include in the measure we passed several important changes suggested by members of the majority party. We recognized this legislation still needs to be clarified, but it allowed the intelligence community to collect very important foreign intelligence targeted at foreign sources to keep our troops and Americans here at home safe.

After the passage of the act, I spoke with a number of members of the Senate Intelligence Committee, and I am confident now that we will be able to craft an improved, permanent version of FISA. So there is good news on that front. But now that I have laid out the timeline of sorts, I do need to address some recent attempts, primarily in the other body, to discredit our Director of National Intelligence, Admiral McConnell.

As I said with General Petraeus, unfortunately, the M.O. for some is attacking military leaders. Here, as others attacked Petraeus, they are attacking personally another honorable man. I am disappointed with those who are charging Admiral McConnell with partisanship and duplicity for their own political gains.

Despite accusations to the contrary, Admiral McConnell never agreed to any proposal he had not seen in writing by congressional staff. There were indeed several dialogs where concepts were discussed, but I noted that Admiral McConnell at the end of every discussion said he needed to see and review with these leaders the congressional language in writing before he could support it. It is a good thing he objected because I was present when several elements of FISA were agreed to that the DNI and I wanted but subsequently and notably were absent from congressional proposals later sent to the admiral.

Unfortunately, this bait-and-switch during negotiations was not the only disappointment. There were efforts by some to circumvent the committee process and craft legislation behind closed doors without input from the relevant committee or from the minority side of the aisle. Even as the vice chairman of the Intelligence Committee, I was excluded from most of the key meetings. Not only was I excluded, but most members of the Intelligence Committee, Republicans and Democrats, were left out of the process. Despite attempts to leave out key Members of Congress during the last negotiations, I think we are on the right track. I am confident the Senate Intelligence Committee can pass comprehensive FISA reform, and we have engaged in very positive and encouraging talks, not just—obviously, I have talked with the chairman, Chairman ROCKEFELLER. The Democrats and Republicans in the Senate are making great progress. We are working on the issue, and I have confidence that colleagues on both sides of the aisle can come together on this issue.

Unfortunately, again, today, another Member of the House is trying to demonize to the American public the Protect America Act that we passed in August, saying the bill went too far and was a power grab of executive power. They wrongly claim the law allows warrantless searches of Americans' homes, offices, and computers and reduces the FISA Court to a rubberstamp. That is absolutely flat dead wrong.

While I agree, as I said earlier, the law can be improved, clarified, nothing could be further from the truth. Quite the opposite, the law gave the FISA Court a greater role than it was ever meant to have when FISA was passed in 1978. This Protect America Act in no way allows for warrantless physical searches of Americans' homes, offices, and computers. This sort of inaccurate fear-mongering should have no place in this debate.

I am counting on cooler heads to prevail in the Senate Intelligence Committee, and in the committee we are making real progress. I think with the members we have on our committee, we have a great chance to get an even better bill forging bipartisan solutions that will deal with some questions probably not contemplated when the initial proposal came up to us. We have a lot of different opinions, but all our members want to do what is best for national security and best ensures privacy protections. The key is working out just the right balance, and I am optimistic we will do so.

As we saw in the strong bipartisan support for the Protect America Act, we can act in a bipartisan manner to protect terrorist surveillance—a critical early warning system—while protecting the civil liberties of ordinary Americans.

Mr. President, I ask unanimous consent to have a brief editorial from Investor's Business Daily called "Mettle Vs. Meddle," referring essentially to the amendment before us, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

METTLE VS. MEDDLE

After last year's elections gave them a slim majority, Senate Democrats enthusiastically endorsed President Bush's choice of Robert Gates to replace Donald Rumsfeld as secretary of defense—with not a single one of them voting against his nomination.

As Senate Armed Services Chairman Carl Levin, the Democrat from Michigan, wished Gates well at that time, he said he hoped the new Pentagon chief would "speak truth to power." Gates certainly did that on Fox News Sunday—telling the powers that be in Congress the truth about their impending attempts at micromanaging the war in Iraq. Gates called the Democrats' plan to require that troops spend as much time at home as in the field "pretty much a back-door effort to get the president to accelerate the drawdown so that it's an automatic kind of thing, rather than based on the conditions in Iraq." While on Fox News, Gates also said:

"The president would never approve such a bill," and the secretary would personally recommend a veto.

Such congressional meddling would "force management problems that would be extremely difficult and . . . affect combat effectiveness and perhaps pose greater risk to our troops."

Intrusions by lawmakers would produce gaps during which "a unit pulling out would not be immediately replaced by another, so you'd have an area of combat operations where no U.S. forces would be present for a period, and the troops coming in would then face a much more difficult situation."

Contrary to the Democrats' notion that the measure would give the armed forces relief, it actually might force greater use of the National Guard and reservists.

Gates stressed that "the consequences of getting this wrong—for Iraq, for the region, for us—are enormous."

He added: "The extremist Islamists were so empowered by the defeat of the Soviet Union in Afghanistan, if they were to be seen or could claim a victory over us in Iraq, it would be far, far more empowering in the region than the defeat of the Soviet Union."

Compare that sober warning with House Defense Appropriations Subcommittee Chairman John Murtha's appearance at the National Press Club on Monday, in which the Pennsylvania Democrat blustered that Iraq would cost as many as 50 House Republican seats in the 2008 elections.

Gates and his boss are obviously interested in America and the rest of the free world winning the global war on terror. The war Murtha and so many of his fellow top Democrats seem interested in winning is the political one being waged in Washington.

Mr. BOND. Mr. President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to emphasize yet again the very minimal adjustment this amendment is asking for in terms of policy and to also emphasize again it is well within the Constitution and within precedent—article I, section 8.

The precedent is a similar phenomenon as to the issues that are facing us today, just on the other side of the deployment schedule, from the Korean war. When our troops were being sent into harm's way without proper training, the Congress stepped in. It overruled an administration that was doing that. It set a minimum standard of deployment. We are attempting to do the same thing on the other end.

There seems to be a great deal of question in our national debate as to what exactly "dwell time" means. I was in a discussion with Lieutenant Colonel Martinez, who is an Army fellow in the Senate who has extensive command experience at all levels up to the battalion level, as I recall, in many different theaters, just trying to put together notionally what goes on when military units are home after deployment.

So I have an outline, Mr. President, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJOR TASKS THAT OCCUR DURING A ONE YEAR DWELL TIME

Month 1: One week-two weeks to redeploy the BCT from theater; "Re-integration" training; normally 2–3 weeks long; Single Soldier Barracks reassignments.

Month 2: 21 days to 30 days "Block Leave"; Activation of Headquarters; Rear-Detachment Headquarters disbanded; Begin recovery of equipment that was shipped from OIF or OEF.

Months 3–5: Recovery operations of equipment; Personnel receive orders (if they haven't already) for reassignment—needs of the Army (Recruiting, Drill Instructor, Instructors at Training Centers); for individual requirements; and to fulfill reenlistment options; Newly assigned personnel arrive—intent is to create a one-for-one equation for losses.

Month 6: Individual training, crew training, team training, squad-level training; very limited platoon level training; Major reset and refit of major pacing items of equipment—major weapon systems are enrolled into maintenance; Leadership and key personnel receive plans and operational guidance for pending deployment (D–180); Small core of personnel deploy to Iraq or Afghanistan for a 10-day reconnaissance; logisticians deploy to Kuwait to inspect pending stocks; Deployment orders lock in personnel.

Month 7: Platoon and company level training—limited resources to conduct quality training; 2–3 weeks deployed in the field; Deployment training continues—key leaders deploy to a National Training Center (Fort Polk, Fort Irwin, Hoensfel, GE); 2–3 weeks deployed to these centers; Maintenance of critical weapon systems and equipment continues.

Month 8: Leadership and Key Leaders tied into Command and Control exercises and begin interfacing directly with units in Iraq or Afghanistan—reverse training cycle (evenings) to stay in touch with Baghdad and Kabul times-zones; Units begin reporting combat readiness and deployment issues to DA; Battalion (minus) collective training—2–3 weeks deployed to the field; Maintenance of critical weapon systems and equipment continues.

Month 9: Ship equipment to a National Training Center for Mission Rehearsal Exercise; Ship equipment to theater; Short block leave period (2 weeks).

Month 10: Brigade and Battalion level Mission Rehearsal Exercise—3–4 weeks deployed (units at 75% strength, at best).

Month 11: Advanced Party Personnel pack equipment and depart; Final Non-deployment personnel are identified—unit request for fills is submitted; other divisional units and the Army begin to provide replacements; Main Body Personnel pack equipment; Limited individual to squad level training continues; Major equipment systems return to unit; inspected, packed, shipped to theater as required or will be taken with Main Body.

Month 12: Active Rear Detachment; Replacements continue to arrive; Begin final packing; Deployment Training (Administrative Tasks); Begin Deployment.

Mr. WEBB. But I would like to mention some points out of this outline. It is a very good survey of the types of things our soldiers have to do.

So put yourself in the mind of a soldier who has just finished a 15-month deployment in Iraq. When they come home for a year, which is all they get now after a 15-month deployment, they do not sit around and get to know their family and have rest time. There is a little bit of that, but month by month during these 12 months of dwell time before they have to redeploy, these are the types of things they do:

In the first month, they have 1 to 2 weeks of redeployment from the theater back home. That is a part of that first month. They have what is called reintegration training for a couple weeks.

In the second month, there is "block leave," but then they activate the headquarters. They begin recovery of equipment that was shipped.

In the third through the fifth months, they have recovery operations of their equipment. They have the requirement of bringing in newly assigned people, the typical adjustment at the top and at the bottom which requires a great deal of command supervision in terms of bringing these people and assimilating them into the units.

In the sixth month, they have individual training, crew training, team training, squad-level training, and begin platoon training. A small core of their personnel at the top actually have to deploy back to Iraq or Afghanistan for 10-day reconnaissance.

In the seventh month, they have more platoon and company-level training, and 2 to 3 weeks out of that 1 month are out in the field.

In the eighth month, they have command and control exercises. They have units beginning to report their readiness status to the Department of the Army. They do collective training, just below the battalion level. And 2 to 3 weeks, again, out of that month are in the field.

In the ninth month, they start shipping equipment, which is a 24/7 process, shipping equipment to a national training center, shipping equipment back to theater. The 10th month, they have rehearsal exercises, brigade and battalion level. These are 3 to 4 weeks out of that one month where they—and at this point these units are approximately 75 percent full strength. So what happens then? You have a unit which is 75 percent full strength which is going to deploy, and they start bringing people in. They call it backfill. It is also predominant in the Marine Corps. They start bringing people in who have been home, in many cases, less than even the people in this unit.

The 11th month, you have the advanced party personnel leaving, packing their gear and going. You have your final personnel being selected. You go back to individual training, major equipment systems returning to the unit, inspected, packed, and shipped to theater.

The 12th month, you activate rear detachments, you assimilate your final replacements, and you deploy.

So that is the year, which is called dwell time after a 15-month deployment. Obviously, what occurs after that 12-month cycle of dwell time is another combat deployment.

So that is the situation we are addressing. That is the situation that, in my view, we need to bring the Congress in as a referee. Why? I will give you one example. When the Chief of Staff of the Army called me to tell me they were going to 15-month deployment cycles several months ago, moving from 12- to 15-month deployment cycles, I was stunned. I said: How can you do this? How can you not stand up and resist the notion that your troops are going to be deployed for 15 months with only 12 months at home? He said: Senator, I only feed the strategy; I don't make the strategy. Yet when we had General Petraeus before the Armed Services Committee and Senator NELSON of Florida asked him about this dwell-time problem, he basically said: Talk to the Chief of Staff of the Army. He is the person who gives us our people.

So when you have that kind of a situation, and this sort of activity that goes on when people are arguably out of theater, we need a result. We need a resolution. We need people who are going to stand up and say, basically, however long you have been gone, you get that much back.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I will take a minute to say to my colleagues we have several speakers lined up, and if Senators would come over and speak and also call as to whether you wish to speak and how much time, because we, I think, are close to entering into an agreement on speakers and also a time agreement so we can set a time for the vote on the Webb amendment.

Mr. President, I ask unanimous consent that following the disposition of the Webb amendment, that a side-by-side alternative to the Webb amendment be considered, which is in keeping with the agreement—well, I withdraw my request because I will wait until Senator LEVIN comes so there is no misunderstanding, except to say we do intend, after the disposition of the Webb amendment, to propose a side-by-side amendment which then we, I hope, could act on quickly because it is basically the debate we have been having. There is also the habeas amendment pending, as I understand it, and negotiations I think are still going on with regard to that issue. I hope we could get that resolved, and then we will try to nail down the number of amendments so we can address the issue of Iraq and associated amendments so we can then move forward with the rest of the DOD authorization bill.

I will very soon have conversations with Senator LEVIN, but in the meantime, if there are those on either side who wish to speak on this amendment, please make their wishes known, and the length of their statement, so we can begin to put together a unanimous consent agreement, which would then allow for a vote on the Webb amendment. I say this after having had discussions with Senator WEBB on the issue.

I wish to make one additional comment. Dr. Kissinger had a piece in the Washington Post on Sunday which I had printed in yesterday's RECORD. I also commend to my colleague an article by Frederick W. Kagan entitled "A Web of Problems."

Mr. MCCAIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I will be brief. I know there are others who wish to speak. I would like to reiterate what Senator MCCAIN and Senator WARNER have said with regard to the pending amendment. All of us have the utmost regard for the junior Senator from Virginia and his intentions with respect to this amendment, but it is also true that despite those best intentions, there would be very unfortunate consequences should his amendment be adopted. It has been well presented by a number of my colleagues as to what those consequences are. Secretary Gates himself has personally responded to the possibility of such an amendment being adopted by noting the adverse consequences for his ability and those of the military commanders to deal with the constraints that such an amendment would place on their ability to deal with individuals and units being deployed.

Part of the problem, as I understand it, is the amendment applies not just to the units of military combat but the individuals within those units because it relates to the specific amount of time those individuals spend back home either in training or at rest while they are not deployed. Part of the problem, as Secretary Gates personally related to me, is the fact that when you get ready to send a unit abroad into theater, especially for a combat mission, you want them to be not only trained together but prepared to do everything our military does in the middle of combat with a unit-cohesive approach to protecting their friends and carrying out their mission. They do this by training together and fighting together.

The concern expressed was that if you get into a situation where Congress imposes a law on the Executive, which is then binding on the military commanders about the exact amount of time that is permitted for troop rotation, that the individuals responsible for putting these units together are going to have to review each and every member within that battalion, for example, to determine whether the appropriate amount of time back home has been spent as opposed to in theater and, therefore, to the extent they do not meet the criteria, pull them out of the units so others then can be plugged in. This may be on the eve of deployment. It could be at any point. The result is you do not have the kind of unit cohesiveness you would otherwise. You have people who have been plugged into military units who should have been training with them all along, so when they go into combat, they fight as one. That could put forces at risk.

In addition to that, because you will have to draw people from other places, the concern is it could put greater strain on the Guard and on the Reserve, filling in for slots that are vacant from Active-Duty personnel. The Secretary has spoken to this, as I said. It has been well presented by Members on the floor as to what his concerns are.

The last point I would mention, and it is not a small point, is the attempt by Congress to dictate very specific terms of operational flow of individual members of our military, which is clearly not within the purview of Congress's jurisdiction. I know there has been an attempt to make an argument that the Constitution does not prohibit this. You have to stretch pretty far as a lawyer to make that argument. It is clear under the Constitution the Founders thought it would be best if the President, the Executive, be the Commander in Chief of the military forces. If anything should fall within his purview as Commander in Chief, and then within the chain of command to his military commanders, it should be the individual soldiers, sailors, airmen, and marines fighting in theater, it should be the individual—the decision of those commanders with respect to the deployment of those individuals. That is about as specific and personal as you can get with respect to a Commander in Chief's jurisdiction over these fine men and women who serve for us.

To suggest that Congress actually has the authority to override or to bind any future Commander in Chief in this regard I think is to stretch the Constitution way beyond what the Founders thought and way beyond what makes sense. Somebody has to be in charge. You can't have all of us, as smart as we are, as "armchair generals" deciding all of these details of deployments with respect to the members of our military. It does not make sense. As Secretary Gates said, it could put our folks at risk. Why would we want to do anything that might put them at risk? I know this isn't the intent of the author of the amendment, but it is very clear that one of the unfortunate consequences of this is the indirect—the backdoor—influence on the amount of time we can spend in this surge.

It is probably true that as a result, were this amendment to be adopted, the way the surge is carried out, the time within which troops could be redeployed home will be adversely affected. That is an unfortunate consequence of the amendment.

So for all these reasons, I hope my colleagues will be very careful about binding future Presidents, about getting very close to the line in terms of constitutional policy—I think going over the line—and intruding into an area that could put our forces at risk. Take the concerns of the Secretary of Defense—whom I think all of us have a great deal of confidence in—take those concerns into account. Don't dismiss them. They are very real. I think he has expressed them in a most serious way.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Washington be recognized for 14 minutes and then followed by the Senator from Kentucky for 12 minutes; and then I see the Senator from Montana on the floor, so the Senator from Montana for 5 minutes, followed by the Senator from Connecticut—this is going back and forth on both sides—for 14 minutes. I hope by then we will have been able to have the speakers and their times together so we could set a limit on this debate when everybody is heard.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the Senator from Arizona for helping us work through that.

More than 4½ years into this war in Iraq, our troops are stretched thin, we all know the equipment is deteriorating, and the patience of the Nation is wearing out. We have now seen 3,700 of our servicemembers die and thousands and thousands more have been injured. Month after month, our fighting men and women are pushing harder and harder and our troops are leaving their loved ones behind for months and years and putting their lives on the line without complaint. We owe them the best treatment and the best training possible. Unfortunately, the Bush administration has continually fallen short in doing that.

Our country is home to some of the finest fighting forces in the world, and we can all be very proud of that. We need our military to remain the best trained, the best equipped, and most prepared force in the world. Tragically, however, the war in Iraq and the President's use of extended deployments are now undermining our military's readiness. The current deployment schedule hampers our ability to respond to threats around the world. We know it causes servicemembers to leave the military service early. It weakens our ability to respond to disasters at home. It unfairly burdens family members and intensifies the combat stress our servicemembers experience.

We do need to rebuild our military, and the first step is giving our fighting men and women the time they need at home to prepare and train for their next mission. So that is why I am on the floor today, to speak to the readiness challenges that threaten our military strength and ultimately our Nation's security.

Two months ago, I came to the floor and spoke those very same words in my effort to support the Webb amendment—virtually the same measure we are now, this afternoon, considering. Member after Member did the same, pleading with our colleagues to join us in this most basic effort to truly support our troops. Unfortunately, even though 56 Senators voted in favor, it was blocked by the Republican Senators. Now since that time, 2 months later, more of our troops have died, more have been wounded, and more have been subjected to 15-month deployments, without hope for the same amount of time at home. Meanwhile, the administration has told us 15-month deployments will continue, and they have maintained their plan to keep 130,000 troops in Iraq.

Today we have another chance—another chance to support our troops, to support their families, and to return some common sense to our troop rotations. We need a few more courageous Senators to join us. Today I hope they will.

Sadly, our forces are being burned out. Many of our troops are on their third and even fourth tours in Iraq and Afghanistan. Months ago, the Department of Defense announced that tours would be extended from 12 months to 15 months. On top of all that, they are not receiving the necessary time at home before they are sent back to battle.

This is not the normal schedule. It is not what our troops signed up for. And we in Congress—those of us who represent these people—should not simply stand by and allow our troops to be pushed beyond their limits like this.

Traditionally, active-duty troops are deployed for 1 year and then they rest at home for 2 years. National Guard and Reserve troops are deployed for 1 year and they rest at home for 5 years. But that, as we know, is certainly not the case today. Currently, our active-duty troops are spending less time at home than they are in battle, and Guard and Reserve forces are receiving less than 3 years rest for every year in combat.

With the increasing number and length of deployments, this rest time is even more critical for our troops. Unfortunately, though, our forces are not receiving the break they need, and that increases the chances that they become burned out. But this administration has decided to go in the other direction, pushing our troops harder, extending their time abroad, and sending troops back time and again to the battlefield.

The current rotation policy not only burns out servicemembers, but it hurts our military's ability to respond to other potential threats.

For the first time in decades, the Army's "ready brigade," that is intended to enter troubled spots within 72 hours, cannot do so; all of its troops are in Iraq and Afghanistan.

The limited time period between deployments also lessens the time to train for other threats. Numerous military leaders have spoken to us about this problem.

GEN James Conway said:

> . . . I think my largest concern, probably, has to do with training. When we're home for that seven, eight, or nine months, our focus is going back to Iraq. And as I mentioned in the opening statement, therefore, we're not doing amphibious training, we're not doing mountain-warfare training, we're not doing combined-armed fire maneuvers, such as would need to be the case, potentially, any other type of contingency.

Those were not my words; those were the words of GEN James Conway, who spoke before the Senate Armed Services Committee in February of this year.

GEN Barry McCaffrey said that because all "fully combat ready" active-duty and Reserve combat units are now deployed in Iraq and Afghanistan, "no fully-trained national strategic Reserve brigades are now prepared to deploy to new combat operations."

This current deployment schedule is making us less ready for other contingencies we need to be ready for. It is also making us less secure at home. The current rotation policy has left our Guard units short of manpower and supplies, and it has severely hindered their ability to respond to any kind of disaster they might face here at home.

For years, those kinds of problems were the exception, not the rule. But I fear that the balance has shifted. Recently, USA Today reported that National Guard units in 31 States say 4 years of war in Iraq and Afghanistan have left them with 60 percent or less of their authorized equipment. Last month, LTG Steven Blum said the National Guard units have 53 percent of the equipment they need to handle State emergencies, and that number falls to 49 percent once Guard equipment needed for war, such as weapons, is factored in. In fact, Blum said:

> Our problem right now is that our equipment is at an all-time low.

That is deeply concerning to a lot of us who worry about national disasters in our States. Out in the West, where I live, we face forest fires; along the gulf coast, we have seen the destruction of hurricanes this season; and in the Midwest, entire towns can be decimated by tornadoes in minutes. So we are deeply concerned about our Guard and Reserve being ready for a disaster here at home.

This problem is about more than equipment. It is about retention rates. It is about real people and real families. We all know military life can be very tough on our troops and their families. They go for months, and sometimes years, without seeing each other. Our troops—these men and women—need adequate time at home to see their newborns, to be a part of their children's lives, to spend time with their husbands or wives, and to see their parents. This current rotation policy decreases the time families are together, and that places a tremendous strain on everyone. Our troops, who are facing these early deployments and extended tours today, have spoken out. When the tour extensions and early deployments were announced, our troops themselves expressed their displeasure.

In Georgia, according to the Atlanta Journal-Constitution:

> Soldiers of a Georgia Army National Guard unit were hoping to return home in April, but instead they may be spending another grueling summer in the Iraqi desert. At least 4,000 National Guard soldiers may spend up to 4 extra months in Iraq as part of President Bush's troop increase announced last month.
>
> SGT Gary Heffner, a spokesman for the 214th, said news of the extension came as a "little bit of a shock" to the Georgians.

In the 1st Cavalry Division, according to the Dallas Morning News:

> Eighteen months after their first Iraqi rotation, the 2nd Battalion, 5th Cavalry regiment, and the last of the Fort Hood, Texas-based 1st Cavalry Division, returned to Iraq in mid-November.

These are the words of Brandon Jones, a veteran from my State of Washington. He testified before a field hearing on mental health care that I held in Tacoma last month. He said:

> In November 2003, I was called to full-time duty with the 81st Brigade. I was given very short notice that my unit was being mobilized. In that time, I had to give up my civilian job—an income loss of about $1,200 a month—and my wife had to drop out of classes at Olympic College to care for our children.
>
> I went from living at home and seeing my children on a daily basis to living on base—just a mile from home—and visiting my children periodically. To my kids, I went from being their dad to the guy who drops by the house for a visit once in a while.
>
> The 3 months of mobilization before my deployment were very stressful. We struggled financially. Although we reached out for help, we were told that the only financial resources available were strictly for active duty soldiers at Fort Lewis. It wasn't until we were threatened with eviction and repossession of our car that my wife was able to obtain a small amount of assistance generally reserved for active duty soldiers. Our families helped us make up the rest—about 60 percent of what we were in need of.
>
> The stress made it difficult for my wife to keep a positive attitude, for our children to feel comfortable, and for me to concentrate on the mission ahead of me. When my wife and I reached out for marriage counseling prior to my deployment, we were made to feel that the few sessions we were given were a favor to us and that we were taking up a resource meant for active duty soldiers from the base.
>
> Let me remind you that all of this happened before I was even deployed.

As Brandon said, that was before he was even deployed. Just imagine the sacrifice these families have made when they go through these 15-month deployments. To me, it is very clear that we need to pass the Webb amendment. We hear a lot of rhetoric on the floor about supporting our troops, but I believe this amendment is the opportunity we need to end the rhetoric and start with action.

Troops should be at home for the same amount of time as they are deployed. That seems to me like a basic commonsense requirement. I applaud our colleague from Virginia for being a champion for our troops and for crafting this bipartisan measure that he and the entire Senate can be proud of.

Our troops have sacrificed a lot. They have already gone above and beyond the call of duty. We need to institute a fair policy for the health of our troops, for the health and well-being of their families, and for our Nation's security and our ability to respond to disasters here at home. This amendment does all of those things. I urge our Senators to support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, the Senator from Michigan, the chairman, will be recognized to point out that we will have a side-by-side amendment, which I will be prepared to introduce soon. We also wish to move forward with speakers so we can set a time for a vote on the Webb amendment, in keeping with the wishes of the respective leaders.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I discussed this with the Senator from Arizona. I ask unanimous consent that after the current lineup of speakers, Senator BROWN be recognized for up to 10 minutes, Senator STABENOW be recognized for up to 10 minutes, and then, as the Senator from Arizona mentioned, we will try to see if in the next few minutes we are able to come up with an agreement to schedule a vote—probably, I guess, around 5 o'clock, for the convenience of Senators.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise today to voice my strong objection to the Webb amendment. I voted against this amendment when it was offered 2 months ago, and I will vote against it again today.

I will not support this slow-bleed strategy from Iraq. It ties the hands of our commanders. I cannot remember a time in history when the Congress of the United States has dictated to our commanders on the ground how to conduct their mission to this extent.

This is an extremely dangerous amendment. The junior Senator from Virginia would like for you to believe it helps our troops and that a vote in support of his amendment is a vote to support our troops. Wrong. Nothing can be further from the truth.

This amendment would be a nightmare to execute. It says a soldier must spend 1 day at home for every day the soldier is deployed. That may sound reasonable on its face, but anyone who knows how the military plans its missions knows it will be a logistical roadblock for our military planners.

The problem is when a unit returns from a deployment, its personnel are often reassigned to other units and other assignments. Divisions, brigades, battalions, and units don't stay together forever. In a military of millions of people, there are a lot of people reassigned each day.

This amendment would essentially require the Army and Marine Corps staff to keep track of how long each service man or woman has spent in Iraq or Afghanistan, how long they have been at home, how long their unit was deployed, and how long it was home. This is absurd. This would mean pulling soldiers out of units scheduled to deploy if the servicemembers did not have enough dwell time.

This breaks up leadership and soldier teams, the formations of which are the purpose of the Army and Marine training system. Requiring the President to issue a certification to Congress to waive this requirement for every individual servicemember who might be affected by this is even more absurd.

This amendment takes tools and flexibility away from our commanders on the ground, such as General Petraeus. That is why it is being offered today.

Commanders make estimates about the forces they need based on assumptions about current and future threats. If a commander in Iraq or Afghanistan concludes that some event might require the deployment of additional forces to his theater, this amendment would restrict the units and personnel that could be sent.

The junior Senator from Virginia claims to be concerned for the welfare of our troops. Not one Member of this body is opposed to troops getting rest after a long deployment. But we need to be equally concerned about the dangers our soldiers face when they do not have the necessary resources and reinforcements available to do their mission. This is the true purpose of this amendment. It cripples the ability of Secretary Gates, General Petraeus, and our other commanders on the ground to accomplish their mission and forces a drawdown of our troops in Iraq and Afghanistan.

I will not support this strategy out of Iraq. It puts troops in harm's way, restricting the resources and reserves they need to successfully accomplish their mission.

This is not supporting our troops. It is wrong to cloak a troop pullout amendment in language that relates to troop rest, but that is exactly what this amendment does.

This week I had the pleasure of visiting with two brave Kentuckians who recently served in Iraq. They came to me directly to ask me to vote against the Webb amendment. These Kentuckians know the sacrifices their fellow soldiers and families make. They know and understand the importance of rest back home. They know the strains of war. They have experienced the heat of Iraq and the tragedy of knowing that some of their fellow soldiers never made it home.

But these two Kentuckians also know the intent of this amendment. They know why it was offered, and they do not want to tie the hands of the military so we are forced to leave Iraq and Afghanistan before the mission is completed. That is why they came from Lawrenceburg, KY, and Hebron, KY, to ask me to oppose the Webb amendment.

It is not Congress's role to mandate individual soldiers and unit deployments. I know the Democrats like to try to micromanage the war, but I am not the Commander in Chief and neither are any of my colleagues across the aisle. I want to remind everyone in this body of this fact.

If you want to truly support our troops, then vote against the Webb amendment. It was defeated 2 months ago on the Senate floor, and I can only hope it will be defeated again today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I rise in support of the Webb amendment. I am pleased to be a cosponsor of this amendment. Much has been made about this amendment and the well-being of our troops and their families. Make no mistake, this amendment is about ensuring that we do not do permanent damage to the military's most valuable asset—its people.

Congress must make the health and well-being of our men and women overseas a priority. We know multiple deployments with short periods of rest back home raise the incidence of PTSD. Studies have shown that the likelihood of a soldier being diagnosed with PTSD rises by 50 percent when he or she is on a second or third deployment.

We know multiple deployments are causing a massive strain on our junior officer corps. Earlier this year, the Army's Deputy Chief of Staff told Congress these officers are getting out of the Army at nearly double the rate that the Army says is acceptable. That is why until this war, we have always given our active-duty soldiers a ratio of 2 days at home for every day in combat, and we have always given the National Guard and Reserve 5 days at home for every day in combat. That has been the standard until this war.

That is why the National Military Families Association supports this amendment. That is why the Military Officers Association of America supports this amendment. The Military Officers Association says:

> If we are not better stewards of our troops and their families . . . we will be putting the all-volunteer force at unacceptable risk.

I urge my colleagues to listen to what our officers and their families are saying through their support of the Webb amendment.

As my colleagues know, I am a farmer; I am not a military expert. But I believe and the people of my State believe in no uncertain measure that we need to continue to have the strongest military in the world, not only today, not only 6 months from now, but 6 years from now as well.

The good news is we have a strong military. I represent 3,500 Air Force personnel, more than 300 of whom are serving in Iraq and other places around the world today. I represent another 3,600 Guardsmen, many of whom have spent a tour or two in Iraq. I can tell my colleagues that these people are the best in the world at what they do, and I am proud to represent them.

But the bad news is what I am hearing is we are in danger of losing too many young leaders in our military today who are leading a platoon but whom we will be relying on to lead brigades and entire divisions in the future.

I know some people on both sides of the aisle have raised the question of how this measure will impact the schedule for the surge General Petraeus has outlined. The fact is, even if this amendment becomes law, the Pentagon would still have another 4 months to prepare for the change in policy, and if there is a national emergency, there is an opportunity for even more time. The fact is, this amendment will have a much greater impact on tomorrow's military than it will impact on the military surge.

I believe we need the Webb amendment to ensure that we maintain a strong military today, tomorrow, and for years to come.

I congratulate Senator WEBB for this amendment. This has been a good debate. For the most part, it has been thoughtful and respectful. There have been differences of opinion, but it is time to allow this measure to have an honest vote before the Senate. Let's not simply debate whether to debate this amendment. Let's have an up-or-down vote on the measure. Our troops, their families, and the American people deserve nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Connecticut has 14 minutes.

Mr. LIEBERMAN. Mr. President, I rise to respectfully speak against the amendment offered by my colleague from Virginia.

Let me put this in context, as I see it. One week ago, the commander of our military forces in Iraq and our top diplomat in Baghdad returned to Washington to address the Members of this Congress. What General Petraeus and Ambassador Crocker offered us last week was not hype or hyperbole but the facts. They offered us the facts. What we heard from them was reality—hard evidence of the progress we have at last begun to achieve over the past 8 months—progress against al-Qaida, progress against sectarian violence, progress in standing up the Iraqi Army, progress that all but the most stubborn of ideological or partisan opponents now acknowledge is happening.

What we also heard from General Petraeus last week was a plan for the transition of our mission in Iraq which he has developed, together with our military commanders on the ground, that builds on facts on the ground, not on opinions over here, that builds on the successes our troops have achieved on the ground which will allow tens of thousands of American troops to begin to return home from Iraq starting this month.

So the question now before the Senate is not whether to start bringing some of our troops home. Everyone agrees with that point. Beginning this month, some of our troops will be coming home. The question before the Senate now is whether we are going to listen to the recommendations of our commanders and diplomats in Iraq, or instead whether we will reject them and try to derail the plan they have carefully developed and implemented and that is working. The question is whether we build on the success of the surge and the strategy of success led by General Petraeus, or instead whether we impose a congressional formula for retreat and failure.

I believe the choice is clear because we have too much at stake for our national security, our national values, and most particularly, of course, freedom is on the line and the outcome in Iraq. Are the victors going to be the Iraqis with our support and the hope of freedom and a better future for them or are the victors going to be al-Qaida and Iran and Iranian-backed terrorists? That is the choice. It is in that context that I believe the Webb amendment is a step in precisely the wrong direction. That is its effect.

The sponsors of the amendment say they are trying to relieve the burden on our men and women in uniform. I, of course, take them at their word. They have an honorable goal that all of us in this Chamber share. It is not, however, what the real-world consequences of this amendment will be.

On the contrary, Secretary of Defense Bob Gates has warned us in the most explicit terms that this amendment, if enacted, would have precisely the opposite effect that its sponsors say they desire. It would create less security, more pressure on more soldiers and their families than exists now.

As many of my colleagues know, Secretary Gates is a man who chooses his words carefully. He is a former member of the Iraq Study Group. He is a strong believer in the need for bipartisan consensus and cooperation when it comes to America's national security, particularly in Iraq and Afghanistan. He does not practice the politics of polarization or partisan spin. So when he tells us this amendment would do more harm than good, so much harm, in fact, that he, as Secretary of Defense, would feel obliged to recommend to the President that if this amendment is adopted, the President veto the entire underlying Department of Defense authorization bill, well, then, when Bob Gates, Secretary of Defense, says that, I think we have a responsibility to listen and to listen to his words very carefully.

The reason for Secretary Gates' opposition to this amendment is not political, it is practical. As he explained in a letter to Senator GRAHAM of South Carolina earlier this week, the Webb amendment "would significantly increase the risk to our servicemembers"—significantly increase, not decrease, the risk to our servicemembers—and "lead to a return to unpredictable tour lengths and home state periods and home station periods." Exactly the opposite of the intention of the amendment.

By injecting rigid inflexibility into the military planning process, this amendment would force the Pentagon to elevate one policy—the amount of time individual members of the military spend at home—above all other considerations, above the safety and security of those same soldiers and their colleagues when they are deployed abroad, above the impact of implementing that policy would have on our prospects for success in Iraq and all that means to our country and, I add, to our soldiers. Secretary Gates also described a range of grim consequences that would result if this amendment is adopted.

To begin with, it would likely force the Pentagon to extend the deployments of units that are already in Iraq and Afghanistan beyond their scheduled rotations. So some of those units which are now scheduled to be there for 15 months might have to be extended beyond that because of the provision in this amendment that says you have to have an equal amount of time at home as deployed. Why? Because there aren't enough capable units to replace them that meet the inflexible requirements imposed by this amendment.

Far from relieving the burden on our brave troops in battle deployed overseas, this amendment would actually add to their burdens and keep our soldiers away from their families, certainly a goodly number of them, for even longer. It would also mean more frequent and broader callups of our National Guard and Reserve units, pulling forces into the fight that would otherwise be able to remain at home.

In other cases, this amendment will require the Pentagon to deploy units trained for one mission to go fight another mission, not because it makes military sense to do so but because they are the only ones left that meet this amendment's inflexible dwell-time rule. In plain English, we are going to be forced by this amendment to send less-capable units into combat.

In addition to imposing greater dangers thereby on our individual service men and women, this amendment would also have other baneful effects on our national security. At a time when our military is stretched and performing brilliantly, it would further shrink the pool of units and personnel available to respond to events, crises, not just in Iraq and Afghanistan but around the world. In doing so, this amendment—and again I quote Secretary Gates—"would dramatically limit the Nation's ability to respond to other national security needs while we remain engaged in Iraq or Afghanistan." Is that what any one of us desire? Is that what the men and women who serve us in uniform desire? No.

All of us recognize the extraordinary services our troops are giving our country and the burden that places on their family in this time of war. All of us want to do something to help relieve the burden they bear. But the answer is not to impose a legislative straitjacket on our men and women in uniform. The answer is not to impose an inflexible one-size-fits-all rule that will endanger their safety and hobble our military's ability to respond to worldwide threats. The answer is not, in our frustration, to throw an enormous wrench into the existing, well-functioning personnel system of the U.S. military. The answer is most definitely not to make it harder for us to succeed in Iraq.

I know there has been some disagreement among the supporters of this amendment about whether it is intended to be a backdoor way to accelerate the drawdown of our troops from Iraq, for which there is not adequate support in this Senate Chamber, fortunately, and thus discard the recommendations of General Petraeus and, if I may say so, put us on a course for failure instead of the course of success we are on now. My friend, the Senate majority leader, said he does not see this as a backdoor way to accelerate the drawdown. On the other hand, Congressman MURTHA said that is exactly what it is supposed to do and he hopes it will do.

The fact is many in this Chamber have argued honestly and openly for months that General Petraeus and his troops were failing to make meaningful progress in Iraq and that Congress should, therefore, order them to begin to withdraw. That could be done by cutting off funding or mandating a congressional deadline for withdrawal.

I have argued against those recommendations, as my colleagues know. But I must say I respect the fact that those arguments by opponents of the war accept the consequences of their beliefs, and they are real and direct. Those in the Chamber who want to reject the Petraeus recommendations and his report of progress and impose on him their own schemes for the withdrawal of our troops from Iraq, I think ought to do it in the most direct way, rather than any attempt to derail this now successful war plan by indirection.

The fact is, regardless of the intention of its sponsors, the Webb amendment, if enacted, will not result in a faster drawdown of U.S. troops from Iraq. The fact is the Commander in Chief and the military commander in Iraq are committed to the success of this mission. On the contrary, therefore, it would only make it harder for those troops, along with their brothers and sisters in uniform in Afghanistan, to complete their mission successfully, safely, and return home but to return home with honor to their families and their neighbors.

Yesterday, a couple of Connecticut veterans from the Iraq war were in town and came to see me. At the end of a good discussion, in which they did urge me to vote against the Webb amendment, one of them said to me: Senator, we want to win in Iraq, and we know we can win. I said to them: Thanks to your bravery and skill—and now a good plan—and with the help of God, you are going to win, so long as the American people and their representatives in Congress don't lose their will. That victory will not only secure a better future for the people of Iraq and more stability and an opportunity for a course in the Middle East that is not determined by the fanatics, the haters, the suicide bombers of al-Qaida and Iranian-backed terrorism but is determined by the people themselves who pray every day and yearn every day for a better future.

I will say something else. There are different ways to burden men and women in uniform. One is the stress of combat, another is to force them into a position where they fail. I have had many conversations with soldiers from Connecticut and elsewhere who have served in Iraq, and I have had the conversations in Iraq and here. I don't want to mislead my colleagues in what I am about to report. I don't get this in 100 percent of those conversations, but in an overwhelming number of those conversations, they are proud of what they are doing, they believe in their mission, they believe they are part of a battle that can help make the future of their families and our country more secure. They are proud. They are reenlisting at remarkable numbers. That is the best indicator of this attitude.

If you want to burden them and their families in a way we can never quite make up for, then take us from the road of success, leading to the road of victory, and force us directly, force them directly or indirectly, to a retreat and defeat. That can break the will of an army. We don't have to do it, we must not do it, and I believe this Senate will not allow this to happen. I, therefore, urge my colleagues to vote against the Webb amendment.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. BROWN. I thank the Chair, and I thank Senator WEBB for his leadership on this important issue as I rise in support of the Webb amendment.

This amendment, first and foremost, is about supporting our troops. It is about supporting the military families. Every Member of this body, some even more than others, talk about their support for our troops. Many put the yellow ribbon magnets on their cars, many wear other kinds of clothing to show their support for the troops. They talk about it at home, they talk about it here. This vote will put that support for our troops into action.

This amendment ensures that our military gets the rest at home they deserve; that our military readiness gets the support it needs. This amendment will ensure that our National Guardsmen will stay at home for at least 3 years after returning from deployment, the men and women of the Guard who leave businesses, jobs, and families on hold while bravely serving our Nation.

The current Iraq policy is overextending our troops and placing unacceptable burdens on families back home, with spouses often acting as single parents, doing their very best, in sometimes worse economic times, to keep their families together.

I have met with these families for 4 years, going back as early as 2003, soon after tens of thousands of American troops were deployed in Iraq. They would talk frequently about the shortage of body armor. They talked frequently about the shortage of bottled water, about hygiene products, and all kinds of things our troops needed as our Government rushed into war in 2003 without adequately supplying them. Families would raise money at events to provide the body armor and to send bottled water and hygiene products or whatever their loved ones needed in Iraq.

Our Government didn't do what it should have done back then because of the poor civilian leadership and its lack of preparation for this war in Iraq. I heard comments over and over about the difficulty of adjusting, as those troops came back home, due to the lack of foresight and the lack of planning on the part of the civilian leadership of our military.

Our Armed Forces have served bravely and honorably again and again, deployment after deployment, often without, as I said, the proper body armor, proper vehicle protection, proper training, and dwell time between deployments. We fought in this body and in the House for more body armor, we fought for more MRAPS, the triangular-bottomed vehicles. We shouldn't have to fight to allow our soldiers the proper amount of time between deployments.

The requirement in this amendment for dwell time is something the military has voluntarily done for decades because they know that serves the troops well, they know it serves the families well, and they know principally it serves the military well to have that dwell time between deployments. The 1-to-1 standard in the Webb amendment is actually below the historic standard of the Department of Defense for dwell time. We could do even better than this.

We can debate about our role in Iraq's civil war, we can debate timelines for ending our involvement, we can debate how much money we should spend in Iraq, but we shouldn't need to debate how much rest, preparation, and training our troops get before they go back off to war. Everyone in this Chamber talks about supporting our troops, even as our President failed to provide body armor and MRAPs, failed to provide support and supplies, and even as our President has failed to provide enough money for medical care for the Veterans' Administration for when our troops return home. Everyone in this Chamber talks about supporting our troops, but this amendment puts the soldiers and their families first.

They have done their job. It is time we do ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Ms. STABENOW. Mr. President, I wish to thank my colleague from Michigan, whom we are so proud of, for all his efforts in supporting our troops and leading our efforts as it relates to the defense of our country and for once again leading this very important bill on the Defense reauthorization.

It is time to put aside for a brief moment the overall debate of the war and focus on the troops. Regardless of whether you supported going into Iraq or, as I did, voted no on going into that war, we come together and we hear frequently from colleagues on both sides of the aisle that, of course, we support our troops. We want what is best for the brave men and women who are fighting in harm's way, who didn't take that vote and didn't decide the policy but who are, in fact, stepping up to defend that policy and defend our country.

The question is, What is best for the troops on the ground right now, in the middle of these conflicts that have gone on now for over 4½ years? We are here today to talk about what is best for our military, our troops, and for their families.

We are not here to debate the merits of the mission. I certainly am willing to do that and do that with other amendments. But this particular amendment, the amendment of Senator WEBB, is an effort to determine what makes sense when it comes to deploying our armed services, what is best for those who have been willing to put their lives on the line for our country, who follow the leadership of the Department of Defense and operate under the policies that have been set by this Congress and this President.

What is very clear is that the current system is broken for our troops. We are forcing our troops into longer and longer combat deployments and giving them shorter and shorter rest periods. We are demanding multiple combat deployments over very short periods, with many units on their second, their third, or even their fourth redeployment in the war in Iraq. We are denying the men and women who put their lives on the line for America the time they need off from the front lines to recuperate, to retrain, to prepare themselves physically and mentally to return to combat and, just as important, to spend time with their families, to be able to reconnect with the loved ones they have left behind when they have gone into this war.

We are placing an unfair and unreasonable burden on those military families, families who are willing to sacrifice, who have sacrificed; families who count on us to be there for them, representing their interests and the interests of their loved ones who are on the front lines. They are doing all of it in the name of a policy that the military itself has indicated is not only unreasonable but unsafe. The Department of Defense itself has said that the conditions under which they are operating have been unreasonable and unsafe.

Historically, the Department of Defense, as has been said, has mandated a combat-to-rest ratio of 1 to 2—1 month on, 2 months off as an example; 1 year in combat, 2 years at home—to rest, retrain, and prepare for the next deployment. In fact, the historic 1-to-2 ratio is currently the stated policy of the DOD. We are hearing from colleagues on the other side of the aisle as if this is some outrageous idea, that we put some parameters around the deployment and redeployment of our troops. Yet it is the stated policy of the Department of Defense: 1 month or 1 year on, 2 months or 2 years here at home.

The Webb amendment merely sets a 1-to-1 ratio, a floor that only gets us halfway to the standard the Department of Defense itself has called for. The policies pursued by this administration have stretched our men and women in uniform to the breaking point. Our Armed Forces are getting the job done under the most extreme and trying conditions imaginable. Most of us have had an opportunity, firsthand, to see them in action, to see what they are doing and the conditions under which they are operating. They are getting the job done. No one is surprised because we have the best and the brightest, but they are under extreme and trying conditions. They face an enemy who often cannot be identified. They face an environment that is harsh and hot and unbearable. They do their jobs with pride, with honor, with dignity, and most certainly with excellence.

The current deployment schedule places an unfair burden not only on our soldiers and sailors and airmen and marines but on the families they leave behind. Military families have, in their own way, been called to serve this country, been called to sacrifice. They demand our respect and support for the sacrifices they are making. What we are currently asking of them is simply unreasonable. When our troops go into combat, the people they leave behind shoulder the burden of keeping the family together while mom or dad—mother, father, sister, brother—is fighting in service to their country. They are left to face not only the practical problems that come with having a family member gone for long stretches of time but also the constant uncertainty and stress of simply not knowing what is happening to their loved one. Are they safe? Will they come home safely? Our troops and their families have done everything we have asked of them. They have been there for America. And now the answer to the question must be that we will be there for them.

The young Americans who volunteer to put on the uniform and fight for our country are truly our best. They are the best-trained, the best-equipped, the bravest fighting forces in the world, and they are one of the Nation's most valuable assets and greatest resources. Current administration policy is abusing their willingness and desire to serve. This has to stop. By straining and stretching our military, we are undercutting our own national security. We are compromising everything we have done to build up a force that can defend America and properly respond to the dangers we face in today's uncertain world.

Senator WEBB has crafted an amendment that addresses the concerns of our military leaders. It includes reasonable waivers in the face of unexpected threats to America. It includes a transition window that will allow a shift in the deployment schedule without a disruption of our fighting forces. We have worked with the military to develop a policy that makes sense. I commend Senator WEBB for his foresight and his willingness to work with the Secretary of Defense and others to make the changes, to make this even more workable. We compromised where it makes sense to strengthen the legislation, but we will not compromise on the safety of our troops or on the support for their families.

This amendment is not about where we stand on the war. It is not about partisan politics. It is about doing the right thing for our troops and for their families. I urge my colleagues to stand up and vote for the Webb amendment. Stand with the people we have sent to war and their families waiting at home, and stand with all Americans who want us to have the right kind of policy to support our troops and to keep us safe for the future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time first to thank Senator WEBB for bringing forward his amendment that I strongly support. I believe it is in the best interests of our troops, their families; our military readiness, and the proper deployment of our troops.

I also thank Senator LEVIN and Senator REID for their efforts in allowing us the opportunity to try to change our mission in Iraq. I believe it is not only in the best interest of the United States to do that but also the Iraqi people.

I also compliment Senator BIDEN for his efforts to bring forward an amendment that would give us a more realistic and achievable political game plan in Iraq. As has been recently reported, the Iraqi Government is dysfunctional, and the only way we are going to be successful in Iraq is if we can have a political solution to their problems.

On September 3, 2007, President Bush told troops at Al-Asad Air Base that the troop buildup has strengthened security—and that the military successes are "paving the way for the political reconciliation and economic progress" in Iraq. "When Iraqis feel safe in their own homes and neighborhoods," said President Bush, "they can focus their efforts on building a stable, civil society."

I believe that the last part of that statement, when an Iraqi can walk into the street without fear of being attacked, blown up, or bribed, of having family harmed, his house or his business taken, when he is confident that his children will have enough food and water and be able to attend school in peace, he will be able to focus on building a more stable civil society.

But what I don't see is any independent evidence that the increased U.S. troop presence has, as promised, led to greater civilian security, let alone paved the way for political and economic success.

The 2007 emergency supplemental appropriations bill required President Bush to report to Congress and the American people in July and September on the progress Iraqis are making toward achieving certain critical benchmarks put forward by the Iraqi Government and affirmed by President Bush in his January "New Way Forward" speech. These were not benchmarks established by Congress. These were benchmarks established by the Iraqis, in this legislation. That same legislation asked the independent Government Accountability Office to undertake the same investigation and chartered the Independent Commission on the Security Forces of Iraq to investigate the progress those institutions are making toward independence. We now have each of those reports.

Not even President Bush claims that substantial progress toward political or economic benchmarks has occurred. As reported by his administration in July and September there has been little progress on debaathification reform, oil revenue sharing, provincial elections, or amnesty laws.

The GAO reports that the Iraqi Government has met only ⅛ of the legislative benchmarks. The rights of minority party political parties in the Iraqi legislature are protected, though the same is not true for the Iraqi population whose "rights are often violated."

Any prospects for further progress toward these goals have been dashed by the withdrawal of 15 of the 37 members of the Iraqi cabinet. The Congressional Research Service reported that the boycott has left "the Iraqi Government in essential collapse."

That is another reason why we need The Biden amendment, and more important, for us to move forward implementing a new strategy in Iraq.

Just as important, there is no independent evidence that increased troop presence has created the security necessary to foster future political and economic progress in Iraq.

The GAO reports that it is not clear whether sectarian violence has been reduced and that the average number of daily attacks aqainst civilians has remained about the same.

The August National Intelligence Estimate reports that the level of overall violence in Iraq, including attacks on and casualties among civilians, remains high and will remain high over the next 6 to 12 months.

According to figures compiled by the Associated Press, Iraqis are suffering double the number of war-related deaths throughout the country compared to this time last year.

In an August op-ed, seven non-commissioned officers wrote:

> [T]he most important front in the counterinsurgency, improving basic social and economic conditions, is the one on which we have failed most miserably. . . . Cities lack regular electricity, telephone services and sanitation. . . .
>
> In a lawless environment where men with guns rule the streets, engaging in the banalities of life has become a death-defying act. . . . When the primary preoccupation of average Iraqis is when and how they are likely to be killed, we can hardly feel smug as we hand out care packages. As an Iraqi man told us a few days ago with deep resignation, "We need security, not free food."

Even if we assume a decline in violence, in certain regions in Iraq it is far from clear that increased U.S. troops are responsible. There are over 2 million refugees that have fled Iraq.

Internally displace persons are estimated at 2 million and are increasing by 80,000 to 100,000 each month. At that rate, Washington, DC would be empty by March.

The United Nations High Commissioner for Refugees found that 63 percent of those displaced moved because of threats to their security. Sixty-nine percent left homes in Baghdad. Baghdad is undergoing sectarian cleansing. If the death toll in a Sunni district falls because its residents have fled, the resulting reduction in violence is not attributable to increased troops, and that kind of development is not "progress."

The bottom line: the GAO report found the Iraqi Government has not eliminated militia control over local security or political intervention in military operations. It has not ensured evenhanded enforcement of the law or increased the number of army units capable of independent operations.

Are Iraqis more secure? For me, the 100,000 people fleeing their homes each month in fear for their safety answer the question. The truth, as everyone acknowledges, is that the security that Iraqi man wanted instead of free food will only come with political reconciliation.

Those same seven NOC's explained that:

> political reconciliation in Iraq will occur, but not at our insistence or in ways that meet our benchmarks. It will happen on Iraqi terms. . . .
>
> [I]t would be prudent for us to increasingly let Iraqis take center stage in all matters, to come up with a nuanced policy in which we assist them from the margins but let them resolve their differences as they see fit.

President Bush predicted that increased U.S. troop levels taking a more visible—rather than marginal—role would stabilize the country so that its national leaders could reach political agreement. They would enable us to accelerate training initiatives so that Iraqi army and police force could assume control of all security in the country by November 2007. President Bush sent over 28,000 more soldiers into Iraq to fulfill these goals.

The reports before us in September, like the reports before us in July, show us that President Bush's troop escalation is ineffective. It has failed to make Iraq more secure, failed to stem the civil war going on in Iraq, and failed to lead to political reconciliation. That failure was clear when I last came to the floor to discuss this issue in July, and it is clear today.

Since July, 150 more American soldiers have died; nearly 5,000 more have been wounded. My home State of Maryland has lost three more of its bravest citizens. One of those seven NOC's, whose wisdom and insight I have quoted at length, was shot through the head and, just last week, two others were killed. Every month in 2007 has seen more U.S. military casualties over the same month in 2006.

Six years after 9/11, our policy in Iraq has distracted us from confronting the weaknesses those attacks revealed. Terrorist attacks around the world continue to rise. No progress has been made on the Arab-Israeli conflict. Our military might has been stretched thin.

The most recent intelligence analysis reports that al Qaeda in Afghanistan and Pakistan is stronger now than at any other time since September 11, 2001. Iran is as dangerous as ever.

Thomas H. Kean and Lee H. Hamilton, cochairs of the 9/11 Commission, wrote that "we face a rising tide of radicalization and rage in the Muslim world—a trend in which our own actions have contributed." Last week, Senator Warner asked General Petreaus whether continuing the strategy the general laid before Congress would make our country safer. General Petreaus responded, "Sir, I don't know actually."

He didn't know because he has been "focused on . . . how to accomplish the mission of the Multi-national Force in Iraq." That is what he should be focused on. That is his job. But the people focused on our Nation's safety and our overall strategy in the Middle East agree with Kean and Hamilton.

Admiral Fallon, chief of the U.S. Central Command, which oversees Middle East operations, has argued for accepting more risks in Iraq in order to have the necessary forces available to confront other potential threats. The Joint Chiefs have been sympathetic to Admiral Fallon's view.

In order to bolster our military and refocus attention on the global terrorist threat, this Congress has attempted to change the mission of our operation in Iraq. But President Bush and a minority in Congress have rebuffed the effort.

We cannot wait any longer to change the mission in Iraq. The cost of further delay in lives, matériel, treasure, and our standing in the world is too great. President Bush's strategy has put this Nation at greater risk—a risk that metastasizes each day that we sit by and wait.

A new policy starts by removing our troops from the middle of a civil war and giving them a more realistic mission: counterterrorism, training, and force and border protection.

The Independent Commission on the Security Forces of Iraq, chaired by retired GEN James L. Jones, and composed of prominent senior retired military officers and chiefs of police, suggests that:

> Coalition forces begin to be adjusted, realigned, and re-tasked . . . to better ensure territorial defense . . . concentrating on the eastern and western borders and the active defense of the critical infrastructures essential to Iraq.

The Commission also emphasized the importance of transferring responsibility to Iraqis, noting the "fine line between assistance and dependence." Iraqi citizens turn to our military for protection and the basic services the government has failed to provide. We want Iraqis to become loyal to their government, not to the local U.S. military commander.

We must begin to extricate ourselves and hand responsibility to the Iraqis themselves.

As the bipartisan Iraq Study Group noted, "There is no action the American military can take that, by itself, can bring about success in Iraq." But any effort must include stepped-up diplomacy—a "diplomatic surge," if you will. Iraq's neighbors have a stake in Iraq's stability. The war in Iraq means the spread of fundamentalist insurrection and sectarian violence, and an increase in basic crime and lawlessness, and not just in Iraq.

We must begin to have a broader diplomatic and economic vision in the Middle East. Currently, all of Iraq's neighbors are involved in the conflict, but they operate under the table. Iran supports the Shiite militias. Saudi Arabia supports the Sunni militias. Turkey plays a role in the North, Syria exerts control over Iraq's western border.

The United States engaged all of Afghanistan's neighbors at the highest levels and secured their cooperation at the beginning of that conflict. We must engage in that same high level effort with Iraq's neighbors no matter how much we wish circumstances or the current balance of power in the region were different.

We need our Nation's most senior officials engaged in bringing other nations and international entities such as the United Nations and the Organization for Security and Cooperation in Europe to the table.

The various agencies of the United Nations are well-suited to tackle matters of economic and community development and providing electricity, water, and sanitation service. OSCE could assist Iraq with collective border security, police training, and immigration and religious tolerance efforts.

A change of mission, an increased diplomatic effort, and a movement to engage international entities presents the best chance of helping the Iraqis build a government that has their confidence and would strengthen our own national security and military readiness.

The world has an interest in a safe and secure Iraq. We can no longer ignore the overwhelming evidence or recoil from the cold reality the facts on the ground reveal. It is time to change the mission, step up our diplomatic efforts with a realistic and workable game plan, recognize the limits of deployment of our troops and internationalize the effort to bring stability to the country and to the Middle East.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I wish to take the opportunity, since it looks as if there are no other Senators who wish to speak at this moment, to clarify a few items in this amendment with respect to some of the criticisms that have been leveled against it.

Again, let me emphasize, this is a minimum amendment. It wants to make a small adjustment to our operational policy that is needed because of these continuous rotations that have been going on for the last 4½ years.

With respect to the constitutionality issue which has been mentioned a number of times, my staff has put together a fact sheet, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WEBB. I have mentioned many times the situation in Korea during the Korean War, where the Congress passed legislation to provide that every person inducted into the military would receive full and adequate training for a period of not less than 4 months, and that no personnel during that 4-month period would be assigned duty overseas. This was the Congress stepping in to correct a situation that had been created by the executive branch in sending people to Korea before they were trained.

In 1940, the Selective Training and Service Act stipulated that people inducted into the land forces of the United States would not be sent beyond the limits of the Western Hemisphere, except in U.S. territories.

The Congress acted in similar ways multiple times prior to World War II. In 1915, the Army Appropriations Act restricted Army tours of duty in the Philippines to 2 years, and tours in the Canal Zone to 3 years. There are a number of other examples here. This is a matter that is clearly within the constitutional prerogative of the Congress should it choose to act.

There was a comment earlier by the junior Senator from Arizona regarding Secretary Gates's concern about the strain on the Guard and Reserve if this amendment were to pass. Again, let me reiterate that this amendment addresses the Guard and Reserve. It specifically states that National Guard and Reserve units that have been deployed will not be redeployed for a period of 3 years. This is not going to result in a greater strain on the Guard and Reserve if this amendment passes.

There was also some comment about individuals being difficult to manage if the amendment were passed, because we do single out in this amendment that not only units being deployed should be protected, but also individuals. The reason that language was inserted into this amendment is because there is a common practice now to backfill individuals who may have returned from a tour of duty much more recently than the unit they have been assigned to.

At the same time, we do have this goal, a laudable goal, of having units train together and then deploy together. But even under today's circumstances—for instance, in the data sheet that Lieutenant Colonel Martinez has put together for us—and I have heard this from many people, that even by month 10, on a 12-month dwell time back here, the units are still putting people together.

So you want them to train together, but it is a fallacy to say they have been training for this entire period before they are deployed. Most importantly, this is not difficult to manage. Everyone in the U.S. military has a service record book of some sort, and in that record book, there are indications of when they have served overseas. In today's computer age, it is not very difficult to figure out who has come back and what period of time. Units are tagged to deploy at least 6 months before they deploy. So you know who in your unit has recently been returned and who has not. It is not a difficult problem to fix.

I wanted to make these clarifications.

EXHIBIT 1

FACT SHEET: CONSTITUTIONALITY OF SENATOR WEBB'S BIPARTISAN DWELL-TIME AMENDMENT

(1) There is clear constitutional authority and extensive legislative precedent for Congress to impose minimum periods between operational deployments. As then-Acting Secretary of the Army Geren stated during his confirmation hearing before the Senate Committee on Armed Forces earlier this year, "Article I of the Constitution makes Congress and the Army full partners."

(2) Among the many congressional authorities the Constitution delineates with regard to the armed forces and the nation's common defense, Article I, Section 8 empowers Congress "to make rules for the government and regulation of the land and naval forces." The Congress has exercised this authority to regulate land and naval forces many times with regard to military training and operational assignments. The most noteworthy example occurred during the height of the Korean War, when Congress passed legislation to require all service members to receive no less than 120 days of training before being assigned overseas.

(a) Despite pressing wartime exigencies in Korea, Congress amended the Selective Service Act in 1951 to provide that every person inducted into the Armed Forces would receive "full and adequate training" for a period not less than 4 months and no personnel, during this 4-month period, would be assigned for duty at a land installation located outside the United States, its territories, or possessions.

(b) This Korean-War legislation had as its precedent similar congressional action before and after World War II. In 1940, for example, the Selective Training and Service Act stipulated that persons inducted into the land forces of the United States under the Act would not be employed beyond the limits of the Western Hemisphere, except in U.S. territories and possessions. In 1948, the Selective Service Act provided that 18- and 19-year-old enlistees for 1-year tours could not be assigned to land bases outside the continental United States.

(c) Congress acted in similar ways multiple times prior to World War II. In 1915, for example, the Army Appropriations Act restricted Army tours of duty in the Philippines to 2 years and tours in the Canal

Zone to 3 years—unless the service member requested otherwise or in cases of insurrection or actual or threatened hostilities.

(d) Congress has continued to exercise its constitutional authority to pass laws to govern and regulate the armed forces. In 1956, a public law prohibited the assignment of female service members to duty on combat aircraft and all vessels of the Navy. Congress subsequently saw the wisdom of repealing this legislation.

(e) Later, during the 1980s and 1990s, Congress invoked the War Powers Resolution in the "Multinational Force in Lebanon Resolution" to authorize Marines to remain in Lebanon for 18 months. In 1993, the House used a section of the War Powers Resolution to stipulate that U.S. forces should be withdrawn from Somalia by March 1994. Congress also prohibited the expenditure of funds to support personnel end-strength levels above specific limits in NATO countries and other nations outside the United States during the post-Cold War era of the 1990s. Other examples also exist.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we hope to be able in the next few moments, perhaps after Senator MARTINEZ has gone, to enter into a unanimous consent agreement which would hopefully schedule votes on both the Webb amendment and on the McCain amendment. We expect those votes would begin at approximately 5:15. We do not have a unanimous consent locked in yet, but we do expect, perhaps after Senator MARTINEZ has completed, to be able to offer a unanimous consent agreement.

Mr. McCAIN. Mr. President, I mention to my friend, I think by 4:40 we would know for sure. That is when the meeting the principals are in now is over. But we fully anticipate that at 5:15 a vote would be agreed to.

If there are other Senators who want to speak between now and about 5:00, please come down and do so. But my understanding is that this agreement is, following the Webb amendment vote, there would be 10 minutes equally divided and a vote after that.

Mr. LEVIN. That is the expectation. So two votes and 10 minutes interviewing between the two, and then move on to other amendments.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise today to speak in opposition of the current amendment, the Webb amendment, to the fiscal year 2008 National Defense authorization bill.

The fact is that this amendment, in its good intentions to think about the care and condition of our men and women in uniform who have so bravely served us, in fact is very much misguided in that it attempts to dictate to the military leaders exactly what type and how troop rotations should take place.

I think it is a dangerous amendment because it could also interfere with the ability of our country to respond in times of a national emergency, even though it has a waiver provision in the amendment for the President's ability to respond to the dangerous situations that can occur in the very dangerous world in which we live.

The fact is—I know it has been mentioned, but I reiterate—the Secretary of Defense, the person charged with the constitutional responsibility of deployment of the Armed Forces, has foursquare clearly stated that this amendment, while well intended, is certainly not a good amendment. It would dramatically limit the Nation's ability to respond to other national security needs while we remain engaged in Iran and Afghanistan. Secretary Gates, in a letter of September 18 to Senator GRAHAM, indicated clearly his concern. He goes on to mention some other concerns.

General Petraeus announced—and the President affirmed—that there would be troop drawdowns in Iraq in the upcoming weeks. In fact, this amendment could have the effect of extending the tours of duty of troops in Iraq beyond their currently scheduled rotation.

There is another thing that bothers me. I think we also need to think about our constitutional scheme, how our Government is organized and ordered. Constitutionally to enact an amendment such as this would clearly be an encroachment on the constitutional duties of the Commander in Chief. This is not an area where the Congress is welcomed to dictate. We have one Commander in Chief, not 535. We only elect one at a time. This Commander in Chief has a Secretary of Defense. It is their responsibility under our form of Government to determine what our troop rotations should be.

There are other very practical considerations of why this should not happen, why this is a bad idea. The Secretary of Defense goes into several items in his letter. But it does make sense, when you look at it, that units do not always stay together. Following an individual rather than a unit and following the deployment of an individual rather than that of a unit is something that would be cumbersome, difficult, and, in fact, not a way in which we would be, in this very dangerous time, having to run our military. The fact is, there is something here which is maybe the most underlying and important reason of all why this amendment is not a good idea, which is the clear desire and design of the amendment to limit the options of our military forces to maintain the current policy in Iraq. We ought to not use the good intentions and the good ideas about our soldiers, about our troops and their rotations, to have an underlying mission of simply saying, they can't keep this up so they will have to pull troops out. We will change policy by dictating how troops are rotated in and out of the battlefield. The fact is, that could have serious consequences for our Nation as other nations would view this as a vulnerability. It would be viewed as a weakness, as a fact that the United States is overextended and incapable of responding to crisis. It is these kinds of misperceptions and misunderstandings that can lead irresponsible states to take irresponsible actions that could lead to frightening scenarios in the very dangerous world in which we live.

It is important to also note that many of the members of our Armed Forces consider it a privilege and an honor to serve this Nation at this difficult time. My recent trip to Iraq was in Tikrit. While there, I visited with a number of troops, some of them Floridians, all proud of their service. Over 90 percent of those troops had already reenlisted, knowing full well of our involvement in Iraq, knowing what the expectations of their service would be during their time of reenlistment, and they had voluntarily reenlisted. Reenlistment rates of those serving in the theater are larger than those of any other. It is a testament to their courage, valor, and sense of duty to their country. We would demean their service if we were to say to them that there had to be parity between the time in service out of the country and the time at home.

The goal ought to be for us not to have 15-month deployments. The hope would be that these would never be necessary. But a mandate from Congress that this is how we must operate our Armed Forces is ill-conceived. It is dangerous and does not serve either the national interest of the Nation or the interest of the soldiers on the field whom it is intended to serve. We should not have a subterfuge of policy to change direction in Iraq heaped on the backs of our brave men and women in uniform. If, in fact, there is the thought that this policy is wrong and it should be changed—and I know many Members feel that way; there has been plenty of debate about this issue—there ought to be the courage to say: We will not fund the troops. If you can't do that, you shouldn't do it this way. This is unnecessary. It is cumbersome, and it will be detrimental to the national security of the country.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Michigan.

DWELL TIME

Mr. SMITH. Mr. President, I rise today in support of the Webb-Hagel dwell time amendment. Our service men and women are under constant strain, spending more time in theater than they have with their families. These men and women are risking their lives to protect this country, some on their fourth tour in Iraq. Their bodies are aching and their minds are stressed, but by the time they become acclimated to home life, they are sent back into combat. Something must be done to prevent the breakdown of our military and the men and women who serve. This amendment would provide our troops ample rest and recuperation, time to visit with family, and an opportunity to extract our troops from the stress of war.

The Oregon National Guard has served admirably since we began combat operations in 2001. I could not be more proud of their contributions to the war on terror while still serving as the foundation of their families and communities.

Many citizen-soldiers have been on multiple deployments for over a year at a time, placing a significant strain on their families, employers, and communities. The amendment will give our soldiers predictability by preventing surprise deployments. Providing a consistent schedule allows them to plan for this disruption. Often, these men and women are the core of the community, the major breadwinner of their family or a needed caregiver and require advanced notice to plan for such a major disruption in their lives.

If current enlistment levels do not allow us to provide our troops with the rest and recuperation needed to protect our Nation, then we must examine increasing the number of volunteer troops, both Active Duty and Reserve.

For the past 10 years, we have shrunk the National Guard and ignored their call for needed resources. As a country, we are finally realizing the importance of our citizen-soldiers. They serve admirably in combat operations overseas, they provide help at home in the face of a natural disaster or emergency, and they are the bedrock of our community. Giving them some stability in their lives is the least we can do.

I urge my fellow Senators to join me in supporting the Webb-Hagel dwell time amendment.

Mr. DODD. Mr. President, for 4 long years, our Nation has been engaged in a war without a clear objective, exit strategy, or international mandate, and the consequences of such policies have been devastating. Our moral standing in the world has plummeted. Iraq is now mired in civil war, and terrorists have found a recruiting and training ground for attacking American troops. But few effects of this war are more troubling than the destructive impact this war has had on our Armed Forces.

Approximately 3,800 brave American servicemembers have been killed in Iraq, and tens of thousands have been severely wounded. Military families have been forced to endure long and repeated stretches of time without their loved ones. And most significant, our forces have been stretched thin to a near-breaking point. This can be seen in the ever increasing number of suicides among our returning servicemembers, alltime low reenlistment rates, and the destruction of our military families. The adage is true—we recruit a soldier, but we retain a family. And if that family is broken, so, too, will be the soldier.

While long deployments are testing our troops in the field, they are also taxing critical stocks of combat gear and training time. According to some reports, over two-thirds of our Army and 88 percent of our National Guard are unable to report for duty due to equipment shortfalls and insufficient military instruction stateside.

The bipartisan Webb amendment is an important step toward restoring our military's readiness and providing the important support that our servicemembers and families need and deserve.

It would implement two simple principles—if a unit or member of a Regular component of the Armed Forces deploys to Iraq or Afghanistan, they will have the same time at home before they are redeployed. No unit or member of a Reserve component, including the National Guard, could be redeployed to Iraq or Afghanistan within 3 years of their previous deployment.

These are the very principles incoming Secretary of Defense Robert Gates committed to months ago. And now, the distinguished junior Senator from Virginia has modified his proposal to address objections raised concerning both the time the Pentagon needs to implement it and the flexibility needed for our special operations forces, SOF.

Senator WEBB's amendment now allows 120 days for the Department to implement its provisions and provides exceptions for SOF. But as is clear, the administration still objects to any interference by this body in how we expect our troops to be treated. Of course, this body has a unique role in the governance of our Armed Forces. Specifically, article 1, section 8 of the Constitution states that the Congress shall have the power to, " make rules for the Government and Regulation of the land and naval Forces." Obviously, the Founding Fathers of this great Nation had a very specific idea of how the Congress should behave with respect to the troops—that Congress, and Congress alone, should have the power and authority to govern and regulate our forces. We can see first hand the tragedy that occurs when the administration is given a free hand to engage our troops in conflict without any oversight from this body—and we should reassert our constitutional prerogative.

Since the war's beginning I have tried to advance initiatives that would reverse the administration's irresponsible defense policies, so that our troops would be prepared and protected in combat and our country made safer. In 2003, I offered an amendment to the emergency supplemental appropriations bill to add $322 million for critical protective gear identified by the Army that the Bush administration had failed to include in their budget. But it was blocked by the administration and their allies. In 2004 and 2005, I authored legislation, signed into law, to reimburse troops for equipment that they had to purchase on their own because the Rumsfeld Pentagon failed to provide them with the body armor and other gear they needed to stay safe. And last year, working with Senators Inouye, Reed, and Stevens, I offered an amendment to help address a $17 billion budget shortfall to replace and repair thousands of war-battered tanks, aircraft, and vehicles. Without these additional resources, the Army Chief of Staff claimed that U.S. Army readiness would deteriorate even further. This provision was approved unanimously and enacted in law. But much more remains to be done.

Senator WEBB's amendment is an important first step, but it is only the first step. Ultimately, we need to withdraw our combat forces as quickly as possible. This can only be accomplished by changing our mission in Iraq, and it will only be accomplished when this body finally stands up to the administration and their failed policies and enacts legislation that will bring our troops home. I strongly support this amendment and hope all of our colleagues do as well.

Mr. KENNEDY. Mr. President, the war in Iraq has severely overstretched and strained our military personnel and their families. According to many of our foremost experts, we're actually in danger of breaking our military.

Frequent and extended deployments are over-taxing our brave military men and women and their families and our support structures at home. It's reducing our ability to adequately train our soldiers, sailors, airmen and Marines.

The men and women of our military forces signed up in the belief that they were going to defend America, and preserve our way of life. Instead, they find themselves entangled in an Iraqi civil war that is not theirs to win or lose.

Their repeated and extended deployments breach the trust they have in their government. We as a Congress must do everything we can to ease the strain.

The Department of Defense itself has set a goal of 2 years at home for every year deployed, and that makes sense. It gives servicemembers time to be with their families, and re-establish the bonds that we all take for granted.

It also gives our servicemembers time to train—not just for a return to Iraq, but for other missions we may ask them to undertake.

Because of the President's misguided war and his so-called surge, the Department of Defense can no longer meet this goal.

As General Casey, Chief of Staff for the Army said last month, "Today's Army is out of balance. We're consumed with meeting the current demands and we're unable to provide ready forces as rapidly as we would like for other contingencies; nor are we able to provide an acceptable tempo of deployments to sustain our soldiers and families for the long haul."

What does the General mean when he says the army is "consumed with meeting current demands?"

Over 1.4 million American troops have served in Iraq or Afghanistan; More than 420,000 troops have deployed more than once.

The Army has a total of 44 combat brigades, and all of them except one—the First Brigade of the Second Infantry Division, which is permanently based in South Korea—have served at least one tour of duty in Iraq or Afghanistan, and the majority of these 43 brigades have done multiple tours: 17 brigades have had two tours in Iraq or Afghanistan; 13 brigades have had three tours in Iraq or Afghanistan; and 5 brigades have had four tours in Iraq or Afghanistan.

Army recruiting is struggling to maintain the current force structure, let alone meet its goal of increasing its overall end strength over the next 5 years.

The Army missed its recruiting goals for both May and June by a combined total of more than 1,750, and it's borrowing heavily on future commitments to meet its goals for this year.

Spending on enlistment and recruitment bonuses tripled from $328 million before the war in Iraq to over $1 billion last year.

The Commandant of the Marine Corps, James Conway, says his marines can't focus on conventional operations because training time is too scarce.

It's an impossible situation. Our military is strained—some would say already broken—and we face a crisis in recruiting.

We can't continue to sacrifice our Nation's security and the readiness of our forces while Iraq fights this civil war. This amendment will give General Conway and General Casey the time they need to make sure that our forces are ready and able to defend our country against any threat. It will also show our appreciation for the men and women who serve our country so well. I urge my colleagues to support this amendment.

Mr. LEVIN. Madam President, over 4 years of war have stressed our Armed Forces to the breaking point. Our Army and Marine Corps are stretched dangerously thin. They are performing magnificently, as they always do. Chronic personnel and equipment shortages plague our nondeployed forces resulting in dangerously low readiness. As a nation, we simply do not have the ground forces necessary, nor are the few uncommitted forces trained and ready, to protect our interests against other threats around the world. As Army Chief of Staff GEN George Casey put it:

> The demand for our forces exceeds the sustainable supply.

Nearly 1.6 million servicemembers have been deployed to Iraq or Afghanistan. Of the Army's 43 active brigades available for rotation, 10 brigades have been deployed three or more times. All others have been deployed once or twice, with the exception of one new brigade just forming. Of course, the single brigade stationed in Korea does not deploy as part of the Iraq or Afghanistan rotation. All of our National Guard combat brigades have at least one rotation to Iraq, Afghanistan, or Kosovo. Two National Guard combat brigades have two rotations. Guard brigades from Indiana, Arkansas, Ohio, Oklahoma, Minnesota, and New York have been notified that they should be prepared to deploy at the end of this year.

Through the first part of this year, units pushed to Iraq as part of the surge strategy barely had enough time to make up their personnel and equipment shortages or complete their training. Inadequate time to prepare for war puts a unit at risk when sent into harm's way.

We have the responsibility to make sure that our forces have adequate time available to prepare and then use that time to best advantage. We have accepted too much risk for too long.

Senator WEBB's amendment goes to the heart of this obligation, ensuring that our forces have the time they need to recover and prepare. Multiple rotations and insufficient dwell time inherently raise readiness risks. Units must have the time necessary to fully man, equip, and train prior to their next deployment. Readiness reports we receive here in Congress consistently show that most of our nondeployed units are not ready to deploy, and those getting ready to deploy to Iraq and Afghanistan do not have personnel and equipment necessary for comprehensive training until very late in their preparation. In order to provide some relief for the personnel shortages in next-to-deploy units, the Army is cutting training at its important officer and NCO schools. The Army has gone so far as to institute a 6-day training week at many of these schools to accelerate getting troops back to their units. For soldiers, especially young leaders and instructors just back from deployment, working a 6-day week starts to make dwell time feel a lot like deployment. Insufficient dwell time contributes to retention challenges, especially among young officers.

There is ample evidence that multiple long deployments are impacting our troops' mental health and family stability. Servicemembers and their families, particularly among our young officers and NCOs, are voting with their feet, leaving the military rather than endure the uncertainty and turmoil in their families' lives. There is no greater threat to the quality and viability of our all-volunteer force than the loss of these combat-experienced young leaders.

The Webb amendment exempts our special operations forces. Their deployment cycles are always irregular, their readiness sustained at much higher levels, and their ability to respond to emergencies is critically important. The exemption in this amendment preserves that flexibility.

Servicemembers and their families are weary of the deployment cycle and uncertainty about timing and length of deployments. They are eager for greater predictability about when and for how long troops will be at home or deployed. The Webb amendment will require the DOD to make earlier strategic and operational decisions which will result in greater predictability and stability for troops and their families.

The Webb amendment will incentivize the Department of Defense to greater certainty in the implementation of unit and individual rotation policies. Controlling deployment cycles is the only way to rapidly stop the dramatic loss of readiness in our nondeployed and next-to-deploy units. Controlling deployment cycles is the only way to provide the fastest possible relief to our troops and their families. Controlling deployment cycles is a critical step in preserving our all-volunteer military system. The Webb amendment deserves the support of this Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, the issues relating to Iraq have been very complex, have aroused an enormous national reaction, and have been consuming for those of us in the Congress trying to decide what is the best course of action.

Had we known Saddam Hussein did not have weapons of mass destruction, I do not think we would have gone into Iraq. But once there, we do not want to leave precipitously, and we do not want to leave Iraq in an unstable condition with all of the potential forces that might bode ill for the United States in the future with respect to terrorism, with respect to Iran moving into a vacuum, and many complex problems which might arise.

The President, in his recent speech, and General Petraeus and Ambassador

Crocker, in their testimony before Congress, have gone to considerable distance in trying to move toward some of the areas of concern. There have been commitments of troop withdrawal before Christmas. There are projections for additional troop withdrawal next year. There has been a modification to some extent of the mission. But still there is an unease with the current policy.

I voted against the Levin-Reed amendment when it came before the Senate because I think it is unwise to fix a firm date of withdrawal. It just gives the insurgents a target date to shoot at to declare victory.

I think the provisions of the Warner-Lugar amendment had much to recommend them and joined as a cosponsor. I have already expressed on the floor my concern that the Warner-Lugar amendment was not called before the Senate. I think its thrust to have required a report by the President by October 15 and the possibility of a withdrawal date later but leaving the ultimate discretion to the President would have been a step forward. It would have imposed an obligation on the part of the President, the administration, to come forward with a plan.

I have also cosponsored the Salazar-Alexander amendment, which incorporates the findings of the independent study group. I believe that is a general outline which is desirable to follow. Again, I expressed my concern when the majority leader took down this bill before calling up the Salazar-Alexander amendment. I have cosponsored that as an outline. Again, it does not place the administration in a straitjacket but outlines certain goals and certain objectives.

I believe the idea advanced by Senator BIDEN for some time now, to divide Iraq into three parts—the Shiites, the Sunnis, and the Kurds—where those factions have been engaging in violent warfare, is an idea which is worth pursuing. Again, that is a matter which has to be decided by the Iraqi Government, not by the Congress of the United States, but Senator BIDEN has couched it in the form of a resolution, really, on what amounts to a recommendation.

I have been considering the amendment offered by the junior Senator from Virginia, Mr. WEBB. I discussed the issue with him last week and since that time have undertaken to try to find out what the impact of the Webb amendment would be on force projection.

I met with LTG Carter Ham last week. General Ham is in charge of operations at the Joint Chiefs of Staff.

During the course of that meeting, General Ham outlined the projection by the Department of Defense that they could meet that 1-to-1 ratio—12 months in Iraq and 12 months at home, which is the thrust of the Webb amendment—that they could meet that objective by October 1, 2008, the beginning of the next fiscal year. General Ham was not supportive of the Webb amendment because he raised a number of concerns that on its face, if you enact the Webb amendment, there are troops in Iraq now who will have to stay longer. There would have to be additional calls to the Reserves and National Guard. There might be a need to take people out of units which would impact on morale, but that if there were an October 1 date, 2008, that the 1-to-1 ratio could be achieved, according to the Department of Defense projections.

Earlier today, at the invitation of Senator WARNER, I met to talk again to LTG Carter Ham and to LTG Lovelace who works with General Ham. During the course of that meeting, the target date of October 1, 2008, to be the 1-to-1 ratio was reaffirmed. There was an additional factor injected into the discussion, and that is the factor of some 5,500 additional troops in a variety of categories, special forces and others, where this 1-to-1 ratio could not be met by October 1.

Following that meeting, I have had telephone conversations with Secretary of Defense Gates and National Security Adviser Hadley to get some sense of the position of the Department of Defense and the administration. Secretary Gates confirmed the ability of the Department of Defense to meet in general terms the 1-to-1 ratio by October 1, 2008. He talked about some other difficulties and, obviously, is not endorsing any plan. The administration would prefer not to have any congressional action on this subject. Similarly, after an extended telephone conversation with National Security Adviser Hadley, I heard the reasons there is opposition—the difficulty of knowing whether the factors on the ground will be as they are projected now, and they are resisting congressional action which would tie the hands of the administration.

In considering these issues, I have been very concerned about the problems of micromanaging the Department of Defense by the Congress. There is no question we are not equipped to do that. I have studied the constitutional law aspects, and I studied the case of Fleming v. Page [50 U.S. 603 (1850)], a decision by Chief Justice Taney, and the case of the United States v. Lovett [328 U.S. 303 (1946)], decided by the Supreme Court in 1946. I am well aware of the authority, the broad authority the Constitution vests in the President under Article II as Commander in Chief, but I am also cognizant of the authority of the Congress under Article I, Section 8: "To raise and support Armies;" "To provide and maintain a Navy;" "To make rules for the government and Regulation of the land and naval Forces;" "To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States."

We have seen the Supreme Court recently strike down executive action on military commissions, saying it is the function of the Congress of the United States, and the Congress has acted there. So there is authority for the Congress on that premise, in addition to our power of the purse, our power of appropriation.

I have discussed the matter with Senator WEBB and have indicated—have stated an interest on my part in supporting the Webb amendment, if the concerns which have been expressed to me by the Department of Defense could be accommodated, and that is a change of date to October 1, and an accommodation of the 5,500 specialty forces that cannot be enumerated. Of course, there is the waiver provision which is already present in the Webb amendment. I asked about the possibility of deferring the vote. I think that if there was an understanding by other Senators about the ability of the Department of Defense to meet a 2008 October 1 date, and the flexibility needed on some 5,500 additional troops, there might be some additional interest in the amendment. I am told, at least as of this moment of 4:36, the vote is going to go ahead 5:15. But I have discussed the matter, as I say, with the sponsor of the amendment, Senator WEBB.

There is also the obvious factor that what we do here is unlikely, in any event, to have the full effect of law. If the Webb amendment gets 60 votes and is embodied in congressional enactment, it is virtually certain to be vetoed by the President of the United States, and there are not 67 votes to override a Presidential veto. But our function in the Congress is to exercise our best judgment and pass what we think is appropriate. Then, under our constitutional system, it is the prerogative of the President to either sign or veto. So we take all of these matters a step at a time. There is a lot of concern in the Congress of the United States about what is happening now, and an interest in, if it can be structured, congressional action which would be helpful. All of this is obviously very involved and requires a lot of analysis and consideration.

I think it would be a very helpful thing for the U.S. effort, generally, if the Congress and the President could come to an agreement on a policy and a plan without leaving it solely to the discretion of the executive branch. The Congress is going to continue funding, and I have voted for that. We are not going to put the troops at risk. We are not going to set times for withdrawal. It is possible we could use the Vietnam model, where funding existed up to a certain date on the condition that the troops be reduced to a certain number and then by another date. That hasn't been tried, but I think it unlikely the Congress is going to go that route. We are too concerned about the troops and we want to support them, but we are also gripped with a sense of unease as to what is happening.

There is agreement between the Department of Defense, for the purpose of Senator WEBB's amendment, that the stays in Iraq are too long. We have noted the increase in the suicide rate, the increase in the divorce rate, the increase in psychiatric problems and stress disorders. The policy of the Department of Defense is to have 2 months at home for every 1 month in Iraq for the Army; 5 months at home for every 1 month in Iraq for the Reserves. We are far from that. So we are struggling and groping to try to find an answer. In the course of the remaining time before the roll is called, I am going to see if it is possible to find some constructive way forward and some rational basis for the vote I will cast.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I have watched and listened to the debate today on the floor of the Senate. It is a debate in many ways that is similar to debates we have had on previous occasions, and I know there are people on all sides who feel passionately about these issues. I respect differences of opinion. I respect those who come to the floor and say: Here is how I see it, here is what I believe, and here is what I think we should do.

This is a very important issue. There is so much at stake for our country with respect to this issue of the war in Iraq. It casts a shadow on virtually everything else we consider and do in public policy and our relationships around the world. It is a situation I think that requires us to do the best we can to develop public policy that finds a way to extract ourselves from what has largely become a civil war with sectarian violence in the country of Iraq, and take the fight to the terrorists.

I wish to raise a few points about fighting terrorism, even as I come to the floor to support the amendment offered by Senator WEBB. I think it is an amendment that has great merit and an amendment that will be supportive of the best interests of this country in pursuing the war against terror.

Let me say there have been a series of reports—an almost dizzying number of reports and speeches and testimony over the last several weeks—about the status of the war in Iraq and the performance of the Iraqi Government. There are claims and counterclaims; I expect there is spinning on all sides of these issues. Much of it has been about whether the U.S. military surge of 30,000 troops since January 2007 has worked and about the benchmarks—about whether the Iraqi Government has been willing to or has made progress in meeting benchmarks it has promised to meet to do its job, to justify U.S. troops fighting and dying in their country. Through all of that, it seems to me there are three facts that are clear. First, only political reconciliation among the Shiites, the Sunnis, and the Kurds will stop the civil war that rages in Iraq. Only political reconciliation will ultimately solve this problem.

Second, the Iraqi Government has made very little progress—perhaps some in several areas but in the main very little progress toward the needed reconciliation.

Third, terrorism remains the No. 1 threat to the United States. The July National Intelligence Estimate makes the case. This is not coming from me; this comes from a July 2007 National Intelligence Estimate. The unclassified portion says:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland. We assess that the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Let me say again that it says that "al-Qaida is and will remain the most serious terrorist threat to the homeland." We know that as of last week, Osama bin Laden, the leader of al-Qaida, al-Zawahiri, and others who lead al-Qaida are still speaking to us through videos and through voice tapes, giving us their version of the world. These are people who have boasted about murdering innocent Americans on 9/11, and six years later, they remain in what the National Intelligence Estimate says is somewhere on this planet that is secure or safe. It is almost unbelievable to me that there is a "safe haven" anyplace on this planet for the people who have boasted of initiating the 9/11 attacks against this country, but that is what our National Intelligence Estimate says—they are in a safe haven.

There ought not be 1 square inch on planet Earth that is safe for the leadership of al-Qaida. How did we come to this point of having a safe haven for those very terrorists who initiated the attacks against this country and who, as our most recent National Intelligence Estimate says, remain the most serious terrorist threat to our country? How have we reached that point? What has been happening while we have surged troops in Iraq? Well, as I indicated, Osama bin Laden released two videos, one on September 7 and one on September 11. He boasted about the 19 hijackers who did the killings on September 11 and rambled on about the coming downfall of America, as is his custom.

Regardless of what Osama bin Laden has said, our National Intelligence Estimate says that al-Qaida is back stronger than ever and terrorism remains the No. 1 threat to the U.S. homeland. I think we need a set of policies that focuses on fighting terrorists first. Frankly, what is happening in Iraq is not the central fight on terrorism. It seems to me the central fight on terrorism is to eliminate the leadership that represents the greatest threat to our country, and they are not in Iraq. That leadership, we are told by the National Intelligence Estimate, is in a safe haven in the Pakistan federally administered tribal areas.

I don't mean to say that dealing with that would be easy or without difficulty. I do mean to say that if this represents the judgment of our National Intelligence Estimate, and if we know—and we all do—that those who boasted about initiating the 9/11 attacks are there and are pledging additional attacks against our homeland, it seems to me that should be where we focus our country's priority of action.

We are told, by the way, that the leadership of that terrorist organization that is, again, the most serious threat to this country—we are told they have regenerated.

Here is a September 11 story quoting our intelligence officials. The headline is "Al-Qaida's Return: The Terrorists Have a Sanctuary Once Again." In the last week or so, we have seen terrorist arrests in Denmark and in Germany, and we see that these arrests, particularly in Germany, are for terrorists plotting attacks against large U.S. military bases. Those attacks against our military base in Europe are being plotted by terrorists who have trained in Pakistan, which is the very area where the Intelligence Community says Osama bin Laden has regenerated his terrorist training camps in the tribal area.

Madam President, this issue of a sanctuary for terrorists to begin planning additional attacks against our country, as they are apparently now doing, it seems to me ought to claim our attention and ought to claim the policy debate about what is the approach this country might best use.

My colleague from Virginia comes to the floor with respect to this issue of the war in Iraq. What are we doing in the war in Iraq? What about the surge and the road ahead? What about the Petraeus report? My colleague has made an important argument on the Senate floor about the strength of the U.S. military if you don't provide ample opportunity for the U.S. military to have sufficient time home from the battlefield to rest and regenerate and also sufficient time for additional training.

Madam President, the point of the amendment offered by Senator WEBB is to provide a sufficient opportunity for troops who are on station, on duty in a war zone 24 hours a day, to give them time to retrain, rest, and refresh. You cannot have a fighting force that doesn't have that opportunity. That is what my colleague from Virginia is suggesting in his amendment.

My point about this is that as we discuss how to deal with these issues in Iraq, we are, on a course at the moment that says our mission in Iraq is to go door to door in Baghdad in the middle of sectarian violence or a civil war. My point is, while that is going on, while we are in the middle of a civil war in Baghdad with our soldiers—and, yes, there is some al-Qaida presence there, but that is not the majority of what is happening there; it is largely a civil war. While we are doing that, here is what we are understanding and knowing. This is not a claim, this is what we know: "Europeans Get Terror Training Inside Pakistan." We picked them up in Denmark and Germany. We find out that the terrorists are being trained in Pakistan. We are told that is where the al-Qaida leadership is, reconstituting its base, its strength, building new training camps. We picked up the people who are threatening to attack the largest military installation owned by the United States in Europe.

Should that surprise us? Not if we have been reading the newspaper. We don't have to read the intelligence; we can just read the newspaper.

This is a New York Times newspaper story from February 19 of this year. This is from our intelligence officials talking about what they know:

> Senior leaders of al-Qaida, operating from Pakistan over the past year, have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there was mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistan tribal area of north Waziristan.

Now we have picked up terrorists who were trained there. We are told by the National Intelligence Estimate that the greatest threat to our country is from the al-Qaida organization and the leadership of al-Qaida, who are now planning terrorist attacks against our homeland. That is the greatest threat to our country. So what are we doing? We are going door to door in Baghdad in the middle of a civil war while there is a "safe haven" on this Earth, apparently, for the leadership of al-Qaida. Is there common sense missing here? Would one not think those who boasted of murdering 3,000-plus Americans on 9/11, 2001, that they would have long ago been apprehended? President Bush was asked about this, and he said, "I don't think about Osama bin Laden and the leadership of al-Qaida." I really think we ought to take the fight to what the National Intelligence Estimate insists is the greatest threat to our country, and I don't believe that is happening.

I support the effort of my colleague from Virginia. I think that amendment is one which will give our military the opportunity to retrain, rest, and be refreshed and represent the kind of fighting force we want and need. All of us are proud of our American soldiers who walk in harm's way.

There is a verse about those soldiers and patriots:

> When the night is full of knives and the drums are heard and the lightning is seen, it's the patriots that are always there ready to step forward and fight and die, if necessary, for their country.

We have a lot of patriots who got up this morning and put on body armor and are walking in harm's way on behalf of this country. What we owe them, it seems to me, as policymakers is our unyielding support for whatever they need to finish their job. In addition, we owe them good policy that focuses on attacking and destroying and eliminating the greatest terrorist threat to this country. And nobody should take it from me; take it from the National Intelligence Estimate of July of this year. The greatest terrorist threat to our country is Al-Qaida.—I will put the chart back up:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland.

The NIE says that they have a safe haven in Pakistan. So that is the fight—to eliminate the greatest terrorist threat to our homeland. There ought not to be a square inch of safe haven anywhere on this planet for that group.

I yield the floor.

Mr. LEVIN. Madam President, I ask unanimous consent that the time between now and 5:20 p.m. be for debate with respect to the Webb amendment 2909, with the time divided as follows: Senator DURBIN be recognized for 5 minutes; at 5:05, the majority leader be recognized for 10 minutes; and at 5:15, for 5 minutes, which would be immediately prior to the vote, it be equally divided and controlled between Senators MCCAIN and WEBB or their designees; and that at 5:20, without intervening action or debate, the Senate proceed to vote on the amendment; further, that upon disposition of the Webb amendment, there be 10 minutes of debate with respect to the McCain-Graham amendment No. 2918, with the time equally divided and controlled between Senators MCCAIN and WEBB; that upon the use or yielding back of time, the Senate proceed to vote on the amendment; that no amendment be in order to either amendment in this agreement; that each amendment must achieve 60 votes to be agreed to, and if neither vote achieves 60 votes, it be withdrawn; that if either amendment receives 60 votes, then it be agreed to and the motion to reconsider be laid upon the table.

Mr. CARPER. Reserving the right to object, earlier I asked for some time. I asked for 10 minutes, but I would like to have at least 5 minutes before the vote. If we can do that, I would appreciate it.

Mr. MCCAIN. That would make the vote at 5:25. I have no objection.

Mr. LEVIN. So Senator CARPER would be after Senator DURBIN for 5 minutes, and everything else will be delayed for 5 minutes.

Mr. MCCAIN. Parliamentary inquiry: Is it necessary to call up amendment No. 2918 or is it in order according to the unanimous consent agreement?

The PRESIDING OFFICER. It will need to be called up.

AMENDMENT NO. 2918 TO AMENDMENT NO. 2011

Mr. MCCAIN. At this time, I call up amendment No. 2918 to be in order according to the unanimous consent agreement propounded by the Senator from Michigan.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2918.

The amendment is as follows:

(Purpose: To express the sense of Congress on Department of Defense policy regarding dwell time)

At the end of subtitle C of title X, add the following:

SEC. 1031. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE POLICY REGARDING DWELL TIME RATIO GOALS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the wartime demands in support of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) placed on the men and women of the Armed Forces, both in the regular and reserve components, and on their families and loved ones, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments in Iraq and Afghanistan should be afforded as much "dwell time" as possible at their home stations prior to re-deployment; and

(3) consistent with wartime requirements, the Department of Defense should establish a force management policy for deployments of units and members of the Armed Forces in support of Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) as soon as practicable that achieves the goal of—

(A) for units and members of the regular components of the Armed Forces, providing for a period between the deployment of the unit or member that is equal to or longer than the period of the previous deployment of the unit or member;

(B) for units and members of the reserve components of the Armed Forces, and particularly for units and members in the ground forces, limiting deployment if the unit or member has been deployed at any time within the three years preceding the date of the deployment; and

(C) ensuring the capability of the Armed Forces to respond to national security needs.

(b) CERTIFICATIONS REQUIRED.—The Secretary of Defense may not implement any force management policy regarding mandatory ratios of deployed days and days at home station for members of the Armed Forces deployed in support of Operation Iraqi Freedom or Operation Enduring Freedom until the Secretary submits to Congress certifications as follows:

(1) That the policy would not result in extension of deployment of units and members of the Armed Forces already deployed in Iraq or Afghanistan beyond their current scheduled rotations.

(2) That the policy would not cause broader and more frequent mobilization of National Guard and Reserve units and members in order to accomplish operational missions.

(c) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the provisions of any force management policy and any attendant certification requirement under subsection (a) or (b), and the applicability of such a policy to a member of the Armed Forces or any group of members, if the Secretary determines that the waiver is necessary in the national security interests of the United States.

Mr. LEVIN. Mr. President, with that modification, I ask that the unanimous consent request be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I understand that under the agreement, I have 5 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Madam President, I rise in support of the Webb amendment. What is the Senator from Virginia, a Marine Corps veteran from Vietnam, trying to do? It is actually easy to state. He wants to make sure that when our troops are deployed, they have at least as much time home between deployments as they do the length of the deployment. If they are deployed for a year, they will have a year at home before they are deployed again. If they are deployed 15 months, they will have 15 months at home before they are deployed again.

Madam President, you have been to Iraq and I have been there, too—three times. I do not profess to be an expert on the military. That is not a field of my training or expertise, but I talk to those who are. The last time I visited Iraq, I went to Patrol Base Murray, south of Baghdad 12 miles, part of the surge, the Third Infantry Division, Fort Stewart, GA, and saw the Illinois soldiers and others. I had a little lunch with them.

As I was starting to leave, one of the officers came over to me and spoke to me privately. Do you know what he told me? He said: Senator, 15 months is too long. These troops have to be on guard every moment of every day for roadside bombs and snipers and other dangers.

He said: After 12 months, I work so hard to keep them on their toes so they come home safe and protect the soldiers who are with them. Fifteen months is too long. He told me: I am a career soldier. My wife knew what we were getting into long ago. So I leave, but it is tough on my family.

He said: When I left Fort Stewart, GA, my daughter was in the sixth grade. When I get back home, she will be in the eighth grade. I will have missed a year in her life. That is the price we pay.

He said: These young soldiers with babies at home, they are e-mailing their wives every single day. They are hearing how the babies are growing up and the problems the family is having. At the end of the year, they can't wait to go home, and we tell them: Give us 3 more months.

I said: What about the 12 months in between deployments?

He said: It is not enough; 12 months is not enough time to reconstitute our unit, retrain them, equip them, give them time with their families so they can get their lives back together. Twelve months is not enough.

I said: How much time do you need?

He said: Twice that. Give us 2 years. That is what it takes.

That is the reality of this war on the ground. So when we hear the arguments being made by Senators that somehow we should not, as a Senate, be sticking our nose into the business of how they manage the military overseas, I am sorry, but that is part of our constitutional obligation. We do not just declare the war and send the money; we have responsibilities that reach far beyond that.

Over the years, Congress has spoken to the number of troops our country will have. It has spoken to whether those troops can be deployed overseas. It has passed laws restricting Presidents from sending troops overseas without at least 4 months or 6 months of training. We have restricted the roll of women in the military. Time and again, Congress has spoken under its constitutional authority to make certain our military is treated properly. That is part of my responsibility as a Senator. It is part of every Senator's responsibility.

Calling this micromanagement is unfair to our troops. Our soldiers and their families are making more sacrifices than any of us serving in this Chamber today. They are risking their lives at this very moment. All they ask for is a little more time to be with their families, a little more time to get their unit combat ready before it is sent out again.

Senator WEBB knows this story because he lived it in Vietnam as a marine. He knows it as a father of a soldier who is in Iraq today. We should know it too, and we should understand something as well. It is true, as someone once said, war is hell, but politicians should not make it any worse, and we are making it worse when we push these soldiers to the limit.

Look at the numbers coming back to us: Divorce rates among our soldiers now reaching record highs, suicide rates higher than any time since Vietnam, cash incentives to bring people into the military and keep them at a record level of $10,000 and $20,000, waiving the requirements so we can fill the ranks with people who have not graduated from high school or have some criminal records. These are the realities of the Army today.

For the President to stand and boldly say, "I am sending the troops into battle" is to ignore the reality. Many of our warriors are weary. Having fought the good fight and stood up for this country, they deserve for this Senate to stand up for them and adopt the Webb amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized.

Mr. CARPER. Madam President, I rise in support of the Webb amendment. I have had a chance to think about this issue that is before us today wearing a hat other than my hat as Senator. During my time in the Vietnam war, I served 5 years active duty as a naval flight officer. I spent 3 tours in Southeast Asia with my squad. I spent another 18 years after that as a Naval Reserve flight officer, staying current in the P-3 aircraft and was made mission commander of that aircraft.

Then for 5 years before I came to the Senate, from 1993 to 2001, I wore another hat. I was commander in chief of the Delaware National Guard, a force that served in the last 15 years in two wars—the Persian Gulf war and the Iraq war to date.

So I have had a chance to think about this issue, not just as a person who helps set policy for our country but someone who has worn a uniform on active duty in a hot war, wore a uniform in the Cold War, and then as commander in chief of my State's National Guard.

When I first heard of this idea that Senator WEBB had come up with of equaling the Active-Duty deployed time with the dwell time folks have to catch up, to retrain, reunite with their families for Active-Duty personnel, I had some questions about it. I know others do as well.

One of the questions I had was, what if the President or what if the Secretary of Defense felt a particular individual with certain skills or unit that brought certain attributes to a fight were needed. Could the President or the Secretary of Defense intercede and be able to say: We need this individual, we need this unit. As it turns out, that concern has been addressed.

What if you had an individual who said: I know I am entitled to 12 months downtime or 2 years downtime, dwell time back home. I don't want to use it. I want to go back and serve. The question is, Does this amendment allow that to happen? And it does.

A number of legitimate questions have been raised not just as to the intent but the practical effect of the legislation, and I believe they have been addressed in a good way.

Another concern was, if we adopt this amendment, if it is passed as part of a Defense authorization bill and the President signs it, does it take effect immediately. If this provision were to take effect immediately, I would not want to be Secretary of Defense or Secretary of the Navy. I would want to have time to try to make this work. It is not going to be easy, but given a reasonable amount of time, it could work.

To his credit, Senator WEBB changed the early language of the amendment, I think after consulting with Secretary Gates, in order to say we are going to provide, after enactment of this provision, after it is signed into law, 4 months during which the Secretary of Defense and our services have a chance to figure out how we actually work with this provision and make it work.

I thank the Senator from Virginia for providing the kind of flexibility that is needed if we are going to enact this kind of legislation. I think it is good policy. I believe some major concerns that I and others had have been addressed.

My last point is I wish to talk about what it is like to be a reservist or guardsman. My Active-Duty squad flew out of the naval air station at Willow Grove, PA, north of Philadelphia. I tell my colleagues, if the men—and we were all men in my squadron at that time—if we thought we were going to be deployed a year or two, come back and then go back a year or two, we would not have had much in terms of reenlistment and reupping. They would be gone. It is not a question of patriotism, that is the fact. They have families to support. They have jobs. In their own lives, they have businesses, in some cases, to run. They need the kind of break that is envisioned in this legislation to enable them to not just be a patriot, to be a reservist, to be a citizen twice over but to always keep commitments to their families, keep commitments to their employers, and keep commitments, in many cases, to their employees, to the businesses they have started and gone on to run.

This is a good provision. It is a good proposal. It is better actually than the proposal we voted on several months ago. I urge my colleagues, particularly those who are on the fence—most people have made up their minds—particularly those on the fence, they can vote for this amendment not just in good conscience but I think knowing the questions that needed to be addressed have been addressed and that the people who will benefit from this will very much appreciate our taking this step.

I yield back my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will come a time in the not-too-distant future when people will write about what we as a Senate did, what we as a Congress did regarding this intractable war in which we find ourselves in faraway Iraq.

I approach my comments today recognizing people are going to look back at what we do to make sure our country is safe and secure and that we have done everything we can to make sure not only is our country safe and secure but we do everything we can to allow the men and women in our military to be safe and secure.

The fight to end the war in Iraq and refocus our efforts against those who attacked us on 9/11 has now raged in this Chamber and throughout the country for months—no, not months, for years.

On one side, Democrats stand united to responsibly end the war, to begin to bring home our brave soldiers, marines, airmen, and sailors, and refocus our attention to Osama bin Laden, his al-Qaida operatives, and others around the world who seek to do us harm.

On the other side, most of our Republican colleagues, including some who have publicly questioned the current course, stand with the President and his failed policies. Seven Republicans have previously voted courageously for this amendment. The amendment is better than it was last time. Certainly they should vote that way again.

We on this side of the aisle are not going to stop waging the hard but necessary fight to responsibly end this war. Today we have the opportunity to take an important step in that direction by voting for an amendment upon which all of us, Democrat or Republican, can and should agree.

Regardless of where we stand on this war, we should stand as one in our commitment to keeping our military the strongest in the world. We can only sustain that strength if our men and women in uniform are given the respect they deserve and the opportunity to reset, rebuild, and restore their capabilities. That is not a Democratic talking point or a Republican talking point. It is common sense, and in this debate it is long overdue.

On President Bush's watch, our military and their families have been stretched to the breaking point. This is not idle talk. Every single one of the Army's 38 available combat brigades is either deployed, just returning or scheduled to go to Iraq or Afghanistan, leaving no fresh troops to replace the five extra brigades sent to Iraq earlier this year. Most Army brigades have completed two or even three tours in Iraq or Afghanistan, with one, the 2nd Brigade of the 10th Mountain Division, having served four tours already.

The Army has been forced to rely on a so-called $20,000 "quick-ship" bonus to meet recruiting goals, paying soldiers $20,000 to stay in the military, in part to make up for last year's shortage of military officers. We are 3,000 officers short, and the number is only projected to rise.

Eighty percent of our National Guard and Reserves have been deployed to Iraq or Afghanistan and are serving an average of 18 months per deployment.

Those National Guard and Reserves remaining in the United States have 30 percent of the essential equipment they need because so much of it has been shipped overseas, destroyed, in need of repair, or now obsolete. Thirty percent is what they have in case of an emergency, and they have to help in this country. We have all heard of the heavy personal toll this overburdening of our military is taking. Let me give two examples.

First, the heartbreaking story of Army PFC Travis Virgadamo of Las Vegas. Travis was a boy who loved his country. What did he want to do? He wanted to go in the military, and he did that. He loved serving in the military. He saw it, as his family said, as his calling. Yet after months of serving in Iraq—and here is how he described it, "being ordered into houses without knowing what was behind strangers' doors, walking along roadsides fearing the next step could trigger lethal explosives"—and he said other things, but that is enough—the horrors were more than this 19-year-old could take.

He sought therapy. He wanted to have somebody help him with his emotional status while he was overseas, but he got nothing. He came home, asked for help, and was given some medicine and forced to go back to Iraq. He felt as if he wasn't going to be able to do his job. His family knew it. They talked about it. As I said, he was given medicine and sent back for his second tour of duty. Travis was, I repeat, 19 years old when he committed suicide after going back to Iraq for just a matter of weeks.

The ordeal he went through was sadly far from unique. Is this fair? Is this fair to those other troops he was asked to serve with and who relied upon him? The answer is no.

Last year, the Veterans Affairs Department reported that more than 56,000 veterans of Iraq and Afghanistan had been diagnosed with mental illness—56,000. Many of them had been sent back into battle without receiving adequate care.

A second example. SGT Anthony J. Schober, a 23-year-old from northern Nevada, was killed in May in an ambush while serving his fourth tour of duty. I had the chance to speak with Anthony's family—his grandfather. Before returning to Iraq for the last time, Anthony told his grandfather and other family members he knew he wouldn't be coming home. He had survived too many explosions, in his words. Too many of his buddies were killed who were with him.

Madam President, if my time expires, I will use my leader time.

Travis and Anthony died as heroes. Our troops are all heroes, but Anthony and Travis weren't machines, they were people, one 19 years old, one 23 years old. They sacrificed so much—all our troops have—and asked for so little in return. We want to give them something in return. That is what this amendment is all about.

With gratitude for their service and recognition that our national security demands no less, I rise to once again support the amendment offered by JIM WEBB, representing the Commonwealth of Virginia. They sent to Washington to represent them in the Senate a brave man. It is more than his ability to talk and say the right thing courageously. Here is a man who is qualified to talk about this. He has been in combat. The author of this amendment is a Naval Academy graduate, a Marine Corps commander, received a Silver Star award for heroism, the Navy Cross, the Bronze Star for heroism, a couple of Purple Hearts, and was a Secretary of the Navy. His amendment, his readiness amendment, begins the critical and long overdue process of rebuilding our badly overburdened military.

It is simple, his amendment. It states:

> If a member of the active military is deployed to Iraq or Afghanistan, they are entitled to the same length of time back home before they can be redeployed.

It also states:

> Members of the Reserves may not be redeployed within 3 years of their original deployment—which will not only give them time to recover from deployment, but will also restore our reserve forces ability and availability to respond to emergencies here at home.

Some have tried to confuse this issue by calling it an infringement of Presidential authority. That argument was debunked the first time anyone ever suggested it. The Constitution of the United States, article I, section 8, says Congress is empowered:

> To make rules for the government and regulation of the land and naval forces.

This argument is undercut even further by the fact the amendment provides ample authority for the President to waive these requirements in case of an emergency that threatens our national security. The Webb amendment establishes a new policy, but it doesn't tie the President or Congress's hands to respond to any emergency.

If we are committed to building a military that is fully equipped and prepared to address the challenges we face throughout the world—and I know we are—then we must support this amendment. If we are committed to repaying in some small measure the sacrifices our brave troops are making every day—and I know we are—then we must support this amendment.

The decision by Republican leadership to thwart the will of the majority in this body from adopting this troop readiness amendment back in July was discouraging, to say the least. And after 3 more months of keeping our troops enmeshed in a civil war, their continued effort to undermine this legislation today is simply inexplicable to me. If Republicans oppose troop readiness, they are entitled to vote against this. If Republicans don't believe our courageous men and women in uniform deserve more rest and mental health, they can vote "no" on this amendment. If they do not agree constant redeployments and recruitment shortages are straining our armed forces, they can vote "no" on this amendment. If they believe it is in our national security interest to push our brave troops and their families beyond their breaking point, then let them vote "no" on this amendment. But to stop the majority of this body from acting shows yet again that most of my Republican colleagues are much more concerned about protecting the President than protecting our troops.

Some in the administration have argued that this amendment would be too complicated for the Defense Department to enact. We, our military, can develop and deploy the best technology on Earth, and we have done that. Our stealth fighters can enter undetected into enemy territory. We can launch terrain-hugging missiles from thousands of miles away and hit a single target the size of a small window in a building. We can pay, clothe, feed, train, and manage a military force of over 2 million, plus their families. Yet we are supposed to believe that the Department of Defense can't follow one simple rule, that each and every soldier, sailor, airman, and marine must receive rest equal to their time of deployment.

Senators, please don't fall victim to the White House talking points. This amendment is for Travis Virgadamo and his family, for Anthony Schober and his family, and for the 50 other Nevadans who have given the ultimate sacrifice, and the approximately 2,800 other Americans who have died.

Because some in the minority are choosing obstruction doesn't mean all Republicans must follow in lockstep. We almost overcame Republican obstructionism on this amendment in July. We can finally do the right thing here today. So I say to my friends, my Republican friends, this is Bush's war. Don't make it also the Republican Senators' war.

I know every single one of my colleagues, on both sides of the aisle, would agree that America's Armed Forces are the envy of the world and must continue to be. This amendment puts that commitment into action and honors our troops and prepares our Armed Forces for the serious challenges that lie ahead—and they do lie ahead.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I understand I have 2½ minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Madam President, I think we ought to understand what this amendment is all about. In the view of the Secretary of Defense, he says:

> As drafted, the amendment would dramatically limit the Nation's ability to respond to other national security needs while we remain engaged in Iraq or Afghanistan.

He goes on to say:

> The amendment would impose upon the President an unacceptable choice between accelerating the rate of drawdown significantly beyond what General Petraeus has recommended, which he and other senior military commanders believe would not be prudent, and would put at real risk the gains we have made on the ground in Iraq over the past few months, or to resort to force management options that would further damage the force and its effectiveness in the field.

That is what this amendment is about. Nowhere in the Constitution does it say the President of the United States is deprived of the authority to decide when and where to send troops in a time of war. Nowhere. Nowhere in the history of this country have such restrictions been imposed or privileges assumed by the Congress of the United States. We have one Commander in Chief, and one only. To somehow assume that we would begin with Congress's 535 commanders in chief, I think, would reduce our ability to ever fight another war effectively.

Let me sum up by saying that clearly the message I am getting from the troops in the field is not that the war is lost, as the majority leader in the Senate stated last April. We are succeeding and we are winning. And with the enactment of this amendment, we will choose to lose. This is setting a formula for surrender, not for victory.

I am hearing from the troops in the field three words, three words: Let us win. They have sacrificed a great deal, as the majority leader described very dramatically. Now give them a chance to win. That is what they want. They do not want that sacrifice to be in vain.

This amendment would do exactly what the Secretary of Defense says, as well as other interested observers. I urge my colleagues to reject this amendment. Allow this new strategy and for this great general, whom the American people had a great opportunity to see last week as he spoke to the Congress and the American people. Reject this amendment and let us win.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I wish to first say I am grateful to all the Senators who participated in the debate today, including my good friend Senator McCAIN, for whom I have had respect for a long time.

I wish to emphasize again that this amendment provides a minimal adjustment in our rotation policies, and it does so with the notion that we can get a minimum floor underneath the deployment cycles of people who have been conducting the operational policies of the United States for 4½ years.

If we were attempting to be obstructionists or we were attempting to shut down a system, we would probably be arguing for the 2-to-1 ratio which is the goal of the Commandant of the Marine Corps and the historical tradition of the U.S. military. We are simply saying for every period you have been gone, you should have that amount of time back here at home.

This amendment is constitutional. It is well within the Constitution. I have given a memorandum that shows at least a half dozen different examples of when the Congress has put these sorts of restrictions in place when the executive branch has gone too far.

It is responsible. It was drafted with a great deal of care. We have listened. This amendment is an adjustment from the amendment that was offered last July. We have spoken with Secretary Gates. We modified the language of it. It is needed. It is needed in a way that is beyond politics, and certainly would not contribute to what some people are calling defeat.

It is needed for troop and family reasons, and that is why the Military Officers Association of America, 368,000 military officers, has supported the amendment. It is needed because the state of the debate on the Iraq war is going to continue for a long period of time. We all know that now. We know it specifically since General Petraeus's testimony.

We are going to have to resolve this in the political environment. We need to do so under a framework that protects our troops. I ask my colleagues to support it. I am very pleased we have 36 cosponsors on this amendment, and I would hope the Senate passes it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Sununu
Tester
Webb
Whitehouse
Wyden

NAYS—44

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Thune
Vitter
Voinovich
Warner

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. McCONNELL. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2918

The PRESIDING OFFICER. There will now be 10 minutes of debate equally divided before a vote on amendment No. 2918.

The Senator from Arizona.

Mr. McCAIN. Madam President, I again wish to express my appreciation and respect for the author of the amendment that was just considered by the Senate. I appreciate the courtesy and the level of debate that was conducted. I also always appreciate very much his brave service to our Nation.

I hope I could convince my friend from Virginia that perhaps we could have a voice vote on this, because as we know, it is a sense-of-the-Senate amendment. I will not take all of my time except to say that all Senators share the concern for the men and women of the Armed Forces and their families, as a result of the operational demands of operations in Iraq and Afghanistan.

This amendment expresses a sense of Congress—a sense of Congress, not a mandate—that consistent with wartime requirements, DOD should put into place force management policies that reflect the dwell time ratios in the Webb amendment.

The amendment is clear, however, that such dwell time policies cannot be implemented if to do so would prevent mission accomplishment or harm other members of the force. That is why it includes a certification requirement that would have the Secretary of Defense assure Congress that such a policy would not result in extending deployments of units or members beyond their current scheduled rotation.

The amendment also includes a waiver provision that Senator WARNER suggested. It wisely provides authority to the Secretary of Defense to waive the requirements of any existing dwell time policy and an attendant certification if the Secretary of Defense determines it is necessary to do so in the interest of national security.

I again want to thank Senator WARNER, our distinguished former chairman and long-time Member of this body, who played such an important role in this whole debate and continues to.

I realize this debate on Iraq is far from over, that this is only one amendment. But I also appreciate the level of dialog, debate, and discussion on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I wish to begin this statement the same way I did the last one, by thanking the Senator from Arizona for his service and also for the quality of the debate I believe we had on the other amendment.

I would be very anxious to try to find some common ground here on something that we could agree upon that would help move this forward. There are portions of this amendment that I think are fairly useful. But I am unable to support it.

I urge my colleagues to vote against it. The first part of it is nothing more than a statement of existing policy even with the language that the Department of Defense "should" establish a force management policy.

On the second part, I have attempted several times to read it carefully. As an attorney, and as someone who used to be a committee counsel, the certifications required are very confusing. It is kind of gobbledy-gook.

I believe it would, on one level, be redundant to current policy and on the other be confusing. I don't think it is useful, and I intend to oppose it.

I yield the floor.

Mr. McCAIN. Madam President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

Mr. LEVIN. Parliamentary inquiry: Like the previous vote, this amendment requires 60 votes?

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—55

Alexander
Allard
Barrasso
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyde

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 45. Under the previous order requiring 60 votes for adoption of this amendment, the amendment is withdrawn.

Mr. LEVIN. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, the Senator from Texas, I understand, is now ready to offer an amendment. We have been alternating. My understanding is he will lay down his amendment tonight, then he will speak on his amendment for some period of time, and then we will pick that up tomorrow morning. There may very well be a side-by-side amendment relative to the Cornyn amendment. We do not know, though, until we see that amendment.

Then I would ask unanimous consent that—I do not have my ranking member here, however, so I am going to withhold the unanimous consent request. It is my intent to ask unanimous consent that after Senator CORNYN lays down his amendment and speaks on it, that we then move into morning business. That is my intent as soon as—all right, it turns out that has been cleared on that side.

Madam President, I ask unanimous consent that after Senator CORNYN is recognized, lays down his amendment, speaks to it, we then go into morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to set the pending amendment aside to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. If I could say for the record—and I am going to withdraw my objection—we passed a rule that provided something that many Members are not aware of: that before an amendment would be considered at the desk, a copy would be given to both sides of the aisle before the amendment debate begins. I am not picking on my colleague and friend from Texas, but I only object for the purpose of raising that rule so we can start enforcing it. I think it is only fair that both sides see the amendment before the debate begins.

I withdraw my objection because I do not want to prejudice my friend from Texas at this point. But in the future, I hope we can all live by that rule.

Mr. CORNYN. Madam President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Madam President, could the request be restated? I apologize.

Mr. CORNYN. Madam President, I ask unanimous consent that the pending amendment be set aside, that I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 2022 WITHDRAWN

Mr. LEVIN. Madam President, reserving the right to object—and I will not object—I understand Senator LEAHY has now authorized me to withdraw his amendment which is pending, so it will avoid, perhaps, that pendency requirement for future amendments.

So I withdraw now the Leahy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is withdrawn.

Is there objection to the request of the Senator from Texas?

Mr. LEVIN. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2934 TO AMENDMENT NO. 2011

(Purpose: To express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and integrity of General Petraeus and all the members of the United States Armed Forces)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2934:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF SENATE ON GENERAL DAVID PETRAEUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81-0 on January 26, 2007.

(2) General Petraeus graduated first in his class at the United States Army Command and General Staff College.

(3) General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

(4) General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

(5) General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

(6) General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

(7) During his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

(8) A recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, if this amendment sounds familiar, it is because I offered this amendment roughly 10 days ago. In response to my colleague from Illinois, this is virtually the same amendment I offered during the consideration of the Transportation and Housing and Urban Development appropriations bill, to which the other side of the aisle raised a point of order, and it was judged not germane.

I respect that ruling on that bill, but we are back here today, 10 days later, on the Defense authorization bill—a bill to which this amendment is clearly germane. I want to make a few points.

First of all, for my colleagues' recollection, I have in the Chamber a copy of the ad that ran on September 9, 2007, immediately before GEN David Petraeus came to testify before the Congress, along with Ambassador Ryan Crocker, the Ambassador to Iraq from the United States.

It is important for colleagues to recognize that this ad ran before the general came to testify, even though it had been well known the general would come back in September 2007 and report on progress on the fight in Iraq, both from a military as well as a diplomatic perspective.

So it is clear, at least to me, the purpose of this ad was to smear the good name of this four-star U.S. Army general, the commander of multinational forces in Iraq, before he even had a chance to make his report to the Congress and to the American people on the progress of the surge of forces and of operations in Iraq.

As the amendment, which has been read, indicates, General Petraeus is the senior commander on the ground for the United States and coalition forces in Iraq. Before the general testified, this ad placed in the New York Times—apparently at a discounted rate below the $167,000 ad rate which ordinarily would be charged for a full-page ad in the Sunday New York Times—this ad, which was sold at a discount by the New York Times to MoveOn.Org, asks the question: "General Petraeus or General Betray Us?" and accused this professional soldier of "Cooking the Books for the White House."

It goes on—and all of us can read—to further disparage the good reputation of this professional soldier and someone who is responsible for roughly 170,000 American men and women wearing the uniform of the United States military in Iraq.

The reason why MoveOn.org bought this false ad was because they were afraid of what General Petraeus would indeed report when he testified before Congress a week or so ago.

In fact, General Petraeus testified that "the military objectives of the surge are, in large measure, being met."

He told us the "overall number of security incidents in Iraq has declined in 8 of the past 12 weeks," preceding his testimony.

He said: "Coalition and Iraqi forces have dealt significant blows to Al Qaeda-Iraq."

He said: "We have also disrupted Shia militia extremists."

He went on to testify that "Coalition and Iraqi operations have helped reduce ethno-sectarian violence, as well [as] bringing down the number of ethno-sectarian deaths substantially in Baghdad and across Iraq since the height of the sectarian violence last December."

He said: "The number of civilian deaths has also declined during this [same] period."

If that sounds familiar, it is because General Petraeus's testimony was preceded by the issuance of the National Intelligence Estimate on Iraq, issued just the preceding month, which basically came to the same conclusions as General Petraeus.

The National Intelligence Estimate, of course, represents the considered opinion of the intelligence community of the U.S. Government. It is delivered by the Director of National Intelligence pursuant to requirements of Congress in law.

The National Intelligence Estimate, issued just last month by the U.S. intelligence community, found there have been "measurable improvements" in Iraq's security situation since last January before General Petraeus's implementation of the new strategy.

The NIE, or National Intelligence Estimate, found that if our troops continue to execute the current strategy, Iraq's security environment will continue to improve over the next 6 to 12 months; and that changing the U.S. mission in Iraq would erode security gains achieved thus far.

Well, it is not just General Petraeus's testimony. It is not just the National Intelligence Estimate that was rendered last month. We had a commission created by the Congress, headed by former Marine GEN James Jones, and with a group of commissioners whose cumulative military experience exceeds 500 years. Also on this commission were a number of police chiefs and other law enforcement personnel with more than 150 years of law enforcement experience.

So it is clear by virtue of their experience they have a solid basis for the judgment they rendered. Well, it is important to note that not only did General Petraeus testify, as I have indicated, not only has the National Intelligence Estimate said what I quoted, the Jones Commission also found that the Iraqi Armed Forces—the Army, Special Forces, Navy, and Air Force—are increasingly effective and are capable of assuming greater responsibility for the internal security of Iraq.

The commission—we were told before a hearing in the Armed Services Committee, on which I sit—thinks that over the next 12 to 18 months the Iraqi forces will continue to improve their readiness and capability.

I noted during the testimony of General Petraeus that this is one of the first times I can think of where the messenger was shot for delivering good news. In other words, this ad run in the New York Times before the general testified is contradicted by not only his testimony but by the National Intelligence Estimate I mentioned and the Jones Commission, representing more than 500 years of military experience. It is sad to say but true that this ad represents what I would consider to be a sign of the times.

Now, I know the distinguished majority whip is on the floor, and I recall that when I offered this bill on the Transportation, Housing and Urban Development appropriations bill, we had a colloquy talking about: Well, everybody makes mistakes. Occasionally, people will misspeak and not accurately say what they intend to convey. But since this ad ran, since the time the distinguished majority whip and I had this colloquy, MoveOn.Org has expressed its pride at running this ad. In other words, they said they were glad for what this ad conveys. They are not ashamed of it. They didn't say it was a mistake or they misspoke; they continue to stand behind this slur on the good name of General Petraeus, a man who is sworn to uphold and defend the Constitution of the United States and to do everything in his professional ability to win the conflict in Iraq.

So even before Congress received the Petraeus-Crocker reports, we know some critics had already declared the surge to be a failure. There are those who said they didn't care what General Petraeus had to say.

Now, after General Petraeus and Ambassador Crocker have reported, some of these same people are, such as MoveOn.Org, questioning their judgment—which is their right—but also their motivation, which I think if they are agreeing with the motivation that is expressed in this ad, I respectfully disagree with them.

It is puzzling why some of my colleagues insist on moving the goalpost for our military. In fact, I think what they experience is what happens when anybody bets against the U.S. military. It is dangerous to do because they are going to lose if they are betting against the men and women of the U.S. military. I cannot fathom how the success of our troops in improving the security situation in Iraq could possibly be construed as a bad thing for our Nation, but some apparently, including MoveOn.Org, seem to think it is.

I refuse to stand by while a group such as MoveOn.Org demeans the good name of an American soldier who represents, in turn, 170,000 American soldiers, sailors, marines and airmen and Coast Guard. I refuse to stand by while this group demeans the good name of our men and women in the U.S. military who have given so much for our country. The military service of General Petraeus alone is spotless, and he has proven time and time again, with his blood, his sweat and his tears, his patriotism and his love for our country. As a matter of fact, one would be hard-pressed to find another military officer with the qualifications that are as impressive as General Petraeus. Currently serving his third combat tour in Iraq, he has literally been there and done that, and he has done it with dignity, with honor, and devotion to service.

Today, I offer all my colleagues a chance to clear the air and set the record straight. For some of them, voting for this amendment may represent a chance to show true moral courage and true political courage as well. My amendment expresses the sense of the Senate that GEN David Petraeus and all the members of our Armed Forces are to be supported and honored and that any effort to attack their honor and their integrity should be condemned; particularly before the general was able to even deliver his testimony, where MoveOn.Org and these critics could not have known what he was going to say, and that clearly the goal of this ad and MoveOn.Org was to undermine public confidence in the messenger before the messenger even had a chance to deliver that message. My amendment expresses a sense of the Senate that General Petraeus and all the members of our Armed Forces should be protected and defended against an attack on their honor and integrity.

By introducing this amendment, I call on all Senators to tell America they do not condone such character assassination of those who are sworn to protect the very freedom we enjoy and the very system of government in which we all serve. Our military servicemembers simply deserve better. I hope all Members of the Senate would join with me in supporting this amendment.

Mr. DURBIN. Would the Senator yield for a question?

Mr. CORNYN. I yield for a question.

Mr. DURBIN. Madam President, in the 2004 Presidential campaign, I might ask the Senator from Texas, there was a group from Texas that attacked Senator JOHN KERRY and said he was undeserving of the commendations and decorations he received for his courage in fighting in Vietnam and raised questions about others who served in the military who were part of his swift boat operation. One would have to say, by any stretch, that the Swift Boat Veterans for Truth were attacking the honor and integrity of one of our colleagues who served with honor in the Vietnam war.

I would like to ask the Senator from Texas if he is prepared to remain consistent and if he is also prepared to amend his amendment to repudiate the activities, actions, and statements of the Texas-based Swift Boat Veterans for Truth organization with their unwarranted attacks on our colleague, Senator JOHN KERRY of Massachusetts, during the 2004 campaign.

Mr. CORNYN. Madam President, I am not willing to amend my amendment, as the distinguished majority whip requests. He keeps emphasizing this is a Texas-based group. I have no idea whether it is. But let me tell my colleague what the differences are between this ad and what MoveOn.Org tried to do to this good soldier and the difference between that and a political campaign.

Senator KERRY chose to run for President of the United States. You and I and others may disagree with the tactics employed by third parties in the course of a Presidential campaign, but this is not a Presidential campaign. General Petraeus did not volunteer to run for political office and subject himself to the spears we all sometimes catch as part of the political process. All this general has sworn to do is to uphold and defend the Constitution of the United States and to protect this country from attacks from our enemies.

So I would say it is apples and oranges to compare what happens in a political campaign with the attack on this general in such a premeditated and vicious way as MoveOn.Org did before he was to deliver his testimony before the Congress.

Mr. DURBIN. Madam President, my friend and colleague from Texas, Senator CORNYN, has offered this amendment before. I so stated on the floor before, and I will state again, I respect GEN David Petraeus. I voted to confirm him as the commanding general of our forces in Iraq. He has served our country with distinction. It has been my good fortune to spend time with him in Iraq on two different occasions. Both times I have felt he was forthcoming and answered questions and demonstrated time and again that he was willing to wear our country's uniform and risk his life. I think the language chosen in this ad by this organization was wrong and unfortunate.

Having said that, I am troubled by the conclusion of my colleague from Texas that the Swift Boat Veterans for Truth could attack Senator JOHN KERRY for his valor and courage fighting for America in Vietnam and that for some reason we shouldn't repudiate that attack; that it is OK because it happened, as my colleague said, during a political campaign. If this is about the honor and integrity of our Armed Forces, past and present, whether it takes place during a political campaign or at half time at a football game should make no difference. If the Senator from Texas believes we should stand on a regular basis and condemn those who would attack the honor and integrity of warriors who have served this country with valor in past wars and present wars, then he should be consistent. It is totally inconsistent for him to pick one organization and to ignore the obvious: There are others who have done the same thing.

Swift Boat Veterans for Truth is a classic example of an organization that distorted the truth about Senator JOHN KERRY and others who served our country during the Vietnam war. The fact that they did it during a Presidential campaign should have absolutely nothing to do with it, if this is a matter of principle. However, if it is not a matter of principle and something else, then you would pick and choose those organizations you want to condemn or repudiate. Unfortunately, the Senator from Texas has picked one organization. He doesn't want to talk about the Swift Boat Veterans for Truth. He certainly doesn't want to repudiate them. I think they should be repudiated. What they did cast a shadow on the combat decorations given to others during the course of that war.

What Senator JOHN KERRY did was to volunteer to serve our country, put his life on the line, face combat, stand up and fight for his fellow sailors on that swift boat, and then come back to the criticism, the chief criticism of a group known as the Swift Boat Veterans for Truth.

Now, if the Senator from Texas is going to be filled with rage over those who would cast any disparaging remarks about our military, he should be consistent. He should amend his amendment—and I will seek to do it for him, incidentally—to add the Swift Boat Veterans for Truth as a group that should be repudiated. If we are going to get into this business of following the headlines, responding to advertisements and repudiating organizations, let's at least be consistent.

Mrs. BOXER. Madam President, will my friend yield?

Mr. DURBIN. I will yield.

Mrs. BOXER. Madam President, I wish to thank my colleague very much for pointing out the inconsistency of an attack on one organization that I guess my friend doesn't admire anyway, and that is his right. It is also our right to speak the truth on this floor. The fact of the matter is the Swift Boat Veterans for Truth went after a war hero and told stories to the American people that were not true and tried to sully a hero's reputation.

But he is not the only Senator who was attacked, as my friend remembers what happened to our colleague, Max Cleland. I know he does. Here is a veteran who gave three limbs for his country—three limbs. It is harder for him, for the first 2 hours of every day, to get ready for the day than it is for the Senator from Texas or myself or the Senator from Illinois to do our work for a month. Yet this man was viciously attacked and his patriotism called into question. Oh, yes, my friend might say, it was during a political campaign. It was disgusting. So we raise these issues.

What I wish to ask my friend is this: I was thinking—as the Senator from Texas, my friend and colleague, was speaking—I was thinking about some retired generals who spoke out against this war and said they were called traitors and worse. So I am looking at ways to incorporate into this a condemnation of anyone who would attack a retired general for speaking out against a war because I think that was low and it was horrible. It was frightening because, in a way, it was saying to these retired generals that they had no voice, no independent voice.

So I wish to thank my colleague, and I wonder if he recalls these generals. I will have more details as I put together my second-degree amendment as well.

Mr. DURBIN. Madam President, I would say in response to my colleague from California that if we are going to get into the business of standing up for members of the military, past and present, who were attacked for their positions on issues, then so be it. Let's be consistent about it. Let's remember our fellow colleague from Georgia, Senator Max Cleland, and remember what happened to him, when someone, during the course of a campaign, ran an ad suggesting he was somehow consorting with Osama bin Laden—a man who had lost three limbs to a grenade in Vietnam and who was attacked in a way that none of us will ever be able to forget.

The Senator from Texas includes in his whereas clauses, his sense-of-the-Senate clauses, to strongly condemn any effort to attack the honor and integrity of all the members of the U.S. Armed Forces. I hope if that is his true goal, he will allow us to amend his resolution to not only include the Swift Boat Veterans for Truth but those who attacked Senator Max Cleland during the course of his campaign.

I don't think the fact that it happens during a campaign absolves anybody from the responsibility of telling the truth and honoring those who served. In this case, two Democrats, Senator Max Cleland and Senator JOHN KERRY, were attacked, and there wasn't a long line of people on the floor to condemn the attackers. Now that the Senator from Texas has decided we should bring this up as part of the Defense authorization bill, I hope he will be consistent, and I hope he will consistently stand up for the reputations of the men and women in uniform, starting with General Petraeus but including those who served in this war and other wars in the past.

Each of them deserves our respect. I might add, parenthetically—it is worth saying—even if we disagree with their political views, they still deserve our respect. To attack their honor and integrity is wrong.

Mr. SMITH. Mr. President, last year the Senate enacted legislation that stripped the courts of jurisdiction to hear pending habeas claims brought by unlawful enemy combatants. It was with sadness then, as it is now, that the Senate failed to restore and protect this great writ. The writ of habeas corpus is a cornerstone of the rule of law. The right of an individual to learn of his or her detention by the government in a court of law is fundamental to our Constitution. Permanent detention of foreigners, without reason or charges, undermines our moral integrity in the world and does violence to our Constitution. It troubles me greatly that we have limited the ability of the judicial branch to ensure that detainees are being held fairly and justly by the American Government. It is my sincere hope that we will take up this amendment again in the near future.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Texas is recognized.

CHARACTER ASSASSINATION

Mr. CORNYN. Mr. President, I will not speak long because I know my friend from Iowa is here to speak in morning business.

I do want to say that Senators certainly have every right to offer any amendment they choose, but they don't have a right to require me to modify my amendment.

I am sorry they don't acknowledge the difference between somebody who has volunteered to become a public figure, a political candidate running for election, and somebody such as General Petraeus who in the performance of his duty is reporting to the Congress on the progress in a war in which 170,000 Americans are exposed to loss of life and limb right now.

To try to resurrect the old political battles of the past with regard to what happened in the Georgia Senate race, or what happened in the race for President of the United States, we are not going to achieve consensus here. Those were political races and those people are public figures. I don't like it when I am criticized any more than my colleagues do, including Senator KERRY or Senator Cleland. But that is an apples-and-oranges comparison to somebody who is wearing the uniform of a U.S. soldier who is performing his duty to report to Congress on the progress of military operations in Iraq.

So we may head down that road. As I said, it is every right of my colleagues to offer other amendments. We will take those as they come. But I hope all of our colleagues will, as an act of solidarity and support for General Petraeus and our men and women in uniform, vote for my resolution and condemn this character assassination on the name of a good man.

I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Madam President, I am here to follow through on a promise I made back on June 13. At that time, after several speeches on the alternative minimum tax, I said I was going to continue talking about the alternative minimum tax until Congress took action to protect the roughly 19 million families and individuals who will be hit by it in 2007 who did not have to pay it in 2006—19 million families now affected who weren't affected last year.

I am also here to talk about a promise Congress needs to follow through on, which is to protect these 19 million families and individuals from the alternative minimum tax for the tax year we are in right now, 2007.

In 2006, 4.2 million families and individuals were captured by the AMT. For taxable year 2006, the legislation that temporarily increased the amount of income exempt from the alternative minimum tax expired. So, right now, and for the last 9 months, under current law, we expect around 23 million families and individuals to fall victim to the alternative minimum tax if Congress doesn't act.

This chart illustrates the current situation, using the figures I have already referred to: 4.2 million people were paying the alternative minimum tax last year. But what is submerged underneath the surface there is the 19 million people who are affected because Congress has not taken action yet. Tax year 2007, then, is represented by the boat and is rapidly approaching the AMT iceberg. Right now, most of the iceberg—the part that represents the 19 million additional taxpayers who will be caught by the alternative minimum tax this year—is under water.

The full magnitude of this imminent disaster will become apparent when those 19 million families and individuals start working on their 2007 tax returns starting January 2 of next year. Actually, the situation is worse than I implied—if you can imagine that it can be any worse than that. I wish to say that many families have already fallen victim to the alternative minimum tax. Of course, I am referring to those taxpayers who have to file quarterly returns, quarterly estimated returns.

The last time I spoke to you here on the Senate floor was on the occasion of the estimated tax payments for the second quarter due. I wish to say I am also speaking to my fellow Senators, but I am not sure how many of them might be listening because between June, when I spoke last, and the 3 months since, estimated tax payments for the third quarter were due this past Monday, September 17.

Before I go further, I want to specifically address the size of the population that makes estimated tax payments. In case anyone is thinking this is a very small group of people, the statistics of the income division of the IRS state that for tax year 2004, almost 11 million families and individuals made estimated tax payments. I am not saying each of those filers would be captured this year by the alternative minimum tax, but I surely want to remind everybody of the possibility that the number of people making estimated tax payments is very large, and that those among them hit by the AMT—we have already failed them by not taking care of this before the first payments were made in January.

As I have said, I last addressed the AMT on the Senate floor 3 months ago. In that time, no progress has been made on taking care of the problem of the AMT.

The next chart actually portrays what the Senate leadership has accomplished in the past 3 months in regard to this issue. It shows a giant goose egg. I have served the people in Iowa in Congress for many years. In that time, I have learned that generally things do not happen overnight. It takes time to formulate ideas, and it takes time to build enough support to take action. That is why I am particularly unhappy with this giant goose egg.

The current leadership has indicated that they have much they wish to accomplish this year. Time is rapidly running out and a plan for dealing with the AMT has not been proposed, much less a specific solution. The prospects of the AMT swallowing huge swaths of taxpayers is not a new problem. But until now, we have been able to keep it in check and not be 3 months away from 19 million more taxpayers being hit by it.

Since 2001, the Finance Committee has produced bipartisan packages—I emphasize bipartisan—that have continually increased the amount of income that is exempt from the alternative minimum tax. This was possible thanks to the help of Senator BAUCUS, currently chairman of the Finance Committee. Together, Senator BAUCUS and I were able to minimize the damage caused by the AMT. These increases in exemptions, designed to keep pace with inflation and slow the spread of the alternative minimum tax, were never what I envisioned as a permanent solution. Rather, I consider a permanent solution to be the policies represented in a bill with the number S. 55, called the Individual Alternative Minimum Tax Repeal Act.

Once again, I have to credit Chairman BAUCUS for his advocacy on behalf of tax fairness, as he introduced this bill with me, with Senators CRAPO, KYL, and SCHUMER signing on as cosponsors, and Senators LAUTENBERG, ROBERTS, and SMITH also signed on as cosponsors.

In case any of our friends in the House of Representatives are paying attention, a companion bill exists in H.R. 1366, called the Individual AMT Repeal Act. It was introduced by Congressman PHIL ENGLISH of Pennsylvania. What these bills—the ones I introduced in the Senate and PHIL ENGLISH's bill—accomplish is to completely repeal the AMT without offsetting it. That is, these bills do not replace taxes no longer collected from the AMT by raising taxes someplace else. I think it is very important to ensure that revenues that the Federal Government does not collect as a result of the alternative minimum tax reform are not collected someplace else.

The alternative minimum tax was never meant to raise revenue from the middle class of America and was certainly not meant to bring in the amount of money under existing budget law and, oddly, that the Congressional Budget Office has to count. In other words, it should not be counted in the first place if you weren't intended to tax these middle-income taxpayers, but it happens because the AMT was not indexed. The AMT, then, was conceived as a way to promote basic tax fairness in response to concern about a very small number of wealthy taxpayers who were able to eliminate their entire income tax liability through legal means.

The tax created to deal with this—the AMT—was originally, back in 1969, created with the impact at that time of affecting about 1 person out of 500,000. Now, over the course of 38 years, this small salute to tax fairness has grown into a monstrosity of a revenue raiser.

The next chart is taken from the Long-Term Budget Outlook, a Congressional Budget Office publication. It was last published in December 2005. These are the latest figures I have. This illustrates how the alternative minimum tax will swallow more taxpayers as revenue is collected from the alternative minimum tax, being the green line on the chart, over a period of the next 45 years almost, or any time between now and the next 45 years. You can see how it continually grows.

That is what the CBO, through the present budget laws, has to count. But they count it from people—remember, the middle-income people who were never supposed to pay it as opposed to the superrich, a very small number of people, who would take advantage of every legal loophole—I emphasize "legal" loophole—and not pay a regular income tax but pay the AMT. I suppose that is out of the theory that everybody living in this country, particularly the wealthy, ought to pay a little bit of tax as a matter of fairness. You can argue whether that is a good rationale, but that was the rationale back in 1969.

So you can see that there is a massive amount of revenue projected to come in from people who were never supposed to pay it that somehow you are supposed to offset, so that that revenue that was never supposed to come in is not lost. I know that doesn't sound reasonable to the average commonsense American listening to me out there, but that is the way our budget laws are, and that is the way Congress has to respond to it, whether it makes sense or not.

Left alone, the Congressional Budget Office calculates that more than 60 percent of the families and individuals in America will fall prey to the alternative minimum tax as it absorbs more than 15 percent of the total tax liability by the year 2050.

This next chart, which is taken from the same congressional office publication, illustrates how under current law revenues collected by the Government are projected to push above their historical average and keep growing as the AMT brings in more and more money. We can see the historical average into the future for 40 years, but it follows a historical average going back 40 years before now, and because of the alternative minimum tax mostly but also for other law changes, current law, we are going to see the revenue coming in to the Federal Government growing to almost 25 percent of gross national product.

From a philosophical point of view and economic point of view, what is wrong with that? Philosophically, there is less freedom for the Americans. As we spend more of their money, they have less economic freedom. But more importantly, the economic harm that comes from 535 Members of Congress spending 25 percent of the gross national product instead of using the historical average of about 18 percent, that 7 percent difference means we are going to make decisions on how to spend it instead of the 137 million taxpayers in this country deciding how to spend it, where it will turn over the economy more times than if we spend it and do more economic good and create more jobs and have more economic freedom.

That is what is at stake in this whole debate if we do not do anything about the alternative minimum tax and it continues to grow to 15 percent of the total tax liability by the year 2050. This chart points out the increasing power of Congress through taking more money from the taxpayers without even changing the law if we do not do something about this alternative minimum tax.

Anyone who maintains that the alternative minimum tax reform or repeal needs to be offset is not actually doing anything about the problem these charts illustrate. The problems the alternative minimum tax is responsible for are the ballooning Federal revenues above historical levels and a burden on middle-class taxpayers that keeps increasing over time. Offsetting the alternative minimum tax revenue does absolutely nothing to address these issues, and it seems to me to be an attempt to pretend to solve a real problem by actually trying to hide that problem.

Aside from the long-term problems with the alternative minimum tax that we can solve by repealing it, the alternative minimum tax poses a short-term problem to the taxpayers who will fall into its clutches this year if Congress does not act.

Putting aside the legitimacy of keeping this tax, it is not doing what it was intended to do. Putting aside the long-term solution, we are going to end up right now with 19 million more families and individuals being caught by the AMT this year. That 19 million will probably include many taxpayers making estimated tax payments. Some of these families and individuals may not be taking the AMT into account as they make their quarterly payments simply because they do not realize they ought to take this into consideration.

Additionally, there may be some taxpayers who are required to make estimated tax payments when subject to the alternative minimum tax but are not required to make the estimated payments under the regular income tax system. At the end of this tax year, not only could those well-meaning filers find themselves subject to the alternative minimum tax, but they could also face the increased insult of being fined by the IRS for unintentionally miscalculating their estimated tax payments.

I do not believe these well-intentioned taxpayers ought to be penalized because Congress has not come through on its promise to at least keep the AMT from running wild—in other words, going beyond those 4.5 million taxpayers who are already hit by it and not including the 19 million who are otherwise being hit because of inaction so far.

That is why, on July 23, I dealt with this penalty issue by introducing S. 1855, called the AMT Penalty Protection Act. This legislation protects individuals from a penalty for failing to pay estimated taxes on amounts attributable to the AMT in cases where the taxpayers were not subject to the AMT last year. This is not a giveaway meant to compensate for the AMT, as it does not protect taxpayers who paid the AMT last year. Rather, this bill protects the families and individuals who do not yet appreciate the horrible impact our failure to act is going to have on them.

I am not the only one who thinks this legislation is a good idea. We have these Senators—Senators ALLARD, BROWNBACK, COLLINS, HUTCHISON, SMITH, and SNOWE—agreeing to cosponsor the legislation.

In addition, I have received letters from the Committee on Personal Income Taxation, the New York City Bar, as well as the National Association of Enrolled Agents in support of the provisions of this safe harbor bill so that the IRS cannot apply interest and penalties resulting from the failure to pay estimated taxes on amounts resulting from the AMT in cases where the taxpayers were not liable for the AMT last year.

I ask unanimous consent to have printed in the RECORD these letters to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF ENROLLED AGENTS,
Washington, DC, August 3, 2007.

Hon. CHARLES GRASSLEY,
Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.

DEAR RANKING MEMBER GRASSLEY: As President of the National Association of Enrolled Agents (NAEA), I write on behalf of 40,000 enrolled agents to express our support for S. 1855, the AMT Penalty Protection Act of 2007.

In a June hearing held by the Senate Finance Committee on the alternative minimum tax (AMT), NAEA Government Relations Chair Frank Degen, EA, testified that the current short-term approach to dealing with the AMT creates uncertainty and hinders tax-planning. Many taxpayers are constantly faced with an unpleasant choice when calculating their estimated taxes to either assume that Congress will enact another AMT patch, or follow the letter of the law literally. If Congress fails to act, those who choose the former option will suffer the consequences of underpayment. If Congress extends the patch, those who choose the latter will likely receive a large refund, amounting to an interest-free loan to the IRS.

S. 1855 would prevent taxpayers who didn't pay AMT last year from being punished for assuming Congress will extend the AMT patch to this year. While not a permanent solution to the AMT problem, this is a step in the direction of certainty.

We applaud you for your efforts to ease the burden of the AMT.

Sincerely,

DIANA THOMPSON,
President.

NEW YORK CITY BAR, COMMITTEE ON
PERSONAL INCOME TAXATION,
New York, NY, August 23, 2007.

Re 2007 reform of alternative minimum tax.

Hon. MAX S. BAUCUS,
Chairman, Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

Hon. CHARLES B. RANGEL,
Chairman, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Committee on Finance, Dirksen Senate Office Building, Washington, DC.

Hon. JIM MCCRERY,
Ranking Member, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS, CHAIRMAN RANGEL, SENATOR GRASSLEY AND REPRESENTATIVE MCCRERY: The Personal Income Tax Committee of the Association of the Bar of the City of New York would like to respectfully offer comments on the important subject of 2007 Reform of the Alternative Minimum Tax. In particular, the areas of main concern addressed by this letter are support of a continued increased AMT exemption amount in 2007 and support of a short term 2007 AMT Estimated Tax Relief provision of safe harbor from IRS interest and penalties (which is particularly relevant for those taxpayers whose estimated tax payments for 2007 have not taken into account an extension of the 2006 increased AMT exemption).

A short term 2007 AMT increased exemption is consistent with the short term AMT relief enacted by Congress between 2003 and 2006. In so doing, Congress has held down the number of AMT taxpayers to less than there would have been under prior law. This patch expired at the end of 2006 and Congress has not yet enacted a patch for 2007. Without the proposed 2007 AMT short term reform, the number of Americans affected by the AMT for 2007 will increase from approximately four million to more than 23 million. The Joint Committee on Taxation projects that most of the 23 million taxpayers affected would earn between $50,000 and $200,000, that is middle income families. The problem with the AMT goes beyond just those paying the tax.

The AMT affects a lot of other taxpayers, as well. The AMT forces many taxpayers to have to calculate their tax liability twice, first under the regular tax system, and then again under the AMT. The IRS estimates that the average taxpayer takes about 30 hours filling out a Form 1040. The AMT increases that burden.

BACKGROUND

The first comprehensive AMT was enacted in 1982. The purpose of the AMT, as stated in the legislative history, was to ensure that no taxpayer with substantial economic income should be able to avoid all tax liability by using exclusions, deductions, and credits. Now, the AMT affects middle income families who are working hard and raising children. The Joint Committee on Taxation estimates that 4.2 million paid AMT in 2006. Among those taxpayers, 25,000 had adjusted gross income of less than $20,000, hardly the category of taxpayer that should have to be subject to increased complexity and taxes due in computing and paying their federal income taxes.

In 2006, approximately 200,000 taxpayers subject to AMT had adjusted gross income between $75,000 and $100,000. Approximately 1.3 million AMT taxpayers had adjusted gross income between $100,000 and $200,000. Only about 80,000 taxpayers had adjusted gross income of $1 million and above. In summary, in 2006 more taxpayers earning less than $100,000 were subject to the AMT than taxpayers earning more than $1 million.

The AMT has strayed from its original purpose. At its inception, the AMT was enacted to insure that upper-income taxpayers would pay some amount of income tax. Now, it is subjecting middle-income taxpayers to an additional tax.

PRESENT LAW

Present law imposes an alternative minimum tax. The alternative minimum tax is the amount by which the tentative minimum tax exceeds the regular income tax. An individual's tentative minimum tax is the sum of (1) 26 percent of so much of the taxable excess as does not exceed $175,000 ($87,500 in the case of a married individual filing a separate return) and (2) 28 percent of the remaining taxable excess. The taxable excess is so much of the alternative minimum taxable income ("AMTI") as exceeds the exemption amount. The maximum tax rates on net capital gain and dividends used in computing the regular tax are used in computing the tentative minimum tax. Alternative minimum taxable income is the individual's regular taxable income increased by certain adjustments and preference items.

The exemption amounts are: (1) $62,550 for taxable years beginning in 2006, and $45,000 for taxable years beginning after 2006, for married individuals filing jointly and surviving spouses; (2) $42,500 for taxable years beginning in 2006, and $33,750 for taxable years beginning after 2006, for other unmarried individuals; (3) $31,275 for taxable years beginning in 2006, and $22,500 for taxable years beginning after 2006, for married individuals filing separately; and (4) $22,500 in the case of estates and trusts.

The exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. These amounts are not indexed for inflation. The AMT has statutory marginal tax rates of 26 and 28 percent. However, those with alternative minimum taxable income in the phaseout range of the exemption level ($150,000 to $400,200 for married taxpayers filing jointly and $112,500 to $282,500 for unmarried individuals, in 2006) will have an effective marginal tax rate of 32.5 and 35 percent, respectively.

PROPOSED 2007 AMT REFORM

It is our view that Congress should enact an AMT patch for 2007. The exemption amounts in effect for 2006 should be put into effect for 2007, adjusted for inflation. Taxpayers should be provided safe harbor from IRS penalties and interest for failure to include estimated tax payments in 2007 that take into account an extension of the increased AMT exemption provided in 2006. In computing tax for purposes of the penalties dealing with estimated tax, a taxpayer would be permitted to disregard the alternative minimum tax if the individual was not liable for the alternative minimum tax for the preceeding tax year.

The amendments proposed herein should apply to taxable years beginning after December 31, 2006.

A 2007 AMT short term reform with an increased AMT exemption would prevent expansion of the AMT, reduce taxpayers' compliance costs and make routine tax planning simpler. In addition, the short term reform proposed here will enable Congress to address issues related to substantial changes in our income tax system given the large number of important provisions that are currently scheduled to terminate in the next few years.

Respectfully submitted,
BABCOCK MACLEAN,
Chair.

Mr. GRASSLEY. Mr. President, I would like to believe this legislation is not necessary because we are going to prevent the AMT from swallowing 19 million taxpayers in 2000, but I am not optimistic considering the fact we have not acted yet.

In closing, I encourage—and it is meant to encourage—the Democratic leadership to keep our promise with the American taxpayers and at least modify the exemption amounts for 2007. Of course, the best option is to completely repeal the AMT, and I am going to raise this issue with the Finance Committee members, and I am going to raise the issue with Members outside the committee. We ought to just get rid of it. It is stupid to be saying we are going to collect revenue from people who were never intended to pay, but we are counting that revenue. It is a big shell game. So I will be talking with my colleagues about the sensibility of just getting rid of something.

I will tell my colleagues another reason for getting rid of the AMT. It is supposed to hit the super-rich. We are told by the IRS right now that there are about 2,500 of these super-rich who ought to be paying the alternative minimum tax—we would expect them to pay the alternative minimum tax—but they have found ways legally of even avoiding the alternative minimum tax. So we ought to just get rid of it. But for the time being, the only thing the taxpayers can rely on is the same goose egg we have been sitting on all year.

Mr. GRASSLEY. Mr. President, I also wish to use my time to address another issue. I would like to continue, Mr. President.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator is recognized.

SECRET HOLDS

Mr. GRASSLEY. Mr. President, the ethics bill has now been signed into law and, as my colleagues are aware, it contains new requirements about what we in the Senate call holds, meaning an individual Senator can hold up a bill all by himself from coming up.

Senators may be wondering what exactly is required under these new requirements about holds and how it is going to work. As a coauthor of the original measure, I have to tell my colleagues that I don't know how it is going to work. The provisions have been rewritten from what we had originally adopted on the floor of the Senate by a very wide margin. I am not even sure by whom this has been rewritten because it was a closed process and Republicans were not invited to participate in that process.

Now I am trying to understand how these provisions will work. Let me give a little background.

I have been working for some time, along with Senator WYDEN of Oregon, to end the practice of secret holds through a rules change or through what we call in the Senate a standing order. I do not believe there is any legitimate reason a single Senator should be able to anonymously—I emphasize anonymously—block a bill or nomination. I do not argue with an individual Senator blocking a bill. I do that myself. But I do not think it should be secret. We ought to know who is doing it because the public's business—and the Senate is all about the public's business; we are on television—the public's business ought to be public, and we ought to know who that person is. If a Senator has the guts to place a hold, they ought to have the guts to say who they are and why they think that bill ought to be held up. If there is a legitimate reason for a hold, then Senators should have no fear about it being public.

I am not talking hypothetically; I am speaking from my experience. I have voluntarily practiced public holds for a decade or more, and I have had absolutely no cause to regret telling all my colleagues and the whole country why I am holding up a bill and who CHUCK GRASSLEY is so they can come and talk with me if they want to talk with me about it, know what the rationale is, and maybe we will want to work something out.

Through the years, there have been several times when the leaders of the two parties have agreed to work with Senator WYDEN and me to address this issue, albeit in a way different than what maybe we would have proposed. I have approached these opportunities with optimism, only later on to be disappointed.

For instance, in 1999, at the start of the 106th Congress, Majority Leader Lott and Minority Leader Daschle sent a "Dear Colleague" letter to all Senators outlining a new policy that any Senators placing a hold must notify the sponsor of the legislation and the committee of jurisdiction. It went on to state that written notification of the holds should be provided to respective leaders, and staff holds—in other words, staff for the Senator placing holds—would not be honored unless accompanied by a written notification. All that sounds good if it worked out that way. But I want to tell my colleagues, this policy announced in 1999 was quickly forgotten or ignored by Senators, and the people who could enforce it actually did not enforce it.

Then, recognizing that the previous "Dear Colleague" letter was not effective, Leaders Frist and Daschle sent another "Dear Colleague" letter in 2003 that purported to have some sort of enforcement mechanism. The new policy required notification of the legislation's sponsor if and only if a member was of their party, as well as notification of the senior party member on the committee of jurisdiction. In other words, this new policy required less disclosure than the previous policy since it only affected holds by members of the same party. Nonetheless, the leaders promised that if the disclosure was not made, they would disclose the hold. It also reiterated that staff holds would not be honored unless accompanied by written notification.

That policy had more holes in it than Swiss cheese. I am not sure anyone understood the policy, and it had no effect that I can tell on improving transparency in a public body, the Senate, where we are on television and the public's business—all of the public's business—ought to be public.

No longer willing to settle for half measures such as we had been dealt in 1999 and 2003 that do not end secret holds once and for all, in the last Congress, Senator WYDEN and I then took our own initiative, not waiting for leaders to act. We offered our standing order to require full public disclosure of all holds as an amendment to the lobbying reform bill It was a well-thought-out measure that was drafted with the help of people who know about how this place operates—Senator LOTT and Senator BYRD. Remember, Senator BYRD has been around here for a half century. We used their insights and their knowledge of Senate procedures as former majority leaders to write our legislation.

Our standing order passed the Senate by a vote of 84 to 13. Now think of that, this Senate making a decision that holds should not be secret anymore by a vote of 84 to 13. But listen to what happened after that 84-to-13 vote. While that bill did not become law, it became a starting point for the ethics bill passed by the Senate last year.

I thought the leaders had finally accepted that we would have full disclosure of holds. In fact, our secret holds provisions remained intact in the version of the ethics bill that originally passed the Senate earlier this year. Then, even though the secret holds provisions related only to the Senate—nothing to do with the other body, the House of Representatives—and had already been passed by the Senate, on a voice vote this time but reflecting the reality of the 84-to-13 vote before, they were rewritten behind closed doors by Members of the majority party.

Once again, I feel like half measures have been substituted for real reform. In other words, the provisions that had passed one time by 84 to 13, only affecting us, went to conference—where they didn't have to go to conference because it only affected us, it didn't affect the other body—and we end up with no real reform.

Under the rewritten provisions, a Senator will only have to disclose a hold "following the objections to a unanimous consent to proceeding to, and, or passage of, a measure or matter on their behalf."

Now, that is going to puzzle you like it puzzles me. Obviously, in this case, the hold would already have existed well before any objection. In fact, most holds never even get to this stage because the mere threat of a hold prevents unanimous consent requests from being made in the first place. This is particularly true if the Senator placing the hold is a member of the majority party. In that case, the majority leader would simply not ask unanimous consent, knowing that a member of his party has a hold.

For instance, it is not clear to me what would happen if the minority leader asked unanimous consent to proceed to a bill and the majority leader objected on his own behalf to protect his prerogative to set the agenda but also having the effect of honoring the hold of another member of the majority leader's caucus. Or what if the majority leader asked unanimous consent to proceed to a bill and the minority leader objects but does not specify on whose behalf, even though a member of the minority party has a hold. Would the minority Senator with the hold then be required to disclose the hold? I don't know. It is not very clear.

I asked the Office of the Parliamentarian for an opinion about how the new provision would work in such instances, but with no legislative history—because this was written behind closed doors there is no report to come out—with no legislative history for the changes that were made to the Wyden-Grassley measure, the intent of the rewritten provisions was not evident is what the Parliamentarian said. Therefore, what did I do? I wrote to the Senate Rules Committee to provide insight into the content of the rewritten provisions.

The response referred me to a section-by-section analysis of the bill in the CONGRESSIONAL RECORD that essentially restates the provisions but once again sheds no light on the specific questions about how this works. Perhaps that is because the answer might be a little embarrassing.

Depending upon how the new provisions are interpreted in the first instance I mentioned, it is possible that holds by members of the majority party will never be made public. In the second instance, a literal interpretation of the provision might indicate that either leader could choose to keep a hold by a member of their party secret so long as they do not specify publicly that their objection is on behalf of another Senator.

The Rules Committee letter claims the changes were intended to make the provision "workable." It seems to me it is quite obvious that, unless somebody can answer these questions—I have asked the Parliamentarian and the Rules Committee and no answers yet—I don't see how the new provisions are any more workable than the original. On the contrary, they are not only unworkable, they undermine transparency. They make it more difficult for this body that is on television every day, where everything we do is the public's business. We want the public to know about it or we wouldn't be on television. Don't you think if a Senator has a hold on a bill, we ought to know who that Senator is and why he has a hold?

Under the changes, not only is the disclosure of holds only required after formal objection has been made to a unanimous consent request, but Senators then have a full 6 session days to make their disclosure public. What is more, a new provision was added specifying that holds lasting up to 6 days may remain secret—remain secret—forever.

What is the justification for that? Six days is more than enough time to kill a bill at the end of the session. And we are saying it is okay for Senators to do that in secret?

There are other changes that are puzzling to me. For instance, our original measure required holds to be submitted in writing in order to be honored, to prevent staff from placing holds without the knowledge of the Senator. However, in the rewrite of what Senator WYDEN and I originally put in, Senators now must be given written notice to the respective leaders of their "intent to object" only after the leader has already objected on the Senator's behalf. This is not only unworkable, but I think you would agree it sounds very absurd.

I have stated repeatedly and emphatically that as a matter relating to Senate procedure, it would be completely illegitimate to alter in any way the original Senate-passed measure requiring full disclosure of holds. The U.S. Constitution makes clear, "Each House may determine the rules of its proceedings."

The hold is a unique feature of the Senate arising out of its own rules and practices, with no equivalent in the House of Representatives. As such, there is no legitimate reason why this provision, having already passed the Senate, should have been altered in the first place and in any way. Nevertheless, it was altered in a very substantial way. In fact, it was altered in a way that I fear will allow secrecy to continue in this institution.

Clearly, the so-called Honest Leadership and Open Government Act was handled by the majority party in a way that is anything but what the title of the bill implies.

So as you can tell, I have been frustrated so far in my attempts to find answers about how the rewritten provisions will be applied, but we will find out soon enough. Because I can assure you I will not give up until I am satisfied the public's business in this Senate is being done in a public way.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I wrote to the Rules Committee and the response I got back.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 24, 2007.

Hon. DIANNE FEINSTEIN,
Chairwoman, Senate Committee on Rules and Administration, Washington, DC.

DEAR CHAIRWOMAN FEINSTEIN: I am seeking clarification of the intent of several changes made to the original Senate-passed provisions on disclosure of Senate holds in S. 1, the Legislative Transparency and Accountability Act. As you know, Senator Wyden and I , along with Senators Lott and Byrd, drafted the original provisions that have previously passed the Senate overwhelmingly. I have contacted the office of the Senate Parliamentarian seeking clarification about how the altered provisions would be interpreted and the initial reaction was that, the legislative intent was not sufficiently clear without more information on the legislative history to determine how the provisions would be applied in many circumstances. This is not surprising given the process by which these provisions were altered behind closed doors and rushed through the Senate without debate or amendments. Ironically, the lack of transparency in the process of considering a bill that is supposed to be about legislative transparency has left no legislative history to assist in interpreting this new language. Therefore, I ask that you provide me with written answers to several questions about the intent of the provisions as rewritten in the final version of the Legislative Transparency and Accountability Act.

New language was added to the original Senate-passed provision stipulating that senators would only be required to disclose their holds, "following the objection to a unanimous consent (request?) to proceeding to, and, or passage of, a measure or matter on their behalf . . ." As such, would the disclosure requirements be triggered for a senator who had placed a hold with their leader only if their leader or the leader's designee objects and specifically states that the objection is on behalf of another senator? For instance, if a member of the minority party has previously contacted the minority leader to place a hold, then the majority leader asks unanimous consent to proceed to a matter and the minority leader objects without giving a reason or specifying that the objection was on behalf of someone else, would the minority senator who had placed the hold be required to disclose or remove the hold within six session days? Would the disclosure provisions be triggered if a member of the majority party has previously placed a hold with the majority leader, the minority leader asks unanimous consent to proceed to a matter, and the majority leader objects on his own behalf to protect his prerogative to set the agenda, but also having the effect of honoring the hold of another member of the majority leader's caucus?

Other changes were also made to the original Senate-passed provisions that are more evident in their effect, but where the rationale remains unclear and I would appreciate any insights into the rationale for these changes. For instance, many holds exist for some time without a unanimous consent request and subsequent objection, and they have the effect of dissuading the majority leader from attempting to move to a matter, particularly in the case of hold by members of his own party in which case a unanimous consent request to move to a matter is unlikely ever to be made. Therefore, it isn't clear why a provision was inserted making the disclosure requirements effective only after a unanimous consent request and objection, this allowing holds to remain secret until that time.

The original Senate-passed provision also required that any hold be submitted in writing to the appropriate leader to allow the leaders to distinguish between a formal hold and an offhand comment, as well as to prevent staff holds. However, as currently drafted, a senator is required to submit a hold in writing to his respective party leader only after that leader has already honored the hold by objecting to a unanimous consent request on that senator's behalf, making the requirement irrelevant and even absurd.

Also, while the original Senate-passed provisions included a short time window to give senators a chance to fill out and submit their disclosure forms for the Congressional Record, the intention was never to sanction secrecy for even a short period of time. However, the new language allows six session days before disclosure is required and includes a new provision clarifying that senators never have to disclose holds so long as they are withdrawn within the six day period. I fail to see the justification for sanctioning secret holds for up to six days, which at the end of a session is more than enough time to effectively kill a bill or nominee in complete secrecy.

As I have said repeatedly, the public's business ought to be done in public. Although I believe the altered disclosure requirements for holds are flawed and do not fully eliminate secret holds as I had intended, I hope they will result in some increased transparency. Still, it is not completely clear what is now expected of senators and how these provisions will be interpreted. Therefore, I would appreciate any insights you can provide into the intent of the new, altered language related to disclosure of holds that was inserted into the Legislative Transparency and Accountability Act.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

U.S. SENATE, COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC, September 12, 2007.

Hon. CHUCK GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR CHUCK: I appreciate your concern about the provision on Senate holds in S.1, the Honest Leadership and Open Government Act, and I remain deeply committed to ensuring adequate disclosure of Senators who seek to place holds on bills, nominations and other Senate proceedings.

In terms of building a legislative history, I refer you to the Section by Section Analysis and Legislative History, which I submitted to the Congressional Record along with Chairman Lieberman and Majority Leader Reid, Volume 153, Nos. 125–126, August 2, 2007.

"Section 512 relates to the concept of so-called 'secret holds.' Section 512 provides that the Majority Leader or Minority Leader or their designees shall recognize another Senator's notice of intent to object to proceeding to a measure or matter subsequent to the six-day period described below only if that other Senator complies with the provisions of this section. Under the procedure described in section 512, after an objection has been made to a unanimous consent request to proceeding to or passage of a measure on behalf of a Senator, that Senator must submit the notice of intent to object in writing to his or her respective leader, and within 6 session days after that submit a notice of intent to object, to be published in the Congressional Record and on a special calendar entitled 'Notice of Intent to Object to Proceeding.' The Senator may specify the reasons for the objection if the Senator wishes.

"If the Senator notifies the Majority Leader or Minority Leader (as the case may be) that he or she has withdrawn the notice of intent to object prior to the passage of 6 session days, then no notification need be submitted. A notice once filed may be removed after the objecting Senator submits to the Congressional Record a statement that he or she no longer objects to proceeding."

It is important to note that the revisions in the final bill were based largely on concerns raised by the Senate Parliamentarian and the offices of the Majority and Minority Leader that the original language was not workable, especially since procedures on Senate holds are not written in the Standing Rules of the Senate and are not enforceable by the Parliamentarian.

The final language was developed in consultation with Senator Wyden,the lead sponsor of the provision, and we were not aware of any further objections.

If you have an alternative recommendation, which the Parliamentarian believes is workable and enforceable, I would be interested in reviewing it.

With warm personal regards,

DIANNE FEINSTEIN,
Chairman.

Mr. GRASSLEY. Mr. President, I yield the floor.

HONORING OUR ARMED FORCES

CAPTAIN SCOTT SHIMP

Mr. HAGEL. Mr. President, I wish to express my sympathy over the loss of United States Army CPT Scott Shimp of Nebraska. Captain Shimp was killed in a military helicopter crash during a training exercise in northeastern Alabama on September 11. He was 28 years old.

Captain Shimp grew up in the small town of Bayard, NE. A 1998 graduate and salutatorian of his class at Bayard High School, he also played football, ran track, sang in the choir, and was an Eagle Scout. It was his lifelong dream to serve his country in the U.S. military.

I had the privilege of nominating Captain Shimp to the U.S. Military Academy at West Point. In 2002 he graduated as part of the first post-September 11 class. Captain Shimp served two tours of duty in Iraq and was scheduled to be deployed to Afghanistan in 2009. He was company commander of Company C, 4th Battalion, 101st Aviation Regiment, 159th Combat Aviation Brigade, 101st Airborne Division.

We are proud of Captain Shimp's service to our country, as well as the thousands of brave Americans serving in the Armed Forces.

Our sympathies are with his parents, Curtis and Teri Shimp; his brother Chad; and his sister Misty.

I ask my colleagues to join me and all Americans in honoring CPT Scott Shimp.

NATIONAL PREPAREDNESS MONTH: A TIME TO TAKE STOCK

Mr. AKAKA. Mr. President, this month is National Preparedness Month, and activities are underway that will help educate Americans on actions they can take to safeguard their family and their community. During this time, not only should we be inspired but we should also be mindful that this past August 29 marked the 2-year anniversary of the time in which Hurricane Katrina decimated parts of Louisiana and Mississippi. In addition, we are now in the midst of a record-setting hurricane season, with an unprecedented two hurricanes making landfall simultaneously from the Pacific and Atlantic oceans on the same day. It is also the sixth anniversary of the attack by al-Qaida on our country.

These catastrophic events underscored the need for our country, and each and every one of its citizens, to be prepared for disaster, regardless of its form. Much has been done since these terrible events to do so, but so much more needs to be done. As time separates us from those terrible events, we must not become complacent.

During this month, we should use this time to reflect on how far we have come and how much further we need to go and what should be done to protect ourselves as individuals and as a country. While we may have incident, training, and contingency plans in place to help ensure that certain situations may be appropriately addressed, it is important for us to remember that acts of terror may not always be prevented, and nature continues to show its fury in many ways.

As several reports have indicated, the threats to our homeland have not gone away; they have simply changed form. The July 17, 2007, National Intelligence Estimate, NIE, entitled "The Terrorist Threat to the U.S. Homeland," confirmed that, although many plots to attack the United States after 9/11 have been disrupted, al-Qaida "is and will remain the most serious terrorist threat to the Homeland" and that its "plotting is likely to continue to focus on prominent political, economic, and infrastructure targets with the goal of producing mass casualties . . ." Furthermore, and of greater concern, the NIE assessed that Hezbollah, which has, until now, only conducted anti-U.S. attacks outside the United States, "may be more likely to consider attacking the Homeland over the next 3 years . . ."

In addition to these threats, it is important to note that there are significant number of vulnerabilities at home. Even as memories of the massive August 14, 2003, North American power outage fade, the tragic August 1, 2007, bridge collapse in Minneapolis has provided yet another reminder that the Federal Government can no longer ignore our aging infrastructure. In the words of author Stephen Flynn, "we depend on complex infrastructure built by the hard labor, capital, and ingenuity of our forbears, but . . . it is aging—and not very gracefully." In this regard, we must be focused on training, resources, and contingency plans to ensure that our Nation is prepared.

Another point of concern is the impact severe acute respiratory syndrome, SARS, had on the health infrastructure in Ontario, Canada, that revealed a vulnerable system unable to cope with an epidemic that originated outside its borders. The World Health Organization, WHO, predicted that the deadly H5N1 avian influenza would likely be the source of the next global pandemic. In the United States, a new study published by researchers from the Fred Hutchinson Cancer Research Center and the University of Washington has confirmed the first incidence of human-to-human transmission of H5N1 avian influenza, a beginning step in its becoming a human pandemic. The impact of such a pandemic would be enormous. A February 2006 study by the Lowy Institute for International Policy at the Australian National University concluded that, in a worst-case scenario, a global influenza pandemic would result in 142.2 million deaths and a $4.4 trillion loss in GDP. Given these studies and cases, it is imperative that United States be prepared for such a pandemic. We should not wait for another disaster to hit the United States—we must prepare now.

I commend the Department of Homeland Security for conducting its National Preparedness Month campaign and am pleased that more than 1,700 State- and local-level organizations will be participating in preparedness activities around the country. I urge all Americans to take responsibility for their own preparedness, for that of their families, their businesses, and their schools. As the chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia under the Homeland Security Committee, I am committed to making sure that the Federal, State and local governments are properly organized for the next natural or manmade disaster and to holding these agencies responsible when they are not. The passage of time since Katrina and 9/11 has done nothing to lessen the threat to the United States either from outside or within. It is not a matter of if such an event will occur but when it will occur. We must take the necessary precautions to be better able to deal with the disasters or incidents that will occur.

ANNOUNCING THE BIRTH OF CHARLES McDONALD LUGAR

Mr. LUGAR. Mr. President, I am pleased to share the news of the birth of Charles McDonald "Mac" Lugar on September 5, 2007, at Sibley Memorial Hospital in Washington, DC. Mac was a healthy 8 pounds 6 ounces at birth. His parents are David Riley Lugar, son of Richard and Charlene Lugar, and his wife Katherine Graham Lugar, daughter of Lawrence and Jane Graham. Mac was born at 4:50 p.m. and in the next few hours was joined in the hospital delivery room by Jane Graham, Richard and Charlene Lugar. We shared together a wonderful experience. On the next day, Mac met his sisters, Elizabeth Merrell Lugar, who was born at Sibley Memorial Hospital on May 25, 2004, and Katherine Riley Lugar, born on December 28, 2005, at Sibley Memorial Hospital. Mac and his sisters are now safe and healthy with their parents in their McLean, VA, residence.

Katherine and David were married on June 3, 2000, in St. David's Episcopal Church in Austin, TX. Katherine, a graduate of the University of Colorado, is senior vice president of government affairs for the Retail Industry Leaders Association. David Lugar, who came with us to Washington, along with his three brothers, 30 years ago, graduated from Langley High School in McLean, VA, and Indiana University. He is a partner of Quinn Gillespie & Associates. Both Katherine and David are well known to many of our colleagues and their staff members. We know that you will understand our excitement and our joy that they and we have been given this divine blessing and responsibility for a glorious new chapter in our lives.

ADDITIONAL STATEMENTS

RECOGNITION OF MARINE CORPS LOGISTICS COMMAND MAINTENANCE CENTER

• Mr. CHAMBLISS. Mr. President, today I congratulate the Marine Corps

Logistics Command Maintenance Center at the Marine Corps Logistics Base in Albany, GA. The Maintenance Center Albany was the 2007 winner of the Robert T. Mason Depot Maintenance Award, and was also named Marine Logistics Unit of the Year.

This prestigious award, established in 2004, commemorates the former Assistant Deputy Secretary of Defense for Maintenance Policy, Programs, and Resources, Robert T. Mason, a staunch supporter of excellence in organic depot maintenance operations throughout his three decades of Government service. In winning this award, the Maintenance Center Albany has exemplified responsive and effective depot level support to operating units.

The Maintenance Center Albany's Dedicated Design and Prototype Effort Team was singled out for its outstanding support to our men and women in uniform through their hands-on innovation. I could not provide higher tribute than the Marine Corps itself when it described the Albany team as clearly demonstrating the ability to be responsive, resourceful, agile, and creative by designing and prototyping multiple systems in support of Operation Iraqi Freedom.

This is not the first time the tenant organization of Albany's Marine Corps Logistics Base has received this great honor. In 2005, the Maintenance Center was recognized for its Design and Manufacture Vehicle Armor Protective Kits Program which provided protective armor kits for U.S. Marine Corps combat vehicles, making the Marines a more effective fighting force and profoundly impacting both safety and morale.

I also want to individually recognize Christopher Tipper, a Maintenance Center Albany employee who was named Civilian Marine Logistician of the Year. Through his achievements Mr. Tipper brings great credit upon himself, MCLB Albany, and the U.S. Marine Corps.

The national recognition of the achievements of the team and this individual is extremely well deserved. They comprise a dedicated workforce committed to meeting the needs of the warfighter. I am proud to pay tribute to these men and women and congratulate them and the leadership of the Maintenance Center Albany, as well as the entire Marine Corps Logistics Command on a job well done.•

MONTCLAIR STATE UNIVERSITY'S 100TH ANNIVERSARY

• Mr. MENENDEZ. Mr. President, today I honor Montclair State University of New Jersey as they celebrate 100 years of service to the students of our State.

The 100th anniversary of Montclair State University is a wonderful cause for celebration. However, the real celebration lies in the extraordinary success of the faculty and administration of Montclair State University in preparing some of New Jersey's finest students to be the next leaders of this country and to succeed in a global economy.

While much has changed since Montclair State University first opened its doors as a normal school in 1908, the university has remained true to its mission of providing an exceptional educational experience to a diverse student body that is reflective of the population of New Jersey. Montclair State University has become one of the leading educational institutions in our State, quickly turning into the second-largest and the fastest-growing university in New Jersey.

Montclair State University is leading the way to help develop the next generation of teachers by training promising students to be successful, innovative teachers in schools across the State. The university has also maintained an active and positive role in the local community, by bridging education and community service.

Today, I ask my colleagues to join me as I honor Montclair State University for its extraordinary success in providing 100 years of world-class education to New Jersey's students and for providing service to our communities.•

HONORING WINDOWS ON THE WATER

• Ms. SNOWE. Mr. President, I wish to congratulate the outstanding accomplishments of Windows on the Water, a popular restaurant from my home State of Maine. Windows on the Water's chef and owner, John Hughes, was recently awarded the National Restaurant Association Award for his active role in assisting the local community.

Founded in June 1985, Windows on the Water has been a favorite of locals and visitors to the Kennebunk-Kennebunkport area for over 20 years. Known for its fresh seafood and made-from-scratch desserts, Windows on the Water boasts a diverse menu with something for everyone. Moreover, it is committed to preparing healthy meals for diners. As such, most of the cooking products used are either organic, all-natural, or sustainable. In its 22 years of business, Windows on the Water has received 27 awards for various accomplishments. As patrons of the restaurant will tell you, Windows on the Water is also renowned for its creativity. In addition to providing fresh, quality food, Chef Hughes frequently offers programs such as cooking class dinners, which include a multicourse demonstration and meal, combined with a question-and-answer session.

Chef Hughes's National Restaurant Association award is truly something to be proud of. Dedicating his life to helping others, including by way of his culinary skills, Mr. Hughes cofounded the Community Harvest organization in 1999, a nonprofit community service group that provides food to those in need. The organization's motto, "people loving people is the heart of the journey, the heart of our community," is exemplified well in Chef Hughes's work. Each Thanksgiving and Christmas, he prepares countless dinners for the community, which volunteers then deliver to local underprivileged households and individuals. Mr. Hughes began the home delivery service because he noticed that Meals on Wheels did not deliver on Christmas and Thanksgiving.

While Chef Hughes routinely uses his cooking skills to benefit vulnerable members of his community, he is also at the forefront of numerous other community efforts. He leads an annual scholarship program for select local students who demonstrate a commitment to community service. Moreover, in keeping with his background as a chef, Mr. Hughes spearheads an annual scholarship program for recipients in the greater Kennebunk area who have displayed an interest in the culinary arts. Having begun his culinary studies at age 15, Chef Hughes recognizes that nurturing an ambition from a young age can lead to great success.

Windows on the Water is not only a restaurant; it is also a fount of unbridled service to others, thanks to Chef Hughes. While Chef Hughes has reached the top of his profession, being appointed to the Master Chefs Institute of America, he still sees the crucial role that generosity and giving play in the livelihood of a community. I commend Chef John Hughes and everyone at Windows on the Water who set a valuable example for the Kennebunks, and for all of Maine.•

20TH ANNIVERSARY OF THE SPECIAL OPERATIONS COMMAND

• Mr. DOMENICI. Mr. President. I would like to commemorate the 20th anniversary of the U.S. Special Operations Command, USSOCOM.

In 1987, USSOCOM was officially established to create a unified command structure for the special operations forces of all military branches. Since that time, the special operations forces from the Army, Navy, Air Force, and Marine Corps have deployed to all parts of the globe and participated in every major American military operation in support of USSOCOM missions.

It is with good reason that the soldiers, sailors, airmen and marines of USSOCOM are considered the most elite military forces in the world. These individuals complete extremely rigorous training and are called upon to accomplish the most difficult and dangerous missions in our military.

We in New Mexico are excited that USSOCOM's 16th Special Operations Wing will soon be making the move to Cannon Air Force Base. Though we are sad to see the men and women of the 27th Fighter Wing go, we are proud to be the new home of this elite unit.

Since its inception, the soldiers, sailors, airmen and marines of USSOCOM have served with the utmost distinction. I salute their bravery and dedication to duty, and I hope that New Mexicans will take time to thank the members of USSOCOM who have served and honor the memory of those who have given their lives in our defense.•

HONORING MR. VIRGIL E. BROWN, SR.

• Mr. VOINOVICH. Mr. President, I wish to honor and congratulate an outstanding community and business leader from my hometown of Cleveland, OH. Virgil E. Brown, Sr., has become a well-recognized name in Cleveland after serving our community and great State of Ohio for nearly three decades. On August 12, 2007, Virgil celebrated his 90th birthday. Also this year, his lovely wife Lurtissia celebrated her 87th birthday, and together they celebrated an amazing 68 years of marriage. What an accomplishment.

Virgil grew up in humble beginnings. He was born in Louisville, KY, to George and Sarah Brown. He is the eldest of six children. He moved to Cleveland with his parents and siblings when he was 12 years old. He graduated from Central High School in Cleveland in 1937 and attended Fenn College, now Cleveland State University.

Throughout Virgil's long and distinguished career of public service, he has made history and opened many doors through a number of "firsts" he attained. He served as the first African-American to be the director of the Cuyahoga County Board of Elections; the first African-American to be elected as a Cuyahoga County commissioner; and the first African-American to serve as director of the Ohio Lottery Commission.

His political career started in 1966 with an unsuccessful bid for a State representative position. He rebounded quickly, however, and in 1967 he won a seat on the Cleveland City Council, where he served for three terms. In 1972, when there was a breakdown in the countywide election system and the position of director of the Cuyahoga County Board of Elections became available, Virgil resigned his city council seat to accept an appointment as director of the Board of Elections. He served nearly 7 years in this position, and during his tenure he restored the integrity and efficiency of the election process.

When I left the position of Cuyahoga County commissioner to serve as Lieutenant Governor of Ohio in 1979, Virgil was appointed as my replacement. He was reelected and served three additional terms. While in his last term as commissioner, I was serving as Governor, and I asked Virgil if he would serve as the director of the Ohio State Lottery. Virgil graciously accepted, even though he was planning to retire. I appointed him in 1991, and he remained as director until 1995, when he officially retired at the age of 74.

Virgil has had many notable achievements throughout his life. In 1976, he delivered the nominating speech for President Gerald Ford at the Republican National Convention. He was honored by the Cuyahoga County Board of Commissioners when they named their human services building the Virgil E. Brown Center. In 2002, he was inducted by the Cuyahoga County Republicans into the inaugural class of the James A. Garfield Hall of Fame. He was also inducted into the Glenville Hall of Fame, the Senior Citizens Hall of Fame, and the National Forum for Black Public Administrators'—Cleveland chapter—Hall of Fame. He is also a past president of the National Bowling Association.

Virgil has served the greater Cleveland community and the State of Ohio with distinction. Whether it was through his political career, his mentorship of numerous young adults, his tenure on the board of directors for various community based organizations and commissions, through his home church, Bethany Baptist Church, or through his successful insurance company, Virgil Brown has touched and improved the lives of many.

Throughout all of his accomplishments, his loving and supportive wife Lurtissia has been by his side. Without a doubt, she has been his greatest blessing. Together they have two children, Veretta Garrison, who is a businesswoman in Connecticut, and Virgil, Jr., who is an attorney in Cleveland and also a member of the State Board of Education.

Mr. President, I wish to take this opportunity to thank Virgil E. Brown, Sr., for his exceptional leadership and for serving as a stellar role model. Congratulations, Virgil, on all you have and will continue to achieve. Our lives are better as a result of having been touched by you. May God continue to bless you and your family.•

RECOGNIZING DAVID PERRY

• Mr. THUNE. Mr. President, today I recognize SrA David Perry of Ellsworth Air Force Base in South Dakota for his heroic efforts in saving a man's life.

Airman Perry had only been based at Ellsworth for a few weeks before the evening of April 22, 2007. While shopping at a local grocery store a man collapsed in front of him, and Airman Perry responded quickly. Taking control of the situation, Airman Perry directed another bystander to call 9-1-1 while he checked the fallen man's vital signs and then began CPR. Through his quick thinking and swift actions the man's life was saved.

Airman Perry will be awarded the Air Force Commendation Medal. This medal is awarded to Air Force personnel for outstanding achievement or meritorious service rendered specifically on behalf of the Air Force.

Airman Perry volunteered and was selected, to be part of the Air Force Financial Services Center initial cadre. At the time, he was one of six airmen assigned to the Air Force Financial Services Center and was the only airman instructor at Ellsworth.

Airman Perry truly deserves this award and our commendations for his actions; his service is a shining example of the dedication and bravery that makes America's soldiers the greatest in the world.•

IN COMMEMORATION OF SUMMIT ROAD'S 70TH ANNIVERSARY

• Mr. NELSON of Nebraska. Mr. President, I wish to commemorate the 70th anniversary of historic Summit Road, a significant highway which remains in use to this day as a popular tourist attraction and historic site within the State of Nebraska.

It was Sunday, September 19, 1937, that the Summit Road leading to the top of Scotts Bluff National Monument in the Nebraska Panhandle was completed. The Summit Road is believed to be the oldest existing concrete road in the State of Nebraska. The road allows visitors to drive to the top of the bluff through three tunnels for a spectacular view of the valley 800 feet below.

Summit Road was built entirely by the Civilian Conservation Corps, CCC, at a time when dry winds and dust storms were blowing across the western High Plains. The CCC was created by President Franklin D. Roosevelt when the entire country was in the grip of the Great Depression to employ jobless men who were struggling to earn enough money to buy food for their families.

Scotts Bluff National Monument is named for a fur trapper by the name of Hiram Scott, who was wounded and deserted by his companions in 1828. He gained immortality by making his way to a magnificent formation of bluffs along the North Platte River before succumbing to his wounds. It was for Hiram Scott that Scotts Bluff National Monument, Scotts Bluff County, and the city of Scottsbluff have been named.

Scotts Bluff National Monument, which rises 4,649 feet above sea level, was an imposing landmark, guiding wagon trains along the Oregon, Mormon, California, and Pony Express Trails. Native Americans originally called this natural formation Ma-a-pa-te, which translates into "hill that is hard to go around."

Today, Scotts Bluff National Monument is home to an excellent museum providing information about the historic pioneer trails, together with an impressive collection of art from William Henry Jackson, a photographer and painter, best known as the first person to photograph the wonders of Yellowstone National Park.

It was reported that 550 cars drove to the top of Scotts Bluff National Monument when the Summit Road was opened 70 years ago. Since then, thousands of vehicles have made the trip and are still able to do so today, thanks to the efforts of the CCC which built it and the National Park Service which now maintains the road.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 954. An act to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the "Percy Sutton Post Office Building".

H.R. 3218. An act to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as "Cal Ripken Way".

ENROLLED BILL SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2006.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 3:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1852. An act to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes.

H.R. 3096. An act to promote freedom and democracy in Vietnam.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 207. Concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service.

At 4:07 p.m., a message from the House of Representatives; delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3580. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1852. An act to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3096. An act to promote freedom and democracy in Vietnam; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 207. Concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2070. A bill to prevent Government shutdowns.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3275. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to U.S. support for Operation Bahamas, Turks and Caicos; to the Committee on Armed Services.

EC-3276. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Potato Cyst Nematode; Quarantine and Regulations" (Docket No. APHIS-2006-0143) received on September 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-178)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-277)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-215)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120-AA64)(Docket No. 2005-NM-238)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Model GIV-X, GV, and GV-SP Series Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-110)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-219)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB-145XR Airplanes" ((RIN2120-AA64)(Docket No. 2007-NM-021)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc., Model 369, YOH-6A, 369A, OH-6A, 369H, 369HM, 369HS, 369HE, 369D, 369E, 369F, and 369FF Helicopters" ((RIN2120-AA64) (Docket No. 2007-SW-18)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and E Airspace; Aguadilla, PR; Correction" ((RIN2120-AA66) (Docket No. 07-ASO-3)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes"

((RIN2120–AA64) (Docket No. 2006–CE–40)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3287. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–100)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3288. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200, –200CB, and –300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–077)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 and A310 Airplanes; and Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–122)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3290. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes; and Model A310 Series Airplanes" ((RIN2120–AA64) (Docket No. 2004–NM–117)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3291. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model A300 C4–605R Variant F Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–085)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3292. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines; Correction" ((RIN2120–AA64) (Docket No. 2003–NE–12)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3293. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Centreville, AL" ((RIN2120–AA66) (Docket No. 07–ASO–7)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3294. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment, Modification and Revocation of VOR Federal Airways; East Central United States" ((RIN2120–AA66) (Docket No. 06–ASW–1)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3295. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–088)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3296. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–800 Series Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–124)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3297. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10–10 and DC–10–10F Airplanes, and Model DC–10–15 Airplanes, Model DC–10–30 and DC–10–30F Airplanes, Model DC–10–40 and DC–10–40F Airplanes, Model MD–10–10F and MD–10–30F Airplanes, and Model MD–11 and MD–11F Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–079)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3298. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–190)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3299. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model ATP Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–275)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3300. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–139)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3301. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Jetstream HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–035)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3302. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211–524 and –535 Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2006–NE–10)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3303. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–037)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3304. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–1A11, CL–600–2A12, CL–600–2B16, Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–189)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3305. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–174)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3306. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AEROTECHNIC Vertiebs–u. Service GmbH Model Honeywell CAS67A ACAS II Systems Appliances" ((RIN2120–AA64)(Docket No. 2007–CE–026)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3307. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–042)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3308. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–108)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3309. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas DC–10–30 and DC–10–30F Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–273)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3310. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PLAGGIO AERO INDUSTRIES S.p.A. Model P–180 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–029)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3311. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. ERJ 170 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-252)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3312. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-62, DC-8-62F, DC-8-63, DC-8-63F, DC-8-72, DC-8-72F, and DC-8-73F Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-255)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3313. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-154)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3314. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hartzell Propeller Inc. Model HC-B5MP-3()/M10282A()+6 and HC-B5MP-3()/M10876()()()() Five-Bladed Propellers" ((RIN2120-AA64)(Docket No. 86-ANE-7)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3315. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schempp-Hirth GmbH and Co. KG Models Mini-Nimbus B and Mini-Nimbus HS-7 Sailplanes" ((RIN2120-AA64)(Docket No. 2006-CE-35)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3316. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318-100 and A319-100 Series Airplanes; Model A320-111 Airplanes; Model A320-200, A321-200, A330-200, A330-300, A340-200, and A340-300 Series Airplanes; Model A340-541 Airplanes; and Model A340-642 Airplanes; Equipped with Certain Sogerma-Services Powered Seats" ((RIN2120-AA64)(Docket No. 2005-NM-242)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3317. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B16 Airplanes and Model CL-600-2B19 Airplanes" ((RIN2120-AA64)(Docket No. 2006-NM-178)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3318. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Model AT-602 Airplanes" ((RIN2120-AA64)(Docket No. 2004-CE-50)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3319. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Sayre, PA" ((RIN2120-AA66)(Docket No. 06-AEA-006)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3320. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ridgeway, PA" ((RIN2120-AA66)(Docket No. 06-AEA-03)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3321. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Troy, PA" ((RIN2120-AA66)(Docket No. 05-AEA-007)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3322. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Jersey Shore Airport, PA" ((RIN2120-AA66)(Docket No. 06-AEA-02)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3323. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wellsboro, PA" ((RIN2120-AA66)(Docket No. 06-AEA-005)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3324. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Wilkes Barre, PA" ((RIN2120-AA66) (Docket No. 06-AEA-004)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D Airspace; Elko, NV" ((RIN2120-AA66) (Docket No. 06-AWP-11)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3326. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120-AA65) (Amdt. No. 3191)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3327. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments" ((RIN2120-AA65) (Docket No. 30519)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3328. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments" ((RIN2120-AA65) (Docket No. 30521)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3329. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" ((RIN2120-AA65) (Docket No. 30522)) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3330. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Lamps and Reflective Devices" (RIN2126-AB07) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3331. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Side Impact Protection Upgrade" (RIN2127-AJ10) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3332. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Vehicles Built in Two or More Stages" (RIN2127-AI93) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3333. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Insurer Reporting Requirements Update to Appendices A, B, and C" (RIN2127-AJ98) received on September 17, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3334. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments" (RIN1625-ZA13) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3335. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Vessel Documentation; Recording of Instruments" ((RIN1625-AB18) (Docket No. USCG-2007-28098)) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3336. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including six regulations beginning with CGD01-07-093)" (RIN1625-AA09) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3337. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Waters Surrounding U.S. Forces Vessel SBX-1, HI" ((RIN1625-AA87) (COTP Honolulu 07-005)) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3338. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Hawaii Super Ferry Arrival/Departure, Nawiliwili Harbor, Kauai, Hawaii" ((RIN1625-AA87) (COTP Honolulu 07-005)) received on September 13 , 2007; to the Committee on Commerce, Science, and Transportation.

EC-3339. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Oahu, Maui, Hawaii and Kauai, HI" ((RIN1625-AA87) (CGD14-07-001)) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3340. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations: Sacramento River, Rio Vista, CA" ((RIN1625-AA87) (CGD11-07-013)) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3341. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including two regulations beginning with CGD01-07-019)" (RIN1625-AA09) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3342. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Buzzards Bay, Massachusetts" (RIN1625-AA17) received on September 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC-3343. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendments to the Open Burning Regulation" (FRL No. 8469-4) received on September 13, 2007; to the Committee on Environment and Public Works.

EC-3344. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact" (FRL No. 8469-8) received on September 13, 2007; to the Committee on Environment and Public Works.

EC-3345. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule" (FRL No. 8468-4) received on September 13, 2007; to the Committee on Environment and Public Works.

EC-3346. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Pesticide Tolerance" (FRL No. 8147-8) received on September 13, 2007; to the Committee on Environment and Public Works.

EC-3347. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Nomenclature Changes; Technical Amendment" (FRL No. 8126-5) received on September 13, 2007; to the Committee on Environment and Public Works.

EC-3348. A communication from the Director of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Materials and Processes Authorized for the Treatment of Wine and Juice" ((RIN1513-AA96) (T.D. TTB-61)) received on September 12, 2007; to the Committee on Finance.

EC-3349. A communication from the Director of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Firearms Excise Tax; Exemption for Small Manufacturers, Producers, and Importers" ((RIN1513-AB25) (T.D. TTB-62)) received on September 12, 2007; to the Committee on Finance.

EC-3350. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendment to Interpretive Bulletin 95-1" (RIN1210-AB22) received on September 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3351. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by the workers from the Hanford Nuclear Reservation requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3352. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by the workers from the Ames Laboratory in Ames, Iowa, requesting their addition to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3353. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department's Buy American Reports for fiscal years 2005 and 2006; to the Committee on the Judiciary.

EC-3354. A communication from the Secretary of Veterans Affairs, transmitting, a draft bill intended to assist formerly homeless veterans who reside in permanent housing; to the Committee on Veterans' Affairs.

EC-3355. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pay Administration Under the Fair Labor Standards Act" (RIN3206-AK89) received on September 17, 2007; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH:

S. 2068. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers; to the Committee on Finance.

By Mr. DURBIN (for himself and Mrs. Hutchison):

S. 2069. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Relations.

By Mr. DEMINT (for himself, Mr. Allard, Mr. Coburn, Mr. Kyl, Mr. Lott, Mr. McConnell, Mr. Gregg, Mr. Crapo, Mr. Hatch, Mr. Coleman, Mr. Craig, Mr. Cornyn, Mr. Vitter, Mrs. Hutchison, and Mr. Sessions):

S. 2070. A bill to prevent Government shutdowns; read the first time.

By Mrs. FEINSTEIN (for herself, Mr. Baucus, Mrs. Boxer, Mr. Obama, Mrs. Clinton, and Mr. Nelson of Nebraska):

S. 2071. A bill to enhance the ability to combat methamphetamine; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. Lugar, Mr. Dodd, Mr. Hagel, Mr. Akaka, Mr. Baucus, Mr. Bingaman, Mr. Brown, Mr. Byrd, Mr. Burr, Ms. Cantwell, Mr. Casey, Mr. Craig, Mr. Durbin, Mr. Feingold, Mr. Harkin, Mrs. Hutchison, Mr. Kennedy, Mr. Kerry, Ms. Klobuchar, Mr. Kohl, Mr. Leahy, Mr. Levin, Mr. Lott, Mr. Nelson of Florida, Mr. Reed, Ms. Snowe, Mr. Sununu, Mr. Voinovich, Mr. Webb, Mr. Whitehouse, Mr. Wyden, Mr. Smith, Mr. Specter, Mrs. Murray, and Ms. Stabenow):

S. Res. 321. A resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process; to the Committee on Foreign Relations.

By Mr. REED (for himself, Mr. Whitehouse, Mrs. Clinton, and Mr. Schumer):

S. Res. 322. A resolution honoring the lifetime achievements of General George Sears Greene on the occasion of the 100th anniversary rededication of the monument in his honor; considered and agreed to.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. Domenici, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 38, a bill to require the Secretary

of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 400

At the request of Mr. SUNUNU, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 545

At the request of Mr. LOTT, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 674

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 674, a bill to require accountability and enhanced congressional oversight for personnel performing private security functions under Federal contracts, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 702

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 702, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 772

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 772, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 988

At the request of Mr. THUNE, his name was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1014

At the request of Mr. ALEXANDER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1014, a bill to amend the Elementary and Secondary Education Act of 1965 to provide parental choice for those students that attend schools that are in need of improvement and have been identified for restructuring.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1084

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1518

At the request of Mr. REED, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1543

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1627

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1651

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1651, a bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1818

At the request of Mr. OBAMA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1818, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 1895

At the request of Mr. REED, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1951

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes.

S. 2037

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2037, a bill to amend the Consumer Product Safety Act to make it unlawful to sell a recalled product, and for other purposes.

S. 2038

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2038, a bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes.

S. 2044

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2044, a bill to provide procedures for the proper classification of employees and independent contractors, and for other purposes.

S. 2047

At the request of Mr. COLEMAN, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2047, a bill to require enhanced disclosures to consumers purchasing flood insurance and for other purposes.

S. 2064

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mr. SCHUMER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2064, a bill to fund comprehensive programs to ensure an adequate supply of nurses.

S.J. RES. 18

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 18, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to a cost limit for providers operated by units of government and other provisions under the Medicaid program.

S. CON. RES. 47

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 47, a concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service.

AMENDMENT NO. 2022

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 2022 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2104

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 2104 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2251

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. BURR) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2251 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2872

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2872 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2874

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 2874 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2880

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of amendment No. 2880 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2886

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 2886 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2895

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2895 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2898

At the request of Mr. LEVIN, the names of the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. HAGEL), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. CLINTON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2898 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mrs. HUTCHISON):

S. 2069. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Relations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Global Resources and Opportunities for Women to Thrive Act of 2007" or the "GROWTH Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and statement of policy.
Sec. 3. Microenterprise development assistance for women in developing countries.
Sec. 4. Support for women's small- and medium-sized enterprises in developing countries.
Sec. 5. Support for private property rights and land tenure security for women in developing countries.
Sec. 6. Support for women's access to employment in developing countries.
Sec. 7. Trade benefits for women in developing countries.
Sec. 8. Exchanges between United States entrepreneurs and women entrepreneurs in developing countries.
Sec. 9. Assistance under the Millennium Challenge Account.
Sec. 10. Growth Fund.
Sec. 11. Data collection.
Sec. 12. Support for local, indigenous women's organizations in developing countries.
Sec. 13. Report.

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Women around the world are especially vulnerable to poverty. They tend to work longer hours, are compensated less, and have less income stability and fewer economic opportunities than men.

(2) Women's share of the labor force is increasing in almost all regions of the world. Women comprise more than 40 percent of the labor force in eastern and southeastern Asia, sub-Saharan Africa, and the Caribbean, nearly a third of the labor force in Central America, and nearly one-third of total employment in South Asia. About 250 million young women will enter the labor force worldwide between 2003 and 2015.

(3) Women are more likely to work in informal employment relationships in poor countries compared to men. In sub-Saharan Africa, 84 percent of female non-agricultural workers are informally employed compared to 63 percent of men. In Latin America, 58 percent of women are informally employed compared to 48 percent of men. Informal employment is characterized by lower wages and greater variability of earnings, less stability, absence of labor organization, and fewer social protections than formal employment.

(4) Changes in the economy of a poor country affect women and men differently; women are disproportionately affected by long-term recessions, crises, and economic restructuring and they often miss out on many of the benefits of growth.

(5) International trade can be an important tool of economic development and poverty reduction and its benefits should extend to all members of society, particularly the world's poor women.

(6) Promoting fair labor practices for women, and access to information, education, land, credit, physical capital, and social services is a means of boosting productivity and earnings for the economies of developing nations. For example, according to the World Bank, in sub-Saharan Africa, inequality between men and women in employment and education suppressed annual per capita growth during the period 1960–1992 by .8 percentage points per year.

(7) Expanding economic opportunity for women in developing countries can have a positive effect on child nutrition, health, and education, as women often invest their income in their families. Increasing women's income can also decrease women's vulnerability to HIV/AIDS, gender-based violence, and trafficking, and make them more resistant to the impact of natural disasters.

(8) Economic opportunities for women, including microfinance and microenterprise development and the promotion of women's small- and medium-sized businesses, are a means of generating gainful, safe, and dignified employment for the poor.

(9) Women play a vital, but often unrecognized, role in averting violence, resolving conflict, and rebuilding economies in post-conflict societies. Women in conflict-affected areas face even greater challenges in accessing employment, training, property rights, credit, and financial and non-financial resources for business development. Ensuring economic opportunity for women in conflict-affected areas plays a significant role in economic rehabilitation and consolidation of peace.

(10) Given the important role of women in the economies of poor nations, poverty alleviation programs funded by the Government of the United States in poor countries should seek to enhance the level of economic opportunity available to women in those countries.

(b) STATEMENT OF POLICY.—It is, therefore, the policy of the United States to actively promote development and economic opportunities for women, including programs and policies to—

(1) promote women's ability to start micro, small, or medium-sized business enterprises, and enable women to grow such enterprises, particularly from micro to small enterprises and from small to medium-sized enterprises, or sustain current business capacity;

(2) promote the rights of women to own, manage, and inherit property, including land, encourage adoption of laws and policies that support the rights of women to enforce these claims in administrative and judicial tribunals, and address conflicts with customary laws and practices to increase the security of women's tenure;

(3) increase women's access to employment, enable women to access higher quality jobs with better remuneration and working conditions in both informal and formal employment, and improve the quality of jobs in sectors dominated by women by improving the remuneration and working conditions of those jobs; and

(4) bring the benefits of international trade policy to women in developing countries and continue to ensure that trade policies and agreements adequately reflect the respective needs of poor women and men.

SEC. 3. MICROENTERPRISE DEVELOPMENT ASSISTANCE FOR WOMEN IN DEVELOPING COUNTRIES.

(a) AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.—

(1) AUTHORIZATION.—Section 252(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(a)) is amended—

(A) in paragraph (1), by adding at the end before the semicolon the following: ", including specific activities to enhance the empowerment of women, such as leadership training, basic health and HIV/AIDS education, and literacy skills";

(B) in paragraph (3)—

(i) by adding at the end before the semicolon the following: ", including women"; and

(ii) by striking "and" at the end;

(C) in paragraph (4)—

(i) by adding at the end before the period the following: ", including initiatives to eliminate legal and institutional barriers to women's ownership of assets, access to credit, access to information and communication technologies, and engagement in business activities within or outside of the home"; and

(ii) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(5) microfinance and microenterprise development programs that—

"(A) specifically target women with respect to outreach and marketing; and

"(B) provide products specifically to address women's assets, needs, and the barriers women encounter with respect to participation in enterprise and financial services.".

(2) IMPLEMENTATION.—Section 252(b)(2)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(b)(2)(C)) is amended—

(A) in clause (ii)—

(i) by striking "microenterprise development field" and inserting "microfinance and microenterprise development field"; and

(ii) by striking "and" at the end;

(B) in clause (iii)—

(i) by inserting after "competitive" the following: ", take into consideration the anticipated impact of the proposals on the empowerment of women and men, respectively,"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) give preference to proposals from providers of assistance that demonstrate the greatest knowledge of clients' needs and capabilities, including proposals that ensure that women are involved in the design and implementation of services and programs.".

(3) TARGETED ASSISTANCE.—Section 252(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(c)) is amended—

(A) in the first sentence by adding at the end before the period the following: ", particularly women"; and

(B) in the second sentence, by striking "2006" and inserting "2008".

(b) MONITORING SYSTEM.—Section 253(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211b(b)) is amended in paragraph (1), by inserting after "performance goals for the assistance" the following: "on a sex-disaggregated basis".

(c) MICROENTERPRISE DEVELOPMENT CREDITS.—Section 256(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2212(b)(2)) is amended by adding at the end before the semicolon the following: ", with an emphasis on clients who are women".

(d) REPORT.—

(1) CONTENTS.—Section 258(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2214(b)) is amended by adding at the end the following new paragraph:

"(12) An estimate of the potential global demand for microfinance and microenterprise development for women, determined in collaboration with practitioners in a cost-effective manner, and a description of the Agency's plan to help meet such demand.".

(2) ADDITIONAL REQUIREMENT.—Section 258 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

"(c) ADDITIONAL REQUIREMENT.—All information in the report required by this section relating to beneficiaries of assistance authorized by this title shall be disaggregated by sex to the maximum extent practicable.".

SEC. 4. SUPPORT FOR WOMEN'S SMALL- AND MEDIUM-SIZED ENTERPRISES IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall—

(1) where appropriate, carry out programs, projects, and activities for enterprise development for women in developing countries that meet the requirements of subsection (b); and

(2) ensure that such programs, projects, and activities that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) meet the requirements of subsection (b).

(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

(1) In coordination with developing country governments and interested individuals and organizations, encourage or enhance laws, regulations, enforcement, and other practices that promote access to banking and financial services for women-owned small- and medium-sized enterprises, and eliminate or reduce regulatory barriers that may exist in this regard.

(2) Promote access to information and communication technologies (ICT) with training in ICT for women-owned small- and medium-sized enterprises.

(3) Provide training, through local associations of women-owned enterprises or nongovernmental organizations in record keeping, financial and personnel management, international trade, business planning, marketing, policy advocacy, leadership development, and other relevant areas.

(4) Provide resources to establish and enhance local, national, and international networks and associations of women-owned small- and medium-sized enterprises.

(5) Provide incentives for nongovernmental organizations and regulated financial intermediaries to develop products, services, and marketing and outreach strategies specifically designed to facilitate and promote women's participation in small and medium-sized business development programs by addressing women's assets, needs, and the barriers they face to participation in enterprise and financial services.

(6) Seek to award contracts to qualified indigenous women-owned small and medium-sized enterprises, including for post-conflict reconstruction and to facilitate employment of indigenous women, including during post-conflict reconstruction in jobs not traditionally undertaken by women.

SEC. 5. SUPPORT FOR PRIVATE PROPERTY RIGHTS AND LAND TENURE SECURITY FOR WOMEN IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall—

(1) where appropriate, carry out programs, projects, and activities for the promotion of private property rights and land tenure security for women in developing countries that—

(A) are implemented by local, indigenous nongovernmental and community-based organizations dedicated to addressing the needs of women, especially women's organizations; and

(B) otherwise meet the requirements of subsection (b); and

(2) ensure that such programs, projects, and activities that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) meet the requirements of subparagraphs (A) and (B) of paragraph (1).

(b) REQUIREMENTS.—The requirements referred to in subsection (a) are the following:

(1) Advocate to amend and harmonize statutory and customary law to give women equal rights to own, use, and inherit property.

(2) Promote legal literacy among women and men about property rights for women and how to exercise such rights.

(3) Assist women in making land claims and protecting women's existing claims.

(4) Advocate for equitable land titling and registration for women.

(c) AMENDMENT.—Section 103(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(b)(1)) is amended by inserting after "establishment of more equitable and more secure land tenure arrangements" the following: ", especially for women".

SEC. 6. SUPPORT FOR WOMEN'S ACCESS TO EMPLOYMENT IN DEVELOPING COUNTRIES.

The Secretary of State, acting through the Director of United States Foreign Assistance, shall, where appropriate, carry out the following:

(1) Support activities to increase women's access to employment and to higher quality employment with better remuneration and working conditions in developing countries, including access to insurance and other social safety nets, in informal and formal employment relative to core labor standards determined by the International Labor Organization. Such activities should include—

(A) public education efforts to inform poor women and men of their legal rights related to employment;

(B) education and vocational training tailored to enable poor women to access opportunities in potential growth sectors in their local economies and in jobs within the formal and informal sectors where women are not traditionally highly represented;

(C) efforts to support self-employed poor women or wage workers to form or join independent unions or other labor associations to increase their income and improve their working conditions; and

(D) advocacy efforts to protect the rights of women in the workplace, including—

(i) developing programs with the participation of civil society to eliminate gender-based violence; and

(ii) providing capacity-building assistance to women's organizations to effectively research and monitor labor rights conditions.

(2) Provide assistance to governments and organizations in developing countries seeking to design and implement laws, regulations, and programs to improve working conditions for women and to facilitate their entry into and advancement in the workplace.

SEC. 7. TRADE BENEFITS FOR WOMEN IN DEVELOPING COUNTRIES.

In order to ensure that poor women in developing countries are able to benefit from international trade, the President, acting through the Secretary of State (acting through the Director of United States Foreign Assistance) and the heads of other appropriate departments and agencies of the Government of the United States, shall, where appropriate, carry out the following in developing countries:

(1) Provide training and education to women in civil society, including those organizations representing poor women, and to women-owned enterprises and associations of such enterprises, on how to respond to economic opportunities created by trade preference programs, trade agreements, or other policies creating market access, including training on United States market access requirements and procedures.

(2) Provide capacity building for women entrepreneurs, including microentrepreneurs, on production strategies, quality standards, formation of cooperatives, market research, and market development.

(3) Provide capacity building to women, including poor women, to promote diversification of products and value-added processing.

(4) Provide training to official government negotiators representing developing countries in order to enhance the ability of such negotiators to formulate trade policy and negotiate agreements that take into account the respective needs and priorities of a country's poor women and men.

(5) Provide training to local, indigenous women's groups in developing countries in order to enhance their ability to collect information and data, formulate proposals, and inform and impact official government negotiators representing their country in international trade negotiations of the respective needs and priorities of a country's poor women and men.

SEC. 8. EXCHANGES BETWEEN UNITED STATES ENTREPRENEURS AND WOMEN ENTREPRENEURS IN DEVELOPING COUNTRIES.

(a) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall, where appropriate, encourage United States business participants on trade missions to developing countries to—

(1) meet with representatives of women-owned small- and medium-sized enterprises in such countries; and

(2) promote internship opportunities for women owners of small- and medium-sized businesses in such countries with United States businesses.

(b) DEPARTMENT OF STATE.—The Secretary of State shall promote exchange programs that offer representatives of women-owned small- and medium-sized enterprises in developing countries an opportunity to learn skills appropriate to promoting entrepreneurship by working with business counterparts in the United States.

SEC. 9. ASSISTANCE UNDER THE MILLENNIUM CHALLENGE ACCOUNT.

The Chief Executive Officer of the Millennium Challenge Corporation (MCC) shall seek to ensure that contracts and employment opportunities resulting from assistance provided by the MCC to the governments of developing countries be fairly and equitably distributed to qualified women-owned small and medium-sized enterprises and other civil society organizations led by women, including nongovernmental and community-based organizations, including for infrastructure projects, and that such projects facilitate employment of women in jobs not traditionally undertaken by women.

SEC. 10. GROWTH FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall establish the Global Resources and Opportunities for Women to Thrive (GROWTH) Fund (hereinafter in this section referred to as the "Fund") for the purpose of enhancing economic opportunities for very poor, poor, and low-income women in developing countries with a focus on—

(A) increasing women-owned enterprise development;

(B) increasing property rights for women;

(C) increasing women's access to financial services;

(D) increasing women in leadership in implementing organizations, such as indigenous nongovernmental organizations, community-based organizations, and regulated financial intermediaries;

(E) improving women's employment benefits and conditions; and

(F) increasing women's ability to benefit from global trade.

(2) ROLE OF USAID MISSIONS.—The Fund shall be available to USAID missions to apply for additional funding to support specific additional activities that enhance women's economic opportunities or to integrate gender into existing economic opportunity programs.

(b) ACTIVITIES SUPPORTED.—The Fund shall be available to USAID missions to support—

(1) activities described in title VI of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.), as amended by section 3 of this Act;

(2) activities described in sections 4 through 7 of this Act; and

(3) technical assistance and capacity-building to local, indigenous civil society, particularly to carry out activities that are covered under paragraphs (1) and (2), for—

(A) local indigenous women's organizations to the maximum extent practicable; and

(B) nongovernmental organizations and regulated financial intermediaries that demonstrate a commitment to gender equity in their leadership either through current practice or through specific programs to increase the representation of women in their governance and management.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 and 2010.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1)—

(A) are authorized to remain available until expended; and

(B) are in addition to amounts otherwise available for such purposes.

SEC. 11. DATA COLLECTION.

(a) IN GENERAL.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall—

(1) provide support for tracking indicators on women's employment, property rights for women, women's access to financial services, and women's enterprise development, including microenterprises, in developing countries; and

(2) where practicable track all United States foreign assistance funds to local indigenous nongovernmental, community-based organizations, and regulated financial intermediaries in developing countries, including through subcontractors and grantees, disaggregated by the sex of the head of the organization, senior management, and composition of the boards of directors;

(3) encourage United States statistical agencies in their work with statistical agencies in other countries to provide support to collect data on the share of women in wage and self-employment by type of employment; and

(4) provide funding to the International Labor Organization (ILO) for technical assistance activities to developing countries and for the ILO to consolidate indicators into cross-country data sets.

(b) AUTHORIZATION OF APPROPRIATIONS.—Amounts made available to carry out section 10 of this Act are authorized to be made available to carry out this section.

SEC. 12. SUPPORT FOR LOCAL, INDIGENOUS WOMEN'S ORGANIZATIONS IN DEVELOPING COUNTRIES.

(a) AMENDMENTS.—Section 102 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1) is amended—

(1) in subsection (a) by inserting after the ninth sentence the following new sentences: "Because men and women generally occupy different economic niches in poor countries, activities must address those differences in ways that enable both women and men to contribute to and benefit from development. Throughout the world, indigenous, local, nongovernmental and community-based organizations and regulated financial intermediaries are essential to addressing many of the development challenges facing countries and to creating stable, functioning democracies. Investing in the capacity of such organizations and in their role in the development process, including that of women's organizations, shall be an important, cross-cutting objective of United States bilateral development assistance."; and

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following new sentence: "The principles described in this paragraph shall, among other strategies, be accomplished through partnerships with local, indigenous nongovernmental and community-based organizations and regulated financial intermediaries that represent the interests of poor women and poor men."; and

(B) in paragraph (6), by adding at the end the following new sentence: "Investing in the capacity and participation of local, indigenous nongovernmental and community-based organizations dedicated to addressing the needs of women, especially women's organizations, shall be an important strategy for achieving the principle described in this paragraph.".

(b) ASSISTANCE.—The Secretary of State, acting through the Director of United States Foreign Assistance, shall, where appropriate—

(1) improve the integration of capacity building and technical assistance activities for local, indigenous nongovernmental organizations and community-based organizations in developing countries within project proposals that will include the participation of locally based partners, especially women's organizations and other organizations leading women's empowerment initiatives, to promote the long-term sustainability of projects;

(2) provide information and training to local indigenous organizations focused on women's empowerment, especially women's organizations, in countries in which USAID missions are located in order to—

(A) provide technical assistance regarding availability of United States international assistance procurement procedures; and

(B) undertake culturally-appropriate outreach measures to contact such organizations;

(3) encourage cooperating agencies, implementing partners, and subcontractors, to the maximum extent practicable, to provide subgrants to local indigenous organizations that focus on women's empowerment, including women's organizations and other organizations that may not have previously worked with the Government of the United States or one of its partners, in fulfilling project objectives;

(4) work with local governments where appropriate to conduct outreach campaigns to formally register unofficial local nongovernmental and community-based organizations, especially women's organizations; and

(5) support efforts of indigenous organizations focused on women's empowerment, especially women's organizations, to network with other indigenous women's groups to collectively access funding opportunities to implement United States international assistance programs.

SEC. 13. REPORT.

(a) REPORT REQUIRED.—Not later than June 30, 2009, the Secretary of State, acting through the Director of United States Foreign Assistance, shall submit to Congress a report on the implementation of this Act and the amendments made by this Act.

(b) UPDATE.—Not later than June 30, 2010, the Secretary of State, acting through the Director of United States Foreign Assistance, shall submit to Congress an update of the report required by subsection (a).

(c) AVAILABILITY TO PUBLIC.—The report required by subsection (a) and the update required by subsection (b) shall be made available to the public on the Internet websites of the Department of State and the United States Agency for International Development.

By Mrs. FEINSTEIN (for herself, Mr. BAUCUS, Mrs. BOXER, Mr. OBAMA, Mrs. CLINTON, and Mr. NELSON of Nebraska):

S. 2071. A bill to enhance the ability to combat methamphetamine; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce, along with Senators BAUCUS, BOXER, OBAMA, CLINTON, and BEN NELSON, the Combat Methamphetamine Enhancement Act.

This act is designed to address problems that the Drug Enforcement Administration, DEA, has identified in the implementation of the Combat Methamphetamine Epidemic Act of 2005. I was pleased to join former Senator Talent in drafting, introducing and securing the passage of the original bill. I am pleased to introduce this legislation today to ensure that it operates as Congress intended.

The bill that I introduce today would: clarify that all retailers, including mail order retailers, who sell products that contain chemicals often used to make methamphetamine—like ephedrine, pseudoepedrine and phenylpropanolamine—must self-certify that they have trained their personnel and will comply with the Combat Meth Act's requirements; require distributors to sell these products only to retailers who have certified that they will comply with the law; require the DEA to publish the list of all retailers who have filed self-certifications, on the DEA's website; and clarify that any retailer who negligently fails to file self-certification as required, may be subject to civil fines and penalties.

The Combat Methamphetamine Epidemic Act that we passed last year has been a resounding success. The number of methamphetamine labs in the United States has declined dramatically now that the ingredients used to make methamphetamine are harder to get.

The Combat Meth Act that became effective in September 2006 included important new provisions for retailer self-certification, employee training, requiring products to be placed behind counters, packaging requirements, required sales logbooks, and limits on the amounts that a person can purchase in a given day and over a 30-day period.

Now, because of that law's implementation, the number of methamphetamine labs decreased from about 12,000 labs to about 7,300 labs—a 41 percent decrease in just one year. Once the bill was enacted into law, the number of meth "super labs" in my home State of California declined from 30 in 2005 to only 17 in 2006.

Fewer meth labs means more than just less illegal drug production. As the Fresno Bee reported today, the DEA has noted that in 2003, 3663 children were reported exposed to toxic meth labs nationwide—but so far this year, the number of exposed children is only 319.

So things are moving in the right direction, and that is good news. But with more than 7,000 methamphetamine labs in the U.S., and children still being exposed to their toxins, it is also clear that there is still work to be done.

After the Combat Meth Act became law, DEA examined how the retailer self-certification process was working. On May 16, 2007, DEA sent letters to the 1600 distributors who they believed were selling products that contained ephedrine or pseudoephedrine, asking them to turn over lists of the retail stores that they sell to, so that DEA could check to see how many of those retailers had self-certified as that law requires.

Rather than actively assisting the DEA in its efforts, about ¾ of the distributors failed or declined to provide any information about the retail stores.

The distributors who did cooperate provided DEA with the names of 12,375 retail customers. When DEA checked those out, it found that about 8,300 of those retail stores had never self-certified as the law requires.

Based on these findings, the DEA estimates that nationwide, as many as 30,000 additional retail sellers of products are not complying with the law.

In short, retailers' noncompliance with the self-certification requirement appears to be widespread, and undercuts the effectiveness of the Combat Meth Act.

Unfortunately, there is no effective way for law enforcement to determine the universe of who is, and who is not, obeying the law. Currently, there is no requirement that retailers notify the DEA before they start selling products with these listed chemicals.

Retailers can likely avoid negative consequences if they are ever confronted with their failure to self-certify. Currently, the law imposes sanctions only for willful and reckless refusals to self-certify. There is no punishment available if a retailer negligently fails to self-certify as required. Not even civil sanctions are available.

In short, without distributors restricting the supply of these products to retailers who have self-certified, retailers may simply take their chances, rather than self-certifying as the law intended, figuring that they will never get caught, or if they do get caught, that they will never be punished.

It is unacceptable that, a year after the Combat Meth Act imposed this requirement and became fully effective, tens of thousands of retailers still are not following the law. It is unacceptable that distributors of these products can continue to profit off of their sales to retailers who are not complying, or are even refusing to comply with the law.

So this bill is designed to make the Combat Meth Act more effective, by putting in place a process that will ensure that every retailer who orders these products that can be used to make methamphetamine must comply with the law before they can get and resell the products.

First, it will require that all retail sellers of products with these listed chemicals must file self-certifications, closing a loophole that now exists for mail-order retailers.

Second, the DEA will be required to post all self-certified retailers on its website, so that advocacy groups and others who are concerned about methamphetamine in their communities can identify retailers who are selling these products without complying with the law, and can notify the authorities.

Third, distributors of these products will only be allowed to sell to retailers who have self-certified which they will be able to verify by checking the DEA's public website. Once recalcitrant retailers are faced with the real and immediate economic consequence of a possible cut-off of their desire to purchase these products, I am confident that most will file self-certifications as the law requires.

Finally, the bill clarifies that even a negligent failure to self-certify, if proven, can give rise to civil sanctions.

This is a common-sense bill, designed to strengthen the implementation of the Combat Methamphetamine Epidemic Act. This bill would create incentives to ensure that the self-certification process of the law is made both effective and enforceable.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows.

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat Methamphetamine Enhancement Act of 2007".

SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL REGULATED PERSONS SELLING SCHEDULED LISTED CHEMICALS.

The first sentence of section 310(e)(1)(B)(i) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)(i)) is amended by striking "A regulated seller" and inserting "A regulated seller or regulated person referred to in subsection (b)(3)(B)".

SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS LISTS.

Section 310(e)(1)(B) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at the end the following:

"(v) PUBLICATION OF LIST OF SELF-CERTIFIED PERSONS.—The Attorney General shall publish a list of all persons who are currently self-certified in accordance with this section. This list shall be made available on the website of the Drug Enforcement Administration.".

SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (13), by striking "and" after the semicolon;

(2) in paragraph (14), by striking the period and inserting "; and"; and

(3) by inserting at the end the following:

"(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B) (21 U.S.C. 830(b)(3)(B)), unless such regulated seller or regulated person is, at the time of such distribution, on the list of persons referred to under section 310(e)(1)(B)(v) (21 U.S.C. 830(e)(1)(B)(v)).".

SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS REQUIRED.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)(10)) is amended by inserting before the semicolon the following: "or negligently to fail to self-certify as required under section 310 (21 U.S.C. 830)".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 60 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 321—EXPRESSING THE SENSE OF THE SENATE REGARDING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mrs. FEINSTEIN (for herself, Mr. LUGAR, Mr. DODD, Mr. HAGEL, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BROWN, Mr. BYRD, Mr. BURR, Ms. CANTWELL, Mr. CASEY, Mr. CRAIG, Mr. DURBIN, Mr. FEINGOLD, Mr. HARKIN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LOTT, Mr. NELSON of Florida, Mr. REED, Ms. SNOWE, Mr. SUNUNU, Mr. VOINOVICH, Mr. WEBB, Mr. WHITEHOUSE, Mr. WYDEN, Mr. SMITH, Mr. SPECTER, Mrs. MURRAY, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 321

Whereas ending the violence and terror that have devastated the State of Israel, the West Bank, and Gaza since September 2000 is in the vital interests of the United States, Israel, and the Palestinian people;

Whereas the ongoing Israeli-Palestinian conflict strengthens extremists and opponents of peace throughout the region;

Whereas more than 7 years of violence, terror, and military engagement have demonstrated that armed force alone will not solve the Israeli-Palestinian dispute;

Whereas the vast majority of Israelis and Palestinians want to put an end to decades of confrontation and conflict and live in peaceful coexistence, mutual dignity, and security, based on a just, lasting, and comprehensive peace;

Whereas on May 24, 2006, addressing a Joint Session of the United States Congress, Prime Minister of Israel Ehud Olmert reiterated the Government of Israel's position that "In a few years, [the Palestinians] could be living in a Palestinian state, side by side in peace and security with Israel, a Palestinian state which Israel and the international community would help thrive";

Whereas, in his speech before the Palestinian Legislative Council on February 18, 2006, Palestinian Authority President Mahmoud Abbas said, "We are confident that there is no military solution to the conflict. Negotiations between us as equal partners should put a long-due end to the cycle of violence . . . Let us live in two neighboring states";

Whereas, in June 2002, the President of the United States presented his vision of "two states, living side by side in peace and security", and has since repeatedly reaffirmed this position;

Whereas events of the past 18 months, including the victory of Hamas in Palestinian legislative elections, the continued firing of rockets from Gaza into Israel, and the escalating intra-Palestinian violence and chaos, culminating in the June 2007 brutal takeover of Gaza by Hamas, make the achievement of President Bush's vision even more difficult;

Whereas, on June 27, 2007, the Quartet (the United States, Russia, the European Union, and the United Nations) appointed former British Prime Minister Tony Blair special envoy to the Middle East with a focus on mobilizing assistance to the Palestinians and promoting economic development and institutional governance;

Whereas a robust and high-level American diplomatic presence on the ground is critical to bringing Israelis and Palestinians together to make the tough decisions necessary to achieving a permanent resolution to the conflict;

Whereas June 2007 marked the 40th anniversary of the Six-Day War between Israel and a coalition of Arab states;

Whereas all parties should use the occasion of this anniversary to redouble their efforts to achieve peace; and

Whereas achieving Israeli-Palestinian peace could have significant positive impacts on security and stability in the region: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its commitment to a true and lasting solution to the Israeli-Palestinian conflict, based on the establishment of 2 states, the State of Israel and Palestine, living side by side in peace and security, and with recognized borders;

(2) denounces the use of violence and terror and reaffirms its unwavering commitment to Israel's security;

(3) calls on President Bush to pursue a robust diplomatic effort to engage the State of Israel and the Palestinian Authority, begin negotiations, and make a 2-state settlement a top priority;

(4) urges President Bush to consider appointing as Special Envoy for Middle East Peace an individual who has held cabinet rank or someone equally qualified, with an extensive knowledge of foreign affairs generally and the Middle East region in particular;

(5) calls on Hamas to recognize the State of Israel's right to exist, to renounce and end all terror and incitement, and to accept past agreements and obligations with the State of Israel;

(6) calls on moderate Arab states in the region to intensify their diplomatic efforts toward a 2-state solution and welcomes the Arab League Peace Initiative; and

(7) calls on Israeli and Palestinian leaders to embrace efforts to achieve peace and refrain from taking any actions that would prejudice the outcome of final status negotiations.

SENATE RESOLUTION 322—HONORING THE LIFETIME ACHIEVEMENTS OF GENERAL GEORGE SEARS GREENE ON THE OCCASION OF THE 100TH ANNIVERSARY REDEDICATION OF THE MONUMENT IN HIS HONOR

Mr. REED (for himself, Mr. WHITEHOUSE, Mrs. CLINTON, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 322

Whereas George Sears Greene was one of 9 children born to Caleb and Sarah Robinson Wicks Greene in Apponaug, Rhode Island, attended grammar school in Warwick, Rhode Island, and moved to New York as a teenager;

Whereas Greene attended the United States Military Academy at West Point, where he graduated 2nd in his class in 1823;

Whereas Greene entered the Army as a 2nd lieutenant in the 3rd United States Artillery regiment, and, due to his superb scholarship, was appointed to teach mathematics at the Military Academy following his graduation;

Whereas, after resigning his commission in the Army in 1836, Greene worked as a civil engineer, became a founder of the American Society of Civil Engineers and Architects, and constructed railroads and canals in several states and designed aqueducts and municipal sewage and water systems for New York, Providence, and several other cities;

Whereas, at the outset of the Civil War, Greene returned to the defense of the Nation and, at the age of 60, was appointed colonel of the 60th New York Infantry regiment;

Whereas, on April 28, 1862, Greene was promoted to Brigadier General, United States Volunteers;

Whereas, on July 2, 1863, on the 2nd day of the Battle of Gettysburg, Greene led the 3rd Brigade of New Yorkers on Culp's Hill, and his regiment's defense of the Union right flank at Culp's during the battle was a contributing factor in the Union's victory;

Whereas Greene passed away at the age of 97 in 1899 and, in 1907, a monument on Culp's Hill was erected in Greene's honor; and

Whereas the General George Sears Greene monument will be rededicated on September 22, 2007: Now, therefore, be it

Resolved, That the Senate, in honor of the 100th anniversary rededication of the General George Sears Greene monument at Gettysburg, Pennsylvania, commends the lifetime achievements of General Greene, his commitment to public service, and his decisive and heroic defense of Culp's Hill in the crucial Battle of Gettysburg.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2909. Mr. WEBB (for himself, Mr. REID, Mr. HAGEL, Mr. LEVIN, Ms. SNOWE, Mr. SMITH, Mr. OBAMA, Mrs. CLINTON, Mr. BYRD, Mr. KENNEDY, Mr. SALAZAR, Mr. HARKIN, Mr. BROWN, Mrs. LINCOLN, Ms. KLOBUCHAR, Mr. DODD, Mr. BIDEN, Mr. LAUTENBERG, Mr. KERRY, Mr. DURBIN, Mr. TESTER, Mrs. MCCASKILL, Mr. SCHUMER, Mr. PRYOR, Mr. SANDERS, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, Ms. LANDRIEU, Mr. JOHNSON, Mr. CARPER, Mr. ROCKEFELLER, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. MENENDEZ, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 2910. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2067 submitted by Mr. KENNEDY (for himself and Mr. SMITH) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2911. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2912. Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2913. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2914. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2915. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2916. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2917. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2918. Mr. MCCAIN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2919. Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2920. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2921. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2922. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2923. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2924. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SANDERS, Mr. SCHUMER, Mr. DURBIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2925. Mr. REID submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2926. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2927. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2928. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2929. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2930. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2931. Mr. CASEY (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2932. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2933. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2934. Mr. CORNYN proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2935. Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2936. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2937. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2938. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2939. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2940. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2941. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2942. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2943. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2944. Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, Mr. BROWN, and Mr. BYRD) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2909. Mr. WEBB (for himself, Mr. REID, Mr. HAGEL, Mr. LEVIN, Ms. SNOWE, Mr. SMITH, Mr. OBAMA, Mrs. CLINTON, Mr. BYRD, Mr. KENNEDY, Mr. SALAZAR, Mr. HARKIN, Mr. BROWN, Mrs. LINCOLN, Ms. KLOBUCHAR, Mr. DODD, Mr. BIDEN, Mr. LAUTENBERG, Mr. KERRY, Mr. DURBIN, Mr. TESTER, Mrs. MCCASKILL, Mr. SCHUMER, Mr. PRYOR, Mr. SANDERS, Ms. MIKULSKI, Ms. CANTWELL, Ms. STABENOW, Ms. LANDRIEU, Mr. JOHNSON, Mr. CARPER, Mr. ROCKEFELLER, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. AKAKA, Mr. MENENDEZ, Mrs. BOXER, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES DEPLOYED FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress expresses its grateful thanks to the men and women of the Armed Forces of the United States for having served their country with great distinction under enormously difficult circumstances since September 11, 2001.

(2) The all-volunteer force of the Armed Forces of the United States is bearing a disproportionate share of national wartime sacrifice, and, as stewards of this national treasure, Congress must not place that force at unacceptable risk.

(3) The men and women members of the Armed Forces of the United States and their families are under enormous strain from multiple, extended combat deployments to Iraq and Afghanistan.

(4) Extended, high-tempo deployments to Iraq and Afghanistan have adversely affected the readiness of non-deployed Army and Marine Corps units, thereby jeopardizing their capability to respond quickly and effectively to other crises or contingencies in the world, and complicating the all-volunteer policy of recruitment, as well as the retention, of career military personnel.

(5) Optimal time between operational deployments, commonly described as "dwell time", is critically important to allow members of the Armed Forces to readjust from combat operations, bond with families and friends, generate more predictable operational tempos, and provide sufficient time for units to retrain, reconstitute, and assimilate new members.

(6) It is the goal of the Armed Forces of the United States to achieve an optimal minimum period between the previous deployment of a unit or member of a regular component of the Armed Forces and a subsequent deployment of such a unit or member that is equal to or longer than twice the period of such previous deployment, commonly described as a 1:2 deployment-to-dwell ratio.

(7) It is the goal of the Department of Defense that units and members of the reserve components of the Armed Forces of the United States should not be mobilized continuously for more than one year, and that a period of five years should elapse between the previous deployment of such a unit or member and a subsequent deployment of such unit or member.

(8) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Army has been required to deploy units and members to Iraq for 15 months with a 12-month dwell-time period between deployments, resulting in a less than 1:1 deployment-to-dwell ratio.

(9) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Marine Corps currently is deploying units and members to Iraq for approximately seven months, with a seven-month dwell-time period between deployments, but it is not unusual for selected units and members of the Marine Corps to be deployed with less than a 1:1 deployment-to-dwell ratio.

(10) In support of continuous operations in Iraq, Afghanistan, and other contested areas, the Department of Defense has relied upon the reserve components of the Armed Forces of the United States to a degree that is unprecedented in the history of the all-volunteer force. Units and members of the reserve components are frequently mobilized and deployed for periods beyond the stated goals of the Department.

(11) The Commander of the Multi-National Force-Iraq recently testified to Congress that he would like Soldiers, Marines, and other forces have more time with their families between deployments, a reflection of his awareness of the stress and strain placed on United States ground forces, in particular, and on other high-demand, low-density assets, by operations in Iraq and Afghanistan.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(c) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that—

(A) the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and

(B) the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(d) INAPPLICABILITY TO SPECIAL OPERATIONS FORCES.—The limitations in subsections (b) and (c) shall not apply with respect to forces that are considered special operations forces for purposes of section 167(i) of title 10, United States Code.

(e) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (b) or (c) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(f) WAIVER BY MILIARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Staff of the Army (or the designee of the Chief of Staff of the Army).

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Naval Operations (or the designee of the Chief of Naval Operations).

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Commandant of the Marine Corps (or the designee of the Commandant of the Marine Corps).

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Chief of Staff of the Air Force (or the designee of the Chief of Staff of the Air Force).

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (b) or (c) may be waived by the Commandant of the Coast Guard (or the designee of the Commandant of the Coast Guard).

(g) EFFECTIVE DATE.—In order to afford the Department of Defense sufficient time to plan and organize the implementation of the provisions of this section, the provisions of this section shall go into effect 120 days after the date of the enactment of this Act.

SA 2910. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2067 submitted by Mr. KENNEDY (for himself and Mr. SMITH) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

(j) CONSTRUCTION AND APPLICATION.—Nothing in this section or an amendment made by this section shall be construed or applied in a manner that substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

SA 2911. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON A MEMORIAL FOR MEMBERS OF THE ARMED FORCES WHO DIED IN AN AIR CRASH IN BAKERS CREEK, AUSTRALIA.

(a) FINDINGS.—Congress makes the following findings:

(1) During World War II, the United States Army Air Corps established rest and recreation facilities in Mackay, Queensland, Australia.

(2) From the end of January 1943 until early 1944, thousands of United States servicemen were ferried from jungle battlefields in New Guinea to Mackay.

(3) These servicemen traveled by air transport to spend an average of 10 days on a rest and relaxation furlough.

(4) They usually were carried by two B–17C Flying Fortresses converted for transport duty.

(5) On Monday, June 14, 1943, at about 6 a.m., a B–17C, Serial Number 40–2072, took off from Mackay Airport for Port Moresby, New Guinea.

(6) There were 6 crew members and 35 passengers aboard.

(7) The aircraft took off into fog and soon made two left turns at low altitude.

(8) A few minutes after takeoff, when it was five miles south of Mackay, the plane crashed at Bakers Creek, killing everyone on board except Corporal Foye Kenneth Roberts of Wichita Falls, Texas, the sole survivor of the accident.

(9) The cause of the crash remains a mystery, and the incident remains relatively unknown outside of Australia.

(10) United States officials, who were under orders not to reveal the presence of Allied troops in Australia, kept the crash a military secret during the war.

(11) Due to wartime censorship, the news media did not report the crash.

(12) Relatives of the victims received telegrams from the United States War Department stating little more than that the serviceman had been killed somewhere in the South West Pacific.

(13) The remains of the 40 crash victims were flown to Townsville, Queensland, where they were buried in the Belgian Gardens United States military cemetery on June 19, 1943.

(14) In early 1946, they were disinterred and shipped to Hawaii, where 13 were reburied in the National Memorial Cemetery of the Pacific, and the remainder were returned to the United States mainland for reburial.

(15) 15 years ago, Robert S. Cutler was reading his father's wartime journal and found a reference to the tragic B–17C airplane accident.

(16) This discovery inspired Mr. Cutler to embark upon a research project that would consume more than a decade and take him to Australia.

(17) Retired United States Air Force Chief Master Sergeant Teddy W. Hanks, of Wichita Falls, Texas, who lost 4 of his World War II buddies in the crash, compiled a list of the casualties from United States archives in 1993 and began searching for their families.

(18) The Bakers Creek Memorial Association, in conjunction with the Washington Post and retired United States Army genealogy experts Charles Gailey and Arvon Staats, located 23 additional families of victims of the accident during the past 2 years.

(19) The commander of the United States Fifth Air Force officially had notified the relatives of 36 of the 40 victims.

(b) SENSE OF CONGRESS.—It is the sense of Congress that an appropriate site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces of the United States who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943, provided that the Secretary of the Army has exclusive authority to approve the design and site for the memorial marker.

SA 2912. Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(c) PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(d) PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

SEC. 704. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 705. SENSE OF CONGRESS ON FEES AND ADJUSTMENTS UNDER THE TRICARE PROGRAM.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans;

(2) these demands and sacrifices are such that few Americans are willing to accept them for a multi-decade career;

(3) a primary benefit of enduring the extraordinary sacrifices inherent in a military career is a system of exceptional retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years;

(4) proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fail to recognize adequately that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice, in addition to cash fees, deductibles, and copayments;

(5) the Department of Defense and the Nation have a committed obligation to provide health care benefits to active duty, National Guard, Reserve and retired members of the uniformed services and their families and survivors that considerably exceeds the obligation of corporate employers to provide health care benefits to their employees; and

(6) the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services, and should pursue any and all such options as a first priority.

SA 2913. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At page 304, strike line 24 and all that follows through page 305, line 21.

SA 2914. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At page 304, strike lines 16 through 23.

SA 2915. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At page 302, strike line 18 and all that follows through page 303, line 14.

SA 2916. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At page 306, strike line 23 and all that follows through the remainder of the section and insert the following:

"(G) the detainee shall bear the burden of proof and production that evidence that the United States seeks to introduce against him is inadmissible pursuant to this paragraph.

"(5) SCHEDULING.—The Secretary shall ensure that a Tribunal is scheduled for a detainee described in paragraph (2) not later than 180 days after the date on which a Tribunal becomes required for such detainee under paragraph (1), except that—

"(A) the Secretary shall schedule a Tribunal for a detainee who is eligible for such a Tribunal on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 not later than one year after the date on which procedures are required to be prescribed by paragraph (4); and

"(B) the Secretary shall not be required to schedule a Tribunal for—

"(i) a detainee upon whom charges have been served in accordance with section 948s of title 10, United States Code, until after final judgment has been reached on such charges; or

"(ii) a detainee who has been convicted by a military commission under chapter 47 A of such title of an offense under subchapter VII of that chapter.".

(b) MODIFICATIONS OF MILITARY COMMISSION AUTHORITIES.—

(1) Congress finds that terrorists and other combatants serving in the forces of Al Qaeda, the Taliban, and associated forces are unlawful enemy combatants that they are subject to trial by military commission.

(2) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—Section 948r of title 10, United States Code, is amended—

(A) by striking subsections (c) and (d); and

(B) by adding after subsection (b) the following new subsection (c):

"(c) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—A statement in which the degree of coercion is disputed may be admitted if the military judge finds that—

"(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

"(2) the interests of justice would best be served by admission of the statement into evidence; and

"(3) one of the following circumstances is met:

"(A) The alleged coercion was incident to the lawful conduct of military operations at the point of apprehension.

"(B) The statement was voluntary.

"(C) The interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading. treatment prohibited by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd).

"(4) the detainee shall bear the burden of proof and production that evidence that the United States seeks to introduce against him is inadmissible pursuant to this subsection.".

(4) ADMITTANCE OF HEARSAY EVIDENCE.—Subparagraph (E) of section 949a(b)(2) of such title is amended to read as follows:

"(E) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if—

"(i) the proponent of the evidence makes known to the adverse party, sufficiently in advance of trial or hearing to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

"(ii) the military judge finds that the totality of the circumstances render the evidence more probative on the point for which it is offered than other evidence which the proponent can procure through reasonable efforts, taking into consideration the unique circumstances of the conduct of military and intelligence operations during hostilities; or

"(iii) the evidence is admissible pursuant to the standards and procedures employed by recent United Nations war crimes tribunals or by the Nuremberg War Crimes Tribunal.".

(5) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TECHNICAL AMENDMENT.—The heading of section 950j of such title is amended by striking "Finality or" and inserting "Finality of".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title is amended to read as follows:

"950j. Finality of proceedings, findings, and sentences.".

SA 2917. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 604. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR TEMPORARY LODGING EXPENSES FOR MEMBERS OF THE ARMED FORCES IN AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—Section 404a(c)(3) of title 37, United States Code, is amended by striking "20 days" and inserting "60 days".

(b) EXTENSION OF AUTHORITY FOR INCREASE IN CERTAIN BAH.—Section 403(b)(7)(E) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SA 2918. Mr. McCAIN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE POLICY REGARDING DWELL TIME RATIO GOALS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the wartime demands in support of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) placed on the men and women of the Armed Forces, both in the regular and reserve components, and on their families and loved ones, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments in Iraq and Afghanistan should be afforded as much "dwell time" as possible at their home stations prior to re-deployment; and

(3) consistent with wartime requirements, the Department of Defense should establish a force management policy for deployments of units and members of the Armed Forces in support of Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) as soon as practicable that achieves the goal of—

(A) for units and members of the regular components of the Armed Forces, providing for a period between the deployment of the unit or member that is equal to or longer than the period of the previous deployment of the unit or member;

(B) for units and members of the reserve components of the Armed Forces, and particularly for units and members in the ground forces, limiting deployment if the unit or member has been deployed at any time within the three years preceding the date of the deployment; and

(C) ensuring the capability of the Armed Forces to respond to national security needs.

(b) CERTIFICATIONS REQUIRED.—The Secretary of Defense may not implement any force management policy regarding mandatory ratios of deployed days and days at home station for members of the Armed Forces deployed in support of Operation Iraqi Freedom or Operation Enduring Freedom until the Secretary submits to Congress certifications as follows:

(1) That the policy would not result in extension of deployment of units and members of the Armed Forces already deployed in Iraq or Afghanistan beyond their current scheduled rotations.

(2) That the policy would not cause broader and more frequent mobilization of National Guard and Reserve units and members in order to accomplish operational missions.

(c) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the provisions of any force management policy and any attendant certification requirement under subsection (a) or (b), and the applicability of such a policy to a member of the Armed Forces or any group of members, if the Secretary determines that the waiver is necessary in the national security interests of the United States.

SA 2919. Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. HATCH) submitted an amendement intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XXXIII—DREAM ACT OF 2007

SEC. 3301. SHORT TITLE.

This title may be cited as the "Development, Relief, and Education for Alien Minors Act of 2007" or the "DREAM Act of 2007".

SEC. 3302. DEFINITIONS.

In this title:

(1) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) Uniformed services.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3303. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children.—

(1) In general.—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 3305, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this title, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien is under 30 years of age on the date of the enactment of this Act.

(2) Waiver.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) Procedures.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) Termination of Continuous Period.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) Treatment of Certain Breaks in Presence.—

(1) In general.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) Extensions for exceptional circumstances.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) Exemption From Numerical Limitations.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) Regulations.—

(1) Proposed regulations.—Not later than 180 days after the date of enactment of this title, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) Interim, final regulations.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) Removal of Alien.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this title.

SEC. 3304. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) In General.—

(1) Conditional basis for status.—Notwithstanding any other provision of law, and except as provided in section 3305, an alien whose status has been adjusted under section 3303 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) Notice of requirements.—

(A) At time of obtaining permanent residence.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) Effect of failure to provide notice.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this title with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) Termination of Status.—

(1) In general.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this title, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 3303(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) Return to previous immigration status.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this title.

(c) Requirements of Timely Petition for Removal of Condition.—

(1) In general.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) Adjudication of petition to remove condition.—

(A) In general.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) Removal of conditional basis if favorable determination.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) Termination if adverse determination.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) Time to file petition.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this title. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 3303(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 3305. RETROACTIVE BENEFITS.

If, on the date of enactment of this title, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 3303(a)(1) and section 3304(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 3303. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 3304(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 3304(d)(1) during the entire period of conditional residence.

SEC. 3306. EXCLUSIVE JURISDICTION.

The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this title, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this title, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this title.

SEC. 3307. STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.

(a) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 3303(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(b) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (a) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(c) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (a) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (a)(1).

SEC. 3308. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this title and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 3309. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this title to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this title can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this title with a designated entity, that designated entity, to examine applications filed under this title.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 3310. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this title shall provide that applications under this title will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 3311. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 3312. GAO REPORT.

Not later than seven years after the date of enactment of this title, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 3303(a);

(2) the number of aliens who applied for adjustment of status under section 3303(a);

(3) the number of aliens who were granted adjustment of status under section 3303(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 3304.

SA 2920. Mr. SALAZAR (for himself and Mr. ALLARD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON THE PINON CANYON MANEUVER SITE, COLORADO.

(a) REPORT ON THE PINON CANYON MANEUVER SITE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Pinon Canyon Maneuver Site (referred to in this section as "the Site").

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An analysis of whether existing training facilities at Fort Carson, Colorado, and the Site are sufficient to support the training needs of units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of any new training requirements or significant developments affecting training requirements for units stationed or planned to be stationed at Fort Carson since the 2005 Defense Base Closure and Realignment Commission found that the base has "sufficient capacity" to support four brigade combat teams and associated support units at Fort Carson.

(ii) A study of alternatives for enhancing training facilities at Fort Carson and the Site within their current geographic footprint, including whether these additional investments or measures could support additional training activities.

(iii) A description of the current training calendar and training load at the Site, including—

(I) the number of brigade-sized and battalion-sized military exercises held at the Site since its establishment;

(II) an analysis of the maximum annual training load at the Site, without expanding the Site; and

(III) an analysis of the training load and projected training calendar at the Site when all brigades stationed or planned to be stationed at Fort Carson are at home station.

(B) A report of need for any proposed addition of training land to support units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of additional training activities, and their benefits to operational readiness, which would be conducted by units stationed at Fort Carson if, through leases or acquisition from consenting landowners, the Site were expanded to include—

(I) the parcel of land identified as "Area A" in the Potential PCMS Land expansion map;

(II) the parcel of land identified as "Area B" in the Potential PCMS Land expansion map;

(III) the parcels of land identified as "Area A" and "Area B" in the Potential PCMS Land expansion map;

(IV) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a heavy infantry brigade at the Site;

(V) acreage sufficient to allow simultaneous exercises of two heavy infantry brigades at the Site;

(VI) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a battalion at the Site; and

(VII) acreage sufficient to allow simultaneous exercises of a heavy infantry brigade and a battalion at the Site.

(ii) An analysis of alternatives for acquiring or utilizing training land at other installations in the United States to support training activities of units stationed at Fort Carson.

(iii) An analysis of alternatives for utilizing other federally owned land to support training activities of units stationed at Fort Carson.

(C) An analysis of alternatives for enhancing economic development opportunities in southeastern Colorado at the current Site or through any proposed expansion, including the consideration of the following alternatives:

(i) The leasing of land on the Site or any expansion of the Site to ranchers for grazing.

(ii) The leasing of land from private landowners for training.

(iii) The procurement of additional services and goods, including biofuels and beef, from local businesses.

(iv) The creation of an economic development fund to benefit communities, local governments, and businesses in southeastern Colorado.

(v) The establishment of an outreach office to provide technical assistance to local businesses that wish to bid on Department of Defense contracts.

(vi) The establishment of partnerships with local governments and organizations to expand regional tourism through expanded access to sites of historic, cultural, and environmental interest on the Site.

(vii) An acquisition policy that allows willing sellers to minimize the tax impact of a sale.

(viii) Additional investments in Army missions and personnel, such as stationing an active duty unit at the Site, including—

(I) an analysis of anticipated operational benefits; and

(II) an analysis of economic impacts to surrounding communities.

(3) POTENTIAL PCMS LAND EXPANSION MAP DEFINED.—In this subsection, the term "Potential PCMS Land expansion map" means the June 2007 map entitled "Potential PCMS Land expansion".

(b) COMPTROLLER GENERAL REVIEW OF REPORT.—Not later than 180 days after the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a review of the report and of the justification of the Army for expansion at the Site.

(c) PUBLIC COMMENT.—After the report required under subsection (b) is submitted to Congress, the Army shall solicit public comment on the report for a period of not less than 90 days. Not later than 30 days after the public comment period has closed, the Secretary shall submit to Congress a written summary of comments received.

SA 2921. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 683. PLAN FOR PARTICIPATION OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES IN THE BENEFITS DELIVERY AT DISCHARGE PROGRAM.

(a) PLAN TO MAXIMIZE PARTICIPATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to the benefits delivery at discharge program for members of the reserve components of the Armed Forces who have been called or ordered to active duty at any time since September 11, 2001.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include a description of efforts to ensure that services under the benefits delivery at discharge program are provided, to the maximum extent practicable—

(1) at appropriate military installations;

(2) at appropriate armories and military family support centers of the National Guard;

(3) at appropriate military medical care facilities at which members of the Armed Forces are separated or discharged from the Armed Forces;

(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member; and

(5) that services described in the plan can be provided within resources available to the Secretary of Defense and the Secretary of Veterans Affairs in the appropriate fiscal year.

(c) BENEFITS DELIVERY AT DISCHARGE PROGRAM DEFINED.—In this section, the term "benefits delivery at discharge program" means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which such members may be eligible.

SA 2922. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) TERMINATION DATE.—Subsection (o)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended to read as follows:

"(1) The Office of the Inspector General shall terminate on December 31, 2009.".

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

"(p) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

(c) HIRING AUTHORITY.—Subsection (h)(1) of such section is amended by inserting after "pay rates" the following: ", and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)".

SA 2923. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 256. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the feasibility of developing a joint soldier tracking system for recovering service members.

(b) MATTERS COVERED.—The study under subsection (a) shall include the following:

(1) Review of the feasibility of allowing each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A determination of whether the tracking system can be designed to ensure that—

(A) the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member; and

(B) each recovering service member is able to know when his appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(3) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(4) Information that will allow the Secretaries of the military departments and the Assistant Secretary of Defense for Health Affairs to monitor trends and problems.

(5) Safeguards to ensure that patient privacy and confidentiality concerns are addressed.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SA 2924. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SANDERS, Mr. SCHUMER, Mr. DURBIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 2925. Mr. REID submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, insert the following:

SEC. 656. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by striking "except that" and all that follows and inserting "except that payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

"(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

"(B) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SA 2926. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle F—National Security With Justice

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the "National Security with Justice Act of 2007".

SEC. 1082. DEFINITIONS.

In this subtitle—

(1) the term "aggrieved person"—

(A) means any individual subject by an officer or agent of the United States either to extraterritorial detention or rendition, except as authorized in this subtitle; and

(B) does not include any individual who is an international terrorist;

(2) the term "element of the intelligence community" means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4));

(3) the term "extraterritorial detention" means detention of any individual by an officer or agent of the United States outside the territorial jurisdiction of the United States;

(4) the term "Foreign Intelligence Surveillance Court" means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(5) the term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516);

(6) the term "international terrorist" means—

(A) any person, other than a United States person, who engages in international terrorism or activities in preparation therefor; and

(B) any person who knowingly aids or abets any person in the conduct of activities described in subparagraph (A) or knowingly conspires with any person to engage in activities described in subparagraph (A);

(7) the terms "international terrorism" and "United States person" have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(8) the term "officer or agent of the United States" includes any officer, employee, agent, contractor, or subcontractor acting for or on behalf of the United States; and

(9) the terms "render" and "rendition", relating to an individual, mean that an officer or agent of the United States transfers that individual from the legal jurisdiction of the United States or a foreign country to a different legal jurisdiction (including the legal jurisdiction of the United States or a foreign country) without authorization by treaty or by the courts of either such jurisdiction, except under an order of rendition issued under section 1085C.

PART I—EXTRATERRITORIAL DETENTION AND RENDITION

SEC. 1085. PROHIBITION ON EXTRATERRITORIAL DETENTION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall engage in the extraterritorial detention of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual detained and timely transferred to a foreign legal jurisdiction or the legal jurisdiction of the United States under an order of rendition issued under section 1085C or an emergency authorization under section 1085D;

(2) an individual—

(A) detained by the Armed Forces of the United States in accordance with United States Army Regulation 190–8 (1997), or any successor regulation certified by the Secretary of Defense; and

(B) detained by the Armed Forces of the United States—

(i) under circumstances governed by, and in accordance with, the Geneva Conventions;

(ii) in accordance with United Nations Security Council Resolution 1546 (2004) and United Nations Security Council Resolution 1723 (2004);

(iii) at the Bagram, Afghanistan detention facility; or

(iv) at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act;

(3) an individual detained by the Armed Forces of the United States under circumstances governed by, and in accordance with chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(4) an individual detained by the Armed Forces of the United States subject to an agreement with a foreign government and in accordance with the relevant laws of that foreign country when the Armed Forces of the United States are providing assistance to that foreign government; or

(5) an individual detained pursuant to a peacekeeping operation authorized by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations.

SEC. 1085A. PROHIBITION ON RENDITION.

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall render or participate in the rendition of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual rendered under an order of rendition issued under section 1085C;

(2) an individual detained and transferred by the Armed Forces of the United States under circumstances governed by, and in accordance with, the Geneva Conventions;

(3) an individual—

(A) for whom an attorney for the United States or for any State has filed a criminal indictment, criminal information, or any similar criminal charging document in any district court of the United States or criminal court of any State; and

(B) who is timely transferred to the United States for trial;

(4) an individual—

(A) who was convicted of a crime in any State or Federal court;

(B) who—

(i) escaped from custody prior to the expiration of the sentence imposed; or

(ii) violated the terms of parole, probation, or supervised release; and

(C) who is promptly returned to the United States—

(i) to complete the term of imprisonment; or

(ii) for trial for escaping imprisonment or violating the terms of parole or supervised release; or

(5) an individual detained by the United States at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act who is transferred to a foreign legal jurisdiction.

SEC. 1085B. APPLICATION FOR AN ORDER OF RENDITION.

(a) IN GENERAL.—A Federal officer or agent may make an application for an order of rendition in writing, upon oath or affirmation, to a judge of the Foreign Intelligence Surveillance Court, if the Attorney General of the United States or the Deputy Attorney General of the United States determines that the requirements under this part for such an application have been satisfied.

(b) CONTENTS.—Each application under subsection (a) shall include—

(1) the identity of the Federal officer or agent making the application;

(2) a certification that the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application;

(3) the identity of the specific individual to be rendered;

(4) a statement of the facts and circumstances relied upon by the applicant to justify the good faith belief of the applicant that—

(A) the individual to be rendered is an international terrorist;

(B) the country to which the individual is to be rendered will not subject the individual to torture or cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(C) the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(D) rendition of that individual is important to the national security of the United States; and

(5) a full and complete statement regarding—

(A) whether ordinary legal procedures for the transfer of custody of the individual to be rendered have been tried and failed; or

(B) the facts and circumstances that justify the good faith belief of the applicant that ordinary legal procedures reasonably appear to be—

(i) unlikely to succeed if tried; or

(ii) unlikely to adequately protect intelligence sources or methods.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

"(g) The court established under subsection (a) may hear an application for and issue, and the court established under subsection (b) may review the issuing or denial of, an order of rendition under section 1085C of the National Security with Justice Act of 2007.".

SEC. 1085C. ISSUANCE OF AN ORDER OF RENDITION.

(a) IN GENERAL.—Upon filing of an application under section 1085B, a judge of the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the rendition, if the judge finds that—

(1) the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application for rendition;

(2) the application has been made by a Federal officer or agent;

(3) the application establishes probable cause to believe that the individual to be rendered is an international terrorist;

(4) ordinary legal procedures for transfer of custody of the individual have been tried and failed or reasonably appear to be unlikely to succeed for any of the reasons described in section 1085B(b)(5)(B);

(5) the application, and such other information as is available to the judge, including reports of the Department of State and the United Nations Committee Against Torture and information concerning the specific characteristics and circumstances of the individual, establish a substantial likelihood that the country to which the individual is to be rendered will not subject the individual to torture or to cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(6) the application, and such other information as is available to the judge, establish reason to believe that the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(7) the application establishes reason to believe that rendition of the individual to be rendered is important to the national security of the United States.

(b) APPEAL.—The Government may appeal the denial of an application for an order under subsection (a) to the court of review established under section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)), and further proceedings with respect to that application shall be conducted in a manner consistent with that section 103(b).

SEC. 1085D. AUTHORIZATIONS AND ORDERS FOR EMERGENCY DETENTION.

(a) In General.—Notwithstanding any other provision of this part, and subject to subsection (b), the President or the Director of National Intelligence may authorize the Armed Forces of the United States or an element of the intelligence community, acting within the scope of existing authority, to detain an international terrorist in a foreign jurisdiction if the President or the Director of National Intelligence reasonably determines that—

(1) failure to detain that individual will result in a risk of imminent death or imminent serious bodily injury to any individual or imminent damage to or destruction of any United States facility; and

(2) the factual basis for issuance of an order of rendition under paragraphs (3) and (7) of section 1085C(a) exists.

(b) Notice and Application.—The President or the Director of National Intelligence may authorize an individual be detained under subsection (a) if—

(1) the President or the Director of National Intelligence, or the designee of the President or the Director of National Intelligence, at the time of such authorization, immediately notifies the Foreign Intelligence Surveillance Court that the President or the Director of National Intelligence has determined to authorize that an individual be detained under subsection (a); and

(2) an application in accordance with this part is made to the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 72 hours after the President or the Director of National Intelligence authorizes that individual to be detained.

(c) Emergency Rendition Prohibited.—The President or the Director of National Intelligence may not authorize the rendition to a foreign jurisdiction of, and the Armed Forces of the United States or an element of the intelligence community may not render to a foreign jurisdiction, an individual detained under this section, unless an order under section 1085C authorizing the rendition of that individual has been obtained.

(d) Nondelegation.—Except as provided in this section, the authority and duties of the President or the Director of National Intelligence under this section may not be delegated.

SEC. 1085E. UNIFORM STANDARDS FOR THE INTERROGATION OF INDIVIDUALS DETAINED BY THE GOVERNMENT OF THE UNITED STATES.

(a) In General.—No individual in the custody or under the effective control of an officer or agent of the United States or detained in a facility operated by or on behalf of the Department of Defense, the Central Intelligence Agency, or any other agency of the Government of the United States shall be subject to any treatment or technique of interrogation not authorized by and listed in United States Army Field Manual 2–22.3, entitled "Human Intelligence Collector Operations".

(b) Applicability.—Subsection (a) shall not apply with respect to any individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) Construction.—Nothing in this section may be construed to diminish the rights under the Constitution of the United States of any individual in the custody or within the physical jurisdiction of the Government of the United States.

SEC. 1085F. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AN INTERROGATION.

(a) Protection of United States Government Personnel.—In a civil action or criminal prosecution against an officer or agent of the United States relating to an interrogation, it shall be a defense that such officer or agent of the United States complied with section 185E.

(b) Applicability.—Subsection (a) shall not apply with respect to any civil action or criminal prosecution relating to the interrogation of an individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) Provision of Counsel.—In any civil action or criminal prosecution arising from the alleged use of an authorized interrogation practice by an officer or agent of the United States, the Government of the United States may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to representation.

(d) Construction.—Nothing in this section may be construed—

(1) to limit or extinguish any defense or protection from suit, civil or criminal liability, or damages otherwise available to a person or entity; or

(2) to provide immunity from prosecution for any criminal offense by the proper authorities.

SEC. 1085G. MONITORING AND REPORTING REGARDING THE TREATMENT, CONDITIONS OF CONFINEMENT, AND STATUS OF LEGAL PROCEEDINGS OF INDIVIDUALS RENDERED TO FOREIGN GOVERNMENTS.

(a) In General.—The Secretary of State shall—

(1) regularly monitor the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 1085C; and

(2) not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report detailing the treatment of, the conditions of confinement of, and the progress of legal proceedings against any individual rendered to a foreign legal jurisdiction under section 1085C.

(b) Applicability.—The Secretary of State shall include in the reports required under subsection (a)(2) information relating to the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 1085C during the period beginning on the date that individual was rendered to a foreign legal jurisdiction under section 1085C and ending on the date that individual is released from custody by that foreign legal jurisdiction.

SEC. 1085H. REPORT TO CONGRESS.

The Attorney General shall—

(1) submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report that contains—

(A) the total number of applications made for an order of rendition under section 1085C;

(B) the total number of such orders granted, modified, or denied;

(C) the total number of emergency authorizations issued under section 1085D; and

(D) such other information as requested by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) make available to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a copy of each application made and order issued under this part.

SEC. 1085I. CIVIL LIABILITY.

(a) In General.—An aggrieved person shall have a cause of action against the head of the department or agency that subjected that aggrieved person to extraterritorial detention or a rendition in violation of this part and shall be entitled to recover—

(1) actual damages, but not less than liquidated damages of $1,000 for each day of the violation;

(2) punitive damages; and

(3) reasonable attorney's fees.

(b) Jurisdiction.—The United States District Court for the District of Columbia shall have original jurisdiction over any claim under this section.

SEC. 1085J. ADDITIONAL RESOURCES FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) Authority for Additional Judges.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by inserting "at least" before "seven of the United States judicial circuits";

(3) by striking "If any judge so designated" and inserting the following:

"(3) If any judge so designated"; and

(4) by inserting after paragraph (1), as so designated, the following:

"(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration of applications under sections 1085B of the National Security with Justice Act of 2007 for orders of rendition under section 1085C of that Act. Any judge designated under this paragraph shall be designated publicly.".

(b) Additional Legal and Other Personnel for Foreign Intelligence Surveillance Court.—There is authorized for the Foreign Intelligence Surveillance Court such additional staff personnel as may be necessary to facilitate the prompt processing and consideration by that Court of applications under section 1085B for orders of rendition under section 1085C approving rendition of an international terrorist. The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 1085K. RULE OF CONSTRUCTION.

Nothing in this part may be construed as altering or adding to existing authorities for the extraterritorial detention or rendition of any individual.

SEC. 1085L. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this part and the amendments made by this part.

PART II—ENEMY COMBATANTS

SEC. 1090. MODIFICATION OF DEFINITION OF "UNLAWFUL ENEMY COMBATANT" FOR PURPOSES OF MILITARY COMMISSIONS.

Section 948a(1)(A) of title 10, United States Code, is amended—

(1) in the matter preceding clause (i), by striking "means"; and

(2) by striking clauses (i) and (ii) and inserting the following:

"(i) means a person who is not a lawful enemy combatant and who—

"(I) has engaged in hostilities against the United States; or

"(II) has purposefully and materially supported hostilities against the United States (other than hostilities engaged in as a lawful enemy combatant); and

"(ii) does not include any person who is—

"(I) a citizen of the United States or legally admitted to the United States; and

"(II) taken into custody in the United States.".

PART III—HABEAS CORPUS

SEC. 1095. EXTENDING STATUTORY HABEAS CORPUS TO DETAINEES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

"(e)(1) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been—

"(A) determined by the United States to have been properly detained as an enemy combatant; or

"(B) detained by the United States for more than 90 days without such a determination.

"(2) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been tried by military commission established under chapter 47A of title 10, United States Code, and has exhausted the appellate procedure under subchapter VI of that chapter.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter VI of chapter 47A of title 10, United States Code, is amended—

(A) by striking section 950g;

(B) in section 950h—

(i) in subsection (a), by adding at the end the following: "Appointment of appellate counsel under this subsection shall be for purposes of this chapter only, and not for any proceedings relating to an application for a writ of habeas corpus relating to any matter tried by a military commission."; and

(ii) in subsection (c), by striking ", the United States Court of Appeals for the District of Columbia, and the Supreme Court,";

(C) in section 950j—

(i) by striking "(a) FINALITY.—"; and

(ii) by striking subsection (b); and

(D) in the table of sections at the beginning of that subchapter, by striking the item relating to section 950g.

(2) DETAINEE TREATMENT ACTS.—

(A) IN GENERAL.—Section 1005(e) of the Detainee Treatment Act of 2005 (Public Law 109-148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking "Paragraphs (2) and (3)" and inserting "Paragraph (2)"; and

(II) by striking "one of such paragraphs" and inserting "that paragraph".

(B) OTHER AMENDMENTS.—Section 1405 of the Detainee Treatment Act of 2005 (Public Law 109-163; 119 Stat. 3475; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking "Paragraphs (2) and (3)" and inserting "Paragraph (2)"; and

(II) by striking "one of such paragraphs" and inserting "that paragraph".

(c) RULE OF CONSTRUCTION.—Notwithstanding subsection (a), no court, justice, or judge shall have jurisdiction to consider an action described in subparagraph (a) brought by an alien who is in the custody of the United States, in a zone of active hostility involving the United States Armed Forces, and where the United States is implementing United States Army Reg 190–8 (1997) or any successor, as certified by the Secretary of Defense.

SA 2927. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SA 2928. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 354, after line 24, add the following:

SEC. 1070. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.

(a) SHORT TITLE.—This section may be cited as the "Stop Business with Terrorists Act of 2007".

(b) DEFINITIONS.—In this section:

(1) ENTITY.—The term "entity" means a partnership, association, trust, joint venture, corporation, or other organization.

(2) PARENT COMPANY.—The term "parent company" means an entity that is a United States person and—

(A) the entity owns, directly or indirectly, more than 50 percent of the equity interest by vote or value in another entity;

(B) board members or employees of the entity hold a majority of board seats of another entity; or

(C) the entity otherwise controls or is able to control the actions, policies, or personnel decisions of another entity.

(3) UNITED STATES PERSON.—The term "United States person" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such entity.

(c) LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.—

(1) IN GENERAL.—In any case in which an entity engages in an act outside the United States that, if committed in the United States or by a United States person, would violate the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the parent company of the entity shall be subject to the penalties for the act to the same extent as if the parent company had engaged in the act.

(2) APPLICABILITY.—Paragraph (1) shall not apply to a parent company of an entity on which the President imposed a penalty for a violation described in paragraph (1) that was in effect on the date of the enactment of this Act if the parent company divests or terminates its business with such entity not later than 90 days after such date of enactment.

SA 2929. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON FACILITIES AND OPERATIONS OF DARNALL ARMY MEDICAL CENTER, FORT HOOD MILITARY RESERVATION, TEXAS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A specific determination of whether the facilities currently housing Darnall Army Medical Center meet Department of Defense standards for Army medical centers.

(2) A specific determination of whether the existing facilities adequately support the operations of Darnall Army Medical Center, including the missions of medical treatment, medical hold, medical holdover, and Warriors in Transition.

(3) A specific determination of whether the existing facilities provide adequate physical space for the number of personnel that would be required for Darnall Army Medical Center to function as a full-sized Army medical center.

(4) A specific determination of whether the current levels of medical and medical-related personnel at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(5) A specific determination of whether the current levels of graduate medical education and medical residency programs currently in place at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(6) A description of any and all deficiencies identified by the Secretary.

(7) A proposed investment plan and timeline to correct such deficiencies.

SA 2930. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 354, after line 24, add the following:

SEC. 1070. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT OF THE DEPARTMENT OF VETERANS AFFAIRS, ATLANTA, GEORGIA.

The Secretary of Veterans Affairs may carry out a major medical facility project for modernization of inpatient wards at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $20,534,000.

SA 2931. Mr. CASEY (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. SENSE OF THE SENATE ON NEED FOR COMPREHENSIVE DIPLOMATIC OFFENSIVE TO HELP BROKER NATIONAL RECONCILIATION EFFORTS IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) The men and women of the United States Armed Forces have performed with honor and distinction in executing Operation Iraqi Freedom and deserve the gratitude of the American people.

(2) General David H. Petraeus, Commander of the Multinational Force-Iraq, stated on March 8, 2007, "There is no military solution to a problem like that in Iraq."

(3) President George W. Bush reiterated on July 12, 2007, that the United States troop surge implemented in 2007 "seeks to open space for Iraq's political leaders to advance the difficult process of national reconciliation, which is essential to lasting security and stability".

(4) Greater involvement and diplomatic engagement by Iraq's neighbors and key international actors can help facilitate the national political reconciliation so essential to sustainable success in Iraq.

(5) The United States troop surge carried out in 2007 has not, as of yet, been matched by a comparable diplomatic surge designed to ensure that Iraqi national leaders carry through on the process of national reconciliation.

(6) The final report of the Iraq Study Group, released in December 2006, declared, "The United States must build a new international consensus for stability in Iraq and the region. In order to foster such consensus, the United States should embark on a robust diplomatic effort to establish an international support structure intended to stabilize Iraq and ease tensions in other countries in the region. This support structure should include every country that has an interest in averting a chaotic Iraq, including all of Iraq's neighbors."

(7) On August 10, 2007, the United Nations Security Council voted unanimously to expand the mandate of its mission in Iraq to assist the national government with political reconciliation, bring together Iraq's neighbors to discuss border security and energy access, and facilitate much needed humanitarian assistance.

(8) The United States Ambassador to Iraq, the Honorable Ryan C. Crocker, asserted on September 11, 2007, in testimony before the Committee on Foreign Relations of the Senate, "With respect, again, to [Iraq's] neighbors and others, that is exactly our intent to have a more intensive, positive, more regulated engagement between Iraq and its neighbors.... The United Nations is now positioned to play a more active and involved role."

(9) General Petraeus said on September 11, 2007, in response to a question on the need for greater civilian activity in Iraq, "I agree with the chairman of the Joint Chiefs of Staff who has said repeatedly that certain elements of our government are at war, DoD, State, AID, but not all of the others.... We can use help in those areas. Some of the areas are quite thin, agriculture, health, and some others."

(10) The United States troop surge carried out in 2007 has not, as of yet, been matched by a comparable civilian surge designed to help the Government of Iraq strengthen its capabilities in providing essential government services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government should take the lead in organizing a comprehensive diplomatic offensive, consisting of bilateral, regional, and international initiatives, to assist the Government of Iraq in achieving national reconciliation and successfully meeting key security, political, and economic benchmarks;

(2) it is in the interest of the United States and the people of Iraq that Iraq is not seen as a uniquely "American" problem, but rather as of enduring importance to the security and prosperity of its neighbors, the entire Middle East region, and the broader international community;

(3) the greater involvement in a constructive fashion of Iraq's neighbors, whether through a regional conference or another mechanism, can help stabilize Iraq and end the outside flows of weapons, explosive materials, foreign fighters, and funding that contribute to the current sectarian warfare in Iraq;

(4) the President and the Secretary of State should invest their personal time and energy in these diplomatic efforts to ensure that they receive the highest priority within the United States Government and are viewed as a serious effort in the region and elsewhere;

(5) the President, in order to demonstrate that a regional diplomacy strategy enjoys attention at the highest levels of the United States Government, should appoint a seasoned, high-level Presidential envoy to the Middle East region to supplement the efforts of Ambassador Crocker and focus on the establishment of a regional framework to help stabilize Iraq;

(6) the United States Government should build upon tentative progress achieved by the International Compact for Iraq and the Iraq Neighbors Conference to serve as the basis for a more intensive and sustained effort to construct an effective regional mechanism;

(7) the President should direct the United States Permanent Representative to the United Nations to use the voice and vote of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, to engage political, religious, ethnic, and tribal leaders in Iraq to foster national reconciliation efforts;

(8) the United States Government should begin planning for a wide-ranging dialogue on the mandate governing international support for Iraq when the current United Nations mandate authorizing the United States-led coalition expires at the end of 2007;

(9) the United States Government should more directly press Iraq's neighbors to open fully operating embassies in Baghdad and establish inclusive diplomatic relations with the Government of Iraq to help ensure the Government is viewed as legitimate throughout the region;

(10) the United States Government should strongly urge the governments of those countries that have previously pledged debt forgiveness and economic assistance to the Government of Iraq to fully carry through on their commitments on an expedited basis;

(11) a key objective of any diplomatic offensive should be to ameliorate the suffering and deprivation of Iraqi refugees, both those

displaced internally and those who have fled to neighboring countries, through coordinated humanitarian assistance and the development of a regional framework to establish long-term solutions to the future of displaced Iraqi citizens;

(12) the United States Government should reallocate diplomats and Department of State funds as required to ensure that any comprehensive diplomatic offensive to stabilize Iraq on an urgent basis has the needed resources to succeed; and

(13) the United States Government should reallocate civilian expertise to help governmental entities in Iraq strengthen their ability to provide essential government services to the people of Iraq.

SA 2932. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION ON SEPARATING MEMBERS OF THE ARMED FORCES TO STATE VETERANS AGENCIES.

For each member of the Armed Forces pending separation from the Armed Forces or who detaches from the member's regular unit while awaiting medical separation or retirement, not later than the date of such separation or detachment, as the case may be, the Secretary of Defense shall, upon the request of the member, provide the address and other appropriate contact information of the member to the State veterans agency in the State in which the member will first reside after separation or in the State in which the member resides while so awaiting medical separation or retirement, as the case may be.

SA 2933. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. NO ACCRUAL OF INTEREST ON FEDERAL DIRECT LOANS FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.

(a) SHORT TITLE.—This section may be cited as the "Interest Relief Act".

(b) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

"(m) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest on a loan made under this part shall not accrue for an eligible borrower.

"(2) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual—

"(A) who is—

"(i) serving on active duty during a war or other military operation or national emergency; or

"(ii) performing qualifying National Guard duty during a war or other military operation or national emergency; or

"(B) who is the spouse of an individual described in subparagraph (A).

"(3) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.".

(c) CONSOLIDATION LOANS.—Section 428C(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1078-3(b)(5)) is amended by inserting after the first sentence the following: "In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty service members and their spouses program offered under section 455(m), the Secretary shall offer any such borrower who applies for it, a Federal Direct Consolidation loan.".

SA 2934. Mr. CORNYN proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF SENATE ON GENERAL DAVID PETRAEUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81-0 on January 26, 2007.

(2) General Petraeus graduated first in his class at the United States Army Command and General Staff College.

(3) General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

(4) General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

(5) General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

(6) General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

(7) During his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

(8) A recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

SA 2935. Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization projects initiated by the Department of Defense that are behind schedule or have defaulted.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of current housing privatization projects initiated by the Department of Defense that are behind schedule or in default.

(2) In each case in which a project is behind schedule or in default, a description of —

(A) the reasons for schedule delays, cost overruns, or default;

(B) how bid solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, that are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the project to schedule or ensure completion of the housing units in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to effect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the project or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding—

(A) what actions the Federal Government can take, to include project termination and restart, to ensure the project is completed according to the original schedule and budget;

(B) the leverage the Federal Government has to improve the performance of various parties to the project or lease agreement; and

(C) how the Federal Government can interject competition into the project to stimulate improved performance.

SA 2936. Mr. CHAMBLISS (for himself, Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 354, after line 24, add the following:

SEC. 1070. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

(b) DESIGNATION.—

(1) IN GENERAL.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the "Charlie Norwood Department of Veterans Affairs Medical Center".

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in paragraph (1) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

SA 2937. Mr. DOMENICI (for himself, Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 256. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING REDUCTION FOR HIGH ENERGY LASER SYSTEMS TEST FACILITY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a cost-benefit analysis of the proposed reduction in Army research, development, test, and evaluation funding for the High Energy Laser Systems Test Facility.

(b) EVALUATION OF IMPACT ON OTHER MILITARY DEPARTMENTS.—The report required under subsection (a) shall include an evaluation of the impact of the proposed reduction in funding on each Department of Defense organization or activity that utilizes the High Energy Laser Systems Test Facility.

(c) ACTIONS TO SIGNIFICANTLY DIMINISH THE ABILITY OF FACILITY TO FUNCTION AS MAJOR RANGE AND TEST BASE FACILITY.—Prior to the delivery of the report required by subsection (a) to the congressional defense committees, the Secretary of the Army may not take any action that significantly diminishes the capabilities of the High Energy Laser Systems Test Facility until after a proposal detailing the action is reviewed by the Director of the Test Resource Management Center to determine risk and impact to the Department of Defense, alternatives considered, rationale, and implementation plans.

SA 2938. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. SENSE OF THE SENATE ON TOWBARLESS CAPTURE VEHICLES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Air Force is currently evaluating the use of towbarless aircraft ground support equipment, including revision of regulations to allow for the use of towbarless vehicles on jet and cargo aircraft.

(2) The use of aircraft ground support equipment has the potential to allow for safer and labor reducing towing of jet and cargo aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of the Air Force should modify regulations as appropriate to allow for the use of towbarless aircraft ground support equipment, which promotes safety and reduces labor.

SA 2939. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 847. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to provide for periodic independent management reviews of contracts for services. The independent management review procedures issued pursuant to this section shall be designed to evaluate, at a minimum—

(1) contract performance in terms of cost, schedule, and requirements;

(2) the use of contracting mechanisms, including the use of competition, the contract structure and type, the definition of contract

requirements, cost or pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

(3) the contractor's use, management, and oversight of subcontractors; and

(4) the staffing of contract management and oversight functions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the contracts subject to independent management reviews, including any applicable thresholds and exceptions;

(2) the frequency with which independent management reviews shall be conducted;

(3) the composition of teams designated to perform independent management reviews;

(4) any phase-in requirements needed to ensure that qualified staff are available to perform independent management reviews;

(5) procedures for tracking the implementation of recommendations made by independent management review teams; and

(6) procedures for developing and disseminating lessons learned from independent management reviews.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTION.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT ON IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the implementation of the guidance and instructions issued pursuant to subsection (a).

SA 2940. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 847. IMPLEMENTATION AND ENFORCEMENT OF REQUIREMENTS APPLICABLE TO UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to ensure the implementation and enforcement of requirements applicable to undefinitized contractual actions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate for Department of Defense officials to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that schedules for the definitization of undefinitized contractual actions are not exceeded;

(4) procedures for ensuring compliance with limitations on the obligation of funds pursuant to undefinitized contractual actions (including, where feasible, the obligation of less than the maximum allowed at time of award);

(5) procedures (including appropriate documentation requirements) for ensuring that reduced risk is taken into account in negotiating profit or fee with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required schedules or limitations on the obligation of funds.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTIONS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the guidance and instructions issued pursuant to subsection (a) have resulted in improvements to—

(A) the level of insight that senior Department of Defense officials have into the use of undefinitized contractual actions;

(B) the appropriate use of undefinitized contractual actions;

(C) the timely definitization of undefinitized contractual actions; and

(D) the negotiation of appropriate profits and fees for undefinitized contractual actions.

SA 2941. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XIV, add the following:

SEC. 1434. MODIFICATION OF TERMINATION OF ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AFTER COMPLETION OF THE DESTRUCTION OF THE UNITED STATES CHEMICAL WEAPONS STOCKPILE.

Subparagraph (B) of section 1412(c)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(5)) is amended to read as follows:

"(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

"(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

"(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.".

SA 2942. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT AND MASTER INFRASTRUCTURE RECAPITALIZATION PLAN REGARDING CHEYENNE MOUNTAIN AIR STATION, COLORADO.

(a) REPORT ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation;

(B) an analysis of what additional missions could be performed at the Cheyenne Mountain Air Station, including anticipated operational benefits or cost savings of moving additional functions to the Cheyenne Mountain Air Station; and

(C) a detailed explanation of those backup functions that will remain located at Cheyenne Mountain Air Station, and how those functions planned to be transferred out of Cheyenne Mountain Air Station, including the Space Operations Center, will maintain operational connectivity with their related commands and relevant communications centers.

(b) MASTER INFRASTRUCTURE RECAPITALIZATION PLAN.—

(1) IN GENERAL.—Not later than March 16, 2008, the Secretary of the Air Force shall submit to Congress a master infrastructure recapitalization plan for Cheyenne Mountain Air Station.

(2) CONTENT.—The plan required under paragraph (1) shall include—

(A) A description of the projects that are needed to improve the infrastructure required for supporting current and projected missions associated with Cheyenne Mountain Air Station; and

(B) a funding plan explaining the expected timetable for the Air Force to support such projects.

SA 2943. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SA 2944. Mrs. CLINTON (for herself, Mr. KERRY, Mr. LAUTENBERG, Mr. BROWN, and Mr. BYRD) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. REPORT ON CONTINGENCY PLANNING FOR THE REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Government should be well prepared for the eventual redeployment of United States forces from Iraq.

(2) The redeployment of United States forces from Iraq will take careful planning in order to ensure the safety and security of members of the Armed Forces.

(3) The United States Government should take into account various contingencies that might impact the redeployment of United States forces from Iraq.

(4) Congressional oversight plays a valuable role in ensuring the national security of the United States and the safety and security of the men and women of the Armed Forces.

(b) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and the Joint Chiefs of Staff, submit to Congress a report on contingency planning for the redeployment of United States forces from Iraq.

(c) ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (b) shall include the following:

(A) A detailed description of the process by which contingency planning by the United States Government for the redeployment of United States forces from Iraq is occurring.

(B) A detailed description and assessment of the various contingencies for the redeployment of United States forces from Iraq that are being considered for planning purposes.

(C) A detailed description and assessment of the possible impact of each contingency described in subparagraph (B) on United States forces in Iraq.

(D) A detailed description of the resources and capabilities required to redeploy United States forces from Iraq under each of the contingencies described in subparagraph (B).

(E) A detailed description of the diplomatic efforts that will be required in support of each contingency described in subparagraph (B).

(F) A detailed description of the information operations and public affairs efforts that will be required in support of each contingency described in subparagraph (B).

(G) A detailed description of the evolving mission profile of United States forces under each contingency described in subparagraph (B).

(H) A cost estimate for each contingency described in subparagraph (B), including a cost estimate for the replacement of United States military equipment left in Iraq after redeployment.

(I) A detailed description of the results of any modeling and simulation efforts by the departments and agencies of the United States Government on each contingency described in subparagraph (B).

(2) CERTAIN SCENARIOS.—The report shall include contingency planning for each of the scenarios as follows:

(A) The commencement of the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(B) The transition of the United States military mission in Iraq to—

(i) training Iraqi security forces;

(ii) conducting targeted counter-terrorism operations; and

(iii) protecting United States facilities and personnel.

(C) The completion of the transition of United States forces to a limited presence and missions in Iraq as described in subparagraph (B) not later than April 30, 2008.

(d) FORM.—The report required by subsection (b) shall be submitted in classified form, but shall include an unclassified summary.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 19, 2007, at 10 a.m., to mark up H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007; S. 1518, the Community Partnership to End Homelessness Act of 2007; and an original bill entitled the FHA Modernization Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, at 9:30 a.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, at 3 p.m., to hold a hearing on protecting natural treasures through international organizations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 19, 2007, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building to conduct a hearing on the process of Federal recognition of Indian tribes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. OBAMA. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, at 9:30 a.m., to conduct a hearing on S. 1905, the Regional Presidential Primary and Caucus Act of 2007, to provide for a rotating schedule for regional selection of delegates to a national nominating convention, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. OBAMA. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, in order to conduct an oversight hearing on information technology within the Department of Veterans Affairs. The Committee will meet in Dirksen 562, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. OBAMA. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, "Evolution of an Economic Crisis?: The Subprime Lending Disaster and the Threat to the Broader Economy", in Room 216 of the Hart Senate Office Building, on Wednesday, September 19, 2007, from 9:30 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. OBAMA. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on, Wednesday, September 19, 2007, from 10:30 a.m.-12:30 p.m., in room SD-106 of the Dirksen Senate Office

Building for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. OBAMA. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to conduct a hearing entitled "The 'Material Support' Bar: Denying Refuge to the Persecuted?" on Wednesday, September 19, 2007 at 2:30 p.m., in the Dirksen Senate Office Building room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. OBAMA. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality be authorized to meet during the session of the Senate on Wednesday, September 19, 2007, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Meeting America's Wastewater Infrastructure Needs in the 21st Century."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Madam President, I ask unanimous consent that Deron Waldron be permitted floor privileges for this debate.

The PRESIDING OFFICER. Without objection, it is so ordered

TO PROVIDE SEPARATION PAY FOR HOST COUNTRY RESIDENT PERSONAL SERVICES CONTRACTORS OF THE PEACE CORPS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3528, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 3528) to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3528) was ordered to be read a third time, was read the third time and passed.

HONORING GENERAL GEORGE SEARS GREENE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 322, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 322) honoring the lifetime achievements of General George Sears Greene on the occasion of the 100th anniversary of the rededication of the monument in his honor.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REED. Mr. President, I have submitted this resolution with my colleagues, Senator WHITEHOUSE and Senator CLINTON, to honor the life and accomplishments of George Sears Greene, the distinguished general from Rhode Island who helped lead the Union to victory at the Battle of Gettysburg.

General Greene was born and raised in Apponaug, RI before moving to pursue work in New York. At the age of 18, he was appointed to the United States Military Academy at West Point and excelled in his studies there, graduating second in his class.

After resigning his commission in the Army in 1836, Greene went on to become a founder of the American Society of Civil Engineers and Architects. As an engineer, Greene designed projects throughout the United States including a reservoir in Manhattan's Central Park and municipal water and sewage systems for several cities, including Providence.

But General Greene is perhaps best known for his heroism at Gettysburg. Greene returned voluntarily to the defense of the Nation at the age of 60, when the governor of New York appointed him colonel of the New York 60th Infantry regiment. At Gettysburg, General Greene led the 3rd Brigade of New York at Culp's Hill. His regiment's defense of the Union army's right flank helped secure victory for the Nation at that decisive battle.

General Greene's memory will be honored this Saturday at the 100th anniversary rededication ceremony of his monument on Culp's Hill. I ask that you join Senators WHITEHOUSE, CLINTON and me in recognizing his exemplary public service.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, en bloc, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 322) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 322

Whereas George Sears Greene was one of 9 children born to Caleb and Sarah Robinson Wicks Greene in Apponaug, Rhode Island, attended grammar school in Warwick, Rhode Island, and moved to New York as a teenager;

Whereas Greene attended the United States Military Academy at West Point, where he graduated 2nd in his class in 1823;

Whereas Greene entered the Army as a 2nd lieutenant in the 3rd United States Artillery regiment, and, due to his superb scholarship, was appointed to teach mathematics at the Military Academy following his graduation;

Whereas, after resigning his commission in the Army in 1836, Greene worked as a civil engineer, became a founder of the American Society of Civil Engineers and Architects, and constructed railroads and canals in several states and designed aqueducts and municipal sewage and water systems for New York, Providence, and several other cities;

Whereas, at the outset of the Civil War, Greene returned to the defense of the Nation and, at the age of 60, was appointed colonel of the 60th New York Infantry regiment;

Whereas, on April 28, 1862, Greene was promoted to Brigadier General, United States Volunteers;

Whereas, on July 2, 1863, on the 2nd day of the Battle of Gettysburg, Greene led the 3rd Brigade of New Yorkers on Culp's Hill, and his regiment's defense of the Union right flank at Culp's during the battle was a contributing factor in the Union's victory;

Whereas Greene passed away at the age of 97 in 1899 and, in 1907, a monument on Culp's Hill was erected in Greene's honor; and

Whereas the General George Sears Greene monument will be rededicated on September 22, 2007: Now, therefore, be it

Resolved, That the Senate, in honor of the 100th anniversary rededication of the General George Sears Greene monument at Gettysburg, Pennsylvania, commends the lifetime achievements of General Greene, his commitment to public service, and his decisive and heroic defense of Culp's Hill in the crucial Battle of Gettysburg.

MEASURE READ THE FIRST TIME—S. 2070

Mr. DURBIN. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

> A bill (S. 2070) to prevent Government shutdowns.

Mr. DURBIN. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for its second time on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 20, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, September 20; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there be a period of morning business until 10:30 a.m., with the time equally divided and controlled between the two sides, the majority controlling the first half and the Republicans controlling the final half; that at 10:30 a.m., the Senate then resume consideration of H.R. 1585, the Department of Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Thursday, September 20, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO JIRAIR S. HOVNANIAN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. ANDREWS. Madam Speaker, I rise today to honor Jirair S. Hovnanian, a successful family and businessman who started a construction company in New Jersey over 40 years ago.

Mr. Hovnanian is a graduate of the University of Pennsylvania's Wharton School in 1952, after emigrating from Kirkuk, Iraq. His company, J.S. Hovnanian & Sons, built more than 6,000 homes, mainly in Burlington, Camden, and Gloucester counties. To his family he was known as a generous nurturer, who pursued the American dream. Mr. Hovnanian started his company in 1964 after splitting with a company he started with his three brothers. In recognition of his success, the National Ethnic Coalition of Organizations presented Mr. Hovnanian with the Ellis Island Medal of Honor in 2006 for his numerous contributions to the country.

Mr. Hovnanian's life of service is worthy of admiration, and in addition to being a constituent and colleague, I am proud to call Mr. Hovnanian a friend. Madam Speaker, I commend Mr. Hovnanian today for all that he has done for the First Congressional District of New Jersey and our country.

ON THE FAIR HOME HEALTH CARE ACT OF 2007

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Ms. WOOLSEY. Madam Speaker, on June 11 of this year, the Supreme Court decided the case of Long Island Care at Home Ltd. v. Coke. It held that home health care workers employed by third-party agencies are not eligible for the overtime and minimum wage protections provided under the Fair Labor Standards Act (FLSA). At issue in the Coke case was a narrow exemption to the FLSA created in 1974 for "companionship services" for babysitters and caretakers for seniors and the disabled.

In 1974, when the exemption was enacted, homecare, like babysitting, was largely provided by family and friends. Today we live in a different world, and caregiving is one of the fastest growing industries in the United States. Today about 2.4 million workers are employed by nursing homes, home health care agencies, assisted living, and other residential facilities.

Low wages and high turnover contribute to the shortage of workers in this fast-growing field. In 2003, direct-care workers earned an average of $9.20 per hour, significantly less than the average U.S. wage of $13.53 for all workers. Nearly 20 percent of all direct-care workers earn annual incomes below the poverty level, and they are twice as likely as other workers to receive food stamps and to lack health insurance. In addition, most home health care workers are minority women, likely to be single heads of households.

When Congress created this exemption, it never intended to exclude those workers who were "regular breadwinners," and there is substantial evidence that the exemption was directed to only "casual basis" workers.

The "Fair Home Health Care Act is a narrow bill clarifying that home health care workers are entitled to labor protections under the FLSA so long as they are not employed on a "casual basis."

These workers provide valuable services to our Nation's older Americans and people with disabilities and help them maintain their independence. Currently, 1.3 million Americans require long-term assistance in their home, and this need is expected to double as baby boomers age. Providing workers with FLSA wage protections will not only provide them with a living wage but will help attract workers to this rapidly growing occupation.

INTRODUCTION OF THE VOTER PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. PAUL. Mr. Speaker, I rise to introduce the Voter Protection Act. Unlike most so-called "campaign reform" proposals, the Voter Protection Act enhances fundamental liberties and expands the exchange of political ideas. The Voter Protection Act accomplishes this goal by lowering and standardizing the requirements for, and the time required to get, signatures to qualify a Federal candidate for the ballot. Many states have unfair rules and regulations that make it virtually impossible for minor party and independent candidates to get on the ballot.

I want to make 4 points about this bill. First, it is constitutional. Article I, section 4, explicitly authorizes the U.S. Congress to, "At any time by law make or alter such regulations regarding the manner of holding elections." This is the authority that was used for the Voter Rights Act of 1965.

The second point I would like to make is an issue of fairness. Because so many states require independent candidates to collect an excessive amount of signatures in a short period of time, many individuals are excluded from the ballot. For instance, there has not been one minor party candidate in a regularly scheduled election for the U.S. House of Representatives on the Georgia ballot since 1943, because of Georgia's overly strict ballot access requirements. This is unfair. The Voter Protection Act corrects this.

My third point addresses those who worry about overcrowding on the ballot. In fact, there have been statistical studies made of states that have minimal signature requirements and generous grants of time to collect the signatures. Instead of overcrowding, these states have an average of 3.3 candidates per ballot.

The fourth point that I would like to make is that complying with ballot access rules drains resources from even those minor party candidates able to comply with these onerous rules. This obviously limits the ability of minor party candidates to communicate their message and ideas to the general public. Perhaps the ballot access laws are one reason why voter turnout has been declining over the past few decades. After all, almost 42 percent of eligible voters have either not registered to vote or registered as something other than Democrat or Republican.

The Voter Protection Act is a constitutional way to reform campaign laws to increase voter participation by making the election process fairer and open to new candidates and ideas. I hope all my colleagues will join me in supporting this true campaign reform bill.

IN HONOR OF ANGELICA BERRIE, FOUNDING MEMBER OF THE BOARD OF DIRECTORS FOR THE ADLER APHASIA CENTER

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise to join the more than 20,000 families in the New York-New Jersey metropolitan area that have been impacted by aphasia, an isolating loss of words, but not intelligence, that often follows stroke or brain injury, in paying tribute to their very own angel, Angelica Berrie.

Angelica is a founding member of the Board of Directors of the Adler Aphasia Center, opened in 2003 in Maywood, New Jersey to provide education, training, advocacy, and research hope to those suffering from aphasia. Since then she has been an active member of the Board. Angelica is also a driving force behind a number of other charitable organizations: the Board Chair for Gilda's Club Worldwide, a free cancer support community; Board Chair for the Center for Inter-Religious Understanding; and a Board member of American Friends of Shalom Hartman Institute in Jerusalem. She formerly was a Board member of the Arnold P. Gold Foundation for Humanism

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in Medicine and a former member of Columbia's College of Physicians and Surgeons' Diabetes Advisory Committee. Her well-rounded pursuits bring hope and help to so many people in North Jersey and, indeed, around the world.

Her late husband, Russ, founded the world renowned gift company, Russ Berrie and Company. His philanthropic gifts live on through the Russell Berrie Foundation, which Angelica serves as President. Amongst its many accomplishments, the Foundation has created the Naomi Berrie Diabetes Center at New York Presbyterian Hospital, the Berrie Fellows Program for community leadership, the Berrie Humanistic Care Center at Englewood Hospital, and the Berrie Performing Arts Center at Ramapo College.

Angelica has been a generous benefactor, a compassionate voice, and a dedicated advocate for so many. In her lifetime, she has touched a million lives in overwhelmingly positive ways. Tonight the Adler Aphasia Center is honoring Angelica Berrie for her service to her fellow man, and I join them in commending her for giving so much of herself to make the world around her a better place.

A TRIBUTE TO JIMMY FIFIS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. ANDREWS. Madam Speaker, I rise today to honor Jimmy Fifis, a family man and successful business owner of Ponzio's Restaurant in Cherry Hill. Mr. Fifis recently passed away and his restaurant, Ponzio's, was widely regarded as a Southern New Jersey dining tradition.

Born on the Greek Island of Andros in 1939, Mr. Fifis immigrated to Southern New Jersey in 1966. He began as a dishwasher in a restaurant owned by his 2 brothers and rose through the ranks to become the owner and operator of Ponzio's. Mr. Fifis has three sons who currently run the family business, which serves 10 to 12 thousand loyal customers per week. Mr. Fifis was loved and respected by all of his employees for his willingness to do any task, whether it was peeling potatoes or managing the restaurant.

Madam Speaker, I commend Mr. Fifis today for all he has done for The First Congressional District of New Jersey and our country. Mr. Fifis's presence will surely be missed at Ponzio's and throughout the entire Southern New Jersey community. In addition to being a constituent, I am proud to call Mr. Fifis a friend.

INTRODUCING THE TELEVISION CONSUMER FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Television Consumer Freedom Act, legislation repealing regulations that interfere with a consumer's ability to obtain desired television programming. The Television Consumer Freedom Act also repeals federal regulations that would increase the cost of a television.

My office has received numerous calls from rural satellite and cable TV customers who are upset because their satellite or cable service providers have informed them that they will lose access to certain network and cable programming. The reason my constituents cannot obtain their desired satellite and cable services is that the satellite and cable "marketplace" is fraught with government interventionism at every level. Local governments have historically granted cable companies franchises of monopoly privilege. Government has previously intervened to invalidate "exclusive dealings" contracts between private parties, namely cable service providers and program creators, and has most recently imposed price controls. The Library of Congress has even been delegated the power to determine prices at which program suppliers must make their programs available to cable and satellite programming service providers.

It is, of course, within the constitutionally enumerated powers of Congress to "promote the progress of Science and Useful Arts by securing for limited Times to Authors and Inventors the Exclusive Right to their respective Writings and Discoveries." However, operating a clearing-house for the subsequent transfer of such property rights in the name of setting a just price or "instilling competition" via "central planning" seems to be neither economically prudent nor justifiable under this enumerated power. This process is one best reserved to the competitive marketplace.

It is impossible for the government to set the just price for satellite programming. Overregulation of the cable industry has resulted in competition among service providers for government privilege rather than free market competition among providers to offer a better product at a lower price. While federal regulation does leave satellite programming service providers free to bypass the governmental royalty distribution scheme and negotiate directly with owners of programming for program rights, there is a federal prohibition on satellite service providers making local network affiliates' programs available to nearby satellite subscribers. This bill repeals that federal prohibition so satellite service providers may freely negotiate with program owners for programming desired by satellite service subscribers. Technology is now available by which viewers could view network programs via satellite as presented by their nearest network affiliate. This market-generated technology will remove a major stumbling block to negotiations that should currently be taking place between network program owners and satellite service providers.

This bill also repeals Federal laws that force cable companies to carry certain programs. These Federal "must carry" mandates deny cable companies the ability to provide the programming their customers' desire. Decisions about what programming to carryon a cable system should be made by consumers, not Federal bureaucrats.

The Television Consumer Freedom Act also repeals Federal regulations that mandate that all TVs sold in the United States contain "digital technology." In complete disregard of all free market and constitutional principles, the FCC actually plans to forbid consumers from buying TVs, after 2006, that are not equipped to carry digital broadcasts. According to economist Stephen Moore, this could raise the price of a TV by as much as $250 dollars. While some television manufacturers and broadcasters may believe they will benefit from this government-imposed price increase, they will actually lose business as consumers refrain from purchasing new TVs because of the government-mandated price increase.

Madam Speaker, the Federal Government should not interfere with a consumer's ability to purchase services such as satellite or cable television in the free market. I therefore urge my colleagues to take a step toward restoring freedom by cosponsoring my Television Consumer Freedom Act.

HONORING ART DONOVAN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Art Donovan, a member of the National Football League Hall of Fame and American sports hero.

Art Donovan, Jr., was born in the Bronx, New York, on June 5, 1925. He first played football at Mount St. Michael's High School in the Bronx. The son of a famed boxing referee Arthur Donovan, Sr., who supervised many of professional boxing's Joe Louis's matches, Donovan postponed completing his education and served as an aircraft gunner on the USS *San Jacinto* during World War II, participating in actions in the Pacific Theater.

Art joined professional football as a rookie defensive tackle in 1950 for the Baltimore Colts at the age of 26. The early Colts franchise folded after one season, and Art joined the New York Yanks in 1951, played for the Dallas Texans in 1952 and finally joined the next Colts franchise in 1953. Art became a hugely popular player and was considered one of the best defensive tackles in league history. He was an All-NFL selection five times and played in five Pro Bowls and the world championship for two years. The first Colts player elected to the Pro Football Hall of Fame, Donovan played 12 seasons in the National Football League.

Donovan's Baltimore Colts jersey No. 70 was retired by the team in 1962 and he was elected to the Football Hall of Fame in 1968. Donovan is presently the owner of the Valley Country Club in Baltimore, where my parents were original members. Since 1955, the club has been owned and managed by Art Donovan, his wife, Dorothy, and his family. In 1987, he published his memoir, titled Fatso, and has been a frequent and popular guest on talk shows such as the David Letterman Show.

Art has been a friend to me and the entire Ruppersberger family for many years. After Baltimore Colts football games, I enjoyed going to Valley Country Club and talking football with Art and other Colts players. He would delight us with stories of the Baltimore Colts' championship teams of 1958 and 1959 which featured Hall of Fame defensive end Gino Marchetti, Don Joyce, "Big Daddy" Lipscomb, and Donovan. His sharp wit, contagious laughter, and wonderful stories made all of us his friends. I was amazed at how many Salami sandwiches and kosher hot dogs he could eat in one setting and wash it down with a Schlitz beer. Art played football with his friend George Young, who was my football coach at City College in Baltimore and later went on to become general manager of the New York Giants.

Madam Speaker, I ask that you join with me today to honor Arthur Donovan, Jr. It has been a great honor for me to call Art my friend. He is a true American sports hero in Maryland, the United States of America, and around the world.

HONORING JUDGE JOSEPH H. RODRIGUEZ

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. ANDREWS. Madam Speaker, I rise today to recognize the Honorable Joseph H. Rodriguez for winning the 2007 Judge John F. Gerry Award. The Camden County Bar Association marks Judge Gerry's life for his outstanding humanitarian spirit and integrity, in which Mr. Rodriguez greatly exemplifies.

The Honorable Joseph H. Rodriguez is a Senior Judge of the United States District Court for the District of New Jersey. He is currently a member of the board of trustees for LaSalle University. In addition, he has been a lecturer for the past 37 years for the Professional Trial Lawyers Seminar. He has been distinguished in an impressive amount of honorary doctor of law degrees from St. Peter's College, 1972; Rutgers University, 1974; Seton Hall University, 1974; Montclair State College, 1985; and Kean College, 1985. Furthermore, for "Distinguished Service in the Cause of Justice," Judge Rodriguez received the Trial Bar Award in 1981 from the Trial Attorneys of New Jersey. In 1985, he accepted the Karen Ann Quinlan Center of Hope Award, "Friend of Hospice." His Honor was named "Man of the Year" in 1992 from the National Hispanic Bar Association. The Camden County Bar Association has previously bestowed another award upon him, the "Peter J. Devine Award" in 1992. Judge Rodriguez was also the recipient of the "Spirit of Edison" Award in 1997 from Thomas Edison State College. The "Medal of Honor Award" was awarded to him in 1999 from the New Jersey State Bar Foundation. That same year, the Association of Federal Bar of State of New Jersey awarded this astounding individual the "William J. Brennan Jr. Award." Recently, in 2001, Judge Rodriguez was named Knight by Order of St. Gregory the Great in receiving the "St. Thomas More Society Award."

Madam Speaker, I commend the Honorable Joseph H. Rodriguez. His dedication and selfless public service to the first district of New Jersey is greatly treasured and respected. I want to sincerely thank Mr. Rodriguez and wish Judge Rodriguez the best in all his future endeavors.

TRIBUTE TO DR. JANE ADAMS SPAHR

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor Rev. Dr. Jane Adams Spahr, a Presbyterian minister committed to justice for the lesbian, gay, bisexual and transgender community. A self-described lesbian and feminist, Janie is retiring after 33 years.

Born in Pittsburgh, PA, with her twin sister Joanie to Chet and Susanna Adams, Janie was ordained a Presbyterian minister in December 1974, to the Hazelwood Presbyterian Church in Pittsburgh. From 1975 to 1979 she served as assistant pastor of First Presbyterian in San Rafael, CA, and in 1979–1980 was the executive director of Oakland Council of Presbyterian Churches where she was encouraged to resign after coming out as a lesbian.

Janie began her "out" liberation work with and for LGBT people as the minister of pastoral care in the Castro area of Metropolitan Community Church in San Francisco from 1980 to 1982. In 1982, this "lesbyterian" founded the Ministry of Light, which later became the Spectrum Center for Lesbian, Gay, Bisexual and Transgender Concerns. She served for 10 years as the executive director of Spectrum.

In 1991, Rev. Spahr was called to serve as a copastor at the Downtown United Presbyterian Church in Rochester, NY, marking the first time a Presbyterian Church had chosen an "out" pastor. The call, however, was challenged, and the Judicial Commission of the Presbyterian Church refused to allow Rev. Spahr to assume the coposition. In response to the ruling Janie was hired by the Downtown United Presbyterian Church and the Westminster Presbyterian Church in Tiburon, CA, who formed the "That All May Freely Serve" project. She was employed to work within the denomination to end discrimination and increase inclusiveness for all people.

In 2006, Rev. Spahr made national headlines when the Commission of the Presbytery of the Redwoods ruled she acted within her "right of conscience" as a Christian when she performed commitment ceremonies for two lesbian couples. The Presbyterian Church's highest court ruled in 2000 that ministers could "bless" same-sex unions but not preside over them or call them marriages. Janie challenged the church's constitution and won a victory for justice and inclusion, but the battle is not yet over as the Prosecuting Committee has filed an appeal.

During her undergraduate years at Penn State, Jane met Jim Spahr whom she later married and had 2 sons, Jim and Chet. Jim now fondly refers to Janie as his "wife emerita" and the "sister-in-love" of Jackie Spahr, Jim's partner, and Bill Fenton, her sister Joanie's partner.

Madam Speaker, it is my pleasure to honor Rev. Dr. Jane Adams Spahr whose courageous passion for justice and inclusion for LGBT people has left a legacy that is paving the way to a better future. Rev. Spahr has touched so many lives as a minister, and though she is retiring she will remain a mentor and role model to all.

HONORING THE LIFE OF DR. JAMES ROSS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. MICHAUD. Madam Speaker, I rise today in commemoration of the life of Dr. James Ross of Houlton, ME.

As a distinguished senior member of Family Health International, FHI, Dr. Ross made substantial contributions toward the global fight against HIV and AIDS.

During his time at FHI, Dr. Ross became a mentor to many, and a benefactor to many more.

Before becoming FHI's senior director of Global Operations for the Asia-Pacific Region, Dr. Ross had served as a country program director for nations in both Africa and Asia.

My sincere condolences go to his wife, Cheryl, his son, Benjamin James, and all of those who have also been personally touched by Dr. Ross's life and work.

While he is no longer with us, his memory and his contributions live on. It is with the utmost gratitude that I salute Dr. Ross.

The citizens of the State of Maine, the United States of America and individuals across the globe are extremely fortunate to have had such a wonderful friend and advocate.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. ANDREWS. Madam Speaker, I was meeting with constituents and was detained from voting during Thursday, September 6, 2007. Had I been present I would have voted "yea" on the following rollcall vote: rollcall 876.

TRIBUTE TO THE TOWN OF SAN ANSELMO, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Ms. WOOLSEY. Madam Speaker, I rise with pride today to invite you to join me in congratulating the Town of San Anselmo, California, on its official centennial.

This charming town in one of the most beautiful counties in California derived its name from the Mexican designation of the area as La Laguna y Cañada de Anselm, or the Waters and Valley of Anselm—after a Miwok Indian who was buried there. His tribe, the Coastal Miwoks, inhabited the land for thousands of years before Mexicans and Europeans arrived, surviving on the bounty of its creeks and forests.

Since the early 19th century when it was formally established as a land grant under the Mexican government, the town has served as a transportation hub for the area and an intersection between rural West Marin and the county's municipal centers to the east. To this day, in fact, downtown San Anselmo is still referred to as The Hub.

After California became the 31st of the United States of America, in 1850, the southern part of town including The Hub, was purchased from its Mexican owners by James Ross, whose descendents still live and work there. Since then, San Anselmo has grown to become everything that epitomizes small-town America—welcoming to strangers, benevolent to neighbors, supportive to businesses and education, and environmentally friendly to the habitat.

For example, when the Transcendental poet Ralph Waldo Emerson visited his niece in San Anselmo in 1871, he noticed of her husband's acreage that "Three or four wild deer still feed on his land, and now and then come near the house. The trees of his wood were almost all new to us—live-oak, madrona, redwood, and other pines than ours; and our garden flowers wild in all the fields." Even now, the wild deer still come to San Anselmo to feed in the gardens under the diverse arbors, verdant and prolific in what is one of Marin County's largest watersheds.

Indeed, San Anselmo retained its pastoral quality even after the North Pacific Coast Railroad laid rails through the town beginning in 1874. Already a transportation hub, the town went on the map as Junction, California. The coming of the industrial age did not, however, despoil the area's beauty.

But San Anselmo is not just another idyllic town. Since 1892, it has been the home of the San Francisco Theological Seminary, which is known because of its architecture as San Anselmo's "castle in the sky." With the establishment of this key Presbyterian institution, the town began to grow, and grew even more after the San Francisco earthquake of 1906, when refugees from the City's North Beach transplanted their homes to the hills around San Anselmo, planted grapevines and gave the neighborhood the nickname "Little Italy."

The next year, the town incorporated under the name Junction.

Another institution that establishes San Anselmo as more than just a pretty place is the Carnegie Library, built in 1915. A gift of Andrew Carnegie, the "patron saint of libraries," it is one of only 1,940 such libraries in the nation. Its Spanish revival style building still serves this town where more than 96 percent of the adult population have earned a high school diploma, and 60 percent have one or more college degrees.

With the opening of the Golden Gate Bridge in 1937, many of those who had previously come to San Anselmo only to escape the cold San Francisco summers decided to make the town their permanent home. Schools and churches replaced ranch and farm land, and by 1974, when it officially became the Town of San Anselmo, thousands of families called it home.

But San Anselmo is not just a propitious town for its residents. It welcomes visitors with equal neighborliness. In fact, Marin County newspaper readers recently chose San Anselmo as the "Best town other than your own." A town without a single shopping mall, San Anselmo has also been voted "Best in the West" by Sunset magazine for antiques, offered for sale in 130 boutiques that line the two main streets of this small town.

Despite the routine flooding of San Anselmo Creek, the weather in San Anselmo is "nearly perfect," says Connie Rodgers, president of the San Anselmo Chamber of Commerce. She adds that "You can't find a better place to live in the whole United States."

Indeed, where else can you find less than three square miles containing a castle, a creek, a series of world-class antique shops and five of the top 100 Bay Area restaurants?

Madam Speaker, I offer my congratulations to San Anselmo on its first 100 years and a wish for many happy returns of the occasion.

HONORING FATHER ROBERT DONLAN'S 40 YEARS OF SERVICE TO THE CATHOLIC CHURCH

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor the Reverend Robert R. Donlan, Pastor at St. Anthony Catholic Church in Brooksville, Florida, on the 40th anniversary of his ordination into the priesthood. For the past 40 years, Father Donlan has served the Catholic Church with honor and distinction, all in the name of Jesus Christ.

Born in Amsterdam, New York, Father Donlan has dedicated his life to serving the Church. Earning his B.A. at Kilroe Seminary of the Sacred Heart in Honesdale, Pennsylvania, his Bachelor of Sacred Theology Degree from Sacred Heart Monastery in Hales Corners, Wisconsin, and his Masters in Religious Education from the University of Detroit, Father Donlan spent an early part of his career as Pastor of St. Margaret Mary Church in Detroit, Michigan. He then moved on to serve the Church in Mississippi and Florida, eventually moving to Brooksville, Florida where he has been Pastor at St. Anthony's Catholic Church in Brooksville for the past 14 years.

Father Donlan joined St. Anthony's Parish following service as the Parochial Administrator at St. Jerome Church in Indian Rocks Beach, Florida. Loved by his parishioners from throughout Hernando County, Father Donlan has fostered a spirit of unity throughout the Church with his good deeds and kind words. In fact, since his appointment 14 years ago, the number of registered families in the parish has grown to more than one thousand three hundred, including this member of Congress and her husband. Having listened to his homilies for many years, I can tell you that he preaches from the heart and speaks the true word of Jesus Christ.

In addition to his decades of service, Father Donlan has been very involved in local church and civic organizations. This volunteerism includes service as the Secretary and Treasurer of the Brooksville Ministerial Association for 10 years, the Vicar Forane of the Hernando Deanery of Catholic Churches, and volunteer efforts at area nursing homes and health care facilities.

For the past 40 years, Father Donlan has tended to the needs of his congregation. As a part of his ministry, he has gone above and beyond the call of duty to help his Church grow and prosper. One example of his devotion was the creation of a Wailing Wall in the Church. Designed after the original Western Wall of the old temple in Jerusalem, the wall is designed to receive petitions that are burned each month during the celebration of Mass.

Madam Speaker, Father Donlan's dedication to the Lord and to the Catholic Church has served as an inspiration to thousands throughout Hernando County. His ministry has touched the hearts of many, and the Church has continued to grow under his leadership. Father Donlan is to be commended for his years of service, his commitment to the Lord, and for serving the men and women who rely on his counsel and wisdom. Father Donlan is a shining example of the good that serving Jesus Christ can bring to our friends and families, and he is to be commended on the 40th anniversary of his ordination into the Catholic Church.

PERSONAL EXPLANATION

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. MURPHY of Connecticut. Madam Speaker, on September 18, 2007, I inadvertently missed the vote on Passage of H.R. 1852, The Expanding American Homeownership Act of 2007, rollcall vote 876. It was my strong intention to vote "aye" on Passage.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, September 18, 2007, I was unable to cast my votes on approving the Journal, on ordering the Previous Question on H. Res. 650, and H. Res. 650 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 870 on approving the Journal, I would have voted "nay."

Had I been present for rollcall No. 871 on ordering the Previous Question on H. Res. 650, providing for consideration of H.R. 1852, Expanding American Homeownership Act of 2007, I would have voted "nay."

Had I been present for rollcall No. 872 on H. Res. 650, Providing for consideration of H.R. 1852, Expanding American Homeownership Act of 2007, I would have voted "nay."

TRIBUTE TO THE CUSIMANO FAMILY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to pay tribute to the Cusimano family as they and our community gather this month to celebrate the 50th anniversary of the Cusimano Family Colonial Mortuary.

The Cusimano Family Colonial Mortuary was founded in 1957 by Joseph and Sue Cusimano in Mountain View, California. Joseph and Sue devoted their entire lives to the work of their business, and to the service of their community. For 50 years, Cusimano Family Colonial Mortuary has maintained a family-oriented approach to providing mortuary services to the community—a commitment that has been carried on by their children. In 1980, in recognition of the exemplary professional standards and extensive community involvement, the mortuary was invited to join the distinguished association of Selected Independent Funeral Homes.

Joseph and Sue lived their broad and continuing commitment to the service of their community—ranging from the Mortuary's 50-year sponsorship of the local Babe Ruth Little League team to Joseph's service as the Mayor of Mountain View. The generosity of the Cusimanos also extended beyond our community to others in need, as exemplified by their gift of children's caskets to the victims of the 1995 Oklahoma City tragedy.

Joseph and Sue bequeathed both their business and their sense of responsibility to their children. The Cusimano Family Colonial Mortuary is now managed by Matthew and Sherri, who have maintained the spirit of service and community participation that began with their parents 50 years ago. Madam Speaker, it is my honor to congratulate the Cusimano family as they celebrate this special anniversary.

IN HONOR OF MR. DENNIS PLANN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished career of Dennis Plann. After decades of dedication to the agriculture industry serving the Fresno County Department of Agriculture, Deputy Agricultural Commissioner Dennis Plann decided to retire in August of 2007.

A native of California's Central Valley, Dennis attended Fresno State University. While attending school, Dennis harvested oat, hay, cotton and alfalfa on 90 acres of his family's land. After graduation, Dennis quickly found work as an agricultural inspector, and through this experience he continued to move up the ladder in his career.

During his tenure at the Fresno County Department of Agriculture, Dennis worked to ensure regulations were being followed, helped farmers to handle crises effectively, and interacted with the media extensively. The Central Valley as well as the entire California agricultural community benefited from Mr. Plann's service and appreciated his knowledge in the field. His dedication to his work and to his community is to be commended.

Dennis was also instrumental in the development of the Fresno County hazardous material spill response plan and was the primary responder for the Department of Agriculture. His drive, dedication and attention to detail were certainly an asset to the county.

Throughout his career in agriculture, Dennis Plann has proven to be a highly effective professional who was always committed to excellence in his work and service to others. As he gets ready to spend much more time with his wife Connie and enjoy other relaxing activities, I wish him good health and a happy retirement.

TRIBUTE TO OFFICER JOHN BOGA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Officer John Boga on his retirement from the City of Newark, California, after serving over 20 years as a police officer and sergeant and over 25 years as a member of the Newark Police Department.

Officer Boga began his career with the Newark Police Department as a reserve police officer in April 1982 and served in this capacity until his promotion to the rank of police officer on June 1, 1987.

Officer Boga was most recently assigned to his third term as the Drug Abuse Resistance Education (D.A.R.E.) Officer. As a D.A.R.E. Officer, Boga has taught a structured D.A.R.E. curriculum to the students in various grades of the eight public elementary schools and one private elementary school in Newark. In 2001, he also became a Gang Resistance Education and Training (G.R.E.A.T.) instructor, which he also taught at the elementary school level.

In addition to his D.A.R.E. and G.R.E.A.T. duties, Officer Boga has also served as an executive board member of the California D.A.R.E. Officers Association, a member of the hostage negotiation and trauma support teams, a member of the California Association of Hostage Negotiators, field training officer, and citizen police academy instructor. He had also held numerous assignments during his tenure including patrol officer, school resource officer, tri-city gang task force officer, Alameda County gang task force officer, reserve coordinator, and first aid/CPR instructor.

Officer Boga has been recognized with many awards, the most recent being the police department's Distinguished Service Medal for his devotion to the department, the community, and the youth in Newark. He was also chosen to become the department's Police Officer of the Year in 1992. Officer Boga was selected as the 2006 California D.A.R.E. Officer of the Year by the members of the California D.A.R.E. Officers Association for his hard work and dedication to the D.A.R.E. program. He was also named the City of Newark Employee of the Year for 2005 for his commitment to the city and for all of his hard work and positive attitude.

I join the Newark Police Department in thanking Officer John Boga for his years of commendable service and devotion to the City of Newark and the community.

515TH FIELD ARTILLERY BATTALION OF WWII

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. POE. Madam Speaker, today I wish to extend my appreciation to the 515th Field Artillery Battalion of World War II as they reunite for the first time since the end of the war. These men of the 515th represent the best of the greatest generation.

Composed of officers and enlisted men from various units around the United States, the 515th was trained to operate the 155mm "Long Tom" guns. From the time that it fired its first rounds in combat until nearly the end of the war, the unit was constantly on the move and involved in combat, supporting various units. Moving steadily northward, the unit finally crossed the Rhine River on a heavy pontoon bridge at Worms, Germany. From here the battalion moved south to the area of Heidelberg and then north again toward the area of Birkenfeld. It was reported that during the month of March the battalion traveled a distance of 557 miles, 153 miles of which were during combat. The 515th fired 3,122 rounds of ammunition during this time.

The 515th rarely stayed in any one place for more than a day or two. Movement was not fast and generally cumbersome since the tractors pulling the "Long Toms" moved at only about 30 miles per hour. Once an area was designated it would sometimes take as much as a day to set up all three gun batteries, coordinate their positions and lay communication lines between the individual guns and battery commands, and then from the battery commands to Headquarters. These men met monumental challenges every day, and courageously faced their obstacles and overcame them.

The 515th Field Artillery Battalion will be remembered for their pivotal role in the United States achieving victory in World War II. These soldiers gave their heart and soul for our country. Their efforts will never be forgotten and their actions will always be remembered. And that's just the way it is.

TRIBUTE TO DR. JOHN HESTIR

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. BERRY. Madam Speaker, I rise today to pay tribute to a great Arkansan and a fine citizen of DeWitt, Arkansas. I am proud to recognize Dr. John Hestir in the United States Congress for his 50 years of service as the leading medical professional in DeWitt, Arkansas. He has made numerous invaluable contributions to his community, his state and our Nation.

Originally from Des Arc, Arkansas, John Hestir attended University of Arkansas and later the University of Texas Medical Branch in Galveston, Texas for graduate school. While attending school in Texas, he accepted an offer to serve as the primary doctor of DeWitt, Arkansas.

When Hestir first moved to the small town, DeWitt had limited capacity for medical services. The town had no hospital or ambulance and the closest emergency medical facility was a 12 bed hospital in Stuttgart, which is over a half an hour away by car. However, the sparse amenities did not discourage Hestir from providing the citizens of DeWitt the medical care they needed. With some perseverance and ingenuity Dr. Hestir engineered miracles that went beyond medicine.

Dr. Hestir knew that in order for him to better serve the people of DeWitt he needed an improved medical facility. In 1962, Hestir convinced the mayor, Jim Colvert, to apply for a government grant to build an 18 bed hospital. Today, the hospital has been expanded to a 35 bed facility, serving DeWitt and the surrounding areas. Hospital capacity is not the only expansion happening in DeWitt. With this new hospital and other improved medical care, people are living much longer. When Dr. Hestir first arrived in DeWitt, the life expectancy was 58 for men and 62 for women, today the average stands at 78 for men and 84 for women.

Dr. Hestir embodies the old fashion values of service, leadership and commitment to his community that have made our State and our Nation great. He has dedicated his life to serving the people of DeWitt as a leader in both his profession and his community. On behalf of the United States Congress, I extend congratulations and best wishes to my good friend Dr. John Hestir, for 50 years of outstanding personal and professional achievements.

STATEMENT ON INTRODUCTION OF THE COST OF GOVERNMENT AWARENESS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Cost of Government Awareness Act, which repeals one of the most deceptive practices of the federal government—income tax withholding. Withholding keeps many Americans ignorant about the true size of the federal tax burden. Withholding is also the reason millions of Americans overpay their income taxes, granting the United States Government interest-free loans. Many of these taxpayers are further misled into thinking the U.S. Government is acting benevolently when they receive "refunds" of money improperly taken from them through withholding!

Collecting taxes via withholding damages the economy because it forces every business in America to waste valuable resources complying with the withholding tax requirements. The Internal Revenue Service is so fanatical about forcing employers to act as de facto federal agents that it once confiscated the assets of a church because the church refused to violate the church's religious beliefs by acting as a tax collector. The IRS sent armed federal agents in this house of worship, even though the church's employees regularly paid taxes.

When the United States Government implemented withholding in 1943, it promised the American people that this would be a "temporary" measure. I am sure my colleagues agree that 64 years is a sufficient lifespan for any "temporary" measure. It is time to end the deceptive practice of withholding and empower taxpayers to reflect upon their tax bill each month and ask, "What are they getting for their money." An honest answer to that question may lead to a groundswell for true tax reform.

In conclusion, Madam Speaker, I urge my colleagues to let the American people know their tax burden by cosponsoring the Cost of Government Awareness Act.

ENDO PHARMACEUTICALS INC. 10TH ANNIVERSARY

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. SESTAK. Madam Speaker, today I rise to recognize Endo Pharmaceuticals Inc., on the occasion of the company's 10 Year Anniversary. Endo, whose corporate headquarters are located in Chadds Ford, Pennsylvania, in the heart of the 7th Congressional District, is an American success story on many important levels.

The company's roots as a pharmaceutical enterprise actually run quite deep, dating back to the 1920s when a family-run pharmaceutical business named Intravenous Products of America was established in New York. Its name was changed to Endo Products in 1935. In 1969 E.I. du Pont de Nemours and Company (DuPont) acquired since renamed Endo Labs. In the early 1990s DuPont, in a joint venture with Merck and Company, formed DuPont Merck Pharmaceuticals, and named its generics business Endo Laboratories LLC.

In 1997, Endo Pharmaceuticals, Inc., an independent company, was formed through the vision of former DuPont Merck executives led by Carol Ammon and Mariann MacDonald. The vision they shared was to create a leading pain management company focused on the needs of patients and physicians. Leaping ten years forward to today, it is plain to see that Endo has already accomplished its initial goal and is looking toward new horizons, and bolder challenges.

Endo's initial success came on the heels of meeting physician and patient pain management needs by introducing new dosage strengths of its well-known pain reliever PERCOCET®, and in-licensing LIDODERM®, the first FDA-approved topical patch for pain associated with post-herpetic neuralgia, a dreaded complication from shingles.

And recently, Endo launched the newest strong opioid for patients with chronic moderate-to-severe pain, OPANA® ER, together with a comprehensive risk management plan to ensure appropriate physician prescribing and patient education of pain medicines.

As Endo continued to grow throughout the late 1990s and into this decade, the company, with the help of employees at its research and development laboratories in New York, began developing new, novel products, including those for the treatment of acute pain and moderate-to-severe chronic pain. As it did so, Endo also created an internal specialty sales force. By 2003, the company grew to nearly 500 employees. This growth and the company's success in the pharmaceutical industry did not go unnoticed. During that same year, co-founders Carol Ammon and Mariann MacDonald were honored with the Greater Philadelphia Ernst & Young "Entrepreneur of the Year" award in the Health Sciences category, and Endo was named "Company of the Year" by the Eastern Technology Council.

Endo Pharmaceuticals Inc. has further distinguished itself by being voted one of the "100 Best Corporate Citizens" by Business Ethics Magazine and reaching #35 on Business Weeks' "Hot Growth Companies" list. Endo's mission clearly incorporates a humanitarian as well as a corporate vision. The company contributes to Community Volunteers in Medicine, a Chester County, PA organization that provides health care to people who don't qualify for Medicaid and do not have health care insurance. Endo began contributing to this organization in 2004 at the $15,000 level and has increased their contribution each year. In addition, the company has given over $300,000 to the Susan G. Komen Foundation; and been a sponsor of the Komen Pink Tie Ball and Komen Race for the Cure. Also, since 2002, Endo employees have participated in the MS150, a 150 mile bicycle race to raise funds for the Multiple Sclerosis Society. Individual pledges, a corporate contribution and matching gift from Carol Ammon, one of Endo's co-founders, also have contributed to this event.

Now in its tenth year, the company employs more than 1,300 individuals in the United States, including laboratories in Westbury, New York, and Boulder, Colorado. Endo's is a highly skilled workforce, as 98 percent of its employees hold a bachelor's degree or higher. The company is further solidifying its presence in Pennsylvania and Chadds Ford, in particular, recently breaking ground on a new 48,600-square-foot building at its headquarters. This new building in Chadds Ford will have space for an additional 175 employees, and is expected to be completed next year.

However, Endo is growing in other areas, too, and positioning itself to be the leading pain company in the world. Endo's President and CEO, Peter Lankau, says the company is indeed focused on the future and continuing to provide patients and physicians with clinically innovative pain therapy products.

Madam Speaker, again, I would like to congratulate Endo Pharmaceuticals Inc., and especially its employees at the Chadds Ford headquarters, for the company's accomplishments. In just ten years Endo has realized the vision of its founders. It is an entrepreneurial success and is recognized as an outstanding corporate citizen. It is now the world leader in developing pain therapy products focused on patients' and physicians' needs. I, for one, look forward to the promise of the next ten years for Endo Pharmaceuticals Inc., and its talented individuals in Chadds Ford and throughout the nation.

FREEDOM FOR LÁZARO ALEJANDRO GARCÍA FARAH

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Lázaro Alejandro García Farah, a prisoner of conscience in totalitarian Cuba.

Mr. García Farah is a pro-democracy activist currently imprisoned in the tyrant's gulag because of his belief in freedom, democracy, and human rights. Unfortunately, because Mr. García Farah has been a supporter of the cause of bringing liberty to an island shackled by a tyrant's brutal machinery of repression, and has attempted to shed light on the vicious crimes committed against the Cuban people, he has been persecuted by the totalitarian regime.

Mr. García Farah's aspirations for freedom and a better future were cut short when he and others attempted to divert a boat, the "Baraguá", in an attempt to escape the suffocating grasp of the maniacal regime that maintains Cuba enchained. On August 4, 1994, Mr. García Farah was arrested and in a sham trial "sentenced" to 25 years confinement in the infernal totalitarian dungeons on charges of "piracy" and attempting to exit the country without "proper permission".

In 1998, Pope John Paul II visited Cuba and brought with him a list of political prisoners for which he asked clemency. The petition was ignored. Mr. García Farah, whose name was on the list, denounced and protested the manner in which the totalitarian regime ignored the Pope's petition. The regime's thugs immediately placed Mr. García Farah into solitary confinement in an attempt to silence his calls for justice.

Mr. García Farah is in constant danger of being placed in solitary confinement while in the gulag, yet he rejects allowing himself to be silenced. In 2000 he refused to participate in political "indoctrination" classes and was consequently denied visitation rights from November 2000 until February 2001. More recently, in a communication with the Cuban Foundation for Human Rights, Mr. García Farah denounced the horrific conditions to which political prisoners are subjected and explained that prisoners are given drinking water infested with parasites and filthy residues and are incessantly denied their rights to correspondence and religious assistance.

Madam Speaker, Lázaro Alejandro García Farah languishes within the confines of hellish squalor and the injustice of the dictatorship's gulag, although he has done nothing other than desire that the long-suffering people of Cuba live in freedom with fundamental human rights and dignity. My Colleagues, we must demand the immediate and unconditional release of Lázaro Alejandro García Farah and every political prisoner in totalitarian Cuba.

HONORING CURTIS BAXTER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, it is with great sadness that I rise today to pay tribute to Curtis "Lumpy" Baxter, a much beloved icon of Levittown, Pennsylvania. Over the last year as I traveled to events across Bucks County, it seemed that wherever I went, "Lumpy" would be there, with a big sandwich and an even bigger smile.

Far and wide, "Lumpy" was known for slinging the best barbeque around. Madam Speaker, while it may have been the delicious barbeque that won him so many awards, it was his warmth and friendliness that endeared him to thousands. One glimpse of him beaming in front of his trophies would always be enough to lift my spirits and the spirits of so many others. Madam Speaker, no event at the beautiful Bristol waterfront will ever feel quite complete without his cart and long lines of people waiting for his delicious food.

A devoted grandfather, father, and husband, as well as a member of the Hope Lutheran Church, Lumpy was always someone who put the community first. Madam Speaker, please join me in honoring this kind man, whose big smile and seemingly limitless strength will be loved and remembered in the hearts of many.

HONORING THE CITY OF HUGHSON, CALIFORNIA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate the City of Hughson upon celebrating their 100th Anniversary.

In 1882 Hiram Hughson purchased 1,000 acres in Stanislaus County, in the heart of the San Joaquin Valley. Over the years the Hughson land grew to about 5,000 acres, and small towns were erected all around his parcel. The San Joaquin railroad purchased a piece of the land and built a new railroad station, Hughson Station.

The City of Hughson was founded in 1907 when Hiram Hughson placed his 5,000 acres in the hands of the Hughson Town Company. From there the land was opened up for settlement and this small community became a small town.

The township of Hughson became a city when it was incorporated December 9, 1972. The city has continued to thrive. The city has grown around a strong agriculture center; with orchards of Almonds, Walnuts and Peaches. In the past five years Hughson has grown from 4,920 residents in 2002 to about 6,127 in 2007. However, it is still the smallest city in Stanislaus County. The people of Hughson pride themselves on the small, hometown feel. The city demonstrates its small town pride with the Annual Fruit and Nut Festival. The festival allows the city to come together to showcase their home grown fruits and nuts.

Madam Speaker, I rise today to commend and congratulate the City of Hughson on 100 years. I invite my colleagues to join me in wishing Hughson many years of continued growth and success.

HONORING THE NASA SCIENCE, ENGINEERING, MATHEMATICS AND AEROSPACE ACADEMY (SEMAA)

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Ms. KILPATRICK. Madam Speaker, I respectfully submit the following resolution, this 19th Day of September, in the Year of Our Lord, Two Thousand and Seven.

RESOLUTION IN HONOR OF THE NASA SCIENCE, ENGINEERING, MATHEMATICS AND AEROSPACE ACADEMY (SEMAA) SEPTEMBER 19, 2007

Whereas, the NASA Science, Engineering, Mathematics and Aerospace Academy (SEMAA) is transforming the lives of historically underserved and underrepresented K–12 students, families and communities across America every day; and in many cases is saving the lives of America's youth by getting them off of the streets and supporting them inside the classroom. As an innovative national program designed to increase the participation and retention of historically underserved and underrepresented K–12 youth in the areas of Science, Technology, Engineering, and Mathematics (STEM), NASA SEMAA has inspired, engaged and educated over 450,000 students, families, and teachers in as many as 18 states, the District of Columbia, Puerto Rico and the Virgin Islands;

Whereas, established in 1993 as a joint venture between NASA Glenn Research Center and Cuyahoga Community College, NASA SEMAA has grown from a single site started in Cleveland, Ohio by former Congressman, the Honorable Louis Stokes, to a national organization that is supported by a network of 200+ partners and stakeholders dedicated to improving the academic success of children nationwide. Today, NASA SEMAA can be found at 14 sites located in 11 states and the District of Columbia serving the educational needs in my district and other urban and rural districts. NASA SEMAA site locations include community colleges, four-year colleges and universities, Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Tribal Colleges and Universities (TCUs), elementary and secondary schools, science centers and museums;

Whereas, NASA SEMAA harnesses the collective resources of NASA, institutions of higher education, science centers, museums, and primary and secondary schools to bridge the education gap for historically underserved and underrepresented K–12 youth in STEM. America is facing a serious shortage of young people entering STEM fields today. This fact, coupled with the high-tech workforce needs of the 21st Century and the lagging test scores indicating a lack of STEM proficiency amongst the next generation of leaders and explorers, poses a bleak picture of an America left behind. SEMAA is addressing this critical need by increasing K–12 student exposure and interest in STEM by delivering three core components, a K–12 hands-on/minds-on curriculum, a state-of-the-art Aerospace Education Laboratory (AEL) and an innovative Family Café;

Whereas, the inquiry based classroom curriculum is aligned with national standards, and encompasses the research and technology of each of NASA's four Mission Directorates. NASA SEMAA graduates who have participated in the entire K–12 curriculum will have completed 441 hours of advanced studies in STEM prior to their enrollment in a post-secondary institution. The AEL is a state-of-the-art, electronically enhanced, computerized classroom that puts cutting-edge technology at the fingertips of NASA SEMAA middle and high school students. The AEL consists of ten computerized research stations that provide NASA SEMAA students with real-life aerospace challenges involving science, engineering, mathematics, and NASA technology. The Family Café is an interactive forum that provides STEM education and parenting information to parents, guardians, relatives and any supportive, adult role models that the student might have;

Whereas, the NASA SEMAA program has been ranked as a 2007 Innovations in American Government Award Finalist. NASA SEMAA shares this honor with 17 distinguished projects, which collectively represent the top 2% of applicants for this prestigious national award. The award is sponsored by the Harvard University John F. Kennedy School of Government's Ash Institute for Democratic Governance and Innovation, and is funded by the Ford Foundation. The purpose of the Innovations in American Government Award Program is to strengthen American democracy by increasing public trust. The annual awards competition recognizes programs that provide concrete evidence that government can work to improve the quality of life for citizens. Of special significance is the fact that NASA SEMAA was the only educational initiative to be recognized as a 2007 finalist. NASA SEMAA's success in elevating the education of America's youth to this platform is profound; a platform that addresses such critical issues as fostering renewable energy, improving health care access, promoting affordable housing, and fourteen other extraordinary and deserving innovations; and

Whereas, we the members of the Congressional Black Caucus extend our sincere appreciation and congratulations to the NASA SEMAA program as well as to their participants and partners: therefore, be it

Resolved, That we celebrate and honor NASA SEMAA as one of the Nation's premier K–12 STEM educational programs; be it finally

Resolved, That a copy of this resolution be presented to the Education Office at NASA Headquarters, Educational Programs Office at NASA Glenn Research Center and the National SEMAA Office.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mrs. JONES of Ohio. Madam Speaker, on rollcall No. 879, I actually attempted to vote with a malfunctioning voting card. I was present and on the floor. I would have voted "yes."

IN MEMORY OF MELVIN SCHEXNAYDER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Melvin Schexnayder of Dumas, AR, who passed away September 12, 2007, at the age of 87.

Melvin Schexnayder spent his lifetime dedicated to his family, his community and the newspaper business. After returning from World War II and completing a degree in chemical engineering, he went to work for Texas Pacific Railroad. However, the job forced him to travel frequently, which kept him away from his wife. For the sake of spending more time together, the 2 decided to try their hand in the newspaper business. His wife Charlotte, a journalism major, served as the editor and Melvin served as the advertising manager. What they thought would be a 1-year experiment working at the McGehee Semi-Weekly Times, uncovered a passion for reporting news that turned into a lifelong career path for both of them. After working at the Times, they bought their own newspaper, the Dumas Clarion, near Charlotte's hometown of Tillar. With the Schexnayders working as a team, the Dumas Clarion won over 500 State and national awards for its excellence in journalism.

If owning and publishing a weekly newspaper was not a big enough task, Melvin devoted his life selflessly to serve others for the sake of making Dumas and Desha County a better place to live and raise a family. He was an active participant in the community where he served as president of the Dumas Chamber of Commerce and the Dumas Lion's Club, and just this year, he was awarded the esteemed Lion's Club Citizenship Award. He held the post of chairman of the Desha County Hospital Board and served as chairman of the Chicot-Desha Boy Scout District. He also worked in numerous roles with the Red Cross and March of Dimes over the years.

In addition to his civic leadership, Schexnayder was also a man of devout faith. He was a member of Holy Child Catholic Church where he served as a lay reader and building committee member.

I give my deepest condolences to his wife, Charlotte; his 2 sons, M. John Schexnayder, Jr. and Dr. Stephen Schexnayder; his daughter Sarah Steen; and to his numerous grandchildren and great-grandchildren. Melvin Schexnayder will be greatly missed in Dumas, Desha County and throughout the State of Arkansas, and I am truly saddened by this loss.

TRIBUTE TO HARRY "MOO" MOORE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mrs. CAPITO. Madam Speaker, I rise today to recognize the induction of Harry "Moo" Moore into the West Virginia University Athletic Hall of Fame. A standout on the men's basketball team, Moore joins a distinguished collection of student-athletes continuing West Virginia University's rich athletic tradition.

Moore perfected his soft shooting touch by practicing in the dark on a basket outside his family's home. During his three seasons, Moore averaged seven points per game, leading the Mountaineers to a 60–20 record and a Southern Conference Championship in 1951. Impressively, his 84 percent free throw percentage still remains second on the all-time Mountaineer record books.

After college Moore was drafted by the Syracuse Nationals of the National Basketball Association but opted to serve as a lieutenant in the Army infantry. Nonetheless, Moore continued to excel on the basketball court. In 1954 he was selected to play in the Armed Forces Pan Am Games in Mexico and the International Games in Germany.

Although his playing days are long over, Moore's legacy on the court continues to grow. The State of West Virginia congratulates "Moo" and the rest of the 2007 Hall of Fame inductees.

"WE DON'T SERVE TEENS"

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express my support for the "We Don't Serve Teens," national campaign to fight underage drinking.

As Members of Congress, we have a responsibility to do everything in our power to protect teens from the dangers of alcohol abuse.

The "We Don't Serve Teens" will raise awareness of the important role retailers and private citizens play in making sure alcohol is not accessible to teenagers. Their website, www.dontserveteens.gov, clearly outlines the proactive measures we can all take to limit teens' access to alcohol. This will ensure a safer environment that is free of the unnecessary dangers of alcohol, including binge drinking, and drunk driving.

I believe we should applaud the alcohol wholesalers, brewers, distillers, their advertisement agencies, and the private and State-owned retailers for their willingness to cooperate and support this cause. Without their assistance it would be very difficult to get this campaign off the ground.

The FTC is successfully uniting all adults in one organized effort that agrees not to serve those under the legal drinking age. I wholeheartedly support this movement and hope to be an advocate for "We Don't Serve Teens." If we can all understand the benefits of the drinking age and believe it when we say, "We Don't Serve Teens. It's unsafe, illegal and irresponsible," we will create a safer today and a more responsible tomorrow. Please join me in supporting the "We Don't Serve Teens" effort.

TRIBUTE TO GIL MORGAN

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. BOREN. Madam Speaker, I rise today to congratulate one of Oklahoma's own Gil Morgan, for his first-place finish at the 2007 Champions Tour Wal-Mart First Tee Open.

Gil's victory at Pebble Beach is quite an accomplishment in and of itself, but I am proud to say that he is no stranger to the winner's podium. During his career in the world of golf, Gil has amassed nearly 40 championship wins. In fact, Gil had managed to claim his first professional victory of his 35–year career when he succeeded in winning the PGA Tour's 1977 B.C. Open. His career also reflects six other PGA Tour wins, including the Danny Thomas Memphis Classic in 1979 and the Kemper Open in 1990. More impressive is Gil's 25 Champions tour wins, which include the 2003 Kroger Classic, the 2006 Allianz Championship, and his most recent feat at the Wal-Mart First Tee Open.

While many around the nation know Gil as a professional golf champion whose career has taken him around the world, those of us from Oklahoma know him as one of our own. It all started for Gil in the small town of Wewoka, Oklahoma. From Wewoka, Gil went on to graduate from East Central State College in Ada, Oklahoma before earning his Doctor of Optometry from Southern College of Optometry in 1972. A short while after completion of his education, Gil began his long and illustrious career as a professional golfer.

Madam Speaker, I think that Gil's story is an inspiring one and provides many good lessons for the rest of us to follow. First, it doesn't matter where you begin in life. With a little effort and determination, we can all accomplish victories in our lives. Second, I see Gil's determination to finish both an undergraduate degree and a doctoral degree before beginning his professional sporting career to be an inspiration to both young and old. Some of us may have extraordinary talents, such as golf, that we are born in possession of; however, knowledge is something that cannot be taken away should our talents fail us. While Gil's talent as a professional golfer has never failed him, he has always had the comfort of his education to fall back upon should he need to do so.

For these reasons, Madam Speaker, I am proud to salute Gil Morgan and I join with all of my fellow Oklahomans in giving him praise and congratulations for his most recent accomplishment at the Wal-Mart First Tee Open at Pebble Beach. As you know, Oklahoma is usually known for its love of football; however, on Sunday, September 2, 2007, we were all golf fans because of Gil.

PURPOSES OF THE FOREIGN TAX CREDIT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to introduce legislation to correct an outdated tax law that is forcing a husband and wife of almost 30 years from my district to live thousands of miles apart during what should be the golden years of their retirement together. In introducing this legislation, however, I seek to not only assist my constituents who have brought this inequity to my attention, but also to assist any other families facing the same problem.

Madam Speaker, I first introduced this legislation during the 109th Congress. I also had an opportunity to testify before the House Ways and Means Committee, Subcommittee on Select Revenue Measures last Congress. Unfortunately that was as far as my bill progressed.

Today, however, I introduce this legislation with great optimism for, and a continued commitment to, its passage. At issue is what I believe is an outdated provision of the tax code that is preventing one of my constituents, Mrs. Novella Wheaton Nied, a U.S. citizen and native New Mexican, from enjoying her retirement years with her husband Veit Nied, a German citizen.

The Nieds have been married almost 30 years and have lived overseas in various countries for the length of their marriage until September 2001. Mr. Nied, an economist, retired in September 2001 from the European Commission in Brussels, Belgium. The couple decided to return to Taos, New Mexico, Novella's home, for their retirement years, but learned upon Veit's approval of permanent resident status in the United States that his pension from the European Commission would be subject to double taxation—the initial tax by the European Commission, and again by the U.S. should he choose to make his residency here.

Double taxation on his pension will create a hardship for the Nieds in their retirement—both financially and emotionally. As a result, Mr. Nied did not accept the permanent resident status and has been traveling back and forth between Germany and the United States, being very cognizant and diligent about following U.S. immigration and taxation laws, and therefore has not stayed longer than 120 days per annum in the United States, which would render him liable for taxes in this country. This unfortunate living situation has been ongoing since 2001 when they learned of the double taxation and have been seeking a solution that would allow them to once again live together.

The United States has tax agreements with many countries to prevent double taxation, as well as provisions in the tax code that allow resident aliens who pay taxes to a foreign country to claim the foreign tax credit that reduces their U.S. income taxes. Unfortunately, the EU does not qualify as a foreign country for purposes of the foreign tax credit.

The bill I introduce today amends the Internal Revenue Code to treat employment taxes paid to the European Union by employees of the European Union as income taxes paid to a foreign country, for purposes of the foreign tax credit. This bill will allow Mr. Nied, and others in his situation, to qualify for the foreign tax credit.

This is a simple bill that brings a section of the tax code up to date with the changes in international political institutions. While it certainly will help Mr. and Mrs. Nied, this legislation will also help other families who face the same situation. The sooner we pass this legislation, the sooner the Nieds, and others, can be reunited and enjoy their retirement years in the company of their loved ones.

HONORING THE LIFE OF ARMY SERGEANT NICK PATTERSON OF ROCHESTER, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. DONNELLY. Madam Speaker, I rise today to honor the courage, humility, compassion and selflessness of U.S. Army Sergeant Nicholas Patterson, native son of Rochester, Indiana. A member of the 1st Squadron, 73rd Cavalry Regiment, 2nd Brigade Combat Team, 82nd Airborne Division, Nick was killed on September 10, 2007 following a raid in western Baghdad in a tragic accident involving the armored truck in which Nick was riding. Nearing the end of the most dangerous assignment of his second deployment to Iraq, Nick left us to mourn a life lived to the fullest.

Like many people in the Army, Nick was a skilled athlete. A 2001 graduate of Rochester High School, he led his basketball team in scoring his senior year and played second base for the baseball team, proudly wearing number ten in both sports. His former teacher, Rob Malchow, said, "Nick had such an outgoing personality. He had so much energy that you had to get to know him."

When Nick joined the army shortly after graduation from high school, he set his sights on being a paratrooper. He was thrilled to be part of the storied 82nd Airborne Division and treasured the camaraderie of his men, his brothers. His widow, Jayme, said Nick was "very, very proud to be in the unit he was in," which he described as "high-speed." Fellow soldier Sgt. Blake Bagbay noted, "Nick could always be counted on to pick you up and make you smile. His concern for his soldiers and friends will be missed by all."

Nick and Jayme shared their love with a four-year-old son, Reilly, and he valued the daily contact with his family by phone, e-mail, and even Web cam. If nothing else, he made sure to e-mail Jayme every day, and even if it was short, he said what mattered, "I love you."

Nick was also close to his father, Jim, whom he affectionately called Pops. Father and son shared a love of the Chicago Cubs, the Indianapolis Colts, Indiana University basketball and fishing in Nyona Lake. Sharing in the grief of their loss are Nick's mother and stepfather, Jane and Scott Holmes, his stepmother Virginia Patterson, sister, Tai Johnson, and stepbrother Kyle McLochlin as well as the close knit community of Rochester.

According to Nick's family, the Army helped him grow up, become more focused, and develop into a leader who earned admiration for his toughness, yet showed compassion. His father noted that Nick didn't want to be a hero to anybody, except for his son and his family. Today, I recognize Nick as a hero to us all, a brave man, respected by his peers, loved by his family and friends, devoted to his duty. Jim expressed it well, "I'm just so proud. He's a hero. But it hurts." I echo those words as I recognize the honor the Nation holds for Nick, yet at the same time, acknowledge our grief. May God bless Nick, his family, his fellow soldiers, and his fellow countrymen as we share this collective sorrow.

IN MEMORY OF DR. MARY ESTHER GAULDEN JAGGER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. BURGESS. Madam Speaker, I rise today in memory of Dr. Mary Esther Gaulden Jagger from Highland Village, Texas in the 26th Congressional District of Texas. Dr. Jagger passed away September 1, 2007 from Alzheimer's disease complications. She was 86 years of age.

Mary Esther Gaulden Jagger was a scholarly woman who earned a bachelor's of science degree from Winthrop College and a doctorate in biology from the University of Virginia.

Dr. Jagger began working in 1949 at the Oak Ridge National Laboratory in Oak Ridge, Tennessee as a senior radiation biologist. The Jagger's relocated to Dallas from Tennessee in the mid-1960s, where Ms. Jagger took a position as professor of radiology at UT Southwestern Medical Center. She officially retired in 1992, but continued to visit her office until 2004.

Mary Esther Gaulden Jagger helped found the National Organization for Women in 1966. She was president of the Association of Southeastern Biologists in 1959. She was also a member of the Committee on Toxicology and the U.S. National Research Council, as well as being involved in the Radiation Research Society and the Environmental Mutagen Society.

I know from my time in residency at Parkland Hospital, that Dr. Jagger was revered as an expert. When in doubt or if any questions arose, you could always turn to the wisdom of Dr. Jagger.

While this woman was an accomplished biologist and successful author of scientific literature, she always made her family a priority. Relatives will remember her most for her personality and her devotion to her family. –

Dr. Jagger is survived by her husband, children, and three grandchildren. It was my honor to represent Dr. Mary Esther Gaulden Jagger, and I extend my deepest sympathies to her family and friends. She will be deeply missed.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. COLE of Oklahoma. Madam Speaker, on Tuesday, September 18, 2007, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted "Aye" on rollcall No. 873.

TRIBUTE TO MR. RADCLIFFE KILLAM

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Radcliffe Killam, one of the greatest members of the community of Laredo, Texas, who passed away at the age of 97 on September 8, 2007.

Mr. Radcliffe Killam was born on July 1, 1910, to Oliver Winfield and Harriet Smith Killam in Grove, Oklahoma. He came to Laredo with his family when he was 9 years old. His father established the Mirando Oil Company in South Texas, which would later become Killam Oil Company under the leadership of his son, Radcliffe. Mr. Killam grew up working on oil rigs, and attended Laredo High School. He then received a Bachelor's degree from the University of Texas at Austin and earned a law degree from Harvard Law School in 1935. During World War II, Radcliffe was among those in the greatest generation to answer the call of duty by serving in the U.S. Naval Service overseas in the Atlantic and then in the Pacific.

When the war was over, Mr. Killam returned back to his oil business in Laredo, Texas, with his wife, the former Sue Spivey of Bonham, Texas, whom he had married in 1942. He was extensively involved in the community, and served on the boards and councils of banks, foundations, and educational institutions such as Texas A&M International University whose founding he had helped make possible through his donation of 300 acres for the campus. Mr. Killam truly believed that education was the key to success for the future of the community in Laredo, and endeavored through his various partnerships with TAMIU to ensure the continued success of TAMIU in South Texas. Mr. Killam also extended his philanthropic interests to Mercy Hospital in Laredo, M.D. Anderson Cancer Center in Houston, and to the South Texas Health Sciences Center.

Mr. Killam was also known for his love of the outdoors. He owned several large ranches, and implemented a game management program which allowed hunters to hunt wild game on his ranch. The City of Laredo benefited a great deal from the philanthropy of Mr. Killam. He left behind a remarkable legacy that continues to inspire those who knew and loved him. Mr. Radcliffe Killam truly led by example and it is to his credit that Laredo has advanced a great deal as one of the leading trade ports and economies in South Texas, with more opportunities for higher education for the youth of the community due to his investments in TAMIU.

Mr. Killam is survived by his wife, Sue, of 65 years, his son David and his wife, Hayley, his daughter, Adrian Kathleen, his daughter Tracy DiLeo and her husband, Michael, and four grandsons, Radcliffe Killam II, David Killam, Nicholas and Joseph DiLeo. Mr. Killam was preceded in death by his daughter Terry Killam Wilber, his brother Winfield Killam, and his sister Patricia Louise Killam Hurd.

Madam Speaker, I am honored to have this time to recognize Mr. Radcliffe Killam, and I thank you for this time.

UPON THE RETIREMENT OF LARRY WEISS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Ms. KAPTUR. Madam Speaker, I rise today to honor the distinguished career of Larry Weiss upon his retirement following nearly forty years of service to build and advance Bowling Green State University.

Most recently, Larry has served as Bowling Green's Vice President for University Relations and Governmental Affairs. He has worked closely with the university's presidents, including its current President, Dr. Sidney Ribeau, always demonstrating honesty, skill, and integrity. During his career, Larry met notables such as Bob Hope, Red Skelton, and Doc Severinsen, but never failed to treat all people with equanimity—affording respect to students, university staff, families, and visitors alike.

A native of Canton, Ohio, Larry graduated from Bowling Green State University in 1967 with a Bachelor of Science Degree in Journalism and a specialization in public relations. Following graduation, he began his business career in the Press Relations Department of Libbey-Owens-Ford Glass Company in Toledo.

In 1973, Larry returned to his alma mater as Assistant Director of Alumni Affairs where he undertook a $2.2 million campaign to build an alumni center on campus. Five years later, he was promoted to Director of Alumni Affairs. In 1998, Larry incorporated state government relations into his job responsibilities while still serving as alumni director. In August, 2000, he moved to the President's Office where he continued to serve the President and the community.

During his tenure in the Alumni Office, Larry served as chair of the University's 7th Anniversary celebration. He was 1 of 3 alumni administrators in the United States selected by the Asian Institute of Management for travel to Manila, Philippines to train Filipino educators. He also served as host of a weekly television show called "Time Out" on the local PBS affiliate.

In addition to his responsibilities at BGSU, Larry served on the boards of trustees for the Bowling Green Chamber of Commerce, the Bowling Green Community Development Foundation and the United Way of Greater Toledo. He is also a University representative on the Toledo Symphony Board.

One of Larry's avocations is baseball. As an 18-year-old standout, he had a scheduled tryout for the Baltimore Orioles organization. It appeared as though Larry was destined to be a professional baseball player. However, the week before his tryout, he broke his wrist and was unable to tryout. With a broken wrist, his life path changed and he decided to go to college at Bowling Green State University. At BGSU he fell in love and married Frances Greiger and also fell in love with BGSU. Not only has the marriage thrived in 42 years, but Larry's love for baseball still continues. Since 1995 Larry has played in an adult baseball league and annually plays in the Legends of Baseball League in Cooperstown, New York. This past August, Larry was inducted into the Legends of Baseball Hall of Fame.

His family jokes that while on family vacations in other states people would recognize Larry—"Larry Weiss, Bowling Green State University" and his relationship with Bowling Green State University will continue. He will lead the University's 100th anniversary celebration.

Upon Larry Weiss' official retirement from Bowling Green State University, I wish him time to spend with family and friends doing that which he most enjoys as he travels this new road of life. We know that his lifetime of dedication to building Bowling Green State University into one of the largest recognized universities in the state will not end with retirement. Let us express to Larry and his family our sincerest gratitude and Godspeed in the years ahead.

HONORING WILLIAM MURDOCK AND ELBEN CHARITIES

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. SHULER. Madam Speaker, I rise today to recognize the exceptional service of a most distinguished constituent, William Murdock. Mr. Murdock serves as Executive Director of the Eblen Charities and Eblen Center for Social Enterprise, an Asheville-based non-profit organization that assists low-income children, adults, and families battling illnesses and disabilities.

Mr. Murdock is a graduate of Asheville Buncombe Technical Community College, Mars Hill College, Duke University, and the Harvard Business School. Along with his work at Eblen Charities, Mr. Murdock lectures at Duke University and has been named an outstanding scholar in social enterprise by the International Biographical Centre of Cambridge, England.

Growing up in Asheville, North Carolina, Mr. Murdock developed a passion for wrestling which he pursued as a student-athlete and then as a high school coach. He is widely regarded as one of wrestling's preeminent historians and was most recently honored as the first recipient of the Lou Thesz World Heavyweight Championship Award. The award recognizes an individual connected with wrestling who has "taken the skills, courage and mental toughness that are the essentials of the sport and has applied those characteristics to the realm of public service." In nearly two decades of service at the Eblen Charities, Mr. Murdock has done that and more.

Under his leadership, Eblen Charities has grown from a two-person partnership that assisted 300 families in 1991 to a world-class organization that served 65,000 in 2006. Mr. Murdock currently oversees roughly 60 programs designed to help families in western North Carolina secure health care coverage, low-cost prescription drugs, heating and cooling for their homes, and other life essentials. In so doing, Mr. Murdock delivers hope in trying times and the wherewithal to meet whatever challenges might lie ahead.

His example serves to remind us that a single individual, armed with compassion, ingenuity, and resolve, can do extraordinary things. I am honored to represent Mr. Murdock in the United States Congress, and I ask my colleagues to join me in applauding his outstanding work.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 20, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 24

3 p.m.

Energy and Natural Resources

To hold an oversight hearing to examine scientific assessments of the impacts of global climate change on wildfire activity in the United States.

SD–366

SEPTEMBER 25

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine two years after Hurricanes Katrina and Rita, focusing on housing needs in the Gulf Coast.

SD–538

Judiciary

To hold hearings to examine streghtening the Foreign Intelligence Surveillance Act (FISA).

SD–226

Veterans' Affairs

To hold oversight hearings to examine Persian Gulf War research.

SD–562

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1756, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States.

SD–366

Finance

To hold hearings to examine home and community based care, focusing on expanding options for long-term care.

SD–G50

2 p.m.

Environment and Public Works

To hold hearings to examine green jobs created by global warming initiatives.

SD–406

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the digital television transition, focusing on government and industry perspectives.

SR–253

Foreign Relations

To hold hearings to examine the nominations of David T. Johnson, of Georgia, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs), P. Robert Fannin, of Arizona, to be Ambassador to the Dominican Republic, and Paul E. Simons, of Virginia, to be Ambassador to the Republic of Chile.

SD–419

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

SEPTEMBER 26

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the role and impact of credit ratings agencies on the subprime credit markets.

SD–538

Environment and Public Works

To hold hearings to examine the impacts of global warming on the Chesapeake Bay.

SD–406

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1543, to establish a national geothermal initiative to encourage increased production of energy from geothermal resources.

SD–366

Finance

To hold hearings to examine offshore tax issues, focusing on reinsurance and hedge funds.

SD–215

Homeland Security and Governmental Affairs

Business meeting to consider the nomination of Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

SD–342

Small Business and Entrepreneurship

To hold hearings to examine improving internet access to help small business compete in a global economy.

SR–428A

2:30 p.m.

Judiciary

To hold hearings to examine the nomination of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

SD–226

SEPTEMBER 27

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine hard-rock mining on federal lands.

SD–366

Veterans' Affairs

To hold hearings to examine the nomination of Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs.

SD–562

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine congestion and delays impacting travelers, focusing on possible solutions.

SR–253

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Google-DoubleClick merger and the online advertising industry, focusing on the risks for competition and privacy.

SD–226

2:30 p.m.

Foreign Relations

To hold hearings to examine the United Nations Convention on the Law of the Sea (T.Doc.103–39).

SD–419

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 128, to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, S. 148, to establish the Paterson Great Falls National Park in the State of New Jersey, S. 189, to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan, S. 697, to establish the Steel Industry National Historic Site in the State of Pennsylvania, S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, S. 1476, to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System, S. 867, to adjust the boundary of Lowell National Historical Park, S. 1709 and H.R. 1239, bills to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, S. 1808, to authorize the exchange of certain land in Denali National Park in the State of Alaska, and S. 1969, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System.

SD–366

OCTOBER 2

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine issues and challenges facing current mine safety disasters.

SD–430

HOUSE OF REPRESENTATIVES—*Thursday, September 20, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. DEGETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 20, 2007.

I hereby appoint the Honorable DIANA DEGETTE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, people approach You, the infinite source of life and love, through various faith traditions. This Nation rejoices and protects the freedom of religious expression of its people as a basic human right. Such tolerance and mutual respect may well prove to be America's greatest export to the rest of the world.

Lord, in our day, as in the past, all religious traditions help individuals, societies, and cultures combat three poisons that the ancients thought would always threaten to destroy us. The three poisons are greed, anger, and ignorance.

With religious insight and righteous discipline, Lord, You empower faith-filled people to fight off such internal disease and become healthy again. Lord, help Your people in these desperate times to find and live into "a cure."

The antidote for greed is justice for all; anger is converted by compassion for others; and ignorance is overcome by knowledge of others and from others. Heal us who call upon Your holy name, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. AKIN) come forward and lead the House in the Pledge of Allegiance.

Mr. AKIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3528. An act to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches per side.

JENA, LOUISIANA

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK. Madam Speaker, Members of Congress, people of the United States of America, I stand this morning as chairperson of the Congressional Black Caucus to say thank you to the thousands of people who are in Jena, Louisiana as we speak, and the tens of thousands around this country standing for liberty and justice for all.

Unfortunately, a tragic accident happened in Jena, Louisiana. A gentleman has been incarcerated since December; the appeals court has thrown out the conviction; he is still incarcerated. Six young men attacked, 2 days before the incident that they are in jail for, and now we ask for justice.

This is an important day in the history of our country. We rise, as we just said the Pledge of Allegiance, justice and liberty for all. Congratulations to the attorneys, to the coalition, to the families. Let's retry this in juvenile court where it ought to be and bring justice to the Jena 6. Congratulations, young men. Stand strong. We are with you. God bless.

HONORING THE RETIREMENT OF DR. PASCAL SPINO

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the career of Dr. Pascal Spino of Greensburg, Pennsylvania, a remarkable physician.

After serving 60 years as a pediatrician, Dr. Spino is retiring after this long career. In 1954, he founded the first well baby clinic in Westmoreland County, which provides free exams and immunizations to children up to 6 years old. In 1972, Dr. Spino started the Render Any Needy Child Help program to provide medical care for abused children. He then went on to create a Level II nursery and modern pediatric department at Westmoreland Regional Hospital.

Dr. Spino has received a number of recognitions, including Dr. Spino Day in Westmoreland County, for his lifetime commitment to helping others. More than 4,000 people were in attendance, despite a downpour of rain.

I ask my colleagues to join me in honoring Dr. Spino's career, personal sacrifice, and devotion to improving our health care system and helping children.

ARMY STAFF SERGEANT GREGORY RIVERA-SANTIAGO

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Madam Speaker and colleagues, I rise today bearing the grief of our community at the loss of yet another of our sons in the Iraq war. Army Staff Sergeant Gregory Rivera-Santiago was 26 years old. He was killed when his vehicle overturned in Baghdad. An Honor Guard of the 82nd

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Airborne Division escorted his body home this Monday. It was his third tour; he would have returned home in November.

In the midst of our deep sadness, I also come to the well of this House with great pride in this young man. An excellent student while at the St. Croix Educational Complex, a courageous soldier, a devoted husband, son, father, and friend.

Staff Sergeant Rivera-Santiago is the seventh soldier we have lost in Iraq from our small territory. It is a tragic reminder of a war gone wrong and gone on for far too long. It is time to begin the process of bringing our men and women home.

Madam Speaker and colleagues, we are eternally grateful for Gregory's life and service, and extend our heartfelt condolences to his family, his mother Mrs. Carmen Santiago, his wife Brooke, and their children. God bless them, God bless Gregory, and God bless all who are serving in our Armed Forces.

THE WALL DESECRATERS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, "I do not believe that the men who served in uniform in Vietnam have been given the credit they deserve. It was a difficult war against an unorthodox enemy."

These are the words of General Westmoreland in the war where "all gave some and some gave all." But the disrespect continues. Now, despicable vandals have desecrated the sacred black granite Vietnam Wall. An oily, slimy, greasy substance was smeared over the Wall and the walkway. The Park Service is attempting to remove the damage, but the monument desecraters run free.

This monument bears the name of 56,000 warriors. They answered the call for America and they died in their youth. I grew up with friends whose names are on that wall.

The unpatriotic, cowardly, abusing criminals should be tracked down, prosecuted, and put in jail somewhere off the shores of America, maybe Guantanamo Bay.

It has been said that "Vietnam was a war that asked everything of a few and nothing of most in America." Now America must be resolved to capture these outlaws and restore dignity to those who died for the rest of us.

And that's just the way it is.

CHIP

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute.)

Ms. SCHWARTZ. As one of the original architects of CHIP in Pennsylvania, I have seen firsthand that it is possible to bring together public and private stakeholders and expand health coverage to millions of children, children of working families who cannot afford the increasing cost of coverage.

And now, the Democratic majority is poised to ensure that 10 million uninsured children in this country get the health care they need and deserve. The Democratic majority is delivering on our promise, and I am proud of the work that we have accomplished to expand health care to working families.

The American people understand the importance of getting health care to America's children. 270 organizations representing our Nation's seniors, nurses, unions, businesses have put aside their differences to urge for CHIP reauthorization. American families want and need us to maintain and expand CHIP. Their children are counting on us.

The next step is for Congress to approve this commonsense, compromise legislation, hopefully with Republican support, and send a strong message to the President to support our efforts towards the goal of insuring every American child.

FORTY-SIXTH ANNIVERSARY OF THE CREATION OF THE PEACE CORPS

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Madam Speaker, I rise today in recognition of the 46th anniversary of the United States Peace Corps. Saturday, September 22, marks the date on which Congress approved legislation formally authorizing the Peace Corps to promote world peace and friendship.

Since that time, more than 187,000 Peace Corps volunteers have been invited by 139 host countries to work on issues ranging from education to agricultural support and environmental preservation. Today's Peace Corps is more vital than ever, working and emerging in essential areas such as information technology and business development, and committing more than 1,000 new volunteers as part of the President's Emergency Plan for Aids Relief.

I am proud that Minnesota's Second District is home to Carleton and St. Olaf Colleges. Both schools, located in Northfield, Minnesota have been recognized nationally for the large number of their graduates serving in the Peace Corps. These volunteers continue to help countless individuals who want to build a better life for themselves, their children, and their communities. It is an honor to stand before you to recognize the Corps and their volunteers.

TIME FOR A REAL CHANGE AND DIRECTION IN IRAQ

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, I rise today to encourage all of my colleagues in the House and the Senate to exercise the courage to begin a true new direction in Iraq.

Our brave men and women serving in our military are completing every mission they have been asked; and for that I thank them and America thanks them. But the President keeps moving the goalposts and redefining the mission.

Last week, the President announced a potential drawdown of troops from Iraq by July of 2008, leaving approximately 130,000 troops in Iraq. This is no change, and it is unacceptable.

The American people will not be fooled by these smoke-and-mirror tactics. The President said the surge was intended to provide time for the Iraqis to make political progress; yet, there has been no political progress and no improvement in the situation in Iraq. The Iraqis have only met 3 of 18 benchmarks for success, all the while they are mired in a religious civil war.

Enough is enough. It is time for real change and direction in Iraq.

A STRONG BULGARIA-INDIA RELATIONSHIP

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today to recognize the recent trip by Bulgarian Prime Minister Sergei Stanishev to India to highlight the growing relationship between these two democracies. As cochair of both the Bulgaria Caucus and the Caucus on India and Indian Americans, I am encouraged by this good news.

This visit marks a continuation of the economic relationship both nations have fostered by expanding their trade and investment opportunities. America will be a key ally of Bulgaria and India in providing growth for their partnership.

As a member of NATO and the European Union, Bulgaria is a friend of the United States. We are in a unique position to strengthen their relationship with our allies throughout the world. Additionally, India remains one of our strategic partners in Asia under the leadership of Prime Minister Manmohan Singh. I am pleased that the United States and India are finalizing the civilian nuclear agreement that will expand the use of a clean energy source for India and fulfill our nonproliferation efforts.

In conclusion, God bless our troops, and we will never forget September the 11th.

IRAQ

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, during the course of the war in Iraq, the American people have paid a very heavy price, not just financially, although the war has already cost over 400 billion taxpayer dollars, but also through the tragic loss of at least 3,775 American lives, with countless more injured. And under the President's plan to continue our failed policy in Iraq, these immense sacrifices will continue.

According to General Petraeus, if we go forward with this war as the President wants us to, on average, two U.S. men and women will die every day; another 15 will be wounded each day; and we will spend $300 million each and every day we are there.

It seems that these massive losses do not register with some of my Republican colleagues who continue to support an open-ended commitment in Iraq. In fact, Republican Leader BOEHNER even said recently, when asked how much longer we should stay in Iraq, that the sacrifice being made will be a small price. I don't think so.

□ 1015

HONORING FRANK BECKMANN

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Madam Speaker, I rise to honor Frank Beckmann upon the 35th anniversary of his distinguished broadcasting career at WJR, the great voice of the Great Lakes.

Since 1972, Frank Beckmann has steadily risen through the station's ranks until today he stands as a beloved, in most quarters, Detroit radio personality. Frank's iconic status was cemented in February of 2003 when the "Frank Beckmann Show" debuted. Over the ensuing years, Frank's commitment to providing fair and candid news has earned him a legion of fans and countless awards, which he, no doubt, is at the present time trying to count regardless.

Madam Speaker, over the years, Frank has enlightened and entertained radio audiences with his laid back humor, his probing interviews and his male pattern baldness.

I ask my colleagues to join me in honoring Frank Beckmann's loyalty to his listeners, dedication to the truth, and enduring contribution to broadcasting, our community, and our country.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science and Technology:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This letter is to advise you that, effective today, I am resigning my seat on the House Committee on Science and Technology.

Thank you for your attention to this matter.

Sincerely,

MICHAEL M. HONDA,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2881, FAA REAUTHORIZATION ACT OF 2007

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 664 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 664

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and the amendments considered as adopted by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of such report, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part C of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2881 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

All time yielded during consideration of the rule is for debate only, and I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. I yield myself such time as I may consume.

Madam Speaker, H. Res. 664 provides for consideration of H.R. 2881, the FAA Reauthorization Act of 2007, under a structured rule. The resolution provides 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Transportation and Infrastructure Committee. The rule makes four Democratic amendments and four Republican amendments in order.

H.R. 2881 is a very important piece of legislation last updated in 2003. We are here today to make very critical reinvestments in aviation. And I want to thank, on behalf of the Rules Committee, the excellent work of Chairman OBERSTAR, the excellent work of subcommittee Chair COSTELLO and Ranking Member PETRI.

This bill authorizes $37.2 billion for Federal Aviation Administration operations, $13 billion for FAA facilities and equipment, $15.8 billion for the Airport Improvement Program, and $1.8 billion for research and engineering development. The $13 billion provided for FAA facilities and equipment is significant and will work to accelerate the implementation of the next generation air transportation system. This enables the FAA to make needed repairs and upgrades. This is very important to small airports across the country, including 18 State, municipal, and private airports in my State of Vermont that were all satisfied with the work of this committee, that balanced the needs of small, medium and large airports. Quite an accomplishment.

I recently read the Department of Transportation estimates up to a tripling of passengers, operations and cargo by 2025. This obviously will require airports across the country to make capital improvements, as well as to make readjustments to compensate for this growth.

H.R. 2881 takes action to decrease delays. All of us will welcome that improvement in the current system. The funding levels will allow the FAA to replace and repair existing facilities and equipment to prevent outages and other equipment failures that are a cause of delay.

The bill adjusts for inflation the passenger facility charges for the first time in 7 years. These fees, essentially user fees, are used at airports all over the country to make important facility improvements that would otherwise not be possible. This has been very helpful again in small airports like Burlington in Vermont where the funding stream has made this a modern airport, very convenient for the people, and a competitive airport for the region.

The rule makes in order Mr. OBERSTAR's amendment, which includes the Essential Air Service Program, something that helps small regional airports get service that otherwise they wouldn't have. I speak from my own experience: The Rutland Southern Vermont Regional Airport has used this to provide service and help create economic growth in the Rutland County area.

Perhaps most importantly, the bill also takes steps towards ensuring our continued safety by increasing the number of aviation safety inspectors, funding programs to increase runway safety inspectors, funding programs to increase runway safety, and requiring regular inspections of foreign repair stations.

I was especially encouraged to see there are provisions within the bill recognizing the impact that the aviation industry has on the environment. This bill establishes landmark new environmental provisions to reduce emissions and energy consumption.

I urge my colleagues to support the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my good friend, the gentleman from Vermont (Mr. WELCH), for the time; and I yield myself such time as I may consume.

Who would have thought, back in 1903, at Kitty Hawk, that an experiment could have had such an incredible series of effects on our daily lives. Today, air travel helps make the world a smaller place, allowing for an ease of travel and commerce that incentivates extraordinary economic growth and job creation.

But if U.S. air travel is to continue its fundamental role in the global economy, we have to make certain that we have the safest, most modern and efficient transportation system in the world. By reauthorizing the Federal Aviation Administration funding and safety oversight programs, the underlying bill takes an important step towards addressing those needs.

Too many Americans have faced too many flight delays recently, Madam Speaker. According to the FAA, those delays are, unfortunately, on the rise, up almost 20 percent from last summer. Part of that, obviously, is due to increased passenger traffic at airports. That issue is particularly prevalent at airports such as the one that I'm honored to represent. The district that I'm honored to represent includes within it Miami International Airport. And so airports that are experiencing growth, such as Miami International and Ft. Lauderdale International, are facing this issue of how to deal with increased traffic.

For example, in 2006, almost 33 million passengers passed through Miami International Airport; 45 percent of those passengers were international passengers, going to destinations beyond south Florida.

But MIA is not only a hub for international travel; but it also plays an integral role in trade, in global trade. The airport leads the Nation in international cargo, with almost 2 million tons, a record 2 million tons of cargo processed in 2006. Also, MIA handled 80 percent of all air imports and almost 80 percent of all air exports between U.S. and Latin America and the Caribbean.

Because it is both an international hub for passengers and cargo, it provides the community that I'm honored to represent with an economic contribution of over $25 billion annually, generating almost 300,000 jobs, $638 million in Federal aviation tax revenue, and $956 million in State, county, and municipal tax revenue. These are all attributable to MIA.

If MIA is going to continue to play such an important role as a trade gateway, it obviously must continue to grow. The airport is currently in the midst of a $6.22 billion capital improvement program that has seen delays and large cost increases due to construction material and labor in south Florida.

This capital program has expanded the terminal and concourses by 2.7 million square feet and added cargo facilities which now measure 2.7 million square feet of space in 17 new buildings.

I'd like to thank the authorizing committee for authorizing $15.8 billion for the airport improvement program. These much-needed funds will go a long way in helping, for example, MIA complete its capital improvement program.

H.R. 2881, the underlying legislation, would also authorize appropriations of $51 billion, mainly over the 2008–2011 period for activities of the FAA. The bill authorizes funding for FAA operations, facilities and equipment, and for the FAA to hire additional staff to inspect various aspects of the aviation system.

☐ 1030

Currently there is a contract dispute between the air traffic controllers and the Federal Aviation Administration. Air traffic controllers are highly trained and hardworking people. I am honored to know those in South Florida and I am very proud of them for their extraordinary work. Under great pressure with no room for error, they manage our skies and keep the traveling public safe. I am pleased that the Transportation Committee has acknowledged the dispute and taken steps to resolve the issue.

Madam Speaker, I have some concerns with the rule that brings the underlying legislation to the floor. The bill does not include any financing provisions to comply with the majority's PAYGO rule. So in order to get around PAYGO, the Rules Committee self-executed a provision to pay for the bill. A self-executing amendment is a way of circumventing the democratic process by automatically making an amendment part of a bill without a vote on the amendment on the floor. And that is not, in my view, an appropriate way to include provisions into bills, especially tax-increasing provisions.

This rule also only makes in order, Madam Speaker, less than half, 8 out of 22 amendments, that were submitted to the Rules Committee. This is an important bill that is being brought to the floor today, and in my view, the Rules Committee should have permitted a full and open debate allowing discussion by the membership of this House on all of the amendments submitted to the committee.

Madam Speaker, at this time it is my privilege to yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Madam Speaker, I thank my colleague for yielding.

I support this rule to provide for consideration of H.R. 2881, the FAA Reauthorization Act of 2007. Aviation program authorizations expire at the end of this month, and it is essential that a new authorization is in place in the near future.

Fortunately, aviation has bounced back from the troubles experienced in the aftermath of the 9/11 attacks. While this is good news, it also is placing a strain on our air transportation system. And it is only estimated to get worse.

For example, 1 billion passengers are estimated by 2015, a 52 percent increase over the 2005 levels. It is estimated that the number of aircraft handled by air traffic control will increase from 45 million in 2004 to over 58 million by 2015.

Aviation is vital to our economy. U.S. airlines employed nearly 600,000 people in the United States in 2003. The industry helps to create and sustain more than 10 million jobs across our country and supports 8 percent of our gross national domestic product.

It's estimated that we need capital investments of $9 to $15 billion each year in order to accommodate this ever-growing demand. The FAA Reauthorization Act increases infrastructure investment, provides for continued progress in the modernization of the air traffic control system, increases safety, and enhances environmental protection.

It is essential that we get a good reauthorization program in place. While there are some provisions in this bill that I believe still need further discussion and negotiation, we need to move the process forward, and, therefore, I support adoption of this rule today.

Mr. WELCH of Vermont. Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

I will be asking Members to oppose the previous question so that I may amend the rule to allow for the consideration of House Resolution 479, the earmark accountability rule.

At the beginning of this Congress, we all heard about the new majority's so-called improved earmark rules. As the Congress has worn on, we have noticed that while the new majority's rules changes perhaps look good on paper, they haven't actually accomplished much since the majority has turned the other way when it comes to the actual enforcement of the new earmark rules. Granted, the majority has had to acquiesce to several demands of the minority when it came to appropriation conference reports; yet we have continued to hear reports of nondisclosed earmarks appearing in all sorts of bills, not just appropriations bills.

This rules change would simply allow the House to openly and honestly debate the validity and accuracy of asserted earmarks contained in all bills, not just appropriations bills. If we defeat the previous question, we can address that issue today and restore the credibility of this Congress when it comes to the enforcement of its own earmarking rules.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO ADJOURN

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 137, nays 265, not voting 30, as follows:

[Roll No. 886]

YEAS—137

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
English (PA)
Fallin
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kirk
Kline (MN)
Lamborn
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Pickering
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Wilson (SC)

NAYS—265

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Gallegly
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
King (NY)
Kingston
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Rahall
Rangel
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—30

Barton (TX)
Bean
Carney
Carson
Cubin
Cummings
Davis, Jo Ann
Drake
Fattah
Feeney
Hastert
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Kennedy
Kind
Lantos
Marshall
McHugh
Murtha
Price (NC)
Radanovich
Ramstad
Renzi
Reyes
Thornberry
Tierney
Waters
Young (AK)

□ 1103

Messrs. CARNAHAN, ELLISON, DONNELLY, NEAL of Massachusetts, DOGGETT, FILNER, and MEEK of Florida changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2881, FAA REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, reiterating our opposition to the previous question and the rule, urging all of our colleagues to vote "no" on the previous question and the rule, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I will just close by saying this is an important bill. It makes significant improvements to the aviation industry. I urge a "yes" vote on the rule, H. Res. 664.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

Amendment to H. Res. 664 Offered by Mr. Lincoln Diaz-Balart of Florida

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by a 5-minute vote on adoption of H. Res. 664, if ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 189, not voting 20, as follows:

[Roll No. 887]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes

Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter

McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)

Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—20

Barton (TX)
Bilirakis
Carney
Carson
Cubin
Davis, Jo Ann
Fattah

Feeney
Hastert
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)

Marshall
McHugh
Rohrabacher
Roskam
Thornberry
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1121

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 196, not voting 18, as follows:

[Roll No. 888]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman

Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps

Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello

Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick

Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson

Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon

Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston

Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick

Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions

Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Carney
Carson
Cubin
Davis, Jo Ann
Doggett
Fattah
Hastert

Inslee
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Larson (CT)

Lynch
Marshall
McHugh
Thornberry
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in contravention of the law and rules of the House.

The Sergeant at Arms will remove the persons responsible for the disturbance and restore order to the gallery.

□ 1131

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 667) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES 667

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Langevin.

(2) COMMITTEE ON HOMELAND SECURITY.—Mr. Pascrell.

(3) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Ms. Richardson (to rank immediately after Mr. McNerney).

(4) COMMITTEE ON SMALL BUSINESS.—Mr. Higgins and Ms. Hirono.

(5) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Ms. Richardson.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2881.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FAA REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 664 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2881.

□ 1134

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, with Ms. DEGETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the Committee on Transportation and Infrastructure brings to the House today an historic bill to address the needs of aviation today and into the future. At a time when we are seeing aviation recover from the devastating aftereffects of September 11, the flood of bankruptcies that occurred in the years subsequent to that tragic assault on America, and the retiring of aircraft, laying off of tens of thousands, even hundreds of thousands of airline workers and workers in related fields, we are now seeing aviation return to and exceed all-time previously registered highs.

Last year, over a billion people traveled by air worldwide, and 750 million of that travel was in the U.S. air space. We are seeing increasing delays. Only 72 percent of flights arrived on time in this last year. That indicates congestion in the air space and congestion on the ground and congestion in our air traffic control system.

We bring to the House, we bring to the country, historic funding levels of $68 billion over the next 4 years. We bring you a 4-year bill, not 3 years like we have done in years past, to address the needs of creating capacity on the air side of airports: $15.8 billion for the airport improvement program; $13 billion to invest in the air traffic control technology and making room for and accelerating the development of the Next Generation air traffic control technology; and $37.2 billion to fund the operations of the FAA, essentially paying air traffic controllers and those who maintain the system.

These are all-time high investments. I have served in the House for 33 years. I have been deeply engaged in aviation for over 25 years of those years, and I have never seen this kind of investment that Congress has made, this deeply, this extensively, and so far out into the future.

I want to thank the gentleman from Illinois (Mr. COSTELLO), the chairman of our Subcommittee on Aviation who has seized the issue, mastered the subject matter, conducted extensive in-depth hearings on a broad range of issues considered by the committee, and has played a critical role in shaping the bill.

I want to express my appreciation to the gentleman from Florida (Mr. MICA), the ranking member of the full committee, who has served previously as the Chair of the Aviation Subcommittee and is fully engaged in the issues of aviation and who committed himself every step of the way to the shaping of this legislation, including working together with us on the Democratic side, with the DOT and the White House and the air traffic controllers in an attempt to resolve a very knotty problem of the air traffic controllers' contract.

And I also express appreciation to the gentleman from Wisconsin (Mr. PETRI), the ranking member on the Aviation Subcommittee, for the enormous amount of time he devoted and for his always thoughtful and intellectual contributions to the work of the committee.

Madam Chairman, I reserve the balance of my time.

Mr. MICA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am pleased to be here this morning to bring to the floor the FAA reauthorization legislation that is before us. As Members know, and those who follow this subject, our authorization runs out, I believe, the end of next week. That is our Federal policy and projects' financing ability to run our Nation's air traffic system. We had a responsibility to move forward legislation to renew that Federal law, and that's why we are here today. I think that is an important responsibility.

I have tried to work with Mr. OBERSTAR, who now chairs the full committee. He chaired the Aviation Subcommittee, ironically, when I was a freshman in Congress. And as he mentioned, I had the opportunity to chair that subcommittee for the past 6 years and developed a great working relationship with him.

I am pleased to work with my ranking member, the gentleman from Wisconsin (Mr. PETRI), who has done yeoman's work to try to bring this legislation forward in a responsible manner, working with the now-chairman of the subcommittee, the gentleman from Illinois (Mr. COSTELLO), who likewise has put his full efforts towards this important reauthorization.

We have been fortunate, too, to have great staff on both sides of the aisle working together to meet that responsibility. I am pleased that we could bring the bill forward.

However, I have to say, in all honesty, I have some mixed emotions. I must also state that when we come to final passage, and I have told Mr. OBERSTAR and Mr. COSTELLO and others, that I will cast a vote not in support of this FAA reauthorization, and really for two reasons.

First of all, when we introduced the bill, there were several objectionable provisions that had been proposed that I opposed, and I do respect the gentlemen from Minnesota and also Illinois, in working cooperatively to introduce the bill without those objectionable provisions. However, right after we introduced it and we marked up the bill, we started sort of piling on, and there are two provisions which I cannot support, two major provisions, and I made them aware of my opposition.

The first one involves an unprecedented reach-back, and it is for the air traffic controllers. Let me say there are men and women, some 15,000 of them, who do an incredible job serving our air traffic control system. And back in the 1990s, I believe that they were underpaid, undercompensated for their responsibilities. But through a contract that was negotiated then under the Clinton administration, they did receive for the next 7 years an average increase of about 10 percent a year. In fact, it totals 75 percent over those 7 years.

Now, I would love to have it 10 percent guaranteed increase. I think people who work here in the Congress would like to have a 10 percent pay increase every year; 1.2 million Federal employees, maybe another 20,000 that work at FAA would all like to have this deal, and that deal wasn't to be.

This past Congress had the difficult task of receiving the contract that was being negotiated and the final offer that was made by FAA because the contract reached an impasse. And in an unprecedented fashion also, the terms of that contract offer was brought to Congress, and the air traffic controllers lost in that vote here on the floor.

Now, I sympathize with Mr. OBERSTAR and also with Mr. COSTELLO. The appropriators turned down the air traffic controllers in the House. We had several CRs where they attempted to reopen this contract; it was turned down. It was turned down by the appropriators in the Senate. It was turned down in the bill that is now before the other body. Each time that they have gone to the Democrat side, which now controls this body, they have been turned down.

Now, they did manage to put this provision to which I object in the bill, and it is unfortunate. It has a huge financial impact. It is estimated to be $1.9 billion, if this is allowed to go forward. And the money is one thing, but reaching back in an unfair manner to other Federal employees. We have some 20,000 professionals, engineers, people with Ph.D.s, a whole host of staff in FAA that aren't going to be treated in an equitable manner.

And then the bad precedent it sets for Congress. Folks, any time you get into a labor dispute, just bring it to Congress and we will up your salary when we are pressured. That can't be the way we operate. I have agreed to change the mechanism. Nobody in Congress likes to be the negotiator of salaries or contracts, and we shouldn't be, and I am committed to that.

□ 1145

I will also say that since we took up this bill and knowing that this is a pending controversial matter, I have worked day and night to try to get the administration and NATCA union representatives together to resolve those differences. I appreciate the work of all of those involved. The gentleman from Ohio (Mr. LATOURETTE) has also joined the gentleman from Wisconsin (Mr. PETRI) and myself and the Democrat members in that effort. Unfortunately, it's jammed into this bill and that's not fair.

There are other provisions that have been put in here for big labor. Now, I know labor won a big vote with the election and is attempting to increase its membership. I respect that, but I think that the grab they have attempted here goes beyond what I feel is reasonable, not only in expanding organizational opportunities that I think go beyond again a reasonable level but some of the other provisions in here that will add cost, that will add regulations, that will add complications to operating our system and not give us a fair return. Not only do we have a responsibility to bring forth this legislation that runs this system but we have an obligation and responsibility to taxpayers and others, the travelers who finance the system, that their funds be spent wisely.

I do also have some reservations about provisions that will be added in the manager's amendment. Again, it's not always how much money you spend, but how you spend that money, and we have a responsibility to spend that wisely and very efficiently for hardworking Americans who are paying in to also help finance this system.

And then, of course, the final point is the President has issued a veto statement, and he will veto this based on spending, based on the overreach by labor for their contract and other terms that have been put into this legislation. Even though I have opposition, I have pledged to work to move the process forward and continue to renew that pledge at this time as we move forward with the bill.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. COSTELLO), the Chair of the Aviation Subcommittee.

Mr. COSTELLO. I thank the chairman of the full committee, the gentleman from Minnesota, for recognizing me and yielding this time.

Today is an important day for the future of aviation. We are considering this legislation, which was introduced in a bipartisan manner. I do want to thank the gentleman from Minnesota, the gentleman from Florida and the gentleman from Wisconsin for all of their hard work in bringing the legislation to the floor today.

The issues we address in this legislation are important, and they will determine our ability to continue to maintain the world's safest aviation system. There is a provision in this bill that the gentleman from Florida referred to that addresses FAA's imposed work rules on the air traffic controllers. We spent many hours working together with the FAA and the air traffic controllers trying to bring together an agreement. Unfortunately, an agreement could not be reached and that only left us with one clear choice, and that is binding arbitration.

I strongly believe in collective bargaining and bargaining in good faith with a fair dispute resolution process for both sides. Unfortunately, that did not happen in 2006, but it was corrected with the T&I Committee markup by adopting the Costello amendment with a strong bipartisan vote of 53-16. The approach in H.R. 2881 will ensure fair treatment of FAA employees and restores two fundamental principles: the rights of workers and the right to collectively bargain.

H.R. 2881 also allows us to increase capacity and safety within our aviation system, modernize our air traffic control system, and continue to reduce energy consumption and improve our environment. Our Next Generation system can be absorbed by the existing FAA financing structure, and that is exactly what we did in this bill.

Our bill does not impose user fees as the administration recommended. Instead, our bill uses the current tax structure. This legislation provides a record $68 billion over the next 4 years to improve our Nation's aviation infrastructure, modernize our air traffic control system, and maintain the highest level of safety in this ever-changing aviation environment.

Further, the legislation applies a four-part approach to the FAA Joint Planning and Development Office. We provide more funding, more authority, more accountability and more oversight. These changes will ensure our ability to meet our modernization goals and objectives.

The first half of 2007, as the gentleman from Minnesota pointed out, has been the worst as far as delays in the last 13 years. We have addressed that situation in this legislation and we address the problems with airlines scheduling more flights than the system currently can handle. To help airports increase capital needs and reduce airline delays, like the administration, our legislation would increase the passenger facility charge cap from $4.50 to $7. According to the FAA, if every airport currently collecting a $4 or $4.50 PFC raised its PFC to $7, it would generate $1.1 billion in additional revenue to develop airports each year.

The bill also provides significant increases in the AIP fund. Giving the ability to raise the PFC and the AIP funding will provide the necessary financing of capacity-enhancing airport improvements that will be necessary to reduce delays.

Let me conclude by saying that our legislation also contains passenger and consumer protections, a passenger bill of rights that, in fact, will protect passengers.

I urge passage.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. CHANDLER) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

FAA REAUTHORIZATION ACT OF 2007

The Committee resumed its sitting.

Mr. MICA. Madam Chairman, I am pleased to yield 5 minutes to the Republican leader of the Aviation Subcommittee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from Florida.

All of us who are frequent travelers as we go back and forth to our districts know the strain that is on our air traffic system. We all hear from outraged constituents who have had enough of delays and of cancellations. The American Society of Civil Engineers periodically issues an infrastructure report card. In 2005, aviation received only a D-plus. We're in a bad situation and it is only going to get worse.

Traffic is predicted to grow over 4 percent per year until we reach 1 billion passengers by 2015. Air cargo is growing at a rate of more than 5 percent per year. We have a general aviation community that is unique and more active than any other country in the world.

The bill before us increases Federal investment in aviation infrastructure with funding for the Airport Improvement Program which provides grants from the aviation trust fund for airport improvements, increased to a total of $15.8 billion over 4 years. The Facilities and Equipment program is increased to $13 billion. We also increase the cap on the level of passenger facility charges that an airport can impose for capacity and safety projects. This cap was last raised 7 years ago and the $4.50 then is now only worth $2.86 due to the incredibly high construction cost inflation.

One of the most important initiatives under way at the FAA is the modernization of our air traffic control system, known as NextGen. We must move away from an antique 50-year-old ground-based technology to a modern satellite-based system in order to increase capacity, lower costs and increase safety. The bill seeks to move this process along while instilling accountability. Congress will need to provide effective oversight to be sure the program stays on track and that we have the financial resources for this $15 to $20 billion multi-year program to keep it moving forward.

Madam Chairman, there are a variety of other provisions too numerous to enumerate which improve on safety, provide for noise mitigation and enhance other environmental initiatives. The mandatory retirement age for pilots would be increased from age 60 to 65. Passenger rights would be enhanced by ensuring that airlines plan for the care of passengers who are held hostage on tarmacs and will seek to avoid such occurrences by establishing a process to avoid clear overscheduling that inevitably leads to delay.

However, I am placed in the rather odd position of voting "no" on final passage for my subcommittee's bill. Though the base bill was put together on a bipartisan basis, two amendments were adopted by the committee which cause me grave concern for the long-term prospects of this bill. We have it on good authority that the bill will be vetoed if section 601 regarding contract impasse procedures is not revised. The current provision provides for changes in future impasse procedures, which I don't object to; but then it also reopens the currently imposed contract and includes back pay under terms of the 1998 contract. According to the Congressional Budget Office, the cost of this provision in 2008 is $179 million, and $477 million over the life of the bill. The FAA estimates a total cost as high as $1.9 billion over 5 years and $7.5 billion over 10 years.

Second, an amendment was adopted that would move express carriers from being covered by the Railway Labor Act to the National Labor Relations Act. This provision is really targeted at one company, FedEx. FedEx Express was organized as and still is an air carrier, in particular an express carrier. As such, it has been covered by the Railway Labor Act since its creation in 1971. Yes, it has trucks, but it is a fully integrated system which was reaffirmed by the Ninth Circuit Court of Appeals. Some draw comparisons to UPS, another great and innovative company for which we all have the greatest respect and, yes, even affection. But UPS organized a hundred years ago as a truck company and as such is rightly covered by the National Labor Relations Act. I would note that other companies within the FedEx family such as FedEx Freight are also covered by the NLRA. These are two different companies with two different corporate structures, and I regret that this change is included in the bill before us.

I would like to thank Chairman OBERSTAR, Chairman COSTELLO, and Ranking Member MICA for working together as best we could, sometimes working through basic philosophical differences. I thank the staff for the many hours they have put into helping to produce this bill. Finally, I appreciate the cooperation of the Science Committee for its contribution of the research provisions and the Ways and Means Committee for extending the aviation taxes that fund much of this program.

Madam Chairman, today we are considering H.R. 2881, which will reauthorize our aviation programs for the next 4 years.

Most of us here are experienced air travelers, as we fly back and forth to our districts each week. We all know the capacity crunch our air system is experiencing—both on the ground and in the air. All of us are dealing with outraged constituents who are tired of delays, cancelled flights, or being held hostage for hours at a time while a plane sits on the tarmac.

We need to invest and make improvements to our air transportation system:

Air passenger demand is predicted to grow 4.3 percent each year through 2015—resulting in 1 billion passengers annually by 2015.

The number of aircraft to be handled by air traffic control is expected to grow from 45.1 million in 2004 to 48.5 million in 2015.

Air cargo is growing at a rate of more than 5 percent a year.

According to the FAA and other experts, $9 billion to $15 billion in capital investment is needed per year.

Aviation is critical to our economic vitality. The commercial aviation industry is responsible for 8 percent of our GDP. It creates and sustains more than 10 million jobs.

For a sector that is so critical to our future, you would think a safe and efficient air transportation system would be one of our top national priorities. And yet, the American Society of Civil Engineers' 2005 infrastructure report card gives aviation a grade of only a D+.

The FAA Reauthorization Act of 2007 will take important steps to address these problems.

It increases investment in aviation infrastructure, authorizing $15.8 billion over 4 years for the Airport Improvement Program (AIP) which provides grants to airports for needed airport expansion and development. The Facilities and Equipment program provides needed air navigation systems and funding is increased in this bill to $13 billion over 4 years.

While we need to expand capacity on the ground, we also need to do so in the air. The air traffic control modernization program, known as NextGen, will move us from a ground-based radar system to a satellite-based system. Rather than verbally direct every movement of every plane, air traffic controllers will manage traffic and become involved with specific aircraft only as needed. We will be able to handle the increasing air traffic that we know is coming without a huge increase in controllers.

H.R. 2881 also addresses the issue of passenger rights, as has been demanded by angry passengers who feel they have been abused. The issue of delays, flight schedules and flight diversions is a complicated one. The bill includes a variety of consumer provisions, including requiring airlines to have contingency plans on how they will respond when planes are excessively delayed, including ensuring that trapped passengers are properly cared for. The FAA must approve the plans and can impose civil penalties. The FAA administrator also is directed to work with airlines when there is clear evidence that the number of flights scheduled exceeds the maximum capacity of the airport—a situation that almost guarantees excessive delays.

In addition, H.R. 2881 will improve safety and enhance environmental protection. The number of aviation safety inspectors will be increased, funds for runway incursion reduction programs are increased and other safety programs are strengthened.

We are addressing environmental issues by requiring the phase-out in 5 years of noisy

Stage II jet aircraft so those who live around airports can enjoy at least a little more peace and less noise overhead.

In an effort to increase fuel efficiency and decrease emissions, several innovative programs and pilots are established. For example, the Aircraft Departure Queue Management Pilot Program authorizes 5 airports to employ new traffic flow management technologies to better manage the movement of aircraft on the ground. The goal is to reduce ground holds and idling times—leading to reduced emissions and increased fuel savings.

The CLEEN Partnership is a 10-year cooperative agreement for the development and certification of lower energy, emissions and noise, engine and airframe technology.

One of the more popular provisions would raise the age at which commercial pilots must retire from the current age 60 to age 65. This will put the United States in line with international standards. In this day and age, age 60 retirement is really an anachronism, and we need to update and modernize this requirement.

While I support the vast majority of the provisions in this bill, and we did work together on a bipartisan basis to develop the base bill, I find myself in the odd position of having to vote "no" on final passage of our reauthorization bill. This is primarily because of two provisions.

First, section 601 of H.R. 2881 amends contract impasse procedures and also effectively overturns a contract implemented last year. I agree that the current contract impasse procedures that were instituted in the 1996 personnel reforms needs to be revised. I will not oppose revising the impasse procedure. In fact, a binding arbitration resolution solution may be the right solution.

The problem is that the provision also reopens the currently imposed contract and includes back pay from 2005 until negotiations are completed. According to the Congressional Budget Office, the cost of this provision in fiscal year 2008 is $179 million and $477 million over the life of the bill. FAA estimates a total cost as high as $1.9 billion over 5 years and $7.5 billion over 10 years.

If we want a reauthorization enacted—and I do—this provision jeopardizes that goal. It has been made pretty clear to us that including the retroactive provisions will invite a presidential veto. And we may even have a problem getting to conference, based on the comments of some Senators.

So when this bill passes today—as I expect it will—we need to realize that more negotiation and compromise will be needed to actually get a bill that can be signed into law.

Second, section 806 would amend the labor law that covers the employees of FedEx Express. This has been an issue that has arisen on occasion here in the Congress. The simple fact is that FedEx Express, since its inception in 1971, has been and remains an air carrier—in particular an express carrier. FedEx trucks are fully integrated into the air express activities—and even the Ninth Circuit Court has found this to be the case.

The press enjoys characterizing this as a FedEx versus UPS fight. It is not. No member wants to pick sides between two innovative and successful companies. But UPS is a motor carrier subject to the National Labor Relations Act. It has been for the last 100 years. The two companies have a very different corporate structure.

Some continue to make reference to 1996 law that "changed" coverage of FedEx Express to the Railway Labor Act. This is misleading. In fact, a conforming amendment in the ICC Termination Act of 1995 had the inadvertent effect of potentially changing the labor law that would apply to FedEx Express from the Railway Labor Act to the National Labor Relations Act. No discussion on this issue was ever held during consideration of the bill, and there was no conscious decision made to effect that change in the ICC Termination Act. The 1996 legislation—which was championed by former Democratic Senator Fritz Hollings of South Carolina—simply corrected that inadvertent error. FedEx has been covered by the Railway Labor Act since 1971. It is unfortunate this bill would ignore all that has gone on before.

In closing, let me commend my Committee leadership for working together under what has frequently been some difficult times. There are some issues that we simply disagree on, but we have tried to continue to work toward the goal of getting a reauthorization in place.

I also want to express thanks to the Science Committee for its contribution of the research title and to the Ways and Means Committee for the tax title. I am pleased that Ways and Means rejected moving to a user fee-based financing scheme in favor of the current more efficient fuel tax program. Taxes are raised for general aviation and corporate jets, and we should note that these groups are accepting and supportive of the increase, knowing that the system requires it.

Again, I am pleased that we are moving forward. We need to invest in aviation infrastructure. We need to modernize our air traffic control system to increase capacity and improve safety. We need to address the environmental challenge facing the industry today. We need to ensure that our aviation system remains safe.

The United States has always been the leader around the world in aviation innovation—but I fear that position may be threatened. We must continue to lead and set the standard for the rest of the world.

Mr. OBERSTAR. Mr. Chairman, at this time I yield 5 minutes to the distinguished chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL). I thank him for the cooperation and the splendid support the committee has given in the furtherance of this legislation in their extremely important responsibility.

Mr. RANGEL. Fellow Members, I want to thank Chairman COSTELLO and Chairman OBERSTAR for their cooperation and working together as a team with our Republican colleagues to get this job done.

Quite frankly, I thought it was almost going to be pro forma when I knew that the Ways and Means Committee was going to receive this bill for the purposes of providing revenue. So I was a little surprised that when the issue actually came before the full committee, rather than dealing with the question of revenue, I had to deal with the question of outrage. There was not a liberal, conservative, Republican or Democrat that didn't believe that this was our time to tell these aviation people that we passengers have been suffering in such a way that we were going to express it through the tax system.

□ 1200

People on the tarmac for 3, 4, 5 hours; flights being cancelled; weather conditions we never heard of; overcrowding. And we were of the belief that when they came to raising the revenue, that General Aviation, these small planes were congesting the airs and we were going to make them pay dearly for it, and Chairman OBERSTAR and Chairman COSTELLO was asking us to take a deep breath. I told them it wasn't me. But the committee said that this bill is not going to leave our committee unless we have some fingerprints on this thing to let them know that we feel the outrage for our constituents and we want them to know it. And so we made the political mistake of having Chairman OBERSTAR and Chairman COSTELLO come to a caucus and to share with us what the problem was. It was one of those times that you really felt better if you didn't know the extent of the problem and just did what you were supposed to do.

He had the people explain that, yes, we have problems with General Aviation, but these commercial airlines are having these routes being filled with smaller planes and so they are filling the air. And then FAA was saying that we have a plan that will go in effect for 2020, but we don't have enough money to implement it. And then the air traffic controller said, and we need 2 or 3 years to train our people and they won't pay us for it. And then they said that they could handle twice the congestion in the air if only they had more landing fields, but geographically there was no space for additional landing fields. And so then we said: What is it you really want, Chairman OBERSTAR?

And we have really walked away thanking them for incorporating some of the ideas of our committee, as MIKE THOMPSON and LLOYD DOGGETT, and having the Passengers Bill of Rights.

But we want the FAA to know that these long-ranged plans of modernization, for those of us that are in advanced years, we don't really believe that we are going to have to wait in order for us to be treated as human beings. Not as congresspeople, not as big shots, not as VIPs, but we know that changes can be made. And we will be depending on the Transportation and Infrastructure Committee to continue to work with us to make certain that we fulfill our commitment to the American people to make it easier for us to use the airways.

I want to thank you for your cooperation, and I look forward to working with you.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I want to stand and say I am pleased today that the rule will provide one amendment that CHRIS SHAYS from Connecticut and myself also brought to the committee yesterday, but I also want to take this 1 minute to say that I had been hopeful that we could have had a vote on another amendment which would have delayed the FAA's New York-New Jersey-Philadelphia airspace redesign until a further study could have concluded.

You see, Mr. Chairman, the air routes, in an attempt to cut delays, means that thousands of residents will be exposed to new levels of aircraft noise and pollution. There is great concern in townships throughout my district that these new routes will negatively impact upon the quality of life.

The FAA claims to have looked into alternative options to decrease airline delays, but all those options dealt with changing the design of the airspace and reroutes over quiet neighborhoods; yet the FAA has admitted that many of the frustrating delays are caused not by airplane congestion but by airline overscheduling. The amendment that unfortunately did not come out of Rules would have required that the FAA look into those matters before proceeding. But, again, I am appreciative of the fact that what did come out of Rules, an amendment that we will be discussing a little later on to allow for further studies by the GAO.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky (Mr. CHANDLER), speaking on behalf of the Committee of Science and Technology, and thank them for their contributions to the legislation. Their role is the research and development portion of FAA's operations, and they made a significant and very healthy beneficial contribution. The gentleman from Kentucky will speak on behalf of the Committee.

Mr. CHANDLER. Mr. Chairman, I thank the chairman, the gentleman from Minnesota, for all his good work on this bill. We think it is an excellent bill. And I thank the chairman of the subcommittee, the gentleman from Illinois, for all of his good work.

I rise today to express the support of the Science Committee for this bill. I am especially pleased that this legislation includes the FAA Aviation Safety Research Assessment Act, which I introduced this past June. This bill is now section 913 of H.R. 2881.

Aviation safety is extremely important to me, particularly after the tragic Comair crash that occurred in my own district in Lexington, Kentucky last August, which saw 49 dearly loved people lose their lives.

The Comair crash made it clear that improved safety measures are needed to save lives. Section 913 calls for an independent assessment of the FAA's aviation safety-related research programs, in particular, those that focus on preventing runway incursions and lessening air traffic control workloads.

The NTSB's investigation of the Comair crash brought to light several safety advisories that were not being followed, including the FAA's recommendation that two controllers should have been in the tower instead of one.

Repeatedly, I have called for enhanced safety measures, better staffing, and improved working conditions for our air traffic controllers. Thankfully, this bill provides funding for air traffic control equipment and facility upgrades, and also includes language that would send the National Air Traffic Controllers Association and the FAA back to the negotiating table.

Furthermore, the bill provides $42 million for runway incursion reduction programs, $74 million for runway light improvements, and requires the FAA to implement systems to alert controllers and flight crews of potential runway incursions.

This is precisely the type of safety technology that we need to prevent these tragedies, and I thank the gentlemen for all of their good work.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the time remaining on both sides?

The Acting CHAIRMAN (Mr. MEEKS of New York). The gentleman from Minnesota has 17½ minutes. The gentleman from Florida has 14½ minutes.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, at this time I yield myself 2¾ minutes and recognize the distinguished gentleman from Michigan, the dean of the House, Mr. DINGELL.

Mr. DINGELL. Mr. Chairman, I accept the time with thanks to my beloved friend from Minnesota for whom I have enormous affection and respect.

Mr. Chairman, southeastern Michigan is the home for two major airports that accommodate large amounts of air and cargo traffic, Detroit Metro and Willow Run Airport.

Southeast Michigan has made strong efforts to develop an aerotropolis between the two airports, and we meet all of the tests that would be required for this, including rail, truck, highway, water, and other kinds of access. We believe that these would be very useful in establishing an intermodal access program which would complement these efforts by facilitating the many public transit plans in southeast Michigan.

I request at this time the assurance of my beloved friend, the chairman of the subcommittee, that he will be helping us on this, and I assure him that I will be requesting the assurance of the chairman of the Wayne County Airport Authority that he will cooperate fully in giving priority consideration to this matter to move it forward.

I would now yield to the distinguished gentlewoman from Michigan (Mrs. MILLER) who has been so active in this matter.

Mrs. MILLER of Michigan. Mr. Chairman, Detroit Metropolitan Airport is a prime candidate for both an aerotropolis and participation in this program due to its importance as the Midwest jumping off point to Southeast Asia, as a world-renowned manufacturing center, and as an international highway crossroads. At its peak, the aerotropolis could create up to 60,000 jobs for southeast Michigan.

I would also request the support of the chairman in assuring that Wayne County Airport Authority receives priority consideration under section 114, and I thank the gentleman from Michigan, the dean of the House, for the time.

Mr. DINGELL. I yield now to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman from Michigan for yielding.

The Federal Transit Administration recently approved a $700 million Full Funding Grant Agreement for the construction of a new Dallas area rapid transit rail line that will provide access to the vicinity of Dallas Love Field Airport, not direct access to the main terminal. So to remedy this connection lapse, the city of Dallas and the Council of Governments have committed some funding, but the city has a strong desire to use PFCs to cover the remainder of the cost.

I respectfully ask the distinguished chairman to work with me to ensure that Dallas Love Field Airport receives priority consideration for the program outlined in section 114 of the bill.

Mr. DINGELL. Whatever time I have remaining, I yield to my beloved friend from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I assure the gentleman from Michigan, the gentlewoman from Michigan, and the gentlewoman from Texas that these projects are of great importance. They are examples of the type of projects we envisioned when we crafted section 114. Dallas Love Field and Wayne County Airport Authority are well suited to participate in the pilot project, and I would urge FAA to give consideration to both applications.

Mr. DINGELL. I thank my good friend.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes, and yield to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank Chairman OBERSTAR for yielding to me.

I am rising out of concern about a serious safety problem at the Santa Monica General Aviation Airport in my congressional district.

The Santa Monica Airport is a unique facility. It was built in 1922 and has no runway safety areas which are now required by the FAA to enable a safe landing in the event that an aircraft overshoots the runway or fails to lift off.

The airport's single runway is bordered by steep hills, public streets, and densely populated neighborhoods, with homes as close as 250 feet from the runway. As traffic has increased, so have concerns that any plane overshooting the runway would be at great risk of landing in the neighborhood.

For more than 7 years, I have worked with the City of Santa Monica and the Airport Administration to push the FAA to address this serious safety problem. Regrettably, the FAA has been unwilling to take meaningful action. The FAA recently issued a final decision to permit only minor runway changes that are far below FAA standards and would do little to change the status quo.

I want to ask Chairman OBERSTAR to work with me and the FAA to find a solution that is consistent with FAA design guidelines for the Santa Monica Airport and adequately addresses the safety needs of all aircraft categories that use the airport.

Mr. OBERSTAR. I thank the gentleman for raising that issue. Lack of a runway safety area on an airport is a critical gap, a serious gap in the safety features of an airport, and I assure the gentleman we will invite the Santa Monica Airport Authority, with the gentleman's participation, and the Office of Airports of FAA to come in to have a discussion about the safety needs of this airport and funding them within the airport's master plan into the future.

Mr. WAXMAN. I thank you for your willingness to try to bring us all together. I just want to emphasize that time is of the essence here. We need to do all we can to make operations at Santa Monica Airport safer for the pilots, passengers, and people on the ground. We may need legislative changes in that regard.

Mr. MICA. Mr. Chairman, I yield myself 30 seconds.

I just want to add to the colloquy, and pledge to the gentleman from California that I look forward to working with the Chair of the full committee to address the safety issues of the Santa Monica Airport that you have raised here before the House today.

So you have our commitment on this side of the aisle. It is a safety issue, and we appreciate the gentleman bringing this matter before the House and we assure again our cooperation.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. It is my pleasure to thank our distinguished chairman, Mr. OBERSTAR, for your expertise on these very important issues.

On September 11, 2001, American Airlines Flight 11 flew directly over New York's Indian Point Nuclear Facility on its way to the World Trade Center.

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One year later, a taped interview on al-Jazeera indicated that al Qaeda initially planned to include a nuclear plant as one of its targets. The Indian Point nuclear power plant is less than 50 miles from New York City.

The FAA's post-September 11 no fly zone around the plant was lifted in November 2001. Since that time, I've worked with my Hudson Valley colleagues to protect Indian Point from any potential terrorist threat, including calling for a no fly zone around the facility.

Will the chairman commit to working with me to ensure that both the Department of Homeland Security and the Federal Aviation Administration are protecting the airspace around this facility and protecting the more than 20 million people who live near Indian Point from all aviation threats?

Mr. HALL of New York. Will the gentlewoman from New York yield?

Mrs. LOWEY. It is a pleasure for me to yield to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentlelady and associate myself with my colleague's remarks and thank her for her leadership.

Indian Point's location in the most populated, most targeted area of the country, makes it absolutely critical that we take every step to secure the plant. I would reiterate my colleague's question, and ask the chairman if he would please work with us on this issue.

Mrs. LOWEY. Reclaiming my time, I yield to the chairman of the committee, the distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. I thank the gentlewoman for raising this issue, and the gentleman from New York (Mr. HALL) as well. This is a matter of very great concern, and you've raised a matter of national security significance.

The FAA does have administrative authority to declare a no fly zone, but would do so in this situation, in cooperation with the Department of Homeland Security to identify the threat, establish the need for restrictions on aircraft operations, and the FAA would then issue the order. I pledge to the gentlewoman and to the gentleman that we'll bring both Departments, Transportation and Homeland Security, together with the delegation from New York to discuss this matter and to do so in a bipartisan fashion, because there are Republican Members who have asked about this matter as well, and begin the process, orderly and appropriately, of designating a no fly zone.

Mr. MICA. Mr. Chairman, we have a distinguished Member from Tennessee on the other side of the aisle who needs some time, and we have some extra time, so I'm pleased to yield 2½ minutes to the distinguished gentleman from Tennessee (Mr. COHEN) and welcome his commentary.

Mr. COHEN. Mr. Chairman, I thank the ranking member.

I rise in support of H.R. 2881, the Federal Aviation Administration Reauthorization Act of 2007, which would authorize $66 billion for Federal aviation programs.

This legislation would provide for the Airport Improvement Program, for FAA facilities and equipment to accelerate the implementation of NextGen, which will enable the FAA to replace and repair existing air traffic control facilities and equipment, as well as to provide for the development of high priority safety-related systems.

I must say, however, Mr. Chairman, that I'm extremely disappointed that this legislation includes language that would abolish 80 years of legislative and legal precedent by allowing FedEx Express workers to unionize under the National Labor Relations Act, as opposed to the Railway Labor Act which has traditionally covered all airline employees. And the Ninth Circuit United States District Court in California has reemphasized that, and it's the law of the land.

FedEx Express is the largest employer and economic driving force of the city of Memphis, which is predominantly the Ninth Congressional District, which I represent.

This provision raises a number of questions and concerns regarding the consequences of this precedent for other carrier employees and employers, and it could have been addressed during a hearing on the subject. Unfortunately, in a marked departure from T&I Subcommittee's normal practice, no hearings were held on this issue.

Mr. Chairman, I speak in opposition to FedEx Express language, not as an opponent of workers' rights to collective bargaining, but as an advocate of what I believe are the best economic interests of Tennessee's Ninth Congressional District and this Nation, which needs a steady stream of interstate commerce provided through the Railway Labor Act.

However, I signed on as an original cosponsor of this legislation because I support the vast majority of its provisions, including the language added by Aviation Subcommittee Chairman

COSTELLO, which provides for consumer rights, environmental and noise concerns, safety issues and flight attendant, air traffic controller and pilot work conditions.

Mr. Chairman, I would like to thank the committee chairman and the Aviation Subcommittee chairman, as well as the committee ranking members for their hard work on this bill in bringing together an effective measure that includes input from a great number of expert stakeholders across the airline industry. The overall content of this bill is sound, and I believe the few provisions about which I remain concerned will be addressed in the conference.

I urge my colleagues to support this measure.

Mr. COSTELLO. Mr. Chairman, at this time I would yield 2 minutes to the distinguished gentlelady from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank Chairmen OBERSTAR and COSTELLO and Ranking Members MICA and PETRI for their hard work in bringing this bill to the floor. This bill could not come at a better time for the traveling public.

Airlines on-time performance is at its lowest rate since the Department of Transportation began keeping records in 1995. And this is happening at the same time that the Department of Transportation is predicting a tripling of passenger and cargo by 2025. This is why we need this bill passed so we can provide funds for increased capacity, safety enhancements, and overall system improvements.

This bill addresses an important issue in my district by preserving the Military Airport Program, MAP, as a set-aside within the Airport Improvement Program. The MAP program provides critical support to those communities which have been given the responsibility of converting closed military bases to civilian use. The participation of the Cecil Field Airport, which is just outside of Jacksonville, is a prime example of how this program can successfully translate former military airfields to commercial service that, in turn, have strengthened the Nation's aviation system and, in the case of Cecil Field, also continues to include uses by the Air National Guard and Reserve units, making this a win-win for the community and for the military.

MAP grants also support projects that are generally not eligible for AIP funds, but which are typically needed for successful civilian conversion such as surface parking lots, fuel farms, hangars, utility systems, access roads, and cargo buildings.

Again, I want to thank the chairman for guiding this bill to the floor, and I would encourage my colleagues to support this legislation.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. DEFAZIO), Chair of the Surface Transportation Subcommittee.

Mr. DEFAZIO. Mr. Chairman, the administration proposed a punitive fee structure aimed at the heart of general aviation; and, ironically, they would have decreased the funding needed for an already congested and overburdened system.

This bill gets us the investment we need to deal with congestion, to deal with the Next Generation air traffic control. It would allow us to partner with the airports who need to deal with their problems through an increase in passenger facility charge. It has fair treatment for the most critical component of the people who keep us alive, the air traffic controllers of America who are being demeaned by petty work rules by this administration and having their pay cut.

It gives long overdue protection to cabin flight attendants and the passengers who fly in those cabins in terms of workplace health and cabin safety. It has critical consumer protection for the first time, something that's been ignored for years here on the Hill under the Republican leadership.

It will provide security for overseas repair. Most Americans would be shocked to know that people, we don't know who they are, overseas are doing the majority of heavy work on our airplanes. This bill would begin to turn that around. And this bill does much, much more. Congratulations to the committee on their great work.

Mr. MICA. Mr. Chairman, I yield myself 1 minute and say I have the greatest respect for the gentleman who just spoke, but I think the facts are a little bit different on cutting the air traffic controllers' compensation. This chart, in fact, shows an 81 percent salary increase since 1998.

Unfortunately, also, there's a disparity now of almost 40 percent between air traffic controllers and other FAA employees in what they receive as far as increases. So that just doesn't jibe with the facts. And I have the respect of the air traffic controllers, and they should be adequately compensated, and I'll support that. But we can't do an unprecedented reach-back and try to do something that's not fair to everyone.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in support of this bill which contains many excellent provisions. But I would like to thank Chairman OBERSTAR and Subcommittee Chairman COSTELLO, in particular, for including in the manager's amendment two provisions that are particularly important to me.

The first requires the FAA to conduct a study to determine if temperature standards are necessary to protect crew members and passengers from excessive heat on board aircraft. We've all heard the news reports about passengers on planes grounded for hours sometimes in the heat without fresh air and necessary supplies.

The Association of Flight Attendants reports that many crew members have had to work in dangerously high temperatures during ground operations for long periods of time with no ability to obtain relief.

Now, this is not just a matter of discomfort. Heat-related illness can be severe, can even lead to death, particularly for sensitive populations.

My first inclination was to require that the temperature in the aircraft must not exceed 80 degrees during ground operations, but various operational issues make it clear that such a requirement would be premature. I hope that this study will inform Congress of what options are available to us and that it will force the FAA to take seriously this serious problem.

The second provision would mandate the FAA to complete a study of the cabin air quality that we required in the last FAA reauthorization bill passed in 2003. Aircraft in the current commercial fleet are equipped with air circulation systems that bleed air off the engines and are subject to contamination of the air by engine oil and hydraulic fluids. We continue to hear reports from crew members and passengers who have developed long-term neurological problems after documented exposure to oil smoke in the cabin or on the flight deck. In the last reauthorization bill, we included a study to sample and analyze the air on board the cabin aircraft. Unfortunately, the FAA never completed the study.

My preference, again, would be to set standards for cabin air quality now or to require that aircraft use certain filters that can clean the outside air more efficiently. But every time we raise this issue, we hear that the problem has not been properly documented. It is time, and this bill requires that the FAA complete this research.

I would like to thank Mr. OBERSTAR and Mr. COSTELLO for their support of these provisions and for including them in the manager's amendment. I look forward to working with my colleagues to advance these critical workplace and consumer protections, so that people can breathe the air and not faint from the heat. And I urge support for this bill.

Mr. MICA. Mr. Chairman, I would like to yield, at this time, 3½ minutes, and ask also the Chair of the full committee, Mr. OBERSTAR, if he would join me in this time as I yield to Mr. GARRETT for the purpose of a colloquy.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the Chair and I thank the ranking member and I thank the chairman as well for this opportunity to engage in this colloquy. I'd like to thank my friend from Florida for your advice and your assistance on this matter with regard to the New Jersey and New York airspace redesign.

The gentleman from Florida (Mr. MICA) knows the issue firsthand because he has traveled up to New Jersey last year and knows of its importance as a top concern for the residents of north Jersey.

I need to reiterate my concerns with the FAA's record of decision-making regarding this design plan. The alternative chosen by the FAA will reroute planes over areas that used to be quiet communities in an effort to reduce delays and air congestion. But because of this, thousands of residents in north Jersey will soon have planes flying over their homes for the first time ever. And these citizens are justifiably concerned that the increase in noise and pollution and affecting their quality of life will be negative.

Just recently, over 1,400 of these concerned citizens showed up at an FAA meeting to make their concerns known to the design plan. Unfortunately, the FAA did not listen to their concerns and they published their record anyway earlier this month. The FAA chose this plan because they believe it will achieve their goal of reducing delays. Despite all attempts by myself, other colleagues, local officials, there was no attempt at all to balance this goal with the needs of the citizens of the area. There was also no attempt to consider other factors such as airline overscheduling and the size of the planes flying in and out of the area.

☐ 1230

Only air routes were studied.

I understand that the legislation we have before us today attempts to deal with the problem of overscheduling, and it would be my hope that the FAA will continue to review the New Jersey airspace issues with an eye towards these less-intrusive solutions to the delay problems.

I would appreciate, then, the support and assistance of the chairman and the ranking member to determine if there are other practical steps that can be taken to decrease the noise and, therefore, to increase the quality of life that this will incur.

I yield now to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I appreciate the gentleman from New Jersey's concern. Mr. GARRETT has been a tireless advocate on behalf of his constituents and he faces a difficult time, as does Mr. SHAYS from Connecticut. I have been in both of their districts and talked to the constituents, and as FAA moves forward, he has my commitment, during this colloquy and after this colloquy, to work with him to try to encourage FAA to see what we can do to minimize the impact on his constituents.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from New Jersey for raising the issue. Mr. GARRETT's right on.

Mr. SESTAK from Pennsylvania, Mr. HALL from New York, Mr. SHAYS from Connecticut, obviously this is a bipartisan, nonpartisan issue. It's a widespread concern.

You have my assurance that I will talk to the FAA, will talk to GAO, ask them to accelerate the work on their report, and GAO's findings need to be reviewed prior to the redesign of the airspace.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the chairman for his assistance. As indicated before, this is extremely important to our districts. We are completely frustrated over the months with the FAA for their lack of response, lack of consideration for alternative methods, and I appreciate that. We look forward to the amendment later on today with regards to the GAO report that will finally put the information right before the FAA. They can't look any other way. They haven't listened to our constituents. Maybe they will listen to the GAO report, and I am sure, absolutely sure, that they will listen to the chairman and the ranking member.

Thank you again for your assistance.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Chairman, I appreciate the support of the chairman and ranking member.

For the past 10 years, the FAA has been working on the New York/New Jersey/Philadelphia metropolitan area airspace redesign project. In the time that I and Representative ANDREWS from New Jersey have been working on this issue, it has become increasingly clear to us that the process by which it was conducted is deeply flawed. We are gravely concerned that the FAA has failed to conduct an accurate cost-benefit analysis that takes into account the full cost of this project, including social costs such as the impact of noise on the educational development, health, safety, and property values to dense residential communities, including many in Delaware County in my congressional district, as well as Camden and Gloucester Counties in Representative ANDREWS' congressional district.

As the 2005 Department of Transportation Inspector General report and as former FAA Administrator Marion Blakely indicated to us, the cost effectiveness and operational efficiency gained by the airspace redesign is still largely unknown, and, quite frankly, "the juice is not worth the squeeze."

I would like to thank my colleagues Chairman OBERSTAR and Chairman COSTELLO for supporting a Government Accountability Office study to provide a comprehensive assessment of the New York/New Jersey/Philadelphia metropolitan area airspace redesign, including its cost, schedule, estimate reliability, environmental impact, and lessons learned for improvement. This is particularly important since GAO provides an independent cost-benefit analysis of this plan.

Mr. MICA. I continue to reserve the balance of my time, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, at this time I yield 1 minute to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I would like to thank the chairman and subcommittee chairman, Mr. OBERSTAR and Mr. COSTELLO, and their staff for the good work they did on this bill, but, more specifically, for including provisions from my passengers' bill of rights legislation into the manager's amendment, which will become part of the bill.

These provisions are going to set a standard that will ensure the flying public will be treated appropriately when they experience delays. It will require a deplaning plan and standard. And when delayed on the tarmac, it will ensure that these folks have clean and safe water, proper air circulation, and clean and working restrooms.

This is a great success for the flying public, and I want to thank everyone for making this happen. But I want to remind everyone that our job is not done. We are going to have to continue to provide the oversight to ensure that the airlines and Department of Transportation do their jobs and that these provisions do, in fact, provide the protections that these people flying deserve.

So thank you very much, and I look forward to voting in favor of this bill.

Mr. OBERSTAR. Mr. Chairman, if the gentleman would yield, I thank the gentleman for his contribution. It has been a very substantial one.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I am in strong support of this bill and commend Chairman OBERSTAR and Chairman COSTELLO for their work on this bill and Ranking Members PETRI and MICA for their work.

This is a very important bill for modernization and safety improvements, which are critical, and also passenger rights.

I also want to speak about three specific provisions. I would like to thank the chairman for working with me on two provisions to invest in R&D for new, cleaner fuels in aviation.

The first is a provision for an FAA Center of Excellence focused on alternative jet fuel research and development, as we work to address global warming and cut down on our use of foreign fossil fuels.

Second, R&D funding for alternative avgas for piston engine planes. Piston engine planes currently use leaded gas. It's important that we work to find an alternative. I want to thank Chairman GORDON also for working with me on that in the Science Committee.

And, third, I'm pleased with the inclusion of report language on the Qualification Based Selection process for PFC-funded airport projects. I look forward to working with the big four on this issue as the bill moves forward in conference.

I urge support for this legislation.

Mr. MICA. Mr. Chairman, I continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Mr. Chairman, I thank the chairman for allowing me the opportunity to discuss this vital economic development issue for Upstate New York.

Chairman OBERSTAR, thank you first for your leadership on the Transportation and Infrastructure Committee and for bringing forward this bill.

As you know, this past February GAO reported that the very unique airport which is closest to our Nation's capital, National Airport, is underutilized. In fact, the GAO reported that National Airport is the least congested airport of the top 30 in the Nation.

Residents of my Upstate New York district want to continue visiting our Nation's capital for business or pleasure at a reasonable airfare. However, because a very few airlines control the vast majority of landing and takeoff slots at National, that is artificially limited.

Mr. Chairman, like all of my colleagues, I appreciate your strong leadership and guidance on aviation issues and your genuine concern for regional interests. I therefore respectfully request that you strongly consider adopting findings of GAO's conclusive report and increase flying at National Airport by a very modest two round trips per hour so that new competition can be added, so that fares can be decreased.

The Acting CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds.

I want to express appreciation to the gentleman for raising this issue and for his forbearance as we work through the legislative process.

The GAO report is on the mark. The gentleman's concerns are right. We will work with him and with all of our colleagues who depend on National Airport to increase capacity at that airport.

Mr. MICA. Mr. Chairman, could I inquire about the remaining time on both sides?

The Acting CHAIRMAN. The gentleman from Florida has 7 minutes remaining, and the gentleman from Minnesota has 45 seconds remaining.

Mr. MICA. Mr. Chairman, I believe the gentleman from Minnesota has the right to close. He deserves more than 45 seconds. I would like to, at the appropriate time, yield him 45 additional seconds, which would give him 1½ minutes.

Mr. Chairman, I yield myself 1 minute at this time.

Just in closing for my part, again I want to thank the chairmen of both the subcommittee and the full committee and our ranking member, Mr. PETRI, for their work.

And I said at the beginning, we have an obligation to move this process forward. Mr. PETRI and I are committed to that.

Now, we do disagree with some of the provisions that have been incorporated into this measure. We will cast our votes in opposition. But we are trying to move this forward. We have a responsibility. We have an aviation system that is approaching a meltdown. We have an increase in passengers, and we want the safest possible system. So in that spirit we are going to move forward, and I hope that we can improve the bill if we can get it to conference and if we can move forward.

Mr. Chairman, with that pledge, I am pleased now to yield the balance of my time to Mr. PETRI minus the 45 seconds I allotted to the other side.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5¼ minutes.

Mr. PETRI. Mr. Chairman, I thank my colleague for giving me an opportunity to again express my appreciation not only to him but to the staff and to the chairman of our committee, Mr. OBERSTAR; the chairman of the subcommittee, Mr. COSTELLO; all the members as well as members in the leadership of what is called powerful Ways and Means Committee around here and the Science Committee for their contribution to this bill.

The fact of the matter is that we have approached the bulk of our work in a strong bipartisan way. We worked on the underlying bill in that spirit. Unfortunately, there are several provisions that are controversial and would impede our ability to actually get work through the whole process and signed by the President that were added in the full committee. But let there be no doubt that our country needs to get this legislation passed to accommodate new investment in our aviation system.

We are at the brink of rolling out a new generation of technology to accommodate the growth, to increase efficiency and safety in that system, be it a 15-, 20-, maybe 25-year multimillion dollar system. Doing that will increase the capacity of the system. We will maintain America's lead in aviation on a global basis and having that framework in place so that the administrators and the industries involved can plan with reduced uncertainty, which is very, very important. We are already late with this legislation. The current program is scheduled to expire at the end of this month. We will probably be doing a short-term extension. But we do need a reauthorization to proceed in a way that can be brought to a successful conclusion and signed by our President. And we look forward to working through the process with our colleagues on the other side of this building and on the other side of this aisle.

I thank the gentleman for yielding.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

I thank the gentleman from Florida for yielding a few additional seconds to close.

This has been, all through the hearing process, an open and inclusive process that we conducted in the best tradition of the Committee on Transportation and Infrastructure. We appreciate the participation of the members on the Republican side. Mr. MICA has given a considerable amount of his time from all the other issues that we have to deal with in committee. The gentleman from Wisconsin has been a quick learner and a very astute participant in both the hearings and the markup process. And the gentleman from Illinois (Mr. COSTELLO) has really put his arms around the subject of aviation, mastered the issues, and brought forth an extraordinary piece of legislation that will serve aviation well and serve the Nation well out into the future.

Yes, we have disagreement principally on two issues, and we have been open and candid about that right from the outset. We have worked cooperatively, bipartisanly to try to resolve the air traffic controller issue. Both parties seemed irreconcilable. We have created a process in this legislation by which the air traffic controller issue can be resolved with an arbitration process.

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And I think that's in the best interest of the Nation.

As we go forward from here, I look forward to the amendments that will be forthcoming, and I think in a very constructive manner we can conclude the action on this bill today.

Mr. HOLT. Mr. Chairman, I rise today in support of the Federal Aviation Administration Reauthorization bill of 2007, H.R. 2881.

This summer's record delays at many of our Nation's airports have made it evident that our air traffic control system is in desperate need of reform. According to the FAA, 25 percent of flights arrived late, nearly 3 percent of flights were cancelled and customer complaints doubled since last year. My central New Jersey constituents who use Newark Liberty International Airport suffer from the worst delays in the country with only 55 percent of flights arriving on time.

The legislation before us today will give the FAA the tools it needs in order to reduce these delays and help increase flight safety. It will provide the much needed funding to modernize our aging air traffic control system and to strengthen and rebuild airport infrastructure. It will require the FAA to meet with airport officials and airlines to ensure flight reductions in areas where over-scheduling is causing chronic delays. This bill will make sure that there are the adequate consumer protections in place to protect our Nation's airline passengers.

Few of us have forgotten the February 14, 2007 and December 29, 2006 incidents where hundreds of airline passengers were held on tarmacs for up to 10 hours in appalling conditions. These passengers were held in planes with foul air, backed up toilets, little food and water, and no information. The legislation before us today will ensure that these situations will be avoided in the future.

H.R. 2881 requires airlines and airports to have emergency contingency plans to take care of passengers that are involved in long tarmac delays. Through these plans it will mandate that these passengers have access to food, water, clean restrooms, medical care and requires that passengers are allowed to deplane. It also requires the Department of Transportation to enact regulations that will require airlines to fairly compensate passengers whose flights are cancelled. These commonsense protections will make sure that the airlines respect the basic needs and rights of passengers.

The Federal Aviation Administration Reauthorization bill of 2007 contains a number of other provisions which will improve the way that our aviation industry operates. It will help protect our environment through requiring the development of more efficient engines that release less greenhouse gases into the air as well as directs the FAA to develop more energy efficient routes. Our Nation's air traffic controllers work long and stress-filled hours to ensure that we have the safest air travel in the world. This bill ensures that the FAA will be forced to come back to the contract negotiating table. It will also increase the number of aviation safety inspectors by one third, require the FAA to be more accountable, and improve the security of aircraft repair stations.

I urge my colleagues to support the FAA Reauthorization bill of 2007.

Ms. BEAN. Mr. Chairman, as we debate H.R. 2881, the FAA Reauthorization Act of 2007, I want to highlight a critical flight safety and water quality issue—glycol recovery. As airports work to comply with existing and future stormwater requirements under the Clean Water Act, there is a critical need to find a cost-effective means of reducing the impact of deicing operations on water quality without compromising safety. Glycol recovery vehicles are an available, cost-effective solution that provides superior environmental protection.

In its Source Water Protection Bulletin regarding airport deicing, the EPA states that "vacuum vehicles are a cost-effective alternative to installing traditional drainage collection systems or deicing pads." In addition, glycol recovery vehicles reduce airport delays by allowing deicing to occur at the gate rather than requiring planes to travel through a deicing facility.

Unfortunately, there appears to be confusion among the airports as to whether the purchase of glycol recovery vehicles is an eligible expense under the AIP. I have been advised by the FAA that glycol recovery vehicles are currently eligible for purchase using AIP funding under existing statutory authority. However, despite this interpretation, FAA grant summaries show that over the last 7 years, there has been only one case where a glycol recovery vehicle was purchased using AIP funds and that was classified as snow removal equipment.

In order to confirm that glycol recovery vehicles are in fact eligible for AIP funding, I joined Aviation Subcommittee Chairman JERRY COSTELLO and Representative TIMOTHY JOHNSON in sending a letter to FAA Acting Administrator Sturgell. Our letter dated September 20, which I will submit to the RECORD, asked for a response in writing describing the means by which airports have been informed that glycol recovery vehicles are eligible for AIP funding, as well as actions that the FAA plans to take in the future to inform airports of such eligibility.

I want to thank my colleagues for their support and look forward to a prompt response from the FAA.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 20, 2007.
Hon. ROBERT A. STURGELL,
Acting Administrator, Federal Aviation Administration, Department of Transportation, Washington, DC.

DEAR ACTING ADMINISTRATOR STURGELL: As Congress continues the process of reauthorizing the Federal Aviation Administration (FAA), we are seeking clarification of our understanding that glycol recovery vehicles are eligible for Airport Improvement Program (AIP) funding. Unfortunately, there appears to be confusion among the airports as to whether their purchase of glycol recovery vehicles is an eligible expense under the AIP. We have been advised by the FAA that such vehicles are currently eligible for purchase using AIP funding under existing statutory authority. We concur and respectfully request that you respond to this letter in writing describing the means by which airports have been informed that glycol recovery vehicles are eligible for AIP funding, as well as actions that the FAA plans to take in the future to inform airports of such eligibility.

As you are aware, aircraft and runway deicing operations are a critical element of aviation safety. Currently, glycol-based aircraft deicing fluid is the most widely used technique for maintaining Federal Aviation Administration (FAA) deicing safety standards. However, glycol runoff, if not contained, can pose a significant threat to water systems. In its Source Water Protection Bulletin regarding airport deicing, the Environmental Protection Agency states, "Vacuum vehicles are a cost-effective alternative to installing traditional drainage collection systems or deicing pads." In addition, glycol recovery vehicles can reduce airport delays by allowing deicing to occur at the gate rather than requiring planes to travel through a deicing facility.

Therefore, as airports work to maintain these safety standards and protect water quality while performing deicing operations, we believe it is important that they be made aware of all tools available for funding through the AIP. Glycol recovery vehicles are one of these tools and are an available, cost-effective solution that provides superior environmental protection.

Thank you in advance for your prompt action to clarify confusion among AIP users as to the eligibility of glycol recovery vehicles.

Sincerely,

JERRY COSTELLO,
Chairman, Aviation Subcommittee.
MELISSA L. BEAN,
Member of Congress.
TIMOTHY JOHNSON,
Member of Congress.

Ms. NORTON. Mr. Chairman, the Nation's aviation system is in crisis. Delays have reached the highest levels in 13 years and the air traffic control system is groaning under the weight of a system based on 1950s technologies. The Federal Aviation Administration Reauthorization Act of 2007 takes the first steps towards reducing these delays, improving airport infrastructure and creating a satellite-based air traffic control system. I want to thank Chairman OBERSTAR and Subcommittee Chairman COSTELLO for their leadership in bringing this bipartisan legislation to the floor.

In 1986 Congress granted "full power and dominion over, and complete discretion in, operation and development of the Airports" to a regional authority. In return the District of Columbia, Maryland and Virginia agreed to take operational control and have raised more than $3 billion to modernize National and Dulles airports. All agree that the regional authority, the Metropolitan Washington Airport Authority, has done an excellent job. However, FAA Reauthorization legislation is almost always dogged by attempts, usually in the Senate, to increase flights outside the perimeter and inside the perimeter for Reagan Washington National Airport. MWAA has balanced concerns of safety, security and efficiency at these airports. National has avoided some of the delays that plague other airports and served the region in a comprehensive way, while Dulles has thrived as an international and national hub. We must allow professionals to do what only professionals are equipped to do.

As the only regional member of the Aviation Subcommittee I have argued to maintain the current perimeter and slot system and thank both Chairman OBERSTAR and Subcommittee Chairman COSTELLO for supporting me and the region. Regional members and I have been successful in keeping amendments from being brought today and now it is time for Members to cease interfering for their own convenience.

The current reauthorization legislation shifts some outside-the-perimeter slots to better times and offers the slots to new entrants at National. This reordering of slots could increase competition and entice low-cost carriers to National, an airport where current airlines command a premium disadvantaging residents of the region. I hope that new entrants will help this region obtain quality low-fare carriers at National Airport for residents of the District of Columbia and the region who use National but are priced out of the major destinations inside the perimeter such as New York, Miami and Boston.

Other unfinished business of the Transportation and Security Administration that affects the FAA at National Airport still remains at National. Before 9/11 National averaged 600 general aviation/charter operations a week. However, since the new security program initiated in October 2005 only 200 general aviation aircraft have flown into National. The requirements of this security program have been unduly burdensome, while at other New York airports, general aviation has returned to its previous levels.

The Aviation Subcommittee will hold hearings on this issue so we can continue to work with MWAA on a balanced approach that will benefit the region and the country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R. 2881, the Federal Aviation Administration Reauthorization Act of 2007. This important legislation would usher in important modernizations to our Nation's aging air travel system, bringing air travel in a new direction while making important safety improvements.

Mr. Chairman, after 9/11, we feared that tragedy would lead to large-scale declines in air travel. Six years later, airline traffic is instead growing, but with this boom have come some negative consequences for passengers. Key among these have been airline delays: The first half of 2007 saw record high numbers of airline delays. Through July, over one-quarter of all flights were delayed, and over 6 percent of flights arrived more than 1 hour late. Projections indicate this problem is likely only to get worse, with numbers of passengers, operations, and cargo expected to triple by 2025.

We need to invest now to improve our Nation's air-travel infrastructure. Even more critical than these increasingly inconvenient delays are the growing deficiencies in our aging air traffic control systems. As chairwoman of the Subcommittee on Transportation Security arid Infrastructure Protection of the Committee on Homeland Security, I am committed to ensuring a maximum level of safety and security for Americans traveling the skies. To this end, I believe that the modernization of air traffic control and airport infrastructure needs to be a higher priority.

This legislation recognizes this crucial need. It provides $13 billion to accelerate the implementation of the Next Generation Air Transportation System. This program will enable the FAA to repair and replace existing facilities and equipment, and will also make funds available for implementing other high-priority safety-related systems. In addition, this bill includes a fiscally responsible increase in the general aviation jet fuel tax rate from 21.8 cents per gallon to 35.9 cents per gallon, and it increases the aviation gasoline tax rate from 19.3 cents per gallon to 24.1 cents per gallon. Crucially, the funds secured by these increases will be dedicated to air traffic control modernization.

Mr. Chairman, I believe that safety must lie at the heart of our efforts to improve air travel. You cannot put a price on the value of keeping American travelers safe. This legislation will make important strides toward this important goal by increasing the number of aviation safety inspectors by more than one-third. It will also strengthen efforts to reduce runway incursions.

In addition, this legislation will increase accountability, by requiring detailed plans for the Next Generation Air Transportation System. It also authorizes GAO and Inspector General audits and reports, which will help reduce cost overruns and delays in the air traffic control modernization program.

Mr. Chairman, I support this legislation, and I am extremely pleased that it will include the amendment offered by my colleagues Mr. LAMPSON and Mr. POE. This amendment eliminates a 55 percent increase in passenger facility charges, which are imposed whenever a passenger passes through an airport. These taxes create a substantial financial burden on travelers, particularly those who must pass through several airports in transit. While I do not minimize the need for funds to improve airport facilities, I believe there are far more equitable ways of obtaining this funding.

Mr. Chairman, as we work to ensure funding for our Nation's vital air transit system, I look forward to working with the airports to increase contracting opportunities for minority-owned business. As airports embark on important programs of improvement, I call on them to create an even playing field, in which small- and minority-owned businesses can compete for contracts.

Mr. Chairman, air travel is crucial to many Americans, who rely on safe and rapid transit to conduct business, visit family, or take a family vacation. With ever increasing strains on our air transit system, this important legislation will take air travel in a new direction—providing consumer protections for airline passengers, modernizing infrastructure, improving safety, and reducing delays for people and commerce, fuel consumption, and emissions that cause global warming.

I strongly support this legislation, and I urge my colleagues to do the same.

Mr. ENGEL. Mr. Chairman, I stand today in strong support of this amendment.

This has been the worst year on record for air traffic delays. The New York area, which I represent, has three major airports with some of the worst delays in the Nation. Obviously, this situation must change. This amendment would commission a study to determine how best to fix these delays.

The FAA had a chance to commission such a study, but instead they decided to take a unilateral, misguided approach to redesign the airspace over thousands of residents in my Congressional District. The FAA did this without consulting the very people whose lives would be most affected.

A study should have been conducted years ago. I support reducing delays, but we should first know if the FAA's actions will improve air travel. It would be a mistake for the FAA to continue on this course without knowing whether the airspace redesign would even reduce delays.

I urge my colleagues to support this amendment because today we are affected, tomorrow you could be.

Mr. BACA. Mr. Chairman, I ask for unanimous consent to revise and extend my remarks. I rise to express my strong support for H.R. 2881, the Federal Aviation Administration Reauthorization Act.

The first half of 2007 has included the worst record in history for airline delays. So far, more than one quarter of all flights this year have been delayed. Yet, airline traffic is expected to grow at a rapid pace—with a tripling of the number of passengers flying by the year 2025. H.R. 2881 is an important first step in addressing America's transportation dilemma. It modernizes our aging air traffic control system, and strengthens airport infrastructure to reduce delays and improve safety. This bill provides the necessary funds to improve America's airport infrastructure.

H.R. 2881 also includes critical consumer protections by creating a Passenger Bill of Rights, which provides for emergency contingency plans and greater oversight by the FAA into flight delays. In the area I represent, southern California, flight delays and congestion are a major problem. H.R. 2881 provides much needed reforms to help my local airport, the LA/Ontario International Airport, improve its infrastructure—so it may accommodate much of the expected increase in air traffic for the area in the coming years.

These reforms will reduce delays, increase capacity, enhance security, and promote new competition at Ontario airport and ultimately help generate much needed economic development and job growth in my district.

Mr. Chairman, H.R. 2881 is vital to modernizing America's air traffic system, reducing flight delays, and ensuring our Nation is prepared for the massive increases in number of flights we will see over the next decade.

Again, I express my full support of this bill and urge my fellow colleagues to adopt its final passage.

Mr. HALL of Texas. Mr. Chairman, research and development is absolutely fundamental to the mission of the Federal Aviation Administration, and the bill before us today includes a number of provisions that will ensure the agency's R&D enterprise continues to be robust and productive. Title I of H.R. 2881 reauthorizes the FAA's Research, Engineering and Development program for 4 years at levels that, for the most part, are consistent with the Administration's request. The bill also contains a number of provisions specific to R&D projects and activities, many of which are consolidated in Title IX, but are also incorporated in other parts of the bill.

The Federal Aviation Administration is a unique federal enterprise that is fully reliant on maintaining a highly sophisticated network of communications, navigation, and surveillance facilities located at many sites throughout this country. The FAA also regulates the design and operation of the aircraft that fly within our airspace. Our national airspace system, and the economic benefits that flow from it, would not be possible without a well-funded research and development program and a dedicated staff of scientists and engineers. Research results have led to the development of a huge number of products that continue to improve the safety, efficiency and capacity of our national airways system and the planes that fly in it.

The Science and Technology Committee held oversight hearings early this year in preparation for writing and reporting H.R. 2698, The Federal Aviation Research and Development Reauthorization Act of 2007, and just 3 months ago, on June 22, our committee reported the bill on a voice vote. H.R. 2881 incorporates virtually all of the bill's provisions, and for that, I want to extend my thanks to the leadership and staff of the Transportation and Infrastructure Committee for their willingness to work together on these important issues.

While there are a number of R&D provisions in this bill, in the time remaining I want to highlight three programs. First and foremost, the Joint Planning and Development Office (JPDO) is working to develop the Next Generation Air Transportation System (NextGen) that is—and I say this without any exaggeration—absolutely essential if we are to ensure a vibrant and growing air transportation network. The current system is at capacity and will not be able to accommodate future growth.

The JPDO is a unique federal collaboration originally authorized in the R&D title of the Vision 100 legislation signed by the President during the 108th Congress. It is led by the FAA and includes a number of other federal agencies, and its role is to coordinate and manage the research, development and implementation of technologies needed to meet future capacity, safety, efficiency, and security requirements for our national airspace system. H.R. 2881 strengthens management oversight and accountability, and directs participating federal agencies to assign a senior agency official to be specifically responsible for that agency's role in the development and implementation of NextGen. It also creates a more transparent budgeting process to help Congress determine if the Administration is providing amounts needed and requested by JPDO participating agencies. With regard to JPDO's budget, the bill before us is silent on authorization amounts, leaving this and future Congresses with the ability to fund the JPDO as needed. The fact is, at this early stage of development, too little is known about NextGen's cost and budget profile over the decade ahead to develop credible cost estimates.

At the Administration's request, H.R. 2881 includes a new start called the 'CLEEN (*C*ontinuous *L*ower *E*nergy, *E*missions, and *N*oise engine and airframe technology) research, development and implementation partnership.' The goals of this program are to research and develop technologies capable of significantly reducing emissions and noise produced by turbine-powered aircraft, as well as increasing their fuel efficiency. This legislation directs the FAA to coordinate its efforts with NASA.

Finally, this legislation takes important first steps to allow for the safe and routine operation of unmanned aircraft systems (UAS) in our national airspace system. All of us know the important capabilities provided by UAS systems in the Middle East. Here at home, these aircraft will vastly improve our ability to monitor our borders, to help communities recover from natural disasters, and take environmental and land-use measurements. But first we need to develop 'sense and avoid' technologies, along with flight control and navigation technologies, so that unmanned aircraft can safely fly in the same airspace used by general aviation and commercial aircraft without threat of collision. H.R. 2881 gives the FAA the authority to begin the necessary research, plus to develop schedules to meet mandated deadlines.

Mr. Chairman, FAA's research and development activities are essential to its mission, and the features I've described, plus many others in the legislation before us, will strengthen the agency's capabilities to accommodate and manage our Nation's national airspace system.

Having said that, I do want to express reservations about portions of H.R. 2881 unrelated to research and development, and caution Members to carefully weigh the bill in its totality before casting their votes. I clearly understand this bill has some very contentious issues that may, on balance, leave Members no choice but to vote against final passage.

I am particularly concerned about provisions in this bill that will impose a variety of new costs on an industry that is still recovering from several years of billion-dollar losses and, to make matters worse, could delay FAA's ability to replace its aging air traffic control system. To give two examples, H.R. 2881 would permit up to a 55 percent increase in passenger facilities charges assessed by airports, the costs of which appear as an additional fee on airline tickets. The bill also voids the current labor-management contract for air traffic controllers, forcing the agency to reinstitute its older—and more expensive—labor contract, and it requires reopening negotiations on a new contract under a new negotiating regime. This labor provision seriously jeopardizes FAA's ability to finance its new air traffic control system, which, by some estimates, could result in an additional payout to air traffic controllers of up to a half-billion dollars over the next 4 years, plus whatever additional costs are imposed by a new contract. These are just two of a number of provisions that will most certainly push up the price of air travel. The net effect of these changes will be to push the cost of air travel so high as to make it unaffordable for many working Americans to fly, seriously affecting their quality of life.

For these and other reasons, I cannot, and will not, support H.R. 2881 in its present form.

Mr. SALAZAR. Mr. Chairman, I thank the gentleman from Vermont for yielding and I would like to recognize Chairman OBERSTAR and Chairman COSTELLO for their exceptional leadership on this critical issue.

Mr. Chairman, I rise today in support of H.R. 2881, the FAA Reauthorization Act of 2007, and urge swift passage of the measure.

There are many good and important issues addressed in this bill: funding for capital programs; air traffic control modernization and NextGen; financing that doesn't overburden general aviation; safety; the imposed work rules on our air traffic controllers; consumer protections; R&D; environment; and more.

But I'd like to especially thank the bipartisan leadership on the committee for working with me on issues that are particularly important to me and my constituents.

H.R. 2881 provides increased funding to local governments throughout the country to maintain and develop their airports, which serve as cornerstones for economic growth.

The bill also provides increased radar surveillance coverage in mountainous areas—such as those in Colorado—which will increase the safety and capacity for many of our mountain airports.

As many of us come from and represent small, rural communities, we appreciate the need to preserve and improve rural aviation programs, such as Essential Air Service.

EAS serves rural communities across the country that otherwise would not receive any scheduled air service.

Yet the Administration, once again, has proposed to cut funding by more than half.

That would be devastating to more than 140 rural communities—including Cortez, Alamosa and Pueblo, Colorado.

I'm proud of the work that we did on the committee to correct this wrong and I'm pleased to see the improvements made to rural aviation in this bill.

I believe H.R. 2881 ensures that we remain the world's safest aviation system, and I urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chairman, I include in the RECORD exchanges of letters between the Committee on Transportation and Infrastructure and other relevant committees.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, September 17, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 2881, the "FAA Reauthorization Act of 2007." This legislation authorizes the Federal Aviation Administration's (FAA) programs, including research and development programs.

H.R. 2881 contains provisions that fall within the jurisdiction of the Committee on Science and Technology. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 2881.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BART GORDON,
Chairman

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 17, 2007.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRMAN GORDON: Thank you for your September 14, 2007 letter regarding H.R. 2881, the "FAA Reauthorization Act of 2007". Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on

Science and Technology. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 2881.

I value your cooperation and look forward to working with you as we move ahead with this important aviation legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 14, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for working with me to address concerns in H.R. 2881, a bill to authorize appropriations for the Federal Aviation Administration for fiscal year 2008. Like you, I strongly believe that providing for the authorization of adequate appropriations for the Federal Aviation Administration is vital.

H.R. 2881 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this bill to the full House expeditiously. As a condition to our agreement to forgo a mark-up of this legislation, you have agreed to remedy our jurisdictional and substantive concerns during consideration of H.R. 2881 or similar legislation by the full House. The Committee on Homeland Security's decision to waive consideration of H.R. 2881, or similar legislation, should not be construed as waiving, altering, or diminishing the Committee's prerogatives with respect to this legislation.

Additionally, the Committee on Homeland Security reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation or on provisions of this or a similar bill that are within the jurisdiction of the Committee on Homeland Security. I ask for your commitment to support any such request by the Committee on Homeland Security for the appointment of conferees on H.R. 2881 or similar legislation.

Finally, I respectfully ask that you place a copy of your letter and this response in the Committee Report to accompany H.R. 2881, or similar legislation, and in the CONGRESSIONAL RECORD during floor consideration of H.R. 2881.

Thank you for your cooperation in this matter. I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 14, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your September 14, 2007 letter regarding H.R. 2881, the "FAA Reauthorization Act of 2007". Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 2881.

I value your cooperation and look forward to working with you as we move ahead with this important aviation legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

Mr. Chairman, I would also like to thank the staff of the Committees on Transportation and Infrastructure, Ways and Means, and Science and Technology for their extraordinary work on this bill. In particular, I thank:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Full Committee: David Heymsfeld, Ward McCarragher, Sharon Barkeloo, Jennifer Walsh, Erik Hansen, Elisa Yi, Jim Coon, Amy Steinmann.

Subcommittee: Stacie Soumbeniotis, Giles Giovinazzi, Jana Denning, Pam Keller, Christa Fornarotto, Holly Woodruff Lyons, Bailey Edwards, Russell Kline.

COMMITTEE ON WAYS AND MEANS

Ted Zegers, Susan Athy, Chris Giosa.

COMMITTEE ON SCIENCE AND TECHNOLOGY

John Piazza, Richard Obermann, Tim Athan, Ed Feddeman, Katy Crooks.

OFFICE OF LEGISLATIVE COUNSEL

David Mendelsohn, Curt Haensel, Rosemary Gallagher.

Ms. HIRONO. Mr. Chairman, I rise in support of H.R. 2881, the FAA Reauthorization Act of 2007. I thank Chairman OBERSTAR and Chairman COSTELLO for their leadership and hard work to bring this complex legislation to the floor.

While there are disagreements on certain issues, the bill that emerged from the committee will serve the greater interests for the American people for years to come. I am truly proud to have been part of the Transportation and Infrastructure Committee and the Subcommittee on Aviation in developing this important legislation.

I will address a few of the numerous positive provisions of the bill that warrant mention and support.

One section extends the coverage of OSHA to flight attendants. For all too long—well over 30 years—flight attendants have fought an unsuccessful fight to win basic occupational and health protections available to nearly all other American workers.

Despite a Memorandum of Understanding in 2000 between FAA and the Occupational Health and Safety Administration to rectify this discriminatory application of employment law, flight attendants are still left without any meaningful safety and health protections. Since the FAA has shown no inclination to follow through on the MOU, it is time for Congress to act.

Every day, flight attendants risk exposure to poor air quality, blood-borne viruses including HIV and Hepatitis B, cosmic radiation and noise. They are expected to perform excessive lifting, pushing, pulling and carrying—including carry-on baggage and poorly designed food and beverage carts. Without workplace regulatory protections, flight attendants who are sick and injured have no one to help them. This unacceptable condition threatens not only the health of flight attendants, but the safety of the hundreds of passengers who depend on flight attendants for many in-flight services, not to mention life-saving assistance in times of emergency.

The time has long passed for flight attendants to be denied the same protections that the Federal Government affords millions of other hard-working employees in both the private and public sector, including its own employees. It is time for Congress to extend OSHA protections to 50,000 American workers who have been denied this basic employment right by their federal regulator, the FAA, which should be leading this effort.

Another important provision that will bring fundamental fairness to the industry is the bill's abolition of the arbitrary 60-year age limit on commercial pilots. Only commercial airline pilots in the U.S. are prohibited from flying after age 60. The International Civil Aviation Authority already allows its pilots to fly to age 65. Many advanced countries, including Canada, Australia and New Zealand have no age limit. Only the U.S., Pakistan, France and Colombia still hold on to this arbitrary disqualification of otherwise competent pilots.

While eliminating this totally subjective and discriminatory restriction on the right to work, the bill provides the necessary safeguards to protect the flying public. No pilot over the age of 60 who is not otherwise capable and qualified will be able to work on the flight deck, just like any other qualified pilot of any age.

The FAA itself agrees that the 60-year old limit should be abolished, but it will take the agency two years to promulgate regulations to change this admittedly archaic rule. Meanwhile, an estimated 4,000 pilots will needlessly be forced to retire unless we pass this bill.

Finally, one of the more contentious provisions of the bill relates to collective bargaining for air traffic controllers. I support the air traffic controllers on this issue. It is a matter of simple fairness that the FAA be compelled to deal fairly with this important group of its employees. There is no fair and equal collective bargaining if one side can walk away from the negotiation table and unilaterally impose its position once an impasse is reached. Fundamental fairness requires that the parties resume negotiations until an agreement is reached and, if the parties cannot agree, mediation should be required. Meanwhile, the pre-impasse terms and conditions of employment should be maintained, as it is in all collective bargaining relationships, until a new collective bargaining agreement is ratified.

Collective bargaining not only protects the rights and benefits of the air traffic controllers, but also protects the lives and safety of the traveling public. When they are adequately compensated and allowed sufficient time for training, rest and recuperation, air traffic controllers would able to do their jobs more effectively.

There is no worse a method to destroy morale and loyalty—and hence effectiveness and performance—of employees than to show such disrespect for them. In a job as critical to the safety of millions of travelers, the effectiveness and professionalism of air traffic controllers must be fostered, not undermined by unfair employment practices that treat them with such undeserved disdain. Giving these important employees bargaining rights equal to the employer is not only the right thing to do, it is the safe thing to do for all Americans.

For the reasons I have stated, I support this comprehensive and major improvement to our nation's aviation system. I urge my colleagues to look at the bill in its entirety and vote to pass this important legislation.

Mr. COBLE. Mr. Chairman, aviation is a growing industry in the 6th Congressional District of North Carolina, and therefore my interest in the reauthorization of the Federal Aviation Administration stems from both a consumer and industry perspective. I'd like to take a few moments to highlight some provisions in H.R. 2881 which are beneficial to my area and others which cause concern.

There is a vibrant general aviation community within North Carolina, and many of the airports in my district are dependent upon the Airport Improvement Program to fund necessary infrastructure improvements. I am pleased that this legislation builds upon this successful program. It is my hope that as the bill moves forward, we will continue to seek ways to augment, and even create incentives, within the AIP program because it is a vital tool for economic development.

In addition, I remain supportive of the Small Community Air Services Development Program which is reauthorized in H.R. 2881. I have seen first-hand the success this program has had in my district, and believe that it is another tool which encourages community development, particularly in rural areas.

I'm also pleased that the bill before us takes the initial steps to modernize and update our air traffic control system. While I don't pretend to understand the technology, I do believe that upgrading our current air traffic control system will create more efficient and effective management of our airways. I'm hopeful that this investment, coupled with improving infrastructure, will help to alleviate much of the delays and cancellations that each of us currently face all too often when we go to the airport. We still have much work to do, but I believe this bill is a step in the right direction.

There are also areas in the base bill which concern me. I have nothing but the utmost respect for the air traffic controllers of this Nation, and especially those that live and work within my district. I have had frank and constructive conversations on a variety of issues with them in the past several months.

Despite that, I still have reservations about the intent and ramifications of the language in the base bill which would reopen the recently implemented contract. First and foremost, the issue of back pay concerns me from a fiscal and fairness perspective. Regardless of whether you support or oppose the current contract, to simply invalidate the contract, in my opinion, undermines the bargaining process. Further, I remain concerned at the effect this amendment will have on our Nation's taxpayers.

Additionally, I remain concerned by language in the bill which would require non-pilot employees to be covered under the National Labor Relations Act. This language, which is directed at one express shipping company, in my opinion could undermine the national transportation network and create many unintended consequences.

As this bill moves forward, I hope that we can continue to work towards modernizing our air traffic control system and also resolve issues where there is disagreement. Because of the concerns outlined above, I intend to oppose the base bill, but do so recognizing that there are provisions which I support.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of H.R. 2881 and urge its approval.

The version of H.R. 2881 that is before us today is the product of a constructive, bipartisan collaboration between the Transportation and Infrastructure Committee and the Science and Technology Committee.

I want to express my appreciation for the fine work done by the Transportation and Infrastructure Committee members and staff, and in particular Chairman JIM OBERSTAR and Ranking Member JOHN MICA, along with the Chairman of the Aviation Subcommittee (and senior member of the Science and Technology Committee), JERRY COSTELLO, and Ranking Minority member TOM PETRI. I appreciate the cooperative efforts that made this merged bill possible.

I also want to thank Chairman BART GORDON, Ranking Member RALPH HALL, and my good friend and Ranking Member on the space and aeronautics subcommittee, Representative TOM FEENEY, for all of their hard work on H.R. 2698, the Federal Aviation R&D Reauthorization Act of 2007—which was unanimously passed by the Science and Technology Committee earlier this year and which has now been incorporated into the bill we are considering today.

The Science and Technology Committee majority and minority staff has done great work on this bill and I would like to thank them as well, especially Richard Obermann, Ed Feddeman, Tim Athan, and John Piazza for their hard work. I am pleased that H.R. 2881 will reauthorize a range of important R&D activities at the FAA—including R&D related to aviation noise and emissions reduction—establish new R&D initiatives in some key areas, and include provisions aimed at strengthening the Next Generation Air Transportation System (NextGen) initiative and the interagency Joint Planning and Development Office (JPDO), which has the responsibility for planning and developing NextGen.

Because of my limited time, I would like to highlight just two of the new initiatives in the bill that I think are especially important.

First, the bill establishes an interagency research program to better understand the impact of aviation on climate change. This is a serious matter, with both economic and quality-of-life implications, and thus I believe that this research effort is critically important.

Second, the bill establishes a multi-agency research program to conduct research on the impacts of space weather on aviation and air passengers. This is motivated by the increased importance of space weather to aviation, especially with the increased incidence of flight operations over the polar regions.

Mr. Chairman, while I could spend all my time discussing the important provisions from H.R. 2698 that have been included in H.R. 2881, I would be remiss if I did not discuss several other features of the bill that I think are important. It is clear, I think, that enhancing the Nation's aviation needs while addressing unique challenges of individual communities is not an easy task. I believe that this bill moves our Nation's air transportation system forward while being understanding of the obstacles that face each state and locality.

In June, the Department of Transportation (DOT) reported that only 72.5 percent of domestic flights by the largest U.S. airlines arrived on-time from January. to April of this year. This is the worst showing since DOT began reporting on-time performance in 1995. Robust investment in aviation infrastructure is crucial to increase air capacity and decrease fight delays. I am pleased that this bill provides for increased funding for a number of FAA capital programs, including the Airport Improvement Program (AIP).

Passage of this legislation is vital to the health of the Nation's air transportation system and the continued economic vitality of Colorado. I am especially pleased that the bill designates a program within FAA to improve safety and efficiency of radar coverage in mountainous areas. While the Colorado Department of Transportation (CDOT) and the FAA have already begun such an endeavor, this bill will further cement and provide funding for enhanced radar coverage at mountain airports in Colorado and elsewhere. Not only will this program increase safety but it will also provide multi-modal benefits by reducing congestion on highways due to flight diversions or denied service.

Mr. Chairman, it is no exaggeration to say that the Nation's air transportation system is critical to our economic well-being, our international competitiveness, and our quality of life. I believe that H.R. 2881 will help maintain its continued vitality and safety, and I urge Members to support the bill.

Mr. LIPINSKI. Mr. Chairman, I rise in strong support of this very important legislation reauthorizing the Federal Aviation Administration, and urge my colleagues to join me in voting for its passage.

I also rise to commend Chairman OBERSTAR and Ranking Member MICA on the Committee on Transportation and Infrastructure as well as Chairman COSTELLO and Ranking Member PETRI of the Subcommittee on Aviation for their excellent leadership on this bill and for their continued dedicated service on transportation issues.

This bill contains a number of critical provisions that will improve our nation's transportation system. In particular, this legislation will go a long way towards modernizing and improving our nation's air traffic control capabilities by providing $13 billion to accelerate the implementation of the Next Generation Air Transportation system. Through modernization and increased use of technology, this system will enable our air traffic control system to meet two to three times the amount of current demand, allowing us to keep pace with the ever-increasing number of flights. This technology will also allow us to more accurately track flights, preventing collisions in our increasingly congested skies. In addition, the FAA will be given the resources to make necessary improvements and replacements of facilities and equipment, ensuring the highest degree of air traffic support.

I would also like to thank the Chairmen and Ranking Members of the full Committee and

Subcommittee for including report language on the potential application of Qualification Based Selection for Passenger Facility Charge funded airport projects. Qualification Based Selection is a process that works well with Airport Improvement Program funded projects and some other federally-funded transportation projects. It has been a process that has saved time and saved money in other transportation projects. Consequently, taking a closer and more comprehensive look to see how it could be effectively implemented with PFC-funded projects seems to be a logical step.

This reauthorization also takes some important steps towards protecting flight crews and passengers. For example, OSHA requirements are finally extended to aircraft crewmembers under this bill, helping to ensure their on-the-job safety. This legislation also directs the FAA to conduct a study on pilot fatigue, and based on the findings of that study, update their regulations regarding flight time limitations and rest requirements for pilots. Furthermore, airlines and airports will be required to have contingency plans in place to take care of passengers affected by long delays, including providing food, water and medical care. This provision is a welcome relief to all of us who have ever experienced long and painful flight delays.

Furthermore, this reauthorization includes $570 million to increase the number of aviation safety inspectors by more than one-third. These inspectors develop, administer, and enforce safety requirements for all aircraft being developed and flying today. Increasing the number of these inspectors will help ensure that our skies are as safe as possible.

I am also pleased that this reauthorization includes a number of provisions that will improve our environment. It directs the FAA to work to develop lower energy, emissions and noise engine and airframe technology. This type of technology will help to reduce our dependence on fossil fuels, improve our air quality, and combat climate change. This bill also contains measures to improve the environments of airport lands, including addressing water and air quality issues, and reduce aircraft idling time to reduce emissions and fuel consumption.

In addition to these environmental provisions, I would also like to thank Chairman OBERSTAR and Ranking Member MICA of the full Committee and Chairman COSTELLO and Ranking Member PETRI of the Aviation Subcommittee for working with me to include two provisions increasing R&D for environmental improvements related to aircraft fuel.

Currently, general aviation piston aircraft operate on 100 Octane leaded aviation gasoline, or avgas, which contains four times the amount of lead found in the already-banned leaded automotive fuel and is extremely toxic. Unfortunately, no economical alternative currently exists. Environmental and health concerns over this leaded gasoline will only continue to grow as use of these planes increases.

In order to address this issue, I worked to include in this bill a provision to continue and enhance R&D for alternative aviation fuels. This provision, which authorizes $750,000 for fiscal years 2008 through 2010, will help to expedite the development, testing, and approval of an economical, unleaded alternative aircraft fuel.

Also included in this reauthorization is a provision I authored for a new FAA Center of Excellence focused on alternative jet fuel research. FAA Air Transportation Centers of Excellence provide research on important transportation issues through partnerships between the FAA, universities, industry and state and local government. In conducting transportation research, Centers of Excellence also prepare a new generation of trained professionals ready to meet our nation's transportation needs.

And in the coming years, perhaps no transportation need will be greater than the need for alternative energies. Increasing demand for fossil fuels and continued volatility in many energy supplying nations means that the price of fossil fuels will continue to go up. And, increased emissions from the use of fossil fuels further endanger our global environment.

Jet fuel in particular illustrates the dangers of our current reliance on fossil fuels. Many airlines in this country, already fighting bankruptcy, are particularly vulnerable to higher fuel prices and increased volatility in the energy market. And while jet emissions still constitute only 3% of global emissions, that share is growing rapidly as the number of flights worldwide continues to increase.

Consequently, it is apparent that developing alternative jet fuels is imperative for our Nation's airlines and our environment. Recognizing this need, and witnessing the valuable R&D that FAA Centers of Excellence have provided in other areas such as Airliner Cabin Environment, Noise and Emissions, and Airport Technology, I authored a provision included in this reauthorization which will create an FAA Center of Excellence dedicated to alternative jet fuel research. This Center of Excellence's research will improve the long-term health of our domestic aviation economy and our global environment.

The benefits of this Center of Excellence and all the improvements in safety, efficiency, labor protections and environment provided by this reauthorization are particularly important to my hometown of Chicago. Chicago is the transportation hub of the Nation and transportation is—metaphorically and literally—what keeps our region moving. Chicago Midway Airport, which is in my District, and nearby O'Hare International Airport, are two of the busiest and largest airports in the Nation. And while thousands of people pass through these airports every day, they are the local airports for my constituents and the surrounding communities. Consequently, any national improvements in our aviation system will be acutely felt by those of us who live under the busy skies of northeastern Illinois. I believe this reauthorization is a good beginning in improving not only the flying experience of my constituents, but also in reducing the amount of aviation emissions and noise that they encounter on a daily basis.

And importantly for my District, this FAA reauthorization provides necessary funding to make our runways safer. This issue is important to the many people in Chicagoland who still clearly remember the tragic accident in 2005 when an aircraft skidded off the runway at Midway Airport and into a passing car, killing a young boy. To address some of the concerns raised by these types of accidents, this legislation provides $42 million over four years for runway incursion reduction programs and $74 million over four years for runway status light acquisition and installation. These runway improvements will not only help to protect flight crews and aircraft passengers, but also the people such as those in my district who live and work alongside our Nation's airports.

In conclusion, this FAA reauthorization contains important efficiency, safety and environmental provisions that will benefit the Nation and Chicagoland in particular, and I urge my colleagues to join me in supporting its passage.

Mr. TANNER. Mr. Chairman, I rise today to strongly oppose a provision that was included in H.R. 2881, the FAA Reauthorization Act of 2007.

The underlying bill contains language that would unfairly target a single company located in my Sate and compel them to change the way they do business. There have been no hearings on this issue and I am concerned that there could be considerable unintended consequences if this provision is approved.

Inclusion of the language could also put this critical aviation safety bill at risk. I have been told that several Senators have made clear this provision is a non-starter that puts a speedy and successful Conference at risk.

At a time where air traffic is in gridlock, I think we have a duty to the American public to pass a bill that can quickly be conferenced with the Senate. Because I do think that we need to move forward on FAA reform, I will reluctantly vote for H.R. 2881. However, I believe that this bill is far too important to be used as a vehicle for targeting a single American company and am hopeful that this issue will be addressed in conference.

Mr. CARNAHAN. Mr. Chairman, I rise today in strong support of this rule and of the underlying bill. I am proud of H.R. 2881, The FAA Reauthorization Act of 2007, and I commend Chairman OBERSTAR and my good friend, Subcommittee Chairman COSTELLO, for their thorough work on this legislation.

Our committee has worked very hard on this bill. We held many hearings and heard from countless representatives of the aviation industry—including airlines, manufacturers, airports, labor groups, and passenger coalitions. The result of those hearings was this fine piece of legislation, which I am proud to support.

As we have heard today, this legislation provides the foundation for the transition to the Next Generation Air Transportation System. This summer, as airline passengers faced unprecedented delays, we better understand the heightened importance of completing Next Gen. With 1 billion annual passengers expected by 2015, the transition from a radar-based system to satellite navigation is essential to maintain the strength of the aviation industry and provide our constituents with predictable flying conditions.

This bill allows an historic level of funding in order to prepare our Nation's airspace for the future.

I would also like to thank the Chairman for including, at my request, Seniority List Integration language in the Manager's Amendment.

Nearly 7 years ago, American Airlines bought TWA—a great airline which had a long history of service in my home State of Missouri. Without any labor protections to look after their interests, TWA employees were unfairly stapled to the bottom of the combined work groups' seniority lists. As many airlines were forced to downsize in the aftermath of September 11th, these TWA employees, many with decades of service, lost their jobs as more junior American Airlines employees were retained. The result was the furlough of thousands of my constituents.

Given this unfortunate situation, it is appropriate that this bill provide long-needed labor protections ensure that a similar situation does not happen in the future. By providing for "fair and equitable" integration of seniority lists, we protect the employees of the purchased airline—without entering Congress into the complicated issue of how seniority should be defined.

This language means that future airline mergers will not result in the unfair treatment of one labor group.

H.R. 2881 represents a bi-partisan agreement to maintain the strength of our Nation's aviation industry. I urge support for the Rule and for the underlying bill.

The Acting CHAIRMAN. All time for general debate has expired.

In lieu of the amendment in the nature of a substitute printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 110-335, modified by the amendment printed in part B of the report, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 2881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FAA Reauthorization Act of 2007".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. FAA operations.
Sec. 104. Research and development.
Sec. 105. Funding for aviation programs.

Subtitle B—Passenger Facility Charges

Sec. 111. PFC authority.
Sec. 112. PFC eligibility for bicycle storage.
Sec. 113. Noise compatibility projects.
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SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2007.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking "September 30, 2003" and inserting "September 30, 2007"; and

(2) by striking paragraphs (1) through (4) and inserting the following:

"(1) $3,800,000,000 for fiscal year 2008;

"(2) $3,900,000,000 fiscal year 2009;

"(3) $4,000,000,000 fiscal year 2010; and

"(4) $4,100,000,000 fiscal year 2011.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "September 30, 2007" and inserting "September 30, 2011".

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) $3,120,000,000 for fiscal year 2008.

"(2) $3,246,000,000 for fiscal year 2009.

"(3) $3,259,000,000 for fiscal year 2010.

"(4) $3,353,000,000 for fiscal year 2011.".

(b) USE OF FUNDS.—Section 48101 is amended by striking subsections (c) through (i) and inserting the following:

"(c) WAKE VORTEX MITIGATION.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2008 through 2011 may be used for the development and analysis of wake vortex mitigation, including advisory systems.

"(d) WEATHER HAZARDS.—

"(1) IN GENERAL.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2008 through 2011 may be used for the development of in-flight and ground-based weather threat mitigation systems, including ground de-icing and anti-icing systems and other systems for predicting, detecting, and mitigating the effects of certain weather conditions on both airframes and engines.

"(2) SPECIFIC HAZARDS.—Weather conditions referred to in paragraph (1) include—

"(A) ground-based icing threats such as ice pellets and freezing drizzle;

"(B) oceanic weather, including convective weather, and other hazards associated with oceanic operations (where commercial traffic is high and only rudimentary satellite sensing is available) to reduce the hazards presented to commercial aviation, including convective weather ice crystal ingestion threats; and

"(C) en route turbulence prediction.

"(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts appropriated under subsection (a) and section 106(k)(1), such sums as may be necessary for each of fiscal years 2008 through 2011 may be used to advance the development and implementation of safety management systems.

"(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), $8,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, and $12,000,000 for fiscal year 2011 may be used for the development and implementation of runway incursion reduction programs.

"(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), $15,000,000 for fiscal year 2008, $27,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, and $20,000,000 for 2011 may be used for the acquisition and installation of runway status lights.

"(h) ADDITIONAL PROGRAMS IN FISCAL YEAR 2008.—Of amounts appropriated under subsection (a), $19,500,000 for fiscal year 2008 may be used for—

"(1) system capacity, planning, and improvement;

"(2) operations concept validation;

"(3) NAS weather requirements;

"(4) Airspace Management Lab;

"(5) Local Area Augmentation System (LAAS); and

"(6) wind profiling and weather research, Juneau.

"(i) ADDITIONAL PROGRAMS IN FISCAL YEARS 2009-2011.—Of amounts appropriated under subsection (a), $14,500,000 for each of fiscal years 2009, 2010, and 2011 may be used for—

"(1) system capacity, planning, and improvement;

"(2) operations concept validation;

"(3) NAS weather requirements; and

"(4) Airspace Management Lab.".

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

"(A) $8,726,000,000 for fiscal year 2008;

"(B) $8,978,000,000 for fiscal year 2009;

"(C) $9,305,000,000 for fiscal year 2010; and

"(D) $9,590,000,000 for fiscal year 2011.".

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraphs (A), (B), (C), (D), and (F);

(2) by redesignating subparagraphs (E) and (G) as subparagraphs (A) and (B), respectively; and

(3) in subparagraphs (A) and (B) (as so redesignated) by striking "2004 through 2007" and inserting "2008 through 2011".

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to fund airline data collection and analysis by the Bureau of Transportation Statistics in the Research and Innovative Technology Administration of the Department of Transportation—

(1) $4,000,000 for fiscal year 2008; and

(2) $6,000,000 for each of fiscal years 2009, 2010, and 2011.

SEC. 104. RESEARCH AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)(L) by striking "and";

(2) in paragraph (12)(L) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(13) for fiscal year 2008, $335,191,000, including—

"(A) $7,350,000 for fire research and safety;

"(B) $4,086,000 for propulsion and fuel systems;

"(C) $2,713,000 for advanced materials and structural safety;

"(D) $3,574,000 for atmospheric hazards and digital system safety;

"(E) $14,931,000 for aging aircraft;

"(F) $2,202,000 for aircraft catastrophic failure prevention research;

"(G) $14,651,000 for flightdeck maintenance, system integration, and human factors;

"(H) $9,517,000 for aviation safety risk analysis;

"(I) $15,254,000 for air traffic control, technical operations, and human factors;

"(J) $6,780,000 for aeromedical research;

"(K) $19,888,000 for weather programs;

"(L) $6,310,000 for unmanned aircraft systems research;

"(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

"(N) $10,755,000 for wake turbulence;

"(O) $20,469,000 for environment and energy;

"(P) $1,184,000 for system planning and resource management;

"(Q) $3,415,000 for the William J. Hughes Technical Center Laboratory Facility;

"(R) $74,200,000 for the Center for Advanced Aviation System Development;

"(S) $2,000,000 for the Airport Cooperative Research Program—capacity;

"(T) $3,000,000 for the Airport Cooperative Research Program—environment;

"(U) $5,000,000 for the Airport Cooperative Research Program—safety;

"(V) $3,600,000 for GPS civil requirements;

"(W) $15,000,000 for Safe Flight 21, Alaska Capstone;

"(X) $8,907,000 for airports technology research—capacity;

"(Y) $9,805,000 for airports technology research—safety;

"(14) for fiscal year 2009, $481,554,000, including—

"(A) $8,457,000 for fire research and safety;

"(B) $4,050,000 for propulsion and fuel systems;

"(C) $2,686,000 for advanced materials and structural safety;

"(D) $3,568,000 for atmospheric hazards and digital system safety;

"(E) $14,683,000 for aging aircraft;

"(F) $2,158,000 for aircraft catastrophic failure prevention research;

"(G) $37,499,000 for flightdeck maintenance, system integration, and human factors;

"(H) $8,349,000 for aviation safety risk analysis;

"(I) $15,323,000 for air traffic control, technical operations, and human factors;

"(J) $6,932,000 for aeromedical research;

"(K) $22,336,000 for weather program;

"(L) $6,738,000 for unmanned aircraft systems research;

"(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

"(N) $10,560,000 for wake turbulence;

"(O) $35,039,000 for environment and energy;

"(P) $1,847,000 for system planning and resource management;

"(Q) $3,548,000 for the William J. Hughes Technical Center Laboratory Facility;

"(R) $85,000,000 for Center for Advanced Aviation System Development;

"(S) $5,000,000 for the Airport Cooperative Research Program—capacity;

"(T) $5,000,000 for the Airport Cooperative Research Program—environment;

"(U) $5,000,000 for the Airport Cooperative Research Program—safety;

"(V) $3,469,000 for GPS civil requirements;

"(W) $20,000,000 for Safe Flight 21, Alaska Capstone;

"(X) $8,907,000 for airports technology research—capacity;

"(Y) $9,805,000 for airports technology research—safety;

"(15) for fiscal year 2010, $486,502,000, including—

"(A) $8,546,000 for fire research and safety;

"(B) $4,075,000 for propulsion and fuel systems;

"(C) $2,700,000 for advanced materials and structural safety;

"(D) $3,608,000 for atmospheric hazards and digital system safety;

"(E) $14,688,000 for aging aircraft;

"(F) $2,153,000 for aircraft catastrophic failure prevention research;

"(G) $36,967,000 for flightdeck maintenance, system integration, and human factors;

"(H) $8,334,000 for aviation safety risk analysis;

"(I) $15,471,000 for air traffic control, technical operations, and human factors;

"(J) $7,149,000 for aeromedical research;

"(K) $23,286,000 for weather program;

"(L) $6,236,000 for unmanned aircraft systems research;

"(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

"(N) $10,412,000 for wake turbulence;

"(O) $34,678,000 for environment and energy;

"(P) $1,827,000 for system planning and resource management;

"(Q) $3,644,000 for William J. Hughes Technical Center Laboratory Facility;

"(R) $90,000,000 for the Center for Advanced Aviation System Development;

"(S) $5,000,000 for the Airport Cooperative Research Program—capacity;

"(T) $5,000,000 for the Airport Cooperative Research Program—environment;

"(U) $5,000,000 for the Airport Cooperative Research Program—safety;

"(V) $3,416,000 for GPS civil requirements;

"(W) $20,000,000 for Safe Flight 21, Alaska Capstone;

"(X) $8,907,000 for airports technology research—capacity;

"(Y) $9,805,000 for airports technology research—safety; and

"(16) for fiscal year 2011, $514,832,000, including—

"(A) $8,815,000 for fire research and safety;

"(B) $4,150,000 for propulsion and fuel systems;

"(C) $2,747,000 for advanced materials and structural safety;

"(D) $3,687,000 for atmospheric hazards and digital system safety;

"(E) $14,903,000 for aging aircraft;

"(F) $2,181,000 for aircraft catastrophic failure prevention research;

"(G) $39,245,000 for flightdeck maintenance, system integration and human factors;

"(H) $8,446,000 for aviation safety risk analysis;

"(I) $15,715,000 for air traffic control, technical operations, and human factors;

"(J) $7,390,000 for aeromedical research;

"(K) $23,638,000 for weather program;

"(L) $6,295,000 for unmanned aircraft systems research;

"(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

"(N) $10,471,000 for wake turbulence;

"(O) $34,811,000 for environment and energy;

"(P) $1,836,000 for system planning and resource management;

"(Q) $3,758,000 for William J. Hughes Technical Center Laboratory Facility;

"(R) $114,000,000 for Center for Advanced Aviation System Development;

"(S) $5,000,000 for the Airport Cooperative Research Program—capacity;

"(T) $5,000,000 for the Airport Cooperative Research Program—environment;

"(U) $5,000,000 for the Airport Cooperative Research Program—safety;

"(V) $3,432,000 for GPS civil requirements;

"(W) $20,000,000 for Safe Flight 21, Alaska Capstone;

"(X) $8,907,000 for airports technology research—capacity;

"(Y) $9,805,000 for airports technology research—safety.".

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

"(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2011 pursuant to sections 48101, 48102, 48103, and 106(k) shall—

"(i) in each of fiscal years 2008 and 2009, be equal to 95 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

"(ii) in each of fiscal years 2010 and 2011, be equal to the sum of—

"(I) 95 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

"(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).".

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking "2007" and inserting "2011".

(c) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—

(1) in the paragraph heading by striking "LEVEL" and inserting "ESTIMATED LEVEL"; and

(2) by striking "level of receipts plus interest" and inserting "estimated level of receipts plus interest".

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking "2007" and inserting "2011".

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:

"(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.".

(b) INCREASE IN PFC MAXIMUM LEVEL.—Section 40117(b)(4) is amended by striking "$4.00 or $4.50" and inserting "$4.00, $4.50, $5.00, $6.00, or $7.00".

(c) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(d) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking "**fees**" and inserting "**charges**";

(B) in the heading for subsection (e) by striking "FEES" and inserting "CHARGES";

(C) in the heading for subsection (l) by striking "FEE" and inserting "CHARGE";

(D) in the heading for paragraph (5) of subsection (l) by striking "FEE" and inserting "CHARGE";

(E) in the heading for subsection (m) by striking "FEES" and inserting "CHARGES";

(F) in the heading for paragraph (1) of subsection (m) by striking "FEES" and inserting "CHARGES";

(G) by striking "fee" each place it appears (other than the second sentence of subsection (g)(4)) and inserting "charge"; and

(H) by striking "fees" each place it appears and inserting "charges".

(2) OTHER REFERENCES.—Subtitle VII is amended by striking "fee" and inserting "charge" each place it appears in each of the following sections:

(A) Section 47106(f)(1).
(B) Section 47110(e)(5).
(C) Section 47114(f).
(D) Section 47134(g)(1).
(E) Section 47139(b).
(F) Section 47524(e).
(G) Section 47526(2).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.

(a) IN GENERAL.—Section 40117(a)(3) is amended by adding at the end the following:

"(H) A project to construct secure bicycle storage facilities that are to be used by passengers at the airport and that are in compliance with applicable security standards.".

(b) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the progress being made by airports to install bicycle parking for airport customers and airport employees.

SEC. 113. NOISE COMPATIBILITY PROJECTS.

Section 40117(b) is amended by adding at the end the following:

"(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

"(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

"(i) the Secretary determines that the building is adversely affected by airport noise;

"(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

"(iii) the project is for a school identified in one of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

"(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

"(v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.

"(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.".

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

Section 40117 is amended by adding at the end the following:

"(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.—

"(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

"(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this section, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

"(3) ELIGIBLE COSTS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project shall be the total cost of the project multiplied by the ratio that—

"(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

"(ii) the total number of the individuals projected to use the facility.

"(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

"(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

"(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).".

SEC. 115. IMPACTS ON AIRPORTS OF ACCOMMODATING CONNECTING PASSENGERS.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate—

(1) the impacts on airports of accommodating connecting passengers; and

(2) the treatment of airports at which the majority of passengers are connecting passengers under the passenger facility charge program authorized by section 40117 of title 49, United States Code.

(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall review, at a minimum, the following:

(1) the differences in facility needs, and the costs for constructing, maintaining, and operating those facilities, for airports at which the majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers;

(2) whether the costs to an airport of accommodating additional connecting passengers differs from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the percentage of passenger facility charge revenue attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers;

(4) the potential effects on airport revenues of requiring airports to charge different levels of passenger facility charges on connecting passengers and originating and destination passengers; and

(5) the added costs to air carriers of collecting passenger facility charges under a system in which different levels of passenger facility charges are imposed on connecting passengers and originating and destination passengers.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of initiation of the study, the Secretary shall submit to Congress a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b); and

(B) recommendations, if any, of the Secretary based on the results of the study for any changes to the passenger facility charge program, including recommendations as to whether different levels of passenger facility charges should be imposed on connecting passengers and originating and destination passengers.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

"(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

"(1) IN GENERAL.—In establishing and adjusting fees under subsection (a), the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator, and the allocation of such costs by the Administrator to services provided, are not subject to judicial review.

"(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2008. In developing the adjusted overflight fees, the Administrator may seek and consider the recommendations offered by an aviation rulemaking committee for overflight fees that are provided to the Administrator by June 1, 2008, and are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights.

"(3) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

"(4) COSTS DEFINED.—In this subsection, the term 'costs' includes those costs associated with the operation, maintenance, leasing costs, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

"(5) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.".

(b) ADJUSTMENTS.—Section 45301 is amended by adding at the end the following:

"(e) ADJUSTMENTS.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.".

SEC. 122. REGISTRATION FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

"§45305. Registration, certification, and related fees

"(a) GENERAL AUTHORITY AND FEES.—The Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administration:

"(1) $130 for registering an aircraft.

"(2) $45 for replacing an aircraft registration.

"(3) $130 for issuing an original dealer's aircraft certificate.

"(4) $105 for issuing an aircraft certificate (other than an original dealer's aircraft certificate).

"(5) $80 for issuing a special registration number.

"(6) $50 for issuing a renewal of a special registration number.

"(7) $130 for recording a security interest in an aircraft or aircraft part.

"(8) $50 for issuing an airman certificate.

"(9) $25 for issuing a replacement airman certificate.

"(10) $42 for issuing an airman medical certificate.

"(11) $100 for providing a legal opinion pertaining to aircraft registration or recordation.

"(b) FEES CREDITED AS OFFSETTING COLLECTIONS.—

"(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall, subject to appropriation made in advance—

"(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(C) remain available until expended.

"(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

"(3) ADJUSTMENTS.—The Administrator shall periodically adjust the fees established by subsection (a) when cost data from the cost accounting system developed pursuant to section 45303(e) reveal that the cost of providing the service is higher or lower than the cost data that were used to establish the fee then in effect.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:

"45305. Registration, certification, and related fees.".

(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—

(1) by striking "A fee" and inserting the following:

"(1) IN GENERAL.—A fee"; and

(2) by adding at the end the following:

"(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.".

Subtitle D—AIP Modifications

SEC. 131. AMENDMENTS TO AIP DEFINITIONS.

(a) AIRPORT DEVELOPMENT.—Section 47102(3) is amended—

(1) in subparagraph (B)(iv) by striking "20" and inserting "9"; and

(2) by adding at the end the following:

"(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

"(N) terminal development under section 47119(a).

"(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, non-exclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.".

(b) AIRPORT PLANNING.—Section 47102(5) is amended by inserting before the period at the end the following: "and developing an environmental management system".

(c) GENERAL AVIATION AIRPORT.—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

"(8) 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary—

"(A) does not have scheduled service; or

"(B) has scheduled service with less that 2,500 passenger boardings each year.".

(d) REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

"(24) 'revenue producing aeronautical support facilities' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.".

(e) TERMINAL DEVELOPMENT.—Section 47102 is further amended by adding at the end the following:

"(28) 'terminal development' means—

"(A) development of—

"(i) an airport passenger terminal building, including terminal gates;

"(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

"(iii) walkways that lead directly to or from an airport passenger terminal building; and

"(B) the cost of a vehicle described in section 47119(a)(1)(B).".

SEC. 132. AMENDMENTS TO GRANT ASSURANCES.

(a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: ", except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)".

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking "paid to the Secretary" and all that follows before the semicolon and inserting "reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)".

(2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:

"(4) PRIORITIES FOR REINVESTMENT.—In approving the reinvestment or transfer of proceeds under subsection (c)(2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

"(A) Reinvestment in an approved noise compatibility project.

"(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

"(C) Reinvestment in an approved airport development project that is eligible for funding under sections 47114, 47115, or 47117.

"(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

"(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.".

(c) CLERICAL AMENDMENT.—Section 47107(c)(2)(B)(iii) is amended by striking "the Fund" and inserting "the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)".

SEC. 133. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking "provided in subsection (b) or subsection (c) of this section" and inserting "otherwise specifically provided in this section"; and

(2) by adding at the end the following:

"(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

"(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

"(1) is receiving subsidized air service under subchapter II of chapter 417; and

"(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.".

SEC. 134. AMENDMENTS TO ALLOWABLE COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the semicolon at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following:

"(E) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

"(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

"(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

"(iii) the sponsor notifies the Secretary before authorizing work to commence on the project; and

"(iv) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;''.

(b) RELOCATION OF AIRPORT-OWNED FACILITIES.—Section 47110(d) is amended to read as follows:

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.''.

(c) NONPRIMARY AIRPORTS.—Section 47110(h) is amended—

(1) by inserting ''construction of'' before ''revenue producing''; and

(2) by striking '', including fuel farms and hangars,''.

SEC. 135. UNIFORM CERTIFICATION TRAINING FOR AIRPORT CONCESSIONS UNDER DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

''(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Reauthorization Act of 2007, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.''.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (a).

SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY DISABLED VETERANS.

Section 47112(c) is amended by adding at the end the following:

''(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 1632)) owned and controlled by disabled veterans.''.

SEC. 137. CALCULATION OF STATE APPORTIONMENT FUND.

Section 47114(d) is amended—

(1) in paragraph (2)—

(A) by striking ''Except as provided in paragraph (3), the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''18.5 percent'' and inserting ''10 percent''; and

(2) by striking paragraph (3) and inserting the following:

''(3) ADDITIONAL AMOUNT.—

''(A) IN GENERAL.—In addition to amounts apportioned under paragraph (2) and subject to subparagraph (B), the Secretary shall apportion to each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

''(i) $150,000; or

''(ii) 1/5 of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

''(B) REDUCTION.—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than $300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under paragraph (2), so as to apportion under paragraph (2) a minimum of $300,000,000.''.

SEC. 138. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting ''except as provided by subparagraph (C),'' before ''in the case''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) in the case of a charge of more than $4.50 imposed by the sponsor of an airport enplaning at least one percent of the total number of boardings each year in the United States, 100 percent of the projected revenues from the charge in the fiscal year but not more than 100 percent of the amount that otherwise would be apportioned under this section.''.

SEC. 139. MINIMUM AMOUNT FOR DISCRETIONARY FUND.

Section 47115(g)(1) is amended by striking ''sum of—'' and all that follows through the period at the end of subparagraph (B) and inserting ''sum of $520,000,000.''.

SEC. 140. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking ''fiscal years 2004 through 2007'' and inserting ''fiscal years 2008 through 2011''.

SEC. 141. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) in the first sentence—

(A) by striking ''35 percent'' and inserting ''$300,000,000'';

(B) by striking ''and'' after ''47141,''; and

(C) by inserting before the period at the end the following: '', and for water quality mitigation projects to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) as approved in an environmental record of decision for an airport development project under this title''; and

(2) in the second sentence by striking ''such 35 percent requirement is'' and inserting ''the requirements of the preceding sentence are''.

SEC. 142. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

(a) IN GENERAL.—Section 47133(b) is amended—

(1) by striking ''Subsection (a) shall not apply if'' and inserting the following:

''(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if''; and

(2) by adding at the end the following:

''(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this subtitle for any portion of the public sponsor's acquisition of airport land; and

''(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport, is repaid to the Secretary by the private owner.

''(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.''.

(b) APPLICABILITY TO GRANTS.—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

SEC. 143. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) APPROVAL REQUIREMENTS.—Section 47134 is amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii), (c)(4)(A), and (c)(4)(B) by striking ''65 percent'' each place it appears and inserting ''75 percent''.

(b) PROHIBITION ON RECEIPT OF FUNDS.—

(1) SECTION 47134.—Section 47134 is amended by adding at the end the following:

''(n) PROHIBITION ON RECEIPT OF CERTAIN FUNDS.—An airport receiving an exemption under subsection (b) shall be prohibited from receiving apportionments under section 47114 or discretionary funds under section 47115.''.

(2) CONFORMING AMENDMENTS.—Section 47134(g) is amended—

(A) in the subsection heading by striking ''APPORTIONMENTS;'';

(B) in paragraph (1) by striking the semicolon at the end and inserting ''; or'';

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(c) FEDERAL SHARE OF PROJECT COSTS.—Section 47109(a) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 144. AIRPORT SECURITY PROGRAM.

Section 47137(g) is amended by striking ''$5,000,000'' and inserting ''$8,500,000''.

SEC. 145. SUNSET OF PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

Section 47138 is amended by adding at the end the following:

''(f) SUNSET.—This section shall not be in effect after September 30, 2007.''.

SEC. 146. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking "September 30, 2007" and inserting "September 30, 2011".

SEC. 147. REPEAL OF LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108, and the item relating to such section in the analysis for chapter 491, are repealed.

SEC. 148. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking "October 1, 2007" and inserting "October 1, 2011".

SEC. 149. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking "each airport to—" and inserting "the airport system to—";

(B) in paragraph (1) by striking "system in the particular area;" and inserting "system, including connection to the surface transportation network; and";

(C) in paragraph (2) by striking "; and" and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting "; and";

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking ", Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,"; and

(3) in subsection (d) by striking "status of the".

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking "separated from" and inserting "discharged or released from active duty in"; and

(B) by adding at the end the following:

"(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty (as defined by section 101 of title 38) in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by presidential proclamation or by law as the last date of Operation Iraqi Freedom, and who was separated from the armed forces under honorable conditions."; and

(2) in paragraph (2) by striking "veterans and" and inserting "veterans, Afghanistan-Iraq war veterans, and".

(c) CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c) and (d) as subsections (b), (c), (d) and (e), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

"(a) TERMINAL DEVELOPMENT PROJECTS.—

"(1) IN GENERAL.—The Secretary may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

"(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

"(i) all the safety equipment required for certification of the airport under section 44706;

"(ii) all the security equipment required by regulation; and

"(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

"(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

"(C) under terms necessary to protect the interests of the Government.

"(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

"(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

"(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.";

(3) in paragraphs (3) and (4)(A) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking "section 47110(d)" and inserting "subsection (a)"; and

(4) in paragraph (5) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking "subsection (b)(1) and (2)" and inserting "subsections (c)(1) and (c)(2)";

(5) in paragraphs (2)(A), (3), and (4) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking "section 47110(d) of this title" and inserting "subsection (a)";

(6) in paragraph (2)(B) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking "section 47110(d)" and inserting "subsection (a)";

(7) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking "section 47110(d)" and inserting "subsection (a)"; and

(8) by adding at the end the following:

"(f) LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than $20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).".

(d) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking "April 1" and inserting "June 1"; and

(2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

"(1) a summary of airport development and planning completed;

"(2) a summary of individual grants issued;

"(3) an accounting of discretionary and apportioned funds allocated;

"(4) the allocation of appropriations; and".

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) in subsection (a) by striking "47102(3)(F),"; and

(2) in subsection (b)—

(A) by striking "47102(3)(F),"; and

(B) by striking "47103(3)(F),".

(f) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting "46319," after "46318,".

(g) OTHER CONFORMING AMENDMENTS.—Sections 40117(a)(3)(B) and 47108(e)(3) are each amended by striking "section 47110(d)" each place it appears and inserting "section 47119(a)".

(h) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking "(other than real property" and all that follows through "(10 U.S.C. 2687 note))".

(i) AIRPORT CAPACITY BENCHMARK REPORTS.—Section 47175(2) is amended by striking "Airport Capacity Benchmark Report 2001" and inserting "2001 and 2004 Airport Capacity Benchmark Reports or table 1 of the Federal Aviation Administration's most recent airport capacity benchmark report".

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States faces a great national challenge as the Nation's aviation infrastructure is at a crossroads.

(2) The demand for aviation services, a critical element of the United States economy, vital in supporting the quality of life of the people of the United States, and critical in support of the Nation's defense and national security, is growing at an ever increasing rate. At the same time, the ability of the United States air transportation system to expand and change to meet this increasing demand is limited.

(3) The aviation industry accounts for more than 10,000,000 jobs in the United States and contributes approximately $900,000,000,000 annually to the United States gross domestic product.

(4) The United States air transportation system continues to drive economic growth in the United States and will continue to be a major economic driver as air traffic triples over the next 20 years.

(5) The Next Generation Air Transportation System (in this section referred to as the "NextGen System") is the system for achieving long-term transformation of the United States air transportation system that focuses on developing and implementing new technologies and that will set the stage for the long-term development of a scalable and more flexible air transportation system without compromising the unprecedented safety record of United States aviation.

(6) The benefits of the NextGen System, in terms of promoting economic growth and development, are enormous.

(7) The NextGen System will guide the path of the United States air transportation system in the challenging years ahead.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) modernizing the air transportation system is a national priority and the United States must make a commitment to revitalizing this essential component of the Nation's transportation infrastructure;

(2) one fundamental requirement for the success of the NextGen System is strong leadership and sufficient resources;

(3) the Joint Planning and Development Office of the Federal Aviation Administration and the Next Generation Air Transportation System Senior Policy Committee, each established by Congress in 2003, will lead and facilitate this important national mission to ensure that the programs and capabilities of the NextGen System are carefully integrated and aligned;

(4) Government agencies and industry must work together, carefully integrating

and aligning their work to meet the needs of the NextGen System in the development of budgets, programs, planning, and research;

(5) the Department of Transportation, the Federal Aviation Administration, the Department of Defense, the Department of Homeland Security, the Department of Commerce, and the National Aeronautics and Space Administration must work in cooperation and make transformational improvements to the United States air transportation infrastructure a priority; and

(6) due to the critical importance of the NextGen System to the economic and national security of the United States, partner departments and agencies must be provided with the resources required to complete the implementation of the NextGen System.

SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—

(1) ASSOCIATE ADMINISTRATOR FOR THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.—Section 709(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) The director of the Office shall be the Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration. The Associate Administrator shall report to the Administrator.".

(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) in subparagraph (G) by striking "; and" and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System implementation activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the greatest extent practicable in establishing the environmental goals;

"(J) working to ensure global interoperability of the Next Generation Air Transportation System;

"(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

"(L) overseeing, with the Administrator of the Federal Aviation Administration, the selection of products or outcomes of research and development activities that would be moved to the next stage of a demonstration project; and

"(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation enterprise architecture requirements.".

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking "(4)" and inserting "(4)(A)"; and

(B) by adding at the end the following:

"(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

"(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

"(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

"(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

"(C) The head of a Federal agency referred to in subparagraph (B) shall ensure that—

"(i) the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B); and

"(ii) the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation.

"(D) The head of a Federal agency referred to in subparagraph (B) shall—

"(i) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

"(ii) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

"(E) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.".

(4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:

"(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.

"(B) The Director, to the maximum extent practicable, shall—

"(i) ensure that—

"(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

"(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

"(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System initiative; and

"(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

"(7) The Associate Administrator of the Next Generation Air Transportation System shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.".

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "meets air" and inserting "meets anticipated future air"; and

(B) by striking "beyond those currently included in the Federal Aviation Administration's operational evolution plan";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting "; and"; and

(4) by adding at the end the following:

"(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

"(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

"(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

"(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

"(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

"(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

"(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system; and

"(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I).".

(c) OPERATIONAL EVOLUTION PARTNERSHIP.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

"(d) OPERATIONAL EVOLUTION PARTNERSHIP.—The Administrator of the Federal Aviation Administration shall develop and publish annually the document known as the 'Operational Evolution Partnership', or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 709(e) of such Act (117 Stat. 2584) is amended by striking "2010" and inserting "2011".

(e) CONTINGENCY PLANNING.—The Associate Administrator for the Next Generation Air Transportation System shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 203. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) MEETINGS.—Section 710(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following "and shall meet at least twice each year".

(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

"(e) ANNUAL REPORT.—

"(1) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

"(2) CONTENTS.—The report shall include—

"(A) a copy of the updated integrated work plan;

"(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

"(C) a detailed description of—

"(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

"(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

"(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

"(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.''.

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REPORT ON FAA PROGRAM AND SCHEDULE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for integrating automatic dependent surveillance-broadcast (in this section referred to as "ADS-B") technology into the national airspace system.

(2) CONTENTS.—The report shall include—

(A) a description of segment 1 and segment 2 activity to acquire ADS-B services;

(B) a description of plans for implementation of advanced operational procedures and ADS-B air-to-air applications; and

(C) a discussion of protections that the Administration will require as part of any contract or program in the event of a contractor's default, bankruptcy, acquisition by another entity, or any other event jeopardizing the uninterrupted provision of ADS-B services.

(3) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report prepared under paragraph (1).

(b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-B SERVICES.—Any contract entered into by the Administrator with an entity to acquire ADS-B services shall contain terms and conditions that—

(1) require approval by the Administrator before the contract may be assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;

(2) provide that the assets, equipment, hardware, and software used in the performance of the contract be designated as critical national infrastructure for national security and related purposes;

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of a termination of the contract;

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of material nonperformance, as determined by the Administrator; and

(5) permit the Government to acquire or utilize for a reasonable period, as determined by the Administrator, the assets, equipment, hardware, and software necessary to ensure the continued and uninterrupted provision of ADS-B services and to have ready access to such assets, equipment, hardware, and software through its own personnel, agents, or others, if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) REVIEW BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration's award and oversight of any contract entered into by the Administration to provide ADS-B services for the national airspace system.

(2) CONTENTS.—The review shall include, at a minimum—

(A) an examination of how program risks are being managed;

(B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the implementation of advanced operational procedures and air-to-air applications as well as to the extent to which ground radar will be retained;

(C) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration's program for providing ADS-B services;

(E) an assessment of whether security issues are being adequately addressed in the overall design and implementation of the ADS-B system; and

(F) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) REPORTS TO CONGRESS.—The Inspector General shall periodically, on at least an annual basis, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a process for including in the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) and collaborating with qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be impacted by such planning, development, and deployment.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of this section.

SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH TRANSFORMING TO THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Comptroller General shall conduct a review of the progress and challenges associated with transforming the Nation's air traffic control system into the Next Generation Air Transportation System (in this section referred to as the "NextGen System").

(b) REVIEW.—The review shall include the following:

(1) An evaluation of the continued implementation and institutionalization of the processes that are key to the ability of the Air Traffic Organization to effectively maintain management structures and systems acquisitions procedures utilized under the current air traffic control modernization program as a basis for the NextGen System.

(2) An assessment of the progress and challenges associated with collaboration and

contributions of the partner agencies working with the Joint Planning and Development Office of the Federal Aviation Administration (in this section referred to as the "JPDO") in planning and implementing the NextGen System.

(3) The progress and challenges associated with coordinating government and industry stakeholders in activities relating to the NextGen System, including an assessment of the contributions of the NextGen Institute.

(4) An assessment of planning and implementation of the NextGen System against established schedules, milestones, and budgets.

(5) An evaluation of the recently modified organizational structure of the JPDO.

(6) An examination of transition planning by the Air Traffic Organization and the JPDO.

(7) Any other matters or aspects of planning and coordination of the NextGen System by the Federal Aviation Administration and the JPDO that the Comptroller General determines appropriate.

(c) REPORTS.—

(1) REPORT TO CONGRESS ON PRIORITIES.—Not later than one year after the date of enactment of this Act, the Comptroller General shall determine the priority of topics to be reviewed under this section and report such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the committees referred to in paragraph (1) a report on the results of the review conducted under this section.

SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANSPORTATION SYSTEM ACQUISITION AND PROCEDURES DEVELOPMENT.

(a) STUDY.—The Comptroller General shall conduct a review of the progress made and challenges related to the acquisition of designated technologies and the development of procedures for the Next Generation Air Transportation System (in this section referred to as the "NextGen System").

(b) SPECIFIC SYSTEMS REVIEW.—The review shall include, at a minimum, an examination of the acquisition costs, schedule, and other relevant considerations for the following systems:

(1) En Route Automation Modernization (ERAM).

(2) Standard Terminal Automation Replacement System/Common Automated Radar Terminal System (STARS/CARTS).

(3) Automatic Dependent Surveillance-Broadcast (ADS-B).

(4) System Wide Information Management (SWIM).

(5) Traffic Flow Management Modernization (TFM-M).

(c) REVIEW.—The review shall include, at a minimum, an assessment of the progress and challenges related to the development of standards, regulations, and procedures that will be necessary to implement the NextGen System, including required navigation performance, area navigation, the airspace management program, and other programs and procedures that the Comptroller General identifies as relevant to the transformation of the air traffic system.

(d) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section.

SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Federal Aviation Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures for the national airspace system.

(b) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(1) an assessment of the extent to which the Federal Aviation Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight of a third party; and

(2) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the national airspace system without the use of third party resources.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the Next Generation Air Transportation System.

(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) include judgments on how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review conducted pursuant to subsection (a).

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of the fiscal years 2008 through 2011 to contribute to the establishment by a public-private partnership (including a university component with significant aviation expertise in air traffic management, simulation, meteorology, and engineering and aviation business) an airport-based testing site for existing Next Generation Air Transport System technologies. The Administrator shall ensure that next generation air traffic control integrated systems developed by private industries are installed at the site for demonstration, operational research, and evaluation by the Administration. The testing site shall serve a mix of general aviation and commercial traffic.

SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting "with or" before "without reimbursement".

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) runway lighting and airport surface visual and other navigation aids;

"(C) aeronautical and meteorological information to air traffic control facilities or aircraft;

"(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;";

(3) in subparagraph (E) (as redesignated by paragraph (1) of this section)—

(A) by striking "another structure" and inserting "any structure, equipment,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(F) buildings, equipment, and systems dedicated to the national airspace system.".

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking "compensation" and inserting "compensation, and the amount received shall be credited as an offsetting collection to the account from which the amount was expended and shall remain available until expended".

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting "; and";

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting "public and private" before "foreign aviation authorities"; and

(B) by striking the period at the end of the first sentence and inserting "or efficiency. The Administrator may participate in, and submit offers in response to, competitions to provide such services and may contract with foreign aviation authorities to provide such services consistent with section 106(l)(6). Notwithstanding any other provision of law or policy, the Administrator may accept payments received under this subsection in arrears."; and

(2) in paragraph (3) by striking "credited" and all that follows through the period at the end and inserting "credited as an offsetting collection to the account from which

the expenses were incurred in providing such services and shall remain available until expended.''.

SEC. 216. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 217. FLIGHT SERVICE STATIONS.

(a) ESTABLISHMENT OF MONITORING SYSTEM.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

(b) COMPONENTS.—At a minimum, the monitoring system shall include mechanisms to monitor—

(1) flight specialist staffing plans for individual facilities;

(2) actual staffing levels for individual facilities;

(3) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

(4) system outages, excessive hold times, dropped calls, poor quality briefings, and any other safety or customer service issues under a contract for flight service station services.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) a description of monitoring system;

(2) if the Administrator determines that contractual changes or corrective actions are required for the Administration to ensure that the vendor under a contract for flight service station services provides safe and high quality service to consumers, a description of the changes or actions required; and

(3) a description of the contingency plans of the Administrator and the protections that the Administrator will have in place to provide uninterrupted flight service station services in the event of—

(A) material non-performance of the contract;

(B) a vendor's default, bankruptcy, or acquisition by another entity; or

(C) any other event that could jeopardize the uninterrupted provision of flight service station services.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. AGE STANDARDS FOR PILOTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§ 44729. Age standards for pilots

“(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.

“(b) COVERED OPERATIONS DEFINED.—In this section, the term ‘covered operations’ means operations under part 121 of title 14, Code of Federal Regulations.

“(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

“(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

“(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

“(d) SUNSET OF AGE-60 RETIREMENT RULE.—On and after the date of enactment of this section, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

“(e) APPLICABILITY.—

“(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of this section may serve as a pilot for an air carrier engaged in covered operations unless—

“(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

“(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

“(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding before any court or agency of the United States or of any State or locality.

“(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

“(g) MEDICAL STANDARDS AND RECORDS.—

“(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

“(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

“(h) SAFETY.—

“(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

“(2) LINE EVALUATIONS.—Not later than 6 months after the date of enactment of this section, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second in command if the pilot has undergone a regularly scheduled simulator evaluation during that period.

“(3) GAO REPORT.—Not later than 24 months after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“44729. Age standards for pilots.”.

SEC. 302. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

“(3) JUDICIAL REVIEW.—A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.”.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking “section 44709 or” and inserting “section 44703(d), 44709, or”.

SEC. 303. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

(a) RELEASE OF DATA.—Section 44704(a) is amended by adding at the end the following:

"(5) RELEASE OF DATA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request to a person seeking to maintain the airworthiness of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

"(i) the certificate containing the requested data has been inactive for 3 or more years;

"(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate; and

"(iii) making such data available will enhance aviation safety.

"(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft engine, propeller, or appliance.".

(b) DESIGN ORGANIZATION CERTIFICATES.—Section 44704(e)(1) is amended by striking "Beginning 7 years after the date of enactment of this subsection," and inserting "Beginning January 1, 2013,".

SEC. 304. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by section 301 of this Act) is further amended by adding at the end the following:

"§ 44730. Inspection of foreign repair stations

"Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator of the Federal Aviation Administration shall submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and performs work on air carrier aircraft or components has been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding calendar year.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"44730. Inspection of foreign repair stations.".

SEC. 305. RUNWAY INCURSION REDUCTION.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall submit to Congress a report containing a plan for the installation and deployment of systems the Administration is installing to alert controllers or flight crews, or both, of potential runway incursions. The plan shall be integrated into the annual Operational Evolution Partnership document of the Administration or any successor document.

SEC. 306. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act and every 6 months thereafter until September 30, 2011, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

SEC. 307. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.

Not later than December 31, 2007, the Administrator of the Federal Aviation Administration shall issue a final rule regarding the reduction of fuel tank flammability in transport category aircraft.

SEC. 308. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) STUDY.—The study shall include consideration of—

(1) research on pilot fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements of pilots recommended by the National Aeronautics and Space Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) REPORT.—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(d) RULEMAKING.—After the Administrator receives the report of the National Academy of Sciences, the Administrator shall consider the findings in the report and update as appropriate based on scientific data Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(e) IMPLEMENTATION OF FLIGHT ATTENDANT FATIGUE STUDY RECOMMENDATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator shall initiate a process for the Civil Aerospace Medical Institute to carry out its recommendations for further study of the issue of flight attendant fatigue and to submit not later than March 31, 2009, to Congress a report on such process, including an analysis of the following:

(1) A survey of field operations of flight attendants.

(2) A study of incident reports regarding flight attendant fatigue.

(3) Field research on the effects of such fatigue.

(4) A validation of models for assessing flight attendant fatigue, international policies, and practices regarding flight limitations and rest of flight attendants, and the potential benefits of training flight attendants regarding such fatigue.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 309. OSHA STANDARDS.

(a) IN GENERAL.—The Administrator of the FAA shall—

(1) not later than 6 months after the date of enactment of this Act, establish milestones, in consultation with the Administrator of the OSHA, to complete work begun under the August 2000 memorandum of understanding between the FAA and OSHA and to address issues needing further action identified in the joint report of the FAA and OSHA in December 2000; and

(2) not later than 24 months after the date of enactment of this Act, issue a policy statement to set forth the circumstances in which requirements of OSHA may be applied to crewmembers while working in an aircraft cabin.

(b) CONTENTS OF POLICY STATEMENT.—

(1) ESTABLISHMENT OF COORDINATING BODY.—The policy statement to be developed under subsection (a)(2) shall provide for the establishment of a coordinating body, similar to the aviation safety and health joint team established pursuant to the August 2000 memorandum of understanding between the FAA and OSHA, that includes representatives designated by the FAA and OSHA—

(A) to examine the applicability of current and proposed regulations of OSHA for application and enforcement by the FAA;

(B) to recommend policies for facilitating the training of inspectors of the FAA; and

(C) to make recommendations that will govern the inspection and enforcement by the FAA of occupational safety and health standards on board an aircraft providing air transportation.

(2) FAA STANDARDS.—The policy statement to be developed under subsection (a)(2) shall ensure that standards adopted by the FAA set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report describing the milestones established under subsection (a)(1).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) FAA.—The term "FAA" means the Federal Aviation Administration.

(2) OSHA.—The term "OSHA" means the "Occupational Safety and Health Administration".

SEC. 310. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS AREAS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration may establish a pilot program to improve safety and efficiency by providing surveillance for aircraft flying outside of radar coverage in mountainous areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 311. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with representatives of the aviation industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) MINIMUM REQUIREMENTS.—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations for the rulemaking to be conducted under subsection (b) to—

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) ensure that any commercial unmanned aircraft system includes a detect, sense, and avoid capability; and

(iii) develop standards and requirements for the operator or programmer of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to effect the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach to the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system as soon as possible, but not later than September 30, 2012.

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan developed under paragraph (1).

(b) RULEMAKING.—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Notwithstanding the requirements of sections 321 and 323, and not later than 6 months after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 321 or the guidance required by section 323.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of authorization or an airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

SEC. 324. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) CERTIFICATE OF AUTHORIZATION.—The term "certificate of authorization" means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) DETECT, SENSE, AND AVOID CAPABILITY.—The term "detect, sense, and avoid capability" means the technical capability to perform separation assurance and collision avoidance, as defined by the Federal Aviation Administration.

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term "public unmanned aircraft system" means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) TEST RANGE.—The term "test range" means a defined geographic area where research and development are conducted.

(6) UNMANNED AIRCRAFT.—The term "unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) UNMANNED AIRCRAFT SYSTEM.—The term "unmanned aircraft system" means an unmanned aircraft and associated elements (such as communication links and a ground control station) that are required to operate safely and efficiently in the national airspace system.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. MONTHLY AIR CARRIER REPORTS.

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

"(c) DIVERTED AND CANCELLED FLIGHTS.—

"(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

"(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report under subsection (b) shall be subject to the requirement of paragraph (1).

"(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

"(A) For a diverted flight—

"(i) the flight number of the diverted flight;

"(ii) the scheduled destination of the flight;

"(iii) the date and time of the flight;

"(iv) the airport to which the flight was diverted;

"(v) wheels-on time at the diverted airport;

"(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

"(vii) if the flight arrives at the scheduled destination airport—

"(I) the gate-departure time at the diverted airport;

"(II) the wheels-off time at the diverted airport;

"(III) the wheels-on time at the scheduled arrival airport; and

."(IV) the gate arrival time at the scheduled arrival airport.

"(B) For flights cancelled after gate departure—

"(i) the flight number of the cancelled flight;

"(ii) the scheduled origin and destination airports of the cancelled flight;

"(iii) the date and time of the cancelled flight;

"(iv) the gate-departure time of the cancelled flight; and

"(v) the time the aircraft returned to the gate.

"(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Web site of the Department of Transportation.".

(b) EFFECTIVE DATE.—The Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) beginning not later than 90 days after the date of enactment of this Act.

SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

(a) Beyond Perimeter Exemptions.—Section 41718(a) is amended by striking "24" and inserting "34".

(b) Limitations.—Section 41718(c)(2) is amended by striking "3 operations" and inserting "5 operations".

(c) Allocation of Beyond-Perimeter Exemptions.—Section 41718(c) is amended —

(1) by redesignating paragraphs (3) and (4) as (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) Slots.—The Administrator of the Federal Aviation Administration shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport in section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Administrator, in order to grant exemptions under subsection (a).".

(d) Scheduling Priority.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) Scheduling Priority.—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.".

SEC. 403. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) in subparagraph (C) by striking "provided." and inserting "provided;"; and

(3) by adding at the end the following:

"(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals; and

"(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.".

SEC. 404. ESSENTIAL AIR SERVICE REFORM.

(a) Authorization of Appropriations.—Section 41742(a)(2) is amended by striking "$77,000,000" and inserting "$83,000,000".

(b) Distribution of Excess Funds.—

(1) In general.—Section 41742(a) is amended by adding at the end the following:

"(4) Distribution of excess funds.—Of the funds, if any, credited to the account established under section 45303 in a fiscal year that exceed the $50,000,000 made available for such fiscal year under paragraph (1)—

"(A) one-half shall be made available immediately for obligation and expenditure to carry out section 41743; and

"(B) one-half shall be made available immediately for obligation and expenditure to carry out subsection (b).".

(2) Conforming amendment.—Section 41742(b) is amended—

(A) in the first sentence by striking "moneys credited" and all that follows before "shall be used" and inserting "amounts made available under subsection (a)(4)(B)"; and

(B) in the second sentence by striking "any amounts from those fees" and inserting "any of such amounts".

SEC. 405. SMALL COMMUNITY AIR SERVICE.

(a) Priorities.—Section 41743(c)(5) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) in subparagraph (E) by striking "fashion." and inserting "fashion; and"; and

(3) by adding at the end the following:

"(F) multiple communities cooperate to submit a regional or multistate application to improve air service.".

(b) Extension of Authorization.—Section 41743(e)(2) is amended by striking "2008" and inserting "2011".

SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) In General.—Subtitle VII is amended by inserting after chapter 421 the following:

"CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

"Sec.
"42301. Emergency contingency plans.
"42302. Consumer complaints.
"42303. Use of insecticides in passenger aircraft.

"§ 42301. Emergency contingency plans

"(a) Submission of Air Carrier and Airport Plans.—Not later than 90 days after the date of enactment of this section, each air carrier providing covered air transportation at a large hub airport or medium hub airport and each operator of a large hub airport or medium hub airport shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section.

"(b) Covered Air Transportation Defined.—In this section, the term 'covered air transportation' means scheduled passenger air transportation provided by an air carrier using aircraft with more than 60 seats.

"(c) Air Carrier Plans.—

"(1) Plans for individual airports.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

"(A) each large hub airport and medium hub airport at which the carrier provides covered air transportation; and

"(B) each large hub airport and medium hub airport at which the carrier has flights for which it has primary responsibility for inventory control.

"(2) Contents.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the air carrier will—

"(A) provide food, water, restroom facilities, cabin ventilation, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal; and

"(B) share facilities and make gates available at the airport in an emergency.

"(d) Airport Plans.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the airport operator, to the maximum extent practicable, will provide for the sharing of facilities and make gates available at the airport in an emergency.

"(e) Updates.—

"(1) Air carriers.—An air carrier shall update the emergency contingency plan submitted by the air carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

"(2) Airports.—An airport operator shall update the emergency contingency plan submitted by the airport operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

"(f) Approval.—The Secretary shall review and approve emergency contingency plans submitted under subsection (a) and updates submitted under subsection (e) to ensure that the plans and updates will effectively address emergencies and provide for the health and safety of passengers.

"§ 42302. Consumer complaints

"(a) Consumer Complaints Hotline Telephone Number.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of passengers in air transportation.

"(b) Public Notice.—The Secretary shall notify the public of the telephone number established under subsection (a).

"(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

"§ 42303. Use of insecticides in passenger aircraft

"No air carrier, foreign air carrier, or ticket agent may sell in the United States a ticket for air transportation for a flight on which an insecticide is planned to be used in the aircraft while passengers are on board the aircraft unless the air carrier, foreign air carrier, or ticket agent selling the ticket first informs the person purchasing the ticket of the planned use of the insecticide, including the name of the insecticide.".

(b) Clerical Amendment.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

"423. Air Passenger Service Improvements .... 42301".

(c) Penalties.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting "chapter 423," after "chapter 421,".

(d) Applicability of Requirements.—Except as otherwise specifically provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

SEC. 407. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking "patterns of air service,";

(2) by inserting "and" before "whether"; and

(3) by striking " , and airfare levels" and all that follows before the period.

SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended by striking "2008" and inserting "2012".

SEC. 409. CONTRACT TOWER PROGRAM.

(a) Cost-Benefit Requirement.—Section 47124(b) is amended—

(1) by striking "(1) The Secretary" and inserting the following:

"(1) Contract tower program.—

"(A) Continuation and extension.—The Secretary";

(2) by adding at the end of paragraph (1) the following:

"(B) Special rule.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

"(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3)."; and

(3) by striking "(2) The Secretary" and inserting the following:

"(2) GENERAL AUTHORITY.—The Secretary".

(b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-SHARING PROGRAM.—

(1) FUNDING.—Section 47124(b)(3)(E) is amended—

(A) by striking "and"; and

(B) by inserting ", $8,500,000 for fiscal year 2008, $9,000,000 for fiscal year 2009, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011" after "2007".

(2) USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended—

(A) by redesignating subparagraph (E) (as amended by paragraph (1) of this subsection) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following:

"(E) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).".

(c) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking "$1,500,000" and inserting "$2,000,000".

(d) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

"(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section.".

SEC. 410. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 411. MEDICAL OXYGEN AND PORTABLE RESPIRATORY ASSISTIVE DEVICES.

Not later than December 31, 2007, the Secretary of Transportation shall issue a final rule regarding the carriage and use of passenger-owned portable electronic respiratory assistive devices and carrier-supplied medical oxygen devices aboard commercial flights to improve accommodations in air travel for passengers with respiratory disabilities.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PROGRAM.

Section 40128 is amended—

(1) in subsection (a)(1)(C) by inserting "or voluntary agreement under subsection (b)(7)" before "for the park";

(2) in subsection (a) by adding at the end the following:

"(5) EXEMPTION.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour flights a year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

"(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

"(C) LIST OF PARKS.—The Director shall inform the Administrator, in writing, of each determination under subparagraph (B). The Director and Administrator shall publish an annual list of national parks that are covered by the exemption provided by this paragraph.

"(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tours in a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director an annual report regarding the number of commercial air tour flights it conducts each year in such park.";

(3) in subsection (b) by adding at the end the following:

"(7) VOLUNTARY AGREEMENTS.—

"(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant applicant and an operator that has interim operating authority) that has applied to conduct air tour operations over a national park to manage commercial air tour operations over such national park.

"(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

"(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

"(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

"(iii) provide for fees for such operations.

"(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

"(D) TERMINATION.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting park resources or visitor experiences or the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system. If a voluntary agreement for a national park is terminated, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.";

(4) in subsection (c) by striking paragraph (2)(I) and inserting the following:

"(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this section if—

"(i) adequate information regarding the operator's existing and proposed operations under the interim operating authority is provided to the Administrator and the Director;

"(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

"(iii) the Director agrees with the modification, based on the Director's professional expertise regarding the protection of the park resources and values and visitor use and enjoyment.";

(5) in subsection (c)(3)(A) by striking "if the Administrator determines" and all that follows through the period at the end and inserting "without further environmental process beyond that described in this paragraph if—

"(i) adequate information on the operator's proposed operations is provided to the Administrator and the Director by the operator making the request;

"(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

"(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment."; and

(6) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(7) by inserting after subsection (c) the following:

"(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

"(1) REPORT.—Each commercial air tour operator providing a commercial air tour over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan under subsection (b) shall submit a report to the Administrator and Director regarding the number of its commercial air tour operations over each national park and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

"(2) REPORT SUBMISSION.—Not later than 3 months after the date of enactment of the FAA Reauthorization Act of 2007, the Administrator and Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and Director on a frequency and in a format prescribed by the Administrator and Director.".

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) General Requirements.—Section 47128(a) is amended—

(1) in the first sentence by striking "prescribe regulations" and inserting "issue guidance"; and

(2) in the second sentence by striking "regulations" and inserting "guidance".

(b) Applications and Selection.—Section 47128(b)(4) is amended by inserting before the semicolon the following: ", including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive Orders, agency regulations and guidance, and other Federal environmental requirements".

(c) Environmental Analysis and Coordination Requirements.—Section 47128 is amended by adding at the end the following:

"(d) Environmental Analysis and Coordination Requirements.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

"(1) coordinate and consult with the State;

"(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

"(3) supplement such analysis, as necessary, to meet applicable Federal requirements.".

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking "services of consultants in order to" and all that follows through the period at the end and inserting "services of consultants—

"(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

"(2) to conduct special environmental studies related to an airport project funded with Federal funds;

"(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations; or

"(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration.".

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

"(e) Grants for Assessment of Flight Procedures.—

"(1) In general.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

"(2) Additional staff.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

"(3) Receipts credited as offsetting collections.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

"(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

"(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

"(C) shall remain available until expended.".

SEC. 505. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) Cooperative Agreement.—Subchapter I of chapter 475 is amended by adding at the end the following:

"§47511. CLEEN research, development, and implementation partnership

"(a) In General.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

"(b) CLEEN Engine and Airframe Technology Defined.—In this section, the term 'CLEEN engine and airframe technology' means continuous lower energy, emissions, and noise engine and airframe technology.

"(c) Performance Objective.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall establish the following performance objectives for the program, to be achieved by September 30, 2015:

"(1) Development of certifiable aircraft technology that reduces greenhouse gas emissions by increasing aircraft fuel efficiency by 25 percent relative to 1997 subsonic jet aircraft technology.

"(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

"(3) Development of certifiable aircraft technology that reduces noise levels by 10 decibels at each of the 3 certification points relative to 1997 subsonic jet aircraft technology.

"(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

"(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

"(d) Funding.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

"(1) $6,000,000 for fiscal year 2008.

"(2) $22,000,000 for fiscal year 2009.

"(3) $33,000,000 for fiscal year 2010.

"(4) $50,000,000 for fiscal year 2011.

"(e) Report.—Beginning in fiscal year 2009, the Administrator of the Federal Aviation Administration shall publish an annual report on the program established under this section until completion of the program.".

(b) Clerical Amendment.—The analysis for such subchapter is amended by adding at the end the following:

"47511. CLEEN research, development, and implementation partnership.".

SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) In General.—Subchapter II of chapter 475 is amended by adding at the end the following:

"§47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

"(a) Prohibition.—Except as provided in subsection (b), (c), or (d), after December 31, 2012, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate other than an experimental certificate has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

"(b) Exception.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

"(c) Exceptions.—The Secretary may allow temporary operation of an airplane otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

"(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

"(2) To scrap the aircraft.

"(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

"(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

"(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

"(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

"(7) To provide transport of persons and goods in the relief of emergency situations.

"(8) To divert the aircraft to an alternative air port in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

"(d) Statutory Construction.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.".

(b) Conforming Amendments.—

(1) Section 47531 is amended—

(A) in the section heading by striking "**for violating sections 47528–47530**"; and

(B) by striking "47529, or 47530" and inserting "47529, 47530, or 47534".

(2) Section 47532 is amended by inserting "or 47534" after "47528–47531".

(3) The analysis for chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

"47531. Penalties."; and

(B) by inserting after the item relating to section 47533 the following:

"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.''.

SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) GRANTS.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) SELECTION CRITERIA.—In selecting among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) be implemented by an eligible consortium.

(e) FEDERAL SHARE.—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) MAXIMUM AMOUNT.—The Secretary may not make grants for a single environmental mitigation demonstration project under this section in a total amount that exceeds $2,500,000.

(g) PUBLICATION OF INFORMATION.—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE CONSORTIUM.—The term "eligible consortium" means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term "environmental mitigation demonstration project" means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of $5,000,000 may be expended under the pilot program at any single public-use airport.

(d) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR TRAFFIC CONTROL FACILITIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption and improve the environmental performance of such facilities.

(b) AUTHORIZATION.—Of amounts appropriated under section 48101(a) of title 49, United States Code, such sums as may be necessary may be used to carry out this section.

SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT ENGINE NOISE AND EMISSIONS STANDARDS.

(a) INDEPENDENT REVIEW.—The Administrator of the FAA shall make appropriate arrangements for the National Academy of Public Administration or another qualified independent entity to review, in consultation with the FAA and the EPA, whether it is desirable to locate the regulatory responsibility for the establishment of engine noise and emissions standards for civil aircraft within one of the agencies.

(b) CONSIDERATIONS.—The review shall be conducted so as to take into account—

(1) the interrelationships between aircraft engine noise and emissions;

(2) the need for aircraft engine noise and emissions to be evaluated and addressed in an integrated and comprehensive manner;

(3) the scientific expertise of the FAA and the EPA to evaluate aircraft engine emissions and noise impacts on the environment;

(4) expertise to interface environmental performance with ensuring the highest safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibility with other missions of the FAA and the EPA;

(6) past effectiveness of the FAA and the EPA in carrying out the aviation environmental responsibilities assigned to the agency; and

(7) the international responsibility to represent the United States with respect to both engine noise and emissions standards for civil aircraft

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report on the results of the review. The report shall include any recommendations developed as a result of the review and, if a transfer of responsibilities is recommended, a description of the steps and timeline for implementation of the transfer.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) EPA.—The term "EPA" means the Environmental Protection Agency.

(2) FAA.—The term "FAA" means the Federal Aviation Administration.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(2) by striking paragraph (2) and inserting the following:

"(2) DISPUTE RESOLUTION.—

"(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

"(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Reauthorization Act of 2007); or

"(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

"(B) BINDING ARBITRATION.—

"(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal

Mediation and Conciliation Service under subparagraph (A)(i) do not lead to an agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

"(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Within 10 days of receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list within 7 days. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person within 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

"(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

"(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

"(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

"(vi) COSTS.—The parties shall share costs of the arbitration equally.

"(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(B), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

"(4) ENFORCEMENT.—

"(A) ENFORCEMENT ACTIONS IN UNITED STATES COURTS.—Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of enforcement actions brought under this section. Such an action may be brought in any judicial district in the State in which the violation of this section is alleged to have been committed, the judicial district in which the Federal Aviation Administration has its principal office, or the District of Columbia.

"(B) ATTORNEY FEES.—The court may assess against the Federal Aviation Administration reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.".

(b) APPLICATION.—On and after the date of enactment of this Act, any changes implemented by the Administrator of the Federal Aviation Administration on and after July 10, 2005, under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the exclusive bargaining representative of the employees of the Administration certified under section 7111 of title 5, United States Code, shall be null and void and the parties shall be governed by their last mutual agreement before the implementation of such changes. The Administrator and the bargaining representative shall resume negotiations promptly, and, subject to subsection (c), their last mutual agreement shall be in effect until a new contract is adopted by the Administrator and the bargaining representative. If an agreement is not reached within 45 days after the date on which negotiations resume, the Administrator and the bargaining representative shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5, United States Code, for binding arbitration in accordance with paragraphs (2)(B), (3), and (4) of section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section).

(c) SAVINGS CLAUSE.—All cost of living adjustments and other pay increases, lump sum payments to employees, and leave and other benefit accruals implemented as part of the changes referred to in subsection (b) may not be reversed unless such reversal is part of the calculation of back pay under subsection (d). The Administrator shall waive any overpayment paid to, and not collect any funds for such overpayment, from former employees of the Administration who received lump sum payments prior to their separation from the Administration.

(d) BACK PAY.—

(1) IN GENERAL.—Employees subject to changes referred to in subsection (b) that are determined to be null and void under subsection (b) shall be eligible for pay that the employees would have received under the last mutual agreement between the Administrator and the exclusive bargaining representative of such employees before the date of enactment of this Act and any changes were implemented without agreement of the bargaining representative. The Administrator shall pay the employees such pay subject to the availability of amounts appropriated to carry out this subsection. If the appropriated funds do not cover all claims of the employees for such pay, the Administrator and the bargaining representative, pursuant to negotiations conducted in accordance with section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section), shall determine the allocation of the appropriated funds among the employees on a pro rata basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this subsection.

(e) INTERIM AGREEMENT.—If the Administrator and the exclusive bargaining representative of the employees subject to the changes referred to in subsection (b) reach a final and binding agreement with respect to such changes before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the bargaining representative, and subsections (b) and (c) shall not take effect.

SEC. 602. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOYEES.

Section 40122(g)(3) of title 49, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.".

SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the training of the airway transportation systems specialists of the Federal Aviation Administration (in this section referred to as "FAA systems specialists").

(2) CONTENTS.—The study shall—

(A) include an analysis of the type of training provided to FAA systems specialists;

(B) include an analysis of the type of training that FAA systems specialists need to be proficient on the maintenance of latest technologies;

(C) include a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies;

(D) identify the amount and cost of FAA systems specialists training provided by vendors;

(E) identify the amount and cost of FAA systems specialists training provided by the Administration after developing courses for the training of such specialists;

(F) identify the amount and cost of travel that is required of FAA systems specialists in receiving training; and

(G) include a recommendation regarding the most cost-effective approach to providing FAA systems specialists training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

(2) CONTENTS.—The study shall be conducted so as to provide the following:

(A) A suggested method of modifying FAA systems specialists staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT.—Not later than one year after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 604. DESIGNEE PROGRAM.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of recommendations made by the Government Accountability Office in its October 2004 report, "Aviation Safety: FAA Needs to Strengthen Management of Its Designee Programs" (GAO-05-40).

(b) CONTENTS.—The report shall include—

(1) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a);

(2) an identification of improvements, if any, that have been made to the designee programs referred to in the report of the Office as a result of such recommendations; and

(3) an identification of further action that is needed to implement such recommendations, improve the Administration's management control of the designee programs, and increase assurance that designees meet the Administration's performance standards.

SEC. 605. STAFFING MODEL FOR AVIATION SAFETY INSPECTORS.

(a) IN GENERAL.—Not later than October 31, 2009, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall follow the recommendations outlined in the 2007 study released by the National Academy of Sciences entitled "Staffing Standards for Aviation Safety Inspectors" and consult with interested persons, including the exclusive collective bargaining representative of the aviation safety inspectors.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. SAFETY CRITICAL STAFFING.

(a) AVIATION SAFETY INSPECTORS.—The Administrator of the Federal Aviation Administration shall increase the number of aviation safety inspectors in the Flight Standards Service to not less than—

(1) ___ full-time equivalent positions in fiscal year 2008;

(2) ___ full-time equivalent positions in fiscal year 2009;

(3) ___ full-time equivalent positions in fiscal year 2010; and

(4) ___ full-time equivalent positions in fiscal year 2011.

(b) OPERATIONAL SUPPORT.—The Administrator shall increase the number of safety technical specialists and operational support positions in the Flight Standards Service to the levels necessary, as determined by the Administrator, to ensure the most efficient and cost-effective use of the aviation safety inspectors authorized by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there is authorized to be appropriated to carry out subsections (a) and (b)—

(1) $58,000,000 for fiscal year 2008;

(2) $134,000,000 for fiscal year 2009;

(3) $170,000,000 for fiscal year 2010; and

(4) $208,000,000 for fiscal year 2011.

Such sums shall remain available until expended.

(d) IMPLEMENTATION OF STAFFING STANDARDS.—Notwithstanding any other provision of this section, upon completion of the flight standards service staffing model pursuant to section 604 of this Act, and validation of the model by the Administrator, there are authorized to be appropriated such sums as may be necessary to support the number of aviation safety inspectors, safety technical specialists, and operation support positions that such model determines are required to meet the responsibilities of the Flight Standards Service.

SEC. 607. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration (in this section referred to as the "FAA") to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, the Administrator of the Federal Aviation Administration, and representatives of the Civil Aeronautical Medical Institute.

(c) CONTENTS.—The study shall include an examination of representative information on human factors, traffic activity, and the technology and equipment used in air traffic control.

(d) RECOMMENDATIONS AND ESTIMATES.—In conducting the study, the National Academy of Sciences shall develop—

(1) recommendations for the development by the FAA of objective staffing standards to maintain the safety and efficiency of the national airspace system with current and future projected air traffic levels; and

(2) estimates of cost and schedule for the development of such standards by the FAA or its contractors.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 608. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3).

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative program conducted under section 44506(c) of title 49 United States Code. The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates of such programs at the Mike Monroney Aeronautical Center followed by on-the-job training for newly hired air traffic controllers who are graduates of such program and shall include—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of such programs.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended—

(1) by striking "August 31, 2006" and inserting "September 30, 2011"; and

(2) by striking "December 31, 2006" and inserting "September 30, 2017".

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

"(3) SUCCESSOR PROGRAM.—

"(A) IN GENERAL.—After December 31, 2017, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

"(B) TRANSFER OF PREMIUMS.—

"(i) IN GENERAL.—On December 31, 2017, and except as provided in clause (ii), premiums that are collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

"(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

"(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2017;

"(II) the amount of any claims pending under such policies as of December 31, 2017; and

"(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2017.".

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) is amended by striking "December 31, 2006" and inserting "December 31, 2012".

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking "the carrier" and inserting "any insurance carrier".

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

Section 44308(c)(1) is amended in the second sentence by striking "agent" and inserting "agent, or a claims adjuster who is independent of the underwriting agent,".

SEC. 705. EXTENSION OF PROGRAM AUTHORITY.

Section 44310 is amended by striking "March 30, 2008" and inserting "September 30, 2017".

TITLE VIII—MISCELLANEOUS

SEC. 801. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15) is amended by adding at the end the following:

"For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.".

SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

"(3) LIMITATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Section 552a of title 5, United States Code, shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.".

SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

"§40130. FAA access to criminal history records or databases systems

"(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

"(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

"(2) RELEASE OF INFORMATION.— In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with access to the system.

"(3) LIMITATION.—The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

"(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who shall carry out the authority described in subsection (a). The designated employees may—

"(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

"(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

"(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

"(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term 'system of documented criminal justice information' means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

"40130. FAA access to criminal history records or databases systems.".

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) in the section heading by striking "**air carrier**" and inserting "**carrier**";

(2) in subsection (a) by striking "(as defined in section 40102 of this title)" and inserting "(as such terms are defined in section 40102)";

(3) in the heading for subsection (d) by striking "AIR CARRIER" and inserting "AIR CARRIER AND FOREIGN AIR CARRIER";

(4) in the heading for paragraph (2) of subsection (d) by striking "AIR CARRIER" and inserting "AIR CARRIER AND FOREIGN AIR CARRIER";

(5) by striking "air carriers" each place it appears and inserting "air carriers or foreign air carriers";

(6) by striking "air carrier" each place it appears and inserting "air carrier or foreign air carrier"; and

(7) by striking "air carrier's" each place it appears and inserting "air carrier's or foreign air carrier's".

(b) CLERICAL AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

"47129. Resolution of airport-carrier disputes concerning airport fees.".

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this section referred to as the "plan") under section 47103 of title 49, United States Code.

(b) CONTENTS OF STUDY.—The study shall include a review of the following:

(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.

(2) The changes in airport capital needs between fiscal years 2001 and 2007, as reported in the plan, as compared with the amounts apportioned or otherwise made available to individual airports over the same period of time.

(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) REPORT TO CONGRESS.—

(1) SUBMISSION.—Not later than 36 months after the date of initiation of the study, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b);

(B) recommendations for any changes to policies and procedures for formulating the plan; and

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

(a) IN GENERAL.—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—

(1) by striking "All" and inserting "(a) IN GENERAL.—All";

(2) by inserting "and every express carrier" after "common carrier by air"; and

(3) by adding at the end the following:

"(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

"(1) IN GENERAL.—An employee of an express carrier shall be covered by this Act only if that employee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

"(2) AIR CARRIER STATUS.—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air.

"(3) EXPRESS CARRIER DEFINED.—In this section, the term 'express carrier' means any person (or persons affiliated through common control or ownership) whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.".

(b) CONFORMING AMENDMENT.—Section 1 of such Act (45 U.S.C. 151) is amended in the first paragraph by striking ", any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,,".

SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FACILITIES.

(a) ESTABLISHMENT OF WORKING GROUP.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall establish within the FAA a working group to develop criteria and make recommendations for the realignment of services and facilities of the FAA to assist in the transition to next generation facilities and to help reduce capital, operating, maintenance, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety.

(b) MEMBERSHIP.—The working group shall be composed of, at a minimum—

(1) the Administrator of the FAA;

(2) 2 representatives of air carriers;

(3) 2 representatives of the general aviation community;

(4) 2 representatives of labor unions representing employees who work at field facilities of the FAA; and

(5) 2 representatives of the airport community.

(c) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE WORKING GROUP.—

(1) SUBMISSION.—Not later than 6 months after convening the working group, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the criteria and recommendations developed by the working group under this section.

(2) CONTENTS.—The report shall include a justification for each recommendation to consolidate or realign a facility or service and a description of the costs and savings associated with the consolidation or realignment.

(d) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report submitted under subsection (c) in the Federal Register and allow 45 days for the submission of public comments. In addition, the Administrator upon request shall hold a public hearing in a community that would be affected by a recommendation in the report.

(e) OBJECTIONS.—Any interested person may file with the Administrator a written objection to a recommendation of the working group.

(f) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (d), the Administrator shall submit to the committees referred to in subsection (c)(1) a report containing the recommendations of the Administrator on realignment of services and facilities of the FAA and copies of any public comments and objections received by the Administrator under this section.

(g) LIMITATION ON IMPLEMENTATION OF REALIGNMENTS AND CONSOLIDATIONS.—The Administrator may not realign or consolidate any services or facilities of the FAA before the Administrator has submitted the report under subsection (f).

(h) FAA DEFINED.—In this section, the term "FAA" means the Federal Aviation Administration.

SEC. 808. TRANSPORTATION SECURITY ADMINISTRATION CENTRALIZED TRAINING FACILITY FEASIBILITY STUDY.

(a) STUDY.—The Secretary of Homeland Security shall carry out a study on the feasibility of establishing a centralized training center for advanced security training by the Transportation Security Administration.

(b) CONSIDERATIONS.—In conducting the study, the Secretary shall take into consideration the benefits, cost, equipment, and building requirements for a training center and whether the benefits of establishing a center would be an efficient process for training transportation security officers.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUSTRY IN INTERNATIONAL CHILD ABDUCTION CASES.

(a) STUDY.—The Comptroller General shall conduct a study to help determine how the Federal Aviation Administration (in this section referred to as the "FAA") could better ensure the collaboration and cooperation of air carriers and foreign air carriers providing air transportation and relevant Federal agencies to develop and enforce child safety control for adults traveling internationally with children.

(b) CONTENTS.—In conducting the study, the Comptroller General shall examine—

(1) the nature and scope of exit policies and procedures of the FAA, air carriers, and foreign air carriers and how the enforcement of such policies and procedures is monitored, including ticketing and boarding procedures;

(2) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases, including cooperation with the National Center for Missing and Exploited Children and relevant Federal, State, and local agencies;

(3) any effective practices, procedures, or lessons learned from the assessment of current practices and procedures of air carriers, foreign air carriers, and operators of other transportation modes that could improve the ability of the aviation community to ensure the safety of children traveling internationally with adults and, as appropriate, enhance the capability of air carriers and foreign air carriers to cooperate in the investigations of international child abduction cases; and

(4) any liability issues associated with providing assistance in such investigations.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 810. LOST NATION AIRPORT, OHIO.

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, if—

(1) Lake County meets all applicable requirements for sponsorship of the airport; and

(2) Lake County agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the city of Willoughby under chapter 471 of title 49, United States Code, and to operate and maintain the airport in accordance with such obligations and assurances.

(b) TREATMENT OF PROCEEDS FROM SALE.—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47133 of such title, any grant obligations of the city of Willoughby, and regulations and policies of the Federal Aviation Administration to the extent necessary to allow the city of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Willoughby.

SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress finds that—

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the "airport"), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system; and

(2) closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town's request for closure of the airport.

(3) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) RELOCATION OF AIRCRAFT.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a human intervention and motivation study program for flight crewmembers involved in air carrier operations in the United States under part 121 of title 14, Code of Federal Regulations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2011. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, D.C., AIR DEFENSE IDENTIFICATION ZONE.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with Secretary of Homeland Security and Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Washington, D.C., Air Defense Identification Zone.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the Washington, D.C., Air Defense Identification Zone that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 815. WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

It is the sense of Congress that the Nation—

(1) supports the goals and ideals of the 1940 Air Terminal Museum located at William P. Hobby Airport in the city of Houston, Texas;

(2) congratulates the city of Houston and the 1940 Air Terminal Museum on the 80-year history of William P. Hobby Airport and the vital role of the airport in Houston's and the Nation's transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Museum for its importance to the Nation in the preservation and presentation of civil aviation heritage and recognizes the importance of civil aviation to the Nation's history and economy.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This title may be cited as the "Federal Aviation Research and Development Reauthorization Act of 2007".

SEC. 902. DEFINITIONS.

As used in this title, the following definition apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term "FAA" means the Federal Aviation Administration.

(3) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

(4) NATIONAL RESEARCH COUNCIL.—The term "National Research Council" means the National Research Council of the National Academies of Science and Engineering.

(5) NOAA.—The term "NOAA" means the National Oceanic and Atmospheric Administration.

(6) NSF.—The term "NSF" means the National Science Foundation.

(7) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator, in coordination with NASA and the United States Climate Change Science Program, shall establish a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) RESEARCH PROGRAM.—The Administrator shall maintain a program of research grants to universities and nonprofit research foundations for research and technology demonstrations related to—

(1) improved runway surfaces; and

(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2011 to carry out this section.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the FAA, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the FAA shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 906. CENTERS OF EXCELLENCE.

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

"(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating the center and all related research activities that grant recipients carry out shall not exceed 75 percent of the costs. The United States Government's share of an individual grant under this section shall not exceed 90 percent of the costs.".

(b) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

(1) the research projects that have been initiated by each Center of Excellence in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking "establish a 4-year pilot" and inserting "maintain an"; and

(2) in paragraph (4)—

(A) by striking "expiration of the program" and inserting "expiration of the pilot program"; and

(B) by striking "program, including recommendations as to the need for establishing a permanent airport cooperative research program" and inserting "program".

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking "and" after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.".

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking "and" after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems safety; and

"(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.".

SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) IN GENERAL.—The Administrator shall establish a program to utilize colleges and universities, including Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in conducting research by undergraduate students on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research projects to be carried out primarily by undergraduate students;

(2) research projects that combine undergraduate research with other research supported by the FAA;

(3) research on future training requirements related to projected changes in regulatory requirements for aircraft maintenance and power plant licensees; and

(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 through 2011, for research grants under this section.

SEC. 910. RESEARCH PROGRAM ON SPACE WEATHER AND AVIATION.

(a) ESTABLISHMENT.—The Administrator shall, in coordination with the National Science Foundation, National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, and other relevant agencies, initiate a research program to—

(1) conduct or supervise research projects on impacts of space weather to aviation, including communication, navigation, avionic systems, and on airline passengers and personnel; and

(2) facilitate the transfer of technology from space weather research programs to Federal agencies with operational responsibilities and to the private sector.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $1,000,000 for each of the fiscal years 2008 through 2011 to carry out this section.

SEC. 911. AVIATION GAS RESEARCH AND DEVELOPMENT PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Administrator, in coordination with the NASA Administrator, shall continue research and development activities into technologies for modification of existing general aviation piston engines to enable their safe operation using unleaded aviation fuel.

(b) ROADMAP.—Not later than 120 days after the date of enactment of this Act, the Administrator shall develop a research and development roadmap for the program continued in subsection (a), containing the specific research and development objectives and the anticipated timetable for achieving the objectives.

(c) REPORT.—Not later than 130 days after the date of enactment of this Act, the Administrator shall provide the roadmap specified in subsection (b) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2008 through 2010 to carry out this section.

SEC. 912. RESEARCH REVIEWS AND ASSESSMENTS.

(a) REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.—

(1) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a review of the FAA's energy- and environment-related research programs. The review shall assess whether—

(A) the programs have well-defined, prioritized, and appropriate research objectives;

(B) the programs are properly coordinated with the energy- and environment-related research programs of NASA, NOAA, and other relevant agencies;

(C) the programs have allocated appropriate resources to each of the research objectives; and

(D) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.

(2) REPORT.—A report containing the results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months of the enactment of this Act.

(b) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—

(1) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry, and in particular, to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—

(A) examine space weather impacts on at least the following areas: communications, navigation, avionics, and human health in flight;

(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety;

(C) provide recommendations on how NASA, NOAA, and the NSF can most effectively carry out research and monitoring activities related to space weather and aviation; and

(D) provide recommendations on how to integrate space weather information into the Next Generation Air Transportation System.

(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport cooperative research program—safety.

(6) Weather program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(16) Safe Flight 21—Alaska Capstone.

(c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the review.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $700,000 for fiscal year 2008 to carry out this section.

SEC. 914. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY EDUCATIONAL AND RESEARCH INSTITUTIONS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology for alternative jet fuels.

(c) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Alternative Jet Fuel Research.

SEC. 915. CENTER FOR EXCELLENCE IN AVIATION EMPLOYMENT.

(a) ESTABLISHMENT.—The Administrator shall establish a Center for Excellence in Aviation Employment (in this section referred to as the "Center").

(b) APPLIED RESEARCH AND TRAINING.—The Center shall conduct applied research and training on—

(1) human performance in the air transportation environment;

(2) air transportation personnel, including air traffic controllers, pilots, and technicians; and

(3) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(c) DUTIES.—The Center shall—

(1) in conjunction with the Collegiate Training Initiative and other air traffic controller training programs, develop, implement, and evaluate a comprehensive, best-practices based training program for air traffic controllers;

(2) work with the Office of Human Resource Management of the FAA as that office develops and implements a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition process that results in attracting a broad-based and diverse aviation workforce in mission critical positions, including air traffic controller, aviation safety inspector, airway transportation safety specialist, and engineer;

(3) through industry surveys and other research methodologies and in partnership with the "Taskforce on the Future of the Aerospace Workforce" and the Secretary of Labor, establish a baseline of general aviation employment statistics for purposes of projecting and anticipating future workforce needs and demonstrating the economic impact of general aviation employment;

(4) conduct a comprehensive analysis of the airframe and powerplant technician certification process and employment trends for maintenance repair organization facilities, certificated repair stations, and general aviation maintenance organizations;

(5) establish a best practices model in aviation maintenance technician school environments; and

(6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

SEC. 1001. SHORT TITLE.

This title may be cited as the "Airport and Airway Trust Fund Financing Act of 2007".

SEC. 1002. EXTENSION AND MODIFICATION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE AND AVIATION GASOLINE.—

(1) AVIATION-GRADE KEROSENE.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.".

(2) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking "19.3 cents" and inserting "24.1 cents".

(3) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) of such Code is amended to read as follows:

"(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.— In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.".

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) of such Code is amended by inserting "other than aviation-grade kerosene" after "kerosene".

(B) The following provisions of such Code are each amended by striking "kerosene" and inserting "aviation-grade kerosene":

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) of such Code is amended—

(i) by striking "paragraph (2)(C)(i)" in clause (i) and inserting "paragraph (2)(C)", and

(ii) by striking "paragraph (2)(C)(ii)" in clause (ii) and inserting "paragraph (2)(A)(iv)".

(D) Section 4081(a)(4) of such Code is amended in the heading by striking "KEROSENE" and inserting "AVIATION-GRADE KEROSENE".

(E) Section 4081(d)(2) of such Code is amended by inserting ", (a)(2)(A)(iv)," after "subsections (a)(2)(A)(ii)".

(b) EXTENSION.—

(1) FUELS TAXES.—Paragraph (2) of section 4081(d) of such Code is amended by striking "gallon—" and all that follows and inserting "gallon after September 30, 2011".

(2) TAXES ON TRANSPORTATION OF PERSONS AND PROPERTY.—

(A) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking "September 30, 2007" and inserting "September 30, 2011".

(B) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2007" and inserting "September 30, 2011".

(c) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 of such Code is amended—

(1) by striking "kerosene" and inserting "aviation-grade kerosene",

(2) by striking "section 4081(a)(2)(A)(iii)" and inserting "section 4081(a)(2)(A)(iv)", and

(3) by striking "KEROSENE" in the heading and inserting "AVIATION-GRADE KEROSENE".

(d) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) of such Code is amended by inserting "at the rate specified in subsection (a)(2)(A)(iv) thereof" after "section 4081".

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

"(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).".

(e) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) of such Code is amended by striking "specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be," and inserting "so imposed".

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) of such Code is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

"(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

"(i) is registered under section 4101, and

"(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).".

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.".

(4) CONFORMING AMENDMENTS.—

(A) Section 6427(l)(4) of such Code is amended—

(i) by striking "(4)(C)" the first two places it occurs and inserting "(4)(B)", and

(ii) by striking ", (l)(4)(C)(ii), and" and inserting "and".

(B) Section 4082(d)(2)(B) of such Code is amended by striking "6427(l)(5)(B)" and inserting "6427(l)(6)(B)".

(f) AIRPORT AND AIRWAY TRUST FUND.—

(1) EXTENSION OF TRUST FUND AUTHORITIES.—

(A) EXPENDITURES FROM TRUST FUND.—Paragraph (1) of section 9502(d) of such Code is amended—

(i) in the matter preceding subparagraph (A) by striking "October 1, 2007" and inserting "October 1, 2011", and

(ii) in subparagraph (A) by inserting "or the FAA Reauthorization Act of 2007" before the semicolon at the end.

(B) LIMITATION ON TRANSFERS TO TRUST FUND.—Paragraph (2) of section 9502(f) of such Code is amended by striking "October 1, 2007" and inserting "October 1, 2011".

(2) TRANSFERS TO TRUST FUND.—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows:

"(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and".

(3) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 of such Code is amended—

(i) in paragraph (2) by striking "(other than subsection (l)(4) thereof)", and

(ii) in paragraph (3) by striking "(other than payments made by reason of paragraph (4) of section 6427(l))".

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) of such Code is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

"(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

"(F) section 4041(c).".

(ii) Section 9503(c) of such Code is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) of such Code is amended by striking ", section 9503(c)(7),".

(4) TRANSFERS ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:

"(7) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equivalent to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.".

(5) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—Section 9502(d) of such Code, as amended by this title, is amended by adding at the end the following new paragraph:

"(8) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—The following amounts may be used only for making expenditures to carry out air traffic control modernization:

"(A) So much of the amounts appropriated under subsection (b)(1)(C) as the Secretary estimates are attributable to—

"(i) 14.1 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(iv) in the case of aviation-grade kerosene used other than in commercial aviation (as defined in section 4083(b)), and

"(ii) 4.8 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(ii) in the case of aviation gasoline used other than in commercial aviation (as so defined).

"(B) Any amounts credited to the Airport and Airway Trust Fund under section 9602(b) with respect to amounts described in this paragraph.".

(g) EFFECTIVE DATE.—

(1) MODIFICATIONS.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2007.

(2) EXTENSIONS.—The amendments made by subsections (b) and (f)(1) shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2008, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2008, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid on April 30, 2008, and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by the provision of section 4081 of the Internal Revenue Code of 1986 which applies with respect to the aviation fuel involved.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term "aviation fuel" means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2008, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

The Acting CHAIRMAN. No further amendment to the bill, as amended, shall be in order except those printed in part C of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part C of House Report 110–335.

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In the item relating to section 104 of the table of contents on the first page of the amendment, insert ", engineering," after "Research".

Page 10, line 7, insert "**, ENGINEERING,**" after "**RESEARCH**".

Page 12, line 1, strike "$3,000,000" and insert "$5,000,000".

Page 37, line 24, strike "sections" and insert "section".

Page 47, line 21, insert "on or after October 1, 1996," after "that airport".

In subtitle D of title I of the amendment, redesignate, on page 50, section 149 as section 151 and insert after section 148 on page 50 the following:

SEC. 149. PUERTO RICO MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) in the subsection heading by inserting "AND PUERTO RICO" after "ALASKA"; and

(2) by adding at the end the following:

"(5) PUERTO RICO MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in Puerto Rico under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d), the Secretary shall apportion to the Puerto Rico Ports Authority for airport development projects in such fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in such fiscal year and the amount otherwise apportioned under subsections (c) and (d) to airports in Puerto Rico in such fiscal year.".

At the end of title II on page 89, insert the following:

SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2008 through 2011 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) FUNCTIONS.—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SEC. 219. AIRSPACE REDESIGN.

(a) FINDINGS.—Congress finds the following:

(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2008–2012 and the document known as the "Operational Evolution Partnership".

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2008 to 2011 will not provide estimated capacity benefits without additional funds.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration $2,300,000 for fiscal year 2008, $14,500,000 for fiscal year 2009, $20,000,000 for fiscal year 2010, and $20,000,000 for fiscal year 2011 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(c) ADDITIONAL AMOUNTS.—Of the amounts appropriated under section 48101(a) of such title, the Administrator may use $5,000,000 for fiscal year 2008, $5,000,000 for fiscal year 2009, $5,000,000 for fiscal year 2010, and $5,000,000 for fiscal year 2011 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

Page 97, strike line 3 and insert the following:

SEC. 305. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(iii) timeframes and resources needed for the actions described in clause (ii); and

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

Page 97, line 4, before "Not later than" insert the following:

(b) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—

Pages 101 through 103, strike section 309 of the amendment and insert the following:

SEC. 309. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 304 of this Act) is further amended by adding at the end the following:

"§44731. Occupational safety and health standards for flight attendants on board aircraft

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prescribe and enforce standards and regulations to ensure the occupational safety and health of individuals serving as flight attendants in the cabin of an aircraft of an air carrier.

"(b) STANDARDS AND REGULATIONS.—Standards and regulations issued under this section shall require each air carrier operating an aircraft in air transportation—

"(1) to provide for an environment in the cabin of the aircraft that is free from hazards that could cause physical harm to a flight attendant working in the cabin; and

"(2) to meet minimum standards for the occupational safety and health of flight attendants who work in the cabin of the aircraft.

"(c) RULEMAKING.—In carrying out this section, the Administrator shall conduct a rulemaking proceeding to address, at a minimum, the following areas:

"(1) Record keeping.

"(2) Blood borne pathogens.

"(3) Noise.

"(4) Sanitation.

"(5) Hazard communication.

"(6) Anti-discrimination.

"(7) Access to employee exposure and medical records.

"(8) Temperature standards for the aircraft cabin.

"(d) REGULATIONS.—

"(1) DEADLINE.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue final regulations to carry out this section.

"(2) CONTENTS.—Regulations issued under this subsection shall address each of the issues identified in subsection (c) and others aspects of the environment of an aircraft cabin that may cause illness or injury to a flight attendant working in the cabin.

"(3) EMPLOYER ACTIONS TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH HAZARDS.—Regulations issued under this subsection shall set forth clearly the circumstances under which an air carrier is required to take action to address occupational safety and health hazards.

"(e) ADDITIONAL RULEMAKING PROCEEDINGS.—After issuing regulations under subsection (c), the Administrator may conduct additional rulemaking proceedings as the Administrator determines appropriate to carry out this section.

"(f) OVERSIGHT.—

"(1) CABIN OCCUPATIONAL SAFETY AND HEALTH INSPECTORS.—The Administrator shall establish the position of Cabin Occupational Safety and Health Inspector within the Federal Aviation Administration and shall employ individuals with appropriate qualifications and expertise to serve in the position.

"(2) RESPONSIBILITIES.—Inspectors employed under this subsection shall be solely responsible for conducting proper oversight of air carrier programs implemented under this section.

"(g) CONSULTATION.—In developing regulations under this section, the Administrator shall consult with the Administrator of the Occupational Safety and Health Administration, labor organizations representing flight attendants, air carriers, and other interested persons.

"(h) SAFETY PRIORITY.—In developing and implementing regulations under this section, the Administrator shall give priority to the safe operation and maintenance of an aircraft.

"(i) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' has the meaning given that term by section 44728.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

"44731. Occupational safety and health standards for flight attendants on board aircraft.".

Page 104, after line 14, insert the following:

SEC. 312. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) ISSUANCE OF REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—Covered maintenance work for a part 121 air carrier shall only be performed by—

(1) an individual employed by the air carrier;

(2) an individual employed by another part 121 air carrier;

(3) an individual employed by a part 145 repair station; or

(4) an individual employed by a company that provides contract maintenance workers to a part 145 repair station or part 121 air carrier, if the individual—

(A) meets the requirements of the part 145 repair station or the part 121 air carrier;

(B) works under the direct supervision and control of the part 145 repair station or part 121 air carrier; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual and, if applicable, the part 145 certificate holder's repair station and quality control manuals.

(c) PLAN.—

(1) DEVELOPMENT.—The Administrator shall develop a plan to—

(A) require air carriers to identify and provide to the Administrator a complete listing of all noncertificated maintenance providers that perform, before the effective date of the regulations to be issued under subsection (a), covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

(B) validate the lists that air carriers provide under subparagraph (A) by sampling air carrier records, such as maintenance activity reports and general vendor listings; and

(C) include surveillance and oversight by field inspectors of the Federal Aviation Administration for all noncertificated maintenance providers that perform covered maintenance work on aircraft used to provide air transportation in accordance with such part 121.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the plan developed under paragraph (1).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED MAINTENANCE WORK.—The term "covered maintenance work" means maintenance work that is substantial, regularly-scheduled, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term "part 121 air carrier" means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term "part 145 repair station" means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(4) NONCERTIFICATED MAINTENANCE PROVIDER.—The term "noncertificated maintenance provider" means a maintenance provider that does not hold a certificate issued under part 121 or part 145 of title 14 Code of Federal Regulations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the Administrator to hire additional field safety inspectors to ensure adequate and timely inspection of maintenance providers that perform covered maintenance work.

SEC. 313. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards ("ARFF") under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address the following:

(1) The mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other Administration requirements.

(2) The proper level of staffing.

(3) The timeliness of a response.

(4) The handling of hazardous materials incidents at airports.

(5) Proper vehicle deployment.

(6) The need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practical, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) FINAL RULE.—Not later than 24 months after the date of enactment of this Act, the Administrator shall issue the final rule required by subsection (a).

Page 118, line 3, after "water" insert "that meets the standards of the Safe Drinking Water Act (42 U.S.C. 300f et. seq)".

Page 118, line 8, strike "and".

Page 118, after line 8, insert the following:

"(B) allow passengers to deplane following excessive delays; and".

Page 118, line 9, strike "(B)" and insert "(C)".

Page 118, line 14, after "for the" insert "deplanement of passengers following excessive delays and will provide for the".

Page 119, line 3, strike "The" and insert the following:

"(1) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the

Page 119, line 4, before "emergency" insert "or require modifications to".

Page 119, after line 8, insert the following:

"(2) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

"(g) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

"(h) PUBLIC ACCESS.—An air carrier or airport required to submit emergency contingency plans under this section shall ensure public access to such plan after its approval under this section on the Internet Web site of the carrier or airport or by such other means as determined by the Secretary.".

Page 119, line 24, after "flight" insert "on which a insecticide has been applied in the aircraft within the last 60 days or".

Page 120, line 3, after "ticket of the" insert "application, application, or"

At the end of title IV on page 125, insert the following:

SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) REPEAL.—Section 41747, and the item relating to such section in the analysis for chapter 417, are repealed.

(b) APPLICABILITY.—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

SEC. 413. GAO STUDY OF ESSENTIAL AIR SERVICE SUBSIDY CAP.

(a) IN GENERAL.—The Comptroller General shall examine how the $200 per passenger subsidy cap, initially established by Public Law 103-122 (107 Stat. 1198; 1201) and made permanent by section 332 of Public Law 106-69 (113 Stat. 1022) to restrict eligibility for funding under the essential air service program, has impacted that program and the access of small communities to air transportation.

(b) STUDY.—The study shall include an analysis of the following:

(1) The communities that have lost eligibility for subsidized air service under the essential air service program due to the $200 per passenger subsidy cap and the impact, if any, such loss of subsidy has had on the access of such communities to air transportation.

(2) The likely effect on the essential air service program if the $200 per passenger subsidy cap is indexed for inflation beginning in 2009.

(3) Whether the $200 per passenger subsidy cap has disproportionately impacted communities in certain geographic areas.

(4) Alternative methods of measuring the subsidy rate, including the subsidy per passenger per mile.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 is amended by adding at the end the following:

"(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

"(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter not later than 45 days before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the maximum amount specified in section 332 of Public Law 106-69 (113 Stat. 1022).

"(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap established by section 332 of Public Law 106-69.

"(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

"(A) the procedures established pursuant to paragraph (2); and

"(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap established by section 332 of Public Law 106-69.".

SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 414 of this Act) is further amended by adding at the end the following:

"(g) PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.—

"(1) IN GENERAL.—If the Secretary ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the maximum amount specified in section 332 of Public Law 106-69 (113 Stat. 1022), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

"(2) DETERMINATION BY SECRETARY.—If a State or local government submits to the Secretary a proposal under paragraph (1) with respect to an eligible place, and the Secretary determines that—

"(A) the rate of subsidy per passenger under the proposal does not exceed the maximum amount specified in section 332 of Public Law 106-69; and

"(B) the proposal is consistent with the legal and regulatory requirements of the essential air service program,

the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).".

SEC. 416. OFFICE OF RURAL AVIATION.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

"§ 41749. Office of Rural Aviation

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Department of Transportation an office to be known as the 'Office of Rural Aviation' (in this section referred to as the 'Office').

"(b) FUNCTIONS.—The Office shall—

"(1) monitor the status of air service to small communities;

"(2) develop proposals to improve air service to small communities; and

"(3) carry out such other functions as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

"41749. Office of Rural Aviation.".

SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED NONFUEL COSTS.—Section 41737(e) is amended—

(1) in the subsection heading by inserting "NONFUEL" before "COSTS"; and

(2) in paragraph (1) by inserting "other than fuel costs" before "in providing".

(b) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED AVIATION FUEL COSTS.—Section 41737 is amended by adding at the end the following:

"(f) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED AVIATION FUEL COSTS.—

"(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased aviation fuel costs in providing air service or air transportation for which compensation is being paid under this subchapter, the Secretary, subject to the availability of funds, shall increase the rates of compensation payable to air carriers under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

"(2) READJUSTMENT IF COSTS SUBSEQUENTLY DECLINE.—If an adjustment is made under paragraph (1) with respect to the rates of compensation payable to air carriers, and the Secretary subsequently determines that there is a significant decrease in aviation fuel costs, the Secretary shall reduce the adjustment previously made under paragraph (1) without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

"(3) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) AVIATION FUEL.—The term 'aviation fuel' means fuel used by an air carrier in aircraft providing air service or air transportation for which compensation is being paid under this subchapter.

"(B) SIGNIFICANT DECREASE IN AVIATION FUEL COSTS.—The term 'significant decrease in aviation fuel costs' means a decrease of 30 percent or more in the price per gallon of aviation fuel over a 6-month period, as determined by the Secretary, based on fuel price information derived from a commodities exchange or exchanges.

"(C) SIGNIFICANTLY INCREASED AVIATION FUEL COSTS.—The term 'significantly increased aviation fuel costs' means an increase of 30 percent or more in the price per gallon of aviation fuel over a 6-month period, as determined by the Secretary, based on fuel price information derived from a commodities exchange or exchanges.".

SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR-2000-112 and entitled "Audit of Air Carrier Flight Delays and Cancellations".

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, such as number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers' scheduling practices;

(3) the need for a re-examination of capacity benchmarks at the Nation's busiest airports; and

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 419. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to evaluate and compare the regulations of the European Union and the United States on compensation and other consideration offered to passengers who are denied boarding or whose flights are cancelled or delayed.

(b) SPECIFIC STUDY REQUIREMENTS.—The study shall include an evaluation and comparison of the regulations based on costs to the air carriers, preferences of passengers for compensation or other consideration, and forms of compensation. In conducting the study, the Comptroller General shall also take into account the differences in structure and size of the aviation systems of the European Union and the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection (in this section referred to as the "advisory committee") to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint 8 members to the advisory committee as follows:

(1) Two representatives of air carriers required to submit emergency contingency plans pursuant to section 42301 of title 49, United States Code.

(2) Two representatives of the airport operators required to submit emergency contingency plans pursuant to section 42301 of such title.

(3) Two representatives of State and local governments who have expertise in aviation consumer protection matters.

(4) Two representatives of nonprofit public interest groups who have expertise in aviation consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include the following:

(1) Evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed.

(2) Providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 421. DENIED BOARDING COMPENSATION.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue a final regulation to modify section 250 of title 14, Code of Federal Regulations, regarding denied boarding compensation, to appropriately adjust the amount of such compensation for an aircraft with 30 or more seats.

(b) EVALUATION.—Not later than 2 years after the date of issuance of the final regulation under this section and every 2 years thereafter, the Secretary shall evaluate the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

SEC. 422. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that (1) the aircraft operations of air carriers during any hour at an airport exceeds the hourly maximum departure and arrival rate established by the Administrator for such operations, and (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system, the Administrator shall convene a conference of such carriers to reduce pursuant to section 41722, on a voluntary basis, the number of such operations to less than such maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a conference with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this Act and every 3 months thereafter, the Administrator shall submit to Congress a report regarding scheduling at the 35 airports that have the greatest number of passenger enplanements, including each occurrence in which hourly scheduled aircraft operations of air carriers at such an airport exceed the hourly maximum departure and arrival rate at any such airport.

At the end of title V on page 147, insert the following:

SEC. 511. CONTINUATION OF AIR QUALITY SAMPLING.

The Administrator of the Federal Aviation Administration shall complete the air quality studies and analysis started pursuant to section 815 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2592), including the collection of samples of the air onboard passenger aircraft by flight attendants and the testing and analyzation of such samples for contaminants.

SEC. 512. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the proposed European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the "ICAO") in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (TIAS 1591; commonly known as "Chicago Convention"), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of the ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.

SEC. 513. AIRPORT NOISE COMPATIBILITY PLANNING STUDY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

It is the sense of the House of Representatives that the Port Authority of New York and New Jersey should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations, for the airports that the Port Authority operates as of November 2, 2007. In undertaking the study, the Port Authority should pay particular attention to the impact of noise on affected neighborhoods, including homes, businesses, and places of worship surrounding LaGuardia Airport.

Page 159, line 21, strike "in the" and all that follows through line 13 on page 160 and insert ", safety technical specialists, and operations support positions in the Flight Standard Service (as those terms are used in the Administration's fiscal year 2008 congressional budget justification) each fiscal year commensurate with the funding levels provided in subsection (b) for such fiscal year. Such increases shall be measured relative to the number of persons serving in positions of aviation safety inspectors and safety technical specialists and in operational support positions as of September 30, 2007.".

Page 160, line 17, strike "subsections (a) and (b)" and insert "subsection (a)".

Page 161, line 1, strike "pursuant to section 604" and insert "under section 605".

Page 164, after line 24, insert the following:

SEC. 610. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the "FAA Task Force on Air Traffic Control Facility Conditions" (in this section referred to as the "Task Force").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 12 members of whom—

(A) 8 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, "sick building syndrome," and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically-approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICIES (FCI).—The Task Force shall review the facility condition indicies of the Administration (in this section referred to as the "FCI") for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the FCI under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days of the receipt of the Task Force report under subsection (h), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) was submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $250,000 to carry out this section.

Page 165, line 9, strike "September 30, 2017" and insert "December 31, 2017".

Page 167, line 12, strike "September 30, 2017" and insert "December 31, 2017".

Page 175, line 19, strike "FAA" and insert "Federal Aviation Administration (in this section referred to as the 'FAA').".

Page 176, line 23, strike "facility or service" and insert "service or facility".

Page 178, strike lines 3 through 22 and insert the following:

SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES.

Section 1113 is amended by adding at the end the following:

"(i) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

"(1) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

"(2) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

"(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

"(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

"(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

"(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.".

Page 184, line 8, after "Infrastructure" insert "and Committee on Homeland Security".

Page 185, strike line 12 and insert the following:

SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

At the end of title VIII on page 186, insert the following:

SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the following purposes:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(2) To require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

SEC. 817. LABOR INTEGRATION.

(a) LABOR INTEGRATION.—With respect to any covered transaction involving a covered air carrier that results in the combination of crafts or classes that are subject to the Railway Labor Act (45 U.S.C. 151 et seq.), sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 C.A.B. 45) shall apply to the integration of covered employees of the covered air carrier; except that—

(1) if the same collective bargaining agent represents the combining crafts or classes at the covered air carrier, that collective bargaining agent's internal policies regarding integration, if any, will not be affected by and will supercede the requirements of this section; and

(2) the requirements of any collective bargaining agreement that may be applicable to the terms of integration involving covered employees of the covered air carrier shall also not be affected by and will supersede the requirements of this section, so long as those provisions supply at least the protections afforded by sections 3 and 13 of the Allegheny-Mohawk provisions.

(b) ENFORCEMENT.—Any labor organization that represents individuals that are aggrieved as a result of a violation of the labor protective provisions applied under subsection (a) may bring an action to enforce this section, or to enforce the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. An action under this subsection shall be brought in an appropriate United States district court determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) AIR CARRIER.—The term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term "covered air carrier" means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term "covered employee" means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term "covered transaction" means—

(A) a transaction for the combination of multiple air carriers into a single air carrier; and which

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier.

(d) APPLICATION.—This section shall not apply to any covered transaction involving a covered air carrier that took place before the date of enactment of this Act.

SEC. 818. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports (as defined in section 47102 of title 49, United States Code) that have a noise compatibility program approved by the Administrator under section 47504 of such title.

(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available under section 47117(e)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

(2) to encourage compatible land uses with the airport and generate economic benefits to the airport operator and an affected local jurisdiction.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under this section unless the grant is made—

(1) to enable the airport operator and an affected local jurisdiction to expedite their noise mitigation redevelopment efforts with respect to real property described in subsection (b)(1); and

(2) subject to a requirement that the affected local jurisdiction has adopted zoning regulations that permit compatible redevelopment of real property described in subsection (b)(1);

(3) subject to a requirement that funds made available under section 47117(e)(1)(A) with respect to real property assembled and redeveloped under subsection (b)(1) plus the amount of any grants made for acquisition of such property under section 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) COOPERATION WITH LOCAL AFFECTED JURISDICTION.—An airport operator may use funds granted under this section for a purpose described in subsection (b) only in cooperation with an affected local jurisdiction.

(e) UNITED STATES GOVERNMENT SHARE.—

(1) IN GENERAL.—The United States Government share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) DETERMINATION.—In determining the allowable project costs of a project carried out under the pilot program for purposes of this subsection, the Administrator shall deduct from the total costs of the project that portion of the total costs of the project that are incurred with respect to real property that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program for the airport or that is not owned by an affected local jurisdiction or other public entity.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public-use airport.

(f) SPECIAL RULES FOR REPAID FUNDS.—The amounts repaid to the Administrator with respect to an airport under subsection (c)(3)—

(1) shall be available to the Administrator for the following actions giving preference to such actions in descending order:

(A) reinvestment in an approved noise compatibility project at the airport;

(B) reinvestment in another project at the airport that is available for funding under section 47117(e) of title 49, United States Code;

(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

(D) reinvestment in approved noise compatibility project at any other public airport; and

(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be in addition to amounts authorized under section 48103 of title 49, United States Code; and

(3) shall remain available until expended.

(g) USE OF PASSENGER FACILITY REVENUE.—An operator of an airport participating in the pilot program may use passenger facility revenue collected for the airport under section 40117 of title 49, United States Code, to pay the portion of the total cost of a project carried out by the operator under the pilot program that are not allowable under subsection (e)(2).

(h) SUNSET.—The Administrator may not make a grant under the pilot program after September 30, 2011.

(i) REPORT TO CONGRESS.—Not later than the last day of the 30th month following the date on which the first grant is made under this section, the Administrator shall report to Congress on the effectiveness of the pilot program on returning real property purchased with noise mitigation funds made available under section 47117(e)(1)(A) or 47505 or passenger facility revenues to productive use.

(j) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) joint comprehensive land use planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.".

SEC. 819. HELICOPTER OPERATIONS OVER LONG ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island, New York.

(b) CONTENTS.—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

(4) The feasibility of establishing altitude limits for helicopter operations.

(c) EXCEPTIONS.—Any determination under this section on the feasibility of establishing limitations or restrictions for helicopter operations over Long Island, New York, shall not apply to helicopters performing operations for news organizations, the military, law enforcement, or providers of emergency services.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to interfere with the Federal Aviation Administration's authority to ensure the safe and efficient use of the national airspace system.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 820. CABIN TEMPERATURE STANDARDS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study to determine whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft of an air carrier used to provide air transportation from excessive heat onboard such aircraft during standard operations or during an excessive flight delay.

(b) TEMPERATURE REVIEW.—In conducting the study under subsection (a), the Administrator shall—

(1) survey onboard cabin and cockpit temperatures of a representative sampling of different aircraft types and operations;

(2) address the appropriate placement of temperature monitoring devices onboard the aircraft to determine the most accurate measurement of onboard temperature and develop a system for the reporting of excessive temperature onboard passenger aircraft by cockpit and cabin crew members; and

(3) review the impact of implementing such onboard temperature standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using ground equipment or other mitigation measures to offset any such costs.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study.

SEC. 821. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting "chapter 451," before "section 47107(b)";

(2) in subsection (a)(5)(A)(i)—

(A) by striking "or chapter 449" and inserting "chapter 449"; and

(B) by inserting after "44909)" the following: ", or chapter 451"; and

(3) in subsection (d)(2)—

(A) by inserting after "44723)" the following: ", chapter 451 (except section 45107)"; and

(B) by inserting after "44909)," the following: "section 45107 or".

SEC. 822. REALIGNMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

(a) PROHIBITION.—The Administrator of the Federal Aviation Administration may not carry out, or plan for, the consolidation, deconsolidation, colocation, execution of interfacility reorganization, or facility elimination of the terminal radar approach control (TRACON) at Palm Beach International Airport.

(b) REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.—The Administrator shall take such action as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2007, to replace an air traffic control tower or facility placed into operation before September 30, 2007, includes an operating terminal radar approach control.

Conform the table of contents of the amendment accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Airline delays, as I said at the outset of general debate, have reached historic levels, 72 percent of flights arriving on time so far this year. Long term, we need continued modernization of the aircraft traffic control system. That is not to say that this is a system that has been frozen in time and nothing has been done.

The FAA has, over the past 20-plus years, 25 years, installed over 80,000 pieces of technology to upgrade, modernize, expand, and increase capacity in the air traffic control system.

They installed a voice switching and control system over one weekend, with a million lines of computer code, installing this entirely new communication system over one weekend without a second of delay in the air traffic control operations. That's like changing a tire on a car moving at 60 miles an hour. They did it.

They installed the automatic replacement system for the en route centers, and did that after 5 years of development of this greatly enhanced new technology, increasing to 1,300,000 lines of computer code. And the installment is now working well.

The Standard Terminal Automation Replacement System, the STARS, that, too, took years to develop; 1,300,000 lines of computer code also installed and operating effectively. But those were platforms on which we build the air traffic control technology of the future. And in this legislation, we provide for the funding of the air traffic control technology of the future.

Mr. Chairman, I yield now to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. I thank Mr. OBERSTAR for yielding.

I rise in support of the manager's amendment. The amendment includes a variety of provisions important to the future of aviation. And I will quickly just highlight a few provisions in the amendment.

One is, we make a variety of improvements to the Essential Air Service program which supports over 100 communities in 35 States. The amendment includes language to provide that all future integrations of labor seniority lists will be completed in a fair and equitable manner.

As a Member of Congress that represents the St. Louis area, what I went through with the TWA and American Airlines merger was very difficult for many employees, and we want to prevent that hardship from occurring in the future.

We also include an update of our aircraft rescue and firefighting standards. The current FAA standards have not been updated since 1988.

And, finally, I need to highlight the fact that the manager's amendment does strengthen the consumer protection part of the bill and creates a Passenger Bill of Rights. It requires large air carriers, large hubs and medium hubs to follow emergency contingency plans, detailing food, water, restroom facilities, cabin ventilation, and medical treatment for passengers onboard aircraft with the Secretary of Transportation. The plan must also be updated periodically. And fines are imposed by the Department of Transportation for violations.

The manager's amendment strengthens these provisions in many ways. First, it specifies that the water provided must meet the Safe Drinking Water Act standard. Secondly, carriers in airports must detail how they will allow passengers to deplane following excessive delays.

Third, the manager's amendment explicitly states that DOT can assess civil penalties against air carriers or airports that fail to adhere to these approved contingency plans.

Finally, aircraft and airports are required to submit these plans and ensure public access to these documents. And, also, the FAA would be required to install an 800 number for consumers to use as a hotline to report problems that they are encountering.

Also, the provision updates overbooking compensation and requires the formation of an advisory committee for aviation consumer protection to provide recommendations to the Secretary.

And, Mr. Chairman, as you can see, these improvements are all important to our policy that improve the safety of our aviation system and expand the availability of service.

I urge my colleagues to support the Oberstar manager's amendment, and I thank the gentleman for yielding.

Mr. OBERSTAR. We'll call it the Oberstar-Costello manager's amendment, which will serve to reduce delays, increase passenger rights, enhance small community air service, and improve oversight of safety maintenance of aircraft.

Mr. Chairman, I yield back the balance of my time.

Mr. PETRI. Mr. Chairman, I rise to claim the time in opposition to the Oberstar-Costello manager's amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. Unfortunately, I can't support this amendment. While we have reached bipartisan agreements on many of the provisions, there are several that impose new burdens, new regulations and potentially high and crippling costs. For example, notifying a passenger when buying a ticket whether an insecticide has been used on the plane in the last 60 days before the flight is a procedural nightmare for airlines. Is it really a national problem that requires such onerous regulation? How many flights would that plane have taken and in what countries? It's just incredible.

Again, many provisions are worthy, but I cannot support this amendment.

I yield such time as he may consume to our ranking member, Mr. MICA.

Mr. MICA. I thank the ranking member, Mr. PETRI.

Unfortunately, I have to rise, also, in opposition to the manager's amendment. I did cite that the poison pill that was added after introduction of the bill was, of course, the reach-back for Big Labor, which has a $1.9 billion price tag over 5 years. We've had problems with the FedEx provision, which unfairly targets that company.

I agreed to raise some fees, but then in the main bill we would divert some funds to bicycle storage. We open up multi-billion dollar funding for purposes like that that are hard to explain to people who want airports expanded and improvements and get something else.

We have some 40-now studies as a result of the manager's amendment, I think we're up to at least 40, and $25 million costs, not to mention additional earmarks for union.

The OSHA provision for regulation on airplanes added in this, I think it's important that we have safe cabins for passengers, but again, we can have a nightmare in imposing OSHA regulations where they're very difficult to enforce and create, again, a nightmare not only for enforcement, but for those who work on the aircraft and for those who are involved in commercial aviation.

Firefighting standards are important, but to impose them, and we tried to get some more reasonable standards, but to impose them arbitrarily at huge expense for small and medium airports that don't have the traffic that warrant some of these mandates from the Federal level, diversion of additional funds. We want our foreign repair stations to have the best certified mechanics; but when you put a provision in, that is contrary to international treaties and agreements. So the list goes on and on. I guess ranking member, Mr. PETRI, said the bug control notification is sort of the icing on the cake of why we can't support the manager's amendment. Just some well-intended provisions, but misguided.

We certainly will work with the other side. We tried up until the introduction, and we will continue honest efforts to take their good intentions and put it into good legislation rather than a maze of costs, mandates, and burdens that don't get us where we need to be.

Mr. PETRI. Mr. Chairman, I yield back the balance of my time.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to amend the manager's amendment with an amendment which is at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 1 offered by Mr. OBERSTAR:

In proposed section 513, add before the second period, "and JFK Airport".

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. MICA. Reserving the right to object, I would like to know what's in the proposed amendment to the manager's amendment.

Mr. OBERSTAR. If the gentleman would yield on his reservation.

Mr. MICA. Yes.

Mr. OBERSTAR. It is to add JFK Airport to the language pending in the manager's amendment.

Mr. MICA. And this is under a sense of Congress provision?

Mr. OBERSTAR. Yes.

Mr. MICA. Mr. Chairman, I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the modification is accepted.

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. LA TOURETTE

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in part C of House Report 110-335.

Mr. LATOURETTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LATOURETTE:

Page 181, after line 2, insert the following:

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant, from funds made available under section 48103 of title 49, United States Code, to Lake County to assist in Lake County's purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be for 90 percent of the cost of Lake County's purchase of the Lost Nation Airport, but in no event may the Federal share of the grant exceed $1,220,000.

(3) APPROVAL.—The Secretary may make a grant under this subsection only if the Secretary receives such written assurances as the Secretary may require under section 47107 of title 49, United States Code, with respect to the grant and Lost Nation Airport.

Page 181, line 3, strike "(b)" and insert "(c)".

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. I want to thank the chairman of the full committee, Mr. OBERSTAR, and the chairman of the subcommittee, Mr. COSTELLO, together with the ranking member of the full committee and subcommittee for working with me on this amendment.

The chairman of the full committee is fond of saying that the civil aviation system in the United States is the safest in the world because under his leadership, and with the work of others, we have built in an amazing amount of redundancy. Redundancy not only deals with the equipment that flies in the air, the air traffic control system; but it also relies upon the fact that you need to have sufficient capacity should there be a disaster, or weather, or other things.

As a result of this amendment, if this amendment is agreed to, we will make sure that northeastern Ohio continues to have sufficient capacity in its civil aviation system.

I urge the passage of the amendment and would be happy to yield to the chairman of the full committee.

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Mr. OBERSTAR. I thank the gentleman for yielding. The gentleman's amendment will make certain that we retain capacity in the Nation's aviation system. All the water that ever was on Earth is here today. We are not making any more of it. And all the airports there are or ever will be, frankly, are here now. It is just so difficult to add aviation capacity in this country and airport capacity.

The gentleman's amendment will make it possible not only to retain but to enhance existing airport capacity. I thank him for offering the amendment.

Mr. LATOURETTE. I yield to the ranking member of the subcommittee.

Mr. PETRI. I congratulate you on working to get this amendment in a way that it can be supported. It is supported by both sides.

Mr. LATOURETTE. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. POE

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part C of House Report 110–335.

Mr. POE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. POE:

Page 96, line 19, after "shall" insert "(1)".

Page 96, line 25, before the first period, insert ", and (2) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of any individual performing a safety-sensitive function at a foreign aircraft repair station, including an individual working at a station of a third-party with whom an air carrier contracts to perform work on air carrier aircraft or components".

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE. Mr. Chairman, aircraft repair stations located in foreign countries are allowed to become certified by the Federal Aviation Administration to work on United States aircraft without meeting the same standards or being subject to the same oversight imposed on domestic stations in regard to drug and alcohol testing of workers.

This amendment would close this loophole because it makes no sense to require U.S. mechanics to undergo various levels of drug and alcohol testing if workers doing the same work on the same type of aircraft for the part of the same airlines are exempt from this requirement simply because the station is located overseas in another country. According to a report by the Inspector General of the Department of Transportation, the number of certified foreign repair stations has increased from 344 in 1994 to almost 700 in 2007, more than double the number of stations over the last 13 years. U.S. air carriers now outsource overseas 35 percent of their maintenance work to foreign repair stations, and that is up 21 percent from 2003. This growing trend necessitates the additional safety standards.

The FAA itself has moved to extend drug and alcohol testing domestically and noted, "It has the statutory authority and, in the interest of aviation safety, the responsibility to require that individuals who actually perform safety-sensitive duties are subject to drug and alcohol testing."

Also, the Department of Transportation's recent pilot program to allow Mexican-domiciled motor carriers to enter and travel throughout the United States, DOT stipulated that operating authority will not be granted to these Mexican companies unless this company has in place, and DOT can verify, a controlled substance and alcohol testing program consistent with U.S. domestic requirements. So if DOT can impose the requirements on Mexican drivers as a condition of entering the U.S. in the name of safety, there is no reason why the FAA cannot follow suit with similar requirements for foreign mechanics working on aircraft that will operate in the United States.

This is a safety issue. Mechanics that work on American aircraft overseas should meet the same drug testing requirements as mechanics that work on these aircraft in the borders of the United States.

I urge support of this amendment to close this loophole so that all maintenance workers who work on planes that fly in the United States equally are treated the same and undergo drug and alcohol testing.

Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. COSTELLO. Mr. Chairman, I thank the gentleman from Texas, a member of the subcommittee, for offering this amendment. He is correct. It is a safety issue. It is a commonsense amendment that clears up a double standard. The Poe amendment simply requires that as a condition of receiving an FAA certificate to work on U.S. aircraft that workers must meet a basic safety requirement that the FAA imposes on repair stations and workers here in the United States.

Again, I commend the gentleman from Texas for his thoughtful amendment. We support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. POE. I thank the gentleman for his comments and his support on this amendment. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SHAYS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part C of House Report 110–335.

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SHAYS:

At the end of title VIII, add the following:

SEC. 816. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strategies to alleviate congestion in the national airspace at airports during peak travel times, by evaluating the effectiveness of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and instituting slots and quotas at airports. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with redesigning airspace and evaluate any legal obstacles to implementing such strategies.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I thank the gentleman and I thank the Rules Committee for allowing this to be put in order and the Transportation Committee chairman for agreeing to that.

The FAA is currently implementing a plan known as the Integrated Airspace Alternative to redesign the Northeast airspace to improve congestion at the busiest airports in the Northeast. The FAA only has to consider safety and efficiency when making their decisions. But they do not have to consider the effect of air traffic on the quality of life in the communities near the airports.

Congressman GARRETT and I are offering an amendment today to require the Government Accountability Office to issue a report assessing the possibility of utilizing market-based strategies for air congestion reduction. These strategies could include incentivizing airlines to move flights to offpeak times and implementing slot systems for airports or quotas. The report would also have the GAO compare these strategies' effectiveness against redesigned air space.

With that, I just say this amendment does not hold up the redesign process. It simply requires a study.

Mr. Chairman, I don't know if Mr. GARRETT is here. If not, I yield 1 minute to my colleague, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to thank the gentleman from Connecticut for yielding and for his work and for my colleague SCOTT GARRETT's work in keeping the issue of increased airline noise before the public. Throughout my tenure in the House, I have been an advocate for reducing aircraft noise over northern New Jersey. I have attended dozens of public hearings, had meetings with officials from the FAA and responded to literally thousands of my constituents who are angry about aircraft noise. This new plan, in fact, increases aircraft noise over northern New Jersey.

I have been a strong proponent of the redesign for airspace over New York and New Jersey. The first such design was conducted by the FAA, and through the appropriations process, I think we got $60 million for it. But in the process, the FAA has not adequately addressed the issue of aircraft noise. While this amendment doesn't deal directly with that, I am hopeful that this committee and other Members of Congress will push the FAA to concentrate on the issue of aircraft noise, because as we are concentrating on airline safety, we need to remember that people have to live in the area.

Mr. SHAYS. Mr. Chairman, I yield such time as he may consume to the chairman, the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the Shays amendment. Almost 28 percent of flights in the last 7 months in 2007 were late. We have a serious problem with congestion and delays in our aviation system. We must look at all options for reducing these incidents.

Mr. SHAYS' amendment allows the GAO to review a variety of options so that we, as policy makers, can be informed and make responsible decisions towards improving the congestion and delay problem.

Mr. Chairman, I support the Shays amendment, and I thank him for his amendment.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for his kind words in support of this amendment offered by Mr. GARRETT, myself, Mr. FRELINGHUYSEN, and I know ELIOT ENGEL, if he were here, would have wanted to speak on it.

Mr. GARRETT of New Jersey. Mr. Chairman, I am proud to offer this amendment with my colleague from Connecticut. The FAA recently released their Record of Decision regarding the New York/New Jersey/Philadelphia Airspace Redesign and it simply fails to achieve a livable balance for tens of thousands of citizens living in north Jersey.

The State goal of the redesign was to reduce delays and airspace congestion: the FAA met this goal by flying planes over communities that up till now have not had to deal with the noise and pollution generated by overhead air routes. The FAA's study failed to look into any strategies other than airspace redesign to reduce delays and congestion.

Our amendment will ask the GAO to evaluate how other strategies could reduce delay. I have asked the FAA to review alternative strategies and politely been rebuffed. Perhaps when we compare the results of this study with the FAA's claims perhaps we can have a clear view of whether rerouting planes over our communities is really called for.

While the Record of Decision has been issued, the plans contained in it will be implemented over a course of years. I am hopeful that this will give the FAA time to reconsider and to reconstruct their plans to accommodate the concerns of citizens below the flight paths.

Mr. ENGEL. Mr. Chairman, I stand today in strong support of this amendment.

This has been the worst year on record for air traffic delays. The New York area, which I represent, has three major airports with some of the worst delays in the Nation. Obviously, this situation must change. This amendment would commission a study to determine how best to fix these delays.

The FAA had a chance to commission such a study, but instead they decided to take a unilateral, misguided approach to redesign the airspace over thousands of residents in my congressional district. The FAA did this without consulting the very people whose lives would be most affected.

A study should have been conducted years ago. I support reducing delays, but we should first know if the FAA's actions will improve air travel. It would be a mistake for the FAA to continue on this course without knowing whether the airspace redesign would even reduce delays.

I urge my colleagues to support this amendment because today we are affected, tomorrow you could be.

Mr. SHAYS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part C of House Report 110-335.

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HASTINGS of Florida:

Page 175, line 21, after "facilities" insert "(including regional offices)".

Page 176, line 8, before "field" insert "regional or".

Page 176, line 23, after "facility" insert "(including a regional office)".

Page 177, lines 17 and 22, after "facilities" insert "(including regional offices)".

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I assure the Chair that I shall not use all 5 minutes, but I do wish to take cognizance of the fact that Ms. WATERS is not here today. I am handling this amendment as her designee. She is in Jena, Louisiana today along with thousands of others who are mindful of continuing injustices in this country. They are demonstrating to highlight those injustices.

Mr. Chairman, this amendment is a simple clarification of the language in section 807. This section requires the Secretary of Transportation to establish a working group to review FAA proposals to consolidate FAA facilities and services and make recommendations to Congress.

Mr. Chairman, I urge my colleagues to support this amendment.

This amendment is a simple clarification of the language in Section 807. This section requires the Secretary of Transportation to establish a working group to review FAA proposals to consolidate FAA facilities and services and make recommendations to Congress. This working group will include individuals who represent FAA employees, air carriers, general aviation, and the airport community. The FAA may not realign or consolidate FAA facilities and services until Congress has had an opportunity to consider the working group's recommendations as well as public comments. The purpose of this section is to ensure that FAA consolidation cannot take place without the input of affected stakeholders, the public and Members of Congress.

Mr. Chairman, the gentlewoman from California, Representative WATERS has concerns about the FAA's consolidation of FAA regional offices. The FAA has nine regional offices serving airports in all 50 States. One of these offices, the Western-Pacific Regional Office, is located in Hawthorne, California, in MAXINE WATERS' congressional district. My home State of Florida is served by the Southern Regional Office, which is located in Georgia.

Last year, the FAA consolidated administrative and technical support services in the regional offices. The previous year, the FAA consolidated financial accounting services in these offices. The FAA did not seek or accept input from Congress, regional office employees, or the affected communities prior to consolidating these services.

It has come to our attention that the FAA is currently considering plans to consolidate the engineering services in the regional offices. However, no public comment has been requested by the FAA, despite the fact that engineering services are critical for the safe operation of air traffic control towers.

Mr. Chairman, this amendment would clarify that Section 807 applies not only to the consolidation of FAA field offices and air traffic control facilities, but also to the consolidation of FAA regional offices and the services they perform. This amendment would ensure that proposals to consolidate the FAA's regional offices will be subject to the same open and transparent process as proposals to consolidate other FAA offices and facilities.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member seek time in opposition?

Mr. HASTINGS of Florida. Mr. Chairman, I am prepared to yield back, and I do yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. COSTELLO

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part C of House Report 110–335.

Mr. COSTELLO. Mr. Chairman, I ask unanimous consent to go to the next amendment without prejudice.

The Acting CHAIRMAN. Once we pass No. 6, we cannot return to No. 6.

Mr. COSTELLO. I ask unanimous consent to move to the next amendment.

Mr. PETRI. Reserving the right to object, my understanding is that you have to do this in the full House.

The Acting CHAIRMAN. The gentleman is correct. If No. 6 is not offered, we will move on to No. 7.

Mr. COSTELLO. I am prepared at this time to offer Mr. UDALL's amendment as his designee.

The Acting CHAIRMAN. Is the gentleman the designee?

Mr. COSTELLO. As Mr. UDALL's designee.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. COSTELLO: At the end of title VIII of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 816. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under chapter 447 of title 49, United States Code, that require air carriers to provide initial and annual recurring training for flight attendants and gate attendants regarding serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include situational training on methods of handling an intoxicated person who is belligerent.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

☐ 1315

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I appreciate the gentleman's yielding to me and appreciate his hard work in the committee.

Mr. Chairman, I rise today to offer a commonsense amendment that will better ensure the safety of our Nation's citizens, both in the air and on the ground.

In my district last November, in a situation that is unfortunately still far too common, a drunk driving accident resulted in the deaths of a mother, a father and 3 children. Left behind in Las Vegas, New Mexico, is 1 sole-surviving child. The family of 6 was on their way home from a soccer match when their minivan was struck by a drunk driver speeding down the wrong side of the interstate.

As the investigation unfolded, we learned that only a few hours earlier, the drunk driver was already visibly intoxicated on an airline flight to New Mexico. While other passengers noticed that the man appeared to be intoxicated, he was served more alcohol on board the flight. Just 2 hours after deplaning with a blood alcohol content 4 times the legal limit, the man took to the highway, killing this family and himself.

In the aftermath of this horrible tragedy, I learned that Federal regulations prohibit an intoxicated person both from boarding a plane, as well as drinking during a flight. However, the airlines are not required to train their flight attendants on how to identify intoxicated passengers. In order to help prevent a problem from occurring, those in charge must first be able to identify the warning signs. Adequate training to identify and deal with intoxicated passengers is critical to ensuring attendants make informed decisions when serving alcohol.

My amendment works to ensure airline personnel receive this training. It requires airline carriers to provide gate and flight attendants with alcohol-server training to help them recognize intoxicated persons. As New Mexico's Attorney General, I helped implement this training in the service industry, because research shows this knowledge is critical to combating the problem. Training would occur annually and would also provide situational training on how to handle inebriated individuals who are belligerent.

The intention of my amendment is to prevent drunk driving, but it does much more. While inebriated passengers pose a danger once they deplane and drive, they also pose a danger during flight. It is no secret that when too much alcohol is involved, tempers are more likely to flare, individuals are more likely to behave inappropriately, and decision-making skills are drastically impaired. For all of these reactions to alcohol, flight attendants must have training on how to handle those people. It is a commonsense approach for the safety of all people in flight.

Unfortunately, my amendment cannot prohibit all tragic drunk driving accidents from occurring, but it will implement a system to make it more difficult for passengers over the legal limit from boarding planes, deplaning and driving home. Training to identify intoxicated passengers is critical to ensuring that the attendants make informed decisions when allowing people to board a flight and when deciding whether to serve them alcohol.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. MEEKS of New York). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment because it is both unnecessary and redundant. From June 2004 to June 2006, the FAA established an aviation rulemaking advisory committee consisting of government, industry and labor unions in order to update the current training requirements. The proposed rewrite of Federal regulations will address, among other things, the area of alcohol awareness training for flight and gate attendants. The FAA plans to publish a notice of proposed rulemaking in The Federal Register before the end of calendar year 2007.

The FAA's current training requirements address the very issue of handling unruly and intoxicated passengers, both in the air and on the ground. This rulemaking will further strengthen FAA's already adequate training programs to a level that I am sure will meet the gentleman's expectations.

So the Udall amendment is premature. We should let the agency with the most expertise take the lead to do the best job of dealing with the problem which we all agree needs to be even better dealt with.

Mr. Chairman, I would urge a "no" vote on the Udall amendment.

Mr. Chairman, having no other requests for time, I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, we must see that flight attendants are trained in a way that allows us to ensure the safety of those people in their care, our Nation's fliers. But this amendment can do much more. It may also help to ensure the safety of those who were nowhere near the airplane. My amendment cannot prevent every tragedy that comes from alcohol abuse, but it is one more valuable step we can take.

I am pleased to note that my amendment has the support of the Association of Flight Attendants and Mothers Against Drunk Driving, and I would like to include for the RECORD letters from them of support.

MOTHERS AGAINST DRUNK DRIVING,
Irving, TX, September 20, 2007.

Hon. TOM UDALL,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN UDALL: I write in support of your amendment to H.R. 2881, the FAA Reauthorization Act of 2007.

Your amendment seeks to address a potentially serious problem taking place in our skies. On more than one occasion I have read about an airline passenger who has had too much to drink and then driven after the flight. The Udall amendment seeks to provide proper training to flight attendants with regard to serving alcohol as well as how to address passengers who have had too much to drink. For this reason, MADD supports your amendment.

According to the latest NHTSA study, in 2006 more than 13,000 people died in alcohol related crashes with a blood alcohol content of .08 or greater. Drunk driving continues to be the leading cause of traffic fatalities in the country.

You may be interested to know that in 2006, MADD launched the campaign to eliminate drunk driving. The campaign consists of four points:

Intensive high-visibility law enforcement, including twice-yearly crackdowns and frequent enforcement efforts that include sobriety checkpoints and saturation patrols in all 50 states.

Full implementation of current alcohol ignition interlock technologies, including efforts to require alcohol ignition interlock devices for all convicted drunk drivers. A key part of this effort is working with judges, prosecutors and state driver's license officials to stop the revolving door of repeat offenders.

Exploration and development of advanced vehicle-based technology that will detect if a driver has an illegal alcohol level of .08 BAC or above and prevent that driver from operating the vehicle.

Mobilization of grassroots efforts, led by over 400 MADD affiliates.

Again, thank you for your efforts to address excessive drinking on airline flights and best wishes as you pursue your amendment.

Best wishes.

Sincerely,

GLYNN BIRCH,
President.

SEPTEMBER 20, 2007.

GIVE FLIGHT ATTENDANTS THE KNOW HOW TO DETECT INTOXICATED FLYERS AND INCREASE FLIGHT SAFETY—SUPPORT THE UDALL AMENDMENT TO THE FAA REAUTHORIZATION ACT

DEAR COLLEAGUE: Today, I am offering an amendment to the FAA Reauthorization that works to improve the safety of our nation's travelers, both on and off the ground, by requiring airlines to provide alcohol server training for their flight and gate attendants.

Currently, federal regulations prohibit an intoxicated person from being served alcohol on board a flight, or even from boarding a flight. However, airlines are not required to train their flight attendants and gate staff on how to identify those that are intoxicated. My simple, straightforward amendment ensures airline personnel receive this essential training. It requires air carriers to provide alcohol server training to gate and flight attendants. This training, which will have to occur annually, would also include ways to identify intoxicated passengers and deal with disruptive passengers. The Secretary of Transportation will have 180 days to promulgate rules to require this training.

Training to identify intoxicated passengers is critical to ensuring that airline employees make informed decisions when allowing people to board a flight, when deciding whether to serve them alcohol, and when necessary, providing them with the tools they need to handle intoxicated and belligerent passengers. It is my hope you will join me in supporting this important amendment, which will help improve public safety both in the air and on the ground.

For more information on this amendment please contact Noelle Dominguez.

Sincerely,

TOM UDALL,
Member of Congress.

ASSOCIATION OF
FLIGHT ATTENDANTS—CWA, AFL-CIO,
Washington, DC, September 20, 2007.

Hon. TOM UDALL,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE UDALL: On behalf of the 50,000 members of the Association of Flight Attendants—CWA, AFL-CIO (AFA-CWA), I am writing to express support for your amendment to H.R. 2881 requiring air carriers to provide training to Flight Attendants and Gate Attendants regarding serving alcohol, dealing with disruptive passengers and recognizing intoxicated persons.

AFA-CWA is especially encouraged by your amendment language calling for training on how to handle intoxicated persons who become belligerent. Congress must finally address the need to provide adequate training for flight attendants who face belligerent and hostile passengers and your amendment is a much needed and appropriate step in the right direction.

AFA-CWA calls on Congress to adopt this vital amendment.

Sincerely,

PATRICIA A. FRIEND,
International President.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the Udall amendment. The Udall amendment would ensure that our airline crews are properly trained to handle these difficult situations and that the training is updated regularly. This is a commonsense, thoughtful amendment. I support the Udall amendment and urge my colleagues to do the same.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COSTELLO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. KLEIN OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part C of House Report 110-335.

Mr. KLEIN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KLEIN of Florida:

At the end of title IV of the amendment, insert the following (and conform the table of contents of the amendment accordingly):

SEC. 412. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Florida (Mr. KLEIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. KLEIN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to start by commending Chairman OBERSTAR and Subcommittee Chairman COSTELLO for their leadership in crafting this ambitious bill and taking some of the complex and critical challenges facing our aviation system to a successful conclusion.

Mr. Chairman, air travel in our country, unfortunately, has deteriorated in many ways to an alarming and unacceptable state over the past couple of years. According to a recent Reuters article in July, it confirmed that the 20 largest airlines are on pace for their worst year ever in delays, cancellations and congestion. Now, outgoing FAA Administrator Marion Blakey has warned that airport delays are likely to become worse, a distressing admonition from one of the country's foremost authorities on air travel.

Clearly, there is plenty of blame to go around. An aging infrastructure, outdated technology, unrealistic flight schedules, an overstretched workforce, along with poor weather, computer glitches, and inadequate space in between planes, have all been cited as contributing to the problems with air travel. With so many deficiencies stressing the system, it is no surprise that we have reached this point.

It is also no surprise that the American people are frustrated. We have all heard from our constituents, demanding that we do something with the inexcusable treatment they have received during their air travels. I have heard from one constituent who sat on the tarmac for 3 hours before her flight was cancelled and wasn't able to board another flight until the next day. I think we have all heard those examples.

Another constituent told me that his flight was canceled; and instead of rebooking, the airline made him fly standby. He had to wait 36 more hours before he finally got back. Still another had her bags missing for over 6 months.

Mr. Chairman, this treatment is unacceptable. The American people deserve better, whether they are traveling for business or leisure. They have paid their hard-earned money to fly on a plane, and they deserve to be treated with a certain level of respect. If they are not receiving that from the airlines, they should be able to turn to someone who can put pressure on the airlines to give them the respect they deserve.

That is where my amendment comes in. It would require the Department of Transportation to investigate, subject to appropriations, consumer complaints for a broad range of issues, including flight cancellations, overbooking of flights, baggage problems, ticket refund problems, and incorrect or incomplete fare information to help address the growing unrest among air travelers who receive unacceptable consumer service.

I have no intention of reinventing the wheel here, however. The Department of Transportation already operates a division that handles airline consumer complaints, with authority to issue warnings, cease and desist orders and fines.

However, because of a variety of reasons, including budgetary constraints, the Department has chosen to greatly limit the number of investigations it pursues, focusing mainly on discrimination and disability claims. Other types of claims are simply logged and reported monthly, giving consumers with legitimate grievances no recourse or explanation for their treatment.

What I am proposing is a simple expansion of the division so that they have the authority and resources to investigate a wider range of legitimate consumer grievances. I think it is a fair and reasonable response to the overwhelming problems the American people have endured.

But if my colleagues are still not convinced, I would ask that they listen to the Department of Transportation's own Inspector General. In a report to Congress on April 20, he recommended that the Department "take a more active role in airline customer service issues." This amendment would turn the Inspector General's recommendation into law.

Mr. Chairman, we stand here today prepared to pass a far-reaching and well-thought-out bill that addresses many of the critical infrastructure and technological shortcomings facing the airlines, airports and the FAA, as well as adding several critical safeguards for airline passengers. My amendment would add another layer of protection for customers that is practical and fair. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this provision would gut much of the ongoing high-priority work of the Department of Transportation Aviation Enforcement Office by requiring most of its resources to be dedicated to consumers' complaints.

While I certainly agree that consumer complaint oversight is important, the dedication of so many resources to only one issue is just not right. This provision would force the Aviation Enforcement Office to stop other important aviation enforcement, compliance, and consumer information and education activities that have for years been a priority for that office.

This provision would do so by requiring the investigation of each consumer complaint regarding flight cancellations, overbooking, baggage, refunds, fares and related conditions, frequent flier programs and deceptive or misleading advertising.

Currently, the only investigations that have been required by Congress are disability-related complaints. Sadly, to comply with this provision, the Aviation Enforcement Office would have to discontinue enforcement and compliance work involving racial, ethnic and sex-based discrimination, compliance with the Aviation Disaster Family Assistance Act, public charter flight violations, and code sharing disclosure violations.

Compliance with this provision would also necessitate that the office end its enforcement of unrealistic scheduling, contract of carriage violations, other unfair and deceptive practices, air carrier fitness and unlicensed and unauthorized operations, insurance violations, and reporting violations.

In the opinion of the experts at the Department of Transportation, these areas of consumer protection are of great importance because they safeguard the whole pool of consumers by protecting against bad business practice trends, rather than prosecuting case by case.

In the area of consumer information and education, some of the most important matters that would have to be eliminated are preparation of the monthly air travel consumer report, updating of aviation consumer guidance material, conducting industry and public forums on disability issues, and participating and providing information of government, industry and consumer conferences. In addition, the Aviation Enforcement Office would have to cease all its rulemaking activities.

Everyone knows that with tight government budgets, you really cannot investigate every single case at the Federal level. Instead, you provide a forum to file and maintain complaints that are reviewed for patterns of abuse. You then pursue those cases that will do the most good for the largest number of consumers.

Again, this amendment, contrary to the intent of the author, would have disastrous effects on aviation consumer protection and enforcement of the aviation economic regulations that are currently on the books, and, therefore, I urge Members to vote "no" on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO), the chairman of the subcommittee.

□ 1330

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding and offering his amendment. The Klein amendment, as was just stated, would require the DOT to investigate all consumer complaints regarding flight cancellations, overbookings, baggage problems, and a variety of other consumer issues as long as funding was provided through the appropriations process.

Let me commend the gentleman for his amendment. There is no question that, as we have heard today, complaints are on the rise. There are a number of problems. This amendment ensures that consumers are getting their concerns addressed through the official process, and we will work to ensure that the proper funding to undertake these responsibilities by the FAA is forthcoming. I support the amendment, and urge my colleagues to do the same.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. KLEIN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part C of House Report 110–335.

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. NEUGEBAUER:

Page 186, after line 2, insert the following:

SEC. 816. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTION.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the acceptable height and distance that wind turbines may be installed in relation to aviation sites and the level of obstruction such turbines may present to such sites.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult, if appropriate, with the Secretaries of the Army, Navy and Air Force, Homeland Security, and Energy to coordinate the requirements of each agency for future air space needs, determine what the acceptable risks are to existing infrastructure of each agency, and define the different levels of risk for such infrastructure.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure, Committee on Homeland Security, Committee on Armed Services and Committee on Science and Technology in the House of Representatives and the Committee on Commerce, Science and Transportation, Committee on Government Affairs and Homeland Security, and the Committee on Armed Services in the Senate.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very straightforward amendment. Two important issues are going on in our country right now. One of those we are talking about on the floor of the House today, and that is Americans' safety in the air, making sure when our American citizens travel across the country they are doing it in a safe way.

The other issue that is important to the United States Congress and to the American people is energy. One of the things that we know today is wind energy, a renewable source of energy, is becoming a predominant piece of the solution for the future.

Several months ago I convened in Abilene, Texas, at Dyess Air Force Base, members of Department of Defense, Department of Energy, FAA and other agencies talking about how in the future, as we develop more renewable sources, particularly wind energy, how we make sure that there is a compatibility between air safety and providing energy for the American people.

What we decided was that there needs to be a repository, a place where data is maintained on the effects of certain kinds of wind turbines on radar, where the proper placement is so they can continue to be a vital part of our energy supply, while at the same time making sure the American people are safe.

This amendment provides for a study to study all of the components that need to go into that database and that repository to make sure that we have all of the bases covered. This is kind of a proactive step. What we are intending to do here, as people are planning these kinds of projects, there is a place where people can go where they can get the information up front rather than in hindsight after that project has moved along.

There is a lot of support for this amendment from the Department of Energy, Department of Defense and other agencies thinking this is the right step.

Mr. Chairman, at this time I yield to the gentleman from Wisconsin (Mr. PETRI), the ranking member of the Aviation Subcommittee, who has worked tirelessly for transportation issues over a number of years.

Mr. PETRI. Mr. Chairman, I want to support the gentleman's amendment and say that as we look to the future of wind energy, we need to make certain that the process for siting turbines is appropriate for all stakeholders.

Specifically, we need policies in place to ensure that wind turbines do not interfere with important aviation sites, while giving the wind industry appropriate planning tools.

I wish to thank Congressman NEUGEBAUER for working with the wind industry and others to refine this amendment.

Mr. NEUGEBAUER. Mr. Chairman, I thank the distinguished gentleman.

As I close, I just want to say, in many cases people bring problems to the United States Congress and we set out to try to solve those problems.

In this situation, these agencies are working together already. They are bringing a commonsense solution to this issue. I think this is a good policy for our country and for the American people as we make sure that they fly safely in the future, and also make sure that they have an appropriate energy supply.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COSTELLO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 19, as follows:

[Roll No. 889]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)

Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Buyer
Carney
Carson
Cubin
Davis, Jo Ann
Everett
Fortuño
Hunter
Inslee
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
King (NY)
Marshall
McHugh
Myrick
Paul
Waters

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in the vote.

☐ 1357

Mr. KAGEN, Ms. DEGETTE, Messrs. CALVERT, BROUN of Georgia, GILCHREST, LEVIN and CARTER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. CARSON. Mr. Chairman, on Thursday, September 20, 2007, I was unable to vote on roll No. 889. Had I been present, I would have voted "aye."

The Acting CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. MEEKS of New York, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, pursuant to House Resolution 664, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PETRI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 267, noes 151, not voting 14, as follows:

[Roll No. 890]

AYES—267

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—151

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce

Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—14

Carney
Cubin
Davis, Jo Ann
Everett
Hunter
Inslee
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Marshall
McHugh
Myrick
Waters

□ 1424

Mr. BUCHANAN and Mr. BACHUS changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2881, FAA REAUTHORIZATION ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2881, the Clerk be authorized to correct section numbers, punctuation, cross-references, and make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore (Mr. KLEIN of Florida). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, to update us on the schedule for next week.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will meet at 12:30 p.m. for morning-hour business, 2 p.m. for legislative business, with votes rolled until 6:30 that night. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business tomorrow.

On Tuesday, the House will meet at 9 a.m. for morning-hour business, and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business; and on Friday, the House will meet at 9 a.m. for legislative business. We expect to consider a fiscal year 2008 Continuing Resolution, legislation dealing with the State Children's Health Insurance Program, the Popcorn Workers Lung Disease Prevention Act, and the flood insurance bill.

Mr. BLUNT. I thank the gentleman for that information.

On the State Child Health Insurance Program, what bill would we be considering at that point?

Mr. HOYER. As you know, the House and Senate have been meeting. The Senate has not gone to conference on this bill. But we all know that on September 30 the authorization for SCHIP expires, so we are hoping to have a bill on the floor early next week. That bill will incorporate what we believe to be, what we hope to be, what we are working to be a consensus which can pass the House and the Senate. I can't give you all the specifics of that because I don't have all the specifics of that.

Mr. BLUNT. Are there any specifics to a bill yet? I mean, I know what the House passed. I roughly know what the Senate passed, but I have absolutely no idea how we're working out the combination of those two things. There's no conferences, as I understand it.

Mr. HOYER. The Senate has not gone to conference yet.

Mr. BLUNT. So there's no conference. This is a multi-billion dollar bill, and I believe your indications are we'd be dealing with this currently non-existing bill early next week?

Mr. HOYER. That's my representation. There will be nothing, I think, in the bill that was not in the House or Senate bills so, to that extent, it will be like a conference.

We haven't gone to conference. We are having great difficulty, I'll tell my friend, in getting the minority party in the Senate to vote to go to conference. I regret that, but that's the fact of life; and we can either stop doing business until they agree to do so, or we can try to move forward and try to reach some agreement.

I will tell my friend that there were Republican Senators involved in the discussions, as he may know, and he is correct that there will probably be a new bill on the floor, but I tell my friend that that bill will incorporate items that were either in the Senate or House bill and will be items that we believe and hope, as I said, are now agreed between what we hope to be a majority of the House and a majority of the Senate. To that extent, it will be like a conference report because the expectation is it would not be amended in the Senate because, of course, we're facing the September 30 deadline.

I thank my friend for yielding.

Mr. BLUNT. I thank my friend for that information. Of course that is, as he would know, frustrating for us. I'm familiar with the process where the minority in the Senate won't go to conference.

Mr. HOYER. I'm sure you are.

Mr. BLUNT. And, in fact, late in the last Congress we had that; and as I recall, we brought a tax bill to the floor and gave our friends on your side, the minority at that time, an opportunity to have a recommital or some kind of motion that would change or improve that bill. I wonder if, at the very least, we could expect that same kind of treatment when a conference is not decided to be possible by the majority.

Mr. HOYER. Because we don't, under the rules, and you didn't either, have to provide that. Sometimes you did; sometimes you didn't. But in any event, as I said, we will be treating this much like a conference report. We regret that we're not in conference; and therefore it will be treated more like a conference report than it will be a new piece of legislation because I would reiterate to my friend, it is, essentially, not a new piece of legislation. It is a compromise that we have tried to reach with bipartisan participation in the Senate side. Unfortunately, notwithstanding invitations, not on the House side.

The bill will, hopefully, be a bill, as I have said to my friend, that can be agreed upon and sent to the President so that we can provide for the Children's Health Insurance Program to continue and, obviously, to expand, as we hope it will.

□ 1430

Mr. BLUNT. Well, I would suggest on this topic that the way that the children's health care program is likely to continue at the end of this month will be a continuation of the current program.

A bill that has not been debated, a bill that's treated like a conference bill, with the exception of not having the conference on this big a topic, is a bill that's not likely to become law between now and September 30, I would think.

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I would.

Mr. HOYER. I understand your angst because we shared that angst. We had a lot of angst, as you recall, and I asked the majority leader on a number of occasions when they were going to have conferences that were called, that had conferees, to which our conferees were never invited, some the most senior Members of this Congress, namely Mr. DINGELL and Mr. RANGEL, who were not invited to conferences. So I understand the gentleman's angst. I really do.

But having said that, I think it is unfair to say a bill that has not been seen. I would again reiterate to my friend that, as I understand it, there will be nothing in the bill that we will hope to consider early next week that was not included in either the Senate bill or the House bill, both of which passed respective bodies. But we haven't been able to get to conference. Meetings have obviously been held. We hope agreements have been reached which would be acceptable to both bodies so that we can move those bills as if a conference had been held. But because a conference hasn't been held, this is the alternative available to us.

Mr. BLUNT. Reclaiming my time on that, Mr. Speaker, I would just say that I'm sure when my good friend was frustrated that conferences weren't always scheduled in in a way that was timely that the alternative that would have been presented would not have been, well, the way to solve this was just not to have conferences.

And the two bills, the Senate and House bill, were different from each other by tens of billions of dollars; so there is plenty of debatable space between a known Senate bill and a known House bill that apparently we will have no opportunity to issue an alternative on.

I believe there was not an instance, and I don't know when I was unsuccessful, but I always argued in that rare case when this happened that the minority should have an opportunity. In fact, I very well remember having a significant disagreement with our chairman of the Ways and Means Committee in the last Congress on insisting that the minority be given that opportunity. And on something this big, I really think the process is at great fault here. But we'll have time to talk about this next week.

On appropriations will we have a continuing resolution on the floor next week or at what point?

Mr. HOYER. My expectation is we will have a continuing resolution on the floor next week. We don't intend to shut down government. I know that a number of Members on your side have indicated it's not their intention to shut down government. We, therefore, need to provide for an alternative which will provide for government to continue because, again, we are experiencing the same frustration you had, as you know, that while we have passed all 12 appropriation bills, that has not been the case in the Senate. The Senate has passed four of their appropriations bills. We haven't conferenced them yet, so that we are going to need a CR to continue government in operations, and I expect to have that on the floor next week.

Mr. BLUNT. Mr. Speaker, I would ask if my friend has a sense of the time of that. Are we looking at what time frame that that CR would last for?

Mr. HOYER. I don't want to commit myself to a time frame, but I can tell you, in discussions with the chairman of the Appropriations Committee, he wants a longer term than a shorter term. In other words, I don't think he is looking for a week-to-week. It will be a longer term than that. I don't think I want to prejudge his decision which he may not yet have made, but my expectation is, I tell my friend, that it will be a longer term than shorter term, and by that I mean more than a couple of weeks.

Mr. BLUNT. I appreciate that information.

On Iraq legislation, would we have any reason to anticipate that legislation next week or, in your opinion, in the following week?

Mr. HOYER. I think you ought to anticipate some Iraq legislation coming to the floor, not necessarily next week, although that is a possibility. But, certainly, within the next couple of weeks or 3 weeks, I would think we will have various components coming forward.

Mr. BLUNT. And also I would ask as a final question of the majority leader, it appears we are now going to miss the anticipated deadline, and I know we almost always do. But could you give us any more information about the fall schedule, dates that you have already determined we will likely now be working in that period of time but maybe dates where Members could plan to do things in their districts?

And I yield for a response.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his question. I know it's a very important one for his Members and ours.

We had hoped, as you know, when I inherited or succeeded, however one looks at it, to the scheduling authority from Mr. BOEHNER, Mr. BOEHNER had scheduled October 3, I believe, it may have been the 6th, October 3 or 6 as the ending date. I would have hoped Mr. BOEHNER was accurate in that assessment, but I thought it was not realistic at that point in time. So I was more pessimistic but apparently not pessimistic enough.

I scheduled October 26 as our target date for adjournment. It seems that we are not going to make that. I am very hopeful, and I'm not going to bet on it, but I'm going to plan on November 16 being our last day.

Senator REID, the leader of the Senate, has indicated that they will be out the last 2 weeks of November. From my experience serving here, it doesn't get better just because you get into December, that we would be able to adjourn sine die until the second session of the Congress, probably to begin the 3rd week in January, although the Speaker and I need to discuss that, and I want to discuss it also with you and Mr. BOEHNER. But my thought would be that we would come back the 3rd week in January.

In addition to that, because we are not going to adjourn sine die on the 26th of October, which I had hoped but which is not realistic at this point in time, I had scheduled the four Fridays of October to meet. I want all the Members to know, and I discussed this with the whip earlier in the week, that we will not be meeting on the 5th of October, that Friday, nor will we be meeting on the 19th so that, because of Columbus Day, the Members will have from Thursday late afternoon, and I don't commit to any particular time on Thursday, the 4th, until Tuesday the 9th at 6:30 p.m. before we come back.

Mr. BLUNT. Are we scheduled to work on the 12th or not?

Mr. HOYER. October 12?

Mr. BLUNT. Yes.

Mr. HOYER. That Friday is currently scheduled. We are obviously in a position where we are not going to hold Members here for Friday simply to be here on Friday. It has been made clear to me that most Members on both sides of the aisle don't think that's a sensible policy. I agree with that. As a matter of fact, I think my friend has made that observation to me as well.

Mr. BLUNT. I do agree with that.

Mr. HOYER. But we have to find out the workload. As you well know, as you get down towards the end, if we are going to have any shot at adjourning on the 16th of November, when the Senate is scheduled to leave for the last 2 weeks, if we have any shot of doing that, it will be because we complete that work which we think must be done, should be done prior to that. And, therefore, I am reserving those Fridays, and if we have work, we will be working. And the logical follow-on is that if we don't have work, although we won't give the kind of notice we are giving for the 5th and 19th, we will try not to have Members here simply watching the other body.

Mr. BLUNT. So on the 5th and 19th Members can definitely schedule things in their districts?

Mr. HOYER. We are notifying Members now that they will not be in session on those days, voting sessions.

Mr. BLUNT. In discussing the Senate calendar now, which also anticipates the November 16 date, I think the Senate leaders said if they do work beyond November 16, they won't be working in Washington the week of Thanksgiving or the following week.

I'm wondering how quickly the leader thinks he may be able to give our Members some direction on that issue on the basis that the Senate has already given that specific direction.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

I don't want to be specific on that because I don't want to anticipate where the Senate might be at that point in time. The leader in the Senate, although he had represented that they perhaps might be there in December, he has indicated now that his hope and plan is that they will not be there in December so that hopefully he is focused as well and the Senate is focused as well on the 16th of November as the adjournment date. If that is not and we have not done what we need to do by that time, hopefully we will be able to accommodate that certainly by late October and letting the Members know what we are going to do.

We will not be here, clearly, the week of Thanksgiving. That is a guarantee. I would not want at this juncture, because there is still a lot to happen over the next 6 weeks, to be definitive about what other weeks we would not be here.

Mr. BLUNT. Except you would be definitive about the week of Christmas, I'm sure, if it comes to that?

Mr. HOYER. As someone who has served here a long time and who has, unfortunately, been here on the 23rd and 24th, I believe, at least 1 year, I hesitate to say that. But my Members will be very unhappy with me if we are here Christmas week. I will tell you we have 233 Members, and if we meet on Christmas, I will guarantee you there are 233 Members on this side who will be very unhappy with me, and I will be in that rank.

Mr. BLUNT. I would assure my friend that our Members would be even more dissatisfied with you if we are here on Christmas.

I said that was the last question, but I was just handed a note and I'll bring up one more topic.

The Senate just passed a resolution condemning Moveon.Org's ad in the New York Times that suggested that General Petraeus might be General "Betray Us."

Since that has now passed the Senate, when could we expect to see a resolution like that on the House floor?

Mr. HOYER. That information is new to me. I am pleased to hear the Senate can pass something.

Mr. BLUNT. Maybe we should encourage them by passing this as well.

Mr. HOYER. I'm not sure I want to encourage the Senate except to do the work that we have sent over to them. They have a lot of work on their table. But I haven't looked at that resolution.

I will say to my friend, he has seen me quoted as being not in agreement with and disappointed with the particular ad that appeared. But having said that, I don't have any intent, at this point in time, to bring up that resolution. I haven't seen it, so I have no intention of scheduling that resolution at this point in time.

Mr. BLUNT. I thank my friend for that. I would encourage you to look at it and would hope that we could see a similar action taken on the House floor.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. Yes.

Mr. HOYER. I want to say, on behalf of myself and, I believe, the overwhelming majority of my caucus, perhaps every Member of my caucus, we have great respect for General Petraeus. It does not help, in my opinion, the debate to impugn the integrity of those who are serving our country in uniform in harm's way.

I believe that General Petraeus is an honorable man of great integrity who has served our country well. I may disagree with him; he may disagree with me on issues. But that does not in any way, any more than you and I might disagree and we are good friends, undermine our respect for each other's opinion.

And as I say, I want to articulate, because you bring up the issue, that I believe that that impugning of his integrity and of his patriotism and of his commitment to this country was inappropriate.

Mr. BLUNT. I appreciate that. And, in fact, while you may not want to articulate it, I thought you did very well. If you want to take that out of the just-entered-into CONGRESSIONAL RECORD of our proceedings, I'm sure I could cosponsor exactly the comments you just made and would like to see us have a chance to do that.

I thank my friend for the information.

Mr. HOYER. If the gentleman would yield, the good news for you is my presumption is they are going to be in the RECORD.

I thank the gentleman.

Mr. BLUNT. I thank the gentleman.

☐ 1445

ADJOURNMENT TO MONDAY, SEPTEMBER 24, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the U.S. District Court for the District of Columbia, for documents in a grand jury proceeding.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DANIEL BEARD,
Chief Administrative Officer,
House of Representatives.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–59)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2007.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2007.*

SERGEANT DELMAR WHITE

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise this afternoon to pay tribute to one of our Nation's heroes, Staff Sergeant Delmar White. Sergeant White lost his life when serving a convoy mission in Baghdad, Iraq on September 2, 2007.

Sergeant White was a dedicated soldier and served in the Marine Corps in the Persian Gulf War. He had been a member of the Kentucky Army National Guard since 1998 and was serving in Iraq with Battery B, 2nd Battalion, 138th Field Artillery based in Carlisle, Kentucky.

I recently had the opportunity to visit with Sergeant White's family, and his wife conveyed to me that he died for a cause that he truly believed in. His fellow officers, noncommissioned officers and soldiers told me of a kind and gentle man who was dedicated to the military and to his family.

Today, as we honor his memory, our thoughts and prayers turn to his wife, Michelle, their two children, Shelby and Seth, and his family and friends as they struggle with the loss of this great man.

Our Nation is deeply indebted to Sergeant Delmar White for his service, dedication to his mission, and for making the ultimate sacrifice.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UNJUST PROSECUTION OF FORMER BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is day 247 of incarceration for two former U.S. Border Patrol agents. Agents Ramos and Compean were convicted in March of 2006 for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. These agents have now been in prison for more than 8 months. Since the agents' conviction, thousands of American citizens and dozens of Members of Congress have asked President Bush to pardon these two men.

Mr. Speaker, many in this country are disappointed that the prison sentence of Scooter Libby was committed, while these two law enforcement officers are still in prison. Mr. Libby did not spend one day in prison, yet two decorated Border Patrol agents with exemplary records, who were doing their duty to protect the American people from an illegal alien drug smuggler, are serving 11 and 12 years in prison. By attempting to apprehend an illegal alien drug smuggler, these agents were enforcing our laws, not breaking the laws.

Mr. Speaker, I want to thank Judiciary Chairman JOHN CONYERS for his concern and interest in this case. I also want to thank Foreign Affairs Subcommittee Chairman BILL DELAHUNT who, prior to the August recess, held a hearing to examine the Mexican Government's influence in this case. I am hopeful that Chairman JOHN CONYERS will see to it that the House Judiciary Committee will hold a hearing within the next 30 to 45 days to fully examine this case.

While the Senate Judiciary Committee held a hearing on this case in July 2007, additional questions remain about how this prosecution was initiated and how the U.S. Attorney's Office proceeded in this case. Since that time, it has become clear that not only did the prosecution prevent the jury from hearing evidence that the smuggler brought a second load of drugs across our border, but this smuggler was also given free access to our country during and after the second smuggling incident.

The American people want to know why did the U.S. Attorney's Office continue to produce these border agents even after the credibility of the drug smuggler was shattered. This is a question that U.S. Attorney Johnny Sutton needs to answer. By shedding light on the questionable actions of the prosecution in this case, I am hopeful that this gross miscarriage of justice can be corrected.

And I want to say to the families of Border Patrol agents Compean and Ramos that this Congress is not going to forget this injustice; and we're going to turn this injustice to justice for these two men. They deserve it. God bless them and their families.

And may God bless our men and women in uniform, and may God continue to bless America.

BRING OUR TROOPS AND MILITARY CONTRACTORS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this week, we heard reports that private military contractor Blackwater has been ordered out of Iraq and had its license revoked after a shootout that took the lives of at least eight Iraqi civilians. This didn't happen in the "wild west" of Iraq, not even in the so-called "triangle of death." Mr. Speaker, it happened within the U.S.-protected Green Zone in Baghdad. That's the area where the so-called surge was supposed to bring peace and stability.

One account of the scene goes like this: a witness, Muhammad Hussein, saw his brother killed in the gunfight. Muhammad said, I was driving behind my brother's car and suddenly there was an explosion and firing. I tried to figure out what was happening when I saw a black convoy ahead of us, he told an international news agency, and went on to say, Soon after, I saw my brother slumped in the car. I dragged him out of the car and tried to hide to avoid the firing, but realized that he had been shot in the chest and he was already dead. That's what he said.

So, Mr. Speaker, one week after General Petraeus came up to the Hill to brief Members of Congress, we are seeing private military contractors killing civil civilians in the streets of Baghdad. Is this the measure of success of the escalation? I should hope not. I should think not. To this date, the administration has either been unwilling or unable to account for all the private military contractors in Iraq.

Contractors have their own rules. No one knows to whom they are accountable. Reports of these contractors, however, have been anything but promising. The Center for American Progress estimates the total number of private contractors in Iraq to be 126,000 to 180,000; 20,000 to 50,000 of those are private security guards. They zip through Iraq, through Iraqi towns and neighborhoods in their convoys of armored SUVs. Are they accountable to an international law of war? Are they accountable to U.S. law? Can the Iraqis hold them accountable for acts of violence within Iraq? Nobody knows. Are these contractors receiving any mental health assistance? Are we ensuring that no one being paid by the United States is hitting the streets of Baghdad with PTSD? What is the screening process? We have no idea who's out there in the name of the United States of America.

Every single day we open the paper to find report after report that the occupation of Iraq is a failure. Despite all of the heroic acts of our men and women in uniform, we cannot bring peace and stability to a nation at the point of a gun. We cannot win an occupation.

This administration needs to get real about the situation on the ground. It is time, it is past time to fully fund a safe and orderly redeployment of our troops and of our military contractors from Iraq. That is all the Congress can accept.

We support our troops. We support Iraqi sovereignty. We support a surge in diplomatic efforts. What we cannot, what we will not accept is another year, another decade or another flag-draped coffin.

Let's bring our troops home. Let's bring our contractors home. And let's allow the people of Iraq to reclaim their country.

□ 1500

MEMBERS DEFEATED BY LOBBYISTS IN "HOOPS FOR HOPE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. I have to admit, Mr. Speaker, that it is with conflicting emotion that I rise, as is my custom, to report on the annual Hoops for Hope basketball game, an intense athletic contest between Members of Congress and representatives of the lobbying community.

Normally, I'm accompanied with a handsome trophy indicating the success of our athletic endeavors. In fact, seven times out of the last 9 years said hardware has joined me here at the table. Alas, I will admit the absence of said hardware suggests the outcome of last Monday night's game. The lobbyists defeated the Members team 45–36.

Now, some point out that the enhanced lobbying disclosure rules that have been passed are to blame in that we were unable to utilize secret plays. I often point out that the universe from which the teams are drawn, the universe of lobbyists, of course numbers in the thousands, indeed the tens of thousands from which they can draw their athletic team whereas we, on the other hand, are limited by a finite number of 535.

One observer of the game wryly noted that he hoped the Members of Congress team were current on their dues to the local bricklayers union in that, shall we say, our shooting percentage was not that good.

The bright spot, however, as is the case every year, is that significant funds were raised for local charities. Indeed, last Monday night's event at the Smith Center, on the campus of George Washington University, raised over $60,000, bringing the cumulative total of funds for local charities to over $300,000 over the life of this very spirited but worthwhile contest.

Specifically, the local charities this year included Horton's Kids and the Luke Tiahrt Foundation, as well as Saint Anthony's. Before the game, many of the children actually served by those funds were in attendance. So it was great to see the recipients of those charitable efforts being there and participating in that contest.

A couple of quick thanks: As always, George Washington University was extraordinary in their hospitality in providing the gymnasium of the Smith Center. We had celebrity coaches. Coach John Thompson, III, Georgetown University's basketball coach, was the Members of Congress's coach. He didn't have a lot to work with, unfortunately, last Monday night. We are checking with the NCAA to make sure that that blemish is not going to be included in this year's Georgetown record. On the other side of the court was Coach Karl Hobbs from George Washington University. Again, we appreciate the unselfishness of both Coach Thompson and Coach Hobbs.

I also want to acknowledge, I am not sure they want their names mentioned necessarily, but my colleagues, Mr. TIAHRT of Kansas, Mr. LARSEN of the State of Washington, Mr. KIND of Wisconsin, Mr. FLAKE of Arizona, Mr. THUNE from the other side of the Capitol from South Dakota, Mr. MEEK of Florida, and Mr. CROWLEY of New York, again, gave it our best. But we fell short. But as they always say, there is next year.

So, finally, with apologies to Mr. Longfellow, I would conclude by saying:

Somewhere in this favored land
The sun is shining bright.
The band is playing somewhere
And somewhere hearts are light.
Somewhere men are laughing,
Somewhere children play.
But there is no joy in Washington,
The lobbyists won the day.

Mr. Speaker, I yield back the balance of my time.

ENGLISH IS THE OFFICIAL LANGUAGE OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, in my own district, I have an outstanding example of the best of American business. One of the stores of my district, Lowe's, a store in Citrus Heights, is one of the best in the country. I think they serve the community well.

But I would like to talk about an experience my wife and I had this last Saturday here at the Lowe's store in Northern Virginia, in Alexandria. We were going there to buy an appliance that we needed. While we waited for it to be taken out of inventory, I went outside in the parking lot where I saw two large vans that were identified as DeWalt vans. That is the name of the company that provides the power tools that are sold at Lowe's. And I have purchased at least one in the past and thought I might be interested in purchasing another.

So, I went out to the big display they had where they had roped off a part of the parking lot to see what they had, to see what I might want to purchase. I was given a flier. I have a blowup of that flier here. When I was handed the flier, I noticed that it was in Spanish. I asked if I could have an English translation or English flier. I was told they didn't have any. But I was told that I could look at the pictures to see what they had on display. I commented that I thought I was in the United States. I was born here. I was taught English in the schools.

At that point in time, whoever was doing a bit of the program got on the mike and started speaking to those who were assembled. He spoke in Spanish. I then went inside. As we were making the purchase, I asked to see the manager of the Lowe's store there on Jefferson Highway in Alexandria, Virginia at about 1:30 in the afternoon. The manager came up to me and asked what my complaint was. I suggested that I thought it might be a good idea that they also have English available to those of us who might want to purchase their product. He first told me that wasn't his problem, it was DeWalt's. Of course, DeWalt, as far as I could tell, you only could purchase at Lowe's. Then he looked at me with some chagrin in his face and some upset that I would bring it up and said, "Well, if you want me to apologize because it is in Spanish, okay, I apologize." There was no attempt made to try and service a customer who wanted to buy a product, who wanted to have something explained to him in English rather than looking at the pictures.

Now, I understand if I am in another country where English is not the predominant language, I would not be offended if somebody handed me a sheet and said, "I am sorry we don't have something in English, but you can look at the pictures and see what we have." But to be made to feel like a foreigner in your own country within just 30 miles of our Nation's Capitol seems passing strange.

I don't object to the celebration of other cultures. We have half Irish and half Swedish in my background. I understand that many of us in America enjoy the celebration of St. Patrick's Day. Many in America and the State in which I was born, California, celebrate Cinco de Mayo. Individuals who come from other backgrounds, whose ancestors have come from other countries, we rejoice in the diversity of America. We rejoice in the fact that we are a country of immigrants.

But when we attempt to deal with the difficult questions of immigration, both legal and illegal, and I have been involved in trying to create laws in that for the last 27 years, and when we talk about the issue of multiculturalism in this society, how do we, somehow, create a society that is made even better by the tremendous contributions of people from around the world, different cultures, ethnicities, languages and backgrounds? We still have to understand. We have to have some unifying elements in this society precisely because we have so many backgrounds. One of those unifying elements, in my humble opinion, is a common language, that common language being English. I think when things like this occur, I wasn't identified as a congressman, I was just a plain old customer, as was my wife, this is the kind of thing I think that irritates so many Americans who believe we have just given up on attempting to bring us together with a common American culture brought together by a number of different things, one of which, importantly, is our language. I would hope that not only in this body would we reflect on that, but I would hope some of our commercial enterprises, such as Lowe's, would reflect on that, as well.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSON of Georgia (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 27.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, September 27.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

Mr. DAVIS of Kentucky, for 5 minutes, today.

ADJOURNMENT

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, September 24, 2007, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3365. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

3366. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-38, concerning the Department of the Army's proposed Letter(s)of Offer and Acceptance to Bahrain for defense articles and services; to the Committee on Foreign Affairs.

3367. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-48, concerning the Department of the Army's proposed Letter(s)of Offer and Acceptance to Singapore for defense articles and services; to the Committee on Foreign Affairs.

3368. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-47, concerning the Department of the Army's proposed Letter(s)of Offer and Acceptance to Canada for defense articles and services; to the Committee on Foreign Affairs.

3369. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-39, concerning the Department of the Navy's proposed Letter(s)of Offer and Acceptance to Brazil for defense articles and services; to the Committee on Foreign Affairs.

3370. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-41, concerning the Department of the Navy's proposed Letter(s)of Offer and Acceptance to Taipai Economic and Cultural Representative Office in the United States for defense articles and services; to the Committee on Foreign Affairs.

3371. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-40, concerning the Department of the Navy's proposed Letter(s)of Offer and Acceptance to Spain for defense articles and services; to the Committee on Foreign Affairs.

3372. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-32, concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

3373. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Ames Laboratory in Ames, Iowa to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

3374. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Hanford Nuclear Reservation to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

3375. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation; Lamps and Reflective Devices [Docket No. FMCSA-1997-2364] (RIN: 2126-AB07) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3376. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Procedures; Miscellaneous Amendments [Docket No. 30522; Amdt. No. 3193] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3377. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30520; Amdt. No. 3191] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3378. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Protection in Interior Impact [Docket No. NHTSA 2007-29131] (RIN: 2127-AI93) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3379. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Modification and Revocation of VOR Federal Airways; East Central United States [Docket FAA No. FAA-2006-24926; Airspace Docket No. 06-ASW-1] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3380. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Centreville, AL [Docket No. FAA-2007-28022; Airspace Docket No. 07-ASO-7] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Aguadilla, PR; Correction [Docket No. FAA-2007-27594; Airspace Docket No. 07-ASO-3] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3382. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2006-25973; Directorate Identifier 2006-NM-178-AD; Amendment 39-15109; AD 2007-13-05] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3383. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes[Docket No. FAA-2006-26051; Directorate Identifier 2006-NM-154-AD; Amendment 39-15112; AD 2007-13-08] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3384. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-62, DC-8-62F, DC-8-63, DC-8-63F, DC-8-72, DC-8-72F, and DC-8-73F Airplanes [Docket No.

FAA-2007-27756; Directorate Identifier 2006-NM-225-AD; Amendment 39-15106; AD 2007-13-02] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3385. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) ERJ 170 Airplanes [Docket No. FAA-2007-27508; Directorate Identifier 2006-NM-252-AD; Amendment 39-15117; AD 2007-13-13] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3386. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. FAA-2007-27723 Directorate Identifier 2007-CE-029-AD; Amendment 39-15116; AD 2007-13-12] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3387. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas DC-10-30 and DC-10-30F Airplanes [Docket No. FAA-2007-27302; Directorate Identifier 2006-NM-273-AD; Amendment 39-15114; AD 2007-13-10] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3388. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2006-24978; Directorate Identifier 2006-NM-108-AD; Amendment 39-15113; AD 2007-13-09] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3389. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. FAA-2007-27976; Directorate Identifier 2007-CE-042-AD; Amendment 39-15125; AD 2007-14-03] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3390. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AEROTECHNIC Vertiebs-u. Service GmbH Model Honeywell CAS67A ACAS II Systems Appliances [Docket No. FAA-2007-27680 Directorate Identifier 2007-CE-026-AD; Amendment 39-15128; AD 2007-14-06] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3391. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Airplanes [Docket No. FAA-2007-27768; Directorate Identifier 206-NM-174-AD; Amendment 39-15123; AD 2007-14-01] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3392. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No. FAA-2006-26353; Directorate Identifier 2006-NM-189-AD; Amendment 39-15124; AD 2007-14-02] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3393. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation, Ltd Model 750XL Airplanes [Docket No. FAA-2007-27863 Directorate Identifier 2007-CE-037-AD; Amendment 39-15126; AD 2007-14-04] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3394. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 and -535 Series Turbofan Engines [Docket No. FAA-2006-24325; Directorate Identifier 2006-NE-10-AD; Amendment 39-15129; AD 2007-14-07] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3395. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Jetstream HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. FAA-2007-27861 Directorate Identifier 2007-CE-035-AD; Amendment 39-15130; AD 2007-15-01] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3396. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes [Docket No. FAA-2007-27154; Directorate Identifier 2006-NM-139-AD; Amendment 39-15127; AD 2007-14-05] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3397. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2007-28747; Directorate Identifier 2006-NM-275-AD; Amendment 39-15137; AD 2007-15-08] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3398. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2007-27268; Directorate Identifier 2006-NM-190-AD; Amendment 39-15135; AD 2007-15-06] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3399. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes, Model DC-10-15 Airplanes, Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes, Model DC-10-40 and DC-10-40F Airplanes, Model MD-10-10F and MD-10-30F Airplanes, and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2007-28749; Directorate Identifier 2007-NM-079-AD; Amendment 39-15134; AD 2007-15-05] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3400. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-800 Series Airplanes [Docket No. FAA-2007-28750; Directorate Identifier 2007-NM-124-AD; Amendment 39-15133; AD 2007-15-04] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3401. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10-V and S10-VT Powered Sailplanes [Docket No. FAA-2007-27431 Directorate Identifier 2007-CE-016-AD; Amendment 39-15132; AD 2007-15-03] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3402. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-25779; Directorate Identifier 2006-NM-088-AD; Amendment 39-15131; AD 2007-15-02] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3403. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B16 (CL-604) Airplanes and Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-26118; Directorate Identifier 2006-NM-226-AD; Amendment 39-14803; AD 2006-22-06] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3404. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100 and A319-100 Series Airplanes; Model A320-111 Airplanes; Model A320-200, A321-200, A330-200, A330-300, A340-200, and A340-300 Series Airplanes; Model A340-541 Airplanes; and Model A340-642 Airplanes; Equipped with Certain Sogerma-Services Powered Seats [Docket No. FAA-2006-23633; Directorate Identifier 2005-NM-242-AD; Amendment 39-14801; AD 2006-22-04] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3405. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth GmbH & Co. KG Models Mini-Nimbus B and Mini-Nimbus HS-7 Sailplanes [Docket No. FAA-2006-25171; Directorate Identifier 2006-CE-35-AD; Amendment 39-14807; AD 2006-22-10] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3406. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Hartzell Propeller Inc. Model HC-B5MP-3( ) /M10282A ( )+6 and HC-B5MP-3 ( ) /M10876( ) ( ) ( ) ( ) Five-Bladed Propellers. [Docket No. FAA-2006-25841; Directorate Identifier 86-ANE-7; Amendment 39-14809; AD 2006-22-12] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3407. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-25332; Directorate Identifier 2006-CE-40-AD; Amendment 39-14808; AD 2006-22-11] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3408. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2006-24119; Directorate Identifier 2005-NM-100-AD; Amendment 39-14806; AD 2006-22-09] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3409. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -300 Series Airplanes [Docket No. FAA-2005-21968; Directorate Identifier 2005-NM-077-AD; Amendment 39-14798; AD 2006-22-01] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3410. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 and A310 Airplanes; and Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. 2006-25221; Directorate Identifier 2006-NM-122-AD; Amendment 39-14804; AD 2006-22-07] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3411. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Series Airplanes [Docket No. FAA-2005-21343; Directorate Identifier 2004-NM-117-AD; Amendment 39-14800; AD 2006-22-03] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3412. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2006-25088; Directorate Identifier 2006-NM-085-AD; Amendment 39-14799; AD 2006-22-02] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3413. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines; Correction [Docket No. 2003-NE-12-AD; Amendment 39-14609; AD 2006-11-05] (RIN: 2120-AA64) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3414. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class D Airspace; Elko, NV [Docket No. FAA-2006-25243; Airspace Docket No. 06-AWP-11] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3415. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Sayre, PA [Docket No. FAA-2006-24317; Airspace Docket No. 06-AEA-006] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3416. A letter from the Director, Defense Security Cooperation Agency, transmitting notification of the intention to use unobligated X-year IMET funds appropriated in fiscal year 2002 for Saudi Arabia, pursuant to the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2002, Pub. L. 107-115; jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. H.R. 3540. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund (Rept. 110–337 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 3540 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2830. A bill to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes; with an amendment; referred to the Committee on Homeland Security for a period ending not later than October 1, 2007, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(i), rule X (Rept. 110–338, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARROW:

H.R. 3607. A bill to amend the Internal Revenue Code of 1986 to expand the Hope Scholarship Credit by increasing the maximum credit, by allowing the credit for 4 years of postsecondary education, and by allowing the credit for room, board, and certain other expenses; to the Committee on Ways and Means.

By Mr. BARROW:

H.R. 3608. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for interest on acquisition indebtedness on principal residences to all individuals, whether or not they itemize their other deductions; to the Committee on Ways and Means.

By Mr. MILLER of North Carolina (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, and Mr. WATT):

H.R. 3609. A bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. PALLONE, and Mr. STUPAK):

H.R. 3610. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food and drugs imported into the United States, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SHEA-PORTER (for herself and Mr. HODES):

H.R. 3611. A bill to establish the Bringing Success to Scale program in the Department of Education; to the Committee on Education and Labor.

By Mr. WELDON of Florida (for himself, Mr. CANTOR, Mr. PENCE, Mr. WAMP, Mr. AKIN, Mr. GINGREY, Mr. WESTMORELAND, Mr. CAMPBELL of California, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. DAVID DAVIS of Tennessee, and Mrs. MYRICK):

H.R. 3612. A bill to amend the Immigration and Nationality Act to provide for no preemption of certain State and local laws regarding employment eligibility verification requirements; to the Committee on the Judiciary.

By Mr. BILBRAY:

H.R. 3613. A bill to amend the Elementary and Secondary Education Act of 1965 to make improvements relating to students with disabilities; to the Committee on Education and Labor.

By Mr. BISHOP of Utah (for himself, Mr. CANNON, Mr. YOUNG of Alaska, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. RENZI, Mr. HERGER, Mr. LAMBORN, Mr. CAMPBELL of California, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. BARTLETT of Maryland, Mr. COLE of Oklahoma, Mr. HENSARLING, Mr. WILSON of South Carolina, Mr. POE, Mr. PITTS, Mrs. BLACKBURN, Mr. FORTUÑO, Mr. GOHMERT, Mr. FEENEY, Mr. BACHUS, Mr. GINGREY, Mr. CULBERSON, Mr. WALBERG, and Mr. PEARCE):

H.R. 3614. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving 5 percent of the proceeds of the sale of public land lying within said States as provided by their respective enabling Acts; to the Committee on Natural Resources.

By Mrs. BLACKBURN:

H.R. 3615. A bill to amend subtitle IV of title 40, United States Code, regarding county additions to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mrs. EMERSON (for herself, Mr. SARBANES, Mr. SKELTON, Mr. CLAY, Mr. GOODLATTE, Mr. CASTLE, Mr. WHITFIELD, Mr. COSTELLO, Mr. MOLLOHAN, Ms. NORTON, Mr. SHUSTER, Mr. HILL, Mr. LINCOLN DAVIS of Tennessee, and Ms. PRYCE of Ohio):

H.R. 3616. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes; to the Committee on Natural Resources.

By Ms. GIFFORDS:

H.R. 3617. A bill to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. HINOJOSA (for himself and Ms. GRANGER):

H.R. 3618. A bill to amend the Public Health Service Act to authorize a grant to a qualified youth-serving organization for recruiting and preparing students for careers and volunteer opportunities as health care professionals, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KILPATRICK:

H.R. 3619. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to primary health service providers who establish practices in health professional shortage areas; to the Committee on Ways and Means.

By Ms. KILPATRICK:

H.R. 3620. A bill to provide for a comprehensive national research effort on the physical and mental health and other readjustment needs of the members of the Armed Forces and veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom and their families; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KILPATRICK:

H.R. 3621. A bill to require government agencies carrying out surface transportation projects to conduct a cost-benefit analysis before procuring architectural, engineering, and related services from a private contractor, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida (for himself, Mr. TIBERI, Ms. BERKLEY, Mr. ENGLISH of Pennsylvania, Mr. KELLER, Mr. PERLMUTTER, Mr. PORTER, Mrs. JONES of Ohio, Mr. DAVIS of Alabama, and Mr. HERGER):

H.R. 3622. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction; to the Committee on Ways and Means.

By Mr. PATRICK MURPHY of Pennsylvania (for himself and Mr. GILCHREST):

H.R. 3623. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for contributions of real property made for conservation purposes; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 3624. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. SESTAK (for himself, Mr. GEORGE MILLER of California, and Mr. HINOJOSA):

H.R. 3625. A bill to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency; to the Committee on Education and Labor.

By Mr. SHIMKUS:

H.R. 3626. A bill to provide for continued treatment for the reopening of certain facilities under the Medicare and Medicaid programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE (for himself, Mrs. BOYDA of Kansas, and Mr. ARCURI):

H.R. 3627. A bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SPACE:

H.R. 3628. A bill to amend the Internal Revenue Code of 1986 to extend for 4 years the enhanced charitable deduction for contributions of food inventory; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 3629. A bill to amend the Internal Revenue Code of 1986 to extend for 4 years the election to include combat pay as earned income for purposes of the earned income credit and the use of qualified mortgage bonds to finance residences for veterans without regard to first-time homebuyer requirement; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 3630. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions relating to education; to the Committee on Ways and Means.

By Mr. YARMUTH (for himself, Mr. REGULA, Mr. KENNEDY, Mr. MARKEY, and Mr. HONDA):

H.R. 3631. A bill to authorize the establishment of a National Center for Learning Science and Technology Trust Fund; to the Committee on Education and Labor.

By Mr. CONAWAY (for himself, Mr. BRADY of Texas, Ms. GRANGER, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. PAUL, Mr. CUELLAR, Mr. AL GREEN of Texas, Mr. REYES, Mr. RODRIGUEZ, Mr. LAMPSON, Mr. CULBERSON, Mr. SMITH of Texas, Mr. BURGESS, Mr. ORTIZ, Mr. MARCHANT, Mr. DOGGETT, Mr. HINOJOSA, Mr. SESSIONS, Mr. CARTER, and Mr. SAM JOHNSON of Texas):

H. Con. Res. 216. Concurrent resolution recognizing the wine and winegrape industry of Texas for having an economic impact of $1,000,000,000 on the economy of Texas; to the Committee on Oversight and Government Reform.

By Mr. EMANUEL:

H. Res. 667. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. CONYERS (for himself, Mr. SNYDER, Mr. BERRY, Mr. ROSS, Mr. SMITH of Texas, Mr. NADLER, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. WEXLER, Mr. ELLISON, Ms. BALDWIN, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. FARR, Mrs. MALONEY of New York, Mr. CLAY, Mr. MEEKS of New York, Mr. JEFFERSON, Mr. FATTAH, Mr. GRIJALVA, Ms. LEE, Ms. CARSON, Mr. JACKSON of Illinois, Ms. WATSON, Mr. VAN HOLLEN, Ms. SUTTON, and Mrs. BOYDA of Kansas):

H. Res. 668. A resolution recognizing the 50th anniversary of the September 25, 1957, desegregation of Little Rock Central High School by the Little Rock Nine; to the Committee on the Judiciary.

By Mr. KLEIN of Florida (for himself, Mr. REGULA, Mr. DINGELL, Mr. STARK, and Mrs. JONES of Ohio):

H. Res. 669. A resolution recognizing and honoring the lifetime accomplishments of former Congressman Charles Vanik; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LYNCH introduced A bill (H.R. 3632) for the relief of Naaman Ramez Damaa; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. LOEBSACK.

H.R. 241: Mr. LAMBORN.

H.R. 281: Mr. ORTIZ.

H.R. 503: Mr. KELLER and Mr. ROTHMAN.

H.R. 513: Mr. HARE and Mr. BRALEY of Iowa.

H.R. 555: Mr. SERRANO.

H.R. 601: Mr. HALL of Texas.

H.R. 621: Mrs. LOWEY.

H.R. 641: Mr. BOUSTANY.

H.R. 661: Mr. TERRY.

H.R. 676: Mr. SCOTT of Georgia, Ms. RICHARDSON, Mr. MEEKS of New York, and Ms. LORETTA SANCHEZ of California.

H.R. 690: Mr. ALTMIRE.

H.R. 743: Mr. JONES of North Carolina, Ms. FOXX, and Mr. GONZALEZ.

H.R. 784: Mr. JOHNSON of Georgia.

H.R. 855: Mr. KING of New York.

H.R. 879: Mr. ADERHOLT and Mr. KING of Iowa.

H.R. 897: Mr. JEFFERSON and Mrs. CAPPS.

H.R. 900: Ms. LEE and Mr. DOGGETT.

H.R. 946: Mr. YOUNG of Alaska, Mr. GUTIERREZ, Mr. LYNCH, Ms. JACKSON-LEE of Texas, and Mr. HONDA.

H.R. 1014: Mr. RADANOVICH.

H.R. 1023: Mr. PITTS, Ms. BALDWIN, Mr. KELLER, Mrs. WILSON of New Mexico, Mr. SAXTON, and Mr. SMITH of Texas.

H.R. 1076: Mr. MORAN of Kansas.

H.R. 1078: Mr. GILCHREST and Mr. ALTMIRE.

H.R. 1098: Mr. FILNER.

H.R. 1117: Mr. ELLISON.

H.R. 1125: Mr. SMITH of Washington, Mr. CHANDLER, Mr. SIMPSON, Mr. KLEIN of Florida, Ms. BORDALLO, Mr. GARY G. MILLER of California, Mr. CARNEY, Mr. ROSS, Mr. LUCAS, and Mr. BROUN of Georgia.

H.R. 1134: Mr. ALTMIRE.

H.R. 1174: Mr. MARSHALL and Mr. FILNER.

H.R. 1192: Mr. MARSHALL.

H.R. 1198: Ms. DEGETTE and Ms. ZOE LOFGREN of California.

H.R. 1201: Mr. SOUDER.

H.R. 1225: Ms. LEE.

H.R. 1229: Mr. MCHUGH, Ms. SLAUGHTER, and Mr. HAYES.

H.R. 1236: Mr. MORAN of Virginia, Mr. SAXTON, Mr. BRALEY of Iowa, Mr. YOUNG of Alaska, Ms. HERSETH SANDLIN, and Mr. GORDON.

H.R. 1275: Ms. HARMAN.

H.R. 1279: Mrs. CAPITO, Ms. BERKLEY, Mr. STUPAK, Mr. CONAWAY, Mr. DUNCAN, Mr. GUTIERREZ, and Mr. WOLF.

H.R. 1280: Mr. GUTIERREZ and Ms. MATSUI.

H.R. 1283: Mrs. BONO.

H.R. 1304: Mr. BOSWELL.

H.R. 1306: Mr. PENCE.

H.R. 1314: Mr. GOODLATTE.

H.R. 1386: Mrs. NAPOLITANO, Mr. KENNEDY, and Mr. REICHERT.

H.R. 1415: Ms. SLAUGHTER.

H.R. 1416: Ms. SLAUGHTER.

H.R. 1419: Mr. HAYES.

H.R. 1459: Mr. HASTINGS of Florida, Mr. DOYLE, and Mr. FRELINGHUYSEN.

H.R. 1474: Mr. SHAYS, Ms. LEE, and Mr. BARRETT of South Carolina.

H.R. 1509: Mr. EMANUEL.

H.R. 1524: Mr. MANZULLO.

H.R. 1534: Mr. ENGEL.

H.R. 1540: Mrs. JONES of Ohio.

H.R. 1553: Mr. KING of New York.

H.R. 1576: Mr. STUPAK, Mr. RAHALL, Mr. REYNOLDS, Mr. NADLER, Mr. SERRANO, Mr. WALSH of New York, Mr. ARCURI, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, and Mr. CROWLEY.

H.R. 1609: Ms. SCHAKOWSKY, Mr. OBERSTAR, and Mr. DAVIS of Alabama.

H.R. 1645: Mr. FATTAH.

H.R. 1738: Mr. ELLISON.

H.R. 1742: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1819: Mr. GRIJALVA.

H.R. 1823: Mr. PRICE of Georgia and Mr. ROGERS of Alabama.

H.R. 1843: Mr. UDALL of Colorado and Ms. SCHWARTZ.

H.R. 1845: Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. DOYLE, Mr. WALSH of New York, Mr. MEEKS of New York, and Mrs. LOWEY.

H.R. 1937: Mr. BARROW, Mr. GORDON, Mr. SOUDER, and Mr. WAMP.

H.R. 1975: Mr. SMITH of New Jersey.

H.R. 2048: Mr. BRALEY of Iowa.

H.R. 2073: Mrs. NAPOLITANO.

H.R. 2074: Mrs. MYRICK.

H.R. 2109: Mr. DEAL of Georgia and Mr. GOODE.

H.R. 2116: Mr. WILSON of South Carolina.

H.R. 2125: Mr. DELAHUNT.

H.R. 2214: Mr. MEEKS of New York.

H.R. 2233: Ms. BERKLEY and Mrs. NAPOLITANO.

H.R. 2405: Mr. SENSENBRENNER.

H.R. 2549: Mr. FEENEY.

H.R. 2564: Mr. HUNTER and Mr. ADERHOLT.

H.R. 2566: Mr. TOWNS.

H.R. 2578: Mr. GONZALEZ and Mr. CARNAHAN.

H.R. 2580: Mr. WAMP.

H.R. 2597: Mr. BROUN of Georgia.

H.R. 2708: Mr. TIERNEY.

H.R. 2711: Mr. PLATTS, Mr. GILCHREST, Mr. SERRANO, Mr. GONZALEZ, and Mr. ROTHMAN.

H.R. 2758: Ms. NORTON.

H.R. 2768: Ms. SUTTON and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2769: Ms. SUTTON and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2779: Mr. SARBANES, and Mr. GORDON.

H.R. 2826: Mr. HARE, Mrs. MALONEY of New York, Mr. SNYDER, Mr. LYNCH, Mr. SCOTT of Virginia, Mrs. DAVIS of California, Mr. MCNULTY, and Ms. SLAUGHTER.

H.R. 2827: Mr. GOODE, Ms. HERSETH SANDLIN, and Mr. SNYDER.

H.R. 2859: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2860: Mr. ROGERS of Kentucky and Mr. UPTON.

H.R. 2880: Mr. DUNCAN.

H.R. 2895: Mr. VAN HOLLEN, Mr. PALLONE, Mr. UPTON, Mr. WALZ of Minnesota, Mr. KENNEDY, Mr. OBERSTAR, Mr. SIRES, Mr. LEWIS of Georgia, Ms. LORETTA SANCHEZ of California, Mr. LINCOLN DAVIS of Tennessee, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. STARK.

H.R. 2915: Mrs. CAPPS.

H.R. 2927: Mr. EVERETT.

H.R. 2928: Mr. MILLER of North Carolina and Mr. MEEKS of New York.

H.R. 2930: Mr. LYNCH.

H.R. 2933: Mr. CHANDLER and Mr. BACHUS.

H.R. 2994: Mr. BOUCHER and Mr. STUPAK.

H.R. 3026: Mr. MCKEON.

H.R. 3029: Mr. FILNER.

H.R. 3042: Mr. ROTHMAN.

H.R. 3051: Mr. BRALEY of Iowa and Mr. FILNER.

H.R. 3081: Mr. GUTIERREZ.

H.R. 3085: Ms. WATSON and Mr. ELLISON.

H.R. 3140: Mr. ROGERS of Kentucky, Mr. SPRATT, Mr. GERLACH, Mr. EDWARDS, Mr. HINOJOSA, Mr. TAYLOR, Ms. ROS-LEHTINEN, Mr. WICKER, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. CHANDLER, Mr. SIRES, and Mr. GILCHREST.

H.R. 3153: Mrs. MUSGRAVE.

H.R. 3189: Mrs. CAPPS.

H.R. 3224: Mr. HINCHEY and Mr. FILNER.

H.R. 3256: Mrs. BOYDA of Kansas.

H.R. 3257: Mr. BRALEY of Iowa and Mr. JOHNSON of Illinois.

H.R. 3282: Mr. TIERNEY and Mr. MARSHALL.

H.R. 3327: Mr. DEFAZIO, Ms. DELAURO, Mr. INGLIS of South Carolina, Mr. DELAHUNT, Mr. SERRANO, Mr. MCNULTY, and Mr. FARR.

H.R. 3333: Ms. ROS-LEHTINEN and Mr. SCOTT of Georgia.

H.R. 3363: Mr. LEWIS of Kentucky.

H.R. 3385: Ms. LEE, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, and Ms. NORTON.

H.R. 3391: Mr. PAYNE and Mr. PETERSON of Minnesota.

H.R. 3409: Mr. ABERCROMBIE and Ms. SCHAKOWSKY.

H.R. 3427: Mr. PALLONE.

H.R. 3457: Mr. LEWIS of Kentucky, Mr. SHAYS, and Mr. PENCE.

H.R. 3471: Mr. MCCOTTER.

H.R. 3481: Mr. HARE, Ms. MOORE of Wisconsin, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. STARK, and Mr. ELLISON.

H.R. 3495: Mr. MCDERMOTT, Mrs. NAPOLITANO, and Mr. STARK.

H.R. 3543: Mr. BRADY of Pennsylvania, Mr. AL GREEN of Texas, and Ms. NORTON.

H.R. 3550: Mr. SHIMKUS.

H.R. 3551: Mr. KUCINICH, Ms. NORTON, and Mr. CLAY.

H.R. 3566: Mr. PETERSON of Pennsylvania and Mr. GERLACH.

H.R. 3584: Mr. TIAHRT, Mr. GOODLATTE, Mr. FEENEY, and Mrs. BIGGERT.

H.J. Res. 9: Mr. MCCOTTER and Mr. BACHUS.

H.J. Res. 28: Mr. MCGOVERN and Mr. SCOTT of Virginia.

H.J. Res. 45: Mr. GORDON.

H. Con. Res. 176: Mr. KINGSTON.

H. Con. Res. 185: Mr. SPACE, Mr. HARE, Mrs. BOYDA of Kansas, Mr. SALAZAR, Mr. ELLSWORTH, Mr. COURTNEY, and Ms. CASTOR.

H. Con. Res. 200: Mr. SMITH of New Jersey.

H. Con. Res. 210: Mr. CAPUANO, Mr. GERLACH, Mr. MCGOVERN, and Ms. DELAURO.

H. Res. 32: Ms. SUTTON.

H. Res. 68: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 111: Mr. HONDA.

H. Res. 128: Mr. HOLT.

H. Res. 185: Mr. WEXLER.

H. Res. 251: Mr. GORDON.

H. Res. 335: Mr. BERMAN.

H. Res. 405: Mr. SIRES and Mr. CROWLEY.

H. Res. 433: Mr. BRALEY of Iowa.

H. Res. 472: Ms. JACKSON-LEE of Texas, Mr. CALVERT, Mr. SHAYS, Mr. SAM JOHNSON of Texas, Mr. KNOLLENBERG, Mr. HOBSON, Mr. TIBERI, Mr. HERGER, Mr. MOLLOHAN, Mr. WHITFIELD, Mr. SOUDER, Mr. GERLACH, Mr. DENT, Mr. SMITH of Nebraska, Mr. SHIMKUS, Mr. ROSKAM, Mr. PICKERING, Mr. SHUSTER, Mr. BOOZMAN, Mr. DUNCAN, and Mr. INGLIS of South Carolina.

H. Res. 525: Ms. SCHAKOWSKY.

H. Res. 590: Ms. MCCOLLUM of Minnesota and Mr. KENNEDY.

H. Res. 605: Mr. EHLERS, Mr. PUTNAM, Mr. PITTS, Mr. GOHMERT, Mr. BAKER, Mr. PLATTS, Mr. PRICE of Georgia, Mr. DAVID DAVIS of Tennessee, Mr. TIBERI, Mr. LAMPSON, Mr. KILDEE, Mr. WAMP, Mrs. MCMORRIS RODGERS, Mr. FRANKS of Arizona, Mr. FORTENBERRY, Mr. COLE of Oklahoma, Mr. LATHAM, Mr. SALI, Mr. PENCE, Mr. WELLER, Mr. WALSH of New York, Mrs. BOYDA of Kansas, Mr. SMITH of New Jersey, Mr. SENSENBRENNER, Mr. ROGERS of Michigan, Mr. PETERSON of Minnesota, Mr. DREIER, and Mr. CAMP of Michigan.

H. Res. 620: Mr. VAN HOLLEN, Mr. CROWLEY, and Mr. BROWN of South Carolina.

H. Res. 624: Mrs. JO ANN DAVIS of Virginia, Mr. WEINER, Mrs. BLACKBURN, Ms. BERKLEY, Mr. CLAY, Mr. WAXMAN, Mr. HOLT, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. ROTHMAN, Mr. MCNULTY, Mr. BERMAN, Mr. KLEIN of Florida, and Mr. BURTON of Indiana.

H. Res. 627: Mr. SARBANES and Mr. CROWLEY.

H. Res. 634: Mr. KILDEE, Mr. KIND, Mr. LEWIS of Kentucky, and Mr. GERLACH.

H. Res. 635: Ms. WATSON, Mr. CROWLEY, Ms. WOOLSEY, and Mr. LEWIS of Georgia.

H. Res. 640: Mr. TAYLOR, Mr. HARE, and Mr. MARSHALL.

H. Res. 641: Mr. WICKER.

H. Res. 644: Mr. SOUDER.

H. Res. 654: Mr. BUTTERFIELD, Ms. SOLIS, Mr. KUCINICH, Mr. PALLONE, Mr. CAPUANO, Mr. REYES, Mr. FARR, Mr. CARDOZA, Mr. MCNULTY, Mr. BOUCHER, Mr. BACA, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. GRIJALVA, Mr. GONZALEZ, Mr. SIRES, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. BECERRA, Mr. ROSS, Mr. ENGEL, Ms. BALDWIN, Mr. DAVIS of Illinois, Ms. GIFFORDS, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mr. CLAY, Mr. STUPAK, Mr. WATT, Mr. OLVER, Mr. KILDEE, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mr. HINCHEY, Mr. BERRY, Mr. THOMPSON of California, Mr. LINCOLN DAVIS of Tennessee, Ms. HIRONO, Mrs. CAPPS, Mr. DOYLE, Mr. EDWARDS, Mr. SPRATT, Mr. MOLLOHAN, Mr. GENE GREEN of Texas, Mr. HONDA, Mr. HINOJOSA, Mr. THOMPSON of Mississippi, Mr. WU, Mr. LAMPSON, Mr. ETHERIDGE, and Mr. BERMAN.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 2, September 20, 2007, by Mr. JOHN A. BOEHNER on House Resolution 559, was signed by the following Members: John A. Boehner, John R. "Randy" Kuhl, Jr., Adam H. Putnam, Lincoln Diaz-Balart, Jerry Weller, Kevin Brady, Marsha Blackburn, Sue Wilkins Myrick, Roy Blunt, Tom Price, John T. Doolittle, Dave Camp, Greg Walden, Ander Crenshaw, Kevin McCarthy, Joe Wilson, Todd Russell Platts, Jeff Fortenberry, Eric Cantor, Terry Everett, Bob Goodlatte, John Kline, Dennis R. Rehberg, Rodney Alexander, Paul C. Broun, David Davis, Sam Graves, Jim Jordan, Ray LaHood, Howard P. "Buck" McKeon, Steve Chabot, Ginny Brown-Waite, Jeff Miller, Todd W. Akin, Doc Hastings, Lynn A. Westmoreland, Patrick J. Tiberi, Michael T. McCaul, Mario Diaz-Balart, Jo Bonner, Thomas E. Petri, Cliff Stearns, Patrick T. McHenry, Randy Neugebauer, John Linder, Zach Wamp, Gary G. Miller, Elton Gallegly, Ken Calvert, Marilyn N. Musgrave, Kay Granger, John Campbell, Thaddeus G. McCotter, Pete Sessions, John R. Carter, Louie Gohmert, Ric Keller, Charles W. Dent, Peter J. Roskam, Stevan Pearce, David G. Reichert, Phil Gingrey, Jim McCrery, Peter T. King, Steve King, Mike Ferguson, Thelma D. Drake, K. Michael Conaway, Dave Weldon, Charles W. Boustany, Jr., Doug Lamborn, Jeb Hensarling, Judy Biggert, John B. Shadegg, Tim Murphy, Phil English, Gus M. Bilirakis, Bill Sali, Nathan Deal, Tim Walberg, J. Randy Forbes, Ted Poe, Geoff Davis, Bob Inglis, Thomas M. Reynolds, Tom Latham, Frank D. Lucas, Scott Garrett, Jean Schmidt, Rodney P. Frelinghuysen, Donald A. Manzullo, Joseph R. Pitts, Michele Bachmann, James T. Walsh, Adrian Smith, Robin Hayes, Virginia Foxx, David Dreier, Candice S. Miller, George Radanovich, Michael R. Turner, Harold Rogers, Sam Johnson, Jon C. Porter, Thomas G. Tancredo, Jeff Flake, Dan Burton, John Abney Culberson, Rob Bishop, Daniel E. Lungren, Jim Gerlach, Henry E. Brown, Jr., Tom Feeney, Steve Buyer, Jim Saxton, Frank A. LoBiondo, Christopher Shays, John Boozman, Bill Shuster, John Shimkus, Mike Rogers, Darrell E. Issa, Ileana Ros-Lehtinen, Cathy McMorris Rodgers, F. James Sensenbrenner, Jr., Lamar Smith, John J. Duncan, Jr., Tom Davis, Brian P. Bilbray, Ron Paul, Mac Thornberry, Fred Upton, Michael N. Castle, Charles W. "Chip" Pickering, Vernon J. Ehlers, Peter Hoekstra, Michael C. Burgess, Vito Fossella, Tom Cole, Wally Herger, Frank R. Wolf, Mark E. Souder.

SENATE—*Thursday, September 20, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's opening prayer will be offered by the guest Chaplain, Rev. Angel L. Berrios from Severn, MD.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Father in Heaven, we take time to acknowledge Your presence here with us right now. We humbly come to You in prayer, believing that You alone are the one and only true God, sovereign, and almighty. Forgive us our shortcomings and disobediences, and honor our faith and sincere efforts to serve You.

We pray for each Senator that the Holy Spirit would give them wisdom and guidance to make right decisions for every issue that is presented in this session.

Father, we affirm that our Nation belongs to You; therefore, we as a people also yield ourselves to You, to Your will, so that we can bring glory and honor to Your kingdom. Thank You for Your daily mercies and grace upon each of us.

In Jesus' Name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following any time Senator MCCONNELL and I may use, the Senate will conduct a period of morning business until 10:30. We need to start at that time. There is so much left on the Defense authorization bill. The time in morning business is equally divided and controlled between the 2 sides; the majority will control the first portion. Following that, the Senate will resume consideration of the Department of Defense authorization bill with debate continuing on the Cornyn amendment.

MEASURE PLACED ON THE CALENDAR—S. 2070

Mr. REID. It is my understanding that S. 2070 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 2070) to prevent Government shutdowns.

Mr. REID. I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 10:30, with Senators permitted to speak therein for up to 10 minutes each, with the time equally controlled and divided by the 2 sides, with the majority controlling the first 30 minutes and the Republicans controlling the final 30 minutes.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FIFTIETH ANNIVERSARY OF THE DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL

Mrs. LINCOLN. Mr. President, September 25, 2007, marks the 50th anniversary of one of the most important days in our country's history and certainly one of the most important days in the history of our State of Arkansas. On that day in 1957, Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls changed the world when they entered the doors to Little Rock Central High School and desegregated the Little Rock school district.

Known collectively as the Little Rock Nine, these brave young men and women faced down a jeering crowd, the Arkansas National Guard, and even their own Governor to take a principled stand and march toward greater equality for all in our Nation and in my home State of Arkansas.

As the mother of growing children right now, thinking of what those students must have felt at that time to have taken such a stand, to stand before their peers who were jeering and yelling at them, to stand up to authority as they did, must have been incredible.

Next week in Little Rock, we will commemorate the heroic sacrifice these students made to blaze a trail so that future generations could benefit. In doing so, it is also appropriate to recognize those in the community who uplifted these individuals and gave them the strength they needed.

Arkansas Daisy and L.C. Bates, Chris Mercer, Wiley Branton, and future Supreme Court Justice Thurgood Marshall either gave these children daily guidance or fought for them in the court system to ensure they could have access to a quality education that was their right as a citizen of this country.

We all think about the images and certainly the impression we leave on children today. We think about these individuals who made such an impact in the support they gave these children as they took this very important step. We must also not forget the enormous role the parents of the Little Rock Nine played to ignore threats and intimidation that came their way.

Again, as a parent and thinking of the preparation that goes into encouraging your children to take new steps

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and to stand up for what is right is tough because you know what your children will come up against. Those parents had to have had mixed emotions to send their children out there and wonder what kind of harm or what kind of crushing blow would come to their self-esteem or to their confidence.

Yet they supported it in every way known, making sure their clothes looked perfect or making sure their bodies and their souls were strong. What incredible parents they were.

What happened in Little Rock 50 years ago is not only a testament to those students, but it is also a testament to those who supported them. It is a testament to the people of Little Rock of all backgrounds who decided they would confront their own conscience, and it is a testament to those who, upon reflecting upon the matter, decided that doing what is right was worth the cost.

I also wish to recognize other communities in Arkansas that led the way for integration in the Deep South, even prior to the famous standoff of 1957; often these others receive little attention. Shortly after the Brown v. Board of Education decision in 1954, the communities of Charleston, Fayetteville, and Hoxie desegregated their schools to comply with the ruling of the Supreme Court.

Former U.S. Senator Dale Bumpers, a Charleston native and the attorney for the Charleston School Board in 1954, was very involved in his community's decision.

In a recent newspaper interview, he recounted that the members of the Charleston School Board made up their mind that the Supreme Court decision meant what it said and Charleston could save itself a lot of trouble by going ahead and integrating immediately instead of fighting it, fighting it out, essentially knowing it would be a lost cause.

Dale Bumpers continued to push for change, later as a lawyer, our Governor in Arkansas, and our U.S. Senator in Arkansas. In 1988, he authored the legislation that established the Little Rock Central High School National Historic Site which is administered by the National Park Service, the Little Rock School District and the City of Little Rock and other entities.

He was also responsible for the legislation that awarded the Little Rock Nine with the Congressional Gold Medal, our Nation's highest civilian honor. Monday, I and my colleagues will be in Little Rock to dedicate the new visitors center and the museum at that site. The new center will feature exhibits on the Little Rock Nine and the road to desegregation.

As a young child myself who experienced firsthand the integration of schools in my hometown of Helena, AR, I cannot imagine the fear and anxiety those students must have felt in that tumultuous environment in 1957.

I feel fortunate that my community embraced the process of integration and that my parents, in particular, were engaged and kept me in the local school district when so many of my friends were being moved to private schools.

My husband Steve, who is a graduate of Little Rock Central High School, and I are both better people for learning in integrated schools and experiencing the diversity and what it provides us.

I appreciate the lifelong lessons I learned in my early years. It is because of the Little Rock Nine that it was possible. Their decision to move this Nation forward makes me proud to be an Arkansan. It makes me proud to be an American.

In closing, I wish to specifically thank my colleagues from the Arkansas delegation, especially the Presiding Officer, my colleague, Senator MARK PRYOR, and Congressman VIC SNYDER. I have been so proud to work with both of them to secure the funding for the new visitors center.

In addition, I joined with Senator PRYOR, who also attended Little Rock Central High, to introduce a resolution which recognizes the 50th anniversary of the school desegregation. It passed the Senate earlier this month. I wish to thank all my colleagues for their support in that effort.

We all know there is still much to be done, still much that can be done in our country to ensure the goals of the Little Rock Nine are achieved and that equal rights are available for each and every individual in this great Nation.

We have come very far in the last 50 years. As we move forward, we should let the lessons of the past provide a measure of our progress and the inspiration to build on our achievements for all our fellow Americans.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. LINCOLN.) Without objection, it is so ordered.

Mr. PRYOR. Madam President, the names Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair, Melba Pattillo Beals are part of Arkansas history and part of America's history.

When I talked to the so-called Little Rock Nine about the fact that we were able to secure funding for the visitors center, Minnijean Brown Trickey said it was an affirmation of a very beautiful and tragic story.

I think she captured it. The story of Little Rock Central High School in 1957 is a story of courage, of hardship, of justice, faith, tradition, power, opportunity, and leadership. I think that is why the story is so powerful, because it connects so many of those things all in one event or one series of events.

It has all of those elements, but there is also more to the story. The "more to the story" part is what I wanted to talk about today. We are here to talk about the events in 1957, to talk about the very painful but ultimately successful integration of a large public high school in a Southern city.

I need to thank my colleagues, Senator LINCOLN from Arkansas; my colleague in the House, Congressman VIC SNYDER; and also a colleague who is no longer with us in the Senate, Conrad Burns, because we all worked together to get the money for the Little Rock Central High Visitors Center, which will open this coming Monday.

But that is not all who worked in this effort. The National Park Service, the city of Little Rock, the 50th Anniversary Commemoration Committee, the Little Rock Nine Foundation, and countless others worked to have this special grand opening Monday; to have a visitors center, for a place that has a place in our Nation's history on the civil rights struggle that has gone on in this country.

Also, I wish to say that Congressman VIC SNYDER was able to get a commemorative coin for Little Rock Central and the Little Rock Nine. I certainly helped him do that, along with Senator LINCOLN. We all worked hard on that, but Congressman SNYDER took the lead role.

This Friday night at Little Rock Central High School in Quigley Stadium, the Little Rock Central High Tigers will play the Pine Bluff Zebras. Once again, we find Little Rock Central is ranked in the top 10 in the Arkansas top 10 football rankings. But that stadium played a role in the Central High crisis. It is a role that is often forgotten because we focus on the Little Rock Nine, and certainly we should.

We focus on the turbulence in trying to integrate the school, and certainly we should. But also there were many other happenings at Little Rock Central that year. One of them was Little Rock Central High School just so happened to have what Sports Illustrated and other sports magazines and publications have called one of the alltime greatest high school football teams. That week Central High won its 23rd game in a row, against a team from Louisiana. The week before they beat a team from Texas. That same week, when the 101st Airborne showed up to restore order and keep the peace around the campus of Little Rock High

School, the 101st Airborne set up their equipment on the Tigers' practice field.

Well, that was a huge no-no in the mind of Coach Wilson Matthews. He went out there and he barked orders to the 101st Airborne like they were his own football team. They hopped to and they got off the practice field. That Friday night, when the stands were full and the Tigers took the field, they looked up and there was the 101st Airborne cheering for the Central High School Tigers.

That story is captured in a great story in Sports Illustrated from this past year's April 9 publication. It captures the humanity and the impact that crisis had on people, not just that day or that year but for a lifetime.

The Little Rock Central High School story is complicated in some ways. It is about the best and the worst in American history. In some ways, it is about a city that is struggling to try, in postwar America, to work through many racial issues. It is a story that is not always successful. It is not always easy. But it is a story that in the end is a great story and is one that needs to be told.

Let me talk for a couple more minutes about the events of that day and why Little Rock Central is so important to the history of this country. First, we focus on the Little Rock Nine, and understandably these nine young black children had to pay a huge price; it took a lot of courage to do what they did. But it is more than them.

We had a Southern city that, by most standards, was considered to be a moderate Southern city when it came to race. The Little Rock School Board took the 1954 Brown v. Board of Education decision literally, and they believed they needed to integrate the Little Rock School System with all deliberate speed, as the Supreme Court said.

The quickest they could figure out to do it was in the fall of 1957. Of course, when that happened, they entered into this vortex of emotions, this vortex where you see a nation being torn apart by race and by many policies, not just in the South. We talk about the South, but certainly there is racism all over this country, and this country was in a struggle for civil rights.

In fact, it goes back to the founding documents of our democracy and our Declaration of Independence. It says all men are created equal. That is what the desegregation, the integration movement was about in this country: Are all men created equal or are there going to be two sets of everything for people in this country?

The Supreme Court did what it did. The local school board did what it did. The Governor in our State, to his everlasting shame, did not support what the school board did and actually energized people to oppose what the school board had done. The President had to call in the 101st Airborne to try to stop what was going on at Little Rock Central. Here is a photo of the famous Little Rock Nine. They are going to be honored all week in Little Rock. Again, they showed tremendous courage as they went through this process. Here we see a photo of Little Rock Central High with the 101st Airborne escorting students into the building. It is hard to imagine today; we have made such progress. I will be the first to say we are not there yet when it comes to race, but we have made so much progress.

Little Rock Central High School was a turning point. It didn't mean the struggle was over. In a lot of ways, it meant the struggle was beginning. But we have made a lot of progress. We have a lot to be proud of. Not everything that happened in 1957 is something Arkansas is proud of. But nonetheless, it was a huge turning point in making this country better.

I close talking about Little Rock Central High School today. Here is a photo of it today. The school looks identical to the way it looked in 1957. The architects of this country have called it one of the most beautiful high schools in America. It is now also one of the most successful high schools in America.

I pulled something off a history Web site. It says:

> Central offers students an international studies magnet program and an extensive curriculum including more than 30 Advanced Placement . . . courses. Central consistently has more National Merit Semifinalists than any other school in the state (19 in 2006–07 alone), claims a large percentage of the state's National Achievement Semifinalists (approximately 20% of Arkansas' total between 1994 and 2004) and has produced 15 Presidential Scholars since the program's inception in 1964.

Part of the story of Little Rock Central must include what has happened since September 25, 1957. Part of the story of Little Rock Central is a story about rebuilding, about integrating, about coming back, and about success.

I was very honored to have an opportunity to go to Little Rock Central High School, as did the husband of the senior Senator from the State of Arkansas. It has produced many strong leaders in the State. One of those was a dear friend of mine, Roosevelt Thompson, who passed away tragically when he was in college. But the story of Little Rock Central is a story that touches all of us. It is a very important part of our State's history and our national history.

We are honored that all nine of the Little Rock Nine are still living today and will be in Little Rock this week to commemorate some very difficult but very important events for this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEBT LIMIT

Mr. COBURN. Mr. President, I want to spend a few minutes talking about something that will come up in the next week or 10 days. That is an extension and expansion of the debt limit. An attempt will be made to do this by unanimous consent. That is wrong. Every Member of the Senate ought to be on record on whether we ought to expand again the amount of borrowing we are going to place on the backs of our children and grandchildren. The current statutory debt limit is $8.965 trillion. It was last raised March 20, 2006. This Senator voted against that. We have been on notice since that time that we needed to make the effort to rein in wasteful Washington spending so that we do not have to, in fact, borrow more money against our children's future. Only 10 years ago it was $5.95 billion. We have increased the debt in the last 10 years by 50 percent.

What does that mean? Individually, that means $30,000 for every man, woman, and child. But the important aspect is not just what we owe now but what the unfunded liabilities are for the future which are in excess of $70 trillion. What does that mean if you are born today? That means if you are born today, you will be inheriting at the moment of your birth liabilities of over $400,000. How in the world can our children have an education, a great job, own a home, and give their children the things we have benefited from by being born owing $400,000?

It is time for things to come to a stop or to markedly change. This last week the Senate once again failed to make tough decisions about priorities. We chose to fund pork projects instead of repairing bridges. We said peace gardens, bike paths, and baseball stadiums are more important than critical infrastructure. Yesterday a new poll was released. Rightly so, it reflected less than 11 percent of Americans have confidence in this body. It is no wonder. Our priorities are wrong.

Congress for years has raided the Social Security and Medicare trust funds to hide the true size of the annual budget deficit. This practice has undermined the solvency of the programs and threatens both the retirement security of today's workers and the economic opportunities and future of our children and grandchildren. It is irresponsible to simply raise the debt limit while at the same time creating or expanding Federal programs that will result in additional borrowing from Social Security trust funds and not accepting the responsibility to make hard choices about what are our priorities. Congress has repeatedly demonstrated that it is unwilling to prioritize spending. This year multiple times the Senate has rejected amendments to cut spending while authorizing billions and billions of dollars in new spending. The Senate this year twice has rejected amendments stating that Congress has a moral obligation to offset the cost of new Government spending by getting rid of the waste, fraud, abuse, and duplication in current Federal programs.

American families don't have the luxury Congress has. They can't get a new loan or new credit cards after they have maxed out their capability to borrow. Yet instead, every day in this body we do essentially that.

The moral question is, why should we be proud of stealing from our children? There isn't a greater moral question before this country today than whether we are going to steal opportunity and freedom from the next generation.

I am putting the Senate on notice that I will not agree to a UC on the debt limit extension without a debate and full vote by each Member of this body on that debt limit and a recommitment to do what is right for the future.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I will speak in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

DREAM ACT AMENDMENT

Mr. VITTER. Mr. President, I rise today to strongly oppose the Durbin amendment to the Defense appropriations bill. That amendment would pass the so-called DREAM Act into law.

In standing up in opposition, let me suggest this should not be called the DREAM Act. It should be called the "Amnesty Reality Act" because this is yet another attempt, another version of amnesty for a significant number of illegal aliens.

Let me say at the outset I am not standing here to criticize or to lambaste the individuals involved, undoubtedly, who came to this country with their parents to try to find a better life because of very difficult conditions in Mexico or otherwise.

The point of my opposition is not directed at them. It is directed at what is very bad and destructive policy in terms of U.S. immigration policy, repeating the mistakes of the past, making a very real problem worse and not better through a significant amnesty program.

Why is this an amnesty? Well, purely and simply, this so-called DREAM Act, which I think should be called the "Amnesty Reality Act," embodied in this Durbin amendment to the Defense appropriations bill would provide a pathway to citizenship to who knows how many folks who entered this country, and remain in this country, illegally. Specifically, it targets folks who came into this country illegally as minors, presumably with their families, with their parents. It also gives them benefits in this country that most U.S. citizens do not enjoy, specifically, instate college tuition that U.S. citizens outside that State do not enjoy.

This is very frustrating to me. Just a few months ago, we had a major debate on the floor of this body about immigration policy. A large so-called comprehensive immigration bill was on the floor of the Senate. It received a lot of attention and a lot of focus. That was a good thing because the American people got engaged; they focused on what was going on. They understood what was being proposed, and they wrote and e-mailed and called us in record numbers.

I do not think anyone can deny the message came through loudly and clearly. The message was: We do not support an amnesty program because that will make the problem far worse and not better. The second part of the message was: Let's start with real enforcement. Let's finally get serious with border security, workplace security, to begin to address this very real illegal immigration problem in this country.

That message came through in such volume that it literally shut down the Senate phone system on the morning of that pivotal vote which defeated that so-called comprehensive immigration bill proposed by Senator KENNEDY and Senator DURBIN, the author of this DREAM Act amendment, and others.

What is so frustrating to me is that very loud, very clear message seems to have fallen on deaf ears in terms of some Members of this body. Unfortunately, this DREAM Act amendment is proof of that. Again, it is, clearly beyond argument, another version of amnesty. It would provide a pathway to citizenship for a significant class of people, folks who came into this country illegally as minors. We do not know how many people that would be, and we have very little way of enforcing even the provisions of this amendment to keep it to the folks to whom it is supposed to be targeted.

What do I mean by that? Well, the folks are supposed to have come into this country in the last 5 years. Yet at the same time the amendment says it can apply to people up to age 30. What sort of proof do these folks have to offer with regard to when they came into this country? There is no proof requirement. It could simply be an affirmative statement by themselves, no other required proof. So this is open ended, this is unenforceable, and it is a significant amnesty.

In addition, as I mentioned a few minutes ago, it provides substantial benefits to these folks illegally in our country, benefits that the huge majority of American citizens do not enjoy. What is that? Well, the biggest is instate college tuition that would come to folks who sign up for the DREAM Act. As soon as they sign up, they would be treated as instate residents of that State. They would get instate tuition, and—guess what—all other U.S. citizens, the children of all other U.S. citizens outside that particular State who would love the benefit of instate tuition would not enjoy that same benefit.

That does not match the commonsense test that the American people want us to use. It certainly has nothing to do with the message the American people sent to us loudly and clearly during the debate on the so-called comprehensive immigration bill with its massive amnesty program. Again, that message came through loudly and clearly: No amnesty; real enforcement.

The American people are saying that not because they are mean-spirited, not because they hold anything against these individuals who are seeking a better life in this country, but because they know, because common sense tells them, this is going to make the problem worse and not better. Inadequate enforcement, with amnesty, acts as a magnet to magnify the problem, to encourage more illegals to cross the border into our country. If that does not ring true just because of common sense, history proves it.

The last time the Congress acted in this area of the law was in 1986, again with significant immigration reform. The promise was exactly the same: We are going to get serious. We are going to get real with enforcement. We just need this amnesty one time—never again—to help solve the problem.

Well, what happened? That bill passed into law. The real enforcement never happened to an adequate extent, but, of course, the amnesty provision went into effect immediately. What happens when you combine inadequate enforcement with real amnesty? What you do is make the problem worse and not better, encourage more illegals to come into the country.

The proof of the pudding is in the eating. In this case it is in the numbers. What was then, in 1986, a problem of 3 million illegal aliens in this country, is now a problem of 12 or 13 million or more. So what did that one-time solution do? It quadrupled the problem. It proved not to be a solution at all.

I suggest we do something that some might consider novel around here. Let's listen to the common sense and wisdom of the American people. Let's say no to amnesty, as we did in June by defeating the immigration bill sponsored by Senator KENNEDY and others. Let's say yes to real enforcement both at the border and in the workplace. And let's offer that message again by defeating this very ill-conceived Durbin amendment.

To help defeat this amendment, I will be offering a second-degree amendment to the Durbin amendment. My second-degree amendment is very simple. It simply says nothing in the Durbin amendment goes into effect, goes into law, until the US–VISIT Program is fully operational. The US–VISIT Program is something that was first proposed in 1996, an entry/exit system so we know who is coming into the country, who is leaving the country—something very basic, very necessary in terms of enforcement.

Although it was proposed in 1996, it has never come close to being fully operational because Congress, folks in Washington, this administration and previous administrations, have never had the political will to get it done.

So, again, my second-degree amendment to the Durbin DREAM Act amendment is very simple. That cannot go into effect until the US–VISIT system is fully operational at our borders. I will be proposing that amendment assuming the Durbin amendment is, in fact, called up for consideration on the Senate floor.

Mr. President, with that, I yield back my time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE QUAGMIRE

Mr. NELSON of Florida. Mr. President, I wish to speak about Iraq and about this amendatory process and this legislative quagmire in which we find ourselves.

The American people are having difficulty understanding why the Senate can't get anything done. It is because we have a rule that says we can't pass something here without 60 votes out of 100 Senators. We need 60 votes to close off debate on a motion for cloture. That is a fancy term for closing the debate. We have to have 60 votes. With a Senate that is so partisan, and so split ideologically, it is hard to get those 60 votes. We see this on the amendments that have already attempted to be brought, either on a motion just to proceed, which takes 60 votes, or a motion to close off debate to get to the subject matter of the amendment. We can't get the votes. Thus, the American people are increasingly frustrated, as are the Senators, that we can't get more unanimity when, in fact, most of us know in this country what has to be done.

Now, what is that? What needs to be done to make the best of a very bad situation? Now, I am not talking about why we got there; that is a debate in itself which we have had innumerable times here on the floor. We are where we are. We are there.

What is the goal? The goal in the best interests of the United States is to stabilize Iraq, but there is not a soul who has testified in any of these innumerable hearings who says that you can get to that goal of stability in Iraq without political reconciliation between the Sunnis and the Shiites. The difficulty there is they have been at it for 1,327 years, ever since the Battle of Karbala in 680 A.D. It is very difficult for them, with all of that history, all of that hatred, to be able to reconcile into some kind of stability so that a government can, in fact, function in Iraq.

So given those circumstances, what is the very best we can do? I can't tell my colleagues that I have the complete answer, but the best answer I have is the plan that was laid out unanimously last December by the Iraq Study Commission consisting of very prominent people who know the defense business and who know the foreign relations business. They unanimously recommended a gradual withdrawal and to keep enough U.S. troops there to do three things: to train the Iraqi Army, to go after al-Qaida, and to provide force protection for the Americans who are there and, at the same time, they said, have a very aggressive diplomatic effort with the other nations of the world, and especially with the nations in the region, including Syria and Iran, to try to get a political settlement and then to have that political settlement stick.

Now, what should that political settlement be? Well, I am not sure anybody within the U.S. Government can tell us, but the best plan I know of is going to be offered by the Senator from Delaware, Mr. BIDEN, which is to have a shared power arrangement under the Iraqi Constitution of an autonomous region—three in Iraq—with the Kurds in the north, Sunnis in the center, and Shiites in the south. Now, no one has been able to come up with a better idea as to how we can have a political solution where we ultimately get to the goal of political stability with reconciliation between Sunnis and Shiites.

Part of it is functioning right now in the north of Iraq. The Kurds virtually have their own self-government. Isn't it interesting that not one American troop has been killed in that region called Kurdistan? They have a measure of stability there. They have their own self-government. Isn't it interesting—in an area almost exclusively Sunnis in western Iraq called Al Anbar Province is where our surge with the marines has, in fact, helped because it has turned the Sunni tribal chieftains into helping us to go after al-Qaida. We have had success.

Where we have not had success with the surge is in the center part, in the Baghdad region, where the Sunnis and the Shiites are going at each other. Thus, what is happening is they are voting with their feet as they are voluntarily separating, since they can't get along.

I think a solution such as Senator BIDEN's, which he will offer as an amendment and which I will support, is the best that has come up where there would be three autonomous regions. Then there would be the national government that would represent the country in its foreign relations but at the same time would have the ability, under an Iraq oil law, to distribute the oil revenues according to the percentage of the population. I don't know anybody who has a better plan. If they do, I want to hear it.

But what we need to do is to come together, Republicans and Democrats together, and get over this threshold that has us in a political and legislative and procedural straitjacket, that we can't get anything done in this Senate because we can't get 60 votes because we can't get Democrats and Republicans together to start charting the course. It is clear that the White House isn't going to do it. They have their mindset and what they want to do, but that is not ultimately going to get us to the solution. Even General Petraeus has recommended—or has testified that a year from now, we are still likely to have 140,000 troops there, with no plan of any of this political success, even though everybody who testified says you have to get political reconciliation in order to have that political success.

Come on, Democratic Senators. Come on, Republican Senators. Let's get together. The amendment from Senator BIDEN is one we can get together on.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

CHILDREN'S HEALTH CARE

Ms. STABENOW. Mr. President, I know we are in the middle of working on a very important bill, but I do wish to take a moment to respond to a press conference the President just held where he spoke about his intent to veto the bipartisan children's health care bill we will be sending to him.

It is very important we indicate that just because the President has a bully pulpit does not mean he is accurate or right. It does not matter how much spin they want to put on this situation, the reality is the President of the United States gave us a budget earlier this year—and the Budget Committee looked at this very carefully—this President proposed a budget that would cut, according to CBO, 1.6 million children from health care, current children. So when I hear the President at a press conference talking about the fact that he wants to make sure children are covered with health insurance, actions speak louder than words.

The President asked us to put forward a budget that would cut 1.6 million children of working families who currently have health insurance from their health care. We rejected that request. We looked at the fact that there are from 6 to 7 million children who currently qualify to receive children's health insurance. Again, these are working families, folks who do not qualify for low-income help. They are moms and dads working one, two, maybe three minimum wage jobs, who are desperately concerned that at least their children have the health care they need.

I am very proud the Senate came together and in a true bipartisan effort developed a health care program, an expansion that will not only make sure every child who currently has health insurance will keep that health care, but that 4 million more children will be able to have health care in this country. Their moms and dads will not have to go to bed at night praying: Please don't let the kids get sick.

Sixty-eight Members of this Senate, not counting the fact that Senator JOHNSON who is now back with us would make that 69 Members, voted together in true bipartisanship to say that one of the basic values of this country is to make sure the children of working families have the opportunity to get the health care they need. It is pretty basic. This is a matter of values and priorities.

Later today, in a few moments, I am going to be joining with Families USA to announce their new study that says that 90 million Americans sometime in the last 2 years did not have health insurance. One out of three Americans sometime in the last 2 years did not have health insurance. This is a national tragedy. And for us not to at least focus on children, at least say our value as Americans is to make sure that children of low-income working families get the basic health care they need, to me is something I find incredibly important and appalling, quite frankly, that the President of the United States says on the one hand he will veto a bipartisan bill to expand health care coverage to children of working families and then have—I hate to say what I was going to say—the amazing position to come to us shortly and to ask somewhere up to another $200 billion for the war in Iraq that the majority of Americans want to see changed.

Mr. DURBIN. Will the Senator yield for a question?

Ms. STABENOW. I would be happy to.

Mr. DURBIN. First, Mr. President, I wish to thank the Senator from Michigan for making this statement on the floor of the Senate. I listened to the news reports this morning and heard that some from the White House said they did not believe we should be helping to pay for health insurance for families who are well off, such as families making $60,000 a year. That was the reference that was made.

The Senator from Michigan, I am sure, is aware that health insurance premiums—assuming the whole family is healthy—could, in some circumstances, cost a family thousands of dollars each year. If their gross income is $60,000, and they are trying to get by with $3,000 or $4,000 a month, an $800 health insurance bill for a healthy family, let alone $1,200 or more for a family with a sick child, it is hard for me to understand how the White House could say a family making $60,000 a year is so well off they would not need help in providing health insurance to their children.

I suggest to the Senator from Michigan that the President's position here seems to me to be inconsistent, in that he is willing to provide tax cuts for the wealthiest people in America and then is saying folks who make $60,000 a year are well off and don't need a helping hand when it comes to their children's health insurance. So in addition to the cost of the war in Iraq, I ask the Senator from Michigan, isn't it a little difficult to understand the President's position of giving tax breaks to the wealthy and not giving working families making $60,000 a year a helping hand with their health insurance for kids?

Ms. STABENOW. Well, my distinguished colleague is absolutely correct, and I thank him for his comments.

This is truly a question of values and priorities. That is what we are about in this business, in this Chamber, when we make decisions. The President has said the wealthiest among us are much more important than moms and dads, most of whom, by the way, are making much less than what we are talking about or the numbers the White House has put out. Those families ought to be able to, at a minimum, know that their children have health insurance when they get sick.

But what adds insult to injury, I believe, for the American people, is to know that on top of that—on top of tax priorities for the wealthy versus families and their health care—is the fact that on the one hand we have put together something that is responsible, bipartisan, and fully paid for within the budget, and yet the President is going to be sending us a request for anywhere from $150 billion to $200 billion more for a war in Iraq that the American people want to change, a policy that is not supported by the majority of Americans. To add insult to injury, none of it is paid for. It will go directly on to the national debt.

So this is a question of values and priorities. It doesn't matter, again as I said when I began, how much the President wants to spin it. We all know he has a very big megaphone, a very big bully pulpit. But that doesn't mean he is right. The spin machine cannot outweigh what is going on here in terms of American families. We have something that we have done together on a bipartisan basis. We should all be very proud of it. A basic for every single one of our families is the ability to know they can care for their children and they will have the health care they need.

Far too many families today don't get help because they do not have a low enough income. They are working and putting it together. Maybe it is a single mom, maybe it is a single dad, maybe it is mom and dad. They are putting together the income in a way where they can pay all the increased costs that everybody is having to deal with—the gas prices that are going up and the possibility of losing jobs. Certainly in my State wages are going down, and health care costs going up—all of the things that are squeezing our working families. But we are saying, you know what, one of the things we can do together, and we have already done it here and we are going to be sending it to the President, is to allow for 4 million more children to get the health care they need for those moms and dads who are working but not making enough to be able to pay for health insurance.

We, as a country, ought to be able to say we at least want the children to receive the health insurance they need. Health care, in my opinion, should be a right for the greatest country in the world, not a privilege. Too many things have been given to the privileged in this country while working families are trying hard every day to make ends meet.

So I wish to thank all our colleagues who have worked so hard on this legislation. It is something we can all be very proud of, and I ask the President to take another look. This body together, 68 Members who voted, were not playing politics. We were coming together in a bipartisan way to be able to give more children, American children, the ability to get their health care needs taken care of. It is time we had the President join with us in the right set of priorities for American families.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I thank the Senator from Michigan for coming to the Senate floor. Occasionally, there are debates in this Chamber that really matter. The debate on the war in Iraq certainly leads that list. We have a deadly war underway. A hundred American soldiers are killed, on average, every single month. Almost 4,000 have died, with 30,000 having been injured. At least 10,000 have been seriously injured, with amputations and burns and traumatic brain injury. That should be the focal point of what we do on the floor of the Senate, and it is.

Yesterday, sadly, an important amendment by Senator WEBB of Virginia, an important amendment for soldiers and their families, was defeated, defeated on a vote of 56 to 44. The average person might say: It sounds like you won. Not by Senate math. By Senate math it takes 60 votes on controversial issues, and this required 60, so that wasn't enough. We were defeated in an effort to say something very straightforward: If you are going to ask our soldiers to be deployed in combat, risking their lives for 12 months, you should at least give them 12 months afterward to rest, be reunited with their family, retrained and reequipped, before they go back into combat. So 12 months on duty, 12 months off duty. That was defeated.

If you meet with these soldiers and their families, if you know the stress they are under, if you read the numbers about the divorce rate among our soldiers, the suicide rate, the post-traumatic stress disorder which they are battling as they return from the stress of battles, it is hard to imagine the Senate would not give that kind of consideration to our soldiers and their families. That is a critically important debate.

Now, we will soon move to another very important debate. It is about health insurance. Everybody in America knows there is something that needs to be done on health insurance. There are 47 million of our neighbors in America, people who live with us in our communities and go to church with us, who have no health insurance. In my home State of Illinois, I went back in August in deep southern Illinois, near Harrisburg, in Saline County, and a woman came to me and said: I am 63 years old. I am a realtor. I have never had health insurance 1 day in my life. It is hard to imagine, but that is the reality many working Americans face every single day. They are one diagnosis, one illness away from bankruptcy. Those are the people with no health insurance.

Now, let us speak about those who have health insurance but it isn't good enough; it costs more each year and covers less. We know the story. Businesses tell you, labor unions tell you, families tell you: I don't have the kind of coverage I want, and it costs a fortune. That is the reality.

We also know that in our great Nation there are 15 million children—of the 47 million I mentioned earlier, 15 million are children—with no health insurance. These are kids from families not poor enough to qualify for Medicaid and not fortunate enough to have a parent with a job that has health insurance. There are 15 million kids for whom the only opportunity for health care is a trip to an emergency room.

We wanted to change that 5 years ago, and we passed this CHIP program, Children's Health Insurance Program, and said let us do something about it. So we covered 6 million of the 15 million kids, but now the program is going to expire in a few days. Our hope with this new Congress was we could expand health insurance to cover more children, at least 3 million more. We want to make sure all 15 million are covered, but we are not going to quite reach that goal. We want to at least get closer, with 9 million covered.

We had a bipartisan agreement to do that. The Senate came together, cooperated, compromised, and reached an agreement to expand health insurance protection to another 3 million kids. This morning, the President of the United States had a press availability and announced he would oppose this bill expanding health insurance for children. At the time, the spokesman for his administration said: We don't want to give health insurance to families who are well off. They defined a family that is well off as one that makes $60,000 a year.

Now, I have to tell you, $60,000 is more than the average wage in my hometown of Springfield, IL, but not by much. And $60,000 a year, after you pay your taxes, doesn't leave a lot of money for your mortgage payment, for your utility bills, for your property taxes, and for the kids' school expenses. If you happen to not have health insurance where you work, $60,000 doesn't leave much of a cushion to turn around and buy health insurance. That insurance is going to cost you $60 or $80, maybe $1,000 or more a month.

We think those families, with kids who don't have health insurance, making $60,000, deserve a helping hand so they can at least have the security of health insurance and know their kids are covered. But it is going to be a battle. We are going to pass this bill and send it to the President. He is going to veto this bill—at least he promises to. I hope he reconsiders. But if not, we will then get a chance to override his veto.

This is the kind of debate which matters. For millions of Americans and their families, this debate gets down to one of the real issues that keep parents awake at night, worrying about their kids.

Some of us in our lives have been through this experience. I was a law student when my wife and I had a little baby and were without health insurance. We had some medical issues with our baby. I didn't have health insurance to turn to. That happened many years ago. My daughter is now 40 years old. But let me tell you, I will never forget it. There was a sinking feeling that my girl was not going to get the best doctor and the best care because, as a father, I didn't have health insurance to cover her. It was only for a short period in my life, but I will never forget it. I can't imagine people living with that feeling every day, every week, every month, and every year. Shouldn't we, as a great and giving nation, care about our own first?

This President will not even blink when he sends us a bill in a week or so asking for $198 billion more for the war in Iraq—$198 billion. Yet he is unwilling to spend $6 billion for health insurance for children. That is about what it is each year over a 5-year period of time. He will spend $198 billion for the war in Iraq but not $6 billion to make America stronger, to make America's families stronger.

This is a debate worth waging. This is an issue worth fighting for. This Senate will return to that issue in a week or two, and I hope the American people, on a bipartisan basis, as this bill is bipartisan, will join us in urging the Senate to pass the bill and to override the President's veto.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Warner (for Graham/Kyl) amendment No. 2064 (to amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.

Cornyn amendment No. 2934 (to amendment No. 2011), to express the sense of the Senate that General David H. Petraeus, Commanding General, Multi-National Force-Iraq, deserves the full support of the Senate and strongly condemn personal attacks on the honor and the integrity of General Petraeus and all the members of the United States Armed forces.

Mr. LEVIN. Mr. President, I ask unanimous consent that after Senator BOXER offers an amendment related to the subject matter of the pending Cornyn amendment, the Boxer and Cornyn amendments be debated concurrently for 20 minutes, with the time equally divided and controlled between Senators BOXER and CORNYN or their designees; that no amendments be in order to either amendment; that upon the use or yielding back of time the Senate proceed to vote in relation to the Boxer amendment; that upon disposition of that amendment there be 2 minutes of debate prior to a vote in relation to the Cornyn amendment; that each amendment be subject to a 60-vote threshold, and if the amendment does not achieve 60 votes, the amendment then be withdrawn, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I wonder if my friend would modify that to have the second vote for 10 minutes rather than 15 minutes?

Mr. LEVIN. I so modify the request.

The PRESIDING OFFICER. Is there objection? The Senator from Arizona.

Mr. McCAIN. Reserving the right to object, and I will not object, I think the distinguished chairman and I have had a conversation that, following that, for the benefit of our colleagues, we would move to the Feingold amendment and with it we will seek a time agreement. Then with the cooperation of our colleagues, we will at least try as much as possible to dispose of Iraq amendments today, if we could.

I remind my colleagues we still have the basis of this bill, which has Wounded Warriors, pay raises, housing, training, and equipping of the men and women of the Armed Forces. We do have a number of pending amendments on the bill. I think, in fairness, we should try to dispose of the Iraq issue as soon as possible so we could move on to the rest of the bill and pass it so we can get to conference and get it signed. There are vital parts of this bill on which the chairman and members of the Armed Services Committee have worked literally months, and I hope we could get to that aspect of the legislation as well.

Mr. LEVIN. If the Senator will yield for a moment, on that point I agree totally with what he just said about the importance of this bill. We are circulating a request to our Members on this side that no amendments be in order to this bill—that no amendments be filed after a certain point this afternoon, which I believe we have tried to identify as 3 o'clock. I don't know, I didn't have a chance to talk with my friend from Arizona about that, but hopefully on your side something similar could be hot-lined so we could bring this to an end.

We have literally 250 amendments already. We have disposed of a lot. We disposed of 50. We can dispose of more today at some point, but we can't have more amendments coming in than we are able to work out.

I hope on both sides we can get a unanimous consent agreement that no amendments will be in order to this bill in the first degree if they are filed later than a fixed time this afternoon.

The PRESIDING OFFICER. Is there objection to the initial unanimous consent request, as modified, by the senior Senator from Michigan?

Without objection, it is so ordered.

Who yields time? The Senator from California is recognized.

AMENDMENT NO. 2947 TO AMENDMENT NO. 2011

(Purpose: To affirm strong support for all the men and women of the United States Armed Forces and to strongly condemn attacks on the honor, integrity, and patriotism of any individual who is serving or has served honorably in the United States Armed Forces, by any person or organization)

Mrs. BOXER. Mr. President, I call up amendment No. 2947 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. LEVIN, and Mr. DURBIN, proposes an amendment numbered 2947:

At the end of subtitle E of title X, add the following:

SEC. _ SENSE OF SENATE

(a) FINDINGS.—The Senate makes the following findings:

(1) The men and women of the United States Armed Forces and our veterans deserve to be supported, honored, and defended when their patriotism is attacked;

(2) In 2002, a Senator from Georgia who is a Vietnam veteran, triple amputee, and the recipient of a Silver Star and Bronze Star, had his courage and patriotism attacked in an advertisement in which he was visually linked to Osama bin Laden and Saddam Hussein;

(3) This attack was aptly described by a Senator and Vietnam veteran as "reprehensible";

(4) In 2004, a Senator from Massachusetts who is a Vietnam veteran and the recipient of a Silver Star, Bronze Star with Combat V, and three Purple Hearts, was personally attacked and accused of dishonoring his country;

(5) This attack was aptly described by a Senator and Vietnam veteran as "dishonest and dishonorable."

(6) On September 10, 2007, an advertisement in the New York Times was an unwarranted personal attack on General Petraeus, who is honorably leading our Armed Forces in Iraq and carrying out the mission assigned to him by the President of the United States; and

(7) Such personal attacks on those with distinguished military service to our nation have become all too frequent.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its strong support for all of the men and women of the United States Armed Forces; and

(2) to strongly condemn all attacks on the honor, integrity, and patriotism of any individual who is serving or has served honorably in the United States Armed Forces, by any person or organization.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank the clerk for reading those words. I hope Members of the Senate heard them well because in this amendment, what we are doing is saying that there is essentially a terrible trend in America today: to launch attacks on honorable people who serve in the military. By the way, it isn't just folks who were mentioned or alluded to. I have an article I would like to have printed in the RECORD from the San Diego Union Tribune, April 16, 2004, and another from the Seattle Times of May 13, 2007.

I ask unanimous consent to have two articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the San Diego Union Tribune, Apr. 16, 2004]

RETIRED GENERAL ASSAILS U.S. POLICY ON IRAQ

(By Rick Rogers)

Retired Marine Gen. Anthony Zinni wondered aloud yesterday how Defense Secretary Donald Rumsfeld could be caught off guard by the chaos in Iraq that has killed nearly 100 Americans in recent weeks and led to his announcement that 20,000 U.S. troops would be staying there instead of returning home as planned.

"I'm surprised that he is surprised because there was a lot of us who were telling him that it was going to be thus," said Zinni, a Marine for 39 years and the former commander of the U.S. Central Command. "Anyone could know the problems they were going to see. How could they not?"

At a Pentagon news briefing yesterday, Rumsfeld said he could not have estimated how many troops would be killed in the past week.

Zinni made his comments during an interview with The San Diego Union-Tribune before giving a speech last night at the University of San Diego's Joan B. Kroc Institute for Peace & Justice as part of its distinguished lecturer series.

For years Zinni said he cautioned U.S. officials that an Iraq without Saddam Hussein would likely be more dangerous to U.S. interests than one with him because of the ethnic and religious clashes that would be unleashed.

"I think that some heads should roll over Iraq," Zinni said. "I think the president got some bad advice."

Known as the "Warrior Diplomat," Zinni is not a peace activist by nature or training, having led troops in Vietnam, commanded rescue operations in Somalia and directed strikes against Iraq and al Qaeda.

He once commanded the 1st Marine Expeditionary Force at Camp Pendleton.

Out of uniform, Zinni was a troubleshooter for the U.S. government in Africa, Asia and Europe and served as special envoy to the Middle East under the Bush administration for a time before his reservations over the Iraq war and its aftermath caused him to resign and oppose it.

Not even Zinni's resumé could shield him from the accusations that followed.

"I've been called a traitor and a turncoat for mentioning these things," said Zinni, 60. The problems in Iraq are being caused, he said, by poor planning and shortsightedness, such as disbanding the Iraqi army and being unable to provide security.

Zinni said the United States must now rely on the U.N. to pull its "chestnuts out of the fire in Iraq."

"We're betting on the U.N., who we blew off and ridiculed during the run-up to the war," Zinni said. "Now we're back with hat in hand. It would be funny if not for the lives lost."

Several things have to happen to get Iraq back on course, whether the U.N. decides to step in or not, Zinni said.

Improving security for American forces and the Iraqi people is at the top of the list followed closely by helping the working class with economic projects.

But it's not the lack of a comprehensive American plan for Iraq nor the surging violence that has cost allied troops their lives—including about 30 Camp Pendleton Marines—that most concerns Zinni.

"In the end, the Iraqis themselves have to want to rebuild their country more than we do," Zinni said. "But I don't see that right now. I see us doing everything.

"I spent two years in Vietnam, and I've seen this movie before," he said. "They have to be willing to do more or else it is never going to work."

Last night at the Kroc institute during his speech "From the Battlefield to the Negotiating Table: Preventing Deadly Conflict," Zinni detailed the approach he believes the United States should take in the Middle East.

He told an overflow crowd that the United States tries to grapple with individual issues in Middle East instead of seeing them as elements of a broader question.

"We need to step back and get a grand strategy," he said.

[From the Seattle Times, May 13, 2007]

RETIRED GEN. BATISTE LASHES OUT ON WAR

(By Thom Shanker)

ROCHESTER, NY.—John Batiste has traveled a long way in four years, from commanding the 1st Infantry Division in Iraq to quitting the Army after 31 years in uniform, and, now, from overseeing a steel factory in Rochester to openly challenging President Bush on his management of the war.

"Mr. President, you did not listen," Batiste says in new TV ads being broadcast in Republican congressional districts as part of a $500,000 campaign financed by *Vote Vets.org.* "You continue to pursue a failed strategy that is breaking our great Army and Marine Corps. I left the Army in protest in order to speak out. Mr. President, you have placed our nation in peril."

Those are inflammatory words from Batiste, a retired major general.

Many senior officers say privately that such talk makes them uncomfortable; they say that when your first name becomes "General," it is for the rest of your life. But Batiste says he has received no communications from current or former officers challenging his stance, although he occasionally gets an anonymous e-mail with the heading "Traitor."

Having quit the Army in anger over what he calls mismanagement of the Iraq war, he says he chose a second career far from Washington and the Pentagon so he could speak freely on military issues.

"I am outraged, as are the majority of Americans," he said. "I am a lifelong Republican. But it is past time for change."

Officials of VoteVets.org, an Internet-based veterans advocacy organization, say the TV ads, which challenge the president's argument that he listens to his commanders and say his Iraq policies endanger U.S. security, will run in the home districts of more than a dozen members of Congress.

Two other retired generals, Paul Eaton and Wesley Clark, speak in the VoteVets.org campaign's other ads.

In response, White House spokeswoman Emily Lawrimore said: "We respectfully disagree." She said Bush confers routinely with senior officers, citing a meeting Thursday with the Joint Chiefs of Staff and a conversation last week with Gen. David Petraeus, the senior U.S. commander in Iraq.

Mrs. BOXER. This is one where General Zinni, who criticized the war in Iraq, said, "I have been called a traitor and a turncoat for mentioning these things." Outrageous—because he spoke out against the war in Iraq.

Then you have retired General Batiste, who lashed out on the war and says he gets e-mails with the heading, "Traitor."

My friend from Texas is taking one example, attacking an organization that he doesn't agree with—I am sure of that—and we are going to be pretty busy in the Senate if we turn into the ad police. When Senator Cleland was attacked we didn't have a resolution on the floor of the Senate. When Senator KERRY was attacked we didn't do it. When General Batiste was attacked we didn't do it. For General Zinni we didn't do it. We did speak out, and we did speak out about the ad, all of us on both sides of the aisle, that attacked General Petraeus. But we didn't have a resolution all these times.

Suddenly, now, a political organization is attacked by name in a resolution in something that reminds me of the old, bad days in America when organizations were attacked by the Government. So what we have done is we have written this. I thank Senators LEVIN and REID and DURBIN and other Senators who believe what we see is a trend to attack heroes. We say it is wrong. We don't go after one organization. We say it is wrong.

Let me show you the Max Cleland ad. We have the picture of Max Cleland in the same ad with Osama bin Laden and Saddam Hussein.

This is what Senator MCCAIN had to say about that ad. Here is what he said:

> I've never seen anything like that ad. . . . Putting pictures of Saddam Hussein and Osama bin Laden next to a man who lost three limbs on the battlefield, it's worse than disgraceful, it's reprehensible.

But we didn't come down and pass a resolution attacking the campaign that ran this ad. But now we have an attack on one organization. It is wrong. It should be defeated. This amendment I have offered is the one that ought to pass this Chamber.

I yield to Senator DURBIN my remaining time.

The PRESIDING OFFICER. The Senator from California has 6 minutes remaining.

Mr. DURBIN. I would like to be notified when I have spoken for 2 minutes and leave the remaining time under the control of Senator BOXER.

This is a balanced amendment that Senator BOXER, Senator LEVIN, and I have offered to this bill. I am not sure this is a debate in which we ought to engage on a regular basis, but Senator CORNYN has the right to raise this issue, and he has raised it.

The point we want to make is this: The Cornyn amendment focuses on one organization and one attack on an honorable, patriotic leader of our military, General Petraeus. If this resolution that he offers would be fair, it would also take into consideration the situations that we have raised in our amendment with Senator BOXER.

I asked Senator CORNYN last night: Will you amend your resolution so other attacks—unwarranted, disgraceful attacks—on the military can be included? And I gave him two examples, and he said no because those were involved in a political campaign.

I am sorry, but that isn't good enough. If the principle is sound, it is sound whether it is in the course of a political campaign or not. If we are going to stand up for the honor, integrity, and patriotism of those who serve our country in uniform, let's do it without partisan favor and certainly not arguing that a political campaign is somehow fair game to say anything about anybody. That is what is wrong with American politics, and that is what has to change.

The Boxer amendment, which I am honored to cosponsor, changes it. I think the examples we have cited in this amendment include not only the MoveOn ad, which has been dismissed and criticized by many on both sides of the aisle, but also goes to the so-called Swift Boat Veterans for Truth out of Texas, an organization that attacked our colleague, Senator JOHN KERRY, in what I think was one of the lowest moments in Presidential politics. It goes to the attacks on Senator Max Cleland, a man who used to sit in a wheelchair, having lost three limbs in Vietnam, a disabled veteran struggling to be a Senator from Georgia whose patriotism and courage were attacked in a political ad—something which I am sure is going to remain a shameful chapter in American politics.

Those who want to join in standing up for men and women in uniform, past and present, have a chance to do it with the Boxer amendment. I am honored to be a cosponsor.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I join my colleagues in decrying the tone of modern politics where there are all too many personal attacks. But what they fail to recognize is those who volunteer to put ourselves up for public office, to run for public office, we know what we are going to be subjected to in the back and forth of a political campaign. What this amendment seeks to do, what the Boxer amendment seeks to do, is to change the subject. The subject is this ad. The subject of my amendment is this ad put in the New York Times on September 9, 2007, attacking a four-star general wearing the uniform of the U.S. Army, the Commander of the Multi-National Forces in Iraq—not only this individual, but everyone under his command, 170,000, approximately, members of the U.S. military.

What does it accuse him of? Cooking the books for the White House. The ad asks: Is it General Petraeus or General Betray Us? My friends on the other side of the aisle want to change the subject. They do not want to confront organizations such as MoveOn.org, which have the right to express their view thanks to the first amendment of the Constitution, thanks to people like General Petraeus and the brave men and women of the U.S. military who protect moveOn.Org's right to have its say. But we ought to have our say, too, and to condemn, in the strongest possible words and by our actions, this kind of irresponsible ad. It is clear, according to the New York Times Magazine of September 9, this was a part of an orchestrated effort, both on the Hill and off the Hill, to disparage this general before he even had a chance to make his report to the Congress.

The Boxer amendment, with all due respect, is an effort to change the subject, is a smokescreen to try to distract colleagues on the floor from holding MoveOn.org and those who would slander and by character assassination attack the reputation of leaders of the U.S. military who are doing nothing more than their duty and what the Commander in Chief and this Congress asks them to do. This is an attempt to excuse this kind of conduct by trying to change the subject. I would urge my colleagues to reject it.

Frankly, if colleagues are going to vote against my amendment, it will be tantamount to saying this kind of character assassination is okay. It is my hope that on a bipartisan basis we would rise up and we would say it is not okay, it is unacceptable.

If, in fact, there are colleagues who think the amendment offered by my distinguished colleague from California is going to be a fig leaf, well, I tell you, it is not big enough, as most fig leaves are, to cover up the shame that will be on this body if we see colleagues vote against—basically vote for this kind of irresponsible ad.

There is a difference in kind, and I hope colleagues would, on calm reflection, recognize the differences between those of us who run for public office and hold public office, and while we may all decry the kinds of personal attacks that have become all too common in political campaigns, it is a difference in kind for MoveOn.org and those who support them to make personal attacks against a four star general in the U.S. military commanding 170,000 American military servicemembers in a war zone in Iraq.

It is my hope that colleagues would vote unanimously for the amendment which I have offered and reject the Boxer amendment as an attempt to change the subject and obscure the fact that this shameful ad is out there without the disapproval, so far, of this body.

I think we all recognize that political campaigns are different. We do not necessarily like them, but we are all volunteers, and we volunteer to subject ourselves, unfortunately, to the tone of modern political campaigns today. I wish we could change it, and if there was a way to do so, I would support that effort. But I do not support the Boxer amendment because it fails to recognize the key distinction between those who are public figures by choice and those who are public figures by duty, people such as General Petraeus. It is a shame that we have not been able to get a vote yet on this amendment, but I am glad we will here in the next few minutes. I encourage my colleagues to vote in favor of my amendment on this character assassination against this good man and to vote against the Boxer amendment for the reasons I mentioned.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I might say that my friend and colleague—maybe he didn't read the Boxer amendment because we specifically pointed to the Petraeus ad, and we say, in fact, that it was an unwarranted personal attack. I will just tell you right now, if my colleague wants to vote no on all such attacks, whether it is against General Batiste or Zinni, then vote no on the Boxer amendment. If you want to vote no on the amendment that says two things here—we reaffirm our strong support for all the men and women in the U.S. Armed Forces, and we strongly condemn all attacks on the honor, integrity, and patriotism of any individual who is serving as or has honorably served in the U.S. Armed Forces by any person or organization—if my friend wants to vote against this, then so be it because just to attack one organization and not look at the larger problem of what is happening out there in our country seems to me a political vendetta and nothing more.

Mr. President, I yield the remainder of my time to Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan has 2 minutes remaining.

Mr. LEVIN. I wish to join with Senator BOXER in saying that there is no way I know of that one can justify or rationalize the attacks on Senator Cleland or on Senator KERRY. You can't, I believe, do that by saying: Oh, no, they are in a political campaign; therefore, we can impugn their service because they run for office. To say it is different to impugn the honor of veterans such as Senator Cleland and Senator KERRY, it seems to me, is totally unacceptable. It is an effort to justify, differentiate, rationalize attacks which I consider to be abhorrent, just as I do the attack on General Petraeus, and I have said so very publicly. And this amendment, the Boxer amendment, makes it very clear that attacks on men and women who have worn the uniform honorably, attacking their service, their patriotism—this was not an attack on Senator Cleland's politics; this was an attack on his patriotism. Aligning him with Osama bin Laden in an ad is an attack on his patriotism. You can't just single out one attack which you dislike—and we all do, I hope; I hope we all condemn the ad in the New York Times. I have personally, and I feel very personal about it. I thought it was a disgraceful ad. But you can't just then say: But we are not going to talk about other attacks on men and women who have put their lives on the line, given up parts of their body, because they decide to run for public office.

No, I am afraid the Cornyn amendment is the effort to justify and rationalize something which cannot be justified or rationalized just because a veteran who has served honorably, put his life on the line, decides to run for public office. They are all disgraceful ads, and we ought to treat them the same way. They impugn the honor, integrity, and patriotism of real heroes.

Mr. CORNYN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four and a half minutes.

Mr. CORNYN. Mr. President, I offered this resolution on the Transportation, Housing and Urban Development appropriations bill about 10 days ago, and it was objected to at that time, so that is the reason I am back again today and yesterday. It took until today for our colleagues on the other side of the aisle to come up with some reason not to support this amendment which condemns this ad against this four star general who wears the uniform of the U.S. Army and commands 170,000 soldiers currently serving in harm's way in Iraq.

There is too much venom and too much poison in the political arena today. I do not like it any more than my colleagues on the other side. But we have a tradition in this country of, after the campaigns are over, trying to work together in the best interests of the American people. That is what we all try to do despite our differences, despite our party affiliation. But I would think we ought to rise up unanimously and condemn this character assassination of General Petraeus. And the fact that political campaigns in 2002 and 2004 involved ads that I think we all would find over the line as far as the political discourse in a contested election should not detract from or dilute our condemnation of this particular ad.

You know, there is an unfortunate trend in our society today by people refusing to take personal responsibility for their conduct by saying: Well, we ought to condemn everybody, as if we should not condemn those individuals and those organizations which have clearly crossed the line in this case by saying: Well, we have to condemn everybody.

Well, I think this is the place to start, by condemning this ad, this irresponsible ad run in the New York Times at a discount by that organization, by that business entity, in favor of MoveOn.org, for the kind of ad I would hope we would unanimously condemn. Rather than relitigating political campaigns in the past, my hope is we would vote for this amendment and vote against the Boxer amendment.

Mr. INHOFE. Mr. President, will the Senator yield for a question?

I ask the Senator from Texas, I was down here yesterday spending quite a bit of time on this particular issue. I was not aware the Senator from California was going to come in with her amendment. I assume the first vote we have is going to be on the Boxer amendment; is that correct?

The PRESIDING OFFICER. The Senator from Oklahoma is correct.

Mr. INHOFE. Well, let me just suggest to you, I think if the defining moment—if you really agreed with what MoveOn.org did and what they said and how they demeaned one of the finest officers in the history of this country—the guy has a Ph.D. from Princeton; he is not just a normal person. The guy was unanimously agreed to and supported by the group here to go and do this work and take over the war in Iraq. This is the right guy for the right time. Huge successes are taking place.

I listened with some interest this morning to the House Foreign Relations subcommittee proceedings yesterday, and the very people who were complaining that General Petraeus consulted with the White House to come up with his information are now saying he should have consulted with White House and did not do it. You can't have it both ways.

I would just say this: The vote we are about to take is not a vote on an amendment by Senator BOXER; it is a vote as to whether you agree with MoveOn.org coming in and saying the things they have articulated about one of our top military leaders. That is what the vote is all about.

I urge everyone to oppose the Boxer amendment.

The PRESIDING OFFICER. The Senator from Texas has 15 seconds remaining.

Mr. CORNYN. Mr. President, when General Petraeus was confirmed, the majority leader called him a great man. My colleague from California referred to him as an amazing man, saying: Of course I listen to General Petraeus.

The Senator from Delaware said: I do not know anyone better than Petraeus. This is the thanks he gets after 9 months of service in Iraq.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Ms. CANTWELL) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Colorado (Mr. ALLARD).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—47

Alexander
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Allard
Biden
Cantwell

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

CHANGE OF VOTE

Mr. STEVENS. Mr. President, on rollcall No. 343, I voted "yea." I intended to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote. This will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 2934

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior a vote in relation the amendment No. 2934, offered by the Senator from Texas.

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I would like to proceed for a few minutes on my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, it has been more than a week since the junior Senator from Texas offered an amendment condemning an ad by MoveOn.org that appeared last Monday in the New York Times.

The ad was, by any standard—by any standard—abhorrent. It accused a four-star general, who has the trust and respect of 160,000 men and women in Iraq, of betraying that mission and those troops, of lying to them and to us.

Who would have ever expected anybody would go after a general in the field at a time of war, launch a smear campaign against a man we have entrusted with our mission in Iraq?

Any group that does this sort of thing ought to be condemned.

Let's take sides: General Petraeus or MoveOn.org. Which one are we going to believe? Which one are we going to condemn? That is the choice.

MoveOn says he is a traitor. If we believe that, we should condemn him. If we do not believe that, then we ought to be condemning them, not him.

Now, here is what we know about this group. I will bet you a lot of our Democratic colleagues do not know everything MoveOn is for. I think you probably know they try to come to your aid from time to time, but I bet you do not know everything they advocate.

In the days after the terrorist attacks of September 11, it urged—MoveOn.org urged—a pacifist response to al-Qaida.

They rejected the idea that governments should be held responsible for terrorists such as al-Qaida who operate within their borders.

This is the group that called defeating the PATRIOT Act "a success story," the group that ran an ad on its Web site equating the President to Adolf Hitler, the group that thinks organizations such as the U.N. will rid the world of al-Qaida.

That is MoveOn.org. This is what we are dealing with. I cannot believe those are the views of a vast majority of my friends and colleagues on the other side of the aisle.

Now, what do we know about General Petraeus? Commander of the Multi-National Force-Iraq; been in Iraq for about 4 years; literally wrote the U.S. counterinsurgency manual; commanded the 101st Airborne Division during the first year of Operation Iraqi Freedom; Assistant Chief of Staff for Operations of the NATO Stabilization Force and Deputy Commander of the U.S. Joint Interagency Counter-Terrorism Task Force in Bosnia; Assistant Division Commander for Operations of the 82nd Airborne Division at Fort Bragg; West Point; aide to the Chief of Staff of the Army; battalion, brigade, and division operations officer; Assistant to the Supreme Allied Commander-Europe; Distinguished Service Medal; Defense Superior Service Medal; Legion of Merit; Bronze Medal for Valor; NATO Meritorious Service Medal; one of America's 25 Best Leaders, according to US News & World Report; and a four-star general of the Army.

That is what we know about General Petraeus.

Here is what our friends on the other side of the aisle said about General Petraeus when they confirmed him back in January.

The junior Senator from California called him "an amazing man."

The chairman of the Foreign Relations Committee, the senior Senator from Delaware, said: "I don't know anybody better than Petraeus."

The senior Senator from Massachusetts said he is "an outstanding military officer, and our soldiers really deserve the best, and I think they're getting it with your service," referring to General Petraeus.

The chairman of the Armed Services Committee, the senior Senator from Michigan, said: "General Petraeus is widely recognized for the depth and breadth of his education, training, and operational experience."

They praised him up and down in January, confirmed him unanimously, funded his mission, and sent him the troops.

So now is the time to be heard. Is it right to call General Petraeus a traitor or not? That is what this vote is about. Is it right to call General Petraeus a traitor or not?

This group, MoveOn.org, is crowing all over the papers. They say they have my colleagues on the other side of the aisle on a leash. They brag about it. Their executive director has said, referring to the party on the other side of the aisle, they are "Our party." MoveOn.org says: "we bought it, we own it, and we're going to take it back." That is MoveOn.org saying that about our friends on the other side of the aisle.

They claim to be in constant contact with people on the other side of the aisle. I do not believe this group is telling all these great Senators on the other side of the aisle what to do. I do not believe that. This is an opportunity to demonstrate it.

So this amendment gives our colleagues a chance to distance themselves from these despicable tactics, distance themselves from the notion that some group literally has them on a leash, akin to a puppet on a string.

It is time to take a stand—not to dredge up political battles of the past but to condemn this ad.

What about this ad should not be condemned? Is there anything about this ad that should not be condemned?

I urge my colleagues to stand with General Petraeus and against this ad.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The majority leader is recognized.

Mr. REID. Mr. President, the only thing my friend left off regarding General Petraeus, he also has a Ph.D. from Princeton. He is a man we all have great regard for. I think no one disputes that General Petraeus is a good soldier. He follows orders, and that is what soldiers are supposed to do, even a general. This general follows the orders of the Commander in Chief, and that is the way it should be.

This is not the Petraeus war. It is the Bush war. I would say my friend from Kentucky, my dear friend, my counterpart, is talking about an organization that has more than 3 million members. I do not know what any one of them may have said at any given time. I certainly cannot support everything they say, that is for sure.

But understand, the amendment that was offered by my friend, Senator BOXER, is very clear. It says the September 10, 2007, advertisement in the New York Times "was an unwarranted personal attack on General Petraeus." That is what it says. We just voted on that. I cannot imagine why some of my colleagues on the other side voted against this. That is what it says. One reason, maybe it brought up some things from the past, the recent past, such as yesterday.

For a party that endorsed longer troop time in Iraq for our soldiers; that is, our people who are serving us so valiantly in Iraq cannot stay home for the same amount of time they go over there—that is what this party voted against. They voted in favor of second and third and fourth tours of duty for these young men and women.

We condemn all attacks on our valiant soldiers. That is what the amendment we voted on said. I read what it says about the ad. We don't support that ad. We clearly voted accordingly.

But we also said we should remember—as I hope we remember the vote yesterday endorsing longer tours for our soldiers—I hope we also remember what happened to Max Cleland, a man who lost three limbs. Every day of his life, including today, he wakes up and spends 2 hours getting dressed. He dresses himself. He does his exercise, running on a mattress, with his stumps. He was decorated for heroism. But he wasn't patriotic enough to serve in the Senate, according to people who are in this Chamber. They ran ads against Max Cleland. JOHN KERRY: Two Silver Stars, two Purple Hearts. Did I hear my friends complaining about these vicious ads against JOHN KERRY when he was running for President? Not a single murmur. Some were cheering on the Swift Boat demons.

So as we say in this resolution, we do not support any unwarranted attack on General Petraeus or any other of our military members. But what we want to do here is talk about the war—the war. The policy is bad. We will soon be starting the sixth year of this war, costing this country right now about three-quarters of a trillion dollars, and we are fighting for pennies for children's health, pennies for doing things about the environment, and education. The President is complaining because what we want to do in our appropriations bills is $21 billion over this magic number he came up with, $21 billion in an approximately $1 trillion bill, ultimately how much it will be for taking care of things the Government wants. But we are going to have in a few days another supplemental appropriations bill for Iraq approaching about two hundred billion more dollars.

The American people are fed up with this. No one over here endorses the ad that was in that newspaper. None of us do. But we want to talk about the war.

They want to talk about an ad in a newspaper. None of us in any way criticized General Petraeus. He is a soldier. He is following a policy set by the Commander in Chief. But that doesn't take away from the problems the American people feel are as a result of this war: death, injury to men and women. So I hope—we are on the Defense authorization bill—we can proceed on the Defense authorization bill, complete this legislation, have civil debate on Iraq policy, and we hope to do that. I say respectfully to my friends, focus on the policy of this war, not on an ad we had nothing to do with.

The PRESIDING OFFICER. Who yields time?

Mr. REID. If we have time left, I yield it back, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. BOXER. Mr. President, could I ask what the parliamentary situation is? I thought Senator CORNYN was going to have an amendment and I was going to have an amendment this morning. Is that accurate?

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2934 offered by the Senator from Texas, Mr. CORNYN.

Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, this amendment is about the difference between a uniformed leader of our U.S. military, GEN David Petraeus, the difference between him and a political candidate. Surely our colleagues—all of us in the Chamber understand, having run for office ourselves, that there are things said in political campaigns which many of us regret. But our focus should not be distracted from this character assassination against a great American patriot. I can't believe any Member of this Senate would vote against this amendment which condemns this character assassination and by their vote against this amendment would say it is OK.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, JOHN KERRY and Max Cleland are great heroes. My colleagues on the other side voted not to condemn the attacks against them, even though the Senator from Arizona did so, and I have the chart of what he said.

This is about politics, let's face it. Since when are we the ad police who go after organizations by name and wave around their name? What are we going to do next when there is a health care debate? Are we going to condemn one organization on one side and one on the other, or are we going to do it on choice and hold up some very tough ads that we see running all over this country? I would hope not.

This is the United States of America. We condemn all attacks against our men and women serving honorably in the military, not just one organization. We condemn all the attacks. I hope our colleagues will vote "no." Otherwise, we are starting a terrible precedent around here we will regret.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 2934. The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 25, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—72

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Klobuchar
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb

NAYS—25

Akaka
Bingaman
Boxer
Brown
Byrd
Clinton
Dodd
Durbin
Feingold
Harkin
Inouye
Kennedy
Kerry
Lautenberg
Levin
Menendez
Murray
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Whitehouse
Wyden

NOT VOTING—3

Biden
Cantwell
Obama

The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 25. Under the previous order, requiring 60 votes for the adoption of the amendment, amendment No. 2934 is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate considers Feingold amendment No. 2924, which I understand will now be the matter before the Senate, there will be 2 hours of debate, with the time divided as follows: 90 minutes under the control of Senator FEINGOLD or his designee, 30 minutes under the control of Senator McCAIN or his designee; that no amendment be in order to the amendment prior to the vote; that upon the—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, it is our understanding—and Senator McCAIN and I have discussed this—that Senator FEINGOLD will be recognized to offer amendment No. 2924.

I ask unanimous consent that there be 2 hours of debate, with the time divided as follows: 90 minutes under the control of Senator FEINGOLD or his designee, 30 minutes under the control of Senator McCAIN or his designee; that no amendment be in order to the amendment prior to the vote; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote in relation to the amendment, and that if the amendment doesn't receive 60 votes, it be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, reserving the right to object, and I will not object, I thank the distinguished chairman, Senator LEVIN. I want to mention this: Is it the chairman's understanding that after that, we would probably go to the Levin-Reed amendment and have a time agreement following that? Is it also the chairman's understanding that any Iraq-related amendment would probably be a 60-vote requirement? Finally, is it also the understanding of the chairman that at 3 p.m. today we would expect all amendments to be filed on this bill?

Mr. LEVIN. If the Senator will yield.

Mr. McCAIN. I do not object.

Mr. LEVIN. It is our hope to work out an arrangement so we can proceed next to the Levin-Reed amendment. If that is the situation, we would hope to work out a time agreement as well on that amendment. There are two other matters that we may want to try to dispose of—at least one other matter—

prior to the Levin-Reed amendment. It is our hope as well, as the Senator from Arizona expects, that amendments that are Iraq related include the 60-vote requirement.

Mr. McCAIN. Also, if I could be recognized briefly.

The PRESIDING OFFICER. Without objection, the unanimous consent agreement is agreed to.

Mr. McCAIN. Mr. President, I remind my colleagues—and I again thank the chairman, Senator LEVIN. I think we have had an excellent degree of accommodation, with occasional differences of opinion. But I appreciate his leadership. I remind my colleagues this is the 12th day of debate on this bill. The total time of debate has been 69 hours. We still have not gotten to the body of the legislation. That is 12 days, 69 hours.

I know this is called a "deliberative" body, but we are now reaching the limits of that description. So I hope all of our colleagues will work with us to dispose—hopefully today—of the Iraq-related amendments, and then we can close out the filing of amendments on the bill itself and, hopefully, have some kind of agreement to dispose of this legislation.

Again, as we have pointed out several times, on this legislation is the Wounded Warrior legislation, for our veterans, a pay raise, and so many other important aspects of the legislation. We don't want us, for the first time in more than 46 years, not to pass this important bill.

I yield the floor.

Mr. LEVIN. Mr. President, let me also add one comment to Senators. We have already, on this side, hotlined a unanimous consent agreement that no amendment would be in order to this bill, unless it is filed by 4 p.m. this afternoon—no first-degree amendment would be in order. We don't know what the response is. We hope all of the Democrats will agree to that. We believe that a similar unanimous consent request has been hotlined on the Republican side, but the ranking member would know that.

We hope that works, for the reason the Senator gave, which is that this bill is extremely important. We have been on it a long time. We are going to need a number of days, obviously, to resolve the hundreds of amendments that are still filed and have not been resolved. We are working to clear amendments, and we need the cooperation of everybody.

Mr. McCAIN. Mr. President, one final comment. I am not sure I will need all the time on this side for this amendment. We have debated this amendment before, and I alert my colleagues that perhaps we can vote earlier than the 2-hour time that is involved.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 2064.

Mr. FEINGOLD. Amendment No. 2064?

The PRESIDING OFFICER. Correct.

Mr. FEINGOLD. Madam President, I ask unanimous consent that amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2924 TO AMENDMENT NO. 2011

Mr. FEINGOLD. Madam President, I now call up amendment No. 2924.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SANDERS, and Mr. SCHUMER, proposes an amendment numbered 2924 to amendment No. 2011.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To safely redeploy United States troops from Iraq)

At the end of subtitle C of title XV, add the following:

SEC. 1535. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Madam President, last week, as the administration was trying to convince us to stay the latest course in Iraq, it made very little mention of the fact that in every month this year, January through August, substantially more U.S. troops have died in Iraq than in the corresponding month in 2006.

It also had little to say about the British survey released last week which found that nearly one in two Baghdad households has lost at least one member to war-related violence and that 22 percent of surveyed households across the nation have endured at least one death. Based on the number of households in Iraq, this could mean that upwards of 1 million civilian deaths have occurred as a result of the war in Iraq.

Despite these facts, this administration assures us that violence is decreasing and that the security situation in Iraq is getting better. They tell us success is within reach and that we are closer to attaining our objectives, even though those objectives keep changing—most recently from supporting a strong central government to a more bottom-up and local approach. Just give us more time, they say, just as they said in 2004 and in 2005 and in 2006. The slogan may be different. We have had "Mission Accomplished" and "Stay the Course" and "The New Way Forward" and now "Return on Success." But each time, we are told we are on the right road until, that is, we reach another dead end and then a new slogan is invented to justify our open-ended presence in Iraq. As the administration blunders from one mistake to another, brave American troops are being injured and killed in Iraq, our military is being overstretched, countless billions of dollars are being spent, the American people are growing more and more frustrated and outraged, and our national security, quite frankly, is being undermined.

Our top national security priority should be going after al-Qaida and its affiliates. They are waging a global campaign from north Africa to Southeast Asia. We cannot afford to continue to focus so much of our resources on one single country without a legitimate strategy for dealing with the threats posed by al-Qaida's global reach.

Instead of seeing the big picture, instead of placing Iraq in the actual context of a comprehensive and global campaign against a ruthless enemy, this administration persists in the tragic mistake it made over 4 years ago when it took this country to war in Iraq. That war has led to the deaths of more than 3,700 Americans and perhaps as many as 1 million Iraqi civilians, it has deepened instability throughout the Middle East, it has jeopardized our credibility, and it has clearly alienated our friends and allies.

This summer's declassified National Intelligence Estimate confirms that al-Qaida remains the most serious threat to the United States. Indeed, key elements of that threat have been regenerated, have even been enhanced. While we have been distracted by the war in Iraq, al-Qaida has protected, rebuilt, and strengthened its safe haven in the border region between Pakistan and Afghanistan and has increased its collaboration with regional terrorist groups in other parts of the world. With its safe haven, al-Qaida is working to expand its network and, therefore, its ability to strike Western targets, including ones right here in the United States.

The administration has much to say about al-Qaida in Iraq. They will not tell you al-Qaida in Iraq is an al-Qaida affiliate which was spawned by this disastrous war, however, and they would rather not talk about al-Qaida's safe haven in the Pakistan-Afghanistan region or even recognize the serious global threat that continues to exist and that has even been strengthened while our troops are dying in Iraq. That tells you all you need to know about the administration's painfully narrow focus on Iraq.

The war in Iraq is not making us safer. It is making us more vulnerable. It is stretching our military to the breaking point and inflaming tensions and anti-American sentiment in an important and volatile part of the world. It is playing into the hands of our enemies, as even the State Department recognized when it said the war in Iraq is "used as a rallying cry for radicalization and extremist activity in neighboring countries."

Of course, it would be easy to put all the blame on the administration, but I am afraid Congress is complicit too. Congress authorized the war. Congress has so far allowed it to continue despite strong efforts from the new Democratic leadership. Now, once again, it is up to us in Congress to reverse this President's intractable policy, to listen to the American people, to save American lives, and to protect our Nation's security by redeploying our troops from Iraq. We have the power and the responsibility to act, and we must act now.

I am not suggesting that we abandon the people of Iraq or that we ignore the political stalemate there and the rapidly unfolding humanitarian crisis which has displaced more than 4 million Iraqis from their homes. These critical issues require the attention and constructive engagement of U.S. policymakers, key regional players, and the international community. But such turbulence cannot and will not be resolved by a massive military engagement. The administration's surge is another dead end. The surge was supposedly aimed at creating the space necessary for political compromise, but the Iraqi Government is no more reconciled than it was when the surge began, and American troops are dying in greater numbers—greater numbers—than last year or the year before.

That is why I am again offering an amendment, with the majority leader, HARRY REID, and Senators LEAHY, BOXER, WHITEHOUSE, HARKIN, SANDERS, SCHUMER, DODD, DURBIN, and MENENDEZ. Our amendment, which is similar to legislation we introduced earlier this year, would require the President to begin safely redeploying U.S. troops from Iraq within 90 days of enactment, and it would require the redeployment to be completed by June 30, 2008.

At that point, with our troops safely out of Iraq—and I repeat that—at that point, with our troops safely out of Iraq, funding for the war would be ended, with four narrow exceptions: providing security for U.S. Government personnel and infrastructure, training the Iraqi security forces, providing training and equipment to U.S. service men and women to ensure their safety and security, and conducting targeted operations limited in duration and scope against members of al-Qaida and other affiliated international terrorist organizations.

By enacting Feingold-Reid, we can finally focus on what should be our top national security priority—waging a global campaign against al-Qaida and its affiliates. Our amendment will allow targeted missions against al-Qaida in Iraq, but it will not allow the administration to maintain substantial numbers of U.S. troops in that country.

The amendment will also allow training of Iraqis who have taken steps to address serious concerns about the loyalties of the ISF. The Government Accountability Office has found that the ISF have been infiltrated by Shia militia, and General Jones's recent report indicated ISF are compromised by militia and sectarian alliances. In addition, there have been several reports of ISF attacks upon U.S. troops. That is why we do not allow training for Iraqis who have been involved in sectarian violence or attacks upon Americans.

We also prevent the "training" exception from being used as a loophole to keep tens of thousands of U.S. troops in Iraq. We do this by stipulating that U.S. troops providing training cannot be embedded or take part in combat operations with the ISF. Training should be training, not a ruse for keeping American troops on the front lines of the Iraqi civil war. Of course, U.S. troops can take part in combat operations specifically against al-Qaida and its affiliates.

Some of my colleagues will oppose this amendment. That is their right. But I hope none of them will suggest that Feingold-Reid would hurt the troops by denying them equipment or support. Why do I hope they don't say that? Because there is no truth to the argument. None. This is an absolutely phony argument used time and again to try to get away from what this amendment actually does. Passing this legislation will result in our troops being safely redeployed by the deadline we set. At that point, with the troops safely out of Iraq, funding for the war would end, with the narrow exceptions I listed. That is what Congress did in 1993 when it voted overwhelmingly to bring our military mission in Somalia to an end by setting a deadline after which funding for that mission would end. And that is what Congress must do again to terminate the President's unending mission in Iraq.

In order to make clear our legislation will protect the troops, we have added language requiring that redeployment "shall be carried out in a manner that protects the safety and security of United States troops," and we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need "to ensure, maintain, or improve their safety and security." So I hope we will not be hearing any more phony arguments about troops on the battlefield somehow not getting the supplies they need.

Other amendments might set goals for redeployment or merely call for a change in mission, but those proposals do not go far enough. Nor is it sufficient to pass legislation that allows substantial numbers of U.S. troops to remain in Iraq indefinitely. As the President's Iraq policy continues unchecked, we need to invoke the power and the responsibility bestowed upon us by the Constitution and bring this to a close.

This war doesn't make sense. It is hurting our country, our military, and our credibility. It is time for this war to end. The American people know this, and they are looking to us to act. I hope we will not let them down again.

Madam President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I rise to oppose the amendment offered by my good friend from Wisconsin. I would prefer to be discussing other reform issues with him than this one, but this is an important amendment.

As usual, the Senator from Wisconsin makes a passionate and persuasive case. Unfortunately, the pending amendment would mandate a withdrawal of U.S. combat forces within 90 days of enactment and cut off funds for our troops in Iraq after June 30, 2008. One exception would be for a small force authorized only to carry out narrowly defined missions.

The Senate, once again, faces a simple choice: Do we build on the successes of our new strategy and give

General Petraeus and the troops under his command the time and support needed to carry out their mission or do we ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue? That is the choice we must make, and though politics and popular opinion may be pushing us in one direction, we have a greater responsibility, in my view, a duty to make decisions with the security of this great and good Nation foremost in our minds.

We now have the benefit of the long-anticipated testimony delivered by General Petraeus and Ambassador Crocker, testimony that reported unambiguously that the new strategy is succeeding in Iraq. Understanding what we know now—that our military is making progress on the ground and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

We see today that after nearly 4 years of mismanaged war, the situation on the ground in Iraq is showing demonstrable signs of progress. The final reinforcements needed to implement General Petraeus's new counterinsurgency plan have been in place for over 2 months, and our military, in cooperation with the Iraqi security forces, is making significant gains in a number of areas.

General Petraeus reported in detail on these gains during his testimony in both Houses and in countless interviews. The No. 2 U.S. commander in Iraq, GEN Ray Odierno, said today—Madam President, I ask unanimous consent to have printed in the RECORD an article today by AP concerning General Odierno's comments saying "that a seven-month old security operation has reduced violence by 50 percent in Baghdad but he acknowledged that civilians were still dying at too high a rate."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. COMMANDER: VIOLENCE DOWN IN BAGHDAD

(By Katarina Kratovac)

The No. 2 U.S. commander in Iraq said Thursday that a seven-month-old security operation has reduced violence by 50 percent in Baghdad but he acknowledged that civilians were still dying at too high a rate.

The comments came as relations between the U.S. and Iraqi governments remained strained in the wake of Sunday's shooting involving Blackwater USA security guards, which Iraqi officials said left at least 11 people dead. Prime Minister Nouri al-Maliki suggested the U.S. Embassy find another company to protect its diplomats.

The Moyock, N.C.-based company has said its employees acted "lawfully and appropriately" in response to an armed attack against a State Department convoy.

But a survivor who said he was three cars away from the convoy denied the American guards were under fire, claiming they apparently started shooting to disperse more than two dozen cars that were stuck in a traffic jam.

"It is not true when they say that they were attacked. We did not hear any gunshots before they started shooting," lawyer Hassan Jabir said from his hospital bed.

On Thursday, Lt. Gen. Raymond Odierno told reporters that car bombs and suicide attacks in Baghdad have fallen to their lowest level in a year, and civilian casualties have dropped from a high of about 32 to 12 per day.

He also said violence in Baghdad had seen a 50 percent decrease, although he did not provide details about how the numbers were obtained and said that was short of the military's objectives.

"What we do know is that there has been a decline in civilian casualties, but I would say again that it's not at the level we want it to be," Odierno said. "There are still way too many civilian casualties inside of Baghdad and Iraq."

Al-Qaida in Iraq was "increasingly being pushed out of Baghdad, "seeking refuge outside" the capital and "even fleeing Iraq," Odierno said.

Lt. Gen. Abboud Qanbar, the Iraqi military commander, said that before the troop buildup, one-third of Baghdad's 507 districts were under insurgent control.

"Now, only 5 to 6 districts can be called hot areas," he said. "Al-Qaida now is left only with booby-trapped cars and roadside bombs as their only weapon, which cannot be called quality operations, and they do not worry us."

Qanbar also reported the release of 1,686 detainees from Iraqi jails.

Odierno said the U.S. military had separately released at least 50 detainees per day, or a total of at least 250, since beginning an amnesty program for inmates as a goodwill gesture linked to the Islamic holy month of Ramadan.

Meanwhile, a U.S. soldier died Wednesday in a non-combat incident in Anbar west of Baghdad, the military said, adding that the incident was under investigation.

After the shooting Sunday in the Mansour district of western Baghdad, Blackwater spokeswoman Anne E. Tyrrell said the employees acted "lawfully and appropriately" in response to an armed attack against a U.S. State Department convoy.

But Iraqi witnesses claim seeing Blackwater security guards fire at civilians randomly.

Speaking from his bed in the Yarmouk hospital four days after the incident, Jabir said he was one of the wounded when Blackwater's security guards opened fire in Nisoor Square.

He said he was stuck in a traffic jam near Nisoor Square in western Baghdad when he saw the American convoy of armored vehicles and black SUVs parked about 20 yards away at an intersection, apparently following an explosion.

Jabir said the Americans began yelling to disperse the vehicles, then opened fire as the cars were trying to turn around.

"Some people, including women and children, left their cars and began crawling on the street to avoid being shot but many of them were killed. I saw a 10-year-old boy jumping in fear from one of the minibuses and he was shot in his head. His mother jumped after him and was also killed," Jabir said, adding that his car flipped over in the chaos.

The incident has angered Iraqis, uniting them in blaming U.S. forces for the violence in their country and backing the government's announcement to ban Blackwater from Iraq.

U.S. and Iraqi officials announced they would form a joint committee to try to reconcile widely differing versions of the incident. Conflicting accounts were circulating among Iraqi officials themselves.

Land travel by U.S. diplomats and other civilian officials outside the fortified Green Zone was suspended following the Iraqi government order that Blackwater stop working.

The U.S.-based company is the main provider of bodyguards and armed escorts for American government civilian employees in Iraq and banning it from Iraq would hamper and make movement of U.S. diplomats and others difficult.

Al-Maliki, who disputed Blackwater's version of what happened, spoke out sharply against the company Wednesday, saying the government would not tolerate the killing of its citizens "in cold blood."

He also said the shootings had generated such "widespread anger and hatred" that it would be "in everyone's interest if the embassy used another company while the company is suspended."

Eager to contain the crisis, the State Department said Wednesday a joint U.S.-Iraqi commission will be formed.

The size and composition of the commission have yet to be determined but its members are charged with assessing the results of both U.S. and Iraqi investigations of Sunday's incident, reaching a common conclusion about what happened and recommending possible changes to the way in which the embassy and its contractors handle security, the State Department said.

Mr. McCAIN. He said that the violence, as I said, has been reduced by some 50 percent, that car bombs and suicide attacks in Baghdad have fallen to their lowest levels in a year, and that civilian casualties have dropped from a high of 32 per day to 12 per day.

His comments were echoed by LTG Abboud Qanbar, the Iraqi commander, who said that before the surge began, one-third of Baghdad's 507 districts were under insurgents' control. Today, he said, only five to six districts can be called hot areas.

I want to be clear to my friend from Wisconsin and my colleagues, none of this is to argue that Baghdad or other regions have suddenly become safe or that violence has come down to acceptable levels. As General Odierno pointed out, violence is still too high and there are many unsafe areas. Nevertheless, such positive developments illustrate General Petraeus's contention last week that American and Iraqi forces have achieved substantial progress under their new strategy.

The road in Iraq remains, as it always has been, long and hard. The Maliki government remains paralyzed and unwilling to function as it must, and other difficulties abound. No one can guarantee success or be certain about its prospects. We can be sure, however, that should the Congress succeed in terminating the new strategy by legislating an abrupt withdrawal and a transition to a new, less effective, and more dangerous course—

should we do that, then we will fail for certain.

I wish to remind all of my colleagues of a statement made by the President of Iran approximately 1 week ago. Every American should hear this statement. Iranian President Mahmoud Ahmadi-Nejad declared yesterday that U.S. political influence in Iraq was "collapsing rapidly," and said Tehran was ready to help fill any power vacuum. He stated at a news conference in Tehran, referring to U.S. troops in Iraq:

> The political power of the occupiers is collapsing rapidly. Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap, with the help of neighbors and regional friends like Saudi Arabia, and with the help of the Iraqi Nation.

That is what this is about. That is what this is about. Let us make no mistake about the cost of such an American failure in Iraq. In his testimony before the Armed Services Committee last week, General Petraeus referred to an August Defense Intelligence Agency report that stated:

> A rapid withdrawal would result in the further release of strong centrifugal forces in Iraq and produce a number of dangerous results, including a high risk of disintegration of the Iraqi Security Forces; a rapid deterioration of local security initiatives; al-Qaida-Iraq regaining lost ground and freedom of maneuver; a marked increase in violence and further ethno-sectarian displacement and refugee flows; and exacerbation of already challenging regional dynamics, especially with respect to Iran.

These are the likely consequences of a precipitous withdrawal, and I hope the supporters of such a move will tell us how they intend to address the chaos and catastrophe that would surely follow such a course of action. Should this amendment become law, and U.S. troops begin withdrawing, do they believe Iraq would become more or less stable? That the Iraqi people become more or less safe? That genocide becomes a more remote possibility or even likelier? That al-Qaida will find it easier to gather, plan, and carry out attacks from Iraqi soil, or that our withdrawal will somehow make this less likely?

No matter where my colleagues came down in 2002 about the centrality of Iraq to the war on terror, there can simply be no debate that our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Earlier this month, GEN Jim Jones, who was widely quoted by opponents of this new strategy, testified before the Armed Services Committee and outlined what he believes to be the consequences of such a course.

> A precipitous departure which results in a failed state in Iraq, will have a significant boost in the numbers of extremists, jihadists in the world, who will believe they will have toppled the major power on earth and that all else is possible. And I think it will not only make us less safe; it will make our friends and allies less safe. And the struggle will continue. It will simply be done in different and in other areas.

I don't see how General Jones could have made himself more clear and succinct, and yet I continue to hear selective quotes from his commissioned reports and his testimony that somehow would lead people to believe he would support such a proposal as being made today by my friend from Wisconsin.

Should we leave Iraq before there is a basic level of stability, we invite chaos, genocide, terrorist safe havens, and regional war. We invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. If our notions of national security have any meaning, they cannot include permitting the establishment of an Iranian-dominated Middle East that is roiled by wider regional war and riddled with terrorist safe havens.

The supporters of this amendment respond they do not by any means intend to cede the battlefield to al-Qaida. On the contrary, their legislation would allow U.S. forces, presumably holed up in forward operating bases, to carry out "targeted operations, limited in duration and scope, against members of al-Qaida and other international terrorist organizations." But such a provision draws a false distinction between terrorism and sectarian violence. Let us think about the implications of ordering American soldiers to target "terrorists" but not those who foment sectarian violence. Was the attack on the Golden Mosque in Samarra a terrorist operation or the expression of sectarian violence? When the Madhi army attacks government police stations, are they acting as terrorists or as a militia? When AQI attacks a Shia village along the Diyala River, is that terrorism or sectarian violence? What about when an American soldier comes across some unknown assailant burying an IED in the road? Must he check for an al-Qaida identity card before responding?

The obvious answer is such acts very often constitute terrorism in Iraq and sectarian violence in Iraq. The two are deeply intertwined. To try to make an artificial distinction between terrorism and sectarian violence is to fundamentally misunderstand al-Qaida's strategy, which is to incite sectarian violence. It is interesting that some supporters of this amendment embrace the recent GAO report, which said it could not distinguish between sectarian violence and other forms of violence because that would require determining an intent—an impossible task. Yet these same supporters would have our troops in the field attempt to do just that. Our military commanders say trying to artificially separate counterterrorism from counterinsurgency will not succeed, and that moving in with search-and-destroy missions to kill and capture terrorists only to immediately cede the territory to the enemy is the failed strategy of the past 4 years. We should not and must not return to such a disastrous course.

The strategy General Petraeus has put into place—a traditional counterinsurgency strategy that emphasizes protecting the population, which gets our troops out of the bases and into the areas they are trying to protect, and which supplies sufficient force levels to carry out the mission—is the correct one. It has become clear by now we cannot set a date for withdrawal without setting a date for surrender.

This fight is about Iraq, but not about Iraq alone. It is greater than that and more important still about whether America still has the political courage to fight for victory or whether we will settle for defeat, with all the terrible things that accompany it. We cannot walk away gracefully from defeat in this war. Consider one final statement from the August National Intelligence Estimate. It reads:

> We assess that changing the mission of the Coalition forces from a primarily counterinsurgency and stabilization role to a primary combat support role for Iraqi forces and counterterrorist operations to prevent AQI from establishing a safe haven would erode any security gains achieved thus far.

Should we pass this amendment, we would erode the security gains our brave men and women have fought so hard to achieve and embark on the road of surrender. For the sake of American interests, our national values, the future of Iraq, and the stability of the Middle East, we must not send our country down this disastrous course. All of us want our troops to come home, and to come home as soon as possible. But we should want our soldiers to return to us with honor, the honor of victory that is due all of those who have paid with the ultimate sacrifice. We have many responsibilities to the people who elected us, but one responsibility outweighs all the others, and that is to protect this great and good Nation from all enemies foreign and domestic. I urge my colleagues to vote "no" on the Feingold amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I surely agree with the Senator from Arizona. I also wish we were out here working on something else, perhaps one of our political reform bills. We had started working on our campaign finance reform bill long before 9/11, and we are still working on those issues together. It is certainly tragic for this country that, instead, we are mired in a situation in Iraq that takes us away not only from our national security issues but also our domestic issues that need attention.

But I thank my colleague from Arizona. He argues on the merits. He doesn't hide behind the resume of a general or talk about or use some other person as a human shield. He talks about the merits of the issue. He and I have had a chance, thanks to his invitation on two occasions, to visit Iraq and look at what was happening. Frankly, we just come to different conclusions. In fact, we couldn't be more far apart on this issue. Nonetheless, I respect the way he argues and the way we discuss this, and I thank him for it.

In a moment, I will turn to one of my colleagues to speak, but I want to briefly respond to a couple of the issues that were brought up by the Senator from Arizona. The Senator from Arizona and I agree absolutely on something: We fear failure in the fight against terrorism. We want to defeat those who attacked us on 9/11.

For me, the fight is a global fight, which we have been distracted from due to Iraq. So what I am concerned about is that a continued effort in Iraq could lead to the ultimate failure in the fight against those who attacked us on 9/11. It could lead to a surrender, a true surrender against those who declared war on our country on September 11, 2001. So that is the failure I fear. That is the failure I want to make sure doesn't happen, because we have to protect the American people.

The Senator from Arizona points out the very difficult problem of Iran, which is related to but also separate from the question of al-Qaida.

He says: What happens if we leave Iraq?

Let me tell you something. What we are doing in Iraq right now is the best deal Iran ever had. We take all the hits, we lose the people, we pay for everything, and their influence in Iraq increases every day. And they do not have to worry about a restive Sunni population in their country because they are not moving into Iraq directly. But if we left, they would have to think twice about their own stability, if they tried to mess around in Iraq directly.

So, almost unbelievably, our strategy in Iraq plays into both the hands of al-Qaida and Iran. It is the most foolish move we could make in the fight against those who attacked us on 9/11 and against those who are being very threatening to us at this point in the name of the Iranian leader. It is the wrong strategy in both regards.

The Senator from Arizona asks: How are we going to get other countries engaged if we leave Iraq? It is the reverse. None of these bordering countries are going to get serious. None of them are going to become engaged if they think we are going to just stay there—for a couple of reasons. One is, Why should they? We are there putting up with all the violence and difficulties and taking all the losses. They don't have to spend anything.

The Senator from Arizona and I heard the Kuwaitis talk about this in Kuwait, saying: Well, you know, you went in there; now you deal with it. If we are not in there, not only Iran and Syria, Jordan and others have a definite interest in Iraq not being chaotic. That is when they start to perform.

The other problem is, How can these Islamic countries help stabilize Iraq now when in their countries our involvement in Iraq is perceived as an occupation of an Islamic country? So our very strategy stymies the potential for stability being assisted by the other countries in the region.

Those are just a couple of responses on the merits to some of the points made by the Senator from Arizona. I firmly believe our strategy is hurting our country desperately in terms of our national security, and that is why I and others offer the amendment.

At this point, I would like to yield 10 minutes to one of the strongest advocates for this policy of trying to terminate this involvement, the Senator from Connecticut.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Connecticut.

Mr. DODD. Mr. President, let me say to both my colleague from Wisconsin and my colleague from Arizona, I was the floor manager of the McCain-Feingold campaign finance reform legislation. I feel as though, in a sense here, I am assuming the role again as the manager between the McCain and Feingold camps on this question. They were two people who joined forces together on a critical issue before our country, and I was honored and pleased to manage the legislation which was named for them.

We find ourselves here again on a different subject matter and assuming different roles. I am not managing the issue, but I would be remiss if I didn't also express my deep respect for my colleague, the Senator from Wisconsin, for his leadership and my affection and respect for my colleague from Arizona, with whom I have worked on a number of issues over the years.

I rise in support of the Feingold-Reid amendment. I believe it is a very important amendment. This may be the critical vote, candidly, on whether we are going to persist over the coming months, until January 2009, in a policy that has failed—or whether we can actually make a difference here, and change the direction of this policy, and give our Nation a sense of new hope, new optimism, and give those who have served so valiantly an opportunity to come home or to engage in an area where their leadership is needed. This is the moment. This may be the one opportunity we have between now and 2009 to make a difference on this issue. This is no small proposal; this is a serious one.

For those who would like to wish it were a little bit this way or that way, that is no reason to be against it. Senator FEINGOLD, once again, has offered us an opportunity here to make a difference in this policy. This may be the one real opportunity we get to do that. My hope is that in the next hour and a half, those who are listening to this debate, thinking about this, will understand the moment before us, and take advantage of this opportunity, and make a decision that could affect the future of our country in this century.

Out of 2 full days General Petraeus spent testifying before Congress, I think the most telling exchange took only four lines. There were hearings that went on in the House of Representatives. We had hearings in the Foreign Relations Committee and hearings in the Armed Services Committee. There were very good questions raised by members of both parties, but I commend my colleague from Virginia, Senator JOHN WARNER, the former chairman of the Armed Services Committee, the ranking member today, for his simple question. We have often seen this happen in history. It is one simple sentence, one simple question—not the complicated, multiphrase question, which gets into all the nuances and details of an issue—that will shed the most light on where we stand.

Senator McCAIN said something a minute ago with which I totally agree, and Senator FEINGOLD reiterated it. The primary purpose, the fundamental issue before this body, before every Member here and certainly before the President of the United States, is the issue of the safety and security of our country. That is our paramount responsibility above all else—to keep our country safe and secure. So the four-line question that was raised to General Petraeus in his testimony on September 11 was the most important question, in many ways, that was asked of him.

> Senator Warner: Do you feel that [the Iraq war] is making America safer?
>
> General Petraeus: I believe that this is indeed the best course of action to achieve our objectives in Iraq.
>
> Senator Warner: Does it make America safer?
>
> General Petraeus: I don't know, actually.

"I don't know, actually." It could be the epitaph of this war. And to the families of the 3,791 men and women who lost their lives in Iraq, it must be cold comfort indeed that the commanding general has not even convinced himself that this war serves our security. But in another sense, General Petraeus gave precisely the right answer. He has no opinion because it is his job to have none.

His job is to execute a mission—work that he has done with great fortitude and intellect. But the job of deciding whether the mission serves our interests—deciding what our interests are, deciding what the mission itself will be—that is a task for the general's superiors—that is, the President of the

United States, this body and the other, and the American people, who are our superiors.

This amendment is our best attempt—maybe the only attempt—to give voice to their shared conclusion: That our current course has failed to make Iraq safer, has failed to make America safer, and so must change dramatically. The amendment would accomplish two critical things.

One: Redeploy combat forces from Iraq.

Two: Focus those forces remaining on counterterrorism, training Iraqi forces, and force protection for U.S. personnel and infrastructure.

I will not rehearse for you the administration's ever-shifting justifications and stalling and stonewalling that have brought us, with a battered military and an equally battered reputation, to this sad point. It is enough to say that they have been given every chance. For months and months, they denied that there was a civil war in Iraq. Then, when denial became impossible, and when the bipartisan Iraq Study Group report gave them a unique chance to change course, they scrapped the report and gambled on a surge.

Then we were told that, despite the administration's catastrophic policy failures, we should take their word for it—that we couldn't judge this new tactic's success until American forces had "surged" to their maximum levels. And that would take up 6 months.

Once the surge was at full force, we were told yet again that the time wasn't right, that we had to withhold judgment again and wait until General Petraeus's report. And last week, General Petraus came before Congress and told us—to wait some more.

For what?

Early this month, Comptroller General David Walker testified that "the primary point of the surge was to improve security . . . in order to provide political breathing room" for the Iraqi Government.

Seven hundred American service men and women sacrificed their lives for that breathing room, and nearly 4,400 took wounds for it. What has the Iraqi Government done with it? It failed to meet its own political benchmarks, failed to enact oil legislation, sustained a mass resignation of Sunni politicians, leaving more than half of its cabinet seats vacant, and enjoyed a month-long vacation.

At the height of the surge, a BBC poll reported that 60 percent of Iraqis—and 93 percent of Sunnis—think it is justified to kill American troops. It is no surprise that Walker concluded that "as of this point in time, [the surge] has not achieved its desired outcome."

That is what the surge has gotten us. What has it gotten Iraqis? At the very best, a reduction in violence to still-catastrophic early-2006 levels. And even so, the statistics we saw last week were extremely subject—as are all statistics—to the biases of those compiling and categorizing them. According to the Washington Post, "Intelligence analysts . . . are puzzled over how the military designated attacks as combat, sectarian, or criminal"—difficult categorizations that, I might add, make all the difference to selling the surge as success, or recognizing it as a failure.

Comptroller General Walker added that "there are several different sources in the administration on violence, and those sources do not agree." One intelligence official put it succinctly: "Depending on which numbers you pick, you get a different outcome." In that context, it is significant that the military cannot track, and does not track, Shiite-on-Shiite and Sunni-on-Sunni violence. And in Baghdad alone, according to the Iraqi Red Crescent, "almost a million people . . . have fled their homes in search of security, shelter, water, electricity, functioning schools or jobs to support their families."

And those are the results with the surge—a surge that, given the exhausted state of our military, cannot physically be sustained. The administration's supporters need to explain to us: Without the surge, what could possibly happen, that has not taken place already, to bring political reconciliation to Iraq?

What more could possibly happen to quell the violence between and among Iraq's Sunnis and Shiites? What new development could possibly change the face of this war? We all know the honest answers to those questions.

And so the choice we have today is not, as some would have it, between victory and defeat. That has never been the issue. We can choose indefinite war for invisible gains; or we can choose to cut our losses here and recognize that there is a better opportunity with a different course of action. I can't remember a more painful choice in all my years in this body. But to govern is to make just such painful choices, without fear or flinching. And I believe the American people are far ahead of us on this issue—they've made their choice. We must make ours as their Representatives.

This amendment seeks to put that choice into action and to stop Iraq's downward spiral. First, it sets firm and enforceable timelines for the phased redeployment of combat troops out of Iraq.

The redeployed forces would be comprised of a majority of the deployed Army Brigade Combat Teams and the Marine Expeditionary Force currently in theater. Some may claim that such a redeployment is logistically impossible within the timeframes laid out in the amendment. But I would remind them that in the ramp-up to the first gulf war, the Department of Defense coordinated the movement of over 500,000 troops, and 10 million tons of cargo and fuel in the same timeframe that this amendment grants to redeploy a force one-fifth the size.

In January of 1991—1 month alone—the Transportation Command moved 132,000 troops and 910,000 tons of equipment. So it is clear that we have the wherewithal to end this war, if Congress could find the will. At the same time, we cannot simply wish the conflict away. We do have enemies in Iraq, enemies equally committed to killing Americans and sowing sectarian violence. That is why this amendment carves out exceptions to the general redeployment.

Using the name of al-Qaida is a means to frighten Americans into buying a far broader agenda of continuous occupation. It's no coincidence that, in President Bush's televised remarks on Iraq last week, the word "al-Qaida" crossed his lips some 12 times in a speech roughly 15 minutes long.

The amendment makes three noncombat exceptions: first, conducting counterterrorism operations; second, training and Iraqi forces; and third, protecting U.S. personnel and infrastructure.

It is beyond clear that continuing our course in Iraq harms America in the broader fight against terrorism. In an article in the Financial Times, Gideon Rachman summarized the key ways the war in Iraq has actually strengthened terrorism: by diverting resources from fighting al-Qaida in Afghanistan; by turning Iraq into a failed state and terrorist-incubator; by delivering al-Qaida a potent recruiting tool; and by harming America's standing with its traditional allies, whose cooperation is necessary to foil terrorists. All four reasons are clearly being enhanced because of our continued military presence in Iraq.

On the other side of the coin, tightly focusing our Iraq mission actually aids our security in the long run.

That certainly is the case when you consider the quote from a recent IPS article on CENTCOM's commander, ADM William Fallon—General Petraeus's superior, I might add. Admiral Fallon "believed the United States should be withdrawing troops from Iraq urgently, largely because he saw greater dangers elsewhere in the region." With al-Qaida reconstituting itself on the Pakistan-Afghan border, I could not agree more.

With redeployment complete, I want our military to begin to regather its strength. After a one-time redeployment cost estimated by the Congressional Budget Office at $7 billion, which is about equal to this war's cost every month, our Armed Forces will have the resources needed to prepare for future challenges.

Those resources are sorely needed. Long, arduous deployments are not only testing the morale of our troops and families, they are taxing critical stocks of aircraft, vehicles, and other equipment. Two-thirds of the U.S. Army—two-thirds of the U.S. Army—is unable to report for combat duty.

According to the National Guard Bureau Chief, LTG Steven Blum, "88 percent"—his words, not mine—"88 percent of the Army National Guard forces that are back here in the United States are very poorly equipped today."

That shortage affects National Guard units in every State, and every one of our colleagues knows it. It is the picture of a military that has been ground into the dirt, unit by unit, machine by machine, soldier by soldier.

Do the President's supporters think this can go on forever? Will they come to this floor and claim we are invulnerable? If General Petraeus does not know, actually, whether this war is making us safer, let's ask another question: Is this war endangering our security?

Our military's top generals and admirals know the answer to that question. They have submitted to Congress a list of critical priorities that President Bush's budget ignores. As we squander billions of dollars every week in Iraq, they are calling out for help to meet our military's needs to repair the damage this administration has caused.

Our top generals and admirals know better than anyone how deeply our military is hurting. We must meet these obligations to our war-fighters because it is, in the end, our obligation to keep safe the people we represent.

As I said at the outset, the question from Senator JOHN WARNER—the simple, one-line question asked of General Petraeus—was the single most important question asked during 2 days of hearings: Are we safer? The answer, tragically, is no. What a disaster if this war of choice ultimately left us unready and unarmed to fight a war we did not choose.

Clear data, long experience, and common sense tell us all how to answer the question that General Petraeus could not. I do not blame him for staying silent. It is his duty, in that moment, to be agnostic. I understand that. But it is our duty not to be agnostic. We do not have that luxury as Members of the Senate charged with the responsibility of deciding whether this conflict goes on.

We cannot remain silent. We cannot beg off the answer to that question: Are we safer? Are we more secure? We know what the answer is. Now we bear the responsibility to this generation and to history to answer the question. It is our duty to choose, a duty to choose at this moment, even when there is heartache in either hand. I choose to draw the line here because I cannot stand to lose one more life in the name of misplaced hope and blind faith.

I call on our colleagues, both Democrats and Republicans, not to lose this moment. This will be the only moment, I suspect, before January of 2009 to answer this question. How many more lives will be irreparably damaged and lost because we failed to answer the question posed by our colleague from Wisconsin, which I am proud to join him in asking today. Let us bring this tragic chapter in our history to a close and offer new hope to this country, and the Iraqis, and that desperate region.

I yield the floor.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Connecticut for his very strong statement in support of our amendment, and even more for his extremely passionate and consistent support all year.

I yield 10 minutes to another cosponsor of the amendment, the assistant majority leader, Senator DURBIN.

Mr. DURBIN. Madam President, will the Chair please advise me when I have 2 minutes remaining?

Madam President, this room we work in, this Chamber where the Senate meets, is a Chamber that has seen a lot of history in its time. There have been moments of great pride, and, unfortunately, moments I am sure where the opposite has occurred in the history of this great Chamber.

It has been my honor to represent the wonderful State of Illinois for 10 years as a Senator. Fewer than 2,000 Americans have ever had this chance to serve as a Senator. But the men and women who have been given the opportunity are also given a responsibility far beyond the responsibility of any individual citizen.

Votes come and go. If you put me on the spot and say: Tell me all your votes from 2 weeks ago, I would be hard pressed to remember. But there are some votes you can never forget. Whether as a Member of the House of Representatives or a Member of the Senate, I have found the votes that gnaw into my conscience and keep me awake at night are votes related to war because when you vote on war, you know that at the end of the day, if you move forward, people will die. It may be the enemy, but it is likely to also include many of your own and innocent people.

So in October of 2002, just weeks before reelection, we gathered in this Chamber late at night, with the President who insisted that we vote to give him authority to go to war in Iraq. It was not that long after we had given him the authority to go after those responsible for 9/11, our current war in Afghanistan against the Taliban and al-Qaida.

But sadly before that vote, the American people were misled; misled by the President, the Vice President, the Cabinet, and the leaders of our Nation about the war in Iraq. The information given us about that war was wrong. We were told that Saddam Hussein was a threat to the United States of America. That was not true. He was a bloody tyrant, ruthless with his own people. He would certainly not win the approval of anyone in this Chamber for what he had done to his nation, but he was not a threat to us.

We were told about weapons of mass destruction that beat the drums of war and had our people anxious to respond quickly to protect us. People in the White House were talking about mushroom-shaped clouds and chemical weapons and biological weapons and stockpiles and aerial photographs to prove that they all existed. It turned out none of that was true.

The most grievous sin in a democracy is to mislead the American people into a war, and that is what occurred. We were misled into a war that night with a vote in this Chamber. On that evening there were 23 of us who voted against that war. There were a variety of reasons, but most of us believed the President had not made a solid case for the war, for the invasion of Iraq, and that he had not thought through what might occur if we made that invasion.

I can recall one of my colleagues saying: It is far easier to get into a war than it is to get out. In the fifth year of this war, that certainly has been proven true.

I voted against the war that evening, 1 of 22 Democrats, less than a majority of our own, with 1 Republican. Of all the votes that I have ever cast in the House and Senate, it is the one of which I am the proudest. I have never looked back with any doubt about that vote, not one time.

Look what has happened since. Almost 3,800 of our best and brightest sons and daughters of Illinois and every State in the Union have died in Iraq. Thousands have been injured, some gravely injured. I visit their hospital rooms, I meet with their families, I watch as they struggle to make life out of a broken body, trying to regain the spirit to look forward instead of backward. It is a bitter struggle.

Today, Senator FEINGOLD of Wisconsin gives us a clear choice. Will we continue this war or will we bring it to a close? Will we change our mission and start to bring our troops home or will we allow this war to continue?

I sincerely hope my colleagues on both sides of the aisle will look carefully at his amendment. He has worked long and hard on it.

He makes it clear that we are not going to pick up and leave tomorrow. We are going to redeploy in an orderly fashion. We are going to make certain our war against al-Qaida can still be waged within Iraq and wherever they raise their ugly heads. He is also going to make sure that we protect our own and make certain that we provide training assistance, limited, but training assistance to the Iraqis so they can stand up and defend their own country.

So many of our colleagues have come to the floor and said: Do not change a thing. Stick with the strategy. Well, I have been there three times now. I was just there a few weeks ago. It is a grim, sad, horrific situation in Iraq. And there is no way to sugarcoat it. No report from any general or any ambassador can change the reality of what is happening on the ground there.

To be given body armor when you go into Iraq, and a helmet, and be told: You better wear this wherever you go, tells me this is not a safe country. In the fifth year of this war, the safest area in Baghdad, in the Green Zone, they tell you: Put the body armor and helmet down at the end of the bed because when the sirens go off you have 4 to 6 seconds to put it on.

See, we cannot have rocket attacks into what we call the safest area of Baghdad. There are parts of that city where they would not even consider sending a Congressman or a Senator, just too dangerous, in the fifth year of this war with 160,000 or 170,000 of the best soldiers in the world.

This administration is in complete denial about what is occurring in Iraq. They are in complete denial about what the American people feel about this war. And they are in complete denial about the utter failure of the Iraqi Government to lead its own people forward.

The Iraqis need to make some fundamental decisions before we can celebrate democracy in Iraq. And the first question they have to resolve is, are they Iraqis first or are they members of a religious sect first? I do not think that question has been resolved. It certainly has not been resolved in parts of the Muslim world for 14 centuries, and sadly the crucible of this battle now is Iraq.

Our soldiers, our men and women in uniform, have been tossed into this bloody, deadly sectarian fight that continues by the day. The Iraqi Government finds excuse after excuse not to produce the most basic elements of governance, and as they plunder and blunder away, our soldiers die in the streets of their cities.

I have had it. Someone said to me earlier: Well, are the American people putting a lot of pressure on you about this war?

I said in response: The American people could not put more pressure on me about this war than I already feel. I feel for every one of those soldiers I sat down with for lunch in that country. I feel for all of them I see shipping out from my State and all across America. I feel for every wife and husband back home, trying to keep these kids together during a lengthy deployment.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DURBIN. I feel it is time for a change. I cannot in good conscience continue to give this President a blank check for this war because I know what he is going to do with that money. He is going to continue this failed policy with no end in sight. We are going to continue to lose 100 or more soldiers every single month until he can back out of the exit of this Presidency on January 20, 2009.

I am sorry, but I can no longer be party to financing what I consider to be the worst foreign policy mistake in our history. I will support Senator FEINGOLD. I will provide the funds for the orderly redeployment of our troops to make sure that the terrorists are fought where they should be fought and to do what we can to help the Iraqis. But in the fifth year of this war, it is time to change.

Now, I listen on the floor of the Senate while many of my colleagues want to change the subject. They want to talk about ads and newspapers about General Petraeus. Well, let me tell you something. I respect General Petraeus. But we have more important things to do than debate ads in newspapers. And instead of looking for ways to change the subject, we need to join together in a bipartisan fashion to change the war. That is why we are here. That is what we will be judged by. And the question is whether we will stand up now that we have a choice and a vote. Will we march in blind allegiance to a President who has brought us to this sad, tragic moment in our history or will we in the Senate have the courage, on a bipartisan basis, to stand up for people across America, for our soldiers and their families who need a change in policy, need a change in direction, and need to be brought home?

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield 3 minutes to the cosponsor of the Feingold-Reid amendment, the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today to discuss the situation in Iraq and the continuing efforts of this administration and my colleagues on the other side of the aisle to paint a rosy picture, when the situation in Iraq suggests otherwise.

First, I thank Senator CARL LEVIN for the good work that he and the committee have done on drafting the Defense authorization bill. Next, I would like to take a few minutes to discuss Senator FEINGOLD's amendment.

I am a cosponsor of the Feingold amendment because I believe it is imperative that we change the mission in Iraq to reflect the ugly reality on the ground.

We are worse off today in Iraq than we were 6 months ago. The position of America, democracy and stability continue to erode. If there was ever a need for a change of course in Iraq, it is now.

Despite the fact that 70 percent of Iraqis believe that the surge has worsened the overall security and political situation of their country, it remains terribly clear that President Bush and my colleagues on the other side of the aisle are equally determined to maintain our present, failing course in Iraq.

Months ago, the violence in Iraq devolved into a civil war between the Shiites and the Sunnis, and U.S. troops are still stuck in the middle. Our troops have no business policing a civil war.

And the fundamentals in Iraq stay the same: there is no central government and the Shiites, the Sunnis and the Kurds dislike one another far more than they like or want any central government. This dooms the administration's policy in Iraq to failure.

That is why I am here in support of the Feingold amendment. This amendment will ensure that most our troops will be safely redeployed from Iraq by next summer, and those that remain will undertake a mission that reflects the reality in Iraq.

U.S. troops will conduct limited counterterrorism missions, and they will train Iraqi security forces that support the U.S. mission. We will not train Iraqis that have attacked U.S. troops.

This amendment will make sure that U.S. troops are no longer policing a civil war between the Sunnis and the Shiites. It will let the Maliki Government know that U.S. troops will not, nor cannot, remain in Iraq indefinitely. Only that understanding will make the Maliki Government move forward in the difficult process of political reconciliation that Iraq needs.

The Democratic Congress will continue to fight this administration's failing policy, and help chart a new way forward in Iraq. This amendment is the first step in that direction, and I strongly urge all my colleagues to support it.

I salute my colleague from Wisconsin for his undaunted leadership. He is way ahead of his time on this issue. I am a cosponsor of the Feingold amendment because I believe it is imperative we change the mission in Iraq to reflect the ugly reality on the ground. We are worse off today in Iraq than we were 6 months ago. Our troops are doing an excellent job—make no mistake about it—but if the whole purpose was to strengthen the Government, by every standard the Government is weaker. Despite the fact that 70 percent of Iraqis believe the surge has worsened the overall security and political situation of their country, it remains terribly clear that President Bush and my colleagues on the other side of the aisle are equally determined to maintain our present failing course in Iraq. To change that course does not require weak medicine. It requires strong medicine. That is what the Feingold amendment is.

Months ago, the violence in Iraq devolved into a civil war between the Shiites and Sunnis, and U.S. troops are stuck in the middle. Our troops have no business policing a civil war, and we should not continue to do that with our troops, with our dollars, and with the heart and soul of this Nation. We must change course, and we must do what it takes to change course.

That is why I support the Feingold amendment. It will ensure that most of our troops will be safely redeployed from Iraq by next summer, and those who remain will undertake a mission that reflects the reality in Iraq. This amendment will make sure U.S. troops are no longer policing a civil war between Sunnis and Shiites. It will let the Maliki Government know U.S. troops will not remain in Iraq indefinitely. Only that understanding will make the Iraqi Government move forward.

The Democratic Congress will continue to fight this administration's failing policy until we change it. One of the best tools we have to do that is the amendment offered by the Senator from Wisconsin.

I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from New York for his support and his very strong, effective statement about how important it is that we move forward on this amendment.

I now yield to another of our excellent cosponsors and supporters throughout this process, the Senator from New Jersey, 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank the distinguished Senator from Wisconsin for his leadership on this issue. As someone who voted against this war from its outset, I rise in strong support of the Feingold-Reid amendment. The last time we gathered to vote on a change of course in Iraq was July 18, approximately 2 months ago. Since that day, the Iraqi Parliament, with its country in the grips of a civil war, with much work to do to achieve political reconciliation, took a month-long vacation. Since that day, four bombs were set off in concert in northern Iraq, leaving more than 500 dead, the deadliest coordinated attack since the beginning of the war. Since that day, despite a much ballyhooed cease-fire in Al Anbar, Shiek Abu Risha, our main ally in the province, was murdered, a mere 10 days after he shook hands with President Bush. Since that day in July when we last had a chance to change course, another 160 sons and daughters of America have lost their lives in Iraq. Another 160 flag-draped caskets flown to Dover, another 160 renditions of "Taps" played at tear-soaked funerals, another 160 American families who will have an empty seat at the table come Thanksgiving.

So here we are again. The calendar changes but the challenges do not. Yet again we meet on the Senate floor to consider another proposal to responsibly and safely transition our mission in Iraq and bring our troops home, out of another country's civil war. Yet again, as we have heard many times before through the course of this failed war policy, the President and his loyalists in this Chamber are using that tired refrain: The plan is working. It needs more time. We cannot leave.

Now, as then, these words ring hollow. The administration that brought us the search for weapons of mass destruction, the "cakewalk," and "last throes" is now pitching "a return on success." But this President lost his credibility on Iraq about the time he stood on an aircraft carrier underneath a banner reading "mission accomplished," almost 4½ long years ago. The administration may be shopping a new catch phrase, but we are not buying anything they are selling anymore. The President, armed with questionable statistics, presented us an open-ended, no-exit plan for the sons and daughters of America who continue to fight and die in Iraq. As a matter of fact, he said it will be up to the next President, in 2009 and beyond.

The reality is that "a return on success" is "staying the course" by another name. We have tried this road. We have gone down it for 4½ years, with no turn of the wheel. Going down this road has diverted attention from Osama bin Laden, who is back in business and roaming free in a safe zone along the Afghanistan-Pakistan border. It has fomented terrorism, creating a training ground in Iraq and allowing al-Qaida to regroup to its strongest level since September 11, according to intelligence estimates. It has stretched our military thin, wearing down troops serving extended tours, depleting our Reserves and National Guard, and compromising national security with a diminished preparedness to tackle other international threats. It has cost us dearly in national treasure and, most importantly, precious lives.

Going down this road has not brought stability to Iraq nor made us any safer at home. It is clear we are being driven down a dead-end street by an administration without a roadmap for a lasting peace. Now they expect the American people to buy the no-exit occupation they are selling, the deployment of more than 130,000 American troops for as far in the future as the eye can see. No end in sight?

Today we are living with the consequences of the administration's failed policy. Over 3,700 troops have been killed in Iraq since the beginning of the war, including 97 servicemembers with ties to the State of New Jersey. We have now spent over $450 billion on the war in Iraq, with a burn rate of $10 billion a month. Frankly, I never believed the administration's estimate that the so-called surge would only cost $5.6 billion, and these new numbers only prove once again we have been misled.

Despite the meager improvements in the Anbar Province cited in General Petraeus's report last week, the situation in Iraq continues to grow worse. Sectarian violence surrounding Baghdad has surged this past week in connection with the holy month of Ramadan. At least 22 people have been killed in a series of bombings and shootings in Diyala and Kirkuk. Moreover, GEN William Caldwell has reported there is evidence Sunni extremist groups in Iraq have been receiving funds from Iran. In terms of reconstruction, oil production in Iraq is still lower than it was before the war 4½ years ago, and Baghdad is getting approximately 7 hours of electricity a day, significantly less than before the war.

How can we be expected to support a war plan about which every independent report portrays a situation of chaos far away from stability or political reconciliation? In fact, according to the latest report card on Iraqi progress, the President's war policy is still flunking. Even if the debatable metrics used to compile the report are solid, half of the benchmarks have not even seen a minimal amount of progress. Now that it is clear the benchmarks are perhaps impossible to achieve with our current strategy, we see a concerted effort to play them down in terms of their importance.

In General Petraeus's testimony, it was evident. The original goals of the escalation, to give the Iraqi Government and political factions breathing room to achieve reconciliation, have not been met. The benchmarks are now an afterthought and success is being measured in different and less stringent terms. It is a recurring pattern that no longer fools anyone: Make a bold proclamation, fail to meet expectations, fail to meet legally established benchmarks brought in by the Iraqi Government as well as our own, passed in law by the Congress, signed by the President, change the discussion. Moving the goalposts may appease some in this Chamber, but it does not help us achieve a lasting peace that is ultimately more important.

When all else fails, the President and his supporters often respond to rightful criticism of their disastrous war plan with a question meant to change the subject: What are your ideas? What they fail to realize is a majority of Congress and an overwhelming majority of the American public have long been unified behind a course of action that we believe gives us the best chance for success and security, both in Iraq and at home. That is the purpose of this amendment. A responsible transition of our mission and withdrawal of our troops from Iraq on one hand gives a sense of urgency to the Iraqi Government and security forces that is currently absent. Until they actually believe we will not be there forever, they will not take control of their own country. At the same time, bringing our troops home allows our overburdened military to regroup. It allows us to have the capability to respond to other threats in the world that might arise. It allows the replenishment of our National Guard which is currently stretched so thin that response to disasters in the homeland has been affected. Yesterday it was announced that half the Army National Guard in my State of New Jersey—that is 6,200 soldiers—will be deployed as soon as next year, almost 2 years before the deployment was originally scheduled. That will leave our National Guard at half strength in a State at serious risk for a terrorist attack. That is 6,200 soldiers taken away from their loved ones to be tossed into another country's civil war.

Most important about our plan and this amendment, it allows American families who have been separated and stressed by an ill-conceived war to be made whole again. The alternative is an endless occupation in Iraq with more American blood spilled and no light at the end of the tunnel.

Throughout this war many have drawn the obvious parallels between this failed war policy and another quagmire 40 years ago. The comparison in some respects is valid and important. It is said those who do not learn the lessons of history are doomed to repeat it. Because I fear history is being repeated, I wish to draw upon the words of Robert Kennedy, who served in this Chamber and delivered this statement about the Vietnam War in March of 1968:

> We are entitled to ask—we are required to ask—how many more men, how many more lives, how much more destruction will be asked, to provide the military victory that is always just around the corner, to pour into this bottomless pit of our dreams?
>
> But this question the Administration does not and cannot answer, it has no answer. It has no answer—none but the ever-expanding use of military force and the lives of our brave soldiers in a conflict where military force has failed to solve anything in the past.

Our past teaches us our current struggle and our current predicament are best solved by a new course. Future generations will judge this war policy and the choice to continue it indefinitely harshly. They will still be paying the price. We have another opportunity today to write an end to this sad chapter, to turn the page and recommit to strengthening the military and targeting Osama bin Laden. We have the opportunity to change history for the better.

I urge my colleagues to begin that change today and vote for a new course in Iraq by supporting the Feingold amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from New Jersey for his sponsorship of our amendment and for his powerful statement on its behalf, recognizing the reality of what is happening in Iraq and our need to change course.

How much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 32 minutes.

Mr. FEINGOLD. Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to be recognized for 5 minutes to speak in opposition to the Feingold amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, as to the author of the amendment, no one should ever question his motivation, his patriotism. He has been a firm believer that we should be out of Iraq as soon as possible. Senator FEINGOLD believes our continued presence in Iraq is creating more terrorism in terms of solving the problem; it is creating the problem in a larger sense. I personally disagree.

The reason al-Qaida went to Iraq is not because we were in Iraq. They went to Iraq because of what the Iraqi people are trying to do. We are all over the world. They have not followed us to every country we have been in. They have decided to make Iraq a central battlefront in their war against moderation because they fear a successful outcome among the Iraqis. The biggest fear of an al-Qaida member is that a group of Muslims will get together and be tolerant of each others' differences when it comes to religion, and elevate the role of a woman so she can have a say about her children. That is why al-Qaida is in Iraq.

The military surge has produced results beyond my expectation. The old strategy clearly was going nowhere. After about my third visit to Iraq, after the fall of Baghdad, I had lost faith in the old strategy and those who were proposing it was working. This new general has come up with a new idea. This is not more of the same with more people. You are getting out behind walls. You are getting out into the community. We are living with the Iraqi Army and police force—very good gains in terms of operational capabilities of the Iraqi Army. We are going to have to start all over with the police.

But the surge has allowed a real diminishment of the al-Qaida footprint in Anbar Province. Anytime Sunni Arabs turn on al-Qaida anywhere in the world, that is good news. So the surge has provided us a level of security not known before. It has been al-Qaida's worst nightmare. There is still a long way to go.

Senator FEINGOLD's amendment would basically bring the surge to a halt. It would withdraw troops at a very rapid pace. We would be out of Iraq by June of next year. My big fear is, instead of reinforcing reconciliation, it would freeze every effort to reconcile and people would start making political decisions based on what happens to their country when there is no security.

The American mistake of the ages was letting Iraq get out of control, not having enough troops. We paid heavily for that mistake. Now we have it turned around. Militarily, politically they are not where they need to be in terms of the Iraqis. But the best way, I believe, to get political reconciliation to happen in Baghdad is to make sure those who are trying to reconcile their country—families—are not killed. So the better the security you can provide, the more likely the reconciliation.

One thing is for sure: more troops have helped embolden the Iraqi people in terms of extremists. They are taking on extremists after the surge better than they had ever done before the surge. I think this confidence given to the Iraqi people by a surge of military support has paid dividends.

We need political, economic, and military support to continue, not just because of Iraq but because of our own national interest. If I thought it were only about who ran Iraq, I would be willing to leave. It is not about who controls Iraq. It is about whether we can create a stable, functioning government in Iraq that would contain Iran and deny al-Qaida a safe haven. If it were only about sectarian differences and a power struggle for Iraq, it would be a totally different dynamic.

To me, Iran is ready to fill a vacuum. If we have a failed state, that is a military, political, and economic problem far worse than the ones we are dealing with now. A failed state is a state that breaks apart, people stop trying to work with each other, and regional players come in and take sides.

A dysfunctional government is what we have in Iraq, probably what we have here. A dysfunctional government has hope of getting better because people keep trying. So the way to have a government go from a dysfunctional status to a secure, stable status is to provide security. I want this dysfunctional government to act sooner rather than later, just as you do, I say to the Presiding Officer. The best way to make that happen is to ensure that the politicians involved understand we have a commitment to their cause that will embolden them.

The Feingold amendment, no matter how well intentioned, will reenergize an enemy on the mat and make it harder to reconcile Iraq. That is why I urge a "no" vote.

I yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Ms. COLLINS are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield 5 minutes to the Senator from Michigan, Ms. STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first thank my friend and colleague from Wisconsin for his foresight and his leadership on this very critical issue, the most critical issue facing our country.

I rise today to support the Feingold amendment, as I have in the past. The American people want us to stop this direction we are going in and to, in fact, bring our military home so they can be effectively refocused, to redeploy to address the real threats that are facing America.

We all heard during the Armed Services hearing the distinguished Senator from Virginia, Mr. WARNER, ask what I think is the most important question to General Petraeus. After General Petraeus had laid out the strategy and what was happening on the surge, Senator WARNER asked him: General, are we safer? Is America safer? He then first began to answer that question by talking about the fact that he was proceeding on the mission that had been given to him.

Then he was asked again, and I believe it was the third time he was asked by the Senator. He was asked: Is America safer? The general said: I don't know.

Three-quarters of a trillion dollars spent, lives lost—thousands of lives, hundreds of thousands of Iraqis and innocent civilians—and the answer is: I don't know. I think the American people do know.

I think the American people understand that when we are directing our forces—our brave men and women, the best trained, the most highly recognized and effective troops in the world—when we are placing them in the middle of a civil war in Iraq, and then we turn on our television sets and we see the man who has the organization that attacked us and killed over 3,000 Americans on American soil speaking to us through a video, commenting on American politics and what is happening here in the Senate, they are appalled. People understand we should be addressing ourselves to the people who attacked us and the real threats we have. We know where they are, at least close to where they are. We know the region, and we need to redeploy our troops to address the threats that have, in fact, been serious for America—not the middle of a civil war, but the people who attacked us, and those now who have joined them in their cause.

My husband is a veteran of the Air Force and the Air National Guard; 14 years. He reminds me all the time that our men and women in uniform are doing their duty to complete the mission that is laid out for them in a democratic society by their civilian leaders, by their President, by their Congress. They look to us, they are counting on us to make sure it is the right one, to give them what they need, but to also give them a strategy that makes sense. They are counting on us to ask tough questions, to probe. They are there putting their lives on the line every single day. Their families are at home sacrificing every single day, and they are counting on us to get this right.

As one of the people who voted no on going into this war in Iraq, I now join with colleagues in saying: Enough is enough. This has to change. There are real threats. We need to refocus and redeploy in the name of safety for Americans. But we need to make sure we are ending this civil war participation we have put our soldiers into. The Feingold amendment does this. It brings our troops home and refocuses them, redeploys them, as we should, in a way that will truly focus on the ways to keep us safe for the future, so that when the next general is testifying before the Armed Services Committee and that general is asked: Is America safer, we can join together and say yes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am very grateful to the Senator from Michigan for her support and for her statement as well.

At this point, I want to turn to the majority leader. I am delighted that he has joined me on this amendment and has been such a strong leader over the many months since the election in trying to end this war in Iraq. I thank him for his courage and his leadership, and I yield him 10 minutes.

Mr. REID. Mr. President, I, too, appreciate the work of the junior Senator from Michigan on this legislation. She is truly a great Senator and does so much to help her State and our great country.

I don't seek any attention. I get some on occasion, but I don't seek it. But, today, I want everyone to understand. On this amendment, I want this amendment to be known as the Feingold-Reid amendment. I proudly add my name, as I have from the very beginning, to this amendment. This is the future. We must proceed, and we will, at some time with this legislation.

Yesterday, the Senate voted, once again, on legislation with real teeth that would protect our troops and prevent the President from irresponsibly overburdening these troops. It was a good amendment. It simply said: If you are in country for 15 months in a war in Iraq or Afghanistan, then come home and spend at least 15 months. The old rule used to be you would be home twice that long, three times that long, but now, no, we have our troops going back on fourth tours of duty within a couple of years. This has led to all kinds of problems in our States.

Look at the people who have been killed and injured during their second tour of duty or their third tour of duty. I can't get out of my mind, and I never will, Anthony Schober from Las Vegas—no, he was from northern Nevada—I am sorry. He knew he wasn't going to come back from his fourth tour of duty. He told everybody. He told his family. He said: I have been too lucky. I have had explosions next to me. I have survived them all. I have seen my buddies killed. I am not going to come back. And he didn't. He was killed. That is what the Webb amendment was all about.

The vote yesterday wasn't a vote of symbolism; it was a binding national policy. Yet, again, the Republican minority filibustered the Webb amendment. The reason I say "filibustered the Webb amendment" is because a majority in the House and the Senate support a change in direction of the war in Iraq. A majority in the House and a majority in the Senate have voted time and time again to change direction, to bring our troops home.

The rules in the Senate are such as they are, and I live by them, and I love this institution. The fact is, the Republicans have stopped us from enacting policies supported by a majority in the Senate and in the House and, by far, the American people by filibustering the Webb amendment, the amendment about which I just spoke.

We don't have to take my word for this. Headlines from newspapers from around the country—from the Wall Street Journal: "Republicans Block Troop Measure." From the Associated Press: "GOP Opposes Bill Regulating Combat Tours." From Reuters: "Senate Republicans Block Iraq Bill." Headline after headline all across this country—"Senate Republicans Block Iraq Bill."

I understand the Senate is a deliberative body that was created to prevent haste and promote consensus. But what we are seeing here on this issue, the issue of the war in Iraq, is a far cry from deliberation. It is obstructionism, strictly outright obstructionism. That is what we saw yesterday, and except for a courageous few, that is what we continue to see from the Republican Senate. They represent a small minority of the American people.

Countless Republicans have said the right thing. Countless Senators who are Republicans say the right things when they go home. They say: We must support our troops, we must protect our national security, and we must change course in Iraq. But here, these same Republican Senators, when they come back to Washington, have consistently voted the wrong way. They have voted to put their arms around the Bush war and to make it also their war. Back home, they assert their independence, but in Washington, they walk in lockstep with the President and continue to support his failed war.

General Petraeus, whom we have talked about all morning, has said the war cannot be won militarily. That is what he said. Can we work together? Of course we can. We have proven that. Not on this, not on the Iraq war, but we have worked together this year on bipartisan issues. We have made progress. We hope to have next week the SCHIP health care for children. We have done stem cell research on a bipartisan basis. We passed an energy bill with 62 votes; student financial aid—the largest probably since the GI bill of rights; minimum wage; mental health parity. We have done a lot of good things working together. The issue dealing with Iraq has been one side against the other.

I very much appreciate the Presiding Officer. The Presiding Officer has worked his heart out trying to come up with something that would change the course of the war in Iraq, and I admire and appreciate his having done this. He is continuing to do it. As we speak, he has people working to try to come up with something, a bipartisan consensus that would change the course of the war in Iraq.

I have reached out to my colleagues on the other side of the aisle time and time again. With the exception of about five or six courageous Senate Republicans, these efforts have been rebuffed. That is their right. I understand that. There is nothing the Democratic majority can do to force the Republican colleagues to vote the responsible way. When I talk about the Democratic majority, remember, it is a slim majority—51 to 49. With Senator JOHNSON ill until a week or so ago, it was 50 to 49. But so long as young Americans continue to fight and die and be wounded in another nation's civil war with no end in sight, we are going to keep fighting to responsibly bring them home, rebuild our military, and return our focus to fighting the real war on terror against Osama bin Laden and his al-Qaida network.

By the way, we hear today he has another video coming. I don't know if he will be gray-bearded this time or black-bearded, but he has another video coming, and it is on its way within a matter of a few days.

The President and his Republican supporters here in the Senate say we should just continue the current policy; things are going OK, so couldn't we just let things keep going on as they are, and hopefully—I guess they think things will turn out OK. But tell that to the 20,000 Iraqis who flee their country every month, left homeless and hopeless. Tell that to the families of innocent civilians, 1.2 million of them who have been killed in this war. Tell that to the 2 million Iraqi refugees who are in Jordan and Syria and anyplace they can find. Tell that to the families of 3,800 dead American troops, that things are going OK. Tell the families of the countless thousands who have been grievously wounded in this war that it is OK, we just need a little more patience and a little more time. Tell our troops who have served us so bravely, so bravely without proper equipment on occasion or rest, that now is not the time to change course of the war.

Today, we have another chance to forge a responsible and binding path out of Iraq. The amendment before us is the best path for the United States and for the people of Iraq. Should we care about the people of Iraq? Of course we should. The worst foreign policy blunder in the history of this country was the invasion of Iraq. Am I glad we are rid of Saddam Hussein? Of course I am. What we have done to that country I have outlined in some detail here this afternoon. This amendment changes our fundamental mission away from policing the civil war, reduces our large combat footprint, and focuses on those missions which are in the national security interests of our country. It uses Congress's powers, its constitutional powers to limit funding after June 1 of next year—that is well into the sixth year of the war—to counterterrorism, force protection, and targeted training of Iraqi forces.

This amendment recognizes we have interests in Iraq, but it does not facilitate the open-ended role of U.S. forces in a civil war. I urge my colleagues to support this responsible legislation. It is one more chance for the Senate to chart a new way forward in Iraq.

President John Kennedy:

> A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all morality.

If we send this amendment to the President, those who voted for it can return home, look their constituents in the eyes, and tell them they had the courage to finally do what is right for our troops and for our country.

Let me close by saying this: As my good friend knows, the comanager of this bill, we came to the Congress on the same day of the same year 25 years ago. I respect the senior Senator from Arizona because he doesn't hide what he stands for. I admire him. He stands for what he thinks is the right thing to do. I disagree with him, but what I am criticizing is not my friend from Arizona. I am reaching out to my friends across the aisle who say one thing at home, issue press releases one way, and then come here and vote another way.

So it is time we do the right thing. I believe it is the right thing. Look what has happened to our country since this invasion took place. We are mired in civil war in Israel with Palestinians fighting each other, we have a near civil war in Lebanon, and we have this terrible situation in Iraq. We have Iran thumbing their nose at us, and our standing in the world community has gone down, down, down.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time?

Mr. FEINGOLD. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio.

Mr. BROWN. Mr. President, I thank Senator FEINGOLD and echo the words of the Democratic leader, the majority leader, HARRY REID, and his comments about this war and about the future of our country and what we need to do. I rise in support of the Feingold amendment.

General Petraeus confirmed that our troops, operating under horrific conditions, are displaying the courage and the skill that define this whole engagement. Our troops have been courageous. Our troops have been skillful. Our troops have been effective. Our troops have been selfless. Our troops have done everything we have asked them to.

But the civilians at the Pentagon and the politicians at the White House have bungled this war. The administration is selling one war and fighting another. They are selling a war where they are saying with a little more patience, we can truly say "mission accomplished," as if we didn't hear that last year and the year before and the year before that. The President's fighting of the war is one step forward, two steps back, and one that will require perhaps a decade-long engagement.

More than anything, Americans deserve the truth. We are losing men and women, without a clear idea of whether or when we can bring our troops home. We are refraining from redeploying troops based on possibilities—possibilities that are no worse than the realities we are facing now.

Especially and mostly, we have lost our focus. We have lost our focus on Afghanistan, on rooting out al-Qaida, finding Osama bin Laden, and protecting our borders. Instead, we spend $2.5 billion a week on a war—$2.5 billion a week on a war that even General Petraeus, by not answering Senator WARNER's question, acknowledges this war is making us no safer. So we spend $2.5 billion a week and the war is not making us safer and we are not doing what we should be in Afghanistan, what we should be doing in rooting out al-Qaida, what we should be doing in finding Osama bin Laden, and what we should be doing in protecting our borders.

Instead, we are mired in a civil war, with no end in sight. As long as the Iraqis, as Senator FEINGOLD said, and so many of us who have wanted to have a plan to redeploy our troops out of Iraq for 2 or 3 years now—as long as our commitment looks open-ended, as long as there is no end in sight to this civil war, there is no incentive for the Iraqis to do what they need to do; there is no incentive for a political settlement, where Sunnis and Shia and Kurds work together on a political settlement with a political compromise, and there is no incentive for the Iraqis because they think we are always going to be there in this open-ended commitment to the civil war. There is no incentive for them to do what they need to do to build a military security and police security force until the Iraqis know that, yes, there is an end date. We need to pass the Feingold amendment and the message will be that U.S. troops are going to redeploy out of Iraq, so it is now incumbent upon the Iraqis to do what they need to do through political compromise and through building their military and police security forces, and then Iraq can move forward. As long as we stay mired in a civil war and they think it is an open-ended commitment, we will continue to see this lack of progress.

Military victories we can win, and have, and our soldiers and marines have waged and won those battles. But until we have a political victory, a compromise, a settlement, and the Iraqis build up their own security forces, the war goes on and on. It is time to bring our troops home in the safest and most orderly way we can, as Iraq accomplishes other urgent goals, such as border security, and we address the issues in Afghanistan and with al-Qaida.

I support the Feingold amendment. It makes sense that we finally change course in Iraq and do the right thing for the Iraqi people and for our country.

Mr. LEAHY. Mr. President, I strongly support the Feingold amendment, of which I am a cosponsor. This is the strongest amendment for changing course in Iraq among the proposals that we will consider this week. It is the only proposal that addresses the President's failed Iraq policy head on, and that would begin the much needed redeployment of our forces within 90 days.

The invasion of Iraq, and the catastrophe it has caused for the Iraqi people, for Iraq's neighbors, and for the United States, must end. It has been a failure—a failure in terms of our strategic interests, a failure in making us safer, a failure in terms of the President's naive goal of imposing a new Iraqi Government by force.

Our troops have stepped up time and time again, many of them sacrificing their lives, and many more suffering severe injuries. Their performance has been superb. Despite what the President and some who defend his policies say, our troops are not the issue. The issues are the glaring shortfalls, and the appalling incompetence, of the President's strategy.

The "surge" has not brought the Iraqi factions any closer to political reconciliation, which after all is the ultimate goal of the surge strategy. In fact, the divisions among the Iraqi people—already deep because of the brutal manipulations of the Saddam Hussein regime—seem to be worsening. The White House seems to have no idea how to call things off and get our troops out from the middle of Iraq's civil war.

The cold hard truth is that the President has presented the American people with no real option, just more of the same. If the President is going to ignore our true national interests by prolonging this conflict, if the Commander-in-Chief of our Armed Forces is not going to take responsibility, then Congress, as representatives of the people, must be the catalyst to chart a new course.

The Iraqi Government is only getting more dependent on a continued American presence. It is the consensus view of our intelligence community, as reflected in the latest National Intelligence Assessment, that there is no prospect that in the next year the Iraqis will come together and reach a political settlement.

Even the new White House report, buttressed in part by the nonpartisan and professional General Accountability Office, shows that Iraq is getting a failing grade in its ability to meet key military and political metrics on its path toward reconciliation and stability.

The administration cites the positive developments in Anbar Province as justification for continuing this perpetual deployment of American forces. There has been progress there, much of it predating the so-called "surge." Hundreds of members of the Vermont National Guard know how bad the situation was in Anbar less than a year and a half ago, when these soldiers helped make up Task Force Saber in Ramadi. They were in the worst place in Iraq at the worst time. Since then the situation has clearly improved, and our troops and their commanders deserve credit and our thanks for that tough and dangerous work.

But the new-found calm is based on a set of agreements between Sunni tribes and American forces, not with the Iraqi Government. The Iraqi Government sees newly organized and perhaps newly armed groups of Sunnis as a threat to its power, and it is doubtful that will change any time soon.

In the meantime, the situation elsewhere continues to implode.

Passage of the Feingold amendment would force the Iraqis—and neighboring nations with a stake in Iraq's future—to recognize that the open-ended deployment of U.S. forces is ending. The drawdown of our forces, coupled with a strong U.S.-led diplomatic initiative, might bring about the political reconciliation that no amount of additional military force can bring about.

It might also cause Iraq's warring ethnic factions to go their own way, splitting the country into separate states. But that is where they are currently headed anyway. The administration's policies and incompetence have brought us to the point where there are no good options. But either of these scenarios is better than the future offered by the President. His war is costing us horrific casualties and enormous sums that could be better spent repairing our frayed international reputation and strengthening our security at home.

I urge my colleagues to take the only responsible step and pass this amendment that will finally bring our troops home.

Mrs. BOXER. Mr. President, I rise in support of the Feingold-Reid amendment.

This amendment would remove our troops from the middle of a civil war and give them three achievable missions. First, to conduct targeted operations against al-Qaida and affiliated terrorist organizations; second, to train and equip Iraqi security forces that have not been involved in sectarian fighting or attacks against our forces; and third, to provide security for U.S. personnel and infrastructure. For all other U.S. forces not essential to these three missions, the amendment calls for their safe redeployment beginning in 3 months and to be completed by June 30, 2008.

On May 16, the Senate failed to end a filibuster on the Feingold amendment by a vote of 29-67. Since that time, 389 Americans have been killed in Iraq. In fact this has been the deadliest summer for U.S. forces since the war began.

Our troops have done everything asked of them. They achieved every mission they have been given. When they were given a clear task, it was accomplished. Our military forces defeated the Iraqi army, hunted for nonexistent stockpiles of weapons of mass destruction, captured Saddam Hussein and his sons, provided security for three elections, and trained 350,000 Iraq police and army.

But there are some missions that are beyond the capacity of our military. Our military cannot give the Iraqi people the political will to achieve a national reconciliation among Sunni, Shia and Kurds. And, our military cannot convince Iraq's neighbors to play a positive role in ending the violence in Iraq.

The Iraqi people do not want us in Iraq and 70 percent of them believe that the surge has made the security situation worse.

Passage of the Feingold-Reid amendment will allow us to renew our focus on al-Qaida.

I voted to go to war against al-Qaida. I strongly supported the decision to use military force in Afghanistan to oust the Taliban government. But then this administration made one of the biggest strategic blunders in the history of this nation. It took its eye off of al-Qaida and became obsessed with Iraq, a country that had no links to al-Qaida.

The cochairs of the 9/11 Commission, Tom Kean and Lee Hamilton, recently wrote, "no conflict drains more time, attention, blood, treasure and support from our worldwide counterterrorism efforts than the war in Iraq. It has become a powerful recruiting and training tool for al-Qaida."

It is finally time to change the mission in Iraq and redeploy our troops out of the middle of this civil war.

And so, Mr. President, I urge the adoption of the Feingold-Reid amendment.

Mr. LEVIN. Mr. President, I agree with much of the Feingold amendment, particularly as it relates to the desire to transition the mission of U.S. forces in Iraq and to commence the reduction of U.S. forces from Iraq. Indeed, I have long sought those actions in an attempt to put the Iraqi security forces in the lead and to bring pressure on the Iraqi Government to make the political compromises necessary for reconciliation among the three main Iraqi groups.

My concerns with the Feingold amendment are principally two. First of all, the mission to which U.S. forces would be limited after June 30, 2008, are too narrowly drawn and would not, in my view, allow our forces to carry out the missions that would be required. For example, I don't believe we should limit the duration and scope of targeted operations against al-Qaida as the amendment provides. I also don't believe we should preclude our forces from being embedded with Iraqi forces. I also believe the continuing mission of U.S. forces should include providing logistic support to the Iraqi security forces, which is prohibited by the Feingold amendment. In that regard, I would note that the Independent Commission on the Security Forces of Iraq that was led by retired Marine general Jim Jones specifically pointed out the logistic shortfalls of the Iraqi security forces and that they would need to rely on Coalition support for this function.

My second chief concern is that restricting appropriations for our military sends the wrong message to our troops who are performing so heroically on the battlefield in Iraq. It would also pose extraordinarily difficult decisions for our field commanders. They could be faced, for instance, with determining whether a member of the Iraqi security forces has ever been involved in sectarian violence or in attacks against U.S. forces, because if they were they could not be trained by our forces under the terms of the amendment. Indeed, an incorrect determination could subject the commander to violations of our antideficiency laws which prohibit the expenditures of appropriated funds except to specified purposes.

It is concerns such as these which lead me to vote "no" on the Feingold amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Senator from Ohio for his important statement. I am grateful to him. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, we are about to have a vote. I again thank my friend from Wisconsin for the level of this debate. My only comment and conclusion is that I urge my colleagues to reject an amendment that basically returns the failed strategy we had for nearly 4 years. I keep hearing, as I did from the majority leader, it is time to change course, time to change course. Well, we did change course, thank God; that new course has been succeeding. Do we have a long, hard struggle ahead? Of course we do. After a few months of the new strategy—and I recognize the other challenges, such as the political one and the Maliki Government and the police. But I am convinced the new strategy can succeed and the consequences of failure, as outlined by people who were opponents for the war in Iraq initially—this course of action, going back to the old failed strategy would lead to chaos, destruction, deterioration, and an eventual return on the part of American military people with further service and sacrifice.

I again thank my friend from Wisconsin for his level of debate. I respect very much his commitment to the security of this Nation.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I, too, thank the Senator from Arizona for the quality of the debate and, in particular, on such a difficult and emotional issue. I thank all the leadership on our side for speaking on behalf of our amendment.

I appreciate, in particular, the Senator's last comment. He and I share one top priority, and that is the national security of the United States of America. We disagree on what role this Iraq situation plays. I think it weakens our country; he happens to think it will strengthen our country. But our goals are the same.

This amendment is a reflection of my belief and the majority leader's belief that the only way to truly respond to those who attacked us on 9/11 and stop them from continuing activities is to stop the hemorrhaging of our country regarding the Iraq intervention.

With that, I yield the remainder of my time.

Mr. MCCAIN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Ms. CANTWELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Ms. CANTWELL) would vote "yea."

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—28

Akaka
Boxer
Brown
Byrd
Cardin
Clinton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Menendez
Murray
Obama
Reid
Rockefeller
Sanders
Schumer
Stabenow
Whitehouse
Wyden

NAYS—70

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Reed
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb

NOT VOTING—2

Biden
Cantwell

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. REID. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, for the information of all Members, the two managers are trying to work out a consent agreement that we would move next to the Levin-Reed amendment, and we would debate that this afternoon and vote on that in the morning. We are having a difficult time trying to figure out what time to do it in the morning. Some want early, some want late, but it won't be earlier than 10:30. We will work that out in just a bit, as soon as the two managers have this under control.

After that, with the permission of the minority, after we finish the Levin-Reed amendment, we will move to the Biden amendment. The managers of the bill know what that amendment is about, and we will have further information later, but that at least outlines today and tomorrow.

The Republican leader and I are talking about how to work through Monday. There are different scenarios we are working on. One thing is for sure, we are going to do WRDA. We are going to move to that tomorrow, and we will complete that sometime Monday or Tuesday.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there will be no more votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that when the Senate resumes consideration of H.R. 1585 tomorrow, Friday, September 21, that the time until 9:50 a.m. be equally divided and controlled between myself and Senator MCCAIN or our designees; that the time from 9:50 to 10 a.m. be under the control of the two leaders or their designees, with the majority leader or his designee controlling the final 5 minutes; that at 10 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the Levin amendment, with no amendment in order to the amendment prior to the vote; that the amendment be subject to a 60-vote threshold, and if it does not achieve that threshold, the amendment be withdrawn; that upon disposition of the Levin-Reed amendment, Senator BIDEN be recognized to offer his amendment; that whenever the Senate resumes consideration of the Biden amendment, there be 30 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled between Senators BIDEN and MCCAIN, or their designees, with no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, I will not object. I wish to make it clear, according to the discussions the chairman and I had, the next amendment that would be offered would be the Lieberman-Kyl amendment, and this—we are not exactly sure when that happens, because we are not sure at what point we return to the Biden amendment. It could be possible, if we are not prepared to resume debate on the Biden amendment, we could begin debate on the Kyl-Lieberman amendment. But, in any case, the Kyl-Lieberman amendment would be scheduled for consideration depending on how it fits in with the Biden amendment.

I hope I was not confusing in that comment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask the Senator to yield.

It is my understanding we are attempting to go back and forth when there are amendments on both sides, and that the floor manager, Senator MCCAIN, would have the opportunity in any event to designate Senator KYL to offer an amendment.

I would agree that that then be the next amendment, if that is his intent, after the Biden amendment is either disposed of or is pending, and for reasons that are obvious needs to be set aside, because it is not ready for resolution, then we would go to the Kyl-Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. REID. Madam President, we were of the understanding that we had worked something out on WRDA, and hopefully that is the case, that we would not have to do the cloture vote at noon on Monday, that we would have a vote on final passage of the bill at 5:30. But everyone should be aware that it appears someone on the minority side has objected to that. If that is the case, we are going to go ahead and have our noon vote. I thought we had worked that out and I hope we can. But in fairness, whoever is holding this up, let us know one way or the other, because Members need to know about what their schedule is going to be on Monday. We have people coming in from all over the country. Some people have to take all-night flights to get back for that 12 o'clock vote. Whoever is trying to make a decision on this, I wish they would do it as quickly as possible—today is Thursday—in fairness, so people can make their weekend plans. We should know if, in fact, we are going to have a vote at noon on Monday.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, parliamentary inquiry: Under the unanimous consent that is now in operation, it is my understanding the Levin-Reed amendment would be called up. Is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2898 TO AMENDMENT NO. 2011

Mr. LEVIN. I call up the Levin-Reed amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. REED, proposes an amendment numbered 2898 to amendment No. 2011.

Mr. LEVIN. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a reduction and transition of United States forces in Iraq)

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 90 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION ALONG WITH A COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented along with a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Special Representative to the United Nations to use the voice, vote, and influence of the United States to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by not later than nine months after the date of the enactment of this Act.

Mr. LEVIN. Madam President, as I understand it, there is no time agreement on this, other than that we complete debate today on the Levin-Reed amendment, except for the time allocated tomorrow morning?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Rhode Island is recognized.

Mr. REED. Madam President, I rise in support of the proposal my colleague Senator LEVIN has offered. I participated in this with him. This is a legislative proposal we have advanced in various forms for over a year. It seeks, quite simply, to initiate a withdrawal of our forces from Iraq. I think it is interesting to note that General Petraeus announced he too is recommending a withdrawal of forces, about 5,700 troops, before the end of this year, which essentially complies with at least a portion of our proposal dating back over a year.

But it goes further than that. It would require a transition to three discrete missions from the open-ended war-based mission that today our forces are pursuing.

The first mission would be counterterrorism, which is essential not only in Iraq but across the globe. That requires attention, energy, and persistence, and we would urge and support such a mission in Iraq; not just in Iraq, but, frankly, worldwide.

The second mission would be to continue to train Iraqi security forces and provide robust training, support for those forces, because we need to provide the Iraqis the ability to defend themselves and pursue opponents of the legitimate Government of Iraq. Third, and something that is essential every time we deploy our forces, is to protect our forces, to give commanders in Iraq the ability and the forces needed to ensure that American forces will be protected. Those three missions represent not only what is in the long-term interest of the United States but also within the capacity of the United States to effectively carry out not just in the next several weeks or months but for a period of time.

My perspective has always been that the President is much more comfortable with slogans than strategies. We have a new one now, "return on success." It follows a long line of slogans, ranging from "when they stand up, we will stand down," "mission accomplished," and many others. But what we need now at the national level, not at the circumscribed level of just Iraq, is a national strategy that in the long run will deal with the significant threats that face this country.

In the interim of our involvement with Iraq, starting several years ago, we have seen some remarkable developments which suggest very strongly that the strategy the President pursued is deeply flawed. We have seen the resurgence of al-Qaida. That is not the opinion of myself alone. It is the conclusion of the National Intelligence Estimate most recently released to the public. We are seeing a virtual—in fact, a real safe haven in Pakistan for bin Laden, Zawahiri, and others. And from that relative area of safety for them, unfortunately, they are able both to direct in a limited way actions across the globe and also to inspire other unrelated cells who are conducting these operations.

We just witnessed recently in Germany where, through good police and intelligence work, the capture of a cell comprising ethnic Germans who converted to Islam and Turks, who were contemplating a major terrorist attack against American facilities, not perhaps directly related to al-Qaida but certainly inspired. And there is evidence that suggests perhaps there was even some remote link. But they are there in Pakistan in a safe haven. It seems to me ironic that the President would talk about creating a safe haven in Iraq when, for all intents and purposes, we are at least acknowledging, recognizing, perhaps even not effectively acting against the safe haven in Pakistan.

Also, when it comes to the discussion of a safe haven for Sunni jihadists in Iraq, we have to recognize, too, that one of the benefits of the last several weeks in Iraq has been what is required and called the Sunni awakening. That has been an incidental result of our increased troop presence. It was not the purpose, but certainly it is a favorable development. That is simply the result of Sunni sheiks realizing that Sunni jihadists of al-Qaida are more a threat to them, to their families, and to their way of life than the new government in Baghdad or the presence of American forces. Through the able and effective and courageous work of American soldiers and marines, these sheiks have been enlisted to attack and are attacking al-Qaida elements. That is a positive sign and tends, in my view, to mitigate against those dire warnings that there will be an automatic and predictable reflexive creation of a safe haven for al-Qaida in Iraq.

In addition, there is a Shia government there that is committed to certainly disrupting and eliminating Sunni insurgents, particularly al-Qaida insurgents. So we see, in terms of the strategic picture, a virtual or a real safe haven in Pakistan, arguably problems in Iraq, but certainly I think showing how our preoccupation in Iraq is taking our eye off a much more serious and potential threat.

The other very serious threat that faces us in the region and worldwide is the growth of Iran. That growth has been fueled by oil prices at $80 a barrel. That makes their bottom line look a lot better and gives them a greater sense of confidence as they look out and pursue their plans.

Second, frankly, is our vulnerabilities in Iraq, the fact that the Iranians have strong influence in that country, the fact that the government in Baghdad, the Maliki government, has not just associations but long-time associations with Iranians. They are coreligionists. I am not trying to suggest that they are agents or clones, but there certainly is a rapport and understanding and an appreciation of the proximity of the Iranians and their potential impact in Iraq. That situation has given rise to a resurgence and a strategically more empowered Iran. So you have a strategy that the President has pursued that has not mitigated these major threats against the United States but actually has enhanced them. That might be the definition of a bad strategy.

So our involvement in Iraq has taken us away from critical threats. In that term alone, we have to begin to think seriously about our approach forward. The status quo has not worked. There is scant evidence it will in the next several months.

There is another issue we have to look at. That is not only in terms of the strategic threats, but it is our capacity. The real driving factor in the proposal that General Petraeus made is not what is happening on the ground in Iraq, it is the force structure. It is the number of Army and marines that we have to commit. If you talked to anyone months ago, they could have told you essentially what General Petraeus was going to say, which is by next spring, beginning in April and going through July, we would have to reduce by 30,000 our forces in Iraq; that the surge had an end point unrelated to what was happening on the ground, to the success or lack of success. Simply we could not sustain that large a combat force on the ground. That is essentially what General Petraeus confirmed in his testimony to the Congress when he returned from his mission in Baghdad.

So we are limited in what we can do. That is not a function of success, return on success, or anything else. In fact, I was always under the impression that in a military context, when you have success, you reinforce it. You don't talk about a return on success, you reinforce it. But, quite frankly, we do not have the resources available to reinforce. So we are being driven by the constraints of our military forces more than what is happening on the ground. We have to respond to that.

It also drives the real question: In the next several months, after the surge is over and it has been announced it is over, what missions can we responsibly take on, what missions will support our national security, and what missions will be within the grasp of our manpower and personnel resources? Again, that underscores the need for change and underscores the need for adoption of limited missions as we propose in the Reed-Levin amendment.

When General Petraeus came before the committee, he made several points. First, he would recommend a redeployment of forces this year. That is something we have been arguing for and urging for over a year, many of us. Many accusations have been hurled at us that we were irresponsible and reckless. They are not being hurled at General Petraeus. But the reality is, he, too, recognizes that we have to begin to redeploy our forces. Second, he is talking about reducing the forces by 30,000. If you recall, the military premise of the surge was, if you inserted 30,000 additional troops focused on Baghdad, you would have now sufficient forces to conduct a different type of mission, population protection. You could disperse them in the localities. You could conduct more aggressive patrolling.

I think the announcement by General Petraeus that those troops are coming out begs the obvious question: How do you maintain that population protection mission without those 30,000 troops, and particularly without, as most people recognize, the ability of the Government of Iraq to replace our forces with reliable Iraqi security forces? In a sense, the progress we have seen—and there is progress on the ground; there is tactical momentum. No one should be surprised when we commit American forces to a mission that they obtain dramatic and immediate results. But the real question is, are those successes permanent or transitory? Are they reversible or irreversible?

My sense is that they are highly reversible, that as we depart, insurgents, opponents of the Government in Iraq, will move back in and try to exploit the absence. Without a sufficient and reliable Iraqi security force, that probably could be accomplished. So I think that just the numbers drive us to start thinking about missions that we can perform.

The other factor of General Petraeus's testimony is that he very clearly begged off from any suggestion of what do we do after next June or July. Frankly, we have to have a strategy, a plan that goes beyond the next 6 months. It is unsatisfactory that both, it seems, the President and, indeed, the commander on the ground will say simply they don't know. No one knows perfectly, but we have to have at least their sense of what their best guidance is beyond that in terms of troop levels, in terms of some of the questions I have raised.

Going back, again, to this notion of troop levels, if you recall, the focal point of the surge was stabilizing Baghdad, a large city, stable population. But the operations since then necessarily have taken our forces well beyond Baghdad, and the areas in dispute in Iraq are well beyond Baghdad. So the simple calculation of military forces versus population has been thrown out the window in the sense of the appropriate level of forces versus the real population and the real area that we are trying to stabilize.

In this regard, we have to recognize what is happening in the south; that is, the British forces are, for all intents and purposes, withdrawing into base camps. Their presence has shrunk dramatically, roughly 5,000 troops. That area now is becoming an area that is extremely hospitable to Shia militia, to Iranian influences, and has a long-term potential to provide further instability in the country. Yet we don't have the forces to go down there. We are not attempting to go down there, and yet that poses a real challenge to the long-run security and safety and stability of the country.

I sense, for all these different reasons, that we do have to change our course. That is at the heart of the Levin-Reed amendment, to identify, first, clearly the direction of our forces, which is to begin a phased redeployment; second, to focus on missions that are within our capacity and will, to the best of our capacity, advance our interests in the region, not just in Iraq but in the whole region.

We all were waiting for the report of General Petraeus and Ambassador Crocker. There were other reports. General Jones and the General Accounting Office came forth almost simultaneously. We hoped these reports would provide both the President and the Congress with the information they needed to begin to change our direction in Iraq.

Unfortunately, it appears at this juncture, unless we are successful with this amendment, that change is not going to take place.

The GAO was the first to release their report, and it was sobering by anyone's standards. Of the 18 economic, security, and legislative benchmarks set by the Iraqis themselves last January, GAO found that 3 had been met, 4 had been partially met, and 11 had not been met.

I think it is important to emphasize—because now the benchmarks were being seen as, oh, just some interesting construct of the Congress unrelated to what was happening in Iraq, et cetera—but these were the points the Iraqis stressed as critical to their progress. They were the points that were deliberately embraced by the President of the United States.

In January, when he talked about the surge, part of that—a large part of it—was to allow the Iraqis the political space, the time to achieve these benchmarks. What appears to have happened, having failed the test, the President decided the test was not worth giving, and he ignores the results. But those results, I think, speak volumes.

For example, the Iraqi Government still has not completed revisions to the constitution, or enacted legislation on de-baathification, oil revenue-sharing, provincial elections, amnesty, or military disarmament.

When Ambassador Crocker was here, he said: Well, we have not done it formally out there, but they informally are distributing the oil revenues. That goes, I think, to the point I have tried to suggest in other contexts. If it is informal, then it is highly reversible. If it is informal, it is transitory. Legislation is not as reversible and transitory. We do a lot of that around here, but at least you have to go back through the legislative process. But these informal arrangements may be just temporary and expedient, and probably are temporary and expedient. But the real work, the commitment the Government of Iraq made months ago to make these changes, has not been accomplished.

The Iraqi Government has not eliminated militia control of local security, eliminated political intervention in military operations, ensured even-handed enforcement of the law, increased Army units capable of independent operations or ensured that political authorities made no false accusations against security forces.

Again, we have been engaged for years in training Iraqi security forces. At the entry level of that training—to give the ability of a squad leader to read a map, to call indirect fire, to call a medevac—we have made progress. To give the skills for an individual infantryman to low-crawl, to clear a building, we have made progress. But it is at the critical levels where politics and security intersect that there has not been the adequate progress. That is the most decisive level. Until there is a force in Iraq that is not only technically capable but can operate with a certain degree of independence, then their ability is, I think, undermined. We are making progress in that direction.

The Levin-Reed amendment calls for the continued training to achieve not just technical proficiency but we hope some day a force that is professionally capable and deployed in a way where they can secure the country of Iraq—their country—without fear or favor with respect to political or sectarian allegiance.

Now, the Iraqi Government also pledged to spend $10 billion of their own money on reconstruction. We have sent billions of American dollars over there for reconstruction. To date, only $1.5 billion of Iraqi funds has been allocated to do that. I think it raises the question among many Americans: If we are spending all these billions of dollars—and the President is going to send the supplemental up shortly asking for billions and billions of dollars more—why cannot the Iraqis spend at least their own money they have for their own people for their own needs? I think it is a question that the longer it goes unanswered, the more unsettling it is to the American public.

The GAO also noted:

> It is unclear whether sectarian violence in Iraq has decreased—a key security benchmark—since it is difficult to measure the perpetrators intent and other measures of population security show differing trends.

The situation, which is understandable given the chaotic nature, given the conflicting motivations that are engulfing the country and producing violence—it is hard to say what is criminality, what is a politically motivated event, what is the mixture of the two—but these measures, I think from our perspective, whether they go up or down, probably do not suggest the atmosphere which most Iraqis endure, which is an atmosphere of violence, potential violence, of fear. It is an atmosphere that has caused 2 million people to be external refugees, 2 million people, roughly, to be internally displaced.

It also is reflected in polling conducted within Iraq about the sense of security and the sense of the future the Iraqi people have. These numbers have been declining. It was at a zenith, obviously, after the operations in March 2003. But since then there has been, I think, a significant and continued deterioration. Because this violence—to us it makes a difference that it is sectarian versus criminal—but to someone on the street, it is violence. Again, the progress in stabilizing the country that the Iraqi Government said they were committed to has not materially been changed throughout the country.

Now, General Petraeus and General Jones did report improvements in the Iraqi security forces, and they should be recognized. But the progress is uneven and slow. I suggested at the zenith, where it is most critical in terms of stability of the country, where it is commanders, not squad leaders, who are making decisions, that is the most difficult to achieve, and it is, so far, lagging based upon the reports we have heard.

Now, we recognize the last 2 years have been enormously challenging for the Government of Iraq and our participation there. We recognize, too, that both General Petraeus and Ambassador Crocker came with great experience, great professional acumen, and great patriotic service to the country, and gave us their best report.

There is another aspect of this debate which is as important as what is going on in Iraq, and that is what is going on in the United States. Frankly, the support for our operations has rapidly faded since the heady days of March 2003. Before the September reports by Ambassador Crocker and General Petraeus and the speech by the President, 64 percent of Americans polled by CBS felt things were going badly in Iraq; after the reports and speech, 63 percent.

My point is, that is an important factor in the conduct of any national security policy: The support of the American people. In fact, the manual General Petraeus helped author at Fort Leavenworth, the counterinsurgency manual, makes that point specifically, that public support within the United States is a critical—critical—attribute for policy, particularly long-term policy in a counterinsurgency conflict.

We have seen, frankly, the American public being quite concerned, in fact disheartened, about what is happening in Iraq. I think that also calls—in addition to what is happening on the ground—for a change in our policy, for a change in the direction Senator LEVIN and I are suggesting.

It is very difficult and some would argue impossible for any administration to carry out a policy without the strong support of the United States, particularly a policy that does not seem to be matched by an equal commitment by those whom we are trying to help. I believe we do need a change of policy, not only because it is a more effective way to go forward, but it, I think, would represent to the American people a needed sense that we have heard them, we are moving forward, and we are moving forward in a way that can be sustained and be supported by the American people.

Everyone has to recognize the extraordinary contribution of our military forces. They are serving well, and they continue to serve well. But I think their effort has to be matched by a wiser policy on our part. That policy, I think, is necessary. I hope we can do that within the context of the amendment we propose.

There is another issue here, too, and that is not just public support but also the financial support. We are spending $12 billion a month in Iraq, Afghanistan, et cetera. That price keeps going up. We understand the costs are not short term. There are hundreds of thousands of veterans coming out of the gulf who for the next 50 years will require support and assistance. This is not going to be something that when we look back 5 or 10 years, even when the fighting stops, we can ignore. We have a long-term commitment to these individuals and a long-term costly commitment. We have to measure our policy against our resources, not just the brave men and women who serve, but our ability to finance their operations and finance their long-term care as they come back.

This amendment, as I indicated previously, calls for a transition which I believe is long overdue, a transition to counterterrorism, a transition to training Iraqi security forces, and protection of our forces, coalition forces. I think the transition will help us in terms of what is happening on the ground, what is happening in the country, and what should be happening in the region.

Also, our amendment talks about a very aggressive diplomatic approach, something I think has been missing. We have to engage the regional community and the world community to help us. I think there might be an opportunity, indeed, when we talk about the context of training, to go forward to our allies in NATO and say: You could help us on this training mission. This is not a direct combat operation. This is something well within the capacity of your armies across the globe. This could put an international approach to our problems, which would be very helpful not only in terms of putting men and women on the ground to assist the Iraqi security forces, but indicating this is not America's problem alone, this is an issue that should be addressed by all the nations of the world.

Now, for 5 years our military forces have fought with valor, courage, and sacrifice. Their families have borne their absences. They have supported them remarkably and magnificently, and I think that has to be recognized. But we have to provide them a diplomatic support that has been lacking all these years.

Many of my colleagues have traveled to Iraq many times. I have. Since the beginning, there has not been an adequate complement through diplomats and AID personnel and agronomists, and all the specialists you need to provide the public nonkinetic—as military people describe it—aspects of counterinsurgency. Those forces have been lacking. There have been efforts recently to improve them, but they are still significantly lacking.

So for many years—all these years—we have had an Army and Marine Corps at war, supported—I should say not just supported but it has intimately involved all our services—but we have not had the full commitment of our national resources. We have not had a full commitment of our civilian agencies that is so necessary. Today, that, I think, is not being manifested enough. So for that reason, also, I think we have to recognize a change is necessary.

I hope we can change the policy. I think in the long term it will be beneficial to the United States. I hope we will allow ourselves to begin to focus more resources on threats that are, I think, much more severe: the virtual safe haven in Pakistan from where bin Laden sends tapes to us and al-Zawahiri sends tapes to us that inspire terrorist organizations in Europe that are approaching closer and closer to the United States—that was, I think, the whole premise for our global war on terrorism, to effectively prevent another attack on our homeland—the growing power of Iran, not only in terms of its influence in the region, its connection to other terrorist groups, but its aspirations to be a nuclear power, which we are finding very difficult to counter diplomatically.

I hope we can refocus our efforts in Iraq, and we can also refocus our efforts to meet these other emerging and very dangerous threats.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I rise to oppose the amendment offered by the chairman and the Senator from Rhode Island that would mandate a withdrawal of U.S. forces from Iraq.

Again, we find ourselves on the floor of this Chamber debating an amendment that is nearly identical to one that failed 2 months ago. The pending amendment would mandate a withdrawal of U.S. combat forces within 90 days of enactment, leaving a smaller force authorized only to carry out narrowly defined missions. And the Senate faces, once again—faces again—a simple choice: whether to build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission or to ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue.

Many Senators wished to postpone this choice, preferring to await the testimony of General Petraeus and Ambassador Crocker. Last week, these two career officers reported unambiguously that the new strategy is succeeding in Iraq. Knowing what we now know—that our military is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—a measure of courage is required, not the great courage exhibited by those brave men and women fighting on our behalf but a smaller measure, the courage necessary to put America's interests before every personal or political consideration.

It is important that as we proceed with consideration of this amendment, we spend a few moments reviewing the current state of affairs in Iraq. We see today that after nearly 4 years of mismanaged war, the situation on the ground in Iraq shows demonstrable signs of progress. The final reinforcements needed to implement General Petraeus's new counterinsurgency plan have been in place for over 2 months, and our military, in cooperation with the Iraqi security forces, is making significant gains in a number of areas.

General Petraeus reported in detail on these gains during his testimony in both Houses and in countless interviews. The No. 2 U.S. commander in Iraq, LT GEN Ray Odierno, said today the 7-month-old security operation has reduced violence in Baghdad by some 50 percent, car bombings and suicide attacks in Baghdad have fallen to their lowest level in a year, and civilian casualties have dropped from a high of 32 per day to 12 per day. His comments are echoed by LT GEN Abboud Qanbar, the Iraqi commander who said that before the surge began, one-third of Baghdad's 507 districts were under insurgent control. Today, he said: "Only 5 to 6 districts can be called hot areas." Anyone who has traveled recently to Anbar, Diyala or Baghdad can see the improvements that have taken place over the past months. With violence down, commerce has risen, and bottom-up efforts to forge counterterrorism alliances are bearing tangible fruit.

None of this is to argue that Baghdad or other regions have suddenly become safe or that violence has come down to acceptable levels. As General Odierno pointed out, violence is still too high and there are many unsafe areas. Nevertheless, such positive developments illustrate General Petraeus's contention last week that American and Iraqi forces have achieved substantial progress under their new strategy.

It is instructive to reflect on how far some areas have come. One year ago, in September of 2006—1 year ago, September 2006—The Washington Post ran a story titled: "Situation Called Dire in West Iraq; Anbar is Lost Politically, Marine Analyst Says." After an offensive by U.S. and Iraqi troops cleaned al-Qaida fighters out of Ramadi and other areas of western Anbar, the province's tribal sheiks, disgusted by the brutality and blatant disregard for human life exhibited by their aggressors, broke formally with the terrorists and joined the coalition side. As a result, Anbar, which last year stood as Iraq's most dangerous province, is now one of its safest.

By the way, many critics of the war say that change would have happened without the surge. That is patently false. The fact is, when the sheiks decided to come over to our side, a brave colonel named MacFarland immediately sent 4,000 marines to protect them, and General Petraeus has testified that if they hadn't had those troops, then we probably would not have seen Anbar in the condition that it is in today.

I asked General Petraeus, and he said the following:

> The success in Anbar Province, correctly, is a political success—

By the way, something we all seek——

> But it is a political success that has been enabled, very much, by our forces who have been enabled by having additional forces in Anbar Province.

Ambassador Crocker added:

> Such scenes are also unfolding in parts of Diyala and Ninewa, where Iraqis have immobilized with the help of Coalition and Iraqi security forces.

So as we all know, without military security, there is no political progress, and that political progress is only enabled by the substantial military presence that was provided by the surge.

As in Anbar and elsewhere, where local populations have turned on al-Qaida's brutal methods, there are reports of Shia extremists encountering a similar reception. Recent attacks by the Mahdi Army on worshipers in the holy city of Karbala prompted a public backlash that led Muqtada al-Sadr to order a suspension of all military actions by his followers against Iraqi and coalition forces.

In Baghdad, the military, in cooperation with Iraqi security forces, continues to man joint security stations and deploy throughout the city in order to bring violence under control.

These efforts have produced positive results. Sectarian violence has fallen since the beginning of the year. The total number of car bombings and suicide attacks declined, and the number of locals coming forward with intelligence tips has risen.

None of this is to suggest the road in Iraq remains anything but long and hard. Violence remains at unacceptable levels, the Maliki Government remains paralyzed and unwilling to function as it must, and other difficulties abound. No one can guarantee success or be certain about its prospects. We can be sure, however, that should the Congress succeed in terminating the strategy by legislating an abrupt withdrawal and a transition to a new, less effective and more dangerous course—should we do that, then we will fail for certain.

Let's make no mistakes about the costs of such an American failure in Iraq. Many of my colleagues would like to believe that should the amendment we are currently considering become law, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back in Iraq and elsewhere. That is not just my view but that of General Jones and others, in many more desperate fights to protect our security and add an even greater cost in American lives and treasure.

In testimony before the Armed Services Committee last week, General Petraeus referred to an August Defense Intelligence Agency report that stated:

> A rapid withdrawal would result in the further release of strong centrifugal forces in Iraq and produce a number of dangerous results, including a high risk of disintegration of the Iraqi security forces, a rapid deterioration of local security initiatives, al-Qaida-Iraq regaining lost ground and freedom of maneuver, a marked increase in violence, and further ethno-sectarian displacement and refugee flows; an exacerbation of already challenging regional dynamics, especially with respect to Iran.

Those are the likely consequences of a precipitous withdrawal, and I hope the supporters of such a move will tell us how they intend to address the chaos and catastrophe that would surely follow such a course of action.

No matter where my colleagues came down in 2003 about the centrality of Iraq to the war on terror, there can simply be no debate that our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Earlier this month, GEN Jim Jones testified before the Armed Services Committee on the effects of such a course.

The supporters of this amendment respond that they do not by any means intend to cede the battlefield to al-Qaida. On the contrary, their legislation would allow U.S. forces, presumably holed up in forward-operating bases, to carry out targeted counterterrorism operations. But our own military commanders say this approach will not succeed and that moving in with search-and-destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is the failed Rumsfeld strategy of the past nearly 4 years. We should not and must not return to such a disastrous course.

It has become clear by now that we cannot set a date for withdrawal without setting a date for surrender. Should we leave Iraq before there is a basic level of stability, we invite chaos, genocide, terrorist safe havens, and regional war. We invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. If any of my colleagues remain unsure of Iran's intentions in the region, may I direct them to the recent remarks of the Iranian President who said:

> The political power of the occupiers is collapsing rapidly. Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap.

If our notions of national security have any meaning, they cannot include permitting the establishment of an Iranian-dominated Middle East that is roiled by a wider regional war and riddled with terrorist safe havens.

The hour is indeed late in Iraq. How we have arrived at this critical and desperate moment has been well chronicled, and history's judgment about the long catalog of mistakes in the prosecution of this war will be stern and unforgiving. But history will revere the honor and sacrifice of those Americans who, despite the mistakes and failures of both civilian and military leaders, shouldered a rifle and risked everything so the country they love so well might not suffer the many dangerous consequences of defeat.

That is what General Petraeus and the Americans he has the honor to command are trying to do—to fight smarter and better in a way that addresses and doesn't strengthen the tactics of the enemy and to give the Iraqis the security and opportunity to make the necessary political decisions to save their country from the abyss of genocide and a permanent and spreading war. Now is not the time for us to lose our resolve. We must remain steadfast in this new mission, for we do not fight only for the interests of Iraqis, we fight for ours as well.

In this moment of serious peril for America, we must all of us remember to whom and what we owe our first allegiance—to the security of the American people and the ideals upon which our Nation was founded.

This is the same amendment that was rejected 2 months ago. In the intervening 2 months, our opposition to this amendment has been validated by the progress on the ground of the military strategy which General Petraeus designed and our brave young Americans who are serving have implemented. So we are here 2 months later with tangible success on the ground and addressing the same amendment. The effect of this amendment would return us to the failed strategy of nearly 4 years ago. If there was any doubt the last time in anybody's mind about whether we should go back to that failed strategy of the past or we should continue with this successful strategy, I think the events of the last 2 months, since we rejected this amendment the last time, should convince the objective observers.

So I hope my colleagues will understand this debate and this amendment is very important, and it is very important to the security of the United States of America, the region. We must never forget that if we fail—if we fail—Americans will be called back sooner or later and called upon to make greater service and sacrifice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I ask unanimous consent that the Biden amendment identified in a previous consent agreement be subject to a 60-vote threshold, and that if the amendment does not receive 60 votes, it be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, there isn't any dispute about whether a stable and independent Iraq is in our national interest. Some of us disagreed with the way we went to war with Iraq 4½ years ago. We have disagreed, many of us, with many of the Bush administration's policies in Iraq since then, including ignoring the advice of senior military leaders such as General Shinseki in planning the invasion, failing to properly plan for the occupation and its aftermath, disbanding the Iraqi Army, banning low-level Baath Party members from post-Saddam Government employment, failing to pressure the Iraqi leaders to meet the benchmarks and the timetable they set for themselves and, most recently, increasing the U.S. military presence in Iraq with the so-called surge, when we should be reducing our military presence.

But the challenge facing us now, given where we are today, is what is the best way to promote a stable and independent Iraq. Is the course we are on succeeding? So while the opponents of changing course argue that those of us who want to change course don't see the importance of a stable and independent Iraq, they are exactly wrong.

We see the importance of it, but we see the current policy is failing to move us in the direction of a stable and independent Iraq. It is the status quo—staying the course—that jeopardizes the goal of a stable and independent Iraq. So while there is disagreement on whether the current course is leading to a stable and independent Iraq, there is agreement—broad consensus—on the desirability of that goal.

There has also been a consensus for some time that there is no military solution to the sectarian violence in Iraq, and that the key to ending the violence lies in bringing about a political settlement among the various factions in Iraq today. Even Prime Minister Maliki recognized that fact a few months ago. This is what he said:

> The crisis is political, and the ones who can stop the cycle of blood letting of innocents are the Iraqi politicians.

That is the Prime Minister of Iraq pointing out that it is the failure of the Iraqi politicians that is resulting in the ongoing violence. President Bush said this last January. He said the purpose of the surge—the explicit purpose, the stated purpose of the surge—was to give Iraqi politicians "breathing space" to work out a political settlement.

It is also pretty much undisputed that the stated purpose of the surge—that explicitly stated purpose about giving the Iraqi politicians breathing space to work out their political settlement—has not been achieved. There are going to be arguments back and forth about how much military progress there has been on the ground, and there are statistics both ways. I accept General Petraeus's assessment—and I have been there recently—that there has been some military progress on the ground. But the purpose of the surge, the goal of the surge was to provide breathing space to the Iraqi politicians; and the more the surge has succeeded, the less excuse there is for the Iraqi politicians not working out their political misunderstandings.

So it works exactly the opposite way from what the opponents of this amendment say. To the extent the surge has succeeded militarily, it makes it less understandable, less excusable, and less acceptable for the Iraqi politicians to continue to dawdle. By the way, the President has kind of shifted ground in terms of the purpose of the surge, anyway. Now the goal of the surge is to provide security and help Iraqi forces to maintain it. So having failed in its purpose, which was to give the Iraqi politicians room to work out their political misunderstandings, now we have a much more open-ended goal: to provide security and help the Iraqi forces to maintain it.

Madam President, General Petraeus agreed in his testimony last week that the purpose of the surge—to provide breathing space to work out a political settlement—has not been achieved. He was asked a direct question and he gave that answer. He acknowledged the political settlement has not been achieved and that that was the stated purpose of the surge.

There has been a lot of debate on whether the current situation on the ground in Iraq shows significant progress in terms of security—by the way, even though, as I said, this can be argued back and forth, there has been a public opinion poll taken in Iraq. The Iraqi people have been asked that question—not by supporters or opponents of the policy but by ABC News. Here is what the poll results were, and this is the Iraqi citizens being asked whether they feel more or less secure as a result of the surge. Here is the analysis by ABC News:

> The surge broadly is seen to have done more harm than good, with 65 to 70 percent [of Iraqis] saying it's worsened rather than improved security in surge areas, security in other areas, conditions for political dialog, the ability of the Iraqi government to do its work, the pace of reconstruction, and the pace of economic development.

The result of the surge—or more accurately, the lack of political results—underscores the reality that there is going to be no end to the violence until Iraqi national leaders work out their political differences. As the Independent Commission on the Security Forces of Iraq, under the leadership of retired Marine General Jim Jones, reported last week:

> Political reconciliation is the key to ending sectarian violence in Iraq.

The Iraqi politicians surely haven't done that. They have not kept the commitments they made to achieve political reconciliation by adopting legislation setting the dates for provincial elections, approving a hydrocarbon law, a debaathification law, and submitting constitutional amendments to a referendum.

I want to emphasize that the Iraqis' commitments to work out their key differences and the timetable to do so were their commitments and their timetable. So when Prime Minister Maliki complains that outsiders are not going to dictate to the Iraqi Government, what he is trying to do is obscure the fact that his own government set the benchmarks and timetables for themselves.

Back in January, when President Bush proposed the surge, this is what he said about the benchmarks and the need for the Iraqis to meet them:

> America will hold the Iraqi government to the benchmarks it has announced.

Last Thursday, we heard the same old song from the President. He said:

> The [Iraqi] government has not met its own legislative benchmarks, and in my meeting with Iraq leaders, I have made it clear that they must.

Eight months after saying we are going to hold the Iraqi Government to the benchmarks, the President's words ring hollow. We are not insisting the Iraqi leaders keep their commitments, and there have been absolutely no consequences for the Iraqi leaders' failure to do so. James Baker, Lee Hamilton, and the rest of the Iraq Study Group recommended the following:

> If the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security, and governance, the United States should reduce its political, military, or economic support for the Iraqi government.

Now, those were the words of the Iraq Study Group. That is exactly what is needed: consequences—clear, direct, and understandable consequences. But the only response to the Iraqi politicians' continued dawdling has been the repeated calls by the President for patience.

I make reference to a letter from the Secretary of State, Condoleezza Rice, dated January 30, 2007. The question had been raised whether the timelines that were set by the Iraqi Government were in fact their timelines or ours. This is what Secretary Rice said about the timelines:

> . . . Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006. These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website.

Madam President, we have been told by the—at least the public has been told by, I believe, the Prime Minister of Iraq that they are not going to accept America's timeline, that we are not going to impose a timeline on Iraq. What Secretary Rice's letter to me confirmed very precisely is that the Presidency Council of Iraq on October 16, 2006, adopted, reaffirmed—in her words, "Iraq's Policy Committee on National Security agreed upon a set of . . . timelines."

The dates are here. Here is the timeline.

September 2006: To form a review committee and to agree on a political timetable.

October 2006: Approve a hydrocarbon law and approve a provincial election law.

November 2006: Approve a debaathification law and approve provincial council authorities law.

December 2006: Approve amnesty, militias, and other armed formations law.

January 2007: Constitutional Review Committee completes its work.

February 2007: Form independent commissions in accordance with the constitution.

March 2007: Constitutional amendments referendum.

I ask unanimous consent that the letter from Secretary Rice to me dated January 30, 2007, be printed in the RECORD at this point, which makes the very clear statement that, No. 1, the timelines I have referred to attached to her letter are the Iraqi Government's timelines, and they formally adopted those.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your recent letters regarding the way forward in Iraq and the role of benchmarks for political issues Iraq must solve. The President has also asked that I reply on his behalf to your December 12, 2006, letter to him concerning the importance of announcing a deadline for beginning a phased redeployment from Iraq.

I share your view that the Iraqi Government must meet the goal it has set for itself—establishing a democratic, unified, and secure Iraq. We believe the Iraqi Government understands very well the consequences of failing to make the tough decisions necessary to allow all Iraqis to live in peace and security. President Bush has been clear with Prime Minister Maliki on this score, as have I and other senior officials in discussions with our counterparts. We expect the Prime Minister to follow through on his pledges to the President that he would take difficult decisions.

In his January 10 address, the President stated that after careful consideration he had decided that announcing a phased withdrawal of our combat forces at this time would open the door to a collapse of the Iraqi Government and the country being torn apart. The New Way Forward in Iraq that the President announced on January 10 is designed to help the Government of Iraq to succeed. This strategy has the strong support of General Petraeus and his commanders, and we must give the strategy time to succeed.

On your point about a political solution being critical to long-term success, I also agree. However, with violence in the capital at the levels we have seen since the Samarra attack on February 22, 2006, extremists and terrorists have been able to hold the political process hostage. The President's strategy is designed to dampen the present level of violence in Baghdad and ensure that Iraq's political center has the security and stability it needs to negotiate lasting political accommodations through Iraq's new democratic institutions.

At the same time, the President has made clear to the Prime Minister and other Iraqi leaders that America's commitment is not open-ended. It is essential that the Government of Iraq—with our help, but its lead—set out measurable, achievable goals and objectives on each of three critical, strategic tracks: political, security, and economic. In this regard, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006. These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website.

Beyond that, as the President said, Prime Minister Maliki made a number of additional commitments including: Non-interference in operations of the Iraqi Security Forces; Prosecution of all who violate the law, regardless of sect or religion; Deployment of three additional Iraqi army brigades to Baghdad; and Use of $10 billion for reconstruction.

We will continually assess Iraq's progress in meeting these commitments as well as other initiatives critical to Iraq's development.

Sincerely,

CONDOLEEZZA RICE.

UNOFFICIAL TRANSLATION

NATIONAL POLITICAL TIMELINE

September 2006: From Constitutional Review Committee; Approve law on procedures to form regions; Agree on political timetable; Approve the law for Independent High Electoral Commission (IHEC); and Approve the Investment Law.

October 2006: Approve provincial elections law and set date for provincial elections; and Approve a hydrocarbon law.

November 2006: Approve de-Ba'athification law; Approve provincial council authorities law; and Approve a flag, emblem and national anthem law.

December 2006: Approve Coalition Provisional Authority Order 91 concerning armed forces and militias; Council of Representatives to address amnesty, militias and other armed formations; and Approve amnesty, militias and other armed formations law.

January 2007: Constitutional Review Committee completes its work.

February 2007: Form independent commissions in accordance with the Constitution.

March 2007: Constitutional amendments referendum (if required).

Mr. LEVIN. Madam President, I ask unanimous consent that another letter that I will read a part of be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, DC, June 13, 2007.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter inquiring about the benchmarks that the Government of Iraq set for itself last fall.

As you mentioned, I sent to you a letter in January in which I noted that Iraq's Political Committee on National Security agreed upon a set of benchmarks and an associated timeline, which were reaffirmed by the Iraqi Presidency Council in October 2006.

We have confirmed with Iraqi President Talabani's Chief of Staff that the benchmarks were formally approved last fall by the Iraqi Political Committee on National Security. This committee includes the Presidency Council—the President and the two Vice Presidents—as well as the leaders of all the major political blocs in Iraq. The Iraqi Presidency Council then posted the benchmarks on its website for several months.

Thank you for your interest in this issue. Please feel free to contact us on this or any matter of concern to you.

Sincerely,

CONDOLEEZZA RICE.

Mr. LEVIN. This is a June 13, 2007, letter to me from Secretary Rice. The setting for this—before I read this paragraph—is that Iraq said they never adopted those timelines, they never adopted those benchmarks. They contested what Secretary Rice said to me in the letter I am making part of the RECORD, dated January 30. I asked Secretary Rice about that. I said the Iraqis are saying you are wrong, that they didn't adopt the benchmarks. They say you are wrong, Secretary Rice. What do you have to say about that? She wrote me back:

> Thank you for your letter inquiring about the benchmarks that the Government for Iraq set for itself last fall.

I emphasize the words "set for itself last fall."

Addressing me, she wrote:

> As you mentioned, I sent to you a letter in January in which I noted that Iraq's Political Committee on National Security agreed upon a set of benchmarks and an associated timeline, which were reaffirmed by the Iraqi Presidency Council in October 2006.

She continued:

> We have confirmed with Iraqi President Talibani's Chief of Staff that the benchmarks were formally approved last fall by the Iraqi Political Committee on National Security. This committee includes the Presidency Council—the President and two Vice Presidents—as well as the leaders of all major political blocs in Iraq. The Iraqi Presidency Council then posted the benchmarks on its website for several months.

I have already made this part of the RECORD.

I ask unanimous consent that my letter to the Secretary, which precipitated this response on June 13 also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 9, 2007.

Hon. CONDOLEEZZA RICE,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: I am writing in connection with your letter of January 20, 2007 in which you advised me regarding a set of benchmarks that the Government of Iraq has set for itself.

You wrote that "Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006. These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website."

Yesterday, I met with Mowaffak al-Rubaie, Prime Minister Maliki's national security adviser. During the course of our meeting, Dr. Rubaie stated that the Presidency Council never reaffirmed the benchmarks. He was adamant on this point even after I showed him the statement in your letter.

This is an important point as the Presidency Council, whose three members, President Jalal Talabani (Kurd), Deputy President 'Adil 'Abd al-Mahdi (Shia Muslim) and Deputy President Tariq al-Hashimi (Sunni Muslim), are elected by the Council of Representatives and represent the three major ethnic groups of the country.

Earlier today, State Department Spokesman Sean McCormack stated "These are the benchmarks that they've laid out for themselves. We didn't come up with them. They came up with them. And they need to be seen in the eyes of the Iraqi people as delivering for the Iraqi people."

It seems to me that it would make a difference if the benchmarks and associated timeline were only approved by an advisory group as compared to the Presidency Council.

Accordingly, please confirm that the benchmarks and associated timeline, which you attached to your January 30, 2007 letter, were reaffirmed by the Presidency Council after being agreed upon by the Policy Committee on National Security, as stated in your letter.

Thank you for your assistance.

Sincerely,

CARL LEVIN,
Chairman.

Mr. LEVIN. Success in Iraq—creating a stable, independent Iraq—depends on Iraqi leaders finally seeing the end of the open-ended U.S. commitment. The Iraq Study Group correctly pointed out almost a year ago that "An open-ended commitment of American forces would not provide the Iraqi government the incentive it needs to take the political actions that give Iraq the best chance of quelling sectarian violence." In the absence of such an incentive, the Iraqi Government might continue to delay taking those actions.

The President's current strategy is nothing less than stagnant because it is open-ended. It lacks the key ingredient of an action-forcing mechanism aimed at getting the Iraqi leaders to resolve their political differences. What is that mechanism? What is the mechanism that will finally force the Iraqi leaders to get on with the job of negotiating their political differences? It is action on our part, not just rhetoric, that clearly demonstrates to the Iraqi Government that our open-ended commitment to the American troops in the middle of their civil war is over, and that while we will provide support to their army, we have decided, as did the British, to transfer principal responsibility for security to Iraqi forces.

It is not good enough to do what the President did a few days ago and say we are going to take another look next March. That maintains the open-ended commitment. That does not have a timetable for the reduction of our troops to the levels which are necessary to carry on the missions which are identified.

The Jones Commission reported that "The Iraqi armed forces . . . are increasingly effective and are capable of assuming greater responsibility for the internal security of Iraq." The Commission went on to say that a number of Iraqi Army battalions that are capable of taking the lead are not in the lead. That was a fact acknowledged by General Petraeus in our hearings about a week ago.

The Commission did one other thing: The Jones Commission also recommended—and these are the keywords—"the size of our national footprint in Iraq be reconsidered" and that "significant reductions . . . appear to be possible and prudent." Those are the words of General Jones and his Commission that significant reductions in our presence appear to be prudent. This is a group of retired generals and police officers.

I asked General Petraeus about whether there are these units of the Iraqi Army that are capable of assuming greater responsibility, as General Jones's Commission said, but they have not done so. General Petraeus acknowledged that there were such Iraqi units. I asked him how many, and he said he would supply that number for the record.

The Jones Commission emphasized that "there is a fine line between assistance and dependence." When I was in Iraq last month, I asked a young American soldier who is on his third deployment to Iraq what his ideas were about transferring greater responsibility to the Iraqis. His answer was:

> The Iraqi soldiers will let U.S. soldiers do the job that they're supposed to be doing forever, and we need to let them do it on their own.

I could not agree more.

In addition to getting our troops out of the middle of their civil war, success also depends on a transition of missions. According to the Iraq Study Group:

> By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq.

That Commission proposed that a far smaller U.S. military presence would remain only for limited missions to include force protection, counterterrorism, and training the Iraqi security forces. I believe it is essential that transition to the limited missions be announced now as a way of ending this open-ended commitment which the Iraqi political leaders have taken to be such a security blanket and have taken them off the hook from doing something that only they can do—work out the political differences that divide them which, in the words of their own Prime Minister, the failure to do has resulted in the continuation of violence.

Everybody seems to agree that there is no military solution, and yet when it comes to telling the Iraqi political leaders that the open-ended commitment is over, we are not only going to begin to reduce our troops, but we are going to transition their mission and complete that transition in a reasonable period of time, not precipitous but in a reasonable period of time, and our amendment provides 9 months after enactment of this law, it is the only way—the only way—that this open-ended commitment can finally be brought to an end. So we not only have to transition to the limited missions and announce it now, we have to adopt a timetable for the completion of that transition.

Those are the key provisions of the amendment before us. It is the key to ending the open-endedness, and it is long overdue. Presenting Iraq's political leaders with a timetable to begin withdrawing our forces and transitioning those that remain from mainly combat to mainly support roles is the only hope that Iraqi leaders will realize their future is in their hands, not in the hands of our brave men and women who proudly wear the uniform of our country.

Taking this step will also recognize another fact of life: that the stress on our forces—especially the wear and tear on the Army and Marines—must be reduced. We cannot continue to deploy our forces at the current level without seriously weakening our ability to respond to other challenges that might confront us.

So how can Congress bring about a change of course in Iraq when President Bush delays and delays and delays making any change? A clear majority of the Senate indicated support for Levin-Reed last July when we voted 53 to 46 to cut off the filibuster of the Republican leadership against the Levin-Reed amendment. Madam President, 53 to 46 was the vote.

The Levin-Reed amendment required the Secretary of Defense to begin a reduction in the number of U.S. forces in Iraq not later than 120 days after the date of enactment. It would have also required a transition to a limited presence only to carry out the missions of protecting U.S. and coalition personnel and infrastructure, training, equipping, and providing logistics support—and those are important words—to the Iraqi security forces and engaging in targeted counterterrorism operations against al-Qaida, al-Qaida affiliated groups, and other international terrorist organizations. The transition to the limited presence in mission would have had to have been completed by April 30, 2008. This reduction would have been implemented along with a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community.

The continued inability of the Iraqi Government to make any progress toward a political settlement and the refusal of the Bush administration to change course reinforces the need for the Levin-Reed amendment. So that amendment is now before us. It is essentially the same as the amendment we voted on last July. The changes in the timetable are slight to accommodate the fact that we are voting at a later time, essentially. We would require the reduction to begin no later than 90 days after the date of enactment and to be completed within 9 months of the date of enactment in order to adjust the timetable to be both clear and to respond to the fact that we will be voting on this months later than the last vote in July.

The challenge before us is to get to the 60 votes. Sixty votes is the goal that I guess almost all our Iraq legislation has to meet because of the filibuster that took place the last time we offered Levin-Reed and because the threat of that filibuster exists again.

The reality is that we are going to continue to plug away to get to those 60 votes. We hope we can get them on this version of Levin-Reed. It is a version which finally, if we can get to the 60 votes and defeat this filibuster, will change course in Iraq. The majority of us in this Senate have voted to change course in Iraq, in effect, when there were 53 of us who voted to end the filibuster last July.

The majority of the American people clearly want a change of course in Iraq. They do not want a precipitous withdrawal. They understand we are going to need some troops there for force protection and for training of the Iraqi Army and for providing logistics to the Iraqi Army and for some targeted counterterrorism efforts against al-Qaida, their affiliates, and other terrorist groups. The American people understand. They want something that is planned in terms of reduction of our forces, and they want a timetable. What they want more than anything else is to get the Iraqi leaders to end their dawdling so our troops can come home.

Everybody wants a stable, independent Iraq. The course we are on now, the course of status quo, an open-ended course, the course of, "well, we will figure out next July whether we want to go further, whether we want to go below the presurge level," that stagnant course is exactly the wrong signal to the Iraqi leaders.

The course the President is on keeps that open-ended commitment of American forces. It does not do what we must do, and because the President will not do it, Congress must do it, which is to tell the Iraqis that the future of their country is in their hands and we will continue to be helpful.

We have given them an opportunity they have not seized, and 4½ years later, almost 4,000 American troops have been killed, 7 times that many wounded, $600 billion now spent, $10 billion more every month. It has to come to an end. We want to bring it to a successful end. We cannot do it militarily. Every military leader says there is no military solution. There is only a political solution, and only the Iraqi political leaders can achieve it.

That is what this amendment will help to bring about, that final statement to the Iraqi leaders: We cannot save you from yourselves.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2875, 2865, 2867, 2868, 2871, 2866, 2869, 2293, 2285, 2880, 2892, 2278, 2119, 2123, 2921, 2233, AS MODIFIED, 2299, 2300, 2864, 2262, 2939, 2940, 2893, AND 2941 TO AMENDMENT NO. 2011, EN BLOC

Mr. LEVIN. Mr. President, I send a series of 24 amendments to the desk which have been cleared on both sides. I ask unanimous consent that the Senate consider those amendments en bloc; that the amendments be agreed to; that the motions to reconsider be laid upon the table; and that any statements relating to any of these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2875

(Purpose: To provide certain limitations to the issuance of security clearances)

Strike section 1064 and insert the following:

SEC. 1064. SECURITY CLEARANCES; LIMITATIONS.

(a) IN GENERAL.—Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following new section:

"SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.

"(a) DEFINITIONS.—In this section:

"(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(2) COVERED PERSON.—The term 'covered person' means—

"(A) an officer or employee of a Federal agency;

"(B) a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

"(C) an officer or employee of a contractor of a Federal agency.

"(3) RESTRICTED DATA.—The term 'Restricted Data' has the meaning given that term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

"(4) SPECIAL ACCESS PROGRAM.—The term 'special access program' has the meaning given that term in section 4.1 of Executive Order 12958 (60 Fed. Reg. 19825).

"(b) PROHIBITION.—After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is—

"(1) an unlawful user of, or is addicted to, a controlled substance; or

"(2) mentally incompetent, as determined by an adjudicating authority, based on an evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States government and in accordance with the adjudicative guidelines required by subsection (d).

"(c) DISQUALIFICATION.—

"(1) IN GENERAL.—After January 1, 2008, absent an express written waiver granted in accordance with paragraph (2), the head of a Federal agency may not grant or renew a security clearance described in paragraph (3) for a covered person who has been—

"(A) convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year; or

"(B) discharged or dismissed from the Armed Forces under dishonorable conditions.

"(2) WAIVER AUTHORITY.—In a meritorious case, an exception to the disqualification in this subsection may be authorized if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive Order or other guidance issued by the President.

"(3) COVERED SECURITY CLEARANCES.—This subsection applies to security clearances that provide for access to—

"(A) special access programs;

"(B) Restricted Data; or

"(C) any other information commonly referred to as 'sensitive compartmented information'.

"(4) ANNUAL REPORT.—

"(A) REQUIREMENT FOR REPORT.—Not later than February 1 of each year, the head of a Federal agency shall submit a report to the appropriate committees of Congress if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) during the preceding year. Such annual report shall not reveal the identity of such person, but shall include for each waiver issued the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.

"(B) DEFINITIONS.—In this paragraph:

"(i) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means, with respect to a report submitted under subparagraph (A) by the head of a Federal agency—

"(I) the congressional intelligence committees;

"(II) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(III) the Committee on Oversight and Government Reform of the House of Representatives; and

"(IV) each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency.

"(ii) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

"(d) ADJUDICATIVE GUIDELINES.—

"(1) REQUIREMENT TO ESTABLISH.—The President shall establish adjudicative guidelines for determining eligibility for access to classified information.

"(2) REQUIREMENTS RELATED TO MENTAL HEALTH.—The guidelines required by paragraph (1) shall—

"(A) include procedures and standards under which a covered person is determined to be mentally incompetent and provide a means to appeal such a determination; and

"(B) require that no negative inference concerning the standards in the guidelines may be raised solely on the basis of seeking mental health counseling.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 986 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of

such title is amended by striking the item relating to section 986.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

AMENDMENT NO. 2865

(Purpose: To authorize the Secretary of Defense to expand the persons eligible for continued health benefits coverage)

At the end of title VII, add the following:

SEC. 703. AUTHORITY FOR EXPANSION OF PERSONS ELIGIBLE FOR CONTINUED HEALTH BENEFITS COVERAGE.

(a) AUTHORITY TO SPECIFY ADDITIONAL ELIGIBLE PERSONS.—Subsection (b) of section 1078a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Any other person specified in regulations prescribed by the Secretary of Defense for purposes of this paragraph who loses entitlement to health care services under this chapter or section 1145 of this title, subject to such terms and conditions as the Secretary shall prescribe in the regulations.".

(b) ELECTION OF COVERAGE.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(4) In the case of a person described in subsection (b)(4), by such date as the Secretary shall prescribe in the regulations required for purposes of that subsection.".

(c) PERIOD OF COVERAGE.—Subsection (g)(1) of such section is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) in the case of a person described in subsection (b)(4), the date that is 36 months after the date on which the person loses entitlement to health care services as described in that subsection.".

AMENDMENT NO. 2867

(Purpose: To repeal the authority for payment of a uniform allowance to civilian employees of the Department of Defense)

At the end of title XI, add the following:

SEC. 1107. REPEAL OF AUTHORITY FOR PAYMENT OF UNIFORM ALLOWANCE TO CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 1593 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1593.

AMENDMENT NO. 2868

(Purpose: To provide for a continuation of eligiblity for TRICARE Standard coverage for certain members of the Selected Reserve)

At the end of title VII, add the following:

SEC. 703. CONTINUATION OF ELIGIBILITY FOR TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE.

(a) IN GENERAL.—Section 706(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2282; 10 U.S.C. 1076d note) is amended—

(1) by striking "Enrollments" and inserting "(1) Except as provided in paragraph (2), enrollments"; and

(2) by adding at the end the following new paragraph:

"(2) The enrollment of a member in TRICARE Standard that is in effect on the day before health care under TRICARE Standard is provided pursuant to the effective date in subsection (g) shall not be terminated by operation of the exclusion of eligibility under subsection (a)(2) of such section 1076d, as so amended, for the duration of the eligibility of the member under TRICARE Standard as in effect on October 16, 2006.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

AMENDMENT NO. 2871

(Purpose: To provide flexibility in paying annuities to certain Federal retirees who return to work)

At the appropriate place, insert the following:

SEC. ___. FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN FEDERAL RETIREES WHO RETURN TO WORK.

(a) IN GENERAL.—Section 9902(j) of title 5, United States Code, is amended to read as follows:

"(j) PROVISIONS RELATING TO REEMPLOYMENT.—

"(1) Except as provided under paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

"(2)(A) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who becomes employed in a position within the Department of Defense following retirement under section 8336(d)(1) or 8414(b)(1)(A) shall be subject to section 8344 or 8468.

"(B) The Secretary of Defense may, under procedures and criteria prescribed under subparagraph (C), waive the application of the provisions of section 8344 or 8468 on a case-by-case or group basis, for employment of an annuitant referred to in subparagraph (A) in a position in the Department of Defense.

"(C) The Secretary shall prescribe procedures for the exercise of any authority under this paragraph, including criteria for any exercise of authority and procedures for a delegation of authority.

"(D) An employee as to whom a waiver under this paragraph is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84.

"(3)(A) An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) receiving an annuity from the Civil Service Retirement and Disability Fund, who is employed in a position within the Department of Defense after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), may elect to begin coverage under paragraph (2) of this subsection.

"(B) An election for coverage under this paragraph shall be filed not later than the later of 90 days after the date the Department of Defense—

"(i) prescribes regulations to carry out this subsection; or

"(ii) takes reasonable actions to notify employees who may file an election.

"(C) If an employee files an election under this paragraph, coverage shall be effective beginning on the date of the filing of the election.

"(D) Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) of this paragraph and does not file a timely election under subparagraph (B) of this paragraph.".

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out the amendment made by this section.

AMENDMENT NO. 2866

(Purpose: To authorize demonstration projects on the provision of services to military dependent children with autism)

At the end of subtitle H of title V, add the following:

SEC. 594. DEMONSTRATION PROJECTS ON THE PROVISION OF SERVICES TO MILITARY DEPENDENT CHILDREN WITH AUTISM.

(a) DEMONSTRATION PROJECTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may conduct one or more demonstration projects to evaluate improved approaches to the provision of education and treatment services to military dependent children with autism.

(2) PURPOSE.—The purpose of any demonstration project carried out under this section shall be to evaluate strategies for integrated treatment and case manager services that include early intervention and diagnosis, medical care, parent involvement, special education services, intensive behavioral intervention, and language, communications, and other interventions considered appropriate by the Secretary.

(b) REVIEW OF BEST PRACTICES.—In carrying out demonstration projects under this section, the Secretary of Defense shall, in coordination with the Secretary of Education, conduct a review of best practices in the United States in the provision of education and treatment services for children with autism, including an assessment of Federal and State education and treatment services for children with autism in each State, with an emphasis on locations where members of the Armed Forces who qualify for enrollment in the Exceptional Family Member Program of the Department of Defense are assigned.

(c) ELEMENTS.—

(1) ENROLLMENT IN EXCEPTIONAL FAMILY MEMBER PROGRAM.—Military dependent children may participate in a demonstration project under this section only if their military sponsor is enrolled in the Exceptional Family Member Program of the Department of Defense.

(2) CASE MANAGERS.—Each demonstration project shall include the assignment of both medical and special education services case managers which shall be required under the Exceptional Family Member Program pursuant to the policy established by the Secretary of Defense.

(3) INDIVIDUALIZED SERVICES PLAN.—Each demonstration project shall provide for the voluntary development for military dependent children with autism participating in such demonstration project of individualized autism services plans for use by Department of Defense medical and special education services case managers, caregivers, and families to ensure continuity of services throughout the active military service of their military sponsor.

(4) SUPERVISORY LEVEL PROVIDERS.—The Secretary of Defense may utilize for purposes of the demonstration projects personnel who are professionals with a level (as determined by the Secretary) of post-secondary education that is appropriate for the provision of safe and effective services for autism and who are from an accredited educational facility in the mental health, human development, social work, or education field to act as supervisory level providers of behavioral intervention services for autism. In so acting, such personnel may be authorized—

(A) to develop and monitor intensive behavior intervention plans for military dependent children with autism who are participating in the demonstration projects; and

(B) to provide appropriate training in the provision of approved services to such children.

(5) SERVICES UNDER CORPORATE SERVICES PROVIDER MODEL.—(A) In carrying out the demonstration projects, the Secretary may utilize a corporate services provider model.

(B) Employees of a provider under a model referred to in subparagraph (A) shall include personnel who implement special educational and behavioral intervention plans for military dependent children with autism that are developed, reviewed, and maintained by supervisory level providers approved by the Secretary.

(C) In authorizing such a model, the Secretary shall establish—

(i) minimum education, training, and experience criteria required to be met by employees who provide services to military dependent children with autism;

(ii) requirements for supervisory personnel and supervision, including requirements for supervisor credentials and for the frequency and intensity of supervision; and

(iii) such other requirements as the Secretary considers appropriate to ensure safety and the protection of the children who receive services from such employees under the demonstration projects.

(6) CONSTRUCTION WITH OTHER SERVICES.—Services provided to military dependent children with autism under the demonstration projects under this section shall be in addition to any other publicly-funded special education services available in a location in which their military sponsor resides.

(d) PERIOD.—

(1) COMMENCEMENT.—If the Secretary determines to conduct demonstration projects under this section, the Secretary shall commence any such demonstration projects not later than 180 days after the date of the enactment of this Act.

(2) MINIMUM PERIOD.—Any demonstration projects conducted under this section shall be conducted for not less than two years.

(e) EVALUATION.—

(1) IN GENERAL.—The Secretary shall conduct an evaluation of each demonstration project conducted under this section.

(2) ELEMENTS.—The evaluation of a demonstration project under this subsection shall include the following:

(A) An assessment of the extent to which the activities under the demonstration project contributed to positive outcomes for military dependent children with autism and their families.

(B) An assessment of the extent to which the activities under the demonstration project led to improvements in services and continuity of care for children with autism.

(C) An assessment of the extent to which the activities under the demonstration project improved military family readiness and enhanced military retention.

(f) REPORTS.—Not later than 30 months after the commencement of any demonstration project authorized by this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such demonstration project. The report on a demonstration project shall include a description of such project, the results of the evaluation under subsection (e) with respect to such project, and a description of plans for the further provision of services for military dependent children with autism under such project.

AMENDMENT NO. 2869

(Purpose: To authorize increases in compensation for the faculty and staff of the Uniformed Services University of the Health Sciences)

At the end of title XI, add the following:

SEC. 1107. AUTHORIZATION FOR INCREASED COMPENSATION FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113(f) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "so as" and inserting "after consideration of the compensation necessary"; and

(B) by striking "within the vicinity of the District of Columbia" and inserting "identified by the Secretary for purposes of this paragraph"; and

(2) in paragraph (4)—

(A) by striking "section 5373" and inserting "sections 5307 and 5373"; and

(B) by adding at the end the following new sentence: "In no case may the total amount of compensation paid under paragraph (1) in any year exceed the total amount of annual compensation (excluding expenses) specified in section 102 of title 3.".

AMENDMENT NO. 2293

(Purpose: To authorize the transfer to the Government of Iraq of three C—130E tactical airlift aircraft)

At the end of subtitle D of title I, add the following:

SEC. 143. TRANSFER TO GOVERNMENT OF IRAQ OF THREE C-130E TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force may transfer not more than three C-130E tactical airlift aircraft, allowed to be retired under the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), to the Government of Iraq.

AMENDMENT NO. 2285

(Purpose: To require recurring reports on the readiness of the National Guard for domestic emergencies)

At the end of subtitle D of title III, add the following:

SEC. 358. REPORTS ON NATIONAL GUARD READINESS FOR DOMESTIC EMERGENCIES.

(a) ANNUAL REPORTS ON EQUIPMENT.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(9) An assessment of the extent to which the National Guard possesses the equipment required to respond to domestic emergencies, including large scale, multi-State disasters and terrorist attacks.

"(10) An assessment of the shortfalls, if any, in National Guard equipment throughout the United States, and an assessment of the effect of such shortfalls on the capacity of the National Guard to respond to domestic emergencies.

"(11) Strategies and investment priorities for equipment for the National Guard to ensure that the National Guard possesses the equipment required to respond in a timely and effective way to domestic emergencies.".

(b) INCLUSION OF NATIONAL GUARD READINESS IN QUARTERLY PERSONNEL AND UNIT READINESS REPORT.—Section 482 of such title is amended—

(1) in subsection (a), by striking "and (e)" and inserting "(e), and (f)";

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

"(f) READINESS OF NATIONAL GUARD TO PERFORM CIVIL SUPPORT MISSIONS.—(1) Each report shall also include an assessment of the readiness of the National Guard to perform tasks required to support the National Response Plan for support to civil authorities.

"(2) Any information in a report under this subsection that is relevant to the National Guard of a particular State shall also be made available to the Governor of that State.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to reports submitted after the date of the enactment of this Act.

(d) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—As part of the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted under section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense committees a report on actions taken by the Secretary to achieve the implementation of the amendments made by this section.

(2) ELEMENTS.—The report under paragraph (1) shall include a description of the mechanisms to be utilized by the Secretary for assessing the personnel, equipment, and training readiness of the National Guard, including the standards and measures that will be applied and mechanisms for sharing information on such matters with the Governors of the States.

AMENDMENT NO. 2880

(Purpose: To require a report on the High-Altitude Aviation Training Site, Colorado)

At the end of subtitle E of title III, add the following:

SEC. 358. REPORT ON HIGH-ALTITUDE AVIATION TRAINING SITE, COLORADO.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the High-Altitude Aviation Training Site at Gypsum, Colorado.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a summary of costs for each of the previous 5 years associated with transporting aircraft to and from the High-Altitude Aviation Training Site for training purposes; and

(2) an analysis of potential cost savings and operational benefits, if any, of permanently stationing no less than 4 UH-60, 2 CH-47, and 2 LUH-72 aircraft at the High-Altitude Aviation Training Site.

AMENDMENT NO. 2892

(Purpose: To require information regarding asymmetric capabilities in the annual report on the military power of the People's Republic of China)

At the end of subtitle C of title XII, add the following:

SEC. 1234. INCLUSION OF INFORMATION ON ASYMMETRIC CAPABILITIES IN ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 113 note) is amended by adding at the end the following new paragraph:

"(9) Developments in asymmetric capabilities, including cyberwarfare, including—

"(A) detailed analyses of the countries targeted;

"(B) the specific vulnerabilities targeted in these countries;

"(C) the tactical and strategic effects sought by developing threats to such targets; and

"(D) an appendix detailing specific examples of tests and development of these asymmetric capabilities.".

AMENDMENT NO. 2278

(Purpose: To authorize a land exchange in Detroit, Michigan)

At the end of subtitle E of title XXVIII, add the following:

SEC. 2854. LAND EXCHANGE, DETROIT, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) CITY.—The term "City" means the city of Detroit, Michigan.

(3) CITY LAND.—The term "City land" means the approximately 0.741 acres of real property, including any improvement thereon, as depicted on the exchange maps, that is commonly identified as 110 Mount Elliott Street, Detroit, Michigan.

(4) COMMANDANT.—The term "Commandant" means the Commandant of the United States Coast Guard.

(5) EDC.—The term "EDC" means the Economic Development Corporation of the City of Detroit.

(6) EXCHANGE MAPS.—The term "exchange maps" means the maps entitled "Atwater Street Land Exchange Maps" prepared pursuant to subsection (h).

(7) FEDERAL LAND.—The term "Federal land" means approximately 1.26 acres of real property, including any improvements thereon, as depicted on the exchange maps, that is commonly identified as 2660 Atwater Street, Detroit, Michigan, and under the administrative control of the United States Coast Guard.

(8) SECTOR DETROIT.—The term "Sector Detroit" means Coast Guard Sector Detroit of the Ninth Coast Guard District.

(b) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard, in coordination with the Administrator, may convey to the EDC all right, title, and interest in and to the Federal land.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (b)—

(A) the City shall convey to the United States all right, title, and interest in and to the City land; and

(B) the EDC shall construct a facility and parking lot acceptable to the Commandant of the Coast Guard.

(2) EQUALIZATION PAYMENT OPTION.—

(A) IN GENERAL.—The Commandant of the Coast Guard may, upon the agreement of the City and the EDC, waive the requirement to construct a facility and parking lot under paragraph (1)(B) and accept in lieu thereof an equalization payment from the City equal to the difference between the value, as determined by the Administrator at the time of transfer, of the Federal land and the City land.

(B) AVAILABILITY OF FUNDS.—Any amounts received pursuant to subparagraph (A) shall be available without further appropriation and shall remain available until expended to construct, expand, or improve facilities related to Sector Detroit's aids to navigation or vessel maintenance.

(d) CONDITIONS OF EXCHANGE.—

(1) COVENANTS.—All conditions placed within the deeds of title shall be construed as covenants running with the land.

(2) AUTHORITY TO ACCEPT QUITCLAIM DEED.—The Commandant may accept a quitclaim deed for the City land and may convey the Federal land by quitclaim deed.

(3) ENVIRONMENTAL REMEDIATION.—Prior to the time of the exchange, the Coast Guard and the City shall remediate any and all contaminants existing on their respective properties to levels required by applicable state and Federal law.

(e) AUTHORITY TO ENTER INTO LICENSE OR LEASE.—The Commandant may enter into a license or lease agreement with the Detroit Riverfront Conservancy for the use of a portion of the Federal land for the Detroit Riverfront Walk. Such license or lease shall be at no cost to the City and upon such other terms that are acceptable to the Commandant, and shall terminate upon the exchange authorized by this section, or the date specified in subsection (h), whichever occurs earlier.

(f) MAP AND LEGAL DESCRIPTIONS OF LAND.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file with the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives maps, entitled "Atwater Street Land Exchange Maps," which depict the Federal land and the City lands and provide a legal description of each property to be exchanged.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct typographical errors in the maps and each legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Coast Guard and the City of Detroit.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the exchange under this section as the Commandant considers appropriate to protect the interests of the United States.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to enter into an exchange authorized by this section shall expire 3 years after the date of enactment of this Act.

AMENDMENT NO. 2119

(Purpose: To require a report from the Inspector General of the Department of Defense on a pilot program for the imposition of fines for noncompliance of contractor personnel with requirements for contractor personnel performing private security functions in areas of combat operations)

At the end of section 871(b), add following:

(5) INSPECTOR GENERAL REPORT ON PILOT PROGRAM ON IMPOSITION OF FINES FOR NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—Not later than January 30, 2008, the Inspector General of the Department of Defense shall submit to Congress a report assessing the feasibility and advisability of carrying out a pilot program for the imposition of fines on contractors or subcontractors for personnel who violate or fail to comply with applicable requirements of the clause required by this section as a mechanism for enhancing the compliance of such personnel with the clause. The report shall include—

(A) an assessment of the feasibility and advisability of carrying out the pilot program; and

(B) if the Inspector General determines that carrying out the pilot program is feasible and advisable—

(i) recommendations on the range of contracts and subcontracts to which the pilot program should apply; and

(ii) a schedule of fines to be imposed under the pilot program for various types of personnel actions or failures.

AMENDMENT NO. 2123

(Purpose: To provide for training on contingency contracting for contractor personnel outside the defense acquisition workforce)

At the end of subtitle D of title VIII, add the following:

SEC. 865. CONTINGENCY CONTRACTING TRAINING FOR PERSONNEL OUTSIDE THE ACQUISITION WORKFORCE.

(a) TRAINING REQUIREMENT.—Section 2333 of title 10, United States Code is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1) The joint policy for requirements definition, contingency program management, and contingency contracting required by subsection (a) shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.

"(2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.

"(3) The joint policy shall also provide for the incorporation of contractors and contract operations in mission readiness exercises for operations that will include contracting and contractor support.".

(b) COMPTROLLER GENERAL REPORT.—Section 854(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2346) is amended by adding at the end the following new paragraph:

"(3) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Secretary of Defense submits the final report required by paragraph (2), the Comptroller General of the United States shall—

"(A) review the joint policies developed by the Secretary, including the implementation of such policies; and

"(B) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which such policies, and the implementation of such policies, comply with the requirements of section 2333 of title 10, United States Code (as so added).".

AMENDMENT NO. 2921

(Purpose: To require a plan for the participation of members of the National Guard and the Reserves in the benefits delivery at discharge program)

At the end of subtitle F of title VI, add the following:

SEC. 683. PLAN FOR PARTICIPATION OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES IN THE BENEFITS DELIVERY AT DISCHARGE PROGRAM.

(a) PLAN TO MAXIMIZE PARTICIPATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to the benefits delivery at discharge program for members of the reserve components of the Armed Forces who have been called or ordered to active duty at any time since September 11, 2001.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include a description of efforts to ensure that services under the benefits delivery at discharge program are provided, to the maximum extent practicable—

(1) at appropriate military installations;

(2) at appropriate armories and military family support centers of the National Guard;

(3) at appropriate military medical care facilities at which members of the Armed Forces are separated or discharged from the Armed Forces;

(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member; and

(5) that services described in the plan can be provided within resources available to the Secretary of Defense and the Secretary of Veterans Affairs in the appropriate fiscal year.

(c) BENEFITS DELIVERY AT DISCHARGE PROGRAM DEFINED.—In this section, the term "benefits delivery at discharge program" means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which such members may be eligible.

AMENDMENT NO. 2233, AS MODIFIED

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF HOUSING A NATIONAL DISASTER RESPONSE CENTER AT KELLY AIR FIELD, SAN ANTONIO, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Kelly Air Field, San Antonio, Texas, to house a National Disaster Response Center for responding to man-made and natural disasters in the United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A determination of how the National Disaster Response Center would organize and leverage capabilities of the following currently co-located organizations, facilities, and forces located in San Antonio, Texas:

(A) Lackland Air Force Base.

(B) Fort Sam Houston.

(C) Brooke Army Medical Center.

(D) Wilford Hall Medical Center.

(E) Audie Murphy Veterans Administration Medical Center.

(F) 433rd Airlift Wing C–5 Heavy Lift Aircraft.

(G) 149 Fighter Wing and Texas Air National Guard F–16 fighter aircraft.

(H) Army Northern Command.

(I) The National Trauma Institute's three level 1 trauma centers.

(J) Texas Medical Rangers.

(K) San Antonio Metro Health Department.

(L) The University of Texas Health Science Center at San Antonio.

(M) The Air Intelligence Surveillance and Reconnaissance Agency at Lackland Air Force Base.

(N) The United States Air Force Security Police Training Department at Lackland Air Force Base.

(O) The large manpower pools and blood donor pools from the more than 6,000 trainees at Lackland Air Force Base.

(2) Determine the number of military and civilian personnel required to be mobilized to run the logistics, planning, and maintenance of the National Disaster Response Center during a time of disaster recovery.

(3) Determine the number of military and civilian personnel required to run the logistics, planning, and maintenance of the National Disaster Response Center during a time when no disaster is occurring.

(4) Determine the cost of improving the current infrastructure at Kelly Air Field to meet the needs of displaced victims of a disaster equivalent to that of Hurricanes Katrina and Rita or a natural or man-made disaster of similar scope, including adequate beds, food stores, and decontamination stations to triage radiation or other chemical or biological agent contamination victims.

(5) An evaluation of the current capability of the Department of Defense to respond to these mission requirements and an assessment of any additional capabilities that are required.

(6) An assessment of the costs and benefits of adding such capabilities at Kelly Air Field to the costs and benefits of other locations.

AMENDMENT NO. 2299

(Purpose: To require consideration of small business concerns in evaluating actions that should be taken to address any disadvantage in the performance of contracts to actual and potential contractors and subcontractors of the Department of Defense when employees of such contractors and subcontractors are mobilized as part of a United States military operation overseas)

On page 235, between lines 6 and 7, insert the following:

(4) For any action addressed under paragraph (3)—

(A) the impact of that action on small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) how contractors and subcontractors that are small business concerns may assist in addressing any such disadvantage.

AMENDMENT NO. 2300

(Purpose: To require relevant reports to be submitted to the Committee on Small Business and Entrepreneurship of the Senate)

On page 351, strike lines 7 through 10 and insert the following:

(v) the Committee on Foreign Relations;

(vi) the Committee on Small Business and Entrepreneurship; and

(vii) the Select Committee on Intelligence.

AMENDMENT NO. 2864

(Purpose: To modify the provisions relating to mandatory separation for years of service of Reserve officers in the grade of lieutenant general or vice admiral)

On page 96, line 6, insert after "commissioned service" the following: "or on the fifth anniversary of the date of the officer's appointment in the grade of lieutenant general or vice admiral, whichever is later".

AMENDMENT NO. 2262

(Purpose: To modify the sunset date for the Office of the Ombudsman of the Energy Employees Occupational Illness Compensation Program)

At the end of title XXXI, add the following:

SEC. 3126. MODIFICATION OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686(g) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15(g)) is amended by striking "on the date that is 3 years after the date of the enactment of this section" and inserting "October 28, 2012".

AMENDMENT NO. 2939

(Purpose: To provide for independent management reviews of contracts for services)

At the end of subtitle C of title VIII, add the following:

SEC. 847. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to provide for periodic independent management reviews of contracts for services. The independent management review procedures issued pursuant to this section shall be designed to evaluate, at a minimum—

(1) contract performance in terms of cost, schedule, and requirements;

(2) the use of contracting mechanisms, including the use of competition, the contract structure and type, the definition of contract requirements, cost or pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

(3) the contractor's use, management, and oversight of subcontractors; and

(4) the staffing of contract management and oversight functions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the contracts subject to independent management reviews, including any applicable thresholds and exceptions;

(2) the frequency with which independent management reviews shall be conducted;

(3) the composition of teams designated to perform independent management reviews;

(4) any phase-in requirements needed to ensure that qualified staff are available to perform independent management reviews;

(5) procedures for tracking the implementation of recommendations made by independent management review teams; and

(6) procedures for developing and disseminating lessons learned from independent management reviews.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTION.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT ON IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the implementation of the guidance and instructions issued pursuant to subsection (a).

AMENDMENT NO. 2940

(Purpose: To provide for the enforcement of requirements applicable to undefinitized contractual action)

At the end of subtitle C of title VIII, add the following:

SEC. 847. IMPLEMENTATION AND ENFORCEMENT OF REQUIREMENTS APPLICABLE TO UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to ensure the implementation and enforcement of requirements applicable to undefinitized contractual actions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate for Department of Defense officials to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that schedules for the definitization of undefinitized contractual actions are not exceeded;

(4) procedures for ensuring compliance with limitations on the obligation of funds pursuant to undefinitized contractual actions (including, where feasible, the obligation of less than the maximum allowed at time of award);

(5) procedures (including appropriate documentation requirements) for ensuring that reduced risk is taken into account in negotiating profit or fee with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required schedules or limitations on the obligation of funds.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTIONS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the guidance and instructions issued pursuant to subsection (a) have resulted in improvements to—

(A) the level of insight that senior Department of Defense officials have into the use of undefinitized contractual actions;

(B) the appropriate use of undefinitized contractual actions;

(C) the timely definitization of undefinitized contractual actions; and

(D) the negotiation of appropriate profits and fees for undefinitized contractual actions.

AMENDMENT NO. 2893

(Purpose: To enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau)

At the end of division A, add the following:

TITLE XVI—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the "National Guard Empowerment Act of 2007".

SEC. 1602. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(2) PURPOSE.—Subsection (b) of such section is amended by striking "between" and all that follows and inserting "between—

"(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands of the United States, and (B) the Department of the Army and the Department of the Air Force; and

"(2) the several States.".

(b) ENHANCEMENTS OF POSITION OF CHIEF OF NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting "to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff," after "principal adviser".

(2) GRADE.—Subsection (d) of such section is amended by striking "lieutenant general" and inserting "general".

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

"(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

"(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

"(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.".

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.".

(2) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§10503a. Functions of National Guard Bureau: military assistance to civil authorities

"(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

"(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

"(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

"(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

"(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

"(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

"(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

"(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

"(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

"(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

"(c) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.".

(3) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

"§10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

"(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

"(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

"(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

"(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.".

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of title 10, United States Code, is amended to read as follows:

"§10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 1011 of such title is amended by striking the item

relating to section 10503 and inserting the following new items:

"10503. Functions of National Guard Bureau: charter.
"10503a. Functions of National Guard Bureau: military assistance to civil authorities.".

(B) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

"10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.".

SEC. 1603. PROMOTION OF ELIGIBLE RESERVE OFFICERS TO LIEUTENANT GENERAL AND VICE ADMIRAL GRADES ON THE ACTIVE-DUTY LIST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers of the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) PROPOSAL.—The Secretary of Defense shall submit to Congress a proposal for mechanisms to achieve the objective specified in subsection (a). The proposal shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in order to achieve that objective.

(c) NOTICE ACCOMPANYING NOMINATIONS.—The President shall include with each nomination of an officer to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active-duty list that is submitted to the Senate for consideration a certification that all reserve officers who were eligible for consideration for promotion to such grade were considered in the making of such nomination.

SEC. 1604. PROMOTION OF RESERVE OFFICERS TO LIEUTENANT GENERAL GRADE.

(a) TREATMENT OF SERVICE AS ADJUTANT GENERAL AS JOINT DUTY EXPERIENCE.—

(1) DIRECTORS OF ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of subparagraph (B)(ii).".

(2) OTHER OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of promotion.

(b) REPORTS ON PROMOTION OF RESERVE MAJOR GENERALS TO LIEUTENANT GENERAL GRADE.—

(1) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Air Force shall each conduct a review of the promotion practices of the military department concerned in order to identify and assess the practices of such military department in the promotion of reserve officers from major general grade to lieutenant general grade.

(2) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the review conducted by such official under paragraph (1). Each report shall set forth—

(A) the results of such review; and

(B) a description of the actions intended to be taken by such official to encourage and facilitate the promotion of additional reserve officers from major general grade to lieutenant general grade.

SEC. 1605. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—A position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SEC. 1606. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1607. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Each report under this section concerning equipment of the National Guard shall also include the following:

"(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

"(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

"(A) for which funds were appropriated;

"(B) which was due to be procured for the National Guard during that fiscal year; and

"(C) which has not been received by a National Guard unit as of the close of that fiscal year.".

AMENDMENT NO. 2941

(Purpose: To modify the termination of assistance to State and local governments after completion of the destruction of the United States chemical weapons stockpile)

At the end of subtitle D of title XIV, add the following:

SEC. 1434. MODIFICATION OF TERMINATION OF ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AFTER COMPLETION OF THE DESTRUCTION OF THE UNITED STATES CHEMICAL WEAPONS STOCKPILE.

Subparagraph (B) of section 1412(c)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(5)) is amended to read as follows:

"(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

"(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

"(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.".

Mr. GRAHAM. Let's call it a day.

Mr. LEVIN. There are several Senators on the way over. The Presiding Officer, I know, looks forward to the continuation of the session with his good nature.

I suggest the absence of a quorum.

Mr. GRAHAM. Mr. President, while we are awaiting other Senators to arrive, I would like a few minutes to speak against my good friend's amendment.

The PRESIDING OFFICER. Does the Senator withdraw his request for a quorum call?

Mr. LEVIN. Of course, I withdraw the request.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2898

Mr. GRAHAM. Mr. President, the choice for the Congress is whether or not we retreat from a policy that appears to be working by adopting this amendment which would redeploy troops in a fashion very inconsistent with what we are doing on the ground. What we are doing now is a long overdue change in strategy. We have more forces than we have ever had before, and they are very much needed.

The one thing I can say without any doubt is the old strategy, before the surge, was not producing the results we were hoping for in terms of security and political reconciliation. After about the third trip to Baghdad, it was obvious to me the game plan we had in place after the fall of Baghdad was not working. I was told time and time again, we have enough troops, the insurgency is in its last throes, and there are a few dead-enders. Well, that was the furthest thing from the truth.

The truth is the security environment in Iraq got completely out of hand, al-Qaida flourished under the old strategy, they were able to thrive in parts of Anbar, and it was evolving into complete chaos. Thank God we had the ability and the willingness as a nation, through our Commander in Chief and through this Congress, to appoint a new general with a new idea. The idea that he is employing now is long overdue. More troops have provided better security, and they have been able to accomplish this by partnering with the Iraqi Army in a new way.

The old strategy, which we are trying to go back to with this amendment, had us in a training role. We were living behind walls, training during the day, and pretty much disengaged from the fight. We are now out from behind those walls, living with the Iraqi troops in joint security stations all over Baghdad and all over the country. We are living, eating, training, and fighting with the Iraqi Army. And General Jones tells us they are getting better.

Anbar Province is dramatically different. Six months ago, it was reported by the Marine Corps to have been lost to the enemy called al-Qaida. Well, a couple of things happened that are indeed good news. No. 1, the people who lived in Anbar, who had a taste of al-Qaida life, decided they did not want to live that way. Why? Well, what happened in Anbar Province when al-Qaida was in charge? Awful, terrible, vicious things that really cannot even be talked about on the floor of the Senate. They imposed a way of life on the Anbar Sunnis that did not meet the test of human decency, and the people living in Anbar rejected al-Qaida because they overplayed their hand.

The difference between us and our enemy in Iraq, al-Qaida, is pretty obvious. This organization that is tied to bin Laden, but also has Iraqi members, they are the type of people if you don't do what they say, they will take the family out into the street, take a 5-year-old child in the presence of the parents, cover the child in gasoline, and set the child on fire. That is our enemy. That is the enemy of everybody who loves freedom and human decency. That happened in Anbar, and things like that happened time and time again.

The agenda that al-Qaida has for the world is a very dark view of the world, particularly for women. And, thank God, it has been rejected by those in Anbar. The surge gave the ability to those living in Anbar to make a choice they never had before. The additional military support provided by the surge came along at a magic moment in time when the people in Anbar were ready to take on al-Qaida. This additional combat capacity cannot be underestimated in terms of how it has changed Iraq. It certainly liberated Anbar from the clutches of al-Qaida. And the fact that Sunni Arabs are willing to turn on al-Qaida and join coalition forces is good news for the world.

This amendment would basically undo many of the successes we have had in terms of adding more combat power. Things are getting better around Baghdad. There is still a lot of fighting. Al-Qaida has not been completely vanquished, but they are certainly diminished. Iran is playing hard in Iraq right now. They understand what is going on on the floor of the Senate.

Why are the Iranians trying to kill American forces? What is the goal of the Iranian regime when it comes to Iraq? I think the goal is to drive us out. Does Iran want a completely chaotic Iraq? No. Does Iran want a representative government in Iraq? Absolutely not, because the biggest threat to this Iranian theocracy would be a representative government on their border where Sunnis, Shias, and Kurds would live together and elect their own leaders. The biggest threat to Syria, this dictatorship in Syria, would be a representative democracy on their border.

So if you are waiting on Iran and Syria to come in and help us form a moderate way of doing business, where people can elect their leaders and accept each other's differences and live together with tolerance, you can forget it because it is a threat to the dictatorships and the theocracies that exist.

I think it is in our national security interests to allow General Petraeus to continue a strategy that is bringing about better security than we have ever seen before. Now is not the time to pull back. Now is the time to recommit American forces, and the political, military, and economic power to finish the job that has been started.

I think the idea that the war in Iraq is a civil war just misses the boat. The truth is, there are many things going on in Iraq. Some of them are local to Iraq, but many of them have international implications and longstanding national security consequences for this country. Why did the Iranian President say he stood ready to fill any vacuum created in Iraq? Because he would like to expand his power. The question for us is, is it in our national security interest to allow a vacuum to be created?

Now, my good friend, Senator LEVIN, has a view that the more troops we have in Iraq, the longer we stay there with large numbers, the less likely the politicians in Baghdad will reconcile their differences through the political process. I have a totally opposite view. I understand what he is saying, but there is no evidence that less troops will provide quicker reconciliation. The Iraqis are dying three to one compared to our deaths and our injuries. The sacrifices of this country are enormous, but do not forget the Iraqi people are fighting and dying against extremist forces, and they are not indifferent to their fate.

The political reconciliation necessary to occur to bring this war to a successful conclusion has not occurred in Baghdad, but it is occurring at the local level. So, in my opinion, it is just a matter of time before the local reconciliation we see in Anbar and other places in Iraq comes to Baghdad. And the best pressure to put on any politician in any place in the world where people vote to elect their politicians is for all people to speak up and put pressure on their elected officials—not for Senator GRAHAM or Senator LEVIN or Senator CLINTON or Senator MCCAIN to tell the Maliki government what to do, but their own people telling them what to do.

After being there eight times, the people in Iraq I meet are more war weary than ever. They are coming together more at the local level than at any other time. Better security is emboldening the Iraqi people to make the hard decisions that will eventually reconcile their country. The idea of terminating this operation now, putting a deadline or a timeline to withdraw will undercut everything we have achieved. The politicians will change their attitude. Instead of looking at how to reconcile their country, they will be looking at how to protect their families when the Americans leave.

So I am not for an unending, unlimited commitment of 160,000 troops. I am for keeping an American military presence in Iraq that helps my country—helps our country. We need to look at every decision we make in Iraq now and in the future from the viewpoint of, does it enhance our national security? Is it better to have 160,000 American forces in Iraq now to stabilize a dysfunctional government or is it better to bring them home, knowing the most likely result will be a failed state?

A dysfunctional government exists in Iraq and here in Washington. But there is a big difference between a dysfunctional government and a failed state. A dysfunctional government is one that keeps trying but fails to do the hard things. A failed state is a place where no one tries anymore. They go back to the corners of their own country and the regional players begin to take sides and you have absolute chaos. Iran is the biggest winner of a failed state because they will dominate the southern part of Iraq.

Another problem of a failed state is that the Kurds will likely go to war with Turkey over an independent movement in the north. If the Sunnis think they are going to win in Iraq and have the good old days of Saddam come back by using force, they are crazy and they are naive. If the Shias think they are going to create a theocracy in Iraq, like Iran, and no one will say anything about it, they misunderstand the region.

I am convinced all three groups are better off working together than trying to work apart. I know this: We are better off if they do that. If they break apart and this country becomes a failed state, 160,000 troops for a limited period of time will not be what our country will be faced with in terms of choices. We will have a large American military presence in the Mideast, containing a variety of conflicts that do not exist today because the problems in Iraq will spill over in the region.

I believe that is a likely consequence. That is a reasonable consequence of a failed state. I cannot promise that they will go from a dysfunctional government to a stable government, a secure government, one that is an ally on the war on terror with us that would reject al-Qaida and contain Iran. But I believe this: the best shot to bring that about is to continue the mission and the surge as planned out by General Petraeus, to continue the strategy that we have now that has shown results we have never known before. If we pull back now, it will undo all the accomplishments that have come from a lot of sacrifice, a lot of blood, and a lot of treasure.

At the end of the day, the Iraqi political leadership has to embrace the hard decisions necessary to pull their country together. They are more likely to do that when they are less worried about their families being killed as they reach across the aisle.

It is hard to reach across the aisle here. The Presiding Officer and I have worked on immigration. We know how hard it is. We will keep coming back and bringing up hard issues such as Social Security and immigration until we find a solution. But imagine reaching across the aisle in Iraq where the consequence would be that your family is murdered.

The better security we can bring about in terms of Iraq for the judges, the politicians, and the population as a whole, the more likely they are to do the hard things. And I do believe they are ready to do the hard things because they have had a hard life. The Iraqi people are not perfect. I don't think we realized how hard it was to have lived in that country under Saddam Hussein. The fear that if your daughter walked down the street, she might catch the eye of one of Saddam's sons; the way they have had to live under Saddam Hussein is unimaginable, and the chaos that they have experienced from al-Qaida coming there, throwing bombs at different mosques and bringing up old wounds has been very difficult to deal with. But they keep trying. When one police officer is killed, someone else takes their place. When an army person is killed, someone else joins the army. When a judge is assassinated, somebody else comes forward to be a judge.

They are trying. And I do believe, if we will continue the strategy employed by General Petraeus, even though political reconciliation is lagging behind security, it will not be much longer until the politicians in Baghdad embrace the hard decisions necessary to bring reconciliation to their country. And I believe that for a couple of reasons. No. 1, their people want it; and, No. 2, they have the opportunity now, through better security, to bring it about.

So to my good friend, Senator LEVIN, I understand exactly his concern. It is a judgment call. I think when you are dealing with extremists, when you are dealing with the Iranian President, the last thing in the world you do is to show weakness. You make sure they understand, al-Qaida and Iran, and any other extremist group, that America is going to do what is necessary to defend her vital interests and that we are going to stand with forces in moderation.

My biggest fear, if we begin to withdraw now and redeploy to the old mission, is that all of those who have risked their lives to help us will surely meet the fate of that 5-year-old boy. And that is not in our national interest. That is not the right thing to do. We will come home. But as Senator MCCAIN says, we need to come home with honor. Equally important, we need to come home with a more secure America.

I think we are on the road to bringing about withdrawal with honor and a more secure America by having a more stable Iraq. The worst thing to do now is to go back to a strategy that has failed when the one that we have in place is beginning to work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—H.R. 1495

Mr. CASEY. Mr. President, I ask unanimous consent that on Monday, September 24, at 3 p.m., the Senate turn to the consideration of the conference report on the water resources bill, H.R. 1495; that the time until 5:45 p.m. be divided for debate as follows: 30 minutes under Senator FEINGOLD's control, with the remainder of the time under the control of the two leaders or their designees; and that at 5:45 p.m. the Senate, without any intervening action or debate, vote on passage of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise today to speak about the war in Iraq, and in particular to speak about an amendment that we will be voting on tomorrow, the Reed-Levin amendment.

I want to note, first of all, that this amendment has been offered before. We voted on similar amendments over the course of this year, and I am glad we are voting on it again because I think the American people, time and again, have told us it is time, at long last, to change the course in Iraq and to focus on a new policy.

Sometimes we talk about this amendment and we fail to mention something about the sponsors of this amendment. We are talking about two Members of the Senate with broad experience in this body, tremendous years of public service, but also a lot of years on the Armed Services Committee and other committees that have informed their judgment. The two Members of the Senate, JACK REED and CARL LEVIN, I am speaking about, have both been to Iraq innumerable times, learning about what is happening there and focused in a real way on helping us get this policy right.

Our troops have done everything we asked of them, time and again. Every mission, every battle, they have done their job. It is about time the Congress of the United States and the President of the United States do our job to change the course in Iraq and to focus on a new policy.

Fortunately, this amendment, I think, has tremendous support in the Senate. We have already seen this before. Much more than a majority of Senators will vote for this amendment. I hope we can get it to 60 votes at long last.

Let's talk about it for a moment. This is a very basic amendment, which fundamentally says we have to change the course in Iraq; we have to begin to redeploy our combat forces so the Iraqi forces can takeover, ultimately. But it also focuses in a real way on transitioning this mission. Our mission should be about a couple of things our soldiers have already proven time and again that they do very well. The mission should be transitioned to a much more focused mission: First of all, to hunt down and kill terrorists in Iraq. That is fundamental to our mission. Our mission has to include training of the Iraqi security forces. We see in report after report, especially at the level 1 of readiness, the ability for the Iraqi forces to independently, without help from American forces, take over the fight against the enemy. We have to make sure that training moves forward much more aggressively and in a much more focused way than we have seen already. But that is not happening. So we need to train the Iraqi security forces.

Finally, we have to make sure we protect our troops and their infrastructure and also the civilian personnel we have in Iraq. We have seen all those personnel doing a great job as well—from the State Department and other parts of our Government. But if we can focus, as we should, on a redeployment of our combat forces and focus on the terrorists, focus on training, and focus on diplomacy—which I will talk about at length a few minutes later—that has to be the mission we should focus on in Iraq.

That is what Reed-Levin does, among other things. It focuses at long last on a mission that we know our troops can continue to achieve. But also it focuses in a real way on transitioning this mission and focusing on a redeployment of our forces, our combat forces.

I think some of what has formed the way I vote and the way lot of us vote is our time in Iraq. I spent a day and a half in Iraq. Some people can say: What can you learn in a day and a half? You can learn a lot about Iraq in that short amount of time. I learned, not just in the meetings we had but a good part of our time in Iraq—Senator DURBIN and I were there in the early part of August—a good part of our time was outside the Green Zone. You get a sense, a fleeting sense, a glimpse, but you get a sense of the insecurity of Baghdad when you are outside of that Green Zone.

I have heard a lot of discussion about things that have been happening in Anbar. Frankly, our marines have done a great job there and our troops have done a great job in Baghdad. But Baghdad is a lot more complicated than Anbar, and we should recognize that. It is a lot more difficult assignment going forward.

What do we see in Baghdad? Every time you go outside the Green Zone you travel in a convoy. We were given great protection, not only by those who were traveling with us but also by people from the State Department and others. We appreciated that. But you wear body armor wherever you go—inside the vehicle, outside the vehicle. You wear a combat helmet, a Kevlar helmet. You are surrounded by people with weapons to protect you. So you get a sense of the insecurity there.

Then, when we were traveling to the President's house our second day there, almost the entire trip to President Talabani's house where he resides was in a military convoy with helicopters flying overhead to protect us. When I got on a Blackhawk helicopter to go from an airport to a patrol base outside the city of Baghdad where our forces are doing a great job against al-Qaida, what do we have to do? We get into a Blackhawk helicopter and fly at a very high rate of speed over the rooftops to avoid being attacked. We saw in the last couple of weeks what happened to a C-130, with distinguished Members of the Senate, some of them here on the floor today, being fired upon by the enemy.

You see the insecurity all around you. You see the insecurity when we were meeting at the patrol base and a missile landed and we heard the explosion 400 yards from us.

What I am trying to convey is the sense we had of the insecurity of Baghdad. It is a real presence there, that feeling of insecurity. It is a fact. We should recognize this mission is very difficult for our troops. They have met every assignment.

What we have to do is give our troops a policy and a strategy which matches their valor. We don't have that right now. The President should start acting more like a Commander in Chief instead of someone who is reading talking points for his side of the argument. When I was listening to the President the other night, unfortunately, what he conveyed to me was a sense that he was selling a message instead of leading. I don't think he has led in a way that has brought this Congress together, frankly. It is about time we had a mission and a strategy that matched the brilliance and the valor of our troops.

When I was in Iraq, we would hear these phrases from the Iraqi leaders: We need more time. You need to be patient in America. I heard this phrase I have never heard before, we need "strategic patience." I still don't know what that means, but the Iraqi political leaders were telling us that over and over again. I have to say, on behalf of the people of Pennsylvania and on behalf of the 175 families who lost someone in Iraq already, I have to say to these Iraqi leaders: We have shown strategic patience, whatever that means. We have shown patience and forbearance and our troops and their families have sacrificed over and over again. It is about time for you, Mr. or Mrs. Iraqi Leader, to get your act together and take overt responsibility of taking on this enemy for the next generation, taking the corruption out of your police force, and governing your country so you can have a government of national unity.

But all they ask for is patience. Whenever the Iraqi political leaders ask for patience, the one who pays most of the price is not anybody in Congress. It isn't anybody in the White House. The people who pay the price are the troops and their families—over and over again. We are reaching the end of our patience, I think I would say and have said to those Iraqi leaders.

Finally—I don't wish to spend too much time on our trip—one of the most poignant parts of our trip, and it has connection and relevance to what we voted on today and yesterday and will tomorrow, is the sense you get from our troops. You know the bravery of those troops—troops from Pennsylvania, from small towns in Bradford County, way up in northeastern Pennsylvania, troops from the inner city of Philadelphia, who were in the same mission, sitting at the same table to have what goes for lunch over there—very simple food that they have to eat every day. But what I got from our troops was a real sense of commitment, a real sense of focus on their mission. We have to do everything we can to make sure they have the resources they need.

But a lot of our troops are being asked to referee a civil war. No American fighting men or woman has ever been asked to referee someone else's civil war. We have asked them to do that. I heard language in this Chamber, and we heard it from the President—he talks about victory, victory, victory. He uses phrases such as that and some people here have used those phrases.

Do you know what? I think the more accurate phrase and the more descriptive, to describe what is happening there, is what Ambassador Crocker said to me in Baghdad. I challenged him and General Petraeus, and they both said: No, that is not the right language. What the mission has to be is to stabilize that Government, not to have some Hollywood victory that sets our troops up for something not achievable. Our troops have done their job. It is about time we have the right policy and the right language that matches the valor of our troops.

We see what these troops and their families have sacrificed, and we see some of the horror of battle. We went into the combat support hospital, right in the middle of Baghdad. You see in that hospital doctors and nurses, enlisted men and women who are doing that job 24 hours a day under the most difficult circumstances. In one case, taking care of a little child, a girl who had been left in the streets of Baghdad when her parents were killed. These doctors and nurses were ministering to her, just like they minister to the troops who come in from the battlefield.

We think of a lot of lessons from history. We remember what Abraham Lincoln said when he was talking about the Civil War. He talked about what happens to those who die or are wounded in battle—especially those who die. He talked, at the time, about making sure we are doing everything possible to remember and to help the families of those who perished. As Abraham Lincoln said: " . . . to help him who has borne the battle, and his widow and his orphan."

When we debate on this floor about this policy, debate about veterans health care, we are trying to do our best to enact policy that is supportive of those troops who have perished in battle and those families.

We have to make sure we do everything possible to get this policy right. I believe a giant step forward to doing that would be to support the Reed-Levin amendment and to support other measures that help us change our course. We lost an opportunity yesterday when we didn't get to 60 votes on the Webb amendment. That was a bad day in the Senate. But we have to keep trying, and we will try again tomorrow on this vote.

I wish to conclude with some remarks about an amendment I have offered along with Senator MURKOWSKI, an amendment which focuses on something we all talk about a lot but, frankly, the administration has not done nearly enough about, and that is diplomacy. This amendment is a sense-of-the-Senate amendment expressing a very simple notion that it is time we implement a diplomatic surge that matches any military surge. It sends a crystal-clear message to the White House: The time for sustained regional diplomacy is now, and it deserves the highest priority of the President, President Bush, and the Secretary of State, Secretary Rice.

We all recognize in hindsight how diplomacy was critically missing from the strategic planning of the United States in the runup to this war. We all know that now. That is almost not even debated anymore. Yet we have paid little heed to diplomacy in the frustrating years since our initial invasion. The United States continues to treat Iraq as some kind of isolated box, failing to recognize the complex linkages between the various sectarian groups inside Iraq and their patrons and supporters in the broader Middle East region. It is time we made Iraq less America's problem and more a responsibility for its regional neighbors and the international community.

Let me highlight quickly the elements of this amendment, very specific steps. First of all, the United States should implement a comprehensive diplomatic offensive. It has not been done yet. No. 2, the United States should bring together Iraq's neighbors through a regional conference or other mechanism. That has not been done yet—part of it has, but it has not been done as it should. No. 3 definitely has not been done, especially when it pertains to the President: The President and the Secretary of State should invest their personal time and energy in these diplomatic efforts. This cannot be done by proxy or surrogate. They have to be engaged fully. In addition to that, the President, I believe, and Senator MURKOWSKI believes, should appoint a high-level Presidential envoy to the region. The U.S. Ambassador to the United Nations should seek the appointment of an international mediator in Iraq to engage the political, religious, ethnic, and tribal leaders in Iraq.

Finally, the United States should more directly press Iraq's neighbors to open fully operating embassies in Baghdad.

I will conclude with that. There is so much that has to be done on diplomacy and there is so much more we have to do. We have to keep debating this issue, keep pushing forward to achieve a better policy.

I believe two parts of that are the enactment of the Reed-Levin amendment, first of all, and in addition to that the amendment that I and Senator MURKOWSKI have worked together on, to have a real diplomatic surge in Iraq.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senators now be recognized in the following order: Senator LIEBERMAN, Senator SMITH, Senator KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise to speak against the amendment introduced by Senators LEVIN and REED, my friends. I actually say that with full meaning. I have great respect for the Senators from Michigan and Rhode Island. I even like them. But in this case, I am in deep disagreement about the amendment they have offered.

This is the most recent iteration of a series of amendments Senators LEVIN and REED have put in. It changes slightly from earlier versions, but the strategy is essentially the same, and in doing so, it ignores, I say respectfully, all the changes that have occurred in Iraq on the ground in the months that have gone by since the first Levin-Reed amendment was introduced. It also ignores the clearly stated counsel of the National Intelligence Estimate, of the head of the independent Commission to evaluate Iraqi security forces, GEN Jim Jones, and it ignores much of the testimony General Petraeus and Ambassador Crocker, who live on the ground, gave to Congress and the American people last week.

I rise to oppose it because I think it does not reflect the successes we have had, and if it ever passed, it would take us from this strategy which is bringing success to a strategy which would bring us to failure. It orders a change of a strategy that is working and puts us on a course to a strategy that I believe will fail disastrously. But at least everyone would have to acknowledge that we do not know how it will work as compared to the Petraeus strategy that is now working.

This amendment, as has been said, would first order the beginning of a reduction of U.S. forces in Iraq not later than 90 days from its enactment. Well, the interesting thing to say is that General Petraeus and President Bush announced last week that a withdrawal of American forces will begin this month. It will reach over 5,000 by the end of this year, by Christmastime. Quite remarkable. Unexpected. Not predicted. But why is it happening? It is happening because the surge strategy, combined with the improvement in the performance of the Iraqi security forces, has allowed our commander on the ground to recommend to the Commander in Chief, who has accepted the recommendation, that we can reduce some of our troop presence in Iraq without compromising the mission and the security of Iraq.

But General Petraeus said very clearly that he is not for congressionally-mandated deadlines, including this one; that as a general principle of war, not just to support his own position, he feels—and I could not agree with him more—that withdrawals of American troops in battle ought to be made on the basis of what is happening on the battlefield and at the recommendation of the commanders on the battlefield.

Then the Levin-Reed amendment represents essentially a transition of U.S. forces to a limited presence, undefined number, to carry out the following missions: to protect the U.S. and coalition personnel and infrastructure, training, equipping, providing logistical support to the Iraqi security forces, and engaging in targeted counterterrorism operations against al-Qaida, al-Qaida affiliated groups, and other international terrorist organizations.

As I will make clear in a moment, I am particularly troubled that that does not include the groups Iran is training, equipping, and then sending back into Iraq which have killed hundreds of American soldiers and thousands of Iraqi soldiers and civilians.

In ordering a withdrawal within 90 days, in ordering a transition from a strategy that is working to a strategy that I believe will fail, as I said at the outset, this amendment ignores the best evidence and judgment we have based on what is happening on the ground.

The National Intelligence Estimate commented quite clearly about what would happen if we limited the mission our solders in Iraq were allowed to undertake prematurely. It warned us in no uncertain terms that:

> Changing the mission of coalition forces from a primarily counterinsurgency and stabilization role [which is the current Petraeus strategy] to a primary combat support role for Iraqi forces and counterterrorism operations [which is the strategy that would be imposed by this amendment] would erode the security gains achieved so far.

Not "might" but "would" erode the security gains achieved thus far.

General Jones made very clear in testimony he gave just 2 weeks ago that:

> Deadlines can work against us. I think a deadline of this magnitude would be against our national interests.

General Petraeus warned us last week that:

> We need to ensure that we do not surrender a gain for which we fought very, very hard by being locked into a timetable.

Likewise, we heard from General Petraeus, who bluntly told us:

> While one may argue that the best way to speed the process in Iraq is to change the mission from one that emphasizes population security, counterterrorism and transition, to one that is strictly focused on transition and counterterrorism, making that change now would, in our view, be premature.

That is diplomatic language chosen by a military man speaking to Congress last week: "Would be premature."

Look, as our mission in Iraq succeeds and hopefully continues to succeed as it is now both in terms of stabilizing the country, reducing victims of sectarian violence, chasing al-Qaida, and, most significantly, improving the capacity of the Iraqi security forces, we will transition our mission because the Iraqis and the environment will allow us to do that, and there will be transition to something, I would guess, quite like the goal of this amendment. But if you force this by congressional action before the commanders on the ground tell us it can be safely implemented, it will be more than General Petraeus's diplomatic term, "premature," and probably more than the NIE's direct term, "would erode the security gains achieved so far." I think it would begin to unwind Iraq and lead to a victory for al-Qaida and Iranian-backed terrorists. I think it is particularly unjustified for Congress to take up this amendment now, the moment we are seeing evidence of real progress in Iraq.

I know some of the supporters of the amendment suggest that by withdrawing forces, we would force the Iraqi Government to achieve the political progress we all want. There is no military solution, only a political solution that will ultimately end this. That is true. But let me say this: That misses one powerful reality in Iraq today. We are now not just fighting to give Iraqis the stability to reach political reconciliation and the ability to self-govern, we are fighting al-Qaida and Iranian-backed terrorists. That requires a military solution. So to say the goal here is just to make sure the Iraqi leadership reaches some accommodations with one another—that is not the end of it. You can have that happen, and if we pulled out prematurely, al-Qaida and Iran could blow the whole thing apart, and it would be a devastating loss for Iraq, for the region, and for the security of the people of the United States.

But listen to what Ambassador Crocker said about this idea to Congress last week:

> An approach that says we are going to start pulling troops out regardless of the objective conditions on the ground and what might happen in consequence of that could actually push the Iraqis in the wrong direction, to make them less likely to compromise, rather than more likely. It would make them far more focused on building the walls, stacking the ammunition, and getting ready for a big nasty fight without us around, than it would push them toward compromise and accommodation with the people who would be on the other side of that fight.

That is Ambassador Crocker, who lives with those people every day, the leaders, the political leaders of Iraq, and he is saying: Watch out, a premature withdrawal by the U.S. forces would do exactly the opposite. It would not encourage the Iraqis to political reconciliation; it would basically lead them to hunker down for a civil war they fear would be following.

You know what, from this distance, although I have been there six or seven times now, it seems like common sense and human nature that if we pull out too soon, they are not going to wake up and suddenly make difficult political agreements; they are going to get ready for civil war. This amendment is based on a premise that disregards exactly what our Ambassador, a nonpolitical career person, an expert on the Middle East, is telling us would happen.

I would also point out, as I mentioned briefly at the beginning, that the amendment, I fear, would leave our troops unable, even in their reduced mission role, to respond to and go after Iranian operatives and Iranian-backed militias, the so-called special groups that are in the midst of fighting a vicious proxy war against American troops and Iraqis in Iraq.

General Petraeus testified last week that:

> These elements have assassinated and kidnapped Iraqi governmental leaders, killed and wounded our soldiers with advanced explosive devices provided by Iran, and indiscriminately rocketed civilians in the international zone and elsewhere.

So even in the reduced mission, it does provide for allowing our troops to go after al-Qaida but not the Iranian-backed operatives. And as Senator McCain I think quite compellingly pointed out on the floor earlier today, what are our troops supposed to do when they see someone walking along with an IED? Go up to them and say: Excuse me, sir, are you a member of a sectarian militia or are you al-Qaida? If you are sectarian militia, go ahead. If you are al-Qaida, I am sorry, I am going to have to capture you.

That is not going to work.

I am sure my colleagues, including the sponsors of this amendment, agree that the United States has a vital national interest in preventing the dominance of Iraq by the fanatical anti-American regime in Tehran, and yet this amendment would give our forces, as I read it, no authority to deal with that critical mission after the transition period is over.

I just want to say that at the end of last year, after too many months, too many months of a strategy that was not working in Iraq, President Bush, as the Commander in Chief, finally said: I have to change the strategy. He called in a lot of people to ask how should he change it in response to the reality on the ground, which is that what we were doing was not working, was not succeeding. He met General Petraeus, a man who had been in Iraq before, had disagreed with the prevailing strategy, and instead of being honored, he was sent out to Fort Leavenworth, where he did some great work. It is a great place. But he really should have been raised up to continue the fight in Iraq. President Bush brought him back to Iraq, accepted his ideas for a new strategy of counterinsurgency, of stabilizing Iraq. He gave him the 30,000-plus troops, and it has worked. Remarkable.

We all know Iraq has not reached the goals we want it to reach, but assassinations are down, deaths from sectarian violence are down. American and Iraqi forces are in control of most of Baghdad now, not the militias.

Most significantly, al-Qaida is on the run. I heard bin Laden and Zawahiri put out other tapes today. I wonder whether these tapes are a sign not of confidence but of insecurity by al-Qaida's leaders. I am beginning to wonder whether they are worried about the fact that they are essentially being chased out of an Arab country, Iraq, particularly painful for them, chased out of an enormous Sunni Arab province, because they are all Sunni Muslims, and that they are on the verge of what could be a humiliating defeat, if we continue to move this strategy forward against them. As we all know in our own lives, sometimes the people who bark the loudest are the ones who are the most insecure. I am beginning to wonder whether bin Laden and Zawahiri, who masterminded the attack against us on 9/11, are now, on what has become the central battlefield of the war with Islamist extremism, al-Qaida, whether they are badly losing that war.

What I am saying is, after a long time President Bush looked at the facts, changed the strategy, and the new strategy is working. This amendment, respectfully to its sponsors, does not regard the facts, does not look at the facts, does not accept the changes that have occurred in our strategy and the success it is bringing and basically continues as if nothing had changed. In doing so, if adopted, it would do a disservice to our forces in Iraq who are succeeding, to the cause of freedom in Iraq and throughout the Muslim world, and to the cause of security of every American threatened by al-Qaida who we know is working, plotting, and intends to strike us again, and the fanatics who, unfortunately, control the Government of a great country, Iran, who lead thousands and tens of thousands on any occasion they can in chants to "death to America." That is what is on the line. That is what would be jeopardized if this amendment were passed. That is why I respectfully ask my colleagues to vote "no" on the Levin-Reed amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Michigan.

Mr. LEVIN. Before Senator KYL is recognized, before Senator SMITH is recognized, under the current UC, we would then go to Senator KYL. I ask unanimous consent that after Senator KYL, Senator KENNEDY be recognized on this side of the issue and that after Senator KENNEDY, Senator BILL NELSON be recognized as the next speaker in support of the Levin amendment. If there is a speaker in opposition after Senator KENNEDY, that Senator would then come immediately after Senator KENNEDY and before Senator NELSON.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I ask unanimous consent that I be added as a speaker at that point before Senator NELSON. But if Senator LOTT wishes to speak, I will yield to him.

Mr. LEVIN. With that amendment, I offer that UC.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. SMITH. Mr. President, I rise today as the lead Republican on the Levin-Reed amendment. I am proud to cosponsor this amendment because it calls for what I have been stating all year. It sets up a timetable—a timetable we all know is inevitable—to draw down our troops. Last week General Petraeus's testimony highlighted what I consider to be the remaining primary function of American troops in Iraq: to defeat al-Qaida, our mortal enemy. The organization which attacked us on 9/11 is being hounded from its refuge in Anbar, fleeing from a lethal mix of American forces and their own destructive ideology. American troops should by all means continue this assault on al-Qaida. But Anbar Province is not all of Iraq. In past years supporters of the war have pointed to areas other than Anbar, such as the Shia and Kurdish provinces, to show that things are not going as badly as they were in Fallujah and Ramadi. Today they point to Anbar to show that things are not going as badly as the violence in Baghdad.

I have visited Iraq numerous times; and wherever I am with our troops, I am inspired by them. I have also become increasingly conscious of the fact that I am in the eye of the hurricane. Relative peace wherever our troops are, but outside of us are swirling the winds of hatred and violence such of which the American people can scarcely imagine.

This amendment explicitly defines the role of the U.S. military in Iraq as threefold. An appropriate amount of troops will remain to protect our diplomats, our military installations, and our infrastructure. We will continue to train, equip, and provide logistical and intelligence support to Iraqi security forces, sharing intelligence with them. Thirdly, and most importantly, we will be there to turn over every rock, every crevice, and seek out every al-Qaida killer who wishes to harm Americans.

As I have spoken out pleading for a new course in Iraq, there has been a great cacophony of noise about how to go forward. Some of my colleagues have wanted to cut off funding. In fact, we voted that plan down resoundingly. Such a course, in my view, would be more than dishonorable; it would be dangerous. Some, on the other hand, say: Let's stay the course. I find that troubling as well. What "stay the course" means is, we will continue to spend $12 billion a month. We will lose roughly three American soldiers a day, some of them Oregonians. In addition, there will be countless traumatized, wounded, and maimed for life, for which I cannot find a number.

Underpinning the current course and the argument of many of my colleagues is the hope, the predicate, that at the end of the road there will be an Iraqi Government that will govern effectively and democratically. I believe President Bush's formulation that we will stand down when they can stand up has it backwards. I have come to the reluctant conclusion that based on my numerous trips to Iraq, they will not stand up politically until we begin standing down militarily. Like many of my colleagues, I have been to Iraq repeatedly. To be with the troops, again, is to be inspired, to be humbled in their presence because of the remarkable work they are doing and the cause for which they are fighting. As inspiring as that is, it is equally depressing to meet with Iraqi political leaders, democratically elected, who we think ought to be focused on reconciliation. What I have found is they are focused on revenge.

In Iraq there is ancient sectarian strife which has produced a low-grade civil war, a war which is not ours to win and not one we can win. It is theirs to win. We won the first war—Saddam was overthrown. Iraqis must now win the peace. Civil wars end in one of two ways: One side wins and the other loses, or they fight it out until they figure it out. My belief is that we delay the day for them figuring it out with our current posture.

I would love to be proven wrong. I pray President Bush is right. But I believe it is our obligation to have this debate to help change the course in the policy of the United States Government, and more importantly, to help change also the course in the policy of the Iraqi Government. I intend to use all my leverage as a Senator to change that course in Iraq, to get their Government to govern.

My fear is that what our presence and current posture are doing is simply keeping their civil war at a low-grade level, a no-win situation for American troops in Iraq. There is no good option for how we come home, but it does seem to me this amendment best expresses my own conclusions. That is why I cosponsored the amendment, to recognize al-Qaida as our mortal foe. We must take them on wherever we can, even now in Iraq, but ultimately we have to get capable and effective Iraqi political leaders, too, to do the most basic kinds of governing: debaathification, setting up of local elections, allowing the processes of democracy to work, establishing a rule of law that gives people confidence, spending their oil revenue money for the restructuring and the rebuilding of their own country. We cannot want functioning democracy for Iraqis more than they want it for themselves. What they seem bent on now is ethnic cleansing of their neighborhoods and religious division. Ultimately, those are their decisions, not ours. As long as we say—we will take the bullet, we will take it first—they will let us.

The Reed-Levin amendment provides a different way forward with a responsible division of labor. Let the Iraqi forces we have trained and equipped handle their security in Baghdad and in other communities. Let us help them and ourselves by taking on al-Qaida as we find it in Iraq.

This should not be a Republican-Democratic debate. I do not want to sling mud around this Chamber and point fingers at which parties and which voters and which Government branch got us where we are. That should not be the focus of our discussion today. But for the sake of the American people, we should be discussing the way forward, a way that includes a United States victory over al-Qaida. Therefore, I rise as a Republican from Oregon to support the amendment. I believe this legislation strikes the right balance between the same old stay the course policy and a panicked flight to the exit.

Do we have moral and strategic interests in Iraq? Of course, we do. Will we have those interests in the future? Of course, we will. Should we ignore those interests? Of course not. This language addresses those concerns, the language of the Reed-Levin amendment. I believe this legislation is the best, most effective, most responsible way forward.

I urge the amendment's adoption and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to be the next Democrat to speak after the Chair, who is already in line in the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I believe the Senator from Arizona is to be recognized next.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in view of the fact that there are a series of other speakers who wish to address this matter, I am going to ask unanimous consent to put an article in the RECORD to respond to one of the arguments that has been made, and then I will briefly respond to the others.

To the point that this is a civil war in Iraq and that is the justification for American forces being withdrawn, I ask unanimous consent that an article by Frederick Kagan entitled "Al Qaeda in Iraq," dated September 10 and appearing in the Weekly Standard, be printed in the RECORD after my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KYL. Fred Kagan is a respected expert, a resident scholar at the American Enterprise Institute. The point he makes in this erudite article is that the primary problem for our forces in Iraq is al-Qaida in Iraq. It is the Iraq component of al-Qaida, that either we are fighting the al-Qaida forces directly—about 90 percent of whom are Iraqis, though the leadership significantly primarily comes from other places—Egypt, Jordan, and so on—or we are fighting to maintain peace between people whom al-Qaida in Iraq have instigated a conflict with, as they did when they bombed the Golden Mosque in Samarra, and that our primary effort, therefore, is in defeating al-Qaida in Iraq.

The reason I bring that point up here is also to go to the heart of one of the points of the Levin-Reed amendment which is, we need to change our mission. Part of it is to change the mission to deal primarily with the counterterrorism operations against al-Qaida and al-Qaida affiliated groups. That would be certainly al-Qaida in Iraq and other international terrorist organizations. That is going to be one of the three new missions in addition to protecting U.S. and coalition forces and infrastructure and training and equipping the Iraqis.

All three of those are part of our mission today. It is simply not the case that we can separate our mission today from this mission in any meaningful way. As General Petraeus testified when he was asked about a new mission, he said counterterrorism requires not just the special operations forces—a relatively small force that would be left behind under the proposal that is pending before us here—but it requires other forces as well, including the kind of combat operations we engage in today, our general conventional forces, along with intelligence, reconnaissance, surveillance, and all of the other forces, which also include logistical support, that are currently used in the operations against al-Qaida and the other terrorists who are there.

So it is simply a mistake in concept here that somehow we are performing a different mission today than would be performed in the future, that that is a counterterrorism mission and it can be performed with different and less troops. General Petraeus has said that is simply not true.

If you stop and think about it for a moment, you have heard reports of the way some of these operations are conducted. You get good intelligence from a predator aircraft or a human source or someone you have an Iraqi, al-Qaida, or other terrorist group that is going to be planting an IED in a location or they are making explosives in a location, and you have an F-16 that has been up in the air for an hour or two, and they get this information, and they relay it to the F-16, and they say: Go to these coordinates and drop a bomb on those coordinates, and he does that.

Now, it is not some special forces thing that deals with al-Qaida, in other words, as a counterterrorism type of war that is totally different than anything else. You use many of the same kinds of personnel and tactics and equipment you use in conventional warfare. That is the point General Petraeus was trying to make. It is an artificial distinction to say there is going to be a new and different mission under the Levin-Reed proposal than exists today and it can be done with a much smaller and different kind of force. General Petraeus says: It is simply not so. That is the primary reason I have trouble with this proposal that is pending. I hope my colleagues will defeat it.

I did want to also make this point in the debate: We sometimes get so wrapped up in discussing what we think that we do not stop and think about the people who are actually doing the fighting there. I have in mind both our troops and the very fine officers who lead the troops. We have all visited them in Iraq. We have visited those who have been wounded, and we grieve with the families of those who have been lost. These are America's finest, and they are fighting the worst of the worst. They are fighting killers who prey on innocent people, have no conscience in killing anyone who is necessary to suit their needs.

This is a brutal war against a brutal enemy. We are asking some of our finest young men and women to go into harm's way to perform this mission. They want to know what they have done so far—the gains they have produced, as General Petraeus called them—will not have been won in vain, that those gains can be helped.

What General Petraeus said in his testimony—I am going to summarize these quick four points—"the military objectives of the surge are, in large measure, being met," "that Coalition and Iraqi forces have dealt significant blows to al-Qaeda-Iraq"—incidentally, it is a point Frederick Kagan makes in some detail in this article I am having printed in the RECORD—third, "Iraqi elements have been standing and fighting and sustaining tough losses, and they have taken the lead in operations in many areas," and, finally—this is the point I am leading up to—"we will be able to reduce our forces to the pre-surge level of brigade combat teams by next summer without jeopardizing the security gains that we have fought so hard to achieve."

That is the key, and that is what the President said should unite us. We would all like to bring our troops home, as many as soon as possible. The more success we have, the better we are able to do that. But we do not want to do it if it means we lose what we have fought so hard to gain. I think almost all of us can agree with that proposition. But that is why I reached the conclusion that the particular amendment that has been proposed here would be counterproductive.

Fortunately, polls of the American people are beginning to show they support the Petraeus recommendations. In fact, I was told of a new Pew poll within the last few days that had the American people supporting the Petraeus recommended troop reductions by the number 57 to 28. That is an astounding change from American public opinion of a few months ago.

So the American public supports what our troops are accomplishing now. To try to find some way to politically triangulate between an immediate withdrawal and following the Petraeus recommendations, which is essentially what I gather the amendment before us would attempt to do, is to try to impose an artificial political construct in a very dangerous and very complex environment. There is an old saying that for every complex problem there is a simple and wrong solution. I think that is what we have here. We have a very complex situation, a very brutal enemy, and an attempt to try to triangulate it in order to get a certain number of votes in the Senate, to suggest that we can change the mission with a different mix of force than we have, contrary to General Petraeus's testimony, I think would be a big mistake.

So I urge my colleagues to take these considerations into account when they cast their vote and, in particular, again, go back to what General Petraeus said. There was a lot of wisdom in his testimony. I think all of us here recognize General Petraeus, General Odierno, and all of the other fine officers who are in Iraq have given us a path to achieve success in Iraq. The sooner that success can be consolidated, the sooner our troops can come home.

EXHIBIT 1

[From the Weekly Standard, Sept. 10, 2007]

AL QAEDA IN IRAQ—HOW TO UNDERSTAND IT. HOW TO DEFEAT IT.

(By Frederick W. Kagan)

Al Qaeda In Iraq is part of the global al Qaeda movement. AQI, as the U.S. military calls it, is around 90 percent Iraqi. Foreign fighters, however, predominate in the leadership and among the suicide bombers, of whom they comprise up to 90 percent, U.S. commanders say. The leader of AQI is Abu Ayyub al-Masri, an Egyptian. His predecessor, Abu Musab al Zarqawi, was a Jordanian.

Because the members of AQI are overwhelmingly Iraqis—often thugs and misfits recruited or dragooned into the organization (along with some clerics and more educated leaders)—it is argued that AQI is not really part of the global al Qaeda movement. Therefore, it is said, the war in Iraq is not part of the global war on terror: The "real" al Qaeda—Osama bin Laden's band, off in its safe havens in the Pakistani tribal areas of Waziristan and Baluchistan—is the group to fight. Furthermore, argue critics of this persuasion, we should be doing this fighting through precise, intelligence-driven airstrikes or Special Forces attacks on key leaders, not the deployment of large conventional forces, which only stirs resentment in Muslim countries and creates more terrorists.

Over the past four years, the war in Iraq has provided abundant evidence to dispute these assertions.

AL QAEDA WORLDWIDE

Al Qaeda is an organization pursuing an ideology. Both the organization and the ideology must be defeated. Just as, in the Cold War, the contest between the United States and its allies and the Soviet Union and its captive nations was the real-world manifestation of an ideological struggle, so today, the global war on terror is a real-world contest between the United States and its allies and al Qaeda and its enablers. We can hope to defeat the ideology only by defeating its champion, al Qaeda.

Al Qaeda's ideology is the lineal descendant of a school of thought articulated most compellingly by the Egyptian revolutionary Sayyid Qutb in the 1950s and 1960s, with an admixture of Wahhabism, Deobandi thought, or simple, mainstream Sunni chauvinism, depending on where and by what group it is propounded.

Qutb blended a radical interpretation of Muslim theology with the Marxism-Leninism and anticolonial fervor of the Egypt of his day to produce an Islamic revolutionary movement. He argued that the secularism and licentious (by his extreme standards) behavior of most Muslims was destroying the true faith and returning the Islamic world to the state of jahiliyyah, or ignorance of the word of God, which prevailed before Muhammad. The growing secularism of Muslim states particularly bothered him. According to his interpretation, God alone has the power to make laws and to judge. When men make laws and judge each other according to secular criteria, they are usurping God's prerogatives. All who obey such leaders, according to Qutb, are treating their leaders as gods and therefore are guilty of the worst sin—polytheism. Thus they are—and this is the key point—not true Muslims, but unbelievers, regardless of whether they otherwise obey Muslim law and practice.

This is the defining characteristic of al Qaeda's ideology, which is properly called "takfirism" (even though al Qaeda fighters do not use the term). The word "takfir" designates the process of declaring a person to be an unbeliever because of the way he practices his faith. Takfir violates the religious understanding of most of the world's Muslims, for the Koran prescribes only five requirements for a Muslim (acknowledgment of the oneness of God, prayer, charitable giving, the fast, and the pilgrimage to Mecca) and specifies that anyone who observes them is a Muslim. The takfiris insist that anyone who obeys a human government is a polytheist and therefore violates the first premise of Islam, the shahada (the assertion that "There is no god but God"), even though Muslims have lived in states with temporal rulers for most of their history. The chief reason al Qaeda has limited support in the Muslim world is that the global Muslim community overwhelmingly rejects the premise that anyone obeying a temporal ruler is ipso facto an unbeliever.

Today's takfiris carry Qutb's basic principles further. Some pious Muslims believe that human governments should support or enforce sharia law. This is why Saudi Arabia has no law but sharia. But to Osama bin Laden and his senior lieutenant, Ayman al Zawahiri, it is not enough for a state to rule according to sharia. To be legitimate in the eyes of these revolutionaries, a state must also work actively to spread "righteous rule" across the earth. This demand means that only states aligned with the takfiris and supporting the spread of takfirism—such as the Taliban when it was in power—are legitimate, whereas states aligned with unbelievers, like Saudi Arabia, are illegitimate even if they strictly enforce sharia law. Some takfiris, particularly in Iraq as we shall see, argue in addition that all Shia are polytheists, and therefore apostates, because they "worship" Ali and Hussein and their successor imams. This distorted view of Shiism reflects the continual movement of takfiri thought toward extremes.

These distinctions are no mere theoretical niceties. The Koran and Muslim tradition forbid Muslims from killing one another except in narrowly specified circumstances. They also restrict the conditions under which Muslims can kill non-Muslims. Takfiris, however, claim that the groups and individuals they condemn are not really Muslims but unbelievers who endanger the true faith. They therefore claim to be exercising the right to defend the faith, granted by the Koran and Muslim tradition, when they endorse the killing of these false Muslims and the Westerners who either seduce them into apostasy or support them in it. This is the primary theological justification for al Qaeda's terrorism.

Takfirism is a radical reinterpretation of Islam that discards over a thousand years of Islamic scholarship and cautious tradition in favor of a literal reading of the Koran and Hadith that allows any layman—such as Osama bin Laden, who has no clerical standing—to usurp the role of Islam's scholars and issue fatwas and exercise other such clerical prerogatives. Interestingly, "takfirism" is what the Muslim enemies of this movement call it. Iraqis, for example, commonly refer to the members of AQI as "takfiris." This term has a strong negative connotation, implying as it does the right of a small group to determine who is a Muslim and to kill those who do not practice their religion in a particular manner. (Iraqis also sometimes call the terrorists "khawaraj," a reference to the Kharajites of early Muslim history that is extremely derogatory, implying as it does that al Qaeda members are schismatics, well outside of the mainstream of Islam.)

While takfirism is the primary theological justification for the actions of al Qaeda, it is not the only important component of the terrorists' ideology. Western concepts are deeply embedded in the movement as well, primarily Leninism. Qutb was familiar with the concept of the Bolshevik party as the "vanguard of the proletariat"—the small group that understood the interests of the proletariat better than the workers themselves, that would seize power in their name, then would help them to achieve their own "class consciousness" while creating a society that was just and suitable for them. Qutb thought of his ideology in the same terms: He explicitly referred to his movement as a vanguard that would seize power in the name of the true faith and then reeducate Muslims who had gone astray.

Bin Laden underscored this aspect of the ideology in naming his organization "al Qaeda," which means "the base." Qutb and bin Laden envisaged a small revolutionary movement that would seize power in a Muslim state and then gradually work to expand its control to the entire Muslim world, while reeducating lapsed Muslims under its power. Al Qaeda's frequent references to reestablishing the caliphate are tied to this concept. The goal is to recapture the purity of the "Rashidun," the period when Muhammad and his immediate successors ruled. This was the last time the Muslim world was united and governed, as bin Laden sees it, according to the true precepts of Islam.

Leninism (along with the practical challenges faced by revolutionaries in a hostile world) has informed the organizational structure as well as the thinking of al Qaeda. The group is cellular and highly decentralized, as the Bolsheviks were supposed to be. It focuses on seizing power in weakened states, as Communist movements did in Russia and China, and on weakening stronger states to make them more susceptible to attack, as the Communist movement did around the world after its triumph in the Soviet Union. Al Qaeda's center of gravity is its ideology, which means that individual cells can pursue the common aim with little or no relationship to the center. It is nevertheless a linked movement, with leaders directing the flow of some resources and ordering or forbidding particular operations around the world.

These, then, are the key characteristics of al Qaeda: It is based on the principle of takfirism. It sees itself as a Muslim revolutionary vanguard. It aims to take power in weak states and to weaken strong states. It is cellular and decentralized, but with a networked global leadership that influences its activities without necessarily controlling them. How does Al Qaeda In Iraq fit into this scheme?

AL QAEDA IN IRAQ

AQI is part of the global al Qaeda movement both ideologically and practically. Ideologically, it lies on the extreme end of the takfiri spectrum. It was initially called the "Movement of Monotheism (tawhid) and Jihad," referring to the takfiri principle that human government (and Shiism) are polytheist. From its inception, AQI has targeted mainly Iraqis; it has killed many times more Muslims than Americans. Its preferred weapon is the suicide car-bomb or truck-bomb aimed at places where large numbers of Iraqi civilians, especially Shia, congregate. When the movement began in 2003 it primarily targeted Shia. Zarqawi sought to provoke a Shia-Sunni civil war that he expected would mobilize the Sunni to full-scale jihad. He also delighted in killing Shia, whom he saw as intolerable "rejectionists," who had received the message of the Koran and rejected it. Even worse than ignorance of the word of God is deliberate apostasy. The duty to convert or kill apostates supersedes even the duty to wage war against the regular unbeliever—hence Zarqawi's insistence that the Shia were more dangerous than the "Zionists and Crusaders."

Bin Laden's associate Zawahiri remonstrated with Zarqawi on this point in a series of exchanges that became public. He argued that Zarqawi erred in attacking Shia, who should rather be exhorted and enticed to join the larger movement he hoped to create. Zawahiri's arguments were more tactical and strategic than ideological. He has no objection to killing unfaithful Muslims, but he has been eager to focus the movement on what he calls the "far enemy," America and the West.

Zarqawi too pursued attacks on Western targets, of course. He was implicated in the 2002 murder of USAID official Lawrence Foley in Jordan, and in the bombing of the United Nations office in Baghdad on August 19, 2003. But Zarqawi concentrated on attacking Iraqi Shia. A blast at the end of August 2003, for example, killed 85 Shia in Najaf, including Ayatollah Mohammed Baqir al-Hakim (older brother of Abd al-Aziz al-Hakim, the leader of the Supreme Iraqi Islamic Council, the largest Shia party in the Council of Representatives), and a series of attacks on Shia mosques during the Ashura holiday in March 2004 killed over 180. He finally succeeded in provoking a significant Shia backlash with the destruction of the golden dome of the Shia al-Askariyah Mosque in Samarra in February 2006. Zarqawi was killed by coalition forces Sunni areas to the north and south, Diyala, Salah-ad-Din, and Ninewa. AQI bases in Falluja, Tal Afar, and Baquba included media centers, torture houses, sharia courts, and all the other niceties of AQI occupation that would be familiar to students of the Taliban in Afghanistan and takfiri groups elsewhere. Local thugs flocked to the banner, and those who resisted were brutally tortured and murdered. Imams in local mosques—radicalized in the 1990s by Saddam Hussein's "return to the faith" initiative (to shore up his highly secular government by wrapping it in the aura of Islam)—preached takfirism and resistance to the Americans.

The presence of large numbers of Iraqis in the movement has contributed to confusion about the relationship between AQI and al Qaeda. Apart from the radicalized clerics and some leaders, most of the Iraqis in the organization are misfits and ne'er-do-wells, younger sons without sense or intelligence who fall under the spell of violent leaders. The recruitment process in many areas is like that of any street-gang, where the leaders combine exhortation and promises with exemplary violence against those who obstinately refuse to join. In this regard, AQI is subtly different from the al Qaeda movement that developed in Afghanistan. The takfiri elements of the mujahedeen who fought the Soviet invader in Afghanistan were highly diverse in origin. That war attracted anti-Soviet fighters from across the Muslim world. They did not fit easily into Afghanistan's xenophobic society, and so concentrated themselves in training camps removed from the population centers after the Soviet withdrawal and the rise of the Taliban. Americans saw these foreign fighters in their camps as the "real" al Qaeda, the one that attacked the United States in 2001.

But al Qaeda was only part of the story in Afghanistan. The Taliban forces that seized power in 1994 imposed a radical interpretation of Islam upon the population and attacked the symbols of other religions in a country that had traditionally tolerated different faiths and diverse practices. Like their AQI counterparts today, the Taliban tended to be ill-educated, violent, and radical. And they were just as necessary to sustaining al Qaeda in Afghanistan as the Iraqi foot soldiers of AQI have been to supporting that movement. Bin Laden provided essential support, both military and financial, to put the Taliban in power and keep it there. In return, the Taliban allowed him to operate with impunity and protected him from foreign intervention. The war began in 2001 when Taliban leader Mullah Omar refused to yield the al Qaeda members responsible for 9/11 even though the Taliban itself had not been involved in the attacks.

Afghanistan's extremist thugs and misfits, once in power, facilitated the foreign-led al Qaeda's training, planning, and preparation for attacks against Western targets around the world, including the attacks on two U.S. embassies in Africa in 1998, the attack on the U.S.S. *Cole* in 2000, and 9/11. In return, al Qaeda's foreign fighters fiercely defended the Taliban regime when U.S. forces attacked in 2001, even forming up in conventional battle lines against America's Afghan allies supported by U.S. Special Forces and airpower. In Afghanistan the relationship between al Qaeda and the Taliban was symbiotic, mutually dependent, and mutually reinforcing. It included a shared world view and a willingness to fight common enemies. There was a close bond between indigenous Afghan extremists and the internationalist takfiris. Al Qaeda in Iraq benefits from just such a bond.

Yet there is a difference between the two movements in this regard: Whereas in Afghanistan al Qaeda remained separate from Afghan society for the most part, interacting with it primarily through the Taliban, AQI directly incorporates Iraqis. Indeed, the foreign origins of AQI's leaders are a handicap, of which their names are a constant reminder: Zarqawi's nom de guerre identified him immediately as a Jordanian, and the "al-Masri" in Abu Ayyub al-Masri means "the Egyptian." The takfiris clumsily addressed this problem by announcing their "Islamic State of Iraq," which they presented as an umbrella movement Iraqi in nature but which was in fact a thin disguise for AQI, and by inventing a fictitious leader with a hyper-Iraqi, hyper-Sunni name, Abu Omar al-Baghdadi.

As for its local recruits, they undergo extensive training that is designed to brainwash them and prepare them to support and engage in vicious violence. One of the reasons some Iraqi Sunnis have turned against AQI has been this practice of making their sons into monsters. Many Iraqis have come to feel about AQI the way the parents of young gang members tend to feel about gangs.

These AQI recruits often remain local. Young Anbaris do not on the whole venture out of Anbar to attack Americans or Shia beyond their province; AQI recruits in Arab Jabour or Salah-ad-Din tend to stay near their homes, even if temporarily driven off by U.S. operations. The leaders, however, travel a great deal—Zarqawi went from Jordan to Germany to Afghanistan to Iraq, and within Iraq from Falluja to Baquba and beyond, and his subordinates and successors have covered many miles at home and abroad. The presence of AQI cells in each area facilitates this movement, as well as the movement of foreign fighters into and through Iraq and the movement of weapons, supplies, and intelligence. AQI facilitators provide safe houses and means of communication. Some build car bombs that are passed from cell to cell until they are mated with the foreign fighters who will detonate them, perhaps far from where they were built. Even though most members of AQI remain near their homes, the sum of all of the cells, plus the foreign leadership and foreign fighters, is a movement that can plan and conduct attacks rapidly across the country and around the region, and that can regenerate destroyed cells within weeks. The leaders themselves are hooked into the global al Qaeda movement.

The integration of AQI into the population makes it harder to root out than al Qaeda was in Afghanistan. In Afghanistan, American leaders could launch missile strikes against al Qaeda training bases (as President Clinton did, to little effect), and U.S. Special Forces could target those camps with or without indigenous help. Not so in Iraq.

Intermingled with the population, AQI maintains no large training areas and thus offers few targets suitable for missile strikes. American and Iraqi Special Forces have been effective at killing particular AQI leaders, but this has not destroyed the movement or even severely degraded its ability to conduct attacks across the country. New leaders spring up, and the facilitation networks continue their work.

When the Taliban fell in Afghanistan, al Qaeda lost its freedom of movement throughout the country. Most surviving al Qaeda fighters fled to Pakistan's largely ungoverned tribal areas, where they could count on enough local support to sustain themselves. Today there is little support for al Qaeda in Afghanistan, no large permanent al Qaeda training camp, and certainly no ability to conduct large-scale or countrywide operations against U.S. or Afghan forces.

The recent turn against Al Qaeda In Iraq by key Iraqis has produced less dramatic results because of the different means by which AQI maintains itself. Although much of AQI's support originally came from locals who sought its aid, by 2006 the takfiris had made themselves so unpopular that their continued presence relied on their continuous use of violence against their hosts. As Anbari tribal leaders began for various reasons to resist AQI's advances, AQI started attacking them and their families. Outside of Anbar Province, AQI regularly uses exemplary torture and murder to keep locals in line. The principles of takfirism justify this, as anyone who resists AQI's attempts to impose its vision of Islam becomes an enemy of Islam. AQI then has the right and obligation to kill such a person, since, in the takfiri view, execution is the proper punishment for apostasy. It is a little harder to see the pseudo-religious justification for torture, but AQI is not deterred by such fine points.

Like al Qaeda in Afghanistan, then, AQI initially relied on support from the population more or less freely offered. Unlike al Qaeda in Afghanistan—but like the Taliban—it also developed means of coercing support when this was no longer given freely. As a result, Iraq's Sunnis cannot simply decide to turn against al Qaeda on their own, for doing so condemns them to outrageous punishments. To defeat Al Qaeda In Iraq, therefore, it is not enough to attack takfiri ideology or persuade the Iraqi government to address the Sunnis' legitimate grievances. Those approaches must be combined with a concerted effort to protect Sunni populations from AQI's terrorism.

HOW TO DEFEAT AQI

One of the first questions Iraqis ask when American forces move into AQI strongholds to fight the takfiris is: Are you going to stay this time? In the past, coalition forces have cleared takfiri centers, often with local help, but have departed soon after, leaving the locals vulnerable to vicious AQI retaliation. This pattern created a legacy of distrust, and a concomitant hesitancy to commit to backing coalition forces.

This cycle was broken first in Anbar, for three reasons: The depth of AQI's control there led the group to commit some of its worst excesses in its attempt to hold on to power; the strength of the tribal structures in the province created the possibility of effective local resistance when the mood swung against the takfiris; and the sustained presence and determination of soldiers and Marines in the province gave the locals hope of assistance once they began to turn against the terrorists.

The movement against the takfiris began as AQI tried to solidify its position in Anbar by marrying some of its senior leaders to the daughters of Anbari tribal leaders, as al Qaeda has done in South Asia. When the sheikhs resisted, AQI began to attack them and their families, assassinating one prominent sheikh, then preventing his relatives from burying him within the 24 hours prescribed by Muslim law. In the tribal society of Anbar, this and related actions led to the rise of numerous blood-feuds between AQI and Anbari families. The viciousness of AQI's retaliation and the relative weakness of the Anbari tribes as a military or police force put the locals in a difficult position, from which they were rescued by the determined work of coalition and Iraqi security forces.

Throughout 2006, U.S. soldiers and Marines in Anbar refused to cede the province's capital and major population centers to the insurgents. Officers like Colonel Sean MacFarland worked to establish bases in Ramadi, protect key positions within the city, and generally contest AQI's control. At the same time, Marine commanders strove to reach out to Anbaris increasingly disenchanted with AQI. Commanders in the province now acknowledge that they probably missed several early overtures from tribal leaders, but they clearly grasped the more obvious signals the sheikhs sent in late 2006 and early 2007 indicating their interest in working together against the common foe.

The change in U.S. strategy announced in January 2007 and the surge of forces over the ensuing months did not create this shift in Anbar, but accelerated its development. The surge meant that American commanders did not have to shift forces out of Anbar to protect Baghdad, as had happened in previous operations. MacFarland's successor, Colonel John Charlton, was able to build on MacFarland's success when he took command in early 2007. He moved beyond the limited bases MacFarland's soldiers had established and began pushing his troops into key neighborhoods in Ramadi, establishing Joint Security Stations, and clearing the city. Marine forces in the province were augmented by two battalions in the spring and a battalion-sized Marine Expeditionary Unit in the summer. The latter has been attacking the last bastions of AQI in northeastern Anbar.

The increased U.S. presence and the more aggressive operations of American forces—working with Iraqi army units that, although heavily Shia, were able to function effectively with U.S. troops even in Sunni Anbar—allowed the tribal turn against AQI to pick up steam. By late spring 2007, all of the major Anbari tribes had sworn to oppose AQI and had begun sending their sons to volunteer for service in the Iraqi army and the Iraqi police. By summer, the coalition had established a new training base in Habbaniya to receive these recruits, and the Iraqi army units had begun balancing their sectarian mix by incorporating Anbari Sunnis into their formations. Thousands of Anbaris began patrolling the streets of their own cities and towns to protect against AQI, and coalition commanders were flooded with information about the presence and movements of takfiris. By the beginning of August, AQI had been driven out of all of Anbar's major population centers, and its attempts to regroup in the hinterland have been fitful and dangerous for the takfiris. The mosques in Anbar's major cities have stopped preaching anti-American and pro-takfiri sermons on the whole, switching either to neutral messages or to support for peace and even for the coalition.

The battle is by no means over. AQI has made clear its determination to reestablish itself in Anbar or to punish the Anbaris for their betrayal, and AQI cells in rural Anbar and surrounding provinces are still trying to regenerate. But the takfiri movement that once nearly controlled the province by blending in with its people has lost almost all popular support and has been driven to desperate measures to maintain a precarious foothold. The combination of local disenchantment with takfiri extremism, a remarkable lack of cultural sensitivity by the takfiris themselves, and effective counterinsurgency operations by coalition forces working to protect the population have turned the tide.

Anbar is a unique province in that its population is almost entirely Sunni Arab and its tribal structures remain strong despite years of Saddam's oppression. The "Anbar Awakening," as the Anbari turn against the takfiris is usually called, has spread to almost all of Iraq's Sunni areas, but in different forms reflecting their different circumstances. Sunni Arabs in Baghdad, Babil, Salah-ad-Din, and Diyala provinces have long suffered from AQI, but they also face a significant Shia Arab presence, including violent elements of the Jaysh al-Mahdi, or Mahdi Army, the most extreme Shia militia. Diyala, Ninewa, and Kirkuk provinces also have ethnic fault lines where Arabs, Turkmen, and Kurds meet and occasionally fight. Tribal structures in these areas vary in strength, but are everywhere less cohesive than those of Anbar.

Extreme elements of the Jaysh al-Mahdi, particularly the Iranian-controlled "secret cells," have been exerting pressure against Sunni populations in mixed provinces at least since early 2006. Some formerly Sunni cities like Mahmudiya have become Shia (and Jaysh al-Mahdi) strongholds. Mixed areas in Baghdad have tended to become more homogeneous. AQI has benefited from this struggle, which it helped to produce, posing as the defender of the Sunni against the Jaysh al-Mahdi even as it terrorizes Sunnis into supporting it. AQI's hold cannot be broken without addressing the pressure of Shia extremists on these Sunni communities, as well as defending the local population against AQI attacks.

This task is dauntingly complex, but not beyond the power of coalition forces to understand and execute. American and Iraqi troops throughout central Iraq have been working aggressively to destroy AQI strongholds like those in Arab Jabour, Baquba, Karma, and Tarmiya and in the Baghdad neighborhoods of Ameriyah, Ghazaliya, and Dora, and have largely driven the takfiris out of the major population centers and even parts of the hinterland. As U.S. forces have arrived in strength and promised to stay, thousands of Sunnis have volunteered to fight the terrorists and to protect their neighborhoods by joining the Iraqi army, police, or auxiliary "neighborhood watch" units set up by U.S. forces. In these areas, however, coalition forces have also had to work to protect the local Sunni from attacks by the secret cells of the Shia militia and by Shia militia members who have penetrated the Iraqi national and local police forces. The continued presence of American forces among the population is a key guarantor against attack by the Jaysh al-Mahdi as well as AQI reprisals. Indeed, the Sunni insist upon it as the condition for their participation in the struggle against the takfiris.

The description of the new U.S. strategy as "protecting the population" is shorthand for this complex, variable, and multifaceted approach to the problem of separating AQI from the population and supporting the rising indigenous movement against the takfiris. It has been extremely successful in a short period of time—Anbar in general and Ramadi in particular have gone within six months from being among the most dangerous areas in Iraq to among the safest. AQI strongholds like Arab Jabour and Baquba are now mostly free of large-scale terrorist infiltration, and their populations are working with the coalition to keep the takfiris out. The overall struggle to establish peace and stability in Iraq clearly goes beyond this fight against AQI, but from the standpoint of American interests in the global war on terror, it is vital to recognize our success against the takfiris and the reasons for it.

THE OUTLOOK

AQI—and therefore the larger al Qaeda movement—has suffered a stunning defeat in Iraq over the past six months. It has lost all of its urban strongholds and is engaged in a desperate attempt to reestablish a foothold even in the countryside. The movement is unlikely to accept this defeat tamely. Even now, AQI cells scattered throughout the country are working to reconstitute themselves and to continue mass-casualty attacks in the hope of restarting widespread sectarian conflict from which they hope to benefit. If the coalition abandoned its efforts to finish off these cells and to prevent them from rebuilding their networks, it is quite possible that they could terrify their victims into taking them back in some areas, although AQI is unlikely to be viewed sympathetically by most Iraqis for a long time to come.

If, on the other hand, coalition forces complete the work they have begun by finishing off the last pockets of takfiris and continuing to build local Iraqi security forces that can sustain the fight against the terrorists after American troops pull back, then success against the terrorists in Iraq is likely. That success will come at a price, of course. The takfiris have only the proverbial hammer in Iraq at this point, and they are now in the position of seeing every problem as the proverbial nail. Their hammer can be effective only if no one is around to protect the population: Their violence consistently drives Iraqi sentiment against them and their ideology. So the prospect of a thorough and decisive defeat of the terrorists in Iraq is real.

It is too soon to declare victory in this struggle, still less in the larger struggle to stabilize Iraq and win the global war on terror. AQI can again become a serious threat if America chooses to let it get up off the mat. Other significant takfiri threats remain outside Iraq, such as the al Qaeda cell that has been battling Lebanese military forces from the Palestinian refugee camps in Lebanon and the aggressive al Qaeda group in the Islamic Maghreb that has proclaimed its intention of conquering all of North Africa and restoring Muslim rule to Spain. Each al Qaeda franchise is subtly different from the others, and there is no one-size-fits-all solution to defeating them. But our experience in Iraq already offers lessons for the larger fight.

The notion that there is some "real" al Qaeda with which we should be more concerned than with AQI or any of the other takfiri franchises is demonstrably false. All of these cellular organizations are interlinked at the top, even as they depend on local facilitators and fighters in particular places. The Iraqi-ness of AQI does not make it any less a part of the global movement. On the contrary, if we do not defeat AQI, we can expect it to start performing the same international functions that al Qaeda and the Taliban did in Afghanistan: Locally active AQI cells will facilitate the training, planning, and preparation for attacks on Western and secular Muslim targets around the world. As has often been noted, the overwhelming majority of the September 11 attackers were Saudis, yet their attacks were made possible by facilitators who never left Afghanistan. AQI, if allowed to flourish, would be no different. It has posed less of a threat outside Iraq because of the intensity of the struggle within Iraq—just as the takfiris among the Afghan mujahedeen posed little threat outside that country as long as they had the Soviet army to fight. If the United States lets up on this determined enemy now and allows it to regain a position within Iraqi society, it is likely that AQI cells will soon be facilitating global attacks.

The idea that targeting these cells from the air or through special operations is an adequate substitute for assisting the local population to fight them is also mistaken. Coalition forces have relied on just this approach against al Qaeda in Afghanistan and Pakistan since 9/11, with questionable results. Granted, there have been few successful attacks against Western powers, none of them in the United States, for which this aggressive targeting is surely in part responsible. But recent intelligence estimates suggest a strengthening of the al Qaeda movement. In Iraq, years of targeting AQI leaders weakened the movement and led it to make a number of key mistakes, but did not stop mass-casualty attacks or stimulate effective popular resistance to the takfiris. It seems doubtful that Muslim communities—even those that reject the takfiri ideology—are capable of standing up to the terrorists on their own or with only the support of intelligence-driven raids against terrorist leaders and isolated cells.

Iraq has also disproved the shibboleth that the presence of American military forces in Muslim countries is inherently counterproductive in the fight against takfiris. Certainly the terrorists used our presence as a recruiting tool and benefited from the Sunni Arab nationalist insurgency against our forces. But there is no reason to think that Iraq would have remained free of takfiri fighters had the United States drawn down its forces (or should it draw them down now); it is even open to question whether a continued Baathist regime would have kept the takfiris out. The takfiris go where American forces are, to be sure, but they also go where we are not: Somalia, Lebanon, North Africa, Indonesia, and more. The introduction of Western forces does not inevitably spur takfiri sentiment. When used properly and in the right circumstances, Western military forces can play an essential role in combatting takfirism.

This is not to say that the United States should invade Waziristan and Baluchistan, or launch preemptive conventional assaults against (or in defense of) weak Muslim regimes around the world. Each response must be tailored to circumstance. But we must break free of a consensus about how to fight the terrorists that has been growing steadily since 9/11 which emphasizes "small footprints," working exclusively through local partners, and avoiding conventional operations to protect populations. In some cases, traditional counterinsurgency operations using conventional forces are the only way to defeat this 21st-century foe.

Muslims can dislike al Qaeda, reject takfirism, and desire peace, yet still be unable to defend themselves alone against the terrorists. In such cases, our assistance, suitably adapted to the realities on the ground, can enable Muslims who hate what the takfiris are doing to their religion and their people—the overwhelming majority of Muslims—to succeed. Helping them is the best way to rid the world of this scourge.

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. KYL. Mr. President, I would be happy to yield.

Mr. KERRY. Is the Senator from Arizona suggesting there is not a civil war in Iraq?

Mr. KYL. Mr. President, what I am saying is the primary conflict that concerns the United States of America forces right now is defeating al-Qaida in Iraq and the conflicts that al-Qaida in Iraq have instigated, which include conflicts between Sunnis and Shias.

Mr. KERRY. Is the Senator aware that 60 percent of Iraq is Shia, that Shia are viewed by al-Qaida as complete apostates outside of Islam, that they do not get along, that the Kurds do not get along—and they are 20 percent of Iraq; therefore, 80 percent of Iraq will have nothing to do with al-Qaida—and now the Sunni in Anbar decided they do not want anything to do with al-Qaida, and that most of the injuries to our troops are from IEDs, and that most of the conflict in Iraq that has moved 2 million people out of Iraq and 2 million people within Iraq and changed Baghdad from 60 percent Sunni to 75 percent Shia—is he aware that, in fact, al-Qaida is not responsible for that, but it is the Jaysh al-Mahdi and it is the militia and it is the Badr army and everybody except for, fundamentally, al-Qaida that is doing that?

That is the fundamental violence and conflict which requires the political settlement General Petraeus cannot produce, only the Iraqi politicians can produce. Is he aware of that?

Mr. KYL. Mr. President, I will be happy to respond by saying, I am aware that many of the things asserted by the Senator from Massachusetts are incorrect.

I am aware al-Qaida in Iraq is a major force——

Mr. KERRY. Let me ask the Senator—

Mr. KYL. May I complete my answer to the Senator's lengthy question?

Mr. KERRY. How many al-Qaida are in Iraq?

Mr. KYL. Al-Qaida in Iraq—as is evident from the article I had printed in the RECORD; and I would be happy to share a copy of that article with my friend from Massachusetts—is a major force in Iraq, and is, in addition to being part of the force we are fighting, an instigator of violence between some of the groups the Senator from Massachusetts mentioned.

Now, let me say one other thing. I intended to conclude my remarks by laying down an amendment which Senator LIEBERMAN and I are prepared to debate tomorrow, not right now. But the Senator from Massachusetts mentioned the IEDs. Of course, I know the Senator is aware that a lot of the newest equipment and training, and in particular this virulent, this very destructive IED that is being used in Iraq, is coming from Iran, and that part of what we need to do is to deal with Iran in the context of this conflict in Iraq as well, and in particular the group in Iran that is supplying this equipment. For that reason—

Mr. KERRY. Will the Senator yield for a question?

Mr. KYL. I will be happy to yield the floor to the Senator as soon as I conclude my business. Then the Senator from Massachusetts can go ahead and make his full statement, if that would be all right.

AMENDMENT NO. 3017 TO AMENDMENT NO. 2011

Mr. President, what I want to do, in concluding my remarks, is, on behalf of Senator LIEBERMAN and Senator COLEMAN and myself, send an amendment to the desk that is a sense of the Senate on Iran, which is how it is titled.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. LEVIN. Mr. President, I understand this is going to be simply sent to the desk, it is then going to be read, and then we are going to set aside that amendment. That is understood by the Senator from Arizona?

Mr. KYL. That is correct, Mr. President.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. LIEBERMAN, and Mr. COLEMAN, proposes an amendment numbered 3017.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding Iran)

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF SENATE ON IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "[i]t is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Qods Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces in Iraq".

(2) Ambassador Ryan Crocker, United States Ambassador to Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "Iran plays a harmful role in Iraq. While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state".

(3) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that "Iran has been intensifying aspects of its lethal support for select groups of Iraqi Shia militants, particularly the JAM [Jaysh al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have risen dramatically".

(4) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that "[t]he Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Diyala provinces, is compelling... It is an accepted fact that most of the sophisticated weapons being used to 'defeat' our armor protection comes across the border from Iran with relative impunity".

(5) General (Ret.) James Jones, chairman of the Independent Commission on the Security Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 6, 2007, that "[w]e judge that the goings-on across the Iranian border in particular are of extreme severity and have the potential of at least delaying our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border".

(6) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that "[w]e know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force... We believe that he works directly for the supreme leader of the country".

(7) Mahmoud Ahmedinejad, the president of Iran, stated on August 28, 2007, with respect to the United States presence in Iraq, that "[t]he political power of the occupiers is collapsing rapidly. Soon we will see a huge power vacuum in the region. Of course we are prepared to fill the gap".

(8) Ambassador Crocker testified to Congress, with respect to President Ahmedinejad's statement, on September 11, 2007, that "[t]he Iranian involvement in Iraq—its support for extremist militias, training, connections to Lebanese Hezbollah, provision of munitions that are used against our force as well as the Iraqis—are all, in my view, a pretty clear demonstration that Ahmedinejad means what he says, and is already trying to implement it to the best of his ability".

(9) General Petraeus stated on September 12, 2007, with respect to evidence of the complicity of Iran in the murder of members of the Armed Forces of the United States in Iraq, that "[t]e evidence is very, very clear. We captured it when we captured Qais Khazali, the Lebanese Hezbollah deputy commander, and others, and it's in black and white... We interrogated these individuals. We have on tape... Qais Khazali himself. When asked, could you have done what you have done without Iranian support, he literally throws up his hands and laughs and says, of course not... So they told us about the amounts of money that they have received. They told us about the training that they received. They told us about the ammunition and sophisticated weaponry and all of that that they received".

(10) General Petraeus further stated on September 14, 2007, that "[w]hat we have got is evidence. This is not intelligence. This is evidence, off computers that we captured, documents and so forth... In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and aftermath of the operation conducted that resulted in the death of five of our soldiers in Karbala back in January".

(11) The Department of Defense report to Congress entitled "Measuring Stability and Security in Iraq" and released on September 18, 2007, consistent with section 9010 of Public Law 109-289, states that "[t]here has been no decrease in Iranian training and funding of illegal Shi'a militias in Iraq that attack Iraqi and Coalition forces and civilians... Tehran's support for these groups is one of the greatest impediments to progress on reconciliation".

(12) The Department of Defense report further states, with respect to Iranian support for Shi'a extremist groups in Iraq, that "[m]ost of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps-Qods Force... For the period of June through the end of August, [explosively formed penetrator] events are projected to rise by 39 percent over the period of March through May".

(13) Since May 2007, Ambassador Crocker has held three rounds of talks in Baghdad on Iraq security with representatives of the Government of the Islamic Republic of Iran.

(14) Ambassador Crocker testified before Congress on September 10, 2007, with respect to these talks, stating that "I laid out the concerns we had over Iranian activity that was damaging to Iraq's security, but found no readiness on Iranians' side at all to engage seriously on these issues. The impression I came with after a couple rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business...Right now, I haven't seen any sign of earnest or seriousness on the Iranian side".

(15) Ambassador Crocker testified before Congress on September 11, 2007, stating that "[w]e have seen nothing on the ground that would suggest that the Iranians are altering what they're doing in support of extremist elements that are going after our forces as well as the Iraqis".

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the capability of the Government of the Islamic Republic of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning Shi'a militia extremists in Iraq into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions of the legitimate Government of Iraq;

(3) that it should be the policy of the United States to combat, contain, and roll back the violent activities and destabilizing influence inside Iraq of the Government of the Islamic Republic of Iran, its foreign facilitators such as Lebanese Hezbollah, and its indigenous Iraqi proxies;

(4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies;

(5) that the United States should designate the Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act and initiated under Executive Order 13224; and

(6) that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council

Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

Mr. KYL. Mr. President, as I said, the chairman of the committee is correct, the intention was to simply lay this amendment down tonight on behalf of Senators LIEBERMAN, COLEMAN, and myself. We will debate it after we have concluded further business.

I yield the floor.

The PRESIDING OFFICER. The Senate from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2898

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, there is no time agreement. As I understand, there is an order of speakers.

The PRESIDING OFFICER. That is correct.

The Senator from Massachusetts is now recognized.

Mr. KENNEDY. Mr. President, I support this amendment.

As we continue debating how best to support America's brave military forces in Iraq, we must be clear where we stand on the war. I strongly support our troops, but I strongly oppose the war. The best way to protect our troops and our national security is to put the Iraqis on notice that they need to take responsibility for their future so we can bring troops back home to America.

The administration's policy has put our troops in an untenable and unwinnable situation. They are being held hostage to Iraqi politics in which sectarian leaders are unable or unwilling to make the tough judgments needed to lift Iraq out of its downward spiral. We are spending hundreds of billions of dollars on a failed policy that is making America more vulnerable and putting our troops at greater risk.

We have lost our focus on apprehending terrorists and on capturing those who seek to destroy America. Osama bin Laden remains at large. The war in Iraq has enabled al-Qaida to recruit terrorists more effectively to work against America.

Our policy in Iraq continues to exact a devastating toll. Nearly 4,000 American troops have died—80 in my State of Massachusetts—and 30,000 have been injured. We need to have a policy that is worthy of the valor of the brave men and women who have been fighting there for the last 4½ years. The toll on Iraqis is immense. Tens of thousands of Iraqis have been killed or injured, and more than 4 million Iraqis have been forced to flee their homes. If that were in American terms, it would be 45 million Americans who would have lost their homes, effectively 20 Katrinas would have taken place here in the United States—when we look at what has happened to the Iraqi families during this period of time. Nearly a half trillion dollars has been spent fighting this war. Our generals have acknowledged over and over again that a military solution alone is not the answer to Iraq's problems. After four bloody years, political reconciliation remains illusive, and Iraqi politicians are not being held accountable to any standard of progress or success. Yet the President unacceptably continues to impose the enormous burden of Iraq's sectarian violence on the backs of American troops, with an open-ended commitment—with an open-ended commitment.

Our military is stretched to its limits; it is nearing its breaking point. The American public has lost confidence in the current direction of the war. They are tired of a war based upon a failed policy that has made America no safer and that is subjecting our military to Iraq's intractable civil war. They are tired of the administration's promises that success is just around the corner. They want to know when the nightmare of Iraq will end.

How much longer will President Bush insist that our troops be held hostage to the abysmal failure of the Iraqi Government to make the political compromises essential to end violence, especially when there is no indication—no indication—that they will do so any time soon? How many more brave Americans must die? How many more billions of taxpayers' dollars must we spend? How much more of a burden must we place on our military?

We all know what is going on. President Bush's strategy is delay and delay. We never should have gone to war in the first place, and his misguided war has now gone on for more than 4 years. The situation is not improving; it is worsening. It is not showing signs of meaningful progress. Year after year, it has failed to deliver political reconciliation. The President finally admitted to Congress and the American people last week that his successor, the next American President, will inherit the war in Iraq. He calls himself a decider, but he refuses to make the decision to end the war.

President Harry Truman said: "The buck stops here." The last thing President Bush wants is for the buck to stop on his desk. He is desperately trying to buy time in order to pass the buck to his successor in the White House.

The first President Bush went to war with Iraq after 52 Senators voted in favor of a resolution of approval. Now, 53 Senators have voted for a timetable to end the war. But this President vetoed the bill because he refuses to accept responsibility to end a war he never should have started.

It is time to stop this madness. This amendment does that. It requires our combat troops to begin to come home in 90 days. It requires a change in mission for our military. It requires the vast majority of our combat troops to come home in 9 months. It is up to us to end the open-ended commitment of our troops that the President has been making year after year. The Iraqis need to take responsibility for their own future, resolve their own political differences, and enable our troops to come home.

We need to tell the Iraqis now that we are going to leave, and leave soon. Only such a step can add the urgency that is so clearly necessary to end their differences. We can't allow the President to drag this process out any longer, and I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, any American I know should be, and is, vitally interested in what is happening in Iraq and what our policy should be. There is no doubt that good people can disagree about how we should handle this important and difficult situation. Nobody's patriotism should be questioned in this process. But I would urge that these disagreements that might be expressed be expressed in ways that minimize the negative impact on what may be, and will be the decided policy of the United States. In other words, we need to be sure that as we conduct this debate—we have a policy in this country, and we need to make sure that we execute it in a way that most likely will provide us a method of success.

Let me recap the history of how we got here because I think it is important. By more than a three-fourths vote, 77 Senators in this body authorized the use of military force in Iraq. The initial invasion and removal of Saddam Hussein went well, surprisingly well—better than most would ever have expected. But the postinvasion situation has been much more difficult than expected. My personal view, for what it is worth—and it may not be worth much—is that we underestimated the difficulties of establishing a functioning democracy in an undeveloped nation that had deep sectarian divides, that had no history of law or democracy, and that had been traumatized by years of oppression in a war. So we can look back and say there are a lot of mistakes out there that have been made, but I think the real problem is we are facing a difficult job that is not going to be easy, and no one should underestimate the challenge.

But we must honestly evaluate our current position and use this time in this Congress right now to decide what we are going to do. I know good people will disagree, but we will reach a decision before this debate is out. So we owe nothing less to those fabulous men and women who serve us in Iraq than to give this our best judgment, our hardest work, our most sincere consideration. There can be no doubt but that this is the correct time for a national evaluation.

Remember how we got here. In May—May 24 of this year—in a bipartisan vote, we voted to clearly affirm the surge; 80 to 14 was what that vote was. We debated the question. We knew General Petraeus was there. The President asked that we fund 30,000 additional troops as part of this surge, and we decided to do so. We voted for it. This Congress said we will execute that surge. I remember Senator REID and Speaker PELOSI meeting with the President and working on the deal, and we agreed to do the surge 80 to 14 on final vote. So it is really not President Bush's surge or General Petraeus's surge, it was and is America's surge, and our troops are carrying out America's policies. I hope our colleagues here won't be adopting the reasoning of MoveOn.Org instead of recognizing the responsibilities that we all have to those we have sent into harm's way.

Now, no one in May was sure how things would work out. Things had not gone well in 2006 and in early 2007. All of us were worried about what was happening. Violence had increased, the uncertainty had increased, and I think Congress rightly was concerned. After debate, we decided to execute the surge operation which was more than just increased troops, and I will talk about that in a minute. We decided that, for the purpose of openness and accountability, as part of the funding of this war that we had appropriated, we wanted some reports. In fact, we asked for five separate reports. Those reports have been produced as required. A report was required on the status of 18 benchmarks submitted by July 15. A report was required for an independent commission of experts to report not later than September 1 analyzing the progress of the Iraqi security forces. That was the General Jones commission, former supreme allied commander in Europe, former commander of the United States Marine Corps, and 20 other experts compiled that report. A report from the GAO, the comptroller general, on whether the 18 benchmarks had been achieved by September 1; a followup on the benchmarks report submitted by September 15. Then public testimony was required from the U.S. Ambassador to Iraq and the commander of Multi-National Forces Iraq, General Petraeus, not later than September 15.

We have had all of that in the Armed Services Committee, of which I am a member. We had Mr. Walker from GAO give the GAO report. We had General Jones and his commission give their report, and we had General Petraeus and Ambassador Crocker give their reports. They testified before the House. They testified before other committees. We have had now a national discussion about this situation, and it is time for us to begin to make some decisions. So what I hope we will do is make a decision, and we will stick by it, and next week we would not have leaders in this body saying it is a failure before it ever gets started, as we have had in the past.

Let me summarize the reports that came in briefly. The administration report on benchmarks, as well as a GAO report, shows that we had some progress on some matters but that there had been limited political progress in Iraq. I would note that the GAO report, which was valuable and I think not inaccurate but could be misinterpreted, was important. It did not, however, incorporate data from August and early September from Iraq. That data shows remarkable progress in those recent weeks, and it was not part of its report. So the progress on the military front that they reported was not as significant as the later reports would show. It only measured whether the goals of each one of the benchmarks were fully achieved. It didn't measure whether progress had been made.

Ambassador Crocker, on the benchmarks, made some important comments. Those I would point out to my colleagues. One, he said, yes, an oil law had not been passed by the Iraqi Parliament. They couldn't get together on that. Sometimes we can't get together in this body and agree on things. So what happened is, they are indeed sharing oil revenue throughout the provinces in a fair and just way, although they have not yet been able to pass an overall oil law. So we are saying, according to benchmarks, they haven't met the benchmarks because the benchmarks said they must pass an oil law that would share their resources. But, in fact, they are sharing.

He talked about a benchmark dealing with reconciliation with former members of the Baathist Party and the Saddam Hussein regime. He said, no, they had not been able to pass in the parliament the legislation that would effectuate, as we would like to see it, a reconciliation among the former Baathists and the current leadership in Iraq, but it was happening out there. He said in various different places throughout Iraq former members of Baathist activities are coming into the government, Sunnis who allied with al-Qaida are coming in and working with the American military, and at the grassroots level real progress is being made and reconciliation is occurring in a lot of different places in Iraq.

Now, the Jones commission was a very valuable commission. General Jones is a very distinguished, 40-year veteran of the U.S. Marine Corps, former commandant. He served as supreme allied commander of Europe and commander of USOCOM. This bipartisan commission he headed was composed of 20 members representing senior military leaders, civilian officials, former chiefs of police, former DC Police Chief Charles Ramsey, former TRADOC Commander General John Abrams, and Mr. John Hamre, former Under Secretary of Defense in the Clinton administration, a respected voice on defense matters. Between them, the commissioners had more than 500 years of collective military experience and more than 150 years of police experience.

The Commission reported strong progress within the Iraqi Army but much weaker progress among the national police—in fact, unacceptable activity within the police. They called for massive reform and restructuring of the Iraqi police forces.

I asked General Jones and his colleagues in this fashion—I told him that before General Petraeus went to Iraq to take over the effort there, he told us he would define the challenge as being "difficult, but not impossible." So I asked General Jones:

> What are our realistic prospects for a long-term situation in which there is some stability and a functioning government that is not threatening to the United States?

This is what General Jones said:

> Senator, I think that General Petraeus's words were correct. I think it is a difficult situation that is multifaceted. It is about bringing about in Iraq not only safe and secure conditions, but a completely different method of government, jump-starting an economy, rule of law. The whole aspect of transition is just enormously complex.

He added this:

> And regardless of how we got there, we are where we are. It is, strategically, enormously important not only nationally, but regionally and globally, for this to come out and be seen as a success. And our report, I think, not only unanimous but very hard-hitting in certain areas, intentionally makes the point that there are some good things happening and that we are all excited to see that. That is certainly encouraging, but there is more work that needs to be done. We wanted to be very specific about where we think that work should be done. It doesn't mean it can't be done.

They call for a massive overhaul of the Iraqi police. He said it is difficult and it needs to be done. More progress needs to be made, but it is not impossible. So I followed up with that. I said:

> Did any of your commission members, or any significant number of them, conclude that this could not work, that this was a failed effort, or that we ought to just figure a way to get out of there regardless of the consequences?

Here is General Jones's answer:

> I don't believe that there is a commissioner that feels that way. But let me just take a poll right now.

He turned around and surveyed the Commissioners, and they all agreed with General Jones.

Then General Petraeus and Ambassador Corker came before us last week to give their report, which detailed progress on a number of different levels. General Petraeus is one of our most distinguished officers in the Armed Forces. He graduated as an academically "distinguished cadet" from West Point. He was the General George C. Marshall Award winner as the top graduate of the U.S. Army Command and General Staff College, class of 1983. He also has a master's and a Ph.D. from Princeton, and he served as a professor at West Point. He is on his third tour in Iraq.

I know a lot of people in this body think they have figured out how to deal with Iraq. He spent 2 full years there and now over a half a year again in Iraq dealing with these circumstances. He is a very capable person, as anyone can well see.

Well, I have been to Iraq six times. On the first trip, I met General Petraeus. He commanded the 101st Airborne in Mosul. They were achieving some fine success and reconciliation. They were able to catch Saddam's sons, Uday and Qusay. He worked with Alabama engineering National Guard units impressively, in my opinion, to bring them on line in an effective way. I was impressed in my meeting with him.

The next year, he came home, and then they asked him to go back to train the Iraqi Army. He went back and took charge of that operation and spent a year doing that in Iraq, meeting people in Baghdad and getting a real feel for that country. Then he came home.

When he got home, he wrote the counterinsurgency manual for the U.S. Department of Defense, which details the principles and tactics that can work to defeat an insurgency. In fact, insurgencies can be defeated if you have a sustained and intelligent policy that is well led. So he wrote that manual, and President Bush met with him and decided to send him back a third time in January, and he asked him to lead this effort. He has been doing so with integrity, skill, and effectiveness. As a matter of fact, one commentator said even in the early months you could feel that there was a new atmosphere and a new strategic vision and new leadership. It was filtering down throughout the system.

So to have a group like MoveOn.org suggest—not suggest but call him a traitor and a liar, that is despicable. I cannot imagine anybody who would not condemn such a statement. This is a patriot of the highest order. We have asked him to go into harm's way for the third time to serve the national interests of the United States, not serve President Bush—to serve this Congress, by a 80-to-14 vote in May.

So I am telling you that we need to get serious. We sent him there by a unanimous vote, confirmed him to be commander, and we voted to fund the operation, fund the surge. That wasn't President Bush who put up the money; we put it up. We asked him to come back and give us a report on how well it is going. We asked an independent commission to give us another report. We asked the GAO to give us a report. We have gotten those reports, and it is now time for this Congress to make some decisions. It is just that serious. This is a very important matter for the United States. It is important for us.

You tell me about the morale of the military. People say the morale of the military is not well. They are doing beyond anything I could expect. Reenlistments remain very high. I have to be amazed at that, and I know others are. We have a good reenlistment rate, and we are able to retain people and bring people into the military. They are going to Iraq and serving ably. As a matter of fact, in a moment, I will share a report from some of our Alabama people who came by to see me and what they had to say about their tour there. So we have done this, and we are now at a point where we have to make some decisions.

I have been asked: Well, has the situation changed since General Petraeus has made his report? I think it has, mainly because of what he said, not how he said it. I asked him back in January at his confirmation hearing would he always be truthful with the Congress and the American people about the status of this war and would he tell us if he didn't think he could be successful. He said that he would.

I asked him at this hearing: General Petraeus, when you came before us in January, before you went to Iraq, you had previously told me that no matter what happened, you would tell the Congress the truth. He told me that in private the night before. So the next morning, I asked him: Will you tell the truth to the American people? He committed that he would. So at this hearing last week, I asked him:

> Have you, to the best of your ability, told this Congress the truth about the situation in Iraq today?

He said:

> I have, yes, sir.

You can call him a liar if you want to. I don't. I believe he gave us the truth as he had the ability to give it to us.

I asked him further:

> General Petraeus, in your opinion, is there a circumstance in which—in your opinion, is this effort in Iraq such that we cannot be successful, that we would be putting more effort in a losing cause if we continue it, or, in your opinion, do we have a realistic chance to be successful in this very important endeavor?

He replied:

> Sir, I believe we have a realistic chance of achieving our objectives in Iraq.

So we received the reports and the information. What did some of that information tell us? I cannot tell my colleagues or the American people that this will continue, but, remarkably, violence in Baghdad is down dramatically. Remember, it was the President and everybody who acknowledged that if the large capital city could not be stable and was sinking into violence, there is no way we could have a peaceful settlement in Iraq and reconciliation and make progress. We had to reduce violence in Iraq. The report General Petraeus gave us and the charts he produced showed that civilian deaths in Iraq, in Baghdad, were down 70 percent. In his report, he declared that civilian deaths throughout the nation of Iraq were down 55 percent. Now, that is really big. Remember, the surge didn't reach full strength until June or July. He has only had the full surge in place for a month or two. So this is really big.

Mr. KERRY. Will the Senator yield for a question?

Mr. SESSIONS. Yes.

Mr. KERRY. On his own charts, he showed that two-thirds of the reduction of violence took place before our troops even got there; isn't that right?

Mr. SESSIONS. Mr. President, I will respond to that. I don't believe that is accurate.

Mr. KERRY. That is the chart, Mr. President.

Mr. SESSIONS. The most dramatic reductions in violence occurred in the last months of August and September. Regardless of that, I would say the Senator is making a point I think I can agree to—that it is not just the number of troops that are affected. General Petraeus is executing a strategy utilizing counterinsurgency tactics that are more suited to the problems in Iraq and are proving to be more effective in reducing violence and protecting the civilian people in Iraq.

Mr. KERRY. I further ask the Senator, if the civilian deaths are down to such a degree that Baghdad is such a security success, why did the Iraqi Legislature not reconcile on the issue of oil or debaathification?

Mr. SESSIONS. I will give my best answer to that. We had the President of the United States and the majority leader in the Senate say we had to have an immigration bill. They tried to pass it right here on the floor of the Senate. They could not pass it. The President could have stood on his head, and that bill would not pass.

Just because we think we can order the Iraqi Parliament to vote out some law doesn't mean they can do that. So I am really worried about it, frankly. I am fully willing to acknowledge that it is a very troublesome development that the Iraqi Parliament hasn't been able to pass laws to carry out some of these needed reforms. But I don't think they are going to be more likely to be effective in passing legislation if we precipitously withdraw, allowing violence to increase again and whatever else might happen, with Iran expanding its influence.

I have to tell you that the substantial reduction in violence we have seen is not small. This is really large. If you told me when the surge started that we would see a 70-percent reduction in civilian deaths in Baghdad, I would not have believed it. I would have thought that would be more optimistic than I was prepared to be. So whether it will hold, I don't know. We have seen some improvement.

I know the Senator from Massachusetts would like to speak. I will just conclude by saying, OK, we have had these reports, we have seen this progress, and we know what the difficulties are. I have decided, based on General Petraeus's testimony, the Crocker testimony, the Jones Commission report, and other information we have, that things are moving in a better direction.

I personally believe it is the new tactics, not so much the number of soldiers. I am very happy General Petraeus has concluded he can draw down troops while maintaining this progress of reducing violence. In fact, he has recommended that within the next few weeks, a Marine unit not be replaced. So that represents an initial reduction in our forces within a few weeks. Then the next reduction will come before Christmas will be an Army brigade, and he would have 30,000 troops withdrawn by next summer and would report to us again in March on whether he could continue this rate of reduction or accelerate it.

There is not that much difference, I say to my colleagues, in what we want. Senator LEVIN wants to see troops withdrawn. He wants to see a stable Iraq. The question is, Do we do it with a mandated withdrawal rate dictated by Congress or do we do it in harmony with the situation on the ground that leaves us in the best possible position to allow a stable, peaceful Iraq, an ally to the United States, to exist?

I think we should accept the report. We should see this as good news, celebrate that some progress has been made and recognize that serious challenges are out there. I do believe Congress has every right to monitor this situation closely. We have every right to reject the President's recommendation, to reject General Petraeus's recommendation, to cut off funds and order our troops home if we so desire. I think that would not be a good decision. I think it would not be in the long-term interests of the United States of America. Therefore, I oppose the Levin amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe Senator NELSON was scheduled to be the next speaker on this side of the aisle. He had to do that before 7 o'clock, so he will be unable to take that position. Senator KERRY is next in line on this side. However, I understand he is going to yield to Senator KENNEDY for a couple minutes for him to offer a unanimous consent agreement.

I thank Senator KERRY for his patience, as always. There is a lot of confusion and difficulty in scheduling speakers. He has been extremely patient. I appreciate it a great deal.

I wonder if Senator KENNEDY can be recognized for a couple of moments to propound a unanimous consent request, and then Senator KERRY can be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank Senator LEVIN and my colleague and friend, Senator KERRY.

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3580, received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

> A bill (H.R. 3580) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, every day, families across America rely on the Food and Drug Administration in ways they barely realize. When they put dinner on the table, they are counting on FDA to see that it is free from contamination. When they care for a sick child, they are trusting FDA to make sure the drugs prescribed are safe and effective. From pacemakers to treatments for cancer to the foods we eat, FDA protects the health of millions of Americans, and oversees products that account for a quarter of the U.S. economy. The agency does all this on a budget that amounts to less than 2 cents a day for each citizen.

Yesterday, the House of Representatives approved legislation on FDA reform by a broad bipartisan majority of 405 to 7. Our House colleagues from all parts of the political spectrum united to send that bill to the Senate with a resounding bipartisan endorsement. We cannot wait another month, another week—or even another day. We must take action here and take action now to send that bill to the President.

The stakes could not be higher. Funding for the FDA's vital safety mission is reaching the breaking point. Unless we act, the FDA Commissioner will send a letter tomorrow to over 2,000 employees informing them that their jobs are slated for termination. This legislation provides nearly $500 million in new resources for FDA—including over $50 million for drug safety and $6 million for review of direct to consumer ads.

Americans are worried about the safety of the products they use—from food to toys to drugs—and they are right to be worried. Dangerous lapses in safety oversight have exposed American families to intolerable risks from lead paint in toys, to bacteria in foods, to drugs that cause unreported and lethal side effects. The right response is comprehensive, considered and bipartisan legislation—and that is what we have before us today.

At the heart of our proposal is a new way to oversee drug safety that is flexible enough to be tailored the characteristics of particular drugs, yet strong enough to allow decisive action when problems are discovered.

A second major element of our legislation is a public registry of clinical trials and their results. A complete central clearinghouse for this information will help patients, providers and researchers learn more and make better health care decisions. Now, the public will know about each trial underway, and will be able to review its results.

Our bill recognizes that innovation is the key to medical progress by establishing a new center, the Reagan-Udall Foundation, to develop new research methods to accelerate the search for medical breakthroughs.

The bill helps preserve the integrity of scientific review by improving FDA's safeguards against conflicts of interest on its scientific advisory committees, and it will end the abuse of citizens petitions that are too often used not for their intended purpose of brining important public health concerns to the attention of the FDA, but rather to delay the approval of generic drugs.

The proposal before the Senate today strikes the right balance on this issue. It rightly states that the mere filing of a citizen petition should not be cause for delay, but allows FDA to delay the approval of a generic application if it determines that doing so is necessary to protect public health. This is the right approach. It prevents abuse, but protects health.

The legislation also includes important reforms of direct-to-consumer, or DTC, advertising. I thank Senator ROBERTS and Senator HARKIN for working with Senator ENZI and me and with many members of the committee on this important provision.

Instead of the moratorium included in our original bill, the current proposal puts in place strong safety disclosures for DTC ads, coupled with effective enforcement. Under current law, safety disclosures can be an afterthought—a rushed disclaimer read by an announcer at the conclusion of a TV ad while distracting images help gloss over the important information provided. Our proposal requires safety announcements to be presented in a manner that is clear and conspicuous without distracting imagery. We also give FDA the authority to require safety disclosures in DTC ads if the risk profile of the drug requires them.

Our legislation also takes important first steps toward a safer food supply. These are only first steps—our committee will work on a comprehensive package of food safety legislation in the fall—but they are important steps. Consumers and FDA have too little information about contaminated food. Our bill creates a registry and a requirement to report food safety problems. Consumers will have information about recalls at their fingertips, and FDA's response will not be slowed by antiquated and inefficient reporting systems. Our bill also establishes strong, enforceable quality standards for the food we give our pets, to guard against the problems of tainted pet food that we have seen in recent months.

In this new era of the life sciences, medical advances will continue to bring immense benefits for our citizens. To fulfill the potential of that bright future, we need not only brilliant researchers to develop the drugs of tomorrow, but also strong and vigilant watchdogs for public health to guarantee that new drugs and medical devices are safe and beneficial, and that they actually reach the patients who urgently need them. Congress has ample power to restore the luster the FDA has lost in recent years, and this bipartisan consensus bill can do the job. I ask my colleagues to approve this needed legislation without delay.

H.R. 3580, the Food and Drug Administration Amendments of 2007, does a great deal to improve the regulatory process and to strengthen FDA's ability to enforce drug safety standards, particularly in the postmarket period. A recent study by the Institute of Medicine described FDA's post-market drug safety authority as "aging and inadequate." Currently, FDA's ability to address potential health problems that become known after the drug has gone on the market is very limited. This is a serious weakness in the present system that must be corrected. This legislation will give FDA the authority, for the first time, to compel a drug company to add warnings of newly discovered risks on the drug label. As a result, in many cases the health risks involved in using potentially dangerous drugs will be disclosed to the public much sooner than they are today.

At the same time, this legislation makes clear that drug companies will continue to have the same independent responsibility to update the warning labels on their drugs in the future that they have under current law today. If a drug company learns of new dangers that its product potentially poses to the patients taking it, the company has a legal responsibility to immediately warn those patients of the risk of injury.

By enacting this legislation, we do not intend to alter existing state law duties imposed on a drug manufacturer to obtain and disclose information regarding drug safety hazards either before or after a drug receives FDA approval or labeling. We do not believe that the regulatory scheme embodied in this act is comprehensive enough to preempt the field or every aspect of state law. FDA's approved label has always been understood to be the minimum requirement necessary for approval. In providing the FDA with new tools and enhanced authority to determine drug safety, we do not intend to convert this minimum requirement into a maximum. The Institute of Medicine and others have found that FDA's past performance has been inadequate. While we fully expect substantial improvement as a result of the enactment of this bill, we cannot and do not expect the FDA or this new process to identify every drug specific safety concern before a drug manufacturer becomes aware or should have become aware of such concerns. Nor are the bill's requirements that companies disclose certain safety information to the government intended to substitute for the disclosure requirements that may be required under state law.

No one should be under the mistaken impression that the new authorities and resources provided under H.R. 3580 lessen in any way the obligation of a drug company to scrutinize vigilantly the safety signals for their drugs and proactively study such signals or change their labels when the evidence supports such a change. This new postmarket authority for FDA is not intended to alter the drug companies' independent obligation to promptly warn consumers of a drug's risks. Under current FDA regulations, a drug company is required to add new warnings to its labels as soon as it learns about new risks potentially posed by its drugs. The company must add the new warning even if FDA has not required a labeling change.

It is worth putting the situation in a little perspective. The legislation increases FDA's resources for post-market drug safety efforts significantly. FDA's current resources of about $25 million are increased by almost $55 million in the first year, to nearly $80 million. There will be increases in the next four years of $10 each year, so that FDA's post approval drug safety budget will be at about $120 million in 2012. This is the entire budget at the FDA to collect and analyze post-market safety information and respond with appropriate regulatory action. FDA must use these resources to police every prescription drug on the market—thousands of drugs.

By contrast, the drug industry had annual revenues in 2005 of over $200 billion. To be sure, significant portions of these revenues support research and development, profits, and marketing of drug products, but a mere 1 percent of these sales exceeds the entire budget of the FDA. It exceeds the agency's budget for postmarket drug safety by a factor of over one thousand. Many major brand drugs have annual revenues that exceed FDA's annual budget for post-approval drug safety. Consider the top 200 selling drugs in 2006: Merck's drug Fosamax Plus D came in 200th in 2006, with U.S. sales of $140 million. Sales from this one drug alone exceed the entire $120 million FDA budget for drug safety in the last year of this program. The 100th drug, Abbott's Kaletra, had 2006 sales of $350 million, nearly three times the FDA's annual drug safety budget for 2012. Thirtyeight drugs had U.S. sales exceeding $1 billion in 2006. The top selling drug, Pfizer's Lipitor had 2006 sales of nearly $6.6 billion, an amount more than 50 times FDA's annual drug safety budget in 2012 under this legislation.

Clearly, the resources of the drug industry to collect and analyze postmarket safety data vastly exceed the resources of the FDA, and no matter what we do, they will always have vastly greater resources to monitor the safety of their products than the FDA does. It is absurd to argue that the FDA, even with the enhanced resources and authorities provided by this legislation, commands the field when it comes to postmarket drug safety. The drug companies have the capacity to do a far more comprehensive job. If we are serious about quickly alerting the public to the health risks posed by drugs, the companies must be required to take the initiative in monitoring the safety of their products and immediately warning the public of newly discovered risks. Drug manufacturers cannot be allowed to ignore their responsibility and wait for the FDA to act.

To be sure, the legislation gives FDA the authority to command some of the resources of a drug company. FDA can order an epidemiological study or even a clinical trial, but this authority is not unlimited. Certain standards must be met before FDA can act to require a drug company to investigate a safety signal.

Importantly, a drug company has the ability and the responsibility to conduct these studies or clinical trials on its own initiative. Nothing in H.R. 3580 requires a company to wait and react to an order from the FDA for such a study or clinical trial, or to wait for FDA to order the company to change its label. The legislation retains the current, ongoing requirement, found in section 502(a) of the Federal Food, Drug, and Cosmetic Act, for a drug company to ensure that its label is not false and misleading. This statutory imperative is recognized in current FDA regulations. Section 901 of H.R. 3580 cites these regulations in the new section 505(o) of the Federal Food, Drug, and Cosmetic Act. These regulations obligate a company to propose a labeling change to enhance a warning or improve safety information without waiting to hear from FDA, and allow the company to implement the labeling change before the FDA has reviewed and approved the change.

In most cases, a drug company will learn about new risks from its product before the FDA does. Usually, it is the manufacturer that possesses the information demonstrating a potential danger from the product. It is imperative that patients and health professionals learn about those new health risks as quickly as possible. For that reason, drug companies have, and must continue to have, an independent duty to warn drug users of the danger as soon as the company becomes aware of it. Otherwise, there will be long delays before consumers are alerted, and the number of injuries caused by the product will multiply.

What should motivate a drug company to investigate drug safety signals and take appropriate action to mitigate a safety risk? You can find the answer in several places: from the simple moral duty to do the right thing; from the duty to one's customers, who use one's products with the understanding, often promoted by direct-to-consumer advertising, that the company's highest interest is to bring safe and effective cures to the sick and ill of the Nation; and from a duty under State law to offer products that are free of defects, with adequate warnings about their risks. This legislation changes none of these duties, in any way, whether they arise from simple ethics, principles of contract law, or of tort law. Rather, the legislation provides FDA with additional resources and authority to be better able to step in when a company fails to live up to these responsibilities.

But some drug companies don't want to fully inform the public about these risks to patients' health, and they don't want to be held accountable when patients are injured or killed by their drugs. They would have liked this legislation to change the law to escape this responsibility. These drug companies wanted to convert FDA regulation from a safety floor into a ceiling, from a minimum safety standard designed to protect consumers into a liability shield designed to protect the drug companies. But Congress firmly rejected this approach.

If companies were allowed to conceal safety information until the FDA ordered them to disclose it, consumers would continue taking these dangerous drugs without knowing their risks for months or even years after the risks were discovered. Then, when the public finally learned of the risk, the drug company would be immune from suit for failing to warn its customers. Those who were seriously injured by the drug would have no legal recourse, even though the company had concealed the risk. The company would completely escape accountability for its failure to warn consumers. That would be totally unacceptable, and is not what we intend by this legislation.

Regulation by the Food and Drug Administration and product liability lawsuits against the manufacturers of harmful drugs work together to protect consumers. Both are needed to force drug companies to disclose health risks posed by their products as soon as those risks are discovered. Both are essential to identifying dangerous drugs and getting them off the market quickly. Effective regulation by the federal government and litigation by victims of dangerous drugs work hand-in-hand to keep patients safe and make drug companies more responsible. This legislation improves FDA oversight of postmarket drug safety, and does not undermine or preempt the efforts by injured patients to seek redress under State product liability law.

Congress has stated very clearly in the legislation that we do not intend the new authority being given to FDA to preempt common law liability for a drug company's failure to warn its customers of health risks. The legal duty of drug companies to warn consumers of the health risks of their products as soon as those risks are discovered is essential to effectively protecting the public from dangerous drugs. Legislation designed to protect consumers from dangerous drugs must not be distorted into a shield protecting drug companies from accountability.

Mr. ENZI. Mr. President, I rise today in support of HR 3580, the Food and Drug Administration Amendments of 2007. This comprehensive bill will enhance drug safety and provide key resources to the Food and Drug Administration. I am pleased that the House passed this bill yesterday, and that we have a chance to act on it today. It's been a long road for this bill, and I strongly urge my colleagues to vote yes and endorse the most comprehensive drug safety overhaul in more than a decade.

This key FDA package includes four reauthorizations that must be done this year, along with essential new authorities for FDA to be able to react in a timely way to any safety problems that arise after a drug has been brought to market. With this new toolbox, FDA has the ability to identify side effects after the drug is marketed through active surveillance. FDA also has the authority to request labeling changes in response to new safety information, as well as a separate study or clinical trial to learn more about a particular, potential safety problem.

Not everyone got everything they wanted in this bill. That is as true of me as it is of anyone. I am deeply concerned about the provisions related to labeling changes and liability, given that we do not fully understand the implications of that language. This new rule of construction was part of the House-passed language and not something the Senate fully debated. If I would have drafted the bill, that language would not have been included. But this is a compromise bill, one that provides important new authorities, while preserving the quality we have come to expect of the agency. The changes made in the drug safety components of this legislation are critical to restoring peace of mind to Americans who want to be assured that the drugs they purchase to treat illnesses and chronic medical conditions can be relied upon and trusted. By acting today, we are ensuring that nearly 2000 dedicated public servants at FDA can continue to evaluate drugs and devices in a timely and thorough way, speeding these discoveries to patients while protecting the public health.

These new authorities will assist the agency in quickly and effectively responding to potential safety issues, including making labeling changes and requiring post-market studies to more fully examine potential risks. In addition, this bill expands access to clinical trials information for patients and providers and creates new methods to address potential conflicts of interest of advisory committee members to ensure greater accountability and preserve scientific integrity.

FDA currently has no mechanism for active, routine surveillance of potential safety problems. It cannot easily detect safety problems after a drug has been put on the market. This legislation fixes that challenge and ensures that FDA has the right tools to address drug safety after the drug is on the market. The legislation creates the capacity for routine, active, safety monitoring using large linked databases, what I like to call "health IT for drug safety." I want to thank Senator GREGG for being the champion of this provision and ensuring that we crafted this provision appropriately.

This bill also includes renewal of two key provisions focused on children—the "Best Pharmaceuticals for Children Act" and the "Pediatric Research Equity Act," which together ensure that drugs used in children are tested on children; as well as a proposal that will increase our ability to develop medical devices for children.

There has been a lot of attention paid to medical products in this debate. But we mustn't forget the "F" in FDA. This bill contains important food safety provisions to better protect our pet food supply, and track when food is adulterated.

I want to thank my colleagues Senators ROBERTS and HARKIN for their tireless efforts to provide an appropriate balance for direct-to-consumer advertising. I would also like to thank one of my colleagues on the other side of the Capitol, Representative SCHAKOWSKY of Illinois, for her constructive involvement in these issues. It was not an easy task to reconcile some very different opinions, and I am so pleased that we were able to reach a resolution to this issue that we could all support.

I would like to thank Senator ALEXANDER, Senator ALLARD, Senator BOND, Senator DODD, Senator CLINTON and others for their leadership on behalf of kids. Finally, I would like to thank Senator HATCH for his work on the antibiotics and other Hatch-Waxman issues.

On the other side of the Capitol, I would like to thank Chairman DINGELL, Ranking Member BARTON, and Representatives PALLONE and DEAL for shepherding this legislation through the process.

I want to take a few minutes to thank the staff, who have spent countless hours over the past months negotiating and drafting this legislation. This dedication to public service often overlooked. They spent many evenings and weekends away from their homes and their families.

My health team worked overtime to get this bill to the floor and passed in the Senate. I would first like to thank my Health Policy Director, Shana Christrup. I also want to greatly thank Amy Muhlberg, for her work on drug safety, food safety and PDUFA. Her knowledge and drafting skills were central to this bill. I would also thank Keith Flanagan for his work on the children's statutes in this bill and Dave Schmickel, our resident drug patent expert for his work on citizens petitions and antibiotics issues. I would also like to thank Todd Spangler who provided the required backup that goes with moving a bill of this magnitude. Finally, I would like to thank my Staff Director, Katherine McGuire, whose steady hand and negotiating and communication skills provided the cement for the entire process.

I would also thank Ilyse Schuman, my chief counsel for her precision and attention to the details. Finally, I thank Amy Angelier Shank for her great work on the budget aspects of the bill and my press team Craig Orfield and Mike Mahaffey. My Chief of Staff Flip McConnaughey was great at putting out brush fires throughout the process.

Megan Hauck with Senator MCCONNELL's office, David Boyer with the White House, Craig Burton and Vince Ventimiglia at HHS and Stephen Mason of FDA were key to helping with both policy and process issues throughout the negotiations.

On Senator KENNEDY's staff, I would like to thank: Michael Myers, David Bowen, and David Dorsey. Senator KENNEDY's staffers were reasonable negotiators throughout the process and open and patient to hearing all sides of any issue.

On the other side of the Capitol, I would like to thank Chairman DINGELL, as well as John Ford, Virgil Miller and Pete Goodloe of his staff for their tireless work. Bobby Clark with Mr. PALLONE and John Little with Mr. DEAL were also instrumental in the negotiations. Ranking Member BARTON and his staff Ryan Long and Nandan Kenkeremath were outstanding. Yesterday, when this bill passed the House, Mr. BARTON reported that Ryan had been up all night working on the bill and was therefore wearing the same clothes as the day before. I would like to state for the record that all my staff showered today—I think.

Warren Burke with House Legislative Counsel and Stacy Kern-Sheerer of Senate Legislative Counsel were tremendous in handling a long and complex bill with lots of moving parts. There would be no bill without their efforts.

I would like to thank Senator HATCH and his staff Pattie DeLoatche, Trisha Knight, Remy Yucel and Matt Sandgren for their efforts on the bill overall, but particularly on the Citizen Petitions, antibiotics, and enantiomers provisions. Leigh-Anne Ross of Senator COCHRAN's staff and Landon Stropko of Representative CUBIN's office were also key on these antibiotic provisions.

With Senator GREGG's office, and for their assistance with "health IT for drug safety," I thank Dave Fisher and Liz Wroe. Stephanie Carlton, from Senator COBURN's staff and Jenny Ware with Senator BURR were also integral to many parts of the bill.

I would also like to thank my colleague from Kansas, Senator ROBERTS, and his staff Jennifer Swenson, for their incredible work on direct-to-consumer advertising. I also thank my colleague Senator HARKIN and his staffer Janelle Krishnamoorthy for their hard work on this issue. Lindsay McAllister of Representative SCHAKOWSKY's office was also integral to the success of these negotiations.

I would like to thank Isaac Edwards and Amanda Makki of Senator MURKOWSKI's staff, Tyler Thompson with Senator ISAKSON, and Jennifer Claypool with Senator ALLARD for their hard work and dedication.

Ellie Dehoney of Senator BROWN's office was critical to reaching agreement on the Citizen Petitions and tropical disease provisions. Melanie Benning of Senator BROWNBACK's office was also instrumental on the tropical disease issue.

I would like to thank Mary-Sumpter Johnson with Senator ALEXANDER, Kelly Childress with Representative ROGERS, Jennifer Nieto with Representative ESHOO, Ann Gavaghan with Senator CLINTON, Tamar Magarik and Jeremy Sharp with Senator DODD for their exceptional work on the pediatric provisions.

And last, but not least, Cameron Bruett of Senator CHAMBLISS's Agriculture Committee staff, Adela Ramos of Chairman HARKIN's Agriculture Committee staff, and David Lazarus of Senator DURBIN's staff were extraordinarily helpful on the food safety provisions in the bill.

As you can see, this was a real team effort. I urge my colleagues to vote yes on this important bill. Patients are waiting. I yield the floor.

Mr. LEAHY. Mr. President, I am pleased that today the Senate is poised to pass H.R. 3580, a bill regarding the Food and Drug Administration. This legislation addresses many important health care issues and I commend the Senate leaders and relevant committee chairmen for coming to agreement on this complex bill. I have been monitoring the ongoing negotiations between the House and Senate on this legislation because a slight variation in language between the two relevant bills could have affected the claims of thousands of injured American consumers.

Last week, I chaired a Senate Judiciary Committee hearing on the emergence of regulatory agencies like the FDA asserting that its regulations preempt all State laws, even in the absence of congressional intent to do so. At this hearing we received extensive testimony that the Bush administration has been using this approach to shield corporations from civil liability. This regulatory preemption model has been especially troubling in the area of pharmaceutical drugs. Several times in the past several years we have learned from whistleblowers and smoking gun documents that certain corporations knew of dangers in their medical products yet failed to adequately warn consumers. Many consumers have been injured as a result of this corporate misconduct and it is certainly not congress' intent to shield such corporate decisionmaking.

The legislation we are set to pass today contains a rule of construction making clear that Congress has again decided that we are not preempting State law regarding the responsibility of drug manufacturers to immediately notify consumers of dangers without waiting for the FDA to act. Drug companies maintain the authority to correct their warning labels if they learn of any information that their products could harm consumers. These corporations can and must immediately correct any existing warning that has been issued and cannot hide behind the Byzantine regulatory structure of the FDA to shield them from liability for causing serious injury. To do otherwise would endanger all Americans who may be injured by their products and would remove the important incentive the corporations currently have to make their products safer and to adequately warn consumers of potential dangers.

Mr. HATCH. As the Senate completes its consideration of H.R. 3580, the Food and Drug Administration Amendments Act of 2007, I want to take this opportunity to commend publicly the Food and Drug Administration and especially to express support and appreciation to the dedicated FDA employees who work so hard to ensure the safety of our drug and food supply. They are led by a very capable and hard-working Commissioner, Dr. Andrew von Eschenbach.

In our race to legislate and regulate, we often forget the impact of our actions on agency employees and their ability to safeguard American consumers. And so I want to take this opportunity to thank them for their work.

While I will not belabor the point here, as the legislation makes clear, the agency is operating under severe funding constraints. That is a pressing public health issue of great priority and the Congress must work to address it in a meaningful way.

With passage of this legislation today, we will end the protracted game of "chicken" that threatened the jobs of hundreds of FDA employees, the stability of the agency, and indeed the integrity of Congress, an institution which has been under public criticism for not doing its job.

I am proud to support the passage of H.R. 3580. I want to applaud the efforts of HELP Chairman KENNEDY and Ranking Republican Member ENZI. They have worked tirelessly to ensure this bill would be completed before the expiration of the user fee programs at the end of this month. They have worked in a bipartisan way and they have worked very hard to embrace the views of each and every member of our committee.

Let me highlight some of the important components of the FDARA bill.

First, it is imperative that we continue the drug and device user fee programs. This is true for one simple fact—the agency relies greatly on the funding from these programs, and without it there would be unconscionable delays in drug and device reviews.

This is particularly important for Utah, a State with the hallmark of innovation, a State which is the home to countless drug and device manufacturers.

And while there are some problems with how these programs have worked—problems I have been pursuing, and will continue to pursue, with the FDA—all in all it must be recognized that there is no alternative to the user fee programs being continued.

The drug safety provisions that Chairman KENNEDY and Ranking Minority Member ENZI developed will be seen as an important hallmark in our Nation efforts to improve the safety of pharmaceuticals that Americans rely on.

The food safety legislation that our colleague Senator DURBIN developed—again, that is a vital component. I am supportive of that language, and especially appreciative to my colleagues for including the three pieces of language Senator HARKIN and I authored to make certain that the new food reporting system did not override the Dietary Supplement Health and Education Act's regulatory structure and that it did not supersede the serious adverse event reporting system for dietary supplements enacted last year—the Dietary Supplement and Nonprescription Drug Consumer Protection Act.

This legislation also includes many other laudable provisions. One particular provision in this legislation establishes a new and enhanced mechanism for the prompt consideration of new safety-related information and sets forth strict timelines for the evaluation of such new data. That provision is designed to ensure that all potential safety-related labeling changes are promptly raised and duly considered by the agency in carrying out its statutory duty to oversee the appropriate and accurate content of a drug's labeling.

This new procedure is designed to implement a more thorough and regularized methodology for the consideration and implementation of safety-related labeling changes and to ensure that FDA is the ultimate authority in making certain that drug labels convey safety information in a clear and consistent way.

This provision, which adds a new section 505(o) to the Federal Food, Drug and Cosmetic Act, is designed to ensure that both the agency and pharmaceutical companies are able to modify quickly with the agency's approval drug labels so that physicians are alerted promptly to new or increased risks associated with a drug. The provision does not affect the agency's general policy on labeling or its current labeling rules and policy.

Also, the legislation promotes pharmaceutical and medical device advancements in pediatric therapies. The bill reauthorizes the Best Pharmaceuticals for Children Act and the Pediatric Research and Equity Act which have been vital for important research used by doctors and parents. The final language on both these provisions is a good compromise between the House and Senate bills.

Finally, it is my profound regret that the bill we consider now does not contain the Biologics Price Competition and Innovation Act, legislation that Senators KENNEDY, ENZI, CLINTON, SCHUMER, and I have authored. This bill is intended to offer consumers access to lower cost biosimilar products, copies of such important medications as insulin or human growth hormone, while preserving the incentives for researchers, universities and manufacturers to develop and market the innovator biologics.

I am extremely disappointed that the bill could not be contained in H.R. 3580, but I recognize the importance of allowing the House to develop its version in regular order.

It remains my high priority, and I believe the priority of my colleagues as well, that this legislation be enacted in 2007.

Mr. DURBIN. Mr. President, today, the Senate will send a bipartisan bill to the President that will improve the FDA's ability to assure the safety of drugs in our medicine cabinets and the food in our kitchens.

The FDA is an essential guardian of the public's health and safety. In recent years, FDA's reputation has been marred by drug safety incidents and questions about its scientific independence.

In 2004, the public learned that taking Vioxx, a heavily marketed pain medication, increased your risk of a heart attack and stroke. The revelation raised serious questions about how the drug manufacturer responded to signs of a problem and how FDA handled disagreements among its staff.

The Vioxx episode and problems with other FDA-approved drugs in recent years exposed significant weaknesses in our Nation's drug-safety system.

This year, Congress decided to do something about it. In addition to reauthorizing user fee programs for prescription drugs and medical devices, we have engaged in a serious effort to improve drug safety.

The bill gives the FDA more tools to detect the safety problems of drugs after they are available to consumers. It also creates an active surveillance system that will help detect problems that were not apparent during the clinical trials conducted prior to a drug's approval and it promotes greater openness by requiring disclosure of clinical trials performed by drug companies. Lastly, the FDA is given greater authority to require drug companies to add warning labels and to conduct safety studies.

I note the provisions in the bill that give FDA the authority to compel a drug company to make changes to a drug's labeling. That authority should not be seen as an absolution of the companies' responsibility regarding drug labeling. Consumers should be made aware of a drug's risks at the earliest possible moment, and drug companies remain responsible for ensuring that consumers are provided with prompt and adequate warning of a drug's risks.

We have noticed a creeping trend in recent years towards implied and agency preemption of state laws. Last week, a Senate Judiciary Committee hearing looked at techniques that Federal agencies, including FDA, have recently used to assert that agency rulemakings preempt state liability laws. The drug labeling provisions in today's legislation include a rule of construction that makes clear that Congress does not intend to preempt state requirements regarding drug companies' responsibilities. Rather, this legislation recognizes that State liability laws, including liability laws for improper drug labeling, play an essential role in ensuring that drug products remain safe and effective for all Americans.

The bill addresses two other issues of particular interest to me, new restrictions on conflicts of interest for FDA advisory committees and important provisions related to food safety.

I have been troubled by the large number of waivers of conflicts-of-interest rules that FDA issues to members of its advisory committees. The public depends on these committees to make independent assessments about the safety and effectiveness of drugs. Including members with financial conflicts can erode the public's trust in the process.

When the Senate debated this bill in May, I offered an amendment with Senator BINGAMAN that would have limited the number of waivers to one per advisory committee meeting. While the amendment was defeated on a 47–47 vote, the House included the language in its FDA bill.

The final bill includes a 25-percent reduction in waivers over the next 5 years. I would have preferred more of a reduction, but this compromise moves us in the right direction and I commend the conferees for addressing concerns raised in both chambers around conflicts of interest.

On the issue of food safety, I am happy to report that the bill includes food safety language that I originally offered on the floor of the Senate. The language passed on the Senate floor by a 94–0 vote.

The language creates a new reporting requirement for food companies that determine there is a significant adulterated food product in their supply chain. Previously, companies consulted trade associations and attorneys to determine when to report significant adulterations to the FDA. Uncertainty about reporting requirements and an incentive to keep products on store shelves resulted in uneven, delayed reporting of significant incidents to FDA.

Under this new policy, companies will now be required to report these types of incidents to FDA within 24 hours of determining the presence of such an adulteration. These reports will trigger an FDA review and, depending on the findings of the review, FDA would then have the authority to require further action from the company, including an investigation, submission of additional information, and the sending of notifications to affected parties in the supply chain. Companies would be required to maintain records of reports and notifications for a period of 2 years. Failures to report incidents, falsify reports, or comply with follow-up FDA requirements would be subject to civil and criminal penalties.

The effect of this language will be to involve Federal regulators in the review process earlier, resulting in faster recalls, alerts, and notifications through the supply chain. Contaminated products will be tracked and removed from the supply chain earlier and faster. Recalls will be more targeted to specific lots and batches of contaminated products. We will minimize some of the uncertainty around the extent of contaminations once they are discovered.

This provision is an important step forward for food safety.

In addition to this provision, the language directs FDA to establish pet food ingredient, processing, and nutrition labeling standards. Previously, these standards were completely voluntary and did not carry the weight of law. This section also directs FDA to establish an early warning and surveillance system to identify pet food adulterations and outbreaks of disease. In addition, the language directs FDA to improve its outreach and coordination with professional associations, universities, and state and local authorities during recalls. The agency is also asked to enhance the display of recalls on its website.

The bill directs FDA to strengthen its coordination with states to ensure the safety of fresh and processed produce and requires the Department of Health and Human Services to submit more detailed reports to Congress on the number of inspections conducted each year and the number of violations and adulterants discovered through inspections.

Lastly, it includes sense-of-Congress language that commits this Congress to working on comprehensive food safety reform.

On that note, I want to emphasize one thing—the food safety provisions in this legislation are only the starting point for more comprehensive efforts to improve our Nation's food safety system.

For too long we have gone without updating the resources and authorities for our food safety efforts, and a broad coalition of stakeholders understands that our system is broken. We need to close the gaps in our current system.

Several months ago, Robert Brackett, Director of the FDA's food arm said this in response to the pet food recall, "These outbreaks point to a need to completely overhaul the way the agency does business. We have 60,000 to 80,000 facilities that we're responsible for in any given year. We have to get out of the 1950s paradigm."

Also in response to this recall, Dr. Stephen Sundlof, Director of the Center for Veterinary Medicine of FDA, implied the same when he said, "We're going to have to look at this after the dust settles and determine if there is something from a regulatory standpoint that we could have done differently to prevent this incident from occurring."

I agree with their sentiments and look forward to making more progress on the issue of food safety.

I would like to thank my colleagues, Chairman KENNEDY and Senator ENZI, for their cooperation and willingness to work on this language. I would also like to highlight the efforts of the following members of their staffs: David Noll; Amy Muhlberg; David Dorsey; and David Bowen. I look forward to working with the Senate HELP Committee on future food safety efforts. I would also like to thank Senators HARKIN, BROWN, HATCH, and CASEY for their assistance with this language.

In particular, I also would like to thank Chairman KENNEDY and Senator ENZI for their extraordinary leadership and hard work on this overall bill.

Mr. ALLARD. Mr. President, today I wish to speak on an issue that is weighing on the minds of many Members of this body, employees of the Federal Government, and patients in the United States.

Many people working for the FDA are faced with the possibility of receiving a reduction in force notice if new user fee legislation is not passed quickly. The FDA needs the necessary resources so that they may approve drug applications within a timely manner. Being able to access new drugs can allow patients to live fuller lives, and in some cases, save them from death.

I am frustrated by what I have seen as a desire to have a partisan debate on an issue of liability. We have been working for some time now on a bipartisan level to ensure that we have a bill passed by Friday. We should not be throwing partisan politics into the debate during the 11th hour. Because I am committed to working on a bipartisan level, I continue to hope that we will have legislation passed to ensure that patients can get the drugs that they desperately need.

Some believe that the Senate position on liability may have favored the pharmaceutical companies. However, I am of the opinion that the House position favored the trial lawyers. Should we make any changes we should also ensure that any labeling change authority would not provide for an opportunity for partiality by the courts. I strongly believe that every individual should be allowed to argue equally for their particular case in court.

Currently the FDA regulation allows for labeling changes by accepting submissions from companies, and the company may make a label change. This is referred to as "changes being effected" or CBEs. A company also has the opportunity to discuss the change with the FDA before making a label change, since the regulations have a particular bound on what sort of changes can and cannot be made under this regulation.

The current authority may not be adequate to deal with all cases in which a labeling change may be necessary. An example that is referenced frequently deals with a Vioxx label change in which FDA had been talking to the company for 18 months. This situation has led to many pending suits related to Merck's "failure to warn" people that the drug had some potential side effects.

In the user fee reauthorizations this year both the House and Senate decided to give FDA the authority to do an expedited labeling change provision. In addition to this new authority, the House and Senate language included provisions that made it clear that the "changes being effected," CBE, regulations should still stand. However, the House and Senate took different stances as to how that additional information or regulatory option should play out in court.

The Senate-passed language, which was done on a bipartisan level, would have established a new labeling change process. This language would have also implied that if a company was already in discussions with the FDA about the labeling issue, and attempting to determine if the labeling change was necessary, then a future lawsuit would have to argue how the company was acting in an improper way. In this situation, the FDA regulation would have "occupied the field" with respect to liability for failure to warn.

The House-passed language would have the opposite effect. Essentially a company would not be able to use the argument that they were in the midst of discussion with the FDA as a defense. In my mind, the House language is a huge boon to trial lawyers. It also makes it harder for companies that are working in the best interest of the patient to prove that they are doing so. I have long been a supporter of reducing the opportunity for frivolous lawsuits, and in my mind the House language increases this.

I would even be happy dropping both the House and Senate language regarding liability. This would leave a situation in which either side would be on an equal playing field to argue a case on failure to warn. This situation would allow suits to be determined on a case-by-case basis. Congress would not be weighing in one way or the other.

The legislation that is expected to pass uses the House language on liability. It provides a source for bias in the courts and opens the floodgates for frivolous lawsuits. This is a definite boon for trial lawyers.

As with many other instances in which Congress has addressed the demands of trial lawyers, I am not willing to risk the livelihood of the employees at the FDA or the health of my constituents who rely on the drug applications approved by the FDA. I will not hold up the legislation, but I wanted to take this opportunity to express my dismay at the partisan way that the liability issue was addressed.

Mr. DODD. Mr. President, I rise today to voice my support for H.R. 3580, the FDA Amendments Act of 2007. H.R. 3580 contains two bills which I authored, the Best Pharmaceuticals for Children Amendments of 2007 and the Pediatric Medical Device Safety and Improvement Act of 2007. I believe these bills will go a long way toward improving the health and safety our Nation's children. The bill will also make important changes to our Nation's drug safety system so that the FDA has clear authority backed up by new enforcement tools to ensure the safety of prescription drugs once they are on the market.

As the original author of BPCA in 1997 and its two subsequent reauthorizations, I am proud to say that no other program in history has done more to spur research and generate critical information about the use of prescription drugs in children than this one. In 10 years, nearly 800 studies involving more than 45,000 children in clinical trials have been completed due to BPCA. Useful new pediatric information is now part of product labeling for more than 119 drugs. In sum, there has been a twentyfold increase in the number of drugs studied in infants, children, and adolescents as a result of BPCA since its enactment.

Ten years ago when Senator Mike DeWine and I undertook this effort, only 11 drugs on the market that were being used in children had actually been tested and studied for their use. Prior to the enactment of BPCA 10 years ago, pediatricians were essentially flying blind because they lacked information regarding the safety and effectiveness of drugs they were prescribing for children. But it was children who suffered the most from taking drugs where so little was known about their effects.

With BPCA, we have changed the landscape both for drug companies and the FDA with respect to prescription drugs and children. However, we still have much further to go because even with the progress we have made so far, still less than half of all drugs being used in children have been studied for their use. H.R. 3580 makes several key improvements to BPCA that will better inform parents, pediatricians, and the public about the safety and effectiveness of drugs used in children. For instance, H.R. 3580 will improve transparency and accountability by making written requests for pediatric studies public and it will improve the accuracy and speed of labeling changes as a result of BPCA studies.

However, H.R. 3580 represents a real missed opportunity to inject a measure of rationality into this program to ensure that it will continue to thrive well into the future. H.R. 3580 dropped a Democratic compromise provision reducing the length of pediatric exclusivity from the current 6 months to 4.5 months only for blockbuster drugs, drugs with annual sales exceeding $1 billion. Five years ago and again recently, my colleagues on both sides of the Capitol dome have criticized this program over the 6-month length of the exclusivity that may be granted if the FDA believes a drug company successfully completed the pediatric studies it requested of them.

Most recently, data released by researchers at Duke University show that some companies receive as much as 73 times the amount they spent to conduct the pediatric trial under the 6 months of exclusivity. BPCA has always been about balancing the needs of children with the cost to consumers. That is why I strongly supported the provision I authored in the Senate bill, S. 1082, which reduced the length of exclusivity to 3 months for blockbuster drugs.

I was proud to have brokered a compromise between the House and Senate of 4.5 months for blockbuster drugs because this agreement was the right policy. But I am profoundly disappointed that the decision was made to drop this compromise. When my colleagues seek to make similar changes to the length of exclusivity in 5 years, I believe that the deal the House and Senate cut in H.R. 3580 will only make doing so more difficult.

I must also express my strong disappointment that the final bill inserts a 5-year sunset on the Pediatric Research Equity Act. As an original cosponsor of the reauthorization of PREA and a long-standing supporter of ensuring FDA has the authority to require pediatric studies of drugs in certain circumstances, there should be no expiration date on FDA's authority to ensure the safety of drugs in children.

The interplay between BPCA and PREA is changed slightly in H.R. 3580 from the Senate-passed bill. It is my understanding that H.R. 3580 will not delay the FDA's ability to utilize PREA's authority to require a pediatric assessment of new drugs that have not yet been approved should a company decline a written request under BPCA for such drug.

Similarly, an exhaustion provision was retained in BPCA that would allow the Secretary to take up to 30 days to certify in the affirmative that the Foundation for the National Institutes of Health has sufficient funding to initiate and fund all studies in a declined written request before determining whether an assessment under PREA can be required. Although the Secretary may take up to 30 days to make such a certification, the Secretary need not impose any delay before determining whether an assessment under PREA is warranted. As the Government Accountability Office found in its March 2007 report on BPCA, contributions to the Foundation for the National Institutes of Health by the drug industry totaled a mere $4 million since 2002. While I hope contributions to the foundation will improve significantly, there should be no unnecessary delays when it comes to important safety information about medications prescribed to our children.

Mr. President, BPCA has shown us that it is unsafe to simply treat children as small adults. Children face a similar inequity with respect to medical devices. Far too few medical devices are specifically designed for children's small and growing bodies. Experts say that the development of children's medical devices lags 5 to 10 years behind that of adults. That is largely due to the limited size of the market for pediatric devices.

When a medical device suitable for a child is needed to save that child's life but it does not exist, doctors are often forced to "jury-rig" adult versions of the device or, in some cases, perform a riskier surgery on the child. Ventilator masks, for instance, are far too large to fit over a baby's mouth. Often, the only alternative is to run an invasive tube down the baby's throat.

Because of what we witnessed over the past 10 years with the market incentives provided under BPCA, I introduced an initiative, the Pediatric Medical Device Safety and Improvement Act, to create similar incentives for device manufacturers. I am pleased that this legislation is contained within H.R. 3580 and I believe it will produce tremendous improvements in children's health.

This legislation streamlines the approval process for cutting-edge technology and establishes grants for matchmaking between inventors and manufacturers and the Federal Government. It is my hope that the FDA will utilize its Office of Orphan Products Development to administer these matchmaking demonstration grants.

Balancing safety with reasonable incentives, this legislation closely mirrors recommendations made by the IOM in its 2005 report on pediatric medical device safety to improve the serious flaws in the current postmarket safety surveillance of these devices. Specifically, the IOM called for and the legislation allows the FDA to require postmarket studies as a condition of clearance or approval for certain categories of devices and it gives the FDA the ability to require studies longer than 3 years with respect to a device that is to have significant use in pediatric populations if such studies would be necessary to address longer-term pediatric questions, such as the impact on growth and development. This provision should not be seen to encourage or promote off-label pediatric use of devices that have been cleared or approved for adult use but for which there is no or limited safety and effectiveness data concerning uses in children.

H.R. 3580 will also go a long way toward restoring the public's confidence in the FDA to protect them against harmful prescription drugs and foods. For too long, the FDA has lacked the clear authority to require labeling changes when new safety information about a drug arises. H.R. 3580 will change that.

For too long, the pressure on FDA to approve drugs has outweighed the necessity to have a systemic, unbiased review of the post-market safety of drugs whereby the FDA can take swift action should new safety information arise. I am pleased that the drug safety provisions of H.R. 3580 will require contain requirements that the FDA's office responsible for post-market safety of drugs have equal footing with the office responsible for reviewing drugs.

As the author of S. 467, the Fair Access to Clinical Trials Act, I am pleased that H.R. 3580 contains many major improvements to the clinical trials provisions. Physicians, researchers, and the public will now have access to a clinical trials registry with information on results, making it tougher for companies to hide or skew undesirable clinical trial results data.

I would like to thank Chairman KENNEDY for his leadership on this bill and his willingness to work so closely with me to improve children's health. I would also like to recognize the many staff who put in long hours and weekends working on this legislation. In particular, I would like to commend Tamar Magarik and Jeremy Sharp, of my staff, who worked extensively on this bill.

Mr. President, the past several years have been marked with major drug controversies—Vioxx, Ketek, Avandia—with millions of families affected. The public deserves better. The mission of the FDA, to protect the public health by assuring the safety, efficacy, and security of human and veterinary drugs, must be restored. H.R. 3580 provides the necessary reforms to restore the FDA as the gold standard for assuring the safety of the public for many years to come.

Mr. BURR. Mr. President, I stand here with a heavy heart. Congress had the chance to reauthorize many important programs at the Food and Drug Administration and pass a targeted drug safety bill. Instead, we are passing a massive bill that triples FDA regulation and responsibility, puts clinical data out in the general domain that may be misleading to patients, and contains conflict of interest language that could harm participation on the FDA's advisory committees—a key part of the drug approval process.

I will start with a good part of the bill. This bill reauthorizes many important programs at the FDA, including the pediatric exclusivity program. The Best Pharmaceuticals for Children Act was originally enacted as part of the Food and Drug Administration Modernization Act in 1997, legislation I sponsored on the House side and was reauthorized in 2002. The goal of BPCA is to encourage the study of more drugs in the pediatric population. BPCA provides that incentive by giving drug companies an additional six months of market exclusivity to a product, or pediatric exclusivity, in exchange for conducting voluntary studies of prescription drugs on children.

Since its enactment, BPCA has been viewed as a highly successful program and has produced at least 132 completed studies, leading to approximately 120 pediatric label changes. According to the most recent General Accountability Office study on BPCA, issued March 22, 2007, prior to enactment of the Food and Drug Administration Modernization Act few drugs were studied for pediatric use. As a result, there was a lack of information on optimal dosage, possible side effects, and the effectiveness of drugs for pediatric use. Almost all the drugs—about 87 percent—that have been granted pediatric exclusivity under BPCA have had important labeling changes as a result of pediatric drug studies conducted under BPCA. Exclusivity is working.

Senator DODD tried to change the Best Pharmaceutical for Children Act by decreasing the exclusivity for some drugs. At a Health, Education, Labor, and Pension Committee hearing, witnesses expressed concern about Senator DODD's idea and speculated whether it would decrease the number of drugs studied for pediatric indications. I am pleased that the final bill does not include that misguided change to the pediatric program.

From the beginning of the HELP Committee's consideration of the drug safety issue I recognized the need to clarify existing authority or provide the FDA with a few new authorities in order to improve the interaction between the FDA and drug companies on safety issues. It was clear that labeling changes and clinical trials and studies were two key areas in which Congress should act.

To that end, I offered an amendment during the committee markup that provided the Secretary with additional authority and control over a drug or biological product's approved labeling, including the authority to require the holder of an approved application to make safety-related changes following an accelerated labeling review process. Under the new procedures added by my language, if either the Secretary or the holder of an approved application became aware of "new safety information" that the party believed should be included in the labeling, the other party should be notified promptly, and discussions should be initiated regarding whether a labeling change is needed and, if so, the content of any such labeling change.

That construct made sense to me and it made sense to Chairman KENNEDY who passed the amendment by unanimous consent. Given that current practice today is for a company to call the FDA when they become aware of new safety information, I thought it was a good idea to put current practice into statutory law. I want companies and the FDA to talk to each other about drug safety issues.

I support the safety labeling language in H.R. 3580, which reinforces the FDA's broad authority over prescription drug labels. These provisions allow the FDA to mandate changes to a drug's approved labeling whenever the FDA becomes aware of new safety information that it believes should be communicated in the labeling. Although the FDA already has broad authority over drug labeling and must approve all but the most minor labeling changes, this provision will enhance FDA's authority and help to ensure that labeling changes are made expeditiously using a process that facilitates dialogue between the drug company and the FDA. FDA has comprehensive authority over the regulation of drug products, particularly drug labeling, and this provision further accomplishes that goal.

As I said earlier, I have three main concerns with H.R. 3580. First, the bill is a complex web of regulation. It is going to take months, if not years, for drug companies and the FDA to understand all of the new regulations. I supported improving the FDA's authority in two areas: safety labeling changes, and clinical studies and trials. This bill goes far beyond those two areas and sets up a structure called REMS—Risk Evaluation and Mitigation Strategy. The REMS does not add any significant new authority. The FDA currently uses Risk Maps which do the same things as REMS. Now Risk Map regulations, which have never been studied for their effectiveness, are becoming law. It means more paperwork, deadlines, and checkpoints for drug companies, with no guarantee that it will improve patient safety. I do not support regulation for the sake of regulation.

Second, H.R. 3580 expands the scope of the Government's current clinical trials website, www.clinicaltrials.gov, and adds clinical trial results. I understand the desire of some members to make clinical trials transparent and the desire of scientists to have as much access as possible to clinical trial data. But I am very concerned that average citizens will not understand all of the complex scientific information being presented to them and instead of talking to their physicians to understand the data about adverse events, primary and secondary outcomes, and baselines, they will instead avoid taking drugs that could make them feel better or save their lives. I hope that the National Institutes of Health and the Food and Drug Administration are very careful while implementing this title of H.R. 3580. If expanded improperly, clinicaltrials.gov will frighten people, not educate and assist them.

Third, this legislation changes the FDA process for granting waivers for participation on advisory committees. The FDA has 23 advisory committees that meet to discuss applications pending before the FDA and other issues. Currently, only four of those advisory committees have complete membership. Serving on an advisory committee is not a glamorous job, even though we rely on those committees to guide the FDA's approval and regulatory processes. Understandably, scientists that serve on the committees have more to gain from doing their research and making tenure, than working part-time for the Government. Given all of those issues, instead of creating incentives to work on the committees, this legislation makes it more burdensome and complex. People have expressed concern about biased committee members, but the facts demonstrate that the FDA is quite vigilant about screening individuals to serve on the committees. And the FDA has been working on new regulations to strengthen the screening process even more. I hope that we do not see a slowdown in the drug approval process due to an inability to fill the membership of advisory committees.

Senator BROWN and I also worked on language that would help bring new antibiotics and generic versions of old antibiotics to market. At the last minute, that language was stripped out of the House bill in order to pay for a half month of pediatric exclusivity. I hope that Representatives DINGELL and BARTON hold to their promise of moving that antibiotics legislation in the near future.

Overall, I am disappointed that necessary FDA reauthorizations became vehicles for legislation that need more work, are overly broad, and will weigh down the FDA at a time when we need to be helping, not hurting, the FDA.

Mr. COBURN. Mr. President, today the full Senate will probably agree to legislation—H.R. 3580, the Food and Drug Administration Amendments Act of 2007—that constitutes a massive overhaul and expansion of the Food and Drug Administration's authorities. Up until a couple days ago, determining the scope and details of the bill was an open and bipartisan process. Unfortunately, all of that changed at the eleventh hour and we were locked out of discussions to determine what a final product would look like. Now we are forced to either accept what we do not fully agree with or cause thousands of FDA employees to lose their jobs. This is not the way to ensure that we "get it right" with drug safety.

While this bill achieves the important and necessary objectives of reauthorizing the Pediatric Research Equity Act, the Best Pharmaceuticals for Children Act, the Pediatric Medical Device Safety and Improvement Act, the Prescription Drug User Fee Amendments, the Medical Device User Fee Amendments, and establishing a scientifically-based surveillance system for drug safety risks. There was still important work to be done to complete a bipartisan product. Because of unfair Democratic Majority tactics I and my colleagues have no opportunity to further amend and perfect this legislation.

Furthermore, I am frustrated that certain important provisions were removed from the final language of the bill at the last minute. We lost a provision to provide incentives for developing new antibiotics—a disastrous decision at a time when we are seeing a huge rise of antibiotic resistance in this country. Last minute negotiators also refused to recognize that patients desiring marijuana for medical purposes deserve to know critical information about whether or not marijuana can be safely used. Finally, the final bill did not contain an important Senate-passed resolution to protect American pharmaceutical companies' intellectual property rights around the globe.

This legislation is a very delicate balancing act. No drug is completely safe—otherwise a doctor's prescription wouldn't be needed—but we do have to ensure that lifesaving medicines are able to get to patients. New authorities in the area of Risk Evaluation and Mitigation Strategies, REMS, labeling, and postmarket commitments should not be taken lightly. These new authorities we are giving the FDA need to be used based on a measured assessment of risk vs. benefit in the intended patient population. For instance, labeling changes should only be undertaken when reliable data clearly shows safety problems that are not already reflected in the drug's label. If that data happens to come from a third party unknown to the application holder they should have the opportunity to review it along with the Agency so that appropriate labeling changes can be made based on sound science.

Another new authority granted to the FDA in a REMS is possible restrictions on distribution and use. If used, this restriction has the potential to impede patient access to important therapies and therefore should not be imposed where less burdensome approaches are available. This concept of a "less burdensome approach" is an important one and it is essential that product manufacturers have the opportunity to present alternative proposals to the Agency that would accomplish the goal of safety without imposing unduly restrictive actions to products and ultimately to patients. This legislation establishes that the FDA will not limit or restrict distribution or use unless a drug has been shown to actually cause an adverse event. We absolutely need FDA to have all the tools necessary to ensure the safety and efficacy of drugs, but doctors need tools as well, and one of those important tools is new drugs on the market. I appreciate the significant changes that were made in this language of the bill between Senate HELP Committee markup and full Senate consideration. These improvements remain in the final bill and are critical to ensure that physicians—not the FDA—can make risk/benefit decisions with their patients.

This bill ensures that the FDA has broad and exhaustive authorities to make sure that drug companies are doing the right and scientifically-justified thing when it comes to drug safety and the labeling of their drugs. This authority is placed rightly in the hands of highly-trained scientists at the FDA. It is clear that Congress relies on the scientists at the FDA to assess safety risks and drug labeling and this should be squarely and solely the FDA's role—that is why we have spent months and months trying to get this issue of drug safety right. The newly expanded role of the FDA does and should preempt State law when it comes to drug safety and labeling. In order to ensure scientific drug safety the last thing that we need is the regulatory nightmare of every State court being a mini-FDA.

Let me be clear, the FDA is the expert Federal agency charged by Congress with ensuring that drugs are safe and effective and that product labeling is truthful and not misleading. Appropriate preemption of State jurisdiction includes not only claims against manufacturers, but also against health care practitioners for claims related to dissemination of risk information to patients beyond what is included in the labeling.

Product liability lawsuits have directly threatened the FDA's ability to regulate manufacturer dissemination of risk information for prescription drugs. I note a recent case in California, Dowhal v. SmithKline Beecham, where trial lawyers tried to assert that a drug company had failed to warn consumers that nicotine-replacement products allegedly cause birth defects—even though there wasn't scientific evidence to back that up. In this case, the FDA had previously told SmithKline Beecham that they should not include such an unscientific warning in its label because it would clutter up the label's warnings that actually were scientifically justified. A California court asserted that more warnings were always better. Subsequently, that assertion was overruled unanimously by the California Supreme Court as the FDA again asserted that its scientific judgment should prevail. The case was not properly before the court by operation of the doctrine of primary jurisdiction. Unless State law is preempted in this area, State law actions can conflict with the FDA's interpretations and frustrate the FDA's implementation of its statutory and scientific mandate.

Should the FDA's scientific judgment on drug safety and labeling be set aside, we would risk eroding and disrupting the truthful representation of benefits and risks that medical professionals need to make decisions about drug use. As a physician, I know that exaggeration of risk can discourage the important and right use of a clinically therapeutic drug. Superfluous liability concerns can create pressure on manufacturers to expand labeling warnings to include merely speculative risks and limit physician appreciation of potentially far more significant contraindications and side effects.

I note that the FDA has previously stated that "labeling that includes theoretical hazards that are not well grounded in scientific evidence can cause meaningful risk information to 'lose its significance.' Overwarning, just like underwarning, can similarly have a negative effect on patient safety and public health." In this bill, we have created a clear labeling pathway between the FDA and a drug sponsor in this bill to ensure that consumers get scientifically accurate and appropriate warning of drug safety risks.

Furthermore, if not preempted in drug safety information and labeling, State law could conflict with achieving the full objectives of Federal law if it precludes a firm from including certain labeling information. If a manufacturer then complies with State law, the firm would be omitting a statement required under §201.100(c)(1) as a condition on the exemption from the requirement of adequate directions for use, and the omission would misbrand the drug under 21 U.S.C. 352(f)(1). The drug might also be misbranded on the ground that the omission is material within the meaning of 21 U.S.C. 321(n) and makes the labeling or advertising misleading under 21 U.S.C. 352(a) or (n).

While it is true that a manufacturer may, under FDA regulations, strengthen a labeling warning on its own, it is important to understand that in practice manufacturers typically consult with FDA before doing so. Otherwise they could risk enforcement action if the FDA ends up disagreeing.

Some misunderstand the FDA's labeling requirements to be a minimum safety standard and have used State law to force manufacturers to supplement safety regulation beyond that required by FDA. I want to be clear that the FDA's labeling requirements establish both a "floor" and a "ceiling." Therefore, risk information beyond what is required by the FDA could be considered unsubstantiated or otherwise false or misleading. Given the comprehensiveness of FDA regulation of drug safety, effectiveness, and labeling additional requirements for the disclosure of risk information are not necessarily more protective of patients.

Finally, I want to specifically comment on language in H.R. 3580 that includes a new mechanism to further encourage the timely and accurate communication of new safety information on prescription drug labels. That mechanism reiterates the FDA's primacy in determining the content of prescription drug labeling, including through the new power to command a safety labeling change. New section 505(o)(4)(I) also makes clear that this enhanced safety labeling mechanism does not affect the obligation of a company to maintain a drug product's labeling in accordance with FDA's regulations, including 21 C.F.R. §314.70. This provision is meant to confirm the basic obligation of a drug's sponsor to propose—or, in some cases, make—changes to the approved labeling to reflect changes in the conditions established in the approved application and/or new information. Nothing in this rule of construction changes that obligation or FDA's ultimate authority over drug labeling; nor is it intended to change the legal landscape in this area. That is because there is an overriding Federal interest in ensuring that the FDA, as the public health body charged with making these complex and difficult scientific judgments, be the ultimate arbiter of how safety information is conveyed. In this manner, there can be confidence that uniform drug labeling conveys clear, consistent, and scientifically justified safety and medical information.

In fact, the courts have repeatedly upheld FDA's supremacy over prescription drug labeling in cases brought under State law. Nearly 20 years ago, the U.S. Court of Appeals for the Fifth Circuit emphasized that ". . . manufacturers cannot change the language in the product insert without FDA approval," and accordingly "[i]t would be patently inconsistent for a state then to hold the manufacturer liable for including that precise warning when the manufacturer would otherwise be liable for not including it." *Hurley v. Lederle Labs. Div. of Am. Cyanamid Co.*, 863 F.2d

1173, 1179 (5th Cir. 1989). As a more recent Court expressed this bedrock principle, allowing a State to decide what warnings are appropriate, and thus potentially subject companies to liability for otherwise FDA-approved labeling, would upset the careful benefit-risk balance that FDA has struck in approving a product for market, and doing so would "undermine FDA's authority to protect the public health through enforcement of the prohibition against false and misleading labeling of drug products in the Federal Food, Drug and Cosmetic Act." *Sykes v. Glaxo-SmithKine*, 484 F. Supp. 2d. 289, 312 (E.D. Pa. 2007) (internal quotation omitted).

CITIZENS' PETITIONS

Mr. HATCH. Mr. President, I wish to take this opportunity to clarify one issue related to the language on citizens' petitions and petitions for stay of agency action which is included in FDARA. As my colleagues are aware, I was a cosponsor of the citizens' petition amendment included in the Senate-passed bill, and I was pleased to work closely with my colleagues in the Senate—Senators KENNEDY, ENZI, BROWN, STABENOW, LOTT and THUNE to develop an acceptable compromise with the House. I understand the importance of making certain that generic drug approvals are not delayed unnecessarily, which is the intent of this amendment.

Mr. KENNEDY. Indeed, that was an important objective of the Food and Drug Administration Amendments Act, and I agree the citizens' petition language is an integral part of the final legislative effort.

Mr. HATCH. As my colleagues are aware, we had a number of discussions about this provision, and one issue we worked hard to balance was the need for the Food and Drug Administration to have adequate time to review any meritorious issues raised by a petitioner against the importance of not holding up the Abbreviated New Drug Applications—or ANDAs—or applications submitted under section 505(b)(2) of the Federal Food, Drug and Cosmetic Act. Our colleagues, Senators BROWN and STABENOW, were particularly forceful in their arguments that there should be a deadline for FDA action on a petition, but that the agency could have the ability to delay review of an application if it found that the petition raised a legitimate public health issue.

My concern, which I want to discuss with the chairman, goes to the discussions we had about the operation of that language. In particular, I want to discuss the ability of the agency to conserve its resources and not waste time acting on petitions that do not merit review. Indeed, the concept we discussed over the course of many days was that the agency would have the ability to deny a petition or a supplement if the petition were based on meritless or frivolous issues. We all recognized, however, that defining "meritless" and "frivolous" is imprecise at best. So, the final language contained in the bill we consider today says that the agency may deny a petition at any point if the Secretary determines that it was submitted "with the primary purpose of delaying the approval of an application and the petition does not on its face raise valid scientific or regulatory issues . . ."

Mr. KENNEDY. The Senator from Utah is correct.

Mr. HATCH. One concern that I raised, which we all agreed would have been included in the conference report language had we filed such a report was a clarification about the meaning of "scientific or regulatory issues." It was our agreement during negotiations on FDARA about what is perhaps an obvious point: if the law requires a delay in approval of an ANDA or 505(b)(2) application, for example because of a patent or an exclusivity, this new provision will not change that required legal result. The law is the law, and its effect should not depend on whether or not it was brought up in a petition to FDA. I would appreciate the chairman clarifying if that was the agreement we had.

Mr. KENNEDY. I do agree. Let us be clear: The citizen petition provision is designed to address attempts to derail generic drug approvals. Those attempts, when successful, hurt consumers and the public health. The citizen petition provisions are not intended to alter laws not amended by the provision. I thank the Senator.

MEDICARE CLAIMS DATA

Mr. BAUCUS. Mr. President, today we have before us an important piece of legislation, the FDA Amendments Act of 2007. It has come to my attention that this bill includes a section that makes an effort to authorize the FDA to use and release Medicare claims data for use in postmarket surveillance of drugs approved by the FDA. I fully support the goal of making drugs safer for all Americans.

As chairman of the Finance Committee, however, I am obligated to point out that any use of Medicare data is exclusively governed by title XVIII of the Social Security Act, and that the Finance Committee has exclusive jurisdiction over title XVIII. I would ask the distinguished chairman of the Health, Education, Labor and Pensions Committee, Senator KENNEDY, to acknowledge that the Senate Finance Committee has sole jurisdiction over Medicare data and title XVIII of the Social Security Act and ask that he endeavor to consult us on matters before the HELP Committee that touch on the Senate Finance Committee's jurisdiction. I make the same commitment to him that he makes to me: I will commit to consult on matters before the Finance Committee that touch on the Senate HELP Committee's jurisdiction.

To avoid unnecessary confusion as to the jurisdiction of the Finance Committee or further delay in the consideration of this important conference agreement, I would agree to accommodate your request to withhold any objection to the Senate's consideration of it with the acknowledgement that the release and use of Medicare data are governed by title XVIII of the Social Security Act and are under the exclusive jurisdiction of the Finance Committee. This does not represent any waiver of jurisdiction on the part of the Finance Committee on this subject.

I would ask the chairman of the HELP Committee, Senator KENNEDY, whether he would agree to this request.

Mr. KENNEDY. It is a great pleasure to work with my distinguished colleagues from the Finance Committee on this reauthorization of important programs at the FDA. I know they have a deep interest in seeing that the medicines that Americans take are safe and effective.

Senator BAUCUS and Senator GRASSLEY have rightly raised a question regarding the interpretation of section 905 of this bill. Section 905 adds a new paragraph (3) to section 505(k) of the Federal Food, Drug and Cosmetic Act. This new paragraph establishes a system for FDA to query databases regarding information that may help detect adverse drug effects. It is essential to detect drug safety problems early, so that they may be corrected before people are hurt and an electronic drug safety system is one important tool for doing so.

The Medicare claims database is listed as one of several possible sources of data in section 505(k)(3)(C)(i)(III)(aa). I want to assure my friends from Montana and Iowa that our intent is that Medicare's participation will be determined by provisions of the Social Security Act, over which the Finance Committee has exclusive jurisdiction. Nothing in this section is intended to infringe on that jurisdiction or to in any way preempt the ability of the Finance committee to act to specify the participation or nonparticipation of the Medicare claims data base in the system established under section 905.

The matter before the Senate amends the Federal Food, Drug and Cosmetic Act. The section to which you have raised concerns authorizes use of Medicare data "as available." I acknowledge that under current law, that is not possible.

Mr. BAUCUS. I thank the chairman. I intend to continue working with my good friend Senator GRASSLEY to address the release and use of Medicare data by Federal health agencies and private researchers soon through legislation written by the Finance Committee.

Mr. GRASSLEY. I agree with my colleague, Senator BAUCUS. I have been working a long time on legislation to permit the use of Medicare data to improve drug safety. After all this is some of the best and most complete data available. In fact, Senator BAUCUS and I joined together to introduce legislation to accomplish just that during the 109th Congress, S. 3987, the Medicare Data Access and Research Act, and this Congress, S. 1507, the Access to Medicare Data Act of 2007. Improving drug safety is a top priority of mine and the appropriate use of Medicare data will likely enhance drug safety. That will benefit all Americans. I look forward to completing our goals for Medicare data later this year and including this on legislation within the purview of the Finance Committee. We intend to clarify how Federal health agencies may use and release Medicare data and make the appropriate amendments in the Social Security Act. At that point, it will be important that the use of Medicare data be appropriately tied into the drug safety provisions of the FDA bill under consideration today. We would hope that our colleague, Senator KENNEDY, would agree to make conforming amendments to the Federal Food, Drug and Cosmetic Act as needed to make FDA law consistent with appropriate Medicare law.

Mr. KENNEDY. I appreciate that conforming amendments in the Federal Food, Drug and Cosmetic Act may be necessary as you point out. I agree to work with the Senator in the future on this issue.

Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3580) was ordered to a third reading, was read the third time, and passed.

Mr. KENNEDY. Mr. President, the New England Journal of Medicine, which is probably the most distinguished medical journal in not only this country, probably in the world, has made the comment that this legislation is the greatest progress, in terms of drug safety, in a century. This ought to be reassuring for every family as to the safety of their prescription drugs and also in terms of their food.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I congratulate my colleague from Massachusetts on another landmark piece of legislation that he has been able to shepherd through this institution. It adds to a remarkable string of legislative accomplishments.

We are all pleased this important reform effort and advance is going to be made. It is a terrific step forward. I congratulate Senator KENNEDY, Senator ENZI, and others on the committee who worked so hard to make it happen.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

Mr. KERRY. Mr. President, I have been listening to my colleagues on the other side of the aisle, and sometimes I think we are talking past each other and about different legislation.

The proposal in the Levin-Reed-Kerry and other Senators legislation says nothing about precipitous. I don't know how one interprets "precipitous" when we leave the President the discretion to decide how many troops he is going to have there for training, for prosecuting the war on terror against al-Qaida, and for the job of protecting American facilities and forces.

The fact is that for many people in the country, this is inadequate. It is not precipitous. To have a debate about buzz words that excite the base does not serve our troops well, and it certainly does not serve our national security interests very well.

We keep hearing these words "surrender" and "choose to lose," and so forth. It is insulting to a lot of people who have spent a lifetime, some who served in the Armed Forces, being told this by people who have not, that they are somehow choosing to put a strategy in place purposefully that is to surrender on behalf of America or to lose on behalf of America. Come on. It happens that a lot of people in the Senate and the country believe there is a better way to defend American interests.

I will tell you, if you take a real measurement by facts of where we are with respect to American security interests—let me give them to you: Iran is stronger than Iran has ever been in recent years. Iran loves the fact that we are bogged down in Iraq. Iran is strengthened by the fact that we are bogged down in Iraq. Our own national intelligence agency has told us we are now experiencing more terrorism, not less, because of our policy in Iraq. That is our intelligence community telling us that, that there are more terrorists, not less. Osama bin Laden is free and doing what he does out of Pakistan, talking on the Internet to the world, attracting terrorists, and plotting to attack America. Hamas is stronger than it has ever been. They took over the Gaza and are creating havoc in the West Bank. Hezbollah is stronger than it has been. Al-Qaida is reconstituted.

Those are all facts. Do you know what they add up to? They add up to a weak foreign policy, to a weak defense policy and, in fact, those who claim and talk about surrender and about choosing to lose are losing today when measured against the real interests of our country. They are not making America safer. Interestingly, one of the most important things General Petraeus said in that hearing, in answer to a question from the Republican former chairman of the Armed Services Committee, somebody respected and revered by people on both sides of the aisle, Senator WARNER, are we safer?—General Petraeus couldn't say. He said: I don't know.

So I have had enough of this gobbledygook talk about "precipitous" and "surrender" and "walking away from responsibility." The responsibility here is to get this policy right for America and for our troops.

Where is the accountability? We were told by the President of the United States last January, when he stood up and he talked to the Nation, one of those big televised "We are going to talk to the Nation," he said to America: The Iraqis are going to do the following. Here is what they are going to do: A, B, C, and D. Then he said: And we are going to hold them accountable.

Then after the Iraq Study Group reported, everybody said: OK, we are going to wait and give General Petraeus an opportunity to report; we are going to wait for September, and we will see whether we are going to change the strategy.

What did General Petraeus talk about when he finally gets here at this long-awaited moment that everybody is waiting for to measure the strategy with respect to Iraq? He talked about tactics, about military tactics that do not amount to a strategy for how you resolve the fundamental problems of Iraq.

The Senator from Alabama, Mr. SESSIONS, a moment ago pointed out this complete contradiction where they are claiming: Well, the streets are safer and they have been safer for, what, 7 months, 8 months now because General Petraeus's own chart shows the vast preponderance of the violence went down before our troops even got on the line.

One of the reasons it went down is because there has been a massive amount of ethnic cleansing because the militias have done their dirty deed across the country, and Baghdad, which used to be 65 percent Sunni, is now 75 percent Shia. That tells you the story.

There is a total mythology here about al-Qaida, not mythology in the sense that they are dangerous and they are real. We all understand that. Al-Qaida is a threat. Al-Qaida is a serious challenge to all of us in both parties, to the country, to every citizen. But al-Qaida is not the principal problem in Iraq.

It was again interesting that General Petraeus, in answer to a question in the Armed Services Committee, was asked about Osama bin Laden and al-Qaida in Iraq, whether they were there at the beginning, and he said no. There is no connection between al-Qaida in Iraq and 9/11, none whatsoever, despite countless, countless references by the President, the Vice President, and a bunch of folks on the other side to try to link them together and confuse Americans, grab their emotions, get them in the gut, and somehow that is going to excuse a policy that cannot find another excuse.

It is a disgrace, and it doesn't serve our national security interests. I repeat, we are not safer in the grander sense of strategic interests of our country. When you measure what they have done with respect to Hamas, Hezbollah, Iran, al-Qaida, Osama bin Laden, they have a failed national security policy for this country—a failed national security policy for this country. The measurement is given to us by our own intelligence agency, which tells us al-Qaida is reconstituted and capable of attacking from anywhere.

It is obvious for everybody to see how we have lost leverage and lost credibility and lost influence in the world. That does not make our Nation safer, not in the least.

While we have waited for General Petraeus to report, a lot of young Americans have died. Meanwhile, today in the Senate, we were distracted by this much discussed, much condemned ad in a newspaper 2 weeks ago. Some saw a chance to score cheap political points on the floor of the Senate. Instead of joining with everybody to condemn all those kinds of ads and involvements in American politics that people do not like, the other side could not bring themselves to do that. But they have to have their singular targeted, one-entity specific, not even affiliated party entity, and go on and attack it. Frankly, it is as insulting as it is illuminating that in a week-long debate about Iraq, in which both sides have just five amendments to try to affect the policy, the Republicans took one of those amendments to try to, instead, play pure politics.

Mr. President, all of us opposed any kind of personal attack on the distinguished general, and we said so at the time. I think I was one of the first people to speak out and say so. But I am not going to join in some kind of hijacking of the Senate for political purposes to score points and create 30-second advertisements as a consequence of votes. It is a disgrace, and it does a disservice to what we are trying to do.

We have had a lot of colleagues who have referenced the fact that the escalation of sending more troops into Iraq was to give Iraqi politicians the chance to be able to make up their own minds about their political future. And we have heard a lot of people talk again and again and again about how there is no military solution. I know what happens in the sort of "speech-ifying" that goes on here, and the repetition, I guess, of some of these facts. They kind of get glossy. They just sort of slide by people and people don't really focus on the real meaning or the impact of what is being said as a result. But the fact is, the President very clearly told America the rationale for sending more troops was not to go out and secure a whole bunch of communities for the sake of having a general come here and say we know how to secure a community.

A lot of us, in discussing the so-called surge, said at the time that this is not going to be the thing that changes the fundamental dynamics that are now ruling Iraq absent an increase in significant political diplomacy and political strategic thinking. And in that, we have been proven 100 percent correct. The Iraqis have not made fundamental decisions.

Let me ask you, Mr. President, what is the relationship between more security and making a decision about how you distribute oil revenues? Are you telling me they can't get into a room and figure out the Kurds have this much, the south has this much, the Sunni triangle doesn't have any? The Sunni are 20 percent of the population, so we have to have some revenue going to them from a national basis. Do you need security to make that decision? There is a complete disconnect in what is being talked about here.

Do you need security to decide whether you are going to allow people who were formerly members of the Baath Party, but who were there because they were coerced or because it was the only way to stay alive but who never took part in the excesses of Saddam Hussein, do you need security to make the decision—and I am not saying you can get them all to go into the mainstream of the life of Iraq—but to make the decision as to whether you are going to let them go in? You need security to do that? No. You need a political will.

I will tell you why they are not making the decision. It is not because of the absence of security. It is because of the fundamental reality of their constituencies. The Shia have spent 1,300 years being basically subjugated by Sunni, and they have now been given at the ballot box what they could never achieve in any other way. They have been given the right to run the country. And guess what. After what happened in 1990, when President Bush, 41, excited the notion they could take on Saddam Hussein and encouraged them to revolt, and they did, and then we pulled the rug out from under them, tens of thousands of them were brutally murdered, and they remember that. That is the freshest massacre in their memory. That memory says to them, we are not going to let go of this power very easily, especially when we now have an opportunity to have a Shia Islamic state, which is what they want. That is what the constituency wants.

The Sunni constituency, which has been running the place for most of those years—not every single one of them but most of them—has now been emboldened in the notion that they have to reject this notion of a Shia Islamic state, and Iran and Iran's influence, and they have the sense that they can return to power. In that struggle is written the history of the IEDs and most of the ethnic cleansing and most of the violence we have seen. Now, not all of it. Yes, al-Qaida has been involved in brutal incidents; and, yes, al-Qaida is trying to stir things up; and, yes, al-Qaida was involved in the Samarra mosque and other things. We all understand that. But my colleagues are dead wrong when they come to the floor of the Senate and they tell us, or tell America, that al-Qaida is the principal problem that keeps us doing what we are doing in Iraq. It is not true.

Al-Qaida will not survive in Iraq, in any kind of Iraq, if we are not there. The Sunni have made a decision. And, incidentally, the Sunni didn't make a decision that was based on security. The Sunni made a political decision to work with the United States, and then the security came as a consequence of the political decision. The political decision came first, and the Sunni made up their minds, and now they are, indeed, being armed, being trained, and fighting back against al-Qaida because they got tired of al-Qaida's cruelty.

The Shia will never get along with al-Qaida because al-Qaida and al-Qaida's beliefs and its attempts to establish a caliphate in the region and out of Iraq does not include Shiism. You are better off as a Christian or a Jew in the eyes of al-Qaida than Shia are in the context of Muslim and the faith of Islam. So the Shia, and particularly Iran—and I heard my colleague from Alabama turn to Iran as the reason to somehow talk about what is happening with Iraq and al-Qaida. Iran is not going to tolerate al-Qaida, not for an instance.

The Kurds are not going to tolerate al-Qaida. Al-Qaida is not in Kurdistan, and al-Qaida doesn't do so well down there where the Shia are, and it is not doing so well right now where the Sunni are. The jihadists, as opposed to the former generals of Saddam Hussein—al-Qaida in Iraq is made up of a number of different entities, and the worst, obviously, are the jihadists. Those are the foreign fighters who come in across the Syrian border or across the Iranian border, but they are the first who are going to find a massive unwelcome in Iraq because they are foreign and because there is no way that either Sunni or Shia or Kurd is going to allow the jihadists to get a foothold of any kind of consequence.

The Baathists are using al-Qaida in a way because it serves their interests to foment some of the problems because they are targeting us as well as the

Shia, and they want to create this disruption. The only way to resolve that is through this political issue, and that raises the question of, how you do solve it? There are some very smart people who know more about Iraq and its history than I do who suggest it may not be possible, for the time being, because of what has been unleashed—the opening of Pandora's box, or the genie out of the bottle, or whatever you want to say. It has changed the possibilities now so that you may not be able, for the time being, to achieve any kind of legitimate central government or pluralistic society. You may have to have this federalism that has been talked about for some period of time because they may have to live apart before they can live together again in order to prove you can get over these hurdles and create some governments.

Even today, we had a meeting with the French Foreign Minister here, and he mentioned how there is a growing sense among some Iraqis that this may be the way in which you have to try to build a resolution. Those are the kinds of things we should be talking about in the Senate. These are the kinds of things we ought to be pursuing in diplomacy. And where is the diplomacy? Where is the significant standing summit? I think 3 years ago, when I was running for President, I talked about the need to have a standing summit and a standing conference. Senator LUGAR has talked about it repeatedly, to the point of exhaustion, that you have to have people who are talking to each other every day. You have to have envoys of consequence.

Why couldn't we have former President Bush and President Clinton serve as special envoys to convene and meet with these folks and work through these differences on a daily basis, with the notion that you are going to try to create a resolution, or find the resolution, like we did in Bosnia and Kosovo, as we have in so many other conflicts in the world?

As a young person, when I came into politics, I remember one of the things I admired on both sides of the aisle was those titans of American diplomatic history. During the period that I grew up, there were people with names such as Acheson and Ball and Bundy and a host of others, and some did better than others. Kissinger and then Jim Baker, who I remember made 15 trips to Damascus just to get President Asaad to agree finally to Desert Storm. And he went the last time, on the 15th trip, without even knowing what the outcome would be, but he knew that he had to repeatedly be there and be in their face and cajoling and working and moving the process.

There has been such a total absence of that kind of effort over the course of these last years, it just frustrates me to think about young men and women on the front lines suffering these grievous injuries and believing in our country and in the idea of trying to help Iraq and not having the kind of support and policy that does justice to the risks they are taking. It is stunning, Mr. President.

I believe, as Tom Friedman said the other day, negotiating in the Middle East—without leverage is playing baseball without a bat. And that is basically what we have been doing because we will not get up from the table. There has never been a baseball owner in history who went into negotiation with another player and said: I can't get up from the table. That is a negotiation that is not going to end well. That is the negotiation we are basically in today.

The President of the United States has said to the Iraqi Government, we are going to have 130,000 troops there next summer. It is already there. What did they have to do? What do you have to do if you are an Iraqi sitting there playing your game, knowing you are going to be there, not us, forever, if you stay alive; knowing that you are able to use the 130,000-troop promise of next year and you can just float along and avoid any kind of responsibility or decisionmaking and play your own political power game for the future? If you are already aligned with Iran, as many of those politicians are who are Shia, in the majority, they have no motivation whatsoever to compromise.

You have to change the dynamics. You have to change the play on the ground. You have to get them worried and get them thinking about legitimate implications of what happens if we do something. Right now, when the United States starts talking militarily about Iran, they are not particularly scared because they know the situation with our troops. They read the newspapers. They hear the debate in the Senate. They know how overstretched we are. I mean this is not complicated. We don't have the leverage that we ought to have to get them to do what they ought to be doing—if they are willing to do it at all—and put it to the test to find out if they are willing to do it at all because we are going to have 130,000 troops there no matter what they do next summer. We have already told them that. The same number of troops we had last year when America said staying the course was not good enough; we want a better strategy, our strategy is to go back to where we were when the country almost disintegrated a year ago with 130,000 troops.

The other thing we know is that we are not going to put enough troops in there to secure every single community. So when you push in Baghdad or you push in Anbar, and then somebody goes over to Baqouba, or somebody goes over to Diyala Province or one of the other provinces, they have infinitely more capacity to move around.

I learned that lesson a long time ago, back in the war of the 1960s, in Vietnam. We learned what it was like to go into these villages where you don't share the culture, the language, you don't look like the people, the religion—any of it. You are carrying guns, and they think you are occupying their land. It is tough. It is tough on our folks.

What are they doing? They are going out and finding IEDs the hard way. I hear folks talking about these battles and the enemy. The enemy? The enemy are IEDs. Obviously the people who plant them, but they don't see them very much. Most of the wounded are from IEDs. Most of the killed are from IEDs. This is not a set piece battle such as we have seen in a lot of other wars we have fought. It is not even the same kind of insurgency battle we have seen in a lot of other wars we have fought. It is very different.

I don't think we have been as smart or as thoughtful and creative in the kinds of strategies we need to change it—particularly when you hear the Iraq Study Group and our own national intelligence entities all come together saying the American footprint is part of the problem. The large presence of American forces is attracting jihadists, attracting terrorists, creating the impression of occupation. That is what General Casey said and General Abizaid. That is what the Iraq Study Group has said. Everybody has said that.

What have we done about it? We have increased the presence. We have increased the footprint. We have lent even more credibility to the concept, as General Jones said, that we are there for the long run because we have this massive footprint with great big bases and unbelievable amounts of equipment. A whole bunch of people think we are not just there to help Iraq, we are there for the long run, we are there because we want to be there for much larger purposes.

I think we have to do this differently. The open-ended, seemingly endless commitment has clearly done nothing to directly confront the problem. What we need to do, the responsibility that each of our colleagues has, is to look at these kinds of dynamics and examine them. If the Shia really believe what they believe and the Sunni really believe what they believe—and you can talk to them and read history and make judgments about it—then the troops are not going to change what is necessary for them to try to make some decisions.

GEN Tony Zinni—for whom I have great respect, who is former CENTCOM commander, he travels frequently over there and meets with an awful lot of people—some time ago talked to me about an idea that has appealed to me very much over the last years, which is the need to negotiate a new security arrangement for the region itself; if we were to become involved in trying to engage these other countries in that arrangement, which can be leveraged by the notion that we are going to pull back, that we are going to shift responsibility to the neighbors to begin to bear some of the strategic long-term requirements—with respect to Iran, for instance; with respect to the protection of the Gulf States—Saudi interests, Jordanian interests, et cetera—remembering always that those countries are Sunni. An awful lot of the money that is reaching the 20-percent Sunni population who are resisting today is coming from those places. So our friends and our allies are even part of the problem right now because we are going it alone.

Our strategy, in my judgment, is that while Americans fight and die to give Iraqis breathing room, Iraqi politicians refuse to resolve the political issues that matter the most. There is no progress on the lynchpin issue of sharing oil revenues, no progress on the debaathification law—despite the fact they tell us, on the oil law, they are sharing some revenue. That doesn't satisfy Sunnis, if there is no law. Gee, you mean we are getting a few revenues today at the grace of the folks who want to give us the spoils or something? What happens when things start to get rough? Is it still going to be there? Is there a law? Is there a requirement? Does anybody have to live up to anything? Will it be enforced? Who will enforce it?

All of those issues are outstanding until they resolve that kind of difference, so it doesn't satisfy me, and certainly doesn't satisfy them, for someone to come and say they are sharing some of the revenue or they are putting some money into these other areas. By any measure, until you deal with the provincial elections, the constitutional issue, the federalism, the oil, and debaathification, you cannot begin, if you can at all, in the current atmosphere, to reconcile these differences.

General Petraeus can come back next March and he can say, oh, we are making progress, but if there is no political progress, then what are our colleagues going to say and do next March? Ask for another 6 months? Say we have secured this area a little more and that area a little more, give us another little 6 months?

I think as long as you give the Iraqi politicians as long as they want, they will take as long as they want. As long as we say we are there for as long as it takes, they will take as long as they want. That is exactly what they are doing today.

That is our policy. The policy of General Petraeus is basically a policy for staying, it is not a policy for winning, absent the political reconciliation. No one has shown how you get that political reconciliation. If it was doable, why couldn't it have been done in the last 7 months? Why couldn't it have been done in the last 4 years, when there was less violence 3 years ago, and 4 years ago, than there is today? Why couldn't it have been done? Because the political will is not there to do it.

We have changed tactics, not strategy. Yes, we have some gains. I am not going to stand here and say there are not some tactical gains or that our military hasn't done a good job. They have done a tremendous job under the toughest of circumstances and they have made some gains in those communities. But it is not producing what you need to change the overall dynamic in Iraq, if it is changeable in the current context.

What I regret is all this talk will see us back here in March. They will not bring peace or long-term stability to Iraq absent diplomacy. If we come back here in March and we have resolved the political differences, it will be because they decided to resolve the political differences—which they could do at any other time or could have done anywhere in the last few days.

So rather than "no surrender," I think the policy we have today is "no real way out." There is no real way to resolve the differences. It is a wing and a prayer. It is a hope. Even Ambassador Crocker, for whom I have great respect; I presided over his hearing for his nomination to be there; I admire his career—he is a Middle East specialist, an Arabist, he has been there, speaks the language, understands it. But in the conversations I have had with him privately as well as what he said publicly, it is clear to me he cannot say, with any certainty at all, what is around the corner, and he specifically said none of us can predict what is going to happen in the current context. That is what we put ourselves into, absent the kind of diplomacy necessary to try to change those dynamics.

I think what we are seeing are the moves of the President, who has decided to wait out his time in office and shift responsibility for this disaster to the next President. He has as much as said that, that we are going to have troops there for a long time, and the next President is going to have to resolve these differences.

I believe we have a bigger responsibility than that in the Senate. I believe that very deeply. When I was a young serviceman and in a war, I remember looking to Washington and wanting those folks who were in positions of responsibility to make the judgments that affected my life on a day-to-day basis.

I remember being bitterly disappointed in the debates that went on as people kept finding these same kinds of excuses, the same arguments were made. I remember President Nixon actually stood up and said: I am not going to be the first President to lose a war.

Our military has not lost this. Our military has won everything they engaged in on a personal basis. Nobody doubts the power or strength of the American military. No one would doubt the power or strength of the American military if they announced that, because the Iraqis are not making their decisions, we are not going to stay here and keep dying for you, folks. I don't think that is losing. I think that is actually a note of reality. It is the Iraqis who are losing. It is the Iraqi politicians, led by Mr. Maliki, if they are led at all, who are unwilling to make the decisions. They are the ones losing this opportunity for democracy. They are the ones losing the opportunity for peace. They are the ones turning their backs on the opportunity for reconciliation—not us. It is not for us to reconcile. No brave troop in Iraq has the ability to create that reconciliation. You are not going to create that reconciliation at the end of a gun barrel. It doesn't happen. It never has.

I think it was the Roman historian Tacitus who, with respect to Carthage, said: "They made a desert and called it peace."

That is what you can do with guns and with military might. But those who have always thought the power of ideas and the pen is more powerful than the sword right now believe we have a better ability here to be able to find a way through this.

I think we ought to be refocusing on what we are doing. It is not precipitous. It is not a withdrawal sufficient to please a certain number of people. It is the beginning of the change of the footprint. It is a clear statement that we are drawing down and you have to assume a certain responsibility.

There is a complete contradiction, incidentally, in the arguments made by the other side. I remember visiting General Petraeus when he was training people. Two years ago, he said we will have 125,000, 200,000-something next year. How long does it take to train people? We have been training people for 4½ years. We certainly have been training them for at least 2 years in a highly focused manner—2½ or 3 years. How long does it take to take our recruits down to Parris Island or out to the Great Lakes, from total civilian status to graduation? Three or four months. Then they go to a specialty school and then, within a few months, they are ready to go and serve on the frontlines. They always do it with great distinction.

These folks have been training and training and training. The problem is, it is not a lack of training, it is a lack of motivation. It is a lack of commitment and will. It manifests itself in the following way. If you are a Shia, can you safely go into a Sunni neighborhood and police? Can a Shia go tell a Sunni what to do? Will the Sunni listen and feel safe? Ask anybody in the country about that equation. That is part of the problem, a lack of historical understanding, a lack of cultural understanding, a remarkable kind of arrogance that came out of corners in the Pentagon, led by Secretary Rumsfeld and Richard Perle and Doug Feith and these other folks, all of whom talked about parades and flowers and the easy welcome of our troops and welcomed as liberators and every decision was wrong, not to mention the arrogance of turning their backs on the plans that the State Department and Secretary Powell drew up for how you deal with postwar Iraq.

We are paying for that now. I think those who argue somehow these buzzwords of retreat and surrender—it is almost pathetic, to be honest with you. Because it is so divorced from the reality of what is being talked about, about how you strengthen America and strengthen our position and support the troops. The troops deserve a policy that is equal to the sacrifice they are being asked to make.

Let me go through a couple of principal arguments and then I will yield the floor. First of all, those who want more of the same failed policy, this surrender talk, it seems to me—I think I mostly covered that. I think I pretty much discussed the idea, but I want to emphasize something. Leaving the President the discretion to fight al-Qaida, to finish the training and standing up of Iraqis, to protect American facilities and forces and to do so over the course of a year—to set a target date for the achievement of that goal a year from now is anything but precipitous.

They cannot achieve these fundamental benchmarks of what they needed to do to show they are reconciling in that year; they are not going to do it while we are there.

Secondly, it seems to me you have to remember what General Jones himself said. I want to quote from his report. He said:

> If our security gains are to be anything more than short-lived, the single most important event that could immediately and favorably affect Iraq's direction and security is political reconciliation.

So General Jones is saying: If you want to have an impact on security, you have to have political reconciliation. He is not saying that the security is going to be given to you by the military; he is saying it is the political reconciliation—nothing will have more significance with the security.

> Sustained progress within the Iraq security forces depends on such a political agreement.

That is precisely what we are trying to achieve.

Supporters of the escalation asked for more time to translate military success into political progress. But if General Petraeus is correct, that sectarian violence began decreasing in January. I do not have that chart here, but I absolutely know this because we asked him direct questions about that. And he spoke to the fact. He acknowledged that the better part of the violence reduction did, in fact, take place prior to the American forces becoming part of it. It is partly because of the dislocation that had taken place as a consequence of the militia and also the political decisions that were made individually in Anbar and elsewhere which preceded the vast majority of those forces arriving.

Now, Prime Minister Maliki has been in office since May of 2006. But the fact is, the Iraqi Government, as we have discussed, has simply been absent from any kind of adequate responsibility to meet what they themselves said they would do.

Now, why a deadline? I guess it is kind of like anybody doing their homework—we operate under deadlines here. Does anybody here believe we get the budget done without a deadline that we usually have? We usually have drop-dead times. In fact, we even move the clocks. We have a continuing resolution that is short-lived, and then we come back and we live under a certain sense of, you know, a responsibility factor there and all kinds of deadlines.

The fact is, deadlines have worked in Iraq already. There was a deadline to have the transfer from the Provisional Authority from Paul Bremer. In fact, Iraqis and a lot of other people said: Do not do this to us; we are not ready. But the Government, our Government, to its credit, we insisted and said: No, this is what is going to happen. And it happened. Now, the decisions they made afterward were awful. But the transfer took place; likewise, the elections; likewise, the Constitution. Each of them was accomplished with a deadline.

In fact, the President himself has already set a deadline, in some ways, because he is saying: We are going to have X number of forces out by such and such a time—30,000. That is a deadline. He has told us when—by next spring. General Petraeus has set a deadline that he is going to come back by next March and he is going to say something to us. So this idea that deadlines don't work or it is a losing equation, I just do not agree with that. I think, like any human reaction, when a big country like the United States of America gets serious in putting some deadlines there, people can begin to respond and you change the dynamics that people are dealing with.

What is more, some people may not like to hear this, but clearly and obviously an administration would have the ability to come back in 4 months and say: Look at all of the progress we have just made because we set the deadline, and we are making so much progress, but we can't get over the hump by the end of this period. Will you not give us a little longer? There is no one here, if that is a true measure of what is happening, who is not going to respond responsibly.

So, again, this is a phony debate about the impact of a deadline, what it means.

We can get together in a room, sensible people, and come up with a way to do this. But it has been made into a challenge to the President's authority, it has been made into a big political football where Republicans feel they have to go out and defend the President, and somehow everyone else thinks everybody else is after him, when what we are really after is a sensible policy in Iraq in the face of 4½ years of having not been given it time after time, even under the withering criticisms of some Senators from the other side, such as Senator HAGEL, Senator McCAIN, and others, who have called the shots as they saw them over a number of years.

Third. Supporters of the escalation point to the consequences of failure in Iraq. Well, I can remember how people used the sort of cataclysmic, dire end result as a legitimization of carrying on something that was going into oblivion. It was called Vietnam. We had the Domino Theory, we had the Bloodbath, we had all kinds of arguments thrown out there about what it would be like if the United States ultimately withdrew.

Ultimately, we withdrew. Ultimately, Henry Kissinger and Richard Nixon negotiated a withdrawal, and they negotiated a withdrawal with something that was then called the "decent interval"; 1973 we left, and in 1975 the place fell because the Government itself was so corrupt and so inept and so incapable they were not able to withstand what came at them. They did not have legitimacy, but they were given the opportunity to have it. What ultimately happened is precisely what could have been avoided 4 or 5 years later. Half the names that are on that Vietnam wall down the street were put on that wall from a time period after which our top leaders in the Defense Department and elsewhere knew the policy wasn't going to work, and they have since even written exactly that. That is craven, that so many lives were lost, 25,000 or so, more than half, in that period of time to pursue a policy that people knew was ultimately what could have been achieved even earlier.

So when people talk about the dire consequences, we all understand Iran is a threat. Well, let's go back to what I said earlier: Iran is more of a threat today because we are less capable of confronting them and because we have not engaged in that kind of robust diplomacy that the French, the Germans, and the British engaged in for almost 3 successive years without us at all, because we had a policy of not talking to anybody; just do as I say. The result is, you know, they throw out these consequences, so we wind up staying there because we have been there.

I have heard people say: Well, you know, we obviously need to honor the lives of those we have lost. Yes, we do. I believe that is what we are trying to do. I think you honor the lives of those who have been lost there and those who have given their lives by making certain that we are not wasteful going forward, that we are reasonable, that we are not stupid going forward, that we do what is correct. But you do not lose lives to honor the lives you have lost. That does not honor them. And losing more lives and the fact that we have lost lives is not an excuse for continuing the same policy.

Now they argue it is not the same policy; we have a new general, we have a new strategy. But it is not a strategy; it is a tactic that has no relationship to the real strategy that has to be political and diplomatic and much more creative and much more global in this case.

So we have lost sight of what is at stake here. I believe we are paralyzed in a sense because of it. You cannot leave because of this. Oh, gosh, Iran is going to do this. In fact, the Senator from Alabama talked a little while ago about how Iran will become involved in Iraq. Iran is involved in Iraq. Iran has thousands of agents in Iraq. It has people training people in Iraq. The Shiia in the south are aligned, particularly in the Basra area. But the British, nevertheless, have redeployed to the airport, and they have left those factions to kind of duke it out against each other without any serious enough consequence that we are rushing in to fill the breach. If it is okay for them, why is it not for us? If it is not okay for them, why did we let them do it, and why are we not responding?

These contradictions just sort of leap out at you. And the fact is that Iran and al-Qaida are thrilled that we are bogged down in Iraq. Every day that we are bogged down in Iraq, we are presenting al-Qaida with targets. We are presenting al-Qaida with the image of American forces occupying a country, and they can run around and enlist more jihadists. They have been doing it. You can just talk to anybody in the intelligence community about it.

This is a policy which makes America weaker. This is a policy which puts America at greatest risk. This is not a policy which advances America's larger strategic interests in the region or elsewhere in the world. That is a bad foreign policy when that is what is happening. A policy that makes you weaker, not stronger, is not a policy I would want to take out to the country. That is exactly what they are presenting us with. Americans are dying at greater levels now than in 2003, 2004, 2005, and 2006, for a policy they have already told us is going to end next summer. And the Iraqi politicians know it is going to end next summer. That is a deadline. So, evidently, it is okay for them to plot and plan for the end of the surge, but they are not going to be changed in their planning for the end of American involvement. I do not get that. That is a complete contradiction.

Fourth. The President's allies warn that Iraq could become a failed state. Well, guess what. According to Foreign Policy Magazine, Iraq is becoming a failed state under the current strategy. In fact, it ranks second in the entire world on the Failed State Index behind only the Sudan as the state most at risk for failure. That will only change when the Iraqi Government steps up, not our troops. Our troops cannot run the Government, and most of the Iraqis have said they do not want us there. Incidentally, the new polls coming out of Iraq show that 50-plus—58 percent of the Sunnis think it is okay to go kill and hurt Americans. Seventy percent of the Iraqis think America should be gone.

Our friends warn of a humanitarian catastrophe. But as the New York Times reported earlier this month, many mixed neighborhoods in Baghdad and surrounding provinces in Iraq have already been ethnically cleansed. Two million people are internally displaced, 2 million people have left the country as refugees. Baghdad, as I said earlier, which had a population when we went there of 65 percent Sunni, now is a 75-percent Shiia majority city.

What we are supposedly staying in Iraq trying to prevent is happening right under our very noses, and General Petraeus and Ambassador Crocker told us that in their testimony. Ambassador Crocker specifically referenced the movement of personnel and the ethnic cleansing and did not say that our troops or the surge is capable of stopping it. So we are witnessing right now a very high level of sectarian violence. Over 1,000 civilians are dying a month.

Across Iraq, the level of violence is higher than it was in 2004 and 2005. The Washington Post reported on Monday that about 2 million Iraqis are displaced in Iraq and 2.2 million to the neighboring countries. Apparently, 60,000 Iraqis are evacuating their homes every month. And what I have been told in the visits when I have been there, people have described to me the exodus of the middle class. You do not have the middle class there now to try to help do some of the reconciliation and building that is necessary.

I have also heard many people point to the legacy of Vietnam. But I hear the wrong conclusions being drawn about that legacy—somehow a presumption that given the great power conflict that we were caught in, people seem to forget that one of the reasons we did not invade the north was not that we did not have the military ability or other things; it was because China and Russia and the Cold War was raging at the time, and those countries were aligned with Vietnam, North Vietnam then, and many people saw a bigger, wider, more complicated, and dangerous conflict as a consequence. So it was not our withdrawal from Vietnam. People need to remember this.

You know, we did a period of Vietnamization, we did a period of transition, we negotiated the process, we left in 1973. It was not our withdrawal that caused the instability in the region; it was the underlying cause of the violence that had gone on for 10 years preceding it. It was the American bombing in Cambodia that many people remember that created the instability of that country and China which created problems with the Khmer Rouge and the ethnic Chinese that created many of the original boat people, the original exodus. It was a civil war, a civil war that our military could not end. Many of the conditions that came about were the result of being there and what happened in that dislocation.

Our troops cannot end the Iraqi civil war. Only, again, a political accommodation can achieve it, and that can only come through adequate diplomacy and effort. We ought to be working over time on that.

The final thing I will point out is, supporters of the Bush escalation say we cannot abandon the central fight in the global war on terror. I have pointed out again and again, as we all do, it is OK to have a good debate about issues. But somehow the world's greatest deliberative body ought to find a way to accept what is fact and accept what is fiction and kind of put the fiction aside and deal with the facts, instead of coming back speech after speech repeating the same fiction, which is what happens. The fact is, we have never suggested pulling any punch or reducing the effort to go after al-Qaida. We give the President complete and total discretion in this legislation to do what the President needs to do in order to prosecute the war on terror against al-Qaida. So to keep reasserting al-Qaida in a way that suggests that Democrats somehow are forgetting about that is not accurate.

In fact, we have been the ones who consistently point out that al-Qaida is reconstituted globally, that al-Qaida's principal leaders are in Pakistan and Afghanistan, that it is from Pakistan and Afghanistan they have plotted and conducted the attacks they have conducted in recent months and plotted the attack against our airlines most recently, and that they communicate to the world network, not Iraq.

The reality is, we all intend to defeat al-Qaida. Al-Qaida will be defeated. I am absolutely confident of that. I don't think a nihilistic, cynical, completely ideologically, and morally barren effort such as al-Qaida's has a chance in the long haul. What it can do is confuse people and attract converts in the absence of a legitimate counter moral force, and that moral force can come from moderate Islam, and needs to, and it can come from the rest of the world.

I have heard this all through every visit I have made in every part of the region. I serve now as chairman of the Near East-South Asia Subcommittee. I make a point of trying to understand what is going on. The fact is, Abu Ghraib and Guantanamo and the current torture practices that we know are being engaged in, and the world knows, and the new 4,500 Web sites of various jihadist groups exploit those things. That is the war on ideas the President appropriately talked about, that supposedly Karen Hughes was appointed to lead a great effort on. Nobody has seen her or knows what is happening with respect to that most significant effort.

I don't think this escalation or this current policy is protecting our homeland. I believe where there was previously no threat from al-Qaida in a place called Iraq, there is now a threat, though not the level of threat or the kind of threat that is often described. The real threat remains centered in Afghanistan and Pakistan and many other places, including Europe. It is growing in Europe. Unless we deal with these larger implications, that challenge is going to become more significant as a consequence of this policy.

This is an opportunity for us to try to do what I know is very difficult, because I understand the pressures that are put on colleagues, many of whom have come to the floor and spoken eloquently in opposition to the war and in opposition to the strategy. But they somehow won't translate those words into a vote. They won't go that extra step of actually confronting the President and changing the policy. What General Petraeus has obviously succeeded in doing—and we understand it—is giving people a reason to say: Give us 6 more months. He is obviously going to get that 6 more months, because the President has the power to veto and the power to move his policy in these next days. But I hope my colleagues will think about how history is going to measure what we do here and how their own responsibilities measure up to what this moment is about. I think the facts speak loudly and clearly for the imperative to have a policy that moves in a better direction to protect our Nation. That is the bottom line. That is what is at stake, our national security and our ability to protect future generations and stand up and lead the world in a more effective way in order to eliminate al-Qaida and, in fact, open up a whole set of new possibilities with Islam and a host of countries that are currently sitting on the sidelines and standing apart from us because they disagree with our policy and the way we are implementing it.

I hope our colleagues will take advantage of this opportunity, and I hope we will cease to have a debate on buzz words and slogans but instead a debate on facts and do justice to the troops who, as I said, deserve a policy that is equal to what they are doing on our behalf every single day. We salute them.

Mr. KERRY. Mr. President, today we saw the floor of the Senate hijacked for purely partisan political purposes at a time when we need the U.S. Senate to instead come together for the purpose of protecting our national security and changing a policy in Iraq that is not working.

What happened in the Senate today is partisan, political and demeaning of this institution. The Republican minority is desperate to distract the Senate and our country from the real issue at hand, which is a failed escalation and an administration policy in Iraq that is every day costing American blood and treasure. The same Senators who have gone along with the President's Iraq policy every step of the way, who have expressed not a shred of outrage about nonexistent weapons of mass destruction, predictions of a "cakewalk," "mission accomplished," or "an insurgency, its last throes" will now say and do anything to avoid talking about what is really happening in Iraq. They would rather express outrage about a newspaper ad run by an independent entity, than express outrage about a policy pursued by their party and their administration. And certainly they don't want to address the outrage of more Americans dying for a policy we know is not working.

The Senate did not need to spend hours today on this debate. Nine days ago, the first time I was asked about the ad which the Senator from Texas loves to talk about, I said it was "over the top" and "inappropriate, period." I said that, as a veteran, I thought it was wrong to characterize any member of the military in the way General Petraeus was characterized in that advertisement. I have nothing but respect for General Petraeus. I wasn't alone in that feeling. Senator REID spoke out. Senator BIDEN spoke out. There was no question about where Democrats stood. And we ratified that opinion in a broad condemnation of that behavior—including the Petraeus ad—in the Boxer amendment.

But I also asked that we all recognize that the emotion behind that ad is an emotion shared by the American people: frustration—frustration as we head into the 5th year of being told one thing about Iraq and finding out another. That is why we should be having a real debate and a real discussion about the policy in Iraq rather than trying to score partisan points over the politics of Iraq. It is as insulting as it is illuminating that in a week-long debate in which each side can offer just five amendments, the Republicans would waste one of their chances to change a broken policy by choosing instead to embrace a political stunt.

We are where we are. I vehemently oppose the kind of political abuse of the Senate embodied in the Cornyn amendment, and I am saddened if not surprised to see that so many of the Republicans who believe that what happened to General Petraeus was wrong, could not bring themselves to vote for the Boxer amendment which made clear that the assault on Senator Cleland's patriotism in 2002 was wrong, and that the lies broadcast about my own military record in 2004 were also wrong. The votes against the Boxer amendment—an amendment which makes clear our disagreement with the ad which ran September 10—speak volumes about the partisan motivations behind the Cornyn amendment, and the fact that, apparently, many of our colleagues believe that attacking the integrity of veterans and members of the military is fair game as long as they are Democrats. I would remind them that when you sign up for military duty, no one asks whether you are a Democrat or Republican, liberal, or conservative.

Over the last years, I have defended veterans who have been under assault from any quarters, left or right. I spoke out in 2000 when JOHN MCCAIN's integrity and military record was questioned by the Bush campaign in South Carolina. I spoke out when Max Cleland's patriotism was savaged by people who had never worn the uniform. I defended Jack Murtha when vicious partisans on the right called that decorated marine a "coward." I spoke out when the Bush administration questioned the patriotism of career military men and Generals throughout the war in Iraq, whether it was General Shinseki, or many in uniform who spoke out against Secretary Rumsfeld. I don't reserve my defense of patriotism for Democrats, I defend all who have worn the uniform, whether they agree with me or not. I wish I could say the same for those who brought forward the Cornyn amendment and voted against the Boxer amendment.

This was not a proud day in the Senate, or a high mark in our politics; rather, it was hours lost and time wasted when the Senate should have delivered what all the men and women of the armed forces truly deserve: a policy equal to their sacrifice.

Mr. FEINGOLD. Mr. President, I opposed the amendments offered by Senators CORNYN and BOXER because they were a diversion from the real issue before us; namely, the future of our military involvement in Iraq. I disagreed with the language used in all of the ads addressed in these amendments, but we should not let those ads sidetrack the real work of the Senate. I hope the

Senate will not get in the habit of condemning political speech, even speech that is offensive.

MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDREN'S HEALTH INSURANCE

Ms. COLLINS. Mr. President, earlier today, the President announced his intention to veto the extension of the Children's Health Insurance Program bill. I believe such a veto would be a terrible mistake.

One of the very first bills I cosponsored when I first came to the Senate was legislation to create the State Children's Health Insurance Program, or SCHIP as it has become known. It provides health care coverage for children in families where the parents do not have sufficient income to purchase health insurance and are not getting health insurance in the workplace, and yet they make a bit too much money to qualify for coverage under the State's Medicaid program. So these low-income children in working families have been falling through the cracks. That is why this law has been so important.

I remember it well that Senator HATCH, Senator KENNEDY, and Senator ROCKEFELLER all came up to me to enlist my support. I was very eager to sign on as one of the original cosponsors of this law because I knew it could make such a positive difference. Indeed, it has.

Since 1997, the SCHIP program has contributed to a one-third decline in the rate of uninsured low-income children. Today, an estimated 6.6 million children, including more than 14,500 children living in Maine, receive health care coverage through this program. Still, there is more we could do.

While Maine ranks among the top four States in reducing the number of uninsured children, we still have more than 20,000 children in our State who lack coverage. Nationally, about 9 million children remain uninsured. That is why I was so pleased to hear the conferees appeared to be very near to an agreement that is modeled on the legislation that passed the Senate in August with strong bipartisan support, in fact, by a vote of 68 to 31.

Our Senate bill increases funding for the SCHIP program by $35 million over the next 5 years, a level that is sufficient to maintain coverage for all 6.6 million children currently enrolled, and it would also allow the program to expand to cover an additional 3.3 million low-income children. In Maine, this legislation would allow us to cover an additional 11,000 low-income children who are currently eligible for the SCHIP program but not enrolled.

I urge the administration to take a second look at the Senate bill, the bill that is the basis for the conference agreement. This legislation has made a real difference in the lives of working families with low-income children across this country. It is helping to ensure these children grow up to be healthy adults. Surely, we can get this done on a bipartisan basis before the program is scheduled to expire on September 30.

I urge the President of the United States to reconsider his threat to veto this vital program, this highly successful program that has a proven track record of reducing the number of children who lack health insurance. If the President does proceed to veto the bill, I will vote to override his veto. Surely, this bill has a track record that has made a real difference to low-income children in working families. We simply cannot allow this program to expire. The extension and expansion we are proposing will enable us to more fully cover these children.

TRIBUTE TO LIEUTENANT COLONEL GEORGE SHERMAN

Mr. REID. Mr. President, on Wednesday, September 5, 2007, the State of Nevada and our Nation lost a true hero: Retired U.S. Army Air Corp LTC George Sherman, who served our Nation during World War II as a member of the famed Tuskegee Airmen.

Like so many African-American soldiers during that time, Colonel Sherman answered the call to fight for freedom and justice abroad, even when it was categorically denied at home. These men traveled and fought thousands of miles from their families—when every day, their mothers, fathers, sisters and brothers faced injustice at home.

While our Nation can never fully repay the debt to our veterans, in March of this year Congress officially thanked Colonel Sherman and his fellow Tuskegee Airmen for their service to our Nation. Colonel Sherman joined nearly 300 other Tuskegee Airmen in the Capitol Rotunda as thousands watched President Bush and leaders from the House and Senate award them the Congressional Gold Medal.

Colonel Sherman and the Tuskagee Airmen were in prestigious company in receiving the highest honor our Nation can bestow upon private citizens. Other honorees include individuals such as President Harry Truman, Jackie Robinson, Reverend Billy Graham, Rosa Parks, and Dr. Martin Luther King, Jr.

I was pleased to have the opportunity to watch Colonel Sherman and his fellow Tuskegee Airmen proudly take their place among all American heroes. Yet in addition to their accomplishments as Tuskegee Airmen, Colonel Sherman and many others continued to serve their country and local communities.

Colonel Sherman had a long record of service to Nevada. After 22 years of military service, he made his home in Las Vegas. Colonel Sherman was a tireless supporter of the Boy Scouts of America, where he earned the highest honor of the Silver Beaver Award. He was active in the Kappa Alpha Psi Fraternity, which supports achievement in every field of human endeavor. Colonel Sherman also served on the board of directors of the Nevada Black Chamber of Commerce. And he continued to inspire young people to pursue opportunities in aviation though numerous speaking engagements across southern Nevada.

Again, Mr. President, we have lost a true hero. Our thoughts are with his family and loved ones.

TRIBUTES TO RUTH MULAN CHU CHAO

Mr. MCCONNELL. Mr. President, I rise today to remember a woman whose life, to a remarkable degree, traced the very arc of the American dream. Ruth Mulan Chu Chao returned home to the Lord on August 2, 2007, and today is the Seventh Seventh Day of her departure, an important day in Chinese tradition.

The story of her struggle to bring hope and opportunity to a family that had verged on losing both is an inspiration to all who knew her. On August 11, 2007, I had the honor of retelling my mother-in-law's life story at a private celebration of life and thanksgiving service in New York City that was attended by her many family, friends, admirers, and acquaintances.

It is my hope that by preserving my tribute, along with that of my wife, Secretary of Labor Elaine L. Chao, that the memory of this remarkable woman will live on not only for the benefit of those who knew her but for all who cherish the promise of America. May its placement in the CONGRESSIONAL RECORD serve as a lasting tribute to the millions of men and women who, like Ruth Mulan Chu Chao, struggled to see that promise fulfilled. Ruth's story is the story of America. It deserves to be heard.

I ask unanimous consent that my tribute and that of Secretary Elaine Chao be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIBUTE BY SENATOR MCCONNELL

Sophocles said that "One must wait until the evening to see how splendid the day has been." And we could say the same thing about the modest woman we mourn today. Ruth Chao put the lives of others ahead of her own for as long as anyone could remember. And, in the end, we all knew that this was the secret of her truly remarkable life.

As a young girl, she was torn from the beauty of her native home by an invading army, then secretly returned at great risk to herself to retrieve the family's belongings. As a young wife and mother, she was separated from her husband for three years, but consoled him with letters of encouragement, optimism, and hope. And as a loving mother of six daughters, she would diligently devote the rest of her years to them.

She had been at sea for more than a month in the summer of 1961 when she leaned over the rail toward the giant woman in New York harbor, and prayed that her family would be safe in this new and foreign place. There was no guarantee that the journey would end well. But in the years to come, Ruth Chao would quietly do all she could to ensure that her family lived up to the promise of America.

The cultural divide was as wide as the ocean that brought them here. One early shock came at the end of October, when a group of children showed up at the front door with masks on their faces. The neighbors knew it was Halloween. The Chao family thought they were being robbed. Most of the cultural difficulties were harder to bear. But they made it through. They had their anchor. It was Ruth.

In time, the family would learn the language and the culture. The daughters would go on to the best universities in the country, and anyone who visited the house in Harrison would learn the wisdom of the Chinese Proverb which says that "Those who plant melons grow melons; those who plant beans produce beans." Ruth's devotion to her husband and her daughters was complete and total. And it showed.

She was never more herself than when she fell ill. She said that if someone in the family had to be sick, better that it be her. She had fewer responsibilities than the others, she said. It was an astonishing thing to hear. But it didn't surprise anyone who knew her. From the shadow of the Purple Mountain of Nanjing, to the bitterness of exile, to the uncertainty of a new life in a strange place, to the heartbreak of a long illness, she put herself last so that others might be first.

The Scriptures that she loved tell us that "Unless a grain of wheat falls into the earth and dies it remains itself alone; but if it dies, it bears much fruit." Ruth Chao made this promise her own. She left this life as she lived it, giving of herself, even at the end, for others. And all of us are grateful for the harvest that she reaped.

TRIBUTE BY SECRETARY CHAO

My father, Dr. James S. C. Chao; sisters: Jeanette, May, Christine, Grace, Angela; the rest of our family, and I want to thank you so much—especially those who have traveled so far—for coming and helping us celebrate the life and legacy of our beloved mother, Ruth Mulan Chu Chao.

My mother is a modest and humble person who never wanted to trouble anyone. We did not notify many people formally but the volume of condolence wishes have been so spontaneous, heartfelt, and overwhelming. We are very touched.

Mother went home to the Lord a week ago last Thursday, after a heroic seven-year battle with lymphoma. In fact, her initial diagnosis came on the same day that the President announced my nomination as the Secretary of Labor. Our mother confronted this struggle as she did every challenge in her life—with courage, selfless concern for others, and a serenity that came from the belief that God had a purpose for her in life.

She and my father are part of a generation that experienced much suffering, but achieved great things. Mother and Father, like so many Chinese in the 20th century, endured the terror of foreign invasions, the chaos of domestic turmoil, and the heartbreak of dislocations in their native land. Despite all the terrible things they saw, they refused to be defeated by them and remained positive and optimistic their entire life.

Mother's courage in the face of great suffering was the product of a strong faith, rooted in a deep love for the Lord, her husband and her family. It gave her the strength to be a pioneer for women of her generation, and to leave a legacy that extends far beyond her immediate family.

Mother was ahead of her time even as a young woman, when she saw the promise of her future husband, James S. C. Chao, long before others, and pledged her love and her life to him unconditionally. Her American name, Ruth, which was given to her by a missionary, is very appropriate because—as the Biblical Ruth promised in Chapter 1:16—"whither thou goest, I will go."

For my father's part, her graceful bearing, dignity, cultured upbringing and beauty ensured that his heart was hers forever. As Proverbs 31:10–12 say, "When one finds a worthy wife, her value is far beyond pearls. Her husband, entrusting his heart to her, has an unfailing prize. She brings him good . . . all the days of her life."

Mother's virtuous character was the foundation of our family and all that we have been able to achieve. Her loving, steady leadership at home alleviated all of Father's worries and enabled him to travel far and wide to seek opportunities to better life for the family. Mother was seven months pregnant with my sister, May, when Father left to go to America. During their three long years of separation, they were faithful to one another, to God and to every promise that they made.

Three years later, Mother risked everything, leaving her family and all that was familiar behind to join him, taking another great leap of faith. Moving to America may seem more commonplace now, but back then it was a courageous and bold step, especially because America was not nearly as ethnically diverse as it is today. Mother was a pioneer who led the way for those who came afterwards, and their contributions helped our country grow in the diversity and strength that makes it the envy of the world today.

Resettled in America, Mother paved the way for her daughters' successes by nurturing us physically and imbuing us with thinking and attitudes that were, again, ahead of their time. Mother always believed that women could be just as valued and accomplished as men. She also believed that the most important adornments for a woman were virtue, intellect and achievement. In fact, at the age of 51, she went back to school to St. John's University to earn a master's degree in Asian literature and history. She taught us to lead virtuous lives by her own example of being virtuous in everything she did and said. She is our model of dignity, propriety and purity of heart.

Mother gave expression to her strong faith and love not only through the example she set for us, but in giving herself wholeheartedly to her church and to her community. She touched the lives of many outside our family through her volunteer work in the church and in the community, often done quietly and without fanfare.

Mother's life spanned two worlds—Asia and America—and she played a role in building bridges of understanding between them. She never forgot where she came from, establishing several charitable foundations with Father that are helping young people in Asia and America access higher education and opportunity. She has planted thousands of seeds throughout her life that will blossom over time and produce many improvements in our world in the future.

As Mother faced the final challenge of her life, she never complained even though the ravages of the illness ensured that she was never without pain. Her only thoughts and words were always expressions of concern for others. When I would accompany her in the hospital, she would look quizzically at me and ask, "Shouldn't you be at work? The people and the country are depending on you."

During her illness, my parents switched roles. Mother had taken care of Father throughout her life. Now, he took care of her, ferociously and protectively monitoring every detail of her care at every stage. So much so that one of the doctors joked that my father was practicing medicine without a license. Throughout this difficult time, the devotion of my parents to one another was like a shining beacon, drawing everyone to them with its intensity and warmth.

Nearly half a century ago, Father came to America to prepare a place for his young wife and their children. Now, Mother has gone to prepare a place for him and for us—an everlasting home with the Lord that will never end and where every tear will be wiped away. We are consoled by the knowledge that we will see Mother again with her usual smile, healthy and strong.

Until then, Mother is with us every day in our hearts and in our lives as an enduring inspiration, spurring us forward to contribute to society and make a difference in this world.

HISPANIC HERITAGE MONTH

Mr. MENENDEZ. Mr. President, I rise today to engage in a colloquy with my friend the distinguished Senator from Colorado, Mr. KEN SALAZAR, who I have the pleasure of serving with as cochair of the Senate Democratic Hispanic Task Force.

As we celebrate Hispanic Heritage Month, I would like to spend a moment talking about the landmark 1947 discrimination case Mendez v. Westminster, which established the legal precedent on which Brown v. Board of Education was based. It is an extremely important piece of our civil rights history, but sadly, it is often overlooked. Senator SALAZAR and I would like to remedy that.

Let me illustrate the importance of this case. I want you to picture two students, both equally bright, eager to learn, and full of possibility. One student sits in a beautiful new school building surrounded by the best books, a good heating system, and a clean cafeteria. The other sits in a dilapidated old shed with torn and tattered books that are far too old. The heat doesn't work because there's no furnace, and the cafeteria doesn't exist. As you all know, this was what occurred in towns throughout our country for far too long before Brown v. Board of Education ruled that separate was inherently unequal.

Sylvia Mendez, a victim of separate but equal before Brown v. Board of Education, was only 8 years old when she and her brothers were prohibited from attending a Whites-only school in Westminster, CA, in Orange County. Her father, along with five other Mexican-American fathers whose children were forced to attend subpar, segregated schools, challenged school segregation in the U.S. District Court in Los Angeles, claiming their children were victims of unconstitutional discrimination. This historic court battle ultimately ended school segregation in California and set in motion the legal process that would eventually end school segregation in America.

Mr. SALAZAR. Like my colleague Senator BOB MENENDEZ, I believe it is critical to recognize the contributions that Sylvia Mendez and her family have made to the advancement of civil rights. The Mendez family's struggle for equality is a reminder to me that we must continue to fight for equal and quality education for all our children.

Sadly, many young Hispanic students today attend schools that are lacking in resources, equipment, and highly qualified teachers. Nationally, Latinos are four times more likely to drop out of high school than their White counterparts and only 1 in 10 Latinos has obtained a 4-year college degree. Reforms to our education system are clearly needed to address these disparities and continue the legacy of Sylvia Menendez.

Education is a critical pathway to realizing the American dream. It is what allows every child to transcend the barriers of race, class, background, or disability to achieve their potential to be what they choose in life. A wise historian once said that, "Education is the means by which we exult our successes and remedy our failures and the process by which we transmit our civilization from one generation to the next."

We take this moment to recommit ourselves to uphold the legacy of Sylvia Mendez and her brothers. This is what Hispanic Heritage Month is all about.

Mr. MENENDEZ. I thank Senator KEN SALAZAR for the work he does on the Senate Democratic Hispanic Task Force on behalf of Latinos. My colleague understands, like I do, that we must not only celebrate the accomplishments of Latinos but turn to the future in to ensure that Latinos are protected by our laws and able to achieve the American dream. Sylvia Mendez, who has become a premier civil rights advocate and leader as a result of this case, is a clear example of what it means to achieve that dream.

TRAILS ACT TECHNICAL CORRECTION ACT

Mr. BOND. Mr. President, today I rise with my colleague from Missouri, Senator CLAIRE MCCASKILL, to correct a small but important injustice in the National Trails System Act. The Trails Act Technical Correction Act of 2007 is a Senate companion to a bipartisan House bill sponsored by Representatives CARNAHAN, AKIN, CLAY, EMERSON, and GRAVES. Our bipartisan bill will ensure that property owners are compensated for land taken from them as Congress intended.

In 1992, the Federal Government confiscated property owned by 102 St. Louis County residents through the Federal Rails-to-Trails Act. The taking imposed an easement on their property for a public recreational hiking/biking trail. A trail easement was established on their property on December 20, 1992. After 12 years of bureaucratic fighting and delay, the Justice Department admitted the government's takings liability and agreed to pay the property owners a total of $2,385,000.85 for their property, interest and legal fees.

However, 2 days before the U.S. Court of Claims was scheduled to approve the agreement, the Federal circuit issued the Caldwell decision regarding a Rails-to-Trails takings case in Georgia. That decision interpreted the statute of limitations for a taking in this program as beginning with a notice of interim trail use, not the commonly understood later date the trail easement was legally imposed on the property. Under the new date, the statute of limitations on the St. Louis County takings claim had expired. The Justice Department accordingly sought dismissal of the claims without payment and the court of claims judge agreed.

Our bill clarifies in statute that the statute of limitations for a takings claim under the Trails Act begins on the date an interest is conveyed and allows for reconsideration of past claims dismissed because of this issue. This technical clarification—the takings statute of limitations starts upon the taking—makes the most sense. It also corrects a past injustice that deprived landowners of their rightful compensation. It makes no change to the substance of the Rails-to-Trails program and is supported on a bipartisan basis. I urge my colleagues to agree to its passage.

ADDITIONAL STATEMENTS

HONORING LOUISE SEIKEL

• Mr. AKAKA. Mr. President, the Committee on Veterans' Affairs, which I am honored to chair, oversees the Department of Veterans Affairs, the second largest Cabinet level department in the United States. A person who works for Veterans Affairs is joined by roughly 245,000 fellow employees, each of whom plays a role in fulfilling our Nation's obligation to those who have served. In an organization of that magnitude, there is a real risk of overlooking the importance of the contributions made by individual VA employees. Today I want to recognize one such employee, who celebrated her 50th year of working for veterans this past Sunday.

Louise Seikel, a certified registered nurse anesthetist in Brooklyn, NY, has spent the last half century serving those who have served our country. To put this into perspective, I note that Louise has done this under 10 U.S. Presidents, and had provided care to veterans for over three decades before the first Secretary of Veterans' Affairs was appointed to the President's Cabinet. When she began, she and her colleagues cared for wounded warriors who were born in the 19th century, and today she is part of the health administration caring for those wounded in the conflicts of the 21st century.

Louise has served countless numbers of veterans, and I cannot put into words the immeasurable impact she has made. What I can do, however understated it may be, is give her my heartfelt thanks. Louise has earned it.

In that spirit I say to Louise Seikel, on behalf of every life you have touched and the grateful Nation you continue to serve, mahalo nui loa. Thank you so very much for your public service.•

IN RECOGNITION OF JANET TURCOTTE

• Mr. CARDIN. Mr. President, I wish to recognize one of my constituents, Janet Turcotte of Bowie, Maryland. I was fortunate to meet Janet in March of this year when she visited my Washington office. She came as part of C3, the Colorectal Cancer Coalition, a group whose mission is to eliminate suffering and death due to colorectal cancer.

Janet is a talented embroiderer, and for more than 20 years she has been decorating saddlecloths for the thoroughbreds at Maryland's Pimlico Race Course. For the past 2 years, she has added the colorectal cancer "Blue Star of Hope" to the saddlecloths of the contenders for the Preakness Stakes at Pimlico. Recognizing that the Preakness has more than 17 million television viewers each year, Janet aims to use this symbol to encourage early screening for colorectal cancer, and to save lives. Janet graciously brought me one of those "Blue Star" saddlecloths, which is now displayed in my personal office.

Janet Turcotte is far more than an advocate for colorectal health. She is also a patient. First diagnosed with stage IV colorectal cancer 4 years ago, she is currently battling her third recurrence of the disease. Last week, Janet's doctors told her that she does not have much time left.

Janet's message to Congress and to all Americans is an urgent and important one. It is that early screening, diagnosis and treatment of colon cancer can save lives. The American Cancer Society, whose members will visit Capitol Hill soon, reports that in 2006, more than 150,000 new cases of colon cancer were diagnosed and more than 50,000 Americans died from the disease, including more than 1,000 Marylanders.

I ask my colleagues to join me in extending our appreciation to Janet Turcotte, a dedicated and courageous advocate for colorectal health, for her selfless efforts to promote a healthier America.●

HONORING ELEANOR McGOVERN

● Mr. JOHNSON. Mr. President, I wish to publicly honor and recognize one of South Dakota's favorite daughters, Eleanor McGovern, who died on January 25, 2007, at the age of 85. A memorial service is being held today for Eleanor, and I know my colleagues all join with me in expressing our sympathies to the McGovern family. While we do mourn her passing, we also celebrate her extraordinarily successful life working to better the lives of the people of South Dakota and people around the world.

Born in Woonsocket, SD, in 1921, Eleanor grew up on a farm during the Dust Bowl years of the 1930s. Her strong work ethic and her lifelong concern and compassion for others were instilled in her by her childhood experiences. When her mother died when she was 12 years old, Eleanor and her twin sister, Ila, took over all household responsibilities, helping their father raise their younger sister. Eleanor attended high school in Woonsocket and met her future husband, former Senator George McGovern, while attending Dakota Wesleyan University. After graduation she worked as a legal secretary before marrying Senator McGovern on October 31, 1943.

Throughout her life, Eleanor achieved many impressive accomplishments. She was a board member of Dakota Wesleyan University, the Psychiatric Institute, the Child Study Association, the Erickson Institute of Chicago, and Odyssey House of New York. Eleanor also volunteered for the Child Development Center. She was named an Outstanding Citizen in 1975 by Dakota Wesleyan University and awarded an honorary doctorate in humane letters in 1997.

In addition to all these accomplishments she was a devoted mother of five. Throughout the years, she provided a stable and loving home environment for her children and helped facilitate her husband's service to the Nation. During Senator McGovern's Presidential campaign, he described her as his most helpful critic and most trusted adviser.

Eleanor also authored her memoir, "Uphill: A Personal Story," which was published in 1973. Following the death of her daughter Terry in 1994, she showed remarkable courage by speaking publicly about the tragedy of alcoholism and how it impacted her family. In addition, she helped establish the McGovern Family Foundation for researching alcoholism.

Thoughout her life she worked tirelessly to improve the lives of others, especially the lives of women and children; she published articles on child development while also traveling the Nation to address the problems facing American families. There are few people who have done as much to better the lives of the women and children of South Dakota.

Eleanor is survived by her husband Senator McGovern; 4 children—Ann McGovern, Susan McGovern, Mary McGovern-McKinnon, and Steve McGovern—10 grandchildren; and 6 great-grandchildren.

It is with great honor that I speak of the accomplishments of Eleanor McGovern and with great sadness that I mark her passing.●

HONORING MONTCLAIR STATE UNIVERSITY

● Mr. LAUTENBERG. Mr. President, today I wish to congratulate Montclair State University, MSU, on its 100th anniversary. Over the past century, MSU has grown from its humble beginnings as the New Jersey State Normal School with just 187 students into one of the premier educational institutions in the State of New Jersey.

Montclair State University began as a teacher's college and, to this day, continues to train the Nation's finest educators. However, the school's curriculum has expanded to include a comprehensive range of first-class undergraduate, graduate, and doctoral programs. With over 16,000 students and 465 full-time faculty members, MSU is currently the second-largest and fastest-growing university in New Jersey, and has a diverse student body that reflects New Jersey's population.

Much of the University's success can be attributed to its steadfast dedication to outstanding faculty, exceptional teaching, and quality of scholarship. The university is led by a dedicated and talented team focused on meeting the many needs of its students and the surrounding community. MSU manages to provide the individual attention of a small college, while also offering a vast array of majors and concentrations.

Mr. President, the students and alumni of Montclair State University have much to be proud of as they celebrate 100 years of academia. I applaud MSU for its many years of service, and I wish the university continued success in the years ahead.●

THE HONORABLE H. EMORY WIDENER, JR.

● Mr. WARNER. Mr. President, today I have a heavy heart. It is with great regret that I share with the Senate that the Honorable H. Emory Widener, Jr.—one of our country's extraordinary jurists, an exceptional Virginian, and a good friend—has passed away. For 38 years, he served our Nation and Virginia as a member of the Federal judiciary.

Our Nation has lost one of its finest jurists, someone who was universally admired for his dedication to the Constitution, to the laws passed by the Congress and subsequently enacted, and to the impartial treatment of those who appeared before him.

Emory Widener started his career in public service by entering the Naval Academy in Annapolis. Responding to the call of duty, he served as an officer in the final year of World War II. He later served in the Korean war and received an honorable discharge in 1958. Following 2 years in the Naval Reserves, he began law school at Washington and Lee University, and upon graduation he returned to that region of Virginia which he loved so dearly, southwest Virginia, to enter private practice in Bristol.

In 1969, Emory Widener was nominated for a lifetime appointment to the Federal court as a U.S. district judge for the Western District of Virginia and was promptly confirmed by the Senate. After an unusually brief period of time, only 2 years, he became the chief judge of this Federal court. In 1972, he was nominated for a seat on the Fourth Circuit and again received an expedient confirmation by the Senate.

By his extraordinarily well written opinions, Judge Widener became a legend on the Fourth Circuit. Judge Widener's exemplary judgment and integrity were profound assets to this important court, and I always have had a deep admiration and respect for this magnificent man and jurist. He was a legal giant in Virginia, a legal giant in America's Federal courts, and his service as a jurist should be a model for others.

Without question, southwest Virginia has lost one of its dearest friends. Yet the region can everlastingly point with great pride and admiration to the achievements of one of its greatest sons. He will be missed not only in Abingdon, VA, where his kept his office, but also by he fellow jurists, those who practiced before him, and throughout the Commonwealth and the Nation.

We all join in extending our deepest sympathies to his family and his friends as they mourn his passing.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON SEPTEMBER 23, 2001, WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2007.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2007.*

MESSAGE FROM THE HOUSE

At 1:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2070. A bill to prevent Government shutdowns.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3356. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Add the Republic of Georgia to List of Regions Where African Swine Fever Exists" (Docket No. APHIS–2007–0108) received on September 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3357. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Importation of Live Bovines and Products Derived from Bovines" (Docket No. APHIS–2006–0041) received on September 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3358. A communication from the Chairman and CEO, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's inventory of commercial activities for fiscal year 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3359. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred in the Department's Grants-in-Aid for Airports Account; to the Committee on Appropriations.

EC–3360. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Technical Data Rights" (DFARS Case 2006–D055) received on September 18, 2007; to the Committee on Armed Services.

EC–3361. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Labor Reimbursement on Department of Defense Non-Commercial Time-and-Materials Labor-Hour Contracts" (DFARS Case 2006–D030) received on September 18, 2007; to the Committee on Armed Services.

EC–3362. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Acquisition of Major Weapon Systems as Commercial Items" (DFARS Case 2006–D012) received on September 18, 2007; to the Committee on Armed Services.

EC–3363. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Emergency Acquisitions" (DFARS Case 2006–D036) received on September 18, 2007; to the Committee on Armed Services.

EC–3364. A communication from the Chief of the Recruiting Policy Branch, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Recruiting and Enlistments" (RIN0702–AA57) received on September 18, 2007; to the Committee on Armed Services.

EC–3365. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Limitations on Terms of Consumer Credit Extended to Service Members and Dependents" (RIN0790–AI20) received on September 18, 2007; to the Committee on Armed Services.

EC–3366. A communication from the Associate General Counsel for Legislation and Regulations, Government National Mortgage Association, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Government National Mortgage Association: Mortgage-Backed Securities Program—Payments to Securityholders; Book-Entry Procedures; and Financial Reporting" (RIN2503–AA19) received on September 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3367. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amitraz, Atrazine, Ethephon, Ferbam, Lindane, Propachlor, and Simazine; Tolerance Actions" (FRL No. 8147–5) received on September 18, 2007; to the Committee on Environment and Public Works.

EC–3368. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chloroneb, Cypermethrin, Methidathion, Nitrapyrin, Oxyfluorfen, Pirimiphos-methyl, Sulfosate, Tebuthiuron, Thiabendazole, Thidiazuron, and Tribuphos; Tolerance Actions" (FRL No. 8143–2) received on September 18, 2007; to the Committee on Environment and Public Works.

EC–3369. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Desmedipham; Pesticide Tolerance" (FRL No. 8146–8) received on September 18, 2007; to the Committee on Environment and Public Works.

EC–3370. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polychlorinated Biphenyls; Manufacturing Exemption" (FRL No. 8143-4) received on September 18, 2007; to the Committee on Environment and Public Works.

EC-3371. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 8135-8) received on September 18, 2007; to the Committee on Environment and Public Works.

EC-3372. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL No. 8147-3) received on September 18, 2007; to the Committee on Environment and Public Works.

EC-3373. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue: Government Settlements Directive Number 2" (LMSB-04-0707-050) received on September 17, 2007; to the Committee on Finance.

EC-3374. A communication from the Acting Regulations Officer, Office of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Updates to Applicability of the Supplemental Security Income Reduced Benefit Rate for Individuals Residing in Medical Treatment Facilities" (RIN0960-AF99) received on September 18, 2007; to the Committee on Finance.

EC-3375. A communication from the Regulations Coordinator, Center for Medicaid and State Operations, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Establishment of Revisit User Fee Program for Medicare Survey and Certification Activities" (RIN0938-AO96) received on September 18, 2007; to the Committee on Finance.

EC-3376. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of memoranda concerning Peru; to the Committee on Foreign Relations.

EC-3377. A communication from the Chairman, National Committee on Vital and Health Statistics, transmitting, pursuant to law, a report entitled, "Eighth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act"; to the Committee on Health, Education, Labor, and Pensions.

EC-3378. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the organization's inventory of commercial activities for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-3379. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Employee Contribution Election and Contribution Allocations; Correction of Administrative Errors; Availability of Records; Death Benefits; Loan Program; Thrift Savings Plan" (5 CFR Parts 1600, 1605, 1631, 1651, 1655 and 1690) received on September 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3380. A communication from the Director, Division of Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Reemployment of Civilian Retirees to Meet Exceptional Employment Needs" (RIN3206-AI32) received on September 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-3381. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts in Texas has exceeded the $5,000,000 limit; to the Committee on Homeland Security and Governmental Affairs.

EC-3382. A communication from the Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "New Classification for Victims of Criminal Activity; Eligibility for 'U' Nonimmigrant Status" (RIN1615-AA67) received on September 18, 2007; to the Committee on the Judiciary.

EC-3383. A communication from the Assistant Attorney General for Administration, National Security Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Foreign Intelligence and Counterintelligence Records System, JUSTICE/NSD-001" (AAG/A Order No. 023-2007) received on September 17, 2007; to the Committee on the Judiciary.

EC-3384. A communication from the Past National President, American Gold Star Mothers, Inc., transmitting, pursuant to law, the organization's annual tax audit; to the Committee on the Judiciary.

EC-3385. A communication from the Secretary of Veterans Affairs, transmitting, a draft bill intended to establish the position of Assistant Secretary for Acquisition, Logistics, and Construction within the Department; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1771. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes (Rept. No. 110-182).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Jennifer Walker Elrod, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Patrick P. Shen, of Maryland, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 2072. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving 5 percent of the proceeds of the sale of public land lying within said States as provided by their respective enabling Acts; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. 2073. A bill to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 2074. A bill to provide for safe and humane policies and procedures pertaining to the arrest, detention, and processing of aliens in immigration enforcement operations; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mr. MARTINEZ, Mr. COLEMAN, Mr. VITTER, Mr. INHOFE, and Mr. THUNE):

S. 2075. A bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 2076. A bill to amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. KOHL, and Mr. DURBIN):

S. 2077. A bill to establish a program to assure the safety of fresh produce intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 2078. A bill to require updating of State building energy efficiency codes and standards; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 2079. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish an energy efficiency resource standard for retail electricity and natural gas distributors; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 2080. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself and Mr. CASEY):

S. 2081. A bill to require manufacturers to demonstrate sufficient means to cover, for certain products distributed in commerce, costs of potential recalls, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself, Mr. HATCH, and Mr. REID):

S. 2082. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Public Health Network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. Res. 323. A resolution recognizing Kikkoman Foods, Inc., for its 50 years of operations in the United States; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. ISAKSON, Mr. LOTT, Mr. PRYOR, Mr. TESTER, Mr. GRAHAM, Mr. JOHNSON, Mr. SUNUNU, and Mr. WHITEHOUSE):

S. Res. 324. A resolution supporting the goals and ideals of "National Life Insurance Awareness Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 156

At the request of Mr. WYDEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 388

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 772

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 772, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 799

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 885

At the request of Mr. ISAKSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 885, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act.

S. 911

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 921

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 1001

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1050

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1050, a bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1267

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1445

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1465

At the request of Mr. CONRAD, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1518

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1543

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1703

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1703, a bill to prevent and reduce trafficking in persons.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1760

At the request of Mr. BROWN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1845

At the request of Mr. WHITEHOUSE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1845, a bill to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, and for other purposes.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1852

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States.

S. 1895

At the request of Mr. REED, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Ms. STABENOW) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1909

At the request of Mr. ISAKSON, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1909, a bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle removal, decontamination, and disposal devices and the disposal of needles and syringes through a sharps-by-mail or similar program under part D of the Medicare program.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes.

S. 2034

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2034, a bill to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

S. 2045

At the request of Mr. PRYOR, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2061

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2061, a bill to amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act.

S.J. RES. 13

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S.J. Res. 13, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 201

At the request of Mr. VITTER, his name was added as a cosponsor of S. Res. 201, a resolution supporting the goals and ideals of "National Life Insurance Awareness Month".

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. SANDERS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2086

At the request of Mr. OBAMA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2086 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2878

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 2878 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2893

At the request of Mr. LEAHY, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Iowa (Mr. HARKIN), the Senator from Montana (Mr. BAUCUS), the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Mr. CARDIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. OBAMA), the Senator from Colorado (Mr. SALAZAR), the Senator from Ohio (Mr. BROWN), the Senator from North Dakota (Mr. DORGAN), the Senator from New York (Mrs. CLINTON), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY), the Senator from Pennsylvania (Mr. CASEY), the Senator from California (Mrs. BOXER), the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 2893 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2894

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2894 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2912

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2912 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2919

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 2919 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2924

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 2924 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2928

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2928 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2931

At the request of Mr. CASEY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2931 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2932

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2932 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2934

At the request of Mr. CORNYN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. ROBERTS), the Senator from Florida (Mr. MARTINEZ), the Senator from Alabama (Mr. SESSIONS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2934 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 2934 proposed to H.R. 1585, supra.

AMENDMENT NO. 2944

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2944 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 2072. A bill to authorize Western States to make selections of public land within their borders in lieu of receiving 5 percent of the proceeds of the sale of public land lying within said States as provided by their respective enabling Acts; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce The Action Plan for Public Land and Education Act of 2007. This bill would restore some balance to the way education is funded in many of the western States, where a large proportion of public land is owned by the Government. This bill would authorize the Secretary of the Interior and the Secretary of Agriculture to grant a small portion of these Federal lands to the states so they can generate the much needed education revenue.

I wonder how many of my colleagues know that 10 of the 12 States with the largest pupil-per-teacher ratios are in the West? These 10 western States also have the lowest growth in per-pupil expenditures. And these ratios will only grow worse as growth in the West continues to out-pace the rest of the country. In fact, three of the fastest growing counties are in Utah.

I would like to take a moment to discuss how the west has gotten into this situation. Let us take a look at Utah's history, which began when in July of 1894, the State Enabling Act was approved. This act allowed "the People of Utah to form a Constitution and State Government, and to be admitted into the Union."

However, Section 9 of the enabling act sets forth that "five percent of the proceeds of the sales of public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union . . . shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State."

The Federal Government never followed through on its promise. Our bill, the APPLE Act, S. 2072, would direct the Government to deliver on that promise.

The Government's lack of follow-through on its promise is only exacerbated by the lack of a sales tax base in the west. Sales tax revenue, as we all know is generated on private lands. On average, the Federal Government owns 52 percent of the land located in the 13 western States, while the remaining States average just 4 percent Federal land ownership. Federal ownership in Utah is about 65 percent, second only to Nevada.

The problem is that sales tax is not being collected on these Federal lands, and public education is funded largely through sales tax revenues.

Some may say that the west's education funding deficit is due to a lack of commitment or effort by the States. This is not true.

The fact is that allocations to public education, by percentage, in the West matches or exceeds the rest of the Nation. In fact, western States pay on average 11.1 percent of their personal income to State and local taxes, whereas residents of the remaining States pay 10.9 percent.

I urge my colleagues to lend their support to addressing the west's education funding shortfall by helping me to pass the Action Plan for Public Land and Education Act of 2007.

By Mr. REID:

S. 2076. A bill to amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other zones, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Renewable Energy and Economic Development Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) electricity produced from renewable resources—

(A) helps to reduce emissions of greenhouse gases and other air pollutants;

(B) enhances national energy security;

(C) conserves water and finite resources; and

(D) provides substantial economic benefits, including job creation and technology development;

(2) the potential exists for a far greater percentage of electricity generation in the United States to be achieved through the use of renewable resources, as compared to the percentage of electricity generation using renewable resources in existence as of the date of enactment of this Act;

(3) many of the best potential renewable energy resources are located in rural areas far from population centers;

(4) the lack of adequate electric transmission capacity is a primary obstacle to the development of electric generation facilities fueled by renewable energy resources;

(5) the economies of many rural areas would substantially benefit from the increased development of water-efficient electric generation facilities fueled by renewable energy resources;

(6) more efficient use of existing transmission capacity, better integration of resources, and greater investments in distributed generation and off-grid solutions may increase the availability of transmission and distribution capacity for adding renewable resources and help keep ratepayer costs low;

(7) the Federal Government has not adequately invested in or implemented an integrated approach to accelerating the development, commercialization, and deployment of renewable energy technologies and renewable electricity generation, including through enhancing distributed generation or through vehicle- and transportation-sector use; and

(8) it is in the national interest for the Federal Government to implement policies that would enhance the quantity of electric transmission capacity available to take full advantage of the renewable energy resources available to generate electricity, and to more fully integrate renewable energy into the energy policies of the United States, and to address the tremendous national security and global warming challenges of the United States.

SEC. 3. NATIONAL RENEWABLE ENERGY ZONES.

(a) IN GENERAL.—Title II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended—

(1) by inserting before the section heading of section 201 (16 U.S.C. 824 et seq.) the following:

"Subpart A—Regulation of Electric Utility Companies";

and

(2) by adding at the end the following:

"Subpart B—National Renewable Energy Zones

"SEC. 231. DEFINITIONS.

"In this subpart:

"(1) BIOMASS.—

"(A) IN GENERAL.—The term 'biomass' means—

"(i) any lignin waste material that is segregated from other waste materials and is determined to be nonhazardous by the Administrator of the Environmental Protection Agency; and

"(ii) any solid, nonhazardous, cellulosic material that is derived from—

"(I) mill residue, precommercial thinnings, slash, brush, or nonmerchantable material;

"(II) solid wood waste materials, including a waste pallet, a crate, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings;

"(III) agriculture waste, including an orchard tree crop, a vineyard, a grain, a legume, sugar, other crop byproducts or residues, and livestock waste nutrients; or

"(IV) a plant that is grown exclusively as a fuel for the production of electricity.

"(B) INCLUSIONS.—The term 'biomass' includes animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

"(C) EXCLUSIONS.—The term 'biomass' does not include—

"(i) municipal solid waste;

"(ii) paper that is commonly recycled; or

"(iii) pressure-treated, chemically-treated, or painted wood waste.

"(2) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

"(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means—

"(A) reduced electricity consumption from the electric grid because of use by a customer of renewable energy generated at a customer site; and

"(B) electricity or thermal energy production from a renewable energy resource for a customer that is not connected to an electric grid or thermal energy source pipeline.

"(4) ELECTRICITY CONSUMING AREA.—The term 'electricity consuming area' means the area within which electric energy would be consumed if new high-voltage electric transmission facilities were to be constructed to access renewable electricity in a national renewable energy zone.

"(5) ELECTRICITY FROM RENEWABLE ENERGY.—The term 'electricity from renewable energy' means—

"(A) electric energy generated from solar energy, wind, biomass, landfill gas, the ocean (including tidal, wave, current, and thermal energy), geothermal energy, or municipal solid waste; or

"(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing hydroelectric project.

"(6) FEDERAL TRANSMITTING UTILITY.—The term 'Federal transmitting utility' means—

"(A) a Federal power marketing agency that owns or operates an electric transmission facility; and

"(B) the Tennessee Valley Authority.

"(7) FUEL CELL VEHICLE.—The term 'fuel cell vehicle' means an onroad vehicle or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

"(8) GRID-ENABLED VEHICLE.—The term 'grid-enabled vehicle' means an electric drive vehicle or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or with a localized energy storage system with respect to charging and discharging an onboard energy storage device, such as a battery.

"(9) HIGH-VOLTAGE ELECTRIC TRANSMISSION FACILITY.—The term 'high-voltage electric transmission facility' means an electric transmission facility that—

"(A) is necessary for the transmission of electric power from a national renewable energy zone to an electricity-consuming area in interstate commerce; and

"(B) has a capacity in excess of 200 kilovolts.

"(10) INDIAN LAND.—The term 'Indian land' means—

"(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

"(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was, on the date of enactment of this subpart—

"(i) held in trust by the United States for the benefit of any Indian tribe or individual; or

"(ii) held by any Indian tribe or individual subject to restriction by the United States against alienation;

"(C) any dependent Indian community; and

"(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.).

"(11) NETWORK UPGRADE.—The term 'network upgrade' means an addition, modification, or upgrade to the transmission system of a transmission provider required at or beyond the point at which the generator interconnects to the transmission system of the transmission provider to accommodate the interconnection of 1 or more generation facilities to the transmission system of the transmission provider.

"(12) RENEWABLE ELECTRICITY CONNECTION FACILITY.—

"(A) IN GENERAL.—The term 'renewable electricity connection facility' means an electricity generation or transmission facility that uses renewable energy sources.

"(B) INCLUSIONS.—The term 'renewable electricity connection facility' includes inverters, substations, transformers, switching units, storage units and related facilities, and other electrical equipment necessary for the development, siting, transmission, storage, and interconnection of electricity generated from renewable energy sources.

"(13) RENEWABLE ENERGY CREDIT.—The term 'renewable energy credit' means a unique instrument representing 1 or more units of electricity generated from renewable energy that is designated by a widely-recognized certification organization approved by the Commission or the Secretary of Energy.

"(14) RENEWABLE ENERGY TRUNKLINE.—

"(A) IN GENERAL.—The term 'renewable energy trunkline' means all transmission facilities and equipment within a national renewable energy zone owned, controlled, or operated by a transmission provider that is used to deliver electricity from renewable energy to the point at which the facility connects to a high-voltage transmission facility, including any modifications, additions or upgrades to the facilities and equipment, at a voltage of 115 kilovolts or more.

"(B) EXCLUSION.—The term 'renewable energy trunkline' does not include a network upgrade.

"SEC. 232. DESIGNATION OF NATIONAL RENEWABLE ENERGY ZONES.

"(a) DESIGNATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not later than 1 year after the date of enactment of this subpart, the President shall designate as a national renewable energy zone each geographical area that, as determined by the President—

"(A) has the potential to generate in excess of 1 gigawatt of electricity from renewable energy, a significant portion of which could be generated in a rural area or on Federal land within the geographical area;

"(B) has an insufficient level of electric transmission capacity to achieve the potential described in subparagraph (A); and

"(C) has the capability to contain additional renewable energy electric generating facilities that would generate electricity consumed in 1 or more electricity consuming areas if there were a sufficient level of transmission capacity.

"(2) EXCLUSIONS.—The President shall not include in any national renewable energy zone designated under paragraph (1) any Federal land that (as of the date of enactment of this subpart) is designated as a wilderness study area, national park, national monument, national wildlife refuge, or area of critical environmental concern, if the Federal land is subject to protective management policies that are inconsistent with energy development.

"(b) RENEWABLE ENERGY REQUIREMENTS.—In making the designations required by subsection (a), the President shall take into account Federal and State requirements for utilities to incorporate renewable energy as part of the load of electric generating facilities.

"(c) CONSULTATION.—Before making any designation under subsection (a), the President shall consult with—

"(1) the Governors of affected States;

"(2) the public;

"(3) public and private electricity and transmission utilities and cooperatives;

"(4) public utilities commissions and regional electricity planning organizations;

"(5) Federal and State land management and energy and environmental agencies;

"(6) renewable energy companies;

"(7) local government officials;

"(8) renewable energy and energy efficiency interest groups;

"(9) Indian tribes; and

"(10) environmental protection and land, water, and wildlife conservation groups.

"(d) RECOMMENDATIONS.—Not sooner than 3 years after the date of enactment of this subpart, and triennially thereafter, the Secretary of Energy and the Federal transmitting utilities, in cooperation with the Director of the Bureau of Land Management, the Director of the United States Geological Survey, the Commissioner of Reclamation, the Director of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Secretary of Defense, and after consultation with the Governors of the States, shall recommend to the President and Congress—

"(1) specific areas with the greatest potential for environmentally acceptable renewable energy resource development; and

"(2) any modifications of laws (including regulations) and resource management plans necessary to fully achieve that potential, including identifying improvements to permit application processes involving military and civilian agencies.

"(e) REVISION OF DESIGNATIONS.—Based on the recommendations received under subsection (d), the President may revise the designations made under subsection (a), as appropriate.

"SEC. 233. ENCOURAGING CLEAN ENERGY DEVELOPMENT IN NATIONAL RENEWABLE ENERGY ZONES.

"(a) COST RECOVERY.—The Commission shall promulgate such regulations as are necessary to ensure that a public utility transmission provider that finances a high-voltage electric transmission facility or other renewable electricity connection facility located in 2 or more States and added in a national renewable energy zone after the date of enactment of this subpart recovers all prudently incurred costs, and a reasonable return on equity, associated with the new transmission capacity.

"(b) ALTERNATIVE TRANSMISSION FINANCING MECHANISM.—

"(1) IN GENERAL.—The Commission shall permit a renewable energy trunkline built by a public utility transmission provider in a national renewable energy zone to be initially funded through a transmission charge imposed on all transmission customers of the transmission provider or, if the renewable energy trunkline is built in an area served by a regional transmission organization or independent system operator, all of the transmission customers of the transmission operator, if the Commission finds that—

"(A) the renewable energy resources that would use the renewable energy trunkline are remote from the grid and load centers;

"(B) the renewable energy trunkline will likely result in multiple individual renewable energy electric generation projects being developed by multiple competing developers; and

"(C) the renewable energy trunkline has at least 1 project subscribed through an executed generation interconnection agreement with the transmission provider and has tangible demonstration of additional interest.

"(2) NEW ELECTRIC GENERATION PROJECTS.—As new electric generation projects are constructed and interconnected to the renewable energy trunkline, the transmission services contract holder for the generation project shall, on a prospective basis, pay a pro rata share of the facility costs of the renewable energy trunkline, thus reducing the effect on the rates of customers of the public utility transmission provider.

"(c) FEDERAL TRANSMITTING UTILITIES.—

"(1) IN GENERAL.—Not later than 1 year after the designation of a national renewable energy zone, a Federal transmitting utility that owns or operates 1 or more electric transmission facilities in a State with a national renewable energy zone shall identify specific additional high-voltage or other renewable electricity connection facilities required to substantially increase the generation of electricity from renewable energy in the national renewable energy zone.

"(2) LACK OF PRIVATE FUNDS.—If, by the date that is 3 years after the date of enactment of this subpart, no privately-funded entity has committed to financing (through self-financing or through a third-party financing arrangement with a Federal transmitting utility) to ensure the construction and operation of a high-voltage or other renewable electricity connection facility identified pursuant to paragraph (1) by a specified date, the Federal transmitting utility responsible for the identification shall finance such a transmission facility if the Federal transmitting utility has sufficient bonding authority under paragraph (3).

"(3) BONDING AUTHORITY.—

"(A) IN GENERAL.—In addition to any other authority to issue and sell bonds, notes, and other evidence of indebtedness, a Federal transmitting utility may issue and sell bonds, notes, and other evidence of indebtedness in an amount not to exceed, at any 1 time, an aggregate outstanding balance of **$10,000,000,000**, to finance the construction of transmission facilities identified pursuant to paragraph (1) for the principal purposes of—

"(i) increasing the generation of electricity from renewable energy; and

"(ii) conveying that electricity to an electricity consuming area.

"(B) RECOVERY OF COSTS.—A Federal transmitting utility shall recover the costs of renewable electricity connection facilities financed pursuant to paragraph (2) from entities using the transmission facilities over a period of 50 years.

"(C) NONLIABILITY OF CERTAIN CUSTOMERS.—Individuals and entities that, as of the date of enactment of this subpart, are customers of a Federal transmitting utility shall not be liable for the costs, in the form of increased rates charged for electricity or transmission, of renewable electricity connection facilities constructed pursuant to this section, except to the extent the customers are treated in a manner similar to all other users of the renewable electricity connection facilities.

"(d) OPERATION OF HIGH-VOLTAGE TRANSMISSION LINES USING RENEWABLE ENERGY RESOURCES.—

"(1) PUBLIC UTILITIES FINANCING LIMITATION.—The regulations promulgated pursuant to this section shall, to the maximum extent practicable, ensure that not less than 75 percent of the capacity of any high-voltage transmission lines financed pursuant to subsection (c) is used for electricity from renewable energy.

"(2) NON-PUBLIC UTILITIES ACCESS LIMITATION.—Notwithstanding section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926), the Commission shall promulgate regulations to ensure, to the maximum extent practicable, that not less than 75 percent of the capacity of high-voltage transmission facilities sited primarily or partially on Federal land and constructed after the date of enactment of this subpart is used for electricity from renewable energy.

"SEC. 234. FEDERAL POWER MARKETING AGENCIES.

"(a) PROMOTION OF RENEWABLE ENERGY AND ENERGY EFFICIENCY.—Each Federal transmitting utility shall—

"(1) identify and take steps to promote energy conservation and renewable energy electric resource development in the regions served by the Federal transmitting utility;

"(2) use the purchasing power of the Federal transmitting utility to acquire, on behalf of the Federal Government, electricity from renewable energy and renewable energy credits in sufficient quantities to meet the requirements of section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852); and

"(3) identify opportunities to promote the development of facilities generating electricity from renewable energy on Indian land.

"(b) WIND INTEGRATION PROGRAMS.—The Bonneville Power Administration and the Western Area Power Administration shall each establish a program focusing on the improvement of the integration of wind energy into the transmission grids of those Administrations through the development of transmission products, including through the use of Federal hydropower resources, that—

"(1) take into account the intermittent nature of wind electric generation; and

"(2) do not impair electric reliability.

"(c) SOLAR INTEGRATION PROGRAM.—Each of the Federal Power Administrations and the Tennessee Valley Authority shall establish a program to carry out projects focusing on the integration of solar energy, through photovoltaic concentrating solar systems and other forms and systems, into the respective transmission grids and into remote and distributed applications in the respective service territories of the Federal Power Administrations and Tennessee Valley Authority, that—

"(1) take into account the solar energy cycle;

"(2) maximize the use of Federal land for generation or energy storage, where appropriate; and

"(3) do not impair electric reliability.

"(d) GEOTHERMAL INTEGRATION PROGRAM.—The Bonneville Power Administration and the Western Area Power Administration shall establish a joint program to carry out projects focusing on the development and integration of geothermal energy resources into the respective transmission grids of the Bonneville Power Administration and the Western Area Power Administration, as well as non-grid, distributed applications in those service territories, including projects combining geothermal energy resources with biofuels production or other industrial or commercial uses requiring process heat inputs, that—

"(1) maximize the use of Federal land for the projects and activities;

"(2) displace fossil fuel baseload generation or petroleum imports; and

"(3) improve electric reliability.

"(e) RENEWABLE ELECTRICITY AND ENERGY SECURITY PROJECTS.—

"(1) IN GENERAL.—The Federal transmitting utilities, shall, in consultation with the Commission, the Secretary, the National Association of Regulatory Utility Commissioners, and such other individuals and entities as are necessary, undertake geographically diverse projects within the respective service territories of the utilities to acquire and demonstrate grid-enabled and nongrid-enabled plug-in electric and hybrid electric vehicles and related technologies as part of their fleets of vehicles.

"(2) INCREASE IN RENEWABLE ENERGY USE.—To the maximum extent practicable, each project conducted pursuant to any of subsections (b) through (d) shall include a component to develop vehicle technology, utility systems, batteries, power electronics, or such other related devices as are able to substitute, as the main fuel source for vehicles, transportation-sector petroleum consumption with electricity from renewable energy sources.

"SEC. 235. RELATIONSHIP TO OTHER LAWS.

"Nothing in this subpart supersedes or affects any Federal environmental, public health or public land protection, or historic preservation law, including—

"(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

"(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.).".

(b) TRANSMISSION COST ALLOCATION.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

"(f) TRANSMISSION COST ALLOCATION.—

"(1) IN GENERAL.—Not later than 180 days after the date on which the President designates an area as a national renewable energy zone under section 232, the State utility commissions or other appropriate bodies having jurisdiction over the public utilities providing service in the national renewable energy zone or an adjacent electricity consuming area may jointly propose to the Commission a cost allocation plan for high-voltage electric transmission facilities built by a public utility transmission provider that would serve the electricity consuming area.

"(2) APPROVAL.—The Commission may approve a plan proposed under paragraph (1) if the Commission determines that—

"(A) taking into account the users of the transmission facilities, the plan will result in rates that are just and reasonable and not unduly discriminatory or preferential; and

"(B) the plan would not unduly inhibit the development of renewable energy electric generation projects.

"(3) COST ALLOCATION.—Unless a plan is approved by the Commission under paragraph (2), the Commission shall fairly allocate the costs of new high-voltage electric transmission facilities built in the area by 1 or more public utility transmission providers (recognizing the national and regional benefits associated with increased access to electricity from renewable energy) pursuant to a rolled-in transmission charge.

"(4) FEDERAL TRANSMITTING UTILITY.—Nothing in this subsection expands, directly or indirectly, the jurisdiction of the Commission with respect to any Federal transmitting utility.".

(c) CONFORMING AMENDMENTS.—

(1) Section 3 of the Federal Power Act (42 U.S.C. 796) is amended by adding at the end the following:

"(30) ELECTRIC DRIVE VEHICLE.—

"(A) IN GENERAL.—The term 'electric drive vehicle' means a vehicle that uses—

"(i) an electric motor for all or part of the motive power of the vehicle; and

"(ii) off-board electricity wherever practicable.

"(B) INCLUSIONS.—The term 'electric drive vehicle' includes—

"(i) a battery electric vehicle;

"(ii) a plug-in hybrid electric vehicle; and

"(iii) a plug-in hybrid fuel cell vehicle.".

(2) Subpart A of part II of the Federal Power Act (as redesignated by subsection (a)) is amended—

(A) in the heading of section 201, by striking "PART" and inserting "SUBPART"; and

(B) by striking "this Part" each place it appears and inserting "this subpart".

By Mr. HARKIN (for himself, Mr. KOHL, and Mr. DURBIN):

S. 2077. A bill to establish a program to assure the safety of fresh produce intended for human consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, a year ago, there was a large-scale outbreak of food-borne illness caused by a virulent strain of E. coli in fresh bagged spinach. More than 200 people became ill, and three died. Since then, U.S. consumers have been bombarded with news of repeated cases of contaminated food—everything from peanut butter to seafood to pet food. Just this week, there was a recall of a Dole bagged salad product because of E. coli contamination.

We need to restore the public's confidence in American fresh produce and the agency that regulates it. To that end, I am introducing the Fresh Produce Safe Act of 2007. My colleague Senator KOHL has joined me in co-sponsoring this legislation, and our aim is to create, for the first time, an effective national food safety framework for all fresh produce.

Industry groups are acutely aware of the need to restore consumer confidence. For instance, the California leafy green produce industry has come up with a marketing agreement to certify the safety of its products. The Florida tomato industry has pushed the State to inspect and regulate its products. But this regional, patchwork approach is simply not adequate. We need a national program to ensure the safety of all fresh produce all across the country.

Under the Fresh Produce Safety Act, FDA would have the authority to require produce companies to follow commonsense food safety guidelines. Those guidelines currently are only voluntary. Now, obviously, it would be a waste of resources to require the same stringent controls for, say, apples that we would require for leafy green produce. That is why the bill requires FDA to establish national standards tailored to specific types of produce and the particular risk factors arising from the way each is grown and handled. The legislation also requires stepped-up inspections of operations that grow and process fresh produce, such as spinach or lettuce.

Other key provisions of the bill include a surveillance system to identify and stop the sources of fresh produce contamination, and a research program to better understand and prevent contamination of produce. The legislation would also require FDA to write rules to ensure that imported produce has been grown and processed under the same standards that we will have in the United States.

The Fresh Produce Safety Act is timely for another reason. Eating fruits and vegetables promotes lower body weight, stronger bones, and lower risk of developing diet-related diseases such as diabetes. In recent years, major efforts and investments have encouraged people to eat these healthful foods. It can only turn people away from healthy eating to have continuous instances of E. coli contamination and fresh produce recalls.

The American people need to have confidence that their fruits and vegetables are produced and handled in a safe and wholesome manner. That is exactly the goal of the Fresh Produce Safety Act.

By Mr. LAUTENBERG:

S. 2080. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to protect health and safety by notifying the public when there are potentially harmful sewage overflows in our streams, rivers, and coastal waters. This legislation, the Sewage Overflow Right-to-Know Act, would amend the Clean Water Act to require that owners and operators of publicly owned treatment works monitor their systems and notify the public when there is a sewage overflow with the potential to affect public health.

The Clean Water Act is soon to celebrate its 35th anniversary, and despite great gains we are still far from achieving the goal of eliminating pollution discharges. EPA estimates that there are between 23,000 and 75,000 sanitary sewer overflows each year. Those spills dump between 3 billion and 10 billion gallons of untreated sewage into our rivers, lakes and coastal waters annually. In addition, combined sewer overflows spill 850 billion gallons of contaminated stormwater into our waterways each year.

Increased investment in our wastewater infrastructure is sorely needed to avoid having water quality return to what it was in the 1970s. This is why I chaired a hearing of the Environment and Public Works Committee's Transportation Safety, Infrastructure Security and Water Quality Subcommittee yesterday on clean water funding, and I look forward to working to reauthorize the Clean Water State Revolving Fund this Congress.

While we work toward closing the infrastructure funding gap and reducing sewage pollution, we must also keep citizens safe by informing them when there are sewage overflows. The EPA estimates that up to 3.5 million people get sick each year from recreational contact with waters contaminated by sanitary sewer overflows alone.

Currently, citizens are often needlessly unaware of sewage overflows. Although some individual utilities do an excellent job of public notification, many do not provide any communication to the public. The Clean Water Act does not require public notification under the National Pollutant Discharge Elimination System for sanitary sewer overflows, and State requirements, where they exist, are extremely variable. This legislation would remedy that situation by ensuring that publicly-owned treatment works employ a monitoring system to alert the operators when there is an overflow, and relaying that information to the public when there is potential harm to the public's health. In cases where the overflow has the potential for imminent and substantial harm, public health authorities and other affected entities, such as local drinking water treatment plants, must also be notified.

This legislation also requires annual reporting to EPA or the State with a summary of all overflows and the plans in place to address the overflows. This will help provide a more comprehensive picture of sewage infrastructure problems, and increase public awareness of needed repairs and upgrades.

Clean water and public health are priorities for New Jersey. Some sewer pipes in my State date back 150 years, and overflows are becoming more common. In one event earlier this year, 150 million gallons of untreated sewage mixed with stormwater spilled into the Hackensack River. The Sewage Overflow Right to Know Act establishes public notification of health risks posed by sewage overflows to keep our residents healthy while we continue to work to reduce sewage pollution.

I ask unanimous consent that the full text of the bill be printed in the RECORD immediately following my statement.

By Mrs. CLINTON (for herself, Mr. HATCH, and Mr. REID):

S. 2082. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Public Health Network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, I am proud to join with my colleagues Senator HATCH and Senator REID to introduce the Coordinated Environmental Public Health Network Act.

More than 40 years ago, in her seminal work Silent Spring, Rachel Carson noted that "For the first time in the history of the world every human being is now subjected to contact with dangerous chemicals from the moment of conception until death."

Her words remain true today. Not only are we subjected to chemicals, but we often don't have an understanding of the impact of these chemicals upon our health and the health of our children. I believe that it is past time for us to begin making the investments in research and technology that will allow us to understand the impact of the environmental exposures we face every day.

We know that chronic diseases like asthma, heart and lung disease—the chronic diseases that result in more than $750 billion in health care costs every year—are caused by three factors: genetics, behavior, and the environment.

Since the publication of Silent Spring in 1962, we have come a long way in understanding two of those three factors. Through initiatives like the Human Genome Project, we have been making incredible strides in our understanding of the science of genetics, so that we can better prevent and treat diseases. We have made strides in behavior change, with initiatives like smoking cessation campaigns resulting in a reduction of some of these behavioral threats to our health.

But we need to make more progress in our understanding of how the environment impacts our health. Far too often, these are silent health hazards that manifest themselves in unexpected cancers or other diseases. Yet we have no systematic way to collect and analyze the data that will allow us to make the linkages between environmental hazards and chronic illness clusters in various communities.

Take, for example, central Harlem, where one out of every four children has asthma. Or Fallon, Nevada—a small town with about 8,000 residents—where I attended an Environment and Public Works Committee hearing back in 2001 where we examined the high rates of leukemia among children in that community. There are examples like this from all over the country—

often from minority or low-income communities that bear a disproportionate burden of environmental pollution—and we need to do more to protect the health of Americans who are daily living with environmental hazards. But if we don't have information to identify areas of high disease incidence and understand what environmental pollutants exist in those neighborhoods, we cannot adequately address the risks posed to our health.

The legislation I am introducing today will help us to understand those links. In establishing a coordinated environmental public health network, we can better track chronic diseases like cancer, asthma, and autism. We can establish critical information sharing between the Centers for Disease Control and Prevention and the Environmental Protection Agency, so that those agencies can pool the information that can help researchers and the public identify and address risks. We can increase our resources for biomonitoring, so that we can measure levels of exposure to chemicals. And we can improve our environmental public health capacity, so that we have professionals who are trained to engage in rapid response to environmental health risks across our country.

The Coordinated Environmental Public Health Tracking Network will allow us to make enormous gains in our understanding of environmental health, and give us the data necessary to make improvements for the health of our communities.

I would like to thank Senators HATCH and REID for joining me to raise awareness about these issues, and I look forward to working with my colleagues on the Health, Education, Labor and Pensions Committee to move this bill forward.

I ask unanimous consent to have printed in the RECORD a letter of support.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

SEPTEMBER 19, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.
Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS CLINTON AND HATCH: The undersigned organizations join in supporting the Coordinated Environmental Public Health Network Act of 2007. We are pleased that your bill would require the Secretary of Health and Human Services to establish and operate a Coordinated Environmental Public Health Network and operate and maintain National Environmental Health Rapid Response Services.

Chronic diseases cause 70 percent of deaths in the U.S. and are responsible for three-quarters of health care spending. Yet, our public health system lacks the tools it needs to gather sufficient information about these diseases. The air that we breathe and the water that we drink can jeopardize our health if contaminated with chemical, biological or other hazards. It is critical that we have the ability to track the relationship between environmental exposures and the incidence and distribution of disease.

In Fiscal Year 2002, Congress provided the Centers for Disease Control and Prevention (CDC) with funding to develop the National Environmental Public Health Tracking Program to coordinate local, state, and federal health agencies' collection of critical data. CDC selected pilot programs as testing grounds for the tracking program. Unfortunately, despite important information gleaned from the pilot programs, due to limited funding, in August 2006 CDC was able to award funding to only 16 states and one city. This important program must be expanded to all 50 states.

The Network would provide valuable information that health officials and communities could use to monitor where and when chronic diseases occur and to assess their potential links to environmental hazards. It would coordinate among existing surveillance and data collection systems. The Rapid Response Services would provide an important service by helping to develop strategies and protocols for a coordinated rapid response to higher than expected incidence of chronic conditions and potential environmental exposures.

Your bill also recognizes the value of expanding the scope and amount of biomonitoring data collected by the CDC and State laboratories. Through biomonitoring techniques, CDC can measure with great precision actual levels of chemicals in people's bodies, investigate exposures, and study the causes of diseases. Enhancing our biomonitoring capacity will help expand our knowledge of chemical exposures in people and how these chemicals affect their health.

Finally, your bill addresses another need of public health infrastructure—assuring a well-trained public health workforce—by developing centers of excellence, a scholarship program and an applied epidemiology fellowship program. Providing support and incentives to ensure the availability of a well-trained and robust environmental and public health workforce is a critical component of establishing a well-equipped, modern public health system.

It is the Federal Government that must provide the national leadership and resources to initiate the action required to protect Americans from environmental hazards. The Coordinated Environmental Public Health Network Act of 2007 is a necessary step that will help provide potentially life-saving information and also improve our public health infrastructure. We appreciate your leadership on this important issue and look forward to working with you on this and other important public health initiatives in the future.

Sincerely,

Trust for America's Health, Action Now, Adapted Physical Activity Council, Alliance for Healthy Homes, American Association on Intellectual and Developmental Disabilities, American College of Occupational and Environmental Medicine, American College of Preventive Medicine, American Lung Association, American Public Health Association, Association of Public Health Laboratories, Breast Cancer Action, Breast Cancer Fund, California Safe Schools, Catholic Healthcare West, Center for Science in the Public Interest, Clean Water Action Midwest Office, Coalition for Clean Air, Commonweal, Council of State and Territorial Epidemiologists, Environmental Defense, Environmental Health Network, Families Against Cancer and Toxics, Healthy Building Network, Healthy Homes Collaborative, Healthy Schools Network—Washington, DC, Institute for Agriculture and Trade Policy, Institute for Children's Environmental Health, Institute of Neurotoxicology & Neurological Disorders, March of Dimes Foundation, Minnesota Center for Environmental Advocacy, MOMS (Making Our Milk Safe), National Association for Public Health Statistics and Information Systems, National Association of County and City Health Officials, National Association of Health Data Organization, National Disease Clusters Alliance, National Research Center for Women & Families, Olympic Environmental Council, Oregon Environmental Council, Pesticide Action Network North America, Physicians for Social Responsibility, PTAirWatchers.org, Research Institute for Independent Living, Sciencecorps, Tulane Center for Applied Environmental Public Health, Tulane School of Public Health and Tropical Medicine, Women's Voices for the Earth.

Mr. HATCH. Mr. President, I am pleased to join my colleagues, Senator CLINTON and Senator REID, in introducing today the Coordinated Environmental Health Network Act.

In modern society, we often take for granted the advances in public health measures made during the last century. Initiatives like drinking water protections and food safety programs have helped to counterattack infectious disease and add up to 25 years to the average human life expectancy.

Yet America today is faced by new public health challenges along with recurrence of chronic and infectious diseases. Chronic diseases account for approximately 70 percent of all deaths every year, most of which are preventable. These diseases also cause major limitations in daily living for about 25 million Americans and contribute more than $750 million to annual health care costs.

As an example of a new health threat, the West Nile virus had never before been detected in this hemisphere before the 2000 outbreak in New York. In 2007 alone, 1,982 human cases have been reported in almost every State and the District of Columbia.

Food-borne illnesses are estimated to cause 5,000 deaths a year; and asthma, a chronic condition, is the number one reason children miss school and is also expected to affect 29 million Americans within the next decade—more than twice the current number of people with asthma.

We know that the environment plays an important role in health and human development; but we do not know to what extent. Scientific researchers have linked specific diseases and health effects to certain environmental causes—for instance, infected mosquito bites and the West Nile virus, or asbestos and lung cancer—but many other links remain unproven, such as those between aluminum and Alzheimer's disease, or exposure to disinfectant byproducts and bladder cancer.

The bottom line is that, if we are going to prevent disease, researchers need more complete information about environmental factors, their effect on people, and the resulting health outcomes.

The environmental exposure, biomonitoring, and incidence of chronic and infectious diseases data that do exist are not readily accessible by all the appropriate systems. Although the Centers for Disease Control and Prevention, CDC, has begun efforts in this area through its National Environmental Public Health Tracking Program—in which my home State of Utah is a participant—currently, no network exists to track environmental health data full-scale at the national level. Furthermore, at the state and local levels, environmental quality programs and classic public health programs are almost always based in different agencies.

This disconnection among environmental health projects at local, state, and Federal levels jeopardizes our protection against environmental health threats. The threat of terrorist attacks with biological or chemical weapons has most certainly become a major public health concern; but it is important to keep in mind that weaknesses in the environmental public health infrastructure have led to large-scale vector-, water-, and food-borne outbreaks of infectious disease.

In the 1998 Institute of Medicine, IOM, Report "The Future of Public Health", and the Pew Environmental Health Commission report "America's Environmental Health Gap: Why the Country Needs a Nationwide Health Tracking Network", this fragmentation is clearly outlined as contributing to disjointed policy development, imbalanced service delivery and a generally weakened public health effort.

The IOM report recommended that state and local health agencies strengthen their capacities for identification, understanding and control of environmental problems as health hazards.

The Pew Commission report concluded that the environmental health gap results from the lack of basic information that could document possible links between environmental hazards and chronic disease, as well as information that our communities and health professionals need to reduce and prevent such health problems. In response to this problem, the Pew Commission proposed a nationwide health tracking network.

Thirteen top public health groups, including the American Cancer Society, American Lung Association, and American Public Health Association endorsed the Pew report. This endorsement makes clear the message that the complexity of today's environmental public health problems requires coordinated responses from multiple agencies and organizations.

The scientific community has also been asking for the ability to bridge this environmental health gap. In a 2004 Environmental Health Perspectives article, a consortium of public health researchers wrote:

> The "building blocks" of knowledge provided by a nationwide environmental public health tracking network will enable scientists to answer many of the troubling questions we are asking today about what is making us sick. The result will be new prevention strategies aimed at reducing and ultimately preventing many of the chronic diseases and disabling conditions that afflict millions of Americans.

The common theme from these reports, and the message received from top public health organizations and researchers, is that there is a pressing need to establish environmental public health leadership at the Federal level.

This legislation will help provide that leadership by establishing a Coordinated Environmental Public Health Network. It will make available the infrastructure by which local, state, and Federal agencies can share environmental public health information.

This bill is designed to build upon the recommendations from the scientific and public health communities, as well as the program that the CDC has already begun to carry out.

The Coordinated Environmental Health Network will connect state systems that are tracking chronic diseases, environmental exposures, and other risk factors so that the causes of priority chronic diseases can be identified, addressed, and ultimately prevented. Public health officials, scientific researchers, and the general public will have the information they need to fight against chronic disease.

The Coordinated Environmental Health Network Act will provide states with grants to help develop the infrastructure they need in order to participate in the Nationwide Network.

In order to educate the public and provide the information needed to fight chronic disease, this bill calls for a National Environmental Health Report that will provide annual findings of the Nationwide Health Tracking Network.

This bill also aims to expand our environmental health infrastructure through the establishment and operation of regional biomonitoring labs, Environmental Health Centers of Excellence, applied epidemiology fellowships, and the John. H. Chafee Environmental Health Scholarship Program.

A survey of registered voters conducted for the Pew Environmental Health Commission indicated that most Americans say that taking a national approach to tracking environmental health should be a priority of government at all levels.

Without comprehensive environmental health tracking, policymakers and public health practitioners lack information that is critical to establishing sound environmental health priorities. In addition, the public is indirectly denied its right to know about environmental hazards, exposure levels and health outcomes in their communities—information they want and have every reason to expect.

Our country has one of the best health care systems in the world. Doctors are now successfully treating illnesses that were once considered debilitating or even terminal because we have made great investments in researching cures and finding treatments. It is time to make the same investment in preventing people from becoming sick in the first place. This bill is an important step forward in making that investment in the health of America, and I urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 323—RECOGNIZING KIKKOMAN FOODS, INC., FOR ITS 50 YEARS OF OPERATIONS IN THE UNITED STATES

Mr. KOHL (for himself and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 323

Whereas Kikkoman Foods, Inc., is celebrating its 50th anniversary of business in the United States during the year 2007;

Whereas Kikkoman Foods established sales operations in San Francisco, California, in 1957, expanded production in Walworth, Wisconsin, in 1972, and further expanded production in Folsom, California, in 1998;

Whereas Kikkoman Foods annually ships over 30,000,000 gallons of soy sauce throughout North America;

Whereas Kikkoman Foods was one of the first Japanese companies to have a major manufacturing plant in the United States and continues to make a steadfast commitment to the economic and culinary vitality of the United States; and

Whereas Kikkoman Foods, throughout its 50-year history in the United States, has remained steadfast in its devotion to promoting international cultural exchange: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the contributions made by Kikkoman Foods, Inc., to the cultural and economic vitality of the United States; and

(2) commends Kikkoman Foods on its 50 years of marketing and operations in the United States.

SENATE RESOLUTION 324—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL LIFE INSURANCE AWARENESS MONTH"

Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. ISAKSON, Mr. LOTT, Mr. PRYOR, Mr.

TESTER, Mr. GRAHAM, Mr. JOHNSON, Mr. SUNUNU, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care; and

Whereas numerous groups supporting life insurance have designated September 2007 as "National Life Insurance Awareness Month" as a means to encourage consumers to take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2945. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2946. Mr. BAUCUS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2947. Mrs. BOXER (for herself, Mr. LEVIN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2948. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2949. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2950. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2951. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2952. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2953. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2954. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2955. Mr. WARNER (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2956. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2957. Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. SMITH, Mr. STEVENS, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2958. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2919 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. HATCH) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2959. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2960. Mr. KYL (for himself, Mr. NELSON, of Florida, Mr. SESSIONS, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2961. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2962. Mrs. BOXER (for herself, Mr. LIEBERMAN, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2963. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2964. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2965. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2966. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2967. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2968. Mr. KERRY (for himself, Ms. SNOWE, Mr. HAGEL, Ms. LANDRIEU, Mr. LIEBERMAN, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2969. Mr. KERRY (for himself, Mr. DOMENICI, Mr. HAGEL, Mr. OBAMA, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2970. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2971. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2972. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2973. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2974. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2975. Mr. GRAHAM (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2977. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2978. Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2979. Mr. HAGEL (for himself and Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2980. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2981. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2982. Mr. COLEMAN (for himself, Mr. INOUYE, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2983. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2984. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2985. Mr. ROCKEFELLER (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2986. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2987. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2988. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2989. Mr. DORGAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2990. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2991. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2992. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2993. Ms. LANDRIEU (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2994. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2995. Mr. AKAKA (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2996. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2997. Mr. BIDEN (for himself, Mr. BROWNBACK, Mrs. BOXER, Mr. SPECTER, Mr. KERRY, Mr. SMITH, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. SCHUMER, Ms. MIKULSKI, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2998. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2999. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, Mr. BYRD, Mr. DURBIN, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3000. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3001. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3002. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3003. Mrs. MCCASKILL (for herself, Mr. PRYOR, Mr. LEAHY, Mr. BOND, Mr. KERRY, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. CRAPO, Mr. VOINOVICH, Mr. SMITH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. HARKIN, Mr. DODD, Mr. NELSON, of Florida, Mrs. LINCOLN, Mr. WYDEN, Mr. BROWN, Mrs. MURRAY, and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table .

SA 3004. Mr. OBAMA (for himself, Mr. ENZI, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3005. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3006. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3007. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3008. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3009. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3010. Mrs. MCCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3011. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3012. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, Mr. HAGEL, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3013. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3014. Mr. SESSIONS (for himself, Mrs. FEINSTEIN, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3015. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3016. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3017. Mr. KYL (for himself, Mr. LIEBERMAN, and Mr. COLEMAN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3018. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3019. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3020. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3021. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2945. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Except as provided pursuant to paragraph (4) and notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense through congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3) and pursuant to paragraph (4), no contract may be awarded by the Department of Defense through a congressional initiative unless more than one bid is received for such contract. If the primary recipient of funding for a congressional initiative is the Department of Defense, the Department must administer a competitive bidding process for the work to be completed. If the primary recipient of funding from a Department of Defense contract awarded through a congressional initiative is a private entity, the Department must allow multiple private entities to compete for the work to be completed.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Defense.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives of the waiver.

(4) EXCEPTION TO REQUIREMENT FOR COMPETITION IN GRANTS AND CONTRACTS TO COLLEGES AND UNIVERSITIES.—Section 2361(b)(1) of title 10, United States Code, is amended by striking "unless that provision of law" and all that follows and inserting "unless—

"(A) such provision of law—

"(i) specifically refers to this section;

"(ii) specifically states that such provision of law modifies or supersedes the provisions of this section; and

"(iii) specifically identifies the particular college or university involved and states that the grant to be made or the contract to be awarded, as the case may be, pursuant to such provision of law is being made or awarded in contravention of subsection (a); and

"(B) the research and development concerned—

"(i) fulfills an urgent requirement for deployed United States forces; and

"(ii) involves unique and exceptional technology or concepts (which the Secretary shall describe in the notice under paragraph (2)) that makes competition for the award of a grant or contract inadvisable.".

(5) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

SA 2946. Mr. BAUCUS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XIV, add the following:

SEC. 1422. SCHOLARSHIPS FOR POST-SECONDARY EDUCATION FOR SPOUSES AND DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

There is hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 such sums as may be appropriate for a grant to a private charitable organization or other appropriate private organization for the provision of scholarships for post-secondary education to spouses and other dependents of members of the Armed Forces, including members of the National Guard and the Reserves, for purposes of enhancing recruitment and retention of members of the Armed Forces.

SA 2947. Mrs. BOXER (for herself, Mr. LEVIN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. _—SENSE OF SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The men and women of the United States Armed Forces and our veterans deserve to be supported, honored, and defended when their patriotism is attacked;

(2) In 2002, a Senator from Georgia who is a Vietnam veteran, triple amputee, and the recipient of a Silver Star and Bronze Star, had his courage and patriotism attacked in an advertisement in which he was visually linked to Osama bin Laden and Saddam Hussein;

(3) This attack was aptly described by a Senator and Vietnam veteran as "reprehensible";

(4) In 2004, a Senator from Massachusetts who is a Vietnam veteran and the recipient of a Silver Star, Bronze Star with Combat V, and three Purple Hearts, was personally attacked and accused of dishonoring his country;

(5) This attack was aptly described by a Senator and Vietnam veteran as "dishonest and dishonorable."

(6) On September 10, 2007, an advertisement in the New York Times was an unwarranted personal attack on General Petraeus; who is honorably leading our Armed Forces in Iraq and carrying out the mission assigned to him by the President of the United States; and

(7) Such personal attacks on those with distinguished military service to our nation have become all too frequent.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its strong support for all of the men and women of the United States Armed Forces; and

(2) to strongly condemn all attacks on the honor, integrity, and patriotism of any individual who is serving or has served honorably in the United States Armed Forces, by any person or organization.

SA 2948. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF SENATE ON IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "[i]t is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Qods Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces in Iraq".

(2) Ambassador Ryan Crocker, United States Ambassador to Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "Iran plays a harmful role in Iraq. While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state".

(3) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that "Iran has been intensifying aspects of its lethal support for select groups of Iraqi Shia militants, particularly the JAM [Jaysh al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have risen dramatically".

(4) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that "[t]he Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Diyala provinces, is compelling . . . It is an accepted fact that most of the sophisticated weapons being used to 'defeat' our armor protection comes across the border from Iran with relative impunity".

(5) General (Ret.) James Jones, chairman of the Independent Commission on the Security Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 6, 2007, that "[w]e judge that the goings-on across the Iranian border in particular are of extreme severity and have the potential of at least delaying our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border".

(6) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that "[w]e know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force . . . We believe that he works directly for the supreme leader of the country".

(7) Mahmoud Ahmedinejad, the president of Iran, stated on August 28, 2007, with respect to the United States presence in Iraq, that "[t]he political power of the occupiers is collapsing rapidly. Soon we will see a huge power vacuum in the region. Of course we are prepared to fill the gap".

(8) Ambassador Crocker testified to Congress, with respect to President Ahmedinejad's statement, on September 11, 2007, that "[t]he Iranian involvement in Iraq—its support for extremist militias, training, connections to Lebanese Hezbollah, provision of munitions that are used against our force as well as the Iraqis—are all, in my view, a pretty clear demonstration that Ahmedinejad means what he says, and is already trying to implement it to the best of his ability".

(9) General Petraeus stated on September 12, 2007, with respect to evidence of the complicity of Iran in the murder of members of the Armed Forces of the United States in Iraq, that "[t]e evidence is very, very clear. We captured it when we captured Qais Khazali, the Lebanese Hezbollah deputy commander, and others, and it's in black and white . . . We interrogated these individuals. We have on tape . . . Qais Khazali himself. When asked, could you have done what you have done without Iranian support, he literally throws up his hands and laughs and says, of course not . . . So they told us about the amounts of money that they have received. They told us about the training that they received. They told us about the ammunition and sophisticated weaponry and all of that that they received".

(10) General Petraeus further stated on September 14, 2007, that "[w]hat we have got is evidence. This is not intelligence. This is evidence, off computers that we captured, documents and so forth . . . In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and aftermath of the operation conducted that resulted in the death of five of our soldiers in Karbala back in January".

(11) The Department of Defense report to Congress entitled "Measuring Stability and Security in Iraq" and released on September 18, 2007, consistent with section 9010 of Public Law 109–289, states that "[t]here has been no decrease in Iranian training and funding of illegal Shi'a militias in Iraq that attack Iraqi and Coalition forces and civilians . . . Tehran's support for these groups is one of the greatest impediments to progress on reconciliation".

(12) The Department of Defense report further states, with respect to Iranian support for Shi'a extremist groups in Iraq, that "[m]ost of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps-Qods Force . . . For the period of June through the end of August, [explosively formed penetrator] events are projected to rise by 39 percent over the period of March through May".

(13) Since May 2007, Ambassador Crocker has held three rounds of talks in Baghdad on Iraq security with representatives of the Government of the Islamic Republic of Iran.

(14) Ambassador Crocker testified before Congress on September 10, 2007, with respect to these talks, stating that "I laid out the concerns we had over Iranian activity that was damaging to Iraq's security, but found no readiness on Iranians' side at all to engage seriously on these issues. The impression I came with after a couple rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business . . . Right now, I haven't seen any sign of earnest or seriousness on the Iranian side".

(15) Ambassador Crocker testified before Congress on September 11, 2007, stating that "[w]e have seen nothing on the ground that would suggest that the Iranians are altering what they're doing in support of extremist elements that are going after our forces as well as the Iraqis".

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the capability of the Government of the Islamic Republic of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning Shi'a militia extremists in Iraq into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions of the legitimate Government of Iraq;

(3) that it should be the policy of the United States to combat, contain, and roll back the violent activities and destabilizing influence inside Iraq of the Government of the Islamic Republic of Iran, its foreign facilitators such as Lebanese Hezbollah, and its indigenous Iraqi proxies;

(4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies;

(5) that the United States should designate the Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act and initiated under Executive Order 13224; and

(6) that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

SA 2949. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006–3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the "Uniformed Services Employment and Reemployment Rights Act").

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) An estimate of the total amount of attorney fees for which the Federal Government has been determined liable under the decision in Butterbaugh v. Department of Justice, and an estimate of the total amount of attorney fees for which the Federal Government may be liable in the future due to

claims made under that decision and under the decision in Hernandez v. Department of the Air Force.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(9) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(10) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(11) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(12) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(13) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(14) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(15) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

SA 2950. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 256. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—In conjunction with the development of the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense authorized under this Act, the Secretary of Defense shall conduct a study on the feasibility of including in the required pilot program the following additional elements:

(1) A means to allow each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A means to ensure that the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member.

(3) A means to ensure each recovering service member is able to know when his or her appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(4) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(5) Information that will allow the Secretaries of the military departments and the Under Secretary of Defense for Personnel and Readiness to monitor trends and problems.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SA 2951. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they may have been exposed to drinking water contaminated with tetrachloroethylene (PCE).

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than one year after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they may have been exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR drinking water study of the drinking water contamination to which they may have been exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress makes the following findings:

(A) Notification and survey efforts related to the drinking water contamination described in this section are necessary due to the potential negative health impacts of these contaminants.

(B) The Secretary of the Navy will not be able to identify or contact all former residents due to the condition, non-existence, or accessibility of records.

(C) It is the intent of Congress is that the Secretary of the Navy contact as many former residents as quickly as possible.

(2) ATSDR HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the ATSDR, in consultation with the National Opinion Research Center, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may lead to scientifically useful health information associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to direct notification of individuals described under subsections (a), (b), and (c). Media notification may reach those individuals not identifiable via remaining records; once individuals respond to media notifications, the Secretary will add them to the contact list to be included in future information updates.

SA 2952. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign country referred to in subsection (d) if the Secretary determines either of the following:

(1) That fire resistant rayon fiber for the production of uniforms is not available from sources within the national technology and industrial base.

(2) That—

(A) procuring fire resistant rayon fiber manufactured from suppliers within the national technology and industrial base would result in sole-source contracts or subcontracts for the supply of fire resistant rayon fiber; and

(B) such sole-source contracts or subcontracts would not be in the best interests of the Government or consistent with the objectives of section 2304 of title 10, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30 days after making a determination under subsection (a), the Secretary shall submit to Congress a copy of the determination.

(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

(d) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

(2) does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term "national technology and industrial base" has the meaning given that term in section 2500 of title 10, United States Code.

SA 2953. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the "Help for Military Children Affected by War Act of 2007".

(b) GRANTS AUTHORIZED.—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that—

(A) has a number of military dependent children in average daily attendance in the schools served by the local educational agency during the current school year, determined in consultation with the Secretary of Education, that—

(i) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the current school year; or

(ii) is 1,000 or more,

whichever is less; and

(B) is designated by the Secretary of Defense as impacted by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom;

(iii) the global rebasing plan of the Department of Defense;

(iv) the realignment of forces as a result of the base closure process;

(v) the official creation or activation of 1 or more new military units; or

(vi) a change in the number of required housing units on a military installation, due to the Military Housing Privatization Initiative of the Department of Defense.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term "military dependent child"—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) USE OF FUNDS.—Grant funds provided under this section shall be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B); and

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B), including the subsidization of a percentage of hiring of a military-school liaison.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Defense $5,000,000 to carry out this section for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(2) SPECIAL RULE.—Funds appropriated under paragraph (1) are in addition to any funds made available to local educational agencies under section 561 or 562 of this Act or section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703).

SA 2954. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. INCREASED AUTHORITY FOR REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES-LA-COQUETTE, FRANCE.

Section 1065 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1233) is amended—

(1) in subsection (a)(2), by striking "$2,000,000" and inserting "$2,500,000"; and

(2) in subsection (e), by striking "under section 301(a)(4)".

SA 2955. Mr. WARNER (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON NAMING THE NEXT AIRCRAFT CARRIER AS U.S.S. AMERICA.

(a) FINDINGS.—Congress makes the following findings:

(1) In the history of the United States, three Navy vessels have been named U.S.S. America.

(2) On November 9, 1776, the Continental Congress authorized the construction of three 74-gun ships of the line. One of the men-of-war, the first ship named America, was laid down in May 1777 in the shipyard of John Langdon on Rising Castle (now Badger) Island in the Piscataqua River between Portsmouth, New Hampshire, and Kittery, Maine.

(3) On June 26, 1781, Congress selected then-Captain John Paul Jones as the first commanding officer of the America. However, Congress decided on September 4, 1782, to present the ship to King Louis XVI of France to replace the French ship of the line Magnifique which had run aground and been destroyed on August 11, 1782, while attempting to enter Boston harbor. The ship transfer symbolized the appreciation of the United States for France's service to and sacrifices on behalf of the cause of the American patriots.

(4) The second America was originally the German civilian passenger transport Amerika, which was launched on April 20, 1905, at Belfast, Ireland, by the noted shipbuilding firm of Harland and Wolff, Ltd. Built for the Hamburg-America Line, the steamer entered transatlantic service in the autumn of 1905 when she departed Hamburg, Germany, on October 11, 1905, bound for the United States.

(5) The largest ship of her kind in the world, and easily one of the most luxurious passenger vessels to sail the seas, from 1905 to 1914, the Amerika plied the North Atlantic trade routes touching at Cherbourg, France, while steaming between Hamburg and New York, New York.

(6) During the summer of 1914, events in the Balkans triggered a conflict that soon spread through Europe, pitting nations against nations in the First World War. The eruption of fighting caught Amerika at Boston, where she was preparing to sail for home. Although due to leave port on August 1, 1914, the Amerika stayed at Boston lest she fall prey to the warships of the Royal

Navy and remained there for almost three years during the period of United States neutrality.

(7) Meanwhile, the loss of life caused by German submarine operations turned opinion in the United States against the Central Powers and on February 1, 1917, the United States declared war. The Amerika remained inactive until seized by the United States Shipping Board (USSB), on July 25, 1917. The Amerika was earmarked by the Navy for service in the Cruiser-Transport Force as a troop transport, given the identification number 3006, and placed in commission on August 6, 1917.

(8) Secretary of the Navy Josephus Daniels promulgated General Order No. 320, changing the names of several ex-German ships on September 1, 1917. The Amerika became the America and went on to conduct multiple voyages transporting troops and supplies to and from Word War I operations in Europe. The completion of these trials proved to be a milestone in the reconditioning of former German ships, for the America was the last to be readied for service in the United States Navy.

(9) On September 26, 1919, the America was decommissioned in Hoboken, New Jersey, and transferred to the War Department. The ship went on to serve as USAT America, and was later renamed, possibly to avoid confusion with the liner America, as the Edmund B. Alexander, in keeping with the Army policy of naming its oceangoing transports for famous general officers. This name honored Edmund Brooke Alexander from the War with Mexico.

(10) The ship operated briefly between New Orleans, Louisiana, and the Panama Canal Zone and became a troop transport in World War II. The ship was sold to the Bethlehem Steel Co., of Baltimore, Maryland, on January 16, 1957, and was broken up a short time later.

(11) The third America was the aircraft carrier designated CV–66 laid down on January 1, 1961 at Newport News, Virginia, by the Newport News Shipbuilding and Dry Dock Corporation. She was launched on February 1, 1964, and commissioned at the Norfolk Naval Shipyard on January 23, 1965.

(12) In the late 1960s, the carrier America conducted multiple Mediterranean deployments during such events as political crises in Greece and the Suez and countless encounters with Soviet navy vessels and assisted with the rescue and treatment of wounded from the incident involving the Liberty (AGTR–5).

(13) On May 30, 1968, the carrier America arrived at Yankee Station in the South China Sea, and the next morning, the first aircraft since commissioning to leave her deck in anger were launched against the enemy. The America served through four line periods, consisting of 112 days on Yankee Station off the Vietnam coast.

(14) On a subsequent deployment in 1970, the carrier America completed 100 days on Yankee Station. Through five line periods, the carrier conducted 10,600 aircraft sorties, completed 10,804 carrier landings, expended 11,190 tons of ordnance, moved 425,996 pounds of cargo, handled 6,890 packages and transferred 469,027 pounds of mail. This was accomplished without a single combat loss and only one major landing accident with, fortunately, no fatalities.

(15) On June 2, 1972, three days before the carrier America was to sail again on deployment, the Chief of Naval Operations visited the ship and explained the reason why her orders had been changed to send her to the Gulf of Tonkin instead of the Mediterranean. On October 6, 1972, bombs from the planes of the America dropped the Thanh Hoa Bridge, a major objective since the bombing of the North had begun years before. The America received five battle stars for her overall service in the Vietnam War.

(16) The carrier America logged her 100,000th landing on August 29, 1973. On May 6, 1981, the America was the first United States Navy carrier to steam through the Suez Canal since the U.S.S. Intrepid (CVA–11) made the passage shortly before the Arab-Israeli "Six-Day War" of 1967. The America was also the first supercarrier to transit the canal since it had been modified to permit passage of supertankers.

(17) On January 7, 1986, President Ronald Reagan ordered all American citizens out of Libya, and broke off all remaining ties between the United States and Libya. At the same time, President Reagan directed the dispatch of a second carrier battle group to the Mediterranean, and directed the Joint Chiefs of Staff to look into military operations against Libya.

(18) On April 5, 1986, two days after a bomb killed four Americans along with others onboard a Trans World Airways (TWA) flight en route from Rome, Italy, to Athens, Greece, another bomb exploded in the La Belle Discoteque in West Berlin, Germany, killing two members of the United States Armed Forces and a Turkish civilian. Another 222 people were wounded in the bombing, 78 Americans among them. Operation Eldorado Canyon commenced early on the afternoon of April 14, 1986, and the carrier America, operating off the Libyan coast, launched six A–6 Intruder strike aircraft and six A–7E Corsair II aircraft in strike support.

(19) Following Operation Desert Storm, the carrier America returned to the United States amid a heroes' welcome. The America participated in Operation Welcome Home and Fleet Week '91 in New York, New York, from June 6, 1991, through June 11, 1991, taking part in the largest victory parade since World War II. After an abbreviated in-port period and compressed work-ups, the America deployed to the North Atlantic for two months in support of North Star '91, then departed on December 2, 1991, for the Mediterranean and Arabian Gulf once again, her eighteenth major deployment. The America also became the first carrier to earn an unprecedented third campaign star on the Southwest Asia Service Medal.

(20) The carrier America departed Norfolk, Virginia, on August 28, 1995, for a routine 6-month deployment to the Mediterranean and to the Indian Ocean. This was the 20th and final deployment in the 30-year history of the America as the carrier participated in Operations Deny Flight and Deliberate Force from September 9, 1995, to September 30, 1995.

(21) America returned to the pier in Norfolk, Virginia, ending her Mediterranean Sea deployment on February 24, 1996. After more than three decades of proud and historic naval service, the America was decommissioned at Norfolk Naval Shipyard in Portsmouth, Virginia on August 9, 1996.

(22) Stricken from the Navy List on the day of her decommissioning, the carrier America was originally planned to be scrapped. However, the carrier was sunk in the Atlantic Ocean, approximately 300 miles off the Virginia coast, on May 14, 2005, following a series of tests consisting of underwater and surface simulated attacks on the ship.

(23) In a letter to a coalition of veterans and former crewmembers of the America who offered to make the carrier a museum, the Vice Chief of Naval Operations explained that "America will make one final and vital contribution to our national defense, this time as a live-fire test and evaluation platform. America's legacy will serve as a footprint in the design of future carriers — ships that will protect the sons, daughters, grandchildren and great-grandchildren of America veterans".

(b) NAMING OF NEXT AIRCRAFT CARRIER.—It is the sense of the Congress that the next nuclear-powered aircraft carrier of the Navy be named U.S.S. America.

SA 2953. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

It is the sense of the Senate to encourage the Air Force to give full consideration to the potential operational utility, cost savings, and increased safety afforded by the utilization of towbarless aircraft ground equipment.

SA 2957. Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. SMITH, Mr. STEVENS, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

DIVISION—MARITIME ADMINISTRATION

SEC. —001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Maritime Administration Authorities Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. —001. Short title; table of contents.

TITLE I—GENERAL

Sec. —101. Authorization of appropriations for fiscal year 2008.
Sec. —102. Commercial vessel chartering authority.
Sec. —103. Maritime Administration vessel chartering authority.
Sec. —104. Chartering to state and local governmental instrumentalities.
Sec. —105. Disposal of obsolete government vessels.
Sec. —106. Vessel transfer authority.
Sec. —107. Sea trials for ready reserve force.
Sec. —108. Review of applications for loans and guarantees.

TITLE II—TECHNICAL CORRECTIONS

Sec. —201. Statutory construction.
Sec. —202. Personal injury to or death of seamen.

Sec. —203. Amendments to chapter 537 based on Public Law 109–163.
Sec. —204. Additional amendments based on Public Law 109–163.
Sec. —205. Amendments based on Public Law 109–171.
Sec. —206. Amendments based on Public Law 109–241.
Sec. —207. Amendments based on Public Law 109–364.
Sec. —208. Miscellaneous amendments.
Sec. —209. Application of sunset provision to codified provision.
Sec. —210. Additional Technical corrections.

TITLE I—GENERAL

SEC. —101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

Funds are hereby authorized to be appropriated for fiscal year 2008, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $122,890,545.

(2) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), $19,500,000.

(3) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, $20,000,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $18,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $20,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $3,408,000.

SEC. —102. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

"§57533. Vessel chartering authority

"The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 121 of this title and any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended by adding at the end the following:

"57533. Vessel chartering authority.".

SEC. —103. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by—

(1) inserting "vessels," after "piers,"; and

(2) by striking "control;" in subsection (a)(1) and inserting "control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense;".

SEC. —104. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11(b) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)), is amended—

(1) by striking "or" after the semicolon in paragraph (3);

(2) by striking "Defense." in paragraph (4) and inserting "Defense; or"; and

(3) by adding at the end thereof the following:

"(5) on a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.".

SEC. —105. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) by inserting "(either by sale or purchase of disposal services)" after "shall dispose"; and

(2) by striking subparagraph (A) of paragraph (1) and inserting the following:

"(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

"(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

"(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;".

SEC. —106. VESSEL TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding at the end thereof the following:

"(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Secretary may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.".

SEC. —107. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to read as follows:

"(B) activate and conduct sea trials on each vessel at least once every 30 months;".

SEC. —108. REVIEW OF APPLICATIONS FOR LOANS AND GUARANTEES.

(a) PLAN.—Within 180 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall develop a comprehensive plan for the review of traditional applications and non-traditional applications.

(b) INCLUSIONS.—The comprehensive plan shall include a description of the application review process that shall not exceed 90 days for review of traditional applications.

(c) REPORT TO CONGRESS.—The Administrator shall submit a report describing the comprehensive plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Forces.

(d) DEFINITIONS.—In this section:

(1) NONTRADITIONAL APPLICATION.—The term "nontraditional application" means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that is not a traditional application, as determined by the Administrator.

(2) TRADITIONAL APPLICATION.—The term "traditional application" means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that involves a market, technology, and financial structure of a type that has been approved in such an application multiple times before the date of enactment of this Act without default or unreasonable risk to the United States, as determined by the Administrator.

TITLE II—TECHNICAL CORRECTIONS

SEC. —201. STATUTORY CONSTRUCTION.

The amendments made by this title make no substantive change in existing law and may not be construed as making a substantive change in existing law.

SEC. —202. PERSONAL INJURY TO OR DEATH OF SEAMEN.

(a) AMENDMENT.—Section 30104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) CAUSE OF ACTION.—A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may bring an action against the employer. In such an action, the laws of the United States regulating recovery for personal injury to, or death of, a railway employee shall apply. Such an action may be maintained in admiralty or, at the plaintiff's election, as an action at law, with the right of trial by jury.

"(b) VENUE.—When the plaintiff elects to maintain an action at law, venue shall be in the judicial district in which the employer resides or the employer's principal office is located.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109–304.

SEC. —203. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by—

(A) redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively;

(B) inserting after paragraph (1) the following:

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Maritime Administration."; and

(C) striking paragraph (13) (as redesignated) and inserting the following:

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishery facilities.".

(2) Section 53706(c) is amended to read as follows:

"(c) PRIORITIES FOR CERTAIN VESSELS.—

"(1) VESSELS.—In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to—

"(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

"(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines—

"(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

"(ii) meets a shortfall in sealift capacity or capability.

"(2) TIME FOR DETERMINATION.—The Secretary of Defense shall determine whether a vessel satisfies paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.".

(3) Section 53707 is amended—

(A) by inserting "or Administrator" in subsections (a) and (d) after "Secretary" each place it appears;

(B) by striking "Secretary of Transportation" in subsection (b) and inserting "Administrator";

(C) by striking "of Commerce" in subsection (c); and

(D) in subsection (d)(2), by—

(i) inserting "if the Secretary or Administrator considers necessary," before "the waiver"; and

(ii) striking "the increased" and inserting "any significant increase in".

(4) Section 53708 is amended—

(A) by striking "SECRETARY OF TRANSPORTATION" in the heading of subsection (a) and inserting "ADMINISTRATOR";

(B) by striking "Secretary" and "Secretary of Transportation" each place they appear in subsection (a) and inserting "Administrator";

(C) by striking "OF COMMERCE" in the heading of subsection (b);

(D) by striking "of Commerce" in subsections (b) and (c);

(E) in subsection (d), by—

(i) inserting "or Administrator" after "Secretary" the first place it appears; and

(ii) striking "financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary." and inserting "or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator."; and

(F) in subsection (e), by—

(i) inserting "or Administrator" after "Secretary" the first place it appears; and

(ii) striking "financial structures, or other risk factors identified by the Secretary" and inserting "or financial structures".

(5) Section 53710(b)(1) is amended by striking "Secretary's" and inserting "Administrator's".

(6) Section 53712(b) is amended by striking the last sentence and inserting "If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor's financial condition enables the obligor to meet the waived requirement.".

(7) Subsections (c) and (d) of section 53717 are each amended—

(A) by striking "OF COMMERCE" in the subsection heading; and

(B) by striking "of Commerce" each place it appears.

(8) Section 53732(e)(2) is amended by inserting "of Defense" after "Secretary" the second place it appears.

(9) The following provisions are amended by striking "Secretary" and "Secretary of Transportation" and inserting "Administrator":

(A) Section 53710(b)(2)(A)(i).

(B) Section 53717(b) each place it appears in a heading and in text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where "Secretary" is followed by "of Energy".

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where "Secretary" is followed by "of the Treasury", "of State", or "of Defense".

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting "or Administrator" after "Secretary" each place it appears in headings and text, except where "Secretary" is followed by "of Transportation" or "of the Treasury":

(A) The items relating to sections 53722 and 53723 in the chapter analysis for chapter 537.

(B) Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53721 to 53725, and 53734.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting "or Administrator's" after "Secretary's".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 3507 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

SEC. —204. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking "Naval Reserve" each place it appears in analyses, headings, and text and inserting "Navy Reserve".

(2) Section 51504(f) is amended to read as follows:

"(f) FUEL COSTS.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

"(2) MAXIMUM AMOUNTS.—The amount of the payment to a State maritime academy under paragraph (1) may not exceed—

"(A) $100,000 for fiscal year 2006;

"(B) $200,000 for fiscal year 2007; and

"(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.".

(3) Section 51505(b)(2)(B) is amended by striking "$200,000" and inserting "$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter".

(4) Section 51701(a) is amended by striking "of the United States." and inserting "of the United States and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary.".

(5)(A) Section 51907 is amended to read as follows:

"§ 51907. Provision of decorations, medals, and replacements

"The Secretary of Transportation may provide—

"(1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

"(2) replacements for decorations and medals issued under a prior law.".

(B) The item relating to section 51907 in the chapter analysis for chapter 519 is amended to read as follows:

"51907. Provision of decorations, medals, and replacements.".

(6)(A) The following new chapter is inserted after chapter 539:

"CHAPTER 541—MISCELLANEOUS

"Sec.
"54101. Assistance for small shipyards and maritime communities.".

(B) Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is transferred to and redesignated as section 54101 of title 46, United States Code, to appear at the end of chapter 541 of title 46, as inserted by subparagraph (A).

(C) The heading of such section, as transferred by subparagraph (B), is amended to read as follows:

"§ 54101. Assistance for small shipyards and maritime communities".

(D) Paragraph (1) of subsection (h) of such section, as transferred by subparagraph (B), is amended by striking "(15 U.S.C. 632);" and inserting "(15 U.S.C. 632));".

(E) The table of chapters at the beginning of subtitle V is amended by inserting after the item relating to chapter 539 the following new item:

"541. Miscellaneous .... 54101".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are repealed.

SEC. —205. AMENDMENTS BASED ON PUBLIC LAW 109–171.

(a) AMENDMENTS.—Section 60301 of title 46, United States Code, is amended—

(1) by striking "2 cents per ton (but not more than a total of 10 cents per ton per year)" in subsection (a) and inserting "4.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed a total of 10 cents per ton per year, for each fiscal year thereafter,"; and

(2) by striking "6 cents per ton (but not more than a total of 30 cents per ton per year)" in subsection (b) and inserting "13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter,".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109–171) is repealed.

SEC. —206. AMENDMENTS BASED ON PUBLIC LAW 109–241.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

"(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—

"(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

"(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

"(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

"(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.".

(2) Section 12139(a) is amended by striking "and charterers" and inserting "charterers, and mortgagees".

(3) Section 51307 is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking "organizations." in paragraph (3) and inserting "organizations; and"; and

(C) by adding at the end the following:

"(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.".

(4) Section 55105(b)(3) is amended by striking "Secretary of the department in which the Coast Guard is operating" and inserting "Secretary of Homeland Security".

(5) Section 70306(a) is amended by striking "Not later than February 28 of each year, the Secretary shall submit a report" and inserting "The Secretary shall submit an annual report".

(6) Section 70502(d)(2) is amended to read as follows:

"(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) are repealed.

SEC. —207. AMENDMENTS BASED ON PUBLIC LAW 109–364.

(a) UPDATING OF CROSS REFERENCES.—Section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364, 10 U.S.C. 2631 note) is amended by striking "section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)" and inserting "sections 12112, 50501, and 55102 of title 46, United States Code".

(b) SECTION 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is amended by adding at the end the following:

"(e) ALTERNATIVE SERVICE.—

"(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

"(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.".

(2) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

"(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

"(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

"(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

"(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

"(2) INFORMATION TO BE PROVIDED.—A report or notice under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

"(3) CONSIDERED AS IN DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.".

(2) APPLICATION.—Section 51306(f) of title 46, United States Code, as added by paragraph (1), does not apply with respect to an agreement entered into under section 51306(a) of title 46, United States Code, before October 17, 2006.

(d) SECTION 51509(c).—Section 51509(c) of title 46, United States Code, is amended—

(1) by striking "MIDSHIPMAN AND" in the subsection heading and "midshipman and" in the text; and

(2) inserting "or the Coast Guard Reserve" after "Reserve)".

(e) SECTION 51908(a).—Section 51908(a) of title 46, United States Code, is amended by striking "under this chapter" and inserting "by this chapter or the Secretary of Transportation".

(f) SECTION 53105(e)(2).—Section 53105(e)(2) of title 46, United States Code, is amended by striking "section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)," and inserting "section 50501 of this title".

(g) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 3505, 3506, 3508, and 3510(a) and (b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are repealed.

SEC. —208. MISCELLANEOUS AMENDMENTS.

(a) DELETION OF OBSOLETE REFERENCE TO CANTON ISLAND.—Section 55101(b) of title 46, United States Code, is amended—

(1) by inserting "or" after the semicolon at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) IMPROVEMENT OF HEADING.—Title 46, United States Code, is amended as follows:

(1) The heading of section 55110 is amended by inserting "**valueless material or**" before "**dredged material**".

(2) The item for section 55110 in the analysis for chapter 551 is amended by inserting "valueless material or" before "dredged material".

(c) OCEANOGRAPHIC RESEARCH VESSELS AND SAILING SCHOOL VESSELS.—

(1) Section 10101(3) of title 46, United States Code, is amended by inserting "on an oceanographic research vessel" after "scientific personnel".

(2) Section 50503 of title 46, United States Code, is amended by striking "An oceanographic research vessel" and all that follows and inserting the following:

"(a) DEFINITIONS.—In this section, the terms 'oceanographic research vessel' and 'scientific personnel' have the meaning given those terms in section 2101 of this title.

"(b) NOT SEAMEN.—Scientific personnel on an oceanographic research vessel are deemed not to be seamen under part G of subtitle II, section 30104, or chapter 303 of this title.

"(c) NOT ENGAGED IN TRADE OR COMMERCE.—An oceanographic research vessel is deemed not to be engaged in trade or commerce.".

(3) Section 50504(b)(1) of title 46, United States Code, is amended by striking "parts B, F, and G of subtitle II" and inserting "part B, F, or G of subtitle II, section 30104, or chapter 303".

SEC. —209. APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION.

For purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 53511(f)(2) of title 46, United States Code.

SEC. —210. ADDITIONAL TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO TITLE 46.—Title 46, United States Code, is amended as follows:

(1) The analysis for chapter 21 is amended by striking the item relating to section 2108.

(2) Section 12113(g) is amended by inserting "and" after "Conservation".

(3) Section 12131 is amended by striking "commmand" and inserting "command".

(b) AMENDMENTS TO PUBLIC LAW 109–304.—

(1) AMENDMENTS.—Public Law 109–304 is amended as follows:

(A) Section 15(10) is amended by striking "46 App. U.S.C." and inserting "46 U.S.C. App.".

(B) Section 15(30) is amended by striking "Shipping Act, 1936" and inserting "Shipping Act, 1916".

(C) The schedule of Statutes at Large repealed in section 19, as it relates to the Act of June 29, 1936, is amended by—

(i) striking the second section "1111" (relating to 46 U.S.C. App. 1279f) and inserting section "1113"; and

(ii) striking the second section "1112" (relating to 46 U.S.C. App. 1279g) and inserting section "1114".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of Public Law 109–304.

(c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE AMENDMENTS.—

(1) REPEAL.—Sections 9(a), 15(21) and (33)(A) through (D)(i), and 16(c)(2) of Public Law 109–304 are repealed.

(2) INTENDED EFFECT.—The provisions repealed by paragraph (1) shall be treated as if never enacted.

(d) LARGE PASSENGER VESSEL CREW REQUIREMENTS.—Section 8103(k)(3)(C)(iv) of title 46, United States Code, is amended by inserting "and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282)" after "of such section".

SA 2958. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2919 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. HATCH) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, after line 19, add the following:

SEC. 3313. EFFECTIVE DATE.

This title shall not take effect until the date on which the President certifies that the integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 2959. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. HUBZONES.

(a) IN GENERAL.—Section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) is amended—

(1) by redesignating clauses (i), (ii), (iii), and (iv) as subclauses (I), (II), (III), and (IV), respectively, and adjusting the margin accordingly;

(2) by striking "means lands" and inserting the following "means—

"(i) lands"; and

(3) by striking the period at the end and inserting the following: "; and

"(ii) during the 5-year period beginning on the date that a military installation is closed under an authority described in clause (i), areas adjacent to or within a reasonable commuting distance of lands described in clause (i) that are directly economically affected by the closing of that military installation, as determined by the Secretary of Housing and Urban Development.".

(b) FEASIBILITY STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the feasibility of, and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding, designating as a HUBZone (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act) any area that does not qualify as a HUBZone solely because that area is located within a county located within a metropolitan statistical area (as defined by the Office of Management and Budget). The report submitted under this subsection shall include any legislative recommendations relating to the findings of the feasibility study conducted under this subsection.

SA 2960. Mr. KYL (for himself, Mr. NELSON of Florida, Mr. SESSIONS, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. POLICY ON PROGRAMS IN SPACE TO DEFEND UNITED STATES ASSETS.

(a) FINDINGS.—Congress makes the following findings:

(1) United States space-based satellites provide automated reconnaissance and mapping, aid weather prediction, track fleet and troop movements, give accurate positions of United States and enemy forces, and guide missiles and pilotless planes to their targets during military operations.

(2) United States access to space is dependent upon our ability to defend our space assets.

(3) China has an aggressive mission to gain space power, and on January 17, 2007, China successfully conducted an anti-satellite (ASAT) weapons test that successfully destroyed an inactive Chinese weather satellite which the resulting space debris generated threatens the space assets of many nations.

(4) Space-based weapons in the hands of hostile states constitute an asymmetric capability designed to undermine United States strengths.

(5) Space-based assets have the potential to prevent interference with United States satellites.

(b) POLICY.—It is the policy of the Untied States to protect its military and civilian satellites and to research all potential means of doing so.

SA 2961. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. NATIONAL GUARD SUPPORT FOR BORDER CONTROL ACTIVITIES.

(a) SUPPORT AUTHORIZED.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by inserting after section 112 the following new section:

"§ 112a. Border control activities

"(a) FUNDING ASSISTANCE.—The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State border control activities plan satisfying the requirements of subsection (c). Such funds shall be used for the following:

"(1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of border control activities.

"(2) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of border control activities.

"(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State used for the purpose of border control activities. However, the use of such funds for the procurement of equipment may not exceed $5,000 per item, unless approval for procurement of equipment in excess of that amount is granted in advance by the Secretary of Defense.

"(b) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—(1) Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State border control activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out border control activities.

"(2)(A) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out border control activities. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

"(B) Appropriations available for the Department of Defense for homeland defense may be used for paying costs associated with a member's participation in training described in subparagraph (A). The appropriation shall be reimbursed in full, out of appropriations available for paying those costs, for the amounts paid. Appropriations available for paying those costs shall be available for making the reimbursements.

"(C) To ensure that the use of units and personnel of the National Guard of a State pursuant to a State border control activities plan does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the border control activities that units and personnel of the National Guard of a State may perform:

"(i) The performance of the activities may not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

"(ii) National Guard personnel will not degrade their military skills as a result of performing the activities.

"(iii) The performance of the activities will not result in a significant increase in the cost of training.

"(iv) In the case of border control activities performed by a unit organized to serve as a unit, the activities will support valid unit training requirements.

"(c) PLAN REQUIREMENTS.—A State border control activities plan shall—

"(1) specify how personnel of the National Guard of that State are to be used in border control activities in support of the mission of the United States Customs and Border

Protection of the Department of Homeland Security;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service;

"(3) certify that participation by National Guard personnel in those operations is service in addition to training required under section 502 of this title;

"(4) certify that any engineer-type activities (as defined by the Secretary of Defense) under the plan will be performed only by units and members of the National Guard;

"(5) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

"(6) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.

"(d) EXAMINATION OF PLAN.—Before funds are provided to the Governor of a State under this section and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b), the Secretary of Defense shall, in consultation with the Secretary of Homeland Security, examine the adequacy of the plan submitted by the Governor under subsection (c). The plan as approved by the Secretary of Defense may provide for the use of personnel and equipment of the National Guard of that State to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal immigration law.

"(e) END STRENGTH LIMITATION.—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 6,000 members of the National Guard—

"(A) on full-time National Guard duty under section 502(f) of this title to perform border control activities pursuant to an order to duty; or

"(B) on duty under State authority to perform border control activities pursuant to an order to duty with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

"(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.

"(f) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report regarding assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

"(1) The number of members of the National Guard excluded under subsection (e) from the computation of end strengths.

"(2) A description of the border control activities conducted under State border control activities plans referred to in subsection (c) with funds provided under this section.

"(3) An accounting of the amount of funds provided to each State.

"(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform activities under the State border control activities plans.

"(g) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

"(h) DEFINITIONS.—In this section:

"(1) The term 'border control activities', with respect to the National Guard of a State, means the use of National Guard personnel in border control activities authorized by the law of the State and requested by the Governor of the State in support of the mission of the United States Customs and Border Protection of the Department of Homeland Security, including activities as follows:

"(A) Construction of roads, fences, and vehicle barriers.

"(B) Search and rescue operations.

"(C) Intelligence gathering, surveillance, and reconnaissance.

"(D) Communications and information technology support.

"(E) Installation and operation of cameras.

"(F) Repair and maintenance of infrastructure.

"(G) Administrative support.

"(H) Aviation support, including maintenance.

"(I) Logistics support.

"(2) The term 'Governor of a State' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

"(3) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 112 the following new item:

"112a. Border control activities.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SA 2962. Mrs. BOXER (for herself, Mr. LIEBERMAN, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 10 and 11, insert the following:

SEC. 703. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—As soon as practicable, but not later than May 31, 2008, the Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of psychological health.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-traumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(c) RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any legislative action required to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) RECOMMENDATIONS TO BE NOT IMPLEMENTED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any recommendations of the Department of Defense Mental Health Task Force the Secretary of Defense has determined not to implement.

(e) PROGRESS REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until the date described in paragraph (2), the Secretary shall submit to the congressional defense committees a report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

(2) DATE DESCRIBED.—The date described in this paragraph is the date on which all recommendations of the Department of Defense Mental Health Task Force have been implemented other than the recommendations the Secretary has determined pursuant to subsection (d) not to implement.

SA 2963. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVI, add the following:

SEC. 2611. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

For the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center for which funds are authorized to be appropriated in this Act in Baton Rouge, Louisiana, the Secretary of the Army may use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SA 2964. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. C–40 AIRCRAFT.

(a) ADDITIONAL AMOUNT FOR AIRCRAFT.—The amount authorized to be appropriated by section 103(1) for procurement of aircraft the Air Force is hereby increased by $85,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force, as increased by subsection (a), $85,000,000 may be available for the procurement of one C–40 aircraft.

(c) OFFSET.—The amount authorized to be appropriated by section 102(a)(1) for procurement of aircraft for the Navy is hereby reduced by $85,000,000, with the amount of the reduction to be allocated as follows:

(1) $69,000,000 to amounts available for procurement of UH–1Y/AH–1Z helicopters.

(2) $16,000,000 to amounts available for procurement of E–2C aircraft.

SA 2965. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1234. PLAN FOR POLITICAL AND ECONOMIC DEVELOPMENT IN AFGHANISTAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to Congress a comprehensive 5-year plan for United States support and assistance in the political and economic development of Afghanistan.

(b) CONSULTATION.—In preparing the plan under subsection (a), the Secretary of State and the Administrator of the United States Agency for International Development shall consult with, among others, the Secretary of Defense, the Secretary of Agriculture, the Attorney General, the Secretary-General of the United Nations, the NATO Secretary General, and the heads of other international and nongovernmental organizations dedicated to international development.

SA 2966. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. POLICY OF THE UNITED STATES ON A VOTE BY THE PARLIAMENT OF IRAQ ON THE UNITED STATES MILITARY MISSION IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 1314(d) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110–28; 121 Stat. 125) states that "[t]he President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces".

(2) President George W. Bush stated on April 24, 2007, that if the Government of Iraq "said get out now, we're tired of the coalition presence, U.S.'s presence is counterproductive, we would leave".

(3) In May 2007, a majority of the members of the Parliament of Iraq reportedly signed draft legislation calling for a timetable for the withdrawal of United States forces from Iraq.

(b) POLICY OF THE UNITED STATES.—It shall be the policy of the United States to request that the Prime Minister of Iraq submit to the Parliament of Iraq a resolution stating that it is in the interests of the people of Iraq to transition the United States military mission in Iraq to (1) training, equipping, and providing logistic support to the Iraqi Security Forces, (2) engaging in targeted counterterrorism operations against al Qaeda, al Qaeda-affiliated groups, and other international terrorist organizations, and (3) protecting United States and Coalition personnel and infrastructure, and redeploy United States forces not necessary to complete such missions by not later than nine months after the date of the enactment of this Act.

SA 2967. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. CONDITIONING OF UNITED STATES SUPPORT FOR GOVERNMENT OF IRAQ ON MEETING KEY POLITICAL BENCHMARKS.

(a) FINDINGS.—Congress makes the following findings:

(1) On November 27, 2006, Prime Minister of Iraq Nuri al-Maliki stated that "[t]he crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians".

(2) On January 7, 2007, President George W. Bush stated in a speech to the Nation that the purpose of sending more troops to Iraq was to provide "breathing space" to the Iraqis to achieve national reconciliation, and that "America will hold the Iraqi government to the benchmarks it has announced".

(3) On September 4, 2007, the Government Accountability Office reported that the Government of Iraq had met only one of the eight legislative benchmarks necessary for political reconciliation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States strategy in Iraq should be conditioned on the Government of Iraq meeting key political benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the commitments of the Government of Iraq to the United States and to the international community, including—

(1) forming a Constitutional Review Committee and then completing the constitutional review;

(2) enacting and implementing legislation on de-Ba'aathification;

(3) enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner; and

(4) enacting and implementing legislation establishing an Independent High Electoral Commission, provincial elections law, provincial council authorities, and a date for provincial elections.

(c) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(1) the status of the achievement by the Government of Iraq of each of the benchmarks described in subsection (a)(3); and

(2) the Comptroller General's assessment of whether or not each benchmark has been met.

(d) WITHDRAWAL OF POLITICAL SUPPORT.—If in the report under subsection (c) the Comptroller General determines that the Government of Iraq has not met each of the benchmarks described in subsection (a)(3), the United States shall immediately withdraw political support for the Government of Iraq under Prime Minister Nuri al-Maliki and support efforts by the Iraqi Parliament to form a new government.

SA 2968. Mr. KERRY (for himself, Ms. SNOWE, Mr. HAGEL, Ms. LANDRIEU, Mr. LIEBERMAN, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D—VETERAN SMALL BUSINESSES

SEC. 4001. SHORT TITLE.

This division may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007".

SEC. 4002. DEFINITIONS.

In this division—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE XLI—VETERANS BUSINESS DEVELOPMENT

SEC. 4101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 4102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

"(d) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

"(A) the Administrator, who shall serve as chairperson of the task force;

"(B) a representative from—

"(i) the Department of Veterans Affairs;

"(ii) the Department of Defense;

"(iii) the Administration (in addition to the Administrator);

"(iv) the Department of Labor;

"(v) the Department of the Treasury;

"(vi) the General Services Administration; and

"(vii) the Office of Management and Budget; and

"(C) 4 representatives from a veterans service or military organization, selected by the President.

"(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

"(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; and

"(E) making other improvements relating to the support for veterans business development by the Federal Government.

"(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

"(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

"(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.".

SEC. 4103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 4201. SHORT TITLE.

This title may be cited as the "National Reservist Enterprise Transition and Sustainability Act of 2007".

SEC. 4202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 4203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by inserting "any small business development center, women's business center, Veterans Business Outreach Center, or center operated by the National Veterans Business Development Corporation providing enterprise transition and sustainability assistance to Reservists under section 37," after "any women's business center operating pursuant to section 29,".

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

"(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

"(3) the term 'Association' means the association established under section 21(a)(3)(A);

"(4) the term 'eligible applicant' means—

"(A) a small business development center that is accredited under section 21(k);

"(B) a women's business center;

"(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development; or

"(D) an information and assistance center operated by the National Veterans Business Development Corporation under section 33;

"(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

"(6) the term 'Reservist' means any person who is—

"(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

"(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

"(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

"(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

"(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

"(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

"(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

"(2) providing access to information and resources, including Federal and State business assistance programs;

"(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

"(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

"(5) assisting in developing a long-term plan for possible future activation; and

"(6) providing enterprise transition and sustainability assistance.

"(d) RULEMAKING.—

"(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

"(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

"(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

"(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

"(B) priorities for the types of assistance to be provided under the program authorized by this section;

"(C) standards relating to educational, technical, and support services to be provided by a grantee;

"(D) standards relating to any national service delivery and support function to be provided by a grantee;

"(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

"(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

"(A) the activities for which the applicant seeks assistance under this section; and

"(B) how the applicant plans to allocate funds within its network.

"(f) AWARD OF GRANTS.—

"(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (d).

"(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount not greater than $300,000 per fiscal year.

"(g) REPORT.—

"(1) IN GENERAL.—The Comptroller General of the United States shall—

"(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

"(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

"(i) the Administrator;

"(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

"(iii) the Committee on Small Business of the House of Representatives.

"(2) CONTENTS.—The report under paragraph (1) shall—

"(A) address the results of the evaluation conducted under paragraph (1); and

"(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

"(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

"(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the program authorized by this section only with amounts appropriated in advance specifically to carry out this section.".

TITLE XLIII—RESERVIST PROGRAMS

SEC. 4301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking "90 days" and inserting "1 year".

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 4302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking "$1,500,000" each place such term appears and inserting "$2,000,000".

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 4303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 4304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

"(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.".

SEC. 4305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

"(5) RELIEF FROM TIME LIMITATIONS.—

"(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program available to small business concerns shall be extended for a small business concern that—

"(i) is owned and controlled by—

"(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

"(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

"(ii) was subject to the time limitation during such period of active duty.

"(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.".

SEC. 4306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 4307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

TITLE XLIV—OFFSET OF AUTHORIZATION

SEC. 4401. OFFSET.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

"(f) MICROLOANS.—For each of fiscal years 2008 through 2011, for the programs authorized by section 7(m), the Administrator is authorized to make $42,000,000 in loans.".

SA 2969. Mr. KERRY (for himself, Mr DOMENICI, Mr. HAGEL, Mr. OBAMA, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries'.

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—(1) The Center shall—

"(A) develop, implement, and oversee a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury incurred by a member of the armed forces in combat that requires surgery or other operative intervention; and

"(B) ensure the electronic exchange with Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A).

"(2) The registry under this subsection shall be known as the 'Military Eye Injury Registry'.

"(3) The Center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

"(4) The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the Center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury described in that paragraph as follows (to the extent applicable):

"(A) Not later than 72 hours after surgery or other operative intervention.

"(B) Any clinical or other operative intervention done within 30 days, 60 days, or 120 days after surgery or other operative intervention as a result of a follow-up examination.

"(C) Not later than 180 days after surgery or other operative intervention.

"(5)(A) The Center shall provide notice to the Blind Service or Low Vision Optometry Service, as applicable, of the Department of Veterans Affairs on each member of the armed forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the armed forces.

"(B) A member of the armed forces described in this subparagraph is a member of the armed forces as follows:

"(i) A member with an eye injury incurred in combat who has a visual acuity of 20/200 or less in either eye.

"(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of twenty degrees or less.

"(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Military Eye Injury Registry is available to appropriate ophthalmological and optometric personnel of the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye injuries incurred by members of the armed forces in combat.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new item:

"1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.".

(b) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Military Eye Injury Registry established under section 1105a of title 10, United States Code (as added by subsection (a)), such records of members of the Armed Forces who incurred an eye injury in combat in Operation Iraqi Freedom or Operation Enduring Freedom before the establishment of the Registry as the Secretary considers appropriate for purposes of the Registry.

(c) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added), including the progress made in established the Military Eye Injury Registry required under that section.

(d) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on Traumatic Brain Injury Post Traumatic Visual Syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative study on neuro-optometric screening and diagnosis of members of the Armed Forces with Traumatic Brain Injury by military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research on visual dysfunction related to Traumatic Brain Injury.

(e) FUNDING.—Of the amounts available for Defense Health Program, $5,000,000 may be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added).

SA 2970. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ___. CONDITIONING OF UNITED STATES STRATEGY IN IRAQ TO IRAQ GOVERNMENT'S MEETING OF POLITICAL BENCHMARKS.

(a) POLITICAL BENCHMARKS.—The United States strategy in Iraq shall be conditioned on the government of Iraq meeting four political benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the government of Iraq's commitments to the United States, and to the international community, including:

(1) Forming a Constitutional Review Committee and then completing the constitutional review.

(2) Enacting and implementing legislation on de-Ba'aathification.

(3) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.

(4) Enacting and implementing legislation establishing an Independent High Electoral Commission, provincial elections law, provincial council authorities, and a date for provincial elections.

(b) INDEPENDENT ASSESSMENT.—Not later than 90 days after the enactment of this Act, the Comptroller General of the United States shall submit to Congress an independent report setting forth:

(1) the status of the achievement of the benchmarks described in subsection (a).

(2) the Comptroller General's assessment of whether or not each benchmark has been met.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—If the Comptroller General's report finds that the government of Iraq has not met each of the benchmarks described in subsection (a), the mission of the United States military forces shall immediately be transitioned to (1) protecting United States and Coalition personnel and infrastructure, (2) training, equipping, and providing logistic support to the Iraqi Security Forces, (3) securing Iraq's borders in order to deter intervention and infiltration by Iranian and other foreign forces, and (4) engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations, and all U.S. forces not necessary to complete such missions shall be redeployed from Iraq not later than twelve months after the date of the enactment of this Act.

SA 2971. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Air Force is currently evaluating the use of towbarless aircraft ground support equipment, including revision of regulations to allow for the use of towbarless vehicles on jet and cargo aircraft.

(2) The use of aircraft ground support equipment has the potential to allow for safer and labor reducing towing of jet and cargo aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of the Air Force should modify regulations as appropriate to allow for the use of towbarless aircraft ground support equipment, which promotes safety and reduces labor.

SA 2972. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. LIMITATION ON COST GROWTH ASSOCIATED WITH 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

"SEC. 2915. LIMITATION ON COST GROWTH APPLICABLE TO CLOSURES AND REALIGNMENTS UNDER 2005 ROUND.

"(a) SEMIANNUAL REPORT ON IMPLEMENTATION COSTS.—

"(1) IN GENERAL.—Not later than October 7, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the costs of implementing the recommendations of the Commission contained in the report transmitted to Congress on September 15, 2005, under section 2903(e) that relate to closures and realignments that have not been fully implemented.

"(2) ESTIMATES REQUIRED.—Each report submitted under paragraph (1) shall include, for each individual recommended base closure or realignment—

"(A) the baseline estimate of one-time implementation costs; and

"(B) the current estimate of one-time implementation costs, including any increase attributable to actual or anticipated costs due to inflation.

"(b) SPECIAL PROCEDURES REQUIRED TO ADDRESS CERTAIN COST INCREASES.—

"(1) NOTIFICATION REQUIREMENT.—In the event that the Secretary of Defense determines, based on a report prepared under subsection (a), that the current estimate of one-time implementation costs for an individual base closure or realignment is at least 25 percent greater than the baseline estimate of one-time implementation costs for such closure or realignment (in this section referred to as a 'substantially over budget base closure or realignment'), the Secretary shall promptly provide notification of such determination, including the amount of the expected increase and the date the determination was made, to the chairman and ranking member of each of the congressional defense committees.

"(2) BUSINESS PLAN TO CONTROL COSTS.—The Secretary of Defense shall develop a business plan to reduce the costs of any individual substantially over budget base closure or realignment to a level less than 25 percent greater than the baseline estimate for such closure or realignment.

"(c) IMPLEMENTATION OF SUBSTANTIALLY OVER BUDGET BASE CLOSURES AND REALIGNMENTS.—

"(1) RECOMMENDATIONS.—Not later than 45 days after an individual base closure or realignment is identified in a report required under subsection (a) as a substantially over budget base closure or realignment, the Secretary of Defense shall submit to the President a recommendation regarding whether to continue implementation of such closure or realignment.

"(2) JUSTIFICATION REQUIRED.—In the event the Secretary recommends that an individual substantially over budget base closure or realignment should continue to be implemented despite the excessive cost overruns, the Secretary shall include the justification for continuing such closure or realignment.

"(3) REPORT TO CONGRESS.—Not later than 30 days after receiving a recommendation regarding whether to continue implementation of an individual substantially over budget base closure or realignment under paragraph (1), the President shall submit to Congress a report including the recommendation of the President regarding the implementation of such closure or realignment.

"(4) CONGRESSIONAL DISAPPROVAL.—

"(A) IN GENERAL.—The Secretary of Defense may not continue or discontinue the implementation of an individual substantially over budget base closure or realignment recommended by the President under paragraph (3) if a joint resolution is enacted, in accordance with the provisions of subsection (d), disapproving such recommendation of the President before the earlier of—

"(i) the end of the 45-day period beginning on the date on which the President submits to Congress a report under paragraph (3) that includes a recommendation regarding the implementation of an individual substantially over budget base closure or realignment; or

"(ii) the adjournment of Congress sine die for the session during which such report is submitted.

"(B) COMPUTATION OF PERIOD.—For purposes of subparagraph (A) of this paragraph and paragraphs (1) and (2) of subsection (d), the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of a period.

"(d) CONGRESSIONAL CONSIDERATION OF RECOMMENDATION REGARDING IMPLEMENTATION OF SUBSTANTIALLY OVER BUDGET BASE CLOSURES OR REALIGNMENT.—

"(1) TERMS OF THE RESOLUTION.—For purposes of subsection (c)(4), the term 'joint resolution' means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President submits to Congress a report under subsection (c)(3) that includes a recommendation regarding the implementation of a substantially over budget base closure or realignment, and—

"(A) which does not have a preamble;

"(B) the matter after the resolving clause of which is as follows: 'That Congress disapproves the recommendation of the President on __________ with respect to __________', the blank spaces being filled in with the appropriate date and the name of a military installation or other information that identifies the individual closure or realignment, respectively; and

"(C) the title of which is as follows: 'Joint resolution disapproving the recommendation of the President regarding implementation of a substantially over budget base closure or realignment.'.

"(2) REFERRAL.—A resolution described in paragraph (1) that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

"(3) DISCHARGE.—If the committee to which a resolution described in paragraph (1) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President submits to Congress a report under subsection (c)(3) that includes a recommendation regarding the implementation of a substantially over budget base closure or realignment, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

"(4) CONSIDERATION.—

"(A) IN GENERAL.—On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under paragraph (3)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

"(B) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

"(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in paragraph (1) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

"(D) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

"(5) CONSIDERATION BY OTHER HOUSE.—

"(A) PROCEDURES.—If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

"(i) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in clause (ii)(II).

"(ii) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

"(I) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(II) the vote on final passage shall be on the resolution of the other House.

"(B) DISPOSITION.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

"(6) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) BASELINE ESTIMATE OF ONE-TIME IMPLEMENTATION COSTS DEFINED.—In this section, the term 'baseline estimate of one-time implementation costs' means the applicable cost set forth in the Cost of Base Realignment Actions (COBRA) report used and released by the Secretary of Defense at the time the Secretary published in the Federal Register and transmitted to the congressional defense committees and the Commission the initial list of recommendations for closure or realignment of military installations under section 2914(a).

"(f) APPLICABILITY.—The reporting, notification, and other requirements of this section do not apply to base closures and realignments involving the establishment or consolidation of a joint base.".

SA 2973. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008

for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of persistent underfunding of procurement, lower prioritization, and more recently the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled "National Guard Equipment Requirements", outlines the "Essential 10" equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

SA 2974. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

It is the sense of Congress that—

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC–X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades of KC–135 aircraft and KC–10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

SA 2975. Mr. GRAHAM (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

The Secretary of Defense shall report with in 60 days of enactment of this Act to House Armed Services Committee and the Senate Armed Services Committee on the status of implementing section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109-364) related to the application of the Uniform Code of Military Justice to military contractors during a time of war or a contingency operation.

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

SEC. (___). COMPETITION FOR THE PROCUREMENT OF INDIVIDUAL WEAPONS.

(a) SERVICE CERTIFICATION.—Not later than March 1, 2008 each military service shall certify new requirements for individual weapons that take into account lessons learned from combat operations.

(b) JOINT REQUIREMENTS OVERSIGHT COUNCIL (JROC) CERTIFICATION.—Not later than June I, 2008 the JROC shall certify individual weapon calibers that best satisfy the requirements described in (a).

(b) COMPETITION REQUIRED.—Each military service shall rapidly conduct full and open competitions for procurements to fulfill the requirements described in (a) and (b).

(c) PROCUREMENTS COVERED.—This section applies to the procurement of individual weapons less than .50 caliber (to include shotguns).

SA 2977. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) AUTHORITY TO PROVIDE ALLOWANCES.—

(1) AUTHORITY.—In order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section, enter into a service agreement with a current or new Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

(A) in the case of a Department of Defense physician—

(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

(B) in the case of a Department of Defense health care professional—

(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

(2) TREATMENT OF CERTAIN SERVICE.—(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38, United States Code, or active service as a medical officer in the commissioned corps of the Public Health Service under title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37, United States Code, shall be deemed service as a Department of Defense health care professional.

(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

(1) is employed on less than a half-time or intermittent basis;

(2) occupies an internship or residency training position; or

(3) is fulfilling a scholarship obligation.

(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of service in the Department of Defense specified in such agreement, which period may not be less than one year of service or exceed four years of service.

(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section unless the Secretary of Defense determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

(g) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) ALLOWANCE NOT TREATABLE AS BASIC PAY.—An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, United States Code, chapter 81 or 87 of such title, or other benefits related to basic pay.

(2) PAYMENT.—Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

(3) CONSTRUCTION WITH CERTAIN AUTHORITY.—The authority to pay allowances under this section may not be exercised together with the authority in section 5948 of title 5, United States Code.

(h) ANNUAL REPORT.—

(1) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a written report on the operation of this section during the preceding year. Each report shall include—

(A) with respect to the year covered by such report, information as to—

(i) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

(ii) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

(iii) the size of the allowances and the duration of the agreements entered into; and

(iv) the degree to which the recruitment or retention problems referred to in clause (i) were alleviated under this section; and

(B) such recommendations as the Secretary considers appropriate for actions (including legislative actions) to improve or enhance the authorities in this section to achieve the purpose specified in subsection (a)(1).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Armed Services and Homeland Security of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) The term "Department of Defense health care professional" means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (G) of paragraph (2).

(2) The term "Department of Defense physician" means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

(A) Section 5332 of title 5, United States Code, relating to the General Schedule.

(B) Subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service.

(C) Section 5371 of title 5, United States Code, relating to certain health care positions.

(D) Section 5376 of title 5, United States Code, relating to certain senior-level positions.

(E) Section 5377 of title 5, United States Code, relating to critical positions.

(F) Subchapter IX of chapter 53 of title 5, United States Code, relating to special occupational pay systems.

(G) Section 9902 of title 5, United States Code, relating to the National Security Personnel System.

(3) The term "qualified health care professional" means any individual who is—

(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled;

(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled; or

(F) any other health care professional designated by the Secretary of Defense for purposes of this section.

(j) TERMINATION.—No agreement may be entered into under this section after September 30, 2012.

SA 2978. Mr. CHAMBLISS (for himself, Mr. PRYOR, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of current housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(2) In each case in which a transaction is behind schedule or in default, a description of —

(A) the reasons for schedule delays, cost overruns, or default;

(B) how solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the transaction to schedule or ensure completion of the terms of the transaction in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to affect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the transaction or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding the opportunities for the Federal Government to ensure that all terms of the transaction are completed according to the original schedule and budget.

SA 2979. Mr. HAGEL (for himself, Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 358. SENSE OF CONGRESS ON FUTURE USE OF SYNTHETIC FUELS IN MILITARY SYSTEMS.

It is the sense of Congress to encourage the Department of Defense to continue and accelerate, as appropriate, the testing and certification of synthetic fuels for use in all military air, ground, and sea systems.

SA 2980. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP PROGRAM FOR CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Surgeons General of the Armed Forces, shall submit to Congress a report on the feasibility and advisability of establishing a scholarship program for civilian mental health professionals.

(b) ELEMENTS.—The report shall include the following:

(1) An assessment of a potential scholarship program that provides certain educational funding to students seeking a career in mental health services in exchange for service in the Department of Defense.

(2) An assessment of current scholarship programs which may be expanded to include mental health professionals.

(3) Recommendations regarding the establishment or expansion of scholarship programs for mental health professionals.

(4) A plan to implement, or reasons for not implementing, recommendations that will increase mental health staffing across the Department of Defense.

SA 2981. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 530, between lines 10 and 11, insert the following:

SEC. 3126. EVALUATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION STRATEGIC PLAN FOR ADVANCED COMPUTING.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) enter into an agreement with an independent entity to conduct an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration; and

(2) not later than 180 days after the date of the enactment of this Act, submit to the congressional defense committees a report containing the results of evaluation described in paragraph (1).

(b) ELEMENTS.—The evaluation described in subsection (a)(1) shall include the following:

(1) An assessment of—

(A) the role of research into, and development of, high-performance computing supported by the National Nuclear Security Administration in maintaining the leadership of the United States in high-performance computing; and

(B) any impact of reduced investment by the National Nuclear Security Administration in such research and development.

(2) An assessment of the ability of the National Nuclear Security Administration to utilize the high-performance computing capability of the Department of Energy and National Nuclear Security Administration national laboratories to support the Stockpile Stewardship Program and nonweapons modeling and calculations.

(3) An assessment of the effectiveness of the Department of Energy and the National Nuclear Security Administration in sharing high-performance computing developments with private industry and capitalizing on innovations in private industry in high-performance computing.

(4) A description of the strategy of the Department of Energy for developing an extaflop computing capability.

(5) An assessment of the efforts of the Department of Energy to—

(A) coordinate high-performance computing work within the Department, in particular among the Office of Science, the National Nuclear Security Administration, and the Office of Energy Efficiency and Renewable Energy; and

(B) develop joint strategies with other Federal Government agencies and private industry groups for the development of high-performance computing.

SA 2982. Mr. COLEMAN (for himself, Mr. INOUYE, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. AUTHORITY FOR SPECIAL REIMBURSEMENT RATES FOR MENTAL HEALTH CARE SERVICES UNDER THE TRICARE PROGRAM.

(a) AUTHORITY.—Section 1079(h)(5) of title 10, United States Code, is amended in the first sentence by inserting ", including mental health care services," after "health care services".

(b) REPORT ON ACCESS TO MENTAL HEALTH CARE SERVICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of access to mental health services under the TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 702 of this Act.

SA 2983. Mr. COLEMAN (for himself, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) TERMINATION DATE.—Subsection (o)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended to read as follows:

"(1) The Office of the Inspector General shall terminate 90 days after the balance of funds appropriated or otherwise made available for the reconstruction of Iraq is less than $250,000,000.".

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

"(p) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.".

(c) HIRING AUTHORITY.—Subsection (h)(1) of such section is amended by inserting after "pay rates" the following: ", and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)".

SA 2984. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL CENTER FOR HUMAN PERFORMANCE.

The scientific institute to perform research and education in medicine and related sciences to enhance human performance that is located at the Texas Medical Center shall hereafter be known as the "National Center for Human Performance".

SA 2985. Mr. ROCKEFELLER (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D—INTELLIGENCE AUTHORIZATIONS

SEC. 4001. SHORT TITLE.

This division may be cited as the "Intelligence Authorization Act for Fiscal Year 2008".

TITLE XLI—INTELLIGENCE ACTIVITIES

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 4102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 4101, and the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2008, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 4103. PERSONNEL LEVEL ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number of authorized full-time equivalent positions for fiscal year 2008 under section 4102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—In addition to the authority in subsection (a), upon a determination by the head of an element in the intelligence community that activities currently being performed by contractor employees should be performed by government employees, the concurrence of the Director of National Intelligence in such determination, and the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of additional full-time equivalent personnel in such element of the intelligence community equal to the number of full-time equivalent contractor employees performing such activities.

(c) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives in writing at least 15 days before each exercise of the authority in subsection (a) or (b).

SEC. 4104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2008 the sum of $715,076,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 4102(a) for advanced research and development shall remain available until September 30, 2009.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1768 full-time equivalent personnel as of September 30, 2008. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 4103 are also available to the Director for the adjustment of personnel levels in elements within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2008 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 4102(a). Such additional amounts for research and development shall remain available until September 30, 2009.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2008, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

SEC. 4105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 4106. DEVELOPMENT AND ACQUISITION PROGRAM.

(a) TRANSFER OF FUNDS.—Of the funds appropriated for the National Intelligence Program for fiscal year 2008, and of funds currently available for obligation for any prior fiscal year, the Director of National Intelligence shall transfer not less than the amount specified in the classified annex to the Office of the Director of National Intelligence to fund the development and acquisition of the program specified in the classified annex.

(b) AVAILABILITY OF FUNDS.—The funds transferred under subsection (a) shall be available as follows:

(1) In the case of funds transferred from funds currently available for obligation for any fiscal year before fiscal year 2008, for the time of availability as originally appropriated.

(2) In the case of funds transferred from funds appropriated for fiscal year 2008, without fiscal year limitation.

TITLE XLII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $262,500,000.

SEC. 4202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended by striking "receiving compensation under the Senior Intelligence Service pay schedule at the rate" and inserting "who is at the Senior Intelligence Service rank".

TITLE XLIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 4301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 4302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 4303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking "other" the second place it appears.

SEC. 4304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 4305. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

"(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and".

SEC. 4306. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking "ten years" and inserting "15 years".

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking "five years" and inserting "ten years".

SEC. 4307. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

"(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

"(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

"(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 4308. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107-306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2007 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or non-reimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed three years.

(b) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "element of the intelligence community" means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 4309. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.

(a) REPORT REQUIRED.—Not later than December 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148) and related provisions of the Military Commissions Act of 2006 (Public Law 109–366).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commission Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal justifications of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, that portion of the report, and any associated material that is necessary to make that portion understandable, shall also be submitted by the Director of National Intelligence to the congressional armed services committees.

(e) DEFINITIONS.—In this section:

(1) The term "congressional armed services committees" means—

(A) the Committee on Armed Services of the Senate; and

(B) the Committee on Armed Services of the House of Representatives.

(2) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The term "element of the intelligence community" means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 4310. TERMS OF SERVICE OF PROGRAM MANAGER FOR THE INFORMATION SHARING ENVIRONMENT AND THE INFORMATION SHARING COUNCIL.

Section 1016 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 6 U.S.C. 485) is amended—

(1) in subsection (f)(1), by striking "during the two-year period beginning on the date of designation under this paragraph unless sooner" and inserting "until"; and

(2) in subsection (g)(1), by striking "during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner" and inserting "until".

SEC. 4311. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

"VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

"SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its items of supply, that is proposed for inclusion in the National Intelligence Program. The initial vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach to—

"(1) identify applicable vulnerabilities;

"(2) define exploitation potential;

"(3) examine the system's potential effectiveness;

"(4) determine overall vulnerability; and

"(5) make recommendations for risk reduction.

"(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system and its items of supply within the National Intelligence Program—

"(A) periodically throughout the life-span of the major system;

"(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

"(C) upon the request of a congressional intelligence committee.

"(2) Any subsequent vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

"(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

"(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

"(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

"(e) DEFINITIONS.—In this section:

"(1) The term 'items of supply'—

"(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

"(B) does not include packaging or labeling associated with shipment or identification of items.

"(2) The term 'major system' has the meaning given that term in section 506A(e).

"(3) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its items of supply.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

"Sec. 506B. Vulnerability assessments of major systems.".

SEC. 4312. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 4311, is further amended by inserting after section 506B, as added by section 4311(a), the following new section:

"ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

"SEC. 506C. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

"(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees not later than January 31, of each year.

"(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

"(1) The budget submission for personnel costs for the upcoming fiscal year.

"(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

"(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

"(4) The number of personnel positions requested for the upcoming fiscal year.

"(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

"(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

"(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

"(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

"(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

"(10) A written justification for the requested personnel and contractor levels.

"(11) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

"(A) internal infrastructure to support the requested personnel and contractor levels;

"(B) training resources to support the requested personnel levels; and

"(C) funding to support the administrative and operational activities of the requested personnel levels.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 4311(b), is further amended by inserting after the item relating to section 506B, as added by section 4311(b), the following new item:

"Sec. 506C. Annual personnel levels assessment for the intelligence community.".

SEC. 4313. BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION FOR THE INTELLIGENCE COMMUNITY.

(a) BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 4311 and 4312, is further amended by inserting after section 506C, as added by section 4312(a), the following new section:

"INTELLIGENCE COMMUNITY BUSINESS SYSTEMS, ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION

"SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) After April 1, 2008, no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system modernization described in paragraph (2) unless—

"(A) the approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (3) with respect to the intelligence community business system modernization; and

"(B) the certification is approved by the Intelligence Community Business Systems Management Committee established under subsection (f).

"(2) An intelligence community business system modernization described in this paragraph is an intelligence community business system modernization that—

"(A) will have a total cost in excess of $1,000,000; and

"(B) will receive more than 50 percent of the funds for such cost from amounts appropriated for the National Intelligence Program.

"(3) The certification described in this paragraph for an intelligence community business system modernization is a certification, made by the approval authority designated by the Director under subsection (c)(2) to the Intelligence Community Business Systems Management Committee, that the intelligence community business system modernization—

"(A) complies with the enterprise architecture under subsection (b); or

"(B) is necessary—

"(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

"(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

"(4) The obligation of funds for an intelligence community business system modernization that does not comply with the requirements of this subsection shall be treated as a violation of section 1341(a)(1)(A) of title 31, United States Code.

"(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the Intelligence Community Business Systems Management Committee established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

"(2) The enterprise architecture under paragraph (1) shall include the following:

"(A) An information infrastructure that, at a minimum, will enable the intelligence community to—

"(i) comply with all Federal accounting, financial management, and reporting requirements;

"(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

"(iii) integrate budget, accounting, and program information and systems; and

"(iv) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

"(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

"(c) Responsibilities for Intelligence Community Business System Modernization.—(1) The Director of National Intelligence shall be responsible for review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of an intelligence community business system modernization if more than 50 percent of the cost of the intelligence community business system modernization is funded by amounts appropriated for the National Intelligence Program.

"(2) The Director shall designate one or more appropriate officials of the intelligence community to be responsible for making certifications with respect to intelligence community business system modernizations under subsection (a)(3).

"(d) Intelligence Community Business System Investment Review.—(1) The approval authority designated under subsection (c)(2) shall establish and implement, not later than March 31, 2008, an investment review process for the review of the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost, benefits, and risks of the intelligence community business systems for which the approval authority is responsible.

"(2) The investment review process under paragraph (1) shall—

"(A) meet the requirements of section 11312 of title 40, United States Code; and

"(B) specifically set forth the responsibilities of the approval authority under such review process.

"(3) The investment review process under paragraph (1) shall include the following elements:

"(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

"(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

"(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

"(D) Procedures for making certifications in accordance with the requirements of subsection (a)(3).

"(E) Mechanisms to ensure the consistency of the investment review process with applicable guidance issued by the Director of National Intelligence and the Intelligence Community Business Systems Management Committee established under subsection (f).

"(F) Common decision criteria, including standards, requirements, and priorities, for purposes of ensuring the integration of intelligence community business systems.

"(e) Budget Information.—For each fiscal year after fiscal year 2009, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

"(1) An identification of each intelligence community business system for which funding is proposed in such budget.

"(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

"(A) funds for current services to operate and maintain such system; and

"(B) funds for business systems modernization identified for each specific appropriation.

"(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

"(4) The certification, if any, made under subsection (a)(3) with respect to each such system.

"(f) Intelligence Community Business Systems Management Committee.—(1) The Director of National Intelligence shall establish an Intelligence Community Business Systems Management Committee (in this subsection referred to as the 'Committee').

"(2) The Committee shall—

"(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

"(B) review and approve any major update of—

"(i) the enterprise architecture developed under subsection (b); and

"(ii) any plans for an intelligence community business systems modernization;

"(C) manage cross-domain integration consistent with such enterprise architecture;

"(D) be responsible for coordinating initiatives for intelligence community business system modernization to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system modernization;

"(E) ensure that funds are obligated for intelligence community business system modernization in a manner consistent with subsection (a); and

"(F) carry out such other duties as the Director shall specify.

"(g) Relation to Annual Registration Requirements.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

"(h) Relation to Defense Business Systems Architecture, Accountability, and Modernization Requirements.—An intelligence community business system that receives more than 50 percent of its funds from amounts available for the National Intelligence Program shall be exempt from the requirements of section 2222 of title 10, United States Code.

"(i) Relation to Clinger-Cohen Act.—(1) The Director of National Intelligence and the Chief Information Officer of the Intelligence Community shall fulfill the executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system that receives more than 50 percent of its funding from amounts appropriated for National Intelligence Program.

"(2) Any intelligence community business system covered by paragraph (1) shall be exempt from the requirements of such chapter 113 that would otherwise apply to the executive agency that contains the element of the intelligence community involved.

"(j) Reports.—Not later than March 15 of each of 2009 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

"(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

"(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

"(B) specific actions on the intelligence community business system modernizations submitted for certification under such subsection;

"(2) identify the number of intelligence community business system modernizations that received a certification described in subsection (a)(3)(B); and

"(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems modernization efforts.

"(k) Definitions.—In this section:

"(1) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

"(2) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

"(3) The term 'intelligence community business system' means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, the business infrastructure capabilities shared by the systems of the business enterprise architecture that build upon the core infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management

"(4) The term 'intelligence community business system modernization' means—

"(A) the acquisition or development of a new intelligence community business system; or

"(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

"(5) The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.".

(2) Clerical Amendment.—The table of contents in the first section of that Act, as amended by section 4311 and 4312, is further amended by inserting after the item relating to section 506C, as added by section 4312(b) the following new item:

"Sec. 506D. Intelligence community business systems, architecture, accountability, and modernization.".

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) complete the delegation of responsibility for the review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of intelligence community business systems required by subsection (c) of section 506D of the National Security Act of 1947 (as added by subsection (a)); and

(B) designate a vice chairman and personnel to serve on the Intelligence Community Business System Management Committee established under subsection (f) of such section 506D (as so added).

(2) ENTERPRISE ARCHITECTURE.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added) by not later than March 1, 2008. In so developing the enterprise architecture, the Director shall develop an implementation plan for the architecture, including the following:

(A) The acquisition strategy for new systems that are expected to be needed to complete the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(B) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(C) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will be a part of the enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

SEC. 4314. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 4311 through 4313, is further amended by inserting after section 506D, as added by section 4313(a)(1), the following new section:

"REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

"SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1) The Director of National Intelligence shall submit to the congressional intelligence committees each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105 of title 31, United States Code, a separate report on each acquisition of a major system by an element of the intelligence community.

"(2) Each report under this section shall be known as a 'Report on the Acquisition of Major Systems'.

"(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

"(1) The current total anticipated acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this section to the end of the calendar quarter immediately proceeding the submittal of the report under this section.

"(2) The current anticipated development schedule for the system, including an estimate of annual development costs until development is completed.

"(3) The current anticipated procurement schedule for the system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed.

"(4) A full life-cycle cost analysis for such system.

"(5) The result of any significant test and evaluation of such major system as of the date of the submittal of such report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system.

"(6) The reasons for any change in acquisition cost, or schedule, for such system from the previous report under this section (if applicable).

"(7) The significant contracts or subcontracts related to the major system.

"(8) If there is any cost or schedule variance under a contract referred to in paragraph (7) since the previous report under this section, the reasons for such cost or schedule variance.

"(c) DETERMINATION OF INCREASE IN COSTS.—Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under this section shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such contract.

"(d) DEFINITIONS.—In this section:

"(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

"(2) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

"(3) The term 'major system', has the meaning given that term in section 506A(e).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 4311 through 4313, is further amended by inserting after the item relating to section 506D, as added by section 4313(a)(2), the following new item:

"Sec. 506E. Reports on the acquisition of major systems.".

SEC. 4315. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947, as amended by sections 4311 through 4314, is further amended by inserting after section 506E, as added by section 4314(a), the following new section:

"EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

"SEC. 506F. (a) COST INCREASES OF AT LEAST 20 PERCENT.—(1) On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the Director of National Intelligence shall determine if the acquisition cost of such major system has increased by at least 20 percent as compared to the baseline cost of such major system.

"(2)(A) If the Director determines under paragraph (1) that the acquisition cost of a major system has increased by at least 20 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

"(B) The notification required by subparagraph (A) shall include—

"(i) an independent cost estimate;

"(ii) the date on which the determination covered by such notification was made;

"(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

"(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

"(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

"(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

"(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

"(viii) the completion status of such major system expressed as the percentage—

"(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

"(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

"(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

"(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

"(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

"(i) the acquisition of such major system is essential to the national security;

"(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

"(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

"(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

"(b) COST INCREASES OF AT LEAST 40 PERCENT.—(1) If the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 40 percent as compared to the baseline cost of such major system, the President shall submit to the congressional intelligence committees a written certification stating that—

"(A) the acquisition of such major system is essential to the national security;

"(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

"(C) the new estimates of the full life-cycle cost for such major system are reasonable; and

"(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system.

"(2) In addition to the certification required by paragraph (1), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

"(c) Prohibition on Obligation of Funds.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

"(2) If a written certification required under subsection (b)(1) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (b)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(2).

"(d) Definitions.—In this section:

"(1) The term 'acquisition cost' has the meaning given that term in section 506E(d).

"(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system on the date the contract for the development, procurement, and construction of the system is awarded.

"(3) The term 'full life-cycle cost' has the meaning given that term in section 506E(d).

"(4) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

"(5) The term 'major system' has the meaning given that term in section 506A(e).".

(b) Clerical Amendment.—The table of contents in the first section of that Act, as amended by sections 4311 through 4314 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 4314(b), the following new item:

"Sec. 506F. Excessive cost growth of major systems.".

SEC. 4316. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Inclusion of Certain Orders in Semi-Annual Reports of Attorney General.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) Reports by Attorney General on Certain Other Orders.—That section is further amended by adding at the end the following new subsection:

"(c) The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 and not previously submitted in a report under subsection (a).".

SEC. 4317. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) Requirement for National Intelligence Estimate.—

(1) In General.—Except as provided in paragraph (2), not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate (NIE) on the anticipated geopolitical effects of global climate change and the implications of such effects on the national security of the United States.

(2) Notice Regarding Submittal.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall notify Congress and provide—

(A) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(B) an anticipated date for the submittal of the National Intelligence Estimate.

(b) Content.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this section using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(1) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of the enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) to assess other risks posed by global climate change, including increased conflict over resources or between ethnic groups, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other causes, increased food insecurity, and increased risks to human health from infectious disease;

(3) to assess the capabilities of the countries or regions described in subparagraph (A) or (B) of paragraph (1) to respond to adverse impacts caused by global climate change; and

(4) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(c) Coordination.—In preparing the National Intelligence Estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental security studies, the Secretary of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) ASSISTANCE.—

(1) AGENCIES OF THE UNITED STATES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any agency, department, or other entity of the United State Government and such agency, department, or other entity shall provide the assistance requested.

(2) OTHER ENTITIES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any other person or entity.

(3) REIMBURSEMENT.—The Director of National Intelligence is authorized to provide appropriate reimbursement to the head of an agency, department, or entity of the United States Government that provides support requested under paragraph (1) or any other person or entity that provides assistance requested under paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary to carry out this subsection.

(e) Form.—The National Intelligence Estimate required by this section shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. The National Intelligence Estimate may include a classified annex.

(f) Duplication.—If the Director of National Intelligence determines that a National Intelligence Estimate, or other formal, coordinated intelligence product that meets the procedural requirements of a National Intelligence Estimate, has been prepared that includes the content required by subsection (b) prior to the date of the enactment of this Act, the Director of National Intelligence shall not be required to produce the National Intelligence Estimate required by subsection (a).

SEC. 4318. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) Annual Report on Intelligence.—

(1) Repeal.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) Clerical Amendment.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(b) Annual and Special Reports on Intelligence Sharing With the United Nations.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) Annual Report on Safety and Security of Russian Nuclear Facilities and

FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(d) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking "(1)"; and

(2) by striking paragraph (2).

(e) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n-2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(f) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(g) SEMIANNUAL REPORT ON CONTRIBUTIONS TO PROLIFERATION EFFORTS OF COUNTRIES OF PROLIFERATION CONCERN.—Section 722 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(h) CONFORMING AMENDMENTS.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 415b(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (D);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as redesignated by subparagraph (B) of this paragraph, by striking "114(c)" and inserting "114(b)".

TITLE XLIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 4401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking "2004," and inserting "2004 (50 U.S.C. 403 note),"; and

(B) by striking the period at the end and inserting a semicolon and "and"; and

(3) by inserting after paragraph (3), the following new paragraph:

"(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.".

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

"(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct accountability reviews of elements of the intelligence community or the personnel of such elements in relation to significant failures or deficiencies within the intelligence community.

"(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting accountability reviews under subparagraph (A).

"(C) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.".

SEC. 4402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458)), expend funds and make funds available to other department or agencies of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

"(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).".

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1(g)(1)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to the department or agency.

SEC. 4403. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403-1(i)(3)) is amended by inserting before the period the following: ", any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community".

SEC. 4404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following new subsection:

"(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1346 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in subparagraph (A) or (B), upon the request of the Director of National Intelligence, any element of the intelligence community may use appropriated funds to support or participate in the interagency activities of the following:

"(A) National intelligence centers established by the Director under section 119B.

"(B) Boards, commissions, councils, committees, and similar groups that are established—

"(i) for a term of not more than 2 years; and

"(ii) by the Director.

"(2) No provision of law enacted after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 shall be construed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.".

SEC. 4405. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended by section 4404 of this Act, is further amended by adding at the end the following new subsections:

"(t) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence may, with the concurrence of the head of the department or agency concerned and in coordination with the Director of the Office of Personnel Management—

"(A) convert such competitive service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

"(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

"(2)(A) At the request of the Director of National Intelligence, the head of a department or agency may establish new positions in the excepted service within an element of such department or agency that is part of the intelligence community if the Director determines that such positions are necessary to carry out the intelligence functions of such element.

"(B) The Director of National Intelligence may establish the classification and ranges of rates of basic pay for any position established under subparagraph (A), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions

"(3) The head of the department or agency concerned is authorized to appoint individuals for service in positions converted under paragraph (1) or established under paragraph (2) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established by the Director of National Intelligence.

"(4) The maximum rate of basic pay established under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(u) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

"(2) Authority under this subsection may be granted or exercised—

"(A) only with respect to a position which requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

"(B) only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

"(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

"(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

"(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

"(v) Extension of Flexible Personnel Management Authorities.—(1) Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or Executive Order, in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Director of National Intelligence—

"(A) determines that the adoption of such authority would improve the management and performance of the intelligence community, and

"(B) submits to the congressional intelligence committees, not later than 60 days before such authority is to take effect, notice of the adoption of such authority by such element or elements, including the authority to be so adopted, and an estimate of the costs associated with the adoption of such authority.

"(2) To the extent that an existing compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted in another element of the intelligence community under this subsection only for employees in an equivalent category or in an equivalent situation.

"(3) In this subsection, the term 'compensation authority' means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments, but does not include authorities as follows:

"(A) Authorities related to benefits such as leave, severance pay, retirement, and insurance.

"(B) Authority to grant Presidential Rank Awards under sections 4507 and 4507a of title 5, United States Code, section 3151(c) of title 31, United States Code, and any other provision of law.

"(C) Compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service.".

SEC. 4406. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403-3(e)) is amended—

(1) by striking "WITH" and inserting "OF HEADQUARTERS WITH HEADQUARTERS OF";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking "any other element" and inserting "the headquarters of any other element".

SEC. 4407. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Coordination and Prioritization of Research Conducted by Elements of Intelligence Community.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403-3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) Development of Technology Goals.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

"(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

"(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust Federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

"(8) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and"; and

(2) by adding at the end the following new subsection:

"(e) Goals for Technology Needs of Intelligence Community.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

"(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

"(A) are consistent with current or future national intelligence requirements;

"(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

"(C) take into account funding constraints in program development and acquisition; and

"(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').".

(c) Report.—

(1) In general.—Not later than June 30, 2008, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) Elements.—The report under paragraph (1) shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) Form.—The report under paragraph (1) may be submitted in classified form.

SEC. 4408. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (c), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer" the first place it appears.

SEC. 4409. RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Establishment.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"Sec. 103H. (a) In General.—There is established a fund to be known as the 'Reserve for Contingencies of the Office of the Director of National Intelligence' (in this section referred to as the 'Reserve').

"(b) ELEMENTS.—(1) The Reserve shall consist of the following elements:

"(A) Amounts authorized to be appropriated to the Reserve.

"(B) Amounts authorized to be transferred to or deposited in the Reserve by law.

"(2) No amount may be transferred to the Reserve under subparagraph (B) of paragraph (1) during a fiscal year after the date on which a total of $50,000,000 has been transferred to or deposited in the Reserve under subparagraph (A) or (B) of such paragraph.

"(c) AMOUNTS AVAILABLE FOR DEPOSIT.—Amounts deposited into the Reserve shall be amounts appropriated to the National Intelligence Program.

"(d) AVAILABILITY OF FUNDS.—(1) Amounts in the Reserve shall be available for such purposes as are provided by law for the Office of the Director of National Intelligence or the separate elements of the intelligence community for support of emerging needs, improvements to program effectiveness, or increased efficiency.

"(2)(A) Subject to subparagraph (B), amounts in the Reserve may be available for a program or activity if—

"(i) the Director of National Intelligence, consistent with the provisions of sections 502 and 503, notifies the congressional intelligence committees of the intention to utilize such amounts for such program or activity; and

"(ii) 15 calendar days elapses after the date of such notification.

"(B) In addition to the requirements in subparagraph (A), amounts in the Reserve may be available for a program or activity not previously authorized by Congress only with the approval of the Director the Office of Management and Budget.

"(3) Use of any amounts in the Reserve shall be subject to the direction and approval of the Director of National Intelligence, or the designee of the Director, and shall be subject to such procedures as the Director may prescribe.

"(4) Amounts transferred to or deposited in the Reserve in a fiscal year under subsection (b) shall be available under this subsection in such fiscal year and the fiscal year following such fiscal year.".

(b) APPLICABILITY.—No funds appropriated prior to the date of the enactment of this Act may be transferred to or deposited in the Reserve for Contingencies of the Office of the Director of National Intelligence established in section 103H of the National Security Act of 1947, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Reserve for Contingencies of the Office of the Director of National Intelligence.".

SEC. 4410. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 4409 of this Act, is further amended by inserting after section 103H the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

"(B) to prevent and detect fraud and abuse in such matters;

"(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

"(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

"(B) the necessity for, and the progress of, corrective actions; and

"(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

"(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

"(B) the necessity for, and the progress of, corrective actions.

"(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The nomination of an individual for appointment as Inspector General shall be made—

"(A) without regard to political affiliation;

"(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

"(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

"(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

"(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

"(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

"(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

"(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

"(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

"(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

"(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

"(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

"(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event of a dispute between an Inspector General within a department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the head of the department for resolution.

"(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

"(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

"(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

"(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

"(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

"(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

"(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

"(B) Each report under this paragraph shall include, at a minimum, the following:

"(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

"(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

"(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

"(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

"(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

"(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

"(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

"(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

"(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

"(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

"(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

"(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

"(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

"(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

"(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

"(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

"(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

"(G) In this paragraph, the term 'urgent concern' means any of the following:

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105-272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 4409 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

"Sec. 103I. Inspector General of the Intelligence Community.".

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SEC. 4411. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the" and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the Intelligence Community.

“(10) The Inspector General of the Intelligence Community.

“(11) The Director of the National Counterterrorism Center.

“(12) The Director of the National Counter Proliferation Center.”.

SEC. 4412. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

“NATIONAL SPACE INTELLIGENCE OFFICE

“SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

“(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

“(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

“(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

“(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

“(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

“(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

“(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

“(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.”.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 119B the following new item:

“Sec. 119C. National Space Intelligence Office.”.

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

SEC. 4413. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

“PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

“SEC. 706. (a) RECORDS FROM EXEMPTED OPERATIONAL FILES.—(1) Any record disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the exempted operational files of elements of the intelligence community designated in accordance with this title, and any operational files created by the Office of the Director of National Intelligence that incorporate such record in accordance with subparagraph (A)(ii), shall be exempted from the provisions of section 552 of title 5, United States Code that require search, review, publication or disclosure in connection therewith, in any instance in which—

“(A)(i) such record is shared within the Office of the Director of National Intelligence and not disseminated by that Office beyond that Office; or

“(ii) such record is incorporated into new records created by personnel of the Office of the Director of National Intelligence and maintained in operational files of the Office of the Director of National Intelligence and such record is not disseminated by that Office beyond that Office; and

“(B) the operational files from which such record has been obtained continue to remain designated as operational files exempted from section 552 of title 5, United States Code.

“(2) The operational files of the Office of the Director of National Intelligence referred to in paragraph (1)(A)(ii) shall be similar in nature to the originating operational files from which the record was disseminated or provided, as such files are defined in this title.

“(3) Records disseminated or otherwise provided to the Office of the Director of National Intelligence from other elements of the intelligence community that are not protected by paragraph (1), and that are authorized to be disseminated beyond the Office of the Director of National Intelligence, shall remain subject to search and review under section 552 of title 5, United States Code, but may continue to be exempted from the publication and disclosure provisions of that section by the originating agency to the extent that such section permits.

“(4) Notwithstanding any other provision of this title, records in the exempted operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency shall not be subject to the search and review provisions of section 552 of title 5, United States Code, solely because they have been disseminated to an element or elements of the Office of the Director of National Intelligence, or referenced in operational files of the Office of the Director of National Intelligence and that are not disseminated beyond the Office of the Director of National Intelligence.

“(5) Notwithstanding any other provision of this title, the incorporation of records from the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency, into operational files of the Office of the Director of National Intelligence shall not subject that record or the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency or the Defense Intelligence Agency to the search and review provisions of section 552 of title 5, United States Code.

“(b) OTHER RECORDS.—(1) Files in the Office of the Director of National Intelligence that are not exempted under subsection (a) of this section which contain information derived or disseminated from exempted operational files shall be subject to search and review under section 552 of title 5, United States Code.

“(2) The inclusion of information from exempted operational files in files of the Office of the Director of National Intelligence that are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

“(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

“(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

“(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

“(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

“(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

“(A) The Select Committee on Intelligence of the Senate.

“(B) The Permanent Select Committee on Intelligence of the House of Representatives.

“(C) The Intelligence Oversight Board.

“(D) The Department of Justice.

“(E) The Office of the Director of National Intelligence.

“(F) The Office of the Inspector General of the Intelligence Community.

“(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

“(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

“(3) A complainant that alleges that Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

"(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 or before the expiration of the 10-year period beginning on the date of the most recent review.

"(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

"(e) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

"(f) APPLICABILITY.—The Director of National Intelligence will publish a regulation listing the specific elements within the Office of the Director of National Intelligence whose records can be exempted from search and review under this section.

"(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office of the Director of National Intelligence has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

"(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

"(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office of the Director of National Intelligence, such information shall be examined ex parte, in camera by the court.

"(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

"(C) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

"(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office of the Director of National Intelligence shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently meet the criteria set forth in subsection.

"(ii) The court may not order the Office of the Director of National Intelligence to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

"(E) In proceedings under subparagraphs (C) and (D), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

"(F) If the court finds under this subsection that the Office of the Director of National Intelligence has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

"(G) If at any time following the filing of a complaint pursuant to this paragraph the Office of the Director of National Intelligence agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

"Sec. 706. Operational files in the Office of the Director of National Intelligence.".

SEC. 4414. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTER-INTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking "subsection (f)" each place it appears in paragraphs (1) and (2) and inserting "subsection (e)"; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking "subsection (e)(1)" and inserting "subsection (d)(1)"; and

(B) in paragraph (2), by striking "subsection (e)(2)" and inserting "subsection (d)(2)".

SEC. 4415. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or";

(2) in paragraph (2), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) the Office of the Director of National Intelligence.".

SEC. 4416. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

"(F) The Director of National Intelligence, or the Director's designee.".

SEC. 4417. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (j) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) maintained by the Office of the Director of National Intelligence; or".

Subtitle B—Central Intelligence Agency

SEC. 4421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

"(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

"(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

"(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

"(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

"(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

"(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

"(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking "subsection (d)" and inserting "subsection (f)".

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Director of the Central Intelligence Agency.".

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403-6(b)(2)) is amended by adding at the end the following new subparagraph:

"(J) The Deputy Director of the Central Intelligence Agency.".

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 4422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking "the Director of the Central Intelligence Agency,".

SEC. 4423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) by striking "and the protection" and inserting "the protection"; and

(B) by striking the semicolon and inserting ", and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and"; and

(3) by adding at the end the following new subparagraph:

"(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;".

SEC. 4424. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking "Executive Director" and inserting "Associate Deputy Director";

(2) in subclause (II), by striking "Deputy Director for Operations" and inserting "Director of the National Clandestine Service"; and

(3) in subclause (IV), by striking "Deputy Director for Administration" and inserting "Director for Support".

SEC. 4425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "Air America" means Air America, Incorporated.

(2) The term "associated company" means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 4431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking "terminated either by" and all that follows and inserting "terminated—

"(i) by the Agency due to misconduct by the employee;

"(ii) by the employee voluntarily; or

"(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and".

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking "(1) When an employee" and all that follows through "(2) Agency efforts" and inserting "Agency efforts".

SEC. 4432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

"(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

"(A) any offense against the United States committed in the presence of such personnel; or

"(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

"(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

"(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.".

SEC. 4433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting "the Defense Intelligence Agency," after "the Corporation for Public Broadcasting,";

(2) by inserting "the National Geospatial-Intelligence Agency," after "the National Endowment for the Arts,"; and

(3) by inserting "the National Reconnaissance Office, the National Security Agency," after "the National Labor Relations Board,".

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

"(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.".

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting "(1)" after "(d)";

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking "The head" and inserting "Except as provided in paragraph (2), the head"; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

"(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

"(D) The elements of the intelligence community specified in this subparagraph are as follows:

"(i) The Defense Intelligence Agency.

"(ii) The National Geospatial-Intelligence Agency.

"(iii) The National Reconnaissance Office.

"(iv) The National Security Agency.

"(E) The committees of Congress specified in this subparagraph are—

"(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

"(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 4434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

"SEC. 2. (a) There is a Director of the National Security Agency.

"(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.".

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.".

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 4435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

"(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations."; and

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

SEC. 4436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 4441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

SEC. 4442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

TITLE XLV—OTHER MATTERS

SEC. 4501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)";

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking "or agency involved" in the second sentence and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)";

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph"; and

(D) in subsection (n), by inserting "AND OTHER" after "ACQUISITION".

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking "responsible" and inserting "responsive".

SEC. 4502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. 4503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "AGENCY" after "INTELLIGENCE".

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 4504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears in a provision as follows and inserting "DIRECTOR OF NATIONAL INTELLIGENCE":

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. 4505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)" and inserting "authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).".

SEC. 4506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking "FOREIGN"; and

(2) by striking "foreign" each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 4507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. 4508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

"§ 1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) OTHER ACTS.—

(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

SEC. 4509. OTHER TECHNICAL AMENDMENTS RELATING TO RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE AS HEAD OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—

(1) The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(A) Section 704(c)(2)(B).

(B) Section 706(b)(2).

(C) Section 706(e)(2)(B).

(2) Section 705(c) of such Act is amended by striking "the Director of Central Intelligence, as head of the intelligence community," and inserting "the Director of National Intelligence".

(b) CONFORMING AMENDMENT.—The heading of section 705(c) of such Act is amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" and inserting "DIRECTOR OF NATIONAL INTELLIGENCE".

SA 2986. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SECRET SERVICE PROTECTION FOR FOREIGN OFFICIALS FROM COUNTRIES DESIGNATED AS STATE SPONSORS OF TERRORISM.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

"(h) Nothing in this section or section 3056A may be construed to authorize the United States Secret Service to provide protection for a visiting head of a foreign state or foreign government or for a foreign government official from a country the Department of State has designated as a state sponsor of terrorism during a visit to the site of a terrorist attack within the United States.".

SA 2987. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. SECRET SERVICE PROTECTION FOR FOREIGN OFFICIALS FROM COUNTRIES DESIGNATED AS STATE SPONSORS OF TERRORISM.

It is the sense of Congress that the authorization under sections 3056 and 3056A of title 18, United States Code, for the United States Secret Service to provide protection for a visiting head of a foreign state or foreign government or for a foreign government official does not include providing protection for a visit to the site of a terrorist attack within the United States by a visiting head of a foreign state or foreign government or a foreign government official from a country the Department of State has designated as a state sponsor of terrorism.

SA 2988. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1204. ASSISTANCE FOR GLOBAL PEACE OPERATIONS INITIATIVE PARTNER COUNTRIES DEPLOYING FOR PEACE OPERATIONS.

(a) IN GENERAL.—During fiscal years 2008 and 2009, the Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to foreign countries that have committed to deploying units trained by the United States or its partners under the Global Peace Operations Initiative (GPOI) to peace operations.

(b) SELECTION OF COUNTRIES.—The Secretary of Defense and the Secretary of State shall jointly select the countries described in subsection (a) for which assistance may be provided under that subsection.

(c) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include only the following:

(1) Inspection of—

(A) units described in subsection (a) in order to determine their readiness and ability to carry out peace operations; and

(B) the equipment depots to be used by such units in deployments for peace operations.

(2) Identification of the training and equipping shortfalls, if any, of the units described in subsection (a).

(3) Provision of additional training to the units described in subsection (a), if required, in order to ensure that such units can carry out peace operations.

(4) Provision of equipment for units described in subsection (a), if required, pending deployment for a peace operation.

(5) Assistance in addressing deficiencies in personnel with specialized skills of units described in subsection (a) or in headquarters staffs of such units.

(6) Facilitation of the deployment of units described in subsection (a), if required, for missions under a peace operation.

(d) FORMULATION OF ASSISTANCE.—The Secretary of Defense and the Secretary of State shall jointly formulate the provision of assistance under subsection (a).

(e) NOTICE ON USE OF AUTHORITY.—

(1) REQUIREMENT FOR NOTICE.—Whenever the Secretary of Defense exercises the authority under subsection (a) by taking the action described in subsection (b), the Secretary shall notify the committees of Congress specified in paragraph (3) not later than 15 days before the exercise of the authority. Any such notification shall be prepared in coordination with the Secretary of State.

(2) ELEMENTS OF NOTICE.—Any notification under paragraph (1) on the exercise of authority shall include—

(A) a description of the country and unit or units to be provided assistance;

(B) a description of the type of assistance to be provided; and

(C) a statement of the amount of funding to be provided for each country and for each type of assistance.

(3) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(f) RESPECT FOR HUMAN RIGHTS.—Assistance may not be provided under subsection (a) to a unit of forces unless the Secretary of Defense and the Secretary of State jointly determine that the unit and its personnel maintain a record on human rights that meets requirements of the following:

(1) Section 8060 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1287).

(2) Section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102; 119 Stat. 2218).

(g) APPLICABLE LAW.—Any services, defense articles, or funds provided under this section shall be subject to the authorities and limitations in the Foreign Assistance Act of 1961, the Arms Export Control Act, and any Acts making appropriations to carry out such Acts.

(h) ACCOUNTING FOR ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of State shall jointly develop and maintain a system for maintaining a full accounting of the assistance provided under subsection (a).

(2) ELEMENTS.—The accounting required under paragraph (1) shall include the following:

(A) For any assistance so provided—

(i) the foreign country provided such assistance;

(ii) the period during which such assistance is provided;

(iii) the type of assistance provided; and

(iv) when applicable, the specific units provided such assistance.

(B) For each foreign country provided such assistance, a description (updated on an ongoing basis) of the peace operations being conducted by the country, including a separate description (so updated) of peace operations being conducted by each unit of the country conducting such operations.

(i) FUNDING.—Of the amount authorized to be appropriated by section 301 for operation and maintenance for the Department of Defense, $100,000,000 may be available in fiscal year 2008 for the provision of assistance under subsection (a).

SA 2989. Mr. DORGAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. TRACKING AND MONITORING OF DEFENSE ARTICLES PROVIDED TO THE GOVERNMENT OF IRAQ AND OTHER INDIVIDUALS AND GROUPS IN IRAQ.

(a) EXPORT AND TRANSFER CONTROL POLICY.—The President, in coordination with the Secretary of State and the Secretary of Defense, shall implement a policy to control the export and transfer of defense articles into Iraq, including implementation of the registration and monitoring system under subsection (c).

(b) REQUIREMENT TO IMPLEMENT CONTROL SYSTEM.—Notwithstanding any other provision of law, no defense articles may be provided to the Government of Iraq or any other group, organization, citizen, or resident of Iraq until the Secretary of State certifies that a registration and monitoring system meeting the requirements set forth in subsection (c) has been established.

(c) REGISTRATION AND MONITORING SYSTEM.—The registration and monitoring system required under this section shall include—

(1) the registration of the serial numbers of all small arms provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq;

(2) a program of enhanced end-use monitoring of all lethal defense articles provided to such entities or individuals; and

(3) a detailed record of the origin, shipping, and distribution of all defense articles transferred under the Iraq Security Forces Fund or any other security assistance program to such entities or individuals in Iraq.

(d) REVIEW.—The President shall periodically review the items subject to the registration and monitoring requirements under subsection (c) to determine what items, if any, no longer warrant export controls under such subsection. The results of such reviews shall be reported to the Speaker of the House of Representatives and to the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate. The President may not exempt any item from such requirements until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations and the Committee on Armed Services of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1). Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.

(e) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term "defense article" has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403)(d)).

(2) SMALL ARMS.—The term "small arms" means—

(A) handguns;

(B) shoulder-fired weapons;

(C) light automatic weapons up to and including .50 caliber machine guns;

(D) recoilless rifles up to and including 106mm;

(E) mortars up to and including 81mm;

(F) rocket launchers, man-portable;

(G) grenade launchers, rifle and shoulder fired; and

(H) individually operated weapons which are portable or can be fired without special mounts or firing devices and which have potential use in civil disturbances and are vulnerable to theft.

(f) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act, unless the President certifies in writing to Congress that it is in the vital interest of the United States to delay the effective date of this section by an additional period of up to 90 days, including an explanation of such vital interest, in which case the section shall take effect on such later effective date.

SA 2990. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Army and available for Medical Advanced Technology, $15,000,000 shall be available for the Army Medical Research and Materiel Command to carry out, as part of its Medical Research Program required by Congress, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as "Gulf War Illnesses (GWI)", including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program shall be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) PROGRAM.—The program shall be conducted—

(1) using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes;

SA 2991. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1234. REPORTS ON PREVENTION OF MASS ATROCITIES.

(a) DEPARTMENT OF STATE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of State to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the role played by the United States in developing the "responsibility to protect" doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005, and an update on actions taken by the United States Mission to the United Nations to discuss, promote, and implement such doctrine.

(C) An assessment of the potential capability of the Department of State and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the "responsibility to protect" doctrine.

(D) Recommendations as to the steps necessary to allow the Secretary of State to provide more effective training and guidance to an international intervention force.

(b) DEPARTMENT OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of Defense to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of Defense to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the "responsibility to protect" doctrine.

(C) Recommendations as to the steps necessary to allow the Secretary of Defense to provide more effective training and guidance to an international intervention force.

(D) A summary of any assessments or studies of the Department of Defense or other Federal departments or agencies relating to "Operation Artemis", the 2004 French military deployment and intervention in the eastern region of the Democratic Republic of Congo to protect civilians from local warring factions.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, "international intervention force" means a military force that—

(1) is authorized by the United Nations; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

SA 2992. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1107. MODIFICATION OF AUTHORITIES RELATING TO EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) INCREASE IN NUMBER OF DARPA POSITIONS UNDER PROGRAM.—Subsection (b)(1)(A) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "40 scientific and engineering positions" and inserting "60 scientific and engineering positions".

(b) LIMITATIONS ON ADDITIONAL PAYMENTS.—Subsection (d) of such section is amended to read as follows:

"(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under this section for any 12-month period may not exceed the lesser of the following amounts:

"(A) $50,000 in fiscal year 2008, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

"(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

"(2) For purposes of paragraph (1), the term 'base quarter' has the meaning given that term in section 5302(3) of title 5, United States Code.

"(3) Except as authorized by subsection (e), an employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service except for payments authorized under this section.

"(4) Notwithstanding any other provision of this section (other than subsection (e)) or section 5307 of title 5, United States Code, no additional payments may be paid to an employee under this section in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.".

(c) PAYMENT OF RELOCATION EXPENSES.—Such section is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d), as amended by subsection (b) of this section, the following new subsection (e):

"(e) PAYMENT OF RELOCATION EXPENSES.—(1) An individual appointed under this section may be paid travel, transportation, and relocation expenses to the same extent, in the same manner, and subject to the same conditions as the payment of such expenses to an employee transferred in the interests of the United States Government.

"(2) Amounts payable to an individual under this subsection are in addition to any other amounts payable to the individual under this section.".

(d) ANNUAL REPORTS.—Subsection (h) of such section, as redesignated by subsection (c)(1) of this section, is further amended by striking "beginning in 1999 and ending in 2009,".

(e) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking "subsection (e)(1)" and inserting " subsection (f)(1)";

(2) in subsection (b)(3), by striking "subsection (d)(1)" and inserting "subsection (d)"; and

(3) in subsection (g), as redesignated by subsection (c)(1) of this section, by striking "subsection (e)(1)" and inserting "subsection (f)(1)".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

SA 2993. Ms. LANDRIEU (for herself and Mr. DORGAN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. CAPTURE OF OSAMA BIN LADEN AND THE AL QAEDA LEADERSHIP.

(a) UNITED STATES POLICY ON COUNTERTERRORIST OPERATIONS.—It shall be the policy of the United States Government that the foremost objective of United States counterterrorist operations is to protect United States persons and property from terrorist attacks by capturing or killing Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and destroying the al Qaeda network.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CENTRAL INTELLIGENCE AGENCY.—There is hereby authorized to be appropriated for the Central Intelligence Agency for fiscal year 2008, $25,000,000 to conduct counterterrorist operations that assist in the destruction of the al Qaeda network.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $25,000,000, with the amount of the reduction to be allocated to amounts available for the Defense Business Transformation Agency is hereby reduce

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SA 2994. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. 8TH AIR FORCE CYBERSPACE INNOVATION CENTER.

Of the amount authorized to be appropriated by section 301(3) for operation and maintenance for the Air Force, $5,000,000 may be available for the 8th Air Force Cyberspace Innovation Center in Bossier City, Louisiana, to support the Air Force Cyber Command at Barksdale Air Force Base, Louisiana.

SA 2995. Mr. AKAKA (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 17 and 18, insert the following:

SEC. 1044. REPORT ON PLANS TO REPLACE THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the following:

(1) The current plans of the Secretaries with respect to—

(A) replacing the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia; and

(B) disposing of the current monument at the Tomb of the Unknowns, if it were removed and replaced.

(2) An assessment of the feasibility and advisability of repairing the monument at the Tomb of the Unknowns rather than replacing it.

(3) A description of the current efforts of the Secretaries to maintain and preserve the monument at the Tomb of the Unknowns.

(4) An explanation of why no attempt has been made since 1989 to repair the monument at the Tomb of the Unknowns.

(5) A comprehensive estimate of the cost of replacement of the monument at the Tomb of the Unknowns and the cost of repairing such monument.

(6) An assessment of the structural integrity of the monument at the Tomb of the Unknowns.

(b) LIMITATION ON ACTION.—The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).

(c) EXCEPTION.—The limitation in subsection (b) shall not prevent the Secretary of the Army or the Secretary of Veterans Affairs from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for uses related to such monument, subject to the availability of appropriations for that purposes.

SA 2996. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 362, line 10, insert after "congressional defense committees" the following: ", and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives,".

On page 375, beginning on line 21, insert after "congressional defense committees" the following: ", and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives,".

On page 377, strike line 24 and all that follows through page 378, line 3, and insert the following:

(D) an evaluation of the use and effectiveness of funds provided under the Commanders' Emergency Response Program.

On page 379, beginning on line 5, strike "the extent" and all that follows through line 8 and insert "United States policy with regard to cooperation with such drug traffickers for counterterrorism purposes.".

On page 382, beginning on line 12, insert after "reimbursed" the following: "from funds authorized to be made available to the Department of Defense".

On page 382, line 22, insert after "congressional defense committees" the following: ", and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives,".

On page 383, line 17, insert after "congressional defense committees" the following: ", and to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives,".

On page 392, beginning on line 10, strike "the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives" and insert " the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives".

On page 407, line 20, insert after "Armed Services" the following: ", Foreign Relations,".

SA 2997. Mr. BIDEN (for himself, Mr. BROWNBACK, Mrs. BOXER, Mr. SPECTER, Mr. KERRY, Mr. SMITH, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. SCHUMER, Ms. MIKULSKI, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Iraq continues to experience a self-sustaining cycle of sectarian violence.

(2) The ongoing sectarian violence presents a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

(3) Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq.

(4) The Key Judgments of the January 2007 National Intelligence Estimate entitled "Prospects for Iraq's Stability: A Challenging Road Ahead" state, "A number of identifiable developments could help to reverse the negative trends driving Iraq's current trajectory. They include: Broader Sunni acceptance of the current political structure and federalism to begin to reduce one of the major sources of Iraq's instability ... Significant concessions by Shia and Kurds to create space for Sunni acceptance of federalism".

(5) Article One of the Constitution of Iraq declares Iraq to be a "single, independent federal state".

(6) Section Five of the Constitution of Iraq declares that the "federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, and local administrations" and enumerates the expansive powers of regions and the limited powers of the central government and establishes the mechanisms for the creation of new federal regions.

(7) The federal system created by the Constitution of Iraq would give Iraqis local control over their police and certain laws, including those related to employment, education, religion, and marriage.

(8) The Constitution of Iraq recognizes the administrative role of the Kurdistan Regional Government in 3 northern Iraqi provinces, known also as the Kurdistan Region.

(9) The Kurdistan region, recognized by the Constitution of Iraq, is largely stable and peaceful.

(10) The Iraqi Parliament approved a federalism law on October 11th, 2006, which establishes procedures for the creation of new federal regions and will go into effect 18 months after approval.

(11) Iraqis recognize Baghdad as the capital of Iraq, and the Constitution of Iraq stipulates that Baghdad may not merge with any federal region.

(12) Despite their differences, Iraq's sectarian and ethnic groups support the unity and territorial integrity of Iraq.

(13) Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should actively support a political settlement among Iraq's major factions based upon the provisions of the Constitution of Iraq that create a federal system of government and allow for the creation of federal regions;

(2) the active support referred to in paragraph (1) should include—

(A) calling on the international community, including countries with troops in Iraq, the permanent 5 members of the United Nations Security Council, members of the Gulf Cooperation Council, and Iraq's neighbors—

(i) to support an Iraqi political settlement based on federalism;

(ii) to acknowledge the sovereignty and territorial integrity of Iraq; and

(iii) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council;

(B) further calling on Iraq's neighbors to pledge not to intervene in or destabilize Iraq and to agree to related verification mechanisms; and

(C) convening a conference for Iraqis to reach an agreement on a comprehensive political settlement based on the creation of federal regions within a united Iraq;

(3) the United States should urge the Government of Iraq to quickly agree upon and implement a law providing for the equitable distribution of oil revenues, which is a critical component of a comprehensive political settlement based upon federalism; and

(4) the steps described in paragraphs (1), (2), and (3) could lead to an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

SA 2998. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 583. NATIONAL GUARD FAMILY ASSISTANCE CENTER COORDINATORS.

(a) CONVERSION TO FULL-TIME EMPLOYEE POSITIONS.—The Secretary of Defense shall convert positions of National Guard Family Assistance Center Coordinators (FACCs) to full-time employee positions in a manner that satisfies the requirements of subsection (b).

(b) RATIOS OF COORDINATORS TO RESERVE COMPONENT PERSONNEL.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary shall ensure that the number of full-time employee positions for National Guard Family Assistance Center Coordinators in each State for a fiscal year is not less than one such position for each increment of 1,000 members of in-State National Guard and Reserve personnel in such State as of September 30 of the preceding fiscal year.

(2) INCREMENTS.—If the aggregate number of in-State National Guard and Reserve personnel in a State at the end of a fiscal year is not a number evenly divisible by 1,000, the number of increments of 1,000 members of in-State National Guard and Reserve personnel

in the State for purposes of paragraph (1) shall be the number equal to—

(A) the aggregate number of such in-State National Guard and Reserve personnel divided by 1,000 and rounded down to the next lowest whole number; plus

(B) if the amount of the rounding down under subparagraph (A) exceeds .3, an additional one.

(3) MINIMUM NUMBER.—The minimum number of full-time employees positions for National Guard Family Assistance Center Coordinators in any particular State shall be three positions.

(4) ADDITIONAL COORDINATORS DURING MOBILIZATIONS.—In the event of the mobilization of a unit of the National Guard or Reserve having a permanent duty location in a State, the number of full-time employee positions for National Guard Family Assistance Center Coordinators in such State shall be increased by one such position for each 250 members of in-State National Guard and Reserve personnel who are mobilized during the period that—

(A) begins not later than 60 days before the date of the mobilization of such unit; and

(B) ends on the date that is one year after the date of the completion of the release of such unit from active duty or other mobilized status.

(5) IN-STATE NATIONAL GUARD AND RESERVE PERSONNEL DEFINED.—In this subsection, the term "in-State National Guard and Reserve personnel", with respect to a State, means the members of the National Guard and Reserve, whether on active duty or inactive status, who have a permanent unit duty location in such State.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this Act.

SA 2999. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, Mr. BYRD, Mr. DURBIN, and Mrs. CLINTON) submitted an amendment intented to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Wartime Contracting" (in this subsection referred to as the "Commission").

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable; and

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support;

(vi) the extent of the misuse of force or violations of the laws of war or federal statutes by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) subject to subparagraph (B)(i), require, by subpoena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—

(I) IN GENERAL.—A subpoena may be issued under subparagraph (A) only—

(aa) by the agreement of the chairman and the vice chairman; or

(bb) by the affirmative vote of 5 members of the Commission.

(II) SIGNATURE.—Subject to subclause (I), subpoenas issued under this subparagraph may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under clause (i), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of subclause (I) or this subclause, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, the Inspector General of the Director of National Intelligence, the Inspector General of the Central Intelligence Agency, and the Inspector General of the Defense Intelligence Agency and in consultation with the Commission on Wartime Contracting established by subsection (a), conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security, intelligence, and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

SA 3000. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. AUTHORITY TO RELOCATE THE JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) AUTHORITY TO CARRY OUT RELOCATION AGREEMENT.—If deemed to be in the best interest of national security and to the physical protection of personnel and missions of the Department of Defense, the Secretary of

Defense may carry out an agreement to relocate the Joint Spectrum Center, a geographically separated unit of the Defense Information Systems Agency, from Annapolis, Maryland to Fort Meade, Maryland or another military installation, subject to an agreement between the lease holder and the Department of Defense for equitable and appropriate terms to facilitate the relocation.

(b) AUTHORIZATION.—Any facility, road or infrastructure constructed or altered on a military installation as a result of the agreement must be authorized in accordance with section 2802 of title 10, United States Code.

(c) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall be terminated, as contemplated under Condition 29.B of the lease.

SA 3001. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, insert the following:

SEC. 2854. RIGHT OF RECOUPMENT RELATED TO LAND CONVEYANCE, HELENA, MONTANA.

Section 2843(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3525) is amended to read as follows:

"(b) EFFECT OF RECONVEYANCE OR LEASE.—

"(1) RECONVEYANCE.—If, at any time during the 10-year period following the conveyance of property under subsection (a), the Helena Indian Alliance reconveys all or any part of the conveyed property, the Alliance shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.

"(2) LEASE.—The Secretary may treat a lease of property conveyed under subsection (a) within such 10-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).".

SA 3002. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, insert the following:

SEC. 2854. MODIFICATION OF LAND CONVEYANCE TERMS, HELENA, MONTANA.

Section 2843(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3525) is amended to read as follows:

"(b) USE OF PROPERTY FOR OTHER THAN INTENDED PURPOSE.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, the Secretary shall require the Helena Indian Alliance to pay to the United States an amount equal to the fair market value of the property as of the time of such determination, excluding the value of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.".

SA 3003. Mrs. MCCASKILL (for herself, Mr. PRYOR, Mr. LEAHY, Mr. BOND, Mr. KERRY, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. CRAPO, Mr. VOINOVICH, Mr. SMITH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. HARKIN, Mr. DODD, Mr. NELSON of Florida Mrs. LINCOLN, Mr. WYDEN, Mr. BROWN, Mrs. MURRAY, and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1029.

SA 3004. Mr. OBAMA (for himself, Mr. ENZI, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL PURPOSE OF USERRA.—Section 4301(a) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) to ensure that family members of recovering servicemembers are able to provide family-based care for such servicemembers during their recovery.".

(b) PROHIBITION.—Subchapter II of chapter 43 of such title is amended by adding at the end the following new section:

"§4320. Employment rights of family members caring for recovering members of the Armed Forces

"(a) PROHIBITION.—Subject to subsection (d), a family member of a recovering servicemember described in subsection (b) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in subsection (b) for a period of not more than 52 workweeks.

"(b) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

"(1) on invitational orders while caring for the recovering servicemember;

"(2) a non-medical attendee caring for the recovering servicemember; or

"(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

"(c) APPLICATION OF OTHER AVAILABLE LEAVE.—(1) To the extent that the family member has other available leave, the family member shall apply the leave to the 52-workweek period described in subsection (a), whether or not the leave would otherwise be usable for the absence from employment as described in subsection (b).

"(2) Except as otherwise provided in this section, the provisions of any Federal or State law covering the other available leave, or of any employment benefit program or plan under which the other available leave is offered, shall continue to apply during the period in which the leave is applied under paragraph (1).

"(3) In this subsection, the term 'other available leave' means available leave, paid or unpaid, that is vacation leave, personal leave, family leave, or medical or sick leave (including leave available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.)).

"(d) APPLICABILITY TO MULTIPLE FAMILY MEMBERS.—Not more than two family members of a recovering servicemember are entitled to coverage under subsection (a) at any one time.

"(e) CERTIFICATION OF COVERAGE.—The Secretary of Defense shall seek to minimize administrative burdens to family members and employers under this section and shall, in consultation with the Secretary of Labor, establish procedures for certifying to employers of coverage by subsection (a) of family members covered by that subsection. Such procedures shall include mechanisms for identifying the family members covered by subsection (a) in circumstances described by subsection (d).

"(f) DEFINITIONS.—In this section:

"(1) The term 'caring for', with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with a family member's ability to work.

"(2) The term 'employer' has the meaning given such term in section 4303(4) of this title, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)). .

"(3) The term 'family member', with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37.

"(4) The term 'recovering servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.".

(c) TREATMENT OF ACTIONS.—

(1) IN GENERAL.—Section 4311 of such title is amended—

(A) in subsection (a)—

(i) by inserting "(1)" after "(a)"; and

(ii) by adding at the end the following new paragraph:

"(2) A person described in section 4320(a) of this title shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in section 4320(b) of this title."; and

(B) in subsection (c)(1), by inserting " as described in paragraph (1) of that subsection, or the person's absence from employment as described in paragraph (2) of that subsection," after "service in the uniformed services".

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 4311. Discrimination and acts of reprisal prohibited: persons who serve in the uniformed services; family caregivers of recovering members of the Armed Forces".

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 43 of such title is amended—

(1) by striking the item relating to section 4311 and inserting the following new item:

"4311. Discrimination and acts of reprisal prohibited: persons who serve in the uniformed services; family caregivers of recovering members of the Armed Forces."; and

(2) by inserting after the item relating to section 4319 the following new item:

"4320. Employment rights of family members caring for recovering members of the Armed Forces.".

SA 3005. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service; and

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing business entity; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(c) GAO REPORT.—Not later than March 31, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by $2,000,000.

SA 3006. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

SEC. 2854. TRANSFER OF JURISDICTION, FORMER NIKE MISSILE SITE, GROSSE ILE, MICHIGAN.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is hereby transferred from the Administrator of the Environmental Protection Agency to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the former Nike missile site, consisting of approximately 50 acres located at the southern end of Grosse Ile, Michigan, as depicted on the map entitled "07-CE" on file with the Environmental Protection Agency and dated May 16, 1984.

(c) ADMINISTRATION OF PROPERTY.—Subject to subsection (d), the Secretary of the Interior shall administer the property described in subsection (b)—

(1) acting through the United States Fish and Wildlife Service;

(2) as part of the Detroit River International Wildlife Refuge; and

(3) for use as a habitat for fish and wildlife and as a recreational property for outdoor education and environmental appreciation.

(d) MANAGEMENT RESPONSE.—The Secretary of Defense shall manage and carry out environmental response activities with respect to the property described in subsection (b) not later than 2 years after the date of the enactment of this Act, with the exception of long-term monitoring, using amounts made available from the account established by section 2703(a)(5) of title 10, United States Code.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SA 3007. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 491, between lines 8 and 9, insert the following:

SEC. 2818. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF MILITARY CONSTRUCTION.

(a) CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION.—Section 2802(a) of title 10, United States Code, is amended by inserting after "military construction projects" the following: ", land acquisitions, and defense access road projects (as described under section 210 of title 23)".

(b) CLARIFICATION OF DEFINITION.—Section 2801(a) of such title is amended by inserting after "permanent requirements" the following: ", or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)".

SA 3008. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 445, in the table preceding line 1, in the item relating to Naval Station, Bremerton, Washington, strike "$119,760,000" and insert "$190,690,000".

On page 447, line 5, strike "Funds" and insert "(a) AUTHORIZATION OF APPROPRIATIONS.—Funds".

On page 447, line 9, strike "$3,032,790,000" and insert "$3,103,720,000".

On page 447, line 12, strike "$1,717,016,000" and insert "$1,787,946,000".

On page 449, between lines 16 and 17, insert the following:

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $70,930,000 (the balance of the amount authorized under section 2201(a) for a nuclear aircraft carrier maintenance pier at Naval Station Bremerton, Washington).

SA 3009. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXII, add the following:

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452) is amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$147,760,000" in the amount column and inserting "$295,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$972,719,000".

(b) CONFORMING AMENDMENT.—Section 2204 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2107), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453) is amended—

(1) in subsection (a)(1), by striking "$722,927,000" and inserting "$870,167,000"; and

(2) in subsection (b)(6), by striking "$95,320,000" and inserting "$259,320,000".

SA 3010. Mrs. MCCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and planned capabilities and costs of the C–5 aircraft and C–17 aircraft fleets.

(2) CONDUCT OF STUDY.—

(A) USE OF FFRDC.—The Secretary shall select to conduct the study required by subsection (a) a federally funded research and development center (FFRDC) that has experience and expertise in conducting studies similar to the study required by subsection (a).

(B) DEVELOPMENT OF STUDY METHODOLOGY.—Not later than 90 days after the date of enactment of this Act, the federally funded research and development center selected for the conduct of the study shall—

(i) develop the methodology for the study; and

(ii) submit the methodology to the Comptroller General of the United States for review.

(C) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after receipt of the methodology under subparagraph (B), the Comptroller General shall—

(i) review the methodology for purposes of identifying any flaws or weaknesses in the methodology; and

(ii) submit to the federally funded research and development center a report that—

(I) sets forth any flaws or weaknesses in the methodology identified by the Comptroller General in the review; and

(II) makes any recommendations the Comptroller General considers advisable for improvements to the methodology.

(D) MODIFICATION OF METHODOLOGY.—Not later than 30 days after receipt of the report under subparagraph (C), the federally funded research and development center shall—

(i) modify the methodology in order to address flaws or weaknesses identified by the Comptroller General in the report and to improve the methodology in accordance with the recommendations, if any, made by the Comptroller General; and

(ii) submit to the congressional defense committees a report that—

(I) describes the modifications of the methodology made by the federally funded research and development center; and

(II) if the federally funded research and development center does not improve the methodology in accordance with any particular recommendation of the Comptroller General, sets forth a description and explanation of the reasons for such action.

(3) UTILIZATION OF OTHER STUDIES.—The study shall build upon the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intratheater Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C–5A aircraft configured as part of the Reliability Enhancement and Re-engining Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411).

(b) ELEMENTS.—The study under subsection (a) shall address the following:

(1) The state of the current intertheater airlift fleet of the Air Force, including the extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other ongoing operations is affecting the aging of the aircraft of that fleet.

(2) The adequacy of the current intertheater airlift force, including whether or not the current target number of 301 airframes for the Air Force heavy lift aircraft fleet will be sufficient to support future expeditionary combat and non-combat missions as well as domestic and training mission demands consistent with the requirements of the National Military Strategy.

(3) The optimal mix of C–5 aircraft and C–17 aircraft for the intertheater airlift fleet of the Air Force, and any appropriate mix of C–5 aircraft and C–17 aircraft for intratheater airlift missions, including an assessment of the following:

(A) The cost advantages and disadvantages of modernizing the C–5 aircraft fleet when compared with procuring new C–17 aircraft, which assessment shall be performed in concert with the Cost Analysis Improvement Group and be based on program life cycle cost estimates for the respective aircraft.

(B) The military capability of the C–5 aircraft and the C–17 aircraft, including number of lifetime flight hours, cargo and passenger carrying capabilities, and mission capable rates for such airframes. In the case of assumptions for the C–5 aircraft, and any assumptions made for the mission capable rates of the C–17 aircraft, sensitivity analyses shall also be conducted to test assumptions. The military capability study for the C–5 aircraft shall also include an assessment of the mission capable rates after each of the following:

(i) Successful completion of the Avionics Modernization Program (AMP) and the Reliability Enhancement and Re-engining Program (RERP).

(ii) Partially successful completion of the Avionics Modernization Program and the Reliability Enhancement and Re-engining Program, with partially successful completion of either such program being considered the point at which the continued execution of such program is no longer supported by cost-benefit analysis.

(C) The tactical capabilities of strategic airlift aircraft, the potential increase in use of strategic airlift aircraft for tactical missions, and the value of such capabilities to tactical operations.

(D) The value of having more than one type of aircraft in the strategic airlift fleet, and the potential need to pursue a replacement aircraft for the C–5 aircraft that is larger than the C–17 aircraft.

(4) The means by which the Air Force was able to restart the production line for the C–5 aircraft after having closed the line for several years, and the actions to be taken to ensure the production line for the C–17 aircraft could be restarted if necessary, including—

(A) an analysis of the costs of closing and re-opening the production line for the C–5 aircraft; and

(B) an assessment of the costs of closing and re-opening the production line for the C–17 aircraft on a similar basis.

(5) The financial effects of retiring, upgrading and maintaining, or continuing current operations of the C–5A aircraft fleet on procurement decisions relating to the C–17 aircraft.

(6) The impact that increasing the role and use of strategic airlift aircraft in intratheater operations will have on the current target number for strategic airlift aircraft of 301 airframes, including an analysis of the following:

(A) The appropriateness of using C–5 aircraft and C–17 aircraft for intratheater missions, as well as the efficacy of these aircraft to perform current and projected future intratheater missions.

(B) The interplay of existing doctrinal intratheater airlift aircraft (such as the C–130 aircraft and the future Joint Cargo Aircraft (JCA)) with an increasing role for C–5 aircraft and C–17 aircraft in intratheater missions.

(C) The most appropriate and likely missions for C–5 aircraft and C–17 aircraft in intratheater operations and the potential for increased requirements in these mission areas.

(D) Any intratheater mission sets best performed by strategic airlift aircraft as opposed to traditional intratheater airlift aircraft.

(E) Any requirements for increased production or longevity of C–5 aircraft and C–17 aircraft, or for a new strategic airlift aircraft, in light of the matters analyzed under this paragraph.

(7) Taking into consideration all applicable factors, whether or not the replacement of C–5 aircraft with C–17 aircraft on a one-for-one basis will result in the retention of a comparable strategic airlift capability.

(c) CONSTRUCTION.—Nothing in this section shall be construed to exclude from the study under subsection (a) consideration of airlift assets other than the C–5 aircraft or C–17 aircraft that do or may provide intratheater and intertheater airlift, including the potential that such current or future assets may reduce requirements for C–5 aircraft or C-17 aircraft.

(d) COLLABORATION WITH TRANSCOM.—The federally funded research and development center selected under subsection (a) shall conduct the study required by that subsection and make the report required by subsection (e) in concert with the United States Transportation Command.

(e) REPORT BY FFRDC.—

(1) IN GENERAL.—Not later than January 10, 2009, the federally funded research and development center selected under subsection (a) shall submit to the Secretary of Defense, the congressional defense committees, and the Comptroller General of the United States a report on the study required by subsection (a).

(2) REVIEW BY GAO.—Not later than 90 days after receipt of the report under paragraph (1), the Comptroller General shall submit to the congressional defense committee a report on the study conducted under subsection (a) and the report under paragraph (1). The report under this subsection shall include an analysis of the study under subsection (a) and the report under paragraph (1), including an assessment by the Comptroller General of the strengths and weaknesses of the study and report.

(f) REPORT BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

(2) ELEMENTS.—The report shall include a comprehensive discussion of the findings of the study, including a particular focus on the following:

(A) A description of lift requirements and operating profiles for intertheater airlift aircraft required to meet the National Military Strategy, including assumptions regarding:

(i) Current and future military combat and support missions.

(ii) The planned force structure growth of the Army and the Marine Corps.

(iii) Potential changes in lift requirements, including the deployment of the Future Combat Systems by the Army.

(iv) New capability in strategic airlift to be provided by the KC(X) aircraft and the expected utilization of such capability, including its use in intratheater lift.

(v) The utilization of the heavy lift aircraft in intratheater combat missions.

(vi) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(vii) Air mobility requirements associated with the Global Rebasing Initiative of the Department of Defense.

(viii) Air mobility requirements in support of peacekeeping and humanitarian missions around the globe.

(ix) Potential changes in lift requirements based on equipment procured for Iraq and Afghanistan.

(B) A description of the assumptions utilized in the study regarding aircraft performances and loading factors.

(C) A comprehensive statement of the data and assumptions utilized in making program life cycle cost estimates.

(D) A comparison of cost and risk associated with optimal mix airlift fleet versus program of record airlift fleet.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 3011. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. INDEPENDENT STUDENT.

(a) AMENDMENT.—Section 480(d)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)(3)) is amended by inserting "or is a current active member of the National Guard or Reserve forces of the United States who has completed initial military training" after "purposes".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective July 1, 2008.

SA 3012. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, Mr. HAGEL, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) FINDINGS.—Congress makes the following findings:

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Since the fall of the Taliban, the United States has provided Afghanistan with over $20,000,000,000 in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts.

(3) There is a stronger need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

(4) The Government Accountability Office (GAO) and departmental Inspectors General provide valuable information on such activities.

(5) The congressional oversight process requires more timely reporting of reconstruction activities in Afghanistan that encompasses the efforts of the Department of State, the Department of Defense, and the United States Agency for International Development and highlights specific acts of waste, fraud, and abuse.

(6) One example of such successful reporting is provided by the Special Inspector General for Iraq Reconstruction (SIGIR), which has met this objective in the case of Iraq.

(7) The establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR) position using SIGIR as a model will help achieve this objective in Afghanistan. This position will help Congress and the American people to better understand the challenges facing United States programs and projects in that crucial country.

(8) It is a priority for Congress to establish a Special Inspector General for Afghanistan position with similar responsibilities and duties as the Special Inspector General for Iraq Reconstruction. This new position will monitor United States assistance to Afghanistan in the civilian and security sectors, undertaking efforts similar to those of the Special Inspector General for Iraq Reconstruction.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the "Inspector General"), who shall be appointed by the President.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(e) DUTIES.—

(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the United States Government, and of the programs, operations, and contracts carried out utilizing such funds in Afghanistan in order to prevent and detect waste, fraud, and abuse, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the departments, agencies, and entities of the United States Government, and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy and the efficient utilization of funds for economic reconstruction, social and political development, and security assistance; and

(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

(A) The Inspector General of the Department of State.

(B) The Inspector General of the Department of Defense.

(C) The Inspector General of the United States Agency for International Development.

(f) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in subsection (e), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (e)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(g) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies

and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State shall provide the Inspector General with appropriate and adequate office space at appropriate United States Government locations in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein. The Secretary of State shall not charge the Inspector General or employees of the Office of the Inspector General for Afghanistan Reconstruction for International Cooperative Administrative Support Services.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense and the Secretary of State and the appropriate committees of Congress without delay.

(h) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General, including a summary of lessons learned, and summarizing the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues of the United States Government associated with reconstruction and rehabilitation activities in Afghanistan, including the following information:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the United States Government entity or entities involved in the contract or grant identified, and solicited offers from, potential contractors or grantees to perform the contract or grant, together with a list of the potential contractors or grantees that were issued solicitations for the offers;

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition; and

(v) a description of any previous instances of wasteful and fraudulent activities in Afghanistan by current or potential contractors, subcontactors, or grantees and whether and how they were held accountable.

(G) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or affiliated entities in the course of reconstruction efforts.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by the United States Government with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) SEMIANNUAL REPORT.—Not later than December 31, 2007, and semiannually thereafter, the Inspector General shall submit to the appropriate congressional committees a report meeting the requirements of section 5 of the Inspector General Act of 1978.

(4) PUBLIC TRANSPARENCY.—The Inspector General shall post each report required under this subsection on a public and searchable website not later than 7 days after the Inspector General submits the report to the appropriate congressional committees.

(5) LANGUAGES.—The Inspector General shall publish on a publicly available Internet website each report under this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

(6) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex as the Inspector General determines necessary.

(7) LIMITATION ON PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(i) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (3) of subsection (h) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register not later than the date on which the report required under paragraph (1) or (3) of subsection (h) is submitted to the appropriate congressional committees. The report shall specify whether waivers under this subsection were made and with respect to which elements.

(j) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term "amounts appropriated or otherwise made available for the reconstruction of Afghanistan" means—

(A) amounts appropriated or otherwise made available for any fiscal year—

(i) to the Afghanistan Security Forces Fund;

(ii) to the program to assist the people of Afghanistan established under section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455); and

(iii) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law; and

(B) amounts appropriated or otherwise made available for any fiscal year for Afghanistan reconstruction under the following headings or for the following purposes:

(i) Operating Expenses of the United States Agency for International Development.

(ii) Economic Support Fund.

(iii) International Narcotics Control and Law Enforcement.

(iv) International Affairs Technical Assistance.

(v) Peacekeeping Operations.

(vi) Diplomatic and Consular Programs.

(vii) Embassy Security, Construction, and Maintenance.

(viii) Child Survival and Health.

(ix) Development Assistance.

(x) International Military Education and Training.

(xi) Nonproliferation, Anti-terrorism, Demining and Related Programs.

(xii) Public Law 480 Title II Grants.

(xiii) International Disaster and Famine Assistance.

(xiv) Migration and Refugee Assistance.

(xv) Operations of the Drug Enforcement Agency.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Homeland Security of the House of Representatives.

(3) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 105 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2008 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1512 for the Afghanistan Security Forces Fund is hereby reduced by $20,000,000.

(l) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate on September 30, 2010, with transition operations authorized to continue until December 31, 2010.

(2) FINAL ACCOUNTABILITY REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final accountability report on all referrals for the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities made to the Department of Justice or any other United States law enforcement entity to ensure further investigations, prosecutions, or remedies.

SA 3013. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. RESPONSIBLE REDUCTION OF UNITED STATES FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The precipitous withdrawal of United States forces from Iraq would have dangerous consequences for the national security of the United States and our allies, including the potential for destabilization of the Middle East region, the disintegration of United States relations with United States allies in the region, the endangerment of vital energy supplies in the region, and irreparable damage to the credibility of the United States throughout the world.

(2) The United States must remain engaged in Iraq and the Middle East region for the foreseeable future to protect our national security interests.

(3) There are limits on the forces the United States has available for deployment, and those limits necessitate a reduction in United States forces in Iraq.

(4) General Petraeus has stated that a reduction in United States forces in Iraq will be imminent as a result of security gains in Iraq and the limits on United States forces available for deployment.

(b) RESPONSIBLE REDUCTION OF UNITED STATES FORCES IN IRAQ.—The President shall commence a responsible reduction in the number of United States forces in Iraq commencing not later than 120 days after the date of the enactment of this Act.

(c) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—

(1) IN GENERAL.—The reduction in United States forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that will include increased engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(2) INTERNATIONAL MEDIATION.—In carrying out the strategy described in paragraph (1), the President shall instruct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of a senior representative of the Secretary General of the United Nations to Iraq who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(3) SENSE OF CONGRESS.—It is the sense of Congress that, in carrying out the strategy described in paragraph (1), the President should—

(A) work with the United Nations to continue the efforts initiated at Sharm El Sheikh in April 2007 and implement fully the terms of the International Compact with respect to Iraq; and

(B) support the decision of the United Nations Security Council on August 10, 2007, to strengthen the mandate of the United Nations Assistance Mission in Iraq in areas such as national reconciliation, regional dialogue, humanitarian assistance, and human rights.

(d) LIMITED PRESENCE OF UNITED STATES FORCES AFTER REDUCTION.—The goal of the reduction of United States required by this section shall be a limited presence for United States forces in Iraq at the completion of the reduction, with the missions of United States forces in Iraq after the completion of the reduction limited to the following:

(1) Protecting United States and coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(4) Providing support for targeted operations by Iraqi Security Forces against extremist militia groups, such as Jaish al Mahdi, which conduct attacks against United States forces and Iraqi Security Forces.

(5) Engaging in counterinsurgency operations which support the counterterrorism mission described in paragraph (3).

(6) Providing personnel and support to Provisional Reconstruction Teams until civilian personnel can be recruited to fill positions in such teams.

(7) Sharing information and intelligence as necessary with Iraqi Security Forces to achieve the missions described in paragraphs (1) through (6).

(e) REPORT ON REDUCTION.—Not later than 180 days after the date of the enactment of this Joint Resolution, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The scheduled date of the completion of the reduction and transition of United States forces in Iraq to a limited presence of carrying out the missions specified in subsection (d).

(2) A comprehensive description of efforts to prepare for the reduction and transition of United States forces in Iraq in accordance with this Joint Resolution and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and allies in the region toward that objective.

SA 3014. Mr. SESSIONS (for himself, Mrs. FEINSTEIN, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 824 and insert the following:

SEC. 824. COMPTROLLER GENERAL REPORT ON EMPLOYMENT OPPORTUNITIES FOR FEDERAL PRISONERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall, in coordination with the Attorney General, submit to Congress a report setting forth such modifications to law or regulations as may be required to provide sufficient employment opportunities for Federal prisoners to reduce recidivism among, and to promote job skills for, the growing population of Federal prisoners.

(b) ELEMENTS.—The report shall include an assessment of the following:

(1) The effect of the current Federal Prison Industries program on private industry.

(2) The impact of limitations on authorized purchasers of Federal Prison Industries products, and proposed alternative employment opportunities for Federal prisoners that may be used to reduce any negative impact on the Federal Prison Industries program of the modifications set forth in subsection (a).

SA 3015. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. M4 CARBINE RIFLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should consider establishing a new program of record for the Joint Enhanced Carbine not later than October 1, 2008.

(c) REPORT ON CAPABILITIES BASED ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(5).

(d) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small

arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(e) REPORT ON JOINT ENHANCED CARBINE.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a Joint Enhanced Carbine requirement that does not require commonality with existing technical data.

(2) The award of contracts for all available nondevelopmental carbines in lieu of a developmental program intended to meet the proposed Joint Enhanced Carbine requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of Joint Enhanced Carbines authorized only as the result of competition.

(4) The use of rapid equipping authority to procure weapons under $2,000 per unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

SA 3016. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) REPORT.—Not later than 190 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status,. capability, viability, and capacity of the solid rocket motor industrial base in the United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the ability to maintain the Minuteman III intercontinental ballistic missile through its planned operational life.

(2) An assessment of the ability to maintain the Trident II D-5 submarine launched ballistic missile through its planned operational life.

(3) An assessment of the ability to maintain all other space launch, missile defense, and other vehicles with solid rocket motors, through their planned operational lifetimes.

(4) An assessment of the ability to support any future requirements for vehicles with solid rocket motors to support space launch, missile defense, or any range of ballistic missiles determined to be necessary to meet defense needs or other requirements of the United States Government.

(5) An assessment of the required materials, the supplier base, the production facilities, and the production workforce needed to ensure that current and future requirements could be met.

(6) An assessment of the adequacy of the current and anticipated programs to support an industrial base that would be needed to support the range of future requirements.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after submittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General's assessment of the matters contained in the report under subsection (a), including an assessment of the consistency of the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1105 of title 31, United States Code, with the matters contained in the report under subsection (a).

SA 3017. Mr. KYL (for himself, Mr. LIEBERMAN, and Mr. COLEMAN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF SENATE ON IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "[i]t is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Qods Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces in Iraq".

(2) Ambassador Ryan Crocker, United States Ambassador to Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "Iran plays a harmful role in Iraq. While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state".

(3) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that "Iran has been intensifying aspects of its lethal support for select groups of Iraqi Shia militants, particularly the JAM [Jaysh al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have risen dramatically".

(4) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that "[t]he Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Diyala provinces, is compelling. . . . It is an accepted fact that most of the sophisticated weapons being used to 'defeat' our armor protection comes across the border from Iran with relative impunity".

(5) General (Ret.) James Jones, chairman of the Independent Commission on the Security Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 6, 2007, that "[w]e judge that the goings-on across the Iranian border in particular are of extreme severity and have the potential of at least delaying our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border".

(6) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that "[w]e know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force. . . . We believe that he works directly for the supreme leader of the country".

(7) Mahmoud Ahmedinejad, the president of Iran, stated on August 28, 2007, with respect to the United States presence in Iraq, that "[t]he political power of the occupiers is collapsing rapidly. Soon we will see a huge power vacuum in the region. Of course we are prepared to fill the gap".

(8) Ambassador Crocker testified to Congress, with respect to President Ahmedinejad's statement, on September 11, 2007, that "[t]he Iranian involvement in Iraq—its support for extremist militias, training, connections to Lebanese Hezbollah, provision of munitions that are used against our force as well as the Iraqis—are all, in my view, a pretty clear demonstration that Ahmedinejad means what he says, and is already trying to implement it to the best of his ability".

(9) General Petraeus stated on September 12, 2007, with respect to evidence of the complicity of Iran in the murder of members of the Armed Forces of the United States in Iraq, that "[t]e evidence is very, very clear. We captured it when we captured Qais Khazali, the Lebanese Hezbollah deputy commander, and others, and it's in black and white. . . . We interrogated these individuals. We have on tape. . . . Qais Khazali himself. When asked, could you have done what you have done without Iranian support, he literally throws up his hands and laughs and says, of course not. . . . So they told us about the amounts of money that they have received. They told us about the training that they received. They told us about the ammunition and sophisticated weaponry and all of that that they received".

(10) General Petraeus further stated on September 14, 2007, that "[w]hat we have got is evidence. This is not intelligence. This is evidence, off computers that we captured, documents and so forth. . . . In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and aftermath of the operation conducted that resulted in the death of five of our soldiers in Karbala back in January".

(11) The Department of Defense report to Congress entitled "Measuring Stability and Security in Iraq" and released on September 18, 2007, consistent with section 9010 of Public Law 109-289, states that "[t]here has been no decrease in Iranian training and funding of illegal Shi'a militias in Iraq that attack Iraqi and Coalition forces and civilians. . . Tehran's support for these groups is one of

the greatest impediments to progress on reconciliation''.

(12) The Department of Defense report further states, with respect to Iranian support for Shi'a extremist groups in Iraq, that "[m]ost of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps-Qods Force. . . . For the period of June through the end of August, [explosively formed penetrator] events are projected to rise by 39 percent over the period of March through May''.

(13) Since May 2007, Ambassador Crocker has held three rounds of talks in Baghdad on Iraq security with representatives of the Government of the Islamic Republic of Iran.

(14) Ambassador Crocker testified before Congress on September 10, 2007, with respect to these talks, stating that "I laid out the concerns we had over Iranian activity that was damaging to Iraq's security, but found no readiness on Iranians' side at all to engage seriously on these issues. The impression I came with after a couple rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business . . . Right now, I haven't seen any sign of earnest or seriousness on the Iranian side''.

(15) Ambassador Crocker testified before Congress on September 11, 2007, stating that "[w]e have seen nothing on the ground that would suggest that the Iranians are altering what they're doing in support of extremist elements that are going after our forces as well as the Iraqis''.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the capability of the Government of the Islamic Republic of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning Shi'a militia extremists in Iraq into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions of the legitimate Government of Iraq;

(3) that it should be the policy of the United States to combat, contain, and roll back the violent activities and destabilizing influence inside Iraq of the Government of the Islamic Republic of Iran, its foreign facilitators such as Lebanese Hezbollah, and its indigenous Iraqi proxies;

(4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies;

(5) that the United States should designate the Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act and initiated under Executive Order 13224; and

(6) that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

SA 3018. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Army and available for Medical Advanced Technology, $15,000,000 shall be available for the Army Medical Research and Materiel Command to carry out, as part of its Medical Research Program required by Congress, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as "Gulf War Illnesses (GWI)'', including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program shall be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

SA 3019. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 536. ENHANCEMENT OF REVERSE SOLDIER READINESS PROCESSING DEMOBILIZATION PROCEDURE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly modify the demobilization procedure for members of the Armed Forces known as Reverse Soldier Readiness Processing by providing for the presence of appropriate Department of Veterans Affairs personnel during such demobilization procedure in order to achieve the following:

(1) The voluntary registration of members of the National Guard and Reserve for health care provided by the Department of Veterans Affairs.

(2) The provision of assistance to members of the National Guard and Reserve in applying for benefits and services from the Department of Veterans Affairs.

(3) The provision of information to members of the National Guard and Reserve on the benefits and services available through the Department of Veterans Affairs.

SA 3020. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 574. INNOCENT CHILD PROTECTION IN EXECUTION OF SENTENCES OF DEATH.

Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended—

(1) in subsection (c), by adding at the end the following new sentence: "However, in the case of a sentence of death, the convening authority shall delay execution of sentence to the extent necessary to prevent the death of an innocent child in utero.''; and

(2) by adding at the end the following new subsections:

"(d) PROTECTION OF INNOCENT CHILD IN UTERO IN EXECUTION OF SENTENCE OF DEATH.—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States to carry out a sentence of death on a woman while she carries an innocent child in utero.

"(e) INNOCENT CHILD IN UTERO DEFINED.—In this section, the term 'innocent child in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

SA 3021. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to

the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006-3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the "Uniformed Services Employment and Reemployment Rights Act").

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(9) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(10) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(11) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(12) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(13) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(14) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a bill has been added to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on September 27, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The bill is S. 1039, a bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 20, 2007 at 9:55 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a business meeting to consider several General Services Administration Resolutions and S. 589, a Bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee, to be followed immediately with a hearing entitled, "Oversight Hearing to Examine the Condition of our Nation's Bridges."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 20, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Frozen Out: A Review of Bank Treatment of Social Security Benefits".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a markup on Thursday, September 20, 2007, at 10 a.m. in the Dirksen Senate Office Building Room 226.

Agenda

I. Bills

S. 1845, A bill to provide for limitations in certain communications between the Department of Justice and the White House (Whitehouse, Leahy).

S. 772, Railroad Antitrust Enforcement Act of 2007 (Kohl, Coleman, Feingold).

S. 1267, Free Flow of Information Act of 2007 (Lugar, Dodd, Graham).

S. 1703, Trafficking in Persons Accountability Act of 2007 (Durbin, Coburn).

II. Nominations

Jennifer Walker Elrod to be United States Circuit Judge for the Fifth Circuit.

Patrick Shen, Special Counsel for Immigration Related Unfair Employment Practices.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Expanding Opportunities for Women Entrepreneurs: The Future of Women's Small Business Programs:" on Thursday, September 20, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, September 20, 2007, in order to conduct a Joint Hearing to receive the 2007 legislative presentation by the American Legion. The Committee will meet in 345 Cannon House Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 20, 2007 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, September 20, 2007, at 2:30 p.m. for a hearing entitled "High Risk IT Investments: Is Poor Management Leading to Billions in Waste."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 20, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1377, to direct the Secretary of the Interior to convey to the city of Henderson, NV, certain Federal land located in the city, and for other purposes; S. 1433, to amend the Alaska National Interest Lands Conservation Act to provide competitive status to certain Federal employees in the State of Alaska; S. 1608 and H.R. 815, to provide for the conveyance of certain land in Clark County, NV, for use by the Nevada National Guard; S. 1740, to amend the act of February 22, 1990, and the act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota; S. 1802, to adjust the boundaries of the Frank Church River of No Return Wilderness in the State of Idaho; S. 1939, to provide for the conveyance of certain land in the Santa Fe National Forest, NM; and S. 1940, to reauthorize the Rio Puerco Watershed Management Program, and for other purposes.

And to receive testimony on two additional bills added to the hearing: S. 1143, to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; and S. 2034, to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–7

Mr. KERRY. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 20, 2007, by the President of the United States: Treaty with the United Kingdom Concerning Defense Trade Cooperation, Treaty Document No. 110–7. I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007. I transmit, for the information of the Senate, the report of the Department of State concerning this Treaty.

My Administration is prepared to provide to the Senate for its information other relevant documents, including proposed implementing arrangements to be concluded pursuant to the Treaty, relevant correspondence with the Government of the United Kingdom about the Treaty, and proposed amendments to the International Traffic in Arms Regulations.

This Treaty will allow for greater cooperation between the United States and the United Kingdom, enhancing the operational capabilities and interoperability of the armed forces of both countries. I recommend that the Senate give early and favorable consideration to this Treaty.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2007.*

JOINT REFERRAL—NOMINATION OF CHRISTOPHER A. PADILLA

Mr. KERRY. Mr. President, on behalf of Senator REID, as in executive session, I ask unanimous consent that PN 861, the nomination of Christopher A. Padilla to be Under Secretary of Commerce for International Trade, be jointly referred to the Finance Committee and the Banking Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. KERRY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 324, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 324) supporting the goals and ideals of "National Life Insurance Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. JOHNSON. Mr. President, I rise today to recognize September 2007 as National Life Insurance Awareness Month.

I speak from personal experience when I say that you should never take for granted that you will always wake up tomorrow in the same condition you are in today. We can never be sure when our time will come, and it is always best to be prepared for the unexpected. An important part of preparedness is financial readiness, and that is why National Life Insurance Awareness Month is needed.

There are 68 million Americans either with no life insurance or who are underinsured. It is concerning that there is such a large segment of the adult population in this country without proper financial planning tools. In a time of loss, a life insurance policy can mean the difference between having to sell the family home, pulling the kids out of college, or even, in some cases, having enough money to put food on the table. I want to commend the National Association of Insurance and Financial Advisors and the Life Insurance Foundation for Education as well as more than 100 insurance companies for their effort to raise consumer awareness of the important role that life insurance products can play in helping families plan their financial futures.

I am also pleased that so many of our local financial advisors and financial institutions are already actively involved in helping South Dakotans increase savings and plan financial contingencies for unexpected events. By designating September 2007 as "Life Insurance Awareness Month," I hope that the increased national attention on this issue will further encourage people across America to achieve financial security for themselves and their loved ones.

Mr. KERRY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care; and

Whereas numerous groups supporting life insurance have designated September 2007 as "National Life Insurance Awareness Month" as a means to encourage consumers to take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

ORDERS FOR FRIDAY, SEPTEMBER 21, 2007

Mr. KERRY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:15 a.m., Friday, September 21; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 1585, the Department of Defense authorization, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. KERRY. Mr. President, again, I know the Senator probably wants to speak. If there is no further business—after the Senator speaks—I ask unanimous consent that the Senate stand adjourned under the previous order, following Senator SESSIONS' statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair and thank my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

IRAQ

Mr. SESSIONS. Mr. President, I appreciate the comments of the Senator from Massachusetts. I believe this matter is an important one. We have troops in the field who are executing the policies we have asked them to execute. We don't need to be using buzz words; we need to be talking about truth and facts and trying to make the right decisions for our country, and for the world for that matter.

I detect fundamentally in the Senator's comments and from quite a number of others that they believe, as the Senator said, "there is no real way out," and, in effect, we have a doomed policy that will not be successful. Therefore, we should withdraw now. If that is the fact, I would agree we should withdraw now. So that is why I think we need to analyze this very point.

Last fall, a lot of people were worried about what was happening in Iraq. I certainly was. I visited Iraq in October. I visited Al Anbar. It was a very troubling report we received from the marines. It caused me great concern. Remarkably, Al Anbar region has shown, almost overnight, tremendous progress.

But let's go to the facts. The Congress asked General Jimmy Jones and his commission in May to independently evaluate Iraq when we did the funding for the surge. General Jimmy Jones's report dealt with the fundamentals we are facing. I asked him did he believe it was realistically possible that we could be successful in Iraq. And he said: Yes, sir. I asked him did a single member of his 20-member commission believe that we were doomed to failure in Iraq, and he looked around and asked his commission members, and none of them said that was their view. They all believed we had a realistic chance of success. I asked General Petraeus did he believe we had a realistic chance of success in Iraq, and he said, yes.

So I guess what I would say is, some say we do not. I would say the people—the generals who are leading the effort there—say we have a realistic chance of success. The independent commission we sent over there of 20 members unanimously believes we do. So I think we should base our opinion on the best information we have. As for me, I have to accept that.

I also factor into that rather dramatic improvements in the reduction of violence in Iraq, where within Baghdad we have seen a 70-percent reduction of civilian deaths and a 55-percent reduction of civilian deaths across the country of Iraq. That is very significant. It is a product of many different things. It is a product of the new strategy as well as the new troops we sent there.

So I have to say to my friends and colleagues in the Senate: Yes, this is a tough vote. Yes, we need to worry and agonize and think carefully about the challenges we are now facing, and we need to make rational decisions. Based on the information I have and the committee hearings I have attended in Armed Services, my 6 visits to Iraq, I think we should not precipitously withdraw. Well, they say, this is not a precipitous withdrawal, it is a deadline, and that is going to make the Iraqis do better. But it is not a deadline; it is a precipitous withdrawal. I mean I just have to tell you, let's deal with facts.

The Levin-Reed amendment says the Secretary of Defense shall commence the reduction of the number of U.S. forces in Iraq not later than 90 days after the enactment of this act. And then it says: The Secretary of Defense shall complete the transition of the U.S. forces to a limited presence and missions by not later than 9 months after the enactment of this date. So this is basically a 9-month mandated withdrawal in Iraq, whether it creates instability and problems in places and puts our soldiers at greater risk or not. Unrelated to the facts on the ground, it is an absolute, mandated withdrawal.

Now, if we were doomed to failure, maybe this is what we ought to do, but I don't believe we are doomed to failure. I believe, as Senator LIEBERMAN said, there are a number of things that can cause us to feel better, and General Petraeus has certainly infused our effort with more leadership and effectiveness and purpose. His tactics utilizing counterinsurgency principles seem to have made some real progress.

For example, he told us he is embedding his soldiers with the local people and the local forces to an extraordinary degree, compared to what we have done before. As a matter of fact, I asked him about that. I said: What are you doing differently? He seemed to, I have to say, appreciate the question because he had been asked so many other things. But he is doing things differently, and he explained some of the things he is doing. We are embedding our soldiers with their soldiers. They are living with them. They are in the neighborhoods. As a result, we are receiving more information, and the number of caches of weapons that have been seized so far this year put us on a pace to double the number of weapons and munitions seizures that we have achieved this year, doubling the previous rate. He said in his mind that may have something to do with the fact that attacks have been down and the number of IED attacks have dropped 37 percent. He didn't overpromise or declare that. He said it might have something to do with that, that we are obtaining twice as many caches of weapons and seizing those as a direct result of more and better information from the people of Iraq.

So I would also join my colleague, Senator MCCAIN, who certainly knows something about war firsthand, in concluding that the limited presence mandated in this amendment, the Reed-Levin amendment, that says that the mission of our forces that are left in Iraq can only be for the following purposes: No. 1, protecting U.S. and coalition personnel and infrastructure—base security, defending our bases—No. 2, training, equipping, and providing logistic support to the Iraqi security forces; and No. 3, engaging in targeted—this is a legal mandate—targeted counterterrorism operations against al-Qaida, al-Qaida-affiliated groups, and other international terrorist organizations. That is all they can do. As Senator MCCAIN said, asking this question: Are they going to wear T-shirts that say: I am an al-Qaida, I am a Shia, or a Sunni terrorist; I am a Baathist warrior, and we can only shoot at those—use force against those who wear the al-Qaida T-shirts? This is not a practical, realistic directive to the U.S. military. We are not capable of deciding how to deploy the forces we have there. We are just not capable. This is a bunch of politicians—that is all we are—doing our best effort to serve the people. We don't have to be bound—I certainly agree—by a report from a general or the President.

We can act if we choose to act. But we need to ask ourselves, are we going to dismiss the testimony of our top generals and the independent Jones commission about the progress that is being made and the realistic chance of success that exists? In fact, I think it may be a realistic fact that one reason Osama bin Laden is all over the television apparently in the last few days is because he is getting worried. The Sunni support area of Al Anbar in Iraq has turned against him and his people, and they are fighting against him and have devastated much of their capability in the Al Anbar region—a direct change from what I was told last October when that was not occurring. We are working with local police, local mayors, local tribal leaders, and that is yielding progress to a degree we have not seen before in Iraq. It appears to be a model that can lead us more successfully than trying to meet with a bunch of politicians in downtown Baghdad and trying to reach an accord that is going to affect something in Fallujah or Samarra or Mosul. Washington, DC, can't affect Alabama or Nebraska very well.

But this country is not capable of issuing orders that can impact successfully the daily lives in these provinces and small towns. That is a product of the new nature of that Government and the lack of maturity it has. So we are using different tactics that seem to be working.

Well, we have said our military is being damaged and our morale is bad and we have real problems there. Certainly, we have had a tremendous amount of our military personnel there, and they have performed with the greatest professionalism. They are well trained, well disciplined, well equipped, they know how to use the equipment with which they have trained, and they are performing in a magnificent way. They are at risk every day and they are doing their jobs effectively.

For example, a few days ago, a group came to visit my office from Alabama. They were called Veterans for Freedom. It was made up of Alabama Army National Guardsmen and Army Reservists. I had the honor of being an Army Reservist for 10 years. I never served in combat, but I am honored to have been one of them. These are citizen soldiers. They recently returned from being mobilized in Iraq. These soldiers were all senior noncommissioned officers. They had demobilized and were back at their civilian jobs. They asked for a couple days off to visit the offices of Alabama's congressional delegation. They had several messages for me. The first message was: We have to win this battle.

The group truly believes the contribution their unit had made in the war effort was measurable and positive. One of the guardsmen had been wounded in an IED attack early in the deployment. Thankfully, he was not seriously wounded and he returned to duty. He noted that by the end of the deployment, IEDs were no longer a threat in his area of operation. The message was simply their service had made a difference.

Another message to me was: We cannot afford to lose this fight by simply giving up. I didn't make up that phrase—that a precipitous withdrawal is equivalent to giving up. That is what four veterans of Iraq told me they perceived we were considering doing. They urged us not to do it. Certainly, Iraq cannot be another United States in a short time, they told us. But it can become self-governing and self-sufficient.

The group further stated it may be necessary for us to modify our objectives in this fight, but please don't quit. The senior NCOs finished by telling us they had at least one child, or spouse, on active duty or serving as a reservist or Guard member. This was a testimony—a form of saying to me they and their families believed in what they were doing, even if it meant they have to go back to Iraq again. After making this statement, they were quite polite. They thanked my team for the time they had with us and the few minutes they had to be heard. They came all the way up here to share that.

I say that because I am not hearing the kind of talk from the people who are in Iraq serving our country now that I am hearing from the politicians in Congress. I am not hearing that.

What about Jeff Emanuel, a former special operations veteran of Iraqi Freedom? He wrote an article in the Washington Times recently. He talked about the situation we find ourselves in today. The title of the article is: "Iraqis show courage. Can Congress do the same?"

My colleague from Massachusetts, I think, was a bit too dismissive of the challenges faced by the Iraqi military police and the Iraqi leaders. They have a very difficult challenge, I admit that. I certainly admit that. I think this Nation cannot pour resources into Iraq if we reach the decision it cannot be successful. We will have to extricate ourselves no matter what.

But I have to tell you I don't see it that way right now. This is what Mr. Emanuel said:

> . . . Iraqis in many locations have shown amazing courage, not only by providing an ever-increasing amount of information on insurgent activity to coalition forces, but also by working to rebuild what the insurgents have destroyed, as well as by putting their lives on the line to drive terrorists out of their own villages. They do this despite the fact that they do not know whether they will wake up the next day to find that the coalition—currently their best source of protection—has succumbed to the calls from home (which are heard here by civilians and terrorists alike) to leave Iraq, and has abandoned them.

So they are hearing the talk here. It creates instability and uncertainty for those who want to stand with us and help them to prevail and create a good and decent government in Iraq, if they think we may flee the country the next day. Mr. Emanuel says:

> In April and May of this year, and again from the beginning of August through the present, I have been embedded [him personally] in some of the most kinetic combat zones in Iraq, observing General Petraeus's strategy from the ground level in several different locations, and have seen clear evidence of the strategy's effects on the situation there.
>
> I have personally observed clinics in which coalition medics and doctors provided villagers with a level of care that has long been unheard of in the country.

He goes on to say this is still a broken and unstable country. That I do not doubt. Yet progress is inarguably being made, he said. He goes on to note this:

> A successful counterinsurgency is one thing, with a timeline which is measured not in months, but in years. However, to wage a successful counterinsurgency and then to build a stable, autonomous and secure state, which we can leave behind without risking its imminent collapse, is another matter altogether.

He went on to note we must not break faith with those who have stood with us and made their commitment.

We all are concerned about the situation in Iraq. The people I talk to—the military people I talk to see us as having a realistic possibility of helping to establish a decent government in Iraq—maybe not the kind of democracy we would like to have seen but something that can work, be a bulwark against an aggressive Iran and be a bulwark in a hostile base against al-Qaida and the terrorists there, who could be an ally to the United States. We have allies in the region. We have a base in Qatar, Bahrain, and we have strong allies in Kuwait and other places in the Middle East. We continue to have those and we will continue to do so. But there is a danger, without a doubt, about an expansive Iran and its leadership who seem to be disconnected from reality in many different ways. Iran's President Ahmadi-Nejad declared a few days ago that U.S. political influence was collapsing rapidly and said Tehran was ready to help fill the power vacuum. He said:

> Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill that gap.

That is from the Philadelphia Inquirer of August 29. So the consequences of what we are doing are serious.

Let me address one more time a rapid precipitous withdrawal and what it means as it is contained in the Levin-Reed amendment. Imagine you are a military commander and you have 160,000 troops in Iraq. You are told you have 9 months to withdraw everything but a token force to train Iraqis and to protect your own bases and to chase individual al-Qaida members and those associated with them. We are talking about more than a brigade of 5,500 troops a month having to be pulled out. When you have an area of responsibility that has been assigned to a military brigade and you draw those down, then somebody has to assume the responsibility for that territory. How do you do that? That takes time, planning, and care. You can get in a withdrawal or a situation that costs lives and will completely destabilize any progress that has been made. The military commanders have told us it cannot be done. You cannot draw down more than a brigade a month. That is a too fast pace. Remember, it is a brigade that has an area of responsibility of interfacing with American and coalition forces all around it, plus it interfaces with local police, mayors, and tribal leaders, plus it interfaces with the Iraqi Army and Iraqi police.

All of that is part of the responsibility and the relationship that has built up. To precipitously pull out in 9 months all these forces and draw them back to only a few bases and give them a limited responsibility, is a huge, reckless idea that can only result in chaos, confusion and unnecessary death and will destabilize Iraq, destabilize the region perhaps, and cost more lives.

Why don't we listen to what our fabulous general, General Petraeus, has said? He said: I understand we need to draw down these troops. I plan to draw down troops in Iraq. That is certainly my goal.

I will say what I have said many times. The surge was a bitter pill for me. I had certainly hoped that in 2006 we would be drawing down troops, not having to increase troop levels. But that is what we voted to do in this Congress by an 80-to-14 vote. We funded that surge, and now we are getting a report on it.

He said: I have had success by reducing violence in Baghdad and in the country. I am not going to replace a Marine unit that will be departing within a few weeks. That will reduce the numbers. I will bring a brigade home before Christmas and that will be another 5,000-plus personnel. I will continue to draw down next year according to my plan through the summer, and I believe I can achieve a 30,000 troop reduction by next summer.

He said: In March, I will report to the Congress again, and I will tell you what further reductions we can achieve, and I hope to be able to announce further reductions.

That is the kind of withdrawal that is consistent with our ultimate goal, to create a stable and decent Iraq in which the Iraqi Army and the Iraqi police can assume more and more responsibility.

To me, the stakes are so high, the challenges and threats so great that we ought not be driven by polling data. We ought to ask ourselves: What is right for America? What is right for our soldiers? If they are pulled out and this country falls because we acted recklessly, there are going to be more morale problems than we can imagine in the United States military. There are going to be some angry people. They are going to be very disappointed in the Congress. They put their necks on the line because we asked them to. They lost friends and have wounded friends in this conflict, and then we up and jump away and undermine all that effort. It is not going to be pleasant, either.

I say to my colleagues, I understand the purpose of this amendment. It wants reduction in forces. It wants to see us less engaged in the actual military operations in Iraq. We want to see more of that done by the Iraqi Army, the Iraqi police, and that is what General Petraeus wants. He has a plan to achieve that goal. This is a general who has written a manual for the Department of Defense on how to defeat an insurgency, a counterinsurgency manual. Let's give him that opportunity. He is making progress so far. Let's do our duty and watch.

We are not bound by everything General Petraeus says. We are not bound by everything President Bush says. Yes, we are an independent body. We have individual responsibilities to make up our own minds. But if we do this, let's do it right. Let's don't be flip-flopping around. That is not worthy of a great nation. We cannot send troops in one day and jerk them out the next. Let's follow through in this difficult period and see if we can achieve that realistic chance of success that all 20 members of the Jones commission reported they believe is possible and as General Petraeus has told us he believes is possible. I believe it is the right thing for America to reject the Levin-Reed amendment.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 9:15 a.m. tomorrow.

Thereupon, the Senate, at 8:37 p.m., adjourned until Friday, September 21, 2007, at 9:15 a.m.

NOMINATIONS

Executive Nominations received by the Senate:

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JULIA A. STEWART, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

PAUL S. CUSHMAN, OF FLORIDA

DEPARTMENT OF STATE

JESSICA LYNN ADAMS, OF OHIO
GREGORY DAVID AURIT, OF NEVADA
MARK J. BOSSE, OF CALIFORNIA
ROBERTA R. BURNS, OF NEW YORK
LYDIA BETH BUTTS, OF TEXAS
LISA ARUNEE BUZENAS, OF THE DISTRICT OF COLUMBIA
DANIEL C. CALLAHAN, OF VIRGINIA
THOMAS L. CARD, OF VIRGINIA
MICHAEL CARNEY, OF GEORGIA
MARY KAROL CLINE, OF THE DISTRICT OF COLUMBIA
MARC S. COOK, OF THE DISTRICT OF COLUMBIA
MICHAEL ALBERT DASCHBACH, OF ARIZONA
THOMAS R. DE BOR, OF PENNSYLVANIA

KRISTEN FRESONKE, OF NEW YORK
LAWRENCE H. GEMMELL, OF MAINE
LEWIS GITTER, OF PENNSYLVANIA
KRISTOFOR E. GRAF, OF TEXAS
SEAN S. GREENLEY, OF SOUTH CAROLINA
MICHAEL WILLIAM HALE, OF VIRGINIA
PAUL ALLEN HINSHAW, OF MISSISSIPPI
A. DIANE HOLCOMBE, OF MARYLAND
RICHARD B. JOHNS, OF VIRGINIA
STEVE M. KENOYER, OF CALIFORNIA
RICHARD MORRIS, OF COLORADO
ANDREA JANE PARSONS, OF THE DISTRICT OF COLUMBIA
MIRANDA A. RINALDI, OF THE DISTRICT OF COLUMBIA
AMY E. ROTH, OF LOUISIANA
ERIK MARTINAS RYAN, OF ARKANSAS
DENISE SHEN, OF VIRGINIA
JOAN RENEE SINCLAIR, OF CALIFORNIA
DIANA MARIA SITT, OF CALIFORNIA
ELIZABETH A. SUNDAY, OF PENNSYLVANIA
MARY C. THOMPSON, OF TEXAS
LAURA A. TILL, OF COLORADO
MIRIAM ELISE TOKUMASU, OF WASHINGTON
NYREE TRIPPTREE, OF GEORGIA
CHRISTOPHER VAN BEBBER, OF CALIFORNIA
ANGELO RAYE VENTLING, OF NEW YORK
VAIDA VIDUGIRIS, OF NEW YORK
ZEBULUN Q WEEKS, OF NEVADA
DIANE WHITTEN, OF NEBRASKA
BRANDON L. WILSON, OF VIRGINIA
DEBORAH WINTERS, OF THE DISTRICT OF COLUMBIA

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SAMUEL T. HELLAND, 6309

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C:, SECTION 624:

To be colonel

THOMAS J. KEATING, 2706

EXTENSIONS OF REMARKS

HONORING WEST SIDE COMMUNITY HEALTH SERVICES

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, today I rise to honor West Side Community Health Services for their 35 years of dedicated service ensuring the best quality health care for St. Paul's bilingual and bicultural communities.

On behalf of the Twin Cities and the citizens of Minnesota, I wish to congratulate West Side Community Health Services for their work providing a progressive health care model that emphasizes education, prevention, and integrated services. These outstanding services are provided with respect for the cultures of the patients they serve. For more than a generation, West Side Community Health Services has been the voice for Latino, Hmong, adolescent, immigrant, and low income communities. West Side Community Health Services can be proud of their outreach to educate patients and family members where health care knowledge is needed most: In urban neighborhoods, schools, areas of public housing and homeless shelters.

In 1969, West Side Community Health Services was established when a group of volunteers saw the need for bilingual health care for Spanish speaking residents. Located in the basement of St. Michael's Church, volunteers served between 6 and 7 patients a day. Since then, West Side Community Health Services has flourished; incorporating its first clinic servicing 1,900 people in 1972, adding dental services in 1978, health care for the homeless in 1987 and two public housing clinics in 1993. In 2000, West Side Community Health Services achieved accreditation by the Joint Commission on Accreditation of Health Care Organizations.

In its 35 years, West Side Community Health Services has increased the number of patients served to over 35,000. In 2006, 84 percent of their patients were from Asian, African American, American Indian or Latino communities; 85 percent had incomes less than $41,000 for a family of four, and half did not have health insurance. The 250 people who work at West Side Community Health Services facilitate access to health care by breaking down barriers related to trust, cost, location, culture, and language. In doing so West Side Community Health Services provides much needed care to vulnerable members of the community—serving them with the compassion, respect and quality health care they deserve.

Madam Speaker, in honor of the founders of West Side Community Health Services, its staff, board members, and volunteers committed to educating and improving the health of the community, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing the 35th anniversary of West Side Community Health Services.

TRIBUTE TO DOROTHY WOOLFORK

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. ELLISON. Madam Speaker, I rise today to pay tribute to the life of Dorothy Woolfork, of Minnesota, a true citizen-servant who never hesitated to put the needs of the community above her own. While I regret to report the recent passing of Dorothy Woolfork at the age of 91, I am grateful for her lifelong service to the community and I am confident that her ideals will inspire future generations of community volunteers.

A native of Bradley, Arkansas, Dorothy came to Minnesota in 1939 with the hope of finding work. Not only did Dorothy find work in Minneapolis, she found a new life. After graduating from cosmetology school, she opened her own business, solidifying her commitment to the growth of the community.

Dorothy's 30-plus year career in political and community activism began in 1962 when she attended her first precinct caucus meeting. From that point on, her presence in the community was pervasive. Her tireless work in the community did not go unnoticed. Her efforts were recognized by the Governor of Minnesota and the Mayor of the City of Minneapolis by a joint proclamation declaring June 17, 1990 as "Dorothy Woolfork Appreciation Day."

In closing, Madam Speaker, I wish to express my condolences to all those surviving Dorothy Woolfork and to the community she worked for, the community she loved. It is an honor to stand in recognition of the memory and life of a model citizen who devoted herself to the City of Minneapolis. Ms. Woolfork, on behalf of the citizens of the 5th District, I thank you for your lifetime of service.

IN HONOR OF THE 85TH ANNIVERSARY OF THE GLEN ROCK PUBLIC LIBRARY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise in honor of the 85th anniversary of the Glen Rock Public Library in Bergen County, New Jersey. On June 9, 1922, the library first opened its doors in a small store on the town's main street. It is now a cornerstone of the community where people come to read and learn, meet and discuss. It is where so much of the town business is conducted.

This year also marks the 25th anniversary of the Friends of the Library, a group of committed volunteers who have helped to make the library one of the Borough's most valuable assets. With their help and the help of a volunteer Board of Trustees, Glen Rock has reached the distinction of having one of the highest circulation figures of the more than 70 libraries in the Bergen County Cooperative Library System. In fact, 85 percent of the Borough's 11,546 residents have library cards.

The Glen Rock Public Library is not just a place where people come to check out books; it is where people come to build their community. It is an important part of what makes Glen Rock such an outstanding place to live, work, and raise a family. I commend the staff and volunteers who toil endlessly, yet lovingly for their tremendous efforts on behalf of the people of the Borough of Glen Rock.

TRIBUTE TO SPECIALIST ALUN HOWELLS

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. SALAZAR. Madam Speaker, I rise today to honor the courage and sacrifice of Army Specialist Alun R. Howells of Parlin, Colorado.

On August 13, Specialist Howells died from wounds he suffered while on a combat mission in Baghdad. Specialist Howells was assigned to E Company, 1st Battalion, 64th Armor Regiment, 3rd Infantry Division, Fort Stewart, Georgia.

Driven by his passion for the outdoors, Alun Howells spent much of his life exploring Colorado's Rocky Mountain terrain. After joining the Army in 2006, he turned his passion toward a distinguished military career. Among his numerous honors, he was awarded the Purple Heart and the Bronze Star for his service to our country.

Alun Howells will be missed by those who knew and loved him, and our hearts go out to his family and friends.

Thank you for this opportunity to recognize and honor one of Colorado's fallen heroes.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained on September 18, 2007 and missed rollcall votes 870, 871, and 872.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Had I been present, I would have voted "aye" for each of the three measures.

TRIBUTE TO REVEREND WILLIAM W. SMITH III

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. ELLISON. Madam Speaker, I rise today to pay tribute to the life of Reverend William W. Smith III, of Minnesota, a selfless servant who was committed to his faith, family and the struggle for civil rights and social justice. While I regret to report the recent passing of Rev. Smith at the age of 69, I am grateful for his spirit of equality and inclusiveness which will continue to live on in the city of Minneapolis and beyond.

Rev. Smith's relationship with Minneapolis began over 50 years ago when he was stationed in the city while serving as an airman in the United States Air Force. Following his tour of duty, Smith returned to Minneapolis, where he took on the important work of mentoring and empowering children, youth, families and the elderly as a staffer at the Phillis Wheatley Community Center. Smith would later go on to serve as a leader at the Twin Cities Opportunities Industrial Center.

Rev. Smith was a visionary who knew that Minneapolis could become a place of equal opportunity for all people regardless of racial or ethnic differences. During the turbulent 1960s, Smith worked vigorously to advance the cause of the civil rights movement in Minneapolis. He served as a local facilitator working with community leaders to set into action the teachings of the Reverend Dr. Martin Luther King, Jr. Smith's efforts ultimately contributed to the creation of human rights commissions in Minneapolis and throughout the state of Minnesota. Smith also helped guide local social action groups such as the Minneapolis Urban League and the Black Unity and Futurism Youth Organization of Minneapolis.

Recognizing the important role which unions play in protecting workers rights, Smith fought vigorously to gain union membership for African American workers. Once that battle was won, Smith accepted the challenge of becoming a union organizer, working for the American Federation of State, County and Municipal Employees, AFL–CIO in New Orleans, Atlanta and Tulsa.

In closing, Madam Speaker, I wish to express my condolences to those surviving Rev. Smith: his daughter, his sons, former wife, and the community he worked for, the community he loved. It is an honor to stand in recognition of the memory and life of a man who gave so much of himself to Minneapolis yet demanded so little in return. Reverend Smith, today we thank you.

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. THOMPSON of California. Mr. Speaker, I rise in support of H.R. 3580, the Food and Drug Administration Amendments Act of 2007. This bill necessarily reauthorizes the Prescription Drug User Fee Program, the Medical Device User Fee Program, and Food and Drug Administration, FDA, authority to grant an additional 6 months marketing exclusivity to a manufacturer of a drug in return for FDA requested pediatric use, for 5 years, through 2012. The act also addresses a variety of other issues of importance to the FDA and to the Nation regarding pediatric medical device safety and improvement, research equity, and pharmaceuticals, a foundation for the FDA, better ways to deal with potential conflicts of interest, clinical trial databases, and measures to increase the post-market safety of drugs. All of these issues are important, but I believe that one of the most important sections of the bill regards additional steps to ensure the safety of our Nation's food.

Mr. Speaker, today we live in a global community, exchanging goods and services with countries around the world. Every country is different, and possesses differing standards, quality assurance, public health infrastructures, safety testing capacity, and desire and ability to secure shipments and distribution systems. Additionally, each must deal with a unique set of threats—naturally caused and intentionally generated. Much of the food on America's dinner tables comes from beyond our borders, and as we all know, despite the best efforts of a small number of dedicated personnel, much of that food comes into the country without being inspected. Also, whether the food comes from outside or inside the United States, the distribution systems are largely unsecured. This legislation is a tremendous step forward—increasing inspections, improving research, and giving FDA the necessary authorities to inspect, trace, quarantine, and recall certain imported food to ensure safety.

Al Qaeda and other extremist organizations have indicated the desire to use agroterrorist means to attack our food supply. There is also increasing evidence to indicate that these organizations have been recruiting personnel with the scientific and technical know-how to accomplish these means. Additionally, over the past few decades, we have seen cases in the United States of intentional tampering of over-the-counter pharmaceuticals and controlled substances, resulting in illness and death throughout the country.

As the committee with oversight of the Department of Homeland Security, DHS, the Committee on Homeland Security works diligently to ensure that DHS effectively executes and manages its duties, and where appropriate, ensures that DHS works collaboratively with other Federal agencies. DHS, through Immigration and Customs Enforcement, often partners with FDA to investigate food and drug tampering and contamination cases. Customs and Border Protection, as well as the United States Coast Guard, also have roles in interdicting and inspecting contaminated shipments as they cross borders and seas into the country. I am pleased that this legislation requires the Secretary of Health and Human Services, HHS, to notify the Secretary of the Department of Homeland Security when an HHS entity believes food has been adulterated. Information-sharing is critical to effective, timely response to threats and a more secure homeland.

This legislation addresses a number of important aspects regarding food and drug safety and security. Actions we take now to better secure our food and drugs against contamination, adulteration, and terrorism will add to our overall homeland and transnational security.

I encourage my colleagues to pass this legislation with strong bipartisan support.

COMMENDING THE TREMENDOUS PUBLIC SERVICE OF EAST BROOK MIDDLE SCHOOL STUDENT JOEY RIZZOLO

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend a seventh grade student at East Brook Middle School in Paramus, NJ, for demonstrating a tremendous commitment to his community with exuberance and spirit. At his tender young age, Joey Rizzolo has already offered more of an example of public service for America than many adults.

Under the tutelage of their teacher, Jane Cosco, Joey Rizzolo and his fellow students take part in a service-learning project called Operation Goody Bag. For the past 3 years, students at East Brook Middle School have decorated lunch bags; stuffed them with letters, poems, candy, and other such items; and shipped them to local first responders and service members overseas. Fifty thousand packages have been shipped already and each one is sure to bring a smile to the face of its recipient.

As an outgrowth of that effort, Operation Goody Bag decided to participate in the Department of Defense's America Supports You program and the annual Freedom Walk. This year, Joey, as the Paramus Freedom Walk chairman and his fellow students took to the streets with about 400 local citizens to show their support for the men and women serving in the military and for their families.

I was proud to join Joey and his fellow students for this special event. From their homes in Paramus, these students had a front row seat to the horrific terrorist attacks on September 11. Many of their family members and neighbors were there at the World Trade Center that day or were amongst the first responders who rushed into Manhattan to help in the hours and days and weeks that followed. These students approach their work with poise and grace, dedication and commitment. And Joey Rizzolo organized and led this first annual walk as if he'd been doing it for a lifetime.

It was an honor to stand with these students earlier this month to commemorate the sixth anniversary of September 11 and it is an honor to represent these students, their teacher, and their families in Congress.

TRIBUTE TO CORPORAL JASON LAFLEUR

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. SALAZAR. Madam Speaker, I rise today to honor the courage and sacrifice of CPL Jason K. LaFleur of Ignacio, Colorado.

On August 4th, Corporal LaFleur was killed while on patrol during combat operations south of Baghdad. Corporal LaFleur was a member of the Army's 1st Squadron, 40th Cavalry Regiment, 4th Brigade Combat Team, 25th Infantry Division, Ft. Richardson, Alaska.

Jason LaFleur was an accomplished scholar, athlete, and musician. His family and friends watched with pride as his list of accomplishments grew during his service in the United States Army.

Corporal LaFleur earned many of the Army's distinguished honors, including the Purple Heart and the Bronze Star. In doing so, he has earned the respect not only of his community, but of a proud State and a grateful Nation as well.

Thank you for this opportunity to recognize and honor one of Colorado's fallen heroes.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Ms. SLAUGHTER. Madam Speaker, I was unavoidably detained on September 17, 2007 and missed rollcall votes 867, 868, and 869. Had I been present, I would have voted "aye" for each of the three measures.

HONORING CREAM CITY FOUNDATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Ms. BALDWIN. Madam Speaker, I rise today to honor and celebrate the 25th anniversary of Cream City Foundation. Founded in 1982, Cream City Foundation serves as the leading foundation to mobilize philanthropic resources, build allied coalitions, effect positive change, and advance the dignity, worth, and health of every LGBT person in Southeastern Wisconsin.

This vision is realized through the organization's mission of building a strong foundation and infrastructure in the Southeastern Wisconsin LGBT community by distributing funds to emerging groups and programs that enhance the quality of life for LGBT people.

On the evening of September 22, the community will gather at the beautiful Milwaukee City Hall to note the incredible work of this vibrant foundation. The programs and interests that make up the work of Cream City Foundation are driven by a belief that philanthropy has an immense influence on creating long-lasting social change in our communities. Leadership from the LGBT community and our allies has been essential in bringing about that social change. We've come a long way, but our work is far from over. Despite all of our accomplishments over the years, homophobia is still all too pervasive.

Yet, with the continued help of Cream City Foundation, and the partnership of so many groups and individuals working in the community, there is no limit to what can be achieved in the years to come. These are historic times for the LGBT community. As we work together to build a community of acceptance and inclusion, Cream City Foundation will continue to lead the way.

It is fitting and appropriate that in the same year as the State of Wisconsin celebrates the 25th anniversary of the Nation's first Gay and Lesbian Civil Rights Act we take time to congratulate Cream City Foundation on the occasion of its 25th anniversary. Your efforts are truly changing the world. I'm delighted to join with all of Wisconsin's citizens in saluting Cream City Foundation.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On September 22, 2007 a group of 97 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home state of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

AMERICAN HERO FINALLY RECOGNIZED

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. POE. Madam Speaker, it's never too late to say thank you and recognize a hero of our Armed Forces even if it is 62 years later. I had the opportunity to do this when I recently met William Oliver Sievertson, of Kingwood, Texas.

Sievertson served in the U.S. Marine Corps in 1945 during World War II and fought against the Japanese in the Battle of Sugar Loaf Hill in Okinawa, Japan. This battle included some of the fiercest fighting of the Pacific Theater in which his division, the Sixth Marine Division Reinforced, suffered 2,662 casualties.

According to Mr. James Forrestal, Secretary of the Navy in 1945, "Units of the division withstood overwhelming artillery and mortar barrages, repulsed furious counter-attacks and staunchly pushed over the rocky terrain to reduce almost impregnable defenses and captured Sugar Loaf Hill."

Sievertson was wounded during this battle on May 19, 1945 and received the Purple Heart. After recovering in a Navy hospital in Guam, he returned to his unit and participated in the occupation of Japan after its surrender to the United States.

Many years later as a civilian, Sievertson learned from the West Virginia Veterans of Foreign Wars Newsletter that his division had been given a Presidential Unit Citation from President Harry S. Truman. The article described how another Marine had served in the same division during the same time period and had received the award from his U.S. Senator decades later. This inspired Sievertson to contact his Congressman to see if he qualified for the award also.

After some inquires by my staff, we learned that Sievertson did indeed qualify for the citation and was long overdue to receive it. After 62 years, on August 20, 2007, I had the pleasure of personally awarding Mr. Sievertson the Presidential Unit Citation for the Battle of Sugar Loaf Hill. Along with his wife Joy Sievertson, their children and grandchildren, we held an award ceremony in my district office in Humble, Texas, to finally present the award to him.

Mr. William Sievertson is a shining example of America's Greatest Generation. He courageously served his country in a time of World War to battle America's enemies abroad. It is my honor to finally give recognition to this American patriot for his heroic service to our great nation.

And that's just the way it is.

RECOGNIZING THE 50TH WEDDING ANNIVERSARY OF REVEREND FRED AND JACQUELYN ROGERS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today on the occasion of the 50th Wedding Anniversary of Reverend Fred and Jacquelyn Rogers. As the love between Fred and Jackie grew throughout their fifty years of marriage, so did their love for the church and communities of Northwest Florida.

A native of Milton, Florida, Fred Rogers has devoutly served Northwest Florida as Pastor of Milton First Assembly of God since 1960. He is a member of the Kiwanis Club and a member of the Santa Rosa County Ministerial Association.

Out of her passion for teaching and love for children, Jackie Rogers has proudly served in the Santa Rosa County Florida school district, where she currently teaches Kindergarten and first grade Sunday school.

Fred and Jackie continue to demonstrate their strong family values and unwavering faith in God as loving parents and grandparents.

Through their leadership and dedication, Fred and Jackie honorably and spiritually served the church and the Northwest Florida community. Northwest Florida is truly blessed to have them as her own. Together, they have touched a number of lives, and the impact they have made on the community will leave a lasting impression.

Madam Speaker, on behalf of the United States Congress, it is a great honor for me to recognize Reverend Fred and Jackie Rogers for their love and dedicated service to the communities of Northwest Florida. I would like to offer my sincere congratulations in celebration of their 50 years together and recognize that they serve as an inspiration to us all.

PERSONAL EXPLANATION

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. HULSHOF. Madam Speaker, unfortunately, I was unavoidably detained and missed one of Tuesday's rollcall votes, No. 877. Had I been present, I would have voted "aye" on H.R. 3096, the Vietnam Human Rights Act of 2007.

TRIBUTE TO CAPTAIN SCOTT SHIMP

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. SMITH of Nebraska. Madam Speaker, today I rise to honor a brave man from my District, Captain Scott Shimp, a 1998 graduate of Bayard High School. Captain Shimp died last week when his Black Hawk helicopter crashed during training exercises in Alabama.

Scott was an enthusiastic young man who loved serving his country. A consummate soldier and a graduate of West Point Academy, he was a credit to the Bayard community—a community which has rallied around those he left behind.

My heart goes out to Scott's family and all affected by his death. We owe him a debt of gratitude we can repay by living up to the example he set in his personal and professional life.

IN RECOGNITION OF DANNY VARGAS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. WOLF. Madam Speaker, I want to call to the attention of the House the outstanding public service of Raul Danny Vargas to his fellow citizens of Virginia's 10th Congressional District.

Danny took the helm of my 10th District Hispanic Advisory Committee when it was created over 2 years ago. As its first chairman, he has directed the group's efforts in providing a forum for issues of interest to the Hispanic community in northern Virginia and advising me on ways to assist the community and respond to its unique concerns.

Through his extraordinary leadership, the group's membership as well as its outreach to the community have grown and advanced. Danny has led the committee in advising me on issues of importance to the Hispanic community, such as the infiltration of gangs in our community and how to respond. He led the advisory panel in organizing a gang prevention town hall meeting conducted in Spanish in the Herndon community. The committee also has addressed education and immigration issues of importance to the growing Hispanic population in northern Virginia.

Danny is living the "American Dream." He was raised in a single parent home along with three other siblings by his mother, who immigrated to America from Puerto Rico. Danny served his country as an Air Force intelligence officer before launching his own company, VARCom Solutions, a full-service marketing, sales, and communications support company located in Herndon. An active leader in the business, Hispanic and at-large communities, he has served as chairman of the Dulles Regional Chamber of Commerce. He also was appointed as a board member for two nonprofit organizations in northern Virginia—Northern Virginia Family Service and the Fairfax Partnership for Youth, lending his expertise in marketing, communications, media, and public relations to these organizations and their missions to serve the needs of families and youth in the region.

Danny Vargas is a proven and respected business and community leader. As he turns over the reins of the 10th District Hispanic Advisory Committee, I want to thank him on behalf of the people of the 10th District for his hard work and dedication to making the 10th District a better place to live and work and raise a family.

HONORING CHARLES W. "WES" KEARNEY, SR.

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. BILIRAKIS. Madam Speaker, Charles W. "Wes" Kearney, Sr. of Brandon, Florida, passed away on August 11, 2007, in the loving presence of his friends and family.

Wes was a well-known and respected member of the community, whose entrepreneurial spirit and generous character not only defined him as a person, but played an important role in the lives of others.

During World War II, Wes served in the United States Navy, joining the United States in the fight to defend our Nation and to defend those who could not defend themselves. His service to this country is honored and greatly admired.

Following the War, Wes grabbed a hold of the American dream and eventually founded many companies under the Kearney name. Through generous philanthropy, Wes used the success of his businesses to improve his community and help others.

Wes will be best remembered as a man whose virtue and integrity is unmatched, as well as someone who was dearly dedicated to his family and friends.

He leaves behind a beautiful family, and is survived by his lovely wife Joanne, his son Bryan and wife Dawn and their children, Skye and Sean; son Barry and wife Susan and their children, Tara and Logan; and son Bing and his children, son Chad and his wife Shayna, Chase, Clay and Carlie.

As we celebrate his life, we know that he will be dearly missed.

IN HONOR OF THE A.I. DUPONT HIGH SCHOOL TIGER MARCHING BAND

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the A.I. DuPont High School Tiger Marching Band as they prepare for their 5th appearance in the Rose Parade. The school, located in Wilmington, Delaware, has worked hard to create a strong musical program, for which they should be very proud. The band's musical performances, which are selected and designed by the students, are always an exciting event for the entire community.

The band boasts an impressive record worthy of high praise. Their performances have inspired audiences at countless local, national and even international events. Some of these notable appearances include; 2 Orange Bowl Parades, 2 Presidential Inaugurations, the dedication of the Vietnam War Memorial, the Macy's Thanksgiving Day Parade, a Peace Parade in Vatican City and 4 Rose Parades—soon to be 5. They are currently the most televised high school band in America and have placed 1st in every marching competition they have entered since 1989. That is why it is no surprise that when I was asked to recommend a band to represent Delaware in the 2008 Memorial Day Parade in Washington, DC, the A.I. DuPont Tigers quickly came to mind.

There are currently 265 members in the Tiger Marching Band, all of whom have worked tirelessly to carry on the strong Tiger tradition set before them. Their efforts are evident, which is why they have been invited to participate in the 119th Rose Parade this January in Pasadena, California. This makes them the only band outside California to march in the parade 4 times under the same director. I am confident they will represent Delaware well in California on New Year's Day.

I would like to wish the A.I. DuPont High School Tiger Marching Band the best of luck in this exciting period of preparation for the upcoming Rose Parade. The hard work and dedication put forth by all of those involved is truly commendable and I can think of no band more capable of representing Delaware at the Rose Parade this January.

CREDIBILITY OF THE UNITED NATIONS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. POE. Madam Speaker, next week I will be traveling to New York City as a Congressional Delegate to the United Nations General Assembly. It's no secret, Madam Speaker, that I believe the United Nations has a lot to do in order to restore the trust of the American people.

Since its inception, one of the primary objectives of the United Nations has been to protect and advance fundamental human rights around the world. It's a noble cause. Unfortunately, Madam Speaker, in my view, this goal has been tarnished by the problem of corruption, hypocrisy, and an unapologetic bias against the state of Israel. This kind of behavior is unacceptable and the United Nations must be held accountable.

We all know about the fraud, mismanagement, and abuse prevalent in the Oil-for-Food program. The program was established to bring humanitarian relief to the people of Iraq and it fell victim to despicable corruption by U.N. officials. Yet, since the scandal was first discovered and reports were issued, little has been done by the United Nations to ensure reform.

The Human Rights Council was established in 2006, to replace the U.N. Human Rights Commission which had become so discredited that Secretary-General Kofi Annan admitted, "the declining credibility [of the Commission] has cast a shadow on the reputation of the United Nations system as a whole. . . ." The mission of the Commission—not to mention the United Nations as a whole—was questioned by the election of some of the world's worse human rights abusers to serve as members of the Commission. The record of the new Human Rights Council is dismally better; of the 47 members only 25 were considered "free" states.

This Council has also demonstrated a strong bias against Israel. In the first year of its operations, more than 70 percent of the country-specific resolutions were on Israel. This disproportionate focus on Israel and disregard for holding major human rights violators across the world accountable cannot be tolerated. It goes against the most basic, fundamental principles of the U.N.

I appreciate the mission of the United Nations, Madam Speaker, but I'm concerned about the way it's being carried out. The U.N. has got to take reform seriously if they plan on gaining the support of the American people.

And that's just the way it is.

CONGRATULATING THE FORTY FORT MEETING HOUSE ON THE OCCASION OF ITS 200TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Forty Fort Meeting House which is celebrating its 200th anniversary as a place for citizens to congregate for the purpose of worshipping God and serving their communities.

A national historic landmark, the Forty Fort Meeting House, located in the Wyoming Valley of Luzerne County, Pennsylvania, is the oldest existing house of worship in northeastern Pennsylvania.

Two hundred years ago, the colonists viewed the discussion of religion and politics as fundamental to the success and prosperity of their community and they created an institution strictly for that purpose—the meeting house.

The origins of the Forty Fort Meeting House are rooted in colonial New England where members of the local community gathered inside plain wooden structures twice on Sunday to worship and during the midweek to discuss community affairs and elect local officials.

The Forty Fort Meeting House served as a place of worship until 1837 when the Presbyterians and Methodists built their own churches, leaving the Meeting House and adjoining cemetery to become neglected.

In 1860, the Forty Fort Cemetery Association was established and with it came a renewed sense of responsibility for stewardship of the Meeting House. William Swetland, the association's first president, replaced the roof, painted the exterior and repaired the fence. For the next 130 years, the structure received only cosmetic repairs to the exterior.

Today, efforts are underway to restore the structure through an endowment project that seeks to raise funds for the work and to continue preservation well into the future.

The Forty Fort Meeting House stands as a legacy to the spiritual fortitude, fierce determination and moral courage of the Connecticut Yankees who settled the Wyoming Valley.

Madam Speaker, please join me in celebrating the 200th anniversary of the Forty Fort Meeting House and in urging citizens from throughout the region to support the ongoing preservation project fund raiser to insure that a vital part of our Nation's past remains intact so future generations can appreciate how their ancestors laid the foundation for our present great society.

TRIBUTE TO SERGEANT AL LEWIS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Sergeant Al Lewis on his retirement from the City of Newark, California, after serving over 29 years as a police officer and sergeant and 31 years as a member of the Newark Police Department.

Sergeant Lewis began his career with the Newark Police Department as a reserve police officer in January 1976 and served in this capacity until his promotion to the rank of police officer in January 1978. He was selected as the department's first school resource officer in 1988 and was promoted to the rank of sergeant in February 1991.

Sergeant Lewis was most recently assigned to the Patrol Division, but has also served as a range instructor and supervised the K9 unit. His passion has been the police K9 program, which he is responsible for bringing back to the department.

He has also held numerous specialized assignments during his tenure including patrol officer, traffic officer, property detective, field training officer, weaponless defense instructor, police reserve officer program coordinator, substitute DARE instructor, member of the accident review board, SWAT member, SWAT leader, SWAT sniper, SWAT sergeant, liaison to the Newark communications volunteers, member of C.O.P.P.S. design team, and acting lieutenant for the detective division.

Sergeant Lewis has been a key member of the Citizen Police Academy teaching staff, covering many of the courses taught during the annual 10-week class. He has earned the Reserve Police Officer of the Year award in 1976 and the Police Officer of the Year award in 1982. In addition, he has also received numerous other department awards throughout his career.

I join the Newark Police Department in thanking Sergeant Al Lewis for his years of service and commitment to the City of Newark and the community.

INTRODUCTION OF A BILL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. MEEK of Florida. Madam Speaker, I am pleased to introduce H.R. ____ which includes "new construction" as qualified restaurant property to take advantage of the reduction from 39½ years to 15 years for depreciation. H.R. ____ also makes permanent the already existing 15-year depreciation for improvements to restaurant property.

Madam Speaker, depreciation schedules for commercial real estate have not been significantly revised since they were established. Currently, commercial real estate generally has a 39½-year depreciable life for the original building and for any subsequent renovations or improvements to the building. Changes have been made in recent years to allow certain industries that directly compete with restaurants to benefit from shorter schedules. These schedules range from seven years for food outlets located in amusement parks to 15 years for those in gas stations and convenience stores. This favorable depreciation schedule has allowed convenience stores to expand and improve their foodservice options.

The American Jobs Creation Act of 2004 established that restaurants could depreciate qualified restaurant building improvement costs over 15 years for property in place by the end of 2005. Just as it had intended, this provision spurred a tremendous amount of economic activity in both the restaurant industry and the overall economy. According to the U.S. Census Bureau, the restaurant industry spent more than $7.4 billion on new structures and building improvements in 2005—a 42 percent increase over the $5.2 billion spent in 2004. The additional spending—fueled by a shorter depreciation schedule—created thousands of jobs in construction-related industries across the country. However, while enhanced depreciation for new restaurant construction was originally included in this legislation, it was subsequently removed for reasons that remain uncertain; thus only leasehold and restaurant improvements were included in the final package.

The Tax Relief and Health Care Act of 2006 extended the existing combined qualified leasehold and restaurant improvement provision for costs incurred through the end of 2007. These provisions do not cover new restaurant construction in stand-alone buildings but only apply to restaurants leasing space within larger commercial buildings, and to improvements to existing restaurant structures.

Because the depreciation changes that have been made in the past do not apply to stand-alone/owner occupied buildings, a significant sector of retail businesses is at a distinct economic disadvantage, as they must continue to depreciate their buildings, and any improvements made to them, over a 39½-year schedule. This recovery period is particularly onerous for the restaurant industry because most restaurants remodel and update their building structures every 6 to 8 years—a much shorter timeframe than is reflected in the current depreciation schedule. Each periodic improvement must in turn be depreciated over its own 39½-year schedule, resulting in concurrent depreciable lives. This "layering" in turn yields an actual net tax value in excess of the restaurant's fair market value.

Restaurants must constantly make changes to keep up with the daily structural and cosmetic wear and tear caused by customers and employees. On any given day, nearly half of all American adults are patrons of the restaurant industry. Restaurants get more customer traffic and are open longer than other commercial businesses. This heavy use accelerates deterioration of a restaurant building's entrance, lobbies, flooring, restrooms, and interior walls. Restaurant built structures therefore experience more wear and tear unlike that borne by any other types of buildings in the retail industry.

These renovations and structural improvements made to restaurants every 6 to 8 years come at an average cost of $250,000 to $400,000. This year alone the restaurant industry is expected to spend in excess of $5.5 billion on capital expenditures for building construction and renovations. The restaurant industry is projected to spend over $70 billion over the next 10 years for building construction and renovations. These expenditures in turn have a significant economic impact on the construction industry, with whose members restaurants contract to perform the new construction and renovations. According to the Bureau of Economic Analysis, every dollar spent in the construction industry generates an additional $2.39 in spending in the rest of the economy, while every $1 million spent in the construction industry creates more than 28 jobs in the overall economy.

Madam Speaker, it is time to equalize the depreciation schedules for new construction with those for combined qualified leasehold and restaurant improvements to make tax policy in this area more uniform, consistent, and fair. H.R.__ will accomplish this, and put new restaurant construction on a par with leasehold and improvements with regard to depreciation. H.R.__ helps a service industry—one that will provide work for approximately 12.8 million people in the United States in 2007.

IN RECOGNITION OF JIMMY DALE SPOONEYBARGER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Jimmy Dale Spooneybarger for 30 years of service in law enforcement. Through his dedication and selfless sacrifice, Jimmy has contributed much to the efforts of working to keep our country a safer place.

While born in Huntingdon, Pennsylvania in 1950, Jimmy Dale Spooneybarger spent the majority of his childhood in Niceville, Florida. Graduating from Niceville High School, Jimmy pursued a degree in Law Enforcement from the University of West Florida. Upon completion, he joined the local law enforcement community as a police officer in Pensacola, Florida. In 1977, Jimmy's career relocated to the West Coast, where he served as a U.S. Border Patrol Agent in San Diego.

Throughout his career in law enforcement, Jimmy's passion for music only grew. As a professional musician, Jimmy has served as the Bivocational Minister of Music in five churches, including the First Baptist Church of Gulf Breeze, where he continues to serve today.

Jimmy Dale Spooneybarger has proudly served the law enforcement and church community through his leadership and passion. But he is also a dedicated husband, loving father and grandfather. Northwest Florida is truly honored to have him as one of her own.

Madam Speaker, on behalf of the United States Congress, it is a great honor for me to recognize Jimmy Dale Spooneybarger for his continued service to Northwest Florida and this great Nation.

MANO JAMES TORTA

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. CAMPBELL of California. Madam Speaker, I rise to pay tribute to Mano James Torta. Mr. Torta was tragically killed on March 30, 2007, when he was hit by a drunk-driver while crossing the street in front of his apartment building. Mr. Torta was on the way to meet his wife, Lorraine, for dinner.

Madam Speaker, my thoughts and prayers go out to Lorraine, and the rest of the Torta family, including his son James and his two daughters, Kimberly and Christine, Christine's husband Peter and their daughter, his granddaughter, Caitlin. At the same time, I wanted to take this opportunity to share with my colleagues some comments written about Mr. Torta by his son.

> For those of you who were not fortunate enough to know my father well, it may be difficult for you to understand what kind of man my father was—as my father was not like other men.
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> My father, first and foremost, was a man filled with love. He loved my mother—completely, honestly, selflessly—for more than thirty-five years. I cannot even begin to describe the depth and beauty of their love. Many men, on their passing, are described as "devoted husbands"—but I cannot imagine a man more devoted to his wife. His love for her—and hers for him—was a love that transcends words. He lived for her—truly, truly—lived for her. How many husbands can make such a claim? He lived to make her smile, to make her laugh, to make her happy. She was more than his wife—she was his heart, his love, his life. She was everything to him. There are so many stories that I could tell you—beautiful stories about my mom and dad that would make you believe, really believe—in "true love." For their's was the truest of love, and they spent their lives devoting themselves to each other. But instead of telling you a story, I want to give you an image—a simple image, for their's was a simple love. I want you to imagine my father and mother sitting at their kitchen table, taking tea together, talking and laughing about what had happened on that particular day. Then my father would smile wide and say that he had a surprise for her—for he was always surprising her with some sort of treat—and he would go to some nook in a cabinet and bring out some mint milano cookies that he had bought earlier in the day and hidden away so that, at this moment, he could make her even happier than she was. That was their love, the kind of love that showed itself in every minute of every day, the simple and pure kind of love—sitting together, laughing, sharing, wanting only each other's company. After thirty-five years their love was something more than what they shared—it was who they were. How many people are blessed with such wondrous simplicity? And how can I even begin to tell you how much my father loved his family?
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> My father would often tell me how proud he was to have me as a son—but I was even more proud to have him as my father. I like to tell stories about him to my students—how he worked for thirty-five years at a post office to support his family, working long hours and sometimes more than one job to send all three of his children to college and to make sure than they all had the opportunities in life that he never had. I would tell them about how he would try to give me the last dollar he had in his wallet, how he would always make time for us to talk or play catch in the backyard even when he was exhausted from a long night at work, how he gave everything he had to his family. But again, words cannot tell the story of my father's love for his family. If only you could

have seen how gently he picked us up when we fell down and scraped our knees, how securely he held us in his arms when we cried, how he held our hands when we were sick. It is often said that you never know what you have until it is gone, but my sisters and I knew how lucky we were. It was impossible not to know what a good father my dad was. We depended so much on him and he never, never, let us down. He always wanted to give us more, help us more, and spend more time with us. We would give anything to spend more time with him now.

My sisters would tell you that no matter how much we loved him, he loved us more. Listening to my sisters remember him, hearing my mom mourn—I've come to understand that he taught us about many things, but the most important thing he taught us about was love. He showed us that love was not to be spent on material things, but to be given to people who are close to you. He taught us that love, above all other things, was of paramount importance in this life—that without love we have nothing. And he didn't just say these things; he lived his life inspired by these ideals.

My father wrote me a letter seven years ago, a letter I have carried around in my wallet ever since. In the letter he wrote—with touching simplicity and sincerity—to tell me how much he loved me, how proud he was of me, and how he hoped that I would follow my heart and make all my dreams come true. I didn't need to carry it around—I mean, I never needed any reminder of how he felt—but whenever I touched the folded up paper, no matter where I was or what I was doing, I felt as though everything was going to be okay. And that's how he made all of us feel—warm and loved and safe. I was not surprised when, on Friday night, my mom showed me a note he had written her—also folded up and tucked into her purse. He had that effect on all of us.

My father had so many things to look forward to—he was going to retire this summer after 35 years of service and travel around the world with my mom. He was going to watch his lovely granddaughter Caitlin grow up. He was finally going to get a chance—after all those years of struggling and working—to take a deep breath and relax. No man has ever deserved to enjoy the fruits of life after retirement more than he. Yet there he was, crossing the street, on the cusp of a whole new chapter in life—and he was taken from this world . . . not by illness or old age, but by cruel, cruel chance. His death was a senseless tragedy—proof of what an unfair and senseless world this can be—but today I beg you instead to remember how he lived his life . . . for his kindness, grace, and generosity should be an example to us all. He would not want us to harden our hearts and spend this time burning with anger at the enormity of this tragedy. Instead remember what a wonderful, beautiful man he was, the kind of man who gave so much and took so little. Remember how a man who had seen so much and worked so hard somehow managed to keep his heart so pure, and his soul so gentle. For who here ever knew a man as gentle as he?

Yesterday I said that my dad was lucky to have met his granddaughter Caitlin—for she was born only 14 months ago—and my sister Kim corrected me and said that Caitlin was lucky to have met him. And that is the truth of it—we all were lucky to have known him. He was the best of men . . . the very best. He will be missed more than anyone can possibly imagine.

Again, my thoughts and prayers go out to the Torta family.

RECOGNIZING WAYNE VIGER, NATIONAL ASSOCIATION OF LETTER CARRIERS NATIONAL HERO OF THE YEAR

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. MICHAUD. Madam Speaker, today I rise to congratulate Mr. Wayne Viger, this year's recipient of the National Association of Letter Carriers' National Hero of the Year Award.

We are all familiar with the unofficial motto of the letter carriers which says that "neither snow, nor rain, nor heat, nor gloom of night stays these couriers from the swift completion of their appointed rounds." Mr. Viger went above and beyond even this solemn promise, putting himself at risk to evacuate residents of a burning apartment building.

While completing his rounds, Mr. Viger smelled smoke at an apartment building on his route. Hearing a smoke alarm and seeing smoke pouring from the door and windows of a ground floor apartment, he entered the apartment to find an elderly woman with clothes aflame and hair singed. Viger pulled the woman to safety and extinguished her burning clothing. He proceeded to alert and evacuate other residents of the building, providing comfort and care wherever he could.

I am very proud to extend my heartfelt congratulations to Mr. Wayne Viger for his actions and for receiving the National Association of Letter Carriers' National Hero of the Year Award. His actions speak to deep-rooted courage and compassion for others as well as quick thinking and decisiveness, qualities which make him a role model for others and a deserving Hero of the Year.

HONORING THE LIFE AND WORK OF MAX ROACH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. CONYERS. Madam Speaker, I rise today to honor and remember the incredible life and work of legendary jazz drummer and composer Max Roach.

Few of the musicians remain who were there with Charlie Parker, Coleman Hawkins, Dizzy Gillespie, Miles Davis, Bud Powell and Thelonious Monk as they created a new more adventurous, unbridled form of jazz: Bebop. The passing of Max Roach on August 16, at age 83, marks another step towards the end of the modern jazz world's greatest generation.

Roach's style, marked by its awe inspiring clarity and control, would come to redefine and expand the role of jazz drummers. In the mid-1940's he transformed the sound of jazz percussion from an easy-going, head-swaying swing sound, with just a dash of horn-led syncopation, to a sound that had a propulsive drive. After Max Roach, being a jazz drummer meant more than being a mere tempo-keeper. With Roach the cymbals led the way, not just followed the chart; and, every now and then, Roach would accent a beat or drop an explosion on the tom-tom, to carve up the rhythm and extend the horns' liberties. Even the most casual listener could not help hearing the difference. Throughout the next 47 years his virtuosity would change the way drummers and musicians looked at playing jazz.

Max Roach was a prolific performer and recording artist; indeed, he was the percussionist on many of the seminal jazz recordings of the last half century.

Renowned throughout his performing life, Roach has won an extraordinary array of honors. He was 1 of the 1st winners of the MacArthur Foundation "genius" grant, cited as a Commander of the Order of Arts and Letters in France, twice awarded the French Grand Prix du Disque, elected to the International Percussive Society's Hall of Fame and the Downbeat Magazine Hall of Fame, awarded Harvard Jazz Master, celebrated by Aaron Davis Hall, given 8 honorary doctorate degrees, including degrees awarded by the University of Bologna, Italy and Columbia University.

He is survived by 5 children: Sons Daryl and Raoul, and daughters Maxine, Ayo and Dara. My heart goes out to them and I wish them all well in this time of difficulty. It is unlikely that we will ever see another Max Roach, but we were blessed to have had him while we did.

IN RECOGNITION OF DR. LILLI LAND

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the House's attention today to recognizing a highly distinguished educator in my Congressional district, Dr. Lilli Land. Dr. Land is the principal of the Auburn Early Education Center, and recently received a National Distinguished Principal award from the National Association of Elementary School Principals.

Dr. Land is a graduate of Auburn University, and holds the following degrees in Early Childhood Education: Bachelor of Science, Master of Education, Specialist in Education, and a Doctorate in Philosophy. She has been a part of the Alabama Public School system since she 1st taught second grade in Tallapoosa County in 1981, and has more recently served as a kindergarten teacher and in various administrative capacities. In 2000, Dr. Land joined Auburn City Schools and now serves as AEEC's principal.

During Dr. Land's tenure, AEEC has become a renowned example of excellence in early childhood education. Her educational philosophy promotes original, student-driven content and individual attention to help maximize every student's potential. AEEC has also received numerous awards for outstanding integration of new technologies into their curriculum.

I congratulate Dr. Lilli Land for her years of service and outstanding leadership in helping educate Alabama's children.

TRIBUTE TO COLONEL FRAZIER

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. ISSA. Madam Speaker, I rise today to honor the 30 years of exemplary service that Colonel Frazier of the United States Marine Corps has given to this great country.

Colonel Frazier has served in many capacities since he enlisted in the U.S. Marine Corps in 1974. During his seven years of enlisted service and 30 total years of service, he served a myriad of posts in a variety of locations worldwide. He has served his country both in enlisted service and in positions of leadership in Saigon, Korea, Okinawa, Thailand, Russia, Camp Pendleton, CA; Parris Island, SC; Australia, Quantico, VA; Stuttgart, Germany; and finally, in Iraq.

In 1989, he earned his BS in Criminal Justice Administration from National University using the Marine Corps College Degree Program. Upon graduation from Top Level School in 2003 he was assigned to I Marine Expeditionary Force G-4 Division and completed two deployments to Iraq. He was promoted to Colonel on 1 January 2005 and joined MCIWEST Headquarters in March 2006 and served concurrently as Head, Infrastructure Plans Branch and as Assistant Chief of Staff Facilities, MCB, Camp Pendleton, CA.

With such a diverse resume and a multidisciplinary record of leadership positions, his deep understanding of many facets of the United States Marine Corps lends him to being not only just an excellent advocate for our troops, but a quintessential example for how diversely talented a Marine can be. With his willingness to travel, to continue his education and to serve his country wherever and whenever possible, the United States and the U.S. Marine Corps could not have asked for more. In his 30 years of military service Colonel Frazier has proven himself an able and willing leader.

His personal decorations include the Bronze Star, three Meritorious Service Medals, two Navy and Marine Corps Commendation Medals, three Navy and Marine Corps Achievement Medals, and two Good Conduct Medals.

Colonel Frazier is married to the former Myra Marie Marbrey of Carlsbad, CA. They have five children: Gerald, an Air Force Master Sergeant, Clyde III, Jeremy, Michael and Anthony.

On behalf of the people of the United States, whom Colonel Frazier spent a career serving, I thank him for his service and commitment to the defense of our Nation; he truly is a great American hero.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. ALLEN. Madam Speaker, on September 17, had I been present on rollcall No. 867 to suspend the rules and pass H.R. 3246, the Regional Economic and Infrastructure Development Act of 2007, I would have voted "yea."

Had I been present for rollcall No. 868 on suspending the rules and passing H.R. 1657, to establish a Science and Technology Scholarship Program, I would have voted "yea."

Had I been present for rollcall No. 869 on suspending the rules and passing H.R. 3527, to extend the authorities of the Overseas Private Investment Corporation, I would have voted "yea."

On September 18, had I been present for rollcall No. 870, to approve the Journal, I would have voted "yea."

Had I been present for rollcall No. 871 on Ordering the Previous Question on H. Res. 650, providing for consideration of H.R. 1852, Expanding American Homeownership Act of 2007, I would have voted "yea."

Had I been present for rollcall No. 872 on approving H. Res. 650, providing for consideration of H.R. 1852, Expanding American Homeownership Act of 2007, I would have voted "yea."

Had I been present for rollcall No. 873, on passing the Hensarling amendment to H.R. 1852, Expanding American Homeownership Act of 2007, I would have voted "nay."

Had I been present for rollcall No. 874, on passing the Biggert amendment to H.R. 1852, Expanding American Homeownership Act of 2007, I would have voted "nay."

Had I been present for rollcall No. 875, a motion to recommit H.R. 1852, Expanding American Homeownership Act of 2007, I would have voted "nay."

Had I been present for rollcall No. 876, on passing H.R. 1852, Expanding American Homeownership Act of 2007, I would have voted "yea."

Had I been present for rollcall No. 877 on suspending the rules and passing H.R. 3096, to promote freedom and democracy in Vietnam, I would have voted "yea."

On September 19, had I been present for rollcall No. 878, to approve the Journal, I would have voted "yea."

Had I been present for rollcall No. 879 on Ordering the Previous Question on H. Res. 660, providing for consideration of H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act, I would have voted "yea."

Had I been present for rollcall No. 880 on passing H. Res. 660, providing for consideration of H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act, I would have voted "yea."

Had I been present for rollcall No. 881 on passing the Frank amendment to H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act, I would have voted "yea."

Had I been present for rollcall No. 882 on passing the Pearce amendment to H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act, I would have voted "nay."

Had I been present for rollcall No. 883, a motion to recommit H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act, I would have voted "nay."

Had I been present for rollcall No. 884, on passing H.R. 2761, the Terrorism Risk Insurance Revision and Extension Act, I would have voted "yea."

Had I been present for rollcall No. 885, on suspending the rules and passing H.R. 3580, the Food and Drug Administration Amendments Act of 2007, I would have voted "yea."

RECOGNIZING TEXARKANA, TX, T.J. MAXX ACCOMPLISHMENT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. HALL of Texas. Madam Speaker, I rise today to recognize the generosity of my constituents in Texarkana, TX, for their efforts to help children in need during back-to-school shopping last month.

For over twenty years, T.J. Maxx has partnered with Save the Children to help raise money for and awareness about their programs in the United States. These include early childhood development, literacy, nutrition and physical activity programs that are implemented through partnerships with schools and community organizations serving low-income children in rural communities.

On August 31st, T.J. Maxx concluded its in-store "Happy Hearts" campaign that raised $1.47 million for Save the Children. I thank all who contributed to this great cause, but I am especially pleased that the T.J. Maxx store that raised the most money per customer was in my district, in Texarkana, Texas.

Considering all the demands that individuals have on their time and money, I applaud the customers in the Texarkana area who generously donated to the worthy cause of Save the Children. T.J. Maxx is giving communities across the country the opportunity to help those in need, and I heartily applaud their efforts.

IN RECOGNITION OF THE FLUSHING REMONSTRANCE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. ACKERMAN. Madam Speaker, I rise today to recognize and celebrate the 350th anniversary of the signing of the Flushing Remonstrance. Though sadly not as well known as some of our country's other founding documents, the Flushing Remonstrance's heroic call for religious freedom made this document fundamental to the establishment of our country as a land of religious liberty.

On December 27, 1657, in Flushing, New Netherland, in the Borough of Queens, in New York City, 29 brave English citizens composed a document stating their unwillingness to tolerate or enforce an official mandate for religious persecution. These daring patriots rose in protest of Governor Peter Stuyvesant's call to persecute the area's new Quaker inhabitants, and affirmed their belief in the "law of love, peace and liberty."

Madam Speaker, some of the signatories of the Remonstrance were imprisoned, and many suffered for their actions. Nevertheless, by standing up for their beliefs, they successfully initiated the fight for religious freedom in the

New World. We all owe the signers of the Flushing Remonstrance a debt of gratitude, as their appreciation of, and commitment to religious freedom has become the cornerstone of our democracy.

Later this year, the Borough of Queens will celebrate the 350th anniversary of the Flushing Remonstrance with many descendants of the document's signatories. The original document will be transported from the State Archives in Albany, New York and will be on display at the Queens Borough Public Library, Flushing, during the official celebration.

Madam Speaker, I ask all my colleagues to join me in recognizing the 350th anniversary of the Flushing Remonstrance, a document that pioneered the right to religious freedom in America and throughout the world.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. POE. Madam Speaker, on rollcall No. 867, H.R. 3246, the Regional Economic and Infrastructure Development Act, I was inadvertently detained. I would have voted "nay."

On rollcall Nos. 868 and 869, I was also detained. I would have voted "aye" on H.R. 1657, Science and Technology Scholarships and "aye" on H.R. 3527, Extending Authorities for the Overseas Investment Corporation—Private.

INTRODUCTION OF RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE LITTLE ROCK NINE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. CONYERS. Madam Speaker, today I rise to introduce a resolution recognizing the 50th anniversary of the desegregation of Little Rock Central High School by the Little Rock Nine.

Fifty years ago today, on September 25, 1957, 9 African American students who would come to be known as the Little Rock Nine—Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls—successfully integrated Little Rock Central High. With strength, determination, and dignity, the Little Rock Nine stood up to the inequities and injustices of their time.

The Little Rock Nine realized that the promise of the 1954 *Brown* v. *Board* (347 U.S. 483) was unfulfilled 3 years later in 1957. The Brown decision recognized that the segregation of public schools deprived students of the Constitution's Fourteenth Amendment guarantee of equal protection. Continued segregation on the basis of race was to be no more. Armed with the Brown v. Board decision, the Little Rock Nine would successfully dismantle years of school segregation.

Implementing the law of the land, the actions of the Little Rock Nine were symbolic of the promise of educational access and equality not just in Little Rock, but in cities throughout the nation. The Little Rock Nine conveyed that "separate, but equal" would have no place in this country. Despite death threats, verbal and physical assaults, school closings, and other adversities, the Little Rock Nine persevered in their mission of school integration.

And despite the violence that was inflicted upon them, the Little Rock Nine did as Dr. King instructed: "[M]eet physical force with soul force." On September 26, 1957, Dr. King urged the people of Little Rock to "adhere rigorously to a way of non-violence," and they did. The Little Rock Nine not only furthered the Civil Rights Movement's strategy of non-violence, but proved that ordinary citizens, and young citizens like themselves, could bring about change. Just as Rosa Park's refusal to give up her seat led to integration of public accommodations, the Little Rock Nine's refusal to be denied an education led to integration of public schools.

Members of the Little Rock Nine went on to become social workers, educators, government officials, and other distinguished professionals. In 1999, the Little Rock Nine established the Little Rock Nine Foundation. The Foundation is dedicated to advancing educational access and opportunities for young people of color—a commitment that reflects the significant and historic role of the Little Rock Nine in the Civil Rights Movement and within the realm of education.

Today, because of the Little Rock Nine, our country's children, regardless of race, are entitled to fair and equal education. In furthering this entitlement, the Congress must continue to work to promote racial diversity, integration, and inclusion within our Nation's schools. It is our responsibility to continue the legacy of Brown v. Board and the Little Rock Nine. A resolution recognizing the 50th anniversary of the Little Rock Nine integrating Little Rock Central High is symbolic of this commitment.

AUTHORIZING THE USE OF THE ROTUNDA AND GROUNDS OF THE CAPITOL FOR A CEREMONY TO AWARD THE CONGRESSIONAL GOLD MEDAL TO TENZIN GYATSO, THE FOURTEENTH DALAI LAMA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. LANTOS. Madam Speaker, 20 years ago—in October of 1987—His Holiness the Dalai Lama came here to Washington for the purpose of sharing with the leaders of our country his mission to end the systematic abuse by the People's Republic of China of the fundamental human rights of the people of Tibet.

In that effort, His Holiness did not have much success.

For fear of offending the People's Republic of China, President Reagan chose not to meet with him.

At the Department of State, it was the same story.

But at the Congressional Human Rights Caucus, which I founded and of which I was then—and remain—co-chairman, we decided in the face of much protest to give to the Dalai Lama the forum he deserved. To this day, I am proud of that decision.

And I am proud that, just as this body was the first in our Government to give the Dalai Lama a venue to speak on behalf of his people, we will take the lead again and honor him with the Congressional Gold Medal.

I have come to know the Dalai Lama is one of our era's greatest moral heroes, sharing a commitment to peace of other great leaders of our time, including Mahatma Gandhi, Nelson Mandela and the Reverend Martin Luther King, Jr.

At a time in history when national grievances are often expressed in the most strident language and when political violence and rage are everywhere, the Dalai Lama speaks with a different voice. Instead of hating his opponents, he recognizes the humanity of those who are oppressing his people. Always, he seeks to find the path to harmony and peace.

"I speak not with a feeling of anger or hatred toward those who are responsible for the immense suffering of our people and the destruction of our land, homes and culture," said His Holiness in his Nobel Lecture. "They, too, are human beings who struggle to find happiness and deserve our compassion. I speak to inform you of the sad situation in my country today and of the aspirations of my people, because in our struggle for freedom, truth is the only weapon we possess."

We have before us today, a resolution whose purpose is to authorize the use, on October 17, of the rotunda of the Capitol as the venue for the ceremony at which my dear friend, His Holiness the Dalai Lama, will receive the Congressional Gold Medal.

That is an appropriate location. The Capitol is the great symbol of American freedom—and of hope to millions around the world. Who better to be honored there?

I strongly support the resolution and urge my colleagues to do the same.

TRIBUTE TO MARINE CPL CARLOS OROZCO

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor Marine Cpl. Carlos Gil Orozco, who died on September 10th while out on patrol in Al-Anbar province.

In 1993, Carlos and his family immigrated to San Joe, California from Colombia, in search of a better life. Carlos graduated from Willow Glen High School, and later decided to join the Marines with the support of his family. Carlos was described by friends as a good American, who will be sorely missed. More than 300 mourners gathered in downtown San Jose this past Monday to attend his memorial service.

On behalf of this Congress and California's 16th Congressional District, I offer Carlos's family our deepest condolences as they cope with this painful loss. We are so thankful for his dedicated service to our country. Our thoughts and prayers are with Carlos's family and friends.

INTRODUCTION OF "LOCAL LAW ENFORCEMENT RESTORATION ACT OF 2007"

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. WELDON of Florida. Madam Speaker, I rise today to introduce the Local Law Enforcement Restoration Act of 2007 in response to the recent decision by a federal judge to strike down a local ordinance in Hazleton, Pennsylvania aimed at addressing out of control illegal immigration in that community. The purpose of that local ordinance was to keep illegal aliens from taking up residence within the town's jurisdiction or taking local jobs. I believe that my legislation is necessary at this time in order to provide clarity and ensure that local elected officials are able to enforce ordinances against illegal immigration in their communities. Immigration enforcement has already overburdened our federal law enforcement agencies, and state and local governments should not be hampered when they want to step in where the federal government has failed. The federal judge misread current federal immigration law and communities should not be penalized by over-reaching federal judges. My legislation simply clarifies the right of local communities and states to address the consequences of illegal immigration within their jurisdictions.

A number of other communities and several states have taken similar approaches to address illegal immigration in their communities. Given the Federal Government's failure to act to enforce the laws already on the books to combat illegal immigration, a growing number of state and city officials across the United States are pursuing laws similar to those enacted in Hazelton. These elected officials are driven by Washington's failure to control our borders or deal with the more than 12 million illegal immigrants living in the U.S.

It is important to remove any ambiguity about the ability of states and localities—the ones who bear the financial costs associated with illegal immigration—to enforce their local ordinances aimed at addressing illegal immigration in their community. In many ways, illegal immigration is the ultimate unfunded mandate—the federal government fails to control the border, but then saddles states and localities with the costs imposed by illegal aliens (in the form of education spending, public services, and law enforcement costs).

It is important to clarify that states and localities are not preempted by federal law from imposing civil or criminal sanctions upon those who employ, recruit or refer for a fee for employment, unauthorized aliens. In the case of the ruling against Hazleton, the judge went well beyond the intent of federal law. Essentially, he said that cities and states are powerless to discourage illegal immigration within their jurisdiction. The good news is that by amending the INA we can address this problem and provide the degree of clarity to this issue that would remove any ambiguity in the law. My legislation does just this, and makes sure that cities and states have leeway to reinforce federal immigration law.

If you believe that the Federal Government has failed to effectively enforce our immigration laws, and believe that the Federal Government should ensure that states and local communities have the ability to discourage illegal immigration consistent with federal law, then join me in passing the The Local Law Enforcement Restoration Act of 2007.

TRIBUTE TO CONGREGATION OHEV SHOLOM

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. MOORE of Kansas. Madam Speaker, Ohev Sholom is the oldest continuously operating Jewish House of Worship in the state of Kansas.

Congregation Ohev Sholom was founded in 1877 and is currently a Member of The United Synagogue of Conservative Judaism. The first building erected by Gomel Chesed Synagogue, at 925 State Line, was dedicated by Rabbi M. Gershonowitz on September 3, 1893. Congregation Ohev Sholom was the result of a merger between Gomel Chesed and Shearith Israel Synagogues. Congregation Ohev Sholom's first building was at 7th and Sandusky in Kansas City, Kansas and they moved into that building in 1925.

Ohev Sholom began the transition from 7th and Sandusky, Wyandotte County, Kansas, to 75th and Nall, Johnson County, Kansas, in the 1950s. The current location was completed in two stages. The school building was finished in 1961, while the remaining structure was finished about a decade later.

Congregation Ohev Sholom offers a schedule of programs that include Regular Daily Morning Services, Weekly Sabbath Services, an Active and Vibrant Sisterhood, a Robust Breakfast Club, Social Action Activities, and Programs for Adult Education, and Community Action including participation in building a Habitat for Humanity House. Congregation Ohev Sholom's Religious School is an exciting part of programming and spans kindergarten to tenth grade. Congregation Ohev Sholom also offers an Adult Education Program that includes Torah Study, lectures and minicourses, lunches, brunches, and speakers. Additionally, Congregation Ohev Sholom conceived and executed the metro Kansas City area's first KosherFest—A Celebration of Jewish Food—and will continue that tradition on June 1, 2008 and thereafter.

Congregation Ohev Sholom will celebrate its 130th Anniversary, October 27, 2007. Madam Speaker, I know that you and the entire U.S. House of Representatives join with me in taking note of this special and important occasion.

TRIBUTE TO EHUD DANOCH, CONSUL GENERAL OF ISRAEL IN LOS ANGELES

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. BERMAN. Madam Speaker, it is with great pleasure that I and my colleagues, Rep. HENRY WAXMAN, Rep. ADAM SCHIFF, Rep. BRAD SHERMAN, Rep. LINDA SÁNCHEZ, Rep. LUCILLE ROYBAL-ALLARD, Rep. XAVIER BECERRA, Rep. GRACE NAPOLITANO, Rep. HILDA SOLIS, Rep. ED ROYCE, and Rep. JANE HARMAN pay tribute today to Ehud Danoch, Consul General of Israel in Los Angeles. We have had the pleasure of working with the Consul General on many Middle East issues since his arrival in Los Angeles in October of 2004 and view his return to Israel with regret.

Consul General Danoch is a distinguished and greatly admired individual who has enjoyed an outstanding diplomatic career. Prior to arriving in Los Angeles, he served as Chief of Staff to Deputy Prime Minister and Minister of Foreign Affairs Silvan Shalom. He held this position during some of Israel's most challenging moments in foreign policy—the road map, the disengagement plan, and the security fence. He served as Senior Advisor to Israel's Minister of Finance, where he helped shape Israel's economic policy and the national budget. His contributions as liaison to the Ministry of Finance, the Prime Minister's Bureau, the Israeli Parliament, and other government offices, were invaluable.

Consul General Danoch received both a law degree and an MBA from Manchester University. He is a member of the Israeli Bar Association and has specialized in corporate and finance law and business litigation. Born in Ashkelon, Israel, he lived abroad for many years.

His multi-cultural experiences and knowledge of Hebrew, English, and Spanish have been extremely useful during his years in Los Angeles. He met with leaders in the Latino political, business, and media communities; and forged new partnerships which provide great mutual benefits. The Consul General was also a strong force in uniting the Jewish communities in the area through Israel-centered events.

Consul General Danoch's passion for film endeared him to many influential individuals in Hollywood. The relationships he forged enabled him to marshal entertainment industry support for Israel during the Hezbollah war of 2006.

During his three year tenure as Consul General of Israel, Ehud Danoch dedicated his time and energy in promoting Israel's many resources and providing opportunities for mutual advancements in the fields of high tech, trade, and finance. A man of tradition and devout observance, he furthered religious tolerance by arranging for Israeli spiritual leaders to meet with those in the United States.

Madam Speaker, distinguished colleagues, we ask you to join us in saluting Ehud Danoch on his many achievements as Consul General of Israel in Los Angeles and extending our best wishes for his future endeavors.

H.R. 3161—MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008, AND FOR OTHER PURPOSES

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. CRENSHAW. Madam Speaker, I rise today in opposition to H.R. 3161, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies program. I regretfully do so even though agriculture is second only to tourism in terms of revenue for my home state of Florida.

By passing this legislation in its current form, the House of Representatives is almost ensuring a veto from the White House. This bill would spend $91.5 billion including $18.8 in discretionary spending, and is $993 million over the President's budget request. I am concerned that if we send this bill to the President's desk with the current excessive spending, it will be vetoed along with many of the other fiscal year 2008 Appropriations bills. It is imperative that we write a bill with real reform and realistic spending levels. My constituents of the Fourth Congressional District of Florida, along with the rest of America deserve legislation that contains realistic funding levels to ensure the safety of their food, promote conservation, provide assistance to those in need and protect the health of plants and animals through research.

LIEUTENANT MICHAEL J. SPIRITO

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor Lieutenant Michael J. Spirito for his long-time service to the Tredyffrin Township Police Department and surrounding communities.

Lieutenant Spirito began his career in law enforcement as a police officer in West Bradford Township, Chester County, Pennsylvania in March 1972. On his way to the Tredyffrin Township Police Department, Lt. Spirito served four years with the West Chester Borough Police Department. Lt. Spirito joined the Tredyffrin Township Police in August 1977 and has been a proud member of that force from that day on.

Lt. Spirito is a graduate of Newman College and is also a graduate of the 253rd session of the National Academy of the FBI. Born in Brooklyn, New York and raised in Delaware County, Pennsylvania, giving back to the community has always been a priority with Lt. Spirito. In addition to his service as a police officer, Lt. Spirito volunteered his services to the Aston Fire Company. In his spare time, Lt. Spirito is an avid pilot and a technology expert.

His leadership will be missed at the Tredyffrin Township Police Department, however I expect the entire County of Chester to benefit by his recent appointment as Deputy Director of Computer Services with the Chester County Government Services Department.

Madam Speaker, I ask that my colleagues join me today in honoring Lieutenant Michael J. Spirito for his exemplary and dedicated service to the Tredyffrin Township Police Department and citizens it serves. His commitment and energy to make his community a better place is an example for all citizens to follow.

DR. JAMES H. BILLINGTON: TWENTY YEARS OF DISTINGUISHED SERVICE AS LIBRARIAN OF CONGRESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. LANTOS. Madam Speaker, on September 14, 1987, Dr. James H. Billington, who had already distinguished himself as one of this nation's most eminent cultural historians, was installed as the 13th Librarian of Congress. As one of Dr. Billington's many admirers, I want to extend to him my warmest congratulations on his 20th anniversary in that distinguished post.

As a youngster in his native Pennsylvania, Dr. Billington began what was to be a life-long pattern of exceptional intellectual accomplishment. He was one of those habitual valedictorians—first at Lower Merion High School and then, at Princeton University. He next went as a Rhodes Scholar to Oxford University, where he completed his Ph.D.

Dr, Billington has been a professor at two of our most famous universities—Harvard and Princeton.

He is the author of several notable books on the cultural and political history of Russia—The Icon and the Axe and Fire in the Minds of Men, to name just two. Another of his books—The Face of Russia—became the basis of a three-part television series on PBS.

At last count, Dr. Billington had been awarded 33 honorary degrees from institutions all over the world, including Oxford, Moscow State University and Tblisi State University in the Republic of Georgia.

It is in his present job, however—that of Librarian of Congress—that Dr, Billington has made truly monumental contributions to our nation's cultural and intellectual life.

"This place has a destiny to be a living encyclopedia of democracy," he said in his inaugural address, "not just a mausoleum of culture, but a catalyst for civilization."

For two decades, he has worked to fulfill that destiny.

During Dr. Billington's tenure, the holdings of the Library of Congress have grown from 86 million to over 135 million items. The Library's budget has grown in that same period by over 200 percent.

In the Billington years, the Library has launched many new services—THOMAS, for example, is familiar to all of us here in Congress, and the American Memory Program is being used in schools and libraries around the country.

Just recently, the Library's Packard Campus for Audio-Visual Conservation began operations in Culpeper, VA. The Packard Campus, which is the result of the largest private gift ever made to the Library, is dedicated to transferring the Library's priceless, but deteriorating, collection of moving images and recorded sounds to digital files and placing these materials in a digital storage archive.

But of all the Billington era projects, the most far-reaching is the National Digital Library. This massive effort, funded by a public-private partnership, has already placed 135 million items on the Library's web site—with many, many millions more to come.

In Japan, Madam Speaker, a person who has made exceptional cultural contributions can be designated as a living national treasure. We don't have that tradition here in America, but if we did, I do not think that I would be alone in submitting for that honor the name of James H. Billington.

I congratulate Dr. Billington on his 20th anniversary—and I thank him for the great things that he has done for our country.

H.R. 3162:—THE CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. CRENSHAW. Madam Speaker, I rise today to express my displeasure with H.R. 3162—The Children's Health and Medicare Protection Act (CHAMP). The CHAMP Act would expand the existing State Children's Health Insurance Program (SCHIP) by giving nearly 5 million children who come from middle-income families access to free healthcare. This proposal pays for this expansion by cutting 3 million senior citizens' access to Medicare. This legislation would nearly double the 6.6 million children who are currently enrolled in the SCHIP program.

In my home state of Florida, the current SCHIP program level covers children in families who earn up to 200 percent above the poverty level, which amounts to a $41,200 annual income for a family of four. I support the SCHIP program in its current form. However, I cannot support an over-expansion of the program that uses hard-earned tax dollars to provide free healthcare to children and adults who come from middle-income families that make 300 to 400 percent of the federal poverty level.

The CHAMP Act is nothing more than a veiled effort to develop a single-payer healthcare system. In order to pay for this gross expansion of socialized medicine, this proposal would cut Medicare funds for 9,746 seniors who live in the Fourth Congressional District of Florida and are currently enrolled in the Medicare Advantage Program. I believe that my constituents would be unsupportive of any measure that compromises healthcare to the elderly in an attempt to give free healthcare to middle-class children and adults who were already covered by private health insurance plans. Finally, the funding mechanism for this expansion incorporates an increase in the federal cigarette tax from 39 cents to 84 cents per pack and increases taxes on many other forms of tobacco products.

In the Fourth Congressional District of Florida, 27,416 families, or 31 percent of all families with children under the age of 18, are already eligible for either Medicaid or SCHIP under current law. Despite this fact, the Medicare cuts to seniors are exacerbated by the fact that the CHAMP Act would cover individuals up to the age of 25. Once again, the very nature of the program, which is intended to provide medical care to children, is compromised by the expansion plan to cover young adults as well.

In addition to all the concerns I mentioned above, I was unable to support this legislation due to several additional concerns I had during the consideration of this legislation. First of all this bill was clouded in secrecy until hours before the House of Representatives voted on the bill. Additionally, the proposal authorizes a one-month waiting period for a motorized scooter even if a doctor determined the scooter was medically necessary, and reduces the amount of time that the government would rent oxygen equipment to seniors from 36 months to only 13 months. Finally, the CHAMP Act, in its current form, provides free healthcare to illegal immigrants. This complete disregard for existing law will inevitably aggravate the existing illegal immigration problem.

This legislation was an erratic attempt to reauthorize the State Children's Health Insurance program while creating an open-ended entitlement program that moves us further away from providing benefits to those most in need.

VALLEY TOWNSHIP CHIEF OF POLICE JOE FRIEL

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor Valley Township Chief of Police Joe Friel, a dedicated law enforcement officer who epitomizes honor and valor. Chief Friel is a graduate of the Downingtown Area School District, who then went on to attend the Delaware Country Municipal Police Academy. He started his police career in Royersford Borough in Montgomery County, Pennsylvania as a part-time police officer, and then eventually moved to western Chester County. He has worked for the Caln Township Police Department, Parkesburg Borough Police Department and Sadsbury Township Police Department, before taking a part-time job with the Valley Township Bureau of Police in 1989. He was eventually hired full-time in 1990 and, in 2000, he obtained the rank of Sergeant. Following 17 years of service, the young officer, who "was just happy to be a police officer," is now called Chief Friel and is in charge of 9 other officers. He is married to Annette Friel and they have 2 children, Joe Jr. and Brittany.

In addition to Chief Friel's duties as a police officer, he was also a D.A.R.E. officer for 6 years, allowing him to work closely with students and schools in an effort to keep them safe. Chief Friel has received 4 outstanding service awards, 2 from the Valley Township Bureau of Police and 2 from the Coatesville Area School District for his service as a D.A.R.E. officer. Chief Friel is a certified field-training officer for the Bureau of Police and has extensive training in domestic violence investigation.

During his distinguished career, he was given a commendation for the apprehension of a subject that confronted police with 2 fully-loaded shotguns following a violent domestic dispute, as well as a commendation from the Westwood Fire Department for helping a man who was injured in an explosion.

Prior to becoming a police officer, Chief Friel worked for Hope Ambulance Service and was a member of the patient recovery operation team, which provided air transports for sick or injured persons. He was a firefighter with the East Brandywine Fire Company and was an Emergency Medical Technician.

Chief Friel continues to believe that community policing is the foundation for a successful police team. He promotes teamwork as the key to maintaining a strong police force and believes that being respectful and fair is what has made him such a successful police officer.

In recognition for all of Chief Friel's accomplishments and leadership, the Pennsylvania American Legion recently named him Pennsylvania Law Officer of the Year. This award is a testament to the example Chief Friel presents to other brave men and women of law enforcement, as well as a reflection of the great people he has worked with over the years. I know all my colleagues join me today in commending Chief Friel for his exemplary service and reward of accomplishment and we honor him for his ongoing commitment to the safety and well-being of the residents of Valley Township and Chester County, Pennsylvania.

IN RECOGNITION OF PATTY ARISMENDEZ

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. COSTA. Madam Speaker, I rise today to honor Patty Arismendez of Bakersfield, California, the recipient of the National Association of Letter Carriers Heroes of the Year Award on behalf of the Western Region. This award is to honor Letter Carriers who have gone above and beyond the call of duty.

During her 17 years with the United States Postal Service, Patty worked her way up to a Letter Carrier. She spent the last 10 years working at Branch 782 of the National Association of Letter Carriers in Bakersfield, California.

Today we honor Patty Arismendez for her heroic action. On October 14, 2006, Patty saw a toddler wandering into the middle of the street. She used her vehicle to block the traffic in this busy intersection and jumped out to save the toddler. After Patty rescued the child, she searched for her family and eventually reunited them.

Patty saved the toddler from being hit by a car or kidnapped. We recognize her bravery and appreciate her devotion to her community. Patty Arismendez is an honest, compassionate woman. I wish her continued success and good luck in all of her future endeavors.

IN HONOR OF THE PUBLIC SERVICE OF SUSAN A. DICKEY, WARREN COUNTY SURROGATE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. GARRETT of New Jersey. Madam Speaker, this evening, Susan A. Dickey, who has served as elected Surrogate for the past seven years, will be honored for her record of dedicated service to the people of Warren County, New Jersey. I join my friends and neighbors in commending Susan for her commitment to this office.

The constitutional office of Surrogate is not a glamorous one. There aren't a lot of ribbon cuttings and photo ops to do. There aren't many big ticket items that make it to the front pages of the local papers. But, there are few elected offices that can have a greater impact on individual lives. We come to seek the aid of the Surrogate and her office when we are in the midst of issues involving trusts, wills, estates, and probate. Our visits to the Surrogate's office are rarely on happy occasions, often following loss of a loved one. And, though winding through the confusing red tape of probate law is just about the last thing we want to do under those circumstances, Susan Dickey and her staff have done all in their power to ease the difficult burden.

Susan has sought to computerize estate processing, to make information and forms available online, and to simplify the process. She has made her office more accessible to those who are handicapped, ill, or home-bound. And, she has been working with the County Office on Aging to develop a free-will program for qualified seniors—a program she first introduced as a Warren County Freeholder before she was elected to the Surrogate's Office.

Susan Dickey is a true public servant, and I commend her for her work and for the example she provides.

IN RECOGNITION OF MOLLY P. HOWARD ON BEING NAMED NATIONAL PRINCIPAL OF THE YEAR

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. BARROW. Madam Speaker, on Tuesday, September 4, 2007, Molly Parish Howard, Principal of Jefferson County High School in

Louisville, Georgia, was named National High School Principal of the Year by the National Association of Secondary School Principals. I had the privilege of attending her recognition ceremony and was moved by her dedication to, and passion for, her students, her school and her community.

Dr. Howard has devoted the past 30 years of her life to the children of Jefferson County, Georgia. In one way or another, she's been walking the halls of the public schools in that area nearly all her life. Dr. Howard began her own education in the schools of Jefferson County. Just three years after her graduation from Wrens High School she returned to become one of the school system's first special education teachers.

Dr. Howard has been serving as Principal of the Jefferson County High School since 1995. When she became principal, she made it her policy that every child in her high school would receive a college preparatory education. Even with an increasingly challenging curriculum, nearly every indicator of the success of a high school has improved since Dr. Howard took that job.

Dr. Howard represents what is best about our best schools. What's more important, she brings out the best in her faculty and staff, her students, and their families. She uses innovation and creativity to inspire excellence in her teachers; she is a conscientious member of her community; and she is a friend, a mentor, and a good example to her students. She is the kind of person I'm grateful to have working on the front lines of our nation's future. I'm proud to represent her and her school, and I congratulate her on this well deserved achievement.

H.R. 1495—THE WATER RESOURCES DEVELOPMENT ACT

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. CRENSHAW. Madam Speaker, I rise in support of the conference report for H.R. 1495, the Water Resources Development Act. This important legislation provides overdue authorization for hundreds of critical water projects throughout the United States including several in my district, the Fourth Congressional District of Florida. The bill authorizes 900 flood-control, navigation and environmental projects managed by the Army Corps of Engineers and will authorize $21 billion dollars. Many of these projects are critical to the safety of our commercial and recreational ship traffic as they navigate inland waterways. I applaud the Chairman and Ranking Member of the House Transportation & Infrastructure Committee for completing this imperative legislation.

WAGONTOWN VOLUNTEER FIRE COMPANY 60TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor the Wagontown Volunteer Fire Company in Chester County, PA which will dedicate its new facility and celebrate its 60th anniversary on Saturday, September 22, 2007. This fire company traces its history back to 1947 when it was housed in a single-bay fire station located on Wagontown Road and Route 340.

The original fire station was replaced in 1954 with a larger building located at 416 West Kings Highway with direct access to Route 340. It was designed and built with room for additional equipment that would be needed as the community grew. It was not only used to house the fire apparatus, but also as a meeting, banquet and fundraising facility.

In 1995, the Company decided that in order to keep up with the continuing growth in West Caln and West Brandywine Townships, an additional facility was needed. The small, single-station fire company that started in 1947 had grown into a fully operational fire and rescue company. The fleet at that time consisted of five vehicles. A groundbreaking ceremony was held on July 23, 2005, with site preparation and building construction beginning shortly thereafter. The building of 5 bays, offices and a 300 seat community banquet facility was then completed and the Company was able to occupy and begin working out of the new facility in September of 2006.

Over the past 60 years, the Wagontown fleet has grown to seven apparatus and the Company is led by the tireless work of Chief Jeff Benach. The Company is 100 percent volunteer and has been supported by donations from the community and with numerous fundraisers. The Wagontown Volunteer Fire Company has thrived due to the countless sacrifices and endless dedication of the many men and women who volunteer to support this local treasure and to preserve and protect the lives and property of their fellow citizens.

I know all my colleagues join me today in congratulating the Wagontown Volunteer Fire Company for all the work they do in their community. We wish them another 60 years of heroic lifesaving and honorable stewardship as they continue to keep West Caln and West Brandywine Townships safe.

TRIBUTE TO CAPTAIN DREW JENSEN

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Ms. HOOLEY. Madam Speaker, let us mourn the loss of an American Hero.

Just a short time ago, Captain Drew Jensen succumbed to wounds he received in Iraq.

Drew was critically wounded in combat on May 7, 2007 in the Diyala Province while serving with the 5th Battalion, 20th Infantry Regiment north of Baghdad.

Captain Jensen was an officer in the 3rd Brigade, 2nd Infantry—it is more commonly known as the "Stryker Brigade."

Forty-eight young soldiers left Fort Lewis and never returned to duty. The Strykers were sent into the toughest neighborhood in Iraq. Their mission was to meet Al Qaeda on its ground and take it back.

It is with a heavy heart the Pacific Northwest welcomes home the Brigade: they served honorably; they left Iraq better than they found it, but the cost was high—the losses irreplaceable.

Captain Jensen knew from an early age he wanted to serve his country: he was a soldier that lived and died with courage, integrity, and selflessness.

As a young man he worked hard and secured for himself the opportunity to attend West Point.

After graduation in 2002, Drew approached the Army with absolute commitment.

Captain Jensen served two combat tours in Iraq—knowing that his men depended upon his willingness to lead from the front and fulfill the call of our Nation.

At home, Stacia did her best to soldier on. An Army family knows the risks of combat. She supported Drew on and off the battlefield through some of the toughest circumstances, the harshest moments any family can encounter.

I ask that we take pause: cease the frenzied activities of modernity for just a moment and reflect upon the sacrifices we are asking of young soldiers like Drew Jensen.

Drew was a casualty of war: he served with distinction, gave his last full measure of devotion, and ultimately sacrificed his life—and his family's future—to answer the call of his men in mortal combat.

Leaders are not born, they are not made—leaders such as Drew Jensen choose.

Drew saw a problem and fixed it. He saw that his men needed help, and he helped. He was a good officer that recognized the burdens of command—an American that made a choice to be a part of something larger—to live a life that mattered.

My colleagues: The legacy of Captain Drew Jensen is a lesson for us all.

Drew made a choice to serve his country; Drew made a choice to serve in Iraq; Drew made a choice to make his community a better place.

There are no words that can heal the wounds of our hearts today; Oregon is far dimmer than it was with Drew a part of our community.

Forever changed are the lives of Stacia, the Jensen Family, and the community of Damascus.

We cannot undo any of the choices that brought us to this moment here, today.

But we can recognize the courage and bravery of one of our own.

We can celebrate the life and legacy of Drew Jensen.

And we can keep his spirit alive through remembering all that he was—all that he meant—all that he believed in.

Let us renew our commitment to making this America, this Oregon, this community a place worthy of such sacrifice.

Let us begin today.

AIRSPACE REDESIGN UNFAIRLY IMPACTS MINORITY COMMUNITIES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. PAYNE. Madam Speaker, I rise to express my disappointment that I was not permitted to offer an amendment to this bill after testifying before the Rules Committee yesterday. My amendment would have addressed concerns about the New York/New Jersey/Philadelphia Airspace Redesign. While all of us recognize the pressing need to improve the current system in order to promote efficiency and reduce flight delays, the implementation of this particular plan will have a disproportionate negative impact on some minority communities, including the city of Elizabeth, New Jersey, which is partially located in my Congressional District. Unfortunately, our government has a history of causing minority communities to bear a disproportionate share of undesirable environmental effects, whether it is air noise, air pollution, or toxic waste dumps—these objectionable projects too often end up in poor and minority communities. In response to this injustice, Executive Order 12898, which was signed by President Clinton on February 11, 1994 and reaffirmed by President Bush, aims to ensure that environmental justice is considered when federal agency decisions are made. The population of the city of Elizabeth is about 65 percent non-white, with most minorities being Hispanic or African American.

The Elizabeth community is especially alarmed about the proposed plan because under a previous procedure in the 1950s where planes "fanned out" over Elizabeth, there were three tragic airplane crashes in a very short time period—from December 1951 to February 1952.

Under the Airspace Redesign proposal, high aircraft noise exposure in the immediate vicinity of the airport increases from 53,276 residents to 100,893 residents in Union County, where the city of Elizabeth is located. It also increases from 94,407 residents to 131,916 residents in Essex County. In some neighborhoods, the decibel levels could rise to a degree that the noise will be 5 times greater than it is now. These actions have caused many of us to question whether or not the FAA properly and adequately met their responsibilities under the environmental justice Executive Order. Therefore, my amendment would have stipulated that before implementing the New York/New Jersey/Philadelphia Redesign project, the FAA Administrator must submit a report to Congress explaining how the agency has met the requirements relating to environmental concerns in minority communities.

Needless to say, I am disappointed that the Rules Committee did not accept my amendment, but I have received assurances that Congress will keep up the pressure to ensure that the FAA meets its responsibilities to all of those who are impacted by the airspace redesign plan.

TRIBUTE TO FRANK BECKMANN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. McCOTTER. Madam Speaker, I rise to honor Frank Beckmann upon the 35th anniversary of his distinguished broadcasting career at WJR, the "Great Voice of the Great Lakes."

Since his broadcasting career commenced on September 11, 1972 as a WJR news reporter at the age of 22, Frank Beckmann steadily rose through the ranks and served as the station's sports director and only play-by-play announcer to cover all 4 Detroit sports teams at least once. Today, he stands as a beloved—in most quarters—Detroit radio personality.

Frank's status was cemented in February of 2003, when the Frank Beckmann Show debuted. Over the ensuing years, Frank's commitment to providing fair and candid news coverage has earned him a legion of fans and countless awards, which he is trying to count regardless. Faithfully carrying on the WJR tradition, the Frank Beckmann Show features on-air interviews, in-depth issue analyses, reliable business reports, and continuous sports coverage. Frank's enduring style and popularity with listeners has earned the attention of the Michigan Association of Broadcasters who awarded the Frank Beckmann Show two "Best in Class Awards," Broadcast Personality/Team of the Year 2006 and Best News Special: 9/11 Anniversary Broadcast From New York City. The Detroit Press Club Foundation also named him the 2007 Michigan Excellence in Journalism winner and he was inducted into the Michigan Sports Hall of Fame in 2007. With a radio personality fans have come to know and love, Frank Beckmann's extraordinary accomplishments are well deserved.

Madam Speaker, over the years, Frank has elated audiences with his laid-back humor, probing interviews, and male pattern baldness. After 35 years of award-winning broadcasts on WJR, Frank truly is the best in his class. Today, I ask my colleagues to join me in honoring Frank Beckmann's loyalty to his listeners, dedication to truth, and legendary contributions to talk radio, our community and our country.

VINCENT SUPPAN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor one of the leaders of the arts in my district, and someone who has dedicated his life to bringing the gift of music to countless others. Vincent Suppan was born in 1920 and grew up in West Catasauqua, Pennsylvania. He is a part of a proud family who has tirelessly led the Catasauqua Band for 100 years. Vincent's cousins conducted the band from 1907 to 1947, when he took over as conductor. This "passing of the baton" has ensured that a dedicated conductor has led the Catasauqua Band for 100 years, a feat that reflects on the Suppan family's passion for music and love of their community.

Today, Vince is a retired associate professor of speech pathology at West Chester University. He still resides near the University, faithfully commuting over 100 miles on Wednesdays to lead rehearsals in Catasauqua. He has never lost his love of leading the Band in "run-throughs" of music from the Band's extensive library. He often regales the Band with fascinating stories from his long career. The combination of challenging sight-reading and great tales makes rehearsals a delight for all the Band members. Among the many local musicians who played with the Catasauqua Band is Ronald Demkee, now conductor of the Allentown Band. Mr. Demkee still recalls the first time he was paid to play tuba under Vince, receiving the going rate of $2, which was good money for a high school student at the time. Vince provided Mr. Demkee with his first opportunity to play a solo with a professional band, which is just one example of the numerous lives Mr. Suppan has touched.

The Catasauqua Band continues to this day due to the passion of one man: Vincent Suppan. Leading this band for 60 years is a testament to the dedication and hard work of Vincent, and a reflection of the passion he brings to every performance. I know all my colleagues join me today in congratulating Vincent Suppan for his tireless leadership of the treasured Catasauqua Band, and for all the great work he has and continues to do for all those who love music.

SENATE—*Friday, September 21, 2007*

The Senate met at 9:15 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of all nations, Lord of all people, thank You for a land where we can believe that our rights and freedom come from You. We praise You for Your gifts of life, liberty, and dreams, and for those who make daily sacrifices for freedom. Forgive us when we fail to live up to our high heritage, and infuse us with a grace that transforms us into instruments of Your purposes.

Empower our Senators to protect and guard the foundations of our liberty so that America will bless the world. When our lawmakers are weary, replenish their spirits with the inspiration of Your presence, and never forsake them in their hour of need. Bellow the flickering embers of their hearts until they are white-hot again with the fires of patriotism, vision, service, and hope.

As many people prepare for Yom Kippur, we thank You for Your atoning sacrifice that purchased our freedom.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will immediately resume consideration of the Defense Department authorization measure and conclude debate on the Levin-Reed amendment. Debate time until 9:50 this morning is equally divided and controlled between Senators LEVIN and MCCAIN. The two leaders will control the time between 9:50 and 10 a.m., with myself controlling the last 5 minutes, the vote occurring at 10 a.m. At 10 a.m., that will be the only vote to occur today.

I very much appreciate the cooperation of all Senators, Democrats and Republicans, that we worked out our problems on Monday so that we can vote on the very long-standing issue. We should have done it, but we didn't, but I am glad we are doing it now—the WRDA bill. It is bipartisan; Senators BOXER and INHOFE worked on it very hard. We are going to finish this Monday night. There will be work done on the Defense authorization bill on Monday. People can come and offer amendments, debate measures—whatever the managers feel is appropriate. Hopefully we can clear some amendments on that occasion.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Warner (for Graham/Kyl) amendment No. 2064 (to amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.

Levin/Reed amendment No. 2898 (to amendment No. 2011), to provide for a reduction and transition of U.S. forces in Iraq.

Kyl/Lieberman amendment No. 3017 (to amendment No. 2011), to express the sense of the Senate regarding Iran.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:50 a.m. will be equally divided between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN.

Who yields time?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. I also ask unanimous consent that the time of the quorum be equally divided and that apply retroactively.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank my colleague, Senator LEVIN, for yielding time and also for being the principal author of the Levin-Reed amendment, the amendment we are considering today. There will be a vote shortly. The amendment recognizes that we have responsibilities in Iraq, but it also recognizes the constraints we face in Iraq.

The first principal constraint is a lack of sufficient forces to maintain the current force level there. That alone must drive a change in mission for our military forces in Iraq. But it also recognizes the fundamental dynamic in Iraq, which is a political dynamic. It is a political dynamic that must be achieved, not by the United States but by Iraqi political leaders. When the President announced the surge in January, he made it very clear that the whole purpose was to provide these leaders with the political space and the climate to make tough decisions. Frankly, those decisions have not been made.

What we have gained on the ground has been tactical momentum. Any time you insert the greatest Army and Marine Corps and Air Force and Navy in the world into a situation, you are going to make progress—and we have. But the real question there is, Will that progress last when we inevitably begin to draw our forces down, as General Petraeus has announced? I think most people would suggest probably not.

So we are left with the reality on the ground and the reality here at home—waning support for a policy that the American people believe is misguided and has been incompetently executed by the administration. We have to change the mission, and the core of the Levin-Reed amendment is to change that mission, to go away from an open-ended "we will do anything you want, Mr. Maliki, even if you don't do anything we want" to focused counterterrorism, training Iraqi security forces, and protecting our forces. It also recognizes that we have to have a timeframe in which to do those things.

I am encouraged and I think all should be encouraged that a year ago when we started talking about initiating withdrawal of forces from Iraq, that was an item which was not only hotly debated on the floor but severely criticized.

General Petraeus has told us he will propose and will probably implement a withdrawal of forces before the end of this year. That is part 1 of the Levin-Reed approach. The second is to begin a transition to these missions, and we hope that can be accomplished in a very short period of time. Finally, we would like to see these missions fully vetted, fully set out and implemented on the ground, moving away from the open-ended approach within a fixed period of time. This approach, together with a very aggressive diplomatic approach, we believe is the key to contributing not just to the stability of Iraq but to the long-term interests of the United States in the region and the world.

I hope we are able to agree to this amendment, to pick up support. We have listened to General Petraeus. Frankly, he has in part agreed with us, in terms of beginning withdrawal. He has suggested, but not definitively, that some transition sometime down the road must take place. But I think—surprisingly to me, at least—when asked what should we do in the next year, he essentially said: I can't tell you until next March, and then I will tell you. We have to have a plan, a strategy for this country that certainly goes beyond next March. The world and our strategic interests will not start and stop in March. They are continuous, they are challenging, and we have to face the best course of action going forward. We believe—I believe strongly—this is the best course of action.

This war in Iraq has cost billions of dollars. More profoundly and more fundamentally, it has taken the lives of over 3,700 American service men and women. It has injured countless. I think the American public is genuinely not only concerned but in a literal sense heartbroken about what is going on. They are asking us—indeed, demanding of us—if the President is unwilling to act, that we act to change the course, to provide a strategy and a policy that is consistent with our interests, with our resources, and with our ideals that will help us move forward.

I hope in the next several minutes as this vote comes to the floor that the message of the American people will be heard and heeded and that we will adopt the Levin-Reed amendment.

I yield my time.

Mr. LEVIN. I suggest the absence of a quorum and equally divide the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield myself 4 minutes.

There is a lot of disagreement about Iraq policy, how we got into the quagmire we are in there, the failure to plan properly, the disbanding of the Iraqi Army, the lack of a plan for the aftermath and a number of other issues which have been the subject of great debate.

There is a consensus on a number of issues. It is that consensus which drives the Levin-Reed amendment. There is a consensus that we have an important stake in a stable and independent Iraq. Everyone agrees on that. The opponents of this amendment like to suggest that somehow or other the proponents are not interested in a stable and independent Iraq. It is exactly the opposite. We are as interested in that as are the opponents.

The question is, Are we moving in that direction? Is the current policy working or do we need to change course? Do we need to find a way to put pressure on the Iraqi leaders to reach political settlement as the only hope of achieving an independent and stable Iraq?

That is not the proponents of this amendment who are saying a political settlement is not the only hope of ending the violence and achieving stability, that is not just the proponents, that is a consensus point. General Petraeus acknowledges that very openly. The Iraq Study Group says that. General Jones and his group say that.

There is no solution that ends the violence that is not based on a political coming together of the Iraqi leaders. They have to accept responsibility for their own country. They have to meet the benchmarks they themselves have set for themselves. They have missed those benchmarks and the timelines that were set out by themselves for those benchmarks.

We have to change course because we have been through now longer than we fought World War II, we have been there longer than we fought the Korean war, we have spent half a trillion dollars or more, we have lost almost 4,000 of our brightest and bravest men and women, seven times that many wounded, $10 billion a month.

We have to change the dynamic in Iraq, and that dynamic can only be changed when those Iraqi leaders realize the open-ended commitment is over. If we simply say, as the President says: Well, we will take another look in March, we will see what direction we are going to go in March, whether we are going to reduce our presence below the presurge level, but we will do that in March, that is a continuation of the message which this administration has been delivering to the Iraqi leaders year after year: We are going to be patient. We are going to be patient. The President has, a dozen times, said the American people need to be patient.

It is the opposite message that has a chance of working for the Iraqi leaders, that we are mighty inpatient here in America, with the dawdling of the political leaders in Iraq, who are the only ones who can achieve a political settlement. We cannot impose that on them, only they can reach it.

If they keep thinking we are not going to put the pressure on them, we are going to be their security blanket, we are going to protect them in the Green Zone, we are going to continue to lose our lives and squander our resources while they dawdle, they are making the major fundamental mistake which is going to keep the violence going.

We have to correct that. We have to change that. We have to force those leaders to accept the responsibility for their own country.

Now, the Iraq Study Group pointed to the relationship between putting pressure on the Iraqi leaders and having them reach an agreement. This is what the Iraq Study Group pointed out now almost a year ago: That an open-ended commitment of American forces would not provide the Iraqi Government the incentive it needs—the incentive it needs—to take the political actions that give Iraq the best chance of quelling sectarian violence.

I yield myself 1 additional minute. In the absence of such an incentive, the Iraq Study Group said, the Iraqi Government might continue to delay taking those actions.

That is the connection this amendment makes. What Levin-Reed says is: We are not going to withdraw precipitously, we are not going to totally withdraw, we have interests there that require us to keep some troops there. But we have the need to change that mission.

The President talks about the possibility, but he does not do it now. He does not say: we are announcing we are going to change our mission to a support mission, out of the middle of a civil war. We are going to change our mission to supporting our own people. We are going to change our mission to going after terrorists, a targeted counterterrorism mission, we are going to change our mission so that we are going to, yes, continue to support the Iraqi Army, to supply the Iraqi Army, but we are getting out of the middle of a sectarian battle for our sake and for the sake of the Iraqi people, to force those leaders to take responsibility for their own nation.

So it is not precipitous. We provide a reasonable timeline. We say the troops that need to be withdrawn as part of that transition to those new missions will be withdrawn within 9 months.

Mr. President, I yield the remainder of my time.

I yield the floor.

Mr. GRAHAM. Mr. President, how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. Twelve minutes.

Mr. GRAHAM. Mr. President, I yield 5 minutes to Senator INHOFE from Oklahoma.

Mr. INHOFE. Mr. President, I think we need to be real clear what we are talking about. What we are talking about is telling the enemy what we are going to do. If there is one thing they have said, our military has said we cannot do, is to leave precipitously and let them know when we are going to do it. But that is what we are talking about.

You know, when General Petraeus came a couple of weeks ago, I knew exactly what he was going to say because I was over there—I have been over there actually 15 times in the AOR of Iraq, not always in Iraq, sometimes Afghanistan, Djibouti and all of that.

But I have watched very carefully, from time to time when I have been there, what progress has been made. I was in shock the last two trips we took. The last two trips, it was so evident in that one area, starting with Anbar, where most of the problems were. And I was in Anbar Province, in Fallujah, during all the elections that took place, and it was chaos up there. We remember our marines going door to door World War II style and all the things that were going on there. It is now totally secure. It is not secure under us, it is secure under the Iraqi security forces.

We remember only a year ago the terrorists said Ramadi was going to be the terrorist capital of world. It is now secure. All of the way through down there, south of Baghdad, the same thing is happening.

What has happened with this surge are three different things: No. 1, the surge itself. That is more people. No. 2, we had General Petraeus going in. No. 3, they did get the message from some of these surrender and cut-and-run resolutions that there was the threat that we would pull out, and, consequently, the Iraqi security forces have done things they have never done before.

I learned something when I was over there, and that was it is not the political leaders, it is the religious leaders who are calling the shots. Our intelligence goes to all the weekly mosque meetings. Prior to the surge, 85 percent of the mosque meetings were anti-American messages. Since the surge, since April, there hasn't been one.

So this is the kind of progress that is being made. We now have volunteers going out there with spray cans, putting circles around the undetonated IEDs, doing this on their own, risking their own lives to help Americans.

We have this imbedded program, where they actually go in joint security stations and live with the Iraqis. It is something that has been very successful in developing close relationships. So this is the kind of success we are having.

I was up in Tikrit the other day. Remember, that is Saddam Hussein's hometown. Even up there, in that home territory up there, with the exception of Diyala, it all looks real good. That is the bottom line. We have success.

If we pass something now that tells them, in a period of time you can expect us to leave, and this is what we are going to do, we are giving them our playbook. If you look and see what some of our top leaders have said about that, General Petraeus said: We cannot leave without jeopardying the gains we have started to achieve.

Those are the gains I talked about. Secretary Gates said: If we were to withdraw, leaving Iraq in chaos, al-Qaida most certainly would use Anbar Province as another base from which to plan operations.

This is the type of thing we would be doing. I cannot imagine anyone would vote for any type of amendment that would tell the enemy specifically what we were going to do and when we were going to do it.

Ambassador Crocker says: I cannot guarantee success in Iraq. I do believe, as I have described, it is attainable. I am certain that abandoning or drastically curtailing our efforts will bring failure, and the consequences of such failure must be clearly understood by us all.

What are those consequences? It would be a vacuum. We have heard loudly and clearly from such people as President Ahmadi-Nejad who said:

> I can tell you there will be a power vacuum in the region. [This is if we leave precipitously.] We are ready with other regional countries such as Saudi Arabia, and the people of Iraq to fill that vacuum.

In other words, we leave, Iran comes in, al-Qaida comes in, all the advances, all the sacrifices, all the lives that have been lost will have been lost in vain.

I cannot imagine anyone would vote for this amendment. I encourage my fellow Senators to oppose it.

I yield the floor.

Mr. GRAHAM. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There is 7 minutes 10 seconds.

Mr. GRAHAM. Mr. President, this has been a very spirited and meaningful debate. The amendment that has been offered by two people I respect greatly. I do not question their motives about loving our country anymore than I do. They are trying to find out what is best for Iraq and a very difficult situation. We have an honest disagreement.

I think it has been a very healthy debate of reaching the same goal; that is, a successful outcome in Iraq. But make no mistake about it, from my point of view, the reason I oppose this resolution, it is a change in military strategy.

Senator REED talked about similarities between what General Petraeus said and what this resolution would do. There are some similarities, but it is a fundamental change in military strategy. After General Petraeus testified, is that wise for us to do that? Is it wise for the Congress to basically take operational control of this war from General Petraeus?

Because that is what this resolution would do, it restructures our forces in a way he did not recommend. It would be a very overt rejection of General Petraeus's leadership, his strategy, his vision, and his recommendations. I think we need to understand that would be the consequence of passing this resolution.

It would be saying, respectfully, no to General Petraeus and yes to the Congress in terms of how to run a war. I think that is not wise. It is the de facto return to the old strategy. For 3½ years, we had the strategy on the ground in Iraq that did not produce results that were beneficial.

I am a military lawyer, and I have no expertise about how to invade a country or manage a population once the invasion is over. But I can tell you this based on common sense and 3½ years of experience. The old strategy was not working. The first trip to Baghdad after the fall of the capital, you were able to move around, it was a bit chaotic, but you were able to go downtown and do some things you have a hard time even doing today.

But by the third trip to Baghdad after the fall, we were in a security environment, almost in a tank. So it was clear to me, training the Iraqi troops, having a small military footprint, was not achieving the security we needed for reconciliation. And the few "dead-enders" were the most resilient people in the world. If the insurgency was in its last throes, it was a deep throe.

Every time I asked the people coming back who were running the old strategy and testifying to Congress, what is the general number of insurgents, about 5,000 hard-core insurgents. It is the most resilient 5,000 in the world. They were able, certainly, to do a lot of havoc. Thank goodness we changed strategies.

Senators LEVIN and REED and others have been arguing for a very long time to change course and change strategies. The President heard that call. He sat down with military leaders and put a new commander in the field. We have, in fact, changed strategies. What did we do? We went a different way. Instead of withdrawing troops and doing more of the same, we added troops. As Senator INHOFE said, it is the best thing we have done. These additional 30,000 combat troops being interjected into the battlefield have paid off in security gains we have never seen before.

Hats off to the surge. To those who are part of the surge, those who have been in Iraq for a very long time, I acknowledge and respect your success because the success has been undeniable. The challenges are also undeniable. But without the surge, there would have been no turnaround in Anbar. The people in Anbar had had enough of al-Qaida. We can't take credit for that. Al-Qaida overplayed its hand, and we had additional combat power in place to take advantage of a population that was ready to make a choice, a choice for the good. Their rejection of al-Qaida is not national political reconciliation, it is not embracing democracy. But it is good news because you have Sunni Arabs rejecting the al-Qaida agenda, and that is great news.

This resolution not only is a rejection of General Petraeus's strategy, his vision for how to be successful, it has an impractical effect. The rules of engagement one would have to draft around implementing this strategy are almost impossible from my point of view. Just to train and fight al-Qaida, how do you do that, when you have all kinds of enemies running around Iraq, including Iran, including sectarian violence? The idea that we are going to change missions and adopt this resolution as a new mission and have such a limited military ability is unwise and impractical.

It is a dangerous precedent for the Congress to set to withdraw from a military commander who has been successful the power to implement a strategy that has proven to be successful.

The basic premise of the resolution is, if we change strategies, reject General Petraeus and go to the old strategy, which is, in essence, what we would be doing, it would bring about better reconciliation. My fundamental belief is that we will never have political reconciliation until we have better security. The new strategy, the surge, has brought about better security than we have ever had before in Iraq. Even though it is still a very dangerous place, there is no evidence to suggest that reconciliation would be enhanced by rejecting Petraeus and adopting the Congress's plan for Iraq. Quite the opposite. I think all of the evidence we have before us is that a smaller military footprint, when you are training and fighting behind walls, empowers the enemy. If we adopted this resolution, the security gains we have achieved would be lost. We would be abandoning people who have come forward to help us. We wouldn't have the military power to seize the momentum that has been gained from the surge. We would actually roll back the momentum that has been gained. We would put people at risk who have come forward to help us. For example, 12,000 people have joined the police force in Anbar in 2007. In 2006, only 1,000 people joined the police in Anbar. There is local reconciliation going on. There is a realization by the Iraqi people that now is the time to step forward. Their politicians are lagging behind the local population, but it will not be long before Baghdad understands that they have to reconcile their country through the political process. They will only do that with better security.

When you reach across the aisle in America, you can pay a heavy price in terms of your political future. When you reach across the aisle in Baghdad, your family can be killed. Better security will breed more political reconciliation, not less. To abandon this strategy now, to substitute the Congress's judgment for General Petraeus's judgment, is ill-advised and unwarranted. Quite frankly, General Petraeus and the troops serving under him deserve our support and our respect, and they have earned the ability to carry on their mission. They have earned, based on success on the battlefield, the right to move forward as they deem to be militarily sound.

The Congress is at 11 percent. Part of the reason we are at 11 percent is that we don't seem to be able to come together and solve hard problems. Why do we believe we have a better insight into how to win this war than a battlefield commander who has produced results never known before? I don't think we do.

I will end this debate in a respectful manner. We have the same goal, and that is to bring about political reconciliation and success in Iraq. Unfortunately, this goes backwards at a time when we need to go forward.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DURBIN. Mr. President, today I am necessarily absent to attend a funeral, and therefore will miss rollcall vote No. 346 on the Levin-Reed amendment to provide for a reduction and transition of U.S. forces in Iraq. As a cosponsor of this amendment, had I been present, I would have voted "yea."•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, I support passage of the Levin-Reed amendment and a new course of action in Iraq.

This amendment makes three significant and important changes in our involvement in Iraq that to this point the administration has been unwilling to make, even though the American people have been demanding change for over a year.

First, it removes our troops from the civil war they are now policing and gives them three achievable missions: to conduct targeted counterterrorism operations against al-Qaida and affiliated terrorist organizations; to train and equip Iraqi Security Forces; and, to provide security for U.S. personnel and infrastructure.

Second, the amendment calls for the safe redeployment of those troops not required for these three missions beginning in 3 months and to be completed within 9 months of this bill's passage.

And finally this amendment acknowledges what we have known all along that there is no military solution to this conflict. It calls for the implementation of a comprehensive diplomatic, political, and economic strategy to jump start the process of reconciliation and stability. This strategy would include sustained engagement with Iraq's neighbors and the international community and the appointment of an international mediator in Iraq under the United Nations Security Council. The mediator would have the authority to engage the political, religious, ethnic, and tribal leaders in a political process that aims to avoid no one wants—regional civil war.

For nearly 5 years, our troops have done everything asked of them. It is time for Iraqis to provide the security for their own country. I urge adoption of the Levin-Reed amendment.•

The ACTING PRESIDENT pro tempore. Under the previous order, the time between 9:50 and 10 a.m. will be equally divided between the two leaders or their designees, with the majority leader or his designee controlling the final 5 minutes.

Mr. McCAIN. Mr. President, with this vote, the Senate faces, once again, a simple choice: whether to build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission, or to ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby the terrible consequences that will ensue.

Many Senators wished to postpone this choice, preferring to await the testimony of General Petraeus and Ambassador Crocker. Last week these two career officers reported unambiguously that the new strategy is succeeding in Iraq. After nearly 4 years of mismanaged war, the situation on the ground in Iraq shows demonstrable signs of progress. Understanding what we now know—that our military is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

General Petraeus reported in detail on these gains during his testimony in both Houses and in countless interviews. The No. 2 U.S. commander in Iraq, LTG Ray Odierno, said yesterday that the 7-month-old security operation has reduced violence in Baghdad by some 50 percent, that car bombs and suicide attacks in Baghdad have fallen to their lowest level in a year, and that civilian casualties have dropped from a high of 32 per day to 12 per day. His comments were echoed by LTG Abboud Qanbar, the Iraqi commander, who said that before the surge began, one third of Baghdad's 507 districts were under insurgent control. Today, he said, "only five to six districts can be called hot areas." Anyone who has traveled recently to Anbar, or Diyala, or Baghdad, can see the improvements that have taken place over the past months. With violence down, commerce has risen and the bottom-up efforts to forge counterterrorism alliances are bearing tangible fruit.

None of this is to argue that Baghdad or other regions have suddenly become safe, or that violence has come down to acceptable levels. As General Odierno pointed out, violence is still too high and there are many unsafe areas. Nevertheless, such positive developments illustrate General Petraeus's contention last week that American and Iraqi forces have achieved substantial progress under their new strategy.

No one can guarantee success or be certain about its prospects. We can be sure, however, that should the United States Congress succeed in terminating the strategy by legislating an abrupt withdrawal and a transition to a new, less effective and more dangerous course—should we do that, then we will fail for certain.

Let us make no mistake about the costs of such an American failure in Iraq. Many of my colleagues would like to believe that, should the amendment we are currently considering become law, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure.

We cannot set a date for withdrawal without setting a date for surrender. Should we leave Iraq before there is a basic level of stability, we invite chaos, genocide, terrorist safehavens and regional war. We invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. If any of my colleagues remain unsure of Iran's intentions in the region, may I direct them to the recent remarks of the Iranian president, who said: "The political power of the occupiers is collapsing rapidly . . . Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap." If our notions of national security have any meaning, they cannot include permitting the establishment of an Iranian dominated Middle East that is roiled by wider regional war and riddled with terrorist safehavens.

The hour is indeed late in Iraq. How we have arrived at this critical and desperate moment has been well chronicled, and history's judgment about the long catalogue of mistakes in the prosecution of this war will be stern and unforgiving. But history will revere the honor and the sacrifice of those Americans, who despite the mistakes and failures of both civilian and military leaders, shouldered a rifle and risked everything—everything—so that the country they love so well might not suffer the many dangerous consequences of defeat.

That is what General Petraeus, and the Americans he has the honor to command, are trying to do—to fight smarter and better, in a way that addresses and doesn't strengthen the tactics of the enemy, and to give the Iraqis the security and opportunity to make the necessary political decisions to save their country from the abyss of genocide and a permanent and spreading war. Now is not the time for us to lose our resolve. We must remain steadfast in our mission, for we do not fight only for the interests of Iraqis, Mr. President, we fight for ours as well.

In this moment of serious peril for America, we must all of us remember to who and what we owe our first allegiance—to the security of the American people and to the ideals upon which we our Nation was founded. That responsibility is our dearest privilege and to be judged by history to have discharged it honorably will, in the end, matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage or office. I hope we might all have good reason to expect a kinder judgment of our flaws and follies because when it mattered most we chose to put the interests of this great and good Nation before our own, and helped, in our own small way, preserve for all humanity the magnificent and inspiring example of an assured, successful and ever advancing America and the ideals that make us still the greatest Nation on Earth.

Mr. GRAHAM. Mr. President, I don't believe Senator MCCONNELL is coming.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it is morning here in Washington. It is dusk in Baghdad. As we debate this war yet again at home, another day draws to a close for our troops in Iraq. Tonight they will sleep on foreign sand. Tomorrow they will draw yet again from an endless well of courage to face another day of war. Some will likely die. Many will surely be wounded. They will face hatred they did not create and violence they cannot resolve.

One soldier described the average day as "being ordered into houses without knowing what was behind strangers' doors . . . walking along roadsides fearing the next step could trigger lethal explosives."

The soldier who told that story tragically took his own life while on his second deployment. His name was PFC Travis Virgadamo of Las Vegas. Travis was 19 years old when he took his life.

As our troops rise in the morning, so will millions of innocent Iraqi citizens. Today thousands of Iraqis will abandon their homes and neighborhoods to flee as refugees to Iran, Jordan, Syria, and other countries. Those Iraqis who remain will face what has become the daily norm of life in Iraq—water shortages, no electricity, the constant threat of violence, and, as we learned today, cholera, an ancient disease that has now hit the ancient land of Iraq. Remember, 1.2 million Iraqis have been killed since our military invasion. Our 160,000 or 170,000 courageous troops and those innocent Iraqi men, women, and children will wake on the 1,646th day of this war, 1,646 days and nights of war. I repeat, 1.2 million Iraqis have been killed since our military invasion.

Here in Washington, DC, we have a choice to make minutes from now. If we reject this amendment before us, this war will rage on and on, with no end in sight. Our troops will remain caught in the crossfire of another country's civil war. Our Armed Forces will continue to be strained to the breaking point. But there is a choice. There can be light at the end of this long, dark tunnel. If we stand together and adopt this amendment, today can be known as the first day of the end of this war, the first day Congress fulfills its constitutional duty to have a plan to bring our soldiers and marines home. We can begin to return our troops to safety and give them the hero's welcome that has been earned and so long in coming. We can refocus our efforts on reaching the political solution that all experts, even the President's own generals, agree must be achieved. And we can return our focus to the grave and growing threat we face from Osama bin Laden and his al-Qaida network, and others, who have the will and capability to do us harm.

I stand today with my colleagues, Senators LEVIN and REED, in support of this amendment. This is a terrific piece of legislation, legislation that recognizes the duties of this separate and equal branch of Government, the legislative branch. I am grateful for the few Republicans who have shown the courage to join us in a quest to end suffering, sorrow, and terror. Countless words, reams of paper, and so much ink have been spent on the Iraq debate in the Senate and in the country. So let me add this morning that this amendment is a reasonable and responsible way forward. This amendment sets a binding path well within our constitutional authority and without compromising our national security interests. This vote will come down to a question of courage and wisdom.

President John Kennedy said:

> A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality.

In just a few hours it will be sundown, beginning the holiest day of the year for those of the Jewish faith, Yom Kippur. Reflecting on that, one needs only to look at the Old Testament, the book of Job, where Job asks: "But where shall wisdom be found?"

I say wisdom lies with the American people, a strong majority of Democrats, Republicans, and Independents who so oppose this war. I hope wisdom is found on the Senate floor today as well; that we follow the wishes, the demands, the hopes, and the prayers of the American people. When our grandchildren and generations to come study this war and this Government, I pray they will be able to say this was a turning point in a war that has cost us so much. I ask my Republican colleagues for the courage and wisdom to join the American people and bring our troops home. Courage and wisdom demands that we do such.

I ask unanimous consent to start the vote. We will make sure that everyone has ample time to vote. We will vote as if it started at 10.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2898.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Mississippi (Mr. LOTT).

Further, if present and voting, the Senator from New Mexico (Mr. DOMENICI), and the Senator from Mississippi (Mr. LOTT) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 47, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dorgan
Feingold
Feinstein
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Schumer
Smith
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—47

Alexander
Allard
Barrasso
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—6

Bennett
Boxer
Domenici
Durbin
Lott
Sanders

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 47, the nays are 47. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. REED. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REED. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, Senator McCAIN and I have had discussions with our leader, and I assume on their side, and this course of action has been cleared. Here is what we are proposing to do: The Biden amendment is going to be laid down today. There will be perhaps an hour or so on that amendment—perhaps more; there is no time limit on debate today. There will be no more votes today, as the leaders announced. But on Monday, we will make an effort—let me go back. On Tuesday at 10 o'clock, we are going to have a unanimous consent agreement that the Biden amendment will be voted on at 10 o'clock on Tuesday. That is going to be part of a unanimous consent agreement that is being prepared.

In addition, in terms of the Lieberman-Kyl amendment, there will be some debate on that today, and on Monday, and we will make an effort to see if we can't agree on a time certain on Tuesday, after the Biden amendment is disposed of on Tuesday. But we can't commit to that now. We will make a good-faith effort on Monday to set up that time on Tuesday, after the Biden amendment is disposed of.

Mr. REID. Mr. President, I think we are headed in the right direction. We may have to drag that vote—not drag it but set it for 10:15. We usually don't come in on Tuesdays until 10 o'clock, so would 10:15 be OK?

Mr. BIDEN. I know this is unusual. Mr. President, if we could start that at 10 and we didn't drag it, it would be better.

Mr. REID. I would say to my friend, on Tuesdays we don't come into session until 10 o'clock. There are meetings going on in the Capitol and people can't be here until 10, but we could set the vote for shortly thereafter, 10 after or something like that, but it takes a little while.

Mr. BIDEN. OK. That is not a very senatorial response, but OK.

Mr. McCAIN. Mr. President, could I say I thank Senator LEVIN, Senator REID, and Senator BIDEN. Senator LIEBERMAN and Senator KYL will be discussing their amendment, which is a very important amendment concerning Iran so that everybody will have a good idea, and they will be discussing it again on Monday—or debating it. I would hope, as the distinguished chairman has said, that we could probably vote on the Kyl-Lieberman amendment very shortly after the vote on the Biden amendment, yet we are unable to put that in concrete. There may be a side by side, there may not be.

I wish to remind my colleagues again, if I could, this is the 13th day of debate now, and we have had 79 hours of debate on this bill. The Wounded Warriors legislation is still waiting, the pay raise, so many other things that are vital to, I believe, the men and women who are serving and the security of this Nation. What I hope—and I know Senator LEVIN who is managing this bill would agree—is that once we finish the Iraq issue, we should be able to move through the other amendments rather quickly. We are obviously running out of time. The first of October is upon us. So I hope we can finish the Iraq amendments as quickly as possible and move on to the 100 or so amendments we have on the bill itself. I thank the chairman for all of the cooperation and hard work he has done on this bill.

Mr. LEVIN. Mr. President, I agree with my good friend from Arizona on the need to move forward. We have literally hundreds of amendments we are working on. At some point next week we are going to have to find a way to end this. We have made efforts with unanimous consent proposals to cut off on amendments, but they have been objected to, and then more flood in. We have to get to an end point.

However, in reference to the Wounded Warriors legislation, there is a separate bill on which I think appointing conferees has been cleared on this side. I am wondering if the Senator from Arizona might check with his side to see whether the appointment of conferees could be cleared. I think it will be part of this bill at the end. It is important that we move this bill for a lot of reasons, including that one.

But we have a fallback. We have a safety valve. We also have a separate bill which we would like to get to conference, and if the ranking member could check on the Republican side and see if we can get the clearance for the appointment of conferees, it may give us some momentum.

Mr. McCAIN. Mr. President, I thank the chairman. I agree. I will make every effort to do that. I am confident that no one on this side would object. It has to be done. Everyplace I go, I hear concern and the continued outrage about the situation that existed at Walter Reed, and the American people are not confident that we have taken the necessary measures to provide for the care of our veterans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, before I send an amendment to the desk, I do not want to in any way disagree with anything that was said but expand on it slightly. There is a Biden-Brownback amendment. Senator BROWNBACK is a major sponsor of this amendment, and I will yield to him in a moment because he has a difficult scheduling dilemma. I will let him go first. I also want to make it clear that Senators BOXER, KERRY, SPECTER, probably HUTCHISON, and others are going to want to speak to this amendment.

I am assuming that on Monday this will still be the pending business and that we will be able to continue to discuss and debate this issue, so Senators have time. This is an important weekend in the Jewish faith, so a lot of people are not here. But I assume, notwithstanding the fact that we are going to vote shortly after we convene on Tuesday morning, that we will have an opportunity to speak to this on Monday as well.

Now, today I will offer an amendment to the Defense authorization bill concerning U.S. policy in Iraq. As I said, I am joined by a bipartisan group of colleagues, including Senators BROWNBACK, BOXER, SPECTER, KERRY, and, I believe, Senator HUTCHISON. Our amendment says it should be the policy of the United States to support a political settlement in Iraq based on the principles of federalism. I have much more to say about this. Again, I thank my friend from Kansas who has been a major proponent of this approach for some time. We joined forces together months ago. He has a very tight schedule, so he will speak first. I see Senator HUTCHISON standing also.

Mrs. HUTCHISON. Mr. President, I just ask the Senator, if he will yield briefly, is it possible that I may make a 2-minute statement after Senator BROWNBACK, and then I will come back on Monday as well?

Mr. BIDEN. Possibly, Senator BROWNBACK would let the Senator from Texas proceed for 2 minutes now.

Mr. BROWNBACK. Yes, I will yield to the Senator from Texas before I speak.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 2 minutes.

Mrs. HUTCHISON. Mr. President, thank you. Monday, I will make longer comments. I am a cosponsor of this amendment. I have said for a long time it is my belief that if we could allow the sectors of Iraq to have their own semiautonomous government, like is now in the northern part with the Kurds—and the southern part is mostly Shia—I think we could really begin to see economic stability, as well as political stability.

Of course, we all know we should have oil revenue that would go to all of the people of Iraq, fairly allocated. But I think we have seen in Bosnia a lessening of tensions when there is a capability for the security forces, the educational and the religious sects to have their own ability to govern within themselves. If we can get economic stability, which is largely untalked about in the United States, I think that would bring the political stability along.

So I commend Senator BIDEN. I have written on this as well. Senator BROWNBACK and I have talked about this in many forums. It is important that we look at not only the great success we are having, which General Petraeus reported on, we are stabilizing the country on the security side. We are keeping our commitments. We are going to be able to do it with fewer Americans and bring the Iraqi troops forward, but it will not stabilize Iraq. We must have economic and political security. So I thank the chairman, and I thank Senator BROWNBACK. I will speak again Monday. It is the most important sense of the Senate that we can have on this bill. Thank you.

AMENDMENT NO. 2997 TO AMENDMENT NO. 2011

Mr. BIDEN. Mr. President, I call up amendment No. 2997.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. BROWNBACK, Mrs. BOXER, Mr. SPECTER, Mr. KERRY, Mr. SMITH, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. SCHUMER, Ms. MIKULSKI, and Mrs. LINCOLN, proposes an amendment number 2997.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on federalism in Iraq)

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Iraq continues to experience a self-sustaining cycle of sectarian violence.

(2) The ongoing sectarian violence presents a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

(3) Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq.

(4) The Key Judgments of the January 2007 National Intelligence Estimate entitled "Prospects for Iraq's Stability: A Challenging Road Ahead" state, "A number of identifiable developments could help to reverse the negative trends driving Iraq's current trajectory. They include: Broader Sunni acceptance of the current political structure and federalism to begin to reduce one of the major sources of Iraq's instability ... Significant concessions by Shia and Kurds to create space for Sunni acceptance of federalism".

(5) Article One of the Constitution of Iraq declares Iraq to be a "single, independent federal state".

(6) Section Five of the Constitution of Iraq declares that the "federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, and local administrations" and enumerates the expansive powers of regions and the limited powers of the central government and establishes

the mechanisms for the creation of new federal regions.

(7) The federal system created by the Constitution of Iraq would give Iraqis local control over their police and certain laws, including those related to employment, education, religion, and marriage.

(8) The Constitution of Iraq recognizes the administrative role of the Kurdistan Regional Government in 3 northern Iraqi provinces, known also as the Kurdistan Region.

(9) The Kurdistan region, recognized by the Constitution of Iraq, is largely stable and peaceful.

(10) The Iraqi Parliament approved a federalism law on October 11th, 2006, which establishes procedures for the creation of new federal regions and will go into effect 18 months after approval.

(11) Iraqis recognize Baghdad as the capital of Iraq, and the Constitution of Iraq stipulates that Baghdad may not merge with any federal region.

(12) Despite their differences, Iraq's sectarian and ethnic groups support the unity and territorial integrity of Iraq.

(13) Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should actively support a political settlement among Iraq's major factions based upon the provisions of the Constitution of Iraq that create a federal system of government and allow for the creation of federal regions;

(2) the active support referred to in paragraph (1) should include—

(A) calling on the international community, including countries with troops in Iraq, the permanent 5 members of the United Nations Security Council, members of the Gulf Cooperation Council, and Iraq's neighbors—

(i) to support an Iraqi political settlement based on federalism;

(ii) to acknowledge the sovereignty and territorial integrity of Iraq; and

(iii) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council;

(B) further calling on Iraq's neighbors to pledge not to intervene in or destabilize Iraq and to agree to related verification mechanisms; and

(C) convening a conference for Iraqis to reach an agreement on a comprehensive political settlement based on the creation of federal regions within a united Iraq;

(3) the United States should urge the Government of Iraq to quickly agree upon and implement a law providing for the equitable distribution of oil revenues, which is a critical component of a comprehensive political settlement based upon federalism; and

(4) the steps described in paragraphs (1), (2), and (3) could lead to an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

Mr. BIDEN. Mr. President, I yield to my friend from Kansas, Senator BROWNBACK.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleague for that, for this amendment, and for his insight and prophetic view of what is really taking place. Senator BIDEN has mentioned for over a year that the likely outcome in Iraq is going to be a federalism model where you have most of your power in the states—the Kurdish north, the Sunni west, the Shia south, and Baghdad as the federal city.

I think we have had, hopefully now, enough debate about the military situation in Iraq. It is an important one, but we have not had much, if any, discussion about the political situation in Iraq. Last week, all the focus was on General Petraeus, and there was another individual who testified, Ambassador Crocker. General Petraeus talked about the military situation, and Ambassador Crocker talked about the political situation.

Regarding the military situation, I think we have seen incredible progress by the dedicated men and women in uniform, but we have seen little to no political progress. This discussion is about a "political surge." We have had the military surge. It is moving forward and getting things done and stabilizing. All it can do is provide space for a political solution. It cannot put forward a solution that will last. You have to have that politically. So what we are going to talk about with this resolution is a political surge. Those are not my words; they are Thomas Friedman's. I think it is apt and its timing is right. I urge my colleagues to look at this resolution and support what this is—that we need a political surge, and we need to recognize the demographics on the ground.

This resolution simply calls for the following things: A conference where Iraqis reach a political settlement based on federalism; in effect, an agreement on new and already constitutionally recognized federal regions. This doesn't require a change in the Iraqi Constitution. It is already there. They allow the Kurdish north as a state. This would be allowing other states within Iraq.

No. 2, it calls on the international community to respect the results of that conference and to support federalism in Iraq, which is a concept we are very familiar with in the United States. I think that is really the key for it to work in Iraq.

No. 3, it calls on the Iraqi Government to resolve the issue of distributing oil revenues, which is crucial to any federal solution in Iraq. It is the oil that will keep the whole place together.

I show my colleagues a map that I think is kind of interesting. It is a map of Iraq under the Ottoman Empire. It is prior to the World War I divisions in Iraq. I think we ought to study history to keep from repeating past mistakes. I think we are repeating history now because we have not studied it sufficiently. So here is a map from 1914. This is fascinating. You have the north Ottoman, which were called vilayets. This is in the State of Mosul, the Kurdish north. You had the vilayet of Baghdad, the Sunni area in Iraq. You had the vilayet of Basra, the Shia State. Baghdad was the federal city—a very effective city at that particular time.

As much as a third of the population there was Jewish at that point in time. Those were the governing bodies within this region. The Ottoman Empire was concerned about whether the Basra region and the Shia there would stay with them or go with the Persians at that time. It is a similar discussion we are hearing today.

My reason for saying this is, if you can put it in a certain term, this is natural in Iraq. Instead of us trying to force together a country under Shia domination—and under the current setup all you are ever going to get is a Shia government, but it is going to be a weak one because the Kurds are not going to agree with a strong Shia government, nor are the Sunnis. All you can ever get is a weak Shia government that has a lot of question marks in it from the Sunnis. They don't trust the Shia, and the Shia don't trust the Sunnis. The Sunnis think they ought to run the whole country, as they have for the past century. They think the Sunnis are going to come back.

I was in Iraq in January. I went to the north, and I was in Baghdad. The Kurds are prospering, stable, growing, and investment is taking place. I will show you a map later of people moving from Baghdad to the northern portion because it is stable. I was meeting with the Sunni and Shia leaders in Baghdad. The Shia said: We could get this solved if it wasn't for the Sunni. The Sunni leaders would say: We could get this solved if it wasn't for the Shia. The Shia leaders were saying: We could get this solved if it wasn't for the Sunnis.

I submit to this body that we have a flawed political design that we are pushing currently in Baghdad. That is why we have not seen the political progress that we need to see taking place. We have done the military surge, which has been successful. Now we need a political surge. We need to send in a Jim Baker or a Condoleezza Rice to get these people in a room to cut the deal to get different states, where you have the power mostly residing in the states. Right now, in the Kurdish north, they run their own military, their own police, and they are stable. So you allow that and you even encourage that to take place. It is in the Iraqi Constitution to allow that. That is how the Kurds got their region in the first place. That is a political design that can lead to political stability on the ground so that we can pull our troops back.

This amendment says nothing about the troops. We have debated that a long time—the military side. This is all about the political side where we have failed to see the progress. But it does say, if we can get that political solution, we should push it forward. I submit that on the military side, if we can get some political stability in Iraq, we can start to pull our troops back from patrolling.

Ultimately, I think you are going to see long-term U.S. military bases in the north, probably in the west, and around Baghdad. But they can be bases where we can operate without our people being killed every day. As everybody in this body knows, we are still in South Korea 60 years after that conflict. We are still in Bosnia 15 years after that conflict. We can stay—and we usually do stay—in a place a long period of time to provide stability, as long as our people are not getting killed. Here is the design where you can stay for a long period of time—because I believe we will need to stay for a long time—without our men and women being killed. It reflects a demographic reality on the ground and the historic reality on the ground. It also recognizes that Iraq needs to have a strong state, weak federal form of government to reflect the different groups. Iraq, in many respects, is less a country than it is three groups held together by exterior forces. The Turks don't want the Kurds to be a separate country in the north. The Kurds already voted 90 percent that they want to have a separate country, but they are not pushing it today because they know they cannot do it at this point. So they are willing to stay within this situation.

The Sunnis believe they should run Iraq, but they are less than 20 percent of the population. That is not going to happen. The Shia lack a comfort that they can control the country, but they are certainly dominant in a particular region.

I wish to show an ancient map of this very same situation to give an another flavor and context. Of course, under the Ottomans, it was called Mesopotamia during that period of time. Again, here is a three-state solution that the Ottoman Empire put in place as a way of managing these different groups who do not agree with one another, who do not get along.

One can say: Wait a minute, there is a lot of intermarrying, there are a lot of Sunni-Shia relations that are taking place and have taken place over the years of being together as one country. You are trying to go back rather than go forward.

I wish to show a map of the former Yugoslavia right after Tito left and before some of the civil wars started in Yugoslavia because I think it is instructive. Here is a map of the ethnic composition before the war in 1991. It is an ethnic map that shows where the Croats, the Bosnians, and the Serbs were in this area in 1991. The reason I point this out is, I was in this country in 1991. I was there the week after the Slovenians voted to secede from the rest of Yugoslavia. I was in a conference with groups from all over the country. I couldn't tell the difference between the various ethnic groups.

When I would look, I couldn't tell if this person was a Croat or a Serb or a Macedonian, this, that. I couldn't tell the difference. It made no sense to me. These guys had been in a country together for decades. Why wouldn't they stay together? They knew the differences. They knew what happened. They knew the history. They had intermarried to where they had different ethnic groups who were married into the same families and spread, splotched all over the country. There were concentrations in different places, but over a period of, I think, 70 years, under a hard dictatorial rule, under Tito, with a tough military and a tough intelligence apparatus, if someone got out of control, they were dead or in jail—similar to Saddam Hussein in Iraq, who ran roughshod and people intermingled.

Then we started to see political leadership come forward and say: We Serbs have been mistreated by this group and you know what they did to us a century ago and you know what they did to us in this war and you know what they did to us 500 years ago, and we shouldn't be treated that way. We had a leader come up that hit this visceral inside note and started a bunch of wars, to where they sorted themselves out.

This is what happens after you get a group of leaders standing up and saying they shouldn't treat the Croats this way, they shouldn't treat the Serbs this way. We can see the purity of the map—Bosnians, Serbs, Croats—and by 1995—this is the Dayton peace accords—you can see what takes place after that. That leader touched that visceral note about this is who we are and they shouldn't treat us that way and there were a bunch of people killed in the process as well.

Finally, there was enough fighting and we got a political surge in the Dayton accords and made the leaders come together. We drew a line, Bosnia-Herzegovina, in the Dayton peace agreement. We still have troops in this area enforcing this accord, but they are not fighting and killing each other. There are still problems that take place. But this was a two-state solution in one country, with the United States pushing a political surge to take place and the United States still having troops there to make sure people do not get out of line.

I went to Sarajevo when it started to stabilize. The place was still shell-shocked about what had taken place. People were still saying: We used to live in peace; what happened here? What happened was somebody pushed the ethnic button and it worked, and it works in too many places in the world, and it works in Iraq, unfortunately.

I wish to show a chart of what happened in Baghdad on ethnic splits and the movements taking place in Baghdad. This is a military chart. It is too busy of a chart, and there are some who dispute some of the movements. I am willing to grant them that there may be others with a slightly different factual variation.

Basically, the Tigris River is in the middle. We see the Sunnis moving and purifying west of the Tigris River and the Shia moving and purifying east of the Tigris River. These diagonal lines show communities that are going more Shia and the diagonal lines in the opposite direction are communities going more Sunni, and we see small ethnic groups, small Christian populations who are either going into smaller, tighter communities or going north into the Kurdish region of the country.

This is happening now. This is what is happening now. We have heard about the death squads, threats, and families forced to move taking place in Baghdad. When a number of leaders push the ethnic sectarian button, it hits this inside visceral note. It is a strange concept to us as Americans. They come from everywhere, and we say: Can't you guys get along? Believe me, this is a reality in the world, and it is a big reality in Iraq, particularly in a place that is more three groups than it is one country.

I wish to give a caveat. The New York Times on Monday questioned the purity of this information, saying there are some Shia moving into Sunni areas and there are some Sunni moving into Shia areas, and I am willing to give that taking place. These are the megatrends that are happening, and I don't think there is any question about it.

There has been a lot of death, killing with this taking place. It is the same with Bosnia-Herzegovina. What I am saying is rather than having a whole bunch of people get killed from this point forward, why don't we recognize the demographic realities on the ground and put this in a series of states where the ethnic group is running it and stop the killing or certainly reduce it substantially. That is what this amendment calls for.

I wish to show my colleagues some of the maps of current Iraq, to give an idea. I have shown the Ottoman Empire maps. This is modern Iraq, as far as the populations are going. We have the Sunni Kurds in the north. Again, this is the most stable, growing area. When I was there, there were cranes and building and investment taking place. It is moving forward. We have the Sunni area in the west and the Shia area in the south. There are areas of Sunni Arab and Shia Arab. There is a mix of Shia-Sunni with Baghdad in the center. Again, we have three blocs who have pretty much split up. This is modern Iraq.

This is not a perfect solution by any means. As an American, I look at it as a subpar solution altogether because I think they would be much better off if they could get along and form one country and operate it as one country without having to give decentralization so much of the power.

The problem is it does not reflect the realities on the ground. The problem is, too—think about Ambassador Crocker's testimony, think about the GAO report on political progress and the benchmarks that the Congress set. Think about those because militarily—I think "militarily" we have done a great job and that is where all the focus is. But politically we are not getting it done because we are trying to put a square peg in a round hole. It doesn't work. We can push a long time on it and we can get some artificial setting to take place and we can enforce it with our military power, but as soon as we pull back, then we are going to have the same problems taking place in the region. This amendment recognizes we should put a round peg in a round hole, and it is something we can do.

There was a gentleman who said something to me years ago that stuck with me: If you see a straight-line border in the Middle East or Africa, you ought to raise a question as to whether it reflects demographic reality.

In the past, when different groups went into a region, whether the Ottomans, the British, the French, or others, they were trying to balance interests. They were trying to balance Hutus versus Tutsis. They were trying to balance previously the Armenians and Azerbaijanis. So they were always trying to get a balance of power because they didn't have enough troops to maintain the country, but if it kept these guys off center and not after each other, they could maintain the country.

When you pull the colonial power off or when you pull the dictator off who is ruthlessness, who is willing to use military and to use his intelligence operation to kill people, when you pull that off, what are you left with? You are left with these same groups, and they still don't like each other. That is why we have to look at it this way.

Look at Sudan today. I can give another example: The north Arab Muslims with a radicalized government started by Osama bin Laden. The south is Black, primarily Christian—long conflict, 20 years of civil war, millions killed. Finally, the Bush administration, to their credit, was able to negotiate a Sudan peace agreement, and the southern Sudanese will vote whether to secede. I believe they will in large numbers. It will pass big, and there will be a second Sudan.

We now have a second genocide in Darfur. I have been to many of these places. I have worked with many of these people. The west is Black Muslim. The capital is Arab Muslim. They don't get along. One is a group of herders and another is a group of farmers—farmers and ranchers not getting along. I think we are going to see ultimately that Darfur will break away.

Sudan is the biggest country in Africa landmasswise, but when the Brits put it together, they put several groups together who don't agree with each other and don't get along and the Government favors one. They favor the herders in Darfur; the jingaweit, the Arab Muslims. They are trying to drive the farmers off the land, and they are in their second genocide, with 400,000 people killed, because somebody, again, hit the ethnic-sectarian button, and it is very effective. One can motivate a lot of people by hitting that button.

Why do we have to kill all the people to get to a political solution? Why do so many people have to die? It is past time—the military discussion has been a good discussion, but it is time for us to look at the political situation in Iraq and get on a model that can actually produce long-term stability so we can pull our military back into bases. We are going to need to be there for a long period of time. This resolution does nothing on the military side, but I think we are going to need to be there for some period of time. We need to be in the north to assure the Turks that the Kurds are not going to try to separate into a separate country, and I think we need to be there to protect the Kurds from Iran, and somewhat from the Turks, and the Sunnis will ask us for a long-term military presence in the west to protect them from the Shia. I think the Saudis are going to push for that to take place.

Again, Iraq is a lot more three groups held together by exterior forces than it is a country. But that is the reality. The Shia area has to sort out who is going to be the leaders in that country, and they are fighting amongst themselves. It may be more than three states. It may be a couple of Shia states will evolve. We shouldn't stop that from taking place if that is the natural reality.

We can fight against these things in nature or we can recognize them and try to build political systems around them. This resolution urges us to build the political solutions around them.

Again, the political surge, led by Jim Baker, of stature, or Condoleezza Rice—cut the deal, get us into a political solution that can produce the benchmarks we want so we can pull our troops back and stop getting killed.

I urge my colleagues to look at this amendment. I urge my colleagues to look at the history of what we are dealing with. There are many papers that have been written on this issue. O'Hanlon is one of the lead authors on it who got back recently. This is something that can work, can make progress and move us forward.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, as my friend from Kansas leaves, let me just thank him for his leadership here and his insight. I think he and I would agree that this is forming critical mass. Every once in a while in American politics, on a major issue, there is an idea that transcends both sides of this aisle and transcends from the experts to the average people because there is a commonsense ingredient to it as well as a deeper insightful notion of how that part of the world works. This is one of those issues.

I just wanted to say I am honored to be joined by Senator BROWNBACK in this effort because he and I both have other agendas in terms of our political careers, but I think we both agree getting this right is more important than who is President of the United States of America. This is about life and death and about whether we are going to have a generation of difficulty for America in that part of the world or whether we are going to be able to ultimately leave and not leave chaos behind.

So I thank my friend for doing what I am sure was not an easy thing to do as a Presidential candidate on the Republican side—to join with a Democrat to move what at the time we moved it was still a very controversial idea.

Mr. BROWNBACK. Mr. President, if my colleague will yield, I wish to thank my colleague also for working on this and for leading when it was a lonely battle. He was talking about this over a year ago, and I was hearing him saying it and thinking, he is probably right, but that is not the way we are headed. And it probably doesn't help him, running for President, to be associated with me, and it doesn't particularly help me, Senator BIDEN, to be associated with you. But that is exactly why the country gets mad, because they do not see us doing things like this on something that really makes sense.

I talk a lot about this on the campaign trail, running for President on the Republican side, and people look at it, and I don't think I have had even one or two people come up to me and say they disagree with it. Most people say: OK, that makes sense. And when you talk with the Sunnis and Shias and particularly with the Kurds, they all say yes, and particularly the Kurds do. The Sunnis are coming more and more around to it, and I think the Shias are recognizing it as well.

But my best successes on this floor have come when I have associated with somebody on the other side who disagrees with me on a lot of political issues but we look at this one together and we say: This is something which can work. We did that with Senator Wellstone on human trafficking. We were as different as could be on different issues, but we got that one done, and today there are fewer people being trafficked.

This is something which can work, and I appreciate my colleague for leading on it, and I really hope the rest of the body can look at this and say: This is where we have not seen progress, is politically, and let's get this moving forward. I am delighted at the Senator's leadership on it.

Mr. BIDEN. Mr. President, I thank my colleague.

Mr. President, I ask unanimous consent that following my remarks, Senator LUGAR be recognized for up to 30 minutes and that Senator KENNEDY then be recognized to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, to alert my colleagues, I will take somewhere between 20 and 30 minutes to speak on this issue this morning, and I will speak on it again prior to our finally voting on it on Tuesday.

Look, as I said, I have been a Senator since I was 29 years old. I have been here for seven Presidents, and I have observed that sometimes, on issues relating to national crises, whether it be domestic or foreign, events conspire to generate the kind of support for an idea that when it was first offered had few adherents. I think we are approaching that now.

The amendment Senators BROWNBACK, BOXER, SPECTER, KERRY, and I, as well as Senator HUTCHISON and others have says that U.S. policy should support a political settlement in Iraq based on the principles of federalism. Look, for all the division in Washington and across the country over the policy in Iraq, one thing just about everyone accepts, literally—left, right, center, the President, the Congress, the American people, and the so-called experts—is that there is no military solution in Iraq. Let me say that again. There is no military solution in Iraq.

I, along with Senator McCAIN—in fact, shortly after the war began—said that I thought it was foolish to start this war. But once we started it, I thought: My Lord, we should have more American forces there. I argued for up to 100,000 more American forces in the first year so things would not get out of hand. I argued we needed 5,900 Gendarme paramilitary police from the international community. The Europeans were prepared to participate to literally restore order—make sure people didn't run the traffic lights or break into museums or engage in thuggery and robbery and crimes of ordinary violence, having nothing to do with sectarian divides. But we have passed that point.

To paraphrase General Petraeus, although he doesn't seem to be as adherent to his original comment, and he was paraphrasing someone else—I believe it was 3 or 4 years ago when we were in Iraq with him, and I am looking over my shoulder at my staff generally; at the time I think it was 3 years ago—he said, and I am paraphrasing, there comes a point in every liberation where it becomes an occupation. There comes a point in every liberation effort where it becomes an occupation. And we have reached that point. We reached that point 3 years ago. I argued we reached that point when we went in.

We had one brief, brief moment where, having mistakenly moved when we did, in my view, had we acted more responsibly instead of out of the arrogance and hubris that existed, we might, we might have been able to change the dynamic drastically. But that has long passed. That has long passed.

I guess the point I want to make, again, and the end result of all I am saying here is you will not find a single person who thinks that a military solution will work alone. So what we are all about here today is what everybody says: OK, there has to be a political solution, but literally, I say to you, Mr. President, up to this moment no one on the floor of the Senate has offered a political solution. I mean, it is really fundamental. There is nobody who has said: We all acknowledge there is no military solution. And by the way, I am not claiming I am the only one. I have many cosponsors. We have a lot of people now saying: OK, we acknowledge there is a need for a political solution, embedded in the notion I have been pushing for a couple of years now and in detail for the last year and a half or so with Les Gelb.

I have to recognize Les Gelb, a former administration official in a Democratic administration, in the Carter administration, the president emeritus of the New York Council on Foreign Relations, an incredibly respected voice in American foreign policy, and thought of as a genuine scholar. Les and I started off not in full agreement of what that political solution was, but we were all on the same page. The end result of all this is that the underlying premise of Les Gelb and JOE BIDEN in generating this was that the political solution we are proposing, which is what the Iraqi Constitution essentially calls for—and it is not partition—is federalism.

Well, guess what. It is not going to happen spontaneously. The Iraqis aren't going to spontaneously decide in the midst of what is now a civil war and sectarian strife that they know how to do it on their own.

So getting back to the political question, everyone says there is a need for a political solution. But that begs the question, So what is your political solution?

The critics, and there is legitimate criticism of the Biden-Gelb plan, but the critics have come along and said: I don't like your plan, BIDEN. My response has been from the outset: If you don't like mine, what is yours? Think about it. Think about, as you consider whether the Biden-Brownback plan, which is essentially taking Biden-Gelb and putting it into an amendment to the Defense authorization bill—think about what it says. We say this is our political solution. This is what we think is the way out.

So as I began this debate, my invitation to my colleagues was: I get it. You may not like all parts of it. You may not like it. You may think it is mostly correct. You may be able to legitimately point out there are weaknesses in it; things may or may not happen. I can't guarantee an outcome to this. But I would like you to think about it. If you don't like BIDEN'S proposal, what is your idea?

Up to now, a lot of us have had what we voted on just a moment ago. It started off as the Biden-Hagel-Levin amendment back in January and February. I agree with it totally. It is now Levin-Reed. I think it is a good amendment. It is essentially the same one we voted on twice before. I was the author of it, along with my friend from Michigan, the leader of the Armed Services Committee. But the truth is, it is not a political solution. It is an important tactic to reach the point we all want to reach.

And what is that? When you cut through all of this, what is it the American people, what is it all my colleagues, all 100 of us, want? No one wants to keep American forces there, with almost 3,800 dead, close to 28,000 wounded, roughly 14,000 severely wounded and who are going to require medical attention and care the rest of their lives. No one in here wants that. If we could wave a wand, there is not a single Member, from the most conservative to the most liberal in this body, who wouldn't take every troop out if they could, tomorrow. We don't want our kids going. I don't want my son going, my daughter going. I don't want my grandkids going, either.

What is recognized underneath all of this is there is a clear understanding that even though most of us on this side of the aisle opposed what the President did and how he did it, there is a recognition that it matters what we leave behind. It matters a whole bunch. It matters for our grandchildren. It matters for our children.

Look, folks, there is an overwhelming desire. I live with a woman I adore. We have been married for 30 years. She is unalterably opposed to this war. She, like every mother, lives in fear that her son, who is a captain in the Army, is going to be sent over, which is probable. So her fervent wish every time I go home is: JOE, get them out of there. Get them out of there. You are chairman of the Foreign Relations Committee; get them out of there. Well, the truth is, the vast majority of the people know that getting out of this is almost as difficult as the problems the President caused by getting us into it.

I know I am speaking colloquially here. I am not speaking in senatorial tones. But this is basic stuff.

My two staff members sitting to my left—and I admire the devil out of them—have accompanied me on eight trips to Iraq. The last time coming home, we were all supposed to get on an aircraft, but only one of them did, a C-130 that was supposed to take us home. Ambassador Crocker asked whether I would fly to Germany with him on his way home. He was coming to testify. He thought it would give us a chance to talk. And so I did. Actually, I flew out of Iraq into Kuwait with him to catch a commercial flight. The C-130 cargo plane I was supposed to get on—we got word there were six fallen angels on that plane. Six fallen angels.

That is what these tough, courageous, brave, hard Marines, Army, Navy, some of whom are there, et cetera, Air Force, call a dead American soldier whose body is coming home. They call them fallen angels.

You see these guys also who you know have been shot at and shot back, injured and injured others—it is such an emotional phase, to hear them talk in hushed tones, to treat every one of those coffins that gets put on board the C-130—every one of which comes through my State in Dover, Delaware—to hear these people, these fighting men and women, treat every single solitary death with the reverence it deserves. The American people would be stunned. They would be proud. They would be sad and they would be concerned. So they put six fallen angels on a plane.

The President of the United States a couple of days later—and I was there 2 weeks ago—a week ago—went on television and told the American people what great military progress we are making. But what he said was: I have no plan to end this war. I have no plan to win this war. I have a plan, as one of the press people said—it is not my line—he said: The American people are using the American forces as a cork in the bottle to keep the venom from spreading out beyond the borders in a regional war.

I am not prepared to use my son and his generation as a cork in a bottle. The American people are not prepared to do that either.

So what do we do? What do we do? Do we cut off funding? Talk about a hollow reed. How do you do that? How do you cut off funding for the 166,000 troops? Even if we ordered everyone home tomorrow, they have to get out of that country. Do you not provide them with the mine-resistant vehicles that can increase their life expectancy, when hit with a roadside bomb, by 80 percent? Do you not provide them with that? Do we cut that off? I don't know how you do that.

Some things are worth losing elections over. I am not going to do that. So what do you do? Do you draw down troops on an orderly basis while you are protecting them? Yes. But where does that get you at the end of the day?

The good news is they are out. There are fewer fallen angels. But the bad news is how many angels will fall in the next 10 years or 15 years, if this war metastasizes into the region. Because, ironically, the President's policy, which is dead wrong, has one truism about it: Chaos in Iraq will have regional consequences. The irony is, it is his policy that is causing the chaos.

Getting back to the point of the amendment, so everybody understands the context in which this is being offered, it is being offered to say: Look, there is a way to do all of this. There is a way to reduce the number of fallen angels. There is a way to reduce the injuries and casualties. There is a way to reduce the number of deaths among the Iraqis. There is a way to keep this war from metastasizing. There is a way that we have, a last chance we have, to leave and not run the risk of having to send my grandson back. My grandson is a toddler.

We have been faced in this body with two false arguments. One is more of the same and it will get better, and the other is leave and hope for the best.

Again, I get back to the central premise to what I have been proposing. There is a need for a political rationale. What is the political rationale supposed to accomplish? It is a way—nothing is going to get better. We must leave, by the way. Come hell or high water, we must leave. But are we going to leave giving the Iraqis a chance that they can end up with a political agreement among themselves? For what purpose is the political agreement? To stop the civil war. That is it in a nutshell. Anybody who denies this is a sectarian war I think is denying reality.

The President—as my mother would say, God love him—keeps talking about al-Qaida. Al-Qaida is a problem. I would argue it is a Bush-fulfilling prophecy, al-Qaida in Iraq. But there is even in the military—as my good friend—and I admire the devil out of him, my friend from Virginia—as he points out, he knows when you go to Iraq, the military refers to al-Qaida of Mesopotamia; al-Qaida in Iraq. They are making a distinction by that, between al-Qaida in Iraq and al-Qaida in Afghanistan, al-Qaida in Pakistan. As I said to the President in one of my trips back, in a debriefing—which my friend knows we do. The President has us down and has his war cabinet and asks us—you know, we give our view.

He was telling me about freedom being on the march. I said: With all due respect, Mr. President, if every single solitary jihadi in the world were killed tomorrow—I said if the Lord Almighty came down and sat at the middle of this table—we were in the Roosevelt Room—and looked at you and said, Mr. President, I guarantee there is not one single al-Qaida person living in the world, Mr. President, you still have a massive war on your hands. You have a massive war on your hands.

I see my friend from Virginia is standing. I will be happy to yield to him.

Mr. WARNER. Mr. President, as I have looked back on my years here, one of the chapters I have enjoyed the most is the debates we have had together, and this is not in the nature of a debate, Mr. President, but I do ask the Senator who now—in your current capacity and your long experience in foreign relations, you probably have a better grip than most of us as to the likelihood—and you mentioned it—of the political reconciliation taking place in Iraq. I am talking about the top down, not the smaller, but little things that happened in Al Anbar—which are very positive, but I don't think you can grow political reconciliation all the way from the bottom up. It has to come from the top down.

Our good friend here, Senator LEVIN, and I were there in Iraq a few weeks ago and we could not find any basis for projecting when that might come to pass. That is the very thing that underpins the entire policy we are pursuing. Because we all acknowledge a military solution is not there. It has to be a political reconciliation from the top down—albeit to get some form of unity government—maybe an adaptation of what the Senator is now advocating. But what is the Senator's projection of the likelihood of that occurring?

Mr. BIDEN. I will be happy to respond because my friend, as usual, gets to the crux of the issue.

Here is the way I look at it. I will try to break these things out. My friend Senator LUGAR, whom I think is the most informed man in the Congress on foreign policy, is used to my colloquial ways of expressing things so he will probably understand me better than most because he had to deal with me for 30 years-plus. I try to devolve this, to use a Washington word, into sort of big chunks. You basically have two options here.

No. 1, do you continue with a policy that was well intended by our Government, the President, the administration, of attempting to establish a strong central democratic government in Baghdad that in fact has the capacity to gain the faith and trust of the Sunni, Shia, and Kurds so that they will entrust to that central government their well-being, in terms of security, in terms of economic growth, and in terms of political reconciliation or do you have to reach a point that I have reached, and reached some time ago, of recognizing that is a bridge too far; that the only way in which you will be able to stop the warring factions from killing each other is essentially give them some breathing room under their federal Constitution which says—I am quoting from their Constitution: The Republic of Iraq is a single, independent, federal state.

What I look back to, I say to my friend from Virginia, is this can't be built up from the village up. I acknowledge the requirement that the leaders of the Sunnis and the Shia and the Kurds—and there are multiple claimants to that leadership; I know my friend knows that—those claimants have to conclude their self-interest is better realized in a federal system. The Kurds have clearly recognized that. The Kurds made it clear when Senator HAGEL and I got smuggled into Irbil, back before the war began, that they weren't in on any deal that wasn't a federal system giving them pretty significant autonomy.

The Shia have now reached that conclusion themselves, with notable exceptions—Sadr being one of them. But, for example, the Vice President—the Shia Vice President of the, for lack of a phrase I will call the central government the existing government—is totally supportive of what I am proposing and he said so publicly and said so at this conference in Ramadi which I attended a few weeks ago.

The Sunnis up to now have been the odd folks out because they look at it, as my friend clearly knows, and they say: Look, we live in this place called Anbar Province, the majority of us. We don't have much out here but rock and shale. There is not much else out here. All the oil is in the north and all the oil is in the south and if you have regional governments and the oil is controlled by the north and the south, we don't get anything.

But here is what has happened. There is a bit of, as we Catholics say, an epiphany occurring. I will tell my friend in confidence who it is but I don't want to publicly—he is an Iraqi leader who is one of the leading Sunni leaders in the country, who used the following quote with me in the 4 hours we were together in Ramadi.

He said—I am paraphrasing the first part—I initially disagreed with your plan. Now I am quoting.

> There has been a struggle I have had between my heart and my head. My heart has told me up to now that we Sunnis could play a major role in governing this country again, from the center. My head tells me that will not happen anytime soon and our fate lies in a regional system. But we need access to resources.

He said:

> But don't quote me yet, Senator, because I have to work on my fellow tribal leaders out here, and others.

Look what is happening with the Turks. The Turks initially were absolutely opposed to this. But as they have begun to figure it out, they realize that if we continue on the path we are on, American patience with keeping the cork in the bottle is not going to be sustained for the next 2 years and that when we leave, absent a political settlement, there will be not a splitting of Iraq into three parts, there will be a fracture of Iraq into multiple parts. But guess what they figured out. Kurdistan will become a de facto independent country. They will be able to say in Kurdistan: Hey, we didn't do this. There was nobody to deal with. And they have all of a sudden begun to understand that it is bad enough, from the Turkish standpoint to have a quasi-independent—and it is not even that—region called Kurdistan, within defined borders of a country called Iraq; it is a very different thing to have a quasi-independent Kurdistan, when you have 4 million Kurds sitting in their eastern mountains.

So all of a sudden they are figuring this out. "Figuring out" sounds derogatory, and I do not mean it that way. They are looking at their alternatives and saying: OK, a federal system in an Iraq that is united is a whole lot better than a de facto independent state.

The Iranians. The Iranians have a dilemma. The Iranians have at least five major militia forces among the Shia of Iraq. Some they like, some they do not like. As my friend from Indiana knows, you have a group down around Basra, as the British are pulling out, who are organized pretty well.

As the British two-star said to me: They are like Mafia dons waiting for us to leave to see who claims the territory—who actually argued that Basra should be an independent country because they have access to the gulf, they have oil, and they have four provinces they can put together.

Well, guess what. That is not very well regarded by the Badr Brigade, folks, and Sadr is going: Whoa, whoa, wait a minute.

So this creates a dilemma. The splintering of Iraq creates a dilemma for even the Iranians who do not want to do us any favors at all. The generic point I am making is, as time has passed, and I will use Bosnia as an example, when we first started off talking about what, in essence, became of the Dayton Peace Accords, you did not have any takers. And it only got to the point where you had the Croats and the Serbs concluding they could not dominate. They could not control Bosnia-Herzegovina.

That is when they all began to think, you know, the blood and treasure that was—exceedingly what has happened, once they got to the point where they realized the gun was not going to get their solution, they became, very reluctantly, but they became much more acclimated to the notion of what the Dayton Peace Accords did.

The bottom line is, asking me that question a year ago, I would not have said to you that internally the leaders among the Shia, the Kurds, and the Sunnis will be more inclined to accept this, but they are because reality has set in. The Kurds have figured out they cannot and do not want to be totally independent because the Turks will take them out.

The Shia have figured out, generically, the leadership, that they may have 62 percent of the population or thereabouts and control the political apparatus, but they cannot stop their mosques from being blown up. They cannot physically control the country. And the Sunnis have figured out that they are not going to run the country again in the near term. So it is a little bit like coming face to face with the reality of one circumstance.

As I said at the outset to my friend, a lot of this relates to people arriving at this conclusion, even in Iraq, by default. The Sunnis would much rather dominate the country again. The Shia would much rather keep the Sunnis out, as Maliki in his heart would like to do, but he cannot because he cannot control them.

The Kurds would love to be independent totally but for the fact that they understand it may be their very demise. So reality is sinking in. The larger point, I say to my friend from Virginia is this: The dilemma I hear, and I hear it from my Democratic colleagues, I imagine I will hear it from some of my Republican colleagues, and it is legitimate. They say: BIDEN, we cannot force a political solution any more than we can force a military solution.

Well, I would argue that it is true we have lost our credibility to be able to do what I believe we could have done 5 years ago or 4 years ago. But that is why part of this amendment calls for internationalizing the political solution.

I know my friend from Indiana believes, whether it is the same objective, that there is an overwhelming necessity to engage major powers in the world, to engage regional powers so that, as he says, there are fora; every single day they are sitting down rubbing shoulders trying to figure out an accommodation.

It cannot be done in the abstract. It cannot be done by President LUGAR sitting in the White House dealing with Maliki sitting in Baghdad. It cannot be done by bringing in the regional players in Sharm El Sheikh, with us convening it and thinking that will get it done. It requires something heavier, deeper, more substantial because one of the things that will get people's attention, that will get the attention of the Sunni leaders and Shia leaders and Kurdish leaders, the international community led by the major five powers, is if the Security Council says: Hey, look, we are gathering up the team—Iran, Turkey, Saudi Arabia, et cetera, et cetera—and here is what we think your constitution says, and this is what we are prepared to support.

What that does, that not only has implied sticks, it has significant carrots. Significant carrots. That organizational structure can say: We, from the outset, will be the guarantors that none of the regional powers will conclude they must be involved militarily or in a disruptive fashion because the truth is, what I try to do is think of myself as, OK, I am a real bad guy, Iranian leader who hates the United States.

What benefits me the most? What benefits me the most is occupying 10 of our 12 divisions in Iraq posing no threat to them, seeing American blood and treasure spilled. But what I do not want to see is America, notwithstanding all of the bravado of Ahmadinejad, that: We will fill the vacuum; we, the Iranians, will fill the vacuum. That is not a vacuum they are looking to fill. If they could fill it, they would. But their ability to fill that vacuum is marginal at best. Their influence is degraded when there is continuing sectarian violence. It diminishes in the context of an international settlement.

So the truth is, it requires the national leadership to agree on a regional solution. A national leadership will be unable, in the lifetime of any one of us on this floor, to agree to a central solution; a unity government from the capital city of Baghdad, having military and police authority over the entire country.

Can anyone imagine the possibility, even the possibility, that you will see a Shia-dominated police force patrolling in Fallujah? As the old joke goes, raise your hand if there is a remote possibility of that.

Already you cannot send into what is now Kurdistan, three governments, you are not even allowed to fly the Iraqi flag without permission. You cannot send the Iraqi Army there without their permission. You cannot send any national police force there without their permission.

So what makes us think there is anything—let me make an analogy for you. When Washington accepted the surrender documents signed by Cornwallis at the end of our Revolutionary War, I say to my friends from Virginia and Massachusetts, what chance do you think there would have been if we had to vote within 6 months on the Constitution that was ratified in Philadelphia?

Do you think Massachusetts and Virginia would be in the same country? I respectfully suggest, from a historical standpoint, you would not be. So what did we do? We did what I am proposing. You essentially set up Articles of Confederation.

You said: We are going to let Massachusetts and Delaware, the first State, Massachusetts, and Delaware and New Jersey and Virginia, have considerable autonomy. There was no President. There was a Continental Congress, a decentralized federal system.

It took us 13 years to get to our Philadelphia moment. Wherein does the arrogance emanate from that we think by putting 160,000 troops in Iraq, we can, over a 4-year period, in a country that was made by the stroke of a diplomat's pen, where France and Britain divided up the spoils of the Ottoman Empire, what makes us think that we can expect them to do something that we were unable to do? So, folks, this is pretty basic stuff. I know everybody knows that. I am beginning to sound like I am lecturing. I do not mean to do that. This is pretty simplistic in a sense; it is not rocket science.

Mr. WARNER. If I can interrupt my good friend, the central issue is, we are losing, as you pointed out, our greatest national treasure: our youth, killed and wounded. How much longer? You are talking about indefinite periods of time. What do we do now by which to give a greater measure of protection to them while this process that you indicated is very slow can evolve, and what pressures are we going to put on the greater international community, the top five, to do what you have defined?

Mr. BIDEN. I say to my friend: Ask. Let me give you an example. I will be concrete. It is like pushing an open door. I asked for a meeting, I say to my friend, in the tradition of Senator LUGAR when he was chairman of the Foreign Relations Committee.

I asked for a meeting, a private meeting with the Permanent Five of the Security Council, who, as my good friend knows, is: China, Russia, England, France, and the United States.

All five of those Ambassadors, including our own, Khalilzad, agreed to meet with me and two other members of the Foreign Relations Committee privately 5 weeks ago—on Monday I think it was 5 weeks ago. We sat in a conference room overlooking the East River for about an hour and a half.

I asked the question to all five, including our Ambassador. I said: What would you do, gentlemen—one lady; the British Ambassador is a woman. I said: What would you do, gentleman and lady, if the President of the United States asked each of your countries to participate in convening an international conference on Iraq?

One of the Ambassadors—since this was a private meeting I will not name him—said: Senator, I would ask your President: What took you so long to ask?

Then I can refer to the French Ambassador. The French Ambassador pointed out that there is an inevitability of us leaving. And if, in fact, we leave a shattered Iraq, his country is in trouble. Remember, last August we were reading about automobiles being torched from Marseilles to Normandy. Why? Over head scarves. Between 10 and 14 percent of the French population is Muslim. The last thing the French need is a radicalized, cannibalized Iraq. It went on from there.

My point is, the President—I promise you—has not asked. He has not asked. I think my friend from Indiana knows, at least indirectly—because Ambassador Khalilzad, I believe, spoke to him; he was there with me—there is a consensus among many in the administration to ask, but there is still this overwhelming reluctance that we don't need anybody's help; we can do it. Let me tell you, that is a vanity which is a burden, a significant burden.

There are three things we should be doing immediately. And I know we have a disagreement on this, in my view, redefining the mission of Americans who are there being killed and wounded. We are not going to settle this civil war by remaining on the faultlines. It is not going to happen. Even to totally quell it, you know—as a military expert, I defer to you—we don't have enough troops with the surge. If you have 500,000 troops, you could sit on the faultlines. It wouldn't solve the problem, but you could send it underground. But we don't. I wouldn't even advise it if we did because there is no underlying political rationale.

My point is, redefine the mission. Were I President today, which is a presumptuous thing to say, I would be doing exactly what General Jones recommended. I would be pulling back to the borders. I would be dealing with force protection. I would be focusing on al-Qaida of Mesopotamia. I would be focusing on training Iraqi forces. I would not be focused on going door to door in Sunni or Shia neighborhoods in a city of 6.2 million people. I would not have an American convoy traveling the streets with roadside bombs being blown up.

The second thing we need to do, but it is not required to support this amendment, there is an incentive to the world, to the region, and to the recalcitrant leadership in Baghdad to say: Hey guys, we are drawing down. For the mission I just stated—and I defer to my friend—you don't need 160,000 troops for the Jones mission, for lack of a better way of phrasing. You need closer to 50,000. Guess what. That is going to get the attention, as my friend CARL LEVIN has been saying for some time, of the Iraqis. They may have their altar call. I am not counting on it, but they may.

The third thing we should be doing is, if you look at the David Ignatius piece in the Post today, what Senator LUGAR and I and others and maybe my friend from Virginia have been talking about for 4 years—we talked about it before we went in. Who is talking to the tribal chiefs? Who is talking to the local folks? Who is engaging them? What are we finding out now? Just read the Ignatius piece. All of a sudden, it is like, my goodness, maybe we should be talking to these guys. So here is the deal. When you get to this, you say: Look, here is what your Constitution says, and here is what you voted on in your Parliament to implement articles 15, 16, 17 and 18, which allows you to become a region, essentially a state like the United States. Write your own Constitution. It can't supersede the federal one. Allow you to own your local security.

Why is it working in Anbar to the extent it is? It is working because we said: Look, we promise you, tribal leaders, nobody is going to send anyone from Baghdad for you. There ain't going to be any Kurds or Sunnis in here. You set up your own police force. Cut through all the diplomatic jargon. That is what we did. That is it. Guess what. Once we did that, the tribal sheiks whistled and said: Boys, you can join. They had 10,000 people show up who wanted to be cops or police. Why? Because Sunnis were going to be guarding Sunnis.

So this stuff about political movement is a joke. Not a joke—that is the wrong way to say it. It is a fiction. There is nothing unity about that.

I sat next to Abdul Sattar for 2 hours, the guy who got blown up last Thursday, the tribal sheikh who led the insurrection against al-Qaida Mesopotamia, told me how safe everything was in Ramadi. They land me and my staff and the Senator from Arkansas in a Blackhawk helicopter with two Cobra gunships. We go inside the city. We are told how safe it is. I can walk down the street; that is true. We have a sandstorm. I say: No helicopters coming. Can you drive to Baghdad? No, no, no. It ain't that safe. Then 7 days later I get a call from a reporter from the Washington Post: Senator, didn't you spend a lot of time with the same tribal chief the President was with at the airbase? I said: Yes. In this safe city that he runs, with an American tank sitting in front of his house, with bodyguards, he got blown to smithereens.

The generic point I am making here is the idea that somehow we are going to be able to negotiate these faultlines is beyond our ability. But it is possible, working with Sunni, Shia, Kurd, we may be able to augment their physical security as they make this transition.

What did we do in Dayton? It is not precisely analogous, but it is analogous. There was more sectarian violence from Vlad the Impaler to Milosevic than in 5,000 years of history of what we now call Iraq. That is a fact. That is a historical fact. What did we do? As my friend from Indiana knows, I was deeply involved in pressuring President Clinton from 1993 on to take action in the Balkans. What did we finally do in Dayton in a bipartisan way? We called in Russia, the European powers. We then brought in the Serbs, Milosevic, the Croats, Tudjman—who, as my friend knows, was no box of chocolates—and Izetbegovic. We got them all in one room. We essentially locked the door. We said: Figure it out, folks.

What did they figure out? Separate the parties. Even I was a little concerned about the Republika Srpska within Bosnia. What did we do? We said: Your militia can now become your police force. That is, in essence, what we did. We said to the Croats and the Bosnians, who were Muslims: You have to coexist in this other place. This place called Sarajevo is going to be a capital city, but it ain't going to govern the whole country in the way in which the capital of Washington, DC, has influence over the rest of America.

Guess what. To truncate this, the West has had an average of roughly 20,000 troops there for 10 years. What has been the result? Knock on wood—not one has been killed, not one has been shot dead. The ethnic cleansing has stopped. What are they doing now? Attempting to amend their Constitution to become part of Europe.

I asked my staff to go back. I said: Tell me how the repatriation is going on. People are returning. Of the 2.2 million refugees in Bosnia, internal or external, 1.1 million have returned to their homes. Almost half a million have returned as minority returns, Serbs moving back into predominantly Croat neighborhoods, Croats moving back into predominantly Bosniak or Serb neighborhoods. It is painful. It takes time. But what did we do? We got them all in a room, figuratively speaking.

We have to get them in a room, Senator LUGAR. We have to get them in a room. Because let me tell you something, some in the administration privately say to me: Joe, you are right. There is an inevitability to a federal system. The difference between an inevitability and us being the catalyst to bring it about may be years. That is thousands of deaths, maybe tens of thousands, counting Iraqis and American. We don't have that time. And look, I don't want to criticize the President. I don't. God love him, I don't care whether he gets credit or blame at this point. But let me tell you one thing for certain: What Presidential leadership is about is a change in the dynamic of situations that are admittedly out of control. It requires taking risks. Thus far, the only risk we have taken is the lives of our troops. We have taken virtually no diplomatic risks.

I say to my friends, there is a reason why, although what I am proposing here is not ideal, I think there is a reason why so many people—left, right and center—have come to this conclusion. One thing about us Americans is, we have ultimately led the world as a consequence of two traits we possess, in my opinion, that exceed that of any other country. It is not just our military power; it is our idealism coupled with our pragmatism. It gets down to a very pragmatic question: If you don't like Biden et al.'s political solution, what is yours? What is yours?

The world is waiting. They are literally waiting. No one has the capacity, no group of nations has the capacity, absent our active cooperation and engagement, to do anything to better the situation. We do. The potential power is in our hands. But I respectfully suggest that we can't do it by ourselves. We have lost the credibility to do that, rightly or wrongly.

So it takes me to the essence of this amendment. The amendment simply says—and I will not take the time to read it; I know other people wish to speak. I might add, this is the first and only time in the last 3 months I have spoken on the floor. I apologize for the time, but I think it is the single most critical issue we face. I know my friends think that too.

Regardless of your political persuasion, how do you attend to the agenda each of us has, from the right or the left, to deal with the social ills and concerns of America until we end this war? We are going to spend, counting it all, $120 billion a year. How do you deal with that—the Republican approach to dealing with generating economic growth or the Democratic approach? How do you deal with tax structure and tax policy? How do you do this?

Look, it is the ultimate preoccupation, with good reason, of the American people. Again, I know no one more loyal or knowledgable about the U.S. Armed Forces whom I have served with in the Senate than my friend from Virginia. He knows there is only one group of Americans making a sacrifice now—it is the thousands of families, thousands, 166,000 families. It is those families. They are the only ones. But guess what. It is against the Senate rules to refer to the Gallery by pointing to them. But I will refer to previous Galleries. Everyone who sits in this Gallery, they get it. They get it, whether they have a child, son, daughter, husband or wife there.

(Ms. KLOBUCHAR assumed the Chair.)

Mr. BIDEN. So folks, I must tell you, I am getting frustrated with all the tactical—not strategic—suggestions that have been made with how to deal with this war. Because if you put together a basic syllogism, the basic premise is what? There is no military solution; only a political solution.

So what yields that political solution? Can I guarantee the Senator from Minnesota, the Presiding Officer, that my solution will work? No. But I can guarantee—I will rest my career on what I am about to say—that there is no other political solution being proffered that has any—period; not one "being offered"—and none of the tactical solutions offered will, in fact, solve this problem, none.

I know you are all afraid. I know everybody who is running is afraid to sign onto a specific proposal. "Afraid" is the wrong word—reluctant. Because then you become the target. You become the target. You offer a specific alternative, and it is easy to focus on whether your solution can work. If it is tried and failed, then you made a mistake. As the old saying goes: What do they pay us the big bucks for? Why are we here? Why are we here?

Let's stop pussyfooting around. Either vote for this political solution or offer another one or say you think there is a military solution or say you think it is totally hopeless, there is no resolution. Let's leave and hope for the best. But don't tell me you have a plan if it does not fall in one of those four categories. Don't tell me. That is disingenuous.

So, again, can I guarantee this will work? No. Every single day that goes by, absent an attempt to implement what I am proposing, or something similar to it, without it being attempted, makes it harder. Look, it is not often that Thomas Friedman, David Brooks, Charles Krauthammer, Henry Kissinger, Madeleine Albright, Les Gelb—I will go down the list—agree on the same principle about the most fundamental, immediate foreign policy issue facing the United States of America.

I am open—I have no pride of authorship—I am open to amending, tweaking, changing, but I will end where I begin. The central, fundamental, animating principle of this concurrent resolution is: Iraq will not be governed from the center anytime soon, and I am not prepared for my son and his generation to continue to shed their blood in an effort to do that. I will not do that.

As we leave—and we will leave, as my friend from Virginia knows—as we leave, the only honest question that any President or Senator must ask himself or herself is: Do we have any ability to affect what we leave behind? If we do, we have a moral overriding, overarching obligation to the next generation to try to do it.

Because let me tell you something, I am out there, as the old saying goes, on the trail. The easiest thing to say is: I wash my hands, man. Out. It is—let me choose my words correctly—it is not an answer. It is not an answer. It is not an honest answer.

So I ask unanimous consent that recent supporting ideas relating to federalism—whether or not they use the Biden language—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECENT SUPPORT FOR FEDERALISM IN IRAQ

The Kurdish autonomous zone should be our model for Iraq. Does George Bush or Condi Rice have a better idea? Do they have any idea? Right now, we're surging aimlessly. Iraq's only hope is radical federalism—with Sunnis, Shiites and Kurds each running their own affairs, and Baghdad serving as an ATM, dispensing cash for all three. Let's get that on the table—now.—Thomas Friedman, New York Times, August 29, 2007

Most American experts and policy makers wasted the past few years assuming that change in Iraq would come from the center and spread outward. They squandered months arguing about the benchmarks that would supposedly induce the Baghdad politicians to make compromises. They quibbled over whether this or that prime minister was up to the job. They unrealistically imagined that peace would come through some grand Sunni-Shiite reconciliation.

Now, at long last, the smartest analysts and policy makers are starting to think like sociologists. They are finally acknowledging that the key Iraqi figures are not in the center but in the provinces and the tribes. Peace will come to the center last, not to the center first. Stability will come not through some grand reconciliation but through the agglomeration of order, tribe by tribe and street by street.

The big change in the debate has come about because the surge failed, and it failed in an unexpected way. The original idea behind the surge was that U.S. troops would create enough calm to allow the national politicians to make compromises. The surge was intended to bolster the "modern"—meaning nonsectarian and nontribal—institutions in the country. But the surge is failing, at least politically, because there are practically no nonsectarian institutions, and there are few nonsectarian leaders to create them. Security gains have not led to political gains.—David Brooks, New York Times, September 4, 2007

A weak, partitioned Iraq is not the best outcome. We had hoped for much more. Our original objective was a democratic and unified post-Hussein Iraq. But it has turned out to be a bridge too far. We tried to give the Iraqis a republic, but their leaders turned out to be, tragically, too driven by sectarian sentiment, by an absence of national identity, and by the habits of suspicion and maneuver cultivated during decades in the underground of Saddam Hussein's totalitarian state. . . .

We now have to look for the second-best outcome. A democratic, unified Iraq might someday emerge. Perhaps today's ground-up reconciliation in the provinces will translate into tomorrow's ground-up national reconciliation. Possible, but highly doubtful. What is far more certain is what we are getting: ground-up partition.—Charles Krauthammer, Washington Post, September 7, 2007

It is possible that the present structure in Baghdad is incapable of national reconciliation because its elected constituents were elected on a sectarian basis. A wiser course would be to concentrate on the three principal regions and promote technocratic, efficient and humane administration in each. The provision of services and personal security coupled with emphasis on economic, scientific and intellectual development may represent the best hope for fostering a sense of community. More efficient regional government leading to substantial decrease in the level of violence, to progress towards the rule of law and to functioning markets could then, over a period of time, give the Iraqi people an opportunity for national reconciliation—especially if no region is strong enough to impose its will on the others by force. Failing that, the country may well drift into de facto partition under the label of autonomy, such as already exists in the Kurdish region.—Henry Kissinger, Washington Post, September 16, 2007

Mr. BIDEN. I would assert I am confident there are some major players in this administration who agree with the tact I am taking, and I would invite—that is not why he is on the floor, I know—I would invite any advice or suggestions—not at this moment—from my friend from Indiana or my friend from Virginia as to how to deal with this.

But, ladies and gentlemen, it took us—it took us—13 years to get to our Philadelphia moment. It is going to take the Iraqis a lot longer. I do not want to see a regional war in the meantime because every one of us knows, whether we are here 3 years from now, there will not be 133,000 troops in Iraq. That will not be the case no matter who is President. The American people will not stand for it, and we will respond.

I yield the floor.

Mr. WARNER. Madam President, I, for one, will accept the challenge to carefully go back and look at the Senator's amendment and the foundation documents which he has described, and I look forward to Monday and Tuesday, perhaps, reengaging the Senator.

I say to the Senator, I think it is a very heartfelt expression of your own views that you have shared with us this morning. I think it is a constructive contribution to this debate.

Mr. BIDEN. Madam President, I thank my friend and I appreciate his kind remarks.

Madam President, I also ask unanimous consent that the article in Thursday's Washington Post, dated September 20, by David Ignatius, entitled "Shaky Allies in Anbar" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHAKY ALLIES IN ANBAR

(By David Ignatius)

The Bush administration has been so enthusiastic in touting its new alliance with Sunni tribal leaders in Anbar province that it's easy to overlook two basic questions: Why did it take so long to reach an accommodation with the Sunnis? And is Anbar really a good model for stabilizing the rest of Iraq?

First, the what-took-so-long issue: The fact is, Sunni tribal leaders have been queuing up for four years to try to make the kind of alliances that have finally taken root in Anbar. For most of that time, these overtures were rebuffed by U.S. officials who, not inaccurately, regarded the Sunni sheiks as local warlords.

This disdain for potential allies was a mistake, but so is the recent sugarcoating of the tribal leaders. They are tough Bedouin chiefs, sometimes little more than smugglers and gangsters. The United States should make tactical alliances with them, but we shouldn't have stars in our eyes. The tendency to overidealize our allies has been a consistent mistake.

Like other journalists who follow Iraq, I began talking with Sunni tribal leaders in 2003. Most of the meetings were in Amman, Jordan, arranged with help from former Jordanian government officials who had perfected the art of paying the sheiks. One contact was a member of the Kharbit clan, which had long maintained friendly (albeit secret) relations with the Jordanians and the Americans. The Kharbits were eager for an alliance, even after a U.S. bombing raid killed one of their leaders, Malik Kharbit, in April 2003. But U.S. officials were disdainful.

During a visit to Fallujah in September 2003, I met an aging leader of the Bu Issa Tribe named Sheik Khamis. He didn't want secret American payoffs—they would get him killed, he said. He wanted money to rebuild schools and roads and to provide jobs for members of his tribe. U.S. officials made fitful efforts to help but nothing serious enough to check the insurgency in Fallujah. Back then, you recall, the Bush administration was playing down any talk of an insurgency.

A Sunni tribal leader who pushed bravely for an alliance with the Americans was Talal al-Gaaod, a leader of one of the branches of the Dulaim tribe. Looking back through my notes, I can reconstruct a series of his efforts that were mishandled by senior U.S. officials: In August 2004, he helped arrange a meeting in Amman between Marine commanders from Anbar and tribal leaders there who wanted to assemble a local militia. Senior U.S. officials learned of the unauthorized dialogue and shut it down.

Gaaod tried again in November 2004, organizing a tribal summit in Amman with the blessing of the Jordanian government. Again, the official U.S. response was chilly; the U.S. military launched its second assault on Fallujah that month, and the summit had to be canceled. In the spring of 2005, the tireless Gaaod began framing plans for what he called a "Desert Protection Force," a kind of tribal militia that would fight al-Qaeda in Anbar. The proposal was gutted by U.S. officials in Baghdad who derided it as "warlordism."

A despondent Gaaod e-mailed me in July 2005: "Believe me, there is no need to waste anymore one penny of the American taxpayers' money and no more one drop of blood of the American boys." His despair roused the new American ambassador to Baghdad, Zalmay Khalilzad, who began meeting with Gaaod and other Iraqi Sunnis in Amman in hopes of brokering a deal with the insurgents. Gaaod died of heart failure in March 2006.

What finally happened in Anbar was that Sunni tribal leaders—tough guys who have guns and know how to use them—began standing up to the al-Qaeda thugs who were marrying their women and blocking their smuggling routes. The initial American response in mid-2006, I'm told, was ho-hum. More warlords. But Green Zone officials began to realize this was the real deal, and a virtuous cycle began. The tragedy is that it could have happened much earlier.

The American plan now, apparently, is to extend the Anbar model and create "bottom-up" solutions throughout Iraq. For example, I'm told that U.S. commanders met recently with the Shiite political organization known as the Supreme Islamic Iraqi Council and gave a green light for its Badr Organization militia to control security in Nasiriyah and some other areas in southern Iraq and thereby check the power of Moqtada al-Sadr's Mahdi Army. We're interposing ourselves here in an intra-Shiite battle we barely understand.

These local deals may make sense as short-term methods for stabilizing the country. But we shouldn't confuse these tactical alliances with nation-building. Over time, they will break Iraq apart rather than pull it together. Work with tribal and militia leaders, but don't forget who they are.

Mr. **BIDEN**. Madam President, I yield the floor and thank my colleagues.

Mrs. **FEINSTEIN**. Madam President, expectations were high on Capitol Hill and the rest of the Nation this month.

We were all hoping to hear a major new strategy on how to forge political accommodation in Iraq from General Petraeus and Ambassador Crocker, and most importantly from President Bush.

We did hear of some limited, tactical success in improving security, but we learned nothing new on how the Bush administration would bridge the yawning political gap between Shia and Sunni.

In fact, the President in his speech last week to the Nation offered no change in policy and no strategy for reaching the political accommodation that is necessary in Iraq.

In his eighth prime-time address on Iraq, the President again made the case that his policy will bring success in Iraq.

We have heard "mission accomplished," we have heard calls for patience, and innumerable claims that we are winning. We have heard that more troops will lead to political progress.

We have heard that "when they stand up, we stand down," but there is no clear plan to get them to stand on their own.

And, this time we received yet another slogan—"Return on Success" a new name for staying the course, keeping the status quo.

So, even though for months we have been told by the White House and many of my colleagues on the other side of the aisle to wait until September for a new strategy, we are still told to wait—again—but for what?

Neither General Petraeus nor Ambassador Crocker could provide answers to how long a U.S. troop presence will be in Iraq. As Ambassador Crocker said, "No timelines, dates, or guarantees." Yet we are told to embrace their recommendations and continue more of the same.

This will do nothing to force Prime Minister Maliki to take the necessary actions to bring political stability to that nation.

Sadly, we are left with no conclusion but this—the upcoming year will result in little change in the political stalemate that marks Iraq's Government today.

This, I believe, is a missed opportunity for telling the American people how political progress would be made in Iraq, for describing how and when the vast majority of our troops would come home, and for charting a new strategy and finding a way out of Iraq.

No, this President and his military and political advisors seemed determined to keep a high level of U.S. forces in Iraq for the foreseeable future.

It was clear from the President's speech that he fully intends to maintain his failed Iraq policy through the end of his administration and then lay the problem at the feet of his successor.

The President would also like to take credit for drawing down our troops when the reality is that he is willing to go no further than presurge levels through next July. The same troop levels in Iraq 10 months from now as we had 10 months ago. This is not change; this is not a plan.

In fact, this was always the expectation, because simply put, the Army is on the verge of breaking. Troop rotation limitations make it imperative that we draw down troop levels by this April to avoid extending our soldiers' 15-month tours further.

Only a token contingent—about 5,000—will come home by the end of this year.

Clearly, a choice has been made by this White House to leave the difficult decisions to the next administration; that is, unless Congress acts. So Congress, once again, has an opportunity, an opportunity to do what this administration will not—to bring about major reductions in troops, and to begin the process of bringing our troops home.

I hope Democrats and Republicans can find common ground in the coming weeks to transition the mission and remove our troops from the midst of a civil war that only the Iraqis can solve.

We must forge a bipartisan plan to move our troops out of Iraq.

That is what the American people want.

Improvements in security are welcome, but by themselves, they do nothing to answer the difficult questions facing the nation. I do not doubt that the surge has had a positive effect on security.

When you add 30,000 U.S. forces into a region, you are going to have an impact on the area. I would be surprised if it were otherwise.

And it is clear that there have been improvements in security in Al Anbar province. Sunni sheiks are working with U.S. forces against brutal foreign fighters. But we must also acknowledge that many of these improvements started to take place before the surge even began. And levels of violence in other areas of Iraq have receded from the December 2006 peak. Yet, these levels of violence, it should be noted, still remain high compared with 2004 and 2005 levels.

Every recent report admits that the security progress has been uneven. In fact, the latest Pentagon Quarterly assessment released just this week points out that even as Iraqi civilian deaths fell to their lowest level in 5 months in June, attacks against coalition forces reached record levels that same month.

Civilian casualties, in fact, rose again in July, and a telling chart in that Pentagon report shows the average daily casualties in Iraq—including coalition forces, civilians, and Iraqi security forces—increasing to about 150 per day in July and August.

Moreover, we face a growing humanitarian crisis in Iraq as the number of displaced Iraqis is increasing by 80,000 to 100,000 a month. To date, at least 2.2 million Iraqis have fled their country, and another 2 million have been forced to leave their homes to escape the sectarian violence.

There continue to be IED explosions, suicide bombings, sectarian killings on a daily basis.

So violence continues, even if by some measures there have been indications of a decline in the last several weeks.

But the point is this—the surge is not an end in itself. It is not a strategy. It is a tactic to achieve a purpose.

The purpose of the surge was meant to give politicians the breathing space needed to make the tough choices necessary to forge a stable government.

Yet, according to independent analysis, there has been little progress in meeting the key benchmarks.

The Iraqi Government has met only 3 of 18 benchmarks—not including major political action on an oil law, constitutional reform, and debaathification.

These benchmarks, by the way, were commitments made by the Iraqi Government itself, not the U.S. Congress. They were put forward to the Nation by President Bush in January as critical indicators of political progress in Iraq that would come about as part of the surge. Yet, this did not happen.

And recent reports all raise stark doubts about the likelihood that we will see any significant political progress on the part of the Iraqi government in the coming months.

Even Ambassador Crocker showed deep pessimism that meeting these benchmarks and achieving major political progress would be possible in the next month or year.

He said, "I frankly do not expect us to see rapid progress through these benchmarks" and suggested that progress would take months if not years to achieve.

So the American people are being asked for more patience at a time when it is clear that we do not have a strategy in place to remedy the situation in the immediate future.

While this administration continues to endorse an open-ended commitment of our presence in Iraq, our brave service men and women are caught in the middle of a situation that everyone agrees can only be resolved with a political solution. This is deeply troubling to me. Our nation has been in Iraq for 4½ years. We have spent $450 billion and the President will soon ask us for $200 billion more.

We have lost nearly 3,800 American troops, over 400 from my home State of California. Almost 28,000 have been injured in Iraq.

We entered the country thinking that we would be met as liberators, and had no contingency plans in place if we were not.

The borders weren't secured, leading to an inflow of foreign fighters.

Debaathification was put in place on all levels of civil society, leading to resentment and widespread unemployment.

The army was disbanded, creating a disaffected, trained insurgency.

The munitions dumps weren't secured, essentially arming the insurgency.

There has never been a clear-eyed strategy to resolve the major difference between Shia and Sunni.

In a case of truly open candor, General Petraeus even admitted that he did not know if the U.S. presence in Iraq had made America "safer."

And now the American people are being asked for more of the same.

More time, more patience, more of our blood and treasure—all without a strategy. I cannot support this view.

I have said for a long time now that I believe that we should transition the mission in Iraq and begin to move our troops home. I am more convinced of that today.

Our forces only buttress the Maliki government and shield them from making the tough decisions.

If our President will not hold the Iraqis accountable, then Congress must.

Bush's plan means a large number of American troops in Iraq for years to come—an undefined commitment to Iraq.

Is it right to ask for a commitment from our troops when the Iraqis won't commit themselves? Clearly no.

So I believe that Members of Congress on both sides of the aisle should come together in support of a plan to start bringing our troops home. They should not be in the middle of an ethno-sectarian civil war.

We need an answer to the one question which General Petraeus famously asked as commander of the 101st Airborne in Iraq in 2003, "Tell me how this ends."

Mr. DODD. Madam President, I wanted to take a moment to explain why I voted against the Levin-Reed amendment on Iraq.

Let me say at the outset that I am second to none in this body in my opposition to the President's failed policy in Iraq. Yesterday I spoke in strong support and voted for the Feingold-Reid amendment that would have set forth a clear and enforceable deadline for ending our military involvement in the unwinnable civil war in Iraq. Sadly, only 27 of our colleagues joined with me in voting for the Feingold-Reid amendment.

I do not doubt the sincerity of Senators LEVIN and REED in offering their amendment. These have been two articulate voices in the Senate calling for a change in our policy in Iraq for some time now. They like many of our colleagues have spoken out strongly about the failure of the President's policy and highlighted the fact that this policy has made our Nation less safe and has broken our military. But I believe this President will not admit failure or change policy unless we force him to, and the only effective instrument available to this Congress to do so is to exercise its power of the purse and cut off funding for this war, once our men and women in uniform have been safely withdrawn from Iraq. That is what the Feingold amendment would have accomplished, and that is what any amendment that I will vote for henceforth must do.

We all know this President doesn't understand subtlety. He has demonstrated time and time again that he doesn't respect this Congress or even the law. How many signing statements has this President issued in which he outlines ways to ignore or circumvent the laws written by this Congress? Too many. How many innocent Americans have been subject to illegal, warrantless wiretaps authorized by this President? Too many. How many falsehoods and deceits have been perpetrated by this President to justify his disastrous war of choice in Iraq? Too many.

There is only one way to force this President to change course in Iraq and that is to take away the money required for him to conduct that war. Iraqi officials need to be convinced as well that we truly mean it when we say it is time for them to take responsibility for their country and not count on us indefinitely to fight their fight for them.

If we are truly being honest with the American people when we say we are fighting to end this failed policy, we must do everything possible to do so. That is why while I respect the efforts of my colleagues Senators LEVIN and REED, I felt compelled to vote against their amendment.

I hope the next time this body debates the war in Iraq, many more of our colleagues will join with Senator FEINGOLD and me in voting for a clear and enforceable deadline to end our military involvement in Iraq and set on a new course that makes our Nation more secure and allows our broken military to begin to rebuild.

Too many days have passed and too many lives have been lost while this Congress has stood by and not acted. That must end.

Mr. AKAKA. Madam President, yesterday I offered, along with my colleague Senator WEBB, an amendment to the National Defense Authorization Act for Fiscal Year 2008 that would require the Secretary of the Army and the Secretary of Veterans Affairs to prepare a report on plans to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery.

Our amendment seeks to clarify the plans of the Secretaries to replace the monument at the Tomb of the Unknown due to cosmetic cracks that have appeared over time in the facing of the monument. It would require the Secretaries to provide Congress with a description of the current efforts to maintain and preserve the monument and an assessment of the feasibility and advisability of repairing rather then replacing it. The Secretaries would also be required to report on their plans to replace the monument and, if replaced, how they intend to dispose of the current monument. Our amendment would prevent the Secretaries from taking action to replace the monument until 180 days after the receipt of the report.

The Army contends that the cracks in the monument diminish the aesthetic value of the monument and that the cracks justify the monument's replacement. The Army's position is that the cracks in the monument cannot be fixed and that it will continue to deteriorate. The Army also contends that the surface of the monument has weathered to the point that, within the next 15 years, the details of the carving are expected to be eroded to the extent that the experience of visiting the tomb will be adversely effected. They justify its replacement by asserting that the Tomb of the Unknowns has significance beyond it historic origins and therefore should be maintained in as perfect of a state as possible.

This position is not shared by many civic and preservation groups who believe the monument can and should be preserved and repaired. This view is also shared by the preservation architects who completed the last formal study of repairs to the Tomb of the Unknowns in 1990. Supporters of preserving the current monument view it as something that cannot be replicated. They do not believe the experience of visitors will be diminished by the weathering and deterioration that come over time. They believe it is a symbol that should be considered in the same vein as other imperfect symbols of our heritage such as the Liberty Bell and the Star Spangled Banner, the flag that inspired our national anthem.

It is important to note that the Capitol Building and the White House are other well-known and well-loved American icons that have developed cracks and other flaws in their building materials, but no one is suggesting that they be torn down and replaced with replicas.

It is also important that, as we consider replacing the monument at the Tomb of the Unknowns, we acknowledge that it is the stated position of our Government under Executive Order 13287, signed by President Bush on March 3, 2003, that the Federal Government will provide leadership in the preservation of America's heritage.

Our amendment does not preclude the Secretaries from replacing the monument at the Tomb of the Unknowns in the future, but seeks to ensure that we move with great caution before making any decisions that would irrevocably affect this national treasure. I urge all of my colleagues to support this amendment.

Mr. WARNER. Madam President, I believe our colleague from Indiana, under the UC, has now some 30 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Madam President, I see our colleague from Massachusetts. Does he wish to put a formal request before the Chair with regard to his desire to address the Senate?

The PRESIDING OFFICER. The order is to recognize the Senator from Massachusetts following the Senator from Indiana.

Mr. KENNEDY. Madam President, I thank the Senator from Virginia. I see the Senator from Indiana on his feet, as well as my friend and colleague from Wyoming. I know the Senator from Indiana is eager to continue the discussion on the substance that has been raised this morning. I was wondering if we might have a very brief period of time, Senator ENZI and myself, to describe an extremely important piece of legislation that passed last evening, on a voice vote. It is very important in terms of the health of the country. We want to be able to speak briefly on that issue.

I am wondering if the Senator from Indiana would yield 5 minutes to the Senator from Wyoming and myself.

Mr. WARNER. Madam President, first, we would want to consult before that UC is given——

The PRESIDING OFFICER. An order already exists.

Mr. WARNER. With the Senator from Indiana, who I think has been waiting about an hour and a half.

Mr. LUGAR. Madam President, I thank the distinguished Senator from Virginia for raising the question. As a courtesy to my distinguished colleagues, I will be pleased to yield for the time requirements they have and then I will proceed after they have concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I thank the Chair's inviting comment. Let us make it clear that I believe the UC, as structured, would be the Senator from Massachusetts will have 5 minutes, the Senator from Wyoming will have 5 minutes, and then the 30 minutes allocated to the Senator from Indiana will start.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. WARNER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. First of all, Madam President, I thank my friend from Indiana, who is so typically gracious and understanding to his colleagues. We will be very brief. If the matter was not of such importance, we would not trespass on the Senator's time.

Madam President, I ask the Chair to let me know when I have 1 minute left.

The PRESIDING OFFICER. I will, Senator.

Mr. KENNEDY. I thank the Chair.

FOOD AND DRUG ADMINISTRATION REFORM LEGISLATION

Mr. KENNEDY. Madam President, every day, families across America rely on the Food and Drug Administration in ways they barely realize. When they put dinner on the table, they are counting on FDA to see that it is free from contamination. When they care for a sick child, they are trusting FDA to make sure the drugs prescribed are safe and effective. From pacemakers to treatments for cancer to the foods we eat, FDA protects the health of millions of Americans, and oversees products that account for a quarter of the U.S. economy. The agency does all this on a budget that amounts to less than two cents a day for each citizen.

An agency that does so much so well deserves to be supported and strengthened. Yet too often, the opposite has been true. FDA's vital mission has been jeopardized by inadequate resources, occasionally insufficient legal authority, and absent leadership.

Americans are worried about the safety of the products they use—from food to toys to drugs—and they are right to be worried. Dangerous lapses in safety oversight have exposed American families to intolerable risks from lead paint in toys, to bacteria in foods, to drugs that cause unreported and lethal side effects. The right response is comprehensive, considered and bipartisan legislation—and that is what the Senate has approved.

The prestigious New England Journal of Medicine editorialized earlier this year that the bill was "the most important drug-safety legislation in a century."

Earlier this week, the House of Representatives approved this bipartisan measure by a broad bipartisan margin of 405 to 7. Our House colleagues from all parts of the political spectrum united to send that bill to the Senate with a resounding bipartisan endorsement. I am pleased that the Senate did the same, sending that bill to the President with a unanimous voice of approval.

The stakes could not be higher. Funding for the FDA's vital safety mission has reached the breaking point. If we had not acted, the FDA Commissioner would have sent a letter today to over 2,000 employees informing them that their jobs were slated for termination.

Each of those individuals is a trained and experienced professional with many career options in academia or industry—yet each of them has made the decision to devote themselves to public service. If those talented public servants had left the agency, the consequences would have been with us for years—in terms of slower access to medicines for patients, weaker safety oversight and loss of America's competitive edge in the life sciences.

FDA has an urgent need for these funds. Its workload has increased massively in recent years but its resources have not kept pace. Since 1990, the number of adverse events submitted to the FDA has increased by over 1,300 percent, but the agency's resources have increased only 130 percent. The legislation provides over $400 million this year for the review of drugs and medical devices at FDA, and over $50 million for needed safety reforms to give these talented professionals the tools they need to do the job we are counting on them to do.

The bill before us is not just about resources—far from it. It is a strong and comprehensive measure to improve the safety of the medicines we rely on, and it takes important steps toward a safer food supply and less expensive prescription drugs.

At the heart of our proposal is a new way to oversee drug safety that is flexible enough to be tailored the characteristics of particular drugs, yet strong enough to allow decisive action when problems are discovered. For drugs that pose little risk, these actions might be as simple as a program to report side effects and a label with safety information—items that are currently required for all drugs. Drugs that raise major potential safety concerns might require additional clinical trials, a program to train physicians in using the drug safely, or a requirement that the prescribing physician have special skills.

A second major element of our legislation is a public registry of clinical trials and their results. A complete central clearinghouse for this information will help patients, providers and researchers learn more and make better health care decisions. Now, the public will know about each trial underway, and will be able to review its results.

Our bill recognizes that innovation is the key to medical progress by establishing a new center, the Reagan-Udall Foundation, to develop new research methods to accelerate the search for medical breakthroughs. During the discussions that led to consideration of this bill, we heard time and again that there was a major need for better research tools to aid FDA in evaluating the safety of drugs and devices and help researchers move through the long process of developing these products more effectively.

If new research tools and better ways to evaluate the safety and effectiveness of drugs could be developed, patients will benefit from quicker drug development. If current procedures can be made more effective, then the cost of developing new drugs will drop.

The Reagan-Udall Foundation sets up a way to develop these new tools—not so they can help just one researcher or one company, but so they can help the entire research enterprise.

The bill helps preserve the integrity of scientific review by improving FDA's safeguards against conflicts of interest on its scientific advisory committees—not through a rigid policy that could deny FDA needed expertise, but though a flexible approach that will reduce the number of waivers given for conflicts of interest at FDA overall.

The bill also takes action on the abuse of citizens petitions. FDA has a commonsense policy to allow ordinary citizens or medical experts to submit petitions to the agency about drugs that it is considering approving. This procedure should be used to protect public health—but too often, it is subverted by those who seek only to delay the entry onto the market of generic drugs.

Even if the petitions are found to be meritless, they will have accomplished their mission—delaying access for consumers to safe and lower cost medicines. Some petitions do present legitimate public health concerns, and FDA should not ignore them. The critical test of any proposal on citizen petitions is that it strike a balance so that the abuse of citizens petitions is prohibited, but those petitions that have genuine safety information are reviewed.

The proposal the Senate approved strikes that balance. It rightly states that the mere filing of a citizen petition should not be cause for delay, but allows FDA to delay the approval of a generic application if it determines that doing so is necessary to protect public health. This is the right approach. It prevents abuse protects health.

The legislation also includes important reforms of direct to consumer, or DTC, advertising. I want to thank Senator ROBERTS and Senator HARKIN for working with Senator ENZI and me and with many members of the committee on this important provision.

Instead of the moratorium included in our original bill, the current proposal puts in place strong safety disclosures for DTC ads, coupled with effective enforcement. Under current law, safety disclosures can be an afterthought—a rushed disclaimer read by an announcer at the conclusion of a TV ad while distracting images help gloss over the important information provided. Our proposal requires safety announcements to be presented in a manner that is clear, conspicuous and neutral, without distracting imagery. We also give FDA the authority to require safety disclosures in DTC ads if the risk profile of the drug requires them.

Our legislation also takes important first steps toward a safer food supply. These are only first steps, and our committee will work on a comprehensive package of food safety legislation later in the fall—but they are important steps. Consumers and FDA have too little information about contaminated food. Our bill creates a registry and a requirement to report food safety problems. Consumers will have information about recalls at their fingertips, and FDA's response will not be slowed by antiquated and inefficient reporting systems. Our bill also establishes strong, enforceable quality standards for the food we give our pets, to guard against the problems of tainted pet food that we have seen in recent months.

In this new era of the life sciences, medical advances will continue to bring immense benefits for our citizens. To fulfill the potential of that bright future, we need not only brilliant researchers to develop the drugs of tomorrow, but also strong and vigilant watchdogs for public health to guarantee that new drugs and medical devices are safe and beneficial, and that they actually reach the patients who urgently need them. Congress has ample power to restore the luster the FDA has lost in recent years, and this bipartisan consensus bill can do the job. I congratulate my colleagues on approving this legislation, and look forward to working with them on its effective implementation.

The comprehensive legislation approved by the Senate is over 400 pages long, and it reflects important contributions from many, many of our colleagues.

My partner in this effort from Day One has been my friend and colleague from Wyoming, Senator MIKE ENZI. Our work on drug safety began when he chaired our committee and I was Ranking Member—and our work didn't miss a beat when our roles were reversed after last year's election.

I also commend Senator DODD, Senator CLINTON, and Senator ALEXANDER for the important contributions they made to bring new drugs to children. I regret that several of these important provisions were not included in the bill, but I will work with them to see if those worthwhile proposals can be included in other legislation.

Senator GREGG contributed important proposals on using health information technology to improve FDA's ability to detect drug safety problems. No drug is free from risk, and FDA needs the best possible methods to detect unexpected risks as quickly as possible.

No Senator is more justly proud of the good work that FDA does than Senator MIKULSKI. Her state of Maryland has two of the great jewels of the federal government—the National Institutes of Health and the Food and Drug Administration, and her proposals to increase the transparency of FDA operations were included in the bill.

Senator HATCH and I have worked together on the life sciences for many years. Whether the issue is stem cells or biologics or the FDA itself, Senator HATCH is always at the forefront of the debate—and the bill includes important provisions he offered to accelerate the development of new cutting-edge drugs.

The proposal on citizens petitions in this legislation is a true bipartisan effort—uniting Senators STABENOW, BROWN, LOTT, HATCH and THUNE. These Senators were deeply committed to this proposal, and they participated actively in the final negotiations on the bill.

Senator ROBERTS and Senator HARKIN collaborated productively to develop an effective and workable proposal on direct-to-consumer advertising that both protects consumers and respects the Constitution.

A number of other colleagues also made major contributions to this bipartisan achievement. Senator OBAMA offered provisions on genetic testing. Senator REED contributed a proposal on the safety of tanning beds. Senator BROWN and Senator BROWNBACK came up with new and thoughtful incentives for new treatments for neglected tropical diseases. Senator DORGAN contributed provisions on counterfeit drugs. Senator ROCKEFELLER added provisions to increase reporting on authorized generics, and Senator COBURN contributed provisions to allow FDA to restrict the use of approved medicines only when the drug cannot otherwise be prescribed safely.

I especially commend Senator RICHARD BURR. No Senator is more committed to the search for innovations in the life sciences than he is. Senator BURR and his staff were skillful and tireless in their support for strong measures in the bill to see that FDA has the resources it needs to review new drugs quickly and effectively. No Senator worked harder to see that our deliberations on this bill were successful.

Finally, I thank our colleagues from the House of Representatives. Chairman JOHN DINGELL of the Energy and Commerce Committee and Chairman FRANK PALLONE of the Health Subcommittee steered this legislation through the House. They worked in close partnership with the Ranking Members, Representative JOE BARTON and Representative NATHAN DEAL. Other House members made major contributions to the bill, as well, and I particularly commend Representatives HENRY WAXMAN and ED MARKEY for their leadership.

Finally, I thank the dedicated staff members who worked so long and hard and well on this legislation:

Shana Christrup, Amy Muhlberg, Keith Flanagan, and Dave Schmickel from Senator ENZI's office; Liz Wroe with Senator GREGG; Jenny Ware with Senator BURR; Tamar Magarik and Jeremy Sharp with Senator DODD; Ann Gavaghan with Senator CLINTON; John Ford, Bobby Clark, Ryan Long and John Little of the House Energy and Commerce Committee; and my own staff: David Dorsey, David Bowen and Michael Myers.

They all spent long hours over many months on the many complex provisions in this bill. Our efforts could not have been successful without them, and millions of Americans will benefit from their ability and dedication in the years ahead.

I thank the Chair and thank the Senator from Indiana for his courtesies.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank you, and I especially thank the Senator from Indiana who has been waiting an hour and a half to speak and was kind enough to let us fit into the schedule. We needed to do this because so often around here, when something is done in such a bipartisan manner that it passes unanimously, nobody ever hears about it.

This isn't something we are trying to force through, this isn't something that there are a lot of arguments about, but it is something essential to the American people: their food and drug safety. We are the best country in the world at doing it. We can do it better. This bill lets us do it better. Is it a perfect bill? That never happens around here. Is it a big victory for patients and children? Absolutely.

This actually incorporates four reauthorizations and one massive reform. We take care of a lot of things in this package that normally would take a lot of hours on the floor, but because of the participation from both sides of the aisle, and from everybody intensively on the committee, we were able to put together a bill that solves a lot of problems.

The FDA's choice before was to pull a drug off the market or to leave it on. If it had some kind of a problem that could be solved some simple way, it wasn't an option; pull it off or leave it on. We gave them a toolbox, a whole bunch of different things that they can now do so that drugs will be approved faster, and then when that clinical trial that we call the whole population of the United States kicks in, there is a mechanism for following all of those and finding small samples of problems, solutions to those small samples of problems, and the drug that is working for people across this Nation doesn't have to be pulled off the market. It can still work for the people who aren't affected by an adverse reaction. That is a major change we have been able to make.

I wish to thank all the people involved, particularly the people on the committee who took separate parts of this and dug into it and came up with solutions—not solutions that would polarize us but solutions that would bring us together. The American people don't get to hear much about the solutions that bring us together. They get to hear hour after hour after hour of the things that have been polarized and that drive us apart. I want them to know there are things that get solved around here such as food and drug safety, a big thing for this country. It was done, and it was done unanimously. Now that means the House's version that was negotiated with the Senate's version was put together in such a way that we agreed with it. America needs to know that.

The FDA is the gold standard among public health regulators the world over. For the past century, the FDA has protected the public—from filthy conditions in meatpacking plants to thalidomide, which caused thousands of birth defects in Western Europe. The FDA's constant vigilance is something we have come to depend on every day to protect us and our children.

Beginning in January 2005, the Senate Committee on Health, Education, Labor and Pensions conducted a top-to-bottom review of the FDA's drug safety and approval processes. Given the limitations we identified during our review of FDA, I strongly felt it was necessary to correct those problems and ensure that FDA has the right tools to address drug safety after the drug is on the market. New authorities were clearly needed, and H.R. 3580, the Food and Drug Administration amendments of 2007, provides those authorities.

The changes made in the drug safety components of this legislation are critical to restoring peace of mind to

Americans who want to be assured that the drugs they take to treat illnesses and chronic medical conditions can be relied upon and trusted. The broad new authorities in this legislation are the most significant change to FDA in at least a decade. The sweeping new authorities provided by this bill will only strengthen the agency's ability to safeguard the American people.

This bill gives FDA a full toolbox of options for dealing with potential safety problems, even if they are discovered after a drug is first marketed. FDA will be able to proactively react to additional safety information whenever that safety information is discovered, even after the drug is on the market. FDA will have the ability to identify side effects through active surveillance, and the authority to request a study or clinical trial to learn more about a potential safety problem. But perhaps most significantly, FDA will be able to obtain timely label changes in response to that safety information.

The label is the most important communication mechanism for patients and providers about a drug's benefits and risks. Patients and doctors need to know that they can rely on the drug label for accurate information. To ensure that science is the guiding principle for all information with the drug label, the FDA must be the sole arbiter of what is and is not in the label. This legislation provides one strong, clear pathway to update a drug label in response to new information. We rely on FDA to get the label right, and this bill provides broad authority to do that, significantly strengthening FDA's hand in securing changes to the label. By providing this single, expedited pathway for safety labeling changes, it is clear that Congress intends there to be one standard for protecting all Americans the FDA gold standard. We should not be second-guessing the FDA and its science-based decisions but continuing to rely on the agency to provide accurate information regarding a drug's benefits and risks.

I thank the Senator from Indiana for letting us take a few minutes to voice this so there would be some knowledge out there of something happening that is good and in a bipartisan way and gets accomplished. I wish I had time to name all the people and the contributions they made to this. I hope people will take a look at the record and see all of these people, not just Senators, not just House Members, but the staffs who worked on this overtime, for hours at night, for hours on the weekend, to be able to resolve it by today. Why is today important? Because if we didn't get this finished today and assure that the companies which help fund the efforts of the FDA would come in, there would have had to be RIF notices to about 2,000 Federal employees today who would be laid off. So we were up against a tight time deadline and we met the time deadline and did it in a very bipartisan way.

Mr. GREGG. Madam President, I rise today to speak about the passage of the Food and Drug Administration Amendments of 2007. This bill includes the reauthorizations of the Prescription Drug User Fee Act, PDUFA, and the Medical Device User Fee and Modernization Act, MDUFMA, both of which provide an essential source of funding to the FDA to ensure faster review times and enhanced patient access to safe and effective drugs and devices.

The bill also reauthorizes two programs that have had a great impact on the safety of medicines for children. I support the reauthorization of the Best Pharmaceuticals for Children Act, BPCA, and the Pediatric Research Equity Act, PREA, in particular the provision that maintains the current 6 months of data exclusivity provided under current law to create a meaningful incentive for drug manufacturers to perform pediatric safety studies. It is because of the great success of these two programs that I am pleased that the bill requires both programs to be reauthorized together in 2012. This joint sunset date allows for further reauthorizations to continue balancing the incentives and authorities that drive pediatric study.

Most of all, I am pleased that the drug safety portion of the bill contains provisions from my Safer DATA Act. This language requires the FDA to establish and maintain an active surveillance infrastructure to collect and analyze drug safety data from disparate sources, such as: adverse events reports, Medicare Part D and VA health system data, and private health insurance claims data. The private sector and many academic institutions have had these capabilities for years. With this legislation, the FDA will finally have access to the best information possible.

The legislation also directs the FDA to establish drug safety collaborations with private and academic entities to perform advanced research and further analysis of drug safety data once the surveillance system detects a serious risk.

And finally, to enhance risk communication, the language establishes a one-stop shop web portal to give patients and providers better access to drug safety information, including aggregate information from the surveillance system.

I congratulate Senator KENNEDY and Senator ENZI for their support of the inclusion of this provision and for their efforts to get this bill finalized before the September 21 deadline.

We have consistently heard from HHS Secretary Leavitt and Commissioner Von Eschenbach over the past few months that if we failed to complete the reauthorizations of PDUFA and MDUFMA by September 21, they would be required to issue reduction-in-force—RIF—notices to FDA drug and device reviewers—the key staffers who are on the front lines of ensuring the safety and efficacy of FDA approved products. In 1997, when Congress failed to reauthorize PDUFA on time, the 1 month delay caused departures to the extent that it took 18 months for FDA to return to full staffing levels. Not only would the issuance of RIF notices this year have affected nearly 2,000 FDA employees and their families, but it would have essentially obliterated the ability of the agency to fulfill its public health mission.

So it may be surprising to some, that the key obstacle to finishing this bill over the last few weeks was the House Democratic leadership's insistence on a provision that they included on behalf of their most precious constituents—not the FDA employees, not the scientists, not even the patients, but the trial lawyers.

Yes, included deep in section 901 of this bill is a one-sentence rule of construction that makes the obvious statement that, notwithstanding the new authority granted to the FDA under this bill to require labeling changes; it is the responsibility of the drug company to comply with other regulatory requirements regarding the drug's label. This so called "gift to the trial lawyers" merely restates current law, and is not such a gift at all. Regardless of whether or not the drug company or the agency initiates a labeling change, it is the FDA that continues to have the express authority to approve, reject or modify the labeling of a drug.

Not only is this rule of construction meaningless, but it pales in comparison to the expansive authority given to the FDA throughout the rest of the bill's 422 pages. What this bill does at the majority's insistence is expand the reach of the FDA's regulatory authority over prescription drugs, devices, food, and even tanning beds.

In addition to the bill's many other provisions, section 901 gives the HHS Secretary explicit authority to request certain safety labeling changes. If the Secretary becomes aware of new safety information that the he or she believes should be included in the labeling for a drug, the Secretary may notify the drug company and begin a process to modify the label.

Under existing preemption principles, FDA approval of labeling under the Food, Drug, and Cosmetic Act preempts conflicting or contrary State law. The determination of whether or not labeling revisions are necessary is, in the end, squarely and solely the FDA's. Given the comprehensiveness of FDA regulation of drug safety, effectiveness and labeling under the Food, Drug, and Cosmetic Act, additional requirements for the disclosure of risk communication do not necessarily result in positive outcomes for patients, but create differing standards that heighten confusion.

If we had intended through this legislation to give State courts and State juries the authority to second guess the scientific expertise of the FDA, we would have done so. In fact, based on the totality of the bill's 422 pages we have done the opposite. The intent of this legislation is explicitly clear. One FDA. One gold standard. One expert Federal agency charged by Congress with ensuring that drugs are safe and effective and that product labeling is truthful and not misleading.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT

Mr. LUGAR. Madam President, I rise today to discuss S. 1966, a bill that I introduced last month to reauthorize the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003—known as the Leadership Act. Under the Leadership Act, the American people have catalyzed the world's response to the HIV/AIDS epidemic. It is not often that we have an opportunity to save lives on such a massive scale. Yet every American can be proud that we have seized this opportunity. My message to Senators today is a simple one: let's agree that we should sustain this success, and let's move now to pass a reauthorization bill.

I believe that Congress should reauthorize the Leadership Act this year, rather than wait until it expires in September 2008. Partner governments and implementing organizations in the field have indicated that, without early reauthorization of the Leadership Act, they may not expand their programs in 2008 to meet the goals that we set for the President's Emergency Plan for AIDS Relief also known as PEPFAR. These goals include providing treatment for 2 million people, preventing 7 million new infections, and caring for 10 million AIDS victims, including orphans and vulnerable children.

Many partners in the fight against HIV/AIDS want to expand their programs. But to do so, they need assurances of a continued U.S. commitment beyond 2008. We may promise that a reauthorization of an undetermined funding level will happen eventually—but partners need to make plans now if they are to maximize their efforts. Today, they have only a Presidential proposal, not an enacted reauthorization bill. This is an important matter of perception, similar to consumer confidence. It may be intangible, but it will profoundly affect the behavior of individuals, groups, and governments engaged in the fight against HIV/AIDS.

I recently received a letter from the Ministers of Health of the 12 African focus countries receiving PEPFAR assistance. They wrote:

> Without an early and clear signal of the continuity of PEPFAR's support, we are concerned that partners might not move as quickly as possible to fill the resource gap that might be created. Therefore, services will not reach all those who need them. . . . The momentum will be much greater in 2008 if we know what to expect after 2008.

I realize that a PEPFAR reauthorization bill will face a crowded Senate calendar this year. But maintaining the momentum of PEPFAR during 2008 is a matter of life or death for many. Part of the original motivation behind PEPFAR was to use American leadership to leverage other resources in the global community and the private sector. The continuity of our efforts to combat this disease and the impact of our resources on the commitments of the rest of the world will be maximized if we act now.

Although the Leadership Act is an extensive piece of legislation, I believe that Congress can reach an agreement expeditiously on its reauthorization. Most of its provisions are sound and do not require alteration. In fact, the act has provided for substantial flexibility of implementation that has been one of the keys to success of the PEPFAR program. The authorities in the original bill are expansive, and they are enabling the program to succeed in diverse nations, each with its own unique set of cultural, economic, and public health circumstances.

In developing S. 1966, I have consulted extensively with American officials who are implementing PEPFAR. Most believe that preserving the existing provisions of the Leadership Act would give them the best chance at continued success. Adding new restrictions to the law can limit the flexibility of those charged with implementation in 2009 and beyond. We don't know who that will be, and more importantly, we don't know what the challenges of 2013 will be—though we can probably say with confidence that the landscape will be very different then than it is today.

This is not to say that Senators may not have good ideas for improvement that should be adopted. But new provisions must not unduly limit the flexibility of the program, and Congress should avoid descending into time-consuming quarrels over provisions that are unnecessary or that have little to do with the core mission of the bill.

As Senators study the record of PEPFAR to date, I believe they will find that the vast majority of the authorities needed for the next phase of our effort already are in the existing legislation. I would like to outline how the existing legislation is dealing successfully with several specific areas of concern.

The first is Strengthening Health Systems. Some have expressed the view that additional authorities are needed to improve health systems in target countries. I agree that this area is a vital one if hard-hit nations are to have truly sustainable programs. Yet the current Leadership Act already contains ample authorities to help build health systems, and the United States is making extensive use of those authorities. To date, the emergency plan has supported nearly 1.7 million training and retraining encounters for health care workers and more than 25,000 service sites. In fiscal year 2007, PEPFAR estimates it will have invested nearly $640 million in network development, human resources, and local organizational capacity and training.

A recent study of PEPFAR treatment sites in four countries—Nigeria, Ethiopia, Uganda, and Vietnam—found that PEPFAR supported 92 percent of the investments in health infrastructure designed to provide comprehensive HIV treatment and associated care, including facility construction, lab equipment, and training. In these countries, PEPFAR also supported 57 percent of personnel costs and 92 percent of training costs.

In a separate study focused on Rwanda that examined 22 non-HIV/AIDS health indicators, 17 showed significant improvements as PEPFAR scaled up. Improvements in family planning and infant care, among other achievements, were deemed to have stemmed from ongoing HIV/AIDS programs. According to the chairman of the Institute of Medicine Committee, which recently completed a congressionally mandated study of the emergency plan:

> PEPFAR is contributing to make health systems stronger . . . doing good to the health systems overall.

In the Senate Foreign Relations Committee, we have paid particular attention to the devastating toll of HIV/AIDS on females. Women, and young girls in particular, are especially vulnerable to HIV and AIDS due to a combination of biological, cultural, economic, social, and legal factors. The Leadership Act's authorities in this area are robust. The emergency plan is already leading the world in incorporating gender considerations across its prevention, treatment, and care programs and addressing gender issues that contribute to the spread of HIV/AIDS. For example, in 2006, a total of $442 million supported more than 830 interventions that included one or more of the five priority gender strategies identified in the Leadership Act. These strategies include increasing gender equity in HIV/AIDS services, reducing violence and coercion, addressing male norms and behaviors, increasing women's legal protections, and increasing women's access to income and productive resources.

In Namibia, PEPFAR supports the Village Health Fund Project, a microcredit program that provides vulnerable populations, such as widows and grandmothers who care for orphaned grandchildren, with start-up capital for income-generating projects. In South Africa, PEPFAR supports a project that seeks to have men take more responsibility for preventing HIV infection and gender-based violence.

Another issue of special concern is food and nutrition. In 2004, I chaired a hearing of the Foreign Relations Committee on this subject that underscored how HIV/AIDS and hunger exacerbate each other in many African nations. The AIDS crisis has led to a food crisis for both its victims and their communities. It is no coincidence that the prevalence of HIV/AIDS is highest in countries where food is most scarce. PEPFAR has adopted guidance providing for the inclusion of nutritional assessment and counseling in care and treatment programs. It has also facilitated food support for targeted populations and assistance to long-term food security for orphans and vulnerable children. PEPFAR seeks to build on the comparative advantages of its partners in addressing food needs. These include USAID, the U.S. Department of Agriculture, and the United Nations World Food Program. These partners provide more direct support in food commodities and food security with a focus on overall communities. The PEPFAR approach of targeting individuals complements these efforts.

In Kenya, for example, PEPFAR is supporting a "food by prescription" approach and is working with the Kenyan government, the World Food Program and others to ensure that broader communities, as well as individuals who may fall outside of PEPFAR guidelines for support, are reached. In Haiti, PEPFAR works with partner organizations to support orphans and vulnerable children using a community-based approach. Children participate in a school nutrition program using USAID-title II resources. This program is also committed to developing sustainable sources of food. Thus, the program aggressively supports community gardens for children's consumption and for generating revenue through the marketing of vegetables.

On education, too, the Leadership Act's existing authorities are being put to productive use. In 2006, approximately $100 million in PEPFAR funding went toward programs that address barriers to school attendance for orphans and vulnerable children. This figure is expected to increase to $127 million in 2007. As it does with its nutrition programs, PEPFAR seeks to leverage its resources by "wrapping around" other programs that promote access to education, such as the President's African Education Initiative, or AEI.

For example, in Zambia, PEPFAR and AEI fund a scholarship program that helps nearly 4,000 orphans who have lost one or both parents to AIDS or who are HIV-positive stay in grades 10 through 12. Similar partnerships exist in Uganda, where PEPFAR and AEI are working together to strengthen life-skills and prevention curricula in schools. This program targets 4 million children and 5,000 teachers. Also in Uganda, through the AIDS Support Organization, PEPFAR helps almost 1,000 children by providing school fees and supplies for both primary and secondary school.

The emergency plan has dedicated nearly $191.5 million to pediatric treatment, prevention, and care during the last 2 years. The program has made steady progress, increasing the share of those receiving PEPFAR-supported treatment who are children from 3 percent in 2004 to 9 percent in 2006. The intent is to increase this figure to 15 percent.

PEPFAR has focused much effort on early identification of HIV-positive children. In many countries, an HIV test is used that cannot identify children as positive until they are 18 months old. Recognizing that 50 percent of HIV-positive children will die by age two if untreated, PEPFAR is working hard to introduce new diagnostic technology that can discern the HIV status of children at a much younger age.

Along with supporting treatment for children who are already infected, PEPFAR is devoting resources to ensuring that fewer children are infected in the first place. To date, PEPFAR has dedicated more than $453 million to the prevention of mother-to-child transmission programs. In Botswana, Guyana, Namibia, Rwanda, and South Africa the percentage of pregnant women receiving mother-to-child transmission prevention services now exceeds 50 percent—the goal of the President's International Initiative to Prevent Mother and Child HIV. In the past few years, nearly all of the focus countries have adopted "opt-out" testing where pregnant women are given an HIV test during routine antenatal care unless they refuse the test.

Under the highly successful national program in Botswana, where approximately 14,000 HIV-infected women give birth annually, the country has increased the proportion of pregnant women being tested for HIV from 49 percent in 2002 to 96 percent in 2006. The number of infant infections has declined by approximately 80 percent, to a national transmission rate of less than four percent.

Although the authorities in the Leadership Act allow for an expansive array of activities, I am suggesting a few basic changes in this reauthorization. First, my proposal would increase to $30 billion the authorization for the years 2009 through 2013—a doubling of the initial U.S. commitment. Senators may wish to revisit this proposed funding level, and I look forward to that discussion.

I believe we need to keep the bill as free of funding directives as possible to ensure maximum flexibility for implementation. This was recommended by the Institute of Medicine. I am proposing that only two funding directives be included—one modified from its current form, the other maintained as it is.

The first modification would seek to address the abstinence directive in current law. The administration has interpreted and implemented this provision so as to include both abstinence and faithfulness programs, the 'AB' of 'ABC,' which stands for Abstinence, Be faithful, and the correct and consistent use of Condoms. The ABC paradigm for prevention was developed in Africa by Africans, to address the wide range of risks faced by people within their nations. Recent evidence from a growing number of African countries shows a correlation between declining HIV prevalence and the adoption of all three of the ABC behaviors. PEPFAR implements a program that teaches young children to respect themselves and others. Part of that respect is to refrain from sexual activity and to be faithful to a single partner. As children grow older, they learn about other ways to protect themselves so that they have the information and tools they need to live healthy lives. These are not revolutionary concepts. Rather they are commonsense approaches to public health based on broad experience garnered from many cases and studies.

The problem with this directive, however, is that it has applied to all prevention funding—not just to funding for prevention of sexual transmission. This has had the effect of squeezing funding for prevention activities that have nothing to do with sexual prevention—such as prevention of mother-to-child transmission and blood transfusion safety. The language I propose would address this by applying the directive only to funding for prevention of sexual transmission, rather than to prevention funding as a whole. This will enable greater flexibility.

At the same time, the language would ensure the continuation of funding for abstinence and faithfulness programs as part of comprehensive, evidence-based ABC activities. Rather than maintaining the existing directive of 33 percent of all prevention funding, the proposal would require that 50 percent of the sexual prevention subset of prevention activities be spent to support abstinence and faithfulness. It also acknowledges that different strategies are needed depending on the facts of the epidemic in each country—something PEPFAR is already doing. I think this compromise approach is one that can win support from across the political spectrum and provide increased flexibility while ensuring continued support for comprehensive, evidence-based prevention. I look forward to working on this with my colleagues.

The one directive in the Leadership Act that I believe must be maintained holds that 10 percent of funding be devoted to programs for orphans and vulnerable children. There were few programs focused on the needs of these children before the Leadership Act, and we remain in the early stages of the effort to serve them. Before the advent of PEPFAR, neither the United States, nor anyone else, had much experience in programs to support children infected with, or affected by, HIV/AIDS. After several years of effort, we have made some progress, but our programs are not yet as firmly established as they can be. This year PEPFAR invited proposals for orphans programs from the field—but the number of proposals that came back was far less than the available funding. This indicates that we still have much work to do in this area, and maintaining this directive will help to ensure that we do it.

The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region. The American people strongly back this effort, and the maintenance of this directive will help to ensure that we remain attentive to those who need our support the most. The directive will also help ensure the success of the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, a bill I drafted, which was cosponsored by 11 Senators. That bill was signed into law on November 8, 2005.

My bill also includes some new language regarding the Global Fund, an organization that enjoys wide support in Congress. The Global Fund is a critically important partner in our fight against HIV/AIDS. In addition to our contributions, we are active on its board, and U.S. personnel provide the Global Fund with extensive technical assistance. The Global Fund is an avenue for the rest of the world to make contributions to antidisease initiatives. The United States is the largest supporter of the Global Fund, having provided more than $2 billion so far. The American people have contributed approximately one-third of all moneys received by the fund.

The fund is subject to pressures from many donors, and it is widely acknowledged that it would benefit from greater transparency and accountability. As chairman of the Senate Foreign Relations Committee from 2003 through 2006, I oversaw the passage of legislation that strengthened the transparency and accountability of international organizations that receive U.S. funding, including the World Bank and the International Monetary Fund. My proposed language would establish similar benchmarks for U.S. funding for the Global Fund. I address such benchmarks at some length in my proposed legislation—not because of concerns over specific Global Fund activities—but rather to ensure sound practices and give members confidence that U.S. contributions are being monitored carefully. Most of these benchmarks are based on provisions contained in past appropriations bills, and I do not believe they will be controversial.

S. 1966 would maintain the limitation in the existing Leadership Act that U.S. contributions to the Global Fund may not exceed 33 percent of its funding from all sources. This limitation has proven to be a valuable tool for increasing contributions to the fund from other funding sources, including other governments, and I believe there is wide agreement that this provision should be maintained.

Lastly, let me turn from the details of the proposed legislation to add some perspective to this reauthorization effort. The U.S. National Intelligence Council and innumerable top officials, including President Bush, have stated that the HIV/AIDS pandemic is a threat to national and international security.

The pandemic is rending the socioeconomic fabric of communities, nations, and an entire continent, creating a potential breeding ground for instability and terrorism. Communities are being hobbled by the disability and loss of consumers and workers at the peak of their productive, reproductive, and care-giving years. In the most heavily affected areas, communities are losing a whole generation of parents, teachers, laborers, health care workers, peacekeepers, and police.

United Nations projections indicate that by 2020, HIV/AIDS will have depressed GDP by more than 20 percent in the hardest-hit countries. The World Bank recently warned that, while the global economy is expected to more than double over the next 25 years, Africa is at risk of being "left behind."

Many children who have lost parents to HIV/AIDS are left entirely on their own, leading to an epidemic of orphan-headed households. When they drop out of school to fend for themselves and their siblings, they lose the potential for economic empowerment that an education can provide. Alone and desperate, they sometimes resort to transactional sex or prostitution to survive, and risk becoming infected with HIV themselves.

I believe that in addition to our own national security concerns, we have a humanitarian duty to take action. Five years ago, HIV was a death sentence for most individuals in the developing world who contracted the disease. Now there is hope. We should never forget that behind each number is a person—a life the United States can touch or even save.

At the time the Leadership Act was announced, only 50,000 people in all of sub-Saharan Africa were receiving antiretroviral treatment. Through March of this year, the act has supported treatment for more than 1.1 million men, women, and children in 15 PEPFAR focus countries. During the first three and a half years of the act, U.S. bilateral programs have supported services for more than 6 million pregnancies. In more than 533,000 of those pregnancies, the women were found to be HIV-positive and received antiretroviral drugs, preventing an estimated 101,000 infant infections through March 2007.

Before the advent of PEPFAR, there was little concerted effort to meet the needs of those orphaned by AIDS, or of other children made vulnerable by it. We have now supported care for more than 2 million orphans and vulnerable children, as well as 2.5 million people living with HIV/AIDS, through September 2006.

Effective prevention, treatment, and care depend to a large extent on people knowing their HIV status, so they can take the necessary steps to stay healthy. The United States has supported 18.7 million HIV counseling and testing sessions for men, women and children.

Our financial investment in this fight has been critical to our success, and thanks in large part to the flexibility of the Leadership Act, we have been able to obligate more than 94 percent of its available $12.3 billion appropriated through this fiscal year.

PEPFAR, led by its coordinator, Ambassador Mark Dybul, has utilized the existing Leadership Act authorities well and has listened to the Congress and many other stakeholders. We should maintain the flexibility to respond to the changing dynamics of the epidemic, rather than locking in particular approaches that might be appropriate for 2007, but that might prove problematic for future years. As the Institute of Medicine said, the Global Leadership Act is a "learning organization." We should pass a bill now that allows PEPFAR to expand and evolve its program implementation utilizing the experience of these past 3½ years.

I believe that we will save more lives and prevent more infections if we reauthorize this remarkable program this year. I ask my colleagues to work with me to achieve a truly bipartisan triumph of which we can all be proud.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

IRAQ

Mr. DORGAN. Mr. President, I am going to make a few comments this morning about a hearing we just completed in the Democratic policy committee, but I am waiting for some charts. While I am waiting for those charts, I want to talk a moment about what is happening with respect to the debate here in this Chamber dealing with the war in Iraq. It relates to some things I said on the floor of the Senate yesterday but I think really bear repeating.

We are talking about the war in Iraq, the need to attempt to change course in Iraq, and yesterday I described again what the latest National Intelligence Estimate tells us. Now, all of us have access to this. There is a classified version, a top-secret version, and a nonclassified version, but all of us have access to this information. Here is what it says in the context of protecting this country and providing security and safety for this country. Here is what the National Intelligence Estimate says:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland. We assess the group has protected or regenerated key elements of its homeland attack capability, including: a safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Here is what it says. It says the greatest terrorist threat to our homeland is al-Qaida and its leadership, who even now are plotting attacks against our country and who have a safe haven in the Pakistan region. Now, if that is the case, it is quite clear that the central fight on terrorism is not going door to door in Baghdad in the middle of a civil war. Yet that is what we are doing.

I have asked this question, and I have repeatedly asked it: Why should there be 1 square inch on the planet Earth that is secure or safe for Osama bin Laden and the leadership of al-Qaida? Yet our National Intelligence Estimate says they are in a safe haven. A "safe haven." These are the people who boasted of killing Americans on 9/11. They boasted about engineering 19 terrorists aboard airplanes full of fuel and passengers, and they ran them into buildings, killing innocent Americans. And 6 years later, our National Intelligence Estimate tells us that those who engineered that attack have regrouped, are developing new training camps for terrorists, and are in a safe haven and developing new plans to attack America. That is unbelievable to me.

We are debating the war in Iraq, which our National Intelligence Estimate also says is largely sectarian violence, or a civil war. Yes, there is some al-Qaida in Iraq, but that is not the central front, and that is not the central war on terrorism. If, in fact, our role as a responsible country is to protect our citizens, then it seems to me we would change course and change strategy so that we are taking the fight to the terrorists and fighting the terrorists first.

We have been bogged down—longer now than in the Second World War—in what has become a civil war in Iraq. Meanwhile, the greatest terrorist threat to our homeland is in a safe haven. Osama bin Laden, al-Zawahiri, and others, the leadership of al-Qaida, in a safe haven.

What are the consequences of that safe haven? Let me show a newspaper report from last week. All of us understand this because we heard about it. They picked up terrorists in Denmark, they picked up terrorists in Germany. The terrorists in Germany were plotting attacks against the largest U.S. military base in Europe. Where did those terrorists train? In Pakistan. In terrorist training camps in Pakistan.

We are now seeing the fruit of what has been allowed to happen—the leadership of al-Qaida in a safe or secure place, operating or developing new training camps, training new terrorists to launch attacks against our country. Meanwhile, we are going door to door in Baghdad in the middle of sectarian violence. If ever there is a description of a need for a change of course, that is it. I do not understand why some fail to recognize what has happened.

You can go back to February, you can go to June, you can go to the disclosures and read them. This one is June:

"Al-Qaida regroups in new sanctuary in Pakistan border."

> While the U.S. presses its war against insurgents linked to al Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior U.S. military, intelligence and law enforcement officers said. The threat from the radical Islamic enclave in Waziristan is more dangerous than from Iraq, which President Bush and his aides called the central front of the war on terrorism, said some current and former officials. Bin Laden himself is believed to be hiding in the region guiding a new generation of lieutenants and inspiring allied extremist groups in Iraq and other parts of the world.

I don't, for the life of me, understand the failure to recognize a set of facts. This reminds me of the period prior to the invasion of Iraq—a set of information that on its face later turns out to have been wrong.

We don't need to be told what is right or wrong in terms of the set of facts—read the facts, understand the facts. If the central threat to our country, the greatest threat to our country, according to National Intelligence Estimates, is al-Qaida and its leadership and its reconstruction of its system of terror and the development of new terrorist camps, if that is the case then, that is where America has to be to wage the fight against that kind of terrorist group. Instead, we are in the middle of a civil war. That is why we need a change in course, a change in strategy.

It is not as some of my colleagues talk about, a plan for surrender. It is simply deciding we are going to attack and launch an effort to destroy that which represents the greatest threat to our country. It is surprising to me that 6 years later there is anyplace on the planet Earth that should, by our national intelligence officials, be declared safe or secure for the leadership of al-Qaida. Yet that is exactly what we read and what we hear and what we see in official reports. That is not something we should accept.

I wish briefly today to talk about the results of a hearing that the Democratic Policy Committee held this morning. The hearing was about the subject of contractors in Iraq and also the subject of what are called whistleblowers, those are people who are, in many cases, very courageous people who blow the whistle on waste, fraud, and abuse on behalf of the taxpayers of America; to say this is wrong and it must stop.

We had some very disturbing testimony this morning. We had eight witnesses. Four of them were whistleblowers. They have paid dearly for having the courage to come forward.

Let me read the testimony of a Donald Vance, U.S. Navy veteran; 30-year-old U.S. Navy veteran. When leaving the Navy, he chose to go to Iraq as a civilian to help American efforts to rebuild the country. He worked for a couple of private military contractors in Iraq. Here is what happened to him.

What he saw with respect to the last contractor he worked with was the sale of weapons, the sale of stolen weapons to interests who should not have weapons, insurgents and others. So he began to report it. It was something he believed very seriously. He reported it to his superiors. He reported it to the FBI. He reported it to U.S. military officials.

As a result, this U.S. Navy veteran found himself in big trouble. Here is what he said.

> Because of the information I possessed and because of my unwillingness to condone the corruption in the company that I saw, I became a target within the company. They took measures to ensure that I could not leave their compound in the Red Zone in which [they] were located. When I called the United States government for help, [the U.S. Government] came to the compound to rescue me. But what started as a rescue ended up as a nightmare.
>
> That night I was taken to the United States Embassy and debriefed. I told the agent that questioned me everything I had witnessed [about the sale of illegal guns and illegal activity that had gone on.] I also told him that I was informing for the FBI. Instead of contacting the FBI to verify the information I provided, these U.S. government officials blindfolded me, handcuffed me, and took me into detention. According to the Department of Defense spokesperson, they did not bother to contact the FBI until three weeks into my detention. To this day [he said] even though the Freedom of Information Act requests [have been made] no government official has explained what was asked of the FBI regarding myself and what the FBI said in response.
>
> I spent 97 days in . . . isolation. I was denied food and water. I was denied sleep. I was also denied requested, and much needed, medication. There was intolerably-loud heavy metal and country music blaring into the cells. The lights in the cells were always on. The guards would threaten me and physically assault me. For example, the guards would walk me into walls while I was blindfolded and handcuffed, "shake down" my cell for contraband, threaten to use excessive force if I did not obey all of their orders. Finally, for the first few weeks I was [in this prison] I was denied a phone call. No one in my family knew where I was, if I was alive or if I was dead.
>
> During [that] time I was interrogated constantly. Before each session, I would ask for an attorney. The request was invariably denied. Instead, I was interrogated by a host of United States government personnel, including FBI agents, Navy Criminal Investigative Service officers, as well as possibly CIA and DIA agents. . . .
>
> According to the government, I was being held as a security internee because of my affiliation with [the private security firm], certain members of which the government believed were selling weapons to insurgents. . . .
>
> Three months after I was detained, and after alleged subsequent "re-examination" of my case, the government released me. Before I was released, however, I had one final interrogation. The main focus of that interrogation was what was I going to do when I got home: Was I going to write a book? Was I going to tell the press? Was I going to get an attorney?

When they released me, he said, they "gave me a $20 bill and dumped me at the Baghdad airport to fend for myself without the documentation I needed to return to the United States."

A whistleblower who saw illegal activity, saw the selling of improper guns in Iraq, some to insurgents, he felt, went to authorities. His country, the United States of America, held him prisoner for 97 days. No habeas corpus—which is in the Constitution, by the way. No right of habeas corpus for an American citizen here. No right to contact an attorney. If this doesn't disturb the American people, I don't know what will disturb the American people.

We heard today from other witnesses talking about two things. One was the abuse of the taxpayer by contracting firms in Iraq—waste, fraud, and abuse that represents I think some of the worst waste, fraud, and abuse in the history of this country. I have held, I believe, 10 or 12 hearings on this subject as chairman of the Policy Committee over the last 3 years. The evidence is unbelievable: $40, $45 for a case of Coca-Cola. It doesn't matter, the taxpayer is going to pay for that. You order 50,000 pounds, 25 tons of nails, and they deliver the wrong size, it doesn't matter, throw them on the sand of Iraq, the taxpayers will pay for it. Or a $7,000-a-month lease payment for an SUV.

Henry Bunting over in Kuwait, working for Halliburton—KBR, a subsidiary of Halliburton—he had a job as a purchaser. He said, as a small example, I was supposed to order hand towels for the American troops so I filled out an order to order white hand towels. My supervisor said: No, we don't want those white hand towels. We want hand towels with KBR, the logo of our company, embroidered on the towels. Henry says: But it will triple the cost. The supervisor says: It doesn't matter, the American taxpayer is paying for this. It is a cost-plus contract; don't worry about it.

These are small items, but there are large items. It is unbelievable the amount of waste, fraud, and abuse we have uncovered. The fact is, there seems to be an attitude in some parts of this Government to sleepwalk through it all. It doesn't matter. It just doesn't matter.

Can you imagine a circumstance where a contractor, in this case Halliburton, KBR, is charging us for 42,000 meals a day it is providing American troops, American soldiers—42,000 meals a day, and it turns out they are only giving 14,000 meals a day? They overcharged by 28,000 meals a day, according to Government estimates. How do you miss 28,000 meals a day?

The evidence is unbelievable when you go through this. This morning we had a hearing about contracting abuse. We had testimony. I read some from Donald Vance, who worked for a contractor in Iraq and was imprisoned by his Government for 97 days, not given the right to an attorney, not given the right to contact anybody on the outside at any time during the early stages of that confinement. That is unbelievable.

Bunnatine Greenhouse testified once again this morning, the highest ranking civilian official in the U.S. Army Corps of Engineers. She said the abuse related to the awarding of contracts—here is what she said exactly. This is the highest ranking civilian official in the U.S. Army Corps of Engineers.

> I can unequivocally state that the abuse related to the contracts awarded to KBR—

that is a subsidiary of Halliburton—

> represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

Do you know what happened to this woman for that? She lost her job. That is unbelievable, when you think about it. I talked to Secretary Rumsfeld about this case. I talked to Secretary Gates about this case. I talked to Deputy Secretary England about this case—nothing. Oh, we are all looking at it, we are all investigating. They have been doing that for 2 years.

I called the commanding officer of the Army Corps of Engineers when Bunnatine Greenhouse was given this job. This is a woman with three master's degrees, judged by everyone from outside the Government who deals with contractors as outstanding, given outstanding references on her performance reviews all along, until somehow she got into a situation where she said: I saw things going on with sole-source contracting, awarding big contracts, billions of dollars of contracts and doing it improperly, abusively. "I blew the whistle," she said, and all of a sudden she got into trouble and they demoted her.

I called her former commanding officer, General Ballard, now retired. I called him at home one night and I said: Tell me about Bunnatine Greenhouse, because she has paid for her courage to speak out with her career. Here is what her boss said: "She did an outstanding job." This is an outstanding employee. But because she had the courage as a whistleblower to stand up and report things that were wrong, abusive behavior, behavior that abuses the American taxpayer, she paid for it with her job.

We can't let that continue to happen. That is why I held this hearing. The best disinfectant for bad behavior is sunlight, and I hope, as we continue to expose more and more of this, I hope we can put an end to it. Those who have the courage to come forward and report wrongdoing, to report waste and fraud and graft and corruption—in my judgment, we ought to thank them. There is a story, I don't have a copy of it here, a story in the USA Today newspaper, written by an investigative reporter, that deals with these issues, the issues of oversight of contractors and the oversight of contracts that are let with respect to the war in Iraq. What we have found—Senator WYDEN and I have worked on this in the Senate—the Pentagon wants to hire companies to oversee other companies. You can't do that. You can't delegate that responsibility. Who is looking out for the taxpayer here?

We had testimony today from Robert Isackson. Robert Isackson is a patriotic American. He was someone who saw criminal activity with a company called Custer Battles. He reported it. For that, he and others who were with him were surrounded by people with guns, threatened. He came today and expressed profound disappointment at the way the Federal Government has responded or failed to respond. As a person who had the courage to be a whistleblower, who saw something wrong and decided to try to right it, as a person who stood up for the best interests of this country and its taxpayers, we owe him a debt of gratitude.

And yet we see today that what has happened, systematically—the Associated Press wrote a big article about this, exposing it. What has happened systematically under this administration to whistleblowers is they are abused, not protected; not thanked, but abused. I would hope whoever in this administration is responsible and listening and understanding might decide that has to stop.

I will speak more at some point soon about the results of this hearing. My colleague Senator GRASSLEY from Iowa I know has spent a lot of time on whistleblower issues, and other colleagues have as well. It is very important for us that when people come forward to report acts of wrongdoing, fraud, waste, abuse, that this country says thank you and follows up and will not allow those people to be abused and penalized. Yet, all too often, that has not been the case. It has to change.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to speak, and then the Senator from Alaska, Ms. MURKOWSKI, be able to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. HATCH. Mr. President, I want to address my colleagues for just a few minutes on the subject of nominations to the Department of Justice and to the Federal judiciary.

Our obligation is the same for each, to focus on the qualifications of nominees through a process that respects the separation of powers.

First, let me say that the President has made a first-rate nomination by choosing Judge Michael Mukasey as the next Attorney General of the United States. He will bring to this vital leadership post 16 years of private legal practice, 4 years as a Federal prosecutor, and 19 years as a Federal judge.

He headed the Official Corruption Unit during his service as Assistant U.S. Attorney in the Southern District of New York. And he served as Chief Judge during his last 6 years on the U.S. District Court for the Southern District of New York.

By any reasonable or objective measure, Judge Mukasey is clearly qualified to lead the Justice Department.

I want also to draw attention to an aspect of Judge Mukasey's experience and record that makes him particularly qualified to lead the Justice Department at this challenging time in our history.

The U.S. District Court is divided into 94 geographical districts. These districts' caseloads vary widely, reflecting the characteristics, demographics, and realities in those districts.

The Southern District of New York, where Judge Mukasey served for 19 years and which he led for 6 years, is no different.

Serving in that key judicial district led Judge Mukasey to confront the terrorist threat to America long before the 9/11 attacks. He presided over the prosecution of Omar Abdel Rahman and sentenced him to life in prison for his role in the 1993 plot to blow up the World Trade Center.

When the U.S. Court of Appeals for the Second Circuit affirmed Judge Mukasey's decision, it took the unusual step of commenting specifically on how he had handled the trial. The appeals court said Judge Mukasey "presided with extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury. His was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge."

That is a remarkable statement. Appeals courts review lower court decisions, but very rarely do they comment in this manner on lower court judges.

That case occurred before the 9/11 terrorist attacks.

Ten years later, after those attacks, Judge Mukasey ruled that the President had authority to designate Jose Padilla as an enemy combatant against the United States and that, even as an enemy combatant, he must have access to his lawyers. Padilla was eventually convicted of providing material assistance to terrorists.

Legal analyst Benjamin Wittes wrote about this case in the journal Policy Review and said that Judge Mukasey's decision was "the single most compelling judicial opinion yet written on the due process rights of citizens held as enemy combatants." That is high praise indeed.

This background and experience with national security and terrorism cases make Judge Mukasey especially qualified to lead the Department of Justice at this time in America's history.

The Justice Department is being retooled and redirected in light of the war on terror, including creation of its new National Security Division.

Many of the issues in this area may begin with legislation, but end up in the courts. Having someone at the helm with experience not only as a prosecutor but as a judge evaluating these very issues will be invaluable.

In addition to these qualifications are important personal and character qualities which I believe we need in our leaders.

A Federal judge's law clerks probably know better than anyone how the judge thinks, how he approaches the law, how he handles tough issues, and how he treats others.

I ask unanimous consent to have printed in the RECORD a letter signed by 43 of Judge Mukasey's former law clerks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. This letter describes his decisiveness and mastery of the law, as well as his fairness, humility, and commitment to public service.

We must evaluate Judge Mukasey's qualifications and character through a process that respects the separation of powers.

The Constitution gives the President authority to appoint members of his Cabinet, including the Attorney General. While the Senate has a role in checking that authority, ours is not a coequal role with the President, and we may not use our confirmation role to undermine the President's appointment authority.

Some of my colleagues may want to use these nominations to fight policy or political battles. Those fights are for the legislative process or the oversight process, but not the confirmation process.

Some of my colleagues have even hinted that they may manipulate the confirmation process for Judge Mukasey in an attempt to force compliance by the Bush administration with certain demands on other issues.

That kind of political extortion would be wrong.

The Justice Department needs leadership now, and Judge Michael Mukasey is qualified and ready for duty now.

During my 31 years in this body, we have taken an average of 3 weeks to move an Attorney General nominee from nomination to confirmation. There is no reason we cannot meet that standard with the excellent and well-qualified nominee now before us.

The same two obligations apply to nominations to the Federal bench.

Let me repeat, we must focus on a nominee's qualifications through a process that respects the separation of powers.

It is a curious fact of recent American history that, like the situation today, the last three Presidents each faced a Senate controlled by the other political party during his last 2 years in office. Two of those presidents were Republicans, one was a Democrat.

During those last 2 years of a President's tenure, the Senate confirmed an average of 91 judges, 74 to the U.S. District Court and 17 to the U.S. Court of Appeals.

This is only one way of measuring confirmation progress, and I realize some may not care a bit about what has happened in the past. But for those who do, I simply offer this as a yardstick, a gauge of the progress we are making today.

The last 2 years of those previous Presidents' tenures are an obviously parallel measure for us today, since we are in the last 2 years of President Bush's tenure.

We are nearing the end of September and have confirmed just three judges this year to the U.S. Court of Appeals. The last one was nearly 5 months ago.

At the same point in this same year during those last three administrations, the Senate had confirmed an average of six appeals court nominees, twice as many.

Meanwhile, the vacancy rate on the U.S. Court of Appeals continues to rise, and is nearly 10 percent higher than when President Bush was reelected.

By raising this issue, I run the risk of some talking about what they like to call pocket filibusters of Clinton nominees. This cute but profoundly misleading phrase is intended to suggest that the Republican Senate blocked Clinton judicial nominees, the number they use varies all the time, who all could have been confirmed.

I will say just two things about this well-worn mantra.

First, a certain number of nominees of every President remain unconfirmed for a variety of reasons. Anyone who pretends otherwise is trying to mislead the American people about how the confirmation process actually works.

Some Clinton nominees were withdrawn, others were opposed by home-State Senators, others were nominated too late to be evaluated. Honestly taking these and other factors into account shows that the margin of error by these critics tops an astonishing 400 percent.

The second response is simpler. President Clinton appointed 377 Federal judges with a Senate controlled by the other party for 6 of his 8 years in office.

This is second only to President Reagan's 383 judicial appointees with a Senate controlled by his own party for 6 of his 8 years in office.

We need to make more progress confirming judicial nominees. The needs of the judiciary and the yardstick of history indicate that we are not doing our duty.

President Bush has the lowest judicial confirmation rate, overall, and for appeals court judges in particular, of any President during my three decades in this body.

Instead of making the confirmation progress that we should, we see a series of steadily changing standards, whatever it takes to defeat the nominations of good men and women.

I have spoken here on the floor several times about the attack on Judge Leslie Southwick, nominated to the U.S. Court of Appeals for the Fifth Circuit.

Opponents urge his defeat on the basis of just two of the 7,000 cases in which he participated, on the basis of two concurring opinions he did not write—not because he applied the law incorrectly, but because the opponents do not like the result of him applying the law correctly.

That standard is wrong and I hope it does not succeed.

I have here the Washington Post editorial from last month and I agree with its title. Judge Southwick is indeed qualified to serve.

The editorial says that while the Post does not like the results in the two cases that opponents highlight, they cannot find fault with Judge Southwick's legitimate interpretation of the law.

Judges are not supposed to deliver results that please this or that political constituency. Judges are supposed to correctly interpret and apply the law.

Judge Southwick is committed to that judicial role and he should be confirmed.

Now we see an attack on another nominee to the same court, Judge Jennifer Elrod.

When the Judiciary Committee reported her nomination to the floor yesterday, one of my Democratic colleagues questioned her qualifications for the position.

Judge Elrod, who currently serves on the State court trial bench in Texas, graduated cum laude from Harvard Law School and joined the State trial court bench after 8 years of private practice. For a dozen years, she served on the board and eventually chaired the Gulf Coast Legal Foundation, one of the largest legal aid organizations helping the poor in southeastern Texas.

Judge Elrod has as much judicial experience as did Sandra Day O'Connor when she was unanimously confirmed to the Supreme Court of United States. In fact, when you include Judge Elrod's 2 years clerking for U.S. District Judge Sim Lake, Judge Elrod has more judicial experience, and more Federal court experience, than did Justice O'Connor.

I voted for Justice O'Connor, I certainly believed she was qualified for the Supreme Court, and I know that Judge Elrod is qualified for the Fifth Circuit.

But Democratic colleagues in the Judiciary Committee also questioned Judge Elrod's fitness for the Fifth Circuit because of her race. One colleague said that we must consider the race of sitting judges as well as judicial nominees as we proceed through the confirmation process.

The implications of this view are troubling, to say the least. This means that no matter what a nominee's qualifications, no matter what her experience or background, no matter what she would bring to the bench, a nominee's race can, and some apparently believe even should, trump her merit.

Appointing judges based on race is an inappropriate standard that I cannot accept.

Like Judge Southwick, Judge Elrod has been nominated to a vacancy open so long that the Administrative Office of the U.S. Courts has designated it a judicial emergency.

Like Judge Southwick, Judge Elrod should be confirmed without further delay.

Evaluating nominees and deciding whether to consent to their appointment is a unique and profound responsibility of this body. As we examine the nomination of Judge Mukasey to be Attorney General or the nominations of Judge Southwick and Judge Elrod to the Fifth Circuit, I urge my colleagues to focus on their qualifications. I urge my colleagues to fulfill our responsibility through a process that respects the separation of powers. I urge my colleagues to reject inappropriate standards such as political litmus tests or race.

Our judiciary is the best and most independent in the world, and I hope we will preserve this tradition in our confirmation actions and decisions in the weeks and months ahead.

EXHIBIT 1

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN LEAHY, and RANKING MEMBER SPECTER: We served as law clerks for the Honorable Michael B. Mukasey, former Chief Judge of the United States District Court for the Southern District of New York and the President's nominee for Attorney General of the United

States. Each of us had the privilege of working closely with Judge Mukasey and observing this man of great intellect, integrity, honor, and judgment. We write to express our enthusiastic support for Judge Mukasey's nomination.

Judge Mukasey's reputation as a careful and wise jurist is well deserved. In each of his cases, Judge Mukasey based his decisions—always thoughtful, carefully crafted, and well-reasoned—on the application of governing laws and legal principles to the facts. As a trial judge, he controlled the courtroom through his decisiveness and mastery of the rules of evidence. In the performance of his judicial duties, the Judge taught us the importance of modesty and humility, for he recognized that with his position came great responsibility that had to be exercised prudently and with care. All who appeared before him were treated with fairness and respect. And as Chief Judge of the district for six years, he managed one of the nation's busiest and most respected courthouses, all the while attending to a full docket of cases.

Because of the close relationship between law clerk and judge, we came to know Judge Mukasey not only as a jurist, but also as a person. The Judge is kind, caring, loyal, ethical, and modest, with a disarming wit and robust sense of humor. He was a wonderful teacher, sharing with us his insights into life, law, and lawyering. Even after leaving our clerkships, the Judge has joined in our significant life events and provided invaluable advice—from attending our weddings, to visiting us following the births of our children, to assisting us with career choices. He remains a true friend and mentor.

Finally, Judge Mukasey is deeply patriotic and has spent most of his career in public service, first as an Assistant United States Attorney—a job he speaks of with great pride even years later—and then as a judge. Notwithstanding the immense imposition on him and his family that resulted from the terrorism cases over which he presided, the Judge proceeded without complaint or hesitation, seeing it as part of his duty to the country he loves.

The President has now asked Judge Mukasey to serve our country again, this time as Attorney General of the United States. We are certain that he will make an outstanding Attorney General. Judge Mukasey's keen intelligence, independence and judgment will bring to the country as a whole and to the Department of Justice in particular strong leadership and integrity.

We urge you to confirm him as Attorney General without delay.

Sincerely,

Steven M. Abramowitz, Clerk for Judge Mukasey, 1990–91; Laura Adams, Clerk for Judge Mukasey, 1992–93; David Altschuler, Clerk for Judge Mukasey, 2005–06; Elisabeth Bassin, Clerk for Judge Mukasey, 1989–90; Matthew Beltramo, Clerk for Judge Mukasey, 1997–98; Heana H. Kutler, Clerk for Judge Mukasey, 1995–96; David Leinwand, Clerk for Judge Mukasey, 1991–92; Justin D. Lerer, Clerk for Judge Mukasey, 2002–03; Russell L. Lippman, Clerk for Judge Mukasey, 2001–02; and Nicole Mariani, Clerk for Judge Mukasey, 2005–06.

Babette Boliek, Clerk for Judge Mukasey, 1998–99; William A. Braverman, Clerk for Judge Mukasey, 1994–95; Gidon M. Caine, Clerk for Judge Mukasey, 1988–89; Andrew J. Ceresney, Clerk for Judge Mukasey, 1996–97; Daniel Park Chung, Clerk for Judge Mukasey, 2004–05; David Cross, Clerk for Judge Mukasey, 2003–04; Thomas Dahdouh, Clerk for Judge Mukasey, 1988–89; Inayat Delawala, Clerk for Judge Mukasey, 2004–05; Anne Osborne Martinson, Clerk for Judge Mukasey, 1990–91; and Zachary S. McGee, Clerk for Judge Mukasey, 1997–98.

Sanjay Mody, Clerk for Judge Mukasey, 2003–04; Shawn Morehead, Clerk for Judge Mukasey, 2000–01; Florence Pan, Clerk for Judge Mukasey, 1993–94; Frank Partnoy, Clerk for Judge Mukasey, 1992–93; Mickey Rathbun, Clerk for Judge Mukasey, 1987–88; Katherine J. Roberts, Clerk for Judge Mukasey, 2001–02; Jenny C. Ellickson, Clerk for Judge Mukasey, 2003–04; Michael Farbiarz, Clerk for Judge Mukasey, 1999–00; Jesse M. Furman, Clerk for Judge Mukasey, 1998–99; and Bruce Goldner, Clerk for Judge Mukasey, 1993–94.

Nola Breglio Heller, Clerk for Judge Mukasey, 2004–05; Mary Holland, Clerk for Judge Mukasey, 1989–90; Michael Jacobsohn, Clerk for Judge Mukasey, 2005–06; Emil A. Kleinhaus, Clerk for Judge Mukasey, 2002–03; Ilissa Rothschild, Clerk for Judge Mukasey, 1987–88; Andrew A. Ruffino, Clerk for Judge Mukasey, 1995–96; Sarah Russell, Clerk for Judge Mukasey, 2002–03; Hattie Ruttenberg, Clerk for Judge Mukasey, 1991–92; Eli Schulman, Clerk for Judge Mukasey, 1999–00; and Ian Shapiro, Clerk for Judge Mukasey, 2000–01.

Paul Spagnoletti, Clerk for Judge Mukasey, 2001–01; Debra Squires-Lee, Clerk for Judge Mukasey, 1996–97; Alisa Jancu Kohn, Clerk for Judge Mukasey, 1994–95; and David B. Toscano, Clerk for Judge Mukasey, 1994.

Mr. HATCH. I personally thank my colleague from Alaska for allowing me to go forth and to make these comments. I am grateful to her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

IRAQ

Ms. MURKOWSKI. Mr. President, we have had a very good, healthy debate in the Senate this week on the subject of the war in Iraq. Sometimes it has been more spirited than usual. At times, it was spirited to the point where some things were said that perhaps did not further a good constructive debate but took the debate a little bit downhill. We in the Senate recognize it is our job to bring forward the issues, to discuss the very difficult considerations that are before us as a Congress, but to always do it in a manner that reflects the level of civility a truly good discourse, a good debate should bring.

I had an opportunity a couple days ago to speak with a general from my home State. I asked him for his comments on what he was seeing as he was watching our debate. He said: Senator, the debate has been good. The debate has been healthy. There clearly are different perspectives that are coming out on the floor, but through it all, no one has foresworn the soldier. He said: That makes me feel good as an American, certainly good as a military leader.

That is important to remember, that in the heat of debate, we not foreswear our military, that we always honor and respect that which they do in such an honorable way.

I personally want to thank Senator WEBB, the junior Senator from Virginia, for bringing forth an issue this week. This was the amendment he introduced that related to the amount of dwell time, the amount of time deployed versus the amount of time a serviceman stays at home. It was important for us to focus on the support side of our military. We know that those who are serving us over in Iraq and Afghanistan, and truly in all parts of the world, where they are separated from their families, are at their best and serving us to their fullest when they are able to focus on their job.

For those families who remain behind, who miss not having dad or mom at home or miss not having their husband or their wife with them, they wish the circumstances were otherwise. But we know that the families who have stood behind our service men and women, allowing them to serve—it is these families, too, who are serving our country. We need to recognize the sacrifices those families also make. They may not be on the front lines, but there is no shortage of worry and concern and true anxiety over the health and safety of their loved ones. We put our military families through a great deal of stress at a time of war particularly.

Just as we can never adequately tell our service men and women thank you enough, neither can we say thank you enough to the families who provide that support. I thank Senator WEBB for reminding us of the obligation we owe to the military families themselves.

We all have our own stories of the exchanges we have had with the military families in our respective States. A situation that is very clear in my mind, even well over a year later, was an incident that happened in July 2006. This was, specifically, July 27 in Fort Wainwright, AK, near Fairbanks, where it was publicly announced that the men and women of the 172nd Stryker Brigade Combat Team were going to be extended in Iraq for 120 days. There was some uncertainty as to whether it was just 120 days or whether it would go even beyond. This Stryker Brigade had been serving very admirably, honorably in a difficult part of Iraq and had been there for a year. This decision literally pulled the rug out from under the families and the community in Fairbanks. It was a surprise, a shock to the servicemembers and their families.

At the time that extension was announced, some elements of the 172nd had already returned home. They were back in Alaska. There were airplanes that were transporting other elements back home that literally turned around in midair when they got the notice of the extension. Soldiers who had remained behind in Iraq were packing up the unit. They had heard the rumors that they might be extended. Unfortunately, they heard it from their family members back in Fairbanks, who had heard it on the news and then contacted their loved ones over in Iraq. They made some very difficult phone calls confirming that, in fact, the rumors were true.

This was an absolutely unacceptable situation. It is one thing to be prepared for an extension. It is one thing to know this is your commitment. But when your family is anxiously awaiting you, when you are anxiously awaiting your return after a year's service in combat, it was horrible for the families.

I was in Fort Wainwright a couple days after the announcement of the extension. At the front gate of the post they have a chain-link fence that goes for a mile or so. In anticipation of the return of their loved ones, families had pulled together the homemade banners saying, "Welcome home, Daddy. We miss you, we love you, we can't wait to see you." Those signs, some of them clearly in children's writing, absolutely broke one's heart because those signs were made with great anticipation and then put up on the fence. They were not going to be seeing dad that next day or that next week. They were not going to be seeing their husband as a consequence of the extension. As a consequence of that extension, there were a few who never came home at all.

This was a difficult situation, of course, for the families, for the soldiers. It certainly brought me much closer to many of those military families. It caused me to set in mind a singular goal: that we were going to bring the 172nd Stryker Brigade Combat Team home without any further extension. This was tough enough, this 120-day extension, but we were going to make sure there was no further extension.

To the Army's credit, they stepped up to the plate. They brought a very extensive menu of family support services that we had never seen before.

The Fairbanks community, which has always been extremely welcoming, loving toward our military—gave an outpouring of support. They truly went above and beyond.

The other thing we saw at that time was the strength of the family readiness groups, the women, the wives who had for a year been holding everybody together, encouraging the younger wives who had never gone through deployment. There was a great deal of camaraderie, a great deal of support. The support from those family readiness groups helped them get through the additional 120 days.

In December of last year, the 172nd Stryker Brigade Combat Team came home. There was no further extension. They were able to be home for Christmas. They were able to return because another unit that was ready to go broke dwell and went over early to relieve the 172nd. That speaks volumes about the sacrifices the men and the women of our military and their military families make every day supporting our Nation and supporting each other.

I was at Fort Wainwright in December when the returning soldiers were arriving. I spent one afternoon greeting planeload after planeload of soldiers. We were in a hangar where they were checking in weapons and awaiting transport to greet the families. These soldiers, from the junior enlisted up to the rank of colonel, were extremely positive about the work in Iraq. They told me, absolutely, they were making a difference. They were tired after 16 months of combat. They were absolutely elated to be home. They were very proud of themselves, of their colleagues, as we were proud of them.

As I was standing in line, there was one young man from North Pole, AK, which is not too far from Fort Wainwright. I said: So you are home. What are you going to be doing?

He said: I have a house. My house is going to be kind of the welcome home, the party house, if you will, for all the single guys and all the guys whose girlfriends have left them in the past year, for those guys whose wives are not going to be here.

He got very serious in that conversation.

I said: Do you have a lot of those men who have come home to find that their relationships are no longer intact?

He said: Yes, it is an unfortunate part. But we have been gone for a long time.

He was a young man who was single. But that, too, pulls at your heart, to know that you come home after serving your country and the relationship you had worked so hard to build prior to your departure is now no longer there.

The extension of the 172nd made me angry at that time, very angry, very frustrated—and not necessarily because our soldiers were extended. We know that it is the soldiers' creed that you put your mission before yourself. You never quit.

But I was upset because our soldiers and our families were forced to endure an abrupt reversal of what they had been promised. They had been promised: You are going to be home in a year, and they were not back in a year. Their families had been promised: You have to wait this long, but it turned out not to be true.

I have young kids. The Presiding Officer has young children. The Presiding Officer knows how children wait for something, whether it is a holiday or school to start or school to end. They put it on the calendar, and they count the days down. When the calendar has run out and that much-anticipated episode is supposed to happen and it does not happen, the disappointment of the child is very difficult. It is difficult as an adult to bear it, but we see what our children go through with extensions like this. It does make you angry that we failed to keep our promise.

Now, I have had many opportunities to meet with the spouses of those who are serving, both men and women. I have had an opportunity to meet with the family readiness groups. I think probably the most difficult meeting of any I have had with family members was a sitdown, literally a sitdown on the floor of a classroom at an elementary school on post. Children of the deployed military men and women got together for a counseling session with the school counselor. I was touring the school at the time and was able to meet with the kids and sit down in a circle as they were drawing cards to send to their mostly dads over in Iraq—there were a couple over in Afghanistan—and to talk to these children about their life with their parent gone, and gone for a long time in a child's eyes.

I talked to one little girl. She was 11 years old. Her dad has been deployed seven times. Now, I did not ask her how long each of those deployments was because when you are 11 years old, seven deployments is a lot of time out of a young girl's life. We have to remember not only—not only—what is happening in the military fight, not only what is happening on the streets of Baghdad, but we need to always keep in mind what our military families are doing in their service to support their loved ones who are serving us. So these were the considerations which were on my mind and wrestling with when we took up the Webb amendment this week.

It is important for people to understand the U.S. Army has a policy that one-to-one dwell time—in other words, 1 day deployed, 1 day home—one-to-one dwell time is the minimum acceptable dwell. This is not only to allow soldiers the opportunity to reset but also to meet the training and force structure needs. It is the minimum necessary to balance reliance on the use of the Active and the Reserve Forces.

I keep saying this is the minimum time. It is not an ideal period. The Army would actually prefer to adhere to its existing policy of 1 year in combat, 2 years out for the Active Forces. But the Army knows it cannot comply with its existing policy and meet the demands of staffing our efforts abroad. The Army discovered it could not comply as soon as this policy was announced.

When you think about that, you say: What does this say? What does this mean as far as our level of preparedness? Being prepared for war is not just making sure you have equipment you need. You have to have that human equipment. When we talk about resetting our equipment, we also need to be talking about resetting the human—the mind, the body, the spirit, and the attitude.

So when the Webb amendment was before us, I reviewed it very carefully. Contrary to some of the assertions made by some on this floor that I was strong-armed by the administration, that was not my situation. I sought out individuals whose judgment I trust. I did talk with several generals to understand the implications of the policy that was suggested—an inflexible policy, a policy that says it will be a one-to-one dwell time but without any flexibility.

I was concerned that in an effort to make sure this administration is paying attention to the military families, making sure we are giving the time we need to reset the soldier, that we were not locking ourselves into something that ties the hands of our generals, ties the hands of our military planners, and, as a consequence, yields unintended consequences that could possibly further jeopardize the safety and the security of those who are serving us in Iraq.

I did have an opportunity to meet with two of the senior military leaders. The senior Senator from Virginia had arranged for a meeting for several of us who had questions about this issue: Tell us what the implications of this policy are.

I sat down with one general who happens to be an Alaskan by choice, General Lovelace. He served several tours over at Fort Richardson and also with the Alaska Command at Elmendorf Air Force Base which is where I had known him previously. General Lovelace and General Hamm described the consequences our troops on the ground would face if the amendment before us at that time had been adopted. They mentioned a shortage of people to protect our troops from the IEDs, the improvised explosive devices. They talked about a shortage of truck drivers and mechanics, a shortage of infantry, quite possibly a shortage of senior noncommissioned officers and midcareer officers, greater reliance on Reserve and Guard than is presently contemplated, and possibly further extensions of units that are presently in the theater.

I thought about all of those, and while I do not know that all of them would have come true if we had adopted the Webb amendment this week, it concerned me greatly to think that through implementation of this amendment you could have the further extension of the units that are presently in Iraq, operating under an understanding they will be home by X date, and their family is operating under that similar assumption. That caused me great concern.

I made contact with the general who had been at Fort Wainwright at the time the 172nd had been extended. He is now the general at Fort Lewis with that Stryker Brigade unit. I asked him: Walk me through the implications. What would it have meant to the 172nd? What can it mean to your brigade at Fort Lewis? He reiterated several of the things I had learned in my conversations with General Lovelace and General Hamm. He also spoke to the strength of support that comes from the family readiness units that operate as a unit.

One of the concerns that an inflexible policy would bring is you would—in order to get some of these specialists I referred to, either additional infantrymen or additional mechanics, in certain areas or those who are skilled with the IEDs, disabling them—in order to make sure you have enough on the ground, you would have to be plucking from different units.

I thought back to what we learned there at Fort Wainwright. The thing that held those families together when they learned their husband, their brother, their son was not going to be coming home and instead was going to be extended another 120 days was the strength of that family readiness core unit. It had held everybody together.

If you separate those within the unit, you lose some of the strength and support because one of the families that had been a key member of that team has now been pulled to another unit. You lose some of the strength we have to provide for our soldiers as they are serving us. That is important to remember.

Supporting the troops, supporting their families means, first and foremost, we want to bring our troops home alive. We know military medicine is doing its part to treat those who have been injured, treating them in an expeditious manner. We are saving lives in Iraq today that would have been lost in Vietnam. That is a credit to so many. But still, the best way to come home alive is not to be injured at all.

This is what I had to come to grips with this week as we were debating this issue—whether adoption of an inflexible policy that might tie the hands of our military leaders, whether that would mean there are fewer people who would be watching the backs of the service men and women on the battlefield.

I do believe our current dwell policy must be revisited. For this time, for 2007 and 2008, what we have in place, the 15 months that have been accepted for this 12-month dwell period, it is not a perfect solution at all. I do not like it. I do not think our military leaders like it. They would prefer we were in a better place so we could provide for that equal dwell time. So I think it is important that even though the Webb amendment is no longer before us—it did not achieve the 60 votes—that we do not just kind of move on now, go to another aspect, and say the issue of dwell time is not important to us, is not important to those who are serving and their military families who are providing that support back home.

It has been suggested we could revise this policy as early as next year without causing this chaos which has been described by some of the generals. It is something we should be looking at. When we think about how we support those who are serving us, we have to remember it is unfair to our service men and our service women—who have already encountered personnel policies that turn on a dime, with multiple deployments and extensions—to endure safety risks that directly flow from an inflexible policy that keeps qualified and competent people off the battlefield. I said—and I will repeat—the current rotation may not be ideal. I don't think it is ideal. The military needs to be honest about not pushing people who are not fit for the battlefield into combat, and it needs to be honest in compensating people who have suffered debilitating mental health conditions and not take the easy way out of discharging based upon personality disorders.

The military needs to address these issues on an individual basis, and the Senate should hold them to it. We know the current rotation policy may very well cause some individuals to leave the service prematurely, but it will also cause others to step up and say: I have a great deal more to give, and I am not going to abandon my buddy.

When the Nation goes to war, we promise each and every individual on the battlefield that they will have the best support this Nation can muster. When we take people who are capable of performing off the battlefield, we have the potential to jeopardize the safety of those who remain.

The Presiding Officer was not here when I began my remarks, and I began those remarks by acknowledging what the Presiding Officer, the Senator from Virginia, has done in focusing the Senate's attention on the families of those who serve. I greatly appreciate that. I also appreciate the level of debate, the level of concern, and the level of genuine caring to make sure our policies do right by those who serve this country, not only on the battlefield but for those who are serving at home. I don't believe that debate or this discussion is over by any stretch of the imagination, but as we continue to debate the direction of this war, we should always make sure we are recognizing all who are serving.

I want to take just a very brief moment, as I have had an opportunity to join with my colleague, Senator CASEY from Pennsylvania, in introducing an amendment to the Department of Defense Authorization Act. This amendment calls for a civilian and diplomatic surge in Iraq. We spend a lot of time talking on this floor about the military component, what our force strength is, the relative success or failures in certain parts of Iraq. There has been a lot of focus on that aspect of the war. Yet as we talk to our military leaders, we hear from them that it is not a military solution alone. There must be a political resolve as well, and that political resolve must come about through diplomatic channels and resources and truly on the civilian side.

When General Petraeus was before the Foreign Relations Committee a week or so ago, I asked him at that time if he believed the civilian surge was adequate; did he have the assistance he needed to do the job, to complete the task. He said certain elements of our Government are at war, but not all of the others. We can use help in those areas, whether it is the Ministry of Agriculture or Treasury. There are areas that can be identified. So I have joined with Senator CASEY in calling for an equal push on the diplomatic front and on the civilian side. There is more that we can do and more that we should do so we are able to see the progress that all of us wish to see in the war in Iraq.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDOLENCES ARE NOT ENOUGH

Mr. LEVIN. Mr. President, in the aftermath of the Virginia Tech massacre, Virginia Governor Tim Kaine commissioned a panel of experts to conduct an independent review of the tragedy and make recommendations regarding improvements to Virginia's laws, policies and procedures. Late last month, the Virginia Tech Review Panel released its report.

The panel was given the difficult task of reviewing the events, assessing the actions taken and not taken, identifying the lessons learned, and proposing alternatives for the future. This included a detailed review of Seung Hui Cho's background and interactions with the mental health and legal systems, as well as the circumstances surrounding his gun purchases. Additionally, they assessed the emergency responses by law enforcement officials, university officials, medical examiners, hospital care providers and the medical examiner. Finally, the panel reviewed the university's approach to helping families, survivors, students and staff as they deal with the mental trauma incurred by the tragedy.

Among other things, the report points to weak enforcement of and gaps in regulations regarding the purchase of guns, as well as holes in State and Federal privacy laws. It talks about the critical need for improved background checks and the inherent danger the presence of firearms can present on college campuses. Tragically, many proponents of gun safety legislation have previously unsuccessfully attempted to enact the very improvements recommended in the panel's report. The tragedy at Virginia Tech underscores the need to strengthen gun safety laws. I urge Congress to wait no longer in taking up and passing sensible gun legislation.

I ask unanimous consent to include the Virginia Tech Review Panel's primary recommendations regarding firearm laws in the RECORD.

VI–1 All states should report information necessary to conduct federal background checks on gun purchases. There should be federal incentives to ensure compliance. This should apply to states whose requirements are different from federal law. States should become fully compliant with federal law that disqualifies persons from purchasing or possessing firearms who have been found by a court or other lawful authority to be a danger to themselves or others as a result of mental illness. Reporting of such information should include not just those who are disqualified because they have been found to be dangerous, but all other categories of disqualification as well. In a society divided on many gun control issues, laws that specify who is prohibited from owning a firearm stand as examples of broad agreement and should be enforced.

VI–2 Virginia should require background checks for all firearms sales, including those at gun shows. In an age of widespread information technology, it should not be too difficult for anyone, including private sellers, to contact the Virginia Firearms Transaction Program for a background check that usually only takes minutes before transferring a firearm. The program already processes transactions made by registered dealers at gun shows. The practice should be expanded to all sales.

Virginia should also provide an enhanced penalty for guns sold without a background check and later used in a crime.

VI–3 Anyone found to be a danger to themselves or others by a court-ordered review should be entered in the Central Criminal Records Exchange database regardless of whether they voluntarily agreed to treatment. Some people examined for a mental illness and found to be a potential threat to themselves or others are given the choice of agreeing to mental treatment voluntarily to avoid being ordered by the courts to be treated involuntarily. That does not appear on their records, and they are free to purchase guns. Some highly respected people knowledgeable about the interaction of mentally ill people with the mental health system are strongly opposed to requiring voluntary treatment to be entered on the record and be sent to a state database.

Their concern is that it might reduce the incentive to seek treatment voluntarily, which has many advantages to the individuals (e.g., less time in hospital, less stigma, less cost) and to the legal and medical personnel involved (e.g., less time, less paperwork, less cost). However, there still are powerful incentives to take the voluntary path, such as a shorter stay in a hospital and not having a record of mandatory treatment. It does not seem logical to the panel to allow someone found to be dangerous to be able to purchase a firearm.

VI–4 The existing attorney general's opinion regarding the authority of universities and colleges to ban guns on campus should be clarified immediately. The universities in Virginia have received or developed various interpretations of the law. The Commonwealth's attorney general has provided some guidance to universities, but additional clarity is needed from the attorney general or from state legislation regarding guns at universities and colleges.

VI–5 The Virginia General Assembly should adopt legislation in the 2008 session clearly establishing the right of every institution of higher education in the Commonwealth to regulate the possession of firearms on campus if it so desires. The panel recommends that guns be banned on campus grounds and in buildings unless mandated by law.

VI–6 Universities and colleges should make clear in their literature what their policy is regarding weapons on campus. Prospective students and their parents, as well as university staff, should know the policy related to concealed weapons so they can decide whether they prefer an armed or arms-free learning environment.

JUDGE MICHAEL B. MUKASEY

Mr. KYL. Mr. President, I rise in support of the nomination of Judge Michael B. Mukasey to become the Nation's 81st Attorney General.

Judge Mukasey has devoted more than 22 years to public service, 4 as a Federal prosecutor and more than 18 as a Federal district court judge for the Southern District of New York, one of the most prominent Federal district courts in the United States. For 6 years he was the chief judge.

During his tenure on the bench, Judge Mukasey handled some of the most challenging cases in recent history. In 1995, he presided over the terrorism trial of the "blind Sheik" Omar Abdel Rahman and nine other defendants accused of plotting terrorist attacks on various sites in New York City. Rahman was also one of the terrorist masterminds of the 1993 World Trade Center bombing.

While presiding over the case of Jose Padilla—an American citizen who was later convicted of, among other things, conspiring to provide material support to al-Qaida—Mukasey issued key rulings that helped set judicial precedent in the war against terrorists. And in the wake of September 11, 2001, he presided over the difficult litigation of World Trade Center—related insurance claims.

During these cases and throughout his career, Judge Mukasey's knowledge, integrity, and consummate fairness have won him the respect of his colleagues, the attorneys who appeared before him, and many others. In its opinion upholding the verdicts in the

1995 terrorism case, the U.S. Court of Appeals for the Second Circuit in an unusual public commendation praised Mukasey' s "extraordinary skill and patience, assuring fairness to the prosecution and to each defendant and helpfulness to the jury." The court added, "[h]is was an outstanding achievement in the face of challenges far beyond those normally endured by a trial judge."

Judge Mukasey's career has been characterized by his commitment to upholding the rule of law. He has never served in a political role, and his nomination should be considered above the partisan fray.

According to the Justice Department's mission statement, the Attorney General's first allegiance should be to "the fair and impartial administration of justice for all Americans," not to any individual or political party. Indeed, Judge Mukasey's reputation for fairness and impartiality is so well-known and respected that the senior Senator from New York, Senator SCHUMER, even recommended him to be a Supreme Court justice.

It is unfortunate, however, that despite the nonpolitical character of Mukasey's nomination, some Democrats may attempt to hold his nomination hostage in exchange for documents related to the firing of U.S. attorneys. Leaving aside the fact that Congress has no right to these documents, which are covered by executive privilege, Judge Mukasey's nomination has nothing to do with the firing of these U.S. attorneys.

The President has nominated a distinguished and nonpolitical candidate. The Senate should reciprocate by using the confirmation process not to settle old scores or politicize the nomination, but to examine the qualifications of the nominee fairly.

Since the Carter administration, attorney general nominees have been confirmed, on average, in approximately 3 weeks, with some being confirmed even more quickly. The Senate should immediately move to consider Judge Mukasey's nomination and confirm him before Columbus Day.

The Justice Department needs an Attorney General with the foresight, experience, and resolve to lead the Nation's top law enforcement agency and tackle the difficult challenges presented by the post-9/11 world. I believe the qualities and background of Judge Michael Mukasey, combined with his extensive experience in national security and terrorism cases, commends him to serve as attorney general in these troubled times.

INTERNATIONAL DAY OF PEACE

Mr. HARKIN. Mr. President, I want to take some time to remind our colleagues, and indeed all Americans, that today, September 21, 2007, is the International Day of Peace. The United Nations and its member states unanimously established an International Day of Peace in 1981. However it was not until 2001 that September 21 was agreed to as the permanent date. According to the U.N. resolution, the International Day of Peace should be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples. I applaud Governor Chet Culver for his proclamation affirming Iowa's observance of International Peace Day. And, at this time, I would like to do my own part to mark this day, especially on the behalf of the many Iowans who are committed to the ideals of peace.

Unfortunately, this may be International Peace Day, but this is hardly a day of peace. The United States is in the fifth year of a devastating war in Iraq, a war of choice that was launched preemptively by the current U.S. administration. The Middle East is marked by conflict and bloodshed from Lebanon to Israel to the Palestinian territories to Iraq and Afghanistan. The genocide in Darfur continues to rage. Militias continue to prey on innocent women in Eastern Congo. In Guatemala, there is an increase in violence against women and against those fighting for the rights of the indigenous population as a result of the most recent elections. HIV/AIDS continues to ravage the continent of Africa. Millions of children are forced to work in abusive conditions—in many cases, as outright slaves—and are denied an education.

Historically, the mixture of strength and a preference for peaceful relations with the rest of the world is what has given the United States its moral standing. In the past, it was our willingness to come to the aid of those who could not defend themselves, and a commitment to resolving conflicts peacefully, if at all possible, that made us the beacon of hope for a better world.

But a true commitment to peace is not measured by a proclamation or by high-minded speeches on one day of the year. It takes more than good intentions and high ideals. What it takes is the hard work of diplomacy, people-to-people exchanges, and active, assertive peace movements in each country. It takes a sustained effort to understand our adversaries and, if at all possible, to resolve our differences peacefully.

I have long been committed to finding peaceful solutions to conflicts. That is why I was present at the creation of the U.S. Institute of Peace. Throughout our long history, America has been proud of its strong, well-led military. And this outstanding military leadership is no accident. It is possible because we maintain prestigious, world-class military academies that train some of the best and brightest minds in America in the art and science of war. But Americans also have a long history as a peace-loving people. Time and again, we have brokered peace agreements between warring nations, and we have intervened to head off potential conflicts. The Institute of Peace draws on this proud tradition, and today makes a vital intellectual investment in the art and science of peacemaking.

I look forward to a time, hopefully not too far in the future, that will truly be a day of peace. But let us remember that peace is not merely the cessation or absence of hostilities. The ideals of peace require us to practice understanding, tolerance, and honorable compromise. The ideals of peace require us to look upon our fellow human beings and to see them as our brothers and sisters. The ideals of peace require us to reject unprovoked aggression and violence as acceptable instruments of national policy.

On this International Day of Peace, I salute the many good people in Iowa, across America, and around the world who devote themselves 365 days a year to the cause of peace and nonviolence. The world is a better place because of their activism and engagement, and because they summon us to what Lincoln called the better angels of our nature.

ADDITIONAL STATEMENTS

TO THE CHARLES F. KETTERING MUSEUM

• Mr. CRAPO. Mr. President, in 1916, history records a number of momentous events, events that changed the course of our world. President Woodrow Wilson was elected to a second term. World War I was ramping up: Germany and Austria declared war on Portugal in March; Romania declared war on Austria in August; Italy declared war on Germany that same month; and Germany, Turkey, and Bulgaria declared war on Romania. Pancho Villa invaded New Mexico, and the United States responded by sending troops under General John J. Pershing into Mexico. It is said that total miles of U.S. railroad trackage reached its historic peak.

That same year, something equally revolutionary occurred that contributed to a significant change in the way farming was done in Idaho. In the fall of 1916, inventor, philosopher and engineer Charles F. Kettering from Centerville, OH, designed a self-starter for the Massey-Harris tractor. He did this for Thomas Lyon Hamer, a fellow Ohioan, so that Hamer's nephew, Thomas Ray Hamer, could operate the tractor and farm his land in St. Anthony, ID, without the well-known danger posed by the hand-crank.

Thomas Ray Hamer, a Representative in Idaho's state legislature in 1896, was an attorney and a farmer. He also served in the military, in the First Regiment, Idaho Volunteer Infantry and as a captain and lieutenant colonel in the Philippines. He also served as an associate justice of the Supreme Court of the Philippine Islands. During World War I, he served as a judge advocate general. He spent his later years practicing law in St. Anthony and Boise, ID, and Portland, OR.

It gives me great pleasure to recognize Charles F. Kettering's significant contribution to Idaho history and Idaho agriculture. Were it not for Kettering's willingness to help a friend and his creative ingenuity, a great Idahoan may not have gone on to a second successful military career and secured his place in Idaho history. Charles Kettering—at his death, coholder of more than 140 patents and possessing honorary doctorates from nearly 30 universities lived by his own words: "With willing hands and open minds, the future will be greater than the most fantastic story you can write." Kettering's "willing hands" left their unmistakable handprint on the fields of my State of Idaho.●

CONGRATULATING THE GEORGIA LOGISTICS COMMAND

● Mr. ISAKSON. Mr. President, today I congratulate in the RECORD the men and women who serve at the Marine Corps Logistics Command's Maintenance Center in Albany, GA, for being selected for the second time to receive the Robert T. Mason Depot Maintenance Excellence Award.

The Robert T. Mason Depot Maintenance Excellence Award is named for the former Assistant Deputy Secretary of Defense of Maintenance Policy, Programs and Resources who was a champion of organic depot maintenance for three decades.

In 2005, the Marine Corps Logistics Command's Maintenance Center in Albany, GA, was the inaugural winner of this award for Depot Maintenance Excellence. That year's recipient was the Design and Manufacture Vehicle Armor Protective Kits Program of the Maintenance Center in Albany, Georgia, for its support of the Global War on Terror. This program provided protective armor kits for U.S. Marine Corps combat vehicles, allowing the Marines to be a more effective fight force and had a direct impact on their safety and morale.

This year, the award went to the Dedicated Design and Prototype Effort Team of the Maintenance Center in Albany, Georgia. They provide exceptional and responsive maintenance support by demonstrating the ability to be responsive, resourceful, agile and creative by designing and prototyping multiple systems in support of Operation Iraqi Freedom.

I am pleased to acknowledge the great achievement of these men and women of the Marine Corps Logistics Command's Maintenance Center who provide support for our men and women fighting the global war on terror.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2084. An original bill to promote school safety, improved law enforcement, and for other purposes (Rept. No. 110–183).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER (for himself and Mr. SUNUNU):

S. 2083. A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 2084. An original bill to promote school safety, improved law enforcement, and for other purposes; from the Committee on the Judiciary; placed on the calendar.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2085. A bill to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself, Mr. COCHRAN, Mr. VOINOVICH, and Mr. SALAZAR):

S. Res. 325. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 45

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 45, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 458

At the request of Mrs. LINCOLN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 502

At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. COBURN), the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. STEVENS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 921

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 960

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 960, a bill to establish the United States Public Service Academy.

S. 1382

At the request of Mr. REID, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Mr. CARDIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1445

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1589

At the request of Mr. ISAKSON, his name was withdrawn as a cosponsor of S. 1589, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 1699

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1699, a bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes.

S. 1841

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1841, a bill to provide a site for the National Women's History Museum in Washington, District of Columbia, and for other purposes.

S. 1895

At the request of Mr. REED, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1909

At the request of Mr. ISAKSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1909, a bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle removal, decontamination, and disposal devices and the disposal of needles and syringes through a sharps-by-mail or similar program under part D of the Medicare program.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2054

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2054, a bill to authorize the Secretary of Housing and Urban Development to make grants to assist cities with a vacant housing problem, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2158

At the request of Mr. THUNE, his name was added as a cosponsor of amendment No. 2158 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2872

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2872 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 325—SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. ISAKSON (for himself, Mr. COCHRAN, Mr. VOINOVICH, and Mr. SALAZAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 325

Whereas an estimated 12,400 children are diagnosed with cancer each year;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children die from cancer each year;

Whereas the incidence of cancer among children in the United States is rising by about 1 percent each year;

Whereas 1 in every 330 people in the United States develops cancer before age 20;

Whereas approximately 8 percent of deaths of individuals between 1 and 19 years old are caused by cancer;

Whereas, while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to the field of pediatric oncology;

Whereas the results of peer-reviewed clinical trials have helped to raise the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancers continues to increase, with about 1 in 640 adults between ages 20 to 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least 1 late effect from treatment, which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and have serious consequences; and

Whereas 89 percent of children with terminal cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about—

(A) the incidence of cancer among children;

(B) the signs and symptoms of cancer in children; and

(C) options for the treatment of, and long-term follow-up for, childhood cancers;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients;

(7) policies that enhance education, services, and other resources related to late effects from treatment; and

(8) grassroots efforts to promote awareness and support research for cures for childhood cancer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3022. Mr. CASEY (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

TEXT OF AMENDMENTS

SA 3022. Mr. CASEY (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; as follows:

Strike section 215.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 26, 2007, at 10 a.m., to conduct an executive business meeting to consider on the Nomination of Robert C. Tapella of Virginia, to be Public Printer, Government Printing Office; and the nominations of Steven T. Walther of Nevada, David M. Mason of Virginia, Robert D. Lenhard of Maryland, and Hans von Spakovsky of Georgia to be members of the Federal Election Commission.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee.

RECOGNIZING THE ACHIEVEMENTS OF THE PEOPLE OF UKRAINE

Mr. CASEY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 320, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 320) recognizing the achievements of the people of Ukraine in pursuit of freedom and democracy, and expressing the hope that the parliamentary elections on September 30, 2007, preserve and extend these gains and provide for a stable and representative government.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 320

Whereas the people of Ukraine have overcome financial and political hardships to achieve a democratic system in which decisions have been reached without violence and through free and fair elections;

Whereas Ukraine has already conducted elections considered free, fair, and consistent with the principles of the Organization for Security and Cooperation in Europe on 2 previous occasions;

Whereas the people of Ukraine deserve an elected and representative government that can work together and pass legislation to improve the quality of life for all Ukrainians; and

Whereas the people of Ukraine have successfully established a growing free press, an increasingly independent judiciary, and a respect for human rights and the rule of law, which enhance freedom, stability, and prosperity: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the cooperation and friendship between the people of the United States and the people of Ukraine since the restoration of Ukraine's independence in 1991 and the natural affections of the millions of Americans whose ancestors emigrated from Ukraine;

(2) expresses the admiration of the American people for the ongoing success of the Ukranian people at removing violence from politics, for which Ukrainians should be proud, in particular the free and fair presidential elections of December 26, 2004, and the parliamentary elections of March 26, 2006;

(3) encourages the people of Ukraine to maintain the democratic successes of the Orange Revolution of 2004, and expresses the hope that the leaders of Ukraine will conduct the September 30, 2007, elections in keeping with the standards of the Organization for Security and Cooperation in Europe (OSCE), of which both the United States and Ukraine are participating states;

(4) urges the leaders and parties of Ukraine to overcome past differences and work together constructively to enhance the economic and political stability of the country that the people of Ukraine deserve; and

(5) pledges the continued assistance of the United States to the continued progress and further development of a free and representative democratic government in Ukraine based on the rule of law and the principle of human rights.

GANG ABATEMENT AND PREVENTION ACT OF 2007

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 290, S. 456.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 456) to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gang Abatement and Prevention Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT VIOLENT NATIONAL, INTERNATIONAL, REGIONAL, AND LOCAL GANGS THAT AFFECT INTERSTATE AND FOREIGN COMMERCE

Sec. 101. Revision and extension of penalties related to criminal street gang activity.

TITLE II—VIOLENT CRIME REFORMS TO REDUCE GANG VIOLENCE

Sec. 201. Violent crimes in aid of racketeering activity.
Sec. 202. Murder and other violent crimes committed during and in relation to a drug trafficking crime.
Sec. 203. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
Sec. 204. Statute of limitations for violent crime.
Sec. 205. Study of hearsay exception for forfeiture by wrongdoing.
Sec. 206. Possession of firearms by dangerous felons.
Sec. 207. Conforming amendment.
Sec. 208. Amendments relating to violent crime.
Sec. 209. Publicity campaign about new criminal penalties.
Sec. 210. Statute of limitations for terrorism offenses.
Sec. 211. Crimes committed in Indian country or exclusive Federal jurisdiction as racketeering predicates.
Sec. 212. Predicate crimes for authorization of interception of wire, oral, and electronic communications.
Sec. 213. Clarification of Hobbs Act.
Sec. 214. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding.
Sec. 215. Prohibition on firearms possession based on valid gang injunction and conviction for gang-related misdemeanor.
Sec. 216. Amendment of sentencing guidelines.

TITLE III—INCREASED FEDERAL RESOURCES TO DETER AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES

Sec. 301. Designation of and assistance for high intensity gang activity areas.
Sec. 302. Gang prevention grants.
Sec. 303. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.
Sec. 304. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.
Sec. 305. Grants to prosecutors and law enforcement to combat violent crime.
Sec. 306. Expansion and reauthorization of the mentoring initiative for system involved youth.
Sec. 307. Demonstration grants to encourage creative approaches to gang activity and after-school programs.
Sec. 308. Short-Term State Witness Protection Section.
Sec. 309. Witness protection services.
Sec. 310. Expansion of Federal witness relocation and protection program.
Sec. 311. Family abduction prevention grant program.
Sec. 312. Study on adolescent development and sentences in the Federal system.
Sec. 313. National youth anti-heroin media campaign.
Sec. 314. Training at the national advocacy center.

TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

Sec. 401. Short title.
Sec. 402. Purposes.
Sec. 403. Definitions.
Sec. 404. National Commission on Public Safety Through Crime Prevention.
Sec. 405. Innovative crime prevention and intervention strategy grants.

SEC. 3. FINDINGS.

Congress finds that—

(1) violent crime and drug trafficking are pervasive problems at the national, State, and local level;

(2) according to recent Federal Bureau of Investigation, Uniform Crime Reports, violent crime in the United States is on the rise, with a 2.3 percent increase in violent crime in 2005 (the largest increase in the United States in 15 years) and an even larger 3.7 percent jump during the first 6 months of 2006, and the Police Executive Research Forum reports that, among jurisdictions providing information, homicides are up 10.21 percent, robberies are up 12.27 percent, and aggravated assaults with firearms are up 9.98 percent since 2004;

(3) these disturbing rises in violent crime are attributable in part to the spread of criminal street gangs and the willingness of gang members to commit acts of violence and drug trafficking offenses;

(4) according to a recent National Drug Threat Assessment, criminal street gangs are responsible for much of the retail distribution of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in rural and urban communities throughout the United States;

(5) gangs commit acts of violence or drug offenses for numerous motives, such as membership in or loyalty to the gang, for protecting gang territory, and for profit;

(6) gang presence and intimidation, and the organized and repetitive nature of the crimes that gangs and gang members commit, has a pernicious effect on the free flow of interstate commercial activities and directly affects the freedom and security of communities plagued by gang activity, diminishing the value of property, inhibiting the desire of national and multinational corporations to transact business in those communities, and in a variety of ways directly and substantially affecting interstate and foreign commerce;

(7) gangs often recruit and utilize minors to engage in acts of violence and other serious offenses out of a belief that the criminal justice systems are more lenient on juvenile offenders;

(8) gangs often intimidate and threaten witnesses to prevent successful prosecutions;

(9) gangs prey upon and incorporate minors into their ranks, exploiting the fact that adolescents have immature decision-making capacity, therefore, gang activity and recruitment can be reduced and deterred through increased vigilance, appropriate criminal penalties, partnerships between Federal and State and local law enforcement, and proactive prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and even during gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, have enlisted the help of Congress in the prevention, investigation, and prosecution of gang crimes and in the protection of witnesses and victims of gang crimes; and

(11) because State and local prosecutors and law enforcement have the expertise, experience, and connection to the community that is needed to assist in combating gang violence, consultation and coordination between Federal, State, and local law enforcement and collaboration with other community agencies is critical to the successful prosecutions of criminal street gangs and reduction of gang problems.

TITLE I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT VIOLENT NATIONAL, INTERNATIONAL, REGIONAL, AND LOCAL GANGS THAT AFFECT INTERSTATE AND FOREIGN COMMERCE

SEC. 101. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended to read as follows:

"CHAPTER 26—CRIMINAL STREET GANGS

"Sec.
"521. Definitions.
"522. Criminal street gang prosecutions.
"523. Recruitment of persons to participate in a criminal street gang.
"524. Violent crimes in furtherance of criminal street gangs.
"525. Forfeiture.

"§521. Definitions

"In this chapter:

"(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group, organization, or association of 5 or more individuals—

"(A) each of whom has committed at least 1 gang crime; and

"(B) who collectively commit 3 or more gang crimes (not less than 1 of which is a serious violent felony), in separate criminal episodes (not less than 1 of which occurs after the date of enactment of the Gang Abatement and Prevention Act of 2007, and the last of which occurs not later than 5 years after the commission of a prior gang crime (excluding any time of imprisonment for that individual)).

"(2) GANG CRIME.—The term 'gang crime' means an offense under Federal law punishable by imprisonment for more than 1 year, or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more in any of the following categories:

"(A) A crime that has as an element the use, attempted use, or threatened use of physical force against the person of another, or is burglary, arson, kidnapping, or extortion.

"(B) A crime involving obstruction of justice, or tampering with or retaliating against a witness, victim, or informant.

"(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise trafficking in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(D) Any conduct punishable under—

"(i) section 844 (relating to explosive materials);

"(ii) subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony or a serious drug offense (as those terms are defined in section 924(e)), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), (g)(11), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts);

"(iii) subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties);

"(iv) section 930 (relating to possession of firearms and dangerous weapons in Federal facilities);

"(v) section 931 (relating to purchase, ownership, or possession of body armor by violent felons);

"(vi) sections 1028 and 1029 (relating to fraud, identity theft, and related activity in connection with identification documents or access devices);

"(vii) section 1084 (relating to transmission of wagering information);

"(viii) section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises);

"(ix) section 1956 (relating to the laundering of monetary instruments);

"(x) section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity); or

"(xi) sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

"(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of aliens for immoral purposes) of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, and 1328).

"(F) Any crime involving aggravated sexual abuse, sexual assault, pimping or pandering involving prostitution, sexual exploitation of children (including sections 2251, 2251A, 2252 and 2260), peonage, slavery, or trafficking in persons (including sections 1581 through 1592) and sections 2421 through 2427 (relating to transport for illegal sexual activity).

"(3) MINOR.—The term 'minor' means an individual who is less than 18 years of age.

"(4) SERIOUS VIOLENT FELONY.—The term 'serious violent felony' has the meaning given that term in section 3559.

"(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"§522. Criminal street gang prosecutions

"(a) STREET GANG CRIME.—It shall be unlawful for any person to knowingly commit, or conspire, threaten, or attempt to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in a criminal street gang, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title and—

"(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years or for life;

"(2) for any other serious violent felony, by imprisonment for not more than 30 years;

"(3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

"(4) for any other offense, by imprisonment for not more than 10 years.

"§ 523. Recruitment of persons to participate in a criminal street gang

"(a) PROHIBITED ACTS.—It shall be unlawful to knowingly recruit, employ, solicit, induce, command, coerce, or cause another person to be or remain as a member of a criminal street gang, or attempt or conspire to do so, with the intent to cause that person to participate in a gang crime, if the defendant travels in interstate or foreign commerce in the course of the offense, or if the activities of that criminal street gang are in or affect interstate or foreign commerce.

"(b) PENALTIES.—Whoever violates subsection (a) shall—

"(1) if the person recruited, employed, solicited, induced, commanded, coerced, or caused to participate or remain in a criminal street gang is a minor—

"(A) be fined under this title, imprisoned not more than 10 years, or both; and

"(B) at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the minor until the person attains the age of 18 years;

"(2) if the person who recruits, employs, solicits, induces, commands, coerces, or causes the participation or remaining in a criminal street gang is incarcerated at the time the offense takes place, be fined under this title, imprisoned not more than 10 years, or both; and

"(3) in any other case, be fined under this title, imprisoned not more than 5 years, or both.

"(c) CONSECUTIVE NATURE OF PENALTIES.—Any term of imprisonment imposed under subsection (b)(2) shall be consecutive to any term imposed for any other offense.

"§ 524. Violent crimes in furtherance of criminal street gangs

"(a) IN GENERAL.—It shall be unlawful for any person, for the purpose of gaining entrance to or maintaining or increasing position in, or in furtherance of, or in association with, a criminal street gang, or as consideration for anything of pecuniary value to or from a criminal street gang, to knowingly commit or threaten to commit against any individual a crime of violence that is an offense under Federal law punishable by imprisonment for more than 1 year or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more, or attempt or conspire to do so, if the activities of the criminal street gang occur in or affect interstate or foreign commerce.

"(b) PENALTY.—Any person who violates subsection (a) shall be punished by a fine under this title and—

"(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

"(2) for a serious violent felony other than one described in paragraph (1), by imprisonment for not more than 30 years; and

"(3) in any other case, by imprisonment for not more than 20 years.

"§ 525. Forfeiture

"(a) CRIMINAL FORFEITURE.—A person who is convicted of a violation of this chapter shall forfeit to the United States—

"(1) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

"(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the violation.

"(b) PROCEDURES APPLICABLE.—Pursuant to section 2461(c) of title 28, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsections (a) and (d) of that section, shall apply to the criminal forfeiture of property under this section.".

(b) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking "chapter 46 or" and inserting "chapter 26, chapter 46, or".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ", section 522 (relating to criminal street gang prosecutions), 523 (relating to recruitment of persons to participate in a criminal street gang), and 524 (relating to violent crimes in furtherance of criminal street gangs)" before ", section 541".

(d) AMENDMENT OF SPECIAL SENTENCING PROVISION PROHIBITING PRISONER COMMUNICATIONS.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting "chapter 26 (criminal street gangs)," before "chapter 95"; and

(2) by inserting "a criminal street gang or" before "an illegal enterprise".

TITLE II—VIOLENT CRIME REFORMS TO REDUCE GANG VIOLENCE

SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting "or in furtherance or in aid of an enterprise engaged in racketeering activity," before "murders,"; and

(B) by inserting "engages in conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States," before "maims,";

(2) in paragraph (1), by inserting "conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming," after "kidnapping,";

(3) in paragraph (2), by striking "maiming" and inserting "assault resulting in serious bodily injury";

(4) in paragraph (3), by striking "or assault resulting in serious bodily injury";

(5) in paragraph (4)—

(A) by striking "five years" and inserting "10 years"; and

(B) by adding "and" at the end; and

(6) by striking paragraphs (5) and (6) and inserting the following:

"(5) for attempting or conspiring to commit any offense under this section, by the same penalties (other than the death penalty) as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.".

SEC. 202. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"SEC. 424. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

"(a) IN GENERAL.—Whoever, during and in relation to any drug trafficking crime, knowingly commits any crime of violence against any individual that is an offense under Federal law punishable by imprisonment for more than 1 year or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more, or threatens, attempts or conspires to do so, shall be punished by a fine under title 18, United States Code, and—

"(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

"(2) for a serious violent felony (as defined in section 3559 of title 18, United States Code) other than one described in paragraph (1) by imprisonment for not more than 30 years;

"(3) for a crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

"(4) in any other case by imprisonment for not more than 10 years.

"(b) VENUE.—A prosecution for a violation of this section may be brought in—

"(1) the judicial district in which the murder or other crime of violence occurred; or

"(2) any judicial district in which the drug trafficking crime may be prosecuted.

"(c) DEFINITIONS.—In this section—

"(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

"(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236) is amended by inserting after the item relating to section 423, the following:

"Sec. 424. Murder and other violent crimes committed during and in relation to a drug trafficking crime.".

SEC. 203. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142(e) of title 18, United States Code, is amended in the matter following paragraph (3), by inserting after "that the person committed" the following: "an offense under subsection (g)(1) (where the underlying conviction is a drug trafficking crime or crime of violence (as those terms are defined in section 924(c))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), or (g)(11) of section 922,".

SEC. 204. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3299A. Violent crime offenses

"No person shall be prosecuted, tried, or punished for any noncapital felony crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 10 years after the date on which the alleged violation occurred or the continuing offense was completed.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"3299A. Violent crime offenses.".

SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

The Judicial Conference of the United States shall study the necessity and desirability of amending section 804(b) of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.

SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FELONS.

(a) IN GENERAL.—Section 924(e) of title 18, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) In the case of a person who violates section 922(g) of this title and has previously been convicted by any court referred to in section 922(g)(1) of a violent felony or a serious drug offense shall—

"(A) in the case of 1 such prior conviction, where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for that conviction, be imprisoned for not more than 15 years, fined under this title, or both;

"(B) in the case of 2 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for not more than 20 years, fined under this title, or both; and

"(C) in the case of 3 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for any term of years not less than 15 years or for life and fined under this title, and notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).".

(b) AMENDMENT TO SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide for an appropriate increase in the offense level for violations of section 922(g) of title 18, United States Code, in accordance with section 924(e) of that title 18, as amended by subsection (a).

SEC. 207. CONFORMING AMENDMENT.

The matter preceding paragraph (1) in section 922(d) of title 18, United States Code, is amended by inserting ", transfer," after "sell".

SEC. 208. AMENDMENTS RELATING TO VIOLENT CRIME.

(a) CARJACKING.—Section 2119 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ", with the intent" and all that follows through "to do so, shall" and inserting "knowingly takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person of another by force and violence or by intimidation, causing a reasonable apprehension of fear of death or serious bodily injury in an individual, or attempts or conspires to do so, shall";

(2) in paragraph (1), by striking "15 years" and inserting "20 years";

(3) in paragraph (2), by striking "or imprisoned not more than 25 years, or both" and inserting "and imprisoned for any term of years or for life"; and

(4) in paragraph (3), by inserting "the person takes or attempts to take the motor vehicle in violation of this section with intent to cause death or cause serious bodily injury, and" before "death results".

(b) CLARIFICATION AND STRENGTHENING OF PROHIBITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIME OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

"(h) Whoever knowingly transfers a firearm that has moved in or that otherwise affects interstate or foreign commerce, knowing that the firearm will be used to commit, or possessed in furtherance of, a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be fined under this title and imprisoned not more than 20 years.".

(c) AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting "chapter 26 of this title (criminal street gang prosecutions) or in" after "felony set forth in"; and

(2) by inserting "a criminal street gang or" before "an illegal enterprise".

(d) CONSPIRACY PENALTY.—Section 371 of title 18, United States Code, is amended by striking "five years, or both." and inserting "10 years (unless the maximum penalty for the crime that served as the object of the conspiracy has a maximum penalty of imprisonment of less than 10 years, in which case the maximum penalty under this section shall be the penalty for such crime), or both. This paragraph does not supersede any other penalty specifically set forth for a conspiracy offense.".

SEC. 209. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL PENALTIES.

The Attorney General is authorized to conduct media campaigns in any area designated as a high intensity gang activity area under section 301 and any area with existing and emerging problems with gangs, as needed, to educate individuals in that area about the changes in criminal penalties made by this Act, and shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives the amount of expenditures and all other aspects of the media campaign.

SEC. 210. STATUTE OF LIMITATIONS FOR TERRORISM OFFENSES.

Section 3286(a) of title 18, United States Code, is amended—

(1) in the subsection heading, by striking "EIGHT-YEAR" and inserting "TEN-YEAR"; and

(2) in the first sentence, by striking "8 years" and inserting "10 years".

SEC. 211. CRIMES COMMITTED IN INDIAN COUNTRY OR EXCLUSIVE FEDERAL JURISDICTION AS RACKETEERING PREDICATES.

Section 1961(1)(A) of title 18, United States Code, is amended by inserting ", or would have been so chargeable if the act or threat (other than gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction," after "chargeable under State law".

SEC. 212. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "or" and the end of paragraph (r);

(2) by redesignating paragraph (s) as paragraph (u); and

(3) by inserting after paragraph (r) the following:

"(s) any violation of section 424 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);

"(t) any violation of section 522, 523, or 524 (relating to criminal street gangs); or".

SEC. 213. CLARIFICATION OF HOBBS ACT.

Section 1951(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "including the unlawful impersonation of a law enforcement officer (as that term is defined in section 245(c) of this title)," after "by means of actual or threatened force,"; and

(2) in paragraph (2), by inserting "including the unlawful impersonation of a law enforcement officer (as that term is defined in section 245(c) of this title)," after "by wrongful use of actual or threatened force,".

SEC. 214. INTERSTATE TAMPERING WITH OR RETALIATION AGAINST A WITNESS, VICTIM, OR INFORMANT IN A STATE CRIMINAL PROCEEDING.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1513 the following:

"§ 1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding

"(a) IN GENERAL.—It shall be unlawful for any person—

"(1) to travel in interstate or foreign commerce, or to use the mail or any facility in interstate or foreign commerce, or to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to do the same, with the intent to—

"(A) use or threaten to use any physical force against any witness, informant, victim, or other participant in a State criminal proceeding in an effort to influence or prevent participation in such proceeding, or to retaliate against such individual for participating in such proceeding; or

"(B) threaten, influence, or prevent from testifying any actual or prospective witness in a State criminal proceeding; or

"(2) to attempt or conspire to commit an offense under subparagraph (A) or (B) of paragraph (1).

"(b) PENALTIES.—

"(1) USE OF FORCE.—Any person who violates subsection (a)(1)(A) by use of force—

"(A) shall be fined under this title, imprisoned not more than 20 years, or both; and

"(B) if death, kidnapping, or serious bodily injury results, shall be fined under this title, imprisoned for any term of years or for life, or both.

"(2) OTHER VIOLATIONS.—Any person who violates subsection (a)(1)(A) by threatened use of force or violates paragraph (1)(B) or (2) of subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) VENUE.—A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or was completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.".

(b) CONFORMING AMENDMENT.—Section 1512 is amended, in the section heading, by adding at the end the following: "**IN A FEDERAL PROCEEDING**".

(c) CHAPTER ANALYSIS.—The table of sections for chapter 73 of title 18, United States Code, is amended—

(1) by striking the item relating to section 1512 and inserting the following:

"1512. Tampering with a witness, victim, or an informant in a Federal proceeding.";

and

(2) by inserting after the item relating to section 1513 the following:

"1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding.".

SEC. 215. PROHIBITION ON FIREARMS POSSESSION BASED ON VALID GANG INJUNCTION AND CONVICTION FOR GANG-RELATED MISDEMEANOR.

(a) IN GENERAL.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking "or" at the end;

(2) in paragraph (9), by striking the comma at the end and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

"(10) who has been convicted in any court of a misdemeanor gang-related offense; or

"(11) who otherwise has, within the last 5 years, been found by any court to be in contempt of a gang injunction order, so long as the finding of contempt was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate and challenge the sufficiency of process and the constitutional validity of the underlying gang injunction order,".

(b) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(36)(A) The term 'misdemeanor gang-related offense' means an offense that—

"(i) is a misdemeanor under Federal, State, or Tribal law; and

"(ii) has, as an element, the membership of the defendant in a criminal street gang, illegal association with a criminal street gang, or participation in a criminal street gang activity.

"(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

"(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

"(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

"(aa) the case was tried by a jury; or

"(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

"(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

"(37) The term 'gang injunction order' means a court order that—

"(A) names the defendant as a member of a criminal street gang; and

"(B) restrains the defendant from associating with other gang members.".

SEC. 216. AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and policy statements to conform with this title and the amendments made by this title.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) establish new guidelines and policy statements, as warranted, in order to implement new or revised criminal offenses under this title and the amendments made by this title;

(2) consider the extent to which the guidelines and policy statements adequately address—

(A) whether the guidelines offense levels and enhancements—

(i) are sufficient to deter and punish such offenses; and

(ii) are adequate in view of the statutory increases in penalties contained in this title and the amendments made by this title; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase penalties for the offenses set forth in this title and the amendments made by this title;

(3) ensure that specific offense characteristics are added to increase the guideline range—

(A) by at least 2 offense levels, if a criminal defendant committing a gang crime or gang recruiting offense was an alien who was present in the United States in violation of section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325 and 1326) at the time the offense was committed; and

(B) by at least 4 offense levels, if such defendant had also previously been ordered removed or deported under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime;

(4) determine under what circumstances a sentence of imprisonment imposed under this title or the amendments made by this title shall run consecutively to any other sentence of imprisonment imposed for any other crime, except that the Commission shall ensure that a sentence of imprisonment imposed under section 424 of the Controlled Substances Act (21 U.S.C. 841 et seq.), as added by this Act, shall run consecutively, to an extent that the Sentencing Commission determines appropriate, to the sentence imposed for the underlying drug trafficking offense;

(5) account for any aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(7) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(8) ensure that the guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE III—INCREASED FEDERAL RESOURCES TO DETER AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES

SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH INTENSITY GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term "Governor" means a Governor of a State, the Mayor of the District of Columbia, the tribal leader of an Indian tribe, or the chief executive of a Commonwealth, territory, or possession of the United States.

(2) HIGH INTENSITY GANG ACTIVITY AREA.—The term "high intensity gang activity area" or "HIGAA" means an area within 1 or more States or Indian country that is designated as a high intensity gang activity area under subsection (b)(1).

(3) INDIAN COUNTRY.—The term "Indian country" has the meaning given the term in section 1151 of title 18, United States Code.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) STATE.—The term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(6) TRIBAL LEADER.—The term "tribal leader" means the chief executive officer representing the governing body of an Indian tribe.

(b) HIGH INTENSITY GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity gang activity areas, specific areas that are located within 1 or more States, which may consist of 1 or more municipalities, counties, or other jurisdictions as appropriate.

(2) ASSISTANCE.—In order to provide Federal assistance to high intensity gang activity areas, the Attorney General shall—

(A) establish local collaborative working groups, which shall include—

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity gang activity area;

(ii) educational, community, and faith leaders in the area;

(iii) service providers in the community, including those experienced at reaching youth and adults who have been involved in violence and violent gangs or groups, to provide gang-involved or seriously at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups, and those reentering society from prison; and

(iv) evaluation teams to research and collect information, assess data, recommend adjustments, and generally assure the accountability and effectiveness of program implementation;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(C) direct the reassignment or detailing of representatives from—

(i) the Department of Justice;

(ii) the Department of Education;

(iii) the Department of Labor;

(iv) the Department of Health and Human Services;

(v) the Department of Housing and Urban Development; and

(vi) any other Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) to each high intensity gang activity area to identify and coordinate efforts to access Federal programs and resources available to provide gang prevention, intervention, and reentry assistance;

(D) prioritize and administer the Federal program and resource requests made by the local collaborative working group established under subparagraph (A) for each high intensity gang activity area;

(E) provide all necessary funding for the operation of each local collaborative working group in each high intensity gang activity area; and

(F) provide all necessary funding for national and regional meetings of local collaborative working groups, criminal street gang enforcement teams, and educational, community, social service, faith-based, and all other related organizations, as needed, to ensure effective operation of such teams through the sharing of intelligence and best practices and for any other related purpose.

(3) COMPOSITION OF CRIMINAL STREET GANG ENFORCEMENT TEAM.—Each team established under paragraph (2)(A)(i) shall consist of agents and officers, where feasible, from—

(A) the Federal Bureau of Investigation;

(B) the Drug Enforcement Administration;

(C) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(D) the United States Marshals Service;

(E) the Department of Homeland Security;

(F) the Department of Housing and Urban Development;

(G) State, local, and, where appropriate, tribal law enforcement;

(H) Federal, State, and local prosecutors; and

(I) the Bureau of Indian Affairs, Office of Law Enforcement Services, where appropriate.

(4) CRITERIA FOR DESIGNATION.—In considering an area for designation as a high intensity gang activity area under this section, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which qualitative and quantitative data indicate that violent crime in the area is related to criminal street gang activity, such as murder, robbery, assaults, carjacking, arson, kidnapping, extortion, drug trafficking, and other criminal activity;

(C) the extent to which State, local, and, where appropriate, tribal law enforcement agencies, schools, community groups, social service agencies, job agencies, faith-based organizations, and other organizations have committed resources to—

(i) respond to the gang crime problem; and

(ii) participate in a gang enforcement team;

(D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(5) RELATION TO HIDTAS.—If the Attorney General establishes a high intensity gang activity area that substantially overlaps geographically with any existing high intensity drug trafficking area (in this section referred to as a "HIDTA"), the Attorney General shall direct the local collaborative working group for that high intensity gang activity area to enter into an agreement with the Executive Board for that HIDTA, providing that—

(A) the Executive Board of that HIDTA shall establish a separate high intensity gang activity area law enforcement steering committee, and select (with a preference for Federal, State, and local law enforcement agencies that are within the geographic area of that high intensity gang activity area) the members of that committee, subject to the concurrence of the Attorney General;

(B) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall administer the funds provided under subsection (g)(1) for the criminal street gang enforcement team, after consulting with, and consistent with the goals and strategies established by, that local collaborative working group;

(C) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall select, from Federal, State, and local law enforcement agencies within the geographic area of that high intensity gang activity area, the members of the Criminal Street Gang Enforcement Team, in accordance with paragraph (3); and

(D) the Criminal Street Gang Enforcement Team of that high intensity gang activity area, and its law enforcement steering committee, may, with approval of the Executive Board of the HIDTA with which it substantially overlaps, utilize the intelligence-sharing, administrative, and other resources of that HIDTA.

(c) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than December 1 of each year, the Attorney General shall submit a report to the appropriate committees of Congress and the Director of the Office of Management and Budget and the Domestic Policy Council that describes, for each designated high intensity gang activity area—

(A) the specific long-term and short-term goals and objectives;

(B) the measurements used to evaluate the performance of the high intensity gang activity area in achieving the long-term and short-term goals;

(C) the age, composition, and membership of gangs;

(D) the number and nature of crimes committed by gangs and gang members;

(E) the definition of the term "gang" used to compile that report; and

(F) the programmatic outcomes and funding need of the high intensity gang area, including—

(i) an evidence-based analysis of the best practices and outcomes from the work of the relevant local collaborative working group; and

(ii) an analysis of whether Federal resources distributed meet the needs of the high intensity gang activity area and, if any programmatic funding shortfalls exist, recommendations for programs or funding to meet such shortfalls.

(2) APPROPRIATE COMMITTEES.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on the Judiciary, the Committee on Appropriations, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives.

(d) ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS.—The Attorney General is authorized to hire 94 additional Assistant United States attorneys, and nonattorney coordinators and paralegals as necessary, to carry out the provisions of this section.

(e) ADDITIONAL DEFENSE COUNSEL.—In each of the fiscal years 2008 through 2012, the Director of the Administrative Office of the United States Courts is authorized to hire 71 additional attorneys, nonattorney coordinators, and investigators, as necessary, in Federal Defender Programs and Federal Community Defender Organizations, and to make additional payments as necessary to retain appointed counsel under section 3006A of title 18, United States Code, to adequately respond to any increased or expanded caseloads that may occur as a result of this Act or the amendments made by this Act. Funding under this subsection shall not exceed the funding levels under subsection (d).

(f) NATIONAL GANG RESEARCH, EVALUATION, AND POLICY INSTITUTE.—

(1) IN GENERAL.—The Office of Justice Programs of the Department of Justice, after consulting with relevant law enforcement officials, practitioners and researchers, shall establish a National Gang Research, Evaluation, and Policy Institute (in this subsection referred to as the "Institute").

(2) ACTIVITIES.—The Institute shall—

(A) promote and facilitate the implementation of data-driven, effective gang violence suppression, prevention, intervention, and reentry models, such as the Operation Ceasefire model, the Strategic Public Health Approach, the Gang Reduction Program, or any other promising municipally driven, comprehensive community-wide strategy that is demonstrated to be effective in reducing gang violence;

(B) assist jurisdictions by conducting timely research on effective models and designing and promoting implementation of effective local strategies, including programs that have objectives and data on how they reduce gang violence (including shootings and killings), using prevention, outreach, and community approaches, and that demonstrate the efficacy of these approaches; and

(C) provide and contract for technical assistance as needed in support of its mission.

(3) NATIONAL CONFERENCE.—Not later than 90 days after the date of its formation, the Institute shall design and conduct a national conference to reduce and prevent gang violence, and to teach and promote gang violence prevention, intervention, and reentry strategies. The conference shall be attended by appropriate representatives from criminal street gang enforcement teams, and local collaborative working groups, including representatives of educational, community, religious, and social service organizations, and gang program and policy research evaluators.

(4) NATIONAL DEMONSTRATION SITES.—Not later than 120 days after the date of its formation, the Institute shall select appropriate HIGAA areas to serve as primary national demonstration sites, based on the nature, concentration, and distribution of various gang types, the jurisdiction's established capacity to integrate prevention, intervention, re-entry and enforcement efforts, and the range of particular gang-related issues. After establishing primary national demonstration sites, the Institute shall establish such other secondary sites, to be linked to and receive evaluation, research, and technical assistance through the primary sites, as it may determine appropriate.

(5) DISSEMINATION OF INFORMATION.—Not later than 180 days after the date of its formation, the Institute shall develop and begin dissemination of information about methods to effectively reduce and prevent gang violence, including guides, research and assessment models, case studies, evaluations, and best practices. The Institute shall also create a website, designed to support the implementation of successful gang violence prevention models, and disseminate appropriate information to assist jurisdictions in reducing gang violence.

(6) GANG INTERVENTION ACADEMIES.—Not later than 6 months after the date of its formation, the Institute shall, either directly or through contracts with qualified nonprofit organizations, establish not less than 1 training academy, located in a high intensity gang activity area, to promote effective gang intervention and community policing. The purposes of an academy established under this paragraph shall be to increase professionalism of gang intervention workers, improve officer training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

(7) SUPPORT.—The Institute shall obtain initial and continuing support from experienced researchers and practitioners, as it determines necessary, to test and assist in implementing its strategies nationally, regionally, and locally.

(8) RESEARCH AGENDA.—The Institute shall establish and implement a core research agenda designed to address areas of particular challenge, including—

(A) how best to apply and continue to test the models described in paragraph (2) in particularly large jurisdictions;

(B) how to foster and maximize the continuing impact of community moral voices in this context;

(C) how to ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and

(D) how to apply existing intervention frameworks to emerging local, regional, national, or international gang problems, such as the emergence of the gang known as MS–13.

(9) EVALUATION.—The National Institute of Justice shall evaluate, on a continuing basis, comprehensive gang violence prevention, intervention, suppression, and reentry strategies supported by the Institute, and shall report the results of these evaluations by no later than October 1 each year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(10) FUNDS.—The Attorney General shall use not less than 3 percent, and not more than 5

percent, of the amounts made available under this section to establish and operate the Institute.

(g) USE OF FUNDS.—Of amounts made available to a local collaborative working group under this section for each fiscal year that are remaining after the costs of hiring a full time coordinator for the local collaborative effort—

(1) 50 percent shall be used for the operation of criminal street gang enforcement teams; and

(2) 50 percent shall be used—

(A) to provide at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups through—

(i) service providers in the community, including schools and school districts; and

(ii) faith leaders and other individuals experienced at reaching youth who have been involved in violence and violent gangs or groups;

(B) for the establishment and operation of the National Gang Research, Evaluation, and Policy Institute; and

(C) to support and provide technical assistance to research in criminal justice, social services, and community gang violence prevention collaborations.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2008 through 2012. Any funds made available under this subsection shall remain available until expended.

SEC. 302. GANG PREVENTION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice may make grants, in accordance with such regulations as the Attorney General may prescribe, to States, units of local government, tribal governments, and qualified private entities, to develop community-based programs that provide crime prevention, research, and intervention services that are designed for gang members and at-risk youth.

(b) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) for—

(1) preventing initial gang recruitment and involvement among younger teenagers;

(2) reducing gang involvement through nonviolent and constructive activities, such as community service programs, development of nonviolent conflict resolution skills, employment and legal assistance, family counseling, and other safe, community-based alternatives for high-risk youth;

(3) developing in-school and after-school gang safety, control, education, and resistance procedures and programs;

(4) identifying and addressing early childhood risk factors for gang involvement, including parent training and childhood skills development;

(5) identifying and fostering protective factors that buffer children and adolescents from gang involvement;

(6) developing and identifying investigative programs designed to deter gang recruitment, involvement, and activities through effective intelligence gathering;

(7) developing programs and youth centers for first-time nonviolent offenders facing alternative penalties, such as mandated participation in community service, restitution, counseling, and education and prevention programs;

(8) implementing regional, multidisciplinary approaches to combat gang violence though coordinated programs for prevention and intervention (including street outreach programs and other peacemaking activities) or coordinated law enforcement activities (including regional gang task forces and regional crime mapping strategies that enhance focused prosecutions and reintegration strategies for offender reentry); or

(9) identifying at-risk and high-risk students through home visits organized through joint collaborations between law enforcement, faith-based organizations, schools, and social workers.

(c) GRANT REQUIREMENTS.—

(1) MAXIMUM.—The amount of a grant under this section may not exceed $1,000,000.

(2) CONSULTATION AND COOPERATION.—Each recipient of a grant under this section shall have in effect on the date of the application by that entity agreements to consult and cooperate with local, State, or Federal law enforcement and participate, as appropriate, in coordinated efforts to reduce gang activity and violence.

(d) ANNUAL REPORT.—Each recipient of a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section are expended, a report containing—

(1) a summary of the activities carried out with grant funds during that year;

(2) an assessment of the effectiveness of the crime prevention, research, and intervention activities of the recipient, based on data collected by the grant recipient;

(3) a strategic plan for the year following the year described in paragraph (1);

(4) evidence of consultation and cooperation with local, State, or Federal law enforcement or, if the grant recipient is a government entity, evidence of consultation with an organization engaged in any activity described in subsection (b); and

(5) such other information as the Attorney General may require.

(e) DEFINITION.—In this section, the term "units of local government" includes sheriffs departments, police departments, and local prosecutor offices.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $35,000,000 for each of the fiscal years 2008 through 2012.

SEC. 303. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT GANGS.

(a) IN GENERAL.—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to—

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district; and

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies.

(b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGHBORHOODS.—

(1) IN GENERAL.—The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) ENFORCEMENT.—The Attorney General may hire Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and otherwise expend additional resources in support of, the Project Safe Neighborhoods/Firearms Violence Reduction program.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2008 through 2012 to carry out this section. Any funds made available under this paragraph shall remain available until expended.

SEC. 304. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.

(a) EXPANSION OF SAFE STREETS PROGRAM.—The Attorney General is authorized to expand the Safe Streets Program of the Federal Bureau of Investigation for the purpose of supporting criminal street gang enforcement teams.

(b) NATIONAL GANG ACTIVITY DATABASE.—

(1) IN GENERAL.—The Attorney General shall establish a National Gang Activity Database to be housed at and administered by the Department of Justice.

(2) DESCRIPTION.—The database required by paragraph (1) shall—

(A) be designed to disseminate gang information to law enforcement agencies throughout the country and, subject to appropriate controls, to disseminate aggregate statistical information to other members of the criminal justice system, community leaders, academics, and the public;

(B) contain critical information on gangs, gang members, firearms, criminal activities, vehicles, and other information useful for investigators in solving and reducing gang-related crimes;

(C) operate in a manner that enables law enforcement agencies to—

(i) identify gang members involved in crimes;

(ii) track the movement of gangs and members throughout the region;

(iii) coordinate law enforcement response to gang violence;

(iv) enhance officer safety;

(v) provide realistic, up-to-date figures and statistical data on gang crime and violence;

(vi) forecast trends and respond accordingly; and

(vii) more easily solve crimes and prevent violence; and

(D) be subject to guidelines, issued by the Attorney General, specifying the criteria for adding information to the database, the appropriate period for retention of such information, and a process for removing individuals from the database, and prohibiting disseminating gang information to any entity that is not a law enforcement agency, except aggregate statistical information where appropriate.

(3) USE OF RISS SECURE INTRANET.—From amounts made available to carry out this section, the Attorney General shall provide the Regional Information Sharing Systems such sums as are necessary to use the secure intranet known as RISSNET to electronically connect existing gang information systems (including the RISSGang National Gang Database) with the National Gang Activity Database, thereby facilitating the automated information exchange of existing gang data by all connected systems without the need for additional databases or data replication.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General $10,000,000 for each of fiscal years 2008 through 2012 to carry out this section.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

SEC. 305. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO COMBAT VIOLENT CRIME.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) to hire additional prosecutors to—

"(A) allow more cases to be prosecuted; and

"(B) reduce backlogs; and

"(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain

databases with such information to facilitate coordination among law enforcement and prosecutors.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.''.

SEC. 306. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM INVOLVED YOUTH.

(a) EXPANSION.—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended by adding at the end the following: ''The Administrator shall expand the number of sites receiving such grants from 4 to 12.''.

(b) AUTHORIZATION OF PROGRAM.—Section 299(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(c)) is amended—

(1) by striking ''There are authorized'' and inserting the following:

''(1) IN GENERAL.—There are authorized''; and

(2) by adding at the end the following:

''(2) AUTHORIZATION OF APPROPRIATIONS FOR MENTORING INITIATIVE.—There are authorized to be appropriated to carry out the Mentoring Initiative for System Involved Youth Program under part E $4,800,000 for each of fiscal years 2008 through 2012.''.

SEC. 307. DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO GANG ACTIVITY AND AFTER-SCHOOL PROGRAMS.

(a) IN GENERAL.—The Attorney General may make grants to public or nonprofit private entities (including faith-based organizations) for the purpose of assisting the entities in carrying out projects involving innovative approaches to combat gang activity.

(b) CERTAIN APPROACHES.—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to gang activity prevention

(2) Educating parents to recognize signs of problems and potential gang involvement in their children.

(3) Teaching parents the importance of a nurturing family and home environment to keep children out of gangs.

(4) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(c) MATCHING FUNDS.—

(1) IN GENERAL.—The Attorney General may make a grant under this section only if the entity receiving the grant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward the cost of activities to be performed with that grant in an amount that is not less than 25 percent of such costs.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including facilities, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—The Attorney General shall establish criteria for the evaluation of projects involving innovative approaches under subsection (a).

(2) GRANTEES.—A grant may be made under subsection (a) only if the entity involved—

(A) agrees to conduct evaluations of the approach in accordance with the criteria established under paragraph (1);

(B) agrees to submit to the Attorney General reports describing the results of the evaluations, as the Attorney General determines to be appropriate; and

(C) submits to the Attorney General, in the application under subsection (e), a plan for conducting the evaluations.

(e) APPLICATION FOR GRANT.—A public or nonprofit private entity desiring a grant under this section shall submit an application in such form, in such manner, and containing such agreements, assurances, and information (including the agreements under subsections (c) and (d) and the plan under subsection (d)(2)(C)) as the Attorney General determines appropriate.

(f) REPORT TO CONGRESS.—Not later than February 1 of each year, the Attorney General shall submit to Congress a report describing the extent to which the approaches under subsection (a) have been successful in reducing the rate of gang activity in the communities in which the approaches have been carried out. Each report under this subsection shall describe the various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of the fiscal years 2008 through 2012.

SEC. 308. SHORT-TERM STATE WITNESS PROTECTION SECTION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

"§570. Short-Term State Witness Protection Section

''(a) IN GENERAL.—There is established in the United States Marshals Service a Short-Term State Witness Protection Section which shall provide protection for witnesses in State and local trials involving homicide or other major violent crimes pursuant to cooperative agreements with State and local criminal prosecutor's offices and the United States attorney for the District of Columbia.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—The Short-Term State Witness Protection Section shall give priority in awarding grants and providing services to—

''(A) criminal prosecutor's offices for States with an average of not less than 100 murders per year; and

''(B) criminal prosecutor's offices for jurisdictions that include a city, town, or township with an average violent crime rate per 100,000 inhabitants that is above the national average.

''(2) CALCULATION.—The rate of murders and violent crime under paragraph (1) shall be calculated using the latest available crime statistics from the Federal Bureau of Investigation during 5-year period immediately preceding an application for protection.''.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 37 of title 28, United States Code, is amended by striking the items relating to sections 570 through 576 and inserting the following:

''570. Short-Term State Witness Protection Section.''.

(b) GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''eligible prosecutor's office'' means a State or local criminal prosecutor's office or the United States attorney for the District of Columbia; and

(B) the term ''serious violent felony'' has the same meaning as in section 3559(c)(2) of title 18, United States Code.

(2) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General is authorized to make grants to eligible prosecutor's offices for purposes of identifying witnesses in need of protection or providing short term protection to witnesses in trials involving homicide or serious violent felony.

(B) ALLOCATION.—Each eligible prosecutor's office receiving a grant under this subsection may—

(i) use the grant to identify witnesses in need of protection or provide witness protection (including tattoo removal services); or

(ii) pursuant to a cooperative agreement with the Short-Term State Witness Protection Section of the United States Marshals Service, credit the grant to the Short-Term State Witness Protection Section to cover the costs to the section of providing witness protection on behalf of the eligible prosecutor's office.

(3) APPLICATION.—

(A) IN GENERAL.—Each eligible prosecutor's office desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) describe the activities for which assistance under this subsection is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $90,000,000 for each of fiscal years 2008 through 2010.

SEC. 309. WITNESS PROTECTION SERVICES.

Section 3526 of title 18, United States Code (Cooperation of other Federal agencies and State governments; reimbursement of expenses) is amended by adding at the end the following:

''(c) In any case in which a State government requests the Attorney General to provide temporary protection under section 3521(e) of this title, the costs of providing temporary protection are not reimbursable if the investigation or prosecution in any way relates to crimes of violence committed by a criminal street gang, as defined under the laws of the relevant State seeking assistance under this title.''.

SEC. 310. EXPANSION OF FEDERAL WITNESS RELOCATION AND PROTECTION PROGRAM.

Section 3521(a)(1) of title 18 is amended by inserting '', criminal street gang, serious drug offense, homicide,'' after ''organized criminal activity''.

SEC. 311. FAMILY ABDUCTION PREVENTION GRANT PROGRAM.

(a) STATE GRANTS.—The Attorney General is authorized to make grants to States for projects involving—

(1) the extradition of individuals suspected of committing a family abduction;

(2) the investigation by State and local law enforcement agencies of family abduction cases;

(3) the training of State and local law enforcement agencies in responding to family abductions and recovering abducted children, including the development of written guidelines and technical assistance;

(4) outreach and media campaigns to educate parents on the dangers of family abductions; and

(5) the flagging of school records.

(b) MATCHING REQUIREMENT.—Not less than 50 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(c) DEFINITIONS.—In this section:

(1) FAMILY ABDUCTION.—The term ''family abduction'' means the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of the parent or family member, that prevents another individual from exercising lawful custody or visitation rights.

(2) FLAGGING.—The term "flagging" means the process of notifying law enforcement authorities of the name and address of any person requesting the school records of an abducted child.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any territory or possession of the United States, and any Indian tribe.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 and 2010.

SEC. 312. STUDY ON ADOLESCENT DEVELOPMENT AND SENTENCES IN THE FEDERAL SYSTEM.

(a) IN GENERAL.—The United States Sentencing Commission shall conduct a study to examine the appropriateness of sentences for minors in the Federal system.

(b) CONTENTS.—The study conducted under subsection (a) shall—

(1) incorporate the most recent research and expertise in the field of adolescent brain development and culpability;

(2) evaluate the toll of juvenile crime, particularly violent juvenile crime, on communities;

(3) consider the appropriateness of life sentences without possibility for parole for minor offenders in the Federal system; and

(4) evaluate issues of recidivism by juveniles who are released from prison or detention after serving determinate sentences.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to Congress a report regarding the study conducted under subsection (a), which shall—

(1) include the findings of the Commission;

(2) describe significant cases reviewed as part of the study; and

(3) make recommendations, if any.

(d) REVISION OF GUIDELINES.—If determined appropriate by the United States Sentencing Commission, after completing the study under subsection (a) the Commission may, pursuant to its authority under section 994 of title 28, United States Code, establish or revise guidelines and policy statements, as warranted, relating to the sentencing of minors under this Act or the amendments made by this Act.

SEC. 313. NATIONAL YOUTH ANTI-HEROIN MEDIA CAMPAIGN.

Section 709 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708) is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following:

"(k) PREVENTION OF HEROIN ABUSE.—

"(1) FINDINGS.—Congress finds the following:

"(A) Heroin, and particularly the form known as 'cheese heroin' (a drug made by mixing black tar heroin with diphenhydramine), poses a significant and increasing threat to youth in the United States.

"(B) Drug organizations import heroin from outside of the United States, mix the highly addictive drug with diphenhydramine, and distribute it mostly to youth.

"(C) Since the initial discovery of cheese heroin on Dallas school campuses in 2005, at least 21 minors have died after overdosing on cheese heroin in Dallas County.

"(D) The number of arrests involving possession of cheese heroin in the Dallas area during the 2006–2007 school year increased over 60 percent from the previous school year.

"(E) The ease of communication via the Internet and cell phones allows a drug trend to spread rapidly across the country, creating a national threat.

"(F) Gangs recruit youth as new members by providing them with this inexpensive drug.

"(G) Reports show that there is rampant ignorance among youth about the dangerous and potentially fatal effects of cheese heroin.

"(2) PREVENTION OF HEROIN ABUSE.—In conducting advertising and activities otherwise authorized under this section, the Director shall promote prevention of youth heroin use, including cheese heroin.".

SEC. 314. TRAINING AT THE NATIONAL ADVOCACY CENTER.

(a) IN GENERAL.—The National District Attorneys Association may use the services of the National Advocacy Center in Columbia, South Carolina to conduct a national training program for State and local prosecutors for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors to work together.

(b) TRAINING.—The National Advocacy Center in Columbia, South Carolina may provide comprehensive continuing legal education in the areas of trial practice, substantive legal updates, and support staff training.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $6,500,000, to remain available until expended, for fiscal years 2008 through 2011.

TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

SEC. 401. SHORT TITLE.

This title may be cited as the "Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2007" or the "PRECAUTION Act".

SEC. 402. PURPOSES.

The purposes of this title are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 403. DEFINITIONS.

In this title, the following definitions shall apply:

(1) COMMISSION.—The term "Commission" means the National Commission on Public Safety Through Crime Prevention established under section 404(a).

(2) RIGOROUS EVIDENCE.—The term "rigorous evidence" means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term "subcategory" means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including probation-based strategies).

(C) School settings (including antigang and general antiviolence strategies).

(4) TOP-TIER.—The term "top-tier" means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(7) EX OFFICIO MEMBERS.—The Director of the National Institute of Justice, the Director of the

Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of ⅔ of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of ⅔ of the members of the Commission.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this title or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the Chief Federal Public Defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations on qualifying considerations relating to that subcategory for selecting grant recipients under section 405.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a pre-existing base of knowledge that would benefit less from additional research and development.

(g) FINAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 405, the Commission shall collect the results of the study of the effectiveness of that grant under section 405(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 405 and its results. This report shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Commission's collection of information and evidence regarding each grant recipient under section 405 shall be carried out by—

(A) ongoing communications with the grant administrator at the National Institute of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the grant recipient is carrying out the strategy with a grant under section 405, at least once in the second and once in the third year of that grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a grant under section 405, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the grant period;

(D) the type and design of the effectiveness study conducted under section 405(b)(3) for that strategy;

(E) the results of the effectiveness study conducted under section 405(b)(3) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 405(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional *personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.*

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this title. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

(k) TERMINATION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

(l) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) GRANTS AUTHORIZED.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 3 years.

(2) AMOUNT.—The amount of each grant under this section—

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

(B) shall not exceed $2,000,000.

(3) EVALUATION SET-ASIDE.—

(A) IN GENERAL.—A grantee shall use not less than $300,000 and not more than $700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) METHODOLOGY OF STUDY.—

(i) IN GENERAL.—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(ii) CRITERIA.—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(iii) APPROVAL.—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(4) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 404(f), the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(5) TYPE OF GRANTS.—One-third of the grants made under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 404(f) shall be considered.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $18,000,000 to carry out this subsection.

(c) DEDICATED STAFF.—

(1) IN GENERAL.—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the grants under this section.

(2) STUDY OVERSIGHT.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that grantees adhere to the study design approved before the applicable grant was awarded.

(3) LIAISON.—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission and the recipients of a grant under this section. That employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000 for each of fiscal years 2008 through 2012 to carry out this subsection.

(d) APPLICATIONS.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

(e) COOPERATION WITH THE COMMISSION.—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

Mr. LEAHY. Mr. President, today the Senate considers The Gang Abatement and Prevention Act of 2007, a bill concerned with the Nation's growing gang problem. I want to thank Senator FEINSTEIN for her tireless work on this issue over many years and, in particular, for working diligently with me to address my concerns and to formulate what I hope we all agree is an even better gang bill.

Violent crime in America is again on the rise. This troubling news is in my view at least in part the result of the Bush administration's failure to heed the lessons learned from our successful fight against violent crime in the 1990s. Congress and the Clinton administration provided significant new funding to strengthen State and local law enforcement and supported programs to prevent gang and youth violence. Our efforts worked. Studies have repeatedly shown that, violent crime and gang offenses steadily dropped to historic lows. But the Bush administration chose a different course, and, despite warnings from me and others, has repeatedly cut funding for State and local cops on the beat and community programs targeting the prevention of youth crime.

I hope that this bill will be part of a return to productive law enforcement strategies that worked so well in the past. I share the views expressed at the hearing in June by Los Angeles Police Chief William J. Bratton that "we can't arrest our way out of our gang crime problem." As those who have worked on this issue for years know all too well, we must match our commitment to law enforcement with an equal commitment to intervention and prevention as a means of curbing gang violence. Neither strategy works without the other, and I believe, as so many law enforcement and civil leaders do, that any legislative proposal to address gang violence must focus on new means to prevent youth and gang violence. I am glad that Senator FEINSTEIN's bill now reflects these priorities.

The Gang Abatement and Prevention Act of 2007 represents a significant improvement over earlier gang legislation. It does not contain the death penalties, mandatory minimums, and expansive juvenile transfer provisions that were among my strongest objections to some past proposals. Further, Senator FEINSTEIN has worked with me and others to ensure that this bill will provide some of the resources necessary to reverse the policies of this administration, which have neglected the officers who combat gang violence on a daily basis and the organizations that work to keep children out of gangs. I particularly appreciate provisions in the bill to provide up to $1 billion over 10 years to support collaborative law enforcement and community prevention efforts, with a significant portion of that amount going to civic groups for innovative prevention programs that truly work to reduce gang violence.

I have long said that I don't believe that sweeping new Federal crimes, which federalize the kind of street crime that States have traditionally addressed and can handle with the right resources and assistance, are the right way to go. The bill still contains more emphasis on federalizing crime and mandating sentences than I would like. But I have tried to work with Senator FEINSTEIN to reduce its impact on the sphere of criminal law traditionally handled by the States and to focus on the most serious offenders and conduct, for which Federal attention is needed. I also appreciate Senator FEINSTEIN and Senator SCHUMER working with Senator WHITEHOUSE and me to ensure that small States such as Rhode Island and Vermont could be eligible under the bill to receive crucially important witness protection grants.

We all care deeply about eradicating gang violence, and we must work together to create a comprehensive solution to this troubling, persistent problem. I hope that this bill will be a step toward reversing the mistakes of the Bush administration and reinvigorating our efforts to provide Federal support for those who combat gang violence every day and to protect those who are its victims.

Mr. HATCH. I rise today to congratulate my fellow Senators on the passage of the Gang Abatement and Prevention Act of 2007. This vital legislation makes important changes to the federal criminal code which will allow a more effective response to the ever growing threat that violent street gangs present to our society.

Americans are acutely aware of the myriad problems brought about by the influence and prevalence of criminal gangs in this country. I have long shared this concern, and introduced legislation over 10 years ago that attempted to address the problem. Senator FEINSTEIN joined me in that effort, and since that time has pursued this matter with a vigor and tenacity that should make the residents of California proud. I want to offer my heartfelt congratulations and appreciation to Senator FEINSTEIN for her tireless efforts in sponsoring this bill, and am pleased that our combined efforts over the years have brought us one step closer to having this legislation signed into law.

I believe that all members of the Senate share their constituents' desire to see a diminished role of gangs and associated violence in our communities. The question is very simple: How do we achieve this goal?

The prevailing thought is to either modify the criminal code or provide financial assistance that enhances procedures and programs that have been proven to effectively reduce gang participation. The bill that passed today does both of these things, and it is my hope that the vital tools in this initiative can be utilized by state and local personnel to provide for a greatly diminished threat from criminal street gangs.

One thing I want to make perfectly clear is that my involvement with this issue does not diminish my concerns with the federalization of crimes. I want to read a few sentences I said on the Senate Floor in 1996 when introducing the Federal Gang Violence Act of 1996: "Our problem is severe. Moreover, there is a significant role the Federal Government can play in fighting this battle. I am not one to advocate the unbridled extension of Federal jurisdiction. Indeed, I often think that we have federalized too many crimes. However, in the case of criminal street gangs, which increasingly are moving interstate to commit crimes, there is a very proper role for the Federal Government to play."

I said this in 1996, and my thoughts have not changed. The federal government too many times hands out money like a broken ATM, subsidizing projects that are more appropriately left to the states. However, the fact that Gangs have operations which spread throughout our country necessitates a federal law enforcement response. I am confident that Americans would approve of their tax dollars being effectively utilized in attempts to reduce gangs and criminal activity, and provide a safer environment for their families.

The young people who join criminal gangs have made an unfortunate choice to squander all of the opportunities available in their life, opportunities which are abundant in our great nation. But even worse, their choice to participate in violent gang crimes put the lives of innocent Americans in danger. The same innocent people who have rightly chosen to live their life in a productive manner benefiting fellow citizens.

Numerous cities in my home state of Utah, such as Orem, St. George, and Provo are facing an increase in gang activity. National gangs, like MS–13, are expanding their presence in Utah. Law enforcement is also reporting an increase in gang members relocating from areas of Southern California. It is vital that we provide immediate assistance to cities that are in the beginning stages of a battle with highly sophisticated national gangs. If a city can't deal with this problem swiftly and severely, then the gangs will fester like a disease, amplifying to an unmanageable level. We have seen this throughout the country, and I am dedicated to ensure that the cities in Utah and other states receive appropriate and necessary assistance from Congress to increase community prevention efforts.

I applaud the efforts of lawmakers whose tireless efforts produced this bill, and am hopeful that the funds provided for prevention and mentoring can be utilized to help negate the persistent efforts of gangs to augment their ranks with additional kids. Life provides many choices, and I hope that our youth will find the strength and courage to resist the gang lifestyle.

I recognize that there is no mechanism which can easily remove the scourge of criminal gangs, but am confident that this bill will provide resources which can enhance and amplify the efforts of dedicated personnel who endeavor to bestow positive influence to our communities.

Mr. CASEY. Mr. President, I ask unanimous consent that the committee substitute amendment be considered; the Feinstein-Hatch amendment, which is at the desk, be agreed to; the committee substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3022) was agreed to, as follows:

Strike section 215.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 456), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR MONDAY, SEPTEMBER 24, 2007

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, September 24; that on Monday following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Senator BYRD recognized for 25 minutes of the majority's time, and the Republicans controlling the final portion; that at 3 p.m. the Senate proceed to the consideration of the conference report to accompany H.R. 1495, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 24, 2007, AT 2 P.M.

Mr. CASEY. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:24 p.m., adjourned until Monday, September 24, 2007, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF JUSTICE

MICHAEL B. MUKASEY, OF NEW YORK, TO BE ATTORNEY GENERAL, VICE ALBERTO R. GONZALES, RESIGNED.

SENATE—*Monday, September 24, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Shepherd of love, as we begin today's legislative session, we pause to acknowledge Your sovereignty. You sit enthroned between the cherubim, so shower us with gifts from Your bounty.

Today, lead our lawmakers beside still waters and replenish their spirits with Your power. As they grapple with the challenges of our time, give them a faith that will not shrink when facing formidable obstacles. Lord, provide them with wisdom to hear Your voice and the courage to obey Your counsel. Remind them that success comes not by might or power but by Your spirit.

Let Your hand rest on our Nation, and lead it to a greatness that glorifies You. Hasten the day when Your kingdom shall reign.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 24, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I want Senator BYRD and the minority response to have the full hour. So when Senator MCCONNELL and I finish whatever remarks we would give, I hope there will be unanimous consent that they could both have a full half hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business until shortly after 3 o'clock, with the time equally divided and controlled. The majority will control the first part, with Senator BYRD taking our time. The final portion will be controlled by the Republicans.

Shortly after 3 p.m., the Senate will proceed to the conference report to accompany H.R. 1495, the Water Resources Development Act. The debate time on that conference report will extend until quarter to 6 tonight. The majority manager, Senator BOXER, and Senator INHOFE will be here shortly after 3 to proceed forward with the debate.

Mr. President, I have to comment on this remarkable piece of legislative work. Senator BOXER and Senator INHOFE—you could have no two different political ideologies than the two of them. One is the chairman of the committee, one is the ranking member. That was reversed—INHOFE was the chairman, BOXER was the ranking member last year. They worked together well last year, and they worked extremely well together this year, as evidenced by this bill, which I think sets a good example for all of us here. You do not have to have ideological parity to get things done around here. This is a good example of that.

The vote on the conference report is expected around 5:45 p.m. today. This could never, ever have been accomplished without these two Senators working together. Once the Senate completes action on the conference report this evening, we will decide what we have to do. We have a lot to do this week. I am going to spend some time with the Republican leader and determine how we are going to accomplish what we have to do.

We have, perhaps, SCHIP, we have a continuing resolution, we have a debt limit extension, and we have to finish this bill, which means we probably will not finish this bill this week, but it is something we have to do. So everyone should watch closely what is going on, and we will try to work our way through this. There have been a number of procedural hurdles to get through.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

MAHMUD AHMADINEJAD'S UNITED STATES VISIT

Mr. MCCONNELL. Mr. President, I rise to discuss Iranian President Mahmud Ahmadinejad's visit to New York. The ostensible purpose of this visit is to address the United Nations General Assembly, but Ahmadinejad will have accomplished much more than that by the time he leaves. By opening its gates to this man's hateful ideology, Columbia University is allowing him to take full advantage of a golden opportunity to spread it and giving it a level of deference it, frankly, does not deserve.

It is one thing for a foreign leader, even one as disreputable as Ahmadinejad, to visit the U.N. and remain confined to the grounds of the U.N. As a head of state, he is legally entitled to visit the United Nations. It is quite another to give a man who has referred to the United States as the "Great Satan" and who denies the Holocaust a coveted platform from which to speak.

Let's consider for a minute what Iran has said and done during his Presidency. Iran actively supports militias that undermine the rule of law and export weapons that are killing our U.S. soldiers and marines in Iraq. Iran is actively pursuing a nuclear program that puts it on a path toward possessing nuclear weapons. Iran is a state sponsor of terror. Iran supports proxies that are undercutting attempts to bring peace, reconciliation, and democracy to Lebanon. Ahmadinejad has called for Israel, one of America's closest allies, to be wiped off the map. Iran supports proxies in Syria and Gaza that are actively trying to goad Israel into war and undercutting the efforts to facilitate peace between Israel and the Palestinians. Ahmadinejad has denied that the Holocaust ever took place, calling it a myth. He even hosted a convention of Holocaust deniers.

It is hard to imagine any nation on earth that threatens U.S. interests and those of its allies much more than Iran. It is equally hard to imagine any

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

greater American university of generations past inviting a world leader to its campus who supported groups that kill U.S. soldiers and marines. Think of the irony: Columbia University, home of the core curriculum that prizes an in-depth understanding of Western civilization and the free exchange of ideas, is bringing to its campus a state sponsor of terror. A school that rejected the ROTC in 2005 on the grounds that the "don't ask, don't tell" policy discriminated against gays now welcomes a man whose government reportedly executes them.

Whether Mahmud Ahmadinejad should be speaking at Columbia should not be the subject of a philosophical debate. He already rejected that debate by leading a regime which has chosen terrorism over reason and open dialog. Under Ahmadinejad, the Iranian regime trains, funds, and exports terror. Defense Department sources tell us that explosively formed penetrators, the most lethal form of improvised explosive devices used against our forces in Iraq, are being manufactured in Iran.

I was heartened to see some common sense was injected into the Iranian leader's visit when the New York City Police Department denied his request to visit Ground Zero and lay a wreath. Looking at Ahmadinejad's record on terror, one wonders whether the wreath was meant to honor the victims of the World Trade Center attacks or its perpetrators.

I support the administration's approach to the Iranian nuclear program. Active diplomacy and ratcheting up international sanctions are, at this point, the best path forward. That said, diplomacy is only as effective as the credibility and potential force backing it up. The President, as Commander in Chief, is correct to preserve a broad spectrum of policy options in confronting the Iranian threat.

Some groups on the left, such as MoveOn.org, believe we should take military options off the table, then negotiate. Such an approach might make sense to the zealots on the far left, but it will not help us in our efforts to slow Iran's nuclear program. Why would Iran take us seriously if we negotiate with all carrots and no sticks? Why would they take us seriously when their hateful screeds against us and our allies are met with an invitation to join polite society's lecture circuit?

I will close by saying that I strongly support free speech. Free speech is a hallmark of democracy, a right not afforded by Ahmadinejad to his own people. There is a world of difference between not preventing Ahmadinejad from speaking and handing a megalomaniac a megaphone and a stage to use it.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes until the hour of 3:10 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first half and Senator BYRD recognized for 25 minutes of the majority's time and the Republicans controlling the final portion.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

IRAQ

Mr. BYRD. Mr. President, a few days ago, Congress and the American public were treated to a sales job on Iraq that would have made any used car salesman proud. We heard the half-truths and rosy visions put forth by authoritative diplomats in dark suits and ribboned and starred generals in uniform, topped off by the pomp and circumstance of a well-rehearsed Oval Office speech. Visions were painted for us of a peaceful and prosperous oasis of democracy and stability in the turbulent geography of the Middle East, if only—and only if—our gallant soldiers stayed for just a little while longer to bring the dream to reality. Such a grand vision, of course, produced yet another new Bush administration slogan, "return on success," which fits very nicely on a bumper sticker for the back of the lemon this team of salesmen is trying to peddle.

Like any good used car salesman, the President insists that we take him up on his once-in-a-lifetime good deal, just as he has insisted, each and every time, that he needs a little more time for his war in Iraq. If we don't buy in once again, Iraq will descend into chaos, militias will commence with ethnic cleansing, terrorists will set up complexes from which to launch attacks on the United States, and Iran or Syria, or both, will develop nuclear weapons and invade Iraq on their way to Israel.

Mr. President, I suggest that we stop and take a little time to consider this offer, consider what was said and what was not said. It is long past time to lift the hood and kick the tires.

President Bush said in his speech that things were going so well in Iraq that the extra troops needed for the surge could begin returning home, as long as conditions continued to improve. In the only time line that he laid out, the President suggested that, subject to his fine print, the number of U.S. troops in Iraq might be reduced to 137,000 by July 2008. While that is certainly welcome news, it carefully neglects to mention that this reduction would still leave 7,000 more troops in Iraq than were present before the so-called "temporary surge" began in February 2007. Frankly, that is not much of a drawdown, given all the so-called "progress" in Iraq cited by the President.

The President said in 2003, "Mission accomplished." Now the President says that in December, it will be time to "transition to the next phase of our strategy in Iraq." The President said, and I quote, "As terrorists are defeated, civil society takes root, and the Iraqis assume more control over their own security, our mission in Iraq will evolve. Over time, our troops will shift from leading operations, to partnering with Iraqi forces, and eventually to overwatching those forces."

In 2003, over 4 years ago, when U.S. forces overthrew the regime of Saddam Hussein, there was supposed to be a rapid transition to a new civil government in Iraq. In all the years since the invasion, civil society has not yet put down strong roots despite our efforts. By every assessment and every benchmark, it is not happening now, either. The Iraqi central government is nowhere near achievng reconciliation, and equitable arrangements for the sharing of oil revenue or holding elections are but dim and distant visions. Iraqis have not assumed control over their own security. Indeed, independent assessments of Iraq have suggested that Iraqi security forces are riddled with sectarian corruption and will not be capable of providing security for some time to come, if ever.

U.S. troops have been "partnering" with Iraqi troops for years now, and U.S. troops have been training, equipping and supporting Iraqi forces to the tune of billions of dollars. U.S. troops have been conducting counterterrorism operations, as the President also noted in his speech. So what, pray tell, is new or different about this strategy? I can see nothing by which to judge success so that our troops may "return on success." It is just a nice paint job slathered across the same old junk car.

The warranties on this new speech and this new sales job expire as soon as the car is driven off the lot. The only timeline offered by President Bush or General Petraeus ran out of time after July 2008. The pretty six-colored chart that General Petraeus used to show the troop drawdown associated with the transition had no dates on it past July 2008, though it was pretty clear that U.S. troops would be in Iraq for a very long time to come. President Bush explicitly said that if he has his way, U.S. troops would be in Iraq long past his exit from the White House. He boldly asserts that he will leave his staggering foreign policy calamity for someone else to clean up. Talk about passing the buck.

Mr. President, we simply cannot afford another slick White House sales job. Too many young men and women have died or have been maimed in this horrific war. We owe it to them to take a good hard look at the facts. General Petraeus, in his testimony, suggested that because of the "surge," the number of Iraqi deaths have decreased, indicating "progress." That may or may not be true—I do not know—but I do know that General Petraeus carefully did not note that the number of U.S. deaths in Iraq actually increased during the surge period, compared to the same periods in prior years. General Petraeus also did not note that the U.S. military death rate in Iraq, that is, the average number of deaths per month, also continues to climb from prior years.

General Petraeus pointed to the decrease in the number of improvised explosive device, or IED, attacks during the surge period of June through August as another sign of progress. It is true that the number of attacks dropped—as it does every year during the very hottest months of June, July, and August. But what General Petraeus did not say is that the number of U.S. deaths from IEDs increased during the surge period, compared to the same period in prior years. That, as they say, is the rest of the story. That is the whole truth, not carefully cherry-picked statistics designed to bolster the President's pitch for progress.

The President and his men also did not talk about the price tag of this shiny little war sedan. No need to discuss that before they have hooked us into writing the check. But the cost of this war should be uppermost in our minds, as the Senate addresses the Defense authorization bill, and certainly before the Senate considers yet another war funding supplemental appropriations bill—the largest one ever.

Congress has already appropriated over $450 billion for the war in Iraq, and if Congress approves the President's latest request for supplemental funds, that figure will grow to over $600 billion during fiscal year 2008. That is a price tag with nine zeroes in it, folks. These direct costs do not cover the many hidden, indirect costs of this war, such as higher Veterans Administration costs, more veterans' disability payments, the considerable interest on the additional debt, higher oil and gasoline prices, increased security costs here at home, and the incalculable damage done to our image and reputation in the world because of this war. The combined direct and indirect costs and obligations of this war will exceed $1 trillion by the most conservative estimates. Many economists believe that the costs are much higher.

That $600 billion or $1 trillion pricetag also does not begin to cover the lost opportunity costs—all the ways in which money now spent on Iraq could have been used to make our bridges safer, secure our border, improve education, or to prepare for and rebuild after natural disasters and weather-related farming failures. That money could have been used to develop safe, clean, alternative energy sources so that the United States would not have to rely so much on oil from the Middle East or other volatile regions of the world.

Nor does that $600 billion or $1 trillion cover the costs of keeping upwards of 130,000 troops in Iraq for the many additional years the President and his men suggest will be necessary to achieve their vision of progress and success. It boggles the mind to consider the long-term costs of buying this war.

We all say that we support the troops. These brave men and women have been given a near impossible task, which they have performed with dedication, professionalism, courage, and honor. The Congress has provided everything the generals have asked for, and more. The President has taken that support for our men and women in uniform to imply support and even validation of his policy. He wants to keep the U.S. military tied down in Iraq indefinitely, trying to bargain for a little more time, a little more time, time and time again, never grasping that his policy is fatally flawed. History shows the fallacy of thinking that democracy can be force-fed at the point of a gun.

In the fifth year of this misguided, infernal war, I am convinced that the best way to support our troops is to bring them home—home, sweet home—and the only way to get them home may be to somehow restrict the funds for this disastrous, awful war. We have tried this before and the President, the President, vetoed the bill. I am here today to insist that we must try again. Strings must be attached to this money. This Senator will support no more blank checks for Iraq.

On October 11, 2002, I was one of only 23 Senators who voted against the authorization that led to this awful, infernal war. I call on my colleagues, for the sake of our soldiers and for the sake of our Nation, to remember that half-truths and misleading claims are what led to this war. We can all recall that on February 5, 2003, the President sent Colin Powell, both a ribboned and starred general and a respected diplomat, to the United Nations to sell this war to the UN and to the Nation. Secretary Powell painted frightening visions of anthrax, truck and rail car-mounted mobile weapons laboratories, and nuclear weapons—none of it was accurate. The Nation was led to believe that our troops would be greeted as liberators, and that oil money would pay for Iraq's reconstruction. Now while the half-truths have changed, the strategy of misleading the Nation remains the same.

Iraq may descend further into chaos if U.S. troops leave now, or it may descend into chaos whenever they leave. As long as the United States keeps the peace in Iraq, there is no incentive for Iraqis to maintain the peace on their own. After nearly 5 years of this awful, terrible war, more than 3,800 deaths, over 27,000 wounded, and no end in sight, we must change course. This war, this draining, desultory, dreadful occupation of Iraq must end.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

COMMENDING SENATOR BYRD

Mr. LIEBERMAN. Mr. President, before I begin my remarks, I must pay tribute to Senator BYRD. We are on different sides of the discussion on the Iraq war, but he is an extraordinary public servant who remains as full of not just passion, which is evident, but brainpower at a mature age, shall I say, as he was when he was a lot younger. It is a privilege to serve with him and to have listened to him.

IRANIAN REVOLUTIONARY GUARD CORPS

Mr. LIEBERMAN. Mr. President, I rise to speak on amendment No. 3017 which Senator KYL of Arizona and I have offered. This amendment would designate the Iranian Revolutionary Guard Corps as a foreign terrorist organization and thereby subject this deadly, nefarious group to a series of economic and diplomatic sanctions that Senator KYL and I think will be felt in Iran and that this group, because of its dangerous and destabilizing work throughout Iraq and the Middle East, deserves.

This is obviously a week in which the leader of Iran, President Ahmadinejad, is in the United States of America. A great debate rages about what is the appropriate way to greet him? What sanctions, what platforms should be given to him? What sanctions should be discussed?

Personally, I feel it was a terrible mistake for Columbia University to invite him to speak because he comes literally with blood on his hands—the blood of American soldiers who are being killed today in Iraq by Iraqi extremists trained by the Iranian Revolutionary Guard Corps, the Quds Force, in Iran at bases surrounding Tehran.

But I offer this amendment in this spirit: If we are looking for a way to meaningfully respond to the presence of Ahmadinejad in the United States, I cannot think of anything better than adopting this resolution which documents exactly the campaign of death and murder of Americans and others throughout the Middle East that it is carrying out.

Regardless of where any individual Member of this Chamber stands on the war in Iraq and what the best way forward on the war in Iraq is, this matter of Iran's deadly role in Iraq and throughout the Middle East should draw us all together. This is a matter on which we are not for or against the war in Iraq, we are not Democrats or Republicans, we are Americans standing based of the evidence against a force, the Iranian Republican Guard Corps, the Quds Force, that has blood on its hands, and the blood is American blood.

General Petraeus, 2 weeks ago, testified before Congress, and he could not have been clearer about the threat we face from Iran. In his words:

> It is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Quds Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces.

General Petraeus's testimony is the latest in a growing dossier of evidence about Iranian terrorism—call it what it is. Ahmadinejad is maybe called President; he is the terrorist dictator who, with a small group around him, has seized control of a great Nation, Iran—a growing dossier of evidence about Iranian terrorism in Iraq and throughout the region that we in this Chamber have received from our American military commanders on the ground in Iraq, from our top diplomats there, and from our own intelligence community.

This is not opinion; this is fact. Specifically, we have received detailed information in recent months about how operatives from the Iranian Revolutionary Guard Corps have been training—have been training—arming, funding, and even directing extremists inside Iraq. As Ambassador Crocker testified:

> While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state.

The IRGC, Quds Force, is also importing terrorists from the Lebanese Hezbollah to help build its extremist proxies in Iraq. We know this because coalition forces, American forces, have captured one of the Hezbollah leaders inside Iraq and recovered documents that detail the relationship between the Iranian regime and the extremist groups they are sponsoring who are killing Americans.

General Petraeus said it when he was here:

> This is not intelligence. This is evidence.

We also know Iran has been using its territory to train and organize these extremists, as I said. What is the source of that? The U.S. military spokesperson in Iraq, BG Kevin Bergner, U.S. Army. He has said groups of up to 60 Iraqi militants at a time have been taken to 3 camps near Tehran, where they received instruction in the use of mortars, rockets, improvised explosives, and other deadly tools of guerrilla warfare that they then use against our troops in Iraq.

General Bergner also reported this summer the U.S. military has concluded that "the senior leadership" in Iran is aware of the activities of the Iranian Revolutionary Guard Corps in sponsoring attacks against our soldiers in Iraq, and that, in his words, it is "hard to imagine" that the Supreme Leader of Iran, Ayatollah Ali Khamenei, does not know about them.

The consequences of this Iranian terrorism in Iraq have been immense and terrible for our men and women in uniform and for their families and friends at home. According to LTG Ray Odierno, the deputy commander of our forces in Iraq, Iranian-supplied weapons were responsible for a full one-third of American combat deaths this July. That builds on a similar record in preceding months. Let me repeat that. Up to a third of the deaths of American soldiers in Iraq in July were caused by sophisticated explosive devices used by people trained in Iran, with those devices supplied by Iran. This means the Iranians and their agents are killing our troops. Why are they doing it? Because they want us to retreat from Iraq.

The Iranians understand—sometimes, it seems, better than a lot of Americans do—that if American power collapses in Iraq, if we retreat and abandon our allies and the hopes we share with them for a better future in Iraq and throughout the Middle East, our position throughout the region will become much weaker and Iran's position will become much stronger.

Iranian aggression in Iraq fits squarely into a larger pattern of regional aggression, leading, they hope, to regional domination.

Tehran is also training, funding, and equipping radical groups that are responsible for the deaths of Lebanese, Palestinians, Afghanis, and Israelis. They are attempting to destabilize a series of moderate regimes in the Arab world.

Last week, Admiral Fallon, the commander of our Central Command, said the Iranian Revolutionary Guard Corps is supplying anticoalition forces with the same sophisticated explosive devices it is giving to extremists in Iraq. In Admiral Fallon's words:

> There is no doubt . . . that agents from Iran are involved in aiding the insurgency.

The fact is, it is Iraq that today is the central front of Iran's efforts to become the hegemonic power in the Middle East. The Iranian regime knows Iraq has become the central front in our war with Islamist terrorism. It is where they believe they can begin the process of pushing us out of the region and seizing control. That is why I do not believe a person can be serious about responding to the threat of Iran while calling for our precipitous withdrawal from Iraq.

Ahmadinejad, a few weeks ago, said:

> The political power of the occupiers is collapsing rapidly.

By that he means us.

> Soon we will see a huge power vacuum in the region. . . .We are prepared to fill that gap.

Asked about that statement, our own Ambassador Crocker said:

> Ahmadinejad means what he says, and is already trying to implement it, to the best of his ability.

That is a quote from our Ambassador in Baghdad.

It is vital to the national security interests of the United States that the Iranian Government not be allowed to prevail in its war against us and the Iraqi people's hopes for a better future. The amendment Senator KYL and I and others are offering, we believe, is an important component of our response to this threat.

First, it will send a clear message both to the fanatical regime in Tehran—not, I believe, representative of the feelings and hopes of the Iranian people—and it will send a clear message to our allies in the region that the United States will not stand idly by and allow Iranian-backed terrorists to kill hundreds of American soldiers. We will not stand idly by and allow Iran, through its proxies and then directly, to dominate Iraq.

This amendment acknowledges what our military commanders and top diplomats are telling us, which is that regardless of what we might desire in Washington, the Government in Tehran has made a decision, and they are carrying it out—to wage a proxy war against the United States in Iraq and against our allies in the Arab world and Israel throughout the region. We must respond.

Our amendment states it should be the policy of the United States to stop the violent activities and the destabilizing influence inside Iraq of the Government of the Islamic Republic of Iran, as well as its foreign facilitators such as Lebanese Hezbollah and the indigenous Iraqi extremists.

Our amendment recognizes that thwarting Iran's campaign of terror must be among the crucial considerations for any plan for the transition and drawdown of our forces in Iraq. As General Petraeus warned us in his testimony, the threat of Iran may, in the long run, prove an even greater danger to the stability of Iraq—their hopes for political reconciliation and self-government—than al-Qaida. We cannot ignore Iran.

For that reason, the amendment Senator KYL and I are offering calls on the State Department to designate the Iranian Revolutionary Guard Corps as a foreign terrorist organization and place the IRGC on the list of Specially Designated Global Terrorists. This is no small organization. I have seen estimates to say it is as large as 150,000 or 180,000. They have ground troops. They have air capability. They even have naval assets. They have businesses which are doing business with other businesses throughout the region and the world.

This is the organization that the evidence, presented to us by the American military intelligence communities, tells us is responsible for the murder of American soldiers in Iraq.

They are launching terrorist attacks through their agents against our troops; therefore, they should be treated as terrorists. They must begin to suffer the economic and diplomatic punishments that come with being designated as a foreign terrorist organization.

Of course, everyone in this Chamber would prefer that we find a way to convince the Iranian regime to stop these attacks against our soldiers, Iraqi soldiers, and civilians through negotiation, but reality requires that we recognize that we have tried to use the tools of diplomacy with Iran, Mahmud Ahmadinejad's government, and it has produced nothing.

Since May, Ambassador Crocker, our Ambassador, has met three times with his Iranian counterparts in Baghdad—the highest level official meetings between American and Iranian representatives in decades—and what have these talks produced? These talks, at which our Ambassador has presented the Iranians with hard evidence that we know the IRGC, the Iranian Revolutionary Guard Corps, is training Iraqi extremists who are coming back into Iraq and killing American soldiers—what has that evidence produced? Nothing. Nothing at all. In fact, there is some evidence that the Iranian activity is growing.

In Ambassador Crocker's own words as he testified before Congress:

> I laid out the concerns we have over Iranian activity that was damaging to Iraq's security, but found no readiness on the Iranian side at all to engage seriously on these issues. The impression I came away with after a couple of rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business. Right now—

Ambassador Crocker says—

> I haven't seen any signs of earnestness or seriousness on the Iranian side.

Far from convincing the Iranian regime to stop its proxy attacks on Iraqi soldiers, the evidence is that these attacks have escalated—increased—over the last month. According to the most recent National Intelligence Estimate:

> Iran has been intensifying aspects of its lethal support—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. LIEBERMAN. Mr. President, I wonder if I might ask unanimous consent for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. The war Iran is fighting against American troops and our allies in Iraq is an undeclared war, but it is, nonetheless, a real war in which real Americans and Iraqis are being murdered by Iranian agents. We cannot close our eyes to that outrageous reality. This amendment exposes that behavior and demands justice.

As we speak, the President of Iran is in the United States. There is no better time than that for us to stand together, united as Americans, regardless of our position on Iraq or our party affiliation, and send a crystal clear message to Mahmud Ahmadinejad and the fanatical terrorists and tyrants who now run the great country of Iran and oppress its people that their campaign of terror against our troops in Iraq must end and we will stand united as Americans against it. Ahmadinejad should not be given any American platform to speak from until he acts to stop his government's killing of Americans. They have been shouting for almost three decades "death to America." He leads those chants of tens of thousands in Iran today. But they have done more than shout; they have acted to bring that death to Americans in the marine barracks in Beirut, Khobar Towers in Saudi Arabia, and today in Iraq.

Giving this evil and fanatical man a platform at a great American university is an insult to the hundreds of Americans whose blood he and his extremist allies in Iran have on their hands. He deserves no audience, no respect, no opportunity to explain away his hateful words and murderous actions. He and the ruling clique in Iran deserve the punishment, and more, this amendment Senator KYL and I are introducing would impose on them as the terrorists they are.

I urge my colleagues to support the amendment.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, first let me compliment my colleague from Connecticut, who is largely responsible for the idea of this amendment and much of the text of it, for his leadership over the years in trying to ensure we take appropriate action against Iran as it confronts America, both with regard to its nuclear program development as well as, more currently, its activities against our forces in Iraq. He has been truly inspirational, and I appreciate that leadership.

The Senator from Connecticut has well laid out the case for this sense-of-the-Senate amendment that the U.S. Government should designate specifically the Islamic Revolutionary Guard as a foreign terrorist organization and include it on the list of Specially Designated Global Terrorists. In addition, this sense-of-the-Senate amendment urges the use of our diplomatic and economic tools to pressure the Iranian regime not only to abandon its nuclear program but also to stop the use of its surrogates against our forces in Iraq.

There have been only two questions raised about this amendment. I am hoping and expecting that it will receive very strong bipartisan support tomorrow, assuming we are able to vote on it tomorrow. The only two questions were, first of all, Can this be read in any way as an authorization of military action against Iran? I will assure my colleagues that is absolutely not our intention—in fact, quite the opposite. This is intended to obviate the necessity for such military conduct. Nobody wants to have to engage in military action against Iran directly, but what we would like to do is get them to stop killing our troops. One way to do that is to put economic pressure on the organization that is doing the killing, and that is what this amendment would ask the administration to do.

Secondly, there is the question of whether the Islamic Revolutionary Guard is the appropriate entity to list on the Specially Designated Global Terrorists, and the answer to that is clearly yes. As I will point out in a moment, we have incontrovertible evidence that this is the group, as Senator LIEBERMAN pointed out, that is causing the trouble.

Some have said: Well, we should just designate the Quds Force of the Islamic Revolutionary Guard as the terrorist entity. That is like saying the Mafia isn't really responsible for what the Mafia does; it is only their hit men. The Quds Force is the group of hit men for this entity. This entity is clearly the overall entity responsible for this action, and it is the entity that engages in the economic activity which supplies the financial resources to the Quds Force. So it would not be adequate, obviously, just to designate the Quds Force, which is an arm of the Revolutionary Guard, as the terrorist entity.

What evidence do we actually have that this is the entity of the Iranian Government that is doing all the dirty work? Well, there are many public statements, and I will quote from some of them. Senator LIEBERMAN quoted some of them. There is also other information, as one might imagine, and my colleagues should be encouraged to consult with terrorist agencies if they have any questions about the specific involvement of the Islamic Revolutionary Guard. But it is clear that this is the entity on which we should be focusing.

Senator LIEBERMAN quoted one of General Petraeus's statements in his testimony before the Committee on Foreign Affairs and the Committee on Armed Services on September 10 that it is apparent Iran, through the use of the Iranian Republican Guard Corps—Quds Force—is causing this proxy war.

Here is something else General Petraeus also recently stated:

> We know that it goes as high as Suleimani—

And his full name is BG Qassem Suleimani—

> who is the head of the Quds Force of the Iranian Republican Guards Corps. That is quite high level. We believe that he works directly for the supreme leader of the country.

There is a specific reference to the IRGC.

In addition, Brigadier General Bergner, who is a spokesman for the Multi-National Force-Iraq, recently talked about the Quds Force operation in three camps near Teheran, and he said:

> The Quds Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use Explosively Formed Penetrators, mortars, rockets, as well as intelligence, sniper and killing operations. In addition to training, the Quds Force also supplies the special groups with weapons and funding of 750,000 to 3 million U.S. dollars a month.

Now, Senator LIEBERMAN also referred to General Odierno. When I was in Iraq last, I was ushered into General Odierno's office to have a very candid discussion with him, and what an impressive military officer he is. He said: Come look at what I have on the table here, and he proceeded to show us a great deal of military hardware and described to us what it was. Essentially, it was all of the things—examples of many of the things they had found supplied by Iran, the weaponry that is killing American troops. On one, he said: Here, look at this. He said: You probably can't read Farsi, but this says, "Made in Iran." Well, I accept his statement of what the Farsi says: "Made in Iran."

He also showed us the earth penetrators. Before we went to Iraq, we were in Kuwait at the base from which a lot of our equipment has come back out of Iraq for repair or disposition, and I say "disposition" because some of it has been so devastated by the explosion of these weapons smuggled in from Iran that there is nothing much left of them. What was so impressive—or depressive—to see was to see the biggest, heaviest tank in the world, an Abrams tank, blown apart by these things as if it were a stick of dynamite in a tin can. The force and the destructive capability was almost beyond belief. We saw examples of that in General Odierno's office—a canister about this big with a concave shape in the middle that he said is the shaped charge that explodes up into the tank or the humvee or whatever the military vehicle is and devastates it. In any event, they have no doubt whatsoever that this equipment which is killing American troops is coming from Iran.

The Department of Defense report to Congress entitled "Measuring Stability and Security in Iraq" that was just released on September 18 of this year states:

> Most of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps—Quds Force. For the period of June through the end of August, the Explosively Formed Penetrator events—

The equipment to which I just referred—

> are projected to rise by 39 percent over the period of March through May.

There is a very interesting story in Time magazine, a recent issue, quoting a former CIA explosive expert who still works in Iraq as saying that these explosively formed projectiles we are finding in Iran, that:

> The Iranians are making them. End of story.

His argument is that only a state is capable of manufacturing these EFPs. In other words, these are manufactured by people officially connected with the government. They have access to the equipment and material and technology to make them. It is a complicated process that is involved in the making of the weapons I described.

Incidentally, this same individual is convinced that the IRGC is helping Iraqi Shia militias sight in their mortars on the Green Zone, helping them to make sure they actually land on the Green Zone:

> The way they're dropping them in, in neat grids, tells me all I need to know that the Shi'a are getting help. And there's no doubt it's Iranian, the Islamic Revolutionary Guard Corps.

The investigations into these particular attacks, incidentally, were also discussed in an August 2005 Time report about an Iranian operative who headed a network of insurgents created, again, by the Islamic Revolutionary Guard Corps and that they began introducing these EFPs into the country at the beginning of that year. Abu Mustafa al-Sheibani, an Iranian operative who headed a network of insurgents created by the Islamic Revolutionary Guard Corps, introduced the EFPs into the country in early 2007. U.S. military sources claimed to have captured EFPs that displayed the hallmarks of Iranian-manufactured weaponry.

This is all IRGC. This is the entity which would be declared the terrorist group under our amendment.

Ray Takehy, of the Council on Foreign Relations, recently said this—I am speaking of the IRGC:

> They are heavily involved in everything from pharmaceuticals to telecommunications and pipelines—even the new Imam Khomeini Airport and a great deal of smuggling.

I am going on to quote him:

> Many of the front companies engaged in procuring nuclear technology are owned and run by the Revolutionary Guards. They're developing along the lines of the Chinese military, which is involved in many business enterprises. It's a huge business conglomeration.

This makes the point Senator LIEBERMAN made before—that this Revolutionary Guard Corps is deeply involved in economic activity. They rely on financing for a lot of their activity. It is this vulnerability which causes us to believe that if they are listed as a state-sponsored terrorist group, we can, through the use of the sanctions that are available to us, inhibit and impede and ultimately stop their activity.

The Revolutionary Guard Corps plays a key role in the military industries in Iran. According to Anthony Cordesman, who is a distinguished expert in this area and who is currently with the Center for Strategic and International Studies, they have been involved in the attempted acquisition of nuclear weapons and surface-to-surface missiles, among other things.

Interestingly, also, the unanimously passed U.N. Security Council resolutions sanctioning Iran have listed several IRGC entities as being involved in Iran's nuclear and ballistic missile activities.

Finally, the UNSCR resolutions list high-ranking IRGC personnel for their involvement in these programs, including the deputy commander of the IRGC, the chief of the IRGC joint staff, the commanders of IRGC ground forces, the commander of the IRGC Navy, the commander of the Basij Resistance Force, the commander of the Quds Force, and the Deputy Interior Minister for Security Affairs, who is also an IRGC officer.

I note that these resolutions, 1737 and 1747, which were immediately implemented by our European partners, have not yet been fully implemented by our own Treasury Department.

I cite all of this evidence and these quotations to simply make the point that there is absolutely no doubt that it is the IRGC that is involved in these activities against our American forces and is responsible for their deaths in Iraq. It is the IRGC that needs to be named to the Specially Designated Global Terrorist list. I misspoke before and said the state-sponsored list. I meant the Specially Designated Global Terrorist list.

By being so listed, we can employ our financial and immigration sanctions, which could include them potentially blocking assets and even the prosecution of supporters who would provide funding to them. It could also involve refusal of visas and deportations of members. It would allow us to block the assets—in the United States—of any foreign company doing business with them, in effect, cutting them out of American markets.

Any lesser sanctions, such as focusing on the Quds Force, would not in any way solve the problem. That is like the hit men for the Mafia; you have to get to the Mafia.

We cannot settle for symbolism. This is serious. As I said, finally—and this is my last point—our resolution should not be read as an authorization for the use of force. I think we might even be changing a couple words in it to make that crystal clear. That was not our intention. To the extent that anybody might try to use that as an excuse for not supporting it, you will not have that excuse. We took out a couple of phrases that were pointed out as potentially offering that degree of support. This is not such an authorization for the use of military action. This is designed to prevent that. So if your concern is that we might ultimately be forced—or some people might believe we might be forced—to take action against Iran, and you want to avoid that result, this kind of economic sanction is within our power as Americans. We don't have to rely upon anybody else in the world to do it; we can do that. We know it can hurt them, and it goes to the entity causing harm to our forces and, therefore, we believe it is an appropriate action for the administration to take.

This would put the Senate on record as urging the administration to take this action as soon as possible, so we can end the actions of the IRGC.

I compliment my colleague from Connecticut again for his leadership and sponsorship of the resolution. I hope tomorrow we will vote on it and our colleagues will be supportive of it.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to be added as a cosponsor to the legislation offered by the Senator from Connecticut and the Senator from Arizona.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I compliment them for their leadership on this important issue.

I ask unanimous consent that the debate time for the energy and resources conference report be preserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FORGING UNITY

Mr. ALEXANDER. Mr. President, a lot is being said about whether Ken Burns included enough Latinos in his new television series on World War II. This is one more reminder that "pluribus" comes easy, but "unum" is hard.

It would be a lot easier if "e pluribus unum," the national motto displayed above the Presiding Officer's desk in the Chamber, were reversed and became "many from one" instead of "one from many."

Ken Burns's epic series on "The War" began last night on public television. It promises to stick in our collective memory as only a few television events have—for example, the Roots series, Burns' own Civil War series, and Super Bowls.

In fact, our country is so splintered these days and so enthralled with our diversity that not very much becomes collective memory, as did, for example, McGuffey's Reader in the 19th century, or the three network newscasts in the mid-20th century.

This diminution of our common core of beliefs and experiences is America's fundamental challenge because forging unity from our magnificent diversity is America's greatest achievement and has created our capacity for other achievements.

At the Library of Congress some weeks ago, reflecting on his 6 years of work on this television series, Ken Burns said Americans were more united during World War II and its aftermath than at any other time. It was no coincidence that during this era the "greatest generation" also accomplished the most: Welcoming new citizens based upon beliefs instead of race, building overwhelming military power and the best universities, and producing nearly one-third of the world's wealth for 5 percent of the world's people.

Quoting the late Arthur Schlesinger's book, "The Disuniting of America," Ken Burns said America today could use "a little less pluribus and a little more unum."

Following World War II, liberals such as Schlesinger, Albert Shanker, and Hubert Humphrey were vigorous apostles of America's common purpose. Their Fourth of July speeches were as effusive as anybody's.

But today, the left disdains, and the right seems to have forgotten the importance of unum, which means we are abandoning our greatest achievement.

We see this in our work in the Senate. There is no constituency for consensus, only for division, and many of those who work hardest for consensus are retiring or near the end of their careers here.

A good example is the debate on Iraq, a war that, unlike World War II, divides us instead of unites us. The President is conducting the war the way he wants to conduct the war, not recognizing that persuading at least half the people he is right is the only way he can sustain a long-term U.S. presence in Iraq.

The Democratic majority, on the other hand, is working hard for a perceived political advantage, not recognizing that most voters would prefer we work together when Americans are fighting and dying.

Both sides deserve an "incomplete" on their report cards.

A unified country would speak with one voice on where we go from here in Iraq because our troops deserve to hear it; because the enemy needs to hear it; because one political party does not go to war, our country does; and, finally, because the Senate looks downright ridiculous lecturing Baghdad about being in a political stalemate when we cannot get out of one ourselves.

We still have an opportunity to speak with one voice on Iraq. Seventy-eight of us in the House of Representatives and the Senate—35 Democrats and 43 Republicans—have cosponsored legislation making the bipartisan Iraq Study Group recommendations the policy of our Government. It is a consensus most Members, I believe, agree with. It is sitting there staring us in the face, waiting for us to adopt it and the President to sign it.

At West Point a few weeks ago, 30 cadets told Ken Burns, after they had seen some of his World War II series, that they had watched his Civil War series with their parents and had decided then to attend West Point. We can only hope that Burns' new series can have as much impact and remind us of that time—World War II and its aftermath—when Americans pulled together, and remind us that today we could use a little less pluribus and a little more unum.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the 78 cosponsors of the Iraq Study Group recommendations, on S. 1545 in the Senate and H.R. 2574 in the House. In the Senate, there are nine Democrats and eight Republicans among the cosponsors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE IRAQ STUDY GROUP RECOMMENDATIONS IMPLEMENTATION ACT

COSPONSORS OF S. 1545

Democrats: Ken Salazar (D–CO), Mark Pryor (D–AR), Robert Casey (D–PA), Blanche Lincoln (D–AR), Bill Nelson (D–FL), Mary Landrieu (D–LA), Claire McCaskill (D–MO), Kent Conrad (D–ND), and Tom Carper (D–DE).

Republicans: Lamar Alexander (R–TN), Bob Bennett (R–UT), Judd Gregg (R–NH), John Sununu (R–NH), Susan Collins (R–ME), Pete Domenici (R–NM), Arlen Specter (R–PA), and Norm Coleman (R–MN).

COSPONSORS OF H.R. 2574

Democrats: Mark Udall (D–CO), Jason Altmire (D–PA), Leonard Boswell (D–IA), Rick Boucher (D–VA), Nancy Boyda (D–KS), Robert Brady (D–PA), Henry Cuellar (D–TX), Danny Davis (D–IL), Lincoln Davis (D–TN), John Dingell (D–MI), Charles Gonzalez (D–TX), Jane Harman (D–CA), Baron Hill (D–IN), Steve Israel (D–NY), Daniel Lipinski (D–IL), Tim Mahoney (D–FL), Jim Matheson (D–UT), Dennis Moore (D–KS), James Moran (D–

VA), Donald Payne (D-NJ), Collin Peterson (D-MN), Mike Ross (D-AR), Bobby Rush (D-IL), John Salazar (D-CO), Heath Shuler (D-NC), and David Wu (D-OR).

Republicans: Frank Wolf (R-VA), Mary Bono (R-CA), Michael Castle (R-DE), John Abney Culberson (R-TX), Tom Davis (R-VA), Charles Dent (R-PA), David Dreier (R-CA), Vernon Ehlers (R-MI), Jo Ann Emerson (R-MO), Phil English (R-PA), Jeff Fortenberry (R-NE), Luis Fortuño (R-PR), Jim Gerlach (R-PA), Wayne Gilchrest (R-MD), Dean Heller (R-NV), David Hobson (R-OH), Peter Hoekstra (R-MI), Walter Jones (R-NC), Jack Kingston (R-GA), Mark Kirk (R-IL), Randy Kuhl (R-NY), Michael McCaul (R-TX), Sue Wilkins Myrick (R-NC), Jim Ramstad (R-MN), Ralph Regula (R-OH), David Reichert (R-WA), Christopher Shays (R-CT), Christopher Smith (R-NJ), Patrick Tiberi (R-OH), Fred Upton (R-MI), James Walsh (R-NY), Zach Wamp (R-TN), Ed Whitfield (R-KY), Roger Wicker (R-MS), and Don Young (R-AK).

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, could the Chair tell me what the order is this morning.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2007—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1495), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having met, have agreed to recommend and do recommend that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, signed by all conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of July 31, 2007.)

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am very pleased to bring to the floor today the conference report on H.R. 1495, the Water Resources Development Act of 2007. I think I can pick up on something Senator ALEXANDER said about how divided we are in this country over this Iraq war. That is very clear. No one understands more than our Senator who is sitting in the chair and presiding today how we are divided. This is a different story, so we will take a little break out of our discussions about Iraq, and we will continue to work for bipartisanship in bringing this war to an honorable close.

At this time, we take a little break from that and turn toward something that is very important, which is building and rebuilding the water infrastructure of our Nation. Today is a day that is 7 years in the making.

I wish to start off by thanking my committee, all of the Members on my side of the aisle, and Senator INHOFE, our ranking member, and all his colleagues on the Republican side of the aisle. This is an unusual day. This is a day where we come forward united on a bill that will authorize the projects and policies of the Civil Works Program of the Army Corps of Engineers. I am so pleased we will vote today on final passage of that bill, and we will send it to the President.

I hope President Bush will reconsider his veto threat of this bill. I think colleagues will speak to how urgent this bill is. Imagine not having a water resources bill for 7 long years. That is too long to wait. If colleagues are concerned about the size of the bill—truly, if we had gone back the way we did it, every 2 years, it would be about the size that this bill is. As Senator INHOFE will say when he gets here—and, as you know, he and I don't agree on many environmental matters, but on public works matters we do agree—this is the first step in a long process—the authorizing step—and then comes the appropriations.

So every one of these projects that has gone through local governments all over this country—remember, for every one of these projects, there is a local match. These are projects that came from the bottom up, from our people who were saying to us we need help with flood control, with economic development, with dredging and we need help with wetlands restoration and in a number of areas involving the movement of water; and this country learned it when we watched after Hurricanes Rita and Katrina.

If we didn't know it then, we certainly know it now. So I say to this President, this bill is in line, in terms of the pricetag, with what we would have had if we had done this bill every 2 years. There is huge support for this bill. The votes in the House and the Senate are enormous, very one-sided.

So I hope, Mr. President, if you are listening or people in your office are listening, this is a respectful request to please join with us. We don't have to fight over every single thing. When it comes to the economy, the quality of life of our people, we should be united.

The House vote on this conference report was 381 to 40. We are hoping we will vote in that same fashion in the Senate.

Mr. President, how much time do I have, since I am Senator REID's designee?

The ACTING PRESIDENT pro tempore. Each of the managers has 67½ minutes. The Senator has used 3½ minutes.

Mrs. BOXER. Mr. President, will Senator LANDRIEU be amenable to taking 10 minutes at this time, and I will reserve time later for her in the debate?

Ms. LANDRIEU. Yes.

Mrs. BOXER. I yield 10 minutes of my time to Senator LANDRIEU. I wish to say before she begins, she has been a mover behind this bill. She has worked her heart out to get this bill to the floor and, as a result of her working, of course, along with her colleague, Senator VITTER, who is on the committee, our committee came to Louisiana and held a very unique hearing. We had many colleagues—I see Senator CARDIN is on the floor. He was there. We had a very good turnout, and Senator LANDRIEU was eloquent. She has been eloquent on the floor of the Senate in the past I look forward to hearing her remarks.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the Senator from California and all of my colleagues on this particular committee who have worked so hard. The ranking member, Senator INHOFE from Oklahoma, has also worked hard. But I have to say to this chairwoman who took the chairmanship of this committee and said 7 years is enough time to wait, it is too long for the people of Louisiana, for California, or Florida, or Maryland—my good colleague from Maryland, Senator CARDIN, who serves on this committee has been so forceful—she said: I am coming to Louisiana. I want to see it for myself, particularly after Hurricanes Katrina and Rita devastated our coast.

As the chairwoman knows, we lost 267 square miles of land in south Louisiana because of the storm and the devastation of the tides, the surges, and the flooding. That is more than the whole District of Columbia, more than two and a half times the size of the 100 square miles that represent the District of Columbia. This is a huge expanse of land that was lost.

This Senator said enough. We have been waiting too long. It has been 7 long years. Today with this conference report vote that is going to take place in about 2 hours, that wait will come to an end. The last step Congress can take to send this bill off will have been taken. The conference report, hopefully, will be approved by a vast majority of Senators on both sides of the aisle. It would not have happened without Senator BOXER's leadership. I am, indeed, so grateful on behalf of the people I represent in Louisiana.

This is a small map, but it shows my colleagues the vastness of the land we are trying to protect and preserve, this great wetlands, which is the green area shown on this chart. The Mississippi River comes down, of course, through the mouth of the Mississippi River. This is the Sabine River that divides Louisiana from Texas and the Pearl River that serves as a boundary between Mississippi and Louisiana.

From east Texas, all of Louisiana, and for west Mississippi, this is an extremely important bill for our coastal regions. It is going to provide historic and first-time funding for a comprehensive wetlands restoration, a combination of levees, wetlands restoration, and freshwater diversion projects that are going to not only protect the 3.5 million people who live south of the I-10—when people say to me, Senator, why do you live there? I don't know exactly how to answer that question other than to say we have been there for 300 years.

I don't know exactly why the first person—and that was before the Native Americans. That was after the Native Americans settled the land. I am speaking about when Bienville put up a stake along the Mississippi River. I would say there are any number of reasons, one of which is it was absolutely imperative to settle on the mouth of the river for westward expansion for the Nation. We couldn't have had a nation without the Mississippi River and the Louisiana Purchase, of which 19 States now are made up from the Louisiana Purchase.

We remember our history. I cannot go into all the reasons, but they most certainly are there with 300 years of history. There are 3 million people who live here. We cannot relocate them. It would be cost prohibitive. We can only protect them. We have put in smart planning and smart zoning. That is what we are doing and have been doing. The parishes put up money, and the State, and the Federal Government, and that is what we are doing.

I only have a few minutes remaining. I will speak later.

There is another way to look at the levee system that is crucial to protect the people who live in south Louisiana. Unlike many States, we do not have beaches. I have been to the beautiful beaches in California, and I want them preserved. I have been to some of the most beautiful beaches in Virginia and North Carolina and throughout the country. We are the only State that does not have beaches. We only have two: Holly Beach which is 7 miles long—it was virtually destroyed in the storm—and Grand Isle, which is 7 miles long. This coastline is thousands of miles long with only 2 little beaches. But we do have wetlands. We do not have people living on these wetlands. Sometimes there is a little camp here or a little community there. But they are stuck on the high ridges. They have been living on ridges that can be protected, and with the right kind of levees and the right kind of comprehensive system such as is in the Netherlands and other places in the world, this can be done. It takes commitment, it takes dedication, and it needs a steady stream of funding.

Mr. President, how many minutes do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4½ minutes remaining.

Ms. LANDRIEU. Mr. President, this is a fairly dramatic chart I want to show people. It is a little scary for me and, I am sure, the people I represent. It is also very scary for Florida, Virginia, North Carolina, and Georgia. This is the track of all hurricanes from 1955 to 2005. This is what the southeastern part of this country has to brace itself for every year—year after year after year.

According to all reports, these storms are getting stronger and stronger and more numerous. We have been very blessed that we have not had a critical storm this summer. But the season is still open until November.

This yellow track is the track of Katrina. This blue track is the track of Rita which actually hit 2 years ago today. I was down in Cameron Parish on the corner of Louisiana, and east Texas is still hurting very badly, as well as our areas, from this storm. It has not recovered yet.

My point is, this bill not only has projects for inland waterways and navigation, but it provides vital projects for all of the southeastern United States and for the eastern seaboard to protect the people, the great industries, and manufacturing that are represented through all sorts of navigable waterways and ports that service this whole Nation.

Without this bill, this whole area will become significantly more vulnerable and open to storms, erosion, and surges. This is a very dramatic chart that shows what we are up against.

I am going to come back later and show some other charts, but in conclusion, this is a historic bill for Louisiana. It is extremely important for the Nation. For the first time we have authorized Morganza to the gulf which protects Houma, LA, a city not a lot of people hear about, but it is a very important city. It is smaller than Baton Rouge, smaller than New Orleans, smaller than Lafayette, but it is crucial to the energy infrastructure of this Nation.

We have many small towns in south Louisiana that my colleagues will not hear a lot about, but we store oil and gas there. We run pipelines through these towns. People are down there working their hearts out to give us the energy security we need. The least we can do is protect their schools, their communities, their way of life, and their culture.

I thank Senator BOXER for allowing me to speak. I thank my colleague Senator VITTER, who is a member of this committee. He will be speaking in a moment. He has been extremely helpful, energetic, and forceful in his advocacy for many of these projects. We have worked together. I am very pleased that he has put so much time and effort into this bill.

I see my colleague from Florida, who also has made a historic breakthrough on some projects, particularly the Everglades.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Louisiana.

Mr. VITTER. Mr. President, I also rise and join so many colleagues on both sides of the aisle in strong support of this Water Resources Development Act conference report. Perhaps it is appropriate that we will pass this historic legislation through the Senate today, September 24, the 2-year anniversary of Hurricane Rita which devastated large parts of southeast Texas and southwest Louisiana.

Of course, less than a month ago, August 29, was the 2-year anniversary of Hurricane Katrina, also appropriate that we are finally moving on this crucial legislation so near to that anniversary.

In fact, I would go so far as to say that as we still battle to recover from those two devastating storms, as we still climb out of that enormous setback in Louisiana, as we still face important work to do related to that recovery in Congress, this conference report, this WRDA bill, is the single most important thing we can pass to help the gulf coast with that recovery, particularly medium and long term. That is how vital it is to improve hurricane flood protection. That is how essential it is to our very lifeblood survival recovery from the devastating impact of Hurricanes Katrina and Rita.

Of course, as virtually everyone, I am very frustrated about how long it took us to get to this moment—7 years—when a WRDA bill is expected to be passed every 2 years. But at least, I will also say, we have done something with that delay in improving the bill, particularly to take account of the needs and the lessons learned coming out of those devastating storms.

I first came to the Senate after the election of 2004, January 2005. The first committee I was assigned to was the Environment and Public Works Committee, through which this WRDA bill, of course, passes. That committee works on this bill. Even when I first came to the Senate 3 years ago, this bill was about 2 years overdue. So it has been a long time coming. But we have worked on it, we have improved it, it has gone through the committee process, and it has gone through the conference process.

I also served on the conference committee. We finally have a very good, robust product and, again, we have at least taken advantage of that time lapse to learn the lessons of Hurricanes Katrina and Rita and to include key positions that Louisiana and the gulf coast need for their recovery and, indeed, survival.

What crucial provisions are included in this bill? A 100-year level of hurricane protection. President Bush, in his famous Jackson Square speech in mid-September 2005, made a clear, firm, and historic commitment to that very high level of hurricane protection.

This bill embodies that commitment and passes it into law. It takes several steps forward toward that 100-year level of protection.

Recently the Corps determined that level of protection doesn't exist in the greater New Orleans area. We are between 2 and 16 feet vertically deficient in terms of our levees throughout the greater New Orleans area. This bill fully authorizes addressing that shortfall.

The second key component of the bill, moving on into the future, is a greater level of hurricane protection even beyond the 100-year level, what we in south Louisiana call category 5 protection. In prior legislation, some of the supplemental appropriation bills we passed on an emergency basis after the hurricanes, we told the Corps to get to work studying and designing that higher level of protection. This bill further refines that mandate and directs the Corps in no uncertain terms to offer specific project recommendations toward that fundamentally higher, sounder level of protection.

A third crucial component is coastal restoration. As my colleague from Louisiana has referred to, Louisiana has lost enormous amounts of land, having it vanish into the gulf due to coastal land loss. We have lost more land than exists in the entire State of Delaware. Right now, as we speak, we lose a football field of land every 38 minutes, and that is 24 hours a day, 7 days a week, 52 weeks a year. It goes on and on and on. This bill begins to address in a very serious way that national emergency. This bill authorizes an ambitious coastal restoration plan.

Again, the bill is long overdue, but we have made use of that delay. When I first came to the Senate, the WRDA bill then under consideration only devoted about $400 million to this national crisis of coastal land loss. It only authorized one specific project. We knew we had to do more. We saw we had to do more because of the experiences of Hurricanes Katrina and Rita, and so now we authorize around $4 billion of this crucial work, with 17 specific coastal restoration projects fully authorized.

Corps reform, another crucial provision, is embodied in the bill, although I think we do Corps reform right, particularly with regard to Louisiana projects. One of the most bitter lessons of Hurricane Katrina in particular was that the Corps had made serious engineering and other mistakes in the past which led to the levee breaches and devastating flooding throughout the New Orleans area. We had to reform the process to make sure that never happened again. We had to bring in outside engineering and other expertise to integrate with the expertise within the Corps to make sure those sorts of mistakes were never made again.

I drafted, with the help of others, Corps reform provisions that are in this bill, some of them specific to Louisiana projects. For the first time ever, we fully integrate hurricane, coastal, flood protection, and navigation programs within Louisiana and we mandate a specific integration team that will help that become reality so that one type of project isn't done in isolation.

We establish the Louisiana Water Resources Council to improve the efficiency and performance of projects. That is a very important part of Corps reform. We expedite the process so that, hopefully, no longer will it take an average of 13 years—13 years—for an average Corps project to even get to the stage where the first shovel hits the ground.

This bill contains so many other crucial provisions—closing of the MRGO, major improvements to the Bonnet Carre diversion alternative, major hurricane protection improvements to the lower Jefferson Parish and Lafourche Parish, and crucial work in the southwest part of the State, where Hurricane Rita caused devastating damage, including deeper access to the Port of Iberia, coupled with greater flood and hurricane protection for Vermilion Parish, and improved dredging and navigation on the Calcasieu River, and on and on and on. This bill is a lifeline for our continued survival in Louisiana.

As we move forward, I thank all of the folks who worked so hard to produce this bill, certainly including the leadership of my EPW Committee, the chair, Chairman BOXER, the ranking member, Senator INHOFE, and the chair and ranking member of the subcommittee of jurisdiction, Senators ISAKSON and BAUCUS, and all of their very devoted staff. As we move on, I urge all of us to join together to pass the bill, and then to either avoid Presidential veto or, if necessary, hopefully work immediately in a bipartisan fashion to override that veto and ensure that this crucial legislation, crucial for the very survival of Louisiana, becomes law.

Mr. President, I yield the floor.

Mrs. BOXER. Mr. President, I have a little UC to take care of the people on the floor right now.

I ask unanimous consent that Senator COLLINS be allowed to speak for up to 5 minutes; Senator NELSON for up to 10 minutes, and Senator BAUCUS for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Does the Senator wish for the Members to speak in that order?

Mrs. BOXER. Yes. And, for now, this will be it, but I will do a second UC to include Senator LANDRIEU for another 10 at a later time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the chair of the committee for yielding me this time, and I rise today in support of the conference report for the Water Resources Development Act. This legislation authorizes important studies and projects to protect and maintain water resources throughout our country.

I am especially pleased that the conference report includes $26.9 million for Camp Ellis, ME. More than 100 years ago, the Army Corps built a jetty extending out from the Saco River, adjacent to Camp Ellis Beach. This jetty altered the pattern of currents and sand and it is the primary cause of the devastating erosion at Camp Ellis. The extent of the erosion is truly shocking. Some 36 houses have been washed into the sea in the last 100 years. The 1998 shoreline is 400 feet from where the shoreline stood in 1908. The houses that are now in danger were once six or more houses back from the sea.

In April of this year, a devastating Patriot's Day storm hit Maine with heavy winds and a great deal of rain. This terrible storm, the worst natural disaster to strike Maine since the ice storm of 1998, caused massive storm surges, astronomically high tides, and inland and coastal flooding.

Let me show my colleagues some of the evidence of the devastation that was caused by this April storm. As you can see, this is the road that follows along the waterfront. It was utterly devastated. In another picture I will show my colleagues, this is what happened to some of the houses that were along the waterfront. As you can see, they were completely destroyed as the water took out the foundations and caused terrible destruction. That is a power pole that has been thrown down by the storm. In yet another example, a house has been absolutely ruined as a result of this storm.

Now, when the jetty was first constructed 100 years ago, we didn't have the knowledge we do now, and no one predicted the terrible impact. The incredible force of the ocean during the storm earlier this year literally washed out the foundations of the homes. The street that once ran along the ocean front was largely destroyed, leaving nothing between the remaining homes and the open ocean. Many homeowners in the area were still dealing with flooded basements for weeks following the storm. This was a vivid reminder of the terrible impact a powerful storm can have on those who live in this vulnerable community.

The sea has advanced such that another large storm could wash out the peninsula altogether and turn Camp Ellis into an island. That, obviously, would be devastating to the people who live there.

We know what must be done to prevent such a calamity. Studies undertaken at the direction of the Army Corps of Engineers indicate that an offshore breakwater and a spur coming off the jetty are likely to be needed to protect Camp Ellis from further erosion and the destruction of even more property. The Camp Ellis jetty was built by the Federal Government at a time when the erosional impacts of shoreline structures were largely unknown. The jetty has served its important navigational purpose well over the 100-plus years of its existence, but now it is time for the Federal Government to make good on its obligation to help those people who have been harmed by the structure the Federal Government built in the first place.

With the passage of the Water Resources Development Act, we will finally have authorized the funds necessary to act upon the best available science and to fully and finally protect the residents of Camp Ellis. I urge my colleagues to support the conference report, and again I thank the committee for being responsive to the concerns of the people of Maine.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, a commitment takes a lot more than lip service and nice words to restore ecosystems, and particularly ecosystems that have been manipulated by mankind and distorted as has happened with the Florida Everglades. When I talk about commitment, I want to talk about Senator BOXER. This lady, in only a few months, after waiting for 7 years, with all other leadership flailing about and not making it happen—this lady, our chair of the Environment Committee, has made it happen and it is going to be passed. We are going to do it today, and we all hope the President will not veto it. But with the separation of powers under our constitution, we have a way of enacting law over a President's veto, and that is better than a two-thirds vote in both Houses of Congress to enact it into law despite the veto of the President. We hope we don't have to do that, but if we do, we will. Then we can set things right and we can get about the restoration.

I want to tell the Senate about this incredible area known as the Everglades. This is a compendium of satellite imagery over a 4-year period. This is at the southern tip of Florida. This is Lake Okeechobee, Palm Beach, Fort Lauderdale, Miami, Homestead, and the beginning of the Florida Keys. This is a road which was constructed in the 1920s, to get from Miami to Naples, called the Tamiami Trail. This is a road which was constructed to get from Fort Lauderdale to Naples—Interstate 75—called Alligator Alley. This, of course, was constructed much more recently—sometime about 25 years ago—and was constructed with box culverts so that there would be proper water flows.

But you can imagine, back in the 1920s they didn't think about that. When they built the Tamiami Trail, it in effect created a dike that, as the water flowed south out of Okeechobee, in the historical Mother Nature patterns, and would flow in this sheet flow to the south into Florida Bay and into the gulf of Mexico, it was suddenly stopped by this dike, which was the roadbed.

So part of this bill called Modified Waters is to correct that, having additional flows come underneath and then eventually to construct a long bridge or bridges here, which will enhance the flow of the water. Why enhance the flow of the water? That is what Mother Nature intended. The water actually starts way north, just south of Orlando. It flows in a meandering stream called the Kissimmee River into Lake Okeechobee and historically spilled over out of Lake Okeechobee and flowed in a massive sheet flow in this direction, southernly and southwesterly, until the hurricanes of the 1920s, in which over 2,000 people were killed, drowned, and the whole idea was to come in and start diking and draining for flood control. But in so doing, they messed up what Mother Nature intended.

About the year 2000, when the comprehensive Everglades restoration project was passed, it was to now accommodate for several different things. First of all, the water had been diverted, so that had to be changed. But the fact is that now 6 million people are living here. That wasn't the case in early Florida. And a vast agricultural industry had developed on the south end of the lake. To give the water needs to the Everglades and the Everglades National Park and to the 6 million people and to the agricultural interests—that, put together, is the Comprehensive Everglades Restoration Plan. Ever since that was enacted, we have not had an authorization bill to authorize the projects to implement this plan. So I again give kudos to Senator BOXER for bringing this up and making it happen fast.

What we have, then, is a major project in this bill called the Indian River Lagoon. This is the Indian River up here. I happened to grow up, as a child, on this river. At times, that and the St. Lucie River flowing into the Indian River Lagoon is like a dead river because of the excessive nutrients from lower Lake Okeechobee flowing to Tidewater. The same to the west, down the Caloosahatchee River, down to Fort Myers—excessive nutrients create a dead river.

I couldn't believe it. A couple of years ago, I went out on that river right there, the St. Lucie River. First of all, there was a bright-green algae bloom. You know what that means. That means algae is sucking up the oxygen from the river, and therefore all the living things that depend on that river are not going to be there. I didn't see the mullet jumping. I didn't see the porpoises rolling. I didn't see Mr. Osprey diving into the water to get his dinner. I didn't see Mr. Eagle sitting over in the dead pine tree waiting for Mr. Osprey to catch his dinner for him. It was a dead river. That is one of the reasons for one of these major projects called the Indian River Lagoon, and that is authorized. Then we have to appropriate the money and get it done.

There is another area here called the Picayune Spring. It is a highly endangered area because of the encroachment of development and the necessary waterflows. It, also, is addressed as well as what I talked about, this dike, which is the roadbed, called the Tamiami Trail.

What we have is a comprehensive plan for what Marjorie Stoneman Douglas, when she wrote of her great love of these Florida Everglades, termed the "River of Grass."

I will conclude with this. Senator BOXER and her husband were kind enough to go down to the Everglades with me a few weeks ago. It was this incredible sight. As we glided over this river of grass in an airboat and as the Sun began to set and as the shadows lengthened, as we came out of the river of grass into the Big Cypress Preserve with these stands of cypress trees, with that little light available right at dusk, it looked as if we were in this beautiful meadow of grass with the tree stands. Suddenly, reality struck when we saw a mother doe and her two fawns—instead of bounding over the hills of the grass, they were jumping over the grass out of the water and back into the water, in this incredible place, the location of fauna and flora.

The Everglades does not just affect Florida. It doesn't just affect the Western Hemisphere. Major environmental sites that are ecologically threatened affect the climate of planet Earth, our home.

I am so grateful that we have this bill up and that we are going to pass it with huge numbers today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to speak in support of the Water Resources Development Act of 2007.

First, I deeply congratulate the chair of the committee, Senator BOXER. She worked very hard and on a strong bipartisan basis to get this legislation where it is, working with Senator INHOFE. I thank him equally.

I also wish to thank Senator ISAKSON, the ranking member of the subcommittee, concerning this legislation.

And hats off to Senator Jim Jeffords. Senator Jeffords and his staffer, Catharine Ransom, deserve special thanks because for years they have been working on this legislation. I wanted first to thank him for his efforts as well. I know if he were here with us today, he would be very happy getting this legislation passed.

We westerners have been plagued recently with several years of drought. Ranchers and farmers across my State of Montana have watched their livelihood dry up before their eyes. The West's battle with drought highlights the pressing needs to ensure our water resources are used efficiently because it does not rain in the West. It may rain in Washington, DC, and other parts of the country, but it doesn't rain in the West.

This conference report provides authority for the Army Corps of Engineers to move forward with long overdue water resources projects. Levees are crumbling, people are living in harm's way waiting for this legislation. The tragedy in Minnesota highlights that need. This conference report authorizes projects that will provide needed flood and storm damage protection, navigation improvements, and environmental restoration. Clearly, there is authority here well needed, long overdue, for rebuilding and restoring the coast of Louisiana, devastated by Hurricanes Katrina and Rita.

Several projects are very important to my State of Montana: the Yellowstone River and tributaries recovery project; the Lower Yellowstone Project at Intake, MT; the Missouri River and tributaries recovery project; the upper basin of the Missouri River project; and a riverfront revitalization project in Missoula.

There is also a very important authorization for the rehabilitation and improvement of a very important aging water project we called the Hi-Line Region of Montana, called the St. Mary diversion. This system is rusting, it is cracking, and it is crumbling. If you go out and see it, you are stunned how much this is deteriorating. But 17,000 Montanans on the Hi-Line depend on this 90-year-old system for their drinking water. Without St. Mary, lower Milk River would go dry 6 out of every 10 years, imperiling the water source to thousands of Montana families.

These projects and their importance to the communities and the projects they serve underlie the need for this conference report. We passed it last year. Let's get it enacted again this year.

The Senator from Wisconsin is recognized.

Mrs. BOXER. Mr. President, before my friend begins, I wanted to get the parliamentary situation, if he will yield for a minute?

Mr. FEINGOLD. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. It is my understanding that Senator FEINGOLD has up to 30 minutes to speak on the bill. He and I discussed it. If he has any added time, he has graciously agreed to yield it to me with the understanding that if he wants additional time, I will get it back to him later. But I think, if it is necessary for me to make such a request, I ask unanimous consent that whatever time the Senator yields back be yielded back to me with the understanding he will be able to speak again if he so chooses.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin has 30 minutes.

Mr. FEINGOLD. If I do not use all the time, I will certainly be happy to yield to the Senator from California.

Mr. President, I will oppose the conference report on the Water Resources Development Act. For 7 years, I have worked with Senator McCAIN and many of our colleagues on essential reforms of the Corps of Engineers and have long anticipated the day the Congress enacts meaningful reform.

Unfortunately, today is not that day, and this is not the reform bill the country needs.

After a decade of Government and independent reports calling for reforming the Corps and pointing out stunning flaws in Corps projects and project studies, and after the tragic failures of New Orleans' levees during Hurricane Katrina, the American people deserve meaningful reforms to ensure the projects the Corps builds are safe, appropriate, environmentally responsible, and fiscally sound. The urgency and necessity could not be clearer.

Unfortunately, the conference report includes weak reforms. The Senate twice voted in support of strong reform language, when it passed WRDA bills earlier this year and last Congress. But the conference report we are about to vote on has been stripped of many important safeguards that would ensure accountability and prevent the Corps from manipulating the process. We have compromised enough over the years. We can no longer afford a system that favors wasteful projects over the needs of the American people.

The bill brought back from conference is particularly disappointing because a few months ago, on May 15, Senators REID, BOXER, and I entered into a colloquy in which we agreed the Senate Environment and Public Works Committee would ensure the strong Senate reforms would be the minimum reforms coming out of conference and enacted into law. That agreement, apparently, has counted for little.

I am particularly troubled by the changes made to the bill's independent review provision during negotiations between the House and the Senate. The Senate version of the bill included a strong independent review provision, which I successfully offered as an amendment to last year's bill and which was again included in this year's WRDA.

Subjecting Corps of Engineers project studies to a review by an independent panel of experts will help ensure future Corps projects do not waste taxpayer money or endanger public safety and that environmental impacts are avoided or minimized.

Unfortunately, the independent review provision included in the conference report was significantly weakened in several respects. First, it does not ensure independence of the review process. Under the conference report, the supposedly "independent" review is not independent. The review process is run by the Corps rather than outside the Agency, as required by the Senate bill.

The Corps Chief of Engineers is given significant authority to decide the timing of review, the projects to be reviewed, and whether to implement a review panel's recommendations, and, apparently, even has the ability to control the flow of information received by the review panel.

The Corps was not given the authority to determine the scope of the review, but in these other respects, it was given far too much authority, all of which will compromise the independence of the review that is performed.

Second, it terminates the independent review provision 7 years after enactment. It is reasonable for Congress to continually evaluate how the program is working, but to presume there is not a need for a long-term review and set a sunset date is irresponsible.

Independent reviews should be permanently integrated into the Corp's planning process. The burden should be on the Corps to demonstrate why it does not need a congressionally mandated review process, rather than on Congress to wage another battle to extend the requirement in 7 years.

Third, it allows the Corps to exempt projects. The Senate provisions established mandatory review when clear triggers are met. However, the conference report gives the Corps fairly broad discretion to decide what projects get reviewed. It expands the House's loophole allowing the Corps to exempt projects that exceed the mandatory $45 million cost trigger. The Corps can exempt Continuing Authority Program projects, certain rehabilitation projects, and, most egregiously, projects it determines are not controversial or only require an Environmental Assessment rather than a full-blown Environmental Impact Statement.

It is this very decision, whether to do an EA or an EIS, that is often in need of review. Furthermore, a project's economic justification, engineering analysis, and formulation of project alternatives are critical elements that should be looked at for all major projects, not just those with significant environmental impact.

The conference report also prevents review of most ongoing studies. Although the conference report allows the Corps to exempt projects from review, it does not give the Corps equal authority to include projects. The bill includes restrictive language that prevents the Corps from reviewing studies that were initiated more than 2 years ago, or that were initiated in the last 2 years but already have an "array of alternatives" identified, which occurs early in the process.

The Senate language would have allowed the Corps to initiate a review for any project that does not have a draft feasibility report.

The conference report also eliminates the requirement that a review is mandatory if requested by a Federal agency. The Senate bill would have made a project review mandatory if requested by a Federal agency with the authority to review Corps projects. Instead, the conference report gives the Corps the authority to reject the request and requires the Federal agency to appeal the decision to the Council on Environmental Quality.

The Corps should be required to conduct a review made by the head of another agency that is charged with reviewing Corps projects or, at a minimum, to justify to the Council on Environmental Quality why it wants to deny such a request.

The final problem I wish to highlight is the conference report does not make sure the Corps is accountable. The conference report eliminated a key provision in the Senate bill that ensured accountability. Specifically, the provision would have required that if a project ends up in court, the same weight is given to the panel and the Corps' opinion if the Corps cannot provide a good example for why it ignored the panel's recommendations. By dropping this accountability requirement, the conference report allows the Corps to ignore the panel's recommendations, as the Corps is currently doing with its own internal review process.

I would love to be able to join my colleagues in claiming this is a "historic moment." I am pleased that some of the other reforms I fought for are included in this bill. We have come a long way in the last 7 years, as evidenced by the overwhelming bipartisan majority of my colleagues who supported the Senate's reforms last year and again earlier this year.

But we have not come far enough, and that is truly regrettable. Why should the taxpayers of this country have to continue wondering if their dollars are being spent on projects that lack merit, hurt the environment or are not entirely reliable? Is not Congress finally willing to put an end to the longtime practice of doling out projects to Members regardless of those projects' merits? How many more flawed projects or wasted dollars will it take before we say enough?

I am pleased the conference report contains some modest reforms, but we can do much better than that. In fact, we did much better than that when we passed the Senate bill not long ago. Congress needs to get this right; I think the stakes are too high.

Unfortunately, for the reasons I have explained, the conference report fails to do enough. It contains severely compromised language that does not fix the status quo under which Congress uses the Corps to fund pet projects that are not justified or adequately reviewed.

I wish to also express my concern with the cost of the bill which has ballooned to $23 billion, $23 billion from the $14, $15 billion cost of the House and Senate versions.

Nearly $1 billion of the additional cost is for 19 projects that were added during conference, neither the Senate nor the House has previously reviewed these projects.

My colleagues have previously stood on the Senate floor and said the cost of the bill does not matter because WRDA is merely an authorizing bill and not an appropriations bill. We will sort out our priorities later, they say.

I think the American taxpayers join me in saying this is absolutely irresponsible and shirks our responsibilities as elected officials.

There is already a $58 billion backlog of construction projects previously authorized, and with only $2 billion annually appropriated for project construction, this means the Nation's most pressing needs face significant competition for funding and likely delays.

Furthermore, this bill authorizes a significant number of projects and studies that are beyond the Corps' primary mission areas. The Corps cannot be everything to everyone, and Congress does need to discipline itself and set priorities.

I will continue to work with my colleagues to institute a system for prioritizing Corps projects and other critical reforms. We may have an opportunity to pass those reforms sooner than some had hoped. The administration has indicated the President will veto this bill, this bloated bill.

Rather than overriding a veto, I hope the Congress will use that veto as an opportunity to rethink the flawed mindset that resulted in this bill and in previous WRDA bills. We do not do our constituents favors by spending their tax dollars on projects that are not justified or fully reviewed. We need reforms to make sure these tax dollars are spent in the most important priorities, not just on members' pork.

I urge my colleagues to oppose the WRDA conference report.

Mr. President, I reserve the remainder of my time.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN.) The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to congratulate EPW Chair Boxer and Ranking Member INHOFE for bringing a balanced and much needed bill to the floor.

Normally this bill is a 2-year authorization, but there has not been a bill, a WRDA bill, during this administration. So I will call it the Water Resources Development Act of 2001.

Now, my State has nearly 1,000 miles of Missouri and Mississippi River frontage in addition to our lakes. Our communities rely on Corps projects for affordable water, transportation, flood protection, energy production, environmental protection, and recreational opportunities.

Nobody knows better than the farmers of Missouri and the Midwest how important river transportation is to serve the world market. This bill for my constituents means jobs, trade competitiveness, reliable and affordable energy, drinking water, and protection from floods, which can ruin property and kill people.

This is not of minor importance to those out in the world, in the Midwest, who work for a living. I am delighted we are completing our long journey to permit modernization of the Mississippi River locks. These locks were built during the Great Depression for paddle wheel boats 75 years ago. They were designed to last 50 years.

Well, they are 25 years past their design lifetime. This is a long, much needed, overdue investment in infrastructure, jobs, trade competitiveness, and environmental protection.

Sixty percent of all grain exports move through the bottleneck of obsolete locks. Some 30 percent of oil is shipped by barge, by waterway, a significant amount of coal, of cement, of fertilizer. A single medium-sized barge tow carries the same amount of freight as 870 trucks. There is a comparison for railroad, but the railroads are so full they cannot carry any more; they are at capacity. But it carries something akin to 2½ trainloads.

These facts speak volumes for the cost, pollution, and fuel efficiencies of river transportation. Throughout this long and arduous process to complete a 2-year bill in 7 years, we have been blessed with strong bipartisan support for modernizing the locks. I have already referred to the relationship of our EPW Committee.

Senator GRASSLEY has been supportive of this from the start. We would not be here today without Senator HARKIN, the occupant of the chair, Senator DURBIN, Senator OBAMA, Senator MCCASKILL, and others from the Midwest playing a key role in this becoming law. I express my gratitude.

Outside Congress, modernization of the old bottleneck looks has won the untiring support of agriculture, the waterways community, industry, labor, and community leaders. I am concerned the administration may veto this bill because they say it is too big. Well, if it were a normal 2-year bill, it would be big. But this is a 7-year bill; taking into account three cycles which we should have and have not yet passed a WRDA bill. So it is big by historic standards.

When we total the three WRDA bills passed during the 5-year periods of 1996 to 2000, a 5-year period, the authorization levels totaled almost the same as this 7-year bill, almost $21 billion.

Now, if there is a veto, I look forward to overriding it on a bipartisan basis as soon as action can be scheduled. This is an authorization bill. Without appropriations, it spends nothing. As Senators know, this bill simply adds projects to the list of items eligible for appropriations subject to the binding budget limitations faced under the appropriations process.

Put another way, this is a license to hunt. You still to have hit the bird and you can't go over the limit. So all it is is a license to ask for appropriations. The backlog of unfunded items often referred to by opponents of this bill is unfunded because many of the projects are not sufficiently high priority within tight budgets. Some may be very good projects but they do not make the cut given the limited budget. Does it make sense to say that bills passed many years ago have to be funded before we can take a fresh look at priorities facing our waterway infrastructure and other waterway needs? I don't think so. Priorities change. Right now these items in this bill are the priorities that have been thoroughly vetted by the Corps, by all those who have input, and by the Environment and Public Works Committee in our body and in the Transportation Infrastructure Committee on the other side. I urge my colleagues to support it.

To oppose new authorizations is simply a way to pretend to save money without saving money, while unwisely assuming that all currently authorized projects are of a higher priority than the newly authorized projects contained in this bill. In many ways, this will cost money, and I will talk about that in a minute. But if there were to be a veto, the unfortunate message for water States and agricultural States in the Midwest is that water resources are not a high priority to this administration, despite the expectation of many supporters in 2000, when supporters of waterways in Missouri came out in record numbers to carry the State for the current President. The previous administration was not supportive and this administration is no better. Our concerns started with proposed construction budget cuts. Then they fired Mike Parker, a strong proponent of water resources. Then they underfunded flood control and navigation on the Missouri River. Now it would be capped off by vetoing WRDA. I truly hope that doesn't happen. They would get a grade for consistency, except that they say they support aggressive trade policies. But they say nothing about the transportation capacity vital to move the goods they want to trade, so they say. Bulk commodities can't be faxed or e-mailed or Fed-Ex'd or UPS'd in the real world to the rest of the world. Again, on our waterways in Missouri, one medium-size barge tow carries the same freight as 870 trucks with cost, pollution, fuel efficiencies, economic and environmental benefits that are obvious to all.

I was interested to read a November 2005 article in the Washington Times which reported that the President noted during a press conference with Panamanian President Torrijos: " . . . it's in our nation's interest that this canal be modernized." I know the administration does not oppose modernizing the Social Security-age locks on the Mississippi River, built during the Depression for paddle-wheel boats, but they also have not yet even endorsed it. Yet there was a rousing endorsement for upgrading the waterways in Panama. My colleagues and my constituents back home believe our midwestern exporters deserve as much consideration as Chinese exporters who transit the Panama Canal. I remain hopeful the administration will agree.

While no two of us would write the bill the same way, I am pleased so much work was done for so long by so many to find a compromise that could serve the diverse needs of a nation that needs water resources to function. Among a very long list, this bill is supported by the National Corn Growers Association, the Carpenters, operating engineers, laborers, American Farm Bureau Federation, the American Soybean Association, and scores of members of the Waterway Counsel from coast to coast, communities large and small.

Our staffs have been working tirelessly on this not for days or for weeks but years. It has been a long process. We have gotten to know them like family. There is almost some regret in knowing that our family will be broken up when this bill is signed into law. But maybe we can get back on schedule and have another WRDA bill in 2 years. The staff has been tremendous. They took on tough issues, set up difficult criteria, helped to sort through competing objectives, and they never quit. While there were many who worked very hard on this over the years, including Andy Wheeler, Ruth Van Mark, Angie Giancarlo, Ken Kopocis, Jeff Rosato, Tyler Rushford, Jo-Ellen Darcy, Mike Quiello, and others, I especially thank the bipartisan staff support of Let Mon Lee with the committee. Let Mon has been working with us for all these years. He is truly part of our family. We would hate to lose him, but if that is the price for passing WRDA, so be it.

The success of our economy and its people owes a great debt to investments that were made by those before us. I urge my colleagues to make the investments now that will be providing the benefits for future generations and vote in favor of an opportunity and value for our future. We were reminded tragically a few weeks ago in Minnesota of the need to be vigilant in upgrading our infrastructure. When you see what happened in Minnesota, we saw a bridge collapse. There was a tragic loss of life. There was some disruption of commerce. But if one of these locks midway on the river between Missouri and Illinois at the bottom of the chain fails completely and bailing wire and chewing gum can only hold back the river so long and they leak not like sieves but by continuous sheets of water, if one of those locks were to blow out and fail, the impact on our economy, on commerce, would be huge, the impact we almost felt when Katrina shut off the mouth of the Mississippi River in Louisiana. Fortunately, they got that undone in a couple of days. But even papers that don't normally think about water commerce and agriculture were saying what a danger this was. A failure of one of these locks, one of these half-size, outdated, overaged locks could tremendously cripple our economy, put our rural economies into a significant downturn.

I urge our leadership in this body to move quickly for a speedy override vote should a veto materialize. But again, my thanks, my congratulations, and deep appreciation to the Environment and Public Works Committee leadership and the diligent staff who have brought us to this point.

It is time we pass the 2001 WRDA bill. It may be 6 years late, but it is even more needed now than it was in 2001.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. Mr. President, is it a fact that I have 34 minutes remaining on my manager's time?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Senator FEINGOLD graciously said he would yield me the remainder of his time with the understanding that if he needed more, I would give him some of it. So what is his amount that is remaining?

The PRESIDING OFFICER. Twenty minutes.

Mrs. BOXER. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, again, in a way I am glad I didn't have a chance to speak before because there has been so much interest in this bill that I waited until we had a little quieter time on the floor, although several are coming.

Part of our work is making sure that in coordination with local governments and State governments and communities and the American people, we do what we need to do so we can build our economy, so our economy has behind it the infrastructure it needs. What happens when an infrastructure fails? We saw that in Minnesota when the bridge collapsed.

I am proud the Environment and Public Works Committee held a very strong hearing at the behest of Senator KLOBUCHAR, and we are moving forward on a way to ensure that we can fund those kinds of improvements. We saw what happens when water infrastructure fails, when we look at what happened in Hurricane Katrina. We saw that the levees we thought were built to protect against category 5 storms simply didn't stand up.

There is no way we can talk our way out of the problem we face in America. The problem we face is we have an aging infrastructure. Whether it is our roads or bridges, our highways, or our water infrastructure, these need attention. That is why today is such an important day and why I am so proud to stand here, because even though not every Member will support this bill, I would say almost every Member will. Senator FEINGOLD was eloquent and he was disappointed that we didn't do everything he and Senator MCCAIN asked us on Corps reform. I understand that. We are very close friends and colleagues. The fact is, I see it a little differently. We went a very long way. I know he and I have our differences. What I wish to do, rather than take the time to engage in an argument, is to place in the RECORD the program highlights of Corps reform initiatives that are in this bill. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WATER RESOURCES DEVELOPMENT ACT OF 2007 CORPS REFORM INITIATIVES—PROGRAM HIGHLIGHTS

INDEPENDENT REVIEW

Creates a truly independent review process of projects through a program of mandatory reviews with reviewers selected by the independent National Academy of Sciences.

Projects over $45 million (with an expanded definition to include beach nourishment projects), controversial projects, and projects where a governor requests a review will all be subject to independent review.

The review applies to project studies plus environmental impact statements.

The review panels will be able examine all aspects of the environmental, economic, and engineering aspects of the proposed project.

The review panels will have the opportunity to receive, evaluate, and comment upon input from States, local governments, and the public.

Recommendations of the review panel must be a part of the public project record, and any rejection of the recommendations must be explained in the record.

The costs of the review are Federal and are not contingent upon future appropriations.

SAFETY ASSURANCE REVIEWS

Creates a new responsibility to have outside experts review and assist the Corps of Engineers in the design and construction of flood damage reduction or hurricane and storm damage reduction projects to improve the performance of these critical, life-saving projects.

MITIGATION

Corps projects would have to comply with the same mitigation standards and policies established under section 404 of the Federal Water Pollution Control Act as any other entity.

Corps mitigation plans must provide for the same or greater ecosystem values as those lost to a water resources project through implementation of not less than in-kind mitigation.

Corps studies must include detailed mitigation plans that can be evaluated by the public and the Congress, including specific statements on the ability to carry out the mitigation plan.

Eliminates the Senate language that could have delayed mitigation up to one year.

Establishes requirements for the Corps to conduct monitoring of mitigation implementation until ecological success criteria are met. In evaluating success, the Corps must consult yearly with applicable Federal and State agencies on mitigation status.

The increased mitigation requirements apply to all new studies and any other project that must be reevaluated for any reason.

Requires the Corps to develop and implement a publicly available mitigation reporting system.

PLANNING PRINCIPLES AND GUIDELINES

Requires the Secretary to revise the planning Principles and Guidelines for the first time since 1983. The process must be in consultation with Federal agencies, and must solicit and consider public and expert comments.

The factors to be included in the revised Principles and Guidelines include the elements from both the Senate and House bills, ensuring the broadest look at the existing document and incorporating the most current and accurate concepts.

Establishes a national policy to maximize sustainable economic development, avoid the unwise use of floodplains and minimize adverse impacts and vulnerabilities in floodplains; and protect and restore the functions of natural systems and mitigate any unavoidable impacts.

Requires a comprehensive report on U.S. vulnerabilities and comparative risks related to flooding.

WATERSHED-BASED PLANNING

Increases Federal participation in watershed-based planning to eliminate the lack of integration of the interconnectedness of projects—a major short-coming of the failure of the hurricane protection in New Orleans.

LEVEE SAFETY

Creates a National Levee Safety Assessment program, in cooperation with the States, to address the lack of information on and assessment of levees.

Creates a publicly available database with an inventory of levees.

Requires a Federal inspection and public disclosure of all Federally-owned or operated levees, all Federally constructed but non-Federally operated levees, and non-Federally constructed levees if requested by the owner.

OTHER PROGRAM IMPROVEMENTS

Expedites the process for deauthorizing the unconstructed backlog of projects.

Creates a Federal responsibility to participate in the monitoring of ecosystem restoration projects to ensure project success.

Allows for non-profit entities to partner with the Corps of Engineers in implementing projects, which is especially important on small-scale environmental restoration projects.

Clarifies that the cost-sharing reforms enacted in 1986 apply to all projects and studies, stopping the Corps of Engineers from creating waivers and loopholes.

Expands opportunities for the beneficial reuse of dredged material for restoration and preservation benefits.

Ensures the authority of the Corps of Engineers to participate in ecosystem restoration projects that include dam removal.

Mrs. BOXER. What everyone will be able to read is the independent review we now have in place in the bill that is truly independent, done by the National Academy of Sciences, which includes safety assurance reviews, mitigation, planning principles and guidelines, watershed-based planning, levee safety, and other program improvements, including expediting the process for deauthorizing the unconstructed backlog of projects. Rather than get into a big argument, to me it is such a positive day today.

I see the Senator from Virginia coming to say a few words.

This is a very important day. We are struggling in the Senate to work together. The war in Iraq has torn us apart. It is very hard. But on this matter of building an infrastructure and making sure it works, we are as one. This conference report has the support of my ranking member, Senator INHOFE, the entire Environment and Public Works Committee. It is important to note that the conference report was signed by every conferee from both Chambers. The conference report was signed by every conferee, Republican, Democratic, Independent, as they may be, in both Chambers. The conference report has already received an overwhelming vote in the House: 381 in favor; 40 opposed. Imagine what a wonderful message that is that we can work together.

I also say for the record that this conference report fully complies with the rules of the Senate as amended by S. 1, the Honest Leadership and Open Government Act of 2007. Under the requirements of new rule XLIV, I certify that each congressionally directed spending item in the conference report and the name of each Senator who submitted a request to the committee for that item has been identified through a chart that has been available on the committee Web site at least 48 hours prior to the vote on this conference report. So we have been faithful as we must be to the new rule XLIV on our ethics, where you can see what every Senator requested and a certification that in fact there is no conflict of interest, no pecuniary interest on the part of the Senator or any member of the immediate family. This is truly a bipartisan bill.

I am going to make a unanimous consent request that at the conclusion of my 10 minutes, Senator CARDIN be recognized for up to 10 minutes and that then Senator WARNER be recognized.

Mr. WARNER. Mr. President, I believe I was on the floor before the Senator from Maryland.

Mrs. BOXER. Well, the Senator from Maryland has been on the floor all day.

Mr. WARNER. Fine. Well, I am not trying to run this.

Mrs. BOXER. How much time would my colleague wish?

Mr. WARNER. I am going to take 2 or 3 minutes.

Mrs. BOXER. Then why don't we give you 5 minutes first and then 10 minutes for Senator CARDIN.

Mr. WARNER. Does that accommodate my colleague?

Mrs. BOXER. He is very pleased with that.

How many more minutes do I have on my 10 minutes?

The PRESIDING OFFICER. There is 23 minutes remaining.

Mrs. BOXER. So, again, we have complied with the new ethics rules. I want to say also, in terms of the Corps reform matters, there is an environmental organization, American Rivers, and they have written a very important release that I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

American Rivers, August 1, 2007

WATER BILL BEGINS PROCESS OF MODERNIZING THE CORPS OF ENGINEERS

Washington, DC—In a move that will help communities, taxpayers, and the environment, a House-Senate Conference Committee has produced reforms in a bill that will improve how the Army Corps of Engineers (Corps) does business. The Water Resources Development Act of 2007 (WRDA), H.R. 1495, will begin moving the Corps into the 21st century.

The Corps is the nation's primary river management agency and in 2006 accepted responsibility for faulty floodwall and levee designs that led to the tragic flooding of New Orleans following Hurricane Katrina. The Corps' designs were so flawed that levees and floodwalls collapsed in the face of a storm they should have withstood. Corps projects also destroyed vital coastal wetlands that could have reduced the Hurricane's storm surge, and funneled that surge into the heart of New Orleans. The problems with Corps planning highlighted by Katrina affect Corps projects across the country.

The WRDA bill will produce critical improvements to the Corps' planning process, including requiring an update of the Corps' woefully obsolete planning guidelines that dictate how the Corps evaluates specific projects. The bill will also require the Corps to do a much better job of replacing habitat lost to its projects. The Corps now routinely ignores the basic wetlands mitigation standards that the agency applies to private citizens. The bill will also establish a new policy that gives a stronger emphasis on protecting the environment and the natural systems that provide critical natural flood protection to communities. It also directs that there be a comprehensive study of the nation's flood risks and flood management programs.

"The reforms in this bill begin to put the Corps on track towards becoming a more reliable and credible agency," says American Rivers' president Rebecca Wodder. "While we hoped that Congress would go farther in several critical areas, we are pleased with the passage of this first round of urgently needed changes. We intend to see that these changes are executed to their fullest extent and call out any weaknesses in this new process."

The gains in the WRDA bill would not have been possible without the tireless work from lawmakers on both sides of the aisle, and both sides of Capitol Hill. Senators Russ Feingold (D–WI) and John McCain (R–AZ) have long championed the issue of Corps reform, and Senate Environment and Public Works Chairman Barbara Boxer (D–CA) and House Transportation and Infrastructure Chairman James Oberstar (D–MN) deserve praise for working to change key aspects of how the Corps operates.

Unfortunately, the conferees failed to adopt the robust independent review provision that Senators Russ Feingold (D–WI) and John McCain (R–AZ) and others had secured in the Senate version of the WRDA bill in the last 2 years. The conferees instead adopted a project review provision that lacks complete independence. The final bill contains several loopholes that would allow the Corps to avoid review under certain circumstances and ignore a review panel's recommendations. Worse still, the provision also inexplicably disappears after 7 years. Independent review is particularly important in light of the flooding of New Orleans and the recent Government Accountability Office findings that Corps project studies were so flawed that they could not provide a reasonable basis for decision making.

"The nation has been very well served by the critical leadership of Senators Feingold and McCain to reform the Corps," says Melissa Samet, Senior Director for Water Resources for American Rivers. "We look forward to working with them to ensure that the Corps strictly adheres to the reforms included in this bill and that additional reforms as included in future legislation."

"Congress has taken a first step towards more responsible river management," adds Wodder. "American Rivers and our colleagues throughout the nation will be watching to see that the Corps lives up to the intent of the original authors of this legislation and we will continue to fight further reforms to ensure public safety and environmental sustainability."

Mrs. BOXER. They certainly believe we should have gone further with Corps reform. That is clear.

But they do say:

> The reforms in this bill begin to put the Corps on track towards becoming a more reliable and credible agency.

This is important. They do say:

> The gains in the WRDA bill would not have been possible without the tireless work from lawmakers on both sides of the aisle.

They name some names of Senators.

Even though, as I say, they would have wanted 100 percent of what Senator FEINGOLD asked for, they again say:

> Congress has taken a first step towards more responsible river management.

I feel pleased with this result. I know sometimes we see a glass half full and sometimes we see it half empty. I see it half full. I am proud we made these amazing strides toward Corps reform. Senator FEINGOLD is, shall we say, very disappointed, and I respect that. I do not see it the way he sees it.

So when I come back to some more of my time—but I will yield at this time—I will talk about how important this bill is to the health and safety of our families, our communities, and our economy. At this time I yield and we will go to the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I listened with great interest to our distinguished chairwoman. I say to her, I commend you on your leadership and that of our distinguished ranking colleague, Senator INHOFE. It is quite an achievement. It has been 6 years of working to get here, and I have been pleased to be a member of this committee for a couple decades almost now. But it is a great achievement. I strongly support what you have been able to do and personally thank you for your inclusion of an amendment that I have felt very important. Senator WEBB, my colleague from Virginia, and I announced on July 30 the basic text of that amendment. I am pleased today to add a few closing words.

The conference report—likely my last WRDA as a Senator—includes the high priority Craney Island Eastward Expansion project. Craney Island represents a significant opportunity for the Commonwealth to be home to the development of state-of-the-art cargo operations. The project will accommodate a major new terminal for the Virginia Port Authority and will create over 54,000 new jobs annually, with wages of about $1.7 billion.

Now, this port serves not only the Commonwealth of Virginia, but its tentacles reach deep into America. Many States are served.

As home to the world's largest naval base; that is, the Tidewater region, and as one of the business commercial ports on the east coast, Hampton Roads is a strategic, critical port necessary for national defense, commerce, and trade. So this project will also directly and indirectly serve our national defense.

This project will help position the Hampton Roads region to strengthen its position as a major east coast port. The Port of Virginia serves as a gateway. It is an interesting term; it is a "gateway." In other words, things flow in, things flow out, and not just for the Commonwealth of Virginia. Almost every State in the Union ships down through this port on some occasions. More than 55 percent of the cargo we move comes from outside of the borders of the Commonwealth of Virginia. That is to say, this project is not just important for Virginians but for other States and companies that rely on their goods moving through the port in a reliable and cost-effective, safe manner.

For that reason, I am pleased the cost share for this project will be equally divided—equally divided—between the Commonwealth of Virginia, through its port authority, and the Federal Government. This is clearly a project with strong national benefits, and it is only fitting that in this case the Federal Government help shoulder part of the cost because of the national security interests and the fact that we serve so many other States.

Again, I thank my distinguished chairman and the ranking member of our committee and others who made this amendment possible.

I yield back the remainder of my time to my good friend and colleague, such as he may continue with his speech.

Mrs. BOXER. Mr. President, if I might make a unanimous consent request before my good colleague speaks.

First of all, because my friends on the other side are looking for time, I yield them 3 minutes of my time, to Senator INHOFE, right off the bat—3 minutes. If the Chair could add that to the time they have remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that following Senator CARDIN, Senator DEMINT be recognized for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise in support of the conference report on the Water Resources Development Act of 2007. I start by thanking Senator BOXER for her incredible leadership and Senator INHOFE for bringing forward a process that allows us to reach this moment where, after 7 years, we are going to be able to pass a Water Resources Development Act.

Senator BOXER and Senator INHOFE have developed a process where we could come forward with programs that are extremely important to our country in a fiscally responsible manner, where we can come together in a nonpartisan—not only bipartisan but nonpartisan—way to move forward on this legislation.

Let me start off by saying that in our country today we spend .3 percent of our gross domestic product on infrastructure and buildings. That is deplorable. We saw the consequences of that failure to invest in our infrastructure—in our roads and our bridges and our buildings—in what happened in Minnesota with the collapse of a bridge.

In the Environment and Public Works Committee, we had a hearing on what we need to do as far as wastewater treatment facility plants and how there are literally hundreds of projects that go unfunded that are damaging our health and damaging our environment.

Well, today we are prepared to move forward with what I think is an extremely important bill. Once again, I congratulate the leadership on the Environment and Public Works Committee, Senator BOXER, for making this possible.

This bill is very important to our country. It is very important to our future. I am proud to be a member of the committee and proud to be a supporter of this legislation.

Let me comment for a few minutes as to what it means for the region of the country I represent, in this general area where we all are today.

We have heard a lot about how this is going to help the people of Louisiana, which I strongly support. I think we all have a responsibility to deal with the problems from Katrina. We heard how it is going to help in regard to the Everglades.

This bill is the most important act in regard to the Chesapeake Bay, which is a national treasure, and helps give a model as to how we can reclaim a body of water that is impacted by so many jurisdictions and States. We not only provide for the restoration funds that are important for the Chesapeake Bay, but we also provide, for the very first time, that the Army Corps will supplement the Environmental Protection Agency's effort to repair and improve wastewater treatment facilities that benefit the Chesapeake Bay.

Specifically, Blue Plains will benefit from this legislation. The users in northern Virginia, Maryland, and the District of Columbia—all of us—will benefit from the wastewater treatment facility improvements at Blue Plains.

The new EPA permit for Blue Plains requires that the nitrogen load from the plant be reduced by more than 4 million pounds annually. This will be the largest single nutrient reduction project in the bay watershed in a decade. All the experts say that should be our highest priority in regard to the Chesapeake Bay.

I am also pleased there is $20 million in regard to oyster restoration included in this legislation, which is very important for the Chesapeake Bay and very important for our environment. So we are improving the Chesapeake Bay by this legislation, but we are also dealing with the economic realities of our waterways.

The Port of Baltimore contributes $2 billion to our State's economy, employing 18,000 Marylanders directly, and tens of thousands more indirectly.

I listened to my colleague from Virginia talk about the Port of Virginia. As with the Port of Virginia, the Port of Baltimore is vital to our national security, our national interest. This legislation extends the authorization for the 50-foot dredging of the Baltimore Harbor and channels, which is very important to our economy, very important to our region.

But the legislation does more. It continues the commitment of the Army Corps and our communities to Poplar Island. Poplar Island was once an inhabited island. It is no longer the case. But what we have done with Poplar Island is we have made it a plus-plus. We have a location for the dredge materials from the dredging in the Chesapeake Bay and our harbors, but we have also created an environmental advantage. Poplar Island has risen phoenix-like from the waters of the Chesapeake Bay.

Mr. President, 570 acres of upland habitat and an additional 570 acres of wetland habitat are being created through the leadership of this Congress. That is good news for our environment and good news for our economy. Poplar Island is a national model of how we should do the dredging and environmental improvements. There is more in it for our region.

Smith Island is a remote inhabited island in the Chesapeake Bay on the Maryland-Virginia border. It has lost 3,300 acres of wetlands, and it is threatened to be totally lost to erosion. This bill authorizes the construction of 2 miles of breakwaters to protect over 2,100 acres of wetlands and underwater grassbeds. It is very important to our environment, very important to the people who happen to live on Smith Island. I am pleased we have included that in this legislation.

This bill helps from the eastern shore of Maryland, to the Chesapeake Bay, to the mountains of western Maryland. The rewatering of the C&O Canal near Cumberland will not only help as far as the historical restoration of that part of our State but will also be important for flood control.

This legislation is comprehensive. It helps all the regions of our country, but helps our Nation as a whole. I am proud to be a supporter of this legislation. I am proud to have served on the committee that helped create it. I urge my colleagues not only to support this legislation but urge the President to please understand how important this bill is to our country.

It is a modest investment. It starts to reverse the process where, for too long, we have ignored our infrastructure in this country. It is the right plan for America's future. I urge my colleagues to support it.

I yield back my time and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise to express my concerns and disappointment about a number of provisions that have been added to this bill, the Water Resources Development Act, the bill we refer to as WRDA, that were not part of the bill we passed in the Senate or not part of the bill that was passed in the House.

These provisions are earmarks because they direct spending directly at the request of a Member to a specific entity in their home State or district. Unfortunately, these earmarks were not passed by either body in an open or transparent way. Instead, they were added behind closed doors in the dark of night, as we sometimes say here. As a result, these earmarks cannot easily be debated, amended, or removed from the bill.

I am very disappointed these provisions were added in secret. That is not how we should do things here, and it is a direct violation of a stated goal of the ethics bill that was recently passed and signed by the President 10 days ago.

My colleagues on the other side of the aisle came down to the floor one by one and praised the new ethics bill because they said it would stop earmarks from being added in the dark of night. I questioned the effectiveness of these provisions at that time because they had been watered down behind closed doors. Yet my colleagues on the other side said it was the most sweeping ethics reform in decades. They said there would be no more secret earmarks added to our bills in conference.

According to Taxpayers for Common Sense, this WRDA conference report contains numerous earmarks that were not part of either the House or the Senate bill. Unfortunately, anytime we talk about earmarks, it seems very personal because it usually has a Member's name on it, so I will start with South Carolina because one of the earmarks added in conference was for South Carolina. Obviously, I would like to do everything I can to help my own State, but this was not the time or the way to do it. There are a number of items for $10 million, $11 million, but, unfortunately, there is one item in here for $1.8 billion. That earmark alone is more than 10 percent of the total cost of the original bill. This was added in conference. It was not debated or voted on. Now it is coming back and it is unamendable.

All of these projects that were added have added to the cost of this bill, and actually the cost has exploded. According to the Congressional Budget Office, the projects contained in this bill totalled some $14 billion when it left the Senate, but then it was taken to conference. Behind closed doors, amounts were raised, new projects were added, reforms were dropped, and the bill now costs $23.2 billion. That is right. The price of this bill has increased 66 percent since it left the floor of the Senate.

I know my colleagues, the Senator from California and the Senator from Oklahoma, have worked very hard on this bill, and I believe there are some good things in it. I was very pleased to work with the Senator from California on some reforms that will help us deauthorize projects that have not been funded in 5 years or more and are currently inactive. As my colleagues know, the long list of backlogged projects makes it very difficult for the Corps of Engineers to focus on real priorities. I am looking forward to working with the Senator from California to get a good list of the inactive projects from the administration so the committee can deauthorize them in the next WRDA bill. The Senator has told me she will deauthorize these projects, but if for some reason we are not able to get that done, this bill provides an automatic mechanism to deauthorize by the end of the fiscal year, following the fiscal year in which the projects appear on the inactive list. This reform is more important than ever because the bill we are passing now or bringing back up now increases the backlog of projects from $58 billion to approximately $80 billion. So while this bill takes one step forward, unfortunately, it takes two steps back.

The pricetag of this bill is too high, and it violates an important principle we need to honor. It includes new provisions that were not in the bills we passed, and that has to stop. That is why I offered an amendment, along with Senator ENSIGN and Senator MCCAIN, to the ethics bill earlier this year that would clarify that earmarks added in conference were subject to rule XXVIII of the standing rules of the Senate, which prohibits what we call out-of-scope matter from being added to our bills in conference and which can only be waived by 67 votes. Further, the amendment we offered would have created a 60-vote point of order against earmarks added in conference. If this point of order was sustained, the provisions would be taken out of the bill.

Even the liberal Los Angeles Times editorial board this weekend made their support for such a rule known. In a weekend editorial entitled "The Value of Congressional Pork," the L.A. Times said such a rule was a worthy proposal that would make it harder for lawmakers to insert last-minute goodies during reconciliation of Senate and House bills. This is just plain good Government.

Unfortunately, the clarification to rule XXVIII was eliminated from the final bill, even though it was unanimously accepted here on the floor in January. Even worse, the majority leader is now saying the 60-vote point of order against what we call airdropped earmarks should only apply to appropriations bills. This is very disappointing. There is absolutely no reason why we should restrict authorization earmarks. They can be as wasteful, as misguided and, I am afraid, as corrupting as appropriations earmarks. Authorization earmarks can be traded for bribes as easily as appropriations earmarks.

After checking with the Senate Parliamentarian, I understand there is some confusion over the definition of earmarks for this particular rule. The rule says it applies to provisions that provide a level of funding to a specific project. What could be clearer? All the projects I read about earlier fit that definition, regardless of whether they are appropriations or authorizations. If people want to parse these terms and say authorizations are not actual funding, then I am afraid we are not being completely honest.

We all know how the Corps of Engineers works. We pass WRDA bills that tell the Corps what projects to do, and then their annual appropriations bills provide money to complete these projects. But without an authorization in WRDA, the projects will not go forward. Authorizations are important, and we should be as open and as transparent about them as we are for appropriations.

I intended to raise a point of order today against these new provisions under rule XLIV which was part of the ethics bill, but I understand the unanimous consent agreement we are operating under prohibits me from doing so. In a minute I am going to ask for unanimous consent to be allowed to make this point of order against the provision, and if I am allowed to do that and the Chair rules that the point of order is acceptable under the rule, then, of course, I would urge my colleagues to sustain this point of order so we can take these provisions out. But before I do this, I would like to ask how much time I have remaining of my 20 minutes.

The PRESIDING OFFICER. The Senator has 11½ minutes remaining.

Mr. DEMINT. I would like to reserve the remainder of my time but yield 5 minutes to my colleague, Senator MCCASKILL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I appreciate the Senator yielding me some time. This is a unique bill in many ways. It is unique because there is a different set of rules when it comes to the water projects bill and the water resources development in this country for the Army Corps of Engineers. I believe as a former auditor we should be allowing the Army Corps of Engineers to direct funding based on a cost-benefit analysis. A cost-benefit analysis would allow the prioritization of projects based on the best value for our dollar.

The law requires, unlike any other place in our Government—it was explained to me when I got here the law requires that Congress direct this spending. I am uncomfortable with that. This is the only place this year that my name is listed on a specific funding request for Missouri, and I am not comfortable with that. I understand it is a reality this law requires, that if Congress is not directing this funding, there is no funding. I believe very much we should reform the way we fund the Army Corps of Engineers projects. I believe it should be driven by a cost-benefit analysis.

It is hard to understand why in this area, unlike any other area, not only are we in a position to decide level of funding, we are going to decide every single project. Now, since this is so unique, it is even more important that we have complete transparency. Even though I was uncomfortable with requesting specific funding, I understood the unique nature of this particular bill, but I was comforted by the fact that I believed all the projects were going to have a public airing, that they were going to be included in either the House bill or the Senate bill, and that there were not going to be any projects that were put into the authorization bill through the conference process. Unfortunately, that happened. That would bring me to the point of having to vote no on this bill because I believe very strongly in the principle that whatever we include must be included in either the deliberations of the House or the Senate.

This isn't about the projects and the merit of the projects. I am sure they are all very meritorious. In fact, painfully for me, one of them is in Missouri. This isn't about the projects; this is about the process. This isn't about Democrats and this isn't about Republicans. This is about a bad habit. This is about getting into the habit of directing authorization or spending in a conference report instead of under the bright lights of the Senate floor, the House Floor or committee work. We need to stop putting projects in conference reports that were not in the bill. Some people will say it doesn't matter; we have a backlog of all these projects. Well, if it doesn't matter, why do we need to do it? If it does matter, it ought to be important enough to be in one bill or the other.

I believe we need to reform not only the way we fund the Corps of Engineers, to give more deference to their discretion based on cost-benefit analysis, and I believe we need to stop the bad habit of always putting projects in a conference report without the full affirmation and public airing that the House and Senate deliberations provide.

I yield the floor.

Mr. DEMINT. Mr. President, I appreciate the remarks of my colleague. I would like to confirm what she has said. I take no issue with the authority of the Senate to designate spending, particularly in authorization bills. While this practice has certainly been abused, particularly in our appropriations bills over the years, my point today is not to suggest that our committee and the floor of the Senate do not have the right to authorize money for particular projects, but I believe, as Senator MCCASKILL has said and made clear, that in the debate on the Senate floor, it seemed we unanimously agreed these projects should be brought to the floor of the Senate and that if someone wanted to question them, we could have those amendments, and we could ultimately vote on the whole package. But it seemed clear we all agreed that new earmarks should not be added in conference and then for that conference bill to come back without any chance of amending it. That is not the type of business we talked about in the whole ethics debate. So my issue is not with our ability to earmark or even the practice of authorization bills designating spending but that they are added in conference when we all agreed that if it was not added in either the Senate or the House bill, it could not be added in conference.

For that reason, I ask unanimous consent that I be allowed to raise a point of order under rule XLIV.

Mrs. BOXER. I object. Mr. President, reserving the right to object, let me say this. For 7 years, we waited for flood control and then we saw Katrina. For 7 years, we have waited for environmental restoration. For 7 years, we have waited for navigation improvements. For 7 years, we have waited, and the bottom line is, every single project in this bill has a letter attached to it saying who asked for it, whether it was added in conference, added in the first bill, the second or the third.

I would urge that we get on with this today, and I object to the unanimous consent request that we slow this thing down.

The PRESIDING OFFICER. Objection is noted.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I would like to suggest that one of the reasons New Orleans was not prepared for Katrina is we have so many problems with our infrastructure in the way we politically meddle with the priorities of States, particularly with the Corps of Engineers that has a backlog of billions of dollars over many years. We refuse to clear out those backlogs so the Corps can focus on that which needs to be done, such as the levees in New Orleans. Instead, year after year, we add one earmark after another, until the Corps has no focus at all on what they are doing, and we are trying to direct from Washington what our water projects should be.

The fact that we have plussed this bill up from $14 billion to over $23 billion, a 66-percent increase since this bill left the Senate floor, says we have to have some shame. We have to have some honor in this body. If we are going to do this, let's do it in a way that we all said we would, and that is to bring these to the floor so we can debate and vote on them instead of adding them in and trying to slip them by in a conference bill.

I am very disappointed in this body, particularly after all the grand debate about ethics reform, the disclosure of earmarks, the fact that none would be added in secret. Over the last few weeks, we have pretty much backtracked on everything we have talked about, to the point where even liberal publications across the country are talking about the pork we are producing in the Senate. Instead of doing the Nation's business and delegating authority to States, we are in effect weakening our ability to have a national infrastructure that is safe and works for all Americans. I am very disappointed not only that this has been done but that a Member of the Senate is not even allowed to raise a point of order against the fact that it has been done.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from California is recognized.

Mrs. BOXER. Mr. President, I yield myself 4 minutes at this time.

Mr. President, it is my understanding that now I have 14 minutes remaining on my side. Senator INHOFE has how much time remaining?

The PRESIDING OFFICER. He has 22½, and the Senator has about 13½.

Mrs. BOXER. And Senator FEINGOLD retains 20 minutes.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. If he doesn't take that 20 minutes, Senator INHOFE and I will share that time.

I am sorry that Senator DEMINT has left the floor, which oftentimes happens after a Senator speaks. But I have to say that when I said we need to do these Katrina-related fixes, his answer was that the reason we had a problem with Katrina in the first place is the Corps didn't do a good job, and I think certainly the Corps didn't live up to our expectations. But what Senator DEMINT doesn't mention is that in this bill before us, because of the hard work of Senator FEINGOLD and others, we have now put into this bill an independent review process where there will be no projects going forward unless and until there is an independent report that the National Academy of Sciences will, in fact, oversee. We have gone light years from where we were before. That is why we have so much strong support for the bill. The Audubon Society supports the bill, along with the Clean Water Fund, the Conservancy of Southwest Florida, the American Shore and Beach Preservation Society, the National Water Resources Association, and on and on and on. The fact is, if we had allowed the DeMint request to go forward, we would be back to square one. We cannot afford that. It has been 7 long years.

Again, the health of our communities is at stake. The safety of our families is at stake. I could talk about Sacramento. Finally, we have language in the authorization to move forward with the proper flood control for the community of Sacramento. Mr. President, 300,000 people live there. It is the home of our State, the capital of our State. We finally reached agreement. These are not agreements that come from the top down; they come from local government up. I think it is important, as colleagues come to the floor to in a way demean this process, to understand if they demean the process, they are demeaning their own communities. In Oklahoma, or in California, or Georgia—I see Senator ISAKSON here. He and Senator BAUCUS were invaluable to Senator INHOFE and me in doing all of this.

The fact is these projects and these ideas and these needs come up from local governments. As a matter of fact, homeowners' associations find themselves faced with dangerous circumstances because a river is rising and there have not been the needed improvements. Senator INHOFE and I share a commitment to shoring up our infrastructure, including water resources, and I think when we look at all of the things that come before us—and we are so torn in half here, Democrat versus Republican—here we have an opportunity to move forward in a bipartisan fashion. As Senator INHOFE would say in his way, because he has been hammering at this, this is one step of a very important process. We have added these independent reviews so that we have checks and balances all the way through.

I will retain the remainder of my time. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, it is my understanding that we have 22 minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. Mr. President, I yield 7 minutes to the Senator from Georgia.

Mr. ISAKSON. I thank the Senator from Oklahoma and Chairman BOXER and Subcommittee Chairman BAUCUS for their outstanding work on the WRDA bill. I urge my colleagues to support the conference report and point out the critical need for the infrastructure we have in this country.

Historically, every 2 years we have passed the WRDA bill. Now we have gone 7 years without that. What happened in the last 7 years? We have had significant droughts, we have had Katrina, and we have had other great tragedies. It is about time that we came back to the floor and passed a comprehensive bill.

I know there has been criticism of the amount of the bill. I saw a CBO score of about $23 billion. I remind my colleagues that this is an authorization, No. 1. No. 2, it is 7 years in the making, not 2. No. 3, we have had significant tragedies and have significant threats in our own States that need to be addressed and need to be prioritized.

I will take my own State as an example. I represent a State with a major metropolitan area, Atlanta. That city has 5 million people whose water source is Lake Lanier and the Chattahoochee River. We don't have aquifers in the north to draw from, only the surface water that we retain. Through the leadership of a visionary Governor a few years ago, we passed the Metro North Georgia Water Planning District to take the consolidated area of north Georgia and put it into a singular planning district for water purposes, management of storm water, to see if we could maximize the return we get on the investment we make in the most precious thing we have, our water.

This legislation has money for conveyance systems. Local water authorities joined together with a regional plan to cooperate and build a solid water infrastructure.

Secondly, the Big Creek Water Management and Restoration Program is in here, which I started 9 years ago with the city of Roswell, which was developed to manage storm water, its runoff, and control water better in a major urban area. It was cited by the EPA as one of the most outstanding projects of its type in America.

Also in here is a very visionary agreement between the Governor of Georgia and the Governor of South Carolina, who signed a bistate water compact for the construction of a port to be operated jointly by the State of Georgia and the State of South Carolina in Jasper County, SC, on the Savannah River. The Ports of Charleston and Savannah are two of the major ports on the east coast of the United States. With this planned agreement and the funding that pays for the study put up by those States, and the study authorized in this legislation, these two States will set a historic precedent to reach out together and form partnerships so as to make the maximum use of the port capabilities and facilities of our States on the Atlantic Coast.

A lot of work has gone into this legislation. Senator INHOFE has worked tirelessly, as has Chairman BOXER, but I want to mention the ones who don't get much credit: Mike Quiello and Caroline McLean, on my own staff; Angie Giancarlo; Let Mon Lee; Jeff Rosato; Ken Kopocis; Tyler Rushforth; Paul Wilkins; and Jo-Ellen Darcy, all who spent countless hours to make this legislation come to pass.

I thank the ranking member for the time. I commit my vote to passage of the conference report and ask my colleagues to join me and show a significant vote for the WRDA conference committee report.

I yield back my time.

Mr. INHOFE. Mr. President, first, let me thank the Senator from Georgia. Working on these authorization committees is not easy. We have a lot of hearings and a lot of expertise, people looking, studying to see what is deserving to be authorized. I can tell you that the Senator from Georgia—I don't know of a member on the committee who has worked harder, or maybe even as hard as the Senator from Georgia. So I thank him for coming here today and making his statement.

I know my good friend from South Carolina, Senator DEMINT, would not intentionally misrepresent anything, but when he says once it is authorized, it is just like spending, that isn't true. I know he hasn't thought that through or he would not make that statement. We have a backlog, which has already been talked about several times here—a backlog of some $32 billion of Corps projects that have been authorized but haven't been done. That speaks for itself. They are out there. How can you say that—by the way, it is worthwhile saying or some people might say: Why are you authorizing more if they haven't even done those? Maybe some of them are no longer necessary. I will give you a couple examples. In Oklahoma, we have a channel that goes all the way to Muskogee, OK, or the Port of Katusa. A lot of people don't think of us as being navigable in Oklahoma, but we are. It is a short distance that is 9 feet, where the choke is. So we have had it authorized for a long period of time to make that a 12-foot channel. It would make a huge difference. It hasn't been authorized.

The Passaic River in New Jersey has a flood control tunnel up there that was authorized at $1.2 billion back in 1990. That wasn't last year or the year before. So far, no money has come in there.

Mr. President, I was disappointed in the way time was handled here. Let me make a few comments and then perhaps see if anybody else comes down who needs to be heard.

Right now, let me first redeem myself. We have a lot of people talking about this. I know a lot of people are watching, saying we are going to find out who the conservatives are. There are a lot of "born-again" conservatives I have heard so far, who are not conservative but are opposing an authorization bill. I say that, redeeming myself, in that—every organization, including Human Events and the American Conservative Union, says I am not No. 2 or No. 3, Mr. President, I am No. 1. Did you know that I am the No. 1 most conservative Member of the Senate?

I am here to tell you something that is very unpopular because nobody is going to understand it after I explain it to you. I will get right into it. I am going to tell you what authorization is. I hope some Members are listening, but I fear they are not. I think minds are made up. By the way, this bill will pass by an overwhelming majority. No question about that. In a way, we are wasting a lot of time right now. But I think it is important that at least somebody says something that has to be said: What is authorization all about?

The background of authorization goes all the way back to 1816. In 1816, our permanent committees were put together. We didn't have committees prior to that. So the responsibilities of authorizing and appropriating were put into these 11 committees in accordance with jurisdiction.

By 1867, 51 years later, the Senate created the Appropriations Committee. The Appropriations Committee had the idea that there was to be separate authorizing language with the appropriations. They were going to actually spend the money. Somebody else was going to do the authorization.

In 1899, it was seen that they had kind of moved together, so the Appropriations Committee was actually legislating on appropriation bills.

In 1922, a major change took place. In 1922, after the Accounting Act of 1921, the Senate changed the rules. They established not only that the Senators were going to be appropriating and not authorizing on the appropriations bills, but that is when the current rule XVI came into effect. It had been there for a different purpose. Rule XVI says if the appropriators appropriate something that is not authorized, it is going to take a 60-vote point of order. That is huge. That was very clear in 1922. They said we want to make it virtually impossible for the appropriators, without going through any authorization, to unilaterally say we ought to have all these projects; we don't care if they are worthwhile or not. That is what happened.

Then, slowly, since that time it has been going back to the appropriators getting more and more power. They have been diminishing the power of the authorizers.

Put up the military chart.

I am on another committee.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 12 minutes 30 seconds remaining.

Mr. INHOFE. Mr. President, the Armed Services Committee is an authorization committee. Let me tell you why the process of authorizing is important. I could use almost any example I want to, but I will use missile defense.

Right now, there are very few people around since 9/11 who don't know that there are monsters out there who will send a missile into the United States. We now have a missile defense system we are still developing. There are three phases: the boost phase, the midcourse phase, and the terminal phase.

In the boost phase, quite frankly, we do not have anything that will knock down a missile. We are working on two systems: one, a kinetic energy booster, and the other is an airborne laser system. The airborne laser system is going to be great for us, but we are not there yet.

Midcourse—we all have heard about the AEGIS system. I believe there are 16 AEGIS ships right now. They have the capability of knocking down a missile during the midcourse phase. We also have ground-based systems. We know we need this redundancy because we don't know from where these missiles are going to be fired. We all know the President has been trying to get a location in Eastern Europe and up around the old Soviet Union, and it has been very difficult. What we ultimately have to have is a way of knocking these missiles down from anyplace in midcourse. We have two systems. An appropriator might look at that and say: I know where we can save money. We don't need two midcourse systems; one is enough. But that is not right because the expertise in the authorizing committees says we have to have that coverage.

Lastly, the terminal phase. We know about the THAAD system, the PAC-3, the Patriot Capability-3 advanced system. One may say they are redundant, but they are not.

Here is the point I am trying to make. The reason we know, in the Senate Armed Services Committee, it is important we have these systems is because we are staffed with a lot of really smart people. They are specialists in this area of national defense. I could have used the F-22 versus the F-35 or any other system we have, but the point is that the Armed Services Committee is an authorizing committee which is staffed with experts. So is the Environment and Public Works Committee. We have people who are experts in certain areas. The committee authorizes projects for the future.

If we take away the Senate Armed Services Committee and the committee is no longer able to authorize, then we are going to have appropriators sitting around waiting for somebody to come up with what they want. Maybe it is a contractor they know who has a system and they will go ahead and use that system, but they wouldn't have the expertise.

I am not bashing appropriators. That is a very important part of the process. But they have to have some kind of a discipline in their spending. There is no discipline.

Let me mention something else that would be very unpopular. I said this on the floor during the Transportation reauthorization bill, which, at the time the Republicans were in the majority, I chaired the committee Senator BOXER now chairs. At that time, a lot of people were trying to latch on to items that were wrong so they could use them to demagog. Remember the famous bridge to nowhere? Actually, it would have been more accurate to say it is a bridge to nobody because the bridge actually went someplace where they couldn't get except by barge traffic and they could never develop that area.

One of the few things that works well in Government, in my estimation, is the way we do the Transportation reauthorization. Everyone pays at the pump, and then the money comes into the highway trust fund. Then we establish criteria.

Senator BOXER will remember that we had some 30 criteria we used with the Transportation reauthorization bill. One of the criteria was, What do the people at home want? In the case of the bridge to nowhere, the 100 projects the State of Alaska said they wanted to do with their tax dollars, it was No. 5 from the top. We, in our infinite wisdom in Washington, say we are smarter than the dumb people out in the States. We said: Even though this is what you want or have to have, you can't have it because we have this infinite wisdom in Washington.

I use these examples only because the authorizing system does work. We are supposed to pass this water resources development reauthorization every 2 years. If we had done that every 2 years, we would not be faced with what we are faced today. We would not be looking at $21 billion. It averages out about $3 billion, if my math serves me correctly. We tried to get a bill in 2002, and we were not able to do it. We tried in 2004, and we were not able to do it. We tried in 2006, and that didn't work, either. In fact, we did our job; we just ran out of time, as I recall. Now it is 2007. If we don't do it this time, it is going to be another year, and it is going to mean the appropriators are going to go ahead and do these projects without going through the right authorizing process.

I have to say it, and I say it in all sincerity to my good conservative friends: This is not money we are spending; it is authorizing projects as to what meets certain criteria. If we look at some of the problems we are having right now—Hurricane Katrina, that was not foreseen and that was a wake-up call. It could happen anywhere. It was an infrastructure need. The collapse of the bridge in Minneapolis, that was a bridge on an interstate. In Oklahoma, on I-40, we have a bridge built with the same technology at the same time, and right now chunks of concrete are dropping off that bridge and falling down below. We have, in my State of Oklahoma, the worst bridge situation. I am not proud of this fact, but it is true. We have more deteriorating bridges than any other State. These are projects we need to be doing.

I am ranked as the No. 1 most conservative politician, but I have always been a big spender in two areas: One, defend America—we need to defend America; no one else is going to do that for us—and No. 2, infrastructure. That is what we have talked about today.

We went through the long, involved Transportation reauthorization. Mr. President, I am embarrassed to tell you, as sizable as that Transportation reauthorization bill was, if we were able to spend all the money that was authorized, it would not even maintain the current system we have today.

Let me mention one other point. Where were my conservative friends in 2000 when we passed this huge, open-ended bill called the Everglades Restoration Act? It didn't have any Corps of Engineers report. It did not have a Chief's report. It was open-ended, and the vote was 99 to 1. Guess who the one was. It was me. Where were my conservative friends at that time? That was huge.

In retrospect, I was right and the other 99 were wrong. They might argue with me on that point. But, nonetheless, in the current bill, there are now some reports in the Everglades, so we are doing it the right way with this bill.

I reserve the remainder of my time in case somebody else wishes to speak, but I have to say, in case I run out of time, I have a letter from the Assistant Secretary of the Army, Civil Works, Secretary Woodley, and the arguments they use as to why they would recommend the President veto this bill are not right.

Frankly, I am really disappointed. If we are going to pass this bill—and it is going to be passed by a veto-proof margin—if the President vetoes it, he knows it is going to be overridden, and I have to question why he would veto it. Again, we are reauthorizing. We are not appropriating one nickel with this bill.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 6 minutes to Senator LANDRIEU of Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wish to follow up on the comments of the good Senator from Oklahoma, who I believe made some very appropriate and strong arguments for this bill.

There are some reasons to vote against the bill, I guess, but I wouldn't say one of them is because you are a conservative. The Senator from Oklahoma is absolutely correct, this is a conservative approach to infrastructure. This is the right approach. This is about investments. Whether one is representing the State of California, which tends to be sometimes more liberal on issues, or representing a State such as Oklahoma, which tends to be more conservative, this is the right vote.

My colleagues can vote against this bill because they don't think it has enough Corps reforms. Senator FEINGOLD's position, although I disagree with it, is a legitimate position. He just believes the Corps should have more reforms. Actually, I agree with a lot of what he says. But we couldn't get a majority of Senators to go along with his proposal. We had to drop it or sacrifice the whole bill. I did not think it was worth sacrificing the whole bill. We have some reforms, and I am committed and others are committed to continuing to work to reform the Corps, to streamline the Corps, to force them to stop wasting so much money and time. I am committed to do that in the future.

But right now, we have wetlands to save and levees to build. The Senator from Oklahoma is exactly correct. This is a chart that shows the civil works as a percentage of the gross domestic product since 1929. There is a crisis in America. We are down below half a percentage point relative to gross domestic product. We are spending less today than we did in 1929.

I know nobody believes this information, but this is not a chart that came from MARY LANDRIEU's office; this is a chart from the Corps of Engineers.

We can see in the runup to the wars, World War I and World War II, how this bolted up because we had to make some of these investments. But look at the precipitous slide, Mr. President. I say this because the Senator is correct. The National Chamber of Commerce—not a bastion of liberalism—is supporting this bill. The Manufacturers of America—not a bastion of liberalism—sent out a letter supporting this bill. Why? Because business cannot operate without ports and navigation and flood control. Agriculture cannot operate if every year their fields get flooded.

I don't know how to explain this anymore. This is not porkbarrel, runaway spending. This is critical investments, and it has been 7 years since this bill has passed.

Senator BOXER didn't run up a big tab. She has worked her heart out with Senator INHOFE to get a bill passed in 7 months that should have passed 7 years ago.

As to the argument from the good Senator from South Carolina—and I know somebody has to come to the floor and read talking points from some organization about this bill, but I wish to say something about South Carolina, Louisiana, Florida, and Texas. This chart shows the hurricanes that have hit since 1955. I don't know how many more Katrinas, I don't know how many more Ritas, I don't know how many more Hugos we need. But these are the tracks of the storms. We have 300 million people who live in the United States. I am just going to take a wild guess that 50 percent of them live in the Northeast and the South because I know the interior West is very lightly populated, so I would imagine the gravity of the population is where we are looking now.

How many more storms have to hit before we pass a water bill? How many more homes have to be flooded? We lost 275,000 in Louisiana and Mississippi last year. Two years ago today, Rita slammed into south Louisiana and east Texas. I focus so much on my State, and, of course, I represent Louisiana, but I picked up the Houston Chronicle this morning, front page, big headline: People in south Texas still waiting for help from the Federal Government for homes destroyed 2 years ago.

This bill is not going to solve every problem. It is not going to build every levee. But we better get about raising this chart up a little bit or I don't know what our manufacturers and businesses are going to do. You can buy anything you want on the Internet, but every now and then you have to ship it. You can purchase it with a mouse click, but that product has to get on a ship, it has to get on a truck, it has to get on a barge. It has to go somewhere. If we don't start building levees and protecting our people from these storms—and Lord help us if there is another terrorist attack—I just don't know what we are going to do. So there is some urgency about this situation.

I will say in my final minutes that I hope the President will not veto this bill. I hope he will reconsider his position and look at the vote, the overwhelming vote in the House—and I think we are going to have an overwhelming vote in the Senate—and say: I thought about vetoing this bill, but I decided not to because the arguments have been good.

Mr. President, I would ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. So I hope the President will reconsider this number, the lowest investment since 1929. I hope he will look at the hurricane maps, and then I hope he will look at the land loss in Louisiana.

I would like to just end with this. We have lost more than twice the amount of land in just the last storm—these red dots represent significant land loss—that if an enemy came and took this land away from us, we would declare World War III. But it is not an enemy, it is ourselves.

So let us pass the WRDA bill.

I thank the chairman and the ranking member for their extraordinary leadership. There are many good reasons to pass this bill, and I hope we can get a good vote in just a few minutes.

Mr. CARDIN. Mr. President, I rise in support of the conference report on the Water Resources Development Act of 2007. The bill that is before us today contains key Corps reform measures. It helps move America forward in addressing a lengthy backlog of critical water infrastructure projects, and it authorizes essential ecosystem restoration efforts.

This bill contains a number of provisions that are vital to Maryland—from Cumberland in western Maryland to the great cities of Baltimore and Washington and down to tiny Smith Island, which sits in the Chesapeake Bay.

Like so many other projects contained in this bill, the Cumberland effort will have multiple benefits. Increased public safety will come from the flood control provisions. The project also serves historic and community restoration efforts, including the rewatering of the National Park Service's Chesapeake and Ohio Canal and the reconstruction of the historic turning basin there.

For the first time, the Army Corps will supplement the Environmental Protection Agency's effort to repair and improve wastewater treatment facilities to benefit the Chesapeake Bay. The Corps will be able to support sewage treatment upgrades such as the one at Blue Plains, which serves customers in the District of Columbia, northern Virginia, and Maryland.

The new EPA permit for Blue Plains requires that the nitrogen load from the plant be reduced by more than 4 million pounds annually. This will be the largest single nitrogen reduction project in the bay watershed in a decade.

The Port of Baltimore is one of the largest ports on the east coast. It is a vital engine of economic activity, contributing $2 billion to the State's economy and employing 18,000 Marylanders directly and tens of thousands more indirectly. WRDA 2007 extends the authorization for the 50-foot dredging of the Baltimore Harbor and Channels. The dredging that is authorized in this bill is essential to the economy of Baltimore and the entire region. But it produces millions of tons of dredge materials annually. In this bill, that sediment is being put to beneficial reuse. The Corps is literally rebuilding an island in the Chesapeake.

Poplar Island once was home to residents and hunting lodges. It had nearly vanished, the victim of rising sea level and unrelenting erosion. Since this project's authorization in 1996, however, the Corps has restored over 1,100 acres of remote island habitat. Poplar Island has risen, phoenix-like, from the waters of the Chesapeake Bay. Five hundred and seventy acres of upland habitat and an additional 570 acres of wetland habitat are being created.

Today, even as the project continues, the island is once again home to migratory shore birds, mammals, and reptiles. It even serves as a nesting area for Maryland's famous terrapins. The expansion of authorized in the bill will build upon this success. It will add an additional 575 acres, about half upland and half wetlands, to the restored island.

The Poplar Island expansion project authorized in this bill is important to the Port of Baltimore and to the ecological health of the Chesapeake Bay. But it is also a model for the Nation, showing us how Corps projects can be engines of economic success while at the same time serving beneficial ecological functions.

Smith Island is a remote inhabited island in the Chesapeake Bay on the Maryland-Virginia border. It has lost over 3,300 acres of wetlands, threatening the people who live there and degrading the Chesapeake Bay in the process. This bill authorizes the construction of 2 miles of breakwaters to protect over 2,100 acres of wetlands and underwater grass beds.

WRDA 2007 is unlike any earlier WRDA bill. It contains Corps reform measures, ecological restoration projects, and environmental infrastructure projects. These provisions represent the future of the Corps of Engineers. It is the reason I support this legislation. I urge my colleagues to join me.

Mr. DOMENICI. Mr. President, I believe that the passage of this bill is long overdue and I commend Senator BOXER and Senator INHOFE for their efforts to pass this bill.

There are numerous projects in this bill that are important to each state. I would like to take a few moments and highlight what this bill means to New Mexico and our environment.

I would like to point out that the New Mexico related projects in this bill were included, at my request, in the WRDA bill we passed in 2006. So the content in this bill should not be a surprise to any of us and I hope that we can get this bill signed by the President quickly.

One of the most critical New Mexico projects contained in this year's WRDA bill involves New Mexico's Bosque. I have long envisioned the rehabilitation and restoration of the Bosque. In fact, I have introduced legislation in this Congress that would do just that. This bill will allow us to implement this vision that concerns this long neglected treasure of the Southwest.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. As a result, public access is problematical and crucial habitat for scores of species is threatened.

Yet the Middle Rio Grande Bosque remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public. I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come—not only for generations of humans, but for the diverse plant and animal species that reside in the Bosque as well.

The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees. This project can increase the quality of life for a city while assuring the health and stability of an entire ecosystem. Where trash is now strewn, paths and trails will run. Where jetty jacks and discarded rubble lie, cottonwoods will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees. Schoolchildren will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance on this occasion.

Having grown up along the Rio Grande in Albuquerque, the Bosque is something I treasure, and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991, and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river.

Another project that is of great importance to New Mexico is the Southwest Valley Flood Control Project. New Mexico is a desert State prone to flash flooding during our monsoon season. In order to protect our cities we must take proactive steps to ensure that communities are prepared in the event of flooding. The Southwest Valley is one such area that is subject to flooding from rainfall runoff. Due to unfavorable topography, flood waters pond in low lying developed areas and cannot drain by gravity flow to the Rio Grande River. This project resolves this problem and calls for the construction of detention basins and a pumping station in Albuquerque for flood control in the Southwest Valley.

This legislation also has a significant impact on our environment. The Rio Grande Environmental Management Program authorizes the Corps to address environmental restoration and management on the Rio Grande and its tributaries through planning, design and construction of habitat rehabilitation and enhancement projects and a long term river data acquisition and management program. This simple provision establishes a continuing authority for addressing environmental restoration and management on the Rio Grande and its tributaries within the state of New Mexico. This project consists of two main components. The first component consists of planning, design and construction of small habitat rehabilitation and enhancement projects and the second component calls for a long term river data acquisition and management program. The impacts that this project will have on New Mexico will be tremendous.

Another program outlined in this year's WRDA bill provides authority to the Corps to study, adopt, and construct emergency streambank and shoreline protection works for protection of public highways and bridges, and other public works, and nonprofit public services such as churches, hospitals, and schools. This program provides authority for the Corps to carry out ecosystem restoration and protection projects if the project will improve environmental quality, is in the public interest, and is cost effective. This is a worthy initiative that will benefit the environment throughout the United States.

I urge my fellow Senators to help further enhance and protect our environment through passage of this legislation. I believe that each State stands to benefit from this bill.

Mr. LEVIN. Mr. President, I am proud to support this legislation today, which is so important for our Nation's water infrastructure. We need to repair and upgrade our waterways because so many of our businesses—and millions of jobs—depend on them. The bill would also help restore aquatic ecosystems and habitats, and it includes several provisions that are important for Michigan and the Great Lakes.

I wish to express my thanks to the chair and ranking member of the Environment and Public Works Committee, Senators BOXER and INHOFE, for their work on this bill. I also want to thank them for including a number of important provisions for the Great Lakes, one of the world's greatest natural resources. The Michigan and Great Lakes projects that I had requested, and which were included in the Senate bill, were retained in the conference report. Additionally, other important projects included in the House WRDA bill that I asked to be included in the conference report were retained.

I am also pleased that a provision that I added as an amendment to the Senate WRDA bill was retained in the conference report. This provision would expedite the operation and maintenance, including dredging, of the Great Lakes commercial navigation channels and infrastructure. This is a key provision because the Great Lakes are in the midst of a crisis: Freighters are getting stuck in shipping channels, other ships are carrying reduced loads, and some shipments have simply ceased altogether. This WRDA provision would work to address the very serious dredging backlog in the Great Lakes, which has been exacerbated by historically low water levels. I am also thankful that the bill includes a Sense of the Congress that states that the Corps' budget for dredging should be developed by using all available economic data rather than focusing on a single metric such as the amount of cargo being moved. I worked with the Senate bill managers to address this problem when WRDA was being debated on the Senate floor. At that time, the bill managers agreed to work with me to address this problem in the conference committee, and indeed they did. And for that, I am grateful.

Also of vital importance for the Great Lakes navigation system is a provision in the conference report that modifies the authorization to construct a second Poe-sized lock at Sault Ste. Marie, so that it will be constructed at full Federal expense for a total cost of $341,714,000. Two-thirds of the carrying capacity of the U.S. Great Lakes fleet is currently limited to the one large lock, the Poe lock. If the Poe lock should fail, shipping between Lake Superior and Lake Huron would essentially cease, and the steel industry, coal-reliant industries, and agricultural industries dependent on farm exports would be severely harmed. This authorization to waive the non-Federal cost-share requirement is an important step for ensuring the viability of the Great Lakes shipping infrastructure.

Another important provision for the health of the Great Lakes that was retained in the bill is a provision that authorizes the completion of the dispersal barrier to prevent invasive species, such as the Asian carp, from moving between the Mississippi River watershed and the Great Lakes. Further, the bill directs the Corps to operate both barriers I and II at full Federal expense and provides credit to those States that provided funds to begin construction of barrier II. The bill also directs the Corps to conduct a feasibility study on other ways to prevent the spread of invasives between the Great Lakes and Mississippi River.

The bill also retains a Senate WRDA provision that I have been working on for many years: the improvement of Michigan's water and sewage infrastructure. An authorization of $35 million is included in the WRDA conference report for a statewide environmental infrastructure project to correct combined sewer overflows, which is a major source of pollution in the Great Lakes and other waterbodies in Michigan. Combined sewer overflows carry both stormwater and sewage, and these can be discharged into streams, rivers, and lakes during periods of heavy rains. The $35 million provision in WRDA authorizes the Army Corps to partner with communities throughout Michigan to improve their sewer infrastructure. These improvements would not only benefit communities but would also help protect our precious water resources.

As the recent tragic collapse of a Minnesota bridge has made all too clear, the repair and modernization of this Nation's infrastructure needs to be a much higher priority. Just as roads and bridges need urgent repairs, we cannot wait further for authorizing important water projects that protect lives and property, support commerce and industry, and preserve and restore our environmental resources. We have waited 7 years for this bill. Now is the time to pass this bill, and it should not be held up by a Presidential veto, which I am confident the Congress would override.

While these important provisions, as well as several others that I have not mentioned, provide the authorization for addressing the dredging backlog in the Great Lakes, restoring the environmental integrity of our waters, and providing critical flood protection projects, the appropriations needed to make these provisions a reality are down the road. The next critical step is to appropriate the actual funding for these necessary projects.

• Mr. McCAIN. Mr. President, I would like to express my strong opposition to the conference report on the Water Resources Development Act of 2007. The legislation being considered today far exceeds the already outrageous spending that was approved in both the House- and Senate-passed bills and would drastically increase the backlog of Army Corps of Engineers construction projects while doing nothing to modernize the system for funding these projects. I wonder, did we learn nothing from Hurricane Katrina?

In August of 2005, this Nation witnessed a horrible national disaster. When Hurricane Katrina hit, it brought with it destruction and tragedy beyond compare, more so than our Nation had seen in decades. Almost 2 years later, the gulf coast region is still trying to rebuild, and there is a long road ahead. I thought that we had learned a few lessons from this tragedy, but as our Nation continues to dedicate significant resources to the reconstruction effort, we are now being asked to quickly approve a conference report that only perpetuates the problems with both the funding and management of the Corps of Engineers.

During Senate consideration of this bill, Senator FEINGOLD offered an amendment that I was pleased to cosponsor that would have established a system to give clarity to the process used for funding Corps projects. Of course, that amendment was not adopted. It is unacceptable to me that this Congress isn't interested in how best to allocate our limited Corps resources or how taxpayer dollars would be used most effectively. My question is, What is wrong with having some concept of what our Nation's priorities are for waterworks projects? Why are we rejecting policies to help us identify where the greatest infrastructure needs are? Are people worried that showing the American people how their money is really being spent may result in their pet project being moved down the list for funding?

Today's practice, as illustrated again by this legislation, allows a Member of Congress to get a project authorized and funded without having any idea of how that project affects the overall infrastructure of our Nation's waterways—or whether it is even needed. There is already a $58 billion backlog in Corps projects, and the bill before us increases that backlog by an additional $23.2 billion according to the Congressional Budget Office. That is a 40-percent increase in the size of the existing backlog. Yet consider how much funding the Corps receives annually on average—$2 billion. Anyone can do the math and realize that we are perpetuating a significant problem. But that won't stop so many of my colleagues from congratulating themselves on passage of this bill—a bill the White House intends to veto.

I find it particularly ironic that just before the August recess this body claimed to be turning a new page and taking significant steps toward ending the process of secret earmarks and porkbarrel politics when it passed the Honest Leadership and Open Government Act of 2007. This bill is beyond more of the same with over 900 projects, up from 600 projects in both the Senate and the House passed bills. As stated in a recent letter from the Director of OMB and Assistant Secretary of the Army for Civil Works, "Because the conference version of H.R. 1495 significantly exceeds the cost of either the House or Senate bill and contains other unacceptable provisions discussed below, the President will veto the bill." I applaud the President's vow to veto this bill.

While the bill before us today includes an "independent" review process in name, as Senator FEINGOLD and I have pushed for during debate on the last two Senate-passed bills, the conference report provision does not promote true independent review at all. Senator FEINGOLD and I championed language that would have established a process by which the planning and design of Corps projects could be reviewed by a panel of experts. As stated by an editorial in the Washington Post on August 6, 2007, entitled "Watered Down," "The Corps has a long history of overly rosy environmental and economic analysis of such projects, tailored to the political needs of its funders in Congress. Review of Corps projects by independent experts would deter such behavior, which threatens not only the federal budget but public safety. The Senate version of the legislation was very tough on this point." I will ask to have the editorial printed in the RECORD immediately following my remarks.

The legislation before us drastically dilutes the Senate-passed provision and gives the Corps undue influence over this panel. The review process will actually be housed within the Corps rather than outside the agency as the Senate bill required, and the Corps' Chief of Engineers is also given significant authority to decide the timing of review, the projects to be reviewed, and whether to implement a review panel's recommendations. This new system will only compound the problems with an agency that has brought about countless mismanaged and incredibly expensive construction and maintenance projects.

I believe this conference report is fundamentally flawed in many ways, not the least of which is its cost. As stated by the Tax Payers for Common Sense, "In High School Civics students learn that conference committees are where lawmakers hash out the differences between House and Senate bills. But in the case of WRDA (H.R. 1495), the Corps of Engineers water projects bill, a $14 billion Senate bill met a $15 billion house and ballooned into a whopping $21 billion monster. . . . The ultimate price tag will be far higher because of numerous policy changes that are intended to shift costs from who benefits onto the federal taxpayer. For these reasons, the President did the right thing by promising to veto the bill if it gets to his desk. . . . Lawmakers should start over again and come back with a fiscally responsible bill that includes stronger policy reforms for independent peer review of costly, controversial, or critical projects, modernized economic guidance and creates a system to prioritize limited federal funding. All these proposals will save taxpayers in the long term."

Mr. President, it is time that we end this process of blind spending, throwing money at projects that may or may not benefit the larger good. It is time for us to take a post-Katrina look at the world and learn from our experiences over the past years instead of being content with business as usual. Shouldn't we be doing all that we can to reform the Corps and ensure that the most urgent projects are being funded and constructed? Or are we more content with needless earmarks—too often at the expense of projects that are of most need?

I urge my colleagues to oppose this conference report.

Mr. President, I ask to have the editorial to which I referred printed in the RECORD.

The article follows.

[From the Washington Post, Aug. 6, 2007]

WATERED DOWN

ANOTHER PORK-LADEN BILL FOR THE ARMY CORPS OF ENGINEERS CONTAINS MODEST CHECKS ON FUTURE PROJECTS

When Last we checked, the Water Resources Development Act was a $14 billion bill larded with pork-barrel projects. Now it is a $21 billion bill, having taken on still more pork in a House-Senate conference committee, and it appears headed for passage. One small factor in the bill's growth was the addition, during the closed-door conference, of tens of millions of dollars' worth of pet projects not previously debated in either chamber. Interestingly enough, Congress has also just passed an ethics bill that was arguably designed, in part, to prevent this sort of thing. But that legislation has not yet taken effect.

Of greater concern are the bill's provisions for independent review of proposed dams, levees and other projects to be built by the U.S. Army Corps of Engineers. The Corps has a long history of overly rosy environmental and economic analysis of such projects, tailored to the political needs of its funders in Congress. Review of Corps projects by independent experts would deter such behavior, which threatens not only the federal budget but public safety.

The Senate version of the legislation was very tough on this point. It would have required peer review of projects costing $40 million or more and permitted state governors, federal agencies and the general public to initiate mandatory peer reviews of other projects. It would have created a separate federal office to oversee the reviews, and it stated explicitly that federal courts did not have to defer to the Corps' reasoning when the agency decided to reject the findings of an independent panel. But, after negotiations between the Senate and the

House, which favored a nearly toothless process, the final bill leaves out much of the Senate language: It raises the minimum dollar amount slightly, to $45 million, and says that only governors, not federal agencies or public interest groups, can call for mandatory peer review. The Corps can waive review of smaller projects where it sees no environmental issues. Inexplicably, the peer review law expires in seven years.

The good news is that the bill requires the Corps to assign the reviews to the respected National Academy of Sciences; it also wisely permits reviewers to consider a wide range of issues. President Bush has understandably threatened a veto because of the bill's cost, but there are more than enough votes to override. Imperfect as it is, this bill is likely to become law. Supporters of the compromise, such as Sen. Barbara Boxer (D-Calif.), chairman of the Environment and Public Works Committee, say that their tough oversight will make it work, a promise that will itself be tested in the months ahead.●

Mr. VITTER. Mr. President, the explanation of managers accompanying the bill today is not as expansive as it could have been in regard to some sections of the bill. To ensure that my intent, and the intent of the remainder of the conferees, is clear I want to provide additional direction.

Section 1001(24) authorizes the remaining features of the Morganza to the Gulf hurricane protection project. It is important to note that the House, Senate, and conferees recognized the importance of advancing this project beyond the initial authorization of segment J–1 and the additional funding and authorization provided in Public Law 109–148 and Public Law 109–234, with the full understanding of concerns raised regarding the potential impact of the project on wetlands—including those raised in the administration's Statement of Administration Policy related to this bill. The conferees believe that existing law, including section 902 of the Water Resources Development Act of 1986 and section 7005 of this bill, provides more than sufficient flexibility to make any modifications deemed necessary and, subject to the availability of appropriations, expect the project to move immediately to the construction phase.

The conferees recognize that the Morganza to the Gulf project was initiated in 1992. Congress authorized the full project in the Water Resources Development Act of 2000, Public Law 106–541, but Corps of Engineers' delays resulted in the failure of the command to meet the statutory deadline required to implement the project. The 15 years it has taken to reach this point have left Terrebonne Parish and portions of Lafourche Parish very vulnerable to storm surge, hurricane and flood damage, and the loss of life and property. The Federal Emergency Management Agency has expended well over $100 million in public and private assistance grants in recent years in response to damages that would have been prevented had the project been in place.

The conferees understood that modifications to the Morganza project may be required. These include but are not limited to changes related to wetlands, IPET recommendations, and other factors. The conferees also understand that significant cost increases from the initial estimates were included in the 2002 and 2003 reports of the chief. These increases are related to significant rises in labor and materials costs as a result of activities responding to Hurricanes Katrina and Rita and attributable to new standards for storm damage reduction and flood control projects related to IPET recommendations. The conferees did not increase the project authorization due to the fact that section 902 of the Water Resources Development Act of 1986 specifically provides for cost increases related to "changes in construction cost applied to unconstructed features" and for increases related to "mitigation and other environmental actions".

As was mandated by Congress in the past, the Secretary shall make the Houma Lock a top priority and expedite this feature, in addition to other features that will provide important protection to vulnerable areas. The Secretary should consider integrating the construction of the Houma Lock with modifications of the feature authorized in section 7006(e)(3)(A)(i), only if the integration will not cause delays to this feature.

Should significant additional features or increases in protection levels be warranted, the Secretary should consider the implementation of these improvements under section 211 of the Water Resources Development Act of 1996. It is noted that the Army did not notify Congress of any additional authorization needs for this project. It is the conferees' intent that this project move forward as soon as possible with no further congressional authorization. Delays in protection for this area cannot continue.

Section 1001(25) authorizes the Port of Iberia access improvement and Vermilion parish storm surge protection project. It is the intent that the Corps provide meaningful storm protection to Vermilion Parish in an expedited manner without delays to the deepening project.

Section 1004(a)(7) directs the Army Corps of Engineers to study and carry out a project to dredge and maintain the Napoleon Avenue Container Terminal berthing area in the Port of New Orleans at a depth not to exceed the authorized channel depth of the Mississippi River ship channel. Deepening of that berthing area will ensure that the full transportation benefits of the authorized channel depth of the Mississippi River ship channel will be realized by the adjacent port terminal. This small navigation enhancement project will create significant economic and business benefits for the port, and aid in the continuing recovery of the greater New Orleans area.

Section 3081 authorizes the Corps of Engineers to credit the State of Louisiana for cost associated with mitigating the impact of freshwater diversions on oyster beds. It is the intent that "relocating" includes any means to remove or relocate the interests in the oyster beds from the impact area. In some cases, this may include leaving the oyster beds in place. It is the understanding of the conferees that oyster beds could serve as a form of protection from further coastal land and wetlands loss.

Section 3082 provides for the relocation of facilities impacted by the closure of the Mississippi River gulf outlet through the Department of Commerce's Economic Development Administration. The section also establishes a loan program for businesses. The conferees specified that the loan program is a "revolving loan"; therefore, nothing in the bill restricts the loan authority to $85 million. It is the intent that available loan authority be provided to businesses until demand is fully met. It is expected that the actual loan authority will far exceed the authorized funding level.

Section 3084 authorizes the Corps to maintain responsibility for long-term costs associated with the Algiers Canals Levees portion of the Westbank and Vicinity project. Subsection (c) is intended to apply only to work performed under the original authorization. Ongoing work on the project is based upon authorization and funding provided in the various emergency supplemental appropriations acts related to Hurricanes Katrina and Rita. The cost share included in subsection (c) shall not apply to the work funded in those acts.

Section 4101 directs the Government Accountability Office to conduct a review of disaster debris removal policy related to Hurricanes Katrina and Rita. It is the intent that the GAO shall coordinate the data required to determine the appropriate findings with the Environmental Protection Agency and Corps of Engineers. The EPA and Corps are expected to fully cooperate with the GAO and should be given the opportunity to comment and respond to the GAO's findings as is customary with these reports. Should any adverse findings result, it is the intent that the appropriate agencies immediately respond to such findings.

Section 5083 directs the Corps to complete the supplemental EIS related to the lock project by July 01, 2008. As is clear in the bill language, it is expected that this mandate be met. The provision does not provide for alternative deadlines or procedures for delay. Appropriate planning and schedule compressions should be applied immediately.

Section 5084 clarifies that a previous meeting shall serve as the requirement for a stakeholders meeting. The effect of this provision is that construction grants may be awarded as part of the Lake Pontchartrain Basin Program.

Section 5157(14) authorizes improvements to the Larose to Golden Meadow, LA, project by the non-Federal interest to be reimbursed by the Secretary. It is intended that these improvements include the conversion of the Leon Theriot Floodgate into a lock and improvements required to advance protection to, meet or exceed the 100-year level of flood protection as determined under the National Flood Insurance Program at the time of construction of the improvements. It is expected that this authorization will complement the $90 million in improvements authorized under section 7015.

Title VII authorizes 15 coastal protection and restoration projects and additional flood protection and storm damage reduction. In the case of each project, it is likely that the authority provided by section 902 of the Water Resources Development Act of 1986 will be exercised. It is noted that this authority provides for cost increases of 20 percent in addition to those increases attributable to inflation, "changes in construction cost applied to unconstructed features" and for other cost increases. It is expected that all deadlines will be met and each project will advance in a timely manner.

Section 7004 establishes a Federal-State task force. The conferees intended that the three representatives of the State of Louisiana each serve at the pleasure of the Governor of that State.

Section 7005 authorizes the review and modification of water resource projects in the Louisiana coastal area project area to alleviate conflicts in project features. The requirement to review "each" project in the LCA project area should not be construed as a requirement to conduct an in depth review of all projects. The Secretary, in coordination with the State of Louisiana, is expected to identify those projects that are reasonable candidates for modification rather than wasting significant resources reviewing all projects in detail.

Section 7006, of the Louisiana Coastal Area Title, title VII, authorizes a science and technology program specifically for the coastal Louisiana ecosystem. This science and technology program will provide the accurate scientific and technological advances needed to improve the knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem and related natural and built assets.

Section 7006 (a)(2)(3) and (4) of title VII of H.R. 1495 already provides some of the purposes and direction for carrying out the science and technology program. However, since there is no further report language clarification in the accompanying conference report language, I want to provide further direction, and the conferees intent, specifically as it applies to the purposes and organizations that should drive this important research program so that the Louisiana coastal area projects authorized by this important bill are done right the first time.

It is my firm intent, and that of the conferees, that the science and technology program will be conducted through a Louisiana agency-university-industry partnership led by the Long-term Estuary Assessment Group, LEAG, and the Coastal Restoration & Enhancement for Science & Technology, CREST, in partnership with the U.S. Geological Survey National Wetlands Research Center. The aim of this alliance is to create a cooperative science, engineering, and technology program to help policymakers, planners, and coastal resource managers use the latest objective information on the built and natural environment to ensure sustainable and productive coastal habitats and communities. This program should respond directly to the challenges identified by the task force and provide proactive solutions for the long-term success of the program.

It is also the conferees intent that the science and technology program priority research areas shall also include the following efforts and purposes:

A. Scientific tools for coastal restoration. New tools, or refinement of existing tools, for carrying out coastal restoration in coastal Louisiana. This area includes evaluation of restoration techniques, development of new sensor and monitoring platform technologies, and operational approaches that are applicable to both ongoing and planned projects in the coastal region of these States.

B. Human dimensions of coastal restoration efforts. Sociological and economic information of direct use to managers and planners involved in coastal restoration efforts. This area focuses on projects that can be of relevance to coastal habitat which includes but are not limited to aspects such as land use, resource use and management, mitigation of coastal habitat loss, legal or industrial matters, environmental history, socioeconomic and behavioral effects, values to publics, and public awareness, sustainable neighborhood plan development, and education. This information could also be useful and applicable to other regions.

C. Future perspectives. Concepts and approaches to guide future restoration of the Louisiana coastal ecosystem should also be considered. This includes field work, workshops, expert panels, reviews or syntheses of existing work. Specifically, projects should consider sustainable approaches to restoration that take into account future changes such as existing and emerging contaminants, degradation of coastal habitat resulting from planned human actions or policies, urban and natural ecosystem linkages, or the influence of variations in the climate system on the coast. Efforts should be regional in scale and of direct utility to agencies planning future restoration.

Southern Louisiana remains severely impacted by or vulnerable to coastal erosion, sea level rise, and the loss and degradation of natural wetland habitats. This long-term deterioration was exacerbated by the 2005 hurricanes, Katrina and Rita, which devastated much of Louisiana's coastal regions. Such a combination of factors puts at risk the infrastructure of the region and the livelihood of its inhabitants, presenting an urgent need for a swift and successful response that will restore the natural protective structures in the region and enhance the ecology. Successful restoration of any natural ecosystem requires sound understanding of the problems and how they developed, as well as clearly defined targets for what we expect from the system after restoration. Scientific uncertainties and technological inadequacies must not limit our ability to respond to the needs of coastal communities. Rather, advances in science and technology should be integrated directly into restoration programs to ensure that coastal habitat restoration is implemented cost-effectively and successfully sustains coastal resources.

Section 7007 (b) directs the Secretary to accept as a non-Federal cost share other Federal funds in certain cases. In addition to other Federal programs and resources, it is the intent that the provision shall clarify any misunderstanding that funds resulting from sections 383 and 384 of the Energy Policy Act of 2005, Public Law 109-58, and title I of Division C of the Tax Relief and Health Care Act of 2006, Public Law 109-432 are eligible as a non-Federal match. This statement should not be construed as to prejudice any State's ability to use the funds specified from the Tax Relief and Health Care Act of 2006 as a non-Federal match for any program or any other use.

Section 7012(a) authorizes the modification of the outfall canals on Lake Pontchartrain. The conference agreement provides for the construction of closure structures on the 17th Street, Orleans Avenue and London Avenue canals at or near the lakefront at Lake Pontchartrain. It also authorizes the installation of new pumping stations associated with the outfall canals. It is the intent of the conferees that the Secretary continues ongoing efforts to implement an appropriate solution to the outfall canal and pumping challenges which would be constructed under this authority. Evacuating storm water to the Mississippi River, rather than into the outfall canals, should be considered as part of any comprehensive plan constructed under this authority.

The conference agreement also includes bill language that authorizes the replacement or modification of non-Federal levees in Plaquemines Parish. The conferees urge the Secretary to expedite efforts that will supplement or compliment existing Federal protection adjacent to the Mississippi River banks associated with the New Orleans to Venice project.

Section 7012(b) clarifies that all work authorized pursuant to sections 7012(a)(2) through 7012(a)(9) and Section 7013 shall be performed at full Federal expense.

Section 7013 authorizes the closure and restoration of the Mississippi River gulf outlet ecosystem. It is the intent that the full restoration of the area be included as part of the program. The Secretary should progress with the closure as soon as possible and should consider using funds and authorization provided in Public Law 109-148 and Public Law 109-234 immediately upon enactment of this act.

Section 7014 requires the Secretary to submit actual project recommendations as part of the Louisiana coastal protection and restoration analysis and design. Despite several communications, the Secretary has continued down a course that is entirely inconsistent with congressional intent in regard to this analysis and design. It remains very concerning that the Secretary considers expending $20 million to develop a document that will provide little guidance and not advance future protection efforts a wise use of taxpayer funds. Further, it is inexcusable that the Congress was forced to include this directive in statute to refocus this analysis and design on the intent of Congress. The original intent of the authorization was clear that Corps was to provide actual project recommendations, design, and a technical report. The intentional mismanagement of this effort by the Assistant Secretary of the Army for Civil Works is concerning, will cause delays in protection improvements, and may result in additional loss of life and property. Further, it is noteworthy that the statute requiring the development of this document placed the requirement upon the Chief of Engineers to provide this information to Congress. Yet the interim report was signed only by the Assistant Secretary of the Army for Civil Works. I commend GEN Carl Strock for the integrity he apparently demonstrated in this case.

Mr. KYL. Mr. President, although I supported the Senate-passed version of the Water Resources Development Act of 2007, I cannot support the conference version of WRDA because it significantly exceeds the costs of both the Senate and House-passed bills and includes many projects outside the Army Corps of Engineers' traditional responsibilities. I am not alone in my opposition. Indeed, the Director of the Office of Management and Budget and the Assistant Secretary of the Army have indicated to Congress that the President will veto the bill in its current form.

The conference reported version of WRDA would cost approximately $21 billion, which is about $7 billion more than the Senate and House-passed versions. The $21 billion "compromise" reached in conference is not a fiscally responsible bill and, therefore, should not pass.

The conference version also inappropriately contains many projects outside the Corps' primary missions of navigation, flood damage reduction, and ecosystem restoration, such as environmental infrastructure projects. These environmental infrastructure projects divert vital resources away from the Corps' primary responsibilities, and add to the backlog of Corps projects. This is especially troubling since according to the Congressional Research Service the Corps' backlog of authorized projects is currently estimated to be 800 totaling nearly $38 billion to $60 billion.

I do recognize that the conference version of WRDA contains a number of important projects, some of which are located in my home state of Arizona. I would like to thank the Environment and Public Works Committee for including many of the projects I requested in the bill. It is important to note, however, that because of the backlog of Corps projects and concerns relating to WRDA's costs, I limited the requests I made. The same cannot be said for the conference version of WRDA. Consequently, I cannot support the bill in its current form.

Mr. DURBIN. Mr. President, I rise today in support of the Water Resources Development Act of 2007. We have waited a long time for this bill, almost 7 years.

I thank Chairman BOXER and Ranking Member INHOFE for their hard work on this legislation and getting this bill through a conference and here before us today.

The bill authorizes navigation, ecosystem restoration, and flood and storm damage reduction projects all over the country. Most significantly for Illinois, the bill will increase lock capacity and improve the ecosystem of the Upper Mississippi and Illinois Rivers.

The Mississippi River is the backbone of our waterway transportation system and transports $12 billion worth of products each year, including over 1 billion bushels of grain to ports around the world. This efficient river transportation is vital to Illinois. Shipping via barge keeps exports competitive and reduces transportation costs. That is good for producers and consumers. More than half of Illinois' annual corn crop and 75 percent of all U.S. soybean exports travel via the Upper Mississippi and Illinois Rivers.

There are huge cost and environmental benefits to shipping by barge as well. Barges operate at 10 percent of the cost of trucks and 40 percent of the cost of trains. They release much less carbon monoxide, nitrous oxide, and hydrocarbons, and use much less fuel to operate.

But the system of locks and dams along the Upper Mississippi that make travel possible are in desperate need of modernization. The current system was built 70 years ago and needs to be updated to account for modern barging. Many of the older locks are only 600 feet in length, while most current barge tows using the waterway are twice as long. That means these goods take twice as long to get down river and into the marketplace. The conference report before us today authorizes replacing and upgrading many of the locks and dams along the Mississippi.

The legislation authorizes $2.2 billion for replacing and upgrading locks and dams and another $1.7 billion for ecosystem restoration along the river.

As we have seen in the tragedy that occurred along Minnesota's 35W Bridge, our country's infrastructure is aging and overburdened.

The projects included in the bill are sorely needed to shore up our waterway system, a vital component of our national infrastructure.

Unfortunately, the President has threatened to veto the WRDA bill. This bill is years overdue, and a veto by this Administration will mean yet another delay for important projects in Illinois and across the country.

The WRDA conference report passed the House this August by a vote of 380-40. And when the Senate originally considered the bill earlier this year, there were only four dissenting votes.

The bill will be sent to the President with broad bipartisan support from both the House and the Senate, and he should reconsider his threat to veto this bill.

I encourage all of my colleagues to support this bill and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield myself such time as I may consume.

Mrs. BOXER. Will my friend yield just on the time issue?

It is my understanding that Senator FEINGOLD has yielded us 20 minutes, so I ask unanimous consent that Senator INHOFE get an additional 10 minutes and I get an additional 10 minutes.

The PRESIDING OFFICER (Mrs. STABENOW). Without objection, it is so ordered.

Mr. INHOFE. Madam President, let me say to my good friend from Louisiana that I do agree with her. I hope the President doesn't veto this bill, but whether he does or doesn't, it won't make any difference. The outcome is going to be the same. We are going to have this bill. But let me give him the assurance that the place to start using his veto is when we start spending money in places we shouldn't spend money and not on this authorization.

I am going to make sure everybody understands, even though I have made a number of statements here in support of this authorization bill, it doesn't mean I am going to support everything on it. There will be things, when it comes up to appropriations time, that I will be down here leading the opposition and asking the President to veto some of these things. But you have to have discipline in some way. There has to be some kind of a guideline, some kind of criteria used.

Let me for a minute talk parochially about my State of Oklahoma. These are things that are in here for my State but things that should be in here. These are things the Government should be doing.

Lake Arcadia is a good example. The city of Edmond is the fastest growing city in Oklahoma. Because of a set of circumstances, they were being billed and have been billed for years now for water they were not even using. All that is corrected in here. In the event this bill should not pass, those people of the city of Edmond, OK, are going to have to come up with money to pay for something they never got.

Lake Texoma—the same situation. The Red River Chloride Control Project in this bill clarifies the operation and maintenance of Oklahoma chloride control projects at the Red River. This is critically important to our farmers in southern Oklahoma.

We have Ottawa County's Tar Creek. The most devastating Superfund site in America that has been addressed now for 25, 26 years is Tar Creek in northern Oklahoma, which goes into southern Kansas, and nothing has been done. We have spent millions and millions of dollars, until 4½ years ago, when I became chairman of this committee, with the help of the Democrats, Senator BOXER included, we were able to actually get in there and do something. We have some of the projects that are necessary to ultimately take care of that devastating thing in northern Oklahoma.

Now, I spent several years—three terms—being mayor of a major city in Oklahoma—Tulsa, OK. In Tulsa, OK, one of the biggest problems we had—and I daresay if you were to talk to any mayor in America they would say the same thing—the biggest problem in my city was not prostitution or crime in the streets; it was unfunded mandates. So we had the Federal Government coming along telling us what to do and mandating that certain things be done, and some of my poorer communities in Oklahoma were just not able to do it. Let me just give a couple of examples.

All of these towns and cities in Oklahoma I have been in and I have seen different things the Federal Government has come in and told them to do and not funded them. They are projects in Ada, Norman, Wilburton, Weatherford, Bethany, Woodward, Langley, Durant, Midwest City—that project in Midwest City is a water infrastructure type of project—Ardmore, Guymon, OK, out in the panhandle. I was out there during the last recess, and they were having a very serious problem with wastewater treatment. This would resolve that problem. Altus, OK; Chickasha, OK; Goodwell, OK; Bartlesville, Konawa, Mustang, and Alva. And when you stop and you think about all these things, these are things that—it should not be their responsibility. They do not have the capability of doing it. They are all things that came from the Federal government. Here I am, the No. 1 most conservative Member, saying Government does have a function. The major function I have always said is defending America and its infrastructure.

Let me mention a couple of things, if I could, Madam President.

I have a letter here from the Department of the Army, the Assistant Secretary of Civil Works, which is the Corps of Engineers, and they say the Corps already has an enormous backlog of ongoing projects that will require future appropriations of some $38 billion. Well, I use that in my argument as to why this is necessary. There is a reason for the backlog. At the time, they were authorized, but then circumstances changed. Some of these projects don't need to be done and will never be done.

By the way, when you talk about the amount of money that is going to be authorized, you don't know, first of all, how much of that $21 billion or $23 billion—maybe half of it—will ultimately be spent. We don't know. Some may be spent next year, some 10 years from now. It is just authorizing, just saying that at this snapshot in time, these are things which need to be done in America, these are legitimate, these meet the criteria. So that argument is no good.

He says that adding excessive new authorizations to this backlog is unaffordable and unnecessary. This sentence implies it is inadvisable to authorize new projects until all current authorized projects are completed, and nothing could be further from the truth. Certainly providing adequate hurricane protection in New Orleans is a higher priority than some of the already authorized projects, but we didn't know it at the time these were authorized. That is why this is important.

It said in this letter that the bill will include numerous authorizations that are outside of and inappropriate for the mission of the Corps of Engineers, and so forth. Well, the conference report does not include authorization of surface transportation projects for the Corps of Engineers. That isn't something we do.

So you look at the arguments they have, and it gets right back to the argument that the attack here, as I said, going all the way back to 1816, is on the authorization process. The only discipline we have in spending in this body is to have an authorization process.

Again, I will repeat, there is going to be some of these that are authorized that I would feel in my heart should not be appropriated, and I will fight against their appropriation. That is where the battle should be fought, and I think it is going to be.

I don't want to question anyone's sincerity in their opposition, but I think there are a lot of people who will go home and have a press release saying: I voted against spending some $23 billion. Nothing could be further from the truth. You oppose the authorization system and you oppose discipline in spending.

Madam President, I reserve the remainder of my time.

Mrs. BOXER. Madam President, could you tell us how much time remains between Senator INHOFE and myself?

The PRESIDING OFFICER. The Senator from Oklahoma has 6 minutes, and the Senator from California has 13 minutes.

Mrs. BOXER. Madam President, let me say as we wind down that I think this committee, of which I am so proud to be the chairman, and I am so pleased to work with Senator INHOFE on these infrastructure issues, has done its work. I think we have done our job.

Now, of course, you can always find something that somebody doesn't like in a bill, but the fact is, as Senator INHOFE explained with a most instructive set of charts—and I thank him so much for going back through the history of the difference between appropriations and authorizations—this is an important step and a necessary step in the process but by no means the last step.

He talked about the appropriations process, and I talked about the process now that Senator FEINGOLD and Senator McCAIN got added to this bill. Although they are still not happy with everything we have done, it creates an independent review. So we will have independent review, we will have appropriations. Therefore, this is a very necessary first step after these projects have come up really from our constituents, from our homeowners, from our city councils, from our boards of supervisors, from our mayors and governors, et cetera. So I believe we have put together a bill that meets our communities' needs, and I think we have done it in the very best way we can. We have complied with the new ethics rules.

By the way, I ask unanimous consent to have printed in the RECORD a letter dated today from Majority Leader REID and the Rules Committee chair, Senator FEINSTEIN, replying to Senator DEMINT on the issue of whether the Senate rule XLIV point of order applies to authorization bills.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, September 24, 2007.

Sen. JIM DEMINT,
U.S. Senate,
Washington, DC.

DEAR SENATOR DEMINT: Thank you for your letter last Thursday regarding the earmark reform provisions in Public Law 110-81, the Honest Leadership and Open Government Act of 2007. This law, which passed the House by a vote of 411-8 and the Senate by a vote of 83-14, has been hailed by independent congressional reform advocates as "far-reaching reform" and "landmark legislation." According to Democracy 21 President Fred Wertheimer, "this Congress has passed fundamental government integrity reforms to respond to the worst congressional corruption scandals in thirty years."

The new law (and procedures adopted by Senate committees in anticipation of the law's enactment) has already improved public awareness of earmarking activity—activity that had been obscured from public view even as the number of earmarks exploded during Republican control of Congress over the last decade. For the first time, earmarks and the identity of their sponsors are fully disclosed on the Internet before legislation comes to the Senate floor, and there is a meaningful process to curb the inclusion of dead-of-night spending in conference reports.

Your letter of September 20 challenges an anticipated ruling by the Senate Parliamentarian regarding the scope of the new point of order in Rule XLIV. But you fail to acknowledge that the ruling you now claim to be "saddened" by is compelled by key definitions in two amendments you sponsored during Senate floor debate last January, both of which were incorporated into the final bill essentially word-for-word. Further, the anticipated ruling is grounded on sound policy reasons involving the distinction between mere authorizations and actual spending provisions—a distinction that you and Senator Coburn openly discussed during floor debate on your amendments.

At the outset, we note that many of the new rules in Pub. L. 110-81 apply to authorization bills as well as spending bills. For example, the newly strengthened Rule XXVIII, which permits "surgical" points of order against out-of-scope matter in a conference report, applies to all types of conference reports, including authorizing bills and appropriations bills. The Rule XXVIII point of order maintains the longstanding definition of out-of-scope matter.

Similarly, the disclosure requirements in new Rule XLIV apply to legislative items that merely authorize spending, as well as those that actually spend money. Moreover, disclosure is required for items in committee reports as well as in legislative text. Information about such items, including the identity of the members who sponsored them, must be posted on a public Internet website 48 hours before a bill is considered on the Senate floor.

The new point of order in Rule XLIV, however, applies to actual spending rather than to mere authorizations. This new point of order is extraordinary because, for the first time, Senate rules prohibit conferees from including in a conference report matter plainly within the scope of the conference. The anticipated interpretation by the Parliamentarian is compelled by the plain language of amendments that you yourself sponsored during Senate debate on the ethics bill.

Amendment No. 11, which you successfully offered and the relevant part of which was included word-for-word in the final law, requires public disclosure not only of certain items "providing" funding but also items "authorizing or recommending" funding. Thus, the explicit language requires disclosure of items in appropriations bills, authorizing bills, and even report language accompanying bills.

But Amendment No. 98, which you co-sponsored with Senators Ensign and McCain and which was adopted by unanimous consent, contains a completely different definition of items that would be subject to a point of order if included in a conference report. This definition, unlike the definition in Amendment No. 11, makes no reference to authorizations; instead, it describes an item "containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for" in either the House or Senate bill. Further, a provision in that amendment made clear that it only applied to appropriations conference reports—if a point of order was sustained, "any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made" (emphasis added). The definition in Amendment No. 98 was incorporated essentially word-for-word into Public Law 110-81.

The inclusion of the word "authorizing" in Amendment No. 11 and the absence of that word—along with the trigger of "specific funding" and reference to "amounts appropriated"—in Amendment No. 98 compel the Parliamentarian's ruling that authorizations are subject to disclosure but not subject to the new point of order in Rule XLIV. An authorization bill does not contain "specific funding" and it does not "appropriate" any amounts; it is merely permission for possible funding in the future. An analysis by the Congressional Research Service confirms this interpretation:

> In summary . . . both the originally-passed rule (Section 102) and the new Rule XLIV, paragraph 8, would seem to apply to provisions providing appropriations and direct spending only, generally to provisions that provide some form of spending authority. Neither rule would seem to apply to provisions simply authorizing or reauthorizing a program, project, or activity, without providing any funding.

Memo from the Congressional Research Service to Majority Leader Reid, September 11, 2007.

The remarks of you and your co-sponsors during the Senate floor debate on S. 1 also reflect this understanding. In arguing for earmark reform you spoke about "spending" and "appropriations" bills. For example, you said: "And if we put that money in an appropriations bill designated just for them, it is an earmark. That is a Federal earmark." (Cong. Rec. 8417, Jan. 11, 2007). You urged that Congress "show the American people that we were going to spend their money in an honest way." (Id. at 8416). You said you were "trying to let the American people know how we are spending their money." (Id. at S417). And you made the point that "in the appropriations bills there were 12,852 earmarks." (Id. at S426). (Emphases added in each case.)

In your floor colloquy with Senator Coburn, he repeatedly emphasized that your shared concern was with "appropriations bills" and "spending." (See id. at 425-427). In fact, Senator Coburn was very explicit in identifying the difference between an authorizing bill and an appropriations bill and stated flatly: "you don't have an earmark if it is authorized" (Id. at S42); "Items authorized are not earmarks" (Id. at S427).

Similarly, in Senator Ensign and McCain's comments regarding Amendment No. 98, they spoke about federal spending and appropriations bills, not authorizing bills—"We should scrutinize how Federal dollars are spent"; "We must ensure that taxpayers" dollars are being spent wisely"; "The growth in earmarked funding in appropriations bills during the past 12 years has been staggering." (Id. at S 741, emphases added). Nothing in the floor debate on S. 1 reflects an intent to subject authorizing language in conference reports to the point of order under Rule XLIV. Quite the opposite—the plain language of the amendments and the floor debate on earmarks was focused on spending and appropriations bills. The sentiments you now express simply do not square with relevant legislative history.

There are sound policy reasons for the distinction between authorizations and spending provisions under Rule XLIV. The availability of a surgical point of order against a conference report represents an exception to the long-standing parliamentary principle that a conference report may not be amended. Since conference reports must be adopted in identical form by both houses of Congress, endless amendment of conference reports would disrupt the orderly resolution of legislative disagreements. In order to instill needed discipline in the legislative process, the new law creates two exceptions to that principle: the surgical point of order against out-of-scope material under Rule XXVIII and the point of order against new spending items in conference reports under Rule XLIV. But extension of the Rule XLIV point of order to authorizing language in conference reports is unwarranted and would thwart finality in the legislative process.

Stronger safeguards are appropriate when Congress actually spends taxpayer money, whether in appropriations bills or in other bills which directly affect the federal budget. But when Congress passes an authorizing bill, it is simply expressing a goal. For instance, spending for disadvantaged students under Title I of the No Child Left Behind Act was authorized at $25 billion in FY07, but only $12.8 billion in funding was actually appropriated. The pending Water Resources Development bill authorizes billions of dollars for water projects, but the actual funding of those projects will occur through the appropriations process. In fact, tens of billions of dollars worth of water resources projects have been authorized over the years, but have not yet been funded through an appropriations bill. Each of the spending decisions in the appropriations bills will be subject to the discipline that the new Senate rules impose on such bills and may be challenged during consideration of those bills.

When earmark abuse occurs, it involves the unjustified use of taxpayer money—not the setting of authorization levels. It is appropriate to require full disclosure of all items that involve specific member-requested projects, including authorizations, but only those items that actually spend taxpayer money should be subject to the extraordinary procedure of allowing a point of order to strike a provision that is within the scope of conference from a conference report.

Despite your ongoing campaign to discredit the Honest Leadership and Open Government Act, we remain confident its passage was a major accomplishment. 83 Senators and 411 House members voted for the final bill because they recognized it for what it is: the most sweeping ethics reforms in years and a huge step forward toward restoring the confidence of the American people in their government.

Sincerely,

HARRY REID,
Senate, Majority Leader.
DIANNE FEINSTEIN,
Chair, Senate Rules Committee.

Mrs. BOXER. So, Madam President, we have complied in full with the Ethics Committee, and we worked with the Parliamentarian every step of the way to make sure we were in total concert with that new law because we are respectful of it. We have letters from every Senator. We have a transparent process here. Everyone who asked for a project put their name on the line, and we made sure there was no pecuniary interest of a Member or their family.

So this is an important day for our country. We have all said this in different ways, but we are authorizing projects our communities need to help protect millions of people in our Nation from catastrophic flooding. It also will help restore the great wetlands, estuaries, and rivers of our Nation, places where wildlife thrive and that our families enjoy today. We want to make sure they enjoy them in the future—the hunting, the fishing, the boating, the camping, the outdoor industries.

By the way, those outdoor industries are a very important part of our economy. We call it the recreation economy. Without these projects, they simply won't be able to thrive.

WRDA makes other important contributions. It authorizes projects for our communities that they need to increase their capacity at their ports, to make shipping easier, safer, and more efficient. It literally keeps America's economy moving. You cannot have a great country if you don't keep up with the infrastructure needs. We saw what happened when a bridge collapses, and we are dealing with that in the committee as well.

Look what happens if we don't keep up with our water projects. We are not going to be able to move our ships. I know there are, for example, in California so many ports, but in many cases a lot of silt builds up and they can't move those ships through. So we need to do that. These are our gateways to the world. Our manufactured goods, such as computer chips, agricultural goods, grains, wines, and fruits, pass through our ports and harbors to be sold around the world. We have $5.5 billion worth of goods passing through our ports each day and more than 2.5 billion tons of trade moving through our ports each year. Colleagues, that volume is expected to double over the next 15 years.

That is why we say to this President: Please, please sign this bill. Why do we have to fight over every single thing? The fact is, you can't have a great economy, the greatest economy in the world, if we can't keep our goods moving. And we need to create thousands of new jobs right here in America. The port economy is responsible for approximately 5 million jobs—and "jobs" is your middle name, Madam President. So this bill will keep jobs being created and keep goods moving. WRDA is essential for goods movement.

I mentioned recreation. Maybe some people don't know this, but the Corps of Engineers is the largest provider of outdoor recreation, operating more than 2,500 recreation areas at 463 projects and leasing an additional 1,800 sites to State or local parks and recreation authorities or private interests. At these projects around the country, the Corps hosts 360 million visitors a year at its lakes, beaches, and other areas. One in ten Americans—25 million people—visits a Corps project at least once a year, and this generates 600,000 jobs related to all of this movement.

So, colleagues, we can all agree that public health and safety, economic growth, and environmental protection are important goals, and this bill helps to achieve them.

Finally, I wish to say a word of thanks to leader HARRY REID, who has just come onto the floor to make a statement of his own. I know Senator INHOFE and I spoke to Senator REID many, many times, and I know it is difficult for him because, just so the public understands, everyone who gets a bill out of his or her committee goes right to the majority leader to beg for time.

He made a commitment to me. He told me, and I remember it: When the Jewish holidays are completed, we will turn to WRDA. And that is what he did. He is a man of his word. This is so very important for the country.

Finally, let me thank the staff. First, the Democratic staff: Bettina Poirier, Ken Kopocis, Jeff Rosato, Tyler Rushforth; EPW Republican staff: Andy Wheeler, Ruth Van Mark, Angie Giancarlo, Let Mon Lee—I have gotten to know these as family; also, the staff of Senator BAUCUS: Jo-Ellen Darcy and Paul Wilkins; and staff of Senator ISAKSON: Mike Quiello.

This has been not an easy time. But when you get a bill that is supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Farm Bureau, and the three biggest construction labor organizations—Laborers' International, International Union of Operating Engineers, United Brotherhood of Carpenters and Joiners—when you get all those, plus a host of local people, plus a host of water people, I think we are answering a need.

Again, I thank each and every member of the staff, my dear friend Senator INHOFE for being such a good fighter for this, and all the Members of the Senate. I know we are going to have a great vote.

It is my understanding Senator INHOFE may have a closing word prior to Senator REID speaking, so I yield my time.

Mr. INHOFE. Madam President, it is my understanding I do have more time left than I will take. A quick word. I had a communication from my wife that she thought I was getting a little emotional about this, so let me end on a very positive note and say, yes, I have a presentation I make to groups, to conservative groups, talking about the history of authorizations since 1816. I gave an abbreviated edition a few minutes ago.

It is so frustrating to me to see people saying, if for some reason—it isn't going to happen. This is going to pass by a huge margin. If the President vetoes, he knows it will be overridden. But if for some reason this didn't pass, we would be right back where we were in 2002, 2004, 2006, and we would be having appropriators out there without any kind of discipline or any kind of process to go through in making those determinations.

I think it would be the wrong thing to do.

Lastly—I didn't mention this—in Oklahoma, Texas, and Arkansas, we had quite a number of floods. If it had not been for what the Corps of Engineers had already done that was previously authorized and then later on was appropriated, it would have cost us, they now say, $5.4 billion more in damages than it did.

I hope the good conservatives will look at this and realize we have to have authorization in the process.

I yield the remainder of my time.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. REID. This will be the first and last vote today.

Madam President, I have been chairman of this committee on two separate occasions, the Environment and Public Works Committee. This is a masterful piece of legislation that was put together by the two managers of this bill; the chairman, Senator BOXER, ranking member Senator INHOFE. They have been in reverse rolls. Senator INHOFE was chairman of this committee.

People complain about the Senate not working together on a bipartisan basis and perhaps that is true on a lot of occasions. But there are many occasions where we need to look at the glass being half full rather than being half empty, and here is an example of the glass being half full. This is a fine piece of legislation that is being pushed by two Senators with ideological bents that are totally different. Senator BOXER has one political philosophy, Senator INHOFE has another. But that is how things should work around here.

Being a little bit personal about this, I think people recognize that Senator ENSIGN and I work very well together. We are not political soulmates, but we are friends and we work together. That is what has been accomplished. We don't have political soulmates, but they work together, giving and taking, and legislation is the art of compromise, consensus building. That is what this is. Senator BOXER didn't get all she wanted. Senator INHOFE didn't get all he wanted. But they got something good for this country.

I want the record spread with the fact that this is an extremely important piece of legislation that literally could not have been accomplished—not only with what they did in committee—they got it passed on the floor—frankly, without the persistence they have had. Anytime I tried to turn away from it, they would head me in the right direction. I am glad we are here. This bill deserves a big vote. This is one of the finest pieces of legislation this body has passed all year.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oregon (Mr. SMITH).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 12, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—81

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Durbin
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—12

Allard
Burr
Coburn
DeMint
Ensign
Enzi
Feingold
Gregg
Kyl
McCaskill
Sessions
Sununu

NOT VOTING—7

Biden
Brownback
Dodd
Kerry
McCain
Obama
Smith

The conference report was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. INHOFE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, as we conclude this historic vote, I thank colleagues on both sides of the aisle and briefly will put a few names into the RECORD. I know we are moving to another bill. I wish to thank Senator BOXER, Senator INHOFE, and Senator REID, for living up to his commitment.

For the RECORD, there were several people on my staff who worked so hard over the last 7 years: Herman "Bubba" Gesser, Allen Richey, Paul Rainwater, Kathleen Strottman, Jason Matthews, Jason Schendle, Stephanie Leger, Robert Bailey, Jennifer Lancaster, Tanner Johnson, Mark Tiner, Lauren Jardell, Elaine Kimbrell and Lucia Marker-Moore.

That is how long this bill has been going on. I have literally had 12 people in and out of the Projects Department working on this bill.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Mr. President, I was necessarily absent from the vote today on the conference report of the Water Resources Development Act. Had I been present, I would have supported the conference report because it authorizes a number of essential flood control, navigation and ecosystem projects in Massachusetts and around the Nation. We have a responsibility to safeguard our environment, and this legislation will help ensure that future generations will be able to take full advantage of all that nature offers in Massachusetts.

The conference report directs the Army Corps of Engineers to study the Gateway region of Lawrence to determine whether to fill abandoned channels along the Merrimack and Spicket Rivers. Filling the channels will allow for the site to be redeveloped safely and stop chemical leakage into the Merrimack River. It also requires the Army Corps to conduct a navigation study of the Merrimack River in Haverhill to determine whether the agency should proceed with dredging to improve navigation.

The conference report modifies the coordinates of the Federal navigation channels in the Mystic River in Medford and the Island End River in Chelsea. The modifications will support waterfront development by increasing access to the channels.

It also directs the Army Corps of Engineers to study Woods Hole, the East Basin of Cape Cod Canal in Sandwich, and Oak Bluffs Harbor to determine whether the Army Corps should proceed with dredging in those areas to improve navigation. It modifies the coordinates of the federal navigation channels in Chatham's Aunt Lydia's Cove and Falmouth Harbor. These modifications will support waterfront development by increasing access to the channels.

An earlier Army Corps of Engineers restoration plan for Milford Pond recommends that the pond be dredged. The conference report authorizes the Army Corps of Engineers to assist the community in removing the excess sediment.

Finally, the conference report directs the Army Corps to prepare an environmental restoration report on Mill Pond in Littleton. This report is an essential step before the Army Corps can assist the community in removing excess sediment and restoring the pond.

Much good will come from the provisions I have described here, all of which I worked to include in the final version of the Water Resources Development Act. However, we must recognize that our work to improve Corps of Engineers project planning is not done. Corps project planning must account for climate change, and Corps projects should use nonstructural approaches whenever practicable to help protect the natural systems that can buffer the increased floods, storms, storm surges, and droughts that we will see as the Earth's temperature continues to rise. The safety and well-being of communities across the country are at stake.

Many of my colleagues have already expressed their support for this important change. In May of this year, 51 Senators voted for a bipartisan climate change amendment to the Water Resources Development Act that I offered along with Senators COLLINS, FEINGOLD, SANDERS, CARPER, REED, BIDEN, WHITEHOUSE, CANTWELL, SNOWE and NELSON. Unfortunately, we needed 60 votes to sustain the amendment.

I remain deeply committed to ensuring that the Corps, and all of our federal agencies, plan for the future climate that we know will be upon us, and I urge my colleagues to join me in this fight.

It is clear that climate change is real and that its affects must be factored into our public policy. It is equally clear that climate change will have very significant consequences for the safety and welfare of the American people, and people across the globe.

The basic facts are these: At both poles and in nearly all points in between, the temperature of the Earth's surface is heating up at a frightening and potentially catastrophic rate. Temperatures have already increased about .8 degrees Centigrade, about 1.4 degrees Fahrenheit. Even if we could stop all greenhouse gas emissions today, the current levels of carbon dioxide in the atmosphere almost certainly will produce additional temperature increases. Realistic projections of future warming range from 2 to 11.5° F.

These are the findings of scientists and governments from across the globe, as set forth in the most recent report of the IPCC, the Intergovernmental Panel on Climate Change. That report was written by some 600 scientists and reviewed by 600 experts. It was then edited by officials from 154 governments. The IPCC report concludes that it is "unequivocal that Earth's climate is warming as it is now evident from the observations of increases in global averages of air and ocean temperatures, widespread melting of snows and ice, and rising global mean sea level."

Scientists expect that the earth's increased temperatures will cause an increase in extreme weather events, including more powerful storms, more frequent floods, and extended droughts. These changes threaten the health and safety of individuals and communities around the globe. These changes also pose a significant threat to the economy, and will put added pressure on water resources, increasing competition among agricultural, municipal, industrial, and ecological uses.

The United States is extremely vulnerable to these threats. Coastal communities and habitats, especially along the gulf and Atlantic coasts, will be stressed by increasing sea level and more intense storms, both of which can lead to greater storm surges and flooding. In the West, there will be more flooding in the winter and early spring followed by more water shortages during the summer. The Great Lakes and major river systems are expected to have lower water levels, exacerbating existing challenges for managing water quality, navigation, recreation, hydropower generation, and water transfers. The Southwestern United States is already in the midst of a drought that is projected to continue in the 21st century and may cause the area to transition to a more arid climate.

The Corps of Engineers stands on the front lines of all of these threats to our water resources. They are our first responders in the fight against global warming. Hurricane and flood protection for New Orleans, levees along the Mississippi and Missouri Rivers, levees in Sacramento, CA, and ports up and down our coasts, east and west are just a few of the many hundreds of Corps projects that will feel the strain, impact, and consequences of global climate change.

Corps planning currently does not take climate change into account. To the contrary, the Corps' current planning guidelines are explicitly based on the existence of a stable and unchanging climate, and on the assumption that flooding is not affected by climate trends or cycles. Continued reliance on these outdated guidelines is like driving down the highway at 80 miles an hour with blinders on. It is bound to lead to disaster.

The only climate change impact addressed by the Corps' guidelines is sea level rise. Under its internal planning guidelines, the Corps is supposed to take account of sea level rise when planning coastal projects. Those guidelines do not require the Corps to assess any other effects of global warming like increased hurricanes, storm surges, and flooding. The Corps' compliance even with its internal requirement to look at sea level rise is spotty at best. For example, in proposing a $133 million dredging project for Bolinas Lagoon in northern California, the Corps said it would not address sea level rise because it was too complicated to do so.

As importantly, despite a statutory mandate to consider non structural approaches to project planning, the Corps rarely recommends such approaches. This is true even where such approaches could provide the same or better project benefits. The Corps instead relies heavily on its traditional approaches of straight jacketing rivers with levees and floodwalls. These types of projects sever critical connections between rivers and their wetlands and floodplains, and lead to significant coastal and floodplain wetland losses. These approaches have left coastal communities, like New Orleans, far more vulnerable, and have exacerbated flood damages by inducing development in high risk, flood prone areas and by increasing downstream flooding.

Nonstructural approaches should be used whenever possible as they avoid damage to healthy rivers, streams, floodplains, and wetlands that can help buffer the increased storms and flooding that we are seeing as a result of climate change. These systems protect against flooding and storm surge by acting as natural sponges and basins that absorb flood waters and act as barriers between storm surges and homes, buildings, and people. Healthy streams and wetlands also help minimize the impacts of drought by recharging groundwater supplies and filtering pollutants from drinking water. Protecting these resources also provides a host of additional benefits, including providing critical habitat for fish and wildlife, and exceptional recreational opportunities.

Hurricane Katrina showed us the tragic consequences of an intense storm running head on into a badly degraded wetlands system and faulty Corps project planning. Coastal wetlands lost to Corps projects were not available to buffer the Hurricane's storm surge before it slammed into the city. One Corps project, the Mississippi River Gulf Outlet, funneled the storm surge into the heart of New Orleans. Corps projects in New Orleans also were not designed to address the increased sea level rise or land subsidence, and were not strong enough to withstand the type of storm that scientists say may become all too common.

I am committed to ensuring that future Corps planning does not repeat the mistakes of the past, and I urge my colleagues to join me in this fight as we consider future WRDA bills. Corps project planning must account for the realities of climate change, and protect the natural systems that can buffer its affects.●

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak with Senator FEINGOLD in morning business for 15 minutes.

I understand the other side is going to object to a unanimous consent request. I am going to ask if you would like me to do it upfront. Is that correct?

Mr. ENSIGN. Yes.

Mrs. FEINSTEIN. I always oblige the Senator from Nevada. So if I have unanimous consent, that will be the order.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Reserving the right to object, the Senator is going to ask for unanimous consent on the bill?

Mrs. FEINSTEIN. If I may finish. It is my understanding that the Senator has another commitment, and therefore I am happy to accommodate him in that regard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I wish to ask, you are going to ask unanimous consent on H.R. 1255 also?

Mrs. FEINSTEIN. I would be happy to do that also.

Mr. BUNNING. I will wait then.

Mrs. FEINSTEIN. I will do them both first and then both Senators can object, and then Senator FEINGOLD and I will have some time to speak, if that is agreeable.

Mr. BUNNING. Thank you very much.

UNANIMOUS CONSENT REQUEST—H.R. 1255

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 213, H.R. 1255, Presidential Records Act Amendments of 2007; that the amendment at the desk be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider laid upon the table; that any statements relating thereto appear at the appropriate place in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 223

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 96, S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic forms; that the committee-reported amendment be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Reserving the right to object, I have no objection to the underlying bill, but there is an issue that I had an amendment that I wish to add to the bill, if the Senator from California would agree. We have a problem going on in the Senate where there are outside groups that are filing ethics complaints and they are doing it for purely political reasons.

I think we could fix that, at least having transparency, to where if someone files an ethics complaint against a Senator from the outside, they would have to disclose their donors. So if this is being done purely for political reasons, then we would find that out, because we could see who the donors are. We need to protect the institution. We need to protect individual Senators from purely politically motivated ethics complaints that come against us that sometimes we will have to run up legal bills and all kinds of other things. If it is done purely for partisan reasons, we need to know that, and transparency is the best way to do it. If the Senator from California would modify her unanimous consent request to reflect and to add this portion, that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to consideration of Calendar No. 96, S. 223, under the following limitations: that the committee-reported amendment be agreed to, and that the only other amendment in order be an Ensign amendment related to transparency and disclosure, with 1 hour of debate equally divided in the usual form on the bill and the amendment to run concurrently, and that following the use or yielding back of the time, the Senate proceed to a vote in relation to the Ensign amendment, and that the bill, as amended, then be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate. Would the Senator modify her request?

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. If I may, reserving the right to object, I wish to make a comment or two, if I might. This proposal would require all organizations that filed ethics complaints to publicly disclose any individual or entity that has donated $5,000 or more to that organization. If the good Senator from Nevada would be willing, I would be very willing to have this proposal considered in the Rules Committee in a prompt way. I would not like to hold up passing this commonsense simple filing bill, and I don't want to debate the merits at this time. This bill Senator ENSIGN is proposing is not germane to the basic bill before us. It would quite likely be a poison pill that would kill any chance of us getting the electronically filed bill enacted into law at this time.

I reiterate the offer to hear it in a prompt manner in the Rules Committee, but I must object to it at this time. I do so object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENSIGN. I object to the original unanimous consent.

The PRESIDING OFFICER. Objection is heard on that as well.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, on the original bill, which has just been objected to, twice in April, first on April 17 and then on April 26, I rose to ask unanimous consent that the Senate take up and pass S. 223. It was reported out by the Committee on Rules on March 28. In the first case Senator ALEXANDER objected on behalf of a Republican Senator. In the second, Senator BUNNING rose to object on behalf of the Republican side. But to this date, no Republican Senator has come forward to acknowledge placing a hold on this bill and say why the bill should not become law.

I wrote the minority leader on May 27 asking for his help in learning who was opposed to the bill and why. But no Members have yet come forward to identify themselves. This is a simple, direct bill with respect to transparency. It is an idea whose time has long come. Everybody else does it, and so it is very hard for me to understand who could oppose this and what their reason for opposing it could be.

At our hearing on March 14 and at our markup on March 28, it was clear there was no public opposition to this proposal. I believe it is time for the Senate to act. The bill is entitled Senate Campaign Disclosure Parity Act. It is sponsored by Senator FEINGOLD, who sits behind me in the Chamber, Senator COCHRAN, and 30 other Senators. It would require that Senate campaign finance reports be filed electronically rather than in paper format.

Currently House candidates, Presidential candidates, political action committees, and party committees are all required to file electronically. But Senators, Senate candidates, authorized campaign committees of Senators, and the Democratic and Republican Senate campaign committees are exempted. So we operate the Senate separately from everybody else.

Is this practical? The answer is no. It is cumbersome. Paper copies of disclosure reports are filed with the Senate Office of Public Records. They scan them. They make an electronic copy, and they send the copy to the FEC on a dedicated communications line. The FEC then prints the report, sends it to a vendor in Fredericksburg, VA, where the information is keyed in by hand and then transferred back to the FEC database at a cost of approximately $250,000 to the taxpayers. Of course, during this convoluted period, there is no transparency. Therefore, the reports are not available for public scrutiny.

It is long past time to bring the Senate into the modern era and to recognize that transparency is a part of a political process. I urge my colleagues on both sides of the aisle to join me in ensuring timely access and disclosure of campaign finance activities to the public. The sponsor of this bill, Senator FEINGOLD, has joined me today to urge passage of this bill.

Thanks to the enactment of S. 1, there is a new reason why we are doing this today. Section 512 of S. 1 now requires Members placing a hold on a bill to come forward and identify themselves. To the best of my knowledge, no Member has yet used this section to break through the anonymity of a Senate hold. I believe it is appropriate that this provision be asserted now for the first time in connection with a bill that is all about transparency. I think it might be useful for me to read it, since it is now the law:

> Section 512 (a) IN GENERAL.—the Majority and Minority Leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object proceeding to a measure or matter only if the Senator (1) following the objection to a unanimous consent to proceeding to, and, or passage of, a measure or matter

on their behalf, submits a notice of intent in writing to the appropriate leader or their designee; and (2) not later than 6 session days after submission under paragraph (1), submits for inclusion in the CONGRESSIONAL RECORD and in the applicable calendar section described in subsection (b) the following notice: "I, Senator [whoever it is] intend to object to proceeding to [name the bill], dated, for the following reasons."

So if 6 Senate days from now the hold on this bill will become evident, it has been a rolling hold up until now, but now, after 6 days, we must know who it is.

I would believe if there are efforts to obfuscate this section of the law candidly, we should amend the law to prevent that from happening. This is a simple bill. Everybody is for it. Nobody wants to say who is against it. I think that should become apparent. I believe Senator FEINGOLD and I hope Senator COCHRAN, the cosponsor of the bill—and they have dozens of cosponsors—would agree.

I wish to acknowledge Senator FEINGOLD, if I may, and I yield the remainder of my time to him and also thank him for his leadership on this issue.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I, of course, thank the Senator from California, who is chair of the key committee on this bill, for her persistence in trying to get this bill through the Senate. We came to the floor twice this spring to try to get consent to pass the Senate Campaign Disclosure Parity Act. Each time an objection was made on behalf of an unidentified Republican Senator. Yet no Senator had come to us to let us know what his or her objection to the bill is. The source of the objection apparently didn't want to be identified, but when the President signed the Honest Leadership and Open Government Act last week, as Senator FEINSTEIN pointed out, S. 1, fortunately, secret holds become a thing of the past, and I am very proud to have been deeply involved with passage of that legislation. So if an objection was lodged today, the objecting Senator would have had to come forward in 6 session days.

As far as I know, this was going to be the first test of the new rule on secret holds, and I was looking forward to learning who the real objector was, as the rule requires, if an objection was made on behalf of an unidentified Senator. But now it appears that the Senator from Nevada has actually identified himself as the objector to the bill, so we know what is going on here.

I believe the new provision under the new law is the reason this individual identified himself. I don't think that would have happened had it not been for the positive deterrent effect this new legislation has. Senator FEINSTEIN and I can cite this as the first time this was successfully forced in the case of a secret hold.

This underlying bill about disclosure, which I authored along with others, is completely noncontroversial. This simply put Senate campaigns under the same obligation to file their reports electronically that the House and Presidential campaigns have been forced to do for years. There is simply no reason that the information in Senate campaign finance reports should remain less accessible to the public than any other campaign finance reports. We are now at 41 bipartisan cosponsors. As the Senator from California pointed out, not a single concern about the bill was heard in the Rules Committee. The bill passed by voice vote, and no one has come to us with any concerns about it at all. So the time has come to get it done. The Senator from Nevada has made an alternative proposal to bring up the bill but to make an amendment in order. The amendment he wants to offer, however, has nothing to do with this bill. Indeed, it is a very controversial proposal to require groups that file ethics complaints to disclose their donors. I am sure the charitable and advocacy organizations will find this amendment quite controversial. It should be referred to the appropriate committee and given very searching study before it is offered on the floor. As the Senator from California said, it would certainly be a poison pill for the underlying bill, which thus far has had no public opposition whatsoever. So I am pleased the Senator from California objected. We are happy to make that objection very public.

I thank the chairman of the committee, the Senator from California. I will say again, it looks as though we made a little bit of progress. No longer is there a secret hold on the bill. Instead, the Senator from Nevada has made it plain he is the one holding up the bill by insisting on offering an unrelated amendment. That is unfortunate, but at least we know what we are dealing with. I hope in the days ahead we will be able to prevail on him to change his approach.

There are some bills where it is simply not appropriate to seek to add extraneous and controversial amendments. The amendment he has proposed is surely a poison pill for this bill, and we need to get this bill in place soon so these requirements of disclosure will apply during the 2008 election season.

Once again, I truly thank the Senator from California, and I look forward to getting this bill passed in the near future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

CHIP

Mr. BROWN. Mr. President, the Children's Health Insurance Program is a sound investment. It protects our children. It fosters their development. It helps them thrive. Children without health insurance are children taken to emergency rooms instead of doctors' offices. They are children whose care is delayed and delayed, until simple sickness becomes serious illness. They are children who need our attention, our compassion, our help.

The President has said he opposes this legislation because philosophically he thinks children should be covered by private insurance, not by the Children's Health Insurance Program. It does not matter whether these children in reality should be covered by private insurance. What matters is that these children are not covered by private insurance. Simply, they are not covered at all.

By lodging a veto threat against this bill, the President is saying that if private insurers have not made room for low-income children, then we should not make room for them either. That is not just faulty logic, it is faulty ethics. At the same time, the President argues that the Children's Health Insurance Program is too expensive.

We are suggesting—bipartisanly, in both Houses, with a program that started 10 years ago, with a Democratic President, Bill Clinton, a Republican House, a Republican Senate; a bipartisan initiative from 10 years ago—we are suggesting an increase of $7 billion a year over the next 5 years—$35 billion.

Contrast that with the war in Iraq. Mr. President, $7 billion a year, to cover 4 million uninsured children in this country, 75,000 in my State of Ohio—$7 billion a year—contrast that with $2.5 billion a week on the war in Iraq. Mr. President, $7 billion a year; $2.5 billion a week. Yet the President says that is too much to take care of 4 million children.

Uninsured children do not have the luxury of time. They cannot will themselves to remain healthy until individual insurance becomes more affordable or employer-sponsored coverage stops eroding or the President becomes more pragmatic. It is up to this body, this week, to take action.

In Ohio, the Demko family can tell you why they value the Children's Health Insurance Program. Emily Demko, 3 years old, has Down Syndrome. Because of her condition, she is automatically denied private health coverage because Down Syndrome is considered a preexisting condition.

Emily was covered by the Children's Health Insurance Program until March 31 of this year. Under the Children's Health Insurance Program, Emily was able to receive the therapy she needed to reach all of her developmental milestones in an age-appropriate way. But in March, Emily was cut off from this program because her father made $113 too much per month for the family to qualify.

Her father is self-employed. Her mother stays at home to care for her. Without health insurance, the bills for Emily's care total $3,700 per month, which, of course, is impossible for the Demkos to pay.

The Demkos' family income falls within the range of 250 and 300 percent of poverty. Emily has now been without health insurance for 6 months. Governor Strickland and the Republican legislature, bipartisanly, raised the threshold for the Children's Health Insurance Program in Ohio if the Feds go along, if the President signs our bill, to 300 percent of poverty—not for families living in the lap of luxury, but families such as the Demkos who have seen their daughter cut off from her health insurance because of a preexisting condition and falling out of eligibility because her father makes $100 too much per month.

So far, Emily is not regressing, but there is that possibility with Down Syndrome. Her parents cannot afford the insurance for themselves either. But more than anything, they want to see 3-year-old Emily covered. They worry about what will happen to her without the therapy she needs. She does not qualify for any other programs despite her disability.

I wish President Bush would talk to the Demko family, would keep them in mind as he considers whether to sign the Children's Health Insurance Program. I hope he wants to make life better, not harder, for this hard-working family and help Emily to thrive.

The Children's Health Insurance Program will expire September 30 unless the President signs this bill. The House and Senate have found a compromise that works for both parties. The version we passed in the Senate passed with 68 votes, more than enough to override a veto. The compromise version is very much like the Senate version, even though some of us would like to see us do a bit more.

The compromise would cover 4 million American children, as I said, 75,000 of them living in my State of Ohio. These children did not choose to be uninsured. They are not uninsured because their families walked away from private insurance. Understand, most of the children in the Children's Health Insurance Program are sons and daughters of working parents, parents who are working hard, playing by the rules, simply not making enough money to buy private insurance, and their employers are not providing that insurance.

The fact is, private insurance too often steers clear of too many working families in Akron and Toledo and Zanesville and Marion and Lima and Marietta. These families are uninsured because they have no choice. Their children have no choice. But we have a choice. We can choose to help them. Let's do it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New York.

NICS IMPROVEMENT ACT AND LEAHY-SCHUMER AMENDMENT

Mr. SCHUMER. Mr. President, I rise to speak about H.R. 2640—it is called the NICS Improvement Act—and the Leahy-Schumer amendment.

I have worked long and hard on this bill. It has been a long time in coming. Now it is time to get it passed. To put it simply, the young man who was behind the great tragedy at Virginia Tech had a long history of mental illness but still fell through the cracks of our checking systems and bought guns and ammunition.

It is against the law for someone with serious mental illness to buy a gun. When the system fails, we are all less safe. This bill will get desperately needed resources to the States to help improve our Federal background check process. This bill will make it harder for someone to get lost in the system.

We cannot wait any longer before passing this commonsense piece of legislation. We cannot sit back and watch another Virginia Tech shooting happen without doing everything we can to stop it.

I have worked hard on this bill for more than a decade and the background check system to which it is added. In 2002, Representative CAROLYN McCARTHY and I introduced legislation similar to what I am discussing today. It was in response to another senseless shooting. This one was at Our Lady of Peace Church, in our State, in Lynbrook, on Long Island. That was where someone with a long history of mental illness bought a gun, walked into Our Lady of Peace Church, killed Father Lawrence Penzes and a longtime parishioner, Eileen Tosner.

So back then we introduced a bill to get money to the States to help them get important records—on mental illness, convictions, things such as that—into the NICS system. But because of the climate of mistrust on all sides of the gun issue, that bill was never passed into law. I believe it passed the House once. I believe it passed the Senate once. But the two never hooked up.

Now, here we are again. It saddens me that it has taken this long—it has been years since Our Lady of Peace; it has been 5 months since Virginia Tech—to move the debate forward and try to get something done about safety on our streets and college campuses.

Now we are so close. The House has passed similar legislation that went through with the support of both the NRA and the Brady Campaign. That does not happen too often. As you know, when the NRA and I agree on an issue, there is a good chance some good can come of it.

We already have a comprehensive background check system, but since the system relies on up-to-date computer searches to produce fast results, it is only as good as the automated information the States provide. That is why the focus of the bill is to get more records into the system. So under the bill, States that opt into the system that do well will be rewarded with grants and financial incentives. States that do not will be punished.

We have modified that so smaller States that have more difficulty keeping the records because they have smaller budgets will not be penalized. Senator LEAHY correctly insisted that be done to protect his State of Vermont. But it affects smaller States as well. The amendments Senator LEAHY has suggested and been added to this bill, I believe, improve it without getting any of our delicately balanced coalition out of kilter in any way. So I thank Senator LEAHY for doing that.

Perhaps the most important thing I can say about this bill is it is all about public safety. It is all about enforcing the laws on the books. This is not—and this is important—is not a gun control bill. No lawful gun owners are going to have their guns taken away. Nobody who should be allowed to get a gun will have his or her rights restricted.

The bill targets only those records that are supposed to be in the system already—records that demonstrate whether someone is seriously mentally ill, a felon, or so on. What Virginia Tech showed us is when the background check system fails, the consequences can be terribly tragic.

Congresswoman CAROLYN McCARTHY and I saw that in Long Island and, of course, the Nation saw it at Virginia Tech. Nothing can bring back the 33 young people who died last April, and we do not know if we can prevent another Virginia Tech from happening, but our bill will take a substantial step toward making the system better and keeping our streets and schools safer.

I yield the floor.

VOTE EXPLANATION

Mr. DOMENICI. Mr. President, I was unable to cast a vote on Friday, September 21, on amendment No. 2898 to the Defense authorization bill. I have voted against similar measures in the past, and had I been available to vote on Friday, I would have again voted against this attempt to direct a precipitous withdrawal of U.S. troops from Iraq.

The terms of this amendment would have required U.S. troops to begin leaving Iraq within 90 days of the Defense authorization bill's enactment and complete that withdrawal within 9 months. While I understand public frustration with the war, I believe a precipitous and arbitrary withdrawal mandated by Congress is not a wise solution to the situation in Iraq. I cannot support attempts to set an arbitrary deadline for withdrawing our forces from Iraq, which endangers our troops, our safety at home and the overall stability of Iraq and the Middle East.

I believe our military commanders should determine how and when our troops begin leaving Iraq based on conditions on the ground. General Petraeus announced this month that he would be able to begin withdrawing U.S. forces from Iraq. I believe Congress should rely on the guidance and leadership of General Petraeus and our other commanders on the ground to determine how best to eventually bring our troops home from Iraq.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. BAUCUS. Mr. President, the Reverend Martin Luther King, Jr., wrote: "The time is always ripe to do right."

This week, the time is ripe to do right by America's children.

Last Friday, my colleagues and I unveiled a strong, bicameral agreement to renew and improve the Children's Health Insurance Program.

CHIP covers kids whose parents don't qualify for Medicaid, but who cannot afford costly private insurance.

CHIP works to get health coverage to uninsured kids in America's working families.

The agreement we reached to renew CHIP will make sure that more than 6½ million children with health coverage today will keep that coverage.

The agreement we reached will make sure that millions more low-income, uninsured American children get a healthy start.

It is a good agreement. It is fiscally responsible. It has broad support across the Congress. And most importantly, it puts children first.

In August, 68 Senators voted for nearly the exact same $35 billion agreement to renew and improve the Children's Health Insurance Program. They voted to reach millions more uninsured children in low-income, working families.

This week, Senators can stand up for kids again.

I know that there is pressure from the White House. The White House is asking Senators to turn away this time.

But the President is endangering children when he distorts what this bill does. The President is endangering children when he repeats his veto threats.

Moreover, the agreement does exactly what the President says it should.

The agreement will target the Children's Health Insurance Program toward the lowest-income eligible children. It will give States bonus funding for enrolling the poorest kids for health care. And it will reduce Federal funding for children in higher-income families.

The agreement will not raise the eligibility level for CHIP. That will still be for the administration and the States to decide. That is how the CHIP law was written in 1997, by a Republican-led Congress. We do not change that.

Our goal is to reach more of the low-income, uninsured children who are already eligible for CHIP today. Our goal is to keep the program for kids.

That is why our agreement will curb coverage of adults in CHIP.

It will improve the kids' coverage in so many ways, from outreach for minority communities to dental care for every child who enrolls.

In addition, a straight extension of CHIP at current funding, or at the President's cut-rate budget proposal, will cause thousands, even millions of children to lose their health coverage.

Many families would have no choice at all to get health care for their kids. They would have no way to pay the doctor. They would have no way to buy the medicine.

But CHIP can get kids in working families the doctor's visits and medicines that they need when they're sick. CHIP can get them the checkups that they need to stay well.

In 10 years, the Children's Health Insurance Program has reduced the number of low-income children living without health insurance by one-third.

And 82 percent of Americans want Congress to cover more low-income, uninsured kids with CHIP.

This week, Congress is heeding the call. This week, we will choose to do right by America's kids.

The President should look beyond politics. The President should look to the faces of America's uninsured children.

The President should see that the time is ripe for him to do right, as well.

I thank my colleagues, and urge their support for America's children this week.

HONORING OUR ARMED FORCES

STAFF SERGEANT ROBB ROLFING

Mr. JOHNSON. Mr. President, I wish to pay tribute to SSG Robb Rolfing and his heroic service to our country. He was killed in action on June 30, 2007, by enemy small arms fire while on a mission near Baghdad. Robb was a member of the elite Green Berets as a special forces engineer to Bravo Company, 2nd Battalion, 10th Special Forces Group, Airborne, in Fort Carson, CO. Robb was on his second tour of duty when he was killed.

Robb Lura Rolfing was born on December 4, 1977, to Rex and Margie Rolfing in Sioux Falls, SD. He grew up admiring "MacGyver," prompting him to start carrying duct tape everywhere he went.

Before Robb became a soldier, he attended Vassar College in Poughkeepsie, NY, majored in physics and astronomy, and played soccer. During his time as captain on the Vassar soccer team, he took the team to Vassar's first ever NCAA tournament postseason playoff, in any sport, where he scored the winning goal in the first round of games. To further demonstrate his talent as a soccer player, he was named to the NSCAA/Adidas All-Region Team and the All-New York Team. A Vassar basketball coach told the Rolfing family that he would often see Robb practicing soccer out on the field by himself in the morning and after regular scheduled practices. The coach said, "If I had 5 Robbs we would win every game because of the determination and focus he showed." After college, he went to work in field management at Rollins College in Winter Park, FL, and then moved on to coach soccer at Currey College in Boston.

Robb's mom Margie says that she has started a list called "Amazing Robb." This list is a compilation of stories, thoughts, and recollections that the family has gathered from family and friends of Robb. Margie recalls one particular moment when Robb's sister, Tiffany, was about to graduate from high school. The family thought that he was still overseas during his first tour, but he showed up at home wearing a blanket of Tiffany's college over his head just standing at the door. The only way Tiffany recognized it was Robb was because of his shoes—he had them duct taped because he refused to buy new shoes as the ones with duct tape were far too comfortable to throw away.

Robb always wanted something more out of the life he was given. After the events of September 11, 2001, Robb's calling to help serve his country was jolted into action and he joined the Army in January of 2003. He completed his basic training at Fort Benning, GA, and was assigned to the 101st Airborne at Fort Campbell, KY. Shortly after returning from his first tour, he qualified and was accepted into the special forces unit where he became a Green Beret.

Robb's good will and service touched the lives of many people. Although his life was cut short, he continues to inspire all those who knew him. Our Nation owes him a debt of gratitude, and the best way to honor his life is to emulate his commitment to our country.

Mr. President, I join with all South Dakotans in expressing my deepest sympathy to the family of SSG Robb Rolfing. He will be missed, but his service to our Nation will never be forgotten.

ADDITIONAL STATEMENTS

2007 DAVIDSON FELLOWS AWARD

• Mr. GRASSLEY. Mr. President, it is with great admiration that today I recognize some of the most intelligent, driven young minds in this country. I would like to acknowledge the 17 recipients of the 2007 Davidson Fellows Award, a scholarship awarded to exceptional students to assist them in furthering their education. These scholarships are given by the Davidson Institute for Talent Development to inspiring individuals under the age of 18 who have completed academically rigorous projects that demonstrate a potential to make a significant, positive contribution to society. This year's recipients achieved academic excellence in the areas of science, literature, mathematics, technology, and music. As I read through the accomplishments these young minds have achieved, I can assure you that this year's recipients are more than deserving of such an honor. I would like to take a few moments to describe what each recipient has accomplished.

Richard Alt II, a 17-year-old from Fredericksburg, VA, has compared three weather forecasting methods to formulate a brandnew forecasting method. He has done this through detailed interpretation and analysis of varying aspects of climatology. Through his findings, Richard has created a universal process that allows meteorologists to compile more accurate forecast data and help public officials prepare seasonal response plans for various weather patterns.

Another 17-year-old from Vienna, VA, Christina Beasley has explored human perception and beauty in her portfolio, "An Experiment in Free Speech." This young lady has compared emotion in famous literary works to her own pieces of writing to reveal the tucked away beauty of common occurrences. She has realized through careful research and interpretation that a person must make the connection between emotion and rationality to fully understand the intricacies of the human mind.

Sixteen-year-old Nate Bottman of Seattle, WA has found an array of solutions to the Nonlinear Schrodinger Equation, NLS, that shows the pattern of waves in fluids and plasmas that have sharp boundaries and dissipation. Nate has developed a method of finding solutions to integrable equations and has discovered that stationary solutions of the NLS are spectrally stable. His work will help in many areas of math and science, including but not limited to the study of Bose-Einstein condensates and plasma physics.

A young woman from Davis, CA, Alexandra Courtis, has developed an innovative method used in areas such as cancer research to track different biological functions via luminescent silicon nanorods and quantum dots. At just 17, she has developed a less expensive method of using sodium silicide and ammonium bromide that has made it possible to produce silicon nanoparticles on a larger scale. Alexandra's accomplishment is a significant advancement in targeting cancerous tumors and individual cells.

Billy Dorminy, a 15-year-old from McDonough, GA, has invented a secure method of message encryption using reduced redundancy representations of improper fractional bases. This new method of encryption takes up far less computer memory while also utilizing confusion and diffusion to keep a message hidden. Billy's method allows for the placement of a second undetectable encrypted message in the body of the first, opening the door for further advancement in the area of message encryption.

Another 15-year-old, Yale Fan, from Beaverton, OR, has furthered the binary quantum computational Deutsch-Jozsa and Grover algorithms to create multivalued logic problems. These two algorithms were among the first in the creation of a quantum computer. His work is relevant in many areas including the vision systems in computers, various economic issues, and aspects related to space, including transportation, scheduling, and manufacturing.

Madhavi Gavini, a 17-year-old from Starkville, MS, has developed an innovative method to restrict the augmentation of biofilm-forming pathogens. For example, Pseudomonas, a pathogen that is resistant to many drugs, produces a biofilm that protects it from antibiotics. This young woman's progress was done through the combination of traditional Indian medicine and molecular biology that will be used to treat millions dealing with Pseudomonas infections.

A 17-year-old from Bridgewater, NJ, Michael Harwick wrote a piece entitled "Highways: The Road as Existence" that utilized prose, poetry, and dialogue to depict relationships that oscillate between isolation and connection. Michael consistently astounds the reader with a unique voice filled with streams of symbolic and linguistic meaning. Through his choice of short dialog and extravagant descriptions of a visual world, he has shown the lack of dialog in a world filled with noise.

Todd Kramer, a 17-year-old from Port Jefferson, NY, produced a portfolio that followed his growth as a composer since he was 12 entitled "Finding My Voice Through Music." He believes that each generation needs its musicians, composers, and performers that create artistic conventions that grow and mature with the times. This young man just graduated from the Juilliard Pre-College Division and is a student at the Perlman Music Program. He has performed in such prestigious places as Carnegie Hall in New York and the Kennedy Center right here in Washington, DC.

Fifteen-year-old Shannon Lee of Plano, TX, is another very talented musician who believes that music is a cornerstone of communication, which she has shown through her violin portfolio, "Creating a Musical Bond." Shannon specifically enjoys keeping tradition alive by playing a variety of distinguished composers to captivate her audiences. She earned the silver medal at the Stulberg International String Competition, and she received a scholarship from the Texas Commission on the Arts, where she also performed as a soloist in the Dallas Symphony.

Danielle Lent, a 17-year-old from Cedarhurst, NY, has developed an innovative, cost-effective, and earth-friendly method of recycling plastics. Her process involves the exposure of plastic polymers to supercritical carbon dioxide, creating a plastic that has equal or superior properties in comparison to the original. Miss Lent's discovery has allowed for this entire process to occur without releasing harmful toxins while also reducing carbon dioxide emissions.

A seventeen-year-old young woman from Wesley Chapel, FL, Celeste Lipkes, has transfixed her readers by exploring themes of disease, discovery, and faith in, "Room to Pace." Her portfolio includes the juxtaposition of poetry that is amusing, intense, uplifting, and downright enjoyable with personal essays on physical loss and the oddities of the human family, and finally critical essays analyzing other poetry. Through her work, Celeste wants to inspire her audience to take notice of the details of life.

Yuqing Meng, a 16-year-old from Madison, NJ, feels privileged to contribute to the art of classical music, which he has shown through his piano portfolio, "Reviving Classical Music Through Individualism." When he was just 7 years old, Yuqing was one of the youngest candidates ever to be accepted to the Juilliard School Pre-College Division, where he later went on to win the Junior and Senior Concerto Competitions. In 2007, he also received the Jack Kent Cooke Young Artist award.

Katherine Orazem, a 17-year-old from Ames, in my home State of Iowa, has written a collection of sonnets, short stories, and essays entitled "After Elegies" that delves into the human issue of death and examines those who have gone through loss. She looks at these issues from many perspectives, including the loss a widow must face, the denial of his wife's death by a husband, and the pain an apostate feels who has lost her faith. Through her work, we have come to understand the human condition and its variety of responses to death and loss.

A 15-year-old from Norristown, PA, Janet Song has created a urine test to detect the early signs of cancer. She has been able to isolate short circulatory DNA found in urine to identify tumor sites. Janet's new method has made cancer screening less unpleasant, less invasive, and cheaper than current methods.

Columbia, SC, native Graham Van Schaik has researched pyrethroids that are found in common household and garden pesticides. He even discovered that pyrethroids are used in over 30 commercial crops and have had the effect of cellular proliferation in breast cells, a sign of cancer and neurite retractions in neurons which is a sign of neurodegenerative disease.

Nora Xu, a 17-year-old from Naperville, IL, has developed a different method of determining the crystal structure of nanocrystalline superlattice thin films. Using a three dimensional model of the nanocrystalline superlattice, she found that x-ray scattering pattern intensities can be applied to molecules and atoms. Her work has potential in the area of optical and electron microscopes and the ability to deliver drugs to cancerous tumors.

Mr. President, these are 17 very talented, hard-working, motivated young men and women who are making advances in music, science, literature, mathematics, and technology for the betterment of society. I would like to thank all these young people for their willingness to seek out new horizons and make the world a better place. I would also like to personally thank the Davidson Institute for their support of these young individuals. In an ever-changing world, it is the young who show hope for the future. I can honestly say, after learning about every one of these kids, that I have great hope for the future.●

THE DEATH OF DR. ALVIN SMITH

● Mr. HARKIN. Mr. President, I ask to have printed in the RECORD an article on the death of Dr. Alvin Smith, who passed away last week at the age of 75. The son of sharecroppers, he went on to become a noted physician who worked throughout his life to increase access to the health care system, an issue that is near and dear to my heart. My condolences go out to his wife Ann, his three son, and his six grandchildren.

The article follows.

[From newsjournalonline.com, Sept. 19, 2007]

NOTED AREA PHYSICIAN DIES WITH FAMILY AT SIDE

(By Anne Geggis)

Dr. Alvin Smith devoted his life to saving the lives of his patients and curing the ills of the health-care system.

Smith, 75, died Tuesday morning at his Ormond Beach home. His family was at his side.

The son of Alabama sharecroppers overcame meager beginnings to become one of the most respected physicians in the area.

The 1952 Mainland High School graduate was perhaps best known to the community as the director of the Herbert D. Kerman Regional Oncology Center at Halifax Health Medical Center and as the owner of Angell & Phelps Chocolate Factory that his son, Alvin Jr., now runs.

In addition, he felt a strong pull toward changing the system so more people had access to medical care, serving as president of the Volusia County Medical Society and the Florida Medical Association.

Smith was a self-confessed truant who went to fifth grade for only one day and didn't come back to school for a year. He quit high school in 10th grade and finally graduated from Mainland at the age of 21. But then he went on to become the first college graduate in his family, earning a biology degree from the University of Florida before getting his doctorate from the University of Miami.

It was as president of the Florida Medical Association in the 1990s, however, that Smith achieved one of his most enduring accomplishments: convincing then-Gov. Lawton Chiles to form an autonomous state Department of Health. During that time, he also lobbied for legislation allowing the state of Florida to sue the tobacco industry to recover Medicaid costs.

"He wanted to make sure that no patient in Florida went without the best health care they needed, regardless of their ability to pay," said Dr. Carl "Rick" Lentz, also a past president of the Florida Medical Association and a Daytona Beach surgeon.

His voice choking, Lentz recalled how Smith recently handed him his Florida Medical Association president's pin because Lentz never got one during his term as president.

"He's a wonderful human being who's been a blessing to the whole world," Lentz said. "There's not a patient who has been with him that doesn't love him. Anytime you call on Al, he's there for you."

Former County Councilman, local talk show radio host and gadfly Big John recalled meeting Smith as an "intern" at Halifax Health Medical Center in which community members were invited to spend time with doctors to learn about the hospital's functions.

"He was a great guy—great personality," John said.

Smith's boyhood longing for chocolates he couldn't afford in the window at Angell & Phelps gave way to occasional indulgence. When the chocolate factory came up for sale, he bought it to make sure all his favorite recipes stayed the same.

Daytona Beach Mayor Glenn Ritchey served with him on the Halifax Community Health System Board.

"I have known him to be a great community servant, as well as a wonderful doctor who has meant so much to our area," Ritchey said. "He'll be greatly missed."

Smith served in the U.S. Army, retiring as a major, and from the U.S. Army Reserves as a lieutenant colonel. He was active in civic organizations, ranging from the Boy Scouts to the People to Prevent Nuclear War. He served on boards including the United Way, Hospice of Volusia/Flagler and A Child's Place.

"Alvin's one of the really good guys," said John E. Evans, a former TV personality and spokesman for what was then called Halifax Community Health System.

Survivors include his wife of 50 years, Ann; three sons, Alvin Jr., Ormond Beach, and Chuck and Mike, both of Palm Coast; a sister, Ginny Little, Ormond Beach; and six grandchildren.

Viewing will be from 5 to 7 p.m., Friday at the social hall at Central Baptist Church, 142 Fairview Ave., Daytona Beach. Services will be at 11 a.m. Saturday at Central Baptist Church. A private military burial will be next week.●

MESSAGE FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2881. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 3528. An act to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2881. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

H.J. Res. 43. A joint resolution increasing the statutory limit on the public debt (Rept. No. 110–184).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. ROCKEFELLER for the Select Committee on Intelligence. Donald M. Kerr, of Virginia, to be Principal Deputy Director of National Intelligence.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LOTT:

S. 2086. A bill to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP) and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN (for himself, Mrs. FEINSTEIN, and Mr. KYL):

S. Res. 326. A resolution supporting the goals and ideals of a National Day of Remembrance for Murder Victims; to the Committee on the Judiciary.

By Mrs. DOLE (for herself and Mr. KENNEDY):

S. Res. 327. A resolution recognizing the 218th anniversary of the United States Marshals Service; to the Committee on the Judiciary.

By Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, and Mr. SUNUNU)):

S. Res. 328. A resolution condemning the assassination on September 19, 2007, of Antoine Ghanem, a member of the Parliament of Lebanon who opposed Syrian interference in Lebanon; considered and agreed to.

By Mr. DURBIN (for himself and Mr. OBAMA):

S. Res. 329. A resolution congratulating Southern Illinois University Edwardsville as it celebrates its 50th anniversary; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 502

At the request of Mr. CRAPO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 773

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 958

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1465

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1743

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1743, a bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1951

At the request of Mr. BAUCUS, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KERRY), the Senator from Arkansas (Mr. PRYOR), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Ms. CANTWELL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2002

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2007", and for other purposes.

S. 2044

At the request of Mr. OBAMA, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2044, a bill to provide procedures for the proper classification of employees and independent contractors, and for other purposes.

S. 2060

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2060, a bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2085

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2085, a bill to delay for 6 months the requirement to use tamper-resistant prescription pads under the Medicaid program.

S. RES. 325

At the request of Mr. ISAKSON, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Res. 325, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2912

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2912 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2951

At the request of Mrs. DOLE, the names of the Senator from North Carolina (Mr. BURR), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 2951 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2972

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2972 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2982

At the request of Mr. COLEMAN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 2982 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2997

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 2997 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3003

At the request of Mrs. MCCASKILL, the names of the Senator from Virginia (Mr. WEBB), the Senator from Washington (Ms. CANTWELL) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 3003 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3010

At the request of Mrs. MCCASKILL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 3010 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3017

At the request of Mr. ALEXANDER, his name was added as a cosponsor of amendment No. 3017 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 326—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

Mr. CORNYN (for himself, Mrs. FEINSTEIN, and Mr. KYL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 326

Whereas the death of a loved one is a devastating experience, and the murder of a loved one is exceptionally difficult;

Whereas the friends and families of murder victims cope with grief through a variety of support services, including counseling, crisis intervention, professional referrals, and assistance in dealing with the criminal justice system; and

Whereas the designation of a National Day of Remembrance for Murder Victims on September 25 of each year provides an opportunity for the people of the United States to honor the memories of murder victims and to recognize the impact on surviving family members: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a National Day of Remembrance for Murder Victims; and

(2) recognizes the significant benefits offered by the organizations that provide services to the loved ones of murder victims.

SENATE RESOLUTION 327—RECOGNIZING THE 218TH ANNIVERSARY OF THE UNITED STATES MARSHALS SERVICE

Mrs. DOLE (for herself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 327

Whereas the United States Marshals Service was formed as a result of the Judiciary Act of September 24, 1789, and the first 13 United States Marshals were appointed by President George Washington with their primary mission being to support the Federal courts;

Whereas, in the early years, United States Marshals and Deputy United States Marshals executed warrants, distributed presidential proclamations, protected the president, registered enemy aliens in time of war, pursued counterfeiters, and helped conduct the national census, and later maintained law and order in the "Wild West", helped contain the uprising at Wounded Knee, kept the trains rolling during the Pullman Strike in 1894, and enforced the 18th Amendment during Prohibition;

Whereas, on November 14, 1960, 4 Deputy United States Marshals accompanied 6-year-old Ruby Bridges to her elementary school after a Federal judge ordered the desegregation of the New Orleans public school system, and, in 1962, when James Meredith sought to legally become the first Black person to attend the University of Mississippi, the duty of upholding the Federal law allowing him to do so fell upon the shoulders of 127 Deputy Marshals from all over the country who risked their lives to make his dream a reality;

Whereas Deputy United States Marshals assisted in restoring order after the Los Angeles riots in 1992, provided security to 18 airports in the hours and days following the attacks on September 11, 2001, played an instrumental role in the "DC Sniper" investigation, were deployed to the Gulf Coast after Hurricane Katrina, and provided security for the trials of Oklahoma bombing suspect Timothy McVeigh and Al-Qaeda conspirator Zacarias Moussaoui;

Whereas, in August 2007, Deputy Marshals participated in the manhunt for fugitive Paul Devoe who was wanted for 5 murders in Texas and another in Pennsylvania, and who was apprehended in Shirley, New York, by the United States Marshals Service's New York/New Jersey Regional Fugitive Task Force;

Whereas, over the past 218 years, the Marshals Service has grown and evolved into a modern law enforcement agency, still charged with protecting the Federal judiciary, but also with apprehending dangerous fugitives, conducting protective operations, ensuring the security of witnesses and their families, providing for the custody and transportation of Federal prisoners, managing the Federal Government's seized asset program, and conducting special operations as required by the Attorney General, and no other law enforcement agency has as many diverse missions and is as versatile;

Whereas over 200 United States Marshals, Deputy Marshals, and Special Deputy Marshals have given their lives in service to their Nation; and

Whereas, as the times have changed, the missions of the United States Marshals have changed, but the Marshals Service has answered the call to duty without exception: Now, therefore, be it

Resolved, That the Senate—

(1) honors the 5,000 members of the United States Marshals Service who every day carry out complex and life-threatening missions with integrity, skill, and valor on behalf of their Nation;

(2) commends United States Marshals Service Director John Clark for his service and leadership; and

(3) thanks the United States Marshals Service for its contributions as the agency celebrates its 218th anniversary.

SENATE RESOLUTION 328—CONDEMNING THE ASSASSINATION ON SEPTEMBER 19, 2007, OF ANTOINE GHANEM, A MEMBER OF THE PARLIAMENT OF LEBANON WHO OPPOSED SYRIAN INTERFERENCE IN LEBANON

Mr. REID (for Mr. BIDEN (for himself, Mr. LUGAR, and Mr. SUNUNU)) submitted the following resolution; which was considered and agreed to:

S. RES. 328

Whereas Antoine Ghanem and at least 6 others were killed in a car-bomb attack in the Sin el-Fil suburb of Beirut on September 19, 2007;

Whereas Mr. Ghanem was a member of the Parliament of Lebanon from the Lebanese Kataeb Party representing the Baabda and Aley districts of Mount Lebanon;

Whereas Mr. Ghanem is the 6th member of the Parliament of Lebanon who had opposed Syrian interference in Lebanon to be assassinated since February 2005, including former Prime Minister of Lebanon Rafik Hariri, former Economy and Trade Minister Bassel Fleihan, Gebran Tueni, Industry Minister Pierre Gemayel, and Walid Eido;

Whereas other prominent figures in Lebanon who have opposed Syrian interference in that country have also been assassinated in the same time period, including politician George Hawi and journalist Samir Kassir, while others have escaped assassination attempts, including Defense Minister Elias Murr, Telecommunications Minister Marwan Hamadeh, and television presenter May Chidiac;

Whereas United Nations Security Council Resolution 1757 of May 30, 2007, created a special international tribunal to try suspects in the assassinations of former Prime Minister Hariri and others;

Whereas, by agreement between the United Nations and Lebanon, the special international tribunal can receive jurisdiction for other attacks in Lebanon that "are of a nature and gravity similar to the attack of 14 February 2005"; and

Whereas these continuing assassinations are intended to undermine the sovereignty of Lebanon and damage its fragile democratic institutions: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest condolences to the families of Antoine Ghanem and other victims of the attack of September 19, 2007, as well as to all the people of Lebanon;

(2) condemns in the strongest terms this cowardly attack and urges that its perpetrators, including any state sponsor or official, be held accountable for their crimes;

(3) underscores its full support for the special international tribunal and urges the United Nations Security Council to extend its jurisdiction to include the Ghanem assassination;

(4) urges the President to increase coordination with key partners in Europe and the Middle East to more actively support the sovereignty of Lebanon and strengthen its governing institutions and security forces; and

(5) reasserts its strong belief that the people of Lebanon should be permitted to choose their next president, in a process scheduled to begin in September 2007, free from all foreign intimidation, interference, and violence.

SENATE RESOLUTION 329—CONGRATULATING SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE AS IT CELEBRATES ITS 50TH ANNIVERSARY

Mr. DURBIN (for himself and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 329

Whereas Southern Illinois University Edwardsville (SIUE) will celebrate its 50th anniversary with a year-long celebration, beginning September 24, 2007;

Whereas SIUE has grown from 1,776 students to nearly 13,500 students from 101 Illinois counties, 43 other States, and 46 Nations;

Whereas SIUE has conferred more than 90,000 degrees in its history and has more than 75,000 alumni;

Whereas the SIUE School of Dental Medicine is rated among the top dental schools in the Nation and provides more than $50,000 in free oral health care to children annually through Give Kids a Smile Day;

Whereas the SIUE East St. Louis Center is dedicated to improving the lives of families and individuals in East St. Louis and surrounding urban communities;

Whereas the University finished 4th nationally in the United States Sports Academy Directors' Cup among National Collegiate Athletic Association Division II schools in 2006;

Whereas SIUE contributes roughly $356,000,000 to the regional economy, and more than 37,000 alumni live in the region and contribute to the economy;

Whereas SIUE is the home of University Park, an applied research and technology park located on the SIUE campus that is home to the National Corn-to-Ethanol Research Center and the Biotechnology Laboratory Incubator: Now, therefore, be it

Resolved, That the Senate congratulates Southern Illinois University Edwardsville (SIUE) on its 50th anniversary, and wishes SIUE success in its continued service to the Nation as a center of educational advancement in Southern Illinois.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3023. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3024. Mr. KERRY (for himself, Ms. SNOWE, Mr. HAGEL, Ms. LANDRIEU, Mr. LIEBERMAN, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3025. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3026. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3027. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3028. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3029. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3030. Mr. BENNETT (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3031. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3032. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3023. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 10___. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: "The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).";

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

"(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

"(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

"(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

"(6) GOAL FOR SBIR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

"(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

"(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

"(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary."; and

(4) in paragraph (8), as so redesignated, by striking "fiscal year 2009" and inserting "fiscal year 2012".

SA 3024. Mr. KERRY (for himself, Ms. SNOWE, Mr. HAGEL, Ms. LANDRIEU, Mr. LIEBERMAN, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D—VETERAN SMALL BUSINESSES

SEC. 4001. SHORT TITLE.

This division may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007".

SEC. 4002. DEFINITIONS.

In this division—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE XLI—VETERANS BUSINESS DEVELOPMENT

SEC. 4101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 4102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

"(d) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

"(A) the Administrator, who shall serve as chairperson of the task force;

"(B) a representative from—

"(i) the Department of Veterans Affairs;

"(ii) the Department of Defense;

"(iii) the Administration (in addition to the Administrator);

"(iv) the Department of Labor;

"(v) the Department of the Treasury;

"(vi) the General Services Administration; and

"(vii) the Office of Management and Budget; and

"(C) 4 representatives from a veterans service organization or military organization or association, selected by the President.

"(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

"(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; and

"(E) making other improvements relating to the support for veterans business development by the Federal Government.

"(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

"(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

"(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.".

SEC. 4103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 4201. SHORT TITLE.

This title may be cited as the "National Reservist Enterprise Transition and Sustainability Act of 2007".

SEC. 4202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 4203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by inserting "any small business development center, women's business center, Veterans Business Outreach Center, or center operated by the National Veterans Business Development Corporation providing enterprise transition and sustainability assistance to Reservists under section 37," after "any women's business center operating pursuant to section 29,".

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

"(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

"(3) the term 'Association' means the association established under section 21(a)(3)(A);

"(4) the term 'eligible applicant' means—

"(A) a small business development center that is accredited under section 21(k);

"(B) a women's business center;

"(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development; or

"(D) an information and assistance center operated by the National Veterans Business Development Corporation under section 33;

"(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

"(6) the term 'Reservist' means any person who is—

"(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

"(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

"(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

"(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

"(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

"(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

"(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

"(2) providing access to information and resources, including Federal and State business assistance programs;

"(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

"(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

"(5) assisting in developing a long-term plan for possible future activation; and

"(6) providing enterprise transition and sustainability assistance.

"(d) RULEMAKING.—

"(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

"(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

"(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

"(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

"(B) priorities for the types of assistance to be provided under the program authorized by this section;

"(C) standards relating to educational, technical, and support services to be provided by a grantee;

"(D) standards relating to any national service delivery and support function to be provided by a grantee;

"(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

"(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

"(A) the activities for which the applicant seeks assistance under this section; and

"(B) how the applicant plans to allocate funds within its network.

"(f) AWARD OF GRANTS.—

"(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (d).

"(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount not greater than $300,000 per fiscal year.

"(g) REPORT.—

"(1) IN GENERAL.—The Comptroller General of the United States shall—

"(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

"(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

"(i) the Administrator;

"(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

"(iii) the Committee on Small Business of the House of Representatives.

"(2) CONTENTS.—The report under paragraph (1) shall—

"(A) address the results of the evaluation conducted under paragraph (1); and

"(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

"(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

"(2) FUNDING OFFSET.—Amounts necessary to carry out this section shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).".

TITLE XLIII—RESERVIST PROGRAMS

SEC. 4301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking "90 days" and inserting "1 year".

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a pre-consideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 4302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking "$1,500,000" each place such term appears and inserting "$2,000,000".

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 4303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 4304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

"(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.".

SEC. 4305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

"(5) RELIEF FROM TIME LIMITATIONS.—

"(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program available to small business concerns shall be extended for a small business concern that—

"(i) is owned and controlled by—

"(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

"(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

"(ii) was subject to the time limitation during such period of active duty.

"(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.".

SEC. 4306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 4307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

SA 3025. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 604. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR TEMPORARY LODGING EXPENSES FOR MEMBERS OF THE ARMED FORCES IN AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—Section 404a(c)(3) of title 37, United States Code, is amended by striking "20 days" and inserting "60 days".

(b) EXTENSION OF AUTHORITY FOR INCREASE IN CERTAIN BAH.—Section 403(b)(7)(E) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SA 3026. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) The total number of persons who have been killed or wounded in performing work under such contracts.

(b) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions;

(2) place contractors in supervisory roles over United States Government personnel; or

(3) threaten the safety of contractor personnel or United States Government personnel.

SA 3027. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. REPORT ON FEASIBILITY OF ESTABLISHING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of establishing a Domestic Military Aviation National Training Center (DMA-NTC) for current and future operational reconnaissance and surveillance missions of the National Guard that support local, State, and Federal law enforcement agencies.

(b) CONTENT.—The report required under subsection (a) shall—

(1) examine the current and past requirements of RC-26 aircraft in support of local, State, and Federal law enforcement and determine the number of aircraft required to provide such support for each State that borders Canada, Mexico, or the Gulf of Mexico;

(2) determine the number of military and civilian personnel required to run a RC-26 domestic training center meeting the requirements identified under paragraph (1); and

(3) determine the requirements and cost of locating such a training center at a military installation for the purpose of preempting and responding to security threats and responding to crises.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Adjutant General of each State that borders Canada, Mexico, or the Gulf of Mexico.

SA 3028. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. DEFINITION OF ALTERNATIVE FUELED VEHICLE.

Section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3)) is amended—

(1) by striking "(3) the term" and inserting the following:

"(3) ALTERNATIVE FUELED VEHICLE.—

"(A) IN GENERAL.—The term"; and

(2) by adding at the end the following:

"(B) INCLUSIONS.—The term 'alternative fueled vehicle' includes—

"(i) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

"(ii) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of that Code);

"(iii) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of that Code); and

"(iv) any other type of vehicle that the agency demonstrates to the Secretary would achieve a significant reduction in petroleum consumption.".

SA 3029. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. REPORTS ON SAFETY MEASURES AND ENCROACHMENT ISSUES AT WARREN GROVE GUNNERY RANGE, NEW JERSEY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Air Force has 32 training sites in the United States for aerial bombing and gunner training, of which Warren Grove Gunnery Range functions in the densely populated Northeast.

(2) A number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents of New Jersey, including the following:

(A) On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying 5 houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties.

(B) In November 2004, an F-16 Vulcan cannon piloted by the District of Columbia Air National Guard was more than 3 miles off target when it blasted 1.5-inch steel training rounds into the roof of the Little Egg Harbor Township Intermediate School.

(C) In 2002, a pilot ejected from an F-16 aircraft just before it crashed into the woods near the Garden State Parkway, sending large pieces of debris onto the busy highway.

(D) In 1999, a dummy bomb was dumped a mile off target from the Warren Grove target range in the Pine Barrens, igniting a fire that burned 12,000 acres of the Pinelands forest.

(E) In 1997, the pilots of F-16 aircraft uplifting from the Warren Grove Gunnery Range escaped injury by ejecting from their aircraft just before the planes collided over the ocean near the north end of Brigantine. Pilot error was found to be the cause of the collision.

(F) In 1986, a New Jersey Air National Guard jet fighter crashed in a remote section of the Pine Barrens in Burlington County, starting a fire that scorched at least 90 acres of woodland.

(b) ANNUAL REPORT ON SAFETY MEASURES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of the Air Force shall submit to the congressional defense committees a report on efforts made to provide the highest level of safety by all of the military departments utilizing the Warren Grove Gunnery Range.

(c) STUDY ON ENCROACHMENT AT WARREN GROVE GUNNERY RANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a study on encroachment issues at Warren Grove Gunnery Range.

(2) CONTENT.—The study required under paragraph (1) shall include a master plan for the Warren Grove Gunnery Range and the surrounding community, taking into consideration military mission, land use plans, urban encroachment, the economy of the region, and protection of the environment and public health, safety, and welfare.

(3) REQUIRED INPUT.—The study required under paragraph (1) shall include input from all affected parties and relevant stakeholders at the Federal, State, and local level.

SA 3030. Mr. BENNETT (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2836. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking "that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath" and inserting "that are beneath"; and

(2) by adding at the end the following new subsection:

"(e) SUNSET DATE.—This section shall expire on October 1, 2013.".

SA 3031. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1064, insert the following:

SEC. 1065. IMPROVEMENTS IN THE PROCESS FOR THE ISSUANCE OF SECURITY CLEARANCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The process for issuing security clearances is an antiquated, paper-driven effort that costs thousands of dollars and requires hundreds of days to process one request for a security clearance.

(2) Years of promises to improve the process have resulted in no reduction in the amount of time and money required to process a request for a security clearance and such process is hopelessly backlogged.

(3) The inability of civilians, intelligence officers, military personnel, and contractors to perform their jobs due to delays in receiving a security clearance results in substantial costs every year and poses a significant threat to the national security of the United States.

(4) The Secretary of Defense and the Director of National Intelligence have begun to work together to improve the process for issuing security clearances and have established a team known as the "Tiger Team" to address problems in that process.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense and the Director of National Intelligence should continue to work together to rapidly update the antiquated security clearance process using existing commercial technology and innovative new approaches to transform the process to the maximum extent possible; and

(2) funding for processing of requests for security clearances should be made available directly through appropriations of funds for that purpose and not through a fee-for-service arrangement with the Office of Management and Budget or the Office of Personnel Management.

(c) DEMONSTRATION PROJECTS.—

(1) REQUIREMENT FOR DEMONSTRATION PROJECTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall implement multiple demonstration projects that apply new and innovative approaches to improve the processing of requests for security clearances. Each such project shall utilize proven commercial technologies and methods to the maximum extent possible.

(2) EXEMPTION FROM EXECUTIVE ORDERS.—No executive order that delegates responsibility for the issuance of security clearances to the personnel of the Office of Management and Budget shall apply to a demonstration project carried out under paragraph (1).

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall submit to Congress a report on the status and progress of the demonstration projects carried out under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Defense and the Director of National Intelligence such sums as may be necessary to carry out this subsection.

(d) EVALUATION AND REPORT.—

(1) REQUIREMENT FOR EVALUATION.—The Secretary of Defense and the Director of National Intelligence shall carry out an evaluation of the process for issuing security clearances and develop a specific plan and schedule for replacing such process with an improved process.

(2) REQUIREMENT FOR REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall submit to Congress a report on the evaluation carried out under paragraph (1) together with the plan developed under such paragraph.

SA 3032. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 531 and insert the following:

SEC. 531. SENSE OF SENATE ON FORGOING REVISIONS TO THE STRUCTURE OF THE RESERVE FORCES POLICY BOARD.

It is the sense of the Senate that, in light of the wide range of views on the optimal structure of the Reserve Forces Policy Board among the Commission on the National Guard and Reserves, the Senate, the House of Representatives, the Department of Defense, and the Reserve community, and in light of the absence of full and complete hearings in Congress on that structure, the Act authorizing appropriations for fiscal year 2008 for military activities of the Department of Defense should not include revisions to the structure of the Reserve Forces Policy Board.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled "Improving Internet Access to Help Small Business Compete in a Global Economy," on Wednesday, September 26, 2007, at 10 a.m., in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Monday, September 24, 2007, at 3 p.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider scientific assessments of the impacts of global climate change on wildfire activity in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF TED POE TO BE REPRESENTATIVE OF THE UNITED STATES TO THE 62ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

NOMINATION OF WILLIAM DELAHUNT TO BE A REPRESENTATIVE OF THE UNITED STATES TO THE 62ND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session and the Foreign Relations Committee be discharged from the following nominations: TED POE to be a representative of the United States to the 62nd session of the General Assembly of the United Nations and WILLIAM DELAHUNT to be a representative of the United States to the 62nd session of the General Assembly of the United Nations; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

Ted Poe, of Texas, to be a Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations.

William Delahunt, of Massachusetts, to be a Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

CONDEMNING THE ASSASSINATION OF ANTOINE GHANEM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 328.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 328) condemning the assassination on September 19, 2007, of Antoine Ghanem, a member of the Parliament of Lebanon who opposed Syrian interference in Lebanon.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Mr. President, in the coming days there will be more funerals in Lebanon for fresh victims of despicable terror attacks. On Wednesday, September 19, 2007, Lebanese member of Parliament Antoine Ghanem and at least six others were killed in a massive car bomb attack in the suburbs of Beirut.

Tragically, this is an all-too-frequent occurrence for the people of Lebanon. The wave began with the February 14, 2005, assassination of former Prime Minister Rafik Hariri and 21 others. On the 1-month anniversary of Prime Minister Hariri's assassination, something remarkable happened—hundreds of thousands of people gathered in Martyr's Square in downtown Beirut—spontaneously giving birth to the March 14 movement and the Cedar Revolution. Just 6 weeks after the March 14 movement began, the thousands of Syrian military forces that had occupied Lebanon for nearly three decades were out of the country.

But although the military occupation of Lebanon ended in 2005, Lebanon has remained under siege, as Wednesday's events remind us. Six Lebanese parliamentarians have now been killed in 2½ years. These six, and other prominent Lebanese figures who were also killed during the same period, shared one important attribute—they were outspoken critics of the Syrian domination of Lebanon.

Senator LUGAR, Senator SUNUNU and I are introducing a sense of the Senate resolution condemning the despicable assassination of Antoine Ghanem and urging that the international community continue its support for the government and people of Lebanon.

To the families of victims of Wednesday's attack and to the people of Lebanon, the Senate offers its deepest condolences for your losses. Wednesday's attack seeks to undermine the international tribunal set up earlier this year to try the killers of Prime Minister Hariri and other Lebanese victims of political violence. So we call on the Bush administration to redouble its support for the tribunal and to work to ensure that Wednesday's crime is included in its jurisdiction.

These attacks on Lebanon must stop. This resolution expresses bipartisan support for holding accountable any state sponsor or official implicated in the string of political assassinations beginning in February 2005. To many an observer it is no accident that this assassination occurred as we approach the critical period during which Lebanon will choose its next president. Many informed voices, both in and out of Lebanon, are pointing to Damascus. So to the regime of Bashar al-Assad, know that we in Washington are watching events in Lebanon very carefully. Lebanon must be free to choose its next president without intimidation or violence.

Lebanon's enemies must understand that they face a united international front. Saudi Arabia, Egypt, France, and the broader European Union all have lead roles to play. So does the United States. So we call upon the international community to intensify the efforts to support the people and fragile democratic institutions of Lebanon.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table en bloc, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 328) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 328

Whereas Antoine Ghanem and at least 6 others were killed in a car-bomb attack in the Sin el-Fil suburb of Beirut on September 19, 2007;

Whereas Mr. Ghanem was a member of the Parliament of Lebanon from the Lebanese Kataeb Party representing the Baabda and Aley districts of Mount Lebanon;

Whereas Mr. Ghanem is the 6th member of the Parliament of Lebanon who had opposed Syrian interference in Lebanon to be assassinated since February 2005, including former Prime Minister of Lebanon Rafik Hariri, former Economy and Trade Minister Bassel Fleihan, Gebran Tueni, Industry Minister Pierre Gemayel, and Walid Eido;

Whereas other prominent figures in Lebanon who have opposed Syrian interference in that country have also been assassinated in the same time period, including politician George Hawi and journalist Samir Kassir, while others have escaped assassination attempts, including Defense Minister Elias Murr, Telecommunications Minister Marwan Hamadeh, and television presenter May Chidiac;

Whereas United Nations Security Council Resolution 1757 of May 30, 2007, created a special international tribunal to try suspects in the assassinations of former Prime Minister Hariri and others;

Whereas, by agreement between the United Nations and Lebanon, the special international tribunal can receive jurisdiction for other attacks in Lebanon that "are of a nature and gravity similar to the attack of 14 February 2005"; and

Whereas these continuing assassinations are intended to undermine the sovereignty of Lebanon and damage its fragile democratic institutions: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest condolences to the families of Antoine Ghanem and other victims of the attack of September 19, 2007, as well as to all the people of Lebanon;

(2) condemns in the strongest terms this cowardly attack and urges that its perpetrators, including any state sponsor or official, be held accountable for their crimes;

(3) underscores its full support for the special international tribunal and urges the United Nations Security Council to extend its jurisdiction to include the Ghanem assassination;

(4) urges the President to increase coordination with key partners in Europe and the Middle East to more actively support the sovereignty of Lebanon and strengthen its governing institutions and security forces; and

(5) reasserts its strong belief that the people of Lebanon should be permitted to choose their next president, in a process scheduled to begin in September 2007, free from all foreign intimidation, interference, and violence.

CONGRATULATING SOUTHERN ILLINOIS UNIVERSITY-EDWARDSVILLE ON ITS 50TH ANNIVERSARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 329.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 329) congratulating Southern Illinois University-Edwardsville as it celebrates its 50th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I rise today to congratulate Southern Illinois University Edwardsville, SIUE, as it marks its 50th year as a center of educational advancement in Southern Illinois. Southern Illinois University Edwardsville marks its 50th anniversary this year with a year-long celebration that begins on September 24, 2007.

SIUE is a public university built by the people of Illinois for the people of Illinois in response to the clear need for a campus of higher education in the Metro-East area of greater St. Louis. Fifty years ago, only three percent of the adult population had completed four years of college. Since there was no nearby higher education center and most families could not afford the cost of sending their kids far away for college, the community appealed to Southern Illinois University to establish a satellite campus at Edwardsville.

Today, SIUE continues to serve the community that initiated its founding and has helped improve the quality of life for all citizens of the area. The university has grown from 1,776 students to nearly 13,500 students from 101 Illinois counties, 43 other States, and 46 nations. It offers a broad choice of degrees ranging from liberal arts to professional studies. The university gives back to the surrounding community through programs, including its East St. Louis Center, which provides social services to families in East St. Louis and surrounding urban communities. Each year, more than 8,000 individuals benefit from the programs and services housed at the East St. Louis Center. SIUE also contributes to the economic welfare of the entire region as both one of the largest employers in Madison County and a producer of many graduates who remain in the area after college. The number of college graduates in Madison and St. Clair counties has risen from three percent to 20 percent, largely made up of SIUE graduates. These graduates give back to the community every day, and the highly educated, skilled workforce they form is one of the greatest resources in Southern Illinois.

If you visit the campus at SIUE, you will see some of the truly exceptional and innovative educational programs taking place there today. The University's Senior Assignment Program, an integrative learning experience required of all seniors, was ranked as a national model for learning assessment by the Association of American Colleges and Universities in 2007. The SIU School of Dental Medicine, the only Illinois dental school outside Cook County, is rated among the top dental schools in the Nation on national board dental exams and serves as a primary oral healthcare provider for Southern Illinois. SIUE's University Park, an applied research and technology park, is the home to the National Corn-to-Ethanol Research Center which explores the viability of alternative fuels. In athletics, SIUE is currently transitioning to NCAA Division I status and proudly brought home the NCAA Division II championship in softball in 2007.

Over the last half century, Southern Illinois University Edwardsville has grown to become a tremendous asset to the students and citizens of Illinois. It's my honor to congratulate the University on its 50th anniversary, and I look forward to many more years of excellence in education in the future.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 329) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 329

Whereas Southern Illinois University Edwardsville (SIUE) will celebrate its 50th anniversary with a year-long celebration, beginning September 24, 2007;

Whereas SIUE has grown from 1,776 students to nearly 13,500 students from 101 Illinois counties, 43 other States, and 46 Nations;

Whereas SIUE has conferred more than 90,000 degrees in its history and has more than 75,000 alumni;

Whereas the SIUE School of Dental Medicine is rated among the top dental schools in the Nation and provides more than $50,000 in free oral health care to children annually through Give Kids a Smile Day;

Whereas the SIUE East St. Louis Center is dedicated to improving the lives of families and individuals in East St. Louis and surrounding urban communities;

Whereas the University finished 4th nationally in the United States Sports Academy Directors' Cup among National Collegiate Athletic Association Division II schools in 2006;

Whereas SIUE contributes roughly $356,000,000 to the regional economy, and more than 37,000 alumni live in the region and contribute to the economy;

Whereas SIUE is the home of University Park, an applied research and technology park located on the SIUE campus that is home to the National Corn-to-Ethanol Research Center and the Biotechnology Laboratory Incubator: Now, therefore, be it

Resolved, That the Senate congratulates Southern Illinois University Edwardsville (SIUE) on its 50th anniversary, and wishes SIUE success in its continued service to the Nation as a center of educational advancement in Southern Illinois.

ORDERS FOR TUESDAY, SEPTEMBER 25, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, September 25; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that once morning business is closed, the Senate resume consideration of H.R. 1585, the Department of Defense authorization bill; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the respective party conference meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business from the distinguished Republican leader, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Tuesday, September 25, 2007, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, September 24, 2007:

DEPARTMENT OF STATE

TED POE, OF TEXAS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SECOND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WILLIAM DELAHUNT, OF MASSACHUSETTS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SECOND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HOUSE OF REPRESENTATIVES—*Monday, September 24, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 24, 2007.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY) for 5 minutes.

HEALTH CARE

Mr. BOUSTANY. Madam Speaker, 2 years ago, on September 24, Hurricane Rita smashed into Louisiana and Texas, making landfall first in my district at Johnson Bayou in Cameron Parish, a small town in southwest Louisiana. The storm was one of the worst ever to enter into the Gulf of Mexico, causing $11 billion of damage to the area.

Hard-working individuals at the community level have had the greatest impact on our recovery and reconstruction, and that's despite fits and starts with government health and so forth. It's the individuals, local officials, families on the ground that made the difference.

This storm also caused unprecedented damage to the oil and gas industry. Again, individuals working in those companies got our oil and gas infrastructure back up and running in record time, so that we could fuel America's energy needs.

At the Federal level, funds have been appropriated for assistance, but they have been clearly slow to arrive, because of bureaucracy. This has been an ongoing battle that we in Congress have had to fight with and local officials have had to fight with as well.

Two weeks ago, I was down there at Johnson Bayou, that little town where they struggled to get their school back. Actually, private funding allowed the school to come back before we could even get Federal funds down there, because of the bureaucracy. That took 2 years, but private funds allowed for the school to be rebuilt. It was one of the first schools to be rebuilt back in Louisiana.

I was down there 2 weeks ago for a very special time. We had a ribbon-cutting for a new health clinic in Johnson Bayou down in Cameron Parish. This little town did not have a health care clinic. It never had one. In fact, families had to drive many, many miles on small roads or oftentimes had to rely on a ferry to cross a body of water to receive health care, and if that ferry was down, they were stranded.

But with the opening of this health clinic, for the first time, families at Johnson Bayou now have access to health care. This was very special, because a family donated the land for the clinic. A company actually put up money, $2 million to build the clinic, and an additional $1 million to fund its ongoing operations for the next 3 years. For the first time what we have now seen is a health care clinic in Johnson Bayou, where the community came together to put this in place to create access for health care.

You know, we all talk about how all politics is local, but I would submit that all health care is local. If we don't have access to health care, it doesn't matter. It doesn't matter what's available in Boston, Massachusetts, or in San Francisco and New York, because if the folks down in Johnson Bayou don't have access to health care, then what good is it? What good is the great advance in Boston or the wonderful hospitals around the country if folks can't even enter into the health care system in their own community?

Access is critically important, and there are many, many things, many factors that affect access. I know this firsthand, as a cardiovascular surgeon before coming to Congress, that many rural communities don't have access because there aren't doctors in these rural communities, or there are no clinics in these rural communities.

We have a severe shortage of physicians nationwide right now, and there are many reasons we have shortages. I have asked for a GAO study in the past on this and tried to pass an amendment in the higher education bill last year to look at why we have these shortages. Clearly there are a number of factors, and we need to correct those deficiencies to get a sufficient physician workforce to fill our rural communities and provide access.

There are cost issues that limit access, cost for families, where they can't afford health insurance. There are costs, actually, reimbursement factors for physicians which do not provide adequate incentives for physicians and nurses to be in rural communities. We have a severe shortage of nurses. All health care is local, and we have to remember that if we are going to reform the health care system.

The United States has one of the best health care systems in the world, and we spend significantly more on health care than any other nation. Health care costs have doubled between 1993 and 2004, growing to nearly $2 trillion annually.

In addition to this, malpractice premiums have continued to skyrocket. Physicians premiums rose 15 percent between 2000 and 2002, and as much as 33 percent for some specialties. Many physicians are basically retiring early from their practices because of the severe costs imposed by malpractice premiums.

Some of my Democratic colleagues and some of the presidential hopefuls have lately been advocating a government-run universal health care program, saying that this is the only way we can have universal coverage. But I will tell you this, and I know this as a physician, that universal coverage does not equate to access. Coverage is one thing, but if you don't have the facilities, you don't have the physicians, you don't have the nurses, you don't have the clinic or you can't afford insurance, or you can't find access, it doesn't matter about the coverage. It's access that's important.

Now, one of the things that Congress is looking at is the SCHIP bill. One of the things that SCHIP fails to recognize is that the measure fails to take into account that children's health, separated from the parents' health coverage, is not going to be good enough. Again, it's access.

I think we have to have three principles, information, choice and control in health care. In a subsequent speech, I will get into more of those things.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KANJORSKI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

At worship this weekend, Lord, Your people heard this admonition from the sacred scriptures:

"First of all, I urge that petitions, prayers, intercessions, and thanksgivings be offered for all peoples, especially for rulers and those in positions of authority; that we may be able to lead undisturbed and tranquil lives, with solid piety and true dignity."

Lord, by Your grace, even in our prayer, You lead us beyond self-concern to embrace the needs of others.

As a priority, Lord, help us to pray with sincerity for lawmakers in this Congress and around the world. Their decisions and their indifference has a ripple effect upon other nations. Guide them, that Your people everywhere may live in security and flourish with human ingenuity, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HATEMONGER SPEAKS AT COLUMBIA UNIVERSITY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the University of Hate has a new branch campus and it is called Columbia University.

Madman, maniac, Mahmoud Ahmadinejad, is speaking today at Columbia. The Iranian President believes in the murder of the Jewish people in Israel. He is a hater of Americans. He is sending money, arms, and ammunition to Iraq that is used to kill American troops. Not the kind of person that deserves a U.S. audience.

But Columbia doesn't care. The University said that they would have even invited warmonger Hitler to speak on their campus.

But the university does have some people that they refuse to allow on campus. This is the same university that, in 1969 during the Vietnam War and peacenik movement, banned the ROTC from campus. And in spite of current law and a Supreme Court ruling, still bans the ROTC.

Columbia University clearly shows a pattern of being anti-American by promoting forums to warmongers and by preventing the U.S. military ROTC program on campus. Maybe the university should just relocate to Tehran. And in the meantime, the U.S. taxpayers have no business sending American money to the University of Hate.

And that's just the way it is.

AHMADINEJAD AND COLUMBIA

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know, there is quite a bit of disgust with what is taking place in New York City today with Ahmadinejad at Columbia University. There is disgust also with the United Nations. And rightfully so. And we are hearing from our constituents about this.

And then to top it off, the New York Times, who for 2 weeks denied that they gave special price breaks to moveon.org for the liberal group's ad attacking General Petraeus, finally yesterday through their public editor or their ombudsman had to come clean with the truth.

Yes, indeed, moveon.org should have paid $142,000 for that ad, but somehow it was cut in half. The reduced price was a mistake, they said, and they admitted they had violated their own advertising policy of barring attacks of a personal nature. Two pretty glaring mistakes, don't you think?

The Times claims it is not a poster child for the liberal media, but in the recent admission that sometimes reporters had fabricated stories while management cut a deal to a liberal attack group and violated their own ethics, well, as my grandmother would say, their little actions sure are speaking a lot louder than their words. Bless their little hearts.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 21, 2007, at 11:25 a.m.:

That the Senate passed without amendment H.R. 3580.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

NATIONAL HUNTING AND FISHING DAY

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 634) encouraging participation in hunting and fishing, and supporting the goals and ideals of National Hunting and Fishing Day and the efforts of hunters and fishermen toward the scientific management of wildlife and conservation of the natural environment, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 634

Whereas, since the beginning of the 20th century, hunters and fishermen of the United States have been among the most vocal supporters of the scientific management of wildlife and conservation of the natural environment;

Whereas President Theodore Roosevelt, who was himself a hunter, fisherman, and conservationist, called throughout his Presidency for laws to promote wildlife conservation and to provide lands for recreation;

Whereas, in June 1971, Senator Thomas McIntyre of New Hampshire and Representative Robert Sikes of Florida sponsored a joint resolution calling for the celebration of "National Hunting and Fishing Day" on the fourth Saturday of every September;

Whereas, in 2006, an estimated 42,500,000 individuals in the United States participated in hunting or fishing activities;

Whereas, in 2006, hunters and fishermen made a significant contribution to the economy of the United States by spending nearly

$75,000,000,000 on hunting and fishing activities;

Whereas hunters and fishermen recognize the importance of natural resources to the character, heritage, and future of the United States, and work to protect and conserve those resources; and

Whereas the fourth Saturday of September would be an appropriate day to as celebrate National Hunting and Fishing Day: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) there should be established a day known as National Hunting and Fishing Day; and

(B) the President should issue a proclamation calling on the people of the United States to observe such a day with appropriate programs and activities; and

(2) the House of Representatives—

(A) encourages participation in hunting and fishing; and

(B) commends the contributions of hunters and fishermen toward the scientific management of wildlife and conservation of the natural environment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from New Jersey (Mr. SAXTON) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, as amended, under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 634, as amended, recognizes the contributions that American sportsmen and -women make in promoting wildlife conservation. The resolution calls on the President to issue a proclamation supporting National Hunting and Fishing Day.

There are an estimated 42.5 million Americans who hunt and fish, according to the most recent survey conducted by the U.S. Fish and Wildlife Service. Aside from supporting efforts to protect our natural environment, these men and women also contribute to our economy. They spent $75 billion in 2006 on hunting and fishing activities.

I commend Congresswoman GILLIBRAND from New York for introducing this resolution, and I urge adoption of the resolution, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

First, let me thank and commend the gentleman from West Virginia for expeditiously bringing this bill to the floor. I rise in strong support of H. Res. 634, urging the establishment of a National Hunting and Fishing Day.

Since the founding of our Republic more than 230 years ago, hunting and fishing have been woven into the very fabric of our cultural heritage. There is no question that sportsmen are among the foremost supporters of sound wildlife management and the conservation of our natural resources.

In fact, without the billions of dollars that have been paid by sportsmen in excise taxes and duck stamp fees, it is likely that President Theodore Roosevelt's vision of a national wildlife refuge system would never have been achieved. Today, that system is comprised of more than 96 million acres, and more than 90 percent of those Federal lands are open to the 42 million Americans who hunt and fish.

It is appropriate that we designate a National Hunting and Fishing Day and that we celebrate on October 9, the 10th anniversary of the National Wildlife Improvement Act of 1997. This historic law, sponsored by the gentleman from Alaska (Mr. YOUNG) and myself, has the fundamental purpose of working to ensure that the American people have the finest refuge system in the world and the ability to hunt and fish on lands they largely purchased with their hard-earned dollars. It is achieving that goal that I believe is very, very important.

Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield such time as she may consume to the gentlelady from New York (Mrs. GILLIBRAND).

Mrs. GILLIBRAND. Mr. Speaker, I rise today on behalf of House Resolution 634, encouraging participation in hunting and fishing activities and supporting the goals and ideals of National Hunting and Fishing Day.

This past weekend Americans all over our great Nation celebrated National Hunting and Fishing Day.

In 1971, Senator Thomas McIntyre of New Hampshire and Representative Bob Sikes of Florida introduced a joint resolution authorizing National Hunting and Fishing Day on the fourth Saturday of September. In 1972, President Richard Nixon signed the first proclamation recognizing National Hunting and Fishing Day.

Thirty-five years later, thousands of events have taken place at hunting clubs and sportsmen's stores nationwide, bringing communities together in a grass-roots effort to promote outdoor activities and conservation.

Mr. Speaker, I believe that we, the United States Congress, should highlight these historic national pastimes by recognizing the contributions that hunters and fishermen have on America's rich culture, and encouraging participation in hunting and fishing as a way to promote family values, environmental conservation, and stewardship of our national resources.

Each year, over 45 million Americans take part in these traditions. Many of these sportsmen and -women live in my district in upstate New York. When I hold a town hall meeting in the Hudson Valley, constituents tell me about the economic impact that these sports bring to our rural communities. I also hear from them about the need for strong conservation policies so that they may continue the tradition of sportsmanship in their families.

Many of the folks that I have had the opportunity to speak with have lived all of their lives in New York's rural communities and view hunting and fishing not only as a pastime, but also a reflection of upstate New York's historic character.

One week from today, turkey season will begin in upstate New York. Every year my mother and brother are among the very first in the woods when the season begins. My mother takes great pride in her ability to shoot a turkey for our Thanksgiving dinner every year.

I now have the honor to represent over a dozen hunting wildlife management areas in 3 of New York State's environmental conservation regions. Nearly 700,000 New Yorkers participate in hunting and fishing each year and contribute extensively to our local and national economy through licensing, educational courses, and equipment purchases.

The promotion of hunting and fishing activities coincides with environmental stewardship. Hunters and fishermen were among the first to call for policies to protect our environment and, to this day, continue to advocate for land protection and preservation efforts to maintain our wildlife and environment for our future generations.

I want to take this opportunity to encourage all Americans to get into the outdoors and enjoy all that God has provided us.

I thank my colleagues for their support of this important resolution.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of this resolution. On National Hunting and Fishing Day, we celebrate the remarkable progress we have made in conserving our environment and recognize those who have worked to conserve our natural resources.

Dating back to President Theodore Roosevelt, early conservationists called for the first laws restricting the commercial slaughter of wildlife. They urged sustainable use of fish and game, created hunting and fishing licenses, and lobbied for taxes on sporting equipment to provide funds for State conservation agencies. These actions were the foundation of the North American wildlife conservation model, a science-based, user-pay system that would foster the most dramatic conservation successes of all time.

America's hunters and anglers represent the great spirit of our country and are among our

Nation's foremost conservationists. These citizens have worked to protect habitat and restore fish and wildlife populations. They volunteer their time, talents, and energy to countless conservation projects, because they recognize the importance of maintaining the natural abundance of our country for future generations.

Americans are blessed to live amid many wonders of nature, and we have a responsibility to be good stewards of the land. I commend all who advance conservation and help our citizens enjoy the benefits of our environment. These efforts ensure that our national heritage remains a source of pride for our citizens, our communities, and our Nation.

As an avid hunter and member of the Congressional Sportsman's Caucus, I appreciate the efforts hunters, conservationists, scientists, and others have taken to manage wildlife and conservation of our natural environment. I commend these efforts and I urge my colleagues to join me in supporting H. Res. 634.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 634, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING THE 75TH ANNIVERSARY OF BROOKGREEN GARDENS IN MURRELLS INLET, SOUTH CAROLINA

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 186) honoring the 75th anniversary of Brookgreen Gardens in Murrells Inlet, South Carolina.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 186

Whereas 2007 is the 75th year that Brookgreen Gardens is open to the public;

Whereas in 1930 philanthropist Archer M. Huntington and his wife, sculptor Anna Hyatt Huntington, purchased 9,100 acres of South Carolina land that stretched from the Waccamaw River to the Atlantic Ocean;

Whereas within the tract of such land were the remnants of four rice plantations, including the Oaks, Springfield, Laurel Hill, and Brookgreen;

Whereas the Huntingtons created Brookgreen Gardens on a 300-acre parcel of land with massive live oak trees which were planted nearly two centuries earlier;

Whereas in 1932 the Huntingtons opened Brookgreen Gardens to the public and established it as both a nature preserve and a showcase for American figurative sculpture;

Whereas Brookgreen Gardens consists of two main components: the Huntington Sculpture Garden and the Lowcountry History and Wildlife Preserve;

Whereas more than 550 works by hundreds of American artists are displayed in the Huntington Sculpture Garden;

Whereas the Lowcountry History and Wildlife Preserve is rich with evidence of the great rice plantations of the 1800s, contains native and domestic animal exhibits, and is the only zoo accredited by the Association of Zoos and Aquariums on the coast of either North Carolina or South Carolina; and

Whereas Brookgreen Gardens is designated a National Historic Landmark by the National Park Service: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors Brookgreen Gardens in Murrells Inlet, South Carolina, on its 75th anniversary of being open to the public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from New Jersey (Mr. SAXTON) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, House Concurrent Resolution 186, introduced by our colleague on the Natural Resources Committee, Representative HENRY BROWN, honors the 75th anniversary of Brookgreen Gardens in South Carolina.

When Brookgreen Gardens opened to the public in 1932, they were the first public sculpture gardens in the country. The gardens reflect the distinguished career of Anna Hyatt Huntington, a sculptor whose work spanned a period of 70 years.

On October 5, 1992, the Secretary of the Interior recognized the significance of the site by designating Brookgreen Gardens as a National Historic Landmark based on the more than 550 works of American artists displayed in the sculpture portion of the gardens.

Mr. Speaker, we support House Concurrent Resolution 186 and recommend its adoption by the House.

I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 186. House Concurrent Resolution 186 recognizes Brookgreen Gardens in Murrells Inlet, South Carolina, in honor of the 75th anniversary of its opening to the public.

In 1931, Archer and Anna Hyatt Huntington founded Brookgreen Gardens to preserve the natural flora and fauna and to display objects of art within that natural setting.

Today, Brookgreen Gardens is a Natural Historic Landmark and contains more than 550 works from American artists in what was the country's first public sculpture garden.

☐ 1415

The Gardens also offer a nature and historical preserve, small zoo, and a nature exhibition center. To honor the 1932 opening of the Brookgreen Gardens to the public, I urge my colleagues to support this bill.

Additionally, I would like to recognize the strong efforts of Congressman HENRY BROWN for his persistence and diligent work in bringing this resolution to the floor.

Mr. BROWN of South Carolina. Mr. Speaker, I rise today in support of H. Con. Res. 186 which honors the 75th anniversary of Brookgreen Gardens, one of the most beautiful places in coastal South Carolina.

In 1931, Archer and Anna Hyatt Huntington founded Brookgreen Gardens to preserve the native flora and fauna of coastal South Carolina and to display objects of art within that natural setting. Today, Brookgreen Gardens is a National Historic Landmark and contains more than 550 works from American artists in what was the country's first public sculpture garden.

Brookgreen Gardens also offers a nature and historical preserve; it also includes a small zoo that is accredited by American Zoo and Aquarium Association, and a nature exhibition center. The natural exhibition center and zoo exhibit educate visitors on the unique species and issues of coastal South Carolina.

In conclusion, I would like to thank the rest of my colleagues from the South Carolina delegation. They have shown unity in celebrating the 75th anniversary of Brookgreen Gardens by unanimously agreeing to be cosponsors of this resolution.

To honor the 1932 opening of Brookgreen Gardens to the public, I urge my colleagues to support this bill.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 186.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING ALL HUNTERS ACROSS THE UNITED STATES FOR THEIR CONTINUED COMMITMENT TO SAFETY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 193) recognizing all hunters across the United States for their continued commitment to safety.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 193

Whereas in 2006 there were over 16,000,000 hunters in the United States of which only .0013 percent incurred an injury during the past hunting season;

Whereas in 2006 this injury rate was lower than many other forms of recreation;

Whereas there are 70,000 hunter education instructors teaching hunter safety, ethics, and conservation to approximately 750,000 students successfully each year;

Whereas State fish and game agencies began offering hunter safety programs in 1949, and since then, more than 35,000,000 people have been certified;

Whereas much of the success of hunter safety can be contributed to hunter education training and the role of responsible hunters in the field;

Whereas Congress commends Pennsylvania hunters for setting a new State safety record in 2006;

Whereas hunters continue year after year to improve their safety record; and

Whereas hunters are the vital link in preserving and maintaining the great natural resources in the United States, including wild places: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes all hunters across the United States for their continued commitment to safety; and

(2) directs the Secretary of the Senate to transmit a copy of this resolution to the Pennsylvania State Game Commissioner and the Director of the U.S. Fish and Wildlife Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of H. Con. Res. 193, a bill recognizing all hunters across the United States for their continued commitment to safety.

H. Con. Res. 193, which has 91 cosponsors, was introduced by Representative CHRISTOPHER CARNEY on July 26, 2007. H. Con. Res. 193 was reported from the Oversight Committee on September 20, 2007 by a voice vote.

Mr. Speaker, I would like to yield to Representative CARNEY as much time as he would consume as the sponsor of this resolution.

Mr. CARNEY. Mr. Speaker, I rise today in support of a bipartisan resolution that honors our hunters for their commitment to safety. I want to particularly acknowledge the significant bipartisan support from the members of the Pennsylvania delegation, a great number of whom have signed on this bill.

This resolution honors our hunters for their commitment to safety and stewardship of the environment. Hunting is a beloved tradition. It is something I enjoyed both with my father, when I was growing up, and now with my own children.

But as any avid sportsman knows, hunters must have a commitment to safety. We recognize that this sport requires maturity and responsibility. In 2006, there were over 16 million hunters in the United States, of which only .0013 percent incurred an injury. This low injury rate demonstrates a clear commitment to safety. In fact, in 2006, hunters in Pennsylvania set a safety record, and for this I commend them.

State fish and game agencies have been offering hunter safety programs started in 1949, and since then more than 35 million people have been certified. That is why I introduced this resolution.

I want to thank hunters for their commitment to safety, and honor those who teach hunting safety. Hunters have shown that they can proudly represent the sport and put safety first, and that is something that I am proud to support.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 193 recognizes all hunters for their continued commitment to safety and to increase awareness of the organizations and programs dedicated to hunting education and safety activities. There are currently 16 million hunters in the U.S., of which less than 1 percent incurred an injury during the last hunting season. Continued education on hunting safety will ensure lower injury rates for future hunting seasons. The success of these programs has allowed more than 35 million hunters to obtain certification. Fortunately, we can continue to see high safety records with responsible and safe hunters who are well educated on hunting safety.

I urge my colleagues to support House Concurrent Resolution 193.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, in 2006 there were over 16 million hunters in the United States, of which only .0013 percent incurred an injury during the past hunting season. To ensure and raise awareness for hunter safety, there are 70,000 hunter education instructors teaching hunter safety, ethics and conservation to approximately 750,000 students successfully each year.

Hunter safety can be contributed to hunter education training and the role of responsible hunters in the field. This helps to lower the incidence of hunting accidents, improve hunter behavior and restore many species of wildlife abundance.

Mr. Speaker, I commend my colleague, Representative CHRISTOPHER CARNEY, for introducing this legislation, and urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I would urge my colleagues to vote for this resolution, and yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of this resolution recognizing hunters across the United States for their continued commitment to safety. Since State fish and game agencies began offering hunter safety programs in 1949, more than 35 million Americans have been certified through these programs.

Thanks to hunter education, hunting is safe and getting safer. Hunter education covers the skills, regulations and responsibilities of hunting, wildlife conservation and the outdoors. In my home State of Texas, mandatory hunter education became law in 1988. Texas Parks and Wildlife Department began offering voluntary hunter education courses long before that, however, in 1972, and has certified over 650,000 Texans. Every year, over 30,000 youth and adults in Texas become certified in hunter education.

Firearms-related accidents have declined sharply even as gun ownership in America is rising. More than half of all households now own firearms, yet accidental fatalities are at an all-time low—down 60 percent over the last 20 years. For decades, the firearms industry has emphasized education to ensure the safe and responsible use of its products. This effort and those by other organizations are why the shooting sports and hunting are rated among the safest forms of recreation. Some 40 million people of all ages safely participate in these activities.

I would also like to point out that in June, during the annual meeting of the International Hunter Education Association (IHEA), Heidi Rao of Houston was named Professional of the Year for providing outstanding service to IHEA and its mission. A hunter education training specialist with the Texas Parks and Wildlife Department since 1998, Mrs. Rao trains the general public to comply with the mandatory hunter education programs in southeast Texas. She also trains adults in hunter education programs, policies, and procedures and the general public in hunting safety and legal practices.

Again, I urge my colleagues to join me in supporting this resolution commending hunters for their continued commitment to safety.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 193.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT A DAY OUGHT TO BE ESTABLISHED TO BRING AWARENESS TO THE ISSUE OF MISSING PERSONS

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 303) expressing the sense of the House of Representatives that a day ought to be established to bring awareness to the issue of missing persons.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 303

Whereas each year tens of thousands of people go missing in the United States;

Whereas, on any given day, there are as many as 100,000 active missing persons cases in the United States;

Whereas the Missing Persons File of the National Crime Information Center (NCIC) was implemented in 1975;

Whereas, in 2005, 109,531 persons were reported missing to law enforcement agencies nationwide, of whom 11,868 were between the ages of 18 and 20;

Whereas section 204 of the PROTECT Act, known as Suzanne's Law and passed by Congress on April 10, 2003, modifies section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)), so that agencies must enter records into the NCIC database for all missing persons under the age of 21;

Whereas Kristen's Act (42 U.S.C. 14665), passed in 1999, has established grants for organizations to, among other things, track missing persons and provide informational services to families and the public;

Whereas, according to the NCIC, 48,639 missing persons were located in 2005, an improvement of 4.2 percent from the previous year;

Whereas many persons reported missing may be victims of Alzheimer's disease or other health-related issues, or may be victims of foul play;

Whereas, regardless of age or circumstances, all missing persons have families who need support and guidance to endure the days, months, or years they may spend searching for their missing loved ones; and

Whereas it is important to applaud the committed efforts of families, law enforcement agencies, and concerned citizens who work to locate missing persons and to prevent all forms of victimization: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) a day ought to be established to bring awareness to the issue of missing persons; and

(2) the people of the United States should be encouraged to—

(A) observe the day with appropriate programs and activities; and

(B) support worthy initiatives and increased efforts to locate missing persons.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the sponsor of this resolution, Representative KIRSTEN GILLIBRAND.

Mrs. GILLIBRAND. Mr. Speaker, I thank Representative DAVIS for his support of this resolution and for generously yielding.

I've introduced House Resolution 303 in order to allow all Americans to honor and reflect on the number of Americans who remain missing, and to remember their families and loved ones who hope and pray every day for their safe return.

☐ 1430

This issue is especially significant for my constituents. On March 2, 1998, Suzanne Lyall, a 19-year-old sophomore at SUNY Albany, was kidnapped and never seen again. This crime captivated the country's attention and has left a permanent mark on the community that I serve. Over 9 years later, her case remains unsolved.

Tragically, similar situations occur every day in America. On any given day, there are as many as 100,000 active missing-person cases in the United States. In addition, missing-adult cases often go unreported in the media. Even though the first few days after a crime is committed are the most critical in solving a case, there can be significant delays in beginning the search for someone over the age of 18 who has gone missing. Sadly, in New York there are over 3,500 missing-person cases, including nearly 1,400 cases involving New Yorkers over the age of 18.

Furthermore, the statistics show that a disproportionate number of adults reported missing are college-aged women. Currently in New York State, over two-thirds of the college-aged individuals reported missing are female, and this group also makes up approximately half of all missing adults. It is important that the Federal Government partners with local law enforcement to protect young women as they attend college or enter the workforce.

I am honored to represent Suzanne's parents, Doug and Mary, who are leaders in New York and around the country in bringing attention to crimes involving young adults. They have used their personal nightmare to assist other parents and families who have had loved ones go missing. They founded the Center for Hope, an organization with the mission of providing resources to educate, assist, and support families and friends to cope with the disappearance of a loved one. The center works with the New York State and Federal Government to improve our laws in order to prevent future abductions.

In 1983, President Reagan established May 25 as the National Missing Children's Day, and last May Americans marked the 25th National Missing Children's Day. This important day is set aside to draw attention to children who are still missing, whether they have been missing for a few days or for decades.

Yet a day has not yet been set aside to remember those Americans who are over the age of 18 and are missing from their families. With over 100,000 Americans unaccounted for, mothers, fathers, sisters, brothers, sons, and daughters, a day must be established to remind the public of those missing and our country's dedication to solving their cases and, hopefully, reuniting them with families and loved ones.

In 2001, former Governor George Pataki established April 6, Suzanne's birthday, as the State's Missing Persons Day in New York. It is my hope that this date can also become the national day of remembrance for all missing Americans. This day will allow Americans to appropriately remember the victims, their families, and the efforts of local law enforcement and the community.

Mr. Speaker, I hope my colleagues will join me in unanimously approving this resolution and that the President will soon establish a day to bring awareness to the issue of missing persons.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 303 establishes a day to bring awareness to the issues surrounding missing persons. I congratulate the sponsor on this bill.

Each year tens of thousands of people go missing in the United States. Probably there isn't a day goes by that some newspaper doesn't report either a child or adult that is missing. It is a national crisis affecting thousands of families. I think these families struggle through the loss and pain of losing their loved ones and often need support and guidance during the search for their missing friends or family members.

Through effective legislation, grants have been provided to our organizations tasked with tracking missing persons and provide much-needed support services to families. Legislation has also ensured that agencies are able to keep updated databases on missing persons. It's important that we take time to recognize and applaud the work of law enforcement agencies, concerned citizens, and, of course, the families who unite together to find their loved ones and support prevention efforts.

I urge the passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 303, a resolution expressing the sense of the House of Representatives that a day ought to be established to bring awareness to the issue of missing persons.

H. Res. 303, which has 58 cosponsors, was introduced by Representative KIRSTEN GILLIBRAND on April 17, 2007. H. Res. 303 was reported from the Oversight Committee on September 20, 2007, by voice vote.

Mr. Speaker, reports of missing persons have increased sixfold in the past 25 years, from roughly 150,000 people in 1980 to about 900,000 this year. The CourtTV's Crime Library estimates that 2,300 people are reported missing every day in America.

I support establishing a day to bring awareness to the issue of missing persons. We should all reflect to remember the victims, their families, and local law enforcement and community volunteers who help search for missing individuals. As a matter of fact, Mr. Speaker, even as we speak, in my city in the area where I live, there is a young woman who has been missing now for several days, and it has created a tremendous outpouring of empathy and sympathy on the part of the people for her parents and other family members who are searching diligently, hoping and praying that she will be found safely.

So, Mr. Speaker, I commend my colleague, Representative KIRSTEN GILLIBRAND, for introducing this legislation and urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 303.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 584) supporting the goals and ideals of "National Life Insurance Awareness Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 584

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2007 as "National Life Insurance Awareness Month" as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 584, a resolution supporting the goals and ideals of National Life Insurance Awareness Month.

H. Res. 584, which has 87 cosponsors, was introduced by Representative JUDY BIGGERT on July 30, 2007. H. Res. 584 was reported from the Oversight Committee on September 20, 2007, by voice vote.

Mr. Speaker, studies have found that when an unexpected death occurs, insufficient life insurance coverage can cause significant economic hardship for the loved ones left behind. The lack of sufficient coverage drives many family members of the deceased to work additional jobs, borrow money, prematurely withdraw money from savings and investment accounts, and in many cases to move to less desirable housing. It is estimated that 68 million Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones.

I support the goals and ideals of National Life Insurance Awareness Month because it will make people more aware of their insurance needs and motivate them to seek information about obtaining life insurance.

So, Mr. Speaker, I commend my colleague, Representative JUDY BIGGERT, for introducing this legislation and urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my colleague from Illinois, DANNY DAVIS, for managing this resolution today.

Mr. Speaker, I rise today to urge my colleagues to support House Resolution 584, which supports the goals and ideals of designating September 2007 as National Life Insurance Awareness Month. I also would like to thank my friend and colleague, the gentleman from Pennsylvania (Mr. KANJORSKI), for introducing this resolution with me for the fourth year in a row and for his support on this important issue. Congressman KANJORSKI serves with me both on the Financial Services Committee and the Financial and Economic Literacy Caucus and has been an outstanding leader on the important issue of financial security.

I would also like to thank the gentleman from California, Chairman HENRY WAXMAN, and the gentleman from Virginia, TOM DAVIS, for moving this resolution through the Committee on Oversight and Government Reform.

And, last, I would like to acknowledge and thank Senator BEN NELSON of Nebraska and Senator SAXBY CHAMBLISS of Georgia for their contributions to this effort. They worked with those of us on this side of the Capitol to craft identical resolutions that garnered both bipartisan and bicameral support. It's my hope that the Senate will soon pass its version of the resolution soon.

Mr. Speaker, life insurance too often is thought of only when it is too late. How many times have we heard friends or loved ones who are sadly reflecting that the deceased had no life insurance or had too little life insurance? Today, only 4 in 10 adult Americans own an individual life insurance policy; and among those who do have life insurance, the amount often is too small to safeguard the financial future of their loved ones. Because of insufficient coverage, family members often are forced to work extra jobs or longer hours, borrow money, or move to less desirable housing. In short, these outcomes are only symptoms of the crisis of underinsurance that exists in our Nation today.

Mr. Speaker, House Resolution 584 calls on the Nation to observe the month of September as Life Insurance Awareness Month. The Life and Health Insurance Foundation for Education, the National Association of Insurance and Financial Advisors, the American Council of Life Insurers, and a coalition representing hundreds of leading life insurance providers and advocates have designated September 2007 as Life Insurance Awareness Month.

Our collective goal for this month is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve financial security for their families. Many of my colleagues on both the Financial Services and the Education and Workforce Committees have been working very hard to increase the level of financial literacy and economic education in this Nation. Understanding how financial products work and how they work to build financial security are 2 important ingredients in a complete financial education.

It is my hope that recognizing Life Insurance Awareness Month will motivate Americans to seek out information about the benefits of life insurance so that if premature death of a loved one does occur, they will be spared the economic hardships that often accompany tragedy.

I ask my colleagues to join me and support the goals and ideals of designating September National Life Insurance Awareness Month.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time.

I will close and just simply reemphasize the importance of this legislation. Again, I want to commend Representative BIGGERT and yourself, Mr. Speaker, for leading the way.

I think many people think of resolutions like this as a simple something that has taken place; but I am reminded that in the community where I live and work, oftentimes people will die and not have the wherewithal with which to bury themselves.

□ 1445

Our young people will be killed and their families take up a collection to get them buried. And so I think that this is a very important resolution. I commend both of you, once again, for its introduction.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KANJORSKI). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 584.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF GOLD STAR MOTHERS DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 605) supporting the goals and ideals of Gold Star Mothers Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 605

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing a son or daughter who served in the Armed Forces, and thus perpetuate the memory of all whose lives are sacrificed in war;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Department of Veterans Affairs and aid members of the Armed Forces who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired Americans throughout the history of the United States;

Whereas Americans honor themselves and the mothers of America when they revere and emphasize the role of the home and the family as the true foundations of the United States;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas September 30, 2007, is being recognized as Gold Star Mothers Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Gold Star Mothers Day; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 605, a bill supporting the goals and ideals of Gold Star Mothers Day.

H. Res. 605, which has 108 cosponsors, was introduced by Representative PETER ROSKAM on August 1, 2007.

H. Res. 605 was reported from the Oversight Committee on September 20, 2007 by voice vote.

Mr. Speaker, Gold Star Mothers Day is an organization for mothers who have lost a son or daughter in service to our country. In 1940, President Franklin D. Roosevelt designated the last Sunday in September as Gold Star Mothers Day to recognize and commemorate the tremendous sacrifice these courageous mothers have endured on behalf of our Nation. This wonderful group of women have turned their personal tragedy into patriotism and public service.

Today, numerous chapters of Gold Star Mothers across our Nation offer important programs and services to improve the lives of veterans and their families. They assist veterans of the Armed Forces and their dependents in the presentation of claims to the Department of Veterans Affairs.

I support the goals and ideals of Gold Star Mothers Day. And I have the utmost respect for mothers and fathers that have sacrificed their sons and daughters for peace, freedom and the security of our Nation.

And so, Mr. Speaker, I commend my colleague, Representative PETER ROSKAM, for introducing this legislation and urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I, too, applaud PETER ROSKAM of Illinois for his introduction of this resolution. He had every intention of being here, but unfortunately he missed his plane, so he is not able to make it at this time.

During World War I, Grace Seibold's son, George, served with the British Royal Flying Corps in France. While on combat duty, he regularly sent letters home to his family in Washington, DC. Around Christmas of 1918, the letters stopped and the Seibold family never heard from him again. Because his military unit was under British control, the U.S. had no information of his whereabouts or safety. After months of waiting, they received notice of his death.

Throughout the war, Grace Seibold had been spending her time visiting with soldiers in military hospitals and providing solace and assistance with their recuperation. After her own son's death, she met with fellow mothers of soldiers who had been killed serving their country.

The women began to share their grief and quickly found support for each other. Their uncommon bond brought them closer and helped them to heal. The group also encouraged community service by volunteering at local hospitals for veterans.

After years of careful planning, in June of 1928, 25 mothers joined in Washington, DC to form the American Gold Star Mothers, Incorporated. The mission of the organization is to honor the men and women who made the ultimate sacrifice for their country and to assist veterans with processing claims made to the Department of Veterans Affairs.

The service provided by the Gold Star Mothers does not end there. They inspire patriotism and love of country. They promote peace and goodwill through annual special events. The Gold Star Mothers work in cooperation with all veterans organizations and lend their support giving many hours of volunteer work and personal service to veteran families. It is an organization that inspires community service, honor of country, and takes great pride in having our brave men and women serving in our Armed Forces.

I am proud to honor these brave women for their continued efforts and their tireless support of our Nation.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I will close by simply stating that I have a very active, passionate and involved chapter of Gold Star Mothers in my congressional district. And so on behalf of them, and all of the Gold Star Mothers and Fathers throughout the country, I would urge passage of this resolution.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in honor of those American mothers who have lost children in the service of our country. As a cosponsor of H. Res. 605, I strongly support this resolution to recognize their great sacrifice and suffering.

The Gold Star Mothers Club was formed in the United States to provide support for mothers that lost sons or daughters in war. The name came from the custom of families of servicemen hanging a banner called a Service Flag in the window of their homes. The Service Flag had a star for each family member in the military. Living servicemen were represented by a blue star, and those who had lost their lives were represented by a gold star. Today, membership in the Gold Star Mothers is open to any American woman who has lost a son or daughter in service to the United States. On the last Sunday in September, Gold Star Mother's Day is observed in the U.S. in their honor.

American Gold Star Mothers is a nationwide organization first incorporated in the District of Columbia in 1929 after years of effort by the mother of a deceased airman fighting in World War I. In the years following, the organization has grown to include members and chapters across the country.

The responsibility of motherhood is vast and as our mothers raise their children, they do so with great hope. This hope does not involve losing a child to war but raising a son or daughter that strives to change the world for the better. This bill acknowledges that those mothers have succeeded in that goal and we, too, recognize the ultimate sacrifice their children have made. H. Res. 605 supports the Gold Star Mothers and ensures that their sacrifice and that of their children will not be forgotten.

Mr. Speaker, again, I rise in strong support of H. Res. 605 and urge my colleagues to join me in supporting its passage.

Mr. KLINE of Minnesota. Mr. Speaker, I rise today in solemn observance of "Gold Star Mother's Day", on Sunday, September 30th.

More than 75 years ago, one mother's determination to transform her personal loss into good works led to the creation of the American Gold Star Mothers. After receiving notice of her son's death in aerial combat during World War I, Grace Darling Seibold devoted her energy to volunteering in a local hospital. She began reaching out to other mothers whose sons had died in military service to our Nation, and these women organized into a local group.

Their organization was named after the gold star service flag that families hung in their windows for family members who had died in military service. After years of planning, it became a national organization in 1928. In 1936, Congress designated the last Sunday of September as "Gold Star Mother's Day."

Since then, brave women have continued to come together as Gold Star Mothers to ease the burden of their loss and to serve others.

The cost of America's freedom is often personal. Few pay more dearly than our Gold Star Mothers, who have endured the death of a son or daughter in service to our country.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank my colleague, Representative ROSKAM for introducing H. Res. 605, in support of Gold Star Mothers. Gold Star Mothers is a tremendous organization that honors our nation's brave sons and daughters in the Armed Services that have made the ultimate sacrifice. Gold Star Mother's outreach and volunteer efforts help to bring comfort and solace to family members and loved ones during their time of need. My stepson Doug and his wife Lindsay continue to serve overseas in the Marines so I greatly appreciate the support and devotion the Gold Star Mothers have for our Armed Forces and Veterans. I am also proud to have Georgianna C. Krell, a past and future National President of Gold Star Mothers from my Congressional District. Georgianna's son PFC Bruce Carter was killed defending our nation on August 7th 1969 in Vietnam. Private Carter was posthumously awarded the Medal of Honor for his actions in battle. It is with great pleasure that I have been working with Georgianna to have our local VA hospital in Miami renamed after her son and I look forward to my continued relationship with Georgianna and Gold Star Mothers to honor our Nation's heroes.

Mr. LAMPSON. Mr. Speaker, Texas' mothers have sent more sons and daughters overseas for Operation Iraqi Freedom and Operation Enduring Freedom than any other state in America. We have endured more casualties than any other state but one.

The American Gold Star Mothers in Texas and throughout this great nation have suffered the supreme sacrifice of motherhood by losing a child who served in the Armed Forces, and thus perpetuate the memory of all whose lives are sacrificed in war. Their sons and daughters served their country honorably and gave what Lincoln called "last full measure of devotion."

To these soldiers, we are grateful and humbled by their sacrifice. And to the Gold Star Mothers who have lost children our thoughts and prayers are with you always.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 605.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF SICKLE CELL DISEASE AWARENESS MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 210) supporting the goals and ideals of Sickle Cell Disease Awareness Month.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 210

Whereas Sickle Cell Disease is an inherited blood disorder that is a major health problem in the United States, primarily affecting African Americans;

Whereas Sickle Cell Disease causes the rapid destruction of sickle cells, which results in multiple medical complications, including anemia, jaundice, gallstones, strokes, and restricted blood flow, damaging tissue in the liver, spleen, and kidneys, and death;

Whereas Sickle Cell Disease causes episodes of considerable pain in one's arms, legs, chest, and abdomen;

Whereas Sickle Cell Disease affects over 70,000 Americans;

Whereas approximately 1,000 babies are born with Sickle Cell Disease each year in the United States, with the disease occurring in approximately 1 in 300 newborn African American infants;

Whereas more than 2,000,000 Americans have the sickle cell trait, and 1 in 12 African Americans carry the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of a person with Sickle Cell Disease is severely limited, with an average life span for an adult being 45 years;

Whereas, though researchers have yet to identify a cure for this painful disease, advances in treating the associated complications have occurred;

Whereas researchers are hopeful that in less than two decades, Sickle Cell Disease may join the ranks of chronic illnesses that, when properly treated, do not interfere with the activity, growth, or mental development of affected children;

Whereas Congress recognizes the importance of researching, preventing, and treating Sickle Cell Disease by authorizing treatment centers to provide medical intervention, education, and other services and by permitting the Medicaid program to cover some primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc. remains the preeminent advocacy organization that serves the sickle cell community by focusing its efforts on public policy, research funding, patient services, public awareness, and education related to developing effective treatments and a cure for Sickle Cell Disease; and

Whereas the Sickle Cell Disease Association of America, Inc. has requested that the Congress designate September as Sickle Cell Disease Awareness Month in order to educate communities across the Nation about sickle cell and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideals of Sickle Cell Disease Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H. Con. Res 210, which pays homage to a tradition that both the Senate and House have honored for over two decades.

In 1983, Congress first recognized September as the month to nationally commemorate sickle cell disease awareness. And it is in that same vein today that I ask for support of H. Con. Res 210.

Sickle cell disease is an inherited blood disorder characterized by affected red blood cells that mutate into the shape of a crescent or sickle, and as such are unable to pass through small blood vessels. The horrific outcomes of this condition include considerable pain in one's arms, chest, legs and abdomen, anemia, gallstone, strokes, as well as damaging tissue in the liver, spleen, kidney, and death.

This disease affects over 70,000 Americans and cripples over 1,000 newborn babies each year in the United States. By supporting H. Con. Res 210, we acknowledge the importance of raising awareness for advance in sickle cell disease research, prevention treatment and potential cure.

As the sponsor of H. Con. Res 210, I would urge all of my colleagues to support swift passage of this bill.

I would also just note, Mr. Speaker, that the devastation of this disease on those who are affected by it is, indeed, tremendous. I have had firsthand experience with it by virtue of having run a sickle cell community education project for the University of Illinois in Chicago and came in contact with many of the patients and their families; saw the pain and suffering firsthand. And so I would urge passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I congratulate Mr. DAVIS for bringing this important resolution to the floor.

This resolution seeks to bring attention to sickle cell disease and to support the designation of September as Sickle Cell Disease Awareness Month.

Sickle cell disease is a deadly genetic blood disorder that strikes primarily people of African descent. Those affected by the disease most often appear to be healthy, but their lives are disturbed by sporadic and painful attacks in their arms, legs, chest and abdomen. SCD also causes the rapid destruction of sickle cells that results in multiple medical complications, including anemia, jaundice, gallstones, strokes, and restricted blood flow causing tissue damage, cardiovascular and organ damage.

Approximately 80,000 African Americans suffer from sickle cell disease, and millions are affected worldwide. Statistics shockingly show that one in every 350 African American babies born in the United States has the disease, and one in eight African American babies carry the sickle cell trait. There is a one-in-four chance that a child born to parents who both carry the sickle cell trait will have the disease. Life expectancy is limited, as an average life span for an adult with the disease is only about 45 years.

A universal cure, though, remains elusive. However, early diagnosis through newborn screening and education has improved survival and quality of life for those who suffer from SCD. Because SCD affects so many people and research funding is critical to effectively treating and ultimately preventing the disease, we are grateful for organizations such as the Sickle Cell Disease Association of America that continue to shine the light of hope for all of those affected.

Therefore, I ask my colleagues to support the designation of the month of September as National Sickle Cell Disease Awareness Month so that communities throughout the country will become aware of this disease and the need for additional research, effective treatments and prevention programs that will ultimately lead to a cure.

I urge my colleagues to support House Concurrent Resolution 210.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Illinois, Representative BIGGERT, for her support of this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 210.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF VETERANS OF FOREIGN WARS DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 663) supporting the goals and ideals of Veterans of Foreign Wars Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 663

Whereas veterans of the Spanish-American War and Philippine Insurrection, the Nation's first major foreign conflicts, faced hardships to include a complete lack of medical care and pensions upon discharge from the service;

Whereas on September 29, 1899 the American Veterans of Foreign Service and in December 1899, the National Society of the

Army of the Philippines, were established to advocate for the rights and benefits then denied to veterans of the Spanish-American War and Philippine Insurrection;

Whereas, in subsequent years, membership in these and other veterans organizations continued to grow;

Whereas these veterans organizations, recognizing their common goals and the importance of unity, merged to form the present-day Veterans of Foreign Wars of the United States in 1914;

Whereas membership in the Veterans of Foreign Wars continued to grow and reached nearly 200,000 in 1936 when the organization received its Congressional Charter;

Whereas the 2.3 million members of the Veterans of Foreign Wars and Ladies Auxiliary remain committed to the organization's mission of "ensuring rights, remembering sacrifices, promoting patriotism, performing community services, and advocating for a strong national defense";

Whereas the organization continues this honorable mission by effectively advocating for our Nation's veterans, to include helping establish the present-day Department of Veterans Affairs, creating the Montgomery G.I. Bill, developing the national cemetery system, and assisting combat wounded veterans receive compensation for their injuries; and

Whereas the members of the Veterans of Foreign Wars celebrate the organization's establishment and achievements on September 29th while carrying on the vital mission of their predecessors: Now, therefore, be it:

Resolved, That the House of Representatives supports the goals and ideals of Veterans of Foreign Wars Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a Member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 663, a bill supporting the goals and ideals of Veterans of Foreign Wars Day.

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H. Res. 663, which has 57 cosponsors, was introduced by Representative JOHN KLINE on September 19, 2007. H. Res. 663 was reported from the Oversight and Government Reform Committee on September 20, 2007, by a voice vote.

Mr. Speaker, in 1899, veterans of the Spanish-American War and the Philippine Insurrection were upset by the poor treatment they received following their return from America's first major overseas conflict. As a result, the American Veterans of Foreign Service and the National Society of the Army of the Philippines were established to advocate for the rights and benefits then denied to veterans of foreign conflicts.

In 1914, these veteran organizations, recognizing their common goals and the importance of unity, merged to form the Veterans of Foreign Wars, the VFW, of the United States. In the 108 years since the VFW's founding, members have proudly carried on the organization's mission of ensuring rights, remembering sacrifices, promoting patriotism, performing community services, and advocating for a strong national defense. The VFW has advocated for our Nation's veterans to include helping establish the present-day Department of Veterans Affairs, creating the Montgomery GI Bill of Rights, developing the national cemetery system, and assisting combat-wounded veterans in receiving compensation for their injuries for service to our Nation. I support the goals and ideas of Veterans of Foreign Wars Day, which honors our veterans' achievements and their service to our country.

Mr. Speaker, I commend my colleague, Representative JOHN KLINE, for introducing this legislation, and I urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the present-day Veterans of Foreign Wars organization traces its origin to 1899 when two organizations were founded to achieve benefits and recognition for United States veterans of the Spanish-American War. These veterans were committed to ensuring that their efforts in that conflict were recognized, honored, and respected by their government.

As the United States became involved in later foreign conflicts, the number of members of the VFW grew. The VFW received its congressional charter in 1936. Currently, there are 2.3 million members of the VFW and the Ladies Auxiliary. Efforts by the VFW were instrumental in establishing a Department of Veterans Affairs, the GI Bill, the national cemetery system, and assisting combat-wounded veterans to receive compensation for their injuries.

In recognition of their achievements in peacetime and the role of its members in wartime, I would ask that my colleagues honor the VFW and declare a Veterans of Foreign Wars Day. I urge my colleagues to join in supporting House Resolution 663.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, we have no further requests for time. I think there is no doubt there is no greater group of citizens in our country than those who have served and fought in foreign wars. I urge swift passage of this resolution.

Mr. KLINE of Minnesota. Mr. Speaker, as a lifetime member of VFW Post 210 in Lakeville, Minnesota, I rise today in strong support of H. Res. 663, a resolution supporting the goals and ideals of the Veterans of Foreign Wars.

The VFW traces its roots back to 1899, when veterans of the Spanish-American War and the Philippine Insurrection founded local organizations to secure rights and benefits for their service.

Before that time, many of our veterans would return home wounded or sick. There was no medical care or veterans' pension for them, and they were left to care for themselves.

The founders of the VFW sought to remedy that and provide support and encouragement to all of our veterans who had served in foreign wars. Their mission statement was straightforward, "to honor the dead by helping the living." Over time their mission expanded to "ensuring rights, remembering sacrifices, promoting patriotism, performing community services, and advocating for a strong national defense."

They have a rich history of advocacy. The VFW has been instrumental in establishing the Veterans Administration, creating a GI bill for the 20th century, the development of the national cemetery system, and the fight to ensure combat wounded veterans from all wars receive proper compensation.

In addition, they have been a powerful force behind the creation of the Vietnam, Korean War, World War II and Women in Military Service Memorials.

Today, the organization has grown to more than 2.3 million members worldwide and continues to advocate for all of our foreign veterans.

I applaud the work of these individuals. Their continued commitment to each other and this great country of ours is truly inspirational. I am humbled by the work they have done for our veterans and I am honored to be bringing this resolution to the floor.

Today, as we stand to celebrate the establishment and achievements of an organization that was born of patriotism, the Veterans of Foreign Wars, I would ask each of my colleagues to join me in supporting H. Res. 663.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to recognize the outstanding work the Members the Veterans of Foreign Wars Post 696 in Owensboro, Kentucky continue to do to improve their community. Post 696 has exemplified the mission of the VFW: Honor the dead by helping the living.

The Post has donated over $22,000 to local and state organizations in the past year. Beneficiaries of their generosity have included local schools, the Boy Scouts, shelters, and churches. Their generosity has also been extended to organizations such as the Wendell Foster Center, Shriners Hospitals, the Children's Wish Foundation, the Disabled American Veterans, and JEVCO.

Post 696 recently sponsored a going away picnic for the members of Ft. Campbell's Alpha Troop and their families being deployed to Iraq. The City of Owensboro adopted Alpha Troop through the Americans Supporting Americans' Adopt-a-Unit-Program. I thank the members of the troop for their service and the City of Owensboro for this commitment to these brave soldiers.

The VFW Post 696 Honor/Color Guard has been busy serving the community as well. Since 2001, they have participated in over 400 Veteran funerals and 50 community events in Daviess County.

I want to recognize the leaders of Post 696 Commander Richard "Ike" Eisenmenger Jr., Ladies Auxiliary President Marilu Goodsell, and Color/Honor Guard Commander Joseph Hayden. They have worked tirelessly to serve veterans and improve their community.

It is my privilege to honor the members of VFW Post 696 today, before the entire United States House of Representatives, for their past service to our country and continued dedication to serving their community.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 663.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMEMORATION ACT OF 2007

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1520) to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hudson-Fulton-Champlain Quadricentennial Commemoration Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS AND PURPOSE

Sec. 101. Findings and purpose.
Sec. 102. Coordination.

TITLE II—CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION

Sec. 201. Definitions.
Sec. 202. Champlain Quadricentennial Commemoration Commission.
Sec. 203. Audit of Commission.
Sec. 204. Authorization of appropriations.

TITLE III—HUDSON-FULTON 400TH COMMEMORATION COMMISSION

Sec. 301. Definitions.
Sec. 302. Hudson-Fulton 400th Commemoration Commission.
Sec. 303. Audit of Commission.
Sec. 304. Authorization of appropriations.

TITLE I—FINDINGS AND PURPOSE

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The first European exploration of the Hudson River and Lake Champlain and the introduction of steam navigation to maritime commerce were events of major historical importance, both in the United States and internationally.

(2) In 1609, Englishman Henry Hudson, acting in the service of the Dutch East India Company, was the first European to sail up the river later named for him in the vessel HALF MOON. Also in 1609, French explorer Samuel de Champlain was the first European to see the lake later named for him, as well as the shores of Northern New York and Vermont.

(3) These voyages were 2 of the most significant passages in the European exploration and discovery of America, and included two of the earliest contacts in the New World between Native Americans and Europeans.

(4) These explorations led to the establishment of Fort Orange, a Dutch (and later English) settlement of what is now the capital city of the State of New York, as well as the establishment of French trading posts, military posts, and settlements as far south as Lake George. From these early establishments came trade, commerce, cultural, and religious impact deep into the Mohawk Valley and as far west as Lake Erie. These settlements influenced the Nation's history, culture, law, commerce, and traditions of liberty that extend to the present day, and that are constantly reflected in the position of the United States as the leader of the nations of the free world.

(5) In 1807, Robert Fulton navigated the Hudson River from the city of New York to Albany in the steamboat CLERMONT, successfully inaugurating steam navigation on a commercial basis. This event is one of the most important events in the history of navigation. It revolutionized waterborne commerce on the great rivers of the United States, transformed naval warfare, and fostered international relations through transoceanic travel and trade.

(6) In 1909, the Congress authorized a Champlain Tercentennial Commission and supported its activities. The Congress recognized the 350th anniversary by establishing a similar commission to coordinate Federal participation in the 1959 celebration of Hudson's and Champlain's discoveries.

(7) The National Park Service owns and operates significant resources in New York related to the early history of the Nation and the Hudson River Valley.

(8) In 2000, Canada's Province of Quebec established a Quebec 400 Commission with a budget in excess of $1,000,000, of which commemoration of the 1609 Champlain voyage into the Lake Champlain region is a part.

(9) In 2002, the State of New York established a Hudson-Fulton-Champlain Commission.

(10) In 2003, the State of Vermont established a Lake Champlain Quadricentennial Commission.

(b) PURPOSE.—The purpose of this Act is to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, to—

(1) ensure a suitable national observance of the Henry Hudson, Robert Fulton, and Samuel de Champlain 2009 commemorations through cooperation with and assistance to the programs and activities of New York, Vermont, and the commemorative commissions formed by these States;

(2) assist in ensuring that Hudson-Fulton-Champlain 2009 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the New York and Vermont sites;

(3) assist in ensuring that Hudson-Fulton-Champlain 2009 observances are inclusive and appropriately recognize the diverse Hudson River and Lake Champlain Valley communities that developed over four centuries;

(4) facilitate international involvement, including the involvement of the commemorative commission formed by Canada, in the Hudson-Fulton-Champlain 2009 observances;

(5) support and facilitate marketing efforts for a commemorative coin, a commemorative stamp, and related activities for the Hudson-Fulton-Champlain 2009 observances;

(6) assist in the appropriate development of heritage tourism and economic benefits to the United States; and

(7) support and facilitate the related efforts of the Lake Champlain Basin Program in the coordination of efforts to commemorate the voyage of Samuel de Champlain.

SEC. 102. COORDINATION.

The two commissions established under this Act shall ensure coordination of their activities to achieve seamless and successful commemorations, and ensure consistency with the plans and programs of the commemorative commissions established by the States of New York and Vermont.

TITLE II—CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION

SEC. 201. DEFINITIONS.

In this title:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of the 400th anniversary of Samuel de Champlain's voyage.

(2) COMMISSION.—The term "Commission" means the Champlain Quadricentennial Commemoration Commission established by section 202(a).

(3) LAKE CHAMPLAIN BASIN PROGRAM.—The term "Lake Champlain Basin Program" means the partnership with Federal agencies established by the States of New York and Vermont under section 120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) to implement the Lake Champlain management plan entitled "Opportunities for Action".

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATES.—The term "States"—

(A) means the States of New York and Vermont; and

(B) includes agencies and other entities of each such State.

SEC. 202. CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION.

(a) IN GENERAL.—The Secretary shall establish a commission to be known as the "Champlain Quadricentennial Commemoration Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 11 members, of whom—

(A) 2 members shall be employees of the National Park Service, of whom—

(i) one shall be the Director of the National Park Service (or a designee of the Director); and

(ii) one shall be an employee of the National Park Service having experience relevant to the commemoration, who shall be appointed by the Secretary;

(B) 4 members shall be appointed by the Secretary from among individuals who, on the date of the enactment of this Act, are serving as members of the State of New York's Hudson-Fulton-Champlain Quadricentennial Commission and are residents of the Champlain Valley;

(C) 4 members shall be appointed by the Secretary from among individuals who, on the date of the enactment of this Act, are serving as members of the State of Vermont's Lake Champlain Quadricentennial Commission and are residents of Vermont; and

(D) one member shall be appointed by the Secretary from among individuals who have an interest in, demonstrated their support for, and demonstrated expertise appropriate to, the commemoration, and are knowledgeable of the Champlain Valley.

(2) TERM; VACANCIES.—

(A) TERM.—Each member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall elect the chairperson and the vice chairperson of the Commission on an annual basis.

(B) VICE CHAIRPERSON.—The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(5) QUORUM.—A majority of voting members of the Commission shall constitute a quorum, but a lesser number may hold meetings.

(6) VOTING.—The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain;

(B) facilitate Champlain-related activities throughout the United States;

(C) coordinate its activities with State commemoration commissions and appropriate Federal Government entities, including the Departments of Agriculture, Defense, State, and Transportation, the Lake Champlain Basin Program, the National Endowment for the Humanities and the National Endowment for the Arts, and the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyage of Samuel de Champlain;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyage of Samuel de Champlain;

(G) ensure that the Champlain 2009 anniversary provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities;

(H) assist in ensuring that the observances of the voyage of Samuel de Champlain are inclusive and appropriately recognize the experiences and heritage of all people present when Samuel de Champlain arrived in the Champlain Valley; and

(I) consult and coordinate with the Lake Champlain Basin Program and other relevant organizations in the planning and development of programs and activities for the commemoration of the voyage of Samuel de Champlain.

(2) STRATEGIC PLAN AND ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan in accordance with section 306 of title 5, United States Code, and annual performance plans in accordance with section 1115 of title 31, United States Code, for the activities of the Commission carried out under this Act.

(3) REPORTS.—

(A) ANNUAL REPORT.—The Commission shall submit to the Congress an annual report that contains a list of each gift, bequest, or devise with a value of more than $250, together with the identity of the donor of each such gift, bequest, or devise.

(B) FINAL REPORT.—Not later than September 30, 2010, the Commission shall submit to the Secretary a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission may—

(A) solicit, accept, use, and dispose of gifts, bequests, or devises of money or other real or personal property for the purpose of aiding or facilitating the work of the Commission;

(B) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(C) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(D) subject to the availability of appropriations, procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this Act, except that any contracts, leases, or other legal agreements made or entered into by the Commission directly or with administrative assistance from the Lake Champlain Basin Program shall not extend beyond the date of the termination of the Commission;

(E) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(F) subject to approval by the Commission and the availability of appropriations, make grants in amounts not to exceed $20,000 to communities, nonprofit organizations, and commemorative commissions formed by the States to develop programs to assist in the commemoration;

(G) subject to the availability of appropriations, make grants in amounts not to exceed $20,000 to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyage of Champlain; and

(H) provide technical assistance to the States, localities, and nonprofit organizations to develop programs and facilities to further the commemoration.

(2) COORDINATION AND CONSULTATION WITH LAKE CHAMPLAIN BASIN PROGRAM.—The Commission shall coordinate and consult with the Lake Champlain Basin Program in providing grants and technical assistance under subparagraphs (F), (G), and (H) of paragraph (1) for the conduct of activities relating to the commemoration of the voyage of Samuel de Champlain.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT AND LAKE CHAMPLAIN BASIN PROGRAM EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(C) LAKE CHAMPLAIN BASIN PROGRAM EMPLOYEES.—The Commission may—

(i) accept the services of personnel from the Lake Champlain Basin Program; and

(ii) reimburse the Lake Champlain Basin Program for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—Subject to the availability of appropriations, the chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the States or the National Park Service concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2010, and shall transfer all documents and materials of the Commission to the National Archives or other appropriate Federal entity.

SEC. 203. AUDIT OF COMMISSION.

The Inspector General of the Department of the Interior shall perform an annual audit of the Commission, shall make the results of the audit available to the public, and shall transmit such results to the Committee on Government Reform of the House of Representatives.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $500,000 for each of fiscal years 2007 through 2011 to carry out this title, of which—

(1) 45 percent shall be for New York activities relating to the Samuel de Champlain commemoration;

(2) 45 percent shall be for Vermont activities relating to the Samuel de Champlain commemoration; and

(3) 10 percent shall be for distribution by the Commission in accordance with this Act for activities relating to the commemoration.

TITLE III—HUDSON-FULTON 400TH COMMEMORATION COMMISSION

SEC. 301. DEFINITIONS.

In this title:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of—

(A) the 200th anniversary of Robert Fulton's voyage in the CLERMONT; and

(B) the 400th anniversary of Henry Hudson's voyage in the HALF MOON.

(2) COMMISSION.—The term "Commission" means the Hudson-Fulton 400th Commemoration Commission established by section 302(a).

(3) GOVERNOR.—The term "Governor" means the Governor of the State of New York.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State"—

(A) means the State of New York; and

(B) includes agencies and entities of each such State.

SEC. 302. HUDSON-FULTON 400TH COMMEMORATION COMMISSION.

(a) IN GENERAL.—The Secretary shall establish a commission to be known as the "Hudson-Fulton 400th Commemoration Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 16 members, of whom—

(A) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Governor;

(B) 6 members shall be appointed by the Secretary, after consideration of the recommendations from the Members of the House of Representatives whose districts encompass the Hudson River Valley;

(C) 2 members shall be appointed by the Secretary, after consideration of the recommendations from the Members of the Senate from New York;

(D) 2 members shall be employees of the National Park Service, of whom—

(i) one shall be the Director of the National Park Service (or a designee of the Director); and

(ii) one shall be an employee of the National Park Service having experience relevant to the commemoration, who shall be appointed by the Secretary;

(E) 2 members shall be appointed by the Secretary from among individuals who have an interest in, demonstrated their support for, and demonstrated expertise appropriate to, the commemoration, of whom—

(i) one shall be knowledgeable of the Hudson River Valley National Heritage Area; and

(ii) one shall be knowledgeable of New York City as it relates to the commemoration;

(F) one member shall be the chairperson of any commemorative commission formed by New York, or the designee of the chairperson; and

(G) two members shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the City of New York and after consultation with Members of the House of Representatives whose districts encompass the City of New York.

(2) TERM; VACANCIES.—

(A) TERM.—Each member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall elect the chairperson and the vice chairperson of the Commission on an annual basis.

(B) VICE CHAIRPERSON.—The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(5) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(6) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the voting members of the Commission.

(B) NONVOTING MEMBER.—The individual appointed under subparagraph (D)(ii) of paragraph (1) shall be a nonvoting member, and shall serve only in an advisory capacity.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River, and the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis;

(B) facilitate Hudson-Fulton-related activities throughout the United States;

(C) coordinate its activities with the State commemoration commission and appropriate Federal Government agencies, including the Departments of Agriculture, Defense, State, and Transportation, the National Park Service with respect to the Hudson River Valley National Heritage Area, and the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13061, dated September 11, 1997, the National Endowment for the Humanities and the National Endowment for the Arts, and the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson and Robert Fulton;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson and Robert Fulton;

(G) ensure that the Hudson-Fulton 2009 commemorations provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities; and

(H) assist in ensuring that the observances of the voyage of Henry Hudson are inclusive and appropriately recognize the experiences and heritage of all people present when Henry Hudson sailed the Hudson River.

(2) STRATEGIC PLAN AND ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan in accordance with section 306 of title 5, United States Code, and annual performance plans in accordance with section 1115 of title 31, United States Code, for the activities of the Commission carried out under this Act.

(3) REPORTS.—

(A) ANNUAL REPORT.—The Commission shall submit to the Congress an annual report that contains a list of each gift, bequest, or devise with a value of more than $250, together with the identity of the donor of each such gift, bequest, or devise.

(B) FINAL REPORT.—Not later than September 30, 2010, the Commission shall submit to the Secretary a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission may—

(A) solicit, accept, use, and dispose of gifts, bequests, or devises of money or other real or personal property for the purpose of aiding or facilitating the work of the Commission;

(B) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(C) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(D) subject to the availability of appropriations, procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this Act except that any contracts, leases, or other legal agreements made or entered into by the Commission shall not extend beyond the date of the termination of the Commission;

(E) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(F) subject to approval by the Commission and the availability of appropriations, make grants in amounts not to exceed $20,000 to communities, nonprofit organizations, and commemorative commissions formed by the State to develop programs to assist in the commemoration;

(G) subject to the availability of appropriations, make grants in amounts not to exceed $20,000 to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Hudson and Fulton; and

(H) provide technical assistance to the State, localities, and nonprofit organizations to develop programs and facilities to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State (including subdivisions of the State); and

(ii) reimburse the State for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—Subject to the availability of appropriations, the chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the States or the National Park Service concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2010, and shall transfer all documents and materials of the Commission to the National Archives or other appropriate Federal entity.

SEC. 303. AUDIT OF COMMISSION.

The Inspector General of the Department of the Interior shall perform an annual audit of the Commission, shall make the results of the audit available to the public, and shall transmit such results to the Committee on Government Reform of the House of Representatives.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $500,000 for each of fiscal years 2007 through 2011 to carry out this title, of which—

(1) 80 percent shall be for Hudson Valley activities relating to the commemoration;

(2) 10 percent shall be for New York City activities relating to the commemoration; and

(3) 10 percent shall be for distribution by the Commission in accordance with this Act for activities relating to the commemoration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 1520, a bill to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission. H.R. 1520 was introduced by Representative MAURICE HINCHEY on March 14, 2007. This legislation was reported from the Oversight and Government Reform Committee on July 19, 2007, by voice vote.

Mr. Speaker, Henry Hudson was hired by the Dutch East India company to try to find the Northwest Passage. On this trip in a ship called the Half Moon, Mr. Hudson sailed to Nova Scotia and then sailed south. In 1609, he found what is now called the Hudson River. Also in 1609, a French explorer, Samuel de Champlain, was exploring Lake Champlain, as well as the shore of northern New York and Vermont.

These voyages were two of the most significant passages in the European exploration and discovery of America. They led to the establishment of a Dutch settlement of what is now the capital city of the State of New York. Also, it led to the establishment of French trading posts, military posts and settlements as far south as Lake George. These settlements had a great influence on our Nation's history, culture, law, and commerce.

In 1807, Robert Fulton navigated the Hudson River from the city of New York to Albany in a steamboat which successfully began the use of steam navigation on a commercial basis. It revolutionized waterborne commerce on the great rivers of the United States and fostered international relations through transoceanic travel and trade.

The Hudson-Fulton-Champlain Quadricentennial Commemoration Act of

2007 establishes two commissions that would ensure a national observance of the Henry Hudson, Robert Fulton, and Samuel de Champlain 2009 commemorations through cooperation with the assistance to the programs and activities of New York, Vermont, and the commemorative commissions formed by these States.

Mr. Speaker, I commend my colleague, Representative MAURICE HINCHEY, for introducing this legislation, and I urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1520 establishes two important and historically based commissions. One commission recognizes the explorations of Henry Hudson and Robert Fulton in New York and Vermont, and the other recognizes Samuel de Champlain's discoveries in the same region. The overall goal of the Hudson-Fulton 400th Commemoration Commission is to plan, develop, and perform activities to commemorate the 400th anniversary of Henry Hudson's voyage on the New York river named in his honor and the 200th anniversary of Robert Fulton's voyage.

In 1609, Englishman Henry Hudson, under the direction of the Dutch East India Company, was named the first European to sail up the river later to be named for him and his significant exploration. In 1807, Robert Fulton's breakthrough use of commercial steam navigation revolutionized water-based commerce, naval warfare, and international relations.

It was these important expeditions which brought about the earliest encounters of Native Americans and Europeans. These voyages introduced new methods of commerce and trade and also introduced new religious beliefs, cultural exchange, and traditions which extend into the present day. Together, these 2 historic events will be celebrated through the creation of the Hudson-Fulton 400th Commemoration Commission. The same year of Hudson's exploration, Francis Samuel de Champlain became the first European to discover the New York lake later to be named in his honor.

The Champlain Quadricentennial Commemoration Commission will coordinate its festivities and celebrations with the Hudson-Fulton Commission. These commissions promote continued education and observations of historic events such as these which have helped to make our country what it is today. They influence the culture, heritage, and way of life for all early citizens of America.

I urge my colleagues to support the passage of H.R. 1520.

Mr. MCHUGH. Mr. Speaker, I rise today in strong support of H.R. 1520, the Hudson-Fulton-Champlain Quadricentennial Commemoration Act of 2007. I am proud to be an original cosponsor of this legislation, which I have been working with the Gentleman from New York, Mr. HINCHEY, since 2003 to enact. In fact, the House previously passed our bill, H.R. 2528, by voice vote during the 108th Congress.

The bill, H.R. 1520, before the House today would authorize $500,000 annually from fiscal year 2007 through fiscal year 2011 for the Champlain Quadricentennial Commemoration Commission, to plan and execute programs and activities to commemorate the 400th anniversary of Samuel de Champlain's voyage.

Likewise, H.R. 1520 would also authorize $500,000 annually from fiscal year 2007 through fiscal year 2011 for a second commission, the Hudson-Fulton 400th Commemoration Commission, to plan and execute programs and activities to commemorate the 400th anniversary of Henry Hudson's voyage, as well as the 200th anniversary of Robert Fulton's invention of the steamboat.

Samuel de Champlain, the "Father of New France," explored a great deal New York's 23rd Congressional District. In fact, he discovered Lake Champlain in 1609 and traveled extensively on the St. Lawrence River. Thus, my constituents in Northern New York, particularly those in Clinton County, have a keen interest in H.R. 1520, particularly its potential to enhance tourism.

Thus, I greatly appreciate the work the Gentleman from New York, Mr. HINCHEY, the Gentleman from California, Mr. WAXMAN, and the Gentleman from Virginia, Mr. DAVIS, have done to bring H.R. 1520 to the House floor and I urge my colleagues to vote for it today.

Mr. HALL of New York. Mr. Speaker, I rise today to express my strong support for the Hudson-Fulton-Champlain Quadricentennial Commemoration Act of 2007, which will simultaneously pay homage to the history of New York's Hudson Valley while helping to build a vibrant future for the region.

I would like to thank my colleague, Representative HINCHEY, for his leadership in drafting and introducing this important piece of legislation.

Mr. Speaker, the Hudson Valley has been a cradle of prosperity and a driver of growth and exploration in America since long before there was a United States of America. The character of the region, and the history of the nation, was strongly shaped by two separate voyages that occurred almost 400 years ago.

In July of 1609, the French explorer Samuel de Champlain, having already founded the settlement of Quebec, arrived with a group of Native Americans at what would eventually be known as Lake Champlain. This expedition would lay the groundwork for the settlement of the Champlain valley by French colonists in the "New World".

The next month, Henry Hudson would begin the voyage aboard that Half Moon that would bring him into New York under the Dutch flag. His efforts to find a sea route to Asia on behalf of the Dutch East India Company travels would eventually take him up what is now the Hudson River almost to Albany. Hudson was to be the first European explorer to navigate and note the full length of the Hudson River, and along the way he noted the region's inherent beauty and engaged in trade with Native Americans.

By laying the groundwork for settlement and commerce in the region, these voyages would help establish a corridor for trade that helped to drive the prosperity of the "New World" and continues to be an economic engine of America.

Two centuries after those fateful journeys, the region was once again home to a breakthrough that would transform commerce and transportation throughout the continent. On August 17, 1807 Robert Fulton successfully sailed his steamboat from New York City to Albany in the first long-distance trip of such a vessel. This 32-hour long trip opened the gateway to a new means of trade and transportation.

The Hudson-Fulton-Champlain Quadricentennial Commemoration Act of 2007 will make sure that these events, and their contribution to the greatness of our nation, will be appropriately honored. By establishing the Champlain Quadricentennial Commemoration Commission the Hudson-Fulton 400th Commemoration Commission to plan and execute commemorative activities in the region, the bill honors the storied past of the Hudson Valley, will bring increased prosperity to the region, and perhaps open the door to the Corridor's next great adventure.

Mrs. BIGGERT. I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCGOVERN). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1520.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

STAR-SPANGLED BANNER AND WAR OF 1812 BICENTENNIAL COMMISSION ACT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1389) to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Star-Spangled Banner and War of 1812 Bicentennial Commission Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the War of 1812 served as a crucial test for the United States Constitution and the newly established democratic Government;

(2) vast regions of the new multi-party democracy, including the Chesapeake Bay, the Gulf of Mexico and the Niagara Frontier, were affected by the War of 1812 including the States of Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Massachusetts,

Maryland, Maine, Michigan, Missouri, Mississippi, New Jersey, North Carolina, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, Wisconsin, West Virginia, and the District of Columbia;

(3) the British occupation of American territory along the Great Lakes and in other regions, the burning of Washington, DC, the American victories at Fort McHenry, New Orleans, and Plattsburgh, among other battles, had far reaching effects on American society;

(4) at the Battle of Baltimore, Francis Scott Key wrote the poem that celebrated the flag and later was titled "the Star-Spangled Banner";

(5) the poem led to the establishment of the flag as an American icon and became the words of the national anthem of the United States in 1932; and

(6) it is in the national interest to provide for appropriate commemorative activities to maximize public understanding of the meaning of the War of 1812 in the history of the United States.

(b) PURPOSES.—The purposes of this Act are to—

(1) establish the Star-Spangled Banner and War of 1812 Commemoration Commission;

(2) ensure a suitable national observance of the War of 1812 by complementing, cooperating with, and providing assistance to the programs and activities of the various States involved in the commemoration;

(3) encourage War of 1812 observances that provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the various War of 1812 sites;

(4) facilitate international involvement in the War of 1812 observances;

(5) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the War of 1812 observances; and

(6) promote the protection of War of 1812 resources and assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of the War of 1812.

(2) COMMISSION.—The term "Commission" means the Star-Spangled Banner and War of 1812 Bicentennial Commission established in section 4(a).

(3) QUALIFIED CITIZEN.—The term "qualified citizen" means a citizen of the United States with an interest in, support for, and expertise appropriate to the commemoration.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATES.—The term "States"—

(A) means the States of Alabama, Kentucky, Indiana, Louisiana, Maryland, Vermont, Virginia, New York, Maine, Michigan, and Ohio; and

(B) includes agencies and entities of each State.

SEC. 4. STAR-SPANGLED BANNER AND WAR OF 1812 COMMEMORATION COMMISSION.

(a) IN GENERAL.—The Secretary shall establish a commission to be known as the "Star-Spangled Banner and War of 1812 Bicentennial Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 22 members, of whom—

(A) 11 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Governors of Alabama, Kentucky, Indiana, Louisiana, Maine, Maryland, Michigan, New York, Ohio, Vermont, and Virginia;

(B) 3 members shall be qualified citizens appointed by the Secretary after consideration of nominations submitted by the Mayors of the District of Columbia, the City of Baltimore, and the City of New Orleans;

(C) 2 members shall be employees of the National Park Service, of whom—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration;

(D) 4 members shall be qualified citizens appointed by the Secretary with consideration of recommendations—

(i) 1 of which are submitted by the majority leader of the Senate;

(ii) 1 of which are submitted by the minority leader of the Senate;

(iii) 1 of which are submitted by the majority leader of the House of Representatives;

(iv) 1 of which are submitted by the minority leader of the House of Representatives; and

(E) 2 members shall be appointed by the Secretary from among individuals with expertise in the history of the War of 1812.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) VOTING.—

(1) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(2) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a chairperson and a vice chairperson from among the members of the Commission.

(2) ABSENCE OF CHAIRPERSON.—The vice chairperson shall act as chairperson in the absence of the chairperson.

(f) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Commission have been appointed and funds have been provided, the Commission shall hold the initial meeting of the Commission.

(g) MEETINGS.—Not less than twice a year, the Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(h) REMOVAL.—Any member who fails to attend 3 successive meetings of the Commission or who otherwise fails to participate substantively in the work of the Commission may be removed by the Secretary and the vacancy shall be filled in the same manner as the original appointment was made. Members serve at the discretion of the Secretary.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) plan, encourage, develop, execute, and coordinate programs, observances, and activities commemorating the historic events that preceded and are associated with the War of 1812;

(2) facilitate the commemoration throughout the United States and internationally;

(3) coordinate the activities of the Commission with State commemoration commissions, the National Park Service, the Department of Defense, and other appropriate Federal agencies;

(4) encourage civic, patriotic, historical, educational, religious, economic, tourism, and other organizations throughout the United States to organize and participate in the commemoration to expand the understanding and appreciation of the significance of the War of 1812;

(5) provide technical assistance to States, localities, units of the National Park System, and nonprofit organizations to further the commemoration and commemorative events;

(6) coordinate and facilitate scholarly research on, publication about, and interpretation of the people and events associated with the War of 1812;

(7) design, develop, and provide for the maintenance of an exhibit that will travel throughout the United States during the commemoration period to interpret events of the War of 1812 for the educational benefit of the citizens of the United States;

(8) ensure that War of 1812 commemorations provide a lasting legacy and long-term public benefit leading to protection of the natural and cultural resources associated with the War of 1812; and

(9) examine and review essential facilities and infrastructure at War of 1812 sites and identify possible improvements that could be made to enhance and maximize visitor experience at the sites.

(b) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—The Commission shall prepare a strategic plan and annual performance plans for any activity carried out by the Commission under this Act.

(c) REPORTS.—

(1) ANNUAL REPORT.—The Commission shall submit to Congress an annual report that contains a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall submit to the Secretary and Congress a final report that includes—

(A) a summary of the activities of the Commission;

(B) a final accounting of any funds received or expended by the Commission; and

(C) the final disposition of any historically significant items acquired by the Commission and other properties not previously reported.

SEC. 6. POWERS.

(a) IN GENERAL.—The Commission may—

(1) solicit, accept, use, and dispose of gifts or donations of money, services, and real and personal property related to the commemoration in accordance with Department of the Interior and National Park Service written standards for accepting gifts from outside sources;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action the Commission is authorized to take under this Act;

(4) use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government; and

(5) make grants to communities, nonprofit, commemorative commissions or organizations, and research and scholarly organizations to develop programs and products to

assist in researching, publishing, marketing, and distributing information relating to the commemoration.

(b) LEGAL AGREEMENTS.—

(1) IN GENERAL.—In carrying out this Act, the Commission may—

(A) procure supplies, services, and property; and

(B) make or enter into contracts, leases, or other legal agreements.

(2) LENGTH.—Any contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission in accordance with applicable laws.

(d) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committees Act (5 U.S.C. App.) shall not apply to the Commission.

(e) NO EFFECT ON AUTHORITY.—Nothing in this Act supersedes the authority of the States or the National Park Service concerning the commemoration.

SEC. 7. PERSONNEL MATTERS.

(a) MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(A), a member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STATUS.—A member of the Commission, who is not otherwise a Federal employee, shall be considered a Federal employee only for purposes of the provisions of law related to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the conduct of Federal employees.

(b) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and termination of employees (including regulations), appoint and terminate an executive director, subject to confirmation by the Commission, and appoint and terminate such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) STATUS.—The Executive Director and other staff appointed under this subsection shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

(3) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of basic pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United. States Code.

(c) GOVERNMENT EMPLOYEES.—

(1) FEDERAL EMPLOYEES.—

(A) SERVICE ON COMMISSION.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(B) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(C) CIVIL SERVICE STATUS.—Notwithstanding any other provisions in this section, Federal employees who serve on the Commission, are detailed to the Commission, or otherwise provide services under the Act, shall continue to be Federal employees for the purpose of any law specific to Federal employees, without interruption or loss of civil service status or privilege.

(2) STATE EMPLOYEES.—The Commission may—

(A) accept the services of personnel detailed from States (including subdivisions of States) under subchapter VI of chapter 33 of title 5, United States Code; and

(B) reimburse States for services of detailed personnel.

(d) MEMBERS OF ADVISORY COMMITTEES.—Members of advisory committees appointed under section 6(a)(2)—

(1) shall not be considered employees of the Federal Government by reason of service on the committees for the purpose of any law specific to Federal employees, except for the purposes of chapter 11 of title 18, United States Code, relating to conflicts of interest; and

(2) may be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines necessary.

(f) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may employ experts and consultants on a temporary or intermittent basis in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title. Such personnel shall be considered Federal employees under section 2105 of title 5, United States Code, notwithstanding the requirements of such section.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act not to exceed $500,000 for each of fiscal years 2008 through 2015.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section for any fiscal year shall remain available until December 31, 2015.

SEC. 9. TERMINATION OF COMMISSION.

(a) IN GENERAL.—The Commission shall terminate on December 31, 2015.

(b) TRANSFER OF MATERIALS.—Not later than the date of termination, the Commission shall transfer any documents, materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, exhibits, and any materials donated to the Commission that relate to the War of 1812, to Fort McHenry National Monument and Historic Shrine.

(c) DISPOSITION OF FUNDS.—Any funds held by the Commission on the date of termination shall be deposited in the general fund of the Treasury.

(d) ANNUAL AUDIT.—The Inspector General of the Department of the Interior shall perform an annual audit of the Commission, shall make the results of the audit available to the public, and shall transmit such results to the Committee on Oversight and Government Reform in the House of Representatives and the Committee on Judiciary in the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 1389, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission.

H.R. 1389 was introduced by Representative John Sarbanes on March 7, 2007. This legislation was reported from the Oversight and Government Reform Committee on July 19, 2007, by voice vote.

Mr. Speaker, the War of 1812 was fought between the United States and Great Britain from June 1812 to the spring of 1815. During this time, a young lawyer by the name of Francis Scott Key witnessed the last assault by the British against Fort McHenry in Baltimore. He was so inspired by the fort's still standing with its huge flag flying in the breeze of victory that Mr. Key wrote a poem celebrating this battle and the flag. He composed the lines about our great flag, the Star-Spangled Banner, which later became our country's national anthem.

I support H.R. 1389, a bill that will establish the Star-Spangled Banner and War of 1812 Bicentennial Commission to encourage, plan and execute programs commemorating the historic events that are associated with the War of 1812.

□ 1515

Mr. Speaker, I would commend Representative SARBANES for introducing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1389, the Star-Spangled Banner and War of 1812 Bicentennial Commission Act. The commission established by this legislation would be responsible for developing programs, observations, and activities commemorating the historic events associated with the War of 1812. The commission would also enhance the visitor experience at the War of 1812 sites and facilitate scholarly research on the people and events associated with the War of 1812. This legislation would provide for appropriate commemorative activities to increase public understanding, particularly that of young people, of the meaning of the War of 1812 and the history of the United States.

There is much to be learned about the effect of the War of 1812 on American history, including the victories at Fort McHenry, New Orleans and Plattsburg. As one example, it is often overlooked or even forgotten that Francis Scott Key wrote the Star-Spangled Banner during the War of 1812.

The commission is intending to raise public awareness through observations that will bring this important chapter in American history to thousands of visitors. I urge support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the author of this legislation, the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I want to thank Chairman DAVIS for yielding me time.

Mr. Speaker, I rise today in support of H.R. 1389, the Star-Spangled Banner and War of 1812 Bicentennial Commission Act, which I had the privilege of introducing. This legislation would empower a commission to plan and coordinate what I believe is going to be one of the most spectacular and memorable commemorations in recent history in this country, and that is the bicentennial celebration of the War of 1812 and the Francis Scott Key poem written during the British bombardment of Fort McHenry, Maryland, which later became the Star-Spangled Banner, our national anthem.

The Park Service recommended the creation of such a commission in a 2004 study. Its membership would be drawn from citizens from historically significant States, from National Park Service officials, historical experts, and other individuals selected by congressional leadership.

Because we are fast approaching the bicentennial of the War of 1812, I am pleased the House has taken up this legislation. I hope that the Senate will do so as well and the measure can be signed into law in the near future.

Mr. Speaker, many refer to the War of 1812 as the "second war of independence." When the war began, our fragile experiment in democracy was still in its early stages, and the Nation found itself under attack from one of the most powerful countries in the world. Many wondered whether a democracy could hold together through the trials of war. The War of 1812 proved that it could, and set the stage for the spread of democracy around the world.

Mr. Speaker, I want to thank Chairman WAXMAN and Chairman DAVIS for bringing this measure to the floor. I hope all of my colleagues will support the bill, which will help ensure a fitting celebration of the War of 1812 and the Star-Spangled Banner bicentennial.

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentlewoman for yielding, and I thank Mr. SARBANES for introducing this very important legislation.

Mr. Speaker, it is imperative for all Americans to know our early American history. Soon after the War of Independence and American independence, the new struggling United States had to go to war again with England to keep its independence.

Sometimes the War of 1812 is referred to as the forgotten war in American history. It is referred to as the "second American War of Independence." Be that as it may, we went to war with England a second time because the British kidnapped American sailors on the high seas and made them involuntary servants in the British Navy.

When the British invaded the United States during the War of 1812, they burned this city, Washington. They used Thomas Jefferson's books to burn this Capitol. They burned the White House. The President had to flee in the darkness of a torrential rainstorm. The United States future looked bleak.

So after capturing Washington, DC, the British headed north to finish the United States off in Baltimore. During a heated sea battle, the British bombarded Fort McHenry, defending the harbor of Baltimore. But the fort commander stood defiant, refused to surrender, and hoisted a massive American flag over the fort.

Mr. Speaker, this is no small flag. It is 30 feet by 42 feet in size. Such a flag could be seen for miles and miles away from Fort McHenry. An American lawyer named Francis Scott Key was onboard a British ship during the battle. He was there seeking the release of an American captive. After watching the night battle and seeing the glorious U.S. flag at sunrise, he wrote a poem, later turned into a song called the Star-Spangled Banner to honor this American victory.

This national anthem of ours is played at sports games and ceremonies and events across the Nation every day. In fact, I think the first time it was played at a sporting event was at a Chicago White Sox game in the early 1900s. Chairman DAVIS could correct me if that is incorrect.

Mr. Speaker, it is important that Americans understand what the anthem stands for and why it was written. I totally support H.R. 1389. This bill will create a commission to plan activities, programs and observances of history events surrounding this War of 1812. I am proud of how the United States as a new democracy developed into a great Nation during this time. This war and Francis Scott Key should be celebrated and honored and recognized.

By the way, Mr. Speaker, the British left the United States permanently after the battle of Fort McHenry and after Andrew Jackson and his boys defeated the British at the Battle of New Orleans.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve my time.

Mrs. BIGGERT. Mr. Speaker, it is my understanding that the majority has offered an amendment that I think improves this bill. I support the amendment and would encourage others to join me in supporting H.R. 1389, establishing the Star-Spangled and War of 1812 Bicentennial Commission.

I applaud the gentleman from Maryland (Mr. SARBANES) for his introduction of this bill, and I would urge passage.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I support H.R. 1389, as amended, and I want to commend the gentleman from Maryland for introducing this legislation and for bringing to our attention the importance of the War of 1812, the importance of our Star-Spangled Banner.

I also take this opportunity to commend my elementary school teachers, especially Mrs. Beadie King, who taught in a one-room school, who was so good that she could teach about the Star-Spangled Banner and you could feel shivers kind of going up and down your back. I am so pleased that I can still at times feel those and recognize perhaps what Francis Scott Key may have been thinking and what he may have been feeling when he looked up and saw that the flag was still standing.

So I thank the gentleman from Maryland (Mr. SARBANES) again for introducing this legislation and urge its passage.

Mr. MCHUGH. Mr. Speaker, I rise today in strong support of H.R. 1389, the Star-Spangled Banner and War of 1812 Bicentennial Commission Act. I am proud to be an original cosponsor of this legislation, which is of great importance to my constituents in Northern New York. Thus, I greatly appreciate the work the Gentleman from Maryland, Mr. SARBANES, the Gentleman from California, Mr. WAXMAN, and the Gentleman from Virginia, Mr. DAVIS, have done to bring H.R. 1389 to the House floor.

I represent New York's 23rd Congressional District, which encompasses most of Northern New York. From Lake Champlain in the east, my District runs along the St. Lawrence River and our nation's Northern border to Lake Ontario in the west. The District encompasses territory that played an important role in our nation's early history; much of it was literally on the front lines of the War of 1812.

During the War of 1812, my District was not only the site of skirmishes but also the significant Battles of Plattsburgh and Sackets Harbor. In fact, 193 years ago on September 11, 1814, Commodore Thomas McDonough repulsed a British invasion led by Sir George Provost at Plattsburgh Bay on Lake Champlain. McDonough's victory was significant because it ended a grave threat and gave impetus to then-ongoing peace negotiations. Likewise, but earlier during the war and on the other side of the District, Brigadier General Jacob Brown stopped a British invasion led by Sir George Provost and Commodore James Yeo at Sackets Harbor. Of note, Sackets Harbor was the United States' main shipbuilding naval base on Lake Ontario.

In addition to providing a mechanism to properly remember and honor these and other significant events in our nation's history, H.R. 1389 is also important to my constituents because of its potential to help increase tourism. Tourism is an important component of the economy in New York's 23rd District and is a cornerstone of efforts to further much-needed economic development. Accordingly, I ask my colleagues to vote for H.R. 1389 today and I look forward to working further to enact this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1389, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WOODROW WILSON PRESIDENTIAL LIBRARY AUTHORIZATION ACT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1664) to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR ESTABLISHMENT OF THE WOODROW WILSON PRESIDENTIAL LIBRARY.

(a) GRANTS AUTHORIZED.—Subject to subsections (b), (c), and (d), the Archivist of the National Archives and Records Administration may make grants to contribute funds for the establishment in Staunton, Virginia, of a library to preserve and make available materials related to the life of President Woodrow Wilson and to provide interpretive and educational services that communicate the meaning of the life of Woodrow Wilson.

(b) LIMITATION.—A grant may be made under subsection (a) only from funds appropriated to the Archivist specifically for that purpose.

(c) CONDITIONS ON GRANTS.—

(1) MATCHING REQUIREMENT.—A grant under subsection (a) may not be made until such time as the entity selected to receive the grant certifies to the Archivist that funds have been raised from non-Federal sources for use to establish the library in an amount equal to at least double the amount of the grant.

(2) RELATION TO OTHER WOODROW WILSON SITES AND MUSEUMS.—The Archivist shall further condition a grant under subsection (a) on the agreement of the grant recipient to operate the resulting library in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Woodrow Wilson. Cooperative efforts to promote and interpret the life of Woodrow Wilson may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(d) PROHIBITION OF CONTRIBUTION OF OPERATING FUNDS.—Grant amounts may not be used for the maintenance or operation of the library.

(e) NON-FEDERAL OPERATION.—The Archivist shall have no involvement in the actual operation of the library, except at the request of the non-Federal entity responsible for the operation of the library.

(f) AUTHORITY THROUGH FISCAL YEAR 2011.—The Archivist may not use the authority provided under subsection (a) after September 30, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 1664, a bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library. H.R. 1664 was introduced by Representative BOB GOODLATTE on March 23, 2007. This legislation was reported from the Oversight Committee on July 19, 2007, by voice vote.

Mr. Speaker, as a statesman, scholar and President, Woodrow Wilson faced an economic crisis and a world war while serving the country as Commander in Chief. Historians believe that World War I and President Wilson's leadership radically altered the role of diplomacy as a tool of foreign policy, a policy that established a new path for America's role in promoting democracies throughout the world. His vision helped shape the powers and responsibilities of the executive branch in times of war.

H.R. 1664, the Woodrow Wilson Presidential Library Authorization Act, will allow the National Archives to provide grants for the establishment of a Presidential library to provide educational services to honor the life of former President Woodrow Wilson.

Mr. Speaker, I commend my colleague, Representative BOB GOODLATTE, for introducing this legislation, and urge swift passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. GOODLATTE), the sponsor of this bill.

Mr. GOODLATTE. Mr. Speaker, I would like to thank the gentleman from Illinois and the gentlewoman from Illinois for their assistance with this legislation, as well as Mr. WAXMAN, the chairman of the Government Reform Committee, and my colleague from Virginia, Congressman TOM DAVIS, all of whom have been a great help in moving this legislation forward.

I rise in support of H.R. 1664, the Woodrow Wilson Presidential Library Authorization Act, which will authorize grants from the National Archives for the establishment of a Presidential library to provide educational and interpretive service to honor the life of Woodrow Wilson.

As a statesman, scholar and President, Woodrow Wilson faced economic crisis, democratic decay and a world war. Presidential historians agree that World War I and President Wilson's leadership radically altered the role of diplomacy as a tool of foreign policy, a policy that established a new path for

America's role in promoting democracies throughout the world. So, too, did Wilson's high-minded ideals craft a legacy that shaped the powers and responsibilities of the executive branch in times of war.

Mr. Speaker, as a professor and president of Princeton University, Wilson created a more selective and accountable system for higher education. By instituting curriculum reform, Wilson revolutionized the roles of teachers and students and quickly made Princeton one of the most renowned universities in the world. Due to Wilson's legacy at Princeton, I am pleased to have the support of current Princeton President Shirley Tilghman as we establish this library.

H.R. 1664 gives the National Archives the authority to make pass-through grants for the establishment of the Presidential library in Stanton, Virginia, Woodrow Wilson's birthplace, and does not create a new program. In addition, to ensure that this is a public-private partnership, this legislation mandates that no grant shall be available for the establishment of this library until a private entity has raised at least twice the amount to be allocated by the Archives. Quite frankly, more Federal public-private programs should operate in this manner.

Finally, and to ensure that the Woodrow Wilson Presidential Library is not part of the Presidential Library System, this legislation states that the Federal Government shall have no role or responsibility for the operation of the library.

I am also pleased to have the support of several other presidential sites throughout the Commonwealth of Virginia, known as the birthplace of Presidents, including Monticello, Poplar Forest, Montpelier, Ash Lawn, and Mount Vernon.

Mr. Speaker, in order to increase the awareness and understanding of the life, principles and accomplishments of the 28th President of the United States, I ask that you join me in supporting this legislation. I want to thank House leadership for scheduling this bill today. The cosponsors include the entire Virginia delegation. I am also grateful to the staff of the Government Reform Committee and the Office of Legislative Counsel for their assistance in crafting this bill.

As a reminder to my colleagues, this legislation is identical to a bill the House passed by a voice vote in the 109th Congress but was not considered in the Senate. At this time, I urge my colleagues to support this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, during President Franklin D. Roosevelt's second term of office, he decided there should be a way to preserve and maintain official records and artifacts from his Presidency and the Presidency of future generations. Until his Presidency, many historic documents had been damaged, ruined or unaccounted for over the years.

☐ 1530

President Roosevelt realized the need for preserving these valuable pieces of history and sought a way to make them available to the public.

There are currently 12 Presidential libraries, including the Nixon Presidential Materials. Each is funded through private donations, and upon completion of the library is turned over to the National Archives. These libraries are essentially museums and centers for learning about these Presidents and their terms in office. H.R. 1664 authorizes funding for the establishment of a Woodrow Wilson Presidential Library in his birthplace of Staunton, Virginia. It also states the National Archives and Records Administration will provide a matching grant towards the establishment of the library. The library will coordinate its efforts with other Woodrow Wilson museums to share exhibits and educational services.

The Presidency of Woodrow Wilson is known for many achievements, among them are establishing the Federal Trade Commission and the Federal Reserve. He served his second term during World War I and worked with European nations on peace negotiations, including the Treaty of Versailles and the creation of the League of Nations.

It is critical we preserve the Presidential papers, historical records, and other artifacts of Woodrow Wilson's Presidency as we do with the previous 11 Presidents. These libraries offer citizens the opportunity to learn, study and appreciate an important period of American history. I urge my colleagues to support the passage. I applaud the gentleman from Virginia (Mr. GOODLATTE) for introducing this bill and urge passage.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, if my history serves me right, President Woodrow Wilson did not hold an elected public office prior to becoming President of the United States of America, which I think is indeed a feat in and of itself. So I want to commend the gentleman from Virginia for his introduction of this legislation, and urge its support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1664.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2007

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3540) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Extension Act of 2007".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2007" and inserting "December 31, 2007".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking "September 30, 2007" and inserting "December 31, 2007".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2007" and inserting "December 31, 2007".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2007" and inserting "January 1, 2008", and

(2) by inserting "or the Federal Aviation Administration Extension Act of 2007" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of such Code is amended by striking "October 1, 2007" and inserting "January 1, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by inserting after paragraph (4) the following:

"(5) $918,750,000 for the 3-month period beginning October 1, 2007.".

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2008, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "September 30, 2007," and inserting "December 31, 2007,".

SEC. 5. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) of title 49, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by inserting after subparagraph (D) the following:

"(E) such sums as may be necessary for the 3-month period beginning October 1, 2007.".

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by inserting after paragraph (4) the following:

"(5) such sums as may be necessary for the 3-month period beginning October 1, 2007.".

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (11)(L);

(2) by striking the period at the end of paragraph (12)(L) and inserting "; and"; and

(3) by adding at the end the following:

"(13) such sums as may be necessary for the 3-month period beginning October 1, 2007.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Missouri (Mr. HULSHOF) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3540 extends the financing and spending authority of the Airport and Airway trust fund.

The trust fund taxes and spending authority are scheduled to expire on October 1, 2007. H.R. 3540 extends these taxes at current rates for 3 months. H.R. 3540 was unanimously reported out of the Ways and Means Committee with bipartisan support. This bill will keep the Airport and Airway trust fund taxes and operations in place until the long-term FAA Reauthorization Act is signed into law.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—SEPTEMBER 21, 2007

H.R. 3540

Federal Aviation Administration Extension Act of 2007—As ordered reported by the House Committee on Ways and Means on September 18, 2007

Summary: H.R. 3540 would extend, through the end of calendar year 2007, the existing taxes that are dedicated to the Airport and Airway Trust Fund and are set to expire on September 30, 2007. The Joint Committee on Taxation (JCT) estimates that enacting H.R. 3540 would have no effect on revenues relative to the current baseline projection for taxes dedicated to the trust fund.

The bill also would extend, through the end of calendar year 2007, the authority to expend amounts from the trust fund (including interest) for major programs administered by the Federal Aviation Administration (FAA). CBO estimates that implementing the bill would increase discretionary spending by $3.1 billion over the 2008–2012 period by authorizing appropriation of revenues expected to be collected during the first three months of fiscal year 2008. Enacting the bill would not affect direct spending.

JCT has determined that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated costs to the Federal Government: The estimated budgetary impact of H.R. 3540 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
Spending from the Airport and Airway Trust Fund under Current Law:						
Authorization Level[1]	11,846	0	0	0	0	0
Estimated Outlays	12,310	4,714	1,944	744	214	35
Proposed Changes:						
Estimated Authorization Level[2]	0	3,091	0	0	0	0
Estimated Outlays	0	2,782	278	31	0	0
Spending from the Airport and Airway Trust Fund under H.R. 3540:						
Estimated Authorization Level	11,846	3,091	0	0	0	0
Estimated Outlays	12,310	7,496	2,222	775	214	35

[1] The 2007 level is the amount of discretionary budgetary resources provided from the Airport and Airway Trust Fund for that year for major FAA programs. Discretionary budgetary resources include appropriations for FAA operations, facilities and equipment, and research programs as well as limitations on the obligations of contract authority for the Airport Improvement Program. It does not include additional amounts appropriated to the FAA from the General Fund.

[2] The estimated level is for one-quarter of fiscal year 2008. If funded for the full year, that amount would total approximately $12.4 billion.

Basis of estimate: For this estimate, JCT and CBO assume that H.R. 3540 will be enacted near the start of fiscal year 2008 and that appropriation actions consistent with the bill will be taken in fiscal year 2008.

REVENUES

The existing excise taxes that are dedicated to the Airport and Airway Trust Fund are scheduled to expire on September 30, 2007. The taxes consist of levies on transportation of persons and property by air, use of international air facilities, and use of aviation fuels and are estimated to generate revenues of over $11 billion in fiscal year 2007. The bill would extend all of the taxes at the current rate through the end of calendar year 2007.

Under the projection rules in section 257 of the Balanced Budget and Emergency Deficit Control Act, which are followed for Congressional scorekeeping purposes, estimates of the revenue effects of the legislation assume that expiring excise taxes dedicated to a trust fund are extended indefinitely and are measured relative to a baseline that assumes that the expiring excise taxes are extended at the same rates that would be in place immediately before their scheduled expiration. As a result, JCT estimates no change in revenue from the three-month extension in this bill.

SPENDING SUBJECT TO APPROPRIATION

By extending, through the first three months of fiscal year 2008, the authority to expend amounts from the Airport and Airway Trust Fund, CBO estimates that the bill would authorize appropriations of the amounts that CBO estimates would be deposited in the fund during that three-month period—about $3.1 billion. Assuming appropriation action consistent with the bill, CBO estimates that implementing H.R. 3540 would increase discretionary spending by $3.1 billion over the 2008–2012 period. (If the funding were authorized for the entire fiscal year, it would yield a total annualized amount of $12.4 billion.)

Intergovernmental and private-sector impact: JCT has determined that the bill contains no intergovernmental or private-sector mandates as defined in UMRA.

Previous CBO estimate: On September 18, 2007, CBO transmitted a cost estimate for H.R. 3539, the Airport and Airway Trust Fund Financing Act of 2007, as ordered reported by the House Committee on Ways and Means on September 18, 2007. Differences in JCT's estimates of revenues result from provisions in H.R. 3539 that would increase the excise tax rates on noncommercial aviation-grade kerosene and aviation gasoline. JCT also determined that increasing the tax rate on aviation-grade kerosene would impose a private-sector mandate as defined in UMRA. In addition, CBO's estimate of discretionary spending under H.R. 3539 reflects the four-year authorization contained in that bill.

Estimate prepared by: Federal Revenues: Barbara Edwards; Federal Spending: Megan Carroll.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis; G. Thomas Woodward, Assistant Director for Tax Analysis.

Mr. Speaker, I reserve the balance of my time.

Mr. HULSHOF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3540, the Federal Aviation Administration Extension Act of 2007. As the gentleman, my colleague on the Ways and Means Committee, indicated, this bill is a 3-month extension of the excise taxes that currently fund the Airport and Airway trust fund.

Time is of the essence, as the Speaker knows, as these taxes are due to expire at the end of the month, and it is imperative that we do not cut off this source of funding that benefits our Nation's airports and the aviation community, as well as the tens of thousands of airline passengers. I see my colleague from Illinois nodding, and we shared a plane ride here moments ago.

In addition, there has been a lot of discussion about a way to reformulate the way we fund the trust fund. There have been some interesting ideas bandied about by different points of view. This temporary extension allows us that additional time to consider some fundamental reforms to the tax structure that finances the Airport and Airway trust fund and to spend some more time studying the NextGen air traffic control modernization proposal before we move towards conference with the Senate to consider FAA reauthorization.

As the gentleman from Michigan pointed out, this bill was reported out of our committee by voice vote. Since it extends to the end of the calendar year the existing taxes dedicated to the trust fund, there is no effect on revenues as we extend the current baseline. I urge my colleagues to vote "yes" on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 3540, the FAA Extension Act of 2007.

I want to thank Chairman RANGEL, Ranking Member MCCRERY, and my friends from Michigan and Missouri on the Ways and Means Committee, as well as the ranking member of the Transportation and Infrastructure Committee, Mr. MICA, and Mr. PETRI, the ranking member of the subcommittee.

Last Thursday, the House passed H.R. 2881, the FAA Reauthorization Act of 2007, a long-term authorization of the FAA programs. However, until H.R. 2881 is signed into law, it is imperative that we not allow the FAA's critical programs to lapse. This legislation before us today would extend the aviation trust fund taxes for an additional 3 months at their current rate.

During our last funding debate 10 years ago, there was a lapse in the aviation taxes. At that time, the uncommitted balance of the trust fund was sufficient to continue funding our aviation program and services without significant disruption to the system. Today we do not have that luxury. The trust fund balances cannot sustain a long-term lapse in taxes, which is why it is critical that we pass this legislation before us today.

In addition to extending the aviation taxes, H.R. 3540 extends the Airport Improvement Program. Because the AIP is funded by contract authority rather than discretionary appropriations, funding for it is not automatically extended by continuing resolutions. H.R. 3540 creates $918.75 million in AIP contract authority to fund the programs for the next 3 months from October 1, 2007 through December 31, 2007. When annualized, this equates to $3.675 billion for the full fiscal year of 2008, which is the current baseline level for this program. This will ensure that airport funding is not interrupted due to a lapse in the AIP authorization.

This is not the first time we have passed a short-term extension. In 1999 and 2000, as Congress was debating what eventually became the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, or AIR-21, we passed four extensions of the FAA's contract authority.

For FAA's operations, facilities and equipment, and research and development programs, the bill authorizes the appropriation of such sums as may be necessary for a 3-month period of this extension.

Finally, current law allows the Secretary to limit to $100 million the third-party liability exposure of airlines and aircraft manufacturers for any cause resulting from a terrorist event. This authority expires on September 30, 2007. The legislation before us today extends this authority to December 31 of this year.

Aviation is too important to our Nation's economy, contributing $1.2 trillion in output and approximately 11.4 million U.S. jobs. It is too important to allow for any lapse of taxes or funding for critical aviation programs. Until H.R. 2881 is signed into law, we must ensure that the FAA has the funds it needs to continue its vital programs.

Mr. Speaker, H.R. 3540 provides a short 3-month extension to ensure FAA's programs remain fully funded, and I urge my colleagues to support this legislation.

Mr. HULSHOF. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI), the ranking member of the Aviation Subcommittee.

Mr. PETRI. Mr. Speaker, I thank my colleague from Missouri.

Last week, Members of this body considered and passed the FAA Reauthorization Act of 2007, H.R. 2881, which reauthorized the FAA for the next 4 years.

Unfortunately, the authority of the FAA's programs and taxes expires this Sunday, September 30. As it is unlikely Congress will be able to send a FAA reauthorization bill to the President for signature before the September 30 deadline, we have before us H.R. 3540, the Federal Aviation Administration Extension Act of 2007, to extend the funding and expenditure authority of the FAA for the next 90 days through the end of this year.

H.R. 3540 provides 3 months of AIP contract authority at the budget 2007 level, authorizes such sums as are necessary for FAA facilities and equipment, research and development, and operations for 3 months and extends the authority to limit the third-party liability of air carriers arising out of acts of terrorism for 3 months.

Most importantly, the bill will ensure that our national aviation system continues to operate until a full FAA reauthorization can be enacted.

There is much work yet to be done on the reauthorization bill. We must work in a bipartisan and bicameral fashion to craft legislation that our President can sign. That's our task. That is what the communities involved and our constituents expect of us.

I support this clean 3-month extension, and I appreciate the efforts of my colleagues on the Ways and Means Committee for drafting and introducing H.R. 3540, and look forward to working with them as we continue consideration of the FAA reauthorization bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 3540, the "Federal Aviation Administration Extension Act of 2007."

The current authorization for aviation programs and taxes expires on September 30, 2007. Last week, the House overwhelmingly passed H.R. 2881, the "FAA Reauthorization Act of 2007," to reauthorize the aviation programs for four years. Until this long-term reauthorization bill can be signed into law, there are a few critical provisions that must not be allowed to lapse at the end of this week. These important provisions are extended in H.R. 3540, the bill before us today.

I strongly support the extension of the aviation excise taxes as proposed in H.R. 3540. These taxes are necessary to support the Airport and Airway Trust Fund, which in recent years has provided about 80 percent of the Federal Aviation Administration's budget. With an uncommitted cash balance of less than $2 billion, any lapse in the aviation taxes could put the solvency of the Trust Fund at risk.

In addition to extending the aviation taxes, H.R. 3540 extends the Airport Improvement Program. Because the Airport Improvement Program is funded by contract authority, rather than discretionary appropriations, funding for it is not automatically extended by Continuing Resolutions. H.R. 3540 creates $918.75 million in Airport Improvement Program contract authority to fund the program for the three-month period from October 1, 2007, to December 31, 2007. This amount, when annualized, equals the fiscal year 2007 amount for the program ($3.675 billion). This provision will ensure that airport funding is not interrupted because of a lapse in the Airport Improvement Program's authorization.

The bill also authorizes the appropriation of such sums as may be necessary for Federal

Aviation Administration Operations, Facilities and Equipment, and Research and Development programs for the three-month period of the extension.

Finally, current law allows the Secretary to limit to $100 million the third-party liability exposure of airlines and aircraft manufacturers for any cause resulting from a terrorist event. This authority expires September 30, 2007. H.R. 3540 extends this authority to December 31, 2007.

In summary, this bill simply continues aviation programs and financing under the same terms and conditions as current law. It ensures that these important programs continue to operate without any interruption.

I thank Chairman RANGEL and Ranking Member MCCRERY of the Committee on Ways and Means for working with the Committee on Transportation and Infrastructure to include the aviation authorization provisions in H.R. 3540. I also thank my Committee colleagues, Ranking Member MICA, Subcommittee Chairman COSTELLO, and Subcommittee Ranking Member PETRI, for working with me on this critical legislation.

I look forward to Senate passage of its long-term FAA reauthorization bill and sending a bill to the President in the coming months.

I urge my colleagues to join me in supporting H.R. 3540.

Mr. HULSHOF. We have no other speakers remaining, and I urge my colleagues to vote "yes," and I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, there being no further requests on this side of the aisle, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 3540, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.".

A motion to reconsider was laid on the table.

RECOGNIZING ESTABLISHMENT OF HUNTERS FOR THE HUNGRY PROGRAMS

Mr. CARDOZA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 79) recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs efforts to decrease hunger and help feed those in need.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 79

Whereas Hunters for the Hungry programs are cooperative efforts among hunters, sportsmen's associations, meat processors, State meat inspectors, and hunger relief organizations to help feed those in need;

Whereas during the past three years Hunters for the Hungry programs have brought hundreds of thousands of pounds of venison to homeless shelters, soup kitchens, and food banks; and

Whereas each year donations have multiplied as Hunters for the Hungry programs continue to feed those in need: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the cooperative efforts of hunters, sportsmen's associations, meat processors, State meat inspectors, and hunger relief organizations to establish Hunters for the Hungry programs across the United States; and

(2) recognizes the contributions of Hunters for the Hungry programs to efforts to decrease hunger and help feed those in need.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come before the House today to encourage passage of House Resolution 79, recognizing the establishment of Hunters for the Hungry programs across the United States and recognizing the contributions of those programs to decrease hunger and help feed those in need.

Hunters for the Hungry is a unique and innovative program that addresses hunger in communities nationwide. Hunters can donate their game and fowl to Hunters for the Hungry which processes the meat and provides it to food banks and other feeding programs. This cooperative effort between hunters, processors, and the hunger community is an innovative example of how groups can work together toward a single worthy goal.

This legislation received unanimous support in the House Agriculture Committee, and I strongly encourage passage of this bill.

Mr. Speaker, I reserve the balance of my time.

□ 1545

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H. Res. 79 and applaud this body for recognizing the collaborative efforts of hunters, sportsmen's associations, meat processors, State meat inspectors and hunger relief associations to establish Hunters for the Hungry programs across the U.S.

When a hunter donates a deer, it is processed by professional meat cutters at inspected facilities. The meat is then packaged, frozen and distributed to food banks, soup kitchens, church food pantries, the Salvation Army and other nonprofit organizations serving the States' hungry. Funds are raised to cover the cost of processing, distribution and the overhead expenses of operation so that the meat can be provided to these agencies at no cost. Through the program, food banks and soup kitchens are provided with a low-fat, high-protein meat that may not otherwise be available.

In my own State of Virginia, the Virginia Hunters for the Hungry program has distributed over 2.3 million pounds of venison since its establishment in 1991. In the first year, roughly 33,000 pounds of venison was donated, processed and distributed through the program. Now, the average exceeds 300,000 pounds a year, and this program is a reflection of the generosity of the American spirit.

I commend the generosity of Virginia hunters and all who participate in the Hunters for the Hungry program, whose contributions are a step in the right direction in the fight against hunger.

Mr. Speaker, let me say on a personal note that I have had the pleasure of supporting this organization for several years now, and just recently, a few weeks ago, attended a Hunters for the Hungry banquet, at which the spirit of not just hunters but people who are generous and want to take care of the needs of those who can use additional sustenance and I think in a very efficient way have participated in this program and showed that generosity once more.

So I commend all those, not just in Virginia but across the country, who participate in this, and I particularly commend the gentleman from Georgia (Mr. GINGREY) who has fostered this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I continue to reserve.

Mr. GOODLATTE. Mr. Speaker, at this time it's my pleasure to yield to the gentleman from Georgia (Mr. GINGREY) such time as he may consume.

Mr. GINGREY. Mr. Speaker, I want to thank Chairman PETERSON and Ranking Member GOODLATTE, my good friend from California (Mr. CARDOZA), my classmate, and all the members on the Agriculture Committee for bringing this resolution to the floor today during the inaugural Congressional Sportsmen's Week.

I also want to thank the Congressional Sportsmen's Caucus, under the leadership of co-chairs RON KIND of Wisconsin and PAUL RYAN of Wisconsin, during this Congress. This bipartisan organization, comprised of close to 300 Members of the House and Senate, focuses on protecting the interests of our Nation's sportsmen. As a proud member of the Congressional Sportsmen's Caucus, I know that it works diligently for our sportsmen who have historically shaped the character and the quality of America's cultural heritage, natural resources and economic vitality.

Mr. Speaker, as Mr. GOODLATTE said, I first introduced the Hunters for the Hungry resolution in the 108th Congress to bring attention to an often overlooked group, our Nation's hunters, who help feed thousands of homeless and hungry people each year. The purpose of this resolution is to praise the work of Hunters for Hungry programs across our country. These programs provide a unique way in which to address our Nation's hunger problem.

Although these organizations are called by different names across the country, Hunters for the Hungry organizations show the humanitarian and the kindhearted spirit of our Nation's hunting community. These programs are volunteer and cooperative efforts among hunters, sportsmen's associations, meat processors, State meat inspectors and hunger relief organizations.

Over the past 3 years, these programs have brought hundreds of thousands of pounds of excess venison to homeless shelters, soup kitchens and food banks. Each year, donations have multiplied, and many programs now cannot even cover the costs of processing, packaging, storing and distributing the abundant supply of donated venison.

Hunters for the Hungry organizations serve as a great example of how our Nation can address issues like hunger without government intervention. These organizations receive no Federal funds, and they operate from donations and volunteer service. We must raise the awareness of these organizations so they can have the resources and the volunteers to serve America's underprivileged.

One such organization, Mr. Speaker, in my district is Pure Cuts Deer Processing in Floyd County. Nick Ballinger operates this volunteer effort, and it feeds thousands of hungry people in northwest Georgia. He's always open to both financial contributions and venison donations so that he can expand the organization and feed more people annually. Nick is just one of many kindhearted hunters who donate their time and money for those in need.

Mr. Speaker, I once again ask the House to speak in one voice of gratitude and urge passage of the Hunters for the Hungry resolution to honor this great community service.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume, and I'd like to rise to congratulate my colleague, Mr. GINGREY from Georgia, on this legislation, and also thank my colleague and friend Mr. GOODLATTE for managing it on the Republican side.

Our chairman on the Democratic side, Mr. PETERSON, is an avid hunter and, I'd like to say, a very successful one as well. I know he wants to extend his gratitude for this bill and totally supports it.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and agree to the resolution, H. Res. 79.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PESTICIDE REGISTRATION IMPROVEMENT RENEWAL ACT

Mr. CARDOZA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1983) to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pesticide Registration Improvement Renewal Act".

SEC. 2. REVIEW OF APPLICATIONS.

Section 3(c)(3)(B)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(3)(B)(ii)) is amended—

(1) in subparagraph (I), by striking "within 45 days" and all that follows through "and," and inserting "review the application in accordance with section 33(f)(4)(B) and,"; and

(2) in subparagraph (II), by striking "within" and inserting "not later than the applicable decision review time established pursuant to section 33(f)(4)(B), or, if no review time is established, not later than".

SEC. 3. REGISTRATION REVIEW.

Section 3(g)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, by striking "The registrations" and inserting the following:

"(i) IN GENERAL.—The registrations";

(B) in the second sentence, by striking "The Administrator" and inserting the following:

"(ii) REGULATIONS.—In accordance with this subparagraph, the Administrator"; and

(C) by striking "The goal" and all that follows through "No registration" and inserting the following:

"(iii) INITIAL REGISTRATION REVIEW.—The Administrator shall complete the registration review of each pesticide or pesticide case, which may be composed of 1 or more active ingredients and the products associated with the active ingredients, not later than the later of—

"(I) October 1, 2022; or

"(II) the date that is 15 years after the date on which the first pesticide containing a new active ingredient is registered.

"(iv) SUBSEQUENT REGISTRATION REVIEW.—Not later than 15 years after the date on which the initial registration review is completed under clause (iii) and each 15 years thereafter, the Administrator shall complete a subsequent registration review for each pesticide or pesticide case.

"(v) CANCELLATION.—No registration";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) DOCKETING.—

"(i) IN GENERAL.—Subject to clause (ii), after meeting with 1 or more individuals that are not government employees to discuss matters relating to a registration review, the Administrator shall place in the docket minutes of the meeting, a list of attendees, and any documents exchanged at the meeting, not later than the earlier of—

"(I) the date that is 45 days after the meeting; or

"(II) the date of issuance of the registration review decision.

"(ii) PROTECTED INFORMATION.—The Administrator shall identify, but not include in the docket, any confidential business information the disclosure of which is prohibited by section 10.".

SEC. 4. MAINTENANCE FEES.

(a) TOTAL AMOUNT OF FEES.—Section 4(i)(5)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5)(C)) is amended by striking "amount of" and all that follows through the end of clause (v) and inserting "amount of $22,000,000 for each of fiscal years 2008 through 2012".

(b) AMOUNTS FOR REGISTRANTS.—Section 4(i)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5) is amended—

(1) in subparagraph (D)—

(A) in clause (i), by striking "shall be" and all that follows through the end of subclause (IV) and inserting "shall be $71,000 for each of fiscal years 2008 through 2012; and"; and

(B) in clause (ii), by striking "shall be" and all that follows through the end of subclause (IV) and inserting "shall be $123,000 for each of fiscal years 2008 through 2012."; and

(2) in subparagraph (E)(i)—

(A) in subclause (I), by striking "shall be" and all that follows through the end of item (dd) and inserting "shall be $50,000 for each of fiscal years 2008 through 2012; and"; and

(B) in subclause (II), by striking "shall be" and all that follows through the end of item (dd) and inserting "shall be $86,000 for each of fiscal years 2008 through 2012.".

(c) EXTENSION OF AUTHORITY FOR COLLECTING MAINTENANCE FEES.—Section

4(i)(5)(H) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(5)(H) is amended by striking "2008" and inserting "2012."

(d) OTHER FEES.—

(1) IN GENERAL.—Section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(6)) is amended by striking "2010" and inserting "2014".

(2) PROHIBITION ON TOLERANCE FEES.—Section 408(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)) is amended by adding at the end the following:

"(3) PROHIBITION.—During the period beginning on the effective date of the Pesticide Registration Improvement Renewal Act and ending on September 30, 2012, the Administrator shall not collect any tolerance fees under paragraph (1).".

(e) REREGISTRATION AND EXPEDITED PROCESSING FUND.—

(1) SOURCE AND USE.—Section 4(k)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(k)(2)(A)) is amended—

(A) in the first sentence, by inserting "and to offset the costs of registration review under section 3(g)" after "paragraph (3)";

(B) in clause (i), by inserting "and to offset the costs of registration review under section 3(g)" after "paragraph (3)"; and

(C) in clause (ii), by inserting "and to offset the costs of registration review under section 3(g)" after "paragraph (3)".

(2) EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.—Section 4(k)(3)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(k)(3)(A)) is amended by striking "2007 and 2008" and inserting "2008 through 2012".

SEC. 5. PESTICIDE REGISTRATION SERVICE FEES.

(a) DOCUMENTATION.—Section 33(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(b)(2)) is amended—

(1) in subparagraph (C), by striking clause (ii) and inserting the following:

"(ii) payment of at least 25 percent of the registration service fee and a request for a waiver from or reduction of the remaining amount of the registration service fee."; and

(2) by adding at the end the following:

"(D) PAYMENT.—The registration service fee required under this subsection shall be due upon submission of the application.

"(E) APPLICATIONS SUBJECT TO ADDITIONAL FEES.—An application may be subject to additional fees if—

"(i) the applicant identified the incorrect registration service fee and decision review period;

"(ii) after review of a waiver request, the Administrator denies the waiver request; or

"(iii) after review of the application, the Administrator determines that a different registration service fee and decision review period apply to the application.

"(F) EFFECT OF FAILURE TO PAY FEES.—The Administrator shall reject any application submitted without the required registration service fee.

"(G) NON-REFUNDABLE PORTION OF FEES.—

"(i) IN GENERAL.—The Administrator shall retain 25 percent of the applicable registration service fee.

"(ii) LIMITATION.—Any waiver, refund, credit or other reduction in the registration service fee shall not exceed 75 percent of the registration service fee.

"(H) COLLECTION OF UNPAID FEES.—In any case in which the Administrator does not receive payment of a registration service fee (or applicable portion of the registration service fee) by the date that is 30 days after the fee is due, the fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.".

(b) AMOUNT OF FEES.—Section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "Pesticide Registration Improvement Act of 2003" and inserting "Pesticide Registration Improvement Renewal Act"; and

(B) in subparagraph (B), by striking "S11631" and all that follows through the end of the subparagraph and inserting "S10409 through S10411, dated July 31, 2007."; and

(2) by striking paragraph (6) and inserting the following:

"(6) FEE ADJUSTMENT.—

"(A) IN GENERAL.—Effective for a covered pesticide registration application received during the period beginning on October 1, 2008, and ending on September 30, 2010, the Administrator shall increase by 5 percent the registration service fee payable for the application under paragraph (3).

"(B) ADDITIONAL ADJUSTMENT.—Effective for a covered pesticide registration application received on or after October 1, 2010, the Administrator shall increase by an additional 5 percent the registration service fee in effect as of September 30, 2010.

"(C) PUBLICATION.—The Administrator shall publish in the Federal Register the revised registration service fee schedules.".

(c) WAIVERS AND REDUCTIONS.—Section 33(b)(7)(F) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(b)(7)(F)) is amended—

(1) in clause (ii), by striking "all" and inserting "75 percent"; and

(2) in clause (iv)(II), by striking "all" and inserting "75 percent of the applicable.".

(d) REFUNDS.—Section 33(b)(8)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(b)(8)(A)) is amended by striking "10 percent" and inserting "25 percent.".

(e) PESTICIDE REGISTRATION FUND.—Section 33(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(c)) is amended—

(1) in paragraph (1)(B), by striking "paragraph (4)" and inserting "paragraph (5)";

(2) in paragraph (3)—

(A) by striking subparagraph (B) and inserting the following:

"(B) WORKER PROTECTION.—

"(i) IN GENERAL.—For each of fiscal years 2008 through 2012, the Administrator shall use approximately 1/17 of the amount in the Fund (but not less than $1,000,000) to enhance scientific and regulatory activities relating to worker protection.

"(ii) PARTNERSHIP GRANTS.—Of the amounts in the Fund, the Administrator shall use for partnership grants—

"(I) for each of fiscal years 2008 and 2009, $750,000; and

"(II) for each of fiscal years 2010 through 2012, $500,000.

"(iii) PESTICIDE SAFETY EDUCATION PROGRAM.—Of the amounts in the Fund, the Administrator shall use $500,000 for each of fiscal years 2008 through 2012 to carry out the pesticide safety education program."; and

(B) by striking subparagraph (C); and

(3) in paragraph (5)—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(B) by striking "Amounts" and inserting the following:

"(A) IN GENERAL.—Amounts"; and

(C) by adding at the end the following:

"(B) USE OF INVESTMENT INCOME.—After consultation with the Secretary of the Treasury, the Administrator may use income from investments described in clauses (ii) and (iii) of subparagraph (A) to carry out this section.".

(f) ASSESSMENT OF FEES.—Section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(d)(2)) is amended by striking "For fiscal years 2004, 2005 and 2006 only, registration" and inserting "Registration".

(g) DECISION REVIEW TIMES.—Section 33(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(f)) is amended—

(1) in paragraph (1), by striking "Pesticide Registration Improvement Act of 2003" and inserting "Pesticide Registration Improvement Renewal Act";

(2) in paragraph (2), by striking "S11631" and all that follows through the end of the paragraph and inserting "S10409 through S10411, dated July 31, 2007."; and

(3) in paragraph (4), by striking subparagraph (B) and inserting the following:

"(B) COMPLETENESS OF APPLICATION.—

"(i) IN GENERAL.—Not later than 21 days after receiving an application and the required registration service fee, the Administrator shall conduct an initial screening of the contents of the application in accordance with clause (iii).

"(ii) REJECTION.—If the Administrator determines under clause (i) that the application does not pass the initial screening and cannot be corrected within the 21-day period, the Administrator shall reject the application not later than 10 days after making the determination.

"(iii) REQUIREMENTS OF SCREENING.—In conducting an initial screening of an application, the Administrator shall determine whether—

"(I)(aa) the applicable registration service fee has been paid; or

"(bb) at least 25 percent of the applicable registration service fee has been paid and the application contains a waiver or refund request for the outstanding amount and documentation establishing the basis for the waiver request; and

"(II) the application contains all the necessary forms, data, and draft labeling, formatted in accordance with guidance published by the Administrator.".

(h) REPORTS.—Section 33(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w-8(k)) is amended—

(1) in paragraph (1), by striking "March 1, 2009" and inserting "March 1, 2014"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by redesignating clauses (ii) through and (iv) as clauses (v) through (vii), respectively;

(ii) by inserting after clause (i) the following:

"(ii) the number of label amendments that have been reviewed using electronic means;

"(iii) the amount of money from the Reregistration and Expedited Processing Fund used to carry out inert ingredient review and review of similar applications under section 4(k)(3);

"(iv) the number of applications completed for identical or substantially similar applications under section 3(c)(3)(B), including the number of such applications completed within 90 days pursuant to that section;"; and

(iii) in clause (vi) (as redesignated by clause (i))—

(I) in subclause (II), by striking "and" at the end;

(II) in subclause (III), by striking "and" at the end; and

(III) by adding at the end the following:

"(IV) providing for electronic submission and review of labels, including process improvements to further enhance the procedures used in electronic label review; and

"(V) the allowance and use of summaries of acute toxicity studies; and";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(D) a review of the progress in carrying out section 3(g), including—

"(i) the number of pesticides or pesticide cases reviewed;

"(ii) a description of the staffing and resources relating to the costs associated with the review and decision making relating to reregistration and registration review for compliance with the deadlines specified in this Act;

"(iii) to the extent determined appropriate by the Administrator and consistent with the authorities of the Administrator and limitations on delegation of functions by the Administrator, recommendations for—

"(I) process improvements in the handling of registration review under section 3(g);

"(II) providing for accreditation of outside reviewers and the use of outside reviewers in the registration review process; and

"(III) streamlining the registration review process, consistent with section 3(g);

"(E) a review of the progress in meeting the timeline requirements for the review of antimicrobial pesticide products under section 3(h); and

"(F) a review of the progress in carrying out the review of inert ingredients, including the number of applications pending, the number of new applications, the number of applications reviewed, staffing, and resources devoted to the review of inert ingredients and recommendations to improve the timeliness of review of inert ingredients.".

(i) TERMINATION OF EFFECTIVENESS.—Section 33(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)) is amended—

(1) in paragraph (1), by striking "2008" and inserting "2012"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking "2009" and inserting "2013"; and

(ii) by striking "2009" and inserting "2013"; and

(B) in subparagraphs (B) and (C)—

(i) in the subparagraph headings, by striking "2010" each place it appears and inserting "2014"; and

(ii) by striking "2010" each place it appears and inserting "2014"; and

(C) in subparagraph (D), by striking "2008" each place it appears and inserting "2012".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come before the House today to encourage passage of S. 1983, the Pesticide Registration Improvement Renewal Act. This reauthorization will ensure continued, stable EPA funding for pesticide registration programs, provide predictable timelines for industry, and support the introduction of new and safer products for consumers that are better for the environment.

This legislation received extensive input and strong support from a unique alliance of the pesticides industry and the environmental community. S. 1983 builds on the success of the Pesticide Registration Improvement Act of 2003 and deserves to be passed with the unanimous consent of this Chamber.

Mr. Speaker, there are a few points I would like to clarify regarding the text of this legislation. Regarding section 5, the summaries of acute toxicity studies shall be based on real data to further protect public health and the environment, and acute toxicity studies shall be conducted in a manner which accomplishes that goal. The summaries of the acute toxicity studies are intended to supplement the full submission of data from the registrants, not to replace that data. Registrants must still provide a full submission of acute toxicity data in their registration application.

There are three errors in the chart printed in the CONGRESSIONAL RECORD of July 31, 2007: The registration service fee for new category No. 133 should be $78,750, rather than $278,250; the decision time for new category No. 47 in fiscal year 3 should be 12 months; and the action description for the new category No. 61 should read: "Non-food use; outdoor; FIFRA, subsection 2(mm) uses (1)."

And lastly, section 3 of S. 1983 amends FIFRA to add, among other provisions, a new section that is intended to reflect EPA's current practice of identifying in the docket any information claimed, but not necessarily substantiated, as confidential business information. The language in this new section is not intended to change EPA's responsibilities or practices, pursuant to other statutes, regarding the docketing of information claimed as confidential under FIFRA.

With this legislation, EPA will continue to have the resources to review each pesticide product using the best scientific practices in a more predictable timeframe. The pesticide registration program is a model of good government because it includes systemized stakeholder involvement and furthers the openness and transparency for which all Federal Government programs should strive.

I strongly encourage the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume and rise in support of this legislation.

Mr. Speaker, the legislation before us represents the efforts of several constituent organizations working with the administration and the Congress to reach consensus.

Among the organizations who worked to produce this proposal were the Natural Resources Defense Council, Crop Life America and the Consumer Specialty Products Association. I appreciate their hard work and their willingness to set aside past differences to develop a fair and balanced funding mechanism for the EPA pesticide registration program that satisfies the needs of government, industry and the environment.

As Chairman CARDOZA pointed out, this legislation renews the successful program established in 2004 to fund the pesticide registration program administered by the Environmental Protection Agency.

The original legislation had many successes including providing stable funding for the EPA, predictable timelines for industry, new products for consumers, and the necessary funding for the EPA to complete the tolerance reassessment process mandated by the Food Quality Protection Act of 1996. While the 2004 legislation doesn't expire until next year, the realities of Federal budgetary pressure and the resulting uncertainty regarding the adequacy of appropriations make immediate action on this reauthorization legislation critical.

S. 1983 reauthorizes the existing pesticide registration program with several enhancements aimed toward clarifying what is covered and which activities the fees can be used to support, while protecting funding for certain environmental grant programs.

Again, I want to commend the groups whose efforts were instrumental in producing this legislation. I also want to commend Chairman PETERSON and Subcommittee Chairman CARDOZA and urge all Members to join us in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I have no further Members who seek time on my side. I just wish to also thank my colleague from Virginia for his cooperation on working together with us to extend this program.

Mr. Speaker, I reserve my time.

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of S. 1983, the Pesticide Registration Improvement Renewal Act, and encourage my colleagues to support this legislation.

In 2003, with the collaboration of agriculture, pesticide manufacturers and public interest organizations, Congress established a new fee schedule and registration process timeline for the Environmental Protection Agency. This Pesticide Registration Improvement Act (PRIA) was designed to improve pesticide registration and review, and PRIA has been extremely successful for all parties involved.

As the Ranking Member of the Agriculture Subcommittee on Horticulture and Organic Agriculture, which has jurisdiction over pesticide issues, I am pleased the stakeholders have again worked with Congress and the EPA This bill today continues and builds upon the successful pesticide registration process over the next five years.

Before PRIA, applicants for pesticide registration had no certainty on how long the review process at EPA would take or how much they would need to pay in fees. The EPA was under pressure from the public interest community to reassess tolerances for pesticides already registered as required under the Food Quality Protection, Act. As a result, consumers who depend on effective and safe pesticide products were not always able to take advantage of new products. Delays impacted farmers' ability to access improved plant protection and pest products.

PRIA worked because it set a firm fee schedule for pesticide registration applicants, giving the EPA resources needed to do reviews. In return, the EPA was held to specific timelines in its reviews and approvals. PRIA also enabled the EPA to complete tolerance reassessments for products approved in the past through product maintenance fees from manufacturers.

By continuing the fees and increasing registration funding, S. 1983 provides the EPA with the resources needed to maintain this successful system. Additionally, the bill continues the periodic review of registered products, requiring the EPA to reassess each product every 15 years.

The pesticide registration and review process must be based on sound science. Success also requires confidence in the regulatory system. This reauthorization and enhancement of PRIA helps ensure that the EPA is using the best science to review applicants. Timelines for reviews bring more transparency to the process, and this transparency gives confidence to pesticide users such as agriculture, manufacturers and the public interest community.

I urge my colleagues to support continuation of this successful regulatory process that has brought effective and safe products to market not only for agriculture but for all consumers.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and pass the Senate bill, S. 1983.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1600

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore (Mr. SIRES). Is there objection to the request of the gentleman from California?

There was no objection.

RECOGNIZING THE 50TH ANNIVERSARY OF THE SEPTEMBER 25, 1957, DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL BY THE LITTLE ROCK NINE

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 668) recognizing the 50th anniversary of the September 25, 1957, desegregation of Little Rock Central High School by the Little Rock Nine.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 668

Whereas on May 17, 1954, the United States Supreme Court announced in Brown v. Board of Education (347 U.S. 483) that, "in the field of education, the doctrine of 'separate but equal' has no place";

Whereas the Brown decision recognized as a matter of law that the segregation of public schools deprived students of the equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States;

Whereas in 1957, three years after the landmark Brown v. Board of Education decision, the promise of access and equality within the realm of education remained unfilled in Little Rock, Arkansas, and throughout the Nation;

Whereas on September 4, 1957, nine African American students who would later be deemed the Little Rock Nine, Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls, were denied admittance to Little Rock Central High by the Arkansas National Guard at the order of the Arkansas Governor;

Whereas on September 23, 1957, the Little Rock Nine, armed with a Federal court order, again tried to attend Little Rock Central High and implement the law of the land, but protests and violence forced the group of students to leave the school;

Whereas on September 25, 1957, this Nation would realize a historic day when the Little Rock Nine, escorted by Federal troops at the order of President Dwight D. Eisenhower, successfully integrated Little Rock Central High;

Whereas throughout their tenure at Little Rock Central High, the Little Rock Nine, with conviction and dignity, championed school integration despite death threats, verbal and physical assaults, school closings, and other adversities;

Whereas the Little Rock Nine are symbolic of the victorious dismantling of school segregation, as well as the full and equal participation in American society that all citizens are entitled to, and continue to advance such principles through the Little Rock Nine Foundation;

Whereas the significance of the Little Rock Nine and their actions have been acknowledged with numerous awards and recognitions, including the 2007 Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin, the Congressional Gold Medal in 1999, the inclusion of Little Rock Central High School in the National Park System in 1998, and the designation of Little Rock Central High School as a National Historic Landmark in 1982;

Whereas on the 50th anniversary of the desegregation of Little Rock Central High School by the Little Rock Nine, the Nation will celebrate this great civil rights achievement through forums and town halls, commemorations, and significantly, the dedication of a permanent Little Rock Central High School Museum and Visitor Center; and

Whereas in 2007, as the Little Rock Nine and the entire Nation celebrates 50 years of integration, we must acknowledge recent setbacks to the guarantee of opportunity and inclusion within our educational system, in both K–12 and higher education: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges and commemorates the 50th anniversary of the desegregation of Little Rock Central High School by the Little Rock Nine;

(2) encourages all Americans, upon this 50th anniversary, to recognize the historic contributions of the Little Rock Nine, who not only secured integration for Little Rock Central High School, but hundreds of thousands of schools across the country; and

(3) commits itself, in the wake of recent challenges, to continuing the legacy of Brown v. Board of Education and the Little Rock Nine by protecting and advancing equal educational opportunity for all.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, I am pleased to join the entire Arkansas congressional delegation, Representatives VIC SNYDER, MARION BERRY, MIKE ROSS, JOHN BOOZMAN, all in celebrating the 50th anniversary of the integration of the Little Rock Central High School by the Little Rock Nine. I would like also to recognize the distinguished members of the House Judiciary Committee, Ranking Member LAMAR SMITH and former chairman, JIM SENSENBRENNER, who have joined me in the introduction of this resolution.

Fifty years ago, on September 25, 1957, the Little Rock Nine, as they were called, successfully challenged the status quo of "separate but equal."

Three years earlier, we all recall the momentous Supreme Court decision of 1954 that ruled the 14th amendment's guarantee of equal protection prohibited segregation in the public schools. This landmark Brown v. Board of Education decision struck down the notorious State-sanctioned Jim Crow in the realm of education once and for all.

Unfortunately, this critical determination would not easily be accepted. It would take nine young strong and determined African American students to begin actually implementing the new laws of the land. These nine students, Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls, implemented the promise of Brown v. The Board. In the footsteps of Rosa Parks, these students, too, started a movement to dismantle years of segregation and inequalities in our public school systems.

On the shoulders of Dr. Martin Luther King, Jr., these brave young nine boys and girls faced a hatred and a violence that is embarrassing to recall, and they faced it with nonviolent resistance. They were peaceful. Dr. King himself said "to meet physical force with soul force." And that is what they did. Dr. King asked the students to think of the big picture as they moved forward, for they were going to be the frame for that picture.

So on September 25, 1957, the students who came to be known as the Little Rock Nine integrated Little Rock Central High School, and history was forever changed. Escorted by 1,000 members of the 101st Airborne Division of the United States Army, the Little Rock Nine claimed the fair and equal education that they were entitled to.

It took close to a month to secure this access and opportunity, but these young men and women persevered in their mission of school integration. Defying Arkansas Governor Orval Faubus, segregationists and other protestors, the Little Rock Nine were victorious in ending segregated education.

The Little Rock Nine's first attempt to attend Central High School was on September 4, 1957; but the Arkansas Governor called in the National Guard of his State to keep them out. On September 23, the Little Rock Nine, armed with a Federal court order, again tried to attend Central High School, but protests and violence forced the group of students out of the school. It was not until Federal protection was provided that the students would be able to safely attend school on September 25. This Federal protection would remain until the end of the school year, enabling African American senior Ernest Green to graduate. But, sadly, this year of progress would be tainted by the Arkansas Governor's decision to close all of the high schools the following year.

The Little Rock Nine would remain champions of education and school integration despite the fierce opposition. After the schools reopened in 1959, three more of the Little Rock Nine would go on to graduate from Central High. All of them would become productive, contributive members of our society. From social work to education to government, the Little Rock Nine were and remain represented in all professional sectors. They have also continued their commitment to education with the founding of the Little Rock Nine Foundation, which is dedicated to providing educational opportunities to students of color.

On the 50th anniversary of the integration of Central High by the Little Rock Nine, I am pleased to recognize that great progress has been made in education. But I must also acknowledge recent setbacks to the guarantee of opportunity and inclusion within our educational system. A recent Supreme Court decision now severely limits school districts in their efforts to achieve racial balance and diversity in primary and secondary education.

But in acknowledging recent setbacks, I would be remiss to not comment on the Jena Six. Just as the Little Rock Nine stood up to the inequities of their time, we must lift up the Jena Six in response to the inequities of their time.

The Little Rock Nine did not mean to make national or world history; they were just standing up for what they believed was right.

In considering this resolution, I ask that all of our Members move forward with this same kind of determination and understanding of what our democracy is all about. On this 50th anniversary, let us all pledge to continue the legacy of the Little Rock Nine and Brown v. The Board by protecting and advancing equal educational opportunity for all.

I omit the great work that was done by President Dwight Eisenhower and others that helped move this situation forward some 50 years ago. And I note also that Arkansas was not a hot bed of segregation. It was considered, frankly, a moderate Southern State. But things transpired so that it became that one activity in which these nine boys and girls have gone into American history. They have been celebrated, and they have been talked about. I have been hearing about them all week long as we prepare for this celebration. And I am so proud to bring this resolution on the 50th anniversary of the desegregation of Little Rock Central High School before this body.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 668, commemorating the Little Rock Nine, the African American students who enrolled in Little Rock Central High School in 1957 and were initially prevented from entering that segregated school. I want to commend Chairman CONYERS for bringing this legislation forward and our ranking member, Congressman SMITH, for his support of it as well.

President Dwight Eisenhower, following the landmark Supreme Court decision in Brown v. Board of Education, sent Federal troops to enforce integration and protect the Little Rock Nine. On September 24, 1957, the President ordered the Army to Little Rock, and the nine students entered the school the next day. Thereafter, each of the students was given an individual escort inside Central High School to prevent them from harassment by other students.

It was surely a sad day when the Federal Government had to use the most powerful military in the world to integrate one high school in Little Rock, Arkansas. But it was also a proud day as well, as it demonstrated how our Constitution and each branch of government had, since the Civil War, finally had been honed and fitted to fulfill the promise of racial equality in America.

Chairman CONYERS has already listed the Little Rock Nine, but the efforts of which they themselves and their families must be most proud are deserving of mentioning them again: Ernest Green, Elizabeth Eckford, Jefferson Thomas, Terrence Roberts, Carlotta Walls LaNier, Minnijean Brown, Gloria Ray Karlmark, Thelma Mothershed, and Melba Pattillo Beals. With each step they took through the schoolhouse doors, they paved a path forward for countless other African Americans. And when the school bell rang that day, it marked not only the start of the school day; it rang for liberty and equality as well.

The Little Rock Nine were awarded the Congressional Gold Medal on November 9, 1999. This resolution renews our commemoration of their courageous actions of the 50th anniversary of their historic first steps into history. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the distinguished gentleman from Arkansas (Mr. ROSS), who has been serving in the Congress for a period of years and we have enjoyed a very good working relationship with him. I yield him such time as he may consume.

Mr. ROSS. Mr. Speaker, I rise today in support of House Resolution 668, a resolution honoring and recognizing the 50th anniversary of the desegregation of Little Rock Central High School by the Little Rock Nine. First, I would like to thank Chairman CONYERS for his support and leadership in moving this resolution from the Judiciary Committee to the floor of the United States House of Representatives.

I am proud to be a cosponsor of this resolution, which honors the anniversary of the nine students who gained national attention 50 years ago when Little Rock Central High School was integrated.

Little Rock Central High School found itself in the spotlight of the entire Nation on September 25, 1957, when nine students escorted by the 101st Airborne Division of the U.S. Army walked up the front steps and integrated the school.

The names of these nine individuals are barely recognizable alone, but collectively as the Little Rock Nine they gained national attention for their strength and unified determination to make our public schools a place where everyone can learn regardless of race.

☐ 1615

This resolution honors their courage by commemorating the 50th anniversary of desegregation of Little Rock Central High School and encourages all Americans to recognize the historic contributions of the Little Rock Nine, who not only secured integration for Little Rock Central High School, but for hundreds of thousands of schools across our country.

Tomorrow marks the 50th anniversary of this historic event, and I'm also proud to be taking part in the celebration of this civil rights achievement through the dedication of a permanent Little Rock Central High School Museum and Visitors Center. I'll be joined tomorrow by many of my colleagues, including the Arkansas congressional delegation, Congressmen JOHN BOOZMAN, MARION BERRY and VIC SNYDER.

The Little Rock Nine have been acknowledged with numerous awards and recognitions, including the 2007 Little Rock Central High School desegregation 50th anniversary commemorative coin, one of only two such coins that are done annually. And I want to thank my good friend from Arkansas, Congressman VIC SNYDER for leading the effort in securing this as one of the two coins for this year. They've also been recognized for the Congressional Gold Medal. That was back in 1999. This resolution adds one more recognition to this important group of individuals.

As we memorialize their legacies of bravery so that future generations of Americans will forever know their struggle, we can never forget the sacrifices endured by these nine individuals for the sake of progress on behalf of millions. The Little Rock Nine are symbolic of the victorious dismantling of school segregation, and as such, I am proud to cosponsor this resolution honoring their contributions, and I urge my fellow colleagues to vote in favor of it today.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the gentleman from Illinois, Mr. DANNY DAVIS, who, himself, grew up in Arkansas. He was a distinguished alderman in Chicago before becoming a Member of Congress. He has worked with the Judiciary Committee with particular interest on re-entry programs, and he also happens to represent my counsel, Kanya Bennett, who comes to the floor with me today. I yield the gentleman as much time as he may consume.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank Chairman CONYERS for, not only his leadership on this issue, but so many issues involving civil rights down through the years and for bringing this legislation to the floor.

On May 17, 1954, the Supreme Court announced its decision in Brown vs. Board of Education, holding that the segregation in public schools was illegal. Three years later, nine black students entered Little Rock Central High: Carlotta Walls, Jefferson Thomas, Elizabeth Eckford, Thelma Mothershed, Melba Pattillo, Terrance Roberts, Gloria Ray, Minniejean Brown and Ernest Green. I feel a certain amount of kinship to these nine students because, at that very same time, I was a freshman in college, just 50 miles away at the University of Arkansas at Pine Bluff. And so over the years, I had an opportunity to interact with several of them.

Of course, the most well known is Ernest Green, who became an assistant secretary in the U.S. Department of Labor and is now the managing director of Lehman Brothers investment firm.

Minniejean Brown, I spent a weekend with, down at Southern Illinois University, where she graduated just a few years ago when we were both there for some activity.

I did student teaching with Melba Pattillo's mother, Mrs. Pattillo, who was a teacher in North Little Rock, Arkansas when I did student teaching.

And so it's been a great move. It's hard to imagine that 50 years ago I was there, but I guess I was, JOHN. It's been a long time, but much has happened since then.

I simply want to congratulate Governor Beebe, the Mayor of Little Rock, all of the elected officials in Little Rock, for the tremendous display of commemoration and celebration that has taken place over these 3 days as they commemorate the tremendous movement. And I agree with Chairman CONYERS in suggesting that not only has Little Rock, but the country has come a long way since 1957. We've made tremendous progress, even though there is much further to go.

Mr. GOODLATTE. Mr. Speaker, I have no further speakers. If the gentleman is prepared to close, I will yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself just a minute to close to observe that Arkansas, I have always connected with the former Governor of that State, the former President of this country, Bill Clinton. And I understand he's going to be there tomorrow to cut the ribbon, and I only wish that all of us who will be supporting and voting for this resolution could be there with him.

I think Arkansas has come a long way. They've made a lot of progress, and we're all working to make this a color-free society, where the content of one's character is far more important and significant than the color of one's skin.

I urge support for Resolution 668 and yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, as we commemorate the 50th anniversary of school desegregation in Arkansas and celebrate nine brave young people and the families that supported them, it is a day of bittersweet reflection because the dreams they sought to fulfill for generations of African Americans remain still not fully realized.

Today, as in 1957, we believe that education will help African Americans to get better jobs and to gain influence in American society. But, 50 years later, the struggle is not over. While in 1957, African American students struggled to get into high schools, today they struggle to stay in school. In describing the current state of education for African Americans, an author stated "burdened with a history that includes the denial of education, separate and unequal education, and religion to unsafe, substandard inner-city schools, the quest for quality education remains an elusive dream for the African American community." The current drop out rate among African American males is estimated at 40 percent, 72 percent are jobless, and the likelihood of being incarcerated is 60 percent. Fifty years later, the playing field is not leveled.

H. Res. 668, not only recognizes the 50th anniversary of that momentous occasion on September 25, 1957, but it also calls for all to commit to continuing the legacy of Brown v. Board of Education and the Little Rock Nine by protecting and advancing equal educational opportunity for all. This would be a great way to honor and continue to pay tribute to heroic actions of the Little Rock Nine. Little Rock Nine opened the door for education but we must continue to close the gap in providing quality education for all.

I urge all of my colleagues to join us in honoring the people who made history on that day, and to also join them and us in working toward the day when there will truly be equal opportunity in education in every part of our Nation.

Mr. BOOZMAN. Mr. Speaker, on September 25th, our State—and our Nation—will recognize nine brave men and women who, when they were teenagers, came forward to claim their Constitutional right to an equal education despite protests, threats of violence and even the Arkansas National Guard.

I strongly Support this legislation which honors not only a red-letter date in our State's history, but a seminal event in the movement to unite our country as truly one people, indivisible.

Fifty years ago, Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls, climbed the steps of Central High School. Few other moments in our history can compare to the ascent made by the Little Rock Nine. It was an ascent to a new plateau in the relations of Americans to their fellow citizens and a new plateau on the path to the American we now know.

On September 25, 1957, when the Nine made it to the top of those Central High School steps, they stood in a place where, up till that point, others said they could not go. Then, they did what was, in fact, the most important thing that day: They went inside to learn.

While Central High School will always be the event at the forefront of our memories when it comes to the history of desegregation, it is my hope that, as we remember the Nine, we can also remember the other schools in our State which preceded them, including Fayetteville, Hoxie, and the community of Charleston—who first broke down the barrier in Arkansas on August 23, 1954.

I would also like to remember the names of Joe Ferguson, Jessie Ferguson, Mary Ferguson, Barbara Williams, Robert Williams, Etholia Williams, Time Freeman, Betty Freeman, Myrdle Freeman, Leroy Jones, Raymond Webb, Duty Webb, and Henry Web, who joined their fellow residents of Charleston to bring about peaceful change.

As we spend this day reflecting on our past, we should remember all the brave children, families, and educators across the state who—by their courage—set in motion a chain of events which created the Arkansas of the present and will resonate in the Arkansas of the future.

Mrs. BOYDA of Kansas. Mr. Speaker, I commend the House of Representatives for the passage of this important resolution to honor the Little Rock Nine. As a Kansan, I am proud to be a resident of one of the places where the road to justice began.

For Kansans, the story of the Little Rock Nine begins with the landmark Supreme Court decision Brown v. Board of Education. This case began in 1950 when 13 parents took their children to the schools in their neighborhoods for white children and attempted to enroll. All were refused admission, and for most, this meant traveling across town to attend the few available schools for African Americans. These courageous parents filed suit against the Topeka Board of Education on behalf of their 20 children.

When the parents agreed to become involved in the case, it's likely they never imagined they would change history in such a significant and meaningful way. The people who make up this story were ordinary—their story is anything but. Oliver Brown, who the case was later named after, was a Topeka minister who simply knew that it was not too much to ask that his country treat his children equally.

On May 17, 1954, the United States Supreme Court announced in *Brown* v. *Board of Education* (347 U.S. 483) that, "in the field of education, the doctrine 'of separate but equal' has no place." The Court recognized the psychological effects of segregation and that separate is inherently unequal.

In 1957, 3 years after the Brown v. Board of Education decision, 9 brave students in Little Rock, Arkansas, continued the struggle that Oliver Brown and his daughter started. They endured a hostile school environment and a local government that was once again not supportive of their belief that equal treatment is a basic principle of a democratic society.

The story of Brown v. Board of Education is one of hope and courage. On this 50th anniversary of the Little Rock Nine, I am proud to take time to remember the contributions of students across the country—from Kansas to Arkansas—that fought for integration. I also hope that we can recommit ourselves to honoring the legacy that the Brown v. Board of Education decision left for us—to continue working to provide a world-class education for all children.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 668.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DRUG ENDANGERED CHILDREN ACT OF 2007

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1199) to extend the grant program for drug-endangered children.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Endangered Children Act of 2007".

SEC. 2. DRUG-ENDANGERED CHILDREN GRANT PROGRAM EXTENDED.

Section 755(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-2(c)) is amended by striking "fiscal years 2006 and 2007" and inserting "fiscal years 2008 and 2009".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1199 was introduced on February 27 of this year by the gentleman from California (Mr. CARDOZA). Currently, the legislation enjoys the support of 15 additional bipartisan cosponsors.

The measure, on its face, is quite simple and straightforward. It simply extends funding for the Drug Endangered Children Grant Program through fiscal year 2009. The current authorization for the program is set to expire this year.

The Drug Endangered program was first authorized as title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005, which authorizes up to $20 million a year for grants to address this problem.

One of the most troubling aspects of drug use is its impact on children. According to the Drug Enforcement Agency, over 15,000 children were found at methamphetamine labs from 2000 to 2004. The problem, however, is not limited to meth abuse. A Health and Human Services study found that over 1.6 million children live in homes where a variety of illicit drugs are used. These drug-infested conditions stretch child welfare agencies beyond their capacities because of the increased violence and neglect.

On February 6, the Crime Subcommittee held a hearing on H.R. 545, the Native American Methamphetamine Enforcement and Treatment Act of 2007, which has been reported by both the Crime Subcommittee and the full Judiciary Committee. A central provision of that bill extends eligibility for drug-endangered children grants to Native American tribes. However, unless the Congress passes H.R. 1199, the authorization for the drug-endangered children grants will expire this year, negating our recent efforts to help Native American children.

With this said, Mr. Speaker, I urge my colleagues to support this much-needed legislation, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1199, the Drug Endangered Children Act of 2007, and commend my colleague from Virginia (Mr. SCOTT) for his leadership on this issue.

This legislation extends the existing authorization for grants to State and local governments and Indian tribes to protect and help drug-endangered children. It is a sad consequence of our Nation's drug problem that drug traffickers have such a devastating impact on innocent children who live and play in areas used to facilitate the production and distribution of illegal drugs.

We owe it to our Nation's children to do all that we can to protect them and provide them the services needed to allow them to grow and develop in a healthy and loving home.

It is often said that you can judge the health of a society by the way in which it treats the innocent and vulnerable, our children. Too often we hear from law enforcement about children being used or abused by drug traffickers. The consequences to our children are devastating. We must do whatever we can to protect our children from the evils of drug dealing and provide them with a safe environment in which to live.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the sponsor of this bill, the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I'd like to thank my colleague from Virginia who's been a tremendous supporter and assistance on this piece of legislation.

I rise in strong support of H.R. 1199, the Drug Endangered Children's Act. And let me also thank, as well as my colleague from Virginia, my colleague, Mr. CONYERS, who's the chairman of the Judiciary Committee, who also assisted us in bringing this legislation to the floor. I appreciate both their efforts on behalf of our Nation's children.

Drug trafficking and abuse have a devastating impact on the children of this country and contribute to domestic violence, abuse and neglect. According to a recent study, Health and Human Services has said that over 1.6 million children live in a home where at least one parent abuses illicit drugs, including cocaine, methamphetamine, heroin or prescription drugs.

In my district in the central valley of California, I have seen the harmful effects of methamphetamine on children's lives. While visiting schools in my area, I've been told by teachers and administrators and, frankly, by the students themselves, that a significant portion of the students have a parent or relative who abuses methamphetamine. Sadly, I know that I'm not alone, as similar stories could be told in other parts the country where illicit drugs are prevalent.

I'm particularly concerned about the impact of this drug epidemic and what it's having on our foster care system. According to the National Association of Counties, 40 percent of child welfare officials nationwide report an increase in child welfare cases caused by methamphetamine.

This issue strikes close to home for me. In my home county of Merced, California, between 67 and 75 percent of foster care cases are methamphetamine-related.

□ 1630

As a father of two adopted children, I have seen firsthand the damaging impact of drug abuse on the foster care system.

Ladies and gentlemen, we must do more to help these children in need. Methamphetamine is an extremely dangerous drug for children not only because meth addicts are more likely to abuse and abandon their children but also because meth-addicted parents often set up meth labs in their homes. These labs are highly toxic and susceptible to fire and explosions and therefore place innocent children in physical danger. In my district, children have been found at labs with burns from spilled ingredients from the methamphetamine production process. In addition, there is a high risk of lasting health damage from toxic fume inhalation. Tragically, according to the Drug Enforcement Administration, DEA, children are found present at 20 percent of all meth labs that are seized.

H.R. 1199, the Drug Endangered Children Act, will address the challenges facing children abandoned, neglected, or abused by parents addicted to illicit drugs. The legislation would authorize the Department of Justice to make $20 million in grants available for drug-endangered children for fiscal years 2008 and 2009. The grants are designed to improve coordination among law enforcement, prosecutors, children protection services, social service agencies, and health care providers to help transition drug-endangered children into safe residential environments.

The Drug Endangered Children program would build on the successful Federal, State, and local partnerships of the COPS program and the Edward Byrne Memorial Grant program. By funding coordination across jurisdictions and among several different types of government agencies, the Drug Endangered Children program would foster cooperative efforts to address the needs of children affected by drug abuse. These grants would leverage the Federal Government's investment by offering an incentive for local government to invest their own money in confronting this important problem.

It's time to pass this vital piece of legislation. The 1.6 million children across this country impacted by parental drug abuse need our help. Let us help these children by passing the Drug Endangered Children Act and rid ourselves of the scourge of drug abuse.

I urge my colleagues to vote for H.R. 1199.

Mr. GOODLATTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I ask the House to pass this important piece of legislation, and I thank the gentleman from California for his leadership in introducing the bill.

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of the Drug Endangered Children Act.

Over the last 6 years, 7,500 drug-related child abuse cases were reported in Iowa. In 2004, over 1,700 of Iowa's children tested positive for illegal drugs. Two-thirds of them were under the age of 6. Nearly one-quarter were less than a year old.

These statistics are staggering but they have a very real face. They represent Iowa's most vulnerable population—a population that demands not only our attention but our action.

The Iowa Drug Endangered Children Program was established in 2004 to assist local communities in their efforts to protect the health and safety of children exposed to illegal, toxic drugs in their homes. In my district, Linn and Wapello counties have created community-based Drug Endangered Children programs in order to coordinate services and provide immediate intervention, long-term assistance, and follow-up care for children found in homes where illegal drugs are used, manufactured, or trafficked.

Since 2001, 4,000 methamphetamine labs have been dismantled in Iowa. Roughly 30 percent of these labs were based in homes with children. State and local law enforcement, prosecutors, and child welfare organizations are dedicated to the protection of children found to be living in homes where dangerous and illicit drugs are present, but they cannot carry out this enormous and vitally urgent task on their own.

This bill authorizes $20 million annually for the Drug Endangered Children grant program for Fiscal Years 2008 and 2009. These grants will assist in the coordination of State and local agencies and will help to assure the swift and safe transition of children from dangerous homes to safe residences.

We cannot sit by while almost 2 million children nationwide continue to live in homes where illegal drugs are present. This bill is an essential step toward assuring the health and safety of our Nation's children, and I strongly urge its passage.

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 1199, the Drug Endangered Children Act. The Drug Endangered Children program is critically important to my congressional district and others that have been plagued by the meth scourge. Thanks to the outstanding leadership of Susan Webber-Brown, Butte County, California, was one of the first jurisdictions in the country to create a Drug Endangered Children team to focus on the safety and protection of children during law enforcement operations. However, due in part to a lack of federal support, the state of California terminated DEC grant funding in 2003. Since then, Butte and other counties have struggled to keep their programs up and running.

As a former chairman of the House subcommittee dealing with child welfare and foster care issues, I have heard countless heartbreaking stories of children trapped in some of the most awful living conditions imaginable as a result of their parents' or guardians' involvement with illegal drugs. The Drug Endangered Children program helps rescue children from these dangerous environments, provide for their immediate physical and psychological needs, and give them hope for a better life. I hope my colleagues will join me in voting to reauthorize this vitally needed program.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 1199.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF THE HOUSE OF THE IMPORTANCE OF PROVIDING A VOICE FOR VICTIMS AND THEIR FAMILIES INVOLVED IN MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS CASES

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 340) expressing the sense of the House of Representatives of the importance of providing a voice for the many victims (and families of victims) involved in missing persons cases and unidentified human remains cases.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 340

Whereas there are more than 100,000 active missing person cases on any given day;

Whereas every year tens of thousands of people vanish under suspicious circumstances;

Whereas there are more than 40,000 sets of human remains held in the property rooms of medical examiners, coroners, and police departments across the country that cannot be identified by conventional means;

Whereas of such 40,000 sets of human remains, only six thousand sets of human remains have been entered into the National Crime Information Center (NCIC) and fewer have been entered into other Federal databases such as the Violent Criminal Apprehension Program (ViCap) or the Integrated Automated Fingerprint Identification System (IAFIS), or the National Missing Persons DNA Database;

Whereas many cities and counties continue to bury or cremate unidentified human remains without any attempt to collect DNA and many laboratories are unable to perform timely DNA analysis of human remains, especially when they are old or are degraded;

Whereas such victims and their families have been without a voice for far too long: Now, therefore, be it

Resolved, That the House of Representatives—

(1) is committed to giving victims involved in missing persons cases and unidentified human remains cases a voice;

(2) supports that such voice should be heard by—

(A) continuing Federal funding for DNA testing and the Combined DNA Index System;

(B) supporting greater cooperation between local, State, and Federal law enforcement;

(C) providing more comprehensive training and education for the more than 17,000 law enforcement agencies involved in missing persons cases and unidentified human remains cases;

(D) providing medical examiners and coroners with greater accessibility into Federal databases to upload and compare evidence so that such victims ultimately may be located and identified and returned to their loved ones where they belong; and

(E) working to raise awareness among victim service providers and the general public about the use of DNA and the Combined DNA Index System to identify the unidentified dead; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime and the National Institute for Justice in the Department of Justice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of House Resolution 340 to express the commitment of the House of Representatives in giving victims involved in missing persons and unidentified human remains cases a voice through advancing DNA technology.

The grief of loss of a loved one, particularly a parent's loss of a child, can only be surpassed by the endless torment of not knowing. When a loved one is missing, there is no finality, no way to begin the grieving process so that closure may eventually come and family and friends can begin healing. Going on, often hoping against hope, knowing the news they fear the most may come at any moment is a tormenting experience.

But with today's DNA technology, much of this burden can be removed. Over 6,000 samples of DNA evidence have been used to identify remains of missing persons; and with continued and increased funding, we can bring more justice to victims and peace to the families and friends.

Mr. Speaker, I further support the continued funding of DNA initiatives because of the incredible part DNA evidence has played both in determining guilt and protecting the innocent. Since 2002, over 200 wrongly convicted persons have been exonerated through DNA evidence, including death row inmates. In fact, just this weekend two incredible stories arose in the Baltimore area. On Saturday, September 22, prosecutors dropped all charges against a Baltimore man who had been held in a rape and assault of a 59-year-old woman just last month. This morning the Baltimore Sun newspaper reports that Baltimore County has solved their 18th DNA-evidence case, a rape investigation open since 1978. After 29 years, a victim will finally see justice.

Mr. Speaker, we can and must continue to fund advancing DNA technology because, although there has been much success, there remains much to do. Over 40,000 samples of biological evidence related to missing persons are in laboratories around the country ready for entry into DNA databases with the potential of identifying almost 40 percent of our missing persons. And although DNA backlog reduction grants have cleared more than 60,000 criminal cases, exonerating the innocent and identifying the guilty, the backlog level remains almost unchanged. Police departments and prosecutors recognizing the benefits of DNA evidence have been trained in its collection and are using the technology more than ever before, which adds samples at the rate that the backlog is being cleared.

Mr. Speaker, I urge my colleagues to support continued DNA-evidence backlog reduction grants in identifying missing persons and to exonerate the innocent and to identify the guilty. We have seen what the technology can do, and we have the wherewithal to fund those activities. Justice demands that we view continued funding as a major responsibility.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

I, first of all, would like to thank the gentleman from Virginia for his leadership on this very important issue. I know Mr. SCOTT has been one of those who has cared greatly about those families that have suffered the trauma of a lost person within their family. So I want to thank Mr. SCOTT on this. And I think this is another issue in which we have seen bipartisanship in this House. Sometimes you don't see a lot of instances of that, but I think this is one where we can work together in a bipartisan fashion, and I want to thank Mr. SCOTT for his leadership on this.

Given that tomorrow is the first annual day of remembrance for murder victims, it is only fitting that we recognize and respond to a segment of the victim population that too often goes unrecognized: those victims who are missing and whose remains have yet to be identified. Unfortunately, it is far more common than one would think, just how many families are searching for some clue as to the location of the remains of their missing family members, and too often families are alone in their effort to locate their loved one.

On any given day, there are more than 100,000 active missing-person cases in this country. Just think of that: over 100,000 active cases in this Nation. Every year tens of thousands of people vanish under suspicious circumstances. Equally disturbing is the knowledge that the skeletal remains of more than 40,000 individuals are being stored with coroners, medical examiners, and police departments around the country. And these may very well be the very persons that those families are trying to identify. They don't know what happened to their brother, their sister, their mother, their aunt, their uncle, whomever it might be. Many of these jurisdictions do not have the technology to identify these individuals. And even if they do, most States do not require these officials to obtain samples before burying or cremating the remains. Think of that. Your sister could be in the State right next door in the coroner's office or a police station and the remains may be cremated, and you may go the rest of your life and your family never knowing what happened to your sister.

I know the impact of this ineffective model on families, because in my own State of Ohio, a very good friend, somebody that, unfortunately, I have gotten to know through a terrible tragedy in her own family, Deborah Culberson, the mother of a murder victim, Carrie Culberson, has been searching for the remains of her daughter for the last 11 years. While Carrie's murderer will, hopefully, spend the rest of his life in jail, her body has never been found. Moreover, speculation exists that Carrie's remains may be in the State of Kentucky, we really don't know, which does not mandate the same requirements for identifying human remains as my State, Ohio.

Rapidly advancing DNA technology has proven to be a critical tool that law enforcement and families can access to locate and identify individuals and solve cold cases. Yet as Debbie Culberson's search demonstrates, the technology is not being utilized to its fullest. For example, many family members of the missing or unidentified do not know they can provide their own DNA to assist law enforcement. Some law enforcement officials do not know that this DNA technology can assist in solving cold cases. Even if law enforcement knows the technology exists, States may not mandate DNA testing for this segment of the victim population.

We, as elected officials, have a responsibility to take the lead in ensuring, number one, that adequate funding and effective education and training for law enforcement and the public exists; and, two, that all available resources and tools are being used to their fullest ability.

This resolution acknowledges Congress's commitment to these victims and to their families, that it will do everything within its authority to locate, identify, and return these sons, daughters, mothers, and fathers to those families who are still searching for their loved ones.

I urge my colleagues to support this important resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Judge POE.

Mr. POE. Mr. Speaker, I thank the gentleman from Ohio for yielding me time and for offering this important piece of legislation.

As a former judge and prosecutor and founder of the Victims' Rights Caucus, I certainly understand how crime victims may be distraught and scared and hopeless. Some die in this emotional nightmare and some of those who die are kids. But now they need not be voiceless. Congress can be a voice for crime victims, especially those who have been murdered.

I am proud to cosponsor H.R. 340. This resolution provides a voice for victims and their families, those that are involved in missing-person cases and unidentified human remains cases.

Any given day in the United States, there are over 100,000 missing persons. There are over 40,000 remains in medical examiners' offices and coroners' offices that cannot be identified. Cities and counties bury or cremate the unidentified human remains without collecting DNA in many cases. So Congress must continue to fund DNA testing, train and educate law enforcement on these issues, and raise awareness about the use of this scientific phenomenon, DNA, so that it can be used to identify the unidentified.

☐ 1645

We owe this to those silent who cannot speak for themselves.

DNA identifies missing victims as well as convicts the guilty and frees the innocent. For all of these reasons, this resolution should be adopted. So I totally support this resolution.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume just to thank the gentleman from Ohio for his leadership in introducing this resolution. I urge the House to adopt it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIRES). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 340.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE LOW PRESENCE OF MINORITIES IN THE FINANCIAL SERVICES INDUSTRY AND MINORITIES AND WOMEN IN UPPER LEVEL POSITIONS OF MANAGEMENT

Mr. MEEKS of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 140) recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 140

Whereas the financial services industry is vitally important to the United States economy;

Whereas in 2005, employment in the financial services industry was about 7 percent of total employment in the United States, with over 10,000,000 employees;

Whereas since 1995, the average hourly earnings of non-supervisory workers in financial activities was above the private industry and increased from approximately $13 in 1997 to $18.80 in 2006;

Whereas minorities and women face various challenges in obtaining and maintaining positions, especially upper-level positions, within the financial services industry;

Whereas minorities and women often cite the lack of mentors and leadership training as barriers to their advancement;

Whereas in 2005, about 14.9 percent of the board seats at the Fortune 100 companies were held by minorities, and women comprised about 16.9 percent of Fortune 100 company board seats in 2005;

Whereas in the financial services industry, the percentage of black employees has slowly decreased from about 10.5 percent to 9.8 percent between 2000 to 2005;

Whereas in 2005, blacks were approximately 9.8 percent of those employed in the financial services industry and about 7.4 percent of financial managers;

Whereas from 2000 to 2005, Hispanics have been an increasing percentage of the United States workforce and the financial services industry;

Whereas in 2005, Hispanics comprised about 9.7 percent of those employed in the financial services industry, just 6 percent of financial managers, and less than 2 percent of the directors of Fortune 1,000 companies;

Whereas in 2004, Asians represented about 5.5 percent of the employees in the financial services industry and about 6.3 percent of all financial managers;

Whereas in 2004, the financial services industry ranked third in the percentage of women employed in the workforce behind healthcare and education;

Whereas approximately half of financial managers are women and the percentage of women financial managers was approximately 51.7 in 2005;

Whereas in a 2001 survey of 2,200 senior and pipeline level women and men representing approximately 60 securities firms, 65 percent of women reported that women have to work harder than men to get the same rewards, and 51 percent of women report that women are paid less than men for doing similar work;

Whereas a minority of women (32 percent) and men (43 percent) believe that promotion decisions are made fairly in their firm;

Whereas the House-approved Financial Services Regulatory Relief Act of 2005 directed each Federal banking agency to submit biennial reports to Congress on the status of the employment by the agency of women and minorities;

Whereas the Government Accountability Office found in its report "Financial Services Industry: Overall Trends in Management-Level Diversity and Diversity Initiatives, 1993–2003", issued in June 2006, that overall diversity at the management level in the financial services industry did not change substantially from 1993 to 2004; and

Whereas, although the Government Accountability Office acknowledged that financial services firms have initiated programs to increase workforce diversity, the Office found that these initiatives face challenges: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Financial Services Diversity Initiative".

SEC. 2. FINANCIAL SERVICES DIVERSITY INITIATIVE.

(a) CONGRESSIONAL RECOGNITION.—The Congress—

(1) recognizes that minorities and women still face unique challenges entering into and obtaining upper level positions within the financial services industry;

(2) encourages financial institutions to partner with organizations which are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions;

(3) encourages financial institutions to partner with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring;

(4) encourages financial institutions, including Federal and State financial institution regulatory agencies, to build and retain a diverse staff through initiatives, including—

(A) providing financial support for minorities and women undergraduate and graduate business programs;

(B) heavily recruiting at historically Black colleges and universities, Hispanic serving institutions, women's colleges, and colleges that typically serve majority minority populations;

(C) sponsoring and recruiting at job fairs in urban communities; and

(D) placing job ads in newspapers and magazines oriented toward people of color;

(5) encourages financial institutions to appoint more minorities and women as board members; and

(6) encourages financial institutions, and public and private pension funds to seek qualified minority and women owned firms as investment managers, underwriters and other business relationships.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) active measures should be taken by employers and educational institutions to increase the demographic diversity of the financial services industry; and

(2) diversity within the financial services industry is vitally important not only to promoting innovation and creativity in the industry but to developing a more inclusive workforce for a fair and just economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS of New York. I yield myself such time as I may consume.

Mr. Speaker, I want to commend the leadership of this House for bringing this resolution to the floor. I'm an individual who has great concerns about America's ability to maintain its global advantage economically in the years to come.

Globalization is making the world a much smaller place. And although globalization has improved economic conditions in many parts of the world and has contributed greatly and mightily to the United States' prosperity, it also means that competition that was once domestic is now international. Young children today don't only have to compete with people of their town for work, now they compete with the people from their region. Businesses that once faced regional competition now face international competition. Not only can you now ship products all over the globe, but modern communications now allows you to contract professional services from anywhere in the world without needing a person and personal meetings. Capital now moves across the planet instantaneously at the push of a button.

What does all this have to do with my resolution, Mr. Speaker, the Financial Services Diversity Initiative? It has to do with the fact one of America's leading industries where we have the global advantage is, in fact, financial services.

As outlined in the resolution, financial services represents 7 percent of the total employment in the United States, and the industry is a key component of the U.S. trade surplus in services.

The service sector is the largest and most dynamic force in the U.S. economy. Services account for over 80 percent of the United States' GDP and employment. Financial services is a key component of our dominance in services, along with express delivery, telecommunications, information technology, audiovisual, energy, transportation and professional services.

In every single congressional district in the United States, the majority of the workforce is employed in the service sector. In no district is there fewer than 70 percent of the workforce employed in services, and in some districts that figure is as high as 92 percent. Moreover, the service sector is projected to account for virtually all new job growth in the United States over the next half decade. And States like New York, North Carolina, Florida and California that already have major financial services, financial services will be a major component of that growth.

Despite current conditions, our long-term dominance in this area is not inevitable. As the McKenzie Report indicated, our lead in financial services is being challenged all over the globe, particularly by London. In that study, the executives surveyed stated that one of the key factors in choosing a location from which to operate was an available and skilled workforce.

As a Member from New York, which is America's financial services capital, and a member of the Financial Services Committee, I have interacted and visited many financial services firms from the various sectors of this industry. I've been very supportive of the industry because it is of importance to America's competitive advantage and the financial health of my dear city, New York. However, the lack of diversity in the industry is glaring, particularly where African Americans and Latinos are concerned. Although women are more than 50 percent of the industry, their absence is much greater in the executive management and the boardrooms.

In a 2006 study conducted by the GAO that was requested by the Financial Services Committee, firm officials that were surveyed acknowledged that despite having problems, they still faced challenges in recruiting and retaining minority candidates. According to the report, "Some officials also said that gaining employees' buy-in to diversity programs was a challenge, particularly among middle managers who were often responsible for implementing key aspects of such programs."

To bring the issue closer to home, in New York State, the Department of Labor statistics shows that financial activities account for approximately 460,000 jobs. African Americans and Latinos together make up 53 percent of New York City's population. The same source states that nearly 40 percent of blacks and 35 percent of Latinos are unemployed. This is not to say that the financial services industry is responsible for the unemployment, but the fact of the matter is that if you are not able to place your majority population in the majority industries of your city, you're going to have a serious unemployment problem. And let's face it, whatever industry you're talking about, your greatest resource is going to be human resources.

In this resolution, I'm not asking for quotas or percentages, I'm asking for the government and the industry to take steps that are consistent with America's promise of fairness and opportunity toward increasing the diversity of the industry on all levels.

Years ago, this Congress passed the Community Reinvestment Act, and banks found out that doing business with a more diverse client base was very profitable. I believe the entire industry will find the same is true with a more diverse workforce.

I strongly encourage the Members of this House to pass this resolution, which simply says that we want the best opportunities for all Americans.

Let me take a moment to thank Chairman FRANK and Ranking Member BACHUS for working in a bipartisan way in bringing this through the committee and to the floor. I also want to thank Jameel Johnson of my staff, Erika Jeffers and Jaime Lizarraga of Mr. FRANK's staff, who happen to be two African Americans, one is a female and one is a Latino, showing how diversity works, and we are working together.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I rise in support of House Concurrent Resolution 140. This resolution recognizes the low presence of minorities in the financial services industry and minorities and women in upper-level positions of management. It also expresses the sense of Congress that active measures should be taken to increase the demographic diversity of the financial services industry.

I would like to thank the gentleman from New York, Congressman MEEKS, for introducing this resolution and for his leadership in the very important issue of diversity in the financial services industry.

As co-Chair of the Women's Caucus Business Task Force and as one of only 13 women in the U.S. Congress, including the House and the Senate, who serve on a committee overseeing the financial services sector, I would like to focus my remarks today on women in this industry.

As I have learned from my own experience on the Financial Services Committee, women are few and far between in upper-level positions of management and in financial services. This resolution acknowledges this factor and rightly encourages industry to take action to increase diversity.

Mr. Speaker, women and minorities are still just that, the minority, in corporate boardrooms throughout the financial services industry. According to a publication called "Women in Financial Services: The Word on the Street" released by Catalyst in 2001, women cited a number of reasons why they might be missing at the table.

Almost three-quarters of the women surveyed cited a lack of mentors as an obstacle barring them from advancing. Well over 50 percent of the women cited exclusion from informal networks of communication, lack of women role models, failure of senior leadership to assume accountability for women's advancement, and several additional factors as barriers to success. The same report cites that 65 percent of women have to work harder than men to get the same rewards, and that women are paid less for doing similar work.

The Government Accountability Office released the report that Mr. MEEKS just spoke about revealing that over an 11-year period, the commitment to diversity in the financial services industry was strong. However, the GAO found that this commitment has yet to translate into any real progress for women.

The GAO report also said, "Research reports suggest that minority and women-owned businesses have difficulty obtaining access to capital for several reasons." According to another Catalyst study, "a small minority of women, 18 percent, report that opportunities to advance to senior leadership in their firm have increased over the past 5 years," and "60 percent of women report opportunities to advance to senior leadership have improved somewhat or slightly."

So, what do we do about the relatively small number of women leaders in the financial services industry? I would suggest that step one is to recognize the problem, which we are doing with this resolution today, and step two is to encourage the financial services industry to take action and explore ways to increase the involvement of women and minorities in the financial services industry.

Currently, programs like those sponsored by Girls, Incorporated are working to promote economic and financial literacy among young women. I would like to commend them for their work, and also commend the efforts of all of those involved with Women's Policy Inc., Women Impacting Public Policy, the Small Business and Entrepreneurship Council, and many others who are promoting women in business.

In addition, it is my hope that during this Congress we can go beyond this resolution. I hope that we can examine ways to propel women in business, women in financial services forward and help them secure leadership roles in the industry.

As the new ranking member of the Financial Services Subcommittee on Financial Institutions and Consumer Credit, I intend to request that our subcommittee hold a hearing to examine the issues of access to capital for women business owners, especially those in the financial services. I hope that we can hold such a hearing during this Congress.

It is important that we continue to examine the barriers confronting women in business and find ways to help them overcome these barriers. I believe that increasing the number of qualified women in leadership roles in the financial services industry will both enrich the industry and make it more competitive.

Again, I thank the author of this resolution, Mr. MEEKS.

Mr. Speaker, I yield back the balance of my time.

Mr. MEEKS of New York. I yield myself such time as I may consume simply to thank the gentlelady from Illinois for her support in working in a clearly bipartisan manner in this particular matter so that we can get our friends in the financial services to offer opportunities to men and women who happen to be minorities, and we can move on and share in this great population.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to identify the low representation of minorities and women in the financial services industry. The Financial Services Diversity Initiative calls upon the public and private sector to provide more opportunities for minorities and women to succeed in the financial services industry.

The financial service industry has an extraordinary impact on the country, including my home district of Dallas, TX. While many industries have successfully created a diverse workplace, the financial service industry has fallen short, creating an unacceptable disparity for minorities and women. As a society, it is our responsibility to promote the diversity in the workplace and ensure confidence in any individual's ability to succeed at all levels.

In order to raise awareness and combat these disparities, we must furnish all children a first class education. Education is the vital threshold in expanding opportunities to qualified candidates, regardless of their race or sex. The Financial Services Diversity Initiative enforce fairness and accountability to all educational and employment sectors.

Mr. Speaker, as a person of color and a woman, I know first hand the importance of equality and diversity. I strongly support the Financial Services Diversity Initiatives which offers to eliminate the inequality among minorities and women in the financial services industry.

Mr. MEEKS of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 140, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

☐ 1700

SUPPORTING THE GOALS AND IDEALS OF FEDERAL CREDIT UNION MONTH

Mr. KANJORSKI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 658) supporting the goals and ideals of Federal Credit Union Month and recognizing the importance of Federal credit unions to the economy, and their critical mission in serving those of modest means.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 658

Whereas, on June 26, 1934, President Franklin Roosevelt signed into law the Federal Credit Union Act, thus enabling credit unions to be organized throughout the United States under the charters approved by the Federal Government;

Whereas Federal credit unions were chartered as uniquely democratic economic organizations, founded on the principle that persons of good character and all backgrounds, including those of modest means, joining together in cooperative spirit and action, can promote thrift, create a source of credit for productive purposes, and build a better standard of living for themselves;

Whereas Federal credit unions have consistently met those purposes and exemplified the traditional American values of thrift, self-help, and volunteerism, carving out a special place for themselves among the Nation's financial institutions;

Whereas Federal credit unions operate with the credo "Not for profit, not for charity—but for service" and have consistently reflected this philosophical tradition and the cooperative spirit of "people helping people" that gave birth to the Federal Credit Union Act;

Whereas there are over 5,000 Federal credit unions in the United States serving nearly 50,000,000 Americans in all 50 States; and

Whereas September 2007 has been designated as Federal Credit Union Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Federal Credit Union Month; and

(2) recognizes the importance of Federal credit unions to the economy, and their critical mission in serving those of modest means.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KANJORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer my thoughts about House Resolution 658, of which I am proud to be a cosponsor. House Resolution 658 would designate September as National Credit Union Month. America's credit union movement began during the Great Depression with the passage of the Federal Credit Union Act. With its mission of helping people of modest means, the credit union movement has blossomed, and these financial institutions help to keep our economy vibrant. Today, credit unions serve more than 89 million members at more than 9,000 State and federally chartered institutions. These financial entities are cooperative organizations that are owned and controlled by their members. From my perspective, the credit union movement represents democratic capital of our society. The movement also represents the grass-roots of our democracy.

Among other things, credit unions provide much-needed services to young families and small businesses, often offering mortgages and startup loans at low rates. In addition, credit unions invest in the areas where they are located by assisting in community revitalization and economic renewal efforts, as well as working with underserved populations to help them gain access to our Nation's banking system.

More than 9 years ago, we passed the Credit Union Membership Access Act, which I helped to introduce. This legislation modernized Federal credit union laws. Unfortunately, however, it also imposed severe restrictions on credit unions in several areas like capital standards, business lending, and the ability of some credit unions to provide services to underserved areas. From my perspective, we should revisit these areas and work to help credit unions operate more effectively and efficiently in the years ahead.

In closing, I am proud to be a supporter of the credit union movement and am pleased to speak in support of recognizing September as National Credit Union Month.

Mr. Speaker, I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I rise in support of House Resolution 658, a resolution supporting the goals and ideals of designating September 2007 as Federal Credit Union Month. First, I would like to thank the Congresswoman and the Congressman from New York, Mrs. MALONEY and Mr. WALSH, for their leadership and for introducing this important resolution. I would also like to thank my colleague from Pennsylvania (Mr. KANJORSKI) for managing this resolution.

Second, I, too, would like to recognize credit unions for the important role that they play in our community. This resolution honors the 5,000 Federal credit unions that serve the financial needs of 50 million Americans, or about 17 percent of all U.S. citizens. Democratic organizations that are run by their members, credit unions have provided millions of Americans the credit and financial services that they need to buy cars, build homes, and pay for education. Of particular importance is that credit unions across the country promote financial education and are a part of our national effort to increase financial literacy rates, especially among our Nation's youth.

The mission of credit unions is to serve those of modest means. In my congressional district, the 13th District of Illinois, credit unions serve policemen, teachers, post office employees, airline pilots, and health care professionals. Credit unions also serve scientists, engineers, and their support staff at Argonne National Laboratory, a Department of Energy laboratory that supports cutting-edge basic research and the advanced development of advanced energy technologies ranging from next generation nuclear reactors to fuel cells for hydrogen-powered cars. It could be said that by serving scientists and engineers in my congressional district, credit unions are helping, literally and figuratively, to drive our future.

Finally, I would like to recognize all of the credit unions and associations, especially those in Illinois, for their contributions to our communities. Specifically, I would like to recognize and thank the Credit Union National Association, the National Association of Federal Credit Unions, and the Illinois Credit Union League. Last but not least, I would like to thank all of the employees, in particular, Chairwoman JoAnn Johnson, at the National Credit Union Administration, the Federal credit union regulator.

Again, I thank the cosponsors of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with great pleasure that I rise today to recognize the goals and ideals of Federal Credit Union Month. Credit unions across the United States have been a vital component to economic growth and empowerment.

This month is intended to bring awareness to credit union's impact on the economy and the tremendous service they provide to their members. Our federal credit unions play an important role in the lives of many Americans, my district in Dallas, TX, included. Credit unions offer the chance for its members to participate in their financial lives as owners, rather than just account holders.

Credit unions help communities and families achieve their part of the American Dream by offering financial services and banking opportunities that many members would otherwise be denied with a privately owned institution. These opportunities enhance stability and affordability in ownership and security for credit union members.

Mr. Speaker, federal credit unions remain an important financial institution for many of our Nation's hard working people. It is important that we as a body continue to articulate support for our Nation's federal credit unions. As a loyal member of a federal credit union I strongly support the goals and ideas this month promotes.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. KANJORSKI) that the House suspend the rules and agree to the resolution, H. Res. 658.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 5 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 193, by the yeas and nays;

H. Res. 668, by the yeas and nays;

H.R. 1199, by the yeas and nays;

H. Res. 340, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING ALL HUNTERS ACROSS THE UNITED STATES FOR THEIR CONTINUED COMMITMENT TO SAFETY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 193, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 193.

The vote was taken by electronic device, and there were—yeas 385, nays 0, not voting 47, as follows:

[Roll No. 891]

YEAS—385

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—47

Berry
Bishop (GA)
Bishop (UT)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Capps
Carson
Costa
Crenshaw
Crowley
Cubin
Davis, Jo Ann
Davis, Tom
Delahunt
DeLauro
Engel
Etheridge
Grijalva
Gutierrez
Hastert
Herger
Honda
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kennedy
Kucinich
LaHood
Langevin
Lucas
Murphy (CT)
Nadler
Neal (MA)
Pence
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Rogers (AL)
Snyder
Stupak
Tiahrt
Towns
Waters
Westmoreland

□ 1856

Mr. MCNERNEY changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 50TH ANNIVERSARY OF THE SEPTEMBER 25, 1957, DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL BY THE LITTLE ROCK NINE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 668, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 668.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 0, not voting 45, as follows:

[Roll No. 892]

YEAS—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—45

Berry
Bishop (GA)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Capps
Carson
Cleaver
Costa
Crenshaw
Crowley
Cubin
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
Grijalva
Gutierrez
Hastert
Herger
Honda
Hunter
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kennedy
Kucinich
LaHood
Langevin
Larson (CT)
Lucas
Marshall
Murphy (CT)
Neal (MA)
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Snyder
Stupak
Tiahrt
Towns
Waters
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY. Mr. Speaker, on rollcall Nos. 891 & 892, had I been present, I would have voted "yea."

DRUG ENDANGERED CHILDREN ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1199, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 1199.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 4, not voting 39, as follows:

[Roll No. 893]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman

Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—4

Broun (GA)
Flake
Paul
Rohrabacher

NOT VOTING—39

Berry
Bishop (GA)
Brown, Corrine
Brown-Waite, Ginny
Capps
Carson
Costa
Crenshaw
Crowley
Cubin
Davis, Jo Ann
Davis, Tom
Delahunt
Grijalva
Gutierrez
Hastert
Herger
Honda
Hunter
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kucinich
LaHood
Langevin
Lucas
Murphy (CT)
Neal (MA)
Pickering
Pomeroy
Pryce (OH)
Snyder
Stupak
Tiahrt
Towns
Waters
Westmoreland
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1912

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE OF THE IMPORTANCE OF PROVIDING A VOICE FOR VICTIMS AND THEIR FAMILIES INVOLVED IN MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS CASES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 340, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 340.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 1, not voting 42, as follows:

[Roll No. 894]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)

Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—42

Berry
Bishop (GA)
Brown, Corrine
Brown-Waite, Ginny
Cappe
Carson
Costa
Crenshaw
Crowley
Cubin
Davis, Jo Ann
Davis, Tom
Delahunt
Grijalva
Gutierrez
Hastert
Herger
Honda
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kucinich
LaHood
Lantos
Lucas
Manzullo
McCarthy (NY)
Murphy (CT)
Neal (MA)
Pickering
Poe
Pomeroy
Pryce (OH)
Sessions
Snyder
Stupak
Tiahrt
Towns
Waters
Westmoreland
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1919

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 891, 892, 893, and 894.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 456. An act to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1495) "An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.".

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 661

Mr. TERRY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 661, to which I was mistakenly added.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

FORECLOSURE TAX RELIEF ACT

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, I rise tonight as a proud cosponsor of the Foreclosure Tax Relief Act. I commend its cosponsor, my colleague from Ohio, Mr. SPACE, as well as the chairman of the Ways and Means Committee, Mr. RANGEL, for agreeing to take up legislation that would give a tax break to middle-class homeowners who have been caught up in the subprime mortgage fallout.

Nearly 3,000 homeowners in Suffolk County, New York alone, that's one out of every 180 homes in my district, have joined 2.2 million families nationwide whose subprime loans have already failed or will end in foreclosure. Adding insult to injury, they face massive tax bills once any portion of their mortgage is cancelled. The IRS treats that forgiven debt as income and can even tack on interest and penalties.

In response to this unfair phantom tax, the Foreclosure Tax Relief Act would set the tax exclusion for middle-class families up to $50,000 in forgiven debt on first mortgages and primary residences. Therefore, I urge my colleagues to support foreclosure tax relief legislation.

GLENVIEW GOOD GUYS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, 2 weeks ago an incredible act of bravery took place in my district. Last Saturday, 3 high school students were stopped at a train crossing in Glenview, Illinois. At 8:30, as Glenbrook South High School senior Tom Foust and sophomores Tyler Brown and Zach Demertzis reached the intersection, they noticed an 83-year-old woman in her vehicle stopped on the tracks. It was clear the car was stuck, spinning her tires in the gravel.

At that moment, warning bells rang. The 3 young men rushed to the car and tried to help her move it. They didn't know how quickly the train was coming, at 79 miles an hour. When the woman did not leave, Tom reached in the vehicle and unclipped her seat belt. He pulled her out and got only 10 feet from the southbound train when it demolished the car, spraying glass and metal everywhere. The car was pushed into the northbound tracks and was immediately hit again by another train going in the opposite direction.

No one on the ground was injured. Tom, Tyler, and Zach saved this woman's life. I know I speak for the entire 10th District when I say how proud we are of the Glenview Good Guys, new heroes. Our community is very lucky to have them.

RECOGNIZING AND HONORING LINDA LOIZZO, NORTH MIAMI BEACH CHIEF OF POLICE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise tonight to recognize City of North Miami Chief of Police, Linda Loizzo. Linda is a true trailblazer. She has served the North Miami Police Department for more than 33 years in a number of capacities: Deputy chief, assistant chief of operations, major in charge of administrative services, commander in charge of the investigative division, and supervisor of several special support services units.

Linda was the first woman promoted to the rank of sergeant, the first woman promoted to rank of lieutenant and major, and the first woman promoted to the rank of chief of police for the North Miami Beach Police Department. Chief Loizzo not only broke down walls in a male-dominated profession, but she also shattered and crumbled stereotypes for women in all professions, and particularly those in law enforcement.

I congratulate Chief Loizzo on her retirement and thank her for her dedicated service to our community.

HONORING THE LIFE OF SPECIALIST DANE R. BALCON

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today to honor the life of Specialist Dane R. Balcon, who passed away on September 5, 2007, in Balad, Iraq, in support of Operation Iraqi Freedom. Specialist Balcon died of injuries sustained when an improvised explosive device detonated near his vehicle. Dane's mother, Carla, resides in Colorado Springs, Colorado, and his father, John, lives in Miami, Florida.

From an early age, Dane dreamed of the opportunity to serve his country. His path to the military began at Sand Creek High School in Colorado Springs, where he joined the Army ROTC program. The assistant principal at Sand Creek remembered Dane as an outstanding person and someone who had an absolute love for the military and serving his country. Immediately following graduation, Dane enlisted in the Army.

Specialist Balcon comes from a proud tradition of military service. Both his mother and father served in the military. I am grateful for their service and their selfless dedication to this great Nation.

Specialist Balcon was a remarkable soldier and a devoted son who honorably served the Nation he loved. Making the ultimate sacrifice, he died protecting our freedom and security.

I thank him, Specialist Dane R. Balcon, for his service to our country, and I offer my deepest, heartfelt condolences to his family.

HONORING THE LITTLE ROCK NINE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today enthusiastically and very humbly to honor the Little Rock Nine in the 50th year of the very brave 9 young men and women who exemplified courage to stand for what is right in America, and that is equality and justice and the opportunity for all to be educated.

Armed with a Federal Court order on September 23, 1957, these children went off to Little Rock High School. Turned back by a protest and viciousness, they then went with Federal troops given to them by President Dwight D. Eisenhower. Their names were Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas and Carlotta Walls.

I support the legislation. And although it is not the same, we now need Federal intervention for the Jena Six. We need justice for these young people. We need to be able to understand that these children are now being treated as the children were treated some 50 years ago.

Justice for Little Rock Nine and justice for Jena Six.

SPEAKING OUT AGAINST THE U.S.-PERU FREE TRADE AGREEMENT

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am pleased to join my colleagues in speaking out against the U.S.-Peru Free Trade Agreement. This is not a choice between trade and protectionism. It is a choice between fair trade, which can benefit working families across the Nation, and unfair trade, which benefits the wealthiest few at expense of the rest of us.

I cannot support, and I urge my colleagues not to support, this Bush-negotiated Peru Free Trade Agreement. It uses the same North American Free Trade Agreement model that has already failed working families here and abroad.

I feel like I am at a used car lot and the dealer is trying to sell the American people a beat-up old lemon with a new paint job. Well, we learned with NAFTA that there are no refunds for the American people when they are sold a bad bill of goods.

Let's learn from our mistakes and reject this Peru FTA junker. The American people deserve trade that works for working families, and the Peru FTA won't give us that. Vote "no" on the Peru FTA.

VOTE "NO" ON THE U.S.-PERU FREE TRADE AGREEMENT

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, I rise this evening to encourage all of my colleagues to vote "no" on the Peru Free Trade Agreement. I just lost the third of four clothing factories in my district on Friday; hardworking men and women thrown out of work not because they couldn't do the job, but because they couldn't compete.

We have a responsibility as Members, whether you are Republican or Democrat, from whatever State you come from, to stand up for the American workers. I can't go back to my district and I will not go back to my district and try to explain to my workers who are losing their jobs, if you will just wait until we pass another trade deal that this President is not going to enforce.

I urge all of my colleagues to please vote "no" on the Peru Free Trade Agreement when it comes up. We can do much better, we owe it to our workers, and we will do much better.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDICAL IMAGING SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today and ask my colleagues to support legislation reversing the dangerous cuts made to medical imaging services by the last Congress.

The incorporation of imaging technology into medical practice has transformed physician practice, patient care, and improved health outcomes for millions of Americans.

Unfortunately, the Deficit Reduction Act last Congress slashed funding for imaging services. These dangerous cuts mean that women will have difficulty getting a mammogram. Doctors will begin to phase out imaging services because the reimbursement rate will cause them to lose money.

While these cuts may have saved the government money, it has increased the health risks of our Nation's citizens. Patients throughout the United States depend on medical imaging because it often detects critical illnesses at their most curable stage when they are less costly to treat. Better, less invasive care often means easier recoveries and greater patient comfort are additional reasons why drastic cuts to medical imaging do not serve the patient well.

Medical imaging is an overall cost-saver for patients and the health care system in general because it results in fewer complications, earlier detection, shorter hospital stays, and better pain management.

Our goal should be keeping our workers healthy and on the job by helping them avoid surgery, long recuperation and disability. For this reason, significant cuts to medical imaging are not the solution. That is why I ask your support and need it for H.R. 1293, Access to Medical Care Imaging Act of 2007. My legislation would suspend for 2 years drastic cuts to critical diagnostic imaging services provided in physicians' offices and imaging centers.

The cuts were agreed to with little public debate by the U.S. House of Representatives, yet they account for more than one-third of the Medicare cuts in the Deficit Reduction Act of 2005. Furthermore, as was directly pointed out by Members on both sides of the aisle during the Energy and Health Subcommittee hearing on July 18 last year, the policy was not recommended to Congress by MedPAC or CMS, and there has been no analysis of the impact of the cuts on seniors' access to imaging services.

Unfortunately, despite broad bipartisan support in Congress to delay the DRA policy, the DRA imaging cuts went into effect in January of this year. My legislation would place a 2-year hold on the implementation of the cuts and require a comprehensive GAO study on patient access and service issues relating to the availability and quality of imaging services in physician offices and imaging clinics with special attention to seniors living in rural and medically underserved areas.

Please join over 150 of my colleagues and become a cosponsor of H.R. 1293. People have to understand sometimes the cuts that we make around here are not in the best interest certainly of our constituents. Spending most of my life as a nurse, preventive care is better than letting it go. That is why our health care costs are so high. We need to do a better job of making sure that our constituents are served.

OPPOSE PERU FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. Mr. Speaker, on the eve of the Ways and Means Committee markup on the Peru free trade agreement, I rise tonight in strong opposition to the Peru free trade agreement.

I am extremely disappointed there will be no formal committee hearing on the Peru free trade agreement. The last hearing for the Peru free trade agreement in the Ways and Means Committee was held in 2006.

Given that the administration and leadership announced proposed changes to the trade model in May, I believe it is critical to have a full hearing on the Peru trade agreement. The diversity of viewpoints on the Peru FTA have not been significantly heard by Members. Many of the newly elected freshmen Members campaigned on a platform of ensuring a significant change of course from the Bush trade policy.

The Peru free trade agreement is based on the same flawed NAFTA and CAFTA model that has been so devastating to industries across the Nation.

When I campaigned for my seat 5 years ago, the cornerstone of my campaign was fixing our broken trade policies. I have seen firsthand what they have done to the State of Maine. I firmly believe in order to address our trade imbalance, we have to change the trade model. The Peru FTA is the same old model with a little lipstick.

There is overwhelming opposition to the agreement by unions, consumers, small business, and environmental groups. They are all asking Congress to oppose the Peru FTA.

Who supports this deal? Big Business does. When Tom Donahue, president of the U.S. Chamber of Commerce, states that he is "encouraged by assurances that the labor provisions cannot be read to require compliance with ILO conventions," we should be very skeptical.

While we have all heard that the Peru agreement text improves labor and environmental standards, we fail to hear that they are added upon the old NAFTA and CAFTA text. The bottom line: this is another Bush NAFTA expansion.

Key unions are worried about the labor provisions. The new provisions require countries to adopt, maintain, and enforce only the terms of the ILO declaration on fundamental principles and rights at work. The new FTA language does not require signatories to meet the ILO conventions. These are the binding standards; the declarations are nonbinding. It is highly likely that changes in the environment and labor provisions will have no real effect on the ground.

We all know that the Bush administration has a long record of not enforcing the standards of past trade deals. Why would they start now? There are so many problems with the Peru FTA, whether it is the privatization of Social Security, ban on anti-offshoring, or failure to protect our intellectual property rights, there are more than enough reasons to oppose the Peru FTA.

I could go on, but I do not have the time. I ask my colleagues to really listen to what America is saying about these trade deals. I am asking Members to vote their conscience to oppose the Peru free trade agreement.

ESCALATION IN IRAQ WAR COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise tonight to draw attention to the surge, or escalation, of the occupation of Iraq. This time it is not an escalation of troops; it is the escalation in spending to continue this senseless, apparently endless occupation.

Recent estimates put the cost of the military actions in Iraq and Afghanistan at $808 billion by the end of this year. That's just knocking on the door of $1 trillion, Mr. Speaker. Let me say that again: we are closing in on $1 trillion, and we haven't even begun to put together a plan to bring our troops home.

This administration has talked about a Korean- or Vietnam-like presence in Iraq. This could mean as much as 50 more years of U.S. boots on the ground. Conservative estimates put just one more decade of military spending at $1.5 trillion. Who knows what it will be after 20 or 30 or 50 years.

The United States has an obligation, both moral and political, to help the people of Iraq to rebuild their nation. Whether through reconciliation or reconstruction, our commitment must be ongoing. But we can't start either of these while we are funding this administration's occupation.

Despite the bravery of our men and women in uniform, we all know that we can't bring peace and stability to another country down the barrel of a gun.

A recent report by the Congressional Progressive Caucus found that this misdirection of funds may actually be endangering our own homeland. Each of my colleagues can go to my Web site, www.Woolsey.house.gov, and find out what it is costing their congressional district.

My district of Marin and Sonoma counties in California have already paid $1.3 billion for the occupation of Iraq. That could have paid for nearly 25,000 public safety officers or nearly 18,000 port container inspectors to provide real security for our homeland.

Instead of passing on a war deficit to our children and grandchildren, we could have been investing in their future and, Mr. Speaker, we must. So far in paying for the occupation, we could have paid for 20,000 more elementary school teachers, or we could have provided almost 500,000 more children with health care, or 200,000 college scholarships to worthy students.

America's working families have demanded, they went to the polls in November, they want us to end this occupation. They want real investment in their own communities. They want this Congress to stand up to the White House and demand that our troops and military contractors be brought home, not in 10 years, not in 50 years. They want our troops home in a safe and orderly responsible manner by the holidays.

Enough of the endless occupation. Enough of the misspent billions. Enough is enough, Mr. Speaker. Let's bring the troops home. Let's provide for a secure future for American and Iraqi families.

CBC DISCUSSES SCHIP AND THE JENA SIX

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the subjects of the Congressional Black Caucus Special Order message hour today that will focus on SCHIP as well as the Jena Six.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. JONES of Ohio. Mr. Speaker, today 50 million Americans have no health insurance, including more than 8 million children. Eight out of 10 uninsured Americans either work or are in working families. Sadly, many of those uninsured and underinsured are African American.

Being uninsured means going without needed care. It means minor illnesses become major ones because care is delayed. Tragically, it means that one significant medical expense can wipe out a family's life savings. There are millions of working uninsured Americans who go to bed every night worrying about what will happen to them and their families if a major illness or injury strikes.

In my home State of Ohio, there are currently 1,362,000 uninsured, an increase of 18,000 people since 2003. We have also seen the strain on many of the local hospitals in my district when people are forced to use emergency rooms as their source of primary care.

The problem is getting worse. As the price of health care continues to rise, fewer individuals and families can afford to pay for coverage. Fewer small businesses are able to provide coverage for their employees, and those that do are struggling to hold on to the coverage they offer. It is a problem that affects all of us, and we cannot sit idly by while the people of this country continue to go without health insurance.

Tomorrow, we will have an opportunity to expand one of the most effective government programs implemented in the last decade, the State Children's Health Insurance Program, or SCHIP. SCHIP is a joint State-Federal program created in order to provide health insurance to children in low-income households whose income, although meager, was still above Medicaid eligibility.

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Currently, the program allows for States to provide health insurance to families whose household income is up to 200 percent of the poverty level. In 2006, SCHIP provided coverage to over 6.7 million children, and although it has been successful since its inception, there are still 9 million children without any health insurance, many of whom are minorities. Currently, more than 80 percent of the uninsured African American children and 70 percent of the Hispanic children are eligible for SCHIP but not enrolled.

It gives me great pleasure to lead this special hour this evening on behalf of the Congressional Black Caucus, and I'm pleased at this time to yield time to my colleague and good friend BARBARA LEE from California.

Ms. LEE. First, Mr. Speaker, let me just thank my colleagues from the Congressional Black Caucus for their leadership, especially our Chair, Congresswoman CAROLYN KILPATRICK, who has done such a wonderful job keeping us focused on "Changing Course, Confronting Crises and Continuing the Legacy."

I also want to thank the Chair of our Ethics Committee, Congresswoman STEPHANIE TUBBS JONES for her leadership on so many issues and also for her service on the House Ways and Means Committee. She has truly made history as the first African American woman serving on that committee, and as we heard tonight, her commitment to children's health care is remarkable, and she has done so much on behalf of our children, and so I thank Mrs. JONES for her leadership and for this Special Order.

Let me first rise in solidarity with the tens of thousands of people around our Nation who took to the streets last week to protest the miscarriage of justice that has taken place in Jena, Louisiana.

Students in my district are as outraged as students throughout the country. The case of the Jena Six is yet another example of the institutional racism in our criminal justice system, and it is unacceptable.

We have come so far from the days of Jim Crow, but incidents like this one should serve as a solemn reminder of just how much further we must go in seeking liberty and justice for all.

Just with Katrina, the Jena Six demonstrates in a glaring and tragic manner the unfinished business of America. Unfortunately, these are issues in many instances of black and white.

If we are ever to overcome the tragic legacy of racism in this Nation, we have a duty to our young people to see to it that the principle of equal justice is upheld. If we truly believe in our Nation's principle of equality under the law, then we must make sure that everyone, regardless of race, is held equal under the law.

There are Jenas everywhere in America, and it's not just where nooses are hung from trees. Just look at the injustice and the ramifications of mandatory minimum sentences and three strikes laws. Young black men have received sentences under these laws totally disproportionate to the crime committed. It's time for America to wake up and begin to complete this unfinished business.

Now, let me just briefly talk about children's health care and say in no uncertain terms that it's really incredibly irresponsible and downright shameful that the President really does not support children's health care.

SCHIP is one of the most successful programs in our Nation, facilitating coverage for 6 million children. When I was in the State legislature, along with Congresswoman HILDA SOLIS and now-Mayor Antonio Villaraigosa, we wrote the Healthy Families program, which was the California SCHIP initiative. We were then and continue to be committed to extending the reach of the program as much as possible with the available resources, and now Healthy Families in California provides low-cost access to health care for over 800,000 children, more than any other State.

The flexibility built into SCHIP has allowed California to provide access to health, dental and vision coverage for the children that it serves, and we must continue to support that vital mission.

Providing health care coverage for our children is one of the most cost-effective investments that America can make. Children are the least costly to provide coverage for, and giving children access to adequate primary health care will create a generation of healthier, better educated and, in the end, more productive adults.

Under the Bush administration, the number of uninsured Americans has continued to grow. Employers continue to cut coverage and shift more of the burden to employees as costs continue to rise, but the SCHIP program has slowed the growth for our Nation's children.

Additionally, comprehensive health coverage for children is an important step towards eliminating the growing, continuing, huge health disparities that plague minority populations, including 800,000 Asian Pacific Americans, 1.4 million African Americans, and 3.4 million Latinos.

Minority children make up more than 5 million of the 9 million uninsured children. These children are more than twice as likely as white children to die before their first birthday, and these mortality rates are a direct result of these children being uninsured.

So, quite frankly, I think it's two months of the funding for this occupation of Iraq, this funding would cover every child in America for a year. It is a tragedy that children's health care has not been funded at the level that we're funding the occupation of Iraq.

Now, unfortunately, I have to say it seems like the President is waging war against our children, and I hope that the American people hold him accountable.

I thank you for organizing this Special Order tonight.

Mrs. JONES of Ohio. Mr. Speaker, I thank my good friend from the great State of California, Congresswoman BARBARA LEE.

It gives me great pleasure at this time to yield time to my good friend from the great State of New Jersey. He is a leader in international relations and is now the Chair of a new subcommittee called Global Health as part of the International Relations Committee. I give you my good friend and the gentleman from New Jersey (Mr. DONALD PAYNE).

Mr. PAYNE. Mr. Speaker, let me begin by also expressing my accolades to the gentlewoman who is chairing this Special Order tonight from the great city of Cleveland in Ohio.

As you know, she has served with distinction in the past in the judicial system as a judge. She is a former prosecutor, of course, and esteemed attorney, and she now heads the very difficult Ethics Committee, which really says that of all of the people in this body, it was deemed that she was the most qualified and suitable, in addition to qualifications you need to be suited for a position, and so I commend you for that.

Also, as I previously mentioned, we're very pleased with the Congressional Black Caucus as it continues to be the conscience of the Congress. Our chairperson from the great city of Detroit, Representative KILPATRICK, is doing an outstanding job.

Today, I rise to speak briefly on two subjects. First of all, I rise to speak about my support for the reauthorization of the State Children's Health Insurance Program, SCHIP, which expands and increases health insurance coverage for low-income children and improves the quality of health care that our children receive. But we need to pass a bill that fully funds and covers all eligible children. How could the richest Nation in the world do less than to provide for its young? It is critical and important because they are our future.

Today, our Nation is facing a health care crisis. Existing private insurance options are becoming increasingly less affordable for families, and 45 million individuals remain uninsured in our country, 9 million of whom are children. The State Children's Health Insurance Program and Medicaid have been successful in providing 6 million children with health care coverage.

In considering the reauthorization of SCHIP, we must build on past bipartisan success and work together to ensure coverage for the 9 million children who remain uninsured.

I am proud to say that New Jersey has made significant progress in providing health insurance for its children. However, the progress cannot be maintained unless we reauthorize legislation which meets the real needs of children and for children's health coverage, including addressing the unique needs of children with disabilities.

According to a study released by Families USA, the number of uninsured children in my home State of New Jersey could be reduced by 100,000 Statewide if SCHIP is fully reauthorized.

Without this legislation, New Jersey has more to lose than most States, unfortunately. Why? Because New Jersey did the right thing by increasing SCHIP eligibility to 3.5 times the Federal poverty level because of the cost of living, which is higher in New Jersey, especially housing costs. Similarly, New Jersey enrolled low-income parents in part because research has shown that this results in more low-income children being enrolled in the program.

However, instead of being rewarded for these actions, under the Bush administration's proposal, over 28,000 children and 80,000 parents Statewide could lose their health care coverage. In addition, thousands more children who are eligible now but not participating would never be able to enroll in the program.

Mr. Speaker, the Federal Government must be a responsible partner in terms of State health coverage initiatives. Forty years ago, Medicare eliminated the problem of the uninsured among the elderly. I believe we have an opportunity to take steps to do the same now with our children by fully reauthorizing this vital health care program.

Mr. Speaker, my commitment to children's health care is solid, and I urge that we support a bill that fully reauthorizes, not half, not a quarter, not three-quarters, but fully authorizes, and I hope that the bill that comes before us will do just that.

Now, if I may speak for a few minutes on the Jena Six.

Mrs. JONES of Ohio. Absolutely, please proceed.

Mr. PAYNE. Thank you very much. Because we stand here on the 50th anniversary of school desegregation in the South and 43 years ago after the signing of the civil rights bill of 1964.

However, recent events, particularly in the last 2 years, give credence to the saying that all that glitters is not gold. Although we thought we were making tremendous progress, still many problems remain.

Two years ago, New Orleans washed away, exposing undertones of class and race that did not go away with the signing of those two momentous decrees, Brown v. the Board of Ed and the Civil Rights Act of 1964.

In Jena, Louisiana, the issue of race, which had been simmering below the surface, had reached the boiling point late last year. Can you imagine that an act of sitting under the unspoken white only tree will garner the reaction of nooses? Not only nooses, but nooses decorated in the school colors being hung from that same tree? There's no mistake the symbolism that nooses hanging from a tree means in the not-so-distant history of America.

As a matter of fact, the NAACP was founded in 1909 not for full employment, not for equal accommodation. The simple, original goal was simply to try to stop lynchings, just try to stop lynchings, and here we have nooses put under a tree that is the tree for whites only, to send a message that if you sit here, you don't know what might happen to you in the future.

While I find what those students did to be egregious, hanging the nooses on the tree, I am just as disgusted and dumbfounded by the reaction of the school administrators. Chalking up those actions to be a youthful stunt shows a dereliction of duty by the Jena school administrators. Have you no sense of history? Have you have no sense of common decency? Three days of in-school suspension for the culprits of this prank equates to a slap on the wrist. That punishment says shame on you but really means no harm, no foul.

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Yet, after almost 4 months of underwhelming reactions from the school administration who are supposed to protect and advocate for the students under their care, the school imploded.

While I do not condone violence as a solution, couldn't something have happened before we even arrived at this point? Yes, one student was injured, and thankfully he has recovered. But attempted second degree murder, second degree aggravated battery and conspiracy?

The Jena school administration and the local legal system cannot run hot and cold while doling out punishments. They have the responsibility to be objective and fair, and not play with the people's lives like they are pawns in a chess game. The punishment must fit the crime. We are dealing with lives here, especially the lives of young people who still have a lot ahead of them. Threatening to take their lives away at the stroke of a pen does not ring of the necessary objectivity and fairness befitting a district attorney who looked at the black students and said, by the stroke of this pen I can have your future of your life.

And so as I conclude, Martin Luther King said, injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

As Members of Congress elected by the people to represent them and to promulgate laws on their behalf, we have to speak out against these types of injustices that threaten the very foundation upon which this Nation stands, equal treatment under the law. If we fail to speak up for these young men, we will be abdicating our roles for which we were elected. What is to say that my grandchildren or your child will not be the next? Let us not sheepishly accept this type of behavior, not in the 21st century.

Mrs. JONES of Ohio. I would like to thank the gentleman from New Jersey for his comments.

Today, as I said previously, under the leadership of our Chair of the Congressional Black Caucus, Congresswoman CAROLYN CHEEKS KILPATRICK, this is the CBC's special message hour. Today our message is on the SCHIP program and the Jena Six.

It gives me great pleasure to yield time to my colleague and good friend from the Virgin Islands. She is a medical doctor. Prior to coming to Congress, she practiced medicine right here in Washington, DC. She is the leader of the Congressional Black Caucus health brain trust. It gives me great pleasure to yield such time as she may consume to the gentlewoman from the Virgin Islands, DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you for yielding, Congresswoman, and for leading this Special Order so we can speak of these issues of importance to our constituents. And let me join my other colleagues in applauding our chairwoman, Congresswoman CAROLYN CHEEKS KILPATRICK, for setting aside this hour, and let you know again how proud we are, how proud you make all Americans as the first black woman on the Ways and Means Committee and also as Chair of the Ethics Committee.

Tonight, this hour is devoted to two topics, the Jena Six case and the Children's Health Insurance Program. As I tried to decide which one of these compelling and imminent issues to speak on, it occurred to me that there is a connection between the 2. Both deal with the well-being of our children and this Nation's responsibility to provide equal opportunity for them for a life of quality and of achievement.

With the case of Michael Bell, who remains locked up with no bail, as well as the other five Jena High School students, this country is witnessing firsthand the kind of injustice perpetrated on far too many African American children which results in the destroying their dreams, their hopes, and their lives. It is time for the good people of this country to rise up and say, no more. So I want to thank the leadership of the CBC and all of our members for answering the call of these young people. I thank the Reverend Jesse Jackson, the Reverend Al Sharpton, the others of the faith leadership, the NAACP, and the thousands who marched in protest, for standing up and standing with the Jena Six and for justice.

These young people and Genarlo Wilson of Georgia are just seven of the countless others who have faced and continue to face the same fate, and we must never stop the work of protecting our children.

That applies also to the issue of the Children's Health Insurance Program. Regardless of what one hears on TV and radio, there are about 6 million children now in the program, 800,000 of whom would lose their insurance if we reauthorize it at the level the President says he will accept. There are now almost 9 million children who are uninsured, 6 million of whom are eligible for SCHIP, the children's insurance. The bill the Senate Republicans are holding us at will only add about 2 million. I believe that every eligible child must be covered, even if that means a shortened reauthorization to stay within the funding limits set in the Senate.

And the White House and Republican talking heads need to stop misinforming and distorting the truth about what we are proposing in the House bill and even proposing in the watered down version that the Senate has reached agreement on. There are no upper middle class, even middle class children who would be covered under either the House original version or the current proposal. Coverage is provided for only up to 200 percent of poverty, which is where it has always been. The House SCHIP I still support would just finally provide adequate funding to get those already eligible, but not signed up, covered.

Our children need access to health care that includes dental care, mental health care; and it needs to begin at the very beginning by including prenatal care for their mothers. The Territories need to have State-like treatment, and we must also include immigrant children who are legally here.

The American people want us to provide health care to everyone. If we cannot begin with poor children, what kind of country are we? Do we not understand that, in keeping our children healthy, we save money by preventing more serious chronic illness later and that we build a stronger country by enabling them as healthier adults to contribute to everyone's well-being and our Nation's strength?

We in the House have built consensus around the better bill, and that was not easy. We need our colleagues on the other side of the Capitol to join us on the side of right. Come on, colleagues, let's give our children what they need. Let's do the right thing. Let's send the President a bill that is truly observing of the wonderful human beings full of potential that are America's children. If he vetoes it, let it be on him, not on us.

Mrs. JONES of Ohio. I thank the gentlewoman from the Virgin Islands.

It gives me great pleasure at this time to yield for comment to my good friend from the great State of California, former ambassador to Micronesia, a now Member of Congress, such time as she may consumer. We are glad to have her here. She is in her third term, the gentlewoman from California, Congresswoman DIANE WATSON.

Ms. WATSON. Mr. Speaker, I want to give a special thanks to Representative STEPHANIE TUBBS JONES for coordinating this. She certainly has shown her leadership ability in everything that becomes her responsibility. And I thank you for the time.

I want to very quickly add my remarks to those of my colleagues referencing the Jena Six. I was horrified to see us take a step backwards into a period of time when there was fear and hatred displayed on people's faces and in their actions. And certainly we know that with every crime committed there is a punishment.

But the symbol of justice in this country of ours, the United States of America, is a symbol that has a scale and a blindfold, because justice should be blind. And in a country that uses the rule of law as its guide post, how is it that we become so unjust when we are dealing with our young people?

Certainly, things happen and anger builds up and children do things that are illegal and sometimes foolish. But rather than looking at them as adults, let's apply the law to them as young people and apply it equally so they can learn their lesson.

With a stroke of the pen and destroying the lives of six young men, I think that sends the wrong message to the world. We are asking other countries to model their forms of government after ours here in America. And I would give a caution. We have made too many mistakes, and I would say don't take our mistakes as part of our Western-style democracy. They are truly mistakes of man, not mistakes of law. And so I would hope that, after the demonstrations, after the fury, justice will take place and people will be treated fairly.

Mr. Speaker, our American health care system is failing. According to the Census Bureau, the number of American children who lack health insurance has reached a new high, 8.7 million. Worst of all, that number has actually increased by 1 million just over the previous 2 years. Meanwhile, our gross domestic product during that same period increased by $1.5 trillion. So at the same time our economy was growing by that amount, 1 million more children were losing their health insurance.

Mr. Speaker, it is absolutely shameful that, in a Nation as wealthy as ours, we leave so many children sick and vulnerable. It is shameful that the richest Nation in the world has an infant mortality rate that ranks 35th, higher than any other rich nation. It is shameful that while we vote for tax giveaways for the richest Americans, the poorest, most vulnerable Americans are left in the lurch.

I believe we were sent here to do more than just apply Band-Aids to this situation. I think we have the responsibility to make sure that every American, and certainly every child, can see a doctor when they are injured or fall ill. Politics is often about compromise, but which children should we decide not to allow the deserving health coverage? Which of us would be willing to choose between our own children, saying one can be healthy but another must be ill? I think this is a false, immoral choice; and I do not believe we should accept anything less than full coverage for every American child.

In my district, the economics range from the dangerously poor to the superrich. And I say "dangerously poor" to describe the impact of poverty on children's health. Poor children are at risk from disease, from crime, from poor education, and many other negative influences that stem from a poverty environment. This list goes on.

When we talk about homeland security, we really mean the people on the land. So providing a health delivery system for all our children is the only way to guarantee a strong Nation of future Americans. So let's invest in our children rather than in war that can take their lives too early, so regardless of income levels, our children have a birth right to grow up healthy and strong to face the challenges of a rapidly changing world.

Thank you, STEPHANIE TUBBS JONES and Mr. Speaker, for the time allowed.

Mrs. JONES of Ohio. I am about to yield some time to a really good friend of mine who in fact was the Chair of the Equal Employment Opportunity Commission when I was a trial lawyer at the EEOC with my earlier career. But before I do that, I want to make a statement with regard to Jena Six.

I have been blessed in my lifetime to have a lot of opportunities in the law. I was an assistant county prosecutor, criminal division for 2½ years; I was a municipal court judge for 2 years; I was a general jurisdiction judge for 8 years; and I also was the Cuyahoga County prosecutor for 8 years before I came to Congress. And I give that statement, my background, so you understand the breadth and the experience that I have.

The prosecutor in Jena, as I have come to understand, as with every other prosecutor in this country, has an ethical obligation, and it is very difficult when the light is shone on you. Here we have a young man who has been in jail more than a year, a juvenile. Now a court has said to them that his trial should be overturned. That prosecutor, the prosecutor in Jena, should be saying to himself, duh, should I be rethinking the position I have taken? Should I not encourage the judge to do justice? Should I not say to that judge, grant this young man bail until we work this out?

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I'm confident it's tough on him because he's got all these other people saying, hold your ground; do what you've been doing. It's a lot easier to hold your ground than to do what's right. And I'm calling upon that prosecutor, the prosecutor in Jena to rethink, go back in a corner in his office all by himself without all the pressure, and contemplate why he was put in office.

Prosecutors are some of the most powerful people in this country, and I'm going to encourage young people who are listening to me to become an assistant county prosecutor. When you are the prosecutor, you are vested with so much discretion that you would have the opportunity to reconsider what's happened with this Jena Six.

But as I move forward, I want to say to this prosecutor, all of us talk about justice and what's happened in our judicial process, in the judicial system. Young people need to see in judicial officers and prosecutors justice so that they will have faith in the system.

Again I'm calling upon this prosecutor to rethink what he did. You know, it's very easy to overcharge. When you overcharge, then you can say to the people, well, I charged him with this, but I was able to get a plea bargain. Justice requires, ethics require that the prosecutor apply the law to the facts and then make a decision with regard to what the charge should be.

In this instance, again, I call upon this prosecutor to take a look at the circumstances. High school kids. And we've seen fights among high school kids where the fights get rough and damage occurs and injury occurs. And I'm not saying by any stretch of the imagination that there should not be some question or responsibility for the conduct that was engaged in.

But I call upon the prosecutor again, you do justice. Don't wait for the judge to do justice. Don't wait for God to do justice. It's in your hand to do justice, to use the power that you have, that you've been vested with, that the people of America expect you to do your job; and your job will be to rethink the decisions you've made in this case and make sure that justice applies. And it's in your power to do so.

It gives me great pleasure, at this time, to call upon my good friend, one of the great lawyers in the Congressional Black Caucus who's shown leadership in every area that I can think of, my good friend, the Delegate from the District of Columbia, ELEANOR HOLMES NORTON, for such time as she may consume.

Ms. NORTON. I thank the gentlelady for her very gracious remarks and kind words. To the gentlelady who remarked that I first knew her when I was Chair of the Equal Employment Opportunity Commission, I must say to her that it gave me special personal pride to see her elected to the Congress, much more to see her become the first African American woman on the Ways and Means Committee, and she just did us proud again.

The gentlelady from Ohio has applied her distinguished career in the law to reminding the prosecutor what his first obligation is, and that is to do justice. That's why the prosecutor is given such discretion. He often doesn't prosecute, or he thinks of other things that should be done. The onus is on him.

And I found your remarks especially important in light of the fact that after what we've seen in Jena has left us to just get to one side or the other, and that's not solving the problem either.

I want to thank the gentlelady from Michigan, who is the Chair of our caucus, for delegating to you this responsibility and for her great leadership, especially in this week of the Congressional Black Caucus events where we will be discussing public policy and trying, as a group of African Americans, to contribute not only to the Congress, but to our Nation.

If the lady will, I would like to comment on both issues. I decided that the issue, the consciousness on the issue, had been raised and no words that I could say could further raise them.

But my consciousness was raised when 50,000 people went to Jena, led by young people. Now understand, yes, there were civil rights leaders here, but not since I was a kid in the Student Nonviolent Coordinating Committee did I see a demonstration that was generally led by young people. The organized Civil Rights Movement played its part. But nobody who looked at those television pictures can have any doubt about who organized this extraordinary demonstration. And look what it was. It was a peaceful protest in the tradition of the peaceful nonviolent protests of the 1960s and '70s.

These kids, mostly college and high school youngsters, who identified clearly with the Jena Six of their age, came to Louisiana essentially to say that adults had lost control of their town and of their society. I went and looked for what has happened, and I want to say a few words about what has happened that makes me say that adults lost control.

This event that we all know about under the tree began almost a year ago. Well, in August. Well, August 2006, as a matter of fact. Now we're already in, so that's more than a year ago. Where, interestingly, these students went and asked permission to sit under a tree. Everything thereafter, it seems to me, falls squarely on the shoulders of the adults. Here the children are asking for permission. What do kids usually do when they see a shady spot? And that's what it was, apparently, one of the few shady spots close to the school has been preempted by people of a certain color. Well, you know, the way in which children go to school and college today, tragically, in separate groups, instead of going over and simply starting a fight or simply sitting under the tree, they asked permission.

Mr. Speaker, the noose, one can argue about whether the 3 nooses should have resulted in expulsion or not. For myself, particularly if there's only 1 high school, I'm not for expelling anybody. I'm for using the good offices of the adults to try to keep from doing that. And I doubt if there was more than 1 high school in Jena.

But the fact is that, whether or not the kids knew what the 3 nooses meant, once that word reached adults, white and black, they knew for sure. And without recounting all of the events, it appears that many opportunities to try to solve this issue were lost because those in charge of the town refused to listen.

How could a prosecutor, the prosecutor of which the gentlelady spoke, have essentially used the threatening language about the stroke of a pen and making your lives disappear after a school assembly? The school assembly was the right thing to do.

But I say to the Chair of tonight's event, where is the civil rights unit of the Justice Department?

After more than a year with this thing heating up, they still have, so far as I know, this unit that does not engage in law enforcement but does help troubled communities. This is a small town. They perhaps don't have the resources or the expertise to know what to do. But this school has gone through four lockdowns over this event; the local newspaper suggesting that the parents who tried to raise the issue at a school board meeting soon thereafter and were denied were the cause of the unrest. And there has been unrest.

The expulsion hearing for hanging the nooses becomes an issue not simply because that was not considered enough of a punishment. That's arguable. I don't want to stand here and say what was the proper punishment. It's because people look at the fact that that was mitigated to a few days and compare it to the almost instant expulsion of the black kids following a fight.

I don't regard these 2 things as the same. But I say to you that the reason that this appearance of unequal justice heated up is because after the expulsion was overturned to a few days' suspension, the adults did not, in fact, react to the mounting tension in the school, and it has mounted for over a year.

When the parents of the black students weren't allowed to speak at the school board meeting, they apparently went a second time and were allowed to speak, but, quote, not about the noose issue. There's nobody in Jena, and I can forgive them that, they're small-town folks, who understood that this was mounting, and if you don't get to talk it out, if you don't have small groups, if you don't have somebody helping you, it's just going to continue to mount.

Disciplinary issues continue all around this separate incident. We have incidents of young blacks being attacked by whites in the town, all around this incident without anybody, months later, heating up, incident after incident, all going back to the nooses; gun pulled on some black kids, not because they were involved with the whites who pulled the gun, but in retaliation for a prior incident. So here you have retaliation going and people going after whoever is not of their color.

And the teachers begging for somebody to do something over and over again. The recounting of what happened for a full year says the teachers are saying, for goodness sakes, help us out. We see mounting tension in this school. We had, a few months ago, a dozen teachers threatening a "sick out" if discipline was not restored in the school. And that's when the prosecutor comes forward and ups the charges of the 6 boys to attempted second-degree murder. That was his response to mounting racial tension in a school.

The prosecutor, I want to suggest to the gentlelady from Ohio, I believe, is in violation of Louisiana rules of professional conduct, just as the prosecutor was in violation of the North Carolina rules in the infamous case involving the woman who accused the Duke players of rape. This prosecutor has done the very same thing. He has gone before the press and spoken in such a way that I believe he should be investigated by his own under Louisiana rules of professional conduct. And I believe and call upon the Louisiana Bar Association to do so.

But above all, I'm calling this evening on the Justice Department to lend its mediation resources to this poor little town where both the blacks and the whites are greatly in need of outside assistance. This kind of racial tension has built up over time, not only in this community, but I think young people around the country see Jena as emblematic of the abuses, overcharging in the criminal justice system.

Just as this young man who's being held in jail without bail may have been, and indeed did, if, in fact, he is found guilty now, and I do not know if he has yet been found guilty as a juvenile. The matter was thrown out when they wanted to prosecute him as adult.

If he has engaged in that violence, you will not find anybody in the Congressional Black Caucus or in this Congress saying violence was the appropriate response, given the fact that you have not been appropriately responded to on the 3 nooses. That, you won't find us saying.

What you'll find us saying is that every adult knew what maybe kids do not know, what 3 nooses have to have meant to these kids' parents and to these kids. And, Mr. Speaker, the adults in Jena allowed this to build up; beyond the adults, the Justice Department, who would have been in touch with these incidents.

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They are charged to be in touch with these incidents over the last year. They did not move in and I call upon them to do so now.

Mrs. JONES of Ohio. If I could reclaim my time for a moment, in my notes with regard to Jena Six, after the new situation where the white students or whoever hung the nooses from the tree, the African American students decided to protest. So here, then, the district attorney, accompanied by the police, comes to the high school and says to them, I can be your best friend or your worst enemy. I can take away your lives with the stroke of a pen.

My position would have been, again, and I say this very clearly, that this prosecutor knows that he has power and people know that he has power. But there is this piece of poetry that says that when you are talking to young people, in essence, what they say to you is, I would rather see a sermon than hear one every day. And this district attorney should be setting the example by engaging in conduct and setting justice as his point of entree with these students versus sitting down and saying to them, along with the police, cut down what you are doing because I can be your worst enemy or your best friend. And he truly can, but being someone's worst enemy or best friend is not the gauge by which we would hope that prosecutors in this Nation engage in their conduct and official responsibilities.

I yield to the gentlewoman.

Ms. NORTON. Just to respond to that and just say a few words about SCHIP, what you say is so important. Also, the power of the prosecutor, we have seen him send Members of Congress to jail. You don't need to tell him much. But above all, what the prosecutor needs to know is this is not decades ago when a prosecutor approaching black people got them to fear and trembling. These are kids. This is 2007. That was seen as a threat, and it didn't do the job. In fact, it upped the ante, and it was irresponsible conduct because he should have been aware of how his words would have been perceived. And if anything, he needed to cool it down, perhaps to say the law is here to do his job if you don't do yours, but certainly that kind of threat had the opposite effect on teens.

Maybe on you and me, we might have said, well, wait a minute, we had better stop here. But these are kids who had spent a full year fighting each other anyway. And, again, where is it going to come to an end? The youngster who remains in jail remains there. We don't know what is going to happen to him. It seems to me the only way to bring it to an end is to bring in outside forces to try to mediate this situation.

I want to say a word about SCHIP in light of the allegation that many of us simply want to give high earners access to this bill to provide health benefits for children above the normal poverty line. And the figure has been cited in some jurisdictions you can make $60,000 or $80,000 a year. This needs to be explained to the American people. Yes, there may be some of us who see it as a way to get universal health care, but I will tell you most of us don't see it that way. The reason we have gone to children is because we have failed utterly and know we will continue to fail in the foreseeable future to get universal child care. And so the whole point of the State health bill was to say at least let's do it for children. And the notion of doing it for people with high income needs to be explained.

Poverty benefits are not adjusted for the cost of living in particular places. That has enormous hardship. But its hardship when it comes to health costs cannot be overemphasized because of differences in the cost of living and inflationary rise of health care in particular. Health care inflation is far greater than any other kind of inflation in the society. So you are faced in large cities, for example, with people who can't possibly afford even health care provided by their employer because the cost of living in the high-cost place where they live is such that they can barely afford to live there. So what is $61,000 in one place is not nearly what it is in a small town someplace else.

I want to point that out because these high-cost-of-living regions are faced with a terrible dilemma, that those children who will be without health care are in a large number and the salaries as seen nationwide do not explain why.

I looked at what were these places. These places in order of highest, the top three, to lowest are Hawaii, number one; California, number two; and the District of Columbia region, the national capital region, number three.

Is anybody surprised? People can't even afford to live in the District of Columbia anymore because of the cost of living.

New York must be here coming up. I am just looking down the list.

But essentially when you consider, yes, there is some enhanced benefit from the Federal Government, but what these jurisdictions have said is that the situation has become so bad after our investigations for certain people who are, yes, above the Federal limit that we believe that hundreds of thousands of children will, in fact, be without health care unless we move. And I am astounded by the number of States that believe this, and I am chagrinned that we see a preemptive strike by the Bush administration to, in fact, despite what we have passed, keep States from bringing in, up to a certain limit, certain families who have been priced out of health care in their communities.

So I call upon Americans, as they read about what we are trying to do here, to understand what we are really trying to do here, to make sure that when we say we are covering all children who need health care and could not otherwise get it, we mean that and no more.

I thank the gentlewoman for yielding.

Mrs. JONES of Ohio. Mr. Speaker, thank you very much, Congresswoman ELEANOR HOLMES NORTON of the District of Columbia. And I want you to know, and the people of the District of Columbia to know, we are for your having representation and a vote in the Congress, and we are going to be vigilant and keep working on that very issue.

Ms. NORTON. Thank you.

Mrs. JONES of Ohio. Mr. Speaker, I am currently serving on the Ways and Means Committee. As many people have said this evening, I am blessed to be the first African American woman in the history of this country to serve on this committee. I am pleased this year to work my way to the Health Subcommittee. And on that committee, as a part of that committee, I have had the opportunity to work on the recent legislation passed by the House on August 1 that took a vital step towards ensuring the future health of America by approving the Children's Health and Medicare Protection Act. It was called the CHAMP Act of 2007.

On the Health Subcommittee, I have had the opportunity to talk with my colleagues and listen to testimony from doctors and those in health care and those who provide kidney dialysis, et cetera, to help me begin to formulate my position on many issues.

One of the things that has been clear to me, however, is if we don't provide health care to our children, we are writing our future. I recently had the opportunity to go to university hospitals in my congressional district to participate with some young people in what's called the Healthy Children program and their focus on obesity, one of the biggest problems that faces children in our country and particularly minority children whose diet tends to be not as healthy, low-income folks, as folks who are able to choose fresh vegetables, fruit, et cetera. And as I was playing with these children, and we were doing exercises and we were rolling around the floor with these exercise balls and these various types of strings to help us lift and move our arms, I noticed that these young people were motivated, motivated, to change their eating habits as well as their lifestyle.

Obesity has claimed so many of our children. Back in the day when I was in school, I remember there was this President's requirement that you had to do so many sit-ups, you had to run so many laps, and you had to be involved in activity. And somehow we have to get our children back to that activity.

We have children with high blood pressure. We have children with diabetes. We have children who are working their way to kidney failure as a result of the lack of health care and the lack of preventative health care.

So there should be no surprise on the face of any person in the United States of America that we need to have health care coverage for all of our children.

Now, the controversy becomes how do you pay for it. And right now we are in this Congress where we are saying we want to be concerned about payfors. We want to be fiscally sound. So we either have to come up with a way to tax and change it, or we have to be able to reduce expenditures in other areas. I am one of those who believes that it is time to expend the money that we need to expend for health care, health care for all Americans, because I know we are spending much more than that as we fight this war in Iraq and we provide health care to the people of Iraq and still question whether we provide adequate health care to the veterans of our country who have been injured and maimed over there.

But today on behalf of the Congressional Black Caucus, it has been my pleasure to host this message hour. We have had an opportunity to bring to the attention of the American public our concerns about the State Children's Health Insurance Program, which will be debated on the floor of this House tomorrow.

I encourage America to tune in, listen in, and call in and raise your complaints, raise your concerns, and let Members of Congress and Members of the Senate understand how important you know that health care for children is.

And, lastly, I will focus back one more time on the Jena Six. It was great to have an opportunity with my colleagues to address that particular issue. And on behalf of our great Chair, Congresswoman CAROLYN CHEEKS KILPATRICK of the State of Michigan, I thank the Speaker for granting us this Special Order for today.

Mr. CONYERS. Mr. Speaker, in the 21st century, there are some things that I had hoped we would have put behind us as a society. As we move to celebrate the 50th anniversary of the "Little Rock Nine," there are things that I had hoped today's children would not need to suffer. But as the Chairman of the Judiciary Committee, I know that we are still in search of equal justice across this Nation. There are still places where the progress of the civil rights era have not fully taken hold.

The tragedy of the Jena 6, which is unfolding right now before the eyes of the Nation, shows us that we still have some distance to travel before putting the demons of the past behind us. The controversy dates back to August 2006 when black students at Jena High School attempted to sit under a tree where white students socialized exclusively. The following day, three white students, who would later be punished only with suspensions, hung nooses from the tree. A series of racially charged episodes involving off-campus violence soon followed the noose incident. In one instance, black student Robert Bailey would be attacked in a white part of town at gunpoint. The white student who attacked Bailey would face only simple battery and probation. The white man who pulled the gun on Bailey, however, would face no consequence. Ultimately, Bailey would be charged with theft of a firearm for wrestling the gun away.

Later, racial taunting directed at black students in the high school cafeteria would lead to a fight in which a white student would be injured and sent to the hospital. These injuries, however, would not prevent the student from attending a high school event that same evening. The five of the Black teens involved in the fight—Mychal Bell, Robert Bailey, Carwin Jones, Bryant Purvis, and Theo Shaw were charged as adults with attempted second-degree murder and conspiracy to commit murder, sentences that carry up to 80 years in prison. The sixth teen will be tried as a juvenile and faces undisclosed charges.

One would have hoped that the elders of Jena would have intervened in a way that led to healing in the community. Sadly, this was not the case. Allegations of prosecutorial misconduct have been directed at LaSalle Parish District Attorney Reed Walters, who told black students at a school assembly in response to the noose incident that "I can be your best friend or your worst enemy. With a stroke of my pen, I can make your lives disappear." This statement was proven true when Mychal Bell was convicted in June of aggravated second-degree battery and conspiracy by an all-white jury. The court-appointed attorney who represented Bell called no witnesses and presented no evidence in his defense.

The families of Jena have not, however, faced this struggle alone. Just as happened in the 1960's, students, activists, and other concerned citizens from across the Nation have organized, rallied, and raised money on behalf of the Jena 6. Most recently, on September 9, 2007, Reverend Jesse Jackson met with families of the Jena 6 and called upon Jena officials to reconsider the charges. Major rallies were held in Jena and around the country on September 20, the day Bell's sentencing was scheduled to occur. Tens of thousands traveled to Jena from across the country to show their support.

This show of activism has had some effect. This month, charges against Jones, Shaw and Bailey were reduced to aggravated second-degree battery and conspiracy, although Purvis still faces charges of attempted murder and conspiracy. A judge also granted a motion to overturn Bell's conspiracy conviction, stating that the case should have been tried in juvenile court. In addition, the 3rd Circuit Court of Appeals overturned Bell's remaining aggravated second-degree battery conviction, also on the grounds that it should have been tried in juvenile court.

At the Federal, we cannot remain silent. Indeed, the Community Relations Service of the Department of Justice has been in Jena for months to assist with conciliation efforts. Investigation units of the Department have also apparently reviewed the situation. It is important for members of Congress to maintain careful oversight of Federal actions to ensure that all the resources of the Justice Department are employed to protect the rights of the local community.

To that end, I will convene a panel at the Congressional Black Caucus Annual Legislative Conference to address the plight of the Jena 6. The forum will be held on Friday, September 28, at 3 p.m. in Room 209c of the Washington Convention Center. The panel will feature: Prof Charles Ogletree, Harvard University Law School; Tory Pegram, Louisiana Affiliate, ACLU; Family Members of Robert Bailey—Jena 6; Rep. Elijah Cummings (MD–7th); Michael Baisden, Radio Personality; Louis Granderson Scott, Attorney of Michael Bell (Jena 6); and Rev. Al Sharpton, Civil Rights Activist.

Ultimately, I believe that a Judiciary Committee oversight hearing may be warranted, as the Department of Justice has intervened with little success. The Department investigated the noose incident, but concluded that a hate crime had not been committed. However, we should explore whether the apparently hostile racial climate at the local high school opens federal jurisdiction under other civil rights statutes. Similarly, the activities of CRS should be reviewed to determine their effectiveness at dispute resolution.

We have reached a point in history where this kind of situation is no longer tolerable. I commend everyone across the country for participating in rallies, sending your support and letting these students and the rest of the country know that we, as a Nation, will not stand for this kind of injustice.

Mr. CONYERS. Mr. Speaker, I rise to support the bipartisan, bicameral plan to reauthorize the State Children's Health Insurance Program, SCHIP, which the House will consider later this week. This crucial legislation will ensure that millions of our children receive the vital health services they need.

Even though I support this legislation, I rise today with a heavy heart. It is nothing short of a disgrace that here, in the wealthiest country on earth, eight million children lack health insurance coverage. We ought to be ashamed that we are having this debate at all.

I am absolutely stunned that some Congressional Republicans and the President continue to oppose this legislation, particularly in light of the fact that the President used SCHIP as part of his campaign platform in 2004. Talk about shock and awe! I am shocked beyond belief that they can stand before the American people with straight faces and refuse health care for our children. I am in awe of the gall required to base the denial of these vital, life-saving services on an ideological talking point. Madam Speaker, the ideology of my colleagues on the other side of the aisle has not provided health care for these children yet. It is impossible for any serious person to believe that if this legislation is defeated the Republican ideology will suddenly start working its magic and provide health care for these children whose parents can't afford to buy it in the open market.

In my years fighting for universal health care, we have often said, "Covering children is easy. How could anyone refuse to support coverage for children?" It was coverage for adults that was always perceived as the real challenge.

But today, the Republicans have stooped lower than even I thought was possible. Not only are they saying "We can't afford to give our children health care." This is the same party, by the way, that finds money for tax cuts for the rich, that finds money to fund a disaster of a war. Many times more money than what is needed to cover these children, in fact.

Not only are the Republicans admitting that they prioritize tax cuts for the wealthy and feeding the military industrial complex over insuring our children. They are now standing before the American people and saying "It is not our job to guarantee health insurance coverage for America's children." They are refusing to make that promise.

Instead, they propose that our children's health should be subject to the ups and downs of the stock market, that it should depend on their parents' employment status, or how much they have in a bank account. It is utterly beyond conception how the Republicans can possibly think these concepts will be accepted by the American people. But I will leave my colleagues on the other side of the aisle to face the repercussions of this folly next November.

Let me move on to a more positive subject: the compromise SCHIP bill, which we will pass over these shameful objections. While I would have preferred the original House-passed bill to the more modest bicameral compromise, the House-Senate agreement is a major improvement over the President's proposal, which would result in 840,000 children currently enrolled in SCHIP losing their coverage.

The House-Senate agreement invests $35 billion in new funding for SCHIP over five years to strengthen the program's financing, increase health insurance coverage for low-income children, and improve the quality of health care children receive. It will provide health coverage to millions of low-income children who are currently uninsured and ensures that the 6.6 million children who currently participate in CHIP continue to receive health coverage. Pending final Congressional Budget Office estimates, the reduction in the number of uninsured children will approach 4 million children.

Under the agreement, quality dental coverage will be provided to all children enrolled in CHIP. The agreement also ensures states will offer mental health services on par with medical and surgical benefits covered under CHIP. The agreement provides states with incentives to lower the rate of uninsured low income children. It replaces the flawed CMS August 17th letter to states with a more thoughtful and appropriate approach. In place of the CMS letter, the agreement gives states time and assistance in developing and implementing their own best practices to address crowd-out.

The compromise proposal improves outreach tools to simplify and streamline enrollment of eligible children, providing $100 million in grants for new outreach activities to states, local governments, schools, community-based organizations, safety-net providers and others. It also establishes a new quality child health initiative to develop and implement quality measures and improve state reporting of quality data. These measures are critical to ensuring that all our nation's children get the health care they need.

Mr. Speaker, let's tell the White House and the Congressional Republicans still standing with it that it's time to stop playing political games. Let's tell them it's time to work together to ensure more children across the country have the high-quality medical care they deserve. The President might not be able to understand that it's the right thing to do, but the American people certainly will.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank my dear friend, Ms. TUBBS JONES of Ohio, for organizing this special order on the very importance subject of SCHIP, the State Children's Health Insurance Program. I am particularly pleased that we are having this discussion tonight because I have very serious concerns about the SCHIP legislation that comes before the House tomorrow. My major concern is that the version of the legislation that will come before the House tomorrow is less expansive than the version the House voted on previously.

This is extremely important because reauthorization of SCHIP is crucial to closing the racial and ethnic health disparities in this country. Narrowing health care coverage of our children, as this newly agreed upon version does, clearly falls far short of the goal that we had hoped for in our efforts to decrease health disparities. It is crucial that this Congress continue to bring awareness to the many health concerns facing minority communities and to acknowledge that we need to find solutions to address these concerns. My colleagues in the Congressional Black Caucus and I understand the very difficult challenges facing us in the form of huge health disparities among our community and other minority communities. We will continue to seek solutions to those challenges.

Reauthorization of the SCHIP is crucial to realizing those solutions. However, we must not compromise away the health of millions of children who will under this new SCHIP version go without health care coverage. It is imperative for us to improve the prospects for living long and healthy lives and fostering an ethic of wellness in African-American and other minority communities.

I thank all of my CBC colleagues who have been toiling in the vineyards for years developing effective public policies and securing the resources needed to eradicate racial and gender disparities in health and wellness.

We know that the lack of healthcare contributes greatly to the racial and ethnic health disparities in this country, so we must provide our children with the health insurance coverage to remain healthy. SCHIP, established in 1997 to serve as the healthcare safety net for low-income uninsured children, has decreased the number of uninsured low-income children in the United States by more than one-third. The reduction in the number of uninsured children is even more striking for minority children.

In 2006, SCHIP provided insurance to 6.7 million children. Of these, 6.2 million were in families whose income was less than $33,200 a year for a family of three. SCHIP works in conjunction with the Medicaid safety net that serves the lowest income children and ones with disabilities. Together, these programs provide necessary preventative, primary and acute healthcare services to more than 30 million children. Eighty-six percent of these children are in working families that are unable to obtain or afford private health insurance for their Meanwhile, health care through SCHIP is cost effective: it costs a mere $3.34 a day or $100 a month to cover a child under SCHIP, according to the Congressional Budget Office. There are significant benefits of the State Children's Health Insurance Program when looking at specific populations served by this program.

MINORITY CHILDREN

SCHIP has had a dramatic effect in reducing the number of uninsured minority children and providing them access to care:

Between 1996 and 2005, the percentage of low-income African American and Hispanic children without insurance decreased substantially.

In 1998, roughly 30 percent of Latino children, 20 percent of African American children, and 18 percent of Asian American and Pacific Islander children were uninsured. After enactment, those numbers had dropped by 2004 to about 12 percent, and 8 percent, respectively.

Half of all African American and Hispanic children are already covered by SCHIP or Medicaid.

More than 80 percent of uninsured African American children and 70 percent of uninsured Hispanic children are eligible but not enrolled in Medicaid and SCHIP, so reauthorizing and increasing support for SCHIP will be crucial to insuring this population.

Prior to enrolling in SCHIP, African American and Hispanic children were much less likely than non-Hispanic White children to have a usual source of care. After they enrolled in SCHIP, these racial and ethnic disparities largely disappeared. In addition, SCHIP eliminated racial and ethnic disparities in unmet medical needs for African American and Hispanic children, putting them on par with White children. SCHIP is also important to children living in urban areas of the country. In urban areas: One in four children has healthcare coverage through SCRIP. More than half of all children whose family income is $32,180 received healthcare coverage through SCHIP.

CHILDREN IN URBAN AREAS

SCHIP is also important to children living in urban areas of the country. In urban areas: One in four children has healthcare coverage through SCHIP. More than half of all children whose family income is $32,180 received healthcare coverage through SCHIP.

CHILDREN IN RURAL COMMUNITIES

SCHIP is significantly important to children living in our country's rural areas. In rural areas: One in three children has healthcare coverage through SCHIP or more than half of all children whose family income is under $32,180 received healthcare coverage through Medicaid or SCHIP. Seventeen percent of children continue to be of the 50 counties with the highest rates of uninsured children, 44 are rural counties, with many located in the most remote and isolated parts of the country. Because the goal is to reduce the number of uninsured children, reauthorizing and increasing support for SCHIP will be crucial to helping the uninsured in these counties and reducing the 17 percent of uninsured.

Mr. Speaker, I would much rather we extend the deadline for reauthorization of SCHIP, while we diligently and reasonably consider the unsettled issues in this debate so that millions of the most vulnerable population, including many African American and other minority children can receive the health care coverage they need to remain healthy and develop into productive citizens of this great country. It is not as important to reauthorize an inferior bill under pressure of fast-approaching deadlines as it is to ensure that we provide health care to those children who remain vulnerable to health disparities. I urge my colleagues to join me in ensuring health care coverage for millions of children and reducing health disparities among the most vulnerable populations.

THE FEDERAL BUDGET AND OUR TAX DOLLARS

The SPEAKER pro tempore (Mr. SALAZAR). Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate the opportunity to come to the floor now for the next 60 minutes to address an issue that is of utmost importance to all Americans, and it is a very simple one: Where do my tax dollars go and why do I pay so much in taxes? We will see over the course of the next hour where some of the dollars go, and we will also see the fact that, quite honestly, it is hard to determine where some of those dollars go and what the Republican conference has tried to do to address that issue, to try to nail down some of what the facts are. I am referring, of course, to earmarks and transparency in the budget process because, as we all know for all too long, it has been a difficult issue to try just to figure out, when you send your taxes every April 15 to Washington, DC, where some of those hard-earned dollars go to.

These are important issues, as I said at the very beginning, to the American family because, as I have always said, I believe, as Members of Congress, that our focus should be on the family budget as opposed to focusing on the Federal budget, because when we focus on the family budget, the American family from the east coast to the west, the fact that they have to spend day after day working hard for their money, for their income, to pay for their expenses, when we focus on those facts and when we focus on the fact that the American family has to pay for their housing, their rent or their mortgage, the education of their children, their food and their clothing and other expenses and health care and the like, if we keep our mind focused on that, maybe we in this Congress and the administration will not be amiss as to where those dollars go in the long term.

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If you may recall, it was just a week ago this Monday that we celebrated the 220th anniversary of the U.S. Constitution. The Founding Fathers, brilliant men all, had wisdom probably beyond their years and beyond their ages when they crafted, in 1787, that document that lives with us today. It is our job, as Members of Congress, to read that document, to understand that document from an original intent point of view, and by that, I mean to understand what the Founders intended at that time for generations to come.

One of the hallmarks of that document was to understand a federalist system of government. And within that, the States were sovereign in the sense that they were to take care of many factors; people were supposed to have utmost responsibility for themselves and their family, and the Federal Government was to have very limited powers. And in that Constitution it specifically set out, article I, section 8 sets out much of the limitations on the powers that Congress has.

Just shortly after the enactment of the Constitution, the Bill of Rights was created and added a portion of the first 10 amendments to the Constitution. And the 10th Amendment to the Constitution says something that I think is important to our fiscal spending, and that is, "All rights not specifically delegated to the Federal Government are retained by the States and the people, respectively." Those powers that are retained by the people, all other ones are by the people and the States.

So the Constitution, if you would look at it, basically just lists what the Federal Government is supposed to do. Everything else is in the hands of the people or the States. Now, over the generations, unfortunately, especially in the last 40 or 50-some-odd years, the Federal Government has grown expansively. And because of that, so, too, has the budget, and so, too, has the burden on the American family.

We come tonight to point out that the budget we have seen crafted by the other side of the aisle continues to grow out of control without constraint and, therefore, puts an additional burden in the form of higher taxes. Here we stand 9 months into this 110th Congress, and what have we seen as far as the budget is concerned? What has this 110th Democrat-controlled Congress wrought? Most specifically, the largest tax increase in U.S. history. Let me repeat that, and I will probably say that later on, the largest tax increase in U.S. history. And why is that? Well, for a couple of reasons.

One, you have continued to see excesses in spending out of the budget coming from the other side of the aisle. That, in and of itself, is bad for the American economy and for the American taxpayer. And secondly, those higher taxes are part and parcel of the Democrat plan. Why do I say that? Well, because part of their plan when they came in here, and this is something that they championed and they said was to be good, was something called PAYGO, pay-as-you-go. Now, in the heart of things you would think that that is not a bad idea to pay as you go. When you think about it, that's how every family in America really should be operating on their budget each week or each month when they pay their bills, figure out how much is in the checkbook, and before they can go on any further they have to make sure they have enough income.

But when the American family needs additional income to pay for additional expenses, where do they get it from? Well, they have to earn it through additional work, or that American family has another alternative, just don't spend the money in the first place. Unfortunately, the other side of the aisle doesn't ever seem to want to choose that second option of decreasing spending or holding spending flat, and that's why we see spending continuing to grow out of control. And as that spending continues to grow out of control, how do they make up for it? Well, they, unlike the American family, are not out there earning those dollars for those PAYGOs. They do it the old-fashioned way; they tax it. And they take it out of my pocket and out of your pocket, out of the American taxpayers' pocket.

So we're here to discuss those dilemmas that are facing the American family. And I'm pleased to be joined this evening by a gentleman who has been fighting on this floor those very issues, fighting on the floor for the American family to make sure that the American family can retain as much of their hard-earned dollars as possible, and to address these issues that we've begun to address so far as far as spending and trying to constrain it. So right now I would like to yield the floor to the good gentleman from Texas.

Mr. GOHMERT. Well, I thank my friend very much.

And as you've been pointing out, we deal with these issues within our own families. My wife and I have been married 29 years this summer, and we have three fantastic daughters. But over the years, including this weekend, I've had to tell my girls, you know, gee, I'd like to help, but money doesn't grow on trees. We're not going to be able to do it right now; perhaps in the next month or two we can go to that and we will have the money to go forward and do that. But they've also learned that, and we don't get the arguments we did when they were younger because now they have begun to understand the value of money and the value of a dollar and how, if you don't have it, you can't spend it. That's never seemed to have stopped the Federal Government. And it appears that some Members of Congress are having a harder time these days grasping that concept than I might have imagined.

And maybe I'm a little naive. Maybe, Mr. Speaker, since this is only my second term in Congress, I have been a little naive. But in the last Congress, when our friends, Democrats across the aisle, stand up and say, you know, we've got to get this spending under control, we've got to stop this wasteful spending, we've got to quit spending more than we've got coming in, I commented to some of my Republican colleagues, you know, they're really right, we have got to do that. And some of us, including my friend, Mr. GARRETT, had come together and demanded reform in certain areas, demanded that we get some of this spending under control. And, you know, when the Republicans lost the majority in November, I thought, well, you know, one of the silver linings may be that these folks, the Democratic majority that's about to take over in January, they wouldn't have gone out on a limb over and over and over the way they did unless they really intended to control spending. Maybe that was naive. But anyway, as we've seen with every spending bill that's come before the House, it's draining American pockets with excessive tax hikes, with more spending than is necessary.

You know, I was shocked, also, that the usually bipartisan farm bill ended up being shoved over into a partisan issue, that was so extremely unusual, with a $4 billion partisan gimmick at the expense of many taxpayers. I didn't realize until we actually took this farm bill up since I've been in Congress, apparently it comes up every 5 years and it had not come up since I'd been here, but brought the bill up, and I didn't realize 66, 67 percent of the farm bill had nothing to do with agriculture, that it had to do with entitlements, and that those were running away. Some of us began to raise the issue, wait a minute, this is going to be providing food stamps to illegal aliens, and yet we were told, well, it doesn't actually do that. It doesn't provide food stamps to illegal aliens. And that sounded good, except when you don't require documentation to prove legal status, then there is no way to determine whether someone is legally getting food stamps or not getting legal food stamps. So that seemed to fall on deaf ears as well.

When the majority was going to promise and did promise energy reform, we got an energy package that will raise taxes by potentially $16 billion over the next 10 years. Now, also, as the House bill on SCHIP, and we've heard a good deal of discussion before we got in here to start with this hour, but the SCHIP bill, you know, helping kids have health care, we're all for that. That's a good thing. But then when you started looking at this House version, the Democrat's version on this, to brutalize seniors on Medicare and saying we're going to take from the seniors and give to the young people, and then it turns out the bill expanded the age so it wasn't just young people, it was also adults were included. I think in the final bill, maybe that will be taken out, but even there we're not sure what is going to end up being in there; we haven't gotten to see that. But then, again, adding subsidies, and basically food stamps is what they amount to, to people in foreign countries instead of taking care of folks here? The way it takes care of folks here is folks here get to pay a whole lot more in taxes than they would otherwise if we weren't trying to take on people that illegally were getting food stamps or weren't sending such money to other countries.

Mr. GARRETT of New Jersey. Will the gentleman yield?

Mr. GOHMERT. I will certainly yield to the gentleman.

Mr. GARRETT of New Jersey. Because I think that's an important one.

Someone in my district, years ago when I first went into politics, said to me, SCOTT, when you deal with all these complicated issues that you will deal with, at that time on the State level, or now that I'm here in Washington, you have to translate it into, well, how does this impact upon me? And I remember that and try to bring it back home.

The point that you're raising here with regard to these Federal programs, SCHIP and what have you, providing benefits to illegal aliens, people coming into this country, breaking the law, and now looking to the American taxpayer to pay for their services I think is a critically important one. I think we're all too aware of the fact that there are a number of services that we would like to provide for our constituents at home, especially the low-income individuals, especially when it's something as critical as food, and many times, I'm sure you hear in your district that there's just not enough program to go around for your constituents as you would like to have them.

So when the Republican Conference said, as you suggested, that we should simply limit this program and limit American taxpayers' dollars to go to American citizens and not to illegals, that, to me, hits home as, how does that impact upon me? It means that those dollars will be going to Americans and to those who are most needy. Is that your understanding as well?

Mr. GOHMERT. I thank the gentleman for yielding. Yes, that is my understanding. And I yield back.

Mr. GARRETT of New Jersey. And if the gentleman could just refresh my memory, how did that vote come down when we tried, and I know you were one of the leaders on the floor at that time, to make sure that that limitation would take place? If you recall how that vote actually came down.

Mr. GOHMERT. I thank the gentleman for yielding back. I remember very well. The amendment to prevent illegal aliens from getting such incredible amounts of Federal taxpayer dollars passed by 215-213. We've seen the video of the replay, so it's not just my recollection; it's there in the video. We passed the amendment with the Republican leadership, and as Mr. GARRETT will recall, he was a big part of that, and it was 215-213. It sat on the board for a good while, the vote was closed, the gavel came down. And then as we saw on the video, there were two people that came forward. They weren't in the well. They came forward later and changed their vote after the vote was all declared, after everything was done. The vote was final. And somehow, when the smoke cleared, it was 212-216, I believe. So a vote that would have eliminated illegal aliens from receiving benefits under this provision, it passed, and then the rules were violated and it was taken away all so that people illegally here could get the hard-earned tax dollars from legal folks that are here.

And if I could remind my gentleman friend from New Jersey, you know, we talked a great deal. And some of us put our conservative rears on the line last year by demanding earmark reform within our own Republican Party. And, in fact, there were probably 30 or so of us that told our leadership we're not voting for another major bill unless we get some type of earmark reform. So we were thrilled, I know Mr. GARRETT recalls, we were thrilled, Mr. Speaker, when we got an agreement from the Speaker and we passed the amended rule here in the House that there could not be any air-dropped earmarks, which were the biggest problem, no air-dropped earmarks into conference reports without us having the ability to make a point of order objection and get a vote on those bills. That was a big deal.

And I just saw the current Speaker out in the Capitol in Statuary Hall. She was incredibly gracious. She met some young people that are here in the District of Columbia, was very gracious to them. She didn't have to stop, she was very kind. But I recall in September of last year the current Speaker said, quote, "if you're going to have earmarks and you're going to have transparency, you have to do it in the appropriations bill and in the tax bill and in the authorization bill."

□ 2100

She said, "I would put it in writing." Democratic Chairman DAVID OBEY admitted that "the public wants us to pass significant House reform." He also said, "To deal with the problem of earmarks by only going after appropriations earmarks constituted basically consumer fraud masquerading as lobbying reform." He said, "To not do something about authorizing committee earmarks in the process is a joke." That was his quote. So that sounds good. But that is not what is being done this year. Americans are kind of fed up with having empty pockets while the government has spending sprees behind closed doors.

Now, I am not for eliminating all earmarks. I think some of them are good. Where we, as the most accountable elected officials in the country, in some cases, can tell bureaucrats that are locked up in a cubicle somewhere that this is how this money should be spent, but the important thing is sunshine. It brings about great disinfecting. That is where we are having the problem. That is why so many of our colleagues have signed a discharge petition that is designed to force the House majority leadership to allow a vote on House Resolution 479 that would ensure all taxpayer-funded earmarks are publicly disclosed and subject to challenge and open debate on the House floor.

I appreciate my friend from New Jersey yielding, as he has, and I would just offer a couple more observations. Then I will yield back the time. In January, frankly, when the Democratic majority said, "We are going to have even better earmark reform than what the Republican conservatives got done last year," I was pretty happy about that. I thought, that is a good thing. How could we object to that? That is great. But under the new rules, we were told that they did not allow any earmarks. Like I say, there are some earmarks where you have full disclosure. Let them see light of day so people know at whose request and what it is for. That can work out and still be a good thing. But no earmarks is better than having too many secret earmarks. So many of us were pleased.

Then, when the bill came out that was chockfull of earmarks, we objected, which is allowed for in the new rules, only to be told that there was a provision in the rules that said you could either have no earmarks whatsoever, or in the bill in question you could have a statement that there were no earmarks in the bill. And the bill in question before the floor, even though it had lots of earmarks, there was the statement in there that there were no earmarks; therefore, it didn't violate the rule. Now, that was quite a shock. You know, Mr. Speaker, the country wanted spending reform, not regression, not reneging, not redoubling or retripling. They want true spending reform. So we need to clean up the wasteful pork in legislation so that American households can continue to bring home their own bacon and not send it somewhere else.

I appreciate the time that has been yielded to me by my friend from New Jersey. I appreciate, Mr. Speaker, our friend from New Jersey's battling and agreeing to take this time and concentrate on these issues.

Mr. GARRETT. More importantly, I thank the gentleman from Texas for your work in taking part in this battle. I know that you do not simply come to the floor in these matters, but you are out there in committee process and you are on part of the team to make sure that the system is run the appropriate way and also to make the battle continuous as far as making sure the American tax dollar is spent as wisely as possible. Although in this climate, I must admit it is a difficult battle to be engaged in. Thank you for your efforts.

You raised a couple of good points. Let me just touch upon these to reiterate them. One is that we all do want the same thing, as least on this side of the aisle, and that is more transparency, more openness and an understanding of where the dollars are going to.

I know from the gentleman from Texas and myself, this is not something new that we just came to the game at the last minute and are saying these things. I am now in my third term in office, my fifth year in Congress. I have had the privilege and the honor of serving on the House Budget Committee during that time. In that committee, many times I would raise the battle and raise the questions as to where our tax dollars are going, regardless of which agency we are talking about or whether we are fighting the administration. Even though it is our own administration on these issues, I voted against a budget that has come before this House, even though it is one of our own budgets, because I thought we were spending too much. So I believe I come to the well here with a track record to stand on, as does the gentleman from Texas, as well, when it comes to saying we want to be fiscally responsible.

Likewise, to the issue of earmarks, let's spend a couple more minutes on that. Likewise in this area, I think the gentleman from Texas and myself come from the same place. And that is that even when we were in the majority, there were a number of us from this side of the aisle who were battling for, and eventually achieved what we were battling for at the end of the 109th Congress, and that was the issue of earmark reform and transparency. Unfortunately, that was lost at the beginning of the 110th Congress. You may recall the history. We had to come to the floor again and literally almost shut things down on this floor in order to compel the Democrat leadership to do what they had promised in their election of November of last year.

This may be one of the biggest ironies of the day, and we continue to see it go out on this floor night after night. I think it was just last week when the Democrat conference Chair was on the floor just in the podium to the right of me making basically the same campaign speech, if you will, that was made back prior to the November election. And what was that? Well, The Republicans are the party of big spenders, they were saying. They were saying that this administration was spending too much, signing on to all these budgets and signing on to all the appropriation bills that were passed out of both the House and Senate. Of course, at that time, it was under Republican control, and so all the accusations were against the Republic Party. Of course, what was being said was that Republicans were spending too much. You would think that the next line then out of the chairman's mouth would have been, and out of the other side of the aisle's comments would be, at that time, And we are going to do something about it. We are going to reduce spending. Or at the very least, as Republicans had in past years, freeze spending at the same level as last year.

But they did nothing of the sort. They did not freeze spending. They did not reduce spending. But they drastically increased spending over and over again in line item, after line item, after line item, appropriation bill, after appropriation bill. There is not a single appropriation bill that has come to the floor that you haven't seen what I am talking about: increasing in spending.

But when we bring it back to the issue of the earmarks, the same irony goes here. All during the last cycle, the 109th Congress, when the Democrats were in the minority, clamoring, saying that we were doing things wrong, saying that if they were in leadership or they were in power that they would do what? They would give us the transparency. They would give you openness. What happens once they came into power? What have we seen? What has this last 9 months wrought under Democrat leadership? Well, as the gentleman from Texas pointed out, we had to compel basically closing down the floor for a day at a time to compel them to give us some of that transparency when it comes to earmark reform. We thought we got some of that transparency, but it is really not there completely as of yet.

There was an editorial in the Las Vegas Review Journal saying: "Democratic earmark reforms lasted just 100 days. The anti-earmark reforms are just for show. Mere window dressing." That was an editorial in the early part of the summer. They point out in there that these are just some examples of earmarks that would have been subject to an up-or-down vote on the House floor had the Republican earmark reform that we had talked about and that we had suggested and done in the last 109th Congress been in effect for the 110th Congress.

They go on to point out the gentleman from Pennsylvania, Representative MURTHA. A drug intelligence center was included in the intel authorization bill. Cost to taxpayers: $39 million a year.

Now, we hear still to this day so much talk about the infamous, and I agree it is infamous, not famous but infamous, "Bridge to Nowhere," a project that some of us continue to rail against and say it was wrong. I am glad that Members on the Republican side on the Senate did all they could to see to it that those funds would not go there on a cause that truly was not worthwhile. But, you know, you hear about that in the news for around $267 million, I believe, the price tag was there. But here is a $400 million disaster, I think one of the papers called it. But you don't hear much about that. That, again, comes from the same gentleman, same program.

Quoting now from U.S. News and World Report, they criticized this program, the NDIC as a "drug war boondoggle." A former official with the office of National Drug Control Policy said, None of us wanted it in Johnstown. That is from the gentleman from Pennsylvania's district. "We viewed it as a jobs program Murtha wanted for his district," from U.S. News and World Report. The Washington Examiner I believe also commented on this earmark pork, as well. The House Oversight and Government Reform Committee called NDIC an expensive and duplicative use of scarce Federal drug enforcement resources. So by any rational standard, this $400 million disaster should have been shut down a long time ago according to the editorial in the Washington Examiner.

So there is an example of a way to get around the earmark reform that the other side was touting in the last election, as Republicans continue to this day to push for, and as the gentleman from Texas indicated, now that there is what we call a discharge petition being signed, at least by the Republican side of the aisle. I will wait to see whether anyone from the other side of the aisle joins on with us with that discharge petition to compel the additional reform, additional transparency, to come to the floor for a vote. Just to give a 30-second explanation of that, a discharge petition is a mechanism of this House so that when a piece of legislation, good reform legislation like this, is in the hopper, ready to go, but the controlling leadership will not post that for a vote, because the leadership party in power is the one who decides what bills get posted, there is a mechanism in the rules in order to provide a mechanism to get that up for a yes-or-no vote. That is called a discharge petition. The Republicans are doing everything in our power to make sure that does come up for a vote.

Now, you may ask, again, why is this important to me? As I explained before to the gentleman from Texas, what it all really comes down to, it comes down to your tax dollars and where they are going to and shouldn't you have the opportunity to know where those tax dollars actually go to and how they are spent.

One thing that you might not know is that when it comes to the transparency that the Democrat majority says they have given us and the American public when it comes to earmarks, and that really does not exist, is how the information is now being presented to the American public. Let me explain it in this manner: If it was our desire to make sure that information is being projected out to the Members of Congress in a useful fashion and also to the American public in a useful fashion, how could we do it?

☐ 2115

Well, in the earmark reform package that the Republicans were able to compel the Democrats to accept, we said that what you have to do, very simply, is this: Give us a list of all the earmarks and give us a list of what the project is, how much money we are spending, and who the bill's sponsor is.

I should step back for a moment and say, just as the gentleman from Texas said, that we are not suggesting that all earmarks are bad, that all earmarks are extra-Constitutional; that is to say, outside of the bounds of what the Constitution says we should be spending it on. Not by any means. We are just suggesting that if we are going to have earmarks that are within the confines of the Constitution, what we should be spending our American taxpayer dollars on are on priority items. Shouldn't we have that basic information there, who the sponsor is, what the project is, and how much money is being spent on it? Three basic pieces of information.

That is what we achieved. But here's the rub. Here's the little secret that came about in the mechanism that the Democrat majority put together when they implemented that. Instead of putting all that information on one sheet or two sheets or three sheets, whatever you needed for all the many, many earmarks, and there are many, unfortunately, too many earmarks in one place, that we could basically, well, what, put it on the Internet so the American public and bloggers and anybody else who wanted to Google or Yahoo or use any other search engine look into it and find out what it is easily. No, they didn't do it that way.

Instead, here's what they did. They provided it in basically two sets of information. So over here you have a description of the project and how much money it is, and over here you have a description of the project and who the sponsor is. Now, these are two worthless pieces of information, unless they are joined together. Of course, we are looking at literally hundreds of pages of documents that you have to sift through in order to gather that information in one place. Basically, it would take an army of staffers, or of interns, or, maybe, and here's an idea, maybe of people out in the American public going through this, creating an Excel spreadsheet, if you will, to put all that information together so it is in one place.

You know what? That could have all been done on the first day that the appropriation bills came out of committee, by the committee staff themselves, and presented here before the House when these bills were voted on. All that information was there. It could have been done very cleanly, simply, so that Members of Congress and, importantly, the American public would have that information.

Unfortunately, that was not the transparent method that the Democrat majority wanted to use. Instead, we are still a case of obfuscation and trying to blur the information that is out there, and basically hiding from the American public what information should be readily available to us, information that the Republican leadership and those people who have been on the floor before and joining us now as well have been fighting for continually as far as transparency in these issues of our American tax dollars and where they are being spent.

What I would like to do in a moment, because we haven't got a chance to get into this yet, is take a look at the other side of the equation. We have spent some time now looking at earmarks and how money is spent. I think we also need to take a look at where the revenue comes from in the form of taxation.

I see I have been joined by another valiant fighter from Texas, a leader on these issues, who is also a leader of the Republican Study Committee, an organization of individuals who are dedicated to the issues and principles that we have been discussing on the floor tonight and in the past as far as adhering to the strict tenets of the Constitution and being concerned about where the American tax dollars go, and concerned about all the transparency issues, have been fighting both now under the Democratic leadership to increase the transparency and bring some fiscal constraint to these issues, but also, this is important, was also here engaged in the fight back in the days when the Republicans were the majority. There was a voice out there on the conservative right of the party.

I am pleased to be joined by my friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentlemen for yielding. I especially appreciate the gentleman's leadership, his principled leadership in this body. For the people of his district in New Jersey, Mr. GARRETT is somebody who is truly committed to the principles of Constitutional government, limited government, fiscal responsibility. He is a voice of sanity on this floor. He is admired and respected by all of his colleagues, Mr. Speaker, and I certainly appreciate his leadership here tonight.

It is an important topic that he has introduced here tonight, and that is the topic of earmarks, which many people know as pork-barrel spending. I know perhaps pork-barrel spending has been around since the dawn of the Republic, but too often, too often the pork-barrel spending represents a waste of the hard-earned taxpayer money.

If you look at the Federal budget, and both myself and the gentleman from New Jersey, Mr. Speaker, serve on the Budget Committee, the dollars involved are still big. They are still big. We, in this Nation, and we should be ashamed of this, this body should be ashamed that it spends more money on earmarks than it does for the entire veterans health care system. Think about that. Think about that, Mr. Speaker. This is wrong.

In the last election, the Democrat party said they were going to be different. I agree with the gentleman from New Jersey. We are both Republicans. We were not always happy with the leadership that we saw in our party in dealing with earmarks, in dealing with the "bridges to nowhere," in dealing with the "indoor rain forest" and all the other earmarks that have come to really represent fiscal irresponsibility. But my party finally awoke to the fact that the people would not tolerate this.

The Republican party at the end of the last Congress put in reforms to at least bring in the disinfectant of sunshine into this body, so we at least knew where the earmarks were coming from, who was the sponsor, and we had the ability, we had the ability to come to this floor, to come to the people's House and offer amendments to strike those earmarks.

Now, the Democrat party had in some respects rightfully criticized the Republican party. They said, well, if you will allow us to come to power, we will be different. We'll be different. The Speaker said, "We pledge to make this the most honest, ethical and open Congress in history." She also went on to say, "I would just as soon do away with all earmarks." Yet now we wake up and the Speaker of the House, I believe, now gets more earmarks than any other Member of Congress. If you are going to lead, you have to lead by example.

So what the Democrats have done, Mr. Speaker, is that they have rolled back the transparency, they have rolled back the accountability that the Republicans put in, albeit too late, in the last Congress.

This is how under Democrat leadership we end up with the $2 million earmark for the Rangel Center for Public Service requested by none other than Congressman CHARLES RANGEL to provide himself with an office and a library. This is transparency? This is accountability? This is fiscal responsibility? One Member of Congress decides to take $2 million of the people's money and build a museum to himself? This is what the Democrats call responsibility? This is what they call fiscal responsibility?

There is $1 million for the Center for Instrumental Critical Infrastructure in Congressman MURTHA's district? No one, including the chairman, no one, including the chairman who wrote the bill, could confirm that the organization even existed. But somehow they are going to end up with $1 million.

There is $231,000 for the Lincoln Airport Commission, an airport in Illinois that doesn't exist, and an airport that was supposed to come out of the private sector. And the list goes on and on and on.

Now, I am not here, Mr. Speaker, to say that every single earmark is a bad use of the people's money. But, more often than not, earmarking represents a triumph of seniority over merit. It represents a triumph of secrecy over accountability. And because of that, it wastes the people's money and it leads to the culture of spending.

The American people are not overtaxed. The Federal Government spends too much. We know, Mr. Speaker, already with just the government we have today, adding no new programs, no new benefits, just the government we have today is destined to bankrupt our children and grandchildren.

Don't take my word for it. The Comptroller General of America, the chief fiduciary officer of our government, has said that we are on the verge of being the very first America generation in American history to leave the next generation with a lower standard of living. Think about that, Mr. Speaker. It has never happened in the entire history of America, that we could be the first generation to break faith with all those other generations that have left us with an America with greater freedom and greater opportunity. Now here we are spending the people's money, taking away from people who do not vote because they are children and those who have not yet been born, and because of the spending patterns of the Federal Government, we are due to leave them a lower standard of living.

It was just this week on Wednesday that my wife and I celebrated our son's fourth birthday. We have a daughter who is 5½. We have a great stake in America's future. I will not be a part, the gentleman from New Jersey will not be a part, the Republican Study Committee will not be a part, the Republican Conference will not be a part of leaving the next generation with that lower standard of living; restricting their freedoms, restricting their opportunities, leaving an America that is less than the America we know. We won't be a part of it.

It all starts with the earmarks. The earmarks are the culture of spending. I wish I had been creative enough or articulate enough to come up with the line from the Senator from Oklahoma, who said, "Earmarks are the gateway drug to spending addiction."

They teach people to become dependent upon the Federal Government. It totally, totally puts the value of merit aside, and, because of that, it is critical that we reform the process and restrict the number of earmarks.

Democrats, the Democrats who in the last election on some occasions again rightfully criticized the Republicans for our earmark practice, but instead they are rolling it back.

Now, it is a little bit of inside baseball, but in Washington you have what are known as appropriation earmarks. Ostensibly, the Democrats, our friends from the other side of the aisle, have given us some limited accountability there. But there is also something known as tax earmarks. There is something known as authorizing earmarks, more creative ways to spend the people's money. It is all pork. If you want to go on a lean pork diet, you just can't cut out the sausage. You have to cut out the bacon and the ham as well. The Democrats said they were going to do so much more, and they have done so much less.

We all know recently in what is known as the SCHIP bill, and, Mr. Speaker, we all know that Washington excels at acronyms, but in this particular bill, approximately 25 Members of Congress in the dark of night managed to cut some kind of deal in a smoke-filled backroom to get extra reimbursements for their hospitals that nobody else in America receives.

Supposedly we were supposed to have accountability. Supposedly we were supposed to have transparency. But not with all the loopholes that the Democrats have put in to their so-called earmark reform process.

So I would like to say that talk is cheap, but, unfortunately, talk is rather expensive here, costing billions and billions of dollars in earmarks that the Democrats refuse to clean up, that they claimed they would clean up in the 2006 election, and instead they keep on coming.

I remember introducing an amendment on the floor to restrict an earmark that was geared towards the Hollywood movie industry to help train people, train people for Hollywood, this struggling movie industry whose top ten box office hits from just a few weeks ago grossed almost $1 billion. Somehow the American taxpayer has to help them recruit people for their movie sets.

The list goes on and on and on. Nothing, nothing has been done. The dollars are still going to the Saint Joseph's College theater renovation in Indiana; $150,000 for the Kansas Regional Prisons Museum in Lansing, Kansas.

There is no accountability. There is no transparency. There is no reform here. And because of this, because of this, the next generation is looking at a lower standard of living.

That is why I am so happy that the gentleman from New Jersey has come to the floor to lead on this issue for all of the American people, and I am happy to yield back to him.

Mr. GARRETT of New Jersey. On just your last point, you raised this a moment ago, and before I say this, happy birthday to your 4-year-old. But maybe if your 4-year-old knew exactly what the debt that he has is, he would not have been so happy at his birthday party.

□ 2130

You raised the point that the next generation for the first time in American history is not going to be as well off as the previous generation. Before you came here, I said one of the things that I learned early on in politics from a Member from the other side of the aisle back in my county was: What does this do for me? Or in this case: What does this do to me?

In this case it really hits home for someone such as yourself or someone else who has a little one back at home. What does it do for my children? What does it do for my grandchildren? Or in this case, what does it do to them? Of course, in this case, it saddles them with a debt, an obligation, for something that they are not gaining any benefit from; but you and I and others in this generation may be gaining benefit from. But who is paying for it, your 4-year-old. And that, of course, is not fair.

So many times, so many times we hear Members come to the floor and say: here is my program. Here is my earmark. Fill in the blank for whatever it is. It is the compassionate thing to do, to spend this money on this program.

Well, I guess it might be compassionate if they were reaching into their pocket and pulling out their own money to pay for that particular program. But, gosh, in the 5 years I have been here, I have not seen any Member of Congress when they came with their program say they are going to spend for it. No, they are just going to saddle it onto America's debt.

As you said, if you have little ones out there, that debt is not necessarily paid for by you and I, the current American taxpayers. It is going to be passed on the next generation.

The question we should be asking the other side of the aisle, after they railed against the Republicans for spending so much, now they are spending even more. Now they are going to have to raise taxes under their PAYGO rules. We will get to that in a little bit. How compassionate are they when they transfer that burden, when they transfer that debt on to future generations?

Keeping to this issue of how to fix the problem, the gentleman from Texas, you might want to comment on the petition that is currently being circulated, a discharge petition which I explained earlier, and how that will address the issue of authorization language as well.

But before you do that, let me share with you a quote or two with regards to what the other side of the aisle said about this process last year when they were in the minority. This is actually something I had put forward last year to say when it comes to earmark reform, you can't just look at appropriation bills; you have to look at the authorization language. And as mentioned before with the earmark from the gentleman from Pennsylvania (Mr. MURTHA), the $400 million earmark, that was in essence done through authorization language. You have to do both of these.

The other side of the aisle agreed with us at that time. They said, "You can't just have earmarks viewed as appropriation bills unless you take up earmarks in tax bills and earmarks in authorization bills. But if you are going to have earmarks and you are going to have transparencies, you have to do it in the appropriation bills and in the tax bills and in the authorization bills. I would put it in writing." Who said that? Representative NANCY PELOSI, California.

Likewise, "To not do something about Authorizing Committee earmarks in the process is a joke, in my view." Who said that? DAVID OBEY.

So we knew where they stood last year when they had their positions on transparency. Now that they are in the majority, we wonder exactly where they stand this year, when they have the ability to do something about it. I yield to the gentleman from Texas.

Mr. HENSARLING. I thank the gentleman for yielding, and this is a very important issue for this body to take up.

Again, the term "discharge petition," what does it mean? It is something that shouldn't be necessary. What it says is we are asking Members to have the leadership schedule a vote on this bill so that the Democrats can't roll back the transparency and accountability reforms that the Republicans put in at the end of the last Congress. Again, we are talking about porkbarrel spending here.

Every single leader of the Democrat Party claimed they wanted more accountability. They wanted more transparency, and then they go and exempt two-thirds of the spending in what we call authorizing. So they left out huge categories of this. But we shouldn't be surprised because right after the election, when they were bringing spending bills to the floor, they actually wanted us to vote on the spending bill and then later, only later were they going to tell us what the earmarks were in the bill. They tried to hide them from us. We brought that to the attention of the American people and the American people said no. And we enjoyed a victory. Fiscal conservatives made the Democrats at least make good on that pledge and bring this transparency and accountability back here.

So this is a very important effort of the Republicans in the House, and we hope we will be joined by the Democrats who claim that they are committed to fiscal responsibility, who claim that they want to have earmark reform. They complained that the Republican earmark reforms didn't go far enough, and yet they rolled them back. All we are saying is bring us what we had at the end of the last Congress.

Mr. GARRETT of New Jersey. Mr. Speaker, you raise a point: this is what they were saying last year but they are not doing it this year. We are hopeful that at least now that we have discussed this on the floor, the information is out there, the discharge petition is going forward, although that has not been a secret because there is a line every day that we are in session here of Republican Members standing down in the well signing the discharge petition, so they know it is coming.

But let me give you two other quotes of what folks from the other side of the aisle were saying last year about this. When they were talking about the measure that would only provide for appropriations and not authorizations last year, they said: "It is a half measure at best that would do nothing to stop wasteful and unnecessary projects like the bridge to nowhere." That was the gentleman from New Jersey (Mr. HOLT).

Finally, "My proposal requires the public disclosure of all earmarks, not just those of the Appropriations Committee, but authorizing and tax bills and much, much more." Who said that? Representative SLAUGHTER from New York, now head of the Rules Committee.

So we seem to have some very important people here last year from the other side of the aisle starting with NANCY PELOSI, Speaker, to head of the Rules Committee saying they agree with our ideas as far as broadening earmark reform and transparency.

So maybe tonight, and I think we only have a couple more minutes, I would be willing to stay with you here on the floor if you would join me, if anyone from the other side of the aisle, leadership from NANCY PELOSI's office or the Rules Committee, to come and join me and say they will sign on to our petition, or if the Speaker would agree to move that piece of legislation since that is what they wanted to do last year when they were in the minority, and if they will do it now that they are in the majority. Will you wait with me if they indicate they will come to the floor?

Mr. HENSARLING. I will be happy to stay here as long as necessary to have the Democrat leadership commit to the words they made before the election and have their actions after the election comport with those words before the election.

And if I could, and I know that time is coming to a close, I would like to add, as you brought up, every Member who comes to this floor with an earmark says this is a good thing; the money can be used for a good cause. I don't doubt that. There are many good causes in America. The YMCA, the Girl Scouts, cut flowers. There are a lot of great causes. But the question is, number one: Is it a Federal priority and how do we pay for it today?

Today, since the Federal Government continues to run a deficit, although under our President's leadership with more tax revenue from economic growth, it is falling. But right now, the money for a earmark can only come from one of three sources. number one, by raiding the Social Security trust fund. Is the earmark worth taking money away from our seniors?

Under the Democrats, we now have a plan for the single largest tax increase in history, almost $3,000 per family. More earmarks lead to more taxes. Is it worth putting a $3,000 tax burden on a family of four to pay for the Charlie Rangel Museum to himself? Or debt to our children and grandchildren? Is the Charlie Rangel Museum to himself, is that worth passing on $2 million of debt to our children and grandchildren? It is not worth passing on that debt to my children, and it is not worth passing on that debt to the children of the people of the Fifth Congressional District of Texas, much less the children of the people of America.

And so I thank the gentleman from New Jersey for his leadership, his principled leadership, in trying to reform earmarks.

Mr. GARRETT of New Jersey. I think our time is just about up, and I appreciate your efforts not only tonight, but throughout your entire time here. It has been a pleasure working with you in the House while you stand beside the American family and the American family budget.

Americans place much responsibility in the hands of their Representatives in Congress. The American public deserves to know where their hard-earned tax dollars go. They have a right to this information. If the Democrat majority is not going to literally open the books in a clear and concise manner so the American public and Members of Congress know where the dollars go, if the Democrat majority is not going to give us the transparency that the American public deserves when it comes to where their dollars go, then the Republican Party and the Republican minority will see to it that the job is done on behalf of the American public.

RECESS

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2155

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRALEY of Iowa) at 9 o'clock and 55 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 976, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–346) on the resolution (H. Res. 675) providing for consideration of the Senate amendments to the bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Mr. HOYER) for today and September 25 on account of official business.

Mr. HONDA (at the request of Mr. HOYER) for today on account of official business.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today on account of family matters.

Mr. STUPAK (at the request of Mr. HOYER) for today on account of business in the district.

Mr. HERGER (at the request of Mr. BOEHNER) for today and September 25 on account of illness.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of family health issues.

Mr. POE (at the request of Mr. BOEHNER) for today after 7:00 p.m. and September 25 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. JONES of Ohio) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. MCCARTHY of California) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 28 and October 1.

Mr. JONES of North Carolina, for 5 minutes, September 28 and October 1.

Mr. BURTON of Indiana, for 5 minutes, today and September 25, 26, 27, and 28.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, September 25.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 456. An act to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary in addition to the Committee on Energy and Commerce and the Committee on Education and Labor for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3528. An act to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

ADJOURNMENT

Mr. ARCURI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 25, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3417. A letter from the Chief, Recruiting Policy Branch, Department of Defense, transmitting the Department's final rule — Recruiting and Enlistments [Docket No. USA-2007-0017] (RIN: 0702-AA57) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3418. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Operating Fund Program; Revised Transition Funding Schedule for Calendar Years 2007 Through 2012 [Docket Number FR-5105-F-02] (RIN: 2577-AC72) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3419. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices: Immunology and Microbiology Devices: Classification of In Vitro Human Immunodeficiency Virus Drug Resistance Genotype Assay [Docket No. 2007N-0294] received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3420. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Charleston and Englewood, Tennessee) [MB Docket No. 05-273 RM-11273 RM-11307] received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3421. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Waukomis, Oklahoma) Reclassification of License of Station KYQQ (FM), Arkansas City, Kansas [MB Docket No. 06-46 RM-11256 File No. BLH-19880120KA] received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3422. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: TN-68 Revision 1 (RIN: 3150-AI21) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3423. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — NRC Size Standards; Revision (RIN: 3150-AI15) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3424. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3425. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3426. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-18; Small Entity Compliance Guide [Docket FAR-2007-002, Sequence 3] received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3427. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-032, Small Business Size Representation [FAC 2005-18; FAR Case 2006-032; Item I; Docket 2007-001, Sequence 4] (RIN: 9000-AK78) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3428. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-18; Introduction [Docket FAR-2007-

002, Sequence 3] received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3429. A letter from the Assistant Secretary, Fish and Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — 2007-2008 Hunting and Sport Fishing Regulations for the Upper Mississippi River National Wildlife and Fish Refuge (RIN: 1018-AV36) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3430. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Trawl Catcher Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XB81) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3431. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch In the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XB86) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3432. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Haddock Size Limit Change [Docket No. 070709299-7300-01] (RIN: 0648-AV75) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3433. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch and Pelagic Shelf Rockfish in the Western Regulatory Area in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XB79) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3434. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XB89) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3435. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and "Other Flatfish" by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XB88) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3436. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program [Docket No. 0612242964-7332-02; I.D. 080106C] received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3437. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ridgeway, PA [Docket No. FAA-2006-23907; Airspace Docket No. 06-AEA-03] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3438. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Troy, PA [Docket No. FAA-2006-24318; Airspace Docket No. 06-AEA-007] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3439. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace: Jersey Shore Airport, PA [Docket No. FAA-2006-23904; Airspace Docket No. 06-AEA-02] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3440. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Wellsboro, PA [Docket No. FAA-2006-23909; Airspace Docket No. 06-AEA-005] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3441. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tunkhannock, PA [Docket No. FAA-2006-23895; Airspace Docket No. 06-AEA-01] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3442. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Wilkes Barre, PA [Docket No. FAA-2006-23908; Airspace Docket No. 06-AEA-004] received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3443. A letter from the Director, Regulations and Disclosure Law, Department of Homeland Security, transmitting the Department's final rule — NAFTA: MERCHANDISE PROCESSING FEE EXEMPTION AND TECHNICAL CORRECTIONS [USCBP-2006-0090 CBP Dec. 07-76] (RIN: 1505-AB58) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3444. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.817-5: Diversification requirements for variable annuity, endowment, and life insurance contracts (Also 408(p), 408(q), 408A, 415(m), 457(f).) (Rev. Rul. 2007-58) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3445. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 807. — Rules for Certain Reserves (Also 805, 812, 832) (Rev. Proc. 2007-61) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3446. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2008 Transition Relief and Additional Guidance on the Application of 409A to Nonqualified Deferred Compensation Plans [Notice 2007-78] received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3447. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Amendment to the Attorney Advisor Program [Docket No. SSA 2007-0036] (RIN: 0960-AG49) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. H.R. 3046. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; with an amendment (Rept. 110–339). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3121. A bill to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, with an amendment (Rept. 110–340). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1199. A bill to extend the grant program for drug-endangered children (Rept. 110–341 Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 1943. A bill to provide for an effective HIV/AIDS program in Federal prisons (Rept. 110–342). Referred to the Committee of the Whole House on the State of the Union.

Mr. PETERSON of Minnesota: Committee on Agriculture. House Resolution 79. Resolution recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs efforts to decrease hunger and help feed those in need (Rept. 110–343). Referred to the House Calendar.

Mr. PETERSON of Minnesota: Committee on Agriculture. House Concurrent Resolution 25. Resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber (Rept. 110–344 pt. 1). Ordered to be printed.

Mr. RANGEL: Committee on Ways and Means. H.R. 3375. A bill to extend the trade adjustment assistance program under the

Trade Act of 1974 for 3 months; with an amendment (Rept. 110–345). Referred to the Committee of the Whole House on the State of the Union.

Mr. McGOVERN: Committee on Rules. House Resolution 675. Resolution providing for the consideration of the Senate amendments to the bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes (Rept. 110–346). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Energy and Commerce discharged from further consideration. H.R. 1199 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Ways and Means, Financial Services, Oversight and Government Reform and Judiciary discharged from further consideration. H.R. 1400 referred to the Committee of the Whole on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Energy and Commerce and Natural Resources discharged. H. Con. Res. 25 referred to the House Calendar and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on September 21, 2007]

H.R. 1400. Referral to the Committees on Ways and Means, Financial Services, Oversight and Government Reform, and the Judiciary extended for a period ending not later than September 24, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. CROWLEY, Ms. ROS-LEHTINEN, Mr. BLUMENAUER, Mrs. TAUSCHER, Mr. AKIN, Ms. WATSON, Mr. POE, Mr. SCOTT of Georgia, Mr. FORTUÑO, Mr. FLAKE, Mr. BURTON of Indiana, Mr. HARE, Mr. SMITH of Washington, and Mr. MCCAUL of Texas):

H.R. 3633. A bill to provide for export controls of certain items relating to civil aircraft; to the Committee on Foreign Affairs.

By Mr. CLEAVER:

H.R. 3634. A bill to establish and determine the eligibility of individuals for a loan forgiveness program for professional engineers in order to provide incentives for engineers currently employed and engineering students and other students pursuing or considering pursuing a degree in science, technology and engineering, and for the support of students pursing such secondary and postsecondary education; to the Committee on Education and Labor.

By Mr. CLAY (for himself, Mr. REYES, and Mr. RUSH):

H.R. 3635. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER (for himself and Mr. PALLONE):

H.R. 3636. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. EHLERS, Mr. WU, and Mr. BOUCHER):

H.R. 3637. A bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability; to the Committee on Education and Labor.

By Mr. BURTON of Indiana:

H.R. 3638. A bill to end the cycle of illegal immigration in the United States; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mrs. CAPPS, Ms. ESHOO, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. HINCHEY, Mr. KENNEDY, Ms. LEE, and Mr. GEORGE MILLER of California):

H.R. 3639. A bill to establish a program of research and other activities to provide for the recovery of the southern sea otter; to the Committee on Natural Resources.

By Mr. HILL:

H.R. 3640. A bill to establish the James Madison Memorial Commission to develop a plan of action for the establishment and maintenance of a James Madison memorial in Washington, DC, and for other purposes; to the Committee on Natural Resources.

By Mrs. MUSGRAVE:

H.R. 3641. A bill to allow teachers in rural areas who are highly qualified in one subject to have 3 years from their hiring date to become highly qualified in each additional subject they teach; to the Committee on Education and Labor.

By Mr. PAYNE:

H.R. 3642. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for expanded learning time schools and programs; to the Committee on Education and Labor.

By Ms. PELOSI (for herself, Mrs. JONES of Ohio, and Ms. SLAUGHTER):

H.R. 3643. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Public Health Network, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAYS (for himself and Mr. BLUMENAUER):

H.R. 3644. A bill to establish a nonpartisan Commission on Natural Catastrophe Risk Management and Insurance, and for other purposes; to the Committee on Financial Services.

By Mr. SPACE (for himself, Ms. SUTTON, Ms. MATSUI, and Mr. RODRIGUEZ):

H.R. 3645. A bill to implement recommendations of the President's Commission on Care for America's Returning Wounded Warriors; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, Education and Labor, House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 3646. A bill to direct the Secretary of Veterans Affairs and the Secretary of Labor to conduct a joint study on the fields of employment for which the greatest need for employees exists in various geographic areas; to the Committee on Education and Labor, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of Ohio (for himself, Mr. ROSS, Mr. ALLEN, Mr. BERRY, and Mr. ADERHOLT):

H.R. 3647. A bill to delay for 6 months the requirement to use tamper-resistant prescription pads under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. BACA:

H.J. Res. 51. A joint resolution disapproving the rule submitted to the Congress by U.S. Citizenship and Immigration Services requiring certain lawful permanent residents to apply for a new Permanent Resident Card; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. BARTON of Texas):

H. Con. Res. 217. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3580; to the Committee on Energy and Commerce, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina:

H. Con. Res. 218. Concurrent resolution expressing the sense of Congress regarding United States immigration and border security laws; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN:

H. Res. 670. A resolution recognizing College Summit for its achievements in increasing the college enrollment rate of low-income students, and encouraging the Committee on Education and Labor and the Committee on Health, Education, Labor, and Pensions to determine how the Federal Government can support the efforts of College Summit; to the Committee on Education and Labor.

By Mr. ISRAEL (for himself and Ms. DELAURO):

H. Res. 671. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Oversight and Government Reform.

By Ms. MATSUI (for herself and Mr. LATHAM):

H. Res. 672. A resolution supporting the goals and ideals of National Prostate Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H. Res. 673. A resolution recognizing the importance of National Preparedness Month and encouraging all Americans to take precautions to preserve lives and minimize the effects of a terrorist attack; to the Committee on Homeland Security.

By Mr. WEXLER (for himself, Mr. ENGEL, Mr. COHEN, Mr. BURTON of Indiana, Mr. LINDER, Mr. BRADY of Pennsylvania, and Mr. RENZI):

H. Res. 674. A resolution expressing the unequivocal support of the House of Representatives for Israel's right to self defense in the face of an imminent nuclear or military threat from Syria; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

197. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 67 urging the Congress of the United States to provide further drought relief to Texas; to the Committee on Agriculture.

198. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Resolution No. 2425 expressing solidarity and support of the Senate of Puerto Rico to the People of Cuba and its support to the claim for the immediate holding of free and true democratic elections in our sister island; to the Committee on Foreign Affairs.

199. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 125 urging the Congress of the United States to restore full funding to the Community Oriented Policing Services program to assist Texas law enforcement in patroling the border before authorizing funding for the police force of the United Mexican States; to the Committee on the Judiciary.

200. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 41 memorializing the Congress of the United States to take such actions as are necessary to reserach and promote Virtual Command Technology to improve police, emergency medical services, and fire protection; to the Committee on Transportation and Infrastructure.

201. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 46 urging the Congress of the United States to authorize the Department of Veterans Affairs to convey the Thomas T. Connally Department of Veterans Affairs Medical Center in Marlin, Texas, to the State of Texas; to the Committee on Veterans' Affairs.

202. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 1 urging the Congress of the United States to support legislation for veterans' health care budget reform to allow assured funding; to the Committee on Veterans' Affairs.

203. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 35 urging the Congress of the United States to enact legislation to eliminate the 24-month Medicare waiting period for participants in Social Security Disability Insurance; to the Committee on Ways and Means.

204. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 16 urging the Congress of the United States to support the Belated Thank You to the Merchant Mariners of World War II Act of 2005; jointly to the Committees on Veterans' Affairs and Ways and Means.

205. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 28 opposing the enactment or enforcement of the REAL ID Act; jointly to the Committees on the Judiciary, Homeland Security, and Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. JINDAL.

H.R. 25: Ms. GINNY BROWN-WAITE of Florida.

H.R. 89: Mr. MICA.

H.R. 101: Ms. HIRONO.

H.R. 111: Mr. MURPHY of Connecticut.

H.R. 133: Mr. HALL of Texas.

H.R. 138: Mr. ROHRABACHER and Mr. MCINTYRE.

H.R. 380: Ms. CASTOR and Mr. BLUMENAUER.

H.R. 418: Mr. HELLER.

H.R. 463: Mr. KAGEN.

H.R. 479: Mr. ROYCE.

H.R. 549: Mr. ETHERIDGE.

H.R. 551: Mr. HALL of Texas.

H.R. 583: Mr. BARRETT of South Carolina.

H.R. 601: Ms. HARMAN.

H.R. 616: Mr. FOSSELLA and Mr. GENE GREEN of Texas.

H.R. 643: Mr. CARNEY and Mr. BRADY of Texas.

H.R. 657: Mr. GONZALEZ.

H.R. 676: Mr. KENNEDY.

H.R. 715: Mr. MEEK of Florida, Mr. WOLF, Ms. WASSERMAN SCHULTZ, and Mr. LOBIONDO.

H.R. 728: Ms. ROS-LEHTINEN.

H.R. 840: Ms. HARMAN, Mr. WEXLER, and Mr. GUTIERREZ.

H.R. 946: Mr. MEEKS of New York and Mr. CLEAVER.

H.R. 992: Mr. ROTHMAN.

H.R. 1064: Mr. LEWIS of Kentucky and Ms. HARMAN.

H.R. 1070: Mr. COSTA.

H.R. 1076: Mr. PAYNE.

H.R. 1092: Ms. ROS-LEHTINEN.

H.R. 1125: Mr. DOYLE, Mr. FILNER, Mr. DICKS, Mrs. SCHMIDT, and Mrs. WILSON of New Mexico.

H.R. 1148: Mr. FRANK of Massachusetts.

H.R. 1157: Mr. CASTLE, Mr. PASCRELL, and Mr. ISSA.

H.R. 1166: Mr. MATHESON.

H.R. 1174: Mr. TIERNEY and Ms. ZOE LOFGREN of California.

H.R. 1222: Mr. GOODE.

H.R. 1223: Mr. GOODE and Mr. MICA.

H.R. 1228: Mr. OBERSTAR.

H.R. 1245: Mr. HULSHOF, Mr. JINDAL, and Mr. GONZALEZ.

H.R. 1283: Mr. ABERCROMBIE, Mr. BISHOP of Georgia, Mr. BERMAN, Ms. MATSUI, and Mr. LARSEN of Washington.

H.R. 1293: Mr. ROGERS of Kentucky, Mrs. MUSGRAVE, Mr. HOLT, and Mr. RUPPERSBERGER.

H.R. 1302: Mr. DOYLE.

H.R. 1303: Mr. BLUMENAUER.

H.R. 1328: Ms. CARSON and Mr. CAPUANO.

H.R. 1338: Mr. BOUCHER.

H.R. 1352: Ms. ESHOO.

H.R. 1353: Mr. GORDON and Mr. MORAN of Virginia.

H.R. 1376: Mr. HINOJOSA.

H.R. 1390: Mr. DUNCAN, Mr. Fortupo, Mr. CHABOT, and Mr. SESSIONS.

H.R. 1415: Mr. WATT.

H.R. 1422: Ms. HARMAN.

H.R. 1428: Mr. TIBERI.

H.R. 1432: Mr. VAN HOLLEN.

H.R. 1509: Mr. PASCRELL.

H.R. 1514: Mr. DAVID DAVIS of Tennessee.

H.R. 1553: Ms. ROS-LEHTINEN, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. BONNER, and Mr. BERMAN.

H.R. 1586: Mr. ISSA, Mr. KLINE of Minnesota, Mr. SAXTON, and Ms. ROS-LEHTINEN.

H.R. 1644: Mr. SHERMAN and Mr. CHANDLER.

H.R. 1647: Mrs. DAVIS of California, Mrs. MUSGRAVE, and Mr. BACHUS.

H.R. 1655: Mr. WAMP, Mr. CRAMER, and Mr. TIERNEY.

H.R. 1665: Mr. KELLER, Ms. ROYBAL-ALLARD, and Mr. UDALL of Colorado.

H.R. 1671: Ms. CARSON and Ms. HARMAN.

H.R. 1687: Mr. CALVERT, Mr. ARCURI, and Mr. LATHAM.

H.R. 1713: Mr. WELCH of Vermont.

H.R. 1726: Mr. CAPUANO, Mr. LANTOS, Ms. BERKLEY, Mr. SAXTON, and Mr. WEXLER.

H.R. 1772: Mr. FRANK of Massachusetts and Ms. MATSUI.

H.R. 1809: Mr. MILLER of North Carolina and Ms. ZOE LOFGREN of California.

H.R. 1814: Mr. MILLER of Florida.

H.R. 1869: Mr. BOUCHER, Ms. CLARKE, and Mr. WALBERG.

H.R. 1876: Mr. KUCINICH, Mr. UDALL of Colorado, Mr. SIRES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHWARTZ, Mr. LATHAM, Mr. POMEROY, and Mr. CARDOZA.

H.R. 1907: Ms. DELAURO.

H.R. 2046: Mr. DELAHUNT.

H.R. 2052: Mr. CAPUANO.

H.R. 2063: Mr. HOYER, Mr. SARBANES, Mr. HINCHEY, Mr. SOUDER, Mr. WYNN, Ms. SHEA-PORTER, Mr. HARE, and Mr. UDALL of Colorado.

H.R. 2074: Mr. EMANUEL.

H.R. 2075: Mr. MCNERNEY.

H.R. 2087: Mr. MATHESON.

H.R. 2097: Mr. WYNN.

H.R. 2108: Mrs. MALONEY of New York, Mr. CAPUANO, and Mr. LIPINSKI.

H.R. 2109: Mr. MCHENRY.

H.R. 2122: Ms. DEGETTE, Mr. KENNEDY, Mr. ARCURI, Mr. SCHIFF, Mrs. MALONEY of New York, Ms. ROYBAL-ALLARD, and Mr. BERMAN.

H.R. 2144: Mr. KAGEN.

H.R. 2164: Mr. ARCURI.

H.R. 2165: Mr. KUCINICH and Mr. CARNAHAN.

H.R. 2167: Mr. ABERCROMBIE.

H.R. 2210: Mr. GENE GREEN of Texas.

H.R. 2266: Mr. SERRANO and Mr. WEXLER.

H.R. 2287: Mr. ETHERIDGE.

H.R. 2295: Ms. LEE and Mr. HELLER.

H.R. 2303: Mr. MILLER of Florida and Mr. ENGLISH of Pennsylvania.

H.R. 2329: Ms. ROS-LEHTINEN and Mr. BACHUS.

H.R. 2363: Mr. MORAN of Virginia and Mr. VAN HOLLEN.

H.R. 2371: Mrs. LOWEY.

H.R. 2417: Mr. STEARNS.

H.R. 2443: Mrs. CUBIN.

H.R. 2468: Mr. MICHAUD.

H.R. 2478: Mr. FARR.

H.R. 2484: Mr. MCNERNEY.

H.R. 2503: Mr. ABERCROMBIE, Mr. BOUCHER, and Mr. ROTHMAN.

H.R. 2516: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2537: Ms. ZOE LOFGREN of California, Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. GEORGE MILLER of California, and Mrs. CHRISTENSEN.

H.R. 2574: Mr. LAMPSON.

H.R. 2610: Mr. SESSIONS.

H.R. 2620: Mr. GENE GREEN of Texas.

H.R. 2634: Mr. EDWARDS, Mr. HONDA, Ms. WATSON, Mr. WELCH of Vermont, Mr. MURPHY of Connecticut, Mrs. DAVIS of California, Mr. PASTOR, and Mr. BERMAN.

H.R. 2668: Mr. ETHERIDGE.

H.R. 2702: Ms. WOOLSEY, Mr. SHULER, and Ms. MCCOLLUM of Minnesota.

H.R. 2706: Mrs. MYRICK.

H.R. 2717: Mr. PAUL.

H.R. 2719: Mr. PAUL.

H.R. 2744: Mr. RUPPERSBERGER, Mr. BLUMENAUER, Mr. HINCHEY, Ms. DELAURO, and Mr. HASTINGS of Florida.

H.R. 2758: Mr. BLUMENAUER and Mr. GUTIERREZ.

H.R. 2762: Mr. BLUMENAUER and Mr. BARTLETT of Maryland.

H.R. 2768: Mr. DELAHUNT, Ms. DELAURO, and Mr. ABERCROMBIE.

H.R. 2769: Mr. DELAHUNT, Ms. DELAURO, and Mr. ABERCROMBIE.

H.R. 2779: Mr. PRICE of North Carolina.

H.R. 2799: Mr. FORBES.

H.R. 2802: Mr. FILNER, Mr. MCNERNEY, and Mr. DEAL of Georgia.

H.R. 2832: Mr. WEXLER.

H.R. 2833: Mr. SARBANES and Mr. MORAN of Virginia.

H.R. 2840: Mr. WYNN.

H.R. 2910: Mr. MCCOTTER, Mr. HOLT, Mr. PATRICK MURPHY of Pennsylvania, Mr. HARE, Mr. FATTAH, Mr. MCGOVERN, Ms. DELAURO, Mr. LAMPSON, Ms. KAPTUR, Mr. MEEKS of New York, Mr. PAYNE, Mr. CROWLEY, and Mr. HALL of New York.

H.R. 2916: Mr. MCCAUL of Texas.

H.R. 2922: Mr. BLUMENAUER.

H.R. 2942: Mr. ARCURI and Mr. BARRETT of South Carolina.

H.R. 2943: Mr. MCKEON and Mr. SMITH of Washington.

H.R. 2949: Mr. WEINER.

H.R. 2955: Mr. MEEKS of New York.

H.R. 2991: Mr. WICKER.

H.R. 3008: Mr. TOWNS.

H.R. 3024: Ms. ROYBAL-ALLARD.

H.R. 3036: Mr. FARR.

H.R. 3053: Mr. GORDON and Mr. HERGER.

H.R. 3055: Mr. ABERCROMBIE.

H.R. 3058: Mr. SALAZAR and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3077: Mr. ALLEN.

H.R. 3081: Mr. ROTHMAN.

H.R. 3085: Mr. ARCURI.

H.R. 3090: Mr. MCGOVERN.

H.R. 3100: Mr. FRANK of Massachusetts.

H.R. 3109: Mrs. JO ANN DAVIS of Virginia.

H.R. 3119: Mr. WELCH of Vermont.

H.R. 3121: Mr. BACA, Mr. MELANCON, and Mr. THOMPSON of Mississippi.

H.R. 3140: Ms. ROYBAL-ALLARD, Mr. LINCOLN DIAZ-BALART of Florida, Ms. JACKSON-LEE of Texas, and Mr. LATHAM.

H.R. 3168: Mr. DAVIS of Illinois, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, and Ms. JACKSON-LEE of Texas.

H.R. 3174: Mr. SCOTT of Virginia and Mr. HOLT.

H.R. 3186: Mr. CARNAHAN and Mr. MCCOTTER.

H.R. 3187: Mr. MCCOTTER.

H.R. 3193: Mr. LEWIS of Kentucky.

H.R. 3204: Mr. WEXLER.

H.R. 3213: Mr. COBLE.

H.R. 3223: Mr. ORTIZ and Mr. THOMPSON of California.

H.R. 3232: Mr. MCGOVERN, Mr. THOMPSON of Mississippi, Mr. ABERCROMBIE, Mr. MATHESON, Mr. ROSS, Ms. BERKLEY, Ms. CARSON, Mrs. CHRISTENSEN, and Mr. MARKEY.

H.R. 3257: Ms. CARSON and Mr. MORAN of Virginia.

H.R. 3258: Mr. SIMPSON.

H.R. 3282: Mr. WEXLER.

H.R. 3294: Ms. SCHAKOWSKY.

H.R. 3298: Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, and Mr. WEXLER.

H.R. 3317: Ms. CARSON.

H.R. 3327: Ms. MCCOLLUM of Minnesota.

H.R. 3329: Ms. MCCOLLUM of Minnesota and Mr. WEXLER.

H.R. 3331: Mr. HINCHEY, Mr. VAN HOLLEN, Ms. KILPATRICK, and Ms. MCCOLLUM of Minnesota.

H.R. 3334: Mr. BOUCHER.

H.R. 3337: Mr. FARR and Ms. WASSERMAN SCHULTZ.

H.R. 3355: Mrs. CHRISTENSEN.

H.R. 3380: Mr. SMITH of Washington and Mr. MARSHALL.

H.R. 3381: Mr. COHEN.

H.R. 3394: Mr. FILNER.

H.R. 3406: Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, and Mr. HOLDEN.

H.R. 3416: Ms. DELAURO and Mr. MORAN of Virginia.

H.R. 3429: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. STUPAK, Mr. HOLDEN, Mrs. BOYDA of Kansas, Mr. ELLSWORTH, and Mr. WEXLER.

H.R. 3432: Ms. BORDALLO and Ms. CARSON.

H.R. 3457: Mr. ROSS, Mr. LATHAM, and Mr. BLUMENAUER.

H.R. 3467: Ms. JACKSON-LEE of Texas and Mr. CLAY.

H.R. 3481: Mr. DOYLE, Mr. MCGOVERN, Mr. HALL of New York, Mr. SMITH of Washington, and Ms. JACKSON-LEE of Texas.

H.R. 3486: Mr. ENGLISH of Pennsylvania, Mr. RAHALL, Mr. PAUL, and Mr. WILSON of Ohio.

H.R. 3494: Mrs. MYRICK.

H.R. 3495: Mr. HARE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3498: Mr. DOYLE.

H.R. 3508: Mr. CASTLE, Mr. PEARCE, and Mr. GARY G. MILLER of California.

H.R. 3521: Mr. WILSON of Ohio.

H.R. 3533: Mr. WAXMAN, Mr. BERMAN, Mr. HIGGINS, Mr. SERRANO, Mr. CAPUANO, Mr. MEEKS of New York, Mr. JACKSON of Illinois, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Ms. LINDA T. SÁNCHEZ of California, Mr. REYNOLDS, Mr. FOSSELLA, Mr. FARR, Mr. ELLISON, Mr. ACKERMAN, and Mr. KING of New York.

H.R. 3541: Mr. BUCHANAN, Mr. MORAN of Kansas, Mr. CAPUANO, and Mrs. MCCARTHY of New York.

H.R. 3543: Mr. GRIJALVA and Mr. MICHAUD.

H.R. 3547: Mr. WEXLER, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. CARDOZA, and Mr. SCOTT of Georgia.

H.R. 3558: Ms. LORETTA SANCHEZ of California, Mr. FORBES, and Mr. SNYDER.

H.R. 3562: Ms. BERKLEY.

H.R. 3563: Mr. MCNULTY, Mr. MORAN of Virginia, Mr. FERGUSON, Mr. MARSHALL, and Mr. LOBIONDO.

H.R. 3564: Mr. SMITH of Texas and Ms. ZOE LOFGREN of California.

H.R. 3566: Mr. FOSSELLA, Mr. CASTLE, Mr. FORTUÑO, Mr. FERGUSON, Ms. MCCOLLUM of Minnesota, and Mr. BRADY of Pennsylvania.

H.R. 3567: Mr. TOWNS.

H.R. 3569: Mr. LANTOS, Mr. MCNERNEY, and Ms. HARMAN.

H.R. 3584: Mr. FORBES, Mr. FORTENBERRY, Mr. CULBERSON, Mr. KELLER, Mr. JONES of North Carolina, and Mr. KLINE of Minnesota.

H.R. 3585: Mrs. BONO and Ms. WATSON.

H.R. 3586: Mr. WAMP.

H.R. 3605: Mr. ELLISON and Ms. SHEA-PORTER.

H.R. 3622: Mr. ROSS and Mr. WILSON of South Carolina.

H.R. 3631: Mr. GORDON, Mr. CHANDLER, and Mr. BOUCHER.

H.J. Res. 6: Mr. COLE of Oklahoma, Mr. SAM JOHNSON of Texas, and Mr. MILLER of Florida.

H.J. Res. 12: Mr. SIMPSON.

H.J. Res. 47: Ms. ESHOO, Ms. Linda T. SÁNCHEZ of California, and Mr. HONDA.

H. Con. Res. 25: Mr. HARE and Mr. SHIMKUS.

H. Con. Res. 32: Mr. WELDON of Florida.

H. Con. Res. 70: Mr. SMITH of New Jersey and Ms. ZOE LOFGREN of California.

H. Con. Res. 83: Mr. KING of Iowa.

H. Con. Res. 122: Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Mr. FERGUSON, Ms. HARMAN, Mr. PITTS, Mrs. CHRISTENSEN, Ms. MATSUI, and Mr. FRANK of Massachusetts.

H. Con. Res. 133: Mr. MARSHALL.

H. Con. Res. 154: Mr. GALLEGLY, Mr. PAYNE, Mr. FORTUÑO, Mr. MACK, and Mr. ROYCE.

H. Con. Res. 185: Mr. ANDREWS.

H. Con. Res. 198: Ms. NORTON, Mr. HINCHEY, Mr. KUCINICH, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. LINDA T. SÁNCHEZ of California, Mr. FARR, and Mr. JOHNSON of Georgia.

H. Con. Res. 200: Ms. LINDA T. SÁNCHEZ of California, Mr. MCCOTTER, Mr. PITTS, Mr. MANZULLO, Mr. FORTUÑO, Mr. GUTIERREZ, Mr. TOWNS, and Mr. SCOTT of Georgia.

H. Con. Res. 204: Mr. GINGREY, Mr. TANCREDO, Mr. MILLER of Florida, and Mr. POE.

H. Con. Res. 208: Mr. SCHIFF.

H. Res. 76: Ms. LORETTA SANCHEZ of California.

H. Res. 79: Mr. ROSS.

H. Res. 95: Mr. PENCE.

H. Res. 111: Mr. COBLE, Mr. HAYES, Mr. LANGEVIN, Mr. WU, Mr. PALLONE, and Mr. JOHNSON of Illinois.

H. Res. 143: Mr. MCNULTY.

H. Res. 237: Mr. KENNEDY.

H. Res. 282: Mr. BURGESS.

H. Res. 405: Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. ROSKAM, Mr. FOSSELLA, and Mr. PALLONE.

H. Res. 470: Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, Mr. ISRAEL, Mr. BERMAN, Mr. TURNER, Mrs. LOWEY, and Mr. MOORE of Kansas.

H. Res. 499: Mr. TOM DAVIS of Virginia and Mr. TIBERI.

H. Res. 542: Mr. YOUNG of Florida, Mr. GINGREY, Mr. DOYLE, Mrs. MYRICK, Mr. COBLE, Mr. BOYD of Florida, Mr. WOLF, Mr. CARNEY, Mr. KING of New York, and Mr. BUCHANAN.

H. Res. 548: Mr. INGLIS of South Carolina.

H. Res. 573: Mr. BLUMENAUER, Mr. WEXLER, Mrs. JONES of Ohio, and Mr. SERRANO.

H. Res. 576: Mr. PASTOR.

H. Res. 584: Mr. MOORE of Kansas.

H. Res. 590: Ms. BERKLEY, Ms. CLARKE, Mr. PETERSON of Pennsylvania, Mr. HARE, Mr. OLVER, Mr. SERRANO, Mr. LEWIS of Georgia, and Ms. SUTTON.

H. Res. 605: Ms. ZOE LOFGREN of California, Mr. MCKEON, Mr. WU, Mr. EDWARDS, Mr. GARY G. MILLER of California, Mr. SMITH of Texas, and Mr. SMITH of Washington.

H. Res. 618: Ms. MOORE of Wisconsin and Mr. DAVIS of Illinois.

H. Res. 620: Mr. KENNEDY, Mrs. CAPPS, Mr. ACKERMAN, and Ms. BERKLEY.

H. Res. 630: Mr. GORDON, Mr. BRALEY of Iowa, Mr. HILL, Mr. HONDA, Mr. MOLLOHAN, Ms. HARMAN, Mr. LANGEVIN, Mr. TANNER, Mr. SHULER, Mr. TAYLOR, Mr. FRANKS of Arizona, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. ROSS, Mr. MOORE of Kansas, Mr. ORTIZ, Mr. SNYDER, Mr. EDWARDS, Mr. BOREN, Mr. ENGEL, Ms. MOORE of Wisconsin, Ms. HERSETH SANDLIN, Mr. FRANK of Massachusetts, Mr. POMEROY, Mr. HARE, Mr. HIGGINS, and Mr. COURTNEY.

H. Res. 635: Mr. WU, Mr. PAYNE, Mr. DELAHUNT, Ms. LINDA T. SÁNCHEZ of California, and Mr. HINOJOSA.

H. Res. 641: Mr. BROUN of Georgia.

H. Res. 644: Mr. DENT, Mr. ROGERS of Michigan, Mr. PETRI, and Mr. GERLACH.

H. Res. 647: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 651: Mr. LANTOS, Mr. ACKERMAN, Mr. GALLEGLY, Mr. DELAHUNT, Mr. WEXLER, Ms. JACKSON-LEE of Texas, Mr. MCCAUL of Texas, Mr. HINOJOSA, Ms. CLARKE, Mr. ROTHMAN, Mr. CROWLEY, Mr. JEFFERSON, Mr. HONDA, Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, and Mr. BUTTERFIELD.

H. Res. 658: Mr. KANJORSKI and Mr. WALZ of Minnesota.

H. Res. 661: Ms. WATSON, Mrs. JONES of Ohio, and Ms. CARSON.

H. Res. 668: Mr. BOOZMAN, Mr. WATT, Mr. PAYNE, Ms. NORTON, Mr. HASTINGS of Florida, Mr. CLEAVER, and Mr. TOWNS.

H. Res. 669: Mr. OBEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The amendment to be offered by Representative Miller or a designee to H.R. 2693, the Popcorn Workers Lung Disease Prevention Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 661: Mr. TERRY.

EXTENSIONS OF REMARKS

RECOGNIZING THE 25TH ANNIVERSARY OF SHERWOOD OAKS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to recognize the 25th anniversary of Sherwood Oaks, a nonprofit continuing care retirement community located in Cranberry Township, Pennsylvania.

This Silver Anniversary is not only noteworthy in itself, but the story behind Sherwood Oaks is quite extraordinary. Sherwood Oaks was created by a handful of unpaid "ordinary" Pittsburgh-area seniors who, in seeking a community in which they themselves wanted to live, turned a farmers' field into what has since evolved into a vibrant senior living community of some 400 residents.

These determined and ambitious dreamers—Sally Dewees, Martha Leonard, Jane T. Locke and Margaret McCoy—did their homework by researching communities in the area and around the country, and, in order to make their vision a reality, enthusiastically spread their ideas within the community.

On September 1, 1982, the founders and the construction board—Norman and Sally Dewees; Frank and Betty Hess; Jean and Craig Stockdale; Dorothy Van der Vort; and Richard McCoy—realized the fruits of their labor when Sherwood Oaks officially opened its doors to its original 53 residents.

I want to thank Paul Winkler, the president and CEO of Presbyterian SeniorCare for bringing this story to my attention. Paul serves as the board chair of PANPHA, an association of some 360 nonprofit senior service providers throughout Pennsylvania, and I have asked him to convey my best wishes to the Sherwood Oaks community when he represents PANPHA at a celebratory event scheduled for Friday, September 28.

HONORING MR. CARL ULLRICH

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. SESTAK. Madam Speaker, I rise before you to honor Mr. Carl Ullrich for his induction into the Army Sports Hall of Fame, his service to our nation in the U.S. Navy during World War II and the U.S. Marine Corps during the Korean Conflict, his lifetime of service to our Nation's student athletes, and as the patriarch of a remarkable and respected family.

Following his combat tour in Korea, Mr. Ullrich embarked on a life devoted to leading, teaching and coaching with an energy and effectiveness that would profoundly and positively influence the lives of tens of thousands of young men and women and their families. For more than a half century, Mr. Ullrich was an exemplar of integrity, accountability and decency at the Friends Academy in New York, Irvington High School and Newark Academy in New Jersey, Cornell University, Columbia University, Boston University, Sanford Naval Academy, the United States Naval Academy, Western Michigan University, the United States Military Academy, The Patriot League and St. Andrews Presbyterian College. He has been an ideal steward of the spirit of intercollegiate athletics as envisioned by President Theodore Roosevelt when he established the Intercollegiate Athletic Association of the United States in 1906. Just as President Roosevelt wrote to his children, "I don't want you to sacrifice standing well in your studies to any over-athleticism; and I need not tell you that character counts for a great deal more than either intellect or body in winning success in life," so too did Carl Ullrich impress those same values on his children, two generations of student athletes, and many who administer and legislate intercollegiate athletics. It is important to note that some of those student athletes have carried Mr. Ullrich's ideals with them as they served with great courage in our armed forces. For that alone, he deserves our sincerest thanks and appreciation.

However, greatest of all his many accomplishments is his family. His wife Becky is his partner, friend, and guiding light for over fifty-four years. His daughters Julie Anderson and Kathy Donovan are mothers, key members of their communities and accomplished women. His sons Rick, Tom and Mike have carried on their father's commitment to family, honor and country. His son-in-law Walt Donovan served our Navy for thirty years. He is the proud grandfather to Kelly Meissner, Ben Anderson, Alex Ullrich, Andrew Ullrich, Ned Ullrich, Liam Donovan, Courtney Donovan, Rebecca Ullrich, Chris Ullrich, Taylor Ullrich, Rachel Ullrich, and Jacob Ullrich; and great grandfather to Lisa and Cara Meissner.

Madam Speaker, it is especially fitting that Carl Ullrich was chosen to be inducted into the Army Sports Hall of Fame at this time. With our nation at war and our society too often distracted by the excesses of some professional athletes, the leadership at West Point is to be commended for allowing us all a moment to reflect on the achievements of an individual who embodies all that is good and right in our country.

IN REMEMBRANCE OF CHARLES VANIK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the memory of one of our former colleagues, Congressman Charlie Vanik. For 26 years, he was an admirable spokesman not only for the people of his district, but for the Nation.

During his time in office, Congressman Vanik was one of Congress's most vocal advocates for human rights. In 1974, he co-authored an amendment to a trade law that required the United States to assess the human rights records of foreign countries before granting them special privileges. This law put pressure on the Soviet Union to allow freer emigration, and as a result, more than 2 million people were able to leave the Soviet Union in search of a better life.

While he was a Member of Congress, he never forgot where he came from or the people he represented. During his time in office he helped to pass several Federal programs, including the Federal school lunch program, that would help the people in his district and throughout the country improve their livelihoods. In addition, he is remembered by his former colleagues as a savvy, gifted speaker who had the ability to make every person in a room smile.

Madam Speaker and colleagues, please join me in remembering the life of Congressman Charlie Vanik. May he rest in peace, and may his service to his country and to this body always be remembered honorably. He is survived by his wife, Betty; his son, Jon; his daughter, Phyllis; and two grandchildren.

INTRODUCING THE HIGHER EDUCATION SUSTAINABILITY ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. BLUMENAUER. Madam Speaker, today I am pleased to introduce, along with my colleague Representative VERN EHLERS, the "Higher Education Sustainability Act of 2007." This legislation authorizes funding for sustainability programs in American colleges and universities to develop, implement, and evaluate economic, environmental, and social sustainability programs. The legislation also directs the Secretary of Education to convene a summit of higher education experts to showcase best practices in the field of sustainability.

Hundreds of U.S. cities and companies as well as international agencies, including the

United Nations and the World Business Council for Sustainable Development, are advancing sustainable practices in all arenas. As population growth, urban development and extreme weather incidents place greater stress on ecosystems around the globe; the need for developing innovative approaches to sustainable development becomes critical to our economic competitiveness, environmental health, and the strength of our communities.

The "Higher Education Sustainability Act" would facilitate the development of programs that keep American students on the cutting edge of technology and global competition while benefiting our communities. The legislation also provides funds to establish rigorous benchmarks for evaluating programs, ensuring that sustainability graduates meet industry standards for best practices. With the threat of global warming looming larger every day, we must invest now in the research and human capital needed to address its impacts and sustain our economy and our communities.

IN HONOR OF MIKE TORIGIANI

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. COSTA. Madam Speaker, I rise today to congratulate Mr. Mike Torigiani of Buttonwillow, California for receiving the 2007 Agriculturist of the Year Award from the Kern County Fair. His dedication to young participants of 4–H and Future Farmers of America among other activities make Mike Torigiani most deserving of this honor.

Mike Torigiani was born in Kern County in 1943 during World War II. Son of Gino and Olympia Torigiani, Mike attended Buttonwillow Elementary School and graduated from Shafter High School. Immediately following high school, Mr. Torigiani attended Bakersfield College for two years, after which he began his farming career.

Mr. Torigiani formed a partnership with his uncle Oliver entitled O & M Farms. After 3 years of farming in that partnership, he decided to join his father and brother in business. Mr. Torigiani and his brother, Ron Torigiani, own and operate Torigiani Farms, which is a third generation business established in 1970.

Mr. Torigiani has served as President of the Buttonwillow Chamber of Commerce and is an active member of the Buttonwillow Lions Club. In 1975, Mr. Torigiani was named as Buttonwillow's Honorary Mayor. He has served on the Kern County Fair Beef Board for over twenty years and, serving in this capacity, he has enjoyed every moment he has been affiliated with the Junior Livestock at the Kern County Fair. Mr. Torigiani has shown his interest and dedication through countless hours helping young people raise livestock for the Kern County Fair.

Mr. Torigiani married Sandy Bulluomini in 1965 and together they have two sons, Steve, who is an attorney and partner in Young Wooldridge Law Firm, and Jim, who is an entomologist with Western Farm Service. His grandchildren, Tyler and Mia, are the light of his life and he looks forward to sharing the joy and tradition of the Kern County Fair with them.

The leadership and commitment Mr. Torigiani has shown to the Kern County Fair and the Kern County youth has never wavered. He personifies a man of principle and integrity. Mike Torigiani is a role model for all of us and it is with great pride that I congratulate him for receiving this distinguished award and for all that he does for Kern County residents.

2007 SEA OTTER AWARENESS WEEK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. FARR. Madam Speaker, I rise today to call attention to the 5th Annual Sea Otter Awareness Week, September 23–29, 2007, sponsored by Defenders of Wildlife. This week-long event provides the opportunity to educate the broader public about sea otters, their natural history, the integral role that sea otters play in the near-shore marine ecosystem, and the conservation issues they are facing.

In the past, the killing of these animals for their fur brought their numbers down to less than 100 by the 1930s. The decline of southern sea otter populations not only has impacts on the species itself, but also affects other marine populations and the surrounding ecosystem. For instance, the demise of sea otters allows their prey sea urchins to proliferate unchecked, which leads to the alarming overgrazing of kelp beds—one of the ocean's nursery grounds for many marine animals. In particular, research shows that the absence of sea otters has a direct link to the sharp decline of kelp along portions of California's coast. Sea otter research also has proven to be an effective method of monitoring toxins and diseases in the marine environment, both of which can affect the health of humans and other wildlife.

The presence of the California sea otter has become an icon of the State's coastal environment and culture, and these charismatic animals bring significant tourism revenue to Californian coastal communities. Protecting them is not only directly advantageous to the otter population, but also fosters indirect benefits on a greater scale.

Groups such as Defenders of Wildlife, Friends of the Sea Otter, The Otter Project, and The Ocean Conservancy have raised public awareness and helped protect this important species under the Marine Mammal Protection Act and the Endangered Species Act. Due to these efforts, the southern sea otter population has increased to more than 2,800 animals.

However, these numbers are still significantly less than what is necessary to consider the population stable and their population growth in recent years is slower than expected. Researchers are beginning to identify indirect hazards for sea otters such as nonpoint source pollution, pathogens, and entrapment in fisheries gear that are causing their population growth to slow. Such realizations support the need for continued research and preventive measures to respond to these issues, while continuing to ward against the direct killings/takings that still occur.

California has taken the first step toward addressing these emerging concerns by signing into law California Assembly Bill 2485, which establishes a State fund for sea otter conservation. This year Californians had the option of donating a portion of their tax returns to sea otter conservation. To date, this has raised $145,000.

However, this is a federally protected species and the State cannot go it alone. In addition to working with my colleagues to secure Federal funds to support a continued and complete recovery of the population, I am also introducing the Southern Sea Otter Recovery and Research Act today. This bill provides for research and recovery programs for the southern sea otter.

Madam Speaker, I applaud the many accomplishments of Defenders of Wildlife and other non-profit environmental organizations, working with the Monterey Bay Aquarium, researchers, fishermen, State and Federal agencies, schools, and many other institutions and individuals, who devote tremendous effort to protect and recover the southern/California sea otter. Sea Otter Awareness Week is just one of their many activities geared towards honoring and saving this species, and I am proud to be associated with this vital work.

NEVER HURT SOMEONE YOU LOVE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. POE. Madam Speaker, for too many people in this country, love comes with bruises, broken bones, and black eyes. Twenty years ago, the first Domestic Violence Awareness Month was observed. In the past 20 years, there are programs, education, and funding dedicated to preventing domestic violence, but domestic violence is still a dangerous reality for too many Americans. One in every four women will be a victim of domestic violence during her lifetime. But domestic violence doesn't discriminate—it affects everyone—men, women, and children of every race, ethnicity, religion, and economic status. It affects the workplace, increases health care costs, and spurs even more violence among children who witness it at home. The cost of domestic violence is staggering—over $5.8 billion each year. Domestic violence happens during dating and in marriages. Children who witness domestic violence at home do poorly in school, use drugs and alcohol at an early age, and are more likely to engage in violent behavior themselves. Boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults.

As a former prosecutor and judge, I founded the Congressional Victim Rights Caucus to advocate for crime victims. I sponsored H. Res. 590 to declare October 2007 as National Domestic Violence Awareness Month. October will raise awareness of the increasing number of abusers who murder their victims and then take their own lives, in addition to the financial strain experienced by domestic violence victims, including loss of employment and loss of housing. In October, thousands of victim advocacy organizations, State coalitions, and community groups will hold events to bring awareness to the violence that affects men, women, and children every single year. Community awareness about domestic violence allows victims to seek help—it creates shelters for domestic violence victims to seek refuge in, holds abusers accountable, and helps children live in nonviolent homes.

In the past, Congress's support of this month has led to an increasing number of local community groups, religious organizations, health care provides, corporations, and media addressing domestic violence in communities.

Congress has been instrumental in increasing the funding for programs located under the Violence Against Women Act, VAWA, but there is still a need for further awareness of domestic violence. Let's send a message to domestic violence victims that Congress is their voice. And that's just the way it is.

HONORING 10TH DISTRICT SERVICE MEN AND WOMEN

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. KIRK. Madam Speaker, I rise to honor those who wear the uniform and serve their Nation in the U.S. armed services. We have more than 1.3 million active duty troops stationed throughout the world, and we owe these men and women much for their dedication and service. As a Naval Reserve intelligence officer who just returned from 2 weeks of active duty in August, I would also like to thank those who serve in our military's Reserve forces. More than 800,000 Americans serve in the seven Reserve branches, including the Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve and Coast Guard Reserve.

Several weeks ago, I learned of one individual in my district that demonstrates the strong commitment to community and country that every Reserve enlisted person and officer has.

Tom Baier resides in Libertyville, IL, where the 53-year-old doctor has an orthopedic surgery practice. He serves as a team physician for several local youth sports teams, as well as a teacher for other doctors for arthroscopic ACL reconstruction surgery.

Dr. Baier's son Mike enlisted in the Marine Corps last spring and is currently stationed in Iraq. In part because of his son's service and his specialized surgical knowledge, Dr. Baier joined the Army Reserve's medical corps. On August 9, he was commissioned as a major and will report for training in the coming months.

Like many serving in our Reserve forces, Dr. Baier brings with him an expertise that will be an incredible asset to our military. Our men and women in the military deserve nothing but the finest medical care possible and I am grateful that we have individuals like Dr. Baier to provide that care. For all the men and women serving in the 10th Congressional District, from active duty to Reserve, as well as their families, we are honored by your sacrifices and selfless dedication to the Nation. We are a stronger country because of individuals like Dr. Baier.

HONORING BOB MIZER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. Bob Mizer on the occasion of his becoming an honorary member of the Vienna Volunteer Fire Department, VVFD.

Mr. Mizer is a 1964 graduate of the United States Naval Academy. A retired naval officer, he moved to Fairfax County, VA, in 1979 and has been an exemplary model of service within the county ever since.

In July 2000, he took the position of volunteer liaison for the VVFD. The VVFD is a volunteer organization that works in conjunction with the Fairfax County Fire and Rescue Department in order to provide the fire department with supplemental staffing, as well as additional units such as an ambulance and engine. VVFD owns and maintains the station and its equipment, while Fairfax County provides 24-hour staffing with paid firefighters and paramedics on three shifts.

Mr. Mizer left his position as volunteer liaison on September 4, 2007, but will continue as president of the Burke Volunteer Fire Department.

Madam Speaker, in closing, I would like to extend my heartfelt thanks to Bob Mizer for his years of service and dedication to the VVFD. The events of September 11, 2001 serve as a reminder of the sacrifices our emergency service workers make for us each day. These individuals' continuous efforts on behalf of Fairfax County citizens are paramount to preserving security, law and order throughout our community. Their selfless acts of heroism truly merit our highest praise. I ask my colleagues to join me in saluting Mr. Mizer, and congratulating him on being named an honorary member of the Vienna Volunteer Fire Department.

TRIBUTE TO DR. MITCHELL ROSENTHAL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. PASCRELL. Madam Speaker, I would like to call your attention to the life and work of an outstanding individual whom I feel fortunate to have known. The late Dr. Mitchell Rosenthal of Vauxhall, NJ, passed away suddenly in May at the age of 58.

For people who did not know Dr. Rosenthal, he was part of the small group of founders of the National Head Injury Foundation, now known as the Brain Injury Association of America. Traumatic brain injury is the leading cause of death and disability among young Americans in the United States.

During his renowned life, Dr. Rosenthal was the Chief Operating Officer for Kessler Medical Rehabilitation Research and Education Corporation in West Orange, NJ, and Professor of Physical Medicine and Rehabilitation at the University of Medicine and Dentistry of New Jersey.

He also served on several committees and boards dedicated to brain injury research and education, including the TBI National Database Center, funded by the National Institute on Disability and Rehabilitation Research, and the American Psychological Association. Further, he served as the President of the American Congress of Rehabilitation Medicine in 1992.

Dr. Rosenthal received many awards during his career; he published more than 80 peer-reviewed articles, books, and book chapters, and he delivered more than 200 presentations at major national and international meetings, primarily related to brain injury rehabilitation.

As co-chair of the Congressional Brain Injury Task Force, I had the privilege of working with Dr. Rosenthal on the issues of TBI education, services and research funding here in Congress.

The brain injury community has lost a great advocate. Dr. Rosenthal will be deeply missed by those who knew him, and by those whose lives he has bettered through his dedication to brain injury research and education.

He leaves a legacy of true leadership, intellectual honesty, and total commitment to others. I would like to offer my condolences to the Rosenthal family, his wife Margaret, and his children Michelle and David.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated community servants like Dr. Mitchell Rosenthal.

Madam Speaker, I ask that you join our colleagues, everyone gathered this evening, Mitchell's family and friends, and me in recognizing the late Dr. Mitchell Rosenthal's outstanding service to his community.

ELEVENTH ANNUAL ROTORFEST

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. SESTAK. Madam Speaker, I rise today in recognition of the Eleventh Annual Rotorfest presented by the American Helicopter Museum and Education Center.

Every October more than 12,000 people gather at the Brandywine Airport in West Chester, Pennsylvania for Rotorfest, a weekend festival devoted to promoting rotary flight mechanics. This year's festival takes place on October 13th and 14th.

This year's All Helicopter Air Show features the U.S. Army Special Operations Command

Parachute Demonstration Team, known as the Black Daggers.

There are three shows a day featuring military and civilian helicopters performing choreographed flight demonstrations.

The American Helicopter Museum and Education Center is committed to preserving the history of rotary flight mechanics.

The museum is dedicated to educating the public with programs about the principles of flight, the innovators of aviation and to encourage future scientists and innovators.

The museum features eight hands-on helicopters where visitors can test their flying skills.

This year the museum features the only V–22 Osprey on exhibit in the world. New to the museum's collection this year is a Boeing M360, an experimental, all composite helicopter that came close to breaking the world's speed record.

I am pleased to celebrate the eleventh year of this festival that is fun for all ages. I am thankful to the American Helicopter Museum and Education Center for their dedication to preserving the history and promoting the future of rotary based flight.

I ask that everyone to join me in commending the American Helicopter Museum and Education Center for their commitment to educating and entertaining the public.

HONORING HARRIS SAUL NUSSBAUM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Harris Nussbaum, who is being recognized as the first Our Children's Hero honoree by the If Given a Chance Foundation during their first annual "Chance Encounter" event. Mr. Nussbaum is being honored for his remarkable work and the positive contributions he has made in the lives of young people in the Napa Valley and beyond.

If Given a Chance was founded in 1994 by a group of concerned Napa citizens who wanted to find ways to help address the myriad problems young people face. In 1995, they made their first awards to a diverse group of young adults who had overcome unusual challenges, including a young single mother, former gang members, and a young man with cerebral palsy. Now, If Given a Chance annually awards $150,000 in scholarships to young people from around the region.

Mr. Nussbaum has been a positive and influential force in the lives of Napa's children for many years. He has been a teacher, helping students overcome the hurdles in their lives. He has founded or directed countless programs to support peer tutoring and community service for young people. His work has enabled people of all ages in our community to take control of their lives, and to reach out and help others who may need support.

Mr. Nussbaum has also been tireless in his work with a wide ranging group of organizations benefiting our community. I have been personally privileged to see the work he did as a founding member and president of Aldea, helping to provide for some of the area's neediest children. As an advisor to the California legislature on educational policy and community service programming, he has lent his expertise to our State's policy makers. He has been of the greatest service to Napa County, serving on the Commissions on Children, Youth and Families; Mental Health Services Act Advisory Board; and the Opera House Board.

Madam Speaker, at this time it is appropriate that we recognize Mr. Harris Nussbaum for his work on behalf of Napa County's children. He richly deserves recognition as Our Children's Hero, and I know he will continue to support the superb services he has helped create for our children.

TRIBUTE TO GENERAL PETER PACE, CHAIRMAN OF THE JOINT CHIEFS OF STAFF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. SKELTON. Madam Speaker, today I want to recognize and pay tribute to a true patriot and exceptional leader of our military, General Peter Pace, Chairman of the Joint Chiefs of Staff, for his more than 40 years of dedicated service to the U.S. Armed Forces and to our country.

General Pace was born in Brooklyn, NY, and grew up in Teaneck, NJ. A 1967 graduate of the U.S. Naval Academy, he holds a Master's Degree in Business Administration from The George Washington University and attended Harvard University for the Senior Executives in National and International Security program. The General is also a graduate of the Infantry Officers' Advanced Course at Fort Benning, Georgia; the Marine Corps Command and Staff College, in Quantico, Virginia; and the National War College, at Ft. McNair, Washington, DC.

In 1968, upon completion of The Basic School, Quantico, Virginia, General Pace was assigned to the 2d Battalion, 5th Marines, 1st Marine Division in the Republic of Vietnam, serving first as a Rifle Platoon Leader and subsequently as Assistant Operations Officer. He joined his platoon, their third platoon leader in as many weeks, during the battle for Hue City. He was decorated for valor during his tour in Vietnam, yet General Pace holds as one of his most valued treasures the photo of LCpl Guido Farinaro, the first Marine he lost in combat. The lance corporal's forever young likeness is under the glass on General Pace's desk, each day reminding him of the impact of his decisions as a military leader. Following Vietnam, he was assigned to Marine Barracks, Washington, DC, where he served as Security Detachment Commander, Camp David; White House Social Aide; and Platoon Leader, Special Ceremonial Platoon.

General Pace has held command at virtually every level, and served in overseas billets in Nam Phong, Thailand; Seoul, Korea; and Yokota, Japan. While serving as President, Marine Corps University, then Brigadier General Pace also served as Deputy Commander, Marine Forces, Somalia, from December 1992–February 1993, and as the Deputy Commander, Joint Task Force–Somalia from October 1993–March 1994.

After an assignment as the Director for Operations (J–3), on the Joint Staff in Washington, DC, then Lieutenant General Pace served as the Commander, U.S. Marine Corps Forces, Atlantic/Europe/South. He was promoted to Generaleral and assumed duties as the Commander in Chief, United States Southern Command in September 2000.

General Peter Pace was sworn in as the sixteenth Chairman of the Joint Chiefs of Staff on September 30, 2005, giving him the distinction of being the first Marine to serve in this role. In this capacity, he served as the principal military advisor to the President, the Secretary of Defense, the National Security Council, and the Homeland Security Council. Prior to becoming Chairman, General Pace served as the Vice Chairman of the Joint Chiefs of Staff from October 2001 to August 2005, also earning him the distinction as the first Marine to have served in this capacity.

General Pace and his wife, Lynne, have a son, Peter, a daughter, Tiffany Marie, and a daughter-in-law, Lynsey Olczak Pace.

General Pace represented the U.S. Armed Forces with great distinction for the past 2 years as its senior military officer and throughout his more than four decades of service to our great Nation. He is a highly respected source of military counsel for our country's leaders, always keeping at the forefront the best interests of our men and women in uniform. General Pace is known for his thoughtful manner, his sense of humor, and his integrity. One Pace trademark we have all come to value is his constant consideration of "PFC Pace" in all military-related discussion, thereby ensuring the President, the Secretary of Defense, the National Security Council, the Homeland Defense Council, and this body of Congress consider the impact of their decisions on even the most junior members of our military. General Pace's leadership significantly contributed to the success of military operations in recent years and improved the security of the United States.

General Pace took every opportunity to recognize the tremendous efforts of the 2.4 million active, guard and reserve members of the Armed Forces, and he likewise recognized the invaluable dedication and sacrifices of the family members who sustain our all-recruited force. During his tenure as Chairman and Vice Chairman, General Pace traveled more than 715,000 miles to meet with his counterparts around the world, and visit troops stationed overseas and across the United States.

Madam Speaker, I know the Members of the House will join me in paying tribute to General Pace and in thanking him for his dedicated leadership to our country.

CONGRATULATING SANDY INSALACO, RECIPIENT OF THE "LIFETIME ACHIEVEMENT AWARD" FROM THE ITALIAN AMERICAN ASSOCIATION OF LUZERNE COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Sandy Insalaco, of Luzerne County, Pennsylvania, who is this year's recipient of the "Lifetime Achievement Award" given by the Italian American Association of Luzerne County.

A principal of Insalaco Development Group, Sandy's company develops, owns and operates commercial real estate in Pennsylvania, New York and New Jersey.

He is president and chief executive officer of Nature's Way Purewater, a bottler of private label spring, distilled and reverse osmosis water for supermarket chain stores and other clients throughout the United States and Canada.

Mr. Insalaco is chairman of the board of directors of Landmark Community Bank headquartered in Pittston, Pennsylvania, and with offices in Forty Fort, Scranton and Stroudsburg Pennsylvania.

He is a past chairman and now a member of the board of trustees of Misericordia University.

Mr. Insalaco has served on the board of trustees of the Mercy HealthCare Foundation since it was established by the late Monsignor Andrew J. McGowan and he served as chairman of that foundation. Mercy HealthCare Foundation supports health initiatives for the underserved in northeastern Pennsylvania.

Mr. Insalaco started his business career in 1957, joining his brother, Michael, in the retail food business. The company grew from one small store to 14 supermarkets located in Luzerne, Lackawanna, Monroe and Wayne Counties in Pennsylvania. The company was sold in 1993.

Mr. Insalaco served on the board of directors of the former United Penn Bank in Wilkes-Barre. He also served as chairman and a member of the board of directors of Affiliated Food Distributors, Inc., Scranton, Pennsylvania.

He has been actively involved with fundraising for St. Maria Goretti Church, the Greater Hazleton Philharmonic Society, the Greater Pittston Memorial Library, Mercy HealthCare Foundation and Misericordia University.

Mr. Insalaco and his wife, Marlene, have 2 sons, Sandy Jr., and Michael. They also have five grandchildren.

Madam Speaker, please join me in congratulating Mr. Insalaco on this special occasion which honors a lifetime of extraordinary achievement that has touched the lives of many people and improved the quality of life throughout northeastern Pennsylvania.

TRIBUTE TO FELIX CHIN FOR OVER FOUR DECADES OF SERVICE TO THE CONGRESS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. CUMMINGS. Madam Speaker, I rise today to recognize Mr. Felix Chin for his outstanding, dedicated, and professional service to the United States Congress.

Mr. Chin's federal service started in 1959, when he honorably served his country in the United States Army. His 3 years in the U.S. Army included a tour of duty in Vietnam. His service to Congress began in 1965 in the Library of Congress's Aerospace Technology Division where he translated and analyzed intelligence documents from Chinese sources on economic, political, military and social affairs in Communist China. He then served as an economics bibliographer in the Library Services Division of the Congressional Research Service beginning in 1969. After more than 38 years, he has concluded his library career as a senior bibliographer and information research specialist and will be retiring in the "Old Line State."

During his tenure with CRS, Mr. Chin responded to numerous congressional inquiries on economics-related research and authored many CRS annotated bibliographies and other information research products for Congress. He assisted in the development of SCORPIO through his participation on the SCORPIO Advisory Group and participated in the implementation of other congressional services such as the Selective Dissemination of Information Service. In 1973, he received a Meritorious Service Award for the large burden he carried as the only CRS economics bibliographer. He also received a Special Achievement Award in 2004 for the creative training he presented to Government and Finance Division analysts in the use of databases in the areas of international banking and foreign debt, and treaties. He was recognized by analysts in the former CRS Economics Division for his research expertise, bibliographic support, and enormous contribution to their work. He is greatly admired and respected by his colleagues and friends throughout the Congressional Research Service.

Mr. Chin received a bachelor's degree in Business Administration from George Washington University in 1968 and a master's degree in Supervision and Management from Central Michigan University in 1979 as a member of the first graduating class at the Library. Mr. Chin is a dedicated and kind mentor; he has inspired many young professionals to begin and continue a public service career.

Madam Speaker, I am pleased to join Felix Chin's colleagues, family, and friends in commemorating his nearly 50 years of Federal service. It is my honor to have this opportunity to wish him well as he embarks on his well-deserved retirement. In addition, I join my congressional colleagues in thanking Mr. Chin for his many years of service to Congress and wish him much success in his future endeavors.

HONORING SUSAN E. COX, NEWLY APPOINTED MAGISTRATE JUDGE FOR THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor Susan E. Cox, an outstanding attorney, who was appointed as a United States Magistrate Judge for the Northern District of Illinois on August 27, 2007. A resident of La-Grange, Illinois, in the Third Congressional District, Judge Cox has demonstrated outstanding integrity and intelligence throughout her distinguished career. I am pleased to congratulate her on this well deserved appointment.

Before her designation as Magistrate Judge, Ms. Cox held a wide array of positions within the field of law. Most recently, she practiced both civil and criminal law in her own private practice, and she also spent 8 years as an Assistant U.S. Attorney, as well as 3 years as a law clerk to U.S. District Judge Wayne R. Anderson. During her 11 years of civil practice, Ms. Cox gained expertise in cases regarding employment, commercial, and patent infringement. Ms. Cox's many experiences and talents led her to be appointed by the federal court to assist in monitoring the employment actions of the City of Chicago. She also has devoted her valuable time to sharing her knowledge with others by serving as an adjunct professor at DePaul University College of Law.

As a Magistrate, Judge Cox will employ the same insightfulness and passion for the law that she has acquired in her many past experiences and accomplishments. Some of her duties will include presiding over civil cases and misdemeanor criminal cases with the consent of the parties, conducting preliminary proceedings in criminal cases, and assisting the District Court Judges with pretrial motions, evidentiary proceedings, and settlement negotiations.

It is my honor to recognize Susan E. Cox as she takes a new step in her career as a Magistrate Judge for the U.S. District Court for the Northern District of Illinois. Her integrity, experience, and passion for the law will greatly benefit the U.S. District Court. It is also my privilege and pleasure to congratulate Magistrate Judge Cox for this milestone in her life and commend her on her many contributions to the field of law.

TRIBUTE TO NEOSHO LAW ENFORCEMENT OFFICERS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. BLUNT. Madam Speaker, I rise to pay tribute to a group of law enforcement officers whose quick thinking and courageous intervention saved lives and ended a tragic shooting spree earlier this summer in southwest

Missouri. It was a shooting that left three people dead and several others wounded at the First Congregational Church in Neosho, Mo., and it happened on August 12th of this year.

The events of that day startled the Nation, shocked the tight-knit town of Neosho, and devastated the small Micronesian community in the area from which the victims of these senseless and depraved acts of violence came. The shootings occurred during the early afternoon church services near downtown Neosho, with the first call for help coming at 1:54 p.m. Within minutes, officers from the Neosho Police Department, the Newton County Sheriff's Office and the Missouri Highway Patrol were on the scene and organizing a plan to put this nightmare to an end.

Officers arriving first were told a lone gunman had burst into the church and begun firing, severely injuring several people and possibly wounding a good deal more. The conditions of the victims were unknown. Several members of the congregation fled the church and the gunman ordered that other children take leave. But as many as 30 worshipers remained held at gunpoint at the moment the officers arrived.

Neosho Police Chief David McCracken, who was in charge at the scene, issued a command decision that would bring a quick and positive end to situation. Within minutes, McCracken had organized an impromptu team of experienced officers from 3 different agencies schooled in special weapons and tactics. After hearing another gunshot from inside the church, the seven-man team entered the sanctuary through a side door into the building.

Inside they found a 52-year-old man armed with 2 handguns—1 of them pointed at the head of a female hostage. In a corner of the church, the gunman had gathered around 30 members of the congregation, and positioned them around him. Nearby lay 3 people mortally wounded, including 2 pastors and a deacon of the church, and 5 others clinging to life. As they entered the church, the gunman ordered the officers to leave. They told him to put down his weapon. And, perhaps recognizing his choice was either to comply with the demand or face a penalty similar to the one he imposed on his victims, he did just that.

In those tense moments, officers made it clear they intended to use deadly force to end the standoff. The confrontation with officers lasted less than 10 minutes. Eiken Elam Saimon gave up his handguns and was taken into custody. He has been charged with multiple offenses, including 3 counts of capital murder. Found inside the church were Micronesian-American pastor, Kernel Rehobson, 43; his uncle, Intenson Rehobson, 44; and Kuhpes Jesse Ikosia, 53.

Newton County Sheriff Ken Copeland said the quick action of the SWAT team saved lives, and I don't have any doubt that he's right. He believes, as I do, that many other residents and civic leaders in Newton County would have been lost without the team's rapid response and decisive decision-making.

Let me add special praise to Neosho Police Chief McCracken, who—as I mentioned—was the commanding officer on the scene. With shots still being heard inside the church, Chief McCracken acted without hesitation to lead the SWAT team in and bring to an end the armed threat, preventing the loss of additional life. Though the events leading up to this tragedy will forever be the object of speculation and mystery, one thing we can be sure of is that having skilled officers and decisive leadership were essential to bringing a quick end to it.

These men willfully put themselves in the line of fire to rescue their friends and neighbors. The team led by Chief McCracken consisted of Neosho Police Officer Cameron Kruse and Cpl. Donn Hall, Newton County Sheriff's Chief Deputy Chris Jennings, Sgt. David Trimble and Deputy Dale Brashers and Trooper "Corky" Burr of the Missouri State Highway Patrol.

These are men of extraordinary valor, but several of their colleagues in the department are also worthy of mention as well. On March 16th of this year, Neosho City Police Sergeant Dan Cook tried to execute, what appeared at the time, a routine traffic stop. Unfortunately, the driver had a handgun ready and opened fire as Cook approached the car. Although Cook was hit in the arm, he returned to his vehicle and chased the assailant down for several miles. During the chase, one of his colleagues—Officer Michael Sharp—was wounded in the face. Another Missouri State Trooper, G. H. Hendrix, traded gunfire with the wanted man. Because of their determined pursuit, the man was later apprehended without further incident, arrested and booked on eight separate felony charges.

Each day our peace officers face these dangers and each day they confront the people who would do harm to law-abiding citizens. Each of these men is a dedicated public servant who knows how to do his job, and was not afraid to use his training and expertise to end the awful tragedies with which they were presented.

Facing a deranged gunman who has already shown the capacity to kill—and the willingness to kill some more—is a situation that requires cool heads and professional training. Not a single one of these law enforcement officers would call himself a hero. But here today, I will suggest that's exactly what they are.

To the praise already bestowed on them by the Governor, the state legislature, the Neosho City Council and county officials, I add a "well done and thank you" for your dedication to your profession and for putting your lives on the line in defense of your community.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PROSTATE CANCER AWARENESS MONTH

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Ms. MATSUI. Madam Speaker, I rise today to introduce a resolution that is designed to give comfort to the millions of American families who struggle with prostate cancer.

September is National Prostate Cancer Awareness Month. Because of the way prostate cancer affects our society, awareness is one of the most powerful tools we have to combat and defeat it. With this resolution, Congress has an opportunity to lend its voice to the communities, families, and individuals who are fighting to find a cure for an illness that kills more than 27,000 men every year.

It is easy to get caught up in statistics when talking about massive health challenges like prostate cancer, and the numbers produced by this disease are indeed staggering. Over 200,000 men will be diagnosed in the United States this year. One in every six American males will have prostate cancer at some point during his life. Prostate cancer is the most common type of non-skin cancer in the country, and will kill approximately 27,000 men this year alone.

Twenty-seven thousand fewer husbands, fathers, uncles, best friends, and mentors because of prostate cancer, Madam Speaker. This is not a disease that we can afford to ignore.

Fortunately, we are not helpless in our fight against this killer. If caught early and treated correctly, prostate cancer can be managed and overcome. In fact, nearly all patients who identify that they have prostate cancer in its early stages survive and go on to live healthy adult lives.

The problem is that early-stage prostate cancer exhibits no symptoms. As a result, early and vigorous screening is absolutely critical for doctors to find the 27,000 American men who won't catch their prostate cancer early enough, and who will die as a result.

Screening will become an even more important part of our fight against prostate cancer as the baby boom generation comes of age. Males between the ages of 50 and 65 are particularly susceptible to prostate cancer, and this pool of men over 50 will only get larger in the near future. In today's United States, a man turns 50 years old about every fourteen seconds.

As a result, the aggregate risk to our society posed by prostate cancer will only rise as that huge swath of people born in the 1950s continues to age. Our fight against this killer will only become more challenging, Madam Speaker, even as we increase the quality of our screening, treatment, and research related to the disease.

That is why awareness will be so critical in the near future. The more people we make aware of the risks of prostate cancer, the better our chances of curing them before it is too late. National Prostate Cancer Awareness Month is a vital part of this mission. Every year in September, prostate cancer advocates, survivors, patients, and policy leaders heighten awareness of this disease. This is not just a feel-good exercise, Madam Speaker. It saves lives and keeps families together.

In many ways, the growth in Federal research spending into this disease can be traced to the positive effects and outreach of National Prostate Cancer Awareness Month. A disease which once received $86 million for research is now a $466 million priority for medical researchers around the country. This huge success is due in large part to the tireless advocacy of the National Prostate Cancer Coalition, working with so many partners in support of National Prostate Cancer Awareness Month.

For the sixth year in a row, the United States Senate and the President have issued resolutions supporting National Prostate Cancer Awareness Month. The House of Representatives has never joined them, Madam Speaker, until today.

With the resolution I now introduce with my colleague Mr. LATHAM of Iowa, the people's House will finally be on record supporting the worthy goals of National Prostate Cancer Awareness Month. Millions of American families around the country deserve the help of the House of Representatives in their fight against this silent killer, and I urge all my colleagues to join me in supporting this timely and overdue resolution.

PERSONAL EXPLANATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. MITCHELL. Madam Speaker, I am writing regarding today's rollcall votes 865, H. Res. 257, supporting the goals and ideals of Pancreatic Cancer Awareness Month, and 866, H. Res. 643, recognizing September 11 as a day of remembrance, extending sympathies to those who lost their lives on September 11, 2001, and their families, honoring the heroic actions of our Nation's first responders and Armed Forces, and reaffirming the commitment to defending the people of the United States against any and all future challenges.

Please accept my apologies as I was meeting with constituents in my district and was not able to cast my votes tonight. It was my intention to vote "yes" on both resolutions.

HONORING THE 100TH ANNIVERSARY OF SAINT PHILOMENA SCHOOL

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. SESTAK. Madam Speaker, I rise today to recognize Saint Philomena School for 100 years of educational excellence in Delaware County.

Located in Lansdowne, Pennsylvania, St. Philomena opened its doors on September 4, 1907, making it one of Delaware County's oldest Catholic schools. Since that time, the school has provided four generations of quality Catholic education, touching the hearts and minds of countless children, and epitomizing the school's motto, "Experience the Difference, Commit to the Future".

I would like to recognize the school's pastor, Monsignor David Benz, and principal, Ms. Patricia Walsh, for their service and impassioned dedication to educating the students of the Saint Philomena School.

I would also like to recognize and extend my gratitude to Ms. McKenna, an alumna of the school who has devoted 45 years to teaching, 30 of which were as the 8th grade teacher at St. Philomena School.

I ask that everyone join me in congratulating St. Philomena School on 100 years of great education, recognizing its contribution to the community, and acknowledging the dedication of its staff and administrators.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. THOMPSON of California. Madam Speaker, unfortunately, I was unable to travel to Washington for votes.

However, I want you to know I would have recorded "yes" votes for these recorded votes. They included: (1) H. Res. 257—Supporting the goals and ideals of Pancreatic Cancer Awareness Month, and; H. Res. 643—Recognizing September 11 as a day of remembrance, extending sympathies to those who lost their lives on September 11, 2001, and their families, honoring the heroic actions of our nation's first responders and Armed Forces, and reaffirming the commitment to defending the people of the United States against any and all future challenges.

TRIBUTE TO THE LATE CLIFTON J. JEFFERSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a former mayor, educator and businessman who dedicated his life to his hometown of Lynchburg, South Carolina. The town is dedicating a park in honor of the late Clifton J. Jefferson on October 6, 2007, and I believe it is fitting that the U.S. Congress honors his public service as well.

Clifton Jefferson was born in Lynchburg on September 10, 1923. Raised by his grandparents, John and Carrie Jefferson, Clifton attended Lynchburg public schools until he reached high school. At that time, he moved to Florence to attend Wilson High School, and upon graduation matriculated at South Carolina State College.

Clifton Jefferson didn't come from a wealthy family, and he had to perform odd jobs to help pay for school. But he had a tremendous work ethic and real rapport with his fellow students. They affectionately called him "Jeff," and elected him president of the Senior class at South Carolina State. He earned a bachelors degree in agriculture in 1946, and then decided to move to Baltimore, Maryland where he pursued further studies at Howard University, Morgan State, and the University of Maryland. At the time, Jeff helped integrate the University of Maryland as its first black student. He stayed on in Baltimore for eight years, but returned home when he was needed to care for his ailing grandmother.

Back at home in Lynchburg, Clifton Jefferson worked in the Lee County Public School System for 32 years. He began as a classroom teacher, became an assistant principal at Fleming Elementary and Mt. Pleasant High School, and went on to become principal of Bishopville Junior High School. He also held positions as assistant director of Lee County Vocational School, now known as the Lee County Career & Technology Center, and as coordinator of the Old Ceta Program, now Project ACT. All the while, he owned and operated Jefferson Funeral Home in Lynchburg.

Breaking color barriers was a common theme of Clifton Jefferson's life. He was elected the first black mayor of Lynchburg, and served his community for 16 consecutive years in that role. Some of his major accomplishments included integrating the Lee County sheriff's department, the county court house, and various agencies. He also brought the first Head Start program to Lynchburg.

During his tenure, Mayor Jefferson was instrumental in investing in his town's infrastructure by improving the water, sewer, and drainage systems, creating two parks, and increasing the number of town employees to provide services to the community. He also established the first Christmas parade and magnolia festival in Lynchburg.

Clifton Jefferson was an active member of Warren Chapel United Methodist Church, and held various positions on boards in Lee County and in South Carolina. His memberships included: the South Carolina Conference of Black Mayors, National Conference of Black Mayors, the World Conference of Black Mayors, South Carolina Municipal Association, Lee County Teachers Association, South Carolina Teachers Association, National Teachers Association, NAACP, Lee County Chapter of SC State Alumni, South Carolina Morticians Association, National Morticians Association, Florence Alumni Chapter of Kappa Alpha Psi Fraternity and the National Chapter of Kappa Alpha Psi Fraternity.

He was married to the former Gwendolyn Weaver, and the couple had six children, six grandchildren, and four great-grandchildren.

Madam Speaker, I ask you and all the members of this esteemed body to join me in recognizing the extraordinary work of Clifton J. Jefferson. I also commend the Town of Lynchburg for honoring their late mayor's great work by naming a park in his memory. This will serve as a lasting tribute for a gentle giant, who loved his hometown and succeeded in making it a better place.

A TRIBUTE TO THE PASADENA SYMPHONY ASSOCIATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Pasadena Symphony, which will be celebrating its 80th anniversary on October 13, 2007—the beginning of the 2007–2008 season. Since 1928, the Pasadena Symphony has demonstrated musical talent, stable leadership, and remarkable service to the community.

In 1922, Will Rounds, Director of Instrumental Music in the Pasadena public school system and former member of the Los Angeles Philharmonic, initiated a movement for a local civic orchestra. The Pasadena Civic Orchestra Association was officially developed in 1928 by a group of civic-minded citizens and Reginald Bland, the orchestra's first director. Originally formed to promote free music of all forms to the public and to provide young aspiring musicians an opportunity to train through practical experience, the orchestra has transformed from a group of volunteer and student musicians into a nationally-recognized orchestra that has won worldwide acclaim.

Much of the symphony's success can be attributed to its stable leadership. Since its founding, the orchestra has had only four music directors. In 1936, Dr. Richard Lert began his 36 year tenure as director and established a scholarship fund for students who performed in the orchestra. With Dr. Lert at the helm, the orchestra's name was changed to the Pasadena Symphony Association in 1954; in 1955, the symphony became a founding member of the Los Angeles Symphony League and was recognized with Metropolitan Status by the American Symphony Orchestra League in 1968. The Women's Committee, which recently celebrated its 50th anniversary, was formed in 1957 to assist with fundraising. From 1972 to 1984 the orchestra's reputation continued to grow under the leadership of Daniel Lewis. The orchestra received several national awards, including 5 American Society of Composers and Publishers awards for adventuresome programming. Mr. Lewis also oversaw the founding of the Pasadena Youth Symphony Orchestra which is considered one of the best youth orchestras in the world. Since 1984, Jorge Mester has brilliantly led the Pasadena Symphony Association, expanding the number of concerts per season and recording its first compact disc in 1994.

Beyond its musical achievements, the association admirably serves the community through educational outreach. Committed to making music accessible to the public, the symphony runs an admission-free Musical Circus for families with young children and offers Concerts and Lessons to Enrich Families (C.L.E.F.). Believing that music belongs in the classroom as well as the concert hall, the symphony partnered with Pasadena's public elementary schools to found Tempo!, a curriculum based program that has been recognized by the National Endowment for the Arts. Through the Mentor Program, in which middle and high school musicians can meet with Pasadena Symphony Association professionals and the Pasadena Youth Symphony Orchestra, the symphony fosters our next generation of musicians.

It is my great pleasure to honor the Pasadena Symphony Association on its 80th anniversary. I ask all members to join me in commending their efforts.

IN HONOR OF HISPANIC HERITAGE MONTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. LANTOS. Madam Speaker, I rise today to honor and celebrate, along with my remarkably diverse constituents, Hispanic Heritage Month. I am grateful that September 15th through October 15th has been set aside to commemorate the unique cultural legacy and the significant contributions that the diverse people of Hispanic descent have made to the United States of America.

Madam Speaker, this heritage is part and parcel of our shared American birthright. It is only fitting that we celebrate the extraordinary accomplishments of the 43 million Hispanic Americans in this country, people who are making their mark in popular culture, business, athletics and politics. Theirs is the American Dream—a deep-seated belief that hard work can bring a better life and a brighter future for our children.

I wish to take this opportunity to honor some outstanding individuals living and working in the San Francisco Bay area. KQED, a nationally recognized public broadcaster, has named the following six outstanding individuals 2007 Latino Heritage Local Heroes. These hardworking citizens represent the best of both worlds—preserving their personal and family heritage while contributing great things to the community we all share.

Cío Hernández has brought her language and leadership skills to the youth of Marin County. As the Bilingual Adolescent Mental Health Practitioner for Teen Clinic of Marin County Department of Health and Human Services, Cío is a youth group leader who inspires and motivates adolescents who want to make a difference in their community.

Martín Mora is a professional firefighter in the city of San Jose. In his 12 years with the San Jose Fire Department, he has promoted safety and awareness throughout the community. Additionally, Martín continues his family's legacy of dedicated volunteering by assisting children, women, and families in the Bay Area and Nicaragua.

Guillermo "Memo" Morantes is a longtime community volunteer in San Mateo County, with a special passion for education. As a member of the San Mateo County Board of Education, he continues the fight he has long been waging to provide all our children with the kind of quality education they deserve.

A Health and Nutrition teacher at Dover Elementary School in West Contra Costa County, Tony Ramirez imparts invaluable wisdom about healthy living and environmental preservation to our next generation of leaders. Tony has incorporated outdoors hands-on education into the curriculum, instilling the value of preserving natural habitats such as the local watershed, Wildcat Creek, and teaching students of their responsibility to maintain a healthy creek.

Mary Helen Rocha is another tireless advocate for children and families in our community. From bus monitor to den mother and Girl Scout leader, she has done it all, and currently works as Program Director for The Perinatal Council and coordinates the Antioch First 5 Center permanent facility, which serves families with children under 5 years of age.

As a master of the art of capoeira, a Brazilian martial arts and dance hybrid, Márcia Treidler, known to the arts community as Mestranda Márcia Cigarra, is working to spread hope and opportunity through the art form she loves. Márcia is the founder and Artistic Director of ABADÁ-Capoeira San Francisco (ACSF), which is dedicated to using capoeira as a vehicle to improve and enrich disadvantaged communities and the lives of people from all backgrounds.

Madam Speaker, it is not enough to celebrate this community one month out of every year. All of our Hispanic American friends and neighbors deserve the opportunity to build a better life for themselves and their children. They are the driving force behind the efforts of this Democratic Congress to bring a new direction to America—the real people who benefit from progressive legislation like increases to the minimum wage and programs that make college more affordable.

Hispanic Heritage month is more than a cultural celebration, Madam Speaker, as vibrant and fascinating as that culture may be. It is an opportunity to see the children for whom we have just increased funding for math and science education, funding that will give all Americans a chance to compete in the global economy. It shines a spotlight on the citizens who lack adequate health care, despite working full time. Hispanic Heritage month is certainly about the past, Madam Speaker, and it is an honorable past worth remembering. Yet this month, let us also look toward the future, and work toward building a better tomorrow for all American families.

HONORING HENRIETTA, COUNTESS DE HOERNLE'S 95TH BIRTHDAY

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. WEXLER. Madam Speaker, I rise today to honor Henrietta, Countess de Hoernle, as she celebrates her 95th birthday. She is one of the most distinguished and accomplished philanthropists in south Florida, and I am proud to recognize her impact on our community. Her record of service to those in need makes her a truly distinguished American.

During her lifetime, the Countess has worked tirelessly to support worthwhile causes benefiting young adults, the poor, the needy and the ill. She retains a personal philosophy of using her financial resources to help others, believing that she would like to see the "fruits of her labor" while she is able. She has been instrumental in advancing educational opportunities for the young, art and cultural opportunities for area residents, and medical opportunities for everyone. Currently, she serves on six boards in the Palm Beach area, including the boards of the Caldwell Theatre and the Boca Raton Museum of Art.

One of the first charitable efforts made by the Countess and her husband was to Boca Raton Community Hospital. Subsequently the Countess has worked in support of many health organizations, including the American Red Cross, Hospice, the Habilitation Center, and the Mae Volen Senior Center. The Countess then turned her attention to the needs of south Florida youth. The Countess has also been instrumental in helping the Haven, a facility providing a home for neglected and abused children, St. Joan of Arc School for its expansion and new library, the College of Boca Raton (now Lynn University) for its Lecture Hall, and Spanish River Community High School for a long-awaited theater.

Other organizations with which the Countess has been actively involved include the Association of Retarded Citizens, American Heart Association, American Diabetes Association, Arthritis Foundation, Boca Ballet Theatre, Boca Raton Historical Society, Boca Raton International Club, Boca Raton Philharmonic Symphonia, Centre for the Arts at Mizner Park, The Children's Museum, Cystic Fibrosis Foundation, Northwood University, Palm Beach Community College, The Palm Beach International Film Festival, Police Athletic League, United Way, the Youth Activity Center and ZONTA Club of Boca Raton. She has received awards from more than 230 charitable organizations and is universally recognized as a major philanthropist.

Henrietta, Countess de Hoernle enjoys being able to give a helping hand to all in need—believing that's what her life is all about. She sets an example for everyone in our community to follow, and I am proud to recognize her today on her 95th birthday.

CELEBRATING THE ACCOMPLISHMENTS OF RICHARD KAZMAIER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Ms. KAPTUR. Madam Speaker, I rise today in recognition of the achievements of Richard William Kazmaier, a native of Maumee, Ohio in the Ninth Congressional District and winner of the 1951 Heisman Trophy as the most outstanding player in college football.

Mr. Kazmaier will be honored at a special dinner ceremony tomorrow evening at Maumee High School, where he will donate to his alma mater a replica of his Heisman Trophy for display in a specially-made trophy case.

After graduating from Maumee High School in 1948, Mr. Kazmaier led Princeton University to back-to-back undefeated seasons in 1950 and 1951. He also led the Nation in total offense in 1951, operating as the lone back in the Tigers' single-wing formation. He received more Heisman votes than any other winner up to that time, and he finished more than 1,000 points ahead of the runnerup. He made the cover of Time Magazine.

And then Richard Kazmaier made a life-changing decision. He turned down an offer to play professionally for the Chicago Bears and decided instead to enter Harvard Business School, choosing the Ivy League over the National Football League.

After serving 3 years in the U.S. Navy, attaining the rank of lieutenant, Mr. Kazmaier went into business as president of Kazmaier and Associates, a sports marketing and financial services company. He was inducted into the College Football Hall of Fame in 1966. He later served on the board of trustees at Princeton University. He was a director of the Knight Foundation on Intercollegiate Athletics. He was appointed by President Ronald Reagan to the President's Council on Physical Fitness, and served as its chairman.

Richard Kazmaier never forgot his hometown, either. The Richard Kazmaier Scholarship Program at Maumee High School has awarded more than $153,000 in scholarships to student athletes over the past 17 years.

Madam Speaker, it is entirely appropriate that Richard Kazmaier, a two-time All-America at Princeton, will be feted in his hometown, because just last year Maumee gained acclaim as an All-America City. Congratulations are in order for Richard Kazmaier and also for the city of Maumee.

REMEMBERING THE USS "WAHOO"

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the men who lost their lives when the USS *Wahoo* went down in the Western Pacific in 1943. A memorial ceremony to the 80 crew members will be held at the USS *Bowfin* Submarine Museum and Park on October 11, the 64th anniversary of the vessel's disappearance.

The USS *Wahoo* was one of the Navy's most valuable units during World War II. The submarine began its first patrol in August 1942 in the Carolines. During its first 6 patrols the submarine was responsible for sinking 27 ships and damaging 2 more and was granted the Presidential Unit Citation for its 3rd patrol. The submarine came under attack on its 7th patrol in the La Perouse Strait between the Japanese island of Hokkaido and the Russian island of Sakhalin and went down on October 11, 1943. According to Japanese military reports the submarine was sunk after several hours of a combined air and sea attack involving depth charges and aerial bombings.

Commander Dudley Morton was the skipper of the USS *Wahoo* when it went down. His relatives and the relatives of other crew members led the search to find the USS *Wahoo*. Through a cooperative effort between the United States, Japan, and Russia, the USS *Wahoo* was located.

In addition to Commander Morton, 79 other crew members lost their lives that day. They include the uncle of my constituent Joann Fisher, Edwin Eldon Ostrander. The names of the remaining crew members are: Floyd Anders, Joseph Andrews, Robert Bailey, Arthur Bair, Jimmie Berg, Chester Browning, Donald Brown, Clifford Bruce, James Buckley, William Burgan, John Campbell, William Carr, James Carter, William Davison, Lynwood Deaton, Joseph Erdey, Eugene Fiedler, Oscar Finkelstein, Walter Galli, Cecil Garmon, George Garrett, Jr., Wesley Gerlacher, Richard Goss, Hiram Greene, William Hand, Leon Hartman, Dean Hayes, Richie Henderson, William Holmes, Van House, Howard Howe, Olin Jacobs, Robert Jasa, Juan Jayson, Kindred Johnson, Dalton Keeter, Wendell Kemp, Paul Kessock, Paul Krebs, Eugene Kirk, Arthur Lape, Clarence Lindemann, Robert Logue, Walter Lynch, Stuart MacAlman, Thomas Mac Gowen, Albert Magyar, Jesus Manalisay, Paul Mandjiak, Edward Massa, Ernest Maulding, George Maulding, Thomas McGill, Jr., Howard McGilton, Donald McSpadden, Max Mills, George Misch, Percy Neel, Forest O'Brien, Roy O'Neal, Paul Phillips, Juano Rennels, Henry Renno, Enoch Seal, Jr., Alfred Simonetti, Verne Skjonsby, Donald Smith, George Stevens, William Terrell, William Thomas, Ralph Tyler, Joe Vidick, Ludwig Wach, Wilbur Waldron, Norman Ware, William White, Kenneth Whipp, and Roy Witting.

Madam Speaker, I ask the House of Representatives to rise with me and honor these brave men that gave their lives for our Nation. May we always remember their sacrifice and revere their memory.

A SALUTE TO ROY HAYNES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. CONYERS. Madam Speaker, as Dean of the Congressional Black Caucus and Chairman of the 23rd Congressional Black Caucus Foundation's Annual Legislative Conference Jazz Forum and Concert, I rise to salute the lifetime achievements of one of the most distinguished jazz artists in American music history, Roy Haynes.

One of the most recorded drummers in the history of jazz, Haynes has played in a wide range of styles ranging from swing and bebop to jazz fusion and avant-garde jazz in his 60-year career. He has a highly expressive, personal style ("Snap Crackle" was a nickname given him in the 1950s) and is known to foster a deep engagement with his band mates.

Roy Haynes was born in Boston on March 13, 1925, and, like so many of his contemporaries became keenly interested in music, and in particular, jazz, at an early age. Primarily self-taught, he began to work in Boston in 1942 with musicians like Charlie Christian, Tom Brown, Sabby Lewis, and Pete Brown. In the summer of 1945, he got a call to join legendary bandleader Luis Russell (responsible for much of Louis Armstrong's musical backing from 1929 to 1933) to play for the dancers at New York's legendary Savoy Ballroom. When not traveling with Russell, the young drummer spent much time on Manhattan's 52nd Street and uptown at Minton's, the legendary incubator of bebop, soaking up the scene.

Over the next 30 years, Haynes would go on to play with virtually every jazz musician of note. He was Lester Young's drummer from 1947 to 1949, worked with Bud Powell and Miles Davis in 1949, and became Charlie Parker's drummer of choice from 1949 to 1953. He toured the world with Sarah Vaughan from 1954 to 1959, did numerous extended gigs with Thelonious Monk in 1959–60, and made eight recordings with Eric Dolphy in 1960–61. Haynes worked extensively with Stan Getz from 1961 to 1965, played and recorded with the John Coltrane Quartet from 1963 to 1965, has collaborated with Chick Corea since 1968, and with Pat Metheny during the '90s. Metheny was featured on Haynes' previous Dreyfus release Te Vou! (voted by NAIRD as Best Contemporary

Jazz Record of 1996). He's been an active bandleader from the late '50s to the present, featuring artists in performance and on recordings like Phineas Newborn, Booker Ervin, Roland Kirk, George Adams, Hannibal Marvin Peterson, Ralph Moore and Donald Harrison. A perpetual top three drummer in the Downbeat Readers Poll Awards, he won the Best Drummer honors in 1996 (and many years since), and in that year received the prestigious French Chevalier des l'Ordres Artes et des Lettres. In 2002, Roy Haynes' album Birds of a Feather, his tribute to the immortal Charlie "Bird" Parker, was nominated for a Best Jazz Instrumental Album Grammy.

Of his style and music Haynes says: "I structure pieces like riding a horse . . . you pull a rein here, you tighten it up here, you loosen it there. I'm still sitting in the driver's seat, so to speak. I let it loose, I let it go, I see where it's going and what it feels like. Sometimes I take it out, sometimes I'll be polite, nice and let it move and breathe—always in the pocket and with feeling. So the music is tight but loose."

Haynes continued, "I am constantly practicing in my head. In fact, a teacher in school once sent me to the principal, because I was drumming with my hands on the desk in class. My father used to say I was just nervous. I'm always thinking rhythms, drums. When I was very young I used to practice a lot; not any special thing, but just practice playing. Now I'm like a doctor. When he's operating on you, he's practicing. When I go to my gigs, that's my practice. I may play something that I never heard before or maybe that you never heard before. It's all a challenge."

"I deal with sounds. I'm full of rhythm, man. I feel it. I think summer, winter, fall, spring, hot, cold, fast and slow—colors. But I don't analyze it. I've been playing professionally over 50 years, and that's the way I do it. I always surprise myself. The worst surprise is when I can't get it to happen. But it usually comes out. I don't play for a long period, and then I'm like an animal, a lion or tiger locked in its cage, and when I get out I try to restrain myself. I don't want to overplay. I like the guys to trade, and I just keep it moving, and spread the rhythm, as Coltrane said. Keep it moving, keep it crisp."

Madam Speaker, it is my honor to offer this salute to Roy Haynes as a true Modern Jazz Giant and a living national treasure and the embodiment of the values and principles set forth in H. Con. Res. 57, the joint resolution passed on John Coltrane's birthday 20 years ago, which has become the gold standard rubric for the proper recognition of jazz and its practitioners.

IN MEMORY OF PHIL FRANK

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of one of our notable journalists, cartoonist Phil Frank. Phil died of brain cancer this month, but not before leaving an enduring legacy to the people of Marin County, where he lived, and to those of the San Francisco Bay Area and across North America.

Admired by other cartoonists, loved by his family and fans, and appreciated by local historians, Phil was the creator of a host of cartoon characters, the most famous being Farley, a San Francisco reporter on a newspaper named The Daily Requirement. Farley's world was peopled by an assortment of politicians and animals, including Bruce, the raven; Orwell T. Catt, feral feline; a collection of bears that ran the Fog City Dumpster and avidly supported the San Francisco Giants; and of course, the high-class band of feral pigs in dark glasses, who traveled Marin County in BMWs, led by their guru, De Pork Chopra.

With these characters and others, Phil targeted daily events in the Bay Area, including the actions of every San Francisco mayor from Dianne Feinstein to Gavin Newson. Phil's co-worker Carl Nolte, a staff writer at the Chronicle, where the Farley comic ran almost every day for 32 years, remembers a good example. When Mayor Frank Jordan once appointed a lowly politician to a high office in his administration, Phil's comic strip showed the cartoon mayor appointing one of the feral cats to run the municipal aquarium.

"But he was never mean-spirited," said Nolte. "He was humorous in the best sense of political humor."

Fellow cartoonist Kathryn Lemieux of Tomales agreed. "He could poke fun at someone without being cruel," she said. According to Lemieux, Phil was also a generous mentor to other artists, always willing to share his support.

He also shared his talent with innumerable organizations all over the Bay Area, drawing a t-shirt design, adding a cartoon to a city mailing, or illustrating a California park system notice. Suzanne Dunwell, who lived for a while on a Sausalito houseboat not far from Phil's floating studio in the pilot house of the ferry City of Seattle, recalls the first annual Humming Toadfish Festival, which she started. Phil designed the t-shirt, and after the first ones were printed, Dunwell gifted one to Phil. He graciously thanked her, then placed the shirt in a drawer brimming with Phil Frank-designed t-shirts from other charitable groups.

Phil was generous not only with his talent, but with his time. A self-educated historian, he was an important figure in the Sausalito Historical Society, and acted as exhibitions coordinator for the Bolinas Museums' History Collection. "He knew the history of places from the human side," explained Nolte.

One of his most popular cartoons, published in Sausalito's weekly newspaper, exposes the persona of his hometown with well-intended humor. It shows the Sausalito Fire and Rescue squad being called to the downtown park to assist a 90-year-old resident who had fallen off her platform shoes and couldn't get up by herself because her jeans were too tight.

Phil could make us laugh at ourselves. He was one of those genuinely nice guys. He lived with enthusiasm. He made us smile. He is already missed.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

September 20, 2007—Rollcall vote 889, on agreeing to the Neugebauer (TX) amendment—H.R. 2881, the FAA Reauthorization Act of 2007—I would have voted "aye."

Rollcall vote 890, on passage—H.R. 2881, the FAA Reauthorization Act of 2007—I would have voted "nay."

INTRODUCTION OF THE SUPERFUND REINVESTMENT ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce, along with my colleague FRANK PALLONE, the "Superfund Reinvestment Act," which would reauthorize the corporate taxes that fund the Superfund trust fund. This bill will reestablish the polluter pays principle and our commitment to cleaning up the Nation's most hazardous sites.

The Environmental Protection Agency's (EPA) Superfund program was created in 1980 to provide money to clean up the Nation's worst hazardous waste sites where the party responsible for polluting was out of business or could not be identified. Before they expired in 1995, the money for the Superfund trust fund came mainly from taxes on the polluters themselves. The program has contributed to the cleanup of over 1,000 sites around the country. Because Congress has not reauthorized the taxes, the burden of funding cleanups of toxic waste sites now falls on the shoulders of taxpaying Americans. Reauthorizing the Superfund tax would ensure that polluters—not the American public—pay to restore public health.

Superfund sites contain toxic contaminants that have been detected in drinking water wells, creeks and rivers, backyards, playgrounds, and streets. Communities impacted by these sites can face restrictions on water use, gardening and recreational activities as well as economic losses as property values decline due to contaminated land. In the worst cases, families are at risk of health problems such as cardiac impacts, infertility, low birth weight, birth defects, leukemia, and respiratory difficulties.

Until they expired in 1995, the Superfund taxes generated around $1.7 billion a year to clean up these hazardous areas. The "Superfund Reinvestment Act" would simply reinstate the taxes as they were before they expired. This will provide a stable source of funding to continue cleaning up sites around the country as well as give the EPA the tools it needs to clean up sites and then recover the costs from liable parties who do not undertake the work themselves.

I urge my colleagues to join me in working to strengthen the Superfund program and ensure that it continues to help keep our communities and our families safe, healthy, and economically secure.

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. PICKERING. Madam Speaker, I was unable to be present for rollcall vote No. 876 to H.R. 1852. I would have voted "yes."

SUPPORT FOR THE JENA, LOUISIANA 6

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. ELLISON. Madam Speaker, I rise today to bring attention to a pressing issue that plagues our Nation, the injustice that is experienced by African-Americans in our criminal justice system. On September 20, 2007, rallies were held across the Nation in honor of what we have come to know as the "Jena 6." The Jena 6 is a group of young African-American men who were charged with attempted murder for a school yard fight with a Caucasian male in Jena, Louisiana.

Before the school yard fight that put the 6 African American students in jail, 3 Caucasian students hung nooses from a tree on in the school. These students were suspended from school but never were charged with any crime. Another Caucasian student involved in a different school yard fight was charged with battery and was placed on probation.

Yet, when the Jena 6 were involved in a fight injuring one of the Caucasian students, the 6 high school students were charged with attempted second-degree murder and other serious assault charges.

Prior to the incident, LaSalle Parish Attorney Reed Walter was quoted as telling students who protested the displays of nooses at their school that they should stop complaining about "innocent pranks" and that he could "end their lives with the stroke of a pen." It appears he has attempted to do just this in the case of these 6 students.

The inflated charges against the Jena 6 could lead to years in prison and a lifetime of trying to rebuild their lives after they are finally released.

Let me be clear, I do not condone the actions of the Jena 6 in any way; I believe that they should be punished. However, the punishment should fit the actual crime. It is clear that these 6 students were treated differently from their Caucasian counterparts. I can only conclude that the harsher sentences for the Jena 6 appear to be based on the color of their skin and that is why they have become a symbol of the gross racial inequality that exists in our criminal justice system.

The Jena 6 have brought to light an issue that is of grave concern, people should not be charged with crimes based on the color of their skin, rather, they should be charged based on action and action alone.

In closing, Madam Speaker, I ask that this Congress not turn a blind eye to the Jena 6. Rather, this Congress should take immediate action to ensure that justice is being equally applied to all Americans and correct the racial disparities that haunt our courtrooms and prisons.

THE IMPORTANCE OF REAUTHORIZING THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to urge the timely reauthorization of the Children's Health and Medicare Protection Act.

Unless the President signs the bipartisan, bicameral conference report that will be sent to him before the end of this fiscal year, the State Children's Health Insurance Program will fail to be funded in a timely manner.

As a result, several states will experience immediate budget shortages and may be unable to cover the health care expenses of thousands of uninsured children.

Texas has the highest rate of uninsured children in the Nation. Twenty-five percent of Texas kids have no health insurance.

The Federal Government and executive branch are in a position to help by refunding SCHIP so that states can enroll uninsured children into the program. These are children of the working poor.

Madam Speaker, I represent an urban area, and many of my constituents live in poverty. They face tough decisions regarding shift work, child- and dependent care options, transportation challenges, and even how to afford healthy meals for their families. Many are the working poor.

My constituents depend on SCHIP funds for a continuity of health care for their children to which they would not otherwise have access. I am gravely concerned about how they will be affected, should federal funds suddenly dry up.

For some, it could be a matter of life or death. For my constituents, I urge Congress and the President to work together to protect this valuable program. The Congressional Black Caucus is dedicated to this issue, and I thank the Chair for bringing attention to the health of our Nation's children.

EULOGY FOR SADIE MAE GROVE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Ms. KAPTUR. Madam Speaker, Rev. Bishop, it is a privilege to be invited to honor and celebrate the life of Sadie Mae Grove at her homegoing today from Mt. Pilgrim Baptist Church, Toledo, Ohio, September 21, 2007. Thank you all for allowing me to participate. In this church, we can all feel the love she shared with us as we comfort one another at this time of great bereavement.

Once in a while, human beings gain a glimpse of heaven in the people we meet. Sadie Grove was such a person.

She was loving, joyful, strong, kind, generous. And she was wise. To her beloved daughter Louise, lifelong friend Ada Mae McQueen, chosen brothers Freddie and Booker, precious granddaughters Natasha and Cassandra, great-grandchildren Tyrin and Deiondre, blessed family, friends and colleagues—our community extends its deepest sympathy. Grief is such a heavy load. Believe me, as I know from personal experience, Sadie's strength will help carry you now. Rev. Bishop, Sadie drew enormous strength in knowing you would help carry her home today. She is grateful that we are all here at this moment.

In life, some persons are of such strength and texture, the power of their personhood sets a standard of character, not just for their family, but for the broader community. Sadie was a woman of character. Our community has been shaped and imbued with her nature—smiling, caring, building, nurturing others, all of us—a woman of deep faith, abiding hope, and selfless charity. In some faiths, a smile is regarded as a charity. Surely, angels of all persuasions welcome Sadie today as we recall her welcoming smile, extending from ear to ear. She gave us her warm, encouraging hugs, and her gusto, guts, and grace.

Sadie did not lead an easy life. Yet she took joy and gave joy in her journey. She was a woman from the working class of people who had to make her own way. Can you imagine the back-breaking discipline it took for a woman to work for 30 years in the old Jeep paint shop, not the new one . . . on her feet, day in and day out, many times working overtime, working with mainly men when she began. She had to be one of the few women with that experience. Then, due to her skills and personality, she moved to the UAW job training facility at the Jeep unit of the United Auto Workers Local 12. It was there I first met her with now Lucas County Commissioner Pete Gerken. Imagine all the lives she touched, helping people transition from auto manufacturing to other fields as the bad economy that has plagued us yielded more terminations and layoffs. She assisted her co-workers, day after day. How hard it must have been to draw the strength to touch each life, one after the other, to give people hope. She helped lead them to a new road forward. That is what Sadie did.

Sadie effectively connected to the world beyond her family—she was a full citizen. She embraced local, state, and national politics. I can't remember a time when Sadie wasn't there—at NAACP, the Fraternal Order of Police, The Perry Burroughs Democratic Club, the United Auto Workers, the Elks, and as a steward of her cherished church, Mt. Pilgrim. She was a member of the Senior Usher Board #1. I thought number one meant she was the most senior, for we in Congress respect seniority, but in any case she was #1 to all of us. She was a pillar of this church. Where would our community be without this church community? Imagine Toledo without this church. There would be a huge vacuum here. She helped fill that space. I can still see her scurrying to greet me whenever I visited this church. For how many other visitors did she do that? She always waited for me in that back hall. It was there she first shared with me her dream for the housing development for this church and she lived to know it was completed. The treasurer of your church just told me that the $1.7 million addition the church accomplished was to have been paid in 15 years. Sadie headed the stewardship committee, and the loan was paid off in 5 years and 7 months. Yes, you and we, could depend on Sadie.

Sadie made us strong just by being with us. How blessed we all have been to have known her and shared her life. May her family, friends, and our entire community be grateful for her life and, in her memory, may you be given Godspeed in the days and years ahead.

A poem by Nancy Wood entitled "Earth Prayers" brings us comfort as we honor the life of Sadie Grove:

A long time I have lived with you
And now we must be going
Separately to be together.

Perhaps I shall be the wind
To blur your smooth waters
So that you do not see your face too much.

Perhaps I shall be the star
To guide your uncertain wings so that you have direction in the night.

Perhaps I shall be the fire
To separate your thoughts
So that you do not give up.

Perhaps I shall be the rain
To open up the earth
So that your seed may fall.

Perhaps I shall be the stream
To play a song on the rock
So that you are not alone.

Perhaps I shall be a new mountain
So that you always have a home.

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PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. PUTNAM. Madam Speaker, on Wednesday, September 19, 2007, I had a meeting at the White House and was unable to make it to the Capitol for one vote. I would have voted "yea" in favor of "The Food and Drug Administration Amendments Bill" (H.R. 3580).

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PERSONAL EXPLANATION

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. MCCOTTER. Madam Speaker, had I been present for the vote on H.R. 3580, I would have supported this legislation. Unfortunately, I was meeting with the President of the United States during the time the vote was held.

RECOGNIZING THE FORT PIERCE ELKS LODGE 1520

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. MAHONEY of Florida. Madam Speaker, it is my pleasure to rise today to recognize the members of the Fort Pierce Elks Lodge 1520 in Fort Pierce, FL, for their contributions to our service men and women and to congratulate the Lodge for the commendation they have received within the Elks community.

Over the past 3 years, the Fort Pierce Elks Lodge has implemented an outstanding veteran's services program. Through their overseas military outreach program, "Operation Desert Elk',' the Lodge collects various sundry items and creates care packages for troops in Afghanistan and Iraq. These packages provide a touch of home for our brave soldiers who are serving in such hostile environments. To date, over 1,400 packages valued at over $50,000 have been mailed overseas.

At home, the Lodge provides ongoing support to our hospitalized veterans at the West Palm Beach, FL, Veteran's Affairs Medical Center and at local State nursing homes. Clothing, books, and board games as well as monetary donations to support recreational therapy programs are provided on a continual basis. The Lodge has also adopted veterans in nursing homes and provided visitation, greeting cards and meals.

I am honored to recognize the exceptional individuals who make up the membership of the Fort Pierce Elks Lodge 1520 and the incredible services they provide for our service men and veterans.

* * *

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. WEXLER. Madam Speaker, a little over twelve years ago, on September 13, 1995, Clinton Administration officials played a critical role in addressing a pressing issue in the Balkans and Europe. With American-led mediation, our longstanding friend, ally and strategic partner Greece signed an Interim Accord at the United Nations in New York with the newly-established former Yugoslav Republic of Macedonia, a state that emerged from the disintegration of former Yugoslavia.

This agreement paved the way for the normalization of relations between Greece and the former Yugoslav Republic of Macedonia. Following the signing of this Interim Accord, Greece, like the United States, strongly supported the newly established state, both politically and economically. Greece fully backed FYROM's aspirations to join the key institutions of the European and Euro-Atlantic community, and Greece became the number one investor in that country, with $1.1 billion invested capital.

Unfortunately, the former Yugoslav Republic of Macedonia has not fully reciprocated these gestures and I am concerned about unacceptable propaganda impugning Greece's history and cultural heritage. It is critical that Skopje address this propaganda and show increased flexibility during the ongoing U.N. negotiations, with a view to finding a mutually acceptable solution on the name issue. Resolution of this issue is not just a bilateral issue with Greece, but has regional and international dimensions.

As Chairman of the Europe Subcommittee in the House Committee on Foreign Affairs, I have been working in a bipartisan fashion with the subcommittee's ranking member, Congressman ELTON GALLEGLY to support efforts to resolve this long-standing issue, including introducing House Resolution 356. This resolution expresses the sense of this House that the Former Yugoslav Republic of Macedonia (FYROM) should not violate provisions of the United Nations-brokered Interim Agreement between the FYROM and Greece regarding "hostile activities or propaganda" and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for the FYROM.

House Resolution 356 already has 73 cosponsors and I would urge my colleagues in the House of Representatives to cosponsor this resolution and urge authorities in Skopje to join Athens and meet their obligations deriving from the U.S.-brokered Interim Accord.

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HONORING THE LIFE AND SPIRIT OF JOYCE SNOWFEATHER MAHANEY AS THE 20TH AMERICAN INDIAN INTERTRIBAL ASSOCIATION POWWOW IS CELEBRATED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Ms. KAPTUR. Madam Speaker, I rise to recognize the life and spirit of Joyce Snowfeather Mahaney who, on June 23, 2006, passed from this life at the age of 59 years and "started her westward journey."

Joyce Mahaney was born January 31st, 1947 on the Turtle Mountain Reservation in North Dakota of Chippewa parents, Alexander and Mary Frederick. Joyce was given the Indian Name "Snowfeather'" as she was born during a snowstorm. Her father died when she was a toddler and her mother and other tribal members raised her. Inquisitive and always proud of her American Indian heritage, Joyce was well-schooled in the Tribal Customs and Laws. After completing high school on the Reservation, she attended Minot State College where she completed a Baccalaureate Degree in Education with a Minor in Library Science and Sociology. While in college, she met Russell Mahaney whom she later married, and they eventually moved to Toledo, Ohio, where she remained for over 30 years and raised her family.

Although Joyce moved from the Reservation, she didn't leave it. She continued to have close contact with elders, relatives and friends. Throughout her life she supported her Native American heritage, becoming a spokesperson for all tribes of Native Americans in the State of Ohio and in Michigan and Indiana, in preserving the culture and traditions. Joyce was designated as a Pipe Carrier from the Turtle Mountain Band of Chippewa Indians in North Dakota which gave her permission from the elders of the tribe to conduct special religious and cultural services, including praying with Native Americans on death row. It is one of the highest honors provided to a member of a tribe.

In an effort to preserve all tribal cultures, Joyce established the American Indian Intertribal Association (AIIA) of Toledo in 1988. It was the first organization of its kind in Ohio and the Midwest, and she served as the Director until her death. Her daughter then assumed leadership. The primary mission of the organization is to preserve the Indian culture by conducting traditional pow-wows, presenting programs and educational opportunities, providing culturally sensitive awareness in drug and alcohol prevention and participating in cultural events within the community as well as training through workshops and seminars. A further goal is to educate the general public about Native American cultural traditions, the desecration of Indian burial sites, and the exploitation of sacred ceremonies and cultural identities. In addition, the AIIA provides workshops in the schools and with local community organizations to maintain open contact with social service agencies and participate in the community. Joyce worked with social service agencies in applying the Indian Child Welfare Act by ensuring that Indian children were placed in homes where they would be exposed to their culture.

Joyce was later instrumental in assisting in the expansion of the American Indian Intertribal Association's branch office in Cleveland as well as other Indian centers in Akron, Michigan and Indiana. Although she was Chippewa, she was an advocate for all members of all Tribes and Nations. Throughout her life, Joyce served as an activist in the preservation of her cultural heritage and traditions. She was active in the preservation of sacred Indian burial grounds in Maumee, Ohio in the 1990's and frequently battled with archeologists and museums throughout Ohio regarding the application of NAGPRA (Native American Graves Repatriation Act) laws and the handling of Native American remains. Joyce was instrumental in the development of the 200th anniversary of the Battle of Fallen Timbers in which a stone monument was placed in remembrance of the warriors who lost their lives in the battle of 1794. There is currently activity underway by the City of Maumee to name a bridge in her honor at the sight of the Fallen Timbers Monument in which the Annual Summer Solstice Ceremony is held.

Joyce is a published author of two books and was working on a third at the time of her death. She received an award for her poetry at the Multicultural Arts Show in Toledo in 1997. The books include Prairie Winds (1995) and Spirit of Dakota (1999), a collection of prose and poetry about Native American culture, spirituality, and life on an Indian reservation.

Joyce was held in high esteem by community and elected leaders, and throughout the years her efforts were recognized. In 1989, she received a proclamation from Governor Celeste declaring May 1–7, 1989 as American Indian Week. Additional recognition came for her establishment of the American Indian Intertribal Association; assisting in the preservation of the Indian burial mounds, the lands and the culture; the assistance in the erection of a historical marker at the site of Fallen Timbers National Park site in which she was also instrumental in the purchase of the battle sight; and her service to the Native American Advisory Council. She was honored by the City of Maumee when she led the presentation as a Native American representative in the "All American City" competition in Anaheim California in June 2006, which was 2 weeks before her death.

As a result of her work, Joyce has left a legacy for Ohio and the Midwest in the preservation of the Native Culture. The annual Pow Wow which will be celebrating it's 20th year this year, has attracted several thousand Native American and non-Native Americans to teach and remind us of the importance of the Native American heritage. It's 20th anniversary year with its theme "Honoring the Elders" seems a fitting time to memorialize its Founding Mother.

Joyce Snowfeather Mahaney— Activist, Teacher, Warrior, and Pioneer—will long be remembered for the contributions and legacy she left. Throughout her life, she walked the Red Road. Her own words echo in fitting tribute to this extraordinary woman.

WALK BESIDE ME

You are the warrior and the hunter and I am the humble power behind the spear who will always guide your shield to defend you. And you are the sister I met near the stream.
We sat on the rocks facing the morning sun and cleansed our garments together.
When you look into my soul, you will find the existence of a very quiet and gentle spirit.
Listen to my footsteps. If you hear the sound of refined pebbles falling softly on Mother Earth, it is I.
My spirit can always be found traveling north and south. I follow Grandfather and travel the red road.
The wind blows strong, but my steps never falter, as the sacred pipe protects me.
Come—Walk beside me. Together we have the power to change the world. For I am not your enemy, I am your strength.

HONORING TINA FIELDER-GIBSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Tina Fielder-Gibson. She is being honored by the Flint Schools Youth Projects for her contributions to the students of the Flint community at a dinner on September 27th in Burton, Michigan.

After graduating from Flint Northwestern High School, Tina continued her education at the University of Michigan—Flint. She graduated from that institution in 1978 with a Bachelor of Arts degree. She started working for the Genesee County Sheriffs office in 1986 as a Corrections Officer. She has worked on the Jails Transaction Team, was the first woman to work in the Jail's Commissary, she worked as a Classification Officer and was the first woman elected Union President.

Sheriff Robert Pickell created the position of Administrative Assistant when he became Genesee County Sheriff and Tina was tapped to fill the position in 1999. She acts as a community representative and works with various organizations to ensure the next generation is prepared to assume the leadership of our community. In this capacity she arranges tours for the Youth Projects Program and area churches, allowing students ages 12–16 to talk to inmates and hear their stories.

Tina is active with many organizations including the Fetal Infant Mortality Committee, the Hate Crimes Task Force, the Interagency Collaborative GISD, the Elder Abuse Task Force/until Disciplinary Team, YWCA Domestic Violence Committee, East Side and North Central Weed and Seed Programs, Strong Families Safe Children, and Safe Schools Healthy Students—Flint Schools. She is also a member of Delta Sigma Theta—Flint Alumnae Chapter and is a Big Sister with the Big Brothers Big Sisters program.

She has held the following positions: Chair Black Caucus 1985–1995, Vice-Chair Genesee County Democratic Party 1998–2000, Chair Big Brothers Big Sisters of Greater Flint 1998–Present, Chair National Council on Alcoholism and Addiction 2006–2007, Vice President Sisters United Incorporated 2001–Present, President AFSCME 2259 Genesee County Sheriff Union 1997–1999, Trustee AFL–CIO 1997–1999, Treasurer New Paths Incorporated 2000–Present, Treasurer Alternative for Children 1997–Present, President Sam Duncan Memorial Scholarship Committee 2004–Present, Youth Projects Advisory Board 2000–Present, Catholic Charities of Genesee/Shiawassee Counties 2006–Present, March of Dimes Flint/Saginaw Division 2000–Present, United Way Cabinet 2000–Present, and the Child Advocacy Center 2005–Present.

Madam Speaker, I ask the House of Representatives to join me in congratulating Tina Fielder-Gibson as her hard work and contributions to the young people of Genesee County are honored by the Flint Schools Youth Project.

IN HONOR OF MARVIN L. VANGILDER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. BLUNT. Madam Speaker, I rise today to recognize Marvin L. VanGilder of Carthage, Missouri on receiving the Outstanding Missouri Citizen Award.

Marvin was born on September 24, 1926 in Lamar, Missouri—in Barton County. He attended Drury College in Springfield where he was involved with the area's first campus radio station. During college, Marvin was a student pastor of 2 rural churches and became a licensed minister in 1946. After teaching

English, history, and music for numerous years in Southwest Missouri, Marvin was hired as a disc jockey and sportscaster for radio station KDMO in Carthage. Marvin advanced to news director at KDMO and then took a job with The Carthage Press where he worked as the assistant managing editor and co-publisher.

Marvin served his community as a member, and then President, of the Carthage Board of Education. He was also on the boards of the Sunshine Children's Home, the Carthage Crisis Center, the Eastern Jasper County Red Cross, the Carthage United Way, the Carthage Lions Club and the Eastern Jasper County Mental Health Association.

Marvin has authored books on everything from poetry to the history of Barton County, Missouri. On those subjects and many more, he served as a guest lecturer at numerous schools and museums. He received the George Washington Medal of Freedoms Foundation at Valley Forge Award in 1971, the Drury College Distinguished Alumni award and was the first citizen of Carthage to receive the Carthage Chamber of Commerce Citizen of the Year award. Marvin was married on October 15, 1950 to E. Irene Smith VanGilder and they have 4 daughters Paula, Linda, Leesa and Carla, 1 son Chris, 9 grandchildren and 1 great-grandchild.

I am proud to congratulate Marvin VanGilder on his years of service as a leader in our community, and across our State.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 25, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 26

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the role and impact of credit rating agencies on the subprime credit markets.

SD–538

Environment and Public Works

To hold hearings to examine the impacts of global warming on the Chesapeake Bay.

SD–406

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 1543, to establish a national geothermal initiative to encourage increased production of energy from geothermal resources.

SD–366

Finance

To hold hearings to examine offshore tax issues, focusing on reinsurance and hedge funds.

SD–215

Homeland Security and Governmental Affairs

Business meeting to consider H.R. 2654, to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building", H.R. 2467, to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building", H.R. 2587, to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building", H.R. 2778, to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station", H.R. 2825, to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building", H.R. 3052, to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building", H.R. 3106 and S. 2023, bills to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office", H.R. 2765, to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office", and the nomination of Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

SD–342

Rules and Administration

Business meeting to consider the nominations of Robert Charles Tapella, of Virginia, to be Public Printer, Steven T. Walther, of Nevada, Hans von Spakovsky, of Georgia, David M. Mason, of Virginia, and Robert D. Lenhard, of Maryland, all to be a Members of the Federal Election Commission.

SR–301

Small Business and Entrepreneurship

To hold hearings to examine improving internet access to help small business compete in a global economy.

SR–428A

2 p.m.

Appropriations

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the President's supplemental request for the wars in Iraq and Afghanistan.

SD–106

2:30 p.m.

Judiciary

To hold hearings to examine the nomination of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

SD–226

SEPTEMBER 27

9 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine the prevalence of violence against Indian women.

SD–628

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Gen. William E. Ward, United States Army, for reappointment to the grade of General and to be Commander, United States Africa Command, Gen. Kevin P. Chilton, to be General, United States Air Force, for reappointment to the grade of General and to be Commander, United States Strategic Command, Lt. Gen. James N. Mattis, United States Marine Corps, to be General and to be Commander, United States Joint Forces Command and Supreme Allied Commander for Transformation, and Admiral Gary Roughead, United States Navy, for reappointment to the grade of Admiral and to be Chief of Naval Operations.

SH–216

Energy and Natural Resources

To hold hearings to examine hard-rock mining on federal lands.

SD–366

Veterans' Affairs

To hold hearings to examine the nomination of Paul J. Hutter, of Virginia, to be General Counsel, Department of Veterans Affairs.

SD–562

10 a.m.

Finance

To hold hearings to examine the efficacy of national border security.

SD–215

Judiciary

To hold hearings to examine S. 2035, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S.J. Res. 13, granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding, S. 960, to amend the Controlled Substances Act to address online pharmacies, S. Con. Res. 45, commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month, S. Res. 258, recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation, S. 1267, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, and the nomination of James Russell Dedrick, to be United States Attorney for the Eastern District of Tennessee.

SD-226

Commission on Security and Cooperation in Europe

To hold hearings to examine human rights defenders in Russia.

2212RHOB

10:30 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine congestion and delays impacting travelers, focusing on possible solutions.

SR-253

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Google-DoubleClick merger and the online advertising industry, focusing on the risks for competition and privacy.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider S. 1578, to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, S. 1889, to amend title 49, United States Code, to improve railroad safety by reducing accidents and to prevent railroad fatalities, injuries, and hazardous materials releases, S. 1453, to extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, S. 1965, to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors, S.J. Res. 17, directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean, and S. Con. Res. 39, supporting the goals and ideals of a world day of remembrance for road crash victims, and a promotion list in the United States Coast Guard.

SR-253

Foreign Relations

To hold hearings to examine the United Nations Convention on the Law of the Sea (T.Doc. 103-39).

SD-419

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 148, to establish the Paterson Great Falls National Park in the State of New Jersey, S. 189, to decrease the matching funds requirements and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan, S. 697, to establish the Steel Industry National Historic Site in the State of Pennsylvania, S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, S. 128, to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, S. 1476, to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System, S. 867 and H.R. 299, bills to adjust the boundary of Lowell National Historical Park, S. 1709 and H.R. 1239, bills to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, S. 1808, to authorize the exchange of certain land in Denali National Park in the State of Alaska, S. 1969, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the United States Virgin Islands as a unit of the National Park System, and S. 1039, to extend the authorization for the Coastal Heritage Trail in the State of New Jersey.

SD-366

3:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine cost effective military strategic airlift requirements in the 21st century.

SD-342

SEPTEMBER 28

10 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the role of Federal Executive Boards in pandemic preparedness.

SD-342

OCTOBER 2

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine issues and challenges facing current mine safety disasters.

SD-430

OCTOBER 4

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the security of our nation's seaports.

SR-253

OCTOBER 17

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the digital television transition, focusing on government and industry perspectives.

SR-253

POSTPONEMENTS

SEPTEMBER 27

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the fiftieth anniversary of the Little Rock High School desegregation, focusing on ensuring equal opportunity in public education.

SD-430

SENATE—*Tuesday, September 25, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, show favor to our land and bless us with Your grace. Transform us into people who look to You for guidance and seek to do Your will. Unite us to accomplish the things that honor You.

Strengthen the Members of this body to serve You as You deserve. Empower them to give and not to count the cost, to strive and not to heed the wounds. Help them to toil and not to seek for rest, to labor and not to ask for any reward except of knowing they are doing Your will. May each Senator daily strive to walk blameless, speak the truth, and honor You.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 25, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business for 1 hour. The time is divided between the two sides. The Republicans will control the first portion. The Senate is expected to resume consideration of the Defense authorization bill this morning. Today the Senate will recess under a previous order entered for our respective party conferences at 12:30 and reconvene at 2:15. At some point during today's session it is expected that we will receive a message from the House relating to the SCHIP program, children's health. The Senate will consider that message and take the necessary steps to conclude action and send it to the President.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BURMA

Mr. MCCONNELL. Mr. President, a remarkable scene is playing out in the country of Burma. For yet another day, tens of thousands of peaceful protesters demonstrated throughout Burma against the policies of that country's military junta, the State Peace and Development Council. These protests were carried out in defiance of Government threats. They were led again by barefoot monks, dressed in saffron robes, who just a few days ago in a simple but powerful gesture unleashed a dramatic series of events. That gesture was the turning upside down of their alms bowls, a symbol of the monks' refusal to accept charity from the regime, an act that has the potential to awaken the world to the brutality of this iniquitous regime. Imagine the courage of their actions. Their nonviolent response is subject to imprisonment and torture from a regime that has done far more to citizens who have done far less.

Earlier today, President Bush spoke at the United Nations General Assembly; in fact, he is probably speaking as I speak. He indicated additional U.S. sanctions would be applied to the military junta. He also called for increased international pressure on this regime. The President should be applauded for his leadership in promoting democracy and reconciliation in Burma.

The struggle for freedom in Burma is not new, nor are we in Congress new to it. I am hopeful other countries will follow the lead of President Bush and the Congress on this issue.

Two nations are pivotal to this effort: India and China. Both have a major stake in a prosperous and democratic Burma emerging from this unrest. Failure to act in a constructive manner would be a poor reflection on India, the world's largest democracy. Failure to act in a meaningful manner would also be a poor reflection on China, as that nation begins efforts to showcase itself for the 2008 Beijing Olympics.

The United Nations Secretary General himself needs to directly engage the SPDC on this matter and call for real progress toward the democratization of Burma; the release of all political prisoners, most especially including Aung San Suu Kyi; and the inclusion of ethnic minorities in a peaceful reconciliation process.

Pressure is mounting on the SPDC, both from within the country and from without. Yet there is a path forward for the regime, and that is the path of genuine reconciliation. The SPDC needs to follow the pragmatic model of apartheid South Africa in the early 1990s: Recognize the need to enter into good faith negotiations with the legitimate leaders of the people.

I wish to convey a few messages to those inside Burma: To the peaceful protesters, know that the friends of democracy are with you and we are awed by your courage and your determination; to the regime: Know that the eyes of the world are upon you and recall that the crackdown in 1988 was followed by sanctions your Government still labors under. Know too that as the Government of Burma, you are responsible for the safety and well-being of the demonstrators and also of Aung San Suu Kyi. Know that the path forward is through genuine reconciliation, not repression.

In closing, I note that the SPDC is much like any other despotic regime that holds onto power through terror, through force, and, frankly, through corruption as well. The SPDC will not give way easily to peaceful protests and resistance. We must let those in Burma who seek peaceful change know they do not stand alone.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Colorado.

NATIONAL FIRST RESPONDER APPRECIATION DAY

Mr. ALLARD. Mr. President, I rise today to recognize our Nation's first responders. I, along with Senators McCAIN and CASEY, introduced S. Res. 215 recognizing today, September 25, 2007, as National First Responders Appreciation Day. The Senate acted quickly and passed this resolution by unanimous consent with a total of 33 cosponsors.

The contributions that our Nation's 1.1 million firefighters, 670,000 police officers, and over 890,000 emergency medical professionals make in our communities are familiar to all of us. We see the results of their efforts every night on our TV screens and read about them every day in the paper.

From recent tornadoes in the Southeast and wildfires in the West in 2007, and the Christmas blizzard in Colorado in 2006, to the tragic events of Virginia Tech, Columbine High School, Platte Canyon High School, and the wrath of Hurricane Katrina, our first responders regularly risk their lives to protect property, uphold the law, and save the lives of others.

Nationwide, many of our first responders take the call on a daily basis and are exposed to life-threatening situations. While performing their jobs, many first responders have made the ultimate sacrifice. According to Craig Floyd, Chairman of the National Law Enforcement Officers Memorial Fund, a total of 1,649 law enforcement officers died in the line of duty during the past 10 years; an average of 1 death every 53 hours, or 165 per year, and 145 law enforcement officers were killed in 2006.

In addition, according to the United States Fire Administration, from 1996 through 2005, over 1,500 firefighters were killed in the line of duty, and tens of thousands were injured.

It is also important to note that four in five medics are injured on the job. More than 1 in 2, about 50 percent, have been assaulted by patients, and 1 in 2, 50 percent, have been exposed to an infectious disease, and emergency medical service personnel in the U.S. have an estimated fatality rate of 12.7 per 100,000 workers, more than twice the national average, and most emergency medical service personnel deaths in the line of duty occur in ambulance accidents.

Yet to recognize our first responders only for their sacrifices would be to ignore the everyday contributions they make in communities throughout America. In addition to battling fires, firefighters perform important fire prevention and public education duties such as teaching our children how to be fire safe.

Police officers do not simply arrest criminals; they actively prevent crime and make our neighborhoods safer and more livable. And if we or our loved ones experience a medical emergency, EMTs are there at a moment's notice to provide lifesaving care.

Last Saturday, I hosted a first responder appreciation day in northern Colorado and was overwhelmed by the support shown to our first responders by the public. Farmers, ranchers, small business owners and members of the community alike thanked their firefighters, paramedics, sheriffs, deputies, and police officers for being there at a moment's notice to lend a hand while putting their own safety at risk.

As a practicing veterinarian and a former health officer in Loveland, Colorado, I can attest to the numerous times I called on first responders to help me get through a situation. In many ways our first responders embody the very best of the American spirit. With charity and compassion, those brave men and women regularly put the well-being of others before their own, oftentimes at great personal risk. Through their actions they have become heroes to many. Through their example they are role models to all of us.

To all of our first responders, thank you for your service. I ask my colleagues to please join me today in recognizing September 25 as National First Responder Appreciation Day as we honor first responders for their contributions, sacrifices, and dedication to public service.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I wish to speak to two items that are before us as we are considering the Defense authorization bill this morning. The first has to do with an amendment that has been offered by Senator LIEBERMAN and myself and others to declare the Islamic Revolutionary Guard Corps a terrorist organization, which would, if we do that, permit us to engage in economic sanction activity against the financing operations of the IRGC.

That is important, because according to all of the evidence we have, it is the IRGC that has been primarily responsible for the infusion into Iraq of the very dangerous equipment that has been causing great harm to our troops there, especially the new superpenetrator devices that are blowing up not just humvees but also even Abrams tanks.

It is the IRGC that is responsible for the training of Iraqis to be fighting our troops in Iraq and generally bringing the Iranian Government's anti-American activities from Iran into Iraq.

It is because of the IRGC's activities as a terrorist organization that our troops are dying in portions of Iraq today and, therefore, totally fitting for us to express our sense to the administration that it should designate the IRGC as a terrorist organization, thus, permitting us to invoke these economic sanctions against it.

The IRGC, interestingly enough, engages in a great deal of financial activity around the world, which makes these particular sanctions especially appropriate and potentially very effective. I am pleased it appears there will be an agreement on some slight modifications of language of the amendment which will permit us to, presumably, have a near unanimous vote when this amendment is considered, perhaps later this morning but certainly today.

I am looking forward to a colloquy with Senator LEVIN and Senator LIEBERMAN so we can discuss our joint understanding of precisely what this joint resolution means and be able to act upon it so we can send a very clear message to the Iranian Government that its involvement against U.S. troops in Iraq will not be countenanced.

That is especially poignant today after the appearance by the Iranian President at a major U.S. university and his appearance today at the United Nations, in which it is pretty clear he will say just about anything to advance what he believes is the cause animating Iran's activities in the world today, whether it is truthful or not.

It seems to me, until there is a firm push back against this man and against the regime which he runs and the terrorist arm of that regime, the IRGC, they are going to continue to do what they do. And that is why it is especially poignant today, as I said, that the Senate act on this sense-of-the-Senate resolution to designate the IRGC as a terrorist organization.

The other matter I wish to briefly talk about is another amendment that is pending before us offered by the Senator from Delaware. This is an amendment that contains several preamble statements about the situation in Iraq, and then calls upon the Iraqi Government to convene a council which will result in the creation of federal regions within Iraq.

This is something the Iraqi Constitution and a special law that was passed permit but does not mandate. It seems to me it would be a very big mistake on the part of the U.S. Government to be seen as demanding that the Iraqi Government take this step, which some would see as a breaking apart of the nation of Iraq, a partitioning of the country of Iraq into different pieces.

The people of Iraq have the authority to do that under this special law and under their Constitution. They fully have intended to have some kind of a conference to consider whether to do it. But I think it would be a big mistake for us to be seen as dictating to the Iraqi people how they want their Government ultimately to be governed, to exist, and to operate.

The creation of federal regions may be an appropriate way for them to do this; it may not. But that decision should be left to them. I think there has been an assumption that at least one federal region in the Kurdish north would be recognized, but there are questions about whether other federal regions would be.

I recognize there are some in the United States, and even in this body, who believe it would be best for Iraq if it were divided into federal regions. Maybe they are right; maybe they are not right. But it is clearly up to the Iraqi people to make this decision.

So were we to express ourselves on this, I think it would also be important for us to confirm our understanding and belief and commitment to the sovereignty of the people of Iraq to make this decision, and to make it clear nothing in this particular resolution in any way is intended to undercut the sovereignty of the Iraqi people to make this decision for themselves. Otherwise, I fear the resolution could be read as the United States dictating to the Iraqis what their country is going to look like in the future and especially because it relates to the partitioning of the country. It seems to me this would be a very arrogant step on our part and something that obviously we do not want to be seen as doing.

I also would make the point that some of the recitations at the beginning of this resolution are misleading, if not outright wrong. It talks about the sectarian violence in the country. There is sectarian violence, but it totally ignores the activities of al-Qaida. Since al-Qaida has spawned much of the sectarian violence, it seems to me this is an incredibly important omission, especially because there are some in this body who talk about a change in mission, eventually having our mission in Iraq evolve to simply a counterterrorism mission, recognizing that al-Qaida is a significant force in the country, and we need to deal with al-Qaida.

We have al-Qaida on the run in the country, but al-Qaida is not gone by any means. In addition to that, al-Qaida spawns some of the sectarian violence as, for example, it did when it blew up the Golden Mosque in Samarra, thus inciting Shiites to attack Sunnis and starting a cycle of violence which continues to this day.

To simply refer to sectarian violence without any reference to the terrorism that is occurring because of al-Qaida would, I think, be a glaring omission and would raise significant questions. Especially if there are those who suggest we should eliminate a message of counterinsurgency, this is also totally contradictory because if you refer to all of the violence in the country as sectarian violence, but there is no counterinsurgency mission for the United States, then basically what you are saying is we simply leave that country to the tender mercies of all those groups engaged in this sectarian violence. That, we know, is antithetical to any kind of peaceful resolution to the disagreements that exist in that country and the eventual reconciliation of the people of that country.

So it seems to me a resolution of this type can do more harm than good in creating confusion about what the understanding of the United States of the situation in the country is, No. 1; No. 2, failing to recognize the prominent role that al-Qaida is playing and the importance of our mission in dealing with al-Qaida; and, third, suggesting it is the position of the United States to dictate to the Iraqi people that they need to partition their country when, in fact, that is a decision that needs to be left to them, which they could make if they wanted to under their Constitution, but certainly are not required to, and nothing we do should suggest we would require them to do so. We have to recognize the sovereignty of that country.

The final point I wish to make is simply this: We have been on the Defense authorization bill now for 2 weeks—14 days. We were on it for many days a couple months ago, until the bill was pulled. There has been a lot of criticism, especially by my colleague, the ranking member on the Armed Services Committee, who has made the point that the time is long past that we should have passed this Defense authorization bill, which contains so many important elements for our troops—the pay raise for the troops, the wounded warrior legislation, and other important elements that are critical for our Armed Services.

For us to continue to simply use this bill as a vehicle to deal with endless resolutions dealing with Iraq—I gather there are a couple more that are on the way—is a misuse of the legislative process and of this important piece of legislation.

So I hope my colleagues would conclude one of these days that we have to pass the Defense authorization bill for the good of the troops and stop this endless debate about trying to change our policy or missions in Iraq. We have had that debate over and over and over again. We are going to have it again in the future. But let's not let it dominate everything we do in this body. I hope we can get on to the final passage on the Defense authorization bill soon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask to be recognized for 5 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. GRAHAM. Mr. President, I would like to add my voice to what Senator KYL has echoed. There are two votes today—I hope sometime today—and one is about whether we should adopt a resolution designating the Iranian Revolutionary Guard as a terrorist organization. I think that would be a pretty easy vote for most of us, given the evidence out there about their involvement in international terrorism, particularly the Quds Force, which is sort of a subsidiary, regarding our troop presence in Iraq.

The question, I guess, we need to ask ourselves is: Why would the Iranian Government, through the Quds Force and other organizations, be sponsoring militia groups that are trying to kill Americans in Iraq?

There is a purpose for everything. I know why we are there. From my point of view, we are there to try to stabilize a country in a post-Saddam Hussein era that would allow the three groups to live tolerantly together and be an ally in the war on terror, be a place to check Iran, and deny al-Qaida a safe haven, and it could be a model for future Mideast expansion of representative government and the democratic process.

What would Iran be up to? My belief is the reason the Iranian regime is so hellbent on making sure the Iraqi experiment in tolerance fails in representative government—from a theocracy point of view, from the Iranian Government's point of view, the biggest nightmare for them would be a representative government in Iraq on their border. So they are not going to give that to the Iraqi people without a fight. They certainly are not going to give it to us without a fight.

We need to realize we are in a proxy war with Iran over the outcome of Iraq. For those who have determined this is a civil war only in Iraq, that the outcome is about who runs Iraq, I think you misunderstand the role Iran is playing. Iran is trying to shape Iraq in a way not to be a threat to the theocracy in Iran. They are trying to shape Iraq in a way that would be detrimental to our long-term national security interests. They are trying to be able to say to the world they stood up to America and drove us out. They are trying to expand their influence by defeating us in Iraq and in trying to destabilize their representative form of government, which would, again, be a nightmare.

So this resolution designating the Iranian Revolutionary Guard as a terrorist organization is well founded based on the evidence that is being gathered against this organization. There is more to come. I have had a chance to be over in Iraq a couple times now looking at some cases involving Iranian involvement with the killing and kidnapping of American soldiers. So there is more evidence to come about Iran's involvement in trying to kill Americans and destabilize this representative government in Iraq.

Now, the second resolution is: What role should we play in dictating the outcome of this representative experiment in government in Iraq? I have great respect for Senator BIDEN. I think it is ill advised for us in the Senate to be adopting a resolution basically dictating or trying to give our sense of what should happen in Iraq because that destroys the whole underpinning of what we are trying to do.

The idea that the three groups can live separate and apart from each other without regional consequences is unfounded. The Shias, who wish a theocracy for Iraq, could never achieve that goal without pushback from their Sunni Arab neighbors. The Kurds, who wish to have an independent Kurdish state in the north, are going to run right into the teeth of Turkey. The Sunnis, who wish for the good old days of Saddam where they ran the country—that is never going to happen. The region is not going to allow that to happen.

So at the end of the day, I believe the effort to reconcile Iraq in central Baghdad will be successful not by a sense-of-the-Senate resolution but by a desire and sense of the people of Iraq. The one thing I have learned from my last visit is that local reconciliation in Iraq is proliferating because people are very much tired of the killing. They are war weary. There is a suicide bomber wave going on right now against reconciliation efforts in Diyala Province, where 21 people were killed who were meeting to reconcile that province.

So al-Qaida is alive and well in Iraq. They are greatly diminished, but they show up where reconciliation is being discussed. The reason they show up where reconciliation is being discussed is because their big nightmare is to have Iraq come together and a woman to have a say about her children and Sunnis and Shias and Kurds living in peace and rejecting their extremist view of the Koran.

So the players in Iran and al-Qaida are very much pushing back hard. The question for this country is, Will we stand up to them and push back equally hard and stand by the moderate forces in Iraq, imperfect as they may be?

So I hope one amendment is adopted, designating the Iranian Revolutionary Guard as a terrorist organization. I hope the other amendment, trying to give our sense of what to do in Iraq from the Senate's point of view, fails and we allow the Iraqi people to work out their problems with our help but insist they get on with it.

So with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to proceed in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. GREGG. Mr. President, as I understand it, morning business on our side has been extended to 10:35.

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes 45 seconds.

Mr. GREGG. Thank you, Mr. President.

FORUM FOR THE PRESIDENT OF IRAN

Mr. GREGG. Mr. President, I rise as an alumni of Columbia College to ask a question which I suspect is on the mind of a lot of the alumni of Columbia College and probably a lot of average Americans wandering around the country, which is, why did they create a forum for the President of Iran in a way that basically almost made him look like a sympathetic figure because of the actions of the President of the college? Open dialog on our campuses is important. We all recognize that. In fact, it is the essence of a good education. Columbia has a strong history, ironically, of having an extraordinary curriculum called a core curriculum which requires you to study all sorts of subjects whether you want to study them or not so that you gain knowledge in a variety of different areas and are exposed to a variety of different areas.

I have always believed that core curriculum was one of the great strengths of the college and was certainly one of the things I most enjoyed while I was there. So open discussion and having people on the campus who have an opinion which is antithetical to the values of our society is, I suppose, reasonable. But you have to put it in the context of what other discussion is allowed on our allegedly elite university campuses or even some campuses which are maybe Ivy League; that is, if you have a view which is conservative and you happen to want to express that opinion, you are quite often limited as to your ability to speak on those campuses. I, for example, suspect it would be very hard to get a date for Donald Rumsfeld to speak at Columbia. I suspect it would be probably even more difficult to get a date for the President of the United States to speak at Columbia. I am absolutely sure the Vice President of the United States would never be invited to speak at Columbia.

So one has to ask the question, Why did they decide to give a forum to an individual who is running a government of a country, the purpose of which is to develop a nuclear weapon, which nuclear weapon and weapons will be used to threaten world stability and clearly threaten their neighbors in the Middle East? Ahmadi-Nejad has said he intends to eliminate Israel. In his speech yesterday, he affirmed his view that the Holocaust was a theoretical event, maybe never happened—an absurd statement. Yesterday, he went so far as to even describe his whole society as having nobody of a homosexual persuasion. He is leading a terrorist nation, or a terrorist government—the nation itself isn't terrorist, I suspect—but a terrorist government which is in the process of arming people in Iraq who are killing American soldiers. Yet Columbia invites him and gives him a forum in which to spread his values, to the extent you can call them values, or his views. It seems ironic and inconsistent and highly inappropriate in the context of what Columbia would not allow in the area of open discussion, which would be to have, for example, the Vice President of the United States speak, I suspect.

Then, to compound this error—the President of Iran is going to have his forum today at the U.N. Columbia did not have to give him an additional forum—but to compound that error, the president of the university was so egregious in the way he handled the situation, in my opinion, that he actually almost made the President of Iran look somewhat sympathetic, which is almost impossible to do. The attitude of arrogance and officiousness and the posturing of positions and questions by the president of Columbia in a way that basically gave Ahmadi-Nejad the opportunity to basically respond as if he were being coherent—because the questions and the attacks were so aggressive in a way that was arrogant and inappropriate, even in dealing with somebody like Ahmadi-Nejad—was a startling failure of leadership at the university by the president of the university.

As an alumni, I was embarrassed, to put it quite simply. I was embarrassed by the fact that they would choose to give this individual such a forum, this individual who will probably, for my children, my children's children, and maybe even our generation, be the most significant threat to world peace that we have as soon as he develops his nuclear weapon, which he is on course to do, and then to compound that by setting up the forum in a way where the president of the university basically went way beyond what would be considered to be a coherent and thoughtful and balanced approach to addressing this individual. It would have been much more effective had the president of the university simply allowed the President of Iran to make his statement and, by his own statement, indict himself because that is exactly what he would have done, and he did. But, unfortunately, rather than the

President of Iran becoming the issue, which he should be, the president of the university made himself part of the story and the issue.

It was not a good day for Columbia or for alumni of Columbia, in my humble opinion, and it speaks volumes about the level to which the universities in our country, especially those which proclaim themselves elite, have sunk in the area of setting up open and free dialog because, as I said, as has been seen in various universities across this country, conservative thought would not have been given the type of forum this militaristic individual, whose purpose it is to essentially destabilize the world through the use of nuclear weapons, was given. Others would not be given such a forum.

So it is with regret that I rise today to ask why—again, why—why did Columbia pursue this course and why did the president of the university pursue the course he pursued in responding to the attendance of the President of Iran on his campus?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

EXTENSION OF MORNING BUSINESS

Ms. STABENOW. Mr. President, on behalf of the leader, I ask unanimous consent that the time for morning business be extended to 11:45 a.m. today under the same conditions and limitations as previously ordered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REAUTHORIZATION OF CHILDREN'S HEALTH INSURANCE PROGRAM

Ms. STABENOW. Mr. President, I rise today to speak about a very important and very positive issue we are going to be addressing and sending to the President this week; that is, the reauthorization of the children's health care program. This is really a historic, bipartisan effort that has been put together, and it is something we have done together for all of our families and children across America.

We urgently need to pass this bill in its final form and send it to the President of the United States. I know the House of Representatives is doing that today, and it will then come to us. There is no question that it is one of the most important things we will do this year, not only guaranteeing that some 6 million children who currently receive this children's health care program will be able to continue to get health care, but we will be expanding upwards of another 4 million children who will be able to have the health care they need and deserve.

I wish to particularly thank leaders on the Finance Committee, including Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, and Senator HATCH, for working together in such a wonderful way that has given us the opportunity in the Senate to come together, with the original vote on the bill being 68 Members of the Senate—68 Members of the Senate. In addition to that, we are so thrilled to have Senator JOHNSON back with us so that his vote will be added as well to this very important program.

I also thank our leader, Senator HARRY REID, for making this a top priority and for personally engaging in the negotiations that took place to be able to get us to the point where we have something on which we can move forward in the House and the Senate in a bipartisan way.

This really builds on the bipartisan spirit that created the whole program in 1997. I was in the U.S. House of Representatives representing mid-Michigan at the time and felt that as we put this program together then, it was an incredibly important statement of our values and our priorities. We are talking about working families, moms and dads who go to work every day to maybe one, two, or three jobs who are trying to hold things together and desperately want to make sure their children have the health care they need. That is what this legislation is all about. That is what this program is all about.

Among many good things that have been placed into this bipartisan legislation, I am very proud to say that it makes important improvements in dental care and in mental health care for children. It looks at quality issues and health information technology. I am very pleased that language which I authored concerning creating an electronic medical record for children, a pediatric electronic medical record, is in this legislation so that we can bring children's information together around immunizations and other kinds of health care needs in one place so we can more effectively have them treated and have doctors and hospitals knowing what, in fact, a child's medical record is. I am also very pleased about another piece of the legislation I worked on in relation to school-based health centers and the importance of recognizing them as part of a continuum of care for children.

This bill really does represent a very successful public sector and private sector partnership that helps our families and makes sure more children, children of working families, are able to get health care in this country. In my State of Michigan, a private insurer runs what we call the MIChild Program. Last year, nearly one-third of the children in Michigan relied on either Healthy Kids through Medicaid for low-income children or MIChild, which represents working families, for health care coverage. About three-quarters of the children have at least 1 working parent. I must say that oftentimes that is mom—mom trying to, again, work 1 job or 2 jobs or 3 jobs, desperately concerned about her children, needing to put food on the table, needing to buy them school clothes, needing to get them what they need to be able to survive and function every day, and knowing that when they desperately need to go to the dentist, they are able to get a dental checkup, or to be able to get basic kinds of health care.

I know too many people who tell me they go to bed at night saying: Please, God, don't let the kids get sick. This program in Michigan, MIChild, and this program which we are now coming together on a bipartisan basis to expand says to those parents: Somebody is hearing you; that we as a country and as a Congress care about the children of this country and making sure they have their health care needs met.

It is so important to stress that this is not a program for wealthy families, for rich kids. We have heard so much misinformation about what this program is all about. In Michigan, a family of 4 cannot make over $40,000 to qualify for MIChild. This is, again, a family of 4. If there are two working parents, working just barely above poverty level, this allows them to be able to get the health insurance they need for their children.

The Saginaw-based Center for Civil Justice shared a story with me about a young mother named Christie whose husband was laid off and the family income dropped to less than $2,000 a month for a family of 5—less than $24,000 a year for a family of 5. Nearly half of that goes to rent and utilities, like most families. The children's health care program in Michigan, MIChild, has helped their 3 children, who are 4 years old, 3 years old, and 8 months. Thankfully, they have been able to—in Michigan, we have had a dental benefit, which is something we are going to provide through this bill. Without that, Christie's children would not have what they need.

Recently, one of the children needed to have their tonsils removed. I remember those days with my children. It would not have been able to be done—it could have turned into a much more serious situation for that child—if it was not for the children's health care program. It makes a difference in children's lives every day.

Another mom, Pam, is a full-time preschool teacher and mother. Her monthly premiums of $384 per month, or over $4,500 per year, would have taken up a fifth of her pay if she was trying to pay through a private individual plan.

But through MICild, she was able to get the specialized care she needed for her daughter, who suffers from a rare seizure disorder. She would not have been able to care for her daughter if it were not for the children's health care program.

Like Pam, most working families simply cannot afford traditional health insurance and make ends meet—to be able to pay rent, utilities, a mortgage payment, or purchase food and school clothes, and, on top of that, find an individual policy that is affordable in the private market. According to the Commonwealth Fund, nearly three-quarters of people living below 200 percent of the poverty line found it very difficult or impossible to find affordable coverage in the individual market. Premiums for individual market coverage for families with incomes between 100 percent of poverty and 199 percent of poverty—which is what we are talking about and what we have in Michigan—on average, one-quarter of the family's total income—25 percent—would be premiums for health care in the private market. Faced with these costs, many families just don't have the coverage because they cannot afford to do it and at the same time put food on the table. The situation is even worse for families with chronic conditions, such as asthma or juvenile diabetes. If they were able to purchase coverage in the individual market, costs would be much higher.

The children's health program, it is important to note, is not just for kids in cities, it is not just an urban program. This program helps all children regardless of where they live. In fact, according to the Carsey Institute, they found that there were more children in rural areas who were benefiting from the Children's Health Insurance Program than in urban areas—32 percent of rural children versus 26 percent of urban children. So this really is something that touches every single part of the country, every single part of our States, and families all throughout America who are working hard every day and counting on us to help them to be able to get the children's health care they need.

We are taking a huge step forward for our Nation's uninsured children, the vast majority of whom—78 percent—live in working families. Seventy-eight percent live in a home where mom and/or dad is working, but they are not making enough to be able to afford private premiums in the private individual market. Because the importance of the children's health care program is so critical for so many families, I urge my colleagues not to listen to inaccurate statements or negative attacks but to join together, as we have done, in a wonderful bipartisan effort in the Senate to send a very strong message to this President that we come together on behalf of the children and the working families of America to put our values and priorities in the right place. That is what we are talking about here. This is about choices, about values, about priorities.

This bill is totally in line with what President Bush proposed at the 2004 Republican Convention. He said at that time:

> In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for Government health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

Well, Mr. President, this bipartisan compromise, this bipartisan victory which has been put together in the Congress is an aggressive effort to enroll millions of poor children into a successful public-private partnership. This bill before us is a chance to make a real difference in the lives of millions of children—millions of children who, without us and the children's health care program, will not have that chance.

We need to do the right thing. Every day, as we wait, children are growing; they don't wait for us. They keep on growing whether we are debating, whether we are in committee meetings. Regardless of what we are doing, the children of America keep on growing. They keep on having needs—dental or broad health care needs or mental health needs. It is time to do the right thing. We have it within our grasp. A tremendous amount of hard work has gone into this. Let's remember the bipartisan spirit that created this great program in 1997. Let's remember that the Children's Health Insurance Program is truly a great American success story for which we can all take credit. We can join together in taking credit for it.

Let's pass this bill and, most importantly, let's together urge the President of the United States to do the right thing on behalf of the children of America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank Senator STABENOW, my friend from Michigan, for the comments about children's health. She is right-on about that. Look at the choice. We are going to spend $2.5 billion a week in Iraq. Yet we are unwilling per year to spend $7 billion to insure 4 million additional children—some 75,000 in my State and 50,000 or 60,000 in the State of Michigan next door. We are spending $2.5 billion a week in Iraq. Yet the President says he is going to say no and veto this bill on children's health.

TRADE POLICY

Mr. BROWN. Mr. President, our Nation's haphazard trade policy has done plenty of damage to Ohio's economy, to our workers, to our manufacturers, and to our small businesses. Recent news reports of tainted foods and toxic toys reveal another hazard of ill-conceived and unenforced trade rules. They subject American families and children to products that can harm them, that in some cases have even killed them.

From pet food to toothpaste, from tires to toys, news stories almost every day highlight the consequences of our Nation's failed trade policy. Countries such as China lack basic protections we have come to take for granted. Given the well-known dangers of lead, particularly for young children, our Government banned it from products such as gasoline and paint in the 1970s. Yet our trade policy is turning back the clock on the hard-fought safety standards that keep our families and our children safe.

What happens should come as no surprise. When we trade the way we do, when we bought $288 billion of products from the People's Republic of China last year and $288 billion this year—it will probably exceed $300 billion—and we are trading with a country that doesn't have close to the same safety standards for its own workers or safe air or drinking water standards for its own water, why would we expect them to sell safe products to our country?

It is compounded by the fact that companies, such as Mattel say to the Chinese contractors: We want you to cut costs. Lead paint? Use it; it is cheaper. Cut corners so we can save money.

It is no surprise because American corporations have pushed the Chinese to cut costs, and at the same time China doesn't have fair labor standards, clean air, and safe drinking water standards for their own people. Of course they are going to sell products back to our country such as contaminated toothpaste and pet food and dangerous toys with lead-based paint on those products.

Our trade policy should prevent these problems, not invite them. Despite the real and present danger from Chinese imports, we must not focus solely on consumer threats from China. The real threat is our failed trade policy that allows recall after recall. The real threat is our failure to change course and craft a new, very different trade policy. The real threat is this administration's insistence on more of the same—more trade pacts that send U.S. jobs overseas, more trade pacts that allow companies and countries to ignore the rules of fair trade, more trade pacts that will mean more tainted products in our homes, more dangerous toys for our children, and more recalls for our businesses.

The administration and its free-trade supporters in Congress are gearing up for another trade fight. They want to force on our Nation—a nation that in November, in Montana, Ohio, and across the country, demanded change—more job-killing trade agreements with unreliable standards. Free-trade agreements with Peru, Panama, Colombia, and South Korea currently being debated in Congress are based on the same failed trade model.

This week, the Peru trade agreement is at the forefront of the debate between fundamentally flawed trade models—more of the same—and the fight for fair trade. We want more trade, plenty of trade; we just want fair trade, different rules.

The Peru free-trade agreement, like NAFTA, while it has some improvements over that, puts limits on the safety standards we can require for imports. FDA inspectors have rejected seafood imports from Peru and Panama—major seafood suppliers to the United States. Yet the current trade agreement, as proposed—the Bush administration's Peru and Panama agreements—limits food safety standards and border inspections. What has happened already is where, frankly, we have bought too many contaminated products, contaminated seafood imports, and whatever problems we have, this trade agreement will make it worse because this agreement will limit our own food safety standards and border inspections. Adding insult to injury, the agreements would force the United States to rely on foreign inspectors to ensure our safety. We have seen how well that worked with China.

It is time for a new direction in trade policy. It is time for a trade policy that ensures the safety of food on our kitchen tables and toys in our children's bedrooms. It is time for a trade policy that creates new businesses and good-paying jobs at home instead of a trade policy that encourages companies to outsource and move overseas. It is time for a trade policy that puts an end to the global exploitation of cheap labor.

The voters in November shouted from the ballot box, demanding a new trade policy. Their resounding call for a new trade policy put Members of Congress on notice that their trade votes in Washington matter to voters back home.

With Peru, Panama, Colombia, and South Korea, voters in my State of Ohio and across the Nation are watching these trade debates. Everyone agrees on one thing: We want more trade with countries around the world, but first we must protect the safety and the health of our families and our children.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

PRESIDENTIAL VISIT

Mr. BROWNBACK. Mr. President, I want to talk on two issues with my colleagues. One is about Iran. The President of Iran is now in the United States. Mahmud Ahmadi-Nejad is in the United States enjoying liberties here that are not enjoyed in his home country by his fellow citizens. I want to make a point of that. I want to talk about what he has said and what he has done. I think there is a substantial difference. I want to point out that we should pass the Lieberman-Kyl amendment regarding the designation of terrorist organization by—that the IRGC be designated as a terrorist organization. Finally, I will wrap up with a discussion about the Biden-Brownback amendment on federalism in Iraq, which I think would be very important.

President Ahmadi-Nejad took advantage of the freedoms we enjoy to spread lies in the United States. I believe his appearance was disgraceful. I think the things he is saying are outright lies—what he is saying versus what he has done. He looked his audience in the eye and he lied. He knew he was telling lies, and the audience knew it.

Let's talk about the real truth inside Iran. I want to speak about what is taking place there.

I have chaired the Middle East subcommittee in the past. I have worked on issues regarding Iran. We have worked to secure and have secured funding for civil society development inside Iran. I worked with a number of Iranian dissidents who have been forced out of that country. We have seen it taking place on the news.

President Ahmadi-Nejad is enjoying liberties now in this country that are not available to his people. It would be easier to spend time in his own country developing these same civil liberties for individuals and renouncing terrorism rather than trying to go to the World Trade Center site where terrorists killed so many of our citizens.

President Ahmadi-Nejad and Ayatollah Khamenei are not trustworthy leaders. The Iranian people do not enjoy freedom of speech. Their people do not have a free press. The Iranian Government represses women and minorities. They do not tolerate religions other than their own extreme version of Shia Islam.

For example, consider the Baha'is of Iran. Since 1979, the Islamic Republic of Iran has blocked the Baha'is' access to higher education, refused them entry into universities and expelled them when they are discovered to be Baha'is.

Recently, a 70-year-old man was sentenced to 70 lashes and a year in prison for "propagating and spreading Bahaism and the defamation of the pure Imams"—a 70-year-old man, 70 lashes, a year in prison.

We must stand with the teachers who are getting purged from academic institutions in Iran for speaking their minds, with the Iranian-American scholars who are being arrested on trumped-up charges, and with newspaper editors who refuse to censor according to Government demands.

Isn't it amazing that President Ahmadi-Nejad would see that taking place in his country and yet come here to enjoy our civil liberties of freedom of the press, freedom of assembly, to speak his mind when he cannot do it in his country? We should be reaching out to the students, the labor activists, and the brave leaders of Iran's fledgling civil society and offer our support for their views and for an open society in Iran. It is not only a moral imperative, but I believe it is also in the strategic interest of the United States and of people of civil societies in the West and throughout the world.

This context is important as we consider the amendment offered by Senator LIEBERMAN and Senator KYL. Yesterday Ahmadi-Nejad claimed that Iran is a free country, where women are respected and life is good for the Iranian people. We know this is not true.

Yesterday, we also heard from Ahmadi-Nejad that Iran does not want to attack Israel, that it is not meddling in Iraq and Afghanistan, and it does not want a nuclear weapon. We know this is not true. They are meddling in Iraq, attacking our troops with weapons developed in Iran. They have held conferences stating a world without Israel, a world without the United States.

Iran's leaders would say the IRGC is not a threat, but we have no reason to believe them. In fact, we know the IRGC is killing our soldiers in Iraq. It is working with Hezbollah in Lebanon and it is present in other countries around the world advancing the agenda of the Supreme Leader in Iran.

The IRGC is the very definition of a terrorist organization, and Iran as a nation is the lead sponsor of terrorism around the world. The IRGC should be designated formally as a terrorist organization so that the full power of the American Government can be applied to combating its activities. The IRGC is not a normal military arm of a sovereign government. It is the operational division of the world's most dangerous state sponsor of terrorism. If we think of terrorism as a threat, we must designate the IRGC as a terrorist organization.

I hope the President of Iran will renounce terrorism and the support for terrorism today, although I know he will not.

POLITICAL SURGE IN IRAQ

Mr. BROWNBACK. Mr. President, on another matter on which we are going to be voting shortly, the Biden-Brownback amendment, I wish to show this map of Iraq. I note to my colleagues in the time I have, when President Bush saw the military situation was devolving on the ground and was moving toward civil war, he called for a military surge. He said: It is not working; we are not getting control; we need more troops. I had difficulty with that decision. I questioned whether it would work. But I think one has to say this has worked, that it has calmed down much of the situation. We don't know for what period of time. It certainly has produced a lot of results in Anbar Province.

I was at Fort Leavenworth in Kansas yesterday meeting with a number of key leaders in the military who have been in and out of Iraq several times. They were quite pleased with the number of positive events moving forward in Iraq with the military situation.

If we look at the GAO report of what is taking place on the political situation in Iraq where there has been a military surge, when the military surge has produced results, what I am contending now is we need a political surge. The military situation is more stable. It is certainly not completely stable in Iraq, but it has produced an environment where we need a political surge, and the current political setup is not producing that situation.

When the military situation was not producing results, we made changes. The political situation is not producing results, and I suggest we have to have changes in this situation as well. We did not hesitate to move forward with a U.S. strategy on keeping a civil war from going full blown in Iraq. We should work now with a political surge in Iraq because this current situation is not working. Two weeks ago, when General Petraeus and Ambassador Crocker testified, the focus was on General Petraeus when I think the focus should have been on Ambassador Crocker.

As we see in the GAO assessment, the Iraqi Government has met 3 benchmarks politically, partially met 4 benchmarks, and did not meet 11 of the political benchmarks that we in Congress had set and that the administration had gone along with and said, yes, those are realistic. Out of 18 total, 11 have not been met at all, 4 partially met, and 3 met. That is not working politically.

I am showing a map of Iraq under the Ottoman Empire. It is broken into three categories, referred to as Mesopotamia at that point in time—Shia south, Sunni middle, and Kurdish north, with Baghdad as a federal city. They had it broken into three states. My point in saying this is—and the Chair will recognize this as he was raised in farm country, raised on a farm—you can work with nature or you can fight it. My experience is you are a lot more successful when you work with it than try to fight.

There is a natural setup in Iraq. There are divisions which people have lived with and in for a long period of time. We can try to force the whole country together and hold it together with a strong military force, or we can recognize these difficulties and say we are going to work with this situation. And we have in the north, in the Kurdish portion of the country. We said the Kurds run the Kurdish portion.

I was up there in January. It is stable, growing, with investments taking place, people moving into the area, the exact situation we want to see taking place across all Iraq. Wouldn't it be wise at this point in time to allow a Sunni state to develop, still one country, but devolving the power and authority more down to a state level of government and have the Sunnis have a police force and a military in their region, and the Shia doing the same in their region so they trust the structure, so they are willing to work with us?

This is a political structure that can meet some benchmarks we set and others set. Why would we be hesitant putting in a political surge and pushing? We were not hesitant about pushing a military surge and pushing that piece of it. I don't see why we wouldn't do a political surge.

This is a map of Bosnia-Herzegovina. This was before the Dayton accords and then after the Dayton accords. This is a very diverse map of what was taking place. This is the former Yugoslavia. We can see the different ethnic groups. We can see them spread around.

I now wish to show a map of what took place after the ethnic sectarian buttons were pushed and you had people sorting out, you had people moving to various parts to feel more comfortable and more secure, and this sorted out.

Then we saw the Bosnia-Herzegovina lines under the Dayton peace agreement that the United States pushed. It was a political agreement because the people on the ground could not agree to this themselves. This is something they could not deal with on their own because their own people would say we don't trust these guys or we don't trust those guys, we can't deal with them. We had to go in with a very aggressive military force that is still sitting there to enforce an agreement that was uncomfortable on the ground. We came in with a political surge to say: OK, this is something that should take place. We forced the parties to come to an agreement, and they have been at relative peace. There have been different breakouts. There is tension in the region. We still have troops in the area, as many others do, 15 years later, but this has maintained a relative peace.

I wish to show a map of Baghdad now. My point in saying that is, at times in these types of situations, I believe we have to have a U.S. push for a political surge. I am suggesting that we have a well-known, well-regarded policy person—maybe a Jim Baker, maybe it is Condoleezza Rice, maybe it is Colin Powell—who goes over and knocks out the agreement between particularly the Sunni and Shia who have not been able to get along. The Sunnis have run the country for a century, but they are in the minority. They think they still ought to run the country, but that is not going to happen. The Shia who are in the majority are not confident at all that the Sunnis are not coming back to run the place again, and they don't trust them.

We see ethnic splitting. This is a map of Baghdad. The Tigris River runs through the middle. This is purifying more Sunni and more Shia. The hash lines to the left are Shia purifying, and Sunni purifying on the other side, and a lot of people moving out of this region.

This makes all the sense in the world. Instead of trying to fight against this situation and trying to force Sunni and Shia together into one government that has a strong centralized government, we are only going to get a weak Shia government because the Kurds and the Sunnis are not going to agree with a strong Shia government, and we devolve the power and authority mostly out to the states and let them run it. We would have the Sunnis running their region and the Shia running their region in Baghdad. That is a way we can work with the natural setup of the situation. That is what we are calling for in the Biden-Brownback amendment. It has a number of cosponsors from both sides. It is a political surge that recognizes the realities on the ground and says this is something that can produce results in keeping with what we are doing militarily in trying to give the political environment a setting in which it can work.

This current political setup is not going to work. It has not produced results. It has not produced results to date. It is unlikely to produce results in the future. I think it has failed as a political structure. We have seen a portion of this already work in the northern region, in the Kurdish region where the Kurds run their area and it is stabilized and moving forward. That is why I urge my colleagues to look at this amendment. This is a positive step on our part. It is a positive step for the Iraqis.

Some of my colleagues believe it is the U.S. dictating to them what they ought to do. I contend in the Dayton peace agreements we pushed awfully hard. They still had to make the decision, as the Iraqis will. I also believe because of these ethnic sectarian divisions that have existed for some period of time, that unless an outside force comes in and pushes aggressively, these things are unlikely to happen because the leaders are not going to be able to lead their people voluntarily; it is going to have to be something with some push.

We are going to have to work with the nations in the region as well to make sure the people we worked with a lot—the Saudis and Jordanians, in particular, and others within the region as well—are supportive of this plan. We have to assure them that Iraq will remain one country. One of the points they have all been adamant about is that Iraq remain one country. It would remain one country, as Bosnia-Herzegovina has remained one country, although it is split into two states.

We can do this. It is a positive step. It is a bipartisan step on a topic that certainly could use a little bipartisanship. We haven't had much on Iraq. That is the way we overall lose in a situation, when we split here. If we will stand together here, we will not lose over there. We need to start pulling people together around some sort of common idea and not say: Well, because it is a Democratic idea, I guess we can't do it, or because it wasn't proposed by certain individuals, we aren't going to do it.

Let's pull together. This is something that can and will work, and it is something we need to do because if we can get this situation to stabilize, we can start pulling our troop levels back. I do not believe we will pull our troop levels completely out of Iraq for some period of time, just as we are still in the Bosnia region for some period of time. We can pull our troop levels back, certainly pull them back to the Kurdish, Sunni, and Baghdad to keep as a stabilizing force for some years to come, but not losing troops on a daily basis and we will be able to get those troop levels down.

This is something we can work on in a bipartisan way and get us pulling together and get us into a stable political environment. It is not a perfect solution. There isn't a perfect solution that exists. I think it is a far better one and far more likely to produce political results on a benchmark basis of stability that we can work with and that we can then move forward in facing other more difficult situations, other equally difficult situations in the region, as I started off talking about—Iran, the lead sponsor of state-sponsored terrorism, which is one we have to address with what they are doing in the region.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LITTLE ROCK NINE

Mr. DURBIN. Mr. President, today marks an important anniversary in America's continuing efforts to create a truly just and more perfect Union. It was 50 years ago today—50 years—that nine courageous high school students in Little Rock, AR, stood up to a jeering, threatening crowd, the Arkansas National Guard, and their own Governor to claim their fundamental right for equal educational opportunity.

I can still recall as a child, seeing that scene on black-and-white television, a scene that has been replayed so many times, watching those students as they walked through that gauntlet of hate into a high school. High school, for most of us, was a joyous experience, a happy experience. For many of these students, their high school career began with fear.

These young people, not chosen by any scientific method but almost by chance, came to be known as the Little Rock Nine. Thankfully, it is hard for many Americans to understand what courage it took for them to walk into Little Rock Central High School in 1957. You know what it took? For those kids to walk into that high school, it took an order from President Dwight David Eisenhower, the protection of the U.S. Army, the extraordinary legal talents of future Supreme Court Justice Thurgood Marshall, and daily guidance from caring adults such as Daisy and L.C. Bates. Above all, it took the daily faith and courage of those nine young kids and their families.

The crowds who surrounded Little Rock Central that day may have disappeared after a few tense days, but the taunts and threats to those nine students continued for the entire school year. In the end, those nine young students became America's teachers. They showed us and they showed America how we could live closer to our ideals.

Although their names will always be linked first and foremost with Arkansas, the people of my State are proud that four of the Little Rock Nine went on to college in Illinois. Gloria Ray Karlmark earned a mathematics degree from the Illinois Institute of Technology in Chicago. Three of the Little Rock Nine earned degrees at Southern Illinois University, a great university in my State, which prides itself on having opened its doors and cast away any racial prejudice very early. It became well known throughout the African-American community as a place where higher education was available for those African-American students who were striving to better themselves.

Minnijean Brown Trickey graduated from Southern Illinois University and went on to a distinguished career in education, social work, and public service that included serving in the Clinton administration as a Deputy Secretary at the U.S. Department of the Interior.

Dr. Terrance Roberts earned a master's degree and a Ph.D. in psychology from SIU. Today, he is a professor and practicing psychologist in California.

Thelma Mothershed Wair earned a B.S. and a master's degree in guidance counseling from SIU, married a fellow SIU student from my hometown of East St. Louis, and served as an educator and an inspiration in the East St. Louis school system for 28 years before she retired.

A lot has changed in America over the last 50 years. Little Rock Central High School remains one of the best, most challenging high schools in Arkansas. Today, it has an African-American student body president. Other communities that were once deeply divided by race—and not all of them in the South, I might add—have changed as well.

In my home State, my Land of Lincoln, a few weeks ago I visited a town I have come to know over many decades—Cairo, IL. Forty-five years ago, Cairo was a hotbed of Ku Klux Klan activism. In the land of Lincoln, in 1960, there was a white citizens council that was doing its best to keep Cairo a segregated town, many years after Brown v. Board of Education. The head of the white citizens council was the white states attorney for Alexander County. Similar to many southern towns, Cairo closed its municipal swimming pool rather than allow black and white children to swim together. Today, I am proud to tell you that the mayor, the city treasurer, and the police chief of Cairo are all African-American.

But the struggle for equal justice is not over. Last week, thousands of people from communities across America traveled by plane, car, and bus to Jena, LA, with a population of less than 3,000, to protest what appears to be separate and unequal justice. The facts in what has come to be known as the Jena 6 case sound disturbingly similar to so many cases from an era so many of us thought was long gone.

One year ago, some African-American students at Jena's public high school asked the school administrators if they could sit under a shade tree outside the school, and they were told they could. For years, that tree outside their school had been known as the "white tree." By custom, its shade was for white students only. Days after African-American students dared to sit under that tree, nooses were hung from its branches—nooses. Local authorities dismissed that unmistakable reference to the terrorism of lynching as another youthful prank.

Over the next 2 months, tensions rose at the high school. A series of fights between black and white students escalated. Each time, black students were punished more severely than the white students who took part in the same fights. Finally, last December, six young men, all African-American, were arrested and charged with attempted murder and other serious felonies that could send them to prison for a collective 100 years.

The problem of unequal justice is not confined to the South, and it is not limited to race. It is easy to condemn yesterday's wrongdoing, but the Little Rock Nine had the courage to oppose injustice in their own time. In our time, few people still condemn the overt racism of Jim Crow and "whites only" drinking fountains, but many still excuse and justify discrimination and unequal justice based on such distinctions as national origin and sexual orientation.

I believe one day in the not-too-distant future, we will look back on these attitudes and wonder how we could have tolerated such discrimination and division.

It is good to reflect on times past, the heroes and heroines of those eras, but also to reflect on what America was like, how people reacted to that scene in Little Rock, AR, and how they reacted to Dr. Martin Luther King. It is easy now, some 50 years later, to suggest everybody knew it was the right thing to do in Little Rock and that everyone understood Dr. Martin Luther King's message was consistent with our values as Americans. But we know better. We know America was divided—some cheering those students and some cheering the crowds.

We learn from experience. I believe in redemption, personal and political. I think as each of us makes mistakes in our lives, we are oftentimes given a chance to correct those mistakes. I think when our Nation has made a mistake, whether it is slavery or racism, we are given a chance to correct that mistake. Today, as we celebrate the 50th anniversary of the Little Rock Nine, let us reflect on how far we have come.

Melba Patillo Beals, a member of the Little Rock Nine, went on to a distinguished career as a journalist and author. In a book about her role in history, she wrote:

> If my Central High experience taught me one lesson, it is that we are not separate. The effort to separate ourselves—whether by race, creed, color, religion or status—is as costly to the separator as to those who would be separated. The task that remains is to see ourselves reflected in every other human being and to respect and honor our differences.

The best way we can honor the courage of the Little Rock Nine is to follow their example—to have the vision and the courage to confront the injustices of our time.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. WEBB. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. WEBB. Mr. President, I would like to express my concern about amendment No. 3017, the Kyl-Lieberman amendment, which among other things—and most troubling—would designate the Iranian Revolutionary Guard as a foreign terrorist organization under section 219 of the Immigration and Nationality Act.

I think we all have a great deal of concern about the activities of Iran. We as a nation have stood strongly and will continue to speak strongly about those activities. We have taken no options off the table. I fully support all of those precepts.

At the same time, I do not believe that any serious student of American foreign policy could support this amendment as it now exists. We know there are problems in Iraq. We are trying to decipher the extent of those problems as they relate to Iranian weapons systems and the allegations of covert involvement. We also know that in Iraq other nations are playing covertly. The Saudis, for instance, are said to have the plurality of the foreign insurgents operating in Iraq and the majority of the suicide bombers in Iraq. We also know there is potential for volatility in the Kurdish area of Iraq with respect to the relations with Turkey.

We are addressing these problems. In fact, the "whereas" clauses in this amendment speak clearly as to how our troops on the ground are addressing these problems.

I fought in Vietnam. We had similar problems throughout the Vietnam war because of the location of Vietnam, the propinquity of China. I think it can fairly be said that in virtually every engagement in which I was involved in Vietnam, we were being shot at with weapons made either in China or in Eastern Europe. There is a reality to these kinds of wars, and we are addressing those realities. But they need to be addressed in a proper way.

Probably the best historical parallel comes from the situation with China during the Vietnam war. China was a rogue state, had nuclear weapons, would spout a lot of rhetoric about the United States, and had an American war on its border. We created the conditions in which we engaged China aggressively, through diplomatic and economic and other means. And we have arguably succeeded, along with the rest of the world community, in bringing China into a proper place in that world community.

That is not what this amendment is about. The first concern I have, when we are talking about making the Iranian Revolutionary Guard a terrorist organization, is, who actually defines a terrorist organization? The Congress, to my knowledge, has never defined a terrorist organization. The State Department defines terrorist organizations. At last count, from the information that I have received, there are 42 such organizations that have been identified by the State Department in accordance with the laws the Congress passed.

Mr. President, I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CURRENT LIST OF DESIGNATED FOREIGN TERRORIST ORGANIZATIONS

1. Abu Nidal Organization (ANO)
2. Abu Sayyaf Group
3. Al-Aqsa Martyrs Brigade
4. Ansar al-Islam
5. Armed Islamic Group (GIA)
6. Asbat al-Ansar
7. Aum Shinrikyo
8. Basque Fatherland and Liberty (ETA)
9. Communist Party of the Philippines/New People's Army (CPP/NPA)
10. Continuity Irish Republican Army
11. Gama'a al-Islamiyya (Islamic Group)
12. HAMAS (Islamic Resistance Movement)
13. Harakat ul-Mujahidin (HUM)
14. Hizballah (Party of God)
15. Islamic Jihad Group
16. Islamic Movement of Uzbekistan (IMU)
17. Jaish-e-Mohammed (JEM) (Army of Mohammed)
18. Jemaah Islamiya organization (JI)
19. al-Jihad (Egyptian Islamic Jihad)
20. Kahane Chai (Kach)
21. Kongra-Gel (KGK, formerly Kurdistan Workers' Party, PKK, KADEK)
22. Lashkar-e Tayyiba (LT) (Army of the Righteous)
23. Lashkar i Jhangvi
24. Liberation Tigers of Tamil Eelam (LTTE)
25. Libyan Islamic Fighting Group (LIFG)
26. Moroccan Islamic Combatant Group (GICM)
27. Mujahedin-e Khalq Organization (MEK)
28. National Liberation Army (ELN)
29. Palestine Liberation Front (PLF)
30. Palestinian Islamic Jihad (PIJ)
31. Popular Front for the Liberation of Palestine (PFLF)
32. PFLP-General Command (PFLP-GC)
33. al-Qa'ida
34. Real IRA
35. Revolutionary Armed Forces of Columbia (FARC)
36. Revolutionary Nuclei (formerly ELA)
37. Revolutionary Organization 17 November
38. Revolutionary People's Liberation Party/Front (DHKP/C)
39. Salafist Group for Call and Combat (GSPC)
40. Shining Path (Sendero Luminoso, SL)
41. Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (QJBR) (al-Qaida in Iraq) (formerly Jama'at al-Tawhid wa'al-Jihad, JTJ, al-Zarqawi Network)
42. United Self-Defense Forces of Colombia (AUC)

Mr. WEBB. The second concern I have is that we as a government have never identified an organization that is a part of a nation state as a terrorist organization. From the statement of the Senator from Connecticut yesterday, there are potentially 180,000 people in the Iranian Revolutionary Guard who are part of a military force of an existing state. Categorizing this organization as a terrorist organization is not our present policy of keeping the military option on the table. It is for all practical purposes mandating the military option. It could be read as tantamount to a declaration of war.

What do we do with terrorist organizations? If they are involved against us, we attack them. What is a terrorist organization? Traditionally, we have defined a terrorist organization as a nongovernmental entity that operates along the creases of international law and does harm to internationally protected people.

By the way, it is kind of interesting to note that last week the Iraqi Government claimed that Blackwater is a terrorist organization for the way it operates inside Iraq. I am not making that allegation. I am giving an example of how people categorize these groups.

The Revolutionary Guard is part of the Iranian Government. If they are attacking us, they are not a terrorist organization. They are an attacking army. But are they? I am not sure about that. If they were, we would be hearing some pretty strong expressions of support.

Last weekend we had Admiral Fallon, who is General Petraeus's operational commander, responsible for all of the nations in that region, not simply Iraq, saying:

> I expect there will be no war and that is what we ought to be working for.

We should find ways through which we can bring countries to work together for the benefit of all.

> This constant drumbeat of conflict is what strikes me—

Says Admiral Fallon—

> which is not helpful and not useful . . . I expect there will be no war. . . .

We have General Petraeus, whose comments are widely quoted in the "whereas" clauses.

When he was testifying in front of the Foreign Affairs Committee in his official testimony, he did mention that Iran was using the Quds Force to turn Shiite militias into a Hezbollah-like force to fight a proxy war, et cetera. But then when he was asked a question about it, General Petraeus said: The Quds Force itself, we believe, by and large, those individuals have been pulled out of the country as have been the Lebanese Hezbollah trainers who were being used to augment that activity.

We have the statement of Prime Minister Maliki in today's Washington Post. He said: Iran's role in fomenting violence diverges from the administration's. His opinion. His government has begun a dialogue with Iran and Syria, according to him, and has explained to them that their activities are unhelpful. Our relations with these countries have improved, he said, to the point they are not interfering in our international affairs.

Asked about the Revolutionary Guard forces, which the U.S. military charges are arming, training, and directing Shiite militias in Iraq, Maliki said:

> There used to be support through borders for these militias. But it has ceased to exist.

Now, I am not saying all of this is factually 100 percent right. I am not saying the other side is right. Here is what I am saying: We haven't had one hearing on this. I am on the Foreign Relations Committee, I am on the Armed Services Committee. We are about to vote on something that may fundamentally change the way the United States views the Iranian military, and we have not had one hearing. This is not the way to make foreign policy. It is not the way to declare war, although this clearly worded sense of the Congress could be interpreted this way. These who regret their vote 5 years ago to authorize military action in Iraq should think hard before supporting this approach, because, in my view, it has the same potential to do harm where many are seeking to do good.

The constant turmoil that these sorts of proposals and acts are bringing to the region is counterproductive. They are a regrettable substitute for a failure of diplomacy by this administration. This kind of rhetoric will only encourage the Iranian people to rally around bad leadership because of the fear of foreign invasion. Fear of the outside is the main glue that authoritarian regimes historically use when they face trouble on the inside.

Admiral Fallon agrees with this view. The Baker-Hamilton report was adamant about the need to engage these nations. The facts of our economy say so. Going back to the beginning of the Iraq war, in the fall of 2002, 5 years ago, oil was $25 dollars a barrel; it is $82 a barrel today. The price of gold was below $300, yesterday it was $740.

The value of our currency is at an all-time low against the Euro, at parity for the first time in 30 years with the Canadian dollar. This proposal is DICK CHENEY's fondest pipe dream. It is not a prescription for success. At best it is a deliberate attempt to divert attention from a failed diplomatic policy. At worst it could be read as a backdoor method of gaining congressional validation for military action without one hearing and without serious debate.

I believe this amendment should be withdrawn so we can hold sensible hearings and fulfill our duty to truly examine these far-reaching issues. If it is not withdrawn, I regrettably intend to vote against it.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, would the Chair have the bill reported that is now before the Senate.

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

> Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.
>
> Warner (for Graham/Kyl) amendment No. 2064 (to amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.
>
> Kyl/Lieberman amendment No. 3017 (to amendment No. 2011), to express the sense of the Senate regarding Iran.
>
> Biden amendment No. 2997 (to amendment No. 2011), to express the sense of Congress on federalism in Iraq.

AMENDMENT NO. 2064

Mr. REID. Mr. President, I call for the regular order with respect to the Graham amendment.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3035 TO AMENDMENT NO. 2064

(Purpose: To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes)

Mr. REID. Mr. President, I do have an amendment at the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for Mr. KENNEDY, for himself and Mr. SMITH, proposes an amendment numbered 3035 to the language proposed to be stricken by amendment No. 2064.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk and ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 3035 regarding hate crimes.

Gordon H. Smith, Chuck Schumer, Bernard Sanders, Robert Menendez, Sheldon Whitehouse, Frank R. Lautenberg, Hillary Rodham Clinton, Chris Dodd, John F. Kerry, Patty Murray, Barack Obama, Jeff Bingaman, Ben Cardin, Evan Bayh, Tom Harkin, Ted Kennedy, Dianne Feinstein.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate return to morning business, with Senators permitted to speak therein for up to 10 minutes each, and the morning business be until 12:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, because there is other business we are considering because of the October 1 date hitting us, we will likely attempt to go into morning business from 2:15 until we finish the event with Senator BYRD this afternoon. But we will come back at 2:15 and deal with that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess today from 3:30 to 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today.

There being no objection, the Senate, at 12:22 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

MOTION TO COMMIT

AMENDMENT NO. 3038

Mr. REID. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to commit H.R. 1585 to the Committee on Armed Services with instructions to report back forthwith, with the following amendment numbered 3038:

The provisions of this Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3039

Mr. REID. Mr. President, I send an amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3039 to the motion to commit.

The amendment is as follows:

Strike "3" and insert "2".

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3040 TO AMENDMENT NO. 3039

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3040 to amendment No. 3039.

The amendment is as follows:

Strike "2" and insert "1".

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that no further cloture motions in relation to this bill be in order for the remainder of the day.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we understand there may be the proverbial side-by-side in relation to the hate crimes matter. This means the Republicans may file their own version of hate crimes, so we will work that out. This does not apply to that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I am going to ask unanimous consent that the Senate go into morning business. The managers of the bill may come and see if they can process some amendments, but we are not going to do that right now.

I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the real.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand we are in a period for morning business.

The PRESIDING OFFICER. The Senator is correct, a 10-minute period during which to speak.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. KENNEDY. Mr. President, sometimes the American people demand that Congress and the administration enact initiatives to address fundamental national needs. During the Depression, we enacted Social Security to see that seniors lived their later years with dignity. In the 1940s, we opened the doors to education for returning veterans through the GI bill. In the 1960s, we took action to see that seniors had quality health care, and the result was Medicare. In the 1990s, Democrats and Republicans, Congress and the administration, States and the Federal Government all worked together to help alleviate the crisis in children's health by enacting CHIP.

The success of each of these programs has echoed through the decades in the lives of millions of Americans. Today, we stand at a crossroads, faced with a choice with a path that will continue and strengthen the promise of good health and a strong start in life that CHIP brings to millions of children or whether we will turn away from that promise and curtail the help and the hope CHIP brings.

Many of the best ideas in public policy are the simplest. The Children's Health Insurance Program is based on one simple and powerful idea: that all children—all children—deserve a healthy start in life and that no parents should have to worry about whether they can afford to take their children to the doctor when they are sick.

CHIP can make the difference between a child starting life burdened with disease or a child who is healthy and ready to learn and grow. That is why CHIP has always enjoyed bipartisan support. This support goes back to 1996 when Massachusetts enacted a State program that became one of the models of CHIP. The Massachusetts Legislature passed a bill to expand coverage for children and paid for it by increasing the tobacco tax in the State. When that program was vetoed by Governor Bill Weld, a majority of the Republicans in the State senate stood with the Democrats to override the veto.

I was proud to work closely with Senator HATCH to create the national Children's Health Insurance Program, and when CHIP went into effect across the country, among its greatest champions were Republican Governors who understood the importance of expanding health insurance for children in their States. Governor Leavitt in Utah and Governor Cellucci in Massachusetts were both champions of CHIP when they were Governors.

The question for President Bush today is why he would even consider rejecting a program that has long brought Republicans and Democrats together to help children.

CHIP allows parents to choose insurance for their son or daughter from a private insurance company. That is one of the reasons Republicans have long supported the CHIP program. Indeed, CHIP used the same private insurance model President Bush supported in creating the Medicare prescription drug benefit.

If Members of Congress and the administration really feel strongly that it is wrong for the Federal Government to support health care coverage, maybe they should start by giving up their own taxpayer-subsidized health care through the Federal employees program. If Members can take their children to the Attending Physician of the Senate, with all the benefits that affords, shouldn't all American children have access to quality health care too?

President Bush has argued that CHIP costs too much, but I will tell you what costs more: treating children in emergency rooms after their conditions have become severe. CHIP saves money and untold suffering by getting health care to our Nation's children before they are seriously ill.

CHIP is paid for by an increased tax on cigarettes, not by raiding the Treasury. That tax will itself save us countless dollars and lives by discouraging smoking. We have had extensive hearings in our human resources committee, the HELP Committee, about what happens when the cost of cigarettes escalates, and when the cost of cigarettes escalates, as included in this CHIP program, it has a dramatic impact on lessening the demand among teenagers and smoking. What has happened for years is that the industry itself has increased its advertising in order to try to hook these children back in. But this has a dramatic positive impact from a preventive point of view in helping children not become addicted to nicotine and cigarette smoking, so it is a win-win situation. It is using the private insurance companies' own model that was initially suggested by the President of the United States in the Medicare prescription drug program, and it is being paid not by the taxpayers but by the cigarette users. That will discourage smoking and will have a positive impact on children.

The case for CHIP is stronger than ever. Today, 6 million children are enrolled in the program, children who otherwise would be without health care. But there are another 9 million children in America who still have no health insurance at all. Once again, Democrats and Republicans in Congress have come together for the common good.

CHIP's success is impressive. Since CHIP began, the percentage of uninsured children has gone down even as more and more adults are losing their own insurance coverage because employers reduce it or drop it entirely. This chart reflects where it is in terms of the adults and the uninsured, now 47 million Americans who are uninsured. Look at what has happened to children. It has gradually been going down. There is no reason not to expect, with this legislation, that it will again go down somewhat. If we had accepted the more extensive House bill, it would have gone down even further. But this is a very significant achievement in reducing the number of children who do not have health care coverage.

In the past decade, the percentage of uninsured children has dropped from 23 percent in 1997 to 14 percent in 2005. That reduction is significant, but it is obviously far from enough. This chart indicates the same. If you look at 1997, 22 percent of all children were uninsured. Now we are down to 13 percent and going down further. This is for children. Yet this President wants to veto this legislation.

Recently, the Census Bureau reported in the past year that 600,000 more children have become uninsured. The struggling economy is causing employers to drop family coverage, and even the robust and successful CHIP program hasn't been able to stave off decreasing coverage for children.

CHIP helps to improve children's school performance. When children are receiving the health care they need, they do better academically, emotionally, physically, and socially. Look at this chart. We have demonstrated that when children are healthier, it increases their ability to learn their lessons. Learning in school is increased significantly. Look at the before and after in this chart. Before, 34 percent paid attention in class; after, 57 percent. Keeping up with school activities: before, 36 percent; after, 61 percent. It is very simple: If a child can't see the blackboard, can't hear the teacher, can't understand what is happening in the classroom, they will lose attention and lose their ability to learn. If they have been able to have the kind of preventive health care included in the CHIP program, they are going to be healthier, more interested in learning, and their learning will be enhanced.

We just passed education legislation where we went over the disparities that are out there. I will come to that in the next chart, but this is a very clear indication. If you are interested in children learning, CHIP is a program you have to support.

Also, CHIP all but eliminates the distressing racial and ethnic health disparities for minority children who are disproportionately dependent upon it for their coverage. Look at this: White, Black, and Hispanic. This is before CHIP. Look at the numbers—27, 38, and 29. With CHIP, it is 20, 19, and 19. When we have outreach, we see a reduction in the disparities. We ought to have this as a goal, our national goal. We want all children to have health care coverage. This chart, which is from the Kaiser Family Foundation, indicates that we reduce the disparity for children with this CHIP program, which is enormously important. They are going to learn more and be healthier.

When we put all of that together over a long period of time, it will save the country money because this is going to be a healthier population. It will cost less over a longer period of time. And we are paying for it by an increase in the cigarette tax, not by the taxpayer. So this is enormously important. That is why organizations representing children and health care professionals who serve them agree that preserving and strengthening CHIP is essential to children's health.

The Bible tells us to "open your hand wide to the poor and the needy in your land." Congregations across the country act on that command every day by providing needed help to those with medical needs in their communities. They are turning faith into works, but they know they can't do the job alone. That is why religious leaders from all faiths have called upon Congress and the administration to assist in this mission by renewing and improving CHIP.

Today, we renew our bipartisan commitment to the job begun by Congress 10 years ago and to make sure the lifeline of CHIP is strengthened and extended to many more children. Only the Bush administration seems content with the inadequate status quo.

First, the President proposed a plan for CHIP that doesn't provide what is needed to cover the children who are eligible but unenrolled. In fact, the President's proposal is $8 billion less than what is needed simply to keep the children now enrolled in CHIP from losing their current coverage—$8 billion short. Then, as Congress was negotiating the CHIP bill, the administration issued new guidance that would make it virtually impossible for States to extend coverage for children in their States with household incomes above 250 percent of the Federal poverty level. This would cause 18 States and the District of Columbia to drop children from coverage. It doesn't indicate that if the States permit those—that 250 percent of the poverty level—to be able to participate in the program, they can adjust premiums, the copays, and the deductibles in order to make it fair. Just a blanket "no." Just a blanket "no." What is most baffling is that the President has consistently threatened this veto.

This chart shows what the costs are. This is really an issue of priorities. A 5-year CHIP reauthorization, $35 billion; 1 year of Bush's tax cut for the wealthiest 1 percent, $72 billion; and this is 1 year in Iraq, $120 billion. So $35 billion for 5 years for children; 1 year in Iraq, $120 billion.

Here is another way of putting it. Around here, we express our views on priorities, and these are the priorities we have a chance to effect. A matter of priorities: the cost of Iraq, $333 million a day; the cost of CHIP, $19 million—$19 million to $333 million. We believe this is a bargain and something which is absolutely essential if we are going to look down the road at a younger generation that is going to be healthy and prosperous and learning. That is going to be key to the United States in terms of our ability to compete worldwide in this knowledge economy. We have to have young people who are gifted, talented, smart, and able, with a knowledge of the economy. It is essential if we are to preserve our national security and it is essential if we are going to preserve the institutions our Founding Fathers bequeathed to us, that our young people are able to function and work in order to guarantee the real rights and liberties which we cherish. All of this starts with having healthy children—healthy children built on the program which the President himself endorsed.

I was there at the time the President strongly supported the way we were going to have the Medicare prescription drug program, and he fought for that. He was able to successfully gain it. Now he says it is unacceptable. Now he says it is unacceptable. He complains about the cost. But this doesn't cost the taxpayer a nickel; it will cost in terms of an increase in the cost of cigarettes.

Finally, these children will be healthier, and therefore the savings over the period of years is going to be important and significant.

The children of America should not become the latest casualties of this administration. The CHIP bill before us is a genuine bipartisan agreement that will help children in communities across the Nation and provide coverage to about 4 million children who would otherwise be uninsured. The bill moves us forward together, Republicans and Democrats alike.

The support this legislation has from Republican Governors as well as Republican members here—particularly my colleague and friend, Senator HATCH from Utah, Senator GRASSLEY, and others—is commendable. They understand exactly the reasons and the justification for this legislation. Quality health care for children isn't just an interesting option or a nice idea. It is not just something we wish we could do. It is an obligation. It is something we have to do, and it is something we can do today. So I will urge my colleagues to vote for this bill.

This legislation will be before the House of Representatives this afternoon. Hopefully, we will have a strong vote over there and we will get that legislation at the earliest possible time.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MATTHEW SHEPARD ACT

Mr. KENNEDY. Madam President, I would like to speak for a moment regarding the Hate Crimes Amendment. At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach, and that we are doing all we can to root out the bigotry and prejudice in our own country that leads to violence here at home. Now more than ever, we need to act against hate crimes and send a strong message here at home and around the world that we will not tolerate crimes fueled by hate.

Since the September 11 attacks, we have seen a shameful increase in the number of hate crimes committed against Muslims, Sikhs, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks of September 11. We are doing all that we can to strengthen our defenses against hate that comes from abroad. We have spent billions of dollars in the war on terrorism to ensure that international terrorist organizations such as al-Qaida are not able to carry out attacks within the United States. There is no reason why Congress should not act to strengthen our defenses against hate that occurs here at home.

In Iraq and Afghanistan, our soldiers are fighting for freedom and liberty—they are on the front line fighting against evil and hate. We owe it to our troops to uphold those same principles here at home.

Hate crimes are a form of domestic terrorism. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like other acts of terrorism, hate crimes have an impact far greater than the impact on the individual victims. They are crimes against entire communities, against the whole nation, and against the fundamental ideals on which America was founded. They are a violation of all our country stands for.

We are united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism here at home. We should not shrink now from our role as the beacon of liberty to the rest of the world. The national interest in condemning bias-motivated violence in the United States is strong, and so is our interest in condemning bias-motivated violence occurring world-wide. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

Hate crimes violate everything our country stands for. These are crimes committed against entire communities, against the Nation as a whole and the very ideals on which our country was founded.

The time has come to stand up for the victims of these senseless acts of violence—victims like Matthew Shepard, for whom this bill is named, and who died a horrible death in 1998 at the hands of two men who singled him out because of his sexual orientation. Nine years after Matthew's death—9 years—we still haven't gotten it done. How long are we going to wait?

Senator SMITH and I urge your support of this bipartisan bill. The House has come through on their side and passed the bill. Now it is time for the Senate to do the same. This year, we can get it done. We came close twice before. In 2000 and 2002, a majority of Senators voted to pass this legislation. In 2004, we had 65 votes for the bill and it was adopted as part of the Defense authorization bill. But—that time—it was stripped out in conference.

The President has threatened to veto this legislation, but we can't let that threat stop us from doing the right thing. Let's display the same kind of courage that came from David Ritcheson, a victim of a brutal hate crime that scarred him both physically and emotionally. This spring, David testified before the House Judiciary Committee. He courageously described the horrific attack against him the year before—after what had been an enjoyable evening with other high school students near his home in Spring, TX.

Later in the evening however, two persons attacked him and one attempted to carve a swastika into his chest. He was viciously beaten and burned with cigarettes, while his attackers screamed terrible epithets at him. He lay unconscious on the ground for 9 hours and remained in a coma for several weeks. After a very difficult recovery, David became a courageous and determined advocate. Tragically, though, this life-changing experience exacted its toll on David and recently he took his own life. He had tried so hard to look forward, but he was still haunted by this brutal experience.

My deepest sympathy and condolences go out to David's family and friends coping with this tragic loss. David's death shows us that these crimes have a profound psychological impact. We must do all we can to let victims know they are not to blame for this brutality, that their lives are equally valued. We can't wait any longer to act.

Our amendment is supported by a broad coalition of 210 law enforcement, civic, disability, religious and civil rights groups, including the International Association of Chiefs of Police, the Anti-Defamation League, the Interfaith Alliance, the National Sheriff's Association, the Human Rights Campaign, the National District Attorneys Association and the Leadership Conference on Civil Rights. All these diverse groups have come together to say now is the time for us to take action to protect our fellow citizens from the brutality of hate-motivated violence. They support this legislation, because they know it is a balanced and sensible approach that will bring greater protection to our citizens along with much needed resources to improve local and State law enforcement.

Our bill corrects two major deficiencies in current law. Excessive restrictions require proof that victims were attacked because they were engaged in certain "federally protected activities." And the scope of the law is limited, covering hate crimes based on race, religion, or ethnic background alone.

The federally protected activity requirement is outdated, unwise and unnecessary, particularly when we consider the unjust outcomes of this requirement. Hate crimes now occur in a variety of circumstances, and citizens are often targeted during routine activities that should be protected. All victims should be protected—and it is simply wrong that a hate crime—like the one against David Ritcheson—can't be prosecuted federally because it happened in a private home.

The bill also recognizes that some hate crimes are committed against people because of their sexual orientation, their gender, their gender identity, or their disability. Passing this bill will send a loud and clear message. All hate crimes will face Federal prosecution. Action is long overdue. There are too many stories and too many victims.

We must do all we can to end these senseless crimes, and I urge my colleagues to support cloture on this amendment and to support its passage as an amendment to the DOD authorization bill.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Missouri, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 5 p.m.

Thereupon, the Senate, at 3:32 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. BIDEN).

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 5:01 p.m., the Senate recessed subject to the call of the Chair and reassembled at 5:05 p.m. when called to order by the Presiding Officer (Mr. SALAZAR).

The PRESIDING OFFICER. The Senator from Michigan.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BAUCUS be recognized for up to 6 minutes as in morning business and then we return to the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana.

CHIP

Mr. BAUCUS. Mr. President, King David sang:

> How good and pleasant it is when brothers live together in unity!

When it comes to work here in Congress, the Children's Health Insurance Program has been as close to that ideal as a major piece of legislation can be. It began 10 years ago, with Senators working together across the political spectrum: Senators ORRIN HATCH and TED KENNEDY; Senators JOHN CHAFEE and JAY ROCKEFELLER. I was proud to have been part of that.

It passed overwhelmingly 10 years ago, and the President signed it into law. It worked.

The Children's Health Insurance Program brought people together across political divides because CHIP was, and always has been, about helping kids. CHIP has been about helping young Americans who, through no fault of their own, live in working families who cannot afford expensive private health insurance. It is about kids. It is about health. It is about low-income kids.

CHIP is about kids going to the doctor. It is about kids having checkups. It is about kids getting vaccinations. It is about kids seeing the dentist.

Healthy children are more likely to go to school. They are more likely to do well in school. They are more likely to get a good job after school. They are less likely to end up on welfare. They are more likely to become a productive member of the workforce.

The Children's Health Insurance Program has been a success. Since 1997, the share of all American children without health insurance dropped by a fifth, while the number of uninsured adult Americans increased. For our country's poorest children, the uninsured rate has dropped by a third.

Governors from both parties support the Children's Health Insurance Program. Two Presidents of different parties have supported and expanded CHIP.

This year, we worked together to improve and extend the program. Senators ORRIN HATCH and JAY ROCKEFELLER, CHUCK GRASSLEY and I worked very closely together, with many meetings, working as hard as we could, focusing on kids. We cooperated in the finest tradition. I thank my colleagues for the hundreds of hours they put into that effort.

Some told me: Put CHIP in reconciliation. That is the fast-track process we use sometimes around here. Some said: Use the fast-track budget process to pass CHIP, so you do not have to get big majorities to get things done. You do not have to worry about 60 votes. But I said: No. CHIP has always been a consensus bill. We would make CHIP a consensus bill again this year. It has in the past. It should always be.

That is what we did. The Finance Committee reported the CHIP bill out by a vote of 17 to 4, strongly bipartisan. The Senate passed it by a vote of 68 to 31. This evening, the House of Representatives will pass essentially the same CHIP bill we passed in the Senate.

Now it is time for us to pass this bill and send it to the President. When we do, it will be time for the President to show he is also a uniter, he is not a divider but a uniter. It will be a time for the President to act in the best traditions of compassionate conservatism. It will be a time for the President to sign this bill.

Let us show how good and pleasant it can be for Washington to work together in unity. That is what our people want. That is what the people who sent us here want. They want us working together. They do not like big fights, so long as we are doing what they regard is basically, essentially the right thing. This is that, clearly. So let us help get health care to kids who need it, and let us enact this CHIP bill into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending amendment?

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will return to consideration of H.R. 1585.

The Senator from Michigan.

Mr. LEVIN. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There are amendments to the motion to commit with instructions.

Mr. LEVIN. Other than those amendments that filled up the tree, there are no pending amendments; is that correct?

The PRESIDING OFFICER. There are also amendments to the substitute.

AMENDMENT NO. 2997

Mr. LEVIN. Mr. President, we are trying to work out a unanimous consent agreement so we can vote on the amendment of the Senator from Delaware, hopefully, at 5:30. We are attempting to work out a unanimous consent agreement. We do not have it yet.

I will suggest, if the Senator from Delaware is willing, because there is a reasonable chance we are going to get there, that he now describe his amendment and offer his amendment, and then—he cannot technically offer it, but he can describe his amendment—and, hopefully, we can get a unanimous consent agreement. If we do, he could then technically offer it.

So I would suggest that without offering his amendment, the Senator from Delaware describe his amendment, debate his amendment, in the hopes we can get a unanimous consent agreement to vote on that amendment at 5:30. We do not have it yet, but we are working on it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am happy to do that. I see the former distinguished ranking member of the Armed Services Committee is on the floor. Let me say at the outset how much I appreciate both him and the chairman of the committee for making some very constructive suggestions as to how to amend my amendment.

At the appropriate time, I will call up the amendment and move for its modification. But I want to, at the outset, tell the Senator from Virginia how much I appreciate his leadership. The truth is, he and I had a fairly extensive colloquy on the floor last week on this amendment. True to his word, the Senator said he was going to take a look at this amendment, he was seriously interested in it, and he wanted to look at it. As is always the case with the Senator from Virginia, he kept his word. He not only kept his word, but he improved what Senator BROWNBACK and I and Senator BOXER and others had come forward with. Again, at the appropriate time, I will move to amend Biden-Brownback along those lines.

But, as I understood it, there was the possibility that if we had gotten the unanimous consent agreement, there would be 15 minutes on a side. I know a number of people want to speak. I had an opportunity to speak on this amendment at length last week.

My distinguished colleague from California, who I must say—and I am sure my colleagues will fully appreciate this—we would not have gotten to this point were it not for the Senator from California. Her embrace of this approach well over a year ago, quite frankly, legitimized this in a way on my side of the aisle that no one else, quite frankly, could have done.

The fact that it has such, at this point—and, God willing, as my grandfather would say, and the "crick" not rising—hopefully, when we vote, it will bear out what I am about to say. This has genuine bipartisan support but not merely bipartisan support. This has genuine support that crosses ideological divides as narrow or as wide as they are in this body. I think that is a very hopeful sign for the emergence of a policy in Iraq that would give us some real opportunity.

With the Chair's permission and my colleagues' permission, I would like to yield the floor to my colleague from California, if she would like to speak to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, are we awaiting, hopefully, an agreement at this point? We are speaking on the bill in general? Is that where we are?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, I hope my colleagues will indulge me for about 5 or 6 minutes while I speak about the Biden-Brownback-Boxer-Specter, and many other colleagues on both sides of the aisle, amendment. I wish to say to my colleague from Delaware how much I appreciate what he has done. In the face of so much opposition, he has kept to this idea that we need to respect the Iraqis enough to understand the reality of their situation.

I remember before we had the vote on whether to go to war, or give the President the authority to go to war, a friend of mine, former Congressman John Burton, called me and said: BARBARA, I want you to read one book before you cast your vote, one book that I think explains what Iraq is about. That book is entitled "The Reckoning," and it was written by someone named Sandra Mackey, a historian, in 2002. So I read the book before we voted on whether to give the President authority to go into Iraq. The book detailed how Saddam Hussein egregiously used his power as a brutal dictator and a strongman to hold that country together. She explains the history of Iraq and why the only way to hold it together, in her view, was by such a strongman and what a terrible reality she came to. She said that after World War I, Iraq was a young, fragile country, patched together by the victorious European powers.

She wrote:

> Within its artificial boundaries, the Iraqis have lived for eight decades as a collection of competing families, tribes, regions, tongues, and faiths. This complex, multilayered mosaic of Arabs and nonArabs, Muslims, and Christians, is trisected by Iraq's three major population groups, each in possession of a distinct identity; each group dominates a region of Iraq—the Sunnis the center, the Shia the south, the Kurds the north.

She goes on to conclude:

> Iraq is a state, not a nation. Over the 80 years of their common history, the Iraqis have engaged in the conflicted, and at times convoluted search for a common identity. But Iraqis as a whole have never reached consensus.

What Senator BIDEN has understood for several years now, and why I was so interested in supporting him from the very start as a proud member of his Foreign Relations Committee, is we have to deal with the Iraq we have, not the Iraq we wish we had. If that sounds similar to someone—I understand that is a similar sentence. But we don't have an Iraq that we romantically wish we had. After all, as Senator BIDEN has said many times, for Iraq to survive and thrive, they have to want democracy as much as we want it for them. I think that quote by Senator BIDEN has been in my mind since the very start of this war that I did not vote for.

So I see a light at the end of a very dark tunnel—a darkness that is impacting our Nation. It is impacting the Senate in a way where we are paralyzed. We can't get from A to B; we can't see this light. We can't grab it. We argue over military tactics such as a surge. Our military has done everything we have asked them to do. But every single military leader and political leader has told us there is only one solution, and it is a diplomatic one. In this very important amendment, what Senator BIDEN and the rest of us are doing is saying, there is a light at the end of the tunnel. Look at the Kurds. Look at the Kurdish area. Do my colleagues know, and thank God, we haven't lost one soldier in that area. Of the approximately 165,000 soldiers we have there, only 100 soldiers are there.

The Kurds are running their own lives. They even fly the Kurdish flag. They make their own decisions. I think worth repeating is this solution we are putting before the Senate today—we hope it is today—recognizes the Iraqis will decide this for themselves, that this idea is consistent with the Constitution, not outside their Constitution. Of course, they will be the ones who have to embrace this.

But what this amendment does is it says to the world we are ready to move past a military solution. We understand we are not going to have lasting peace when all you have on the table is a gun and bullets. We have to put a diplomatic solution on the table.

So I am very delighted to have this time now. I don't know if I will have any time later to speak, but I have said what I need to say. I think this is a golden moment for us. I think we could move this debate in a better direction, in a direction all of us want to move it, whether we are Republicans or Democrats, whether we voted for the war or not. We want to craft some type of political solution. We want a roadmap. The Senator from Delaware has given it to us. I am proud to be a part of this bipartisan group that has cosponsored this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 3017

Mr. DURBIN. Mr. President, I wish to thank my colleagues, the Senator from California and the Senator from Delaware. They are making a sincere effort to find a way out of this terrible morass we are in, in Iraq. I can recall 5 years ago when we were called on to vote to give an authorization for the use of force to President Bush. It was in October, before an election a few weeks away, and there were some who argued the President would never use that force. There were some who argued he would use it immediately. Unfortunately, history has proven he used it in a few months. We now find ourselves enmeshed in a war we never bargained for.

That authorization for the use of force said it was for the purpose of deposing a dictator and destroying weapons of mass destruction that threatened the United States. The dictator is gone, the weapons of mass destruction never existed. Yet we are still there and 3,800 American soldiers have been killed so far, 30,000 injured, and 10,000 grievously injured. The numbers rise by the day. At one hundred a month, American soldiers die. There is violence on the streets. Attempts to have meetings for cooperation and compromise are cut short by bombs and bullets. It is a situation which we never bargained for, and this President has no concept of how to extricate America from that morass.

I call to the attention of the Senate, though, not the Biden-Brownback amendment, which I will speak to at a later time but, rather, an amendment offered by Senators LIEBERMAN and KYL. It is an amendment which relates to a country next to Iraq—Iran. Iran is a dangerous country. Yesterday, there was a lot of controversy about whether its President should be allowed to speak at a major university in the United States. Many argued he should not have. Whatever your opinion on whether he should have been allowed to speak, when it was all said and done, when he had finished his speaking, there was no doubt in my mind that it was pretty clear how radical and unreliable he is. Some of the things he said were preposterous, outrageous, and didn't reflect the truth as we know it, either in the United States, the world, or in his country of Iran. I can't imagine that President Ahmadi-Nejad won any converts yesterday, but he is the head of a dangerous nation, a nation which in many respects is moving in directions which the United States has to view very warily.

I have joined with Senator GORDON SMITH in a bipartisan resolution applying economic pressure and diplomacy to change the Iranian policies that might lead to nuclear armaments. I believe that is our first order of business and a high priority for the United States. That is why I joined him in that resolution. In fact, in the past, I voted for resolutions by Senator LIEBERMAN and others acknowledging the potential threat of Iran. I think we should be forewarned that this is a dangerous country, until they change their ways and perhaps change their leadership.

I wish to commend to every Senator before the vote on the Lieberman-Kyl amendment that they take a few moments and read it. There is a paragraph in this amendment which I find troubling, if not frightening. I wish to read it into the RECORD. I will concede this is a sense-of-the-Senate amendment and doesn't have the force of law, but I want my colleagues to understand what they are voting for if they decide that a vote for the Lieberman-Kyl amendment is a vote against Iran. I will read it as follows:

> It is the sense of the Senate—

And now I read from paragraph 4 in the Lieberman-Kyl amendment, and I quote verbatim from the latest version I have—

> to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies.

I see the Senator from Connecticut is on the floor. If this language has been deleted or changed, I hope he will bring to it my attention, because as written and as read, the language that I have been given is troubling. Conceding this is a sense-of-the-Senate amendment, we are, in fact, saying we support the use of military instruments in Iran. What does that mean? Does that mean we are supporting the invasion of Iran, that we are supporting military tactics against Iran? Shouldn't we be extra careful in the language of these amendments when we find that the authorization of force for Iraq has dragged us into a war now in its fifth year, a war longer than World War II, with bloody and deadly consequences for the United States and innocent Iraqis?

I can't vote for this language as read. If it has been changed or will be changed, I am ready to talk, because I certainly have no defense of Iran and its intrigue, its activities, and its plans that we understand to be the development of nuclear weapons.

As I have said, I have joined with Senator SMITH encouraging economic and diplomatic sanctions against Iran, but this amendment goes beyond that. I repeat:

> (4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies.

I think this is entirely too expansive. It is dangerous language. Those who vote for it are going on the RECORD for the use of military power in a way that I don't think they fully comprehend. Again, if this is being changed, if it is going to be changed before the vote, then I will concede that many items before the Senate are works in progress. But as written and as read, I cannot accept this language. I think it is a dangerous effort to put us on the record for the use of military force in Iran. Even if we are militarily capable of doing that today—and some question whether we are—the simple fact is there is a process to call for congressional approval under our Constitution before we declare war on any Nation. This, unfortunately, takes us down that road toward that goal in a way that I think is unacceptable, and for that reason I will oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 2997

Mrs. HUTCHISON. Mr. President, I rise today to speak on the Biden amendment, and I hope we are going to proceed with a vote on this amendment. I am an original cosponsor. I appreciate what Senator BIDEN has brought forward. He has talked about the semiautonomous region in Iraq for a long time—for over a year. Mr. President, so have I. I, too, have written an op-ed piece that says let's look at a long-term solution. I think we saw from General Petraeus in the last couple of weeks that we should be so proud of our military and what we have done to give security to the Iraqi people. It is not perfect, and it is not finished, but it is so much better than it has been before. Violence is down.

Mr. President, everybody who has been to Iraq, including myself and most Members of the Senate, can see clearly that American forces securing Iraq is not a long-term solution. We must have an Iraq that has an economic and a political solution. I don't think you can have a political solution if you don't have an economy, if people don't have jobs, if they cannot start small businesses, if they cannot take their children to school. You are not going to be able to have a long-term solution without the building of an economy and a political base. That is why I support this amendment, why I am an original cosponsor with so many Republicans and Democrats coming together.

When I hear some of my colleagues on the other side of the aisle talking about their view of the war, I differ with them about what we should do militarily. But I do think all of us are coming together to say we should have a long-term solution with fewer American troops in a support role, not a frontline role. The way to do that is to have an economy and political stability.

That is what I think the Biden amendment would suggest. We are not telling the Iraqi people what to do. They passed their own law to implement it. They have a much longer history there than we do. I think we should continue to promote this as a solution. I think we need to do a few other things in conjunction with this. I think we should work more closely with Iraq's neighbors. I think the Bush administration is doing that now. I think the Secretary of State is doing a great job of bringing the neighbors in and saying: You have a stake here, and certainly it is in everyone's interest in the region to have a stable Iraq that is not a terrorist breeding ground.

That should be pursued with the idea that they could also be helpful in regions that would work in a semiautonomous way. It is federalism with states that have their own self-governance.

Dr. Henry Kissinger, in an appearance before the Senate Committee on Foreign Relations, said:

> I am sympathetic to an outcome that permits large regional autonomy. In fact, I think it is very likely that this will emerge out of the conflict that we are now witnessing.

Secretary Kissenger went on to say, in a Washington Post op-ed last week:

> It is possible that the present structure in Baghdad is incapable of national reconciliation because its elected constituents were elected on a sectarian basis. A wiser course would be to concentrate on the three principal regions and promote technocratic, efficient and humane administration in each. . . . More efficient regional government leading to substantial decrease in the level of violence, to progress towards the rule of law and to functioning markets could then, over a period of time, give the Iraqi people an opportunity for national reconciliation.

Mr. President, our efforts in the Balkans are instructive here. A little over 10 years ago, from 1992 to 1995, the war in the Balkans left 250,000 people dead and millions homeless. The Dayton Peace Accords ended that conflict. The agreement retained Bosnia and Herzegovina's international boundaries and created a joint multiethnic and democratic government charged with a very narrow power—to conduct foreign, diplomatic, and fiscal policy. That is the overarching national government of Bosnia and Herzegovina.

There is a second tier of government there now, comprised of two entities that are roughly equal in size. The Bosniak/Croat Federation of Bosnia and Herzegovina and the Bosnian Serb-led Republica Srpska. The Federation and the Srpska governments oversee most government functions. Since the Dayton Peace Accords was signed, the guns of Bosnia have been silent. More than a million people have returned to their prewar homes. The success in Bosnia has enabled the number of U.S. troops in the region to decline substantially.

At the end of 1995, there were 20,000 U.S. combat troops in the Bosnia region. I visited those troops seven times. The first time I went into Bosnia it was undercover. We had on flack jackets and helmets because the Serbs were shooting from the hills. In 2006, there were 600 American troops in Bosnia. Today, there are no combat troops in Bosnia.

Mr. President, I think this should be a model for Iraq. I think we could have a national government that divides the oil royalties, that has the diplomatic function that represents Iraq internationally, and the national government could be a mixture, as it is today. But then you would have semiautonomous regions. We talked about it. You have Kurdistan in the north, the Shia area in the south, and the middle doesn't have to be one region. I have heard the disagreements about the ability to put that middle into one region because there are Shia and Sunnis in neighborhood to neighborhood. It will be more difficult, but it is also the best opportunity for a long-term solution.

So why not have smaller units across the middle of Baghdad? Why not have some smaller government with an educational system, with the religious sect that is the majority in that sector?

Mr. President, it is so important that we produce more options. Many of the best scholars in this country, the best writers in newspapers in our country, and many of the best diplomats in our country have said this is a potential solution. Some people in this category have said this isn't our first choice. Our first choice is to be a national government that is mixed—that works. That is all of our first choice. But that isn't the choice we have.

We have to recognize that we could not mold a country so quickly after thousands of years of strife along ethnic grounds. So we have to step back, in my opinion, and ask what could work to stabilize this country so that an economic and a political solution will work. With all of the people who are now saying this is an option that should be on the table, I hear people saying, in the end, that is probably the way it is going to be. That is where I come in and say: In the end? Wait a minute. We have a chance to push for leadership now. We have a chance to bring the others in the region together now, so that the American troops who have done such a wonderful job will have two victories. One is that their mission will be accomplished in the right way; two, all of the sacrifices they have made will not be for naught. We cannot walk away from Iraq. We cannot say it is too tough, we are going to surrender. That would make all of the sacrifices that have been made irrelevant. We cannot do it that way. But we do have a potential solution that can save American lives in the future by cutting down the violence right now, by saying if we can step back into a support role because Iraq is emerging as an economic, political, and stable country, then we will have done right by our American troops. We will have done the right thing for future generations of Americans because we will have stood our ground against terrorists taking over Iraq, and we will do it expeditiously.

We don't need to talk about this anymore. The Iraqis have adopted it in their constitution. They have adopted the implementation of the legislation. With some leadership among all of its neighbors in the region, along with the United States and our allies who have given so much in this cause, we can protect future generations of Americans from attacks. We will have built a stable country, which is what we said we wanted to do when we went in to take out Saddam Hussein, who was abusing his people.

Mr. President, some may call for surrender, but that is not the answer. The answer is to promote a real solution that is a long-term solution; that is, allowing the Iraqis to draw their own regions, where they can grow an economy and a government that works along the Bosnian model, and we will be able to stay strong and do the right thing and listen to what people are saying. But that doesn't mean we have to wait and say, oh, that is what is going to happen in the end. Well, how many American lives are going to be lost between now and the end? Let's allow our American troops to take the support role instead of the frontline role, as General Petraeus has started so ably. Let's do what is right for the Iraqi people and the Middle East region as well because a terrorist haven is not in anyone's interest.

I urge my colleagues to support the Biden amendment of which I am a cosponsor, along with a solid Republican and Democratic list of Members who are willing to stand up and say we want this war to end honorably, we want to complete the mission honorably, and we can do it in the right way. And that is to allow them to create their government, which would have a national overlay. The time is now, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I understand there is no time agreement; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, I rise to speak with respect to the Biden amendment. I listened carefully to the Senator from Texas, and I must say I agreed with a lot of what she said. One thing I violently disagreed with was the notion at the end where she said some may call for surrender. I have not heard any U.S. Senator call for surrender. I think that is part of the sloganeering and talk, unfortunately, that has characterized some of the divisions as people try to find a sensible way of finding success.

There are different views about how you find success here. The notion of setting a date and requiring leverage out of the Iraqi Government to do what it is not doing today is an alternative way of getting them to make those decisions and be successful in this endeavor. It is also, in the view of many people in the Senate, a more effective way of supporting the troops, of honoring their sacrifice with a policy that we believe can actually achieve what their sacrifice is being made for.

I caution colleagues about falling into the easy terminology about "choosing to lose," "surrender," "walking away," and so forth. When we leave the President of the United States discretion, as the Levin-Reed and other Senators', myself included, amendment did, you are leaving the President the discretion to continue to fight al-Qaida, you are leaving the President the discretion to finish standing up the Iraqi troops with training that is necessary to do that, and you are leaving the President full discretion to protect American forces and facilities and interests. What other purpose could there be to be in Iraq 5½ years after the start of war, which is when the date would, in fact, have cut in to leverage their change?

That is not what we are here; in some ways, that is what we are here to debate. Specifically, that is not what we are debating about now because this is a Biden amendment which is a different amendment. I wish to speak to it for a moment.

I have resisted what has previously been put forward as a partition plan because I don't think the United States of America can just walk in and "partition." I think that would, in fact, smack of precisely part of the ingredients that have created the problem we inherited. That is what Winston Churchill and the British did shortly after the turn of the last century. The result was that they drew a lot of artificial lines between different people and created a state that never existed before, and we are inheriting some of the long-term impact and realities of those decisions. So we cannot come in and just partition it, which is why for over 3 years or more I have been pushing for a standing conference, a summit, a peace conference which brings the permanent five and the neighbors and the Iraqi factions that are struggling all to the table simultaneously to work through diplomacy in order to arrive at an understanding of how they can go forward.

Diplomacy has always been the key to trying to find a political settlement in Iraq. It has been absent. One of the reasons I am now a cosponsor of this different amendment by Senator BIDEN and others is that it does not specifically seek to partition. Not for the long term, certainly, and not even in the short term does it seek to partition. What it seeks to do is honor what is already in the Iraqi Constitution as well as recognize the realities that have developed on the ground.

Some 2 million-plus people have been displaced out of the country, some 1.1 million people are displaced within the country, and there has been an ethnic cleansing taking place over the course of the last few years that has resulted, for instance, in the city of Baghdad transitioning from a city that at the beginning of the war was 65 percent Sunni to now it is 75 percent Shia, and the south is almost exclusively Shia, and the Sunni triangle is the Sunni triangle, with some exceptions, obviously. We know there are intermarriages. There are some pockets of places where there are still larger populations of either Sunni or Shia living in a larger either Sunni or Shia surrounded area.

But the bottom line is this: There has been a huge shifting of populations according to ethnic lines that has taken place. There also is an awareness that there is fundamentally a failed government, almost failed state. Everyone, from President Bush to Prime Minister Maliki to General Petraeus, everybody involved with this at a decisionmaking level has acknowledged that there is no military solution, there is only a political solution. So if there is no military solution and there is only a political solution, what is the political solution? Clearly, the political solution—because we have seen over the last 4½ years it is not going to be immediately, maybe down the road but not immediately—to have a strong central functioning government that somehow has the ability to work through the differences of Shia and Sunni divisions with a police that is dysfunctional and an army that is largely Shia.

One of the reasons the Sunni in Anbar have decided to fight al-Qaida and to join forces now is because they are being armed and trained and, in effect, are being put in a position to be able to defend their own interests within that region. They made a political decision before there was any military decision. The political decision they made was that they were tired of al-Qaida literally killing their children and abusing their villages. They made the political decision that they would be better off creating this power base of their own within the region, being trained, getting weapons, creating a Sunni capacity to respond and defend themselves. So the violence has, indeed, gone down, and al-Qaida has been diminished in its efforts in that region.

We have to look at what happened. It was a political decision that preceded the presence of surge troops, escalated—whatever you want to call it—and that political decision has resulted in a transition. But there is nothing on the table that indicates the willingness or capacity of the central Government in Baghdad to make a similar kind of political decision for the Sunni with respect to the differences between Sunni and Shia.

Similarly, you cannot make the difference with respect to the Kurds, who are essentially sitting up there in the north, independent of the rest of what is happening between Sunni and Shia, dealing with their own issue with Turkey and their own issue with some of the dislocation that took place in Kirkuk and elsewhere.

What the Biden amendment does is honor, respect, and build on this reality which has developed on the ground. It takes the reality of an election, which was built on fundamental mistakes by our Government, by the Provisional Authority in the beginning that has created a fundamentally sectarian electoral base from which the decisionmaking is now being made which does not adequately and fully represent the interests that have to be reconciled in the end.

So the way you get from here to there, which is the big question—how do you get from here to there—is through the diplomatic focus that is in this amendment. It calls on the international community to come together in the standing conference that many of us have talked about for several years, and it calls on that conference to recognize these realities and begin to build the local capacity. The Iraqis will decide in what structure, how many regions, or what those regions are.

There is a complete respect for the sovereignty of Iraqis to make these decisions. What it does is encourage the effort of Americans to push in that direction and to create the awareness that may well be the best, most effective, most realistic, fastest way of pulling parties together to represent the interests that are not currently adequately represented within the governing process of Iraq, which is why they cannot reach a resolution.

It is not that Iraqi politicians are not, frankly, tough enough to make that decision; it is that their constituencies do not want them to make that decision. That is the fundamental problem. The Shias are fundamentally committed to a Shia Islamic state, and they are not going to give up that notion when they do not have to, and they do not have to because they have been told that 130,000 American troops are going to be there well into next summer, and we will be right where we were last year when the country almost fell apart after all of this effort.

If you have that kind of guarantee on the table, what leverage is there to make you change in a negotiation? What leverage is there if your real goal is to have a Shia Islamic state if 60 percent of the population has now been given at this unfair ballot box a power they could never achieve in 1,300 years of history in their relationship with Sunni and Shia? If they have suddenly been given that, what is going to make that 60 percent just give it up? They are not about to. And the 20 percent Sunni, many of whom are in the state of this insurgency, are sitting there saying: We understand that; therefore, we are not going to be adequately represented, and because we are not going to be adequately represented, we are going to continue to fight. There is no ingredient that changes that equation unless you get this kind of diplomacy and this kind of recognition of some of these realities on the ground.

One wise observer of the region said to me the other day—a former Ambassador who has written much about Iraq and thought about it a lot—they may just have to live apart before they can live together now in some of these places.

That is not our goal for the long run. This doesn't destroy the idea of a national identity of Iraq. It doesn't undo that. It honors their own Constitution, which respects the notion of federalism. It allows for those entities to be defined by the Iraqis as to how they share the interests within those particular regions on which they decide. It also, obviously, calls on an oil law to ultimately be the linchpin of these kinds of political opinions because if they don't divide the revenues, there is no way, ultimately, you will be able to resolve these huge sectarian differences.

I believe this amendment offers us a way forward. I have said since day one, back in 2004 when I was running nationally, I said then that this could be one of the solutions, the idea of division and federalism if the Iraqis decide on it. The only way to get to that point is to have the adequacy of diplomacy.

For months, we have talked—the Senator from Virginia, Mr. WARNER, Senator LUGAR, the ranking member of the Foreign Relations Committee, Senator HAGEL, and others—we have all talked about the need to get this adequate diplomacy going, and that is a central component of this sense-of-the-Congress amendment which Senator BIDEN is offering. We all know we cannot impose a solution on the Iraqis, and this amendment does not do that. We all know we cannot just walk in and divide up the country. This amendment does not do that. This respects the sovereignty of the Iraqis, and it respects the notion that Iraq is right now a failing state with a barely functioning central government that has not to date proven its capacity to be able to reconcile the fundamental differences over which the civil war is being fought. In fact, Iraq was recently ranked as the second weakest state in the world, second only to the Sudan. Nothing the Government in Baghdad does in the foreseeable future is going to change that reality.

I believe this approach has the best opportunity to try to provide some of that stability, to help, to work, to buy time, to bring in the international community, to get the Perm Five and the neighbors and others working toward the longer term solution which this resolution also recognizes is important.

We need to change the mission, yes, and I have voted to do that and worked hard with the Senator from Michigan and others to do it. I still believe we need a firm deadline because without it, I don't believe we have leverage. And in the absence of leverage, we certainly are not going to get these kinds of reconciliations and compromises that are necessary.

Senator BIDEN's amendment recognizes that these are not mutually exclusive at all. We can push for those other things and still push for this sense-of-the-Congress amendment because accepting federalism, in fact, makes it easier to change the mission and makes it easier to allow the vast majority of our troops to leave a reasonably stable Iraq when they do finally leave.

For those reasons, Mr. President, I support this amendment, and I urge my colleagues to do the same. I congratulate the Senator from Delaware for his efforts on this amendment.

Mr. WARNER. Mr. President, I wish to make it clear that I am inclined to support this amendment also.

Momentarily, the distinguished Senator from Delaware is going to move to amend the pending amendment at the desk, to reflect some corrections and alleviate some concerns I and other colleagues have. But I wish to make it eminently clear this is not a mission amendment. This is along the lines of the need for greater diplomatic involvement.

As a matter of fact, I can look back a year or so when my colleague was standing at that very desk and we had an amendment at that time on the previous authorization bill that he felt very strongly about. As a matter of fact, we gave it consideration at that time. It did not eventually become the law. Or in some respects it did.

Mr. KERRY. I say to my friend from Virginia we actually passed my amendment that did require the international effort we are talking about. Regrettably, we are a year later, and that international leverage has still not come to fruition, so I am delighted now.

Mr. WARNER. Well, Mr. President, I wanted to reflect that the Senator from Massachusetts was on this very point some time back, and now I think the realization is that, momentarily, we will have the opportunity to vote on this. I would not predict the outcome, but I thank him very much for his contributions.

I wonder if I could invite our colleague from Delaware, given there is some likelihood that we can get the UC to have a vote, if he might want to amend his amendment at this time.

Mr. BIDEN. Mr. President, before I do that, I would like to ask the Senator from Massachusetts——

Mr. WARNER. Mr. President, I have now been informed there is some objection to any amendments at this point in time.

Mr. LEVIN. If the Senator will yield, I don't believe there is an objection to the amendment. I think it is not in order at this moment to offer the modification.

Mr. WARNER. In any event, at this point we will not seek to do the amendments, for whatever technical reason there may be, but I would like to do it when we can get to it.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will not bring up the amendment or amend it now, but because time is of the essence for a lot of our colleagues, I wish to speak to what the changes are that were recommended by Senator WARNER and others.

But before the Senator from Massachusetts leaves the floor, I wish to say to him—and I hope it will not in any way cause him any difficulty—he and I have been close friends for over 30 years, and I want him to know, and I want my colleagues to know, that much of what this amendment we are hopefully going to vote on is about is what the Senator and I have talked about for the last 4 years and that he has led on, including the international piece.

As a matter of fact, he led on it from a different perspective, as a candidate, as well. So I wish to tell him how grateful I am for his joining in this amendment. Quite frankly, it is a big deal that he is, and it adds not only credibility to the amendment in terms of our colleagues, but it adds, quite frankly, an international credibility to it because an awful lot of people around the world look to my colleague for his insights into what we do about the most critical issue facing American foreign policy today.

The truth is, in order for us to regain the kind of leadership in the world that I would argue we are lacking, we have to settle Iraq, and we cannot do it on our own. There is a need for the international community. Even if this answer is the perfect answer, it cannot be made in America any longer.

So I wish to thank my colleague and acknowledge that I have learned from him, and I wish to thank him for—and I know we use the phrase very blithely around here—his leadership. But I mean that. I wish to thank him for his leadership. He has been absolutely totally consistent on this point from before the time we actually used force in Iraq until today. So I want the record to reflect that.

Mr. President, while we are waiting to determine whether we are going to be able to proceed on the amendment, I think the concerns raised by several of my friends have been incorporated in the changes that have been made. I am not moving to amend it now, but I am going to tell my colleagues what the Biden-Brownback amendment will be.

In the findings clauses, finding No. (3) has been added, and it is to reflect the concern raised by the distinguished Senator from Arizona, Senator KYL—and I suspect others, but Senator KYL is the one who raised this with us, in that he wanted to make it clear—

Mr. WARNER. The Senator is correct. I brought it to your attention at the request of Senator KYL.

Mr. BIDEN. We incorporated the exact language I was originally given, with the advice of my colleague from Virginia, and it says:

> A central focus of al-Qaida in Iraq has been to turn sectarian division in Iraq into sectarian violence through a concentrated series of attacks, the most significant being the destruction of the Golden Dome.

So that is one change, one addition we made. A second change we made was at the request, I believe, and I would stand corrected, of both the chairman and the ranking member of the Armed Services Committee, which was deleting a word. It says:

> Iraq must reach a comprehensive and sustainable political settlement in order—

No, that is not true. I am getting the wrong section. I will ask my staff what the second change is, and I will go to the third change. The reason I can't find the change is because we took out the word, and I am trying to recall where we took the word out.

The third thing we changed is the provision in the original resolution to incorporate the strongly held view of the chairman of the Armed Services Committee that we not be forcing upon Iraq anything that is inconsistent with their wishes. The paragraph originally read:

> The United States should actively support a political settlement in Iraq based upon the final provisions of the Constitution of Iraq that create a federal system of government and allow for certain federal regions consistent with the wishes of the Iraqi people and their elected leaders.

And then, I believe at the request or suggestion of the distinguished ranking member from Virginia, the actual last paragraph of the resolution, paragraph 5, says:

> Nothing in this act should be construed in any way to infringe on the sovereign rights of the Nation of Iraq.

Again, both my colleagues can explain their motivation better than I, but the central point that is attempted to be achieved is to make it clear that neither Senator BROWNBACK nor I, nor any of the cosponsors, believe we should be imposing a political solution on the Iraqi people. It is sort of self-evident to me that you cannot impose a political solution. A political solution has to be arrived at by the competing parties. I would argue, as I think my colleagues in the Armed Services Committee would agree now, that what we are doing is consistent with Iraq's Constitution and consistent with the ability of the Iraqis to further amend their Constitution to come to a different conclusion.

Mr. WARNER. If the Senator will yield for the purpose of my commenting on this.

Mr. BIDEN. I will be delighted to yield to the Senator from Virginia.

Mr. WARNER. Paragraph 5 is the language recommended by the Senator from Virginia.

Incidentally, Senator McCAIN is the ranking member. I had that job off and on for 18 years.

Mr. BIDEN. I am sorry. I am so used to the Senator being chairman.

Mr. WARNER. I wished to reflect that my colleague, Senator McCAIN, is the distinguished ranking member.

But I put in paragraph 5, because this is a very challenging amendment, and I wanted to make certain that in no way did we overstep on the question of sovereignty. The word "sovereignty" is well described in international law and in other means as an accepted term, and it is well understood, so I am delighted the Senator agreed to put that in.

Lastly, when we look at the enormity of the sacrifices of our country over these many years now—most notably the tragic loss of some 3,000, almost 3,800 individuals and many more wounded, and expenditures of so much of the taxpayers' funds—the contributions of all of that has gotten us to where we are today. The keystone of those achievements is the sovereignty that has been given to the Iraqi people. That is the major contribution of the enormity of our sacrifice through these years. So in no way did we want to backstep from all of this hard-fought ground to achieve sovereignty for the Iraqi people.

So I am delighted the Senator accepted that. Then, if we can look at one other paragraph, Senator, and that was on page 2, paragraph (4), the Senator was going to consider deleting the word "increasing" correct?

Mr. BIDEN. As I understand, the distinguished ranking member of the Foreign Relations Committee, Senator LUGAR, suggested that instead of " . . . Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq," he wished the word "increasing" be struck from the language. It now reads: " . . . settlement is the primary cause of violence in Iraq."

So we have struck that. To the best of my knowledge, I say to my friend from Virginia, I think we have accommodated all the changes that were suggested.

Mr. WARNER. Mr. President, first going to paragraph (4), deleting "increasing" and the concern of the distinguished ranking member, Senator LUGAR, it was also a concern to the Department of State. So that has been done.

All the concerns that have been brought to this Senator's attention, the Senator from Virginia, I think have been met by the Senator from Delaware, and it is for that reason I am pleased, if and when we get to the vote, to cast a vote in favor of this because I think it is an important amendment.

Also, if I may say, it reflects a goal that I and many others have had for a long time; namely, to have a showing of some bipartisanship. I am hopeful this will draw votes from not only your side of the aisle but this side of the aisle, and it can be viewed as a truly bipartisan amendment. Certainly, you have distinguished cosponsors on it, Senator BROWNBACK, Senator HUTCHISON, Senator SPECTER, and others, so I believe it will be viewed as a bipartisan amendment. And that in and of itself is an important contribution to this debate all around.

Mr. BIDEN. Mr. President, I see the chairman has risen. Does he wish to speak?

Mr. LEVIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to briefly thank and commend the Senator from Delaware for his ongoing leadership in a very critical area, and that is the area of federalism in Iraq. He has made it clear in his amendment, he has made it clear in his remarks that the federalism he is referring to is the federalism which the Iraqis have placed in their Constitution.

Mr. BIDEN. That is correct.

Mr. LEVIN. There is no effort here to impose our view of federalism or an outside view of federalism on the Iraqis. It is their view of federalism, reflected in their own Constitution, that the Senator has viewed as a real potential solution to the violence in the provinces in Iraq.

So I wish to thank the Senator from Delaware, and perhaps at this point, if I could get the attention of the Senator from Delaware, in order to save time later, he and I have entered into a colloquy which doesn't need to be made part of the RECORD at this time, it could be put in the RECORD after the amendment is modified.

So I ask unanimous consent that after the amendment is modified to have printed in the RECORD a colloquy between myself and the Senator from Delaware.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Mr. President, the colloquy which we will offer then at a later time refers to two changes that have been made, or will be offered to the amendment by the Senator from Delaware, modifying his own amendment, which he has a right to do.

The first suggestion I made, which he has readily accepted, is to make it clear the federalism that is being referred to in his language is the federalism in the Iraqi Constitution as it now reads or as it may be amended. In the event that the Iraqis' constitutional commission makes recommendations on that subject, and if those recommendations are accepted by the people, it is their view of federalism, in the current Constitution or in an amended Constitution, the word he added being "final," that he is referring to. I thank him for that.

Also, I thank him for accepting language which makes it clear that the federalism he is referring to is a system of government that allows for the creation of Federal regions. The words that are now added, or would be added when it is modified are "consistent with the wishes of the Iraqi people and their elected leaders."

The reason I propose that is we have to be very clear that what the Senator from Delaware is focusing on is a Federal system which the Iraqi people either have adopted or will adopt. This is something consistent with their wishes, not ours. What we wish them to do is get on with their solutions, their political solutions. What the Senator from Delaware is so properly focusing on, and I think this Nation should be in his debt for it, is the potential of a Federal system as they designed it for addressing their problems.

We have seen the value of federalism here, but it is not our version of it that the Senator is talking about. It is the idea of federalism and how you are able to adjust powers between the central government and regions which has such potential for finally ending the violence in Iraq. He recommends it. We all, I hope, will support that as being a potential solution—not imposed on them but one which they have fashioned in their own Constitution, have adopted in their own Constitution, can amend in their own Constitution. That, it seems to me, is a very valuable contribution for which I commend the Senator.

He can offer, on our behalf, a colloquy at the appropriate time relative to the modification when it is offered.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. I wanted to clarify one thing. Through no fault of the Senator from Delaware—he was under the impression that certain language he agreed to, to change his resolution, had come from me, and he had reason to believe that. It did not come from me, but that is not his mistake. But I did want to clarify the record that the language that he had agreed to had not been language that came from me. For reasons I will not go into at this point, I still have concerns about the resolution as a result. But it is not the fault of the Senator from Delaware that he was under the impression that it was language from me.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I understand. The Senator is correct; I was under a misimpression.

As I understand it, for our colleagues here—and I say to my colleague from Michigan, the chairman, I understand it would accommodate other Senators if we were to set a time certain to vote tomorrow morning on this amendment and, I guess, I don't know, the Lieberman amendment—Lieberman/Kyl. I don't know that. But if it is at all possible, I know it should not be a consideration of the Senate and obviously whatever the Senate's will I would abide by it, but it would be very helpful to me as a practical matter—there are these pesky little Presidential debates that intervene and there is one tomorrow in New Hampshire. If it accommodates the body I would be delighted to do it this evening, but if we could consider doing it at 10 o'clock in the morning, it would be very much appreciated by the

Senator from Delaware—if that is possible.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the situation the Senator has stated is under consideration by the leadership at this very moment and I am hopeful the body can be informed shortly with respect to the leaders' wishes with respect to time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2962, AS MODIFIED; 2870, 2917, 2973, 2095, 2975, 2951, 2978, 2956, 2932, 2979, 2943, 2982, 2981, 2158, 2977, 2962, 2950, 2969, 3021, 2920, 2929, 2197, 2290, 2936, 3007, 2995, 3029, 2980, 3023, 3024, 2963, 3030, AS MODIFIED; 3044, TO AMENDMENT NO. 2011, EN BLOC

Mr. LEVIN. Mr. President, I send a series of 34 amendments to the desk, which have been cleared by myself and the ranking member. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid on the table, and I ask that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2952, AS MODIFIED

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign country referred to in subsection (d) if the Secretary determines either of the following:

(1) That fire resistant rayon fiber for the production of uniforms is not available from sources within the national technology and industrial base.

(2) That—

(A) procuring fire resistant rayon fiber manufactured from suppliers within the national technology and industrial base would result in sole-source contracts or subcontracts for the supply of fire resistant rayon fiber; and

(B) such sole-source contracts or subcontracts would not be in the best interests of the Government or consistent with the objectives of section 2304 of title 10, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30 days after making a determination under subsection (a), the Secretary shall submit to Congress a copy of the determination.

(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

(d) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

(2) does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term "national technology and industrial base" has the meaning given that term in section 2500 of title 10, United States Code.

(f) SUNSET.—The authority under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

AMENDMENT NO. 2870

(Purpose: To require an annual report on cases reviewed by the National Committee for Employer Support of the Guard and Reserve)

At the end of subtitle D of title X, add the following:

SEC. 1044. ANNUAL REPORT ON CASES REVIEWED BY NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE.

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made."; and

(3) in paragraph (5), as so redesignated, by striking "(2), or (3)" and inserting "(2), (3), or (4)".

AMENDMENT NO. 2917

(Purpose: To extend and enhance the authority for temporary lodging expenses for members of the Armed Forces in areas subject to a major disaster declaration or for installations experiencing a sudden increase in personnel levels)

At the end of subtitle A of title VI, add the following:

SEC. 604. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR TEMPORARY LODGING EXPENSES FOR MEMBERS OF THE ARMED FORCES IN AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—Section 404a(c)(3) of title 37, United States Code, is amended by striking "20 days" and inserting "60 days".

(b) EXTENSION OF AUTHORITY FOR INCREASE IN CERTAIN BAH.—Section 403(b)(7)(E) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

AMENDMENT NO. 2973

(Purpose: To express the sense of Congress on the provision of equipment for the National Guard for the defense of the homeland)

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of persistent underfunding of procurement, lower prioritization, and more recently the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled "National Guard Equipment Requirements", outlines the "Essential 10" equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

AMENDMENT NO. 2095

(Purpose: To expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial)

At the end of subtitle D of title VI, add the following:

SEC. 656. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: "When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.".

AMENDMENT NO. 2975

(Purpose: to require a report on the status of the application of the Uniform Code of Military Justice during a time of war or contingency operation)

At the appropriate place insert:

The Secretary of Defense shall report within 60 days of enactment of this Act to House Armed Services Committee and the Senate Armed Services Committee on the status of implementing section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109-364) related to the application of the Uniform Code of Military Justice to military contractors during a time of war or a contingency operation.

AMENDMENT NO. 2951

(Purpose: To require the Secretary of the Navy to make reasonable efforts to notify certain former residents and civilian employees at Camp Lejeune, North Carolina, of their potential exposure to certain drinking water contaminants)

At the end of title X, add the following:

SEC. 1070. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they may have been exposed to drinking water contaminated with tetrachloroethylene (PCE).

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than one year after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they may have been exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR drinking water study of the drinking water contamination to which they may have been exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress makes the following findings:

(A) Notification and survey efforts related to the drinking water contamination described in this section are necessary due to the potential negative health impacts of these contaminants.

(B) The Secretary of the Navy will not be able to identify or contact all former residents due to the condition, non-existence, or accessibility of records.

(C) It is the intent of Congress is that the Secretary of the Navy contact as many former residents as quickly as possible.

(2) ATSDR HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the ATSDR, in consultation with the National Opinion Research Center, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may lead to scientifically useful health information associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to direct notification of individuals described under subsections (a), (b), and (c). Media notification may reach those individuals not identifiable via remaining records; once individuals respond to media notifications, the Secretary will add them to the contact list to be included in future information updates.

AMENDMENT NO. 2978

(Purpose: To require a report on housing privatization initiatives)

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of current housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(2) In each case in which a transaction is behind schedule or in default, a description of—

(A) the reasons for schedule delays, cost overruns, or default;

(B) how solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the transaction to schedule or ensure completion of the terms of the transaction in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to affect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the transaction or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding the opportunities for the Federal Government to ensure that all terms of the transaction are completed according to the original schedule and budget.

AMENDMENT NO. 2956

(Purpose: To express the sense of the Senate on use by the Air Force of towbarless aircraft ground equipment)

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

It is the sense of the Senate to encourage the Air Force to give full consideration to the potential operational utility, cost savings, and increased safety afforded by the utilization of towbarless aircraft ground equipment.

AMENDMENT NO. 2932

(Purpose: To provide for the provision of contact information on separating members of the Armed Forces to the veterans department or agency of the State in which such members intend to reside after separation)

At the end of subtitle C of title X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION ON SEPARATING MEMBERS OF THE ARMED FORCES TO STATE VETERANS AGENCIES.

For each member of the Armed Forces pending separation from the Armed Forces or who detaches from the member's regular unit while awaiting medical separation or retirement, not later than the date of such separation or detachment, as the case may be, the Secretary of Defense shall, upon the request of the member, provide the address and other appropriate contact information of the member to the State veterans agency in the State in which the member will first reside after separation or in the State in which the member resides while so awaiting medical separation or retirement, as the case may be.

AMENDMENT NO. 2979

(Purpose: To express the sense of Congress on the future use of synthetic fuels in military systems)

At the end of subtitle E of title III, add the following:

SEC. 358. SENSE OF CONGRESS ON FUTURE USE OF SYNTHETIC FUELS IN MILITARY SYSTEMS.

It is the sense of Congress to encourage the Department of Defense to continue and accelerate, as appropriate, the testing and certification of synthetic fuels for use in all military air, ground, and sea systems.

AMENDMENT NO. 2943

(Purpose: To require a report on the workforce required to support the nuclear missions of the Navy and the Department of Energy)

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

AMENDMENT NO. 2982

(Purpose: To authorize the establishment of special reimbursement rates for the provision of mental health care services under the TRICARE program)

At the end of title VII, add the following:

SEC. 703. AUTHORITY FOR SPECIAL REIMBURSEMENT RATES FOR MENTAL HEALTH CARE SERVICES UNDER THE TRICARE PROGRAM.

(a) AUTHORITY.—Section 1079(h)(5) of title 10, United States Code, is amended in the first sentence by inserting ", including mental health care services," after "health care services".

(b) REPORT ON ACCESS TO MENTAL HEALTH CARE SERVICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of access to mental health services under the TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 702 of this Act.

AMENDMENT NO. 2981

(Purpose: To require an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration)

On page 530, between lines 10 and 11, insert the following:

SEC. 3126. EVALUATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION STRATEGIC PLAN FOR ADVANCED COMPUTING.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) enter into an agreement with an independent entity to conduct an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration; and

(2) not later than 180 days after the date of the enactment of this Act, submit to the congressional defense committees a report containing the results of evaluation described in paragraph (1).

(b) ELEMENTS.—The evaluation described in subsection (a)(1) shall include the following:

(1) An assessment of—

(A) the role of research into, and development of, high-performance computing supported by the National Nuclear Security Administration in maintaining the leadership of the United States in high-performance computing; and

(B) any impact of reduced investment by the National Nuclear Security Administration in such research and development.

(2) An assessment of the ability of the National Nuclear Security Administration to utilize the high-performance computing capability of the Department of Energy and National Nuclear Security Administration national laboratories to support the Stockpile Stewardship Program and nonweapons modeling and calculations.

(3) An assessment of the effectiveness of the Department of Energy and the National Nuclear Security Administration in sharing high-performance computing developments with private industry and capitalizing on innovations in private industry in high-performance computing.

(4) A description of the strategy of the Department of Energy for developing an extaflop computing capability.

(5) An assessment of the efforts of the Department of Energy to—

(A) coordinate high-performance computing work within the Department, in particular among the Office of Science, the National Nuclear Security Administration, and the Office of Energy Efficiency and Renewable Energy; and

(B) develop joint strategies with other Federal Government agencies and private industry groups for the development of high-performance computing.

AMENDMENT NO. 2158

(Purpose: To ensure the eligibility of certain heavily impacted local educational agencies for impact aid payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 for fiscal year 2008 and succeeding fiscal years)

At the end of subtitle E of title V, add the following:

SECTION 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary of Education shall—

(1) deem each local educational agency that was eligible to receive a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a basic support payment for heavily impacted local educational agencies under such section for the fiscal year for which the determination is made under this subsection; and

(2) make a payment to such local educational agency under such section for such fiscal year.

(b) EFFECTIVE DATES.—Subsection (a) shall remain in effect until the date that a Federal statute is enacted authorizing the appropriations for, or duration of, any program under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) for fiscal year 2008 or any succeeding fiscal year.

AMENDMENT NO. 2977

(Purpose: To provide for physician and health care professional comparability allowances to improve and enhance the recruitment and retention of medical and health care personnel for the Department of Defense)

At the end of subtitle C of title IX, add the following:

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) AUTHORITY TO PROVIDE ALLOWANCES.—

(1) AUTHORITY.—In order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section, enter into a service agreement with a current or new Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

(A) in the case of a Department of Defense physician—

(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

(B) in the case of a Department of Defense health care professional—

(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

(2) TREATMENT OF CERTAIN SERVICE.—(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38, United States Code, or active service as a medical officer in the commissioned corps of the Public Health Service under title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37, United States Code, shall be deemed service as a Department of Defense health care professional.

(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

(1) is employed on less than a half-time or intermittent basis;

(2) occupies an internship or residency training position; or

(3) is fulfilling a scholarship obligation.

(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of service in the Department of Defense specified in such agreement, which period may not be less than one year of service or exceed four years of service.

(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section unless the Secretary of Defense determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

(g) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) ALLOWANCE NOT TREATABLE AS BASIC PAY.—An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, United States Code,

chapter 81 or 87 of such title, or other benefits related to basic pay.

(2) PAYMENT.—Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

(3) CONSTRUCTION WITH CERTAIN AUTHORITY.—The authority to pay allowances under this section may not be exercised together with the authority in section 5948 of title 5, United States Code.

(h) ANNUAL REPORT.—

(1) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a written report on the operation of this section during the preceding year. Each report shall include—

(A) with respect to the year covered by such report, information as to—

(i) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

(ii) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

(iii) the size of the allowances and the duration of the agreements entered into; and

(iv) the degree to which the recruitment or retention problems referred to in clause (i) were alleviated under this section; and

(B) such recommendations as the Secretary considers appropriate for actions (including legislative actions) to improve or enhance the authorities in this section to achieve the purpose specified in subsection (a)(1).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Armed Services and Homeland Security of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) The term "Department of Defense health care professional" means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (G) of paragraph (2).

(2) The term "Department of Defense physician" means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

(A) Section 5332 of title 5, United States Code, relating to the General Schedule.

(B) Subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service.

(C) Section 5371 of title 5, United States Code, relating to certain health care positions.

(D) Section 5376 of title 5, United States Code, relating to certain senior-level positions.

(E) Section 5377 of title 5, United States Code, relating to critical positions.

(F) Subchapter IX of chapter 53 of title 5, United States Code, relating to special occupational pay systems.

(G) Section 9902 of title 5, United States Code, relating to the National Security Personnel System.

(3) The term "qualified health care professional" means any individual who is—

(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled;

(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled; or

(F) any other health care professional designated by the Secretary of Defense for purposes of this section.

(j) TERMINATION.—No agreement may be entered into under this section after September 30, 2012.

AMENDMENT NO. 2962

(Purpose: To implement the recommendations of the Department of Defense Task Force on Mental Health)

On page 175, between lines 10 and 11, insert the following:

SEC. 703. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—As soon as practicable, but not later than May 31, 2008, the Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of psychological health.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-traumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(c) RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any legislative action required to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) RECOMMENDATIONS TO BE NOT IMPLEMENTED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any recommendations of the Department of Defense Mental Health Task Force the Secretary of Defense has determined not to implement.

(e) PROGRESS REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until the date described in paragraph (2), the Secretary shall submit to the congressional defense committees a report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

(2) DATE DESCRIBED.—The date described in this paragraph is the date on which all recommendations of the Department of Defense Mental Health Task Force have been implemented other than the recommendations the Secretary has determined pursuant to subsection (d) not to implement.

AMENDMENT NO. 2950

(Purpose: To require a study and report on the feasibility of including additional elements in the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense)

At the end of title II, add the following:

SEC. 256. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—In conjunction with the development of the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense authorized under this Act, the Secretary of Defense shall conduct a study on the feasibility of including in the required pilot program the following additional elements:

(1) A means to allow each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A means to ensure that the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member.

(3) A means to ensure each recovering service member is able to know when his or her appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(4) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(5) Information that will allow the Secretaries of the military departments and the Under Secretary of Defense for Personnel and Readiness to monitor trends and problems.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

AMENDMENT NO. 2969

(Purpose: To provide for the establishment of a Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries)

At the end of title VII, add the following:

SEC. 703. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries'.

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—(1) The Center shall—

"(A) develop, implement, and oversee a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury incurred by a member of the armed forces in combat that requires surgery or other operative intervention; and

"(B) ensure the electronic exchange with Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A).

"(2) The registry under this subsection shall be known as the 'Military Eye Injury Registry'.

"(3) The Center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

"(4) The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the Center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury described in that paragraph as follows (to the extent applicable):

"(A) Not later than 72 hours after surgery or other operative intervention.

"(B) Any clinical or other operative intervention done within 30 days, 60 days, or 120 days after surgery or other operative intervention as a result of a follow-up examination.

"(C) Not later than 180 days after surgery or other operative intervention.

"(5)(A) The Center shall provide notice to the Blind Service or Low Vision Optometry Service, as applicable, of the Department of Veterans Affairs on each member of the armed forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the armed forces.

"(B) A member of the armed forces described in this subparagraph is a member of the armed forces as follows:

"(i) A member with an eye injury incurred in combat who has a visual acuity of $^{20}/_{200}$ or less in either eye.

"(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of twenty degrees or less.

"(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Military Eye Injury Registry is available to appropriate ophthalmological and optometric personnel of the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye injuries incurred by members of the armed forces in combat.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new item:

"1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.".

(b) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Military Eye Injury Registry established under section 1105a of title 10, United States Code (as added by subsection (a)), such records of members of the Armed Forces who incurred an eye injury in combat in Operation Iraqi Freedom or Operation Enduring Freedom before the establishment of the Registry as the Secretary considers appropriate for purposes of the Registry.

(c) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added), including the progress made in established the Military Eye Injury Registry required under that section.

(d) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on Traumatic Brain Injury Post Traumatic Visual Syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative study on neuro-optometric screening and diagnosis of members of the Armed Forces with Traumatic Brain Injury by military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research on visual dysfunction related to Traumatic Brain Injury.

(e) FUNDING.—Of the amounts available for Defense Health Program, $5,000,000 may be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added).

AMENDMENT NO. 3021

(Purpose: To require a Comptroller General report on actions by the Defense Finance and Accounting Service in response to the decision in Butterbaugh v. Department of Justice)

At the end of subtitle D of title X, add the following:

SEC. 1044. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006-3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the "Uniformed Services Employment and Reemployment Rights Act").

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(9) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(10) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(11) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(12) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(13) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(14) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

AMENDMENT NO. 2920

(Purpose: To require a report on the Pinon Canyon Maneuver Site, Colorado)

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON THE PINON CANYON MANEUVER SITE, COLORADO.

(a) REPORT ON THE PINON CANYON MANEUVER SITE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Pinon Canyon Maneuver Site (referred to in this section as "the Site").

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An analysis of whether existing training facilities at Fort Carson, Colorado, and the Site are sufficient to support the training needs of units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of any new training requirements or significant developments affecting training requirements for units stationed or planned to be stationed at Fort Carson since the 2005 Defense Base Closure and Realignment Commission found that the base has "sufficient capacity" to support four brigade combat teams and associated support units at Fort Carson.

(ii) A study of alternatives for enhancing training facilities at Fort Carson and the Site within their current geographic footprint, including whether these additional investments or measures could support additional training activities.

(iii) A description of the current training calendar and training load at the Site, including—

(I) the number of brigade-sized and battalion-sized military exercises held at the Site since its establishment;

(II) an analysis of the maximum annual training load at the Site, without expanding the Site; and

(III) an analysis of the training load and projected training calendar at the Site when all brigades stationed or planned to be stationed at Fort Carson are at home station.

(B) A report of need for any proposed addition of training land to support units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of additional training activities, and their benefits to operational readiness, which would be conducted by units stationed at Fort Carson if, through leases or acquisition from consenting landowners, the Site were expanded to include—

(I) the parcel of land identified as "Area A" in the Potential PCMS Land expansion map;

(II) the parcel of land identified as "Area B" in the Potential PCMS Land expansion map;

(III) the parcels of land identified as "Area A" and "Area B" in the Potential PCMS Land expansion map;

(IV) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a heavy infantry brigade at the Site;

(V) acreage sufficient to allow simultaneous exercises of two heavy infantry brigades at the Site;

(VI) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a battalion at the Site; and

(VII) acreage sufficient to allow simultaneous exercises of a heavy infantry brigade and a battalion at the Site.

(ii) An analysis of alternatives for acquiring or utilizing training land at other installations in the United States to support training activities of units stationed at Fort Carson.

(iii) An analysis of alternatives for utilizing other federally owned land to support training activities of units stationed at Fort Carson.

(C) An analysis of alternatives for enhancing economic development opportunities in southeastern Colorado at the current Site or through any proposed expansion, including the consideration of the following alternatives:

(i) The leasing of land on the Site or any expansion of the Site to ranchers for grazing.

(ii) The leasing of land from private landowners for training.

(iii) The procurement of additional services and goods, including biofuels and beef, from local businesses.

(iv) The creation of an economic development fund to benefit communities, local governments, and businesses in southeastern Colorado.

(v) The establishment of an outreach office to provide technical assistance to local businesses that wish to bid on Department of Defense contracts.

(vi) The establishment of partnerships with local governments and organizations to expand regional tourism through expanded access to sites of historic, cultural, and environmental interest on the Site.

(vii) An acquisition policy that allows willing sellers to minimize the tax impact of a sale.

(viii) Additional investments in Army missions and personnel, such as stationing an active duty unit at the Site, including—

(I) an analysis of anticipated operational benefits; and

(II) an analysis of economic impacts to surrounding communities.

(3) POTENTIAL PCMS LAND EXPANSION MAP DEFINED.—In this subsection, the term "Potential PCMS Land expansion map" means the June 2007 map entitled "Potential PCMS Land expansion".

(b) COMPTROLLER GENERAL REVIEW OF REPORT.—Not later than 180 days after the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a review of the report and of the justification of the Army for expansion at the Site.

(c) PUBLIC COMMENT.—After the report required under subsection (b) is submitted to Congress, the Army shall solicit public comment on the report for a period of not less than 90 days. Not later than 30 days after the public comment period has closed, the Secretary shall submit to Congress a written summary of comments received.

AMENDMENT NO. 2929

(Purpose: To require a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas)

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON FACILITIES AND OPERATIONS OF DARNALL ARMY MEDICAL CENTER, FORT HOOD MILITARY RESERVATION, TEXAS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A specific determination of whether the facilities currently housing Darnall Army Medical Center meet Department of Defense standards for Army medical centers.

(2) A specific determination of whether the existing facilities adequately support the operations of Darnall Army Medical Center, including the missions of medical treatment, medical hold, medical holdover, and Warriors in Transition.

(3) A specific determination of whether the existing facilities provide adequate physical space for the number of personnel that would be required for Darnall Army Medical Center to function as a full-sized Army medical center.

(4) A specific determination of whether the current levels of medical and medical-related personnel at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(5) A specific determination of whether the current levels of graduate medical education and medical residency programs currently in place at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(6) A description of any and all deficiencies identified by the Secretary.

(7) A proposed investment plan and timeline to correct such deficiencies.

AMENDMENT NO. 2197

(Purpose: To lift the moratorium on improvements at Fort Buchanan, Puerto Rico)

At the end of title XXVIII, add the following:

SEC. 2864. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–355) is repealed.

AMENDMENT NO. 2290

(Purpose: To require a report on funding of the Department of Defense for health care in the budget of the President in any fiscal year in which the Armed Forces are engaged in a major military conflict)

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for such preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

AMENDMENT NO. 2936

(Purpose: To designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center")

On page 354, after line 24, add the following:

SEC. 1070. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

(b) DESIGNATION.—

(1) IN GENERAL.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the "Charlie Norwood Department of Veterans Affairs Medical Center".

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in paragraph (1) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

AMENDMENT NO. 3007

(Purpose: To clarify the requirement for military construction authorization and the definition of military construction)

On page 491, between lines 8 and 9, insert the following:

SEC. 2818. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF MILITARY CONSTRUCTION.

(a) CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION.—Section 2802(a) of title 10, United States Code, is amended by inserting after "military construction projects" the following: ", land acquisitions, and defense access road projects (as described under section 210 of title 23)".

(b) CLARIFICATION OF DEFINITION.—Section 2801(a) of such title is amended by inserting after "permanent requirements" the following: ", or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)".

AMENDMENT NO. 2995

(Purpose: To require a report on the plans of the Secretary of the Army and the Secretary of Veterans Affairs to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia)

On page 326, between lines 17 and 18, insert the following:

SEC. 1044. REPORT ON PLANS TO REPLACE THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the following:

(1) The current plans of the Secretaries with respect to—

(A) replacing the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia; and

(B) disposing of the current monument at the Tomb of the Unknowns, if it were removed and replaced.

(2) An assessment of the feasibility and advisability of repairing the monument at the Tomb of the Unknowns rather than replacing it.

(3) A description of the current efforts of the Secretaries to maintain and preserve the monument at the Tomb of the Unknowns.

(4) An explanation of why no attempt has been made since 1989 to repair the monument at the Tomb of the Unknowns.

(5) A comprehensive estimate of the cost of replacement of the monument at the Tomb of the Unknowns and the cost of repairing such monument.

(6) An assessment of the structural integrity of the monument at the Tomb of the Unknowns.

(b) LIMITATION ON ACTION.—The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).

(c) EXCEPTION.—The limitation in subsection (b) shall not prevent the Secretary of the Army or the Secretary of Veterans Affairs from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for uses related to such monument, subject to the availability of appropriations for that purposes.

AMENDMENT NO. 3029

(Purpose: To require a comprehensive review of safety measures and encroachment issues at Warren Grove Gunnery Range, New Jersey)

At the end of title III, add the following:

SEC. 358. REPORTS ON SAFETY MEASURES AND ENCROACHMENT ISSUES AT WARREN GROVE GUNNERY RANGE, NEW JERSEY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Air Force has 32 training sites in the United States for aerial bombing and gunner training, of which Warren Grove Gunnery Range functions in the densely populated Northeast.

(2) A number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents of New Jersey, including the following:

(A) On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying 5 houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties.

(B) In November 2004, an F-16 Vulcan cannon piloted by the District of Columbia Air National Guard was more than 3 miles off target when it blasted 1.5-inch steel training rounds into the roof of the Little Egg Harbor Township Intermediate School.

(C) In 2002, a pilot ejected from an F-16 aircraft just before it crashed into the woods near the Garden State Parkway, sending large pieces of debris onto the busy highway.

(D) In 1999, a dummy bomb was dumped a mile off target from the Warren Grove target range in the Pine Barrens, igniting a fire that burned 12,000 acres of the Pinelands forest.

(E) In 1997, the pilots of F-16 aircraft uplifting from the Warren Grove Gunnery Range escaped injury by ejecting from their aircraft just before the planes collided over the ocean near the north end of Brigantine. Pilot error was found to be the cause of the collision.

(F) In 1966, a New Jersey Air National Guard jet fighter crashed in a remote section of the Pine Barrens in Burlington County, starting a fire that scorched at least 90 acres of woodland.

(b) ANNUAL REPORT ON SAFETY MEASURES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of the Air Force shall submit to the congressional defense committees a report on efforts made to provide the highest level of safety by all of the military departments utilizing the Warren Grove Gunnery Range.

(c) STUDY ON ENCROACHMENT AT WARREN GROVE GUNNERY RANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a study on encroachment issues at Warren Grove Gunnery Range.

(2) CONTENT.—The study required under paragraph (1) shall include a master plan for the Warren Grove Gunnery Range and the surrounding community, taking into consideration military mission, land use plans, urban encroachment, the economy of the region, and protection of the environment and public health, safety, and welfare.

(3) REQUIRED INPUT.—The study required under paragraph (1) shall include input from all affected parties and relevant stakeholders at the Federal, State, and local level.

AMENDMENT NO. 2960

(Purpose: To require a report on the establishment of a scholarship program for civilian mental health professionals)

At the end of title VII, add the following:

SEC. 703. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP PROGRAM FOR CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Surgeons General of the Armed Forces, shall submit to Congress a report on the feasibility and advisability of establishing a scholarship program for civilian mental health professionals.

(b) ELEMENTS.—The report shall include the following:

(1) An assessment of a potential scholarship program that provides certain educational funding to students seeking a career in mental health services in exchange for service in the Department of Defense.

(2) An assessment of current scholarship programs which may be expanded to include mental health professionals.

(3) Recommendations regarding the establishment or expansion of scholarship programs for mental health professionals.

(4) A plan to implement, or reasons for not implementing, recommendations that will increase mental health staffing across the Department of Defense.

AMENDMENT NO. 3023

(Purpose: To improve the Commercialization Pilot Program for defense contracts)

At the end of title X, add the following:

SEC. 10___. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: "The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).";

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

"(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

"(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

"(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

"(6) GOAL FOR SBIR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

"(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

"(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

"(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary."; and

(4) in paragraph (8), as so redesignated, by striking "fiscal year 2009" and inserting "fiscal year 2012".

AMENDMENT NO. 3024

(Purpose: To improve small business programs for veterans, and for other purposes)

(The amendment (No. 3024) is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 2963

(Purpose: To authorize the Secretary of the Army to use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana for the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center)

At the end of title XXVI, add the following:

SEC. 2611. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

For the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center for which funds are authorized to be appropriated in this Act in Baton Rouge, Louisiana, the Secretary of the Army may use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana at a location determined by the Secretary to be in the best interest of national security and in the public interest.

AMENDMENT NO. 3030, AS MODIFIED

On page 510, strike lines 1 through 7 and insert in lieu thereof the following:

SEC. 2862. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking "that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath" and inserting "that are beneath"; and

(2) by adding at the end the following new subsection:

"(e) SUNSET DATE.—This section shall expire on October 1, 2013.".

AMENDMENT NO. 3044

(Purpose: To prohibit the use of earmarks for awarding no-bid contracts and non-competitive grants)

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such

grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. Chairman, there will be no more votes tonight. We have tried to work something out on the Kyl-Lieberman amendment and the Biden amendment. We have been unable to do that.

We have been very close a few times, but we have just been informed that Senator BIDEN will not have a vote anytime in the near future. There will not be a vote on the other one anytime in the near future. We hope tonight will bring more clearness on the issue.

But right now, I think it is fair to say there will be no votes tonight.

Does the Senator from South Dakota have any comments?

Mr. THUNE. No, I do not. I would say to the leader, that is good for our Members to know. We have Members who have been inquiring whether they will be able to vote.

Mr. REID. Let me say this: One thing I have done is, anytime I know there is going to be no votes, Senator MCCONNELL is the first to know. If there is a Monday we are not going to have votes, I let everybody know; nighttime vote. I think that has worked pretty well. There are no surprises.

Now, sometimes things just do not work out. But anytime we decide, on this side, the majority, there are not going to be votes, Senator MCCONNELL knows. That is an arrangement I made with him. I have stuck to that for the last 8 months.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURMA

Mr. DURBIN. Mr. President, for the last several months I have been coming to the floor with some frequency to speak about the tragic events in Darfur. That ongoing humanitarian crisis is a constant reminder of how many in this world still live under tragic circumstances and brutal governments.

Yet the human spirit continues to fight for change, even under these difficult conditions, something that has been so movingly evident in the recent days in the country of Burma. During the last week, the world has watched as thousands of Burmese have peacefully called for political change in one of the world's most repressive countries. Reuters reported today that 10,000 Buddhist monks continue to march through the largest city, Rangoon, chanting "democracy, democracy."

The streets are lined with between 50,000 to 100,000 clapping, cheering supporters. I speak today to lend my support to these peaceful protests and call on the Burmese military to immediately begin working with Nobel Prize winner Aung San Suu Kyi and U.N. Envoy Ibrahim Gambari to bring about a peaceful transition to real democracy in Burma. It should also unconditionally release all political prisoners.

I also call on the Government of China to use its special relationship with the Burmese Government to constructively foster these long overdue changes. As a permanent member of the U.N. Security Council, China has a particular responsibility to take action and to do it rapidly.

Sadly, this tragedy has been going on for way too long. Following decades of totalitarian rule, the Burmese people, in 1998, began widespread protests for greater democracy, 9 years ago.

The military responded by seizing power and brutally suppressing the popular movement. Two years later, the military government allowed relatively free elections. Aung San Suu Kyi, despite being under house arrest, led her National League for Democracy Party to an overwhelming victory that captured more than 80 percent of the seats in Parliament. Yet to this date, 16 years later, the military has refused to recognize the sweeping democratic mandate by the Burmese people. Sixteen years after a landslide victory, they still wait for the results of the election to be followed.

Can any one of my colleagues in the Senate even imagine being so brazenly denied representation. Following the vote, those elected from her party attempted to take office. The military responded by detaining hundreds of members of the Parliament-elect and other democracy activists. Many remain under arrest even today, with estimates of well over 1,000 political prisoners. Conditions for these prisoners are horrible. Aung San Suu Kyi has been under house arrest for the majority of the last 16 years.

During the last two decades, the Burmese military has created an Orwellian state, one where simply owning a fax machine can lead to a harsh prison sentence. Government thugs beat a Nobel laureate for simply speaking in public. Forced labor and resettlement are widespread. Government-sanctioned violence against ethnic minorities, rape and torture are rampant.

The military suddenly moved the capital 300 miles into the remote interior out of fear of its own people, and the state watches over all aspects of daily life in a way we thought was almost forgotten in today's world.

Under military rule the country has plunged into tragic poverty and growing isolation. The educational and economic systems have all but collapsed. The military is hidden under the facade of a prolonged constitutional drafting process that is a sham.

The junta has no intention of ever allowing a representative government. All the while, it displays its naked fear of its own people as it keeps Aung San Suu Kyi under house arrest. It is understandable that the Burmese people are demanding change. Even after Suu Kyi's husband Michael Aris was diagnosed with cancer in London in 1997, the military would not allow him to visit his wife. The junta would allow her to leave Burma to visit him but, undoubtedly, would never let her return.

She refused to leave because of her dedication to the Burmese people. Sadly, her husband, Michael Aris, died in 1999 without having seen his wife for more than 3 years. Leaders from around the world have spoken in support of her and about the need for change in Burma. Presidents George Bush and Bill Clinton, as well as Senators FEINSTEIN and MCCAIN, have all voiced repeated concerns. Earlier today, my colleague, Senator MCCONNELL, shared similar concerns on the floor of the Senate.

In 1995, then U.S. Ambassador to the U.N. Madeleine Albright became the first Cabinet level official to visit Aung San Suu Kyi in Burma since the original Democratic upheavals. Later, as Secretary of State, she continued to advocate for change in Burma, at one point saying its government was "among the most repressive and intrusive on earth."

The sweeping calls for change are truly global. South African archbishop and Nobel laureate Desmond Tutu and former Czech President Vaclav Havel have called on the U.N. to take action in Burma.

In December 2000, all living Nobel Peace laureates gathered in Oslo to honor fellow laureate Aung San Suu Kyi. In May of this year, the Norwegian Prime Minister released a letter he organized with 59 former heads of state from five continents calling for her release and the release of all Burmese political prisoners. Now thousands of extraordinarily brave Burmese monks and everyday citizens are filling the streets of Burma. They are saying it is time for peaceful change. In recent days, the monks even reached Suu Kyi's heavily guarded home where witnesses said she greeted them at her gate in tears.

One need only look at the dramatic images being shown on television and on the front pages of newspapers around the world to see the bravery and dignity of these peaceful protesters.

This is a Reuters photograph. It is so touching to look at this demonstration in Burma, monks and supporters literally risking their lives fighting for democracy, fighting for the release of Aung San Suu Kyi and the Burmese prisoners. We are hoping this force in the streets, a force for peace, a force for change, will prevail. We salute their courage, and let the Burmese military know they can't get by with this forever. I want the Burmese people to know the world knows what is happening in their country. There is strong support in the Senate among Republicans and Democrats for peaceful change and democratic government. To those in Burma fighting for peaceful democratic change, our message is simple—we are with you. I call on the Burmese military to immediately release Aung San Suu Kyi and all Burmese political prisoners, to respect peaceful protests of its own citizens, and begin a timely transition to democratic rule. The eyes of the world are watching.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. THUNE. Mr. President, this is now day 14 of debate on the Defense authorization bill. It is day 14 of the current debate. We have all been on this bill for a good number of days previously earlier this year. During the same time that we have been debating this for the past 14 days and over the course of the several months that have languished in between our last debate on Defense authorization, we have commanders and troops in the field who have been fighting bravely our terrorist enemies and fulfilling their mission with courage and professionalism.

By contrast, we in the Senate are redebating old arguments and revoting on amendments that have previously been rejected. In fact, last week most of the amendments offered by our colleagues on the Democratic side had previously been voted on, and the result this time around was essentially the same as the result when we voted on these amendments previously. In fact, we voted now for the second and third time on arbitrary withdrawal dates, on cutting off funding for our war efforts, on changing the mission from that recommended by our commanders, and on other attempts to micromanage our war efforts from the floor of the Senate. Now we may be forced to vote on hate crimes legislation which has no relevance to or place in the Defense authorization bill.

Congress should not and Congress cannot legislate our war strategy, nor do we have the expertise or constitutional authority to micromanage the war. American generals in Iraq, not politicians in Washington, should decide how to fight this war.

I don't condemn my colleagues for a minute for their legitimate Iraq policy positions. As Senators, we have the right to offer amendments. But again, this is not the time to abandon our military efforts in Iraq or to attempt to micromanage our military strategy from thousands of miles away. The current Iraq policy debate taking place on the Defense authorization bill has already dangerously delayed this critical legislation. We all support our troops. This bill contains critical provisions that directly support our men and women in uniform.

Specifically, while we have been redebating and revoting on amendments for the second and third time, the Defense authorization bill waits for final action. What does it do? This bill directly supports our men and women in uniform. It increases the size of the Army and the Marine Corps. It provides increased authorization to purchase more Mine Resistant Ambush Protected armored vehicles, otherwise known as MRAPs, which will save more lives. It provides a much needed 3.5-percent pay raise for our troops. It further empowers the Army and Air Force National Guard as they continue their critical role in our warfighting efforts. And it includes the badly needed Wounded Warrior legislation that will address the broader issues of patient care which we saw manifested at Walter Reed.

As a member of the Armed Services Committee, I am committed to seeing this bill pass the floor of the Senate. It would be a complete failure of leadership on our part if we failed to pass this vital measure while our men and women are engaged in conflict. Unfortunately, this bill has been bogged down by politically motivated Iraq votes the Senate has taken many times before. Again, I understand the legitimate differences of opinion others may have on our strategy in Iraq, but it demonstrates a lack of seriousness about the enemy we face and the needs of our men and women in uniform to be here after 14 days of debate and not to have passed this critical legislation, particularly as we come up against the end of the fiscal year on September 30.

It is time to put the politics aside. It is time to put aside the nondefense related amendments. Every day, our men and women in uniform are out there making us proud with their courage and dedication to their mission. We should be here doing our job making sure we are supporting them by passing this critical legislation.

There are some legitimate amendments related to the underlying bill that we have debated at length, but there are also a lot of amendments that are unrelated to the underlying bill. Switching gears and moving to hate crimes legislation or to restart the immigration debate on the Defense authorization bill, in my view, would be a mistake. It would demonstrate a lack of leadership and a lack of good judgment on our part when we have men and women in the field who are fighting every single day. We need to make sure we get them a Defense authorization bill that gives them the pay raise they deserve, that addresses the equipment needs they have, that deals with the Wounded Warrior legislation, and that cares for our veterans when they come back from that conflict. There are so many important things in this underlying bill that we need to deal with, and we need to deal with them in a timely way.

I would hope that as the debate gets underway again tomorrow, we will be able to come to some final conclusion about this bill and get it passed into law without having to get bogged down in what are ancillary and unrelated issues, many of which are now, at this late juncture, being brought forward.

I urge my colleagues on both sides to do what is in the national interest, the right thing for our men and women in uniform; that is, to pass a Defense authorization bill that addresses their fundamental needs to make sure they have the funding and support, training and equipment they need to do their jobs and complete their mission.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHIP

Mr. CASEY. Mr. President, I rise to talk about an issue we have debated for many months on the floor of the Senate. It has been debated in the other body, and it has been debated a lot of places across the country. The issue is children's health insurance.

We have a vehicle in place to make sure that not only do the 6.5 million children who are covered already under the program maintain their coverage all across the country, but in particular with this legislation, this bipartisan legislation, the Senate bill, which a couple of weeks ago we saw got 68 votes—the Presiding Officer and others in this body know it is hard to get 68 votes on anything, especially something as significant as children's health insurance. But that was a resounding vote in favor of a policy which will make sure we cover those 6.5 million children but add substantially to that to the point where this legislation would allow us to make sure 10 million American children have health insurance. We have a vehicle. We have a program that works. We have bipartisan consensus from across the board, even beyond parties. We have people who don't agree on much in legislation over the course of a year or two agreeing on this. There is strong support across America for it, certainly in my State of Pennsylvania, certainly in the State of New Jersey. But all across America we see support from virtually every corner.

There is only one problem. Despite the bipartisan consensus which exists here and in the other body, the President has threatened and seems determined to veto this legislation. For the life of me, I can't understand that. I can't understand why the President would say that he supports reauthorizing the program, that he thinks the program is good and it works, but he will not support a bipartisan consensus. This makes no sense, especially since States across America have had this kind of insurance in place for many years. In Pennsylvania, we have about 160,000 children covered right now, maybe a little more. We could increase that substantially over the next 5 years to add another 140,000 or more. So instead of having 160,000 kids covered, we get 300,000 children in Pennsylvania covered.

We know this doesn't end the discussion. We know there will still be children who won't be covered. Even if we get to that 10 million number, we know there will be millions of children, maybe as many as 5 million, who are not covered. So we can't rest just on the foundation of this legislation.

I plead with the President, don't veto legislation that will provide 10 million American children with the health care they should have, the health care their parents and their communities have a right to expect but also the health care for children in the dawn of their lives which, beyond what it does for that child, which is obvious, I think there is a strong moral argument, but even beyond that argument, what this will do for the American economy years into the future.

These children, if they get the kind of health care and early learning we all support, will do better in school. They will achieve more. They will learn more. And if they learn more, they can earn more. We know there are CEOs across the country who understand this investment in our children is an investment in our economic future.

I join a lot of people in this Chamber in both parties who worked very hard to get 68 votes for this legislation. There was a lot of tough negotiating in the Senate Finance Committee, where the vote, I think, was 17 to 4 way back in the summer. There is the work that has been done in the House and the work that has been done between both bodies to get this right.

I ask anyone who has an interest in this legislation across the country—or anywhere someone is following this issue—to urge the President not to veto children's health insurance that will cover 10 million American children.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

AMENDMENT NO. 3047

CLOTURE MOTION

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 1585, that the amendments to the substitute be laid aside, and the Senate proceed to the Hatch amendment No. 3047; that the cloture motion at the desk on the amendment be considered as having been filed and reported, and the Senate then resume the regular order regarding the bill, and then return to morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3047) is as follows:

AMENDMENT NO. 3047

(Purpose: To require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials)

At the appropriate place in the substitute add the following:

SEC. ___. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term "relevant offense" means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

CLOTURE MOTION

The cloture motion having been presented under rule XXII is as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Hatch amendment No. 3047 relating to hate crimes to Calendar No. 189, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

Mitch McConnell, Orrin Hatch, Pete Domenici, John Barrasso, Trent Lott, Tom Coburn, Jon Kyl, Mike Crapo, Judd Gregg, Kay Bailey Hutchison, Johnny Isakson, John Thune, Lindsey Graham, Wayne Allard, C.S. Bond, Bob Bennett, Michael B. Enzi.

Mr. CASEY. Mr. President, I rise to speak on the amendment that I have filed to H.R. 1545, the National Defense Authorization Act for fiscal year 2008. My amendment expresses the sense of Congress that an appropriate site be established within the Arlington National Cemetery for a small memorial to the memory of the 40 members of the U.S. Armed Forces who perished in an airplane crash at Bakers Creek, Australia, on June 14, 1943. A similar provision is already included in the House version of the fiscal year 2008 DOD authorization bill, and so it is important for the Senate to declare its support for this worthy cause.

On June 14, 1943, a B-17C Flying Fortress aircraft was transporting a group of U.S. servicemen from the city of Mackay in Queensland, Australia. The 35 servicemen, accompanied by six crew members, were returning to the jungle battlefields of New Guinea to continue their brave fight against the enemy Japanese forces. They had spent approximately 10 days in Mackay enjoying a much needed break at American Red Cross rest and recreation facilities, whose location in Australia was not widely known at the time. The aircraft lifted off into a fog and, 5 minutes after takeoff, crashed 5 miles south at Bakers Creek, killing everyone on board except for a sole survivor.

To this day, the cause of the crash remains a mystery. History books, to a certain extent, have obscured this event even though it remains the deadliest plane crash in Australian history. There is a reason for that. The press was not allowed to report the crash when it occurred—owing to wartime censorship laws. The relatives of those who perished received telegrams from the U.S. War Department only stating that their loved ones had been killed somewhere in the South West Pacific. Secrecy shrouded this plane crash because the U.S. military was not eager to either tip off nearby Japanese forces on the presence of U.S. troops in Australia or feed enemy propaganda. For that reason, this plane crash that has proved to be the worst single airplane crash in the South West Pacific theater during World War II—remained an official secret for 15 years after the end of the war.

The amendment before the Senate today would seek to provide a lasting tribute to the bravery and dedication of these young American men. It would establish the sense of the Congress that a permanent memorial, modest in size and nature, should be located at an appropriate place in Arlington National Cemetery. For too long, the truth on how these young men died in the service of their Nation has been hidden away—albeit for understandable reasons. Next June 14, 2008 will mark the 65th anniversary of the forgotten tragedy. Now is the time to mark their sacrifices with the proper level of respect and reverence.

The memorial to honor the lives and sacrifice of these 40 American heroes has already been constructed, yet it lies on foreign soil. The memorial, built by Codori Memorials of Gettysburg, PA, today stands on the grounds of the Australian Embassy here in our Nation's Capital. It is a very small memorial—5 feet 2 inches high and 4 feet wide at the base, occupying only 5½ square feet of land. We thank Ambassador Dennis Richardson and the Government of Australia for so graciously hosting this memorial; we are reminded of the long-standing alliance between our two great nations. Yet it is time for the official memorial to these American heroes to come home, to be welcomed at Arlington National Cemetery where it can take its rightful place among our fallen heroes.

Each of the 40 Americans who perished in this crash is a true hero who gave their lives to the cause of our Nation. To date, the Bakers Creek Memorial Association has located the families of 38 of the 40 casualties. They continue to search for relatives of the remaining two soldiers to notify them of the specifics surrounding their loved one's deaths.

I wish to claim prerogative on behalf of my home State to take note of the six Pennsylvanians killed in this tragic crash. Each of their families still resides in Pennsylvania. Their names and hometowns are as follows: PFC James E. Finney, Erie, PA; TSGT Alfred H. Frezza, Altoona, PA; SGT Donald B. Kyper, Hesston, PA; PFC Frank S. Penksa, Moscow, PA; PFC Anthony Rudnick, Haddon Heights, PA; CPL Raymond H. Smith, Oil City, PA

I am joined in this effort by Senator SPECTER. It is time to do right by these forgotten American heroes and give them and their families a memorial at Arlington National Cemetery that is worthy of their valor, worthy of their honor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now return to morning business.

RECOGNIZING NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today in recognition of the 14th annual National Public Lands Day, which will be celebrated on Saturday, September 29. I am pleased to acknowledge the efforts of volunteers around the Nation who will come together to improve and restore one of America's most valuable assets, our public lands.

National Public Lands Day has fostered communities of volunteers around the Nation. When it started in 1994, there were 700 volunteers working in only a few areas. This year nearly 110,000 volunteers will work at more than 1,300 locations to protect public land for the enjoyment of future generations. The spirit that guided the Civilian Conservation Corps in the early 1930s continues today in National Public Lands Day, our latest commitment to care for our country's natural resources.

Our Nation has a grand tradition of conservation. When Yellowstone National Park was established in 1872, it was the world's first national park. The idea of a national park was an American invention of historic proportions that led the way for global conservation efforts. One of the earliest and most energetic conservationists was President Teddy Roosevelt. He dedicated 194 million acres of national parks and national preserves, which set a lofty standard for all who follow.

Over one-third of America is public land. They are places of continuous discovery, where we go to find ourselves, to uncover our history, and to explore for new resources. We are not the only ones to visit our public lands: millions of tourists, many from overseas, enjoy our national parks every year.

Our public lands are part of who we are and their diversity reflects our identity. In many areas, they provide timber, ore, and forage that are the economic bedrock of rural America. In other areas, Congress has designated them as wilderness, places "untrammeled by man, where man is a visitor who does not remain."

I want to recognize the thousands of Federal employees who manage these lands year-round. The Bureau of Land Management, Forest Service, Fish and Wildlife Service, National Park Service, and other Federal land management agencies ensure that public lands in Nevada meet the changing needs of our communities. They provide a vital, though rarely reported, service to our Nation, managing our public lands for our children and grandchildren.

National Public Lands Day encourages volunteers to join in that service. Across Nevada, at places like the Black Rock Desert, Lake Mead, Boundary Peak, Sloan Canyon and the Truckee River, volunteers will work to improve our public lands. This year's focus is the defense of native species from invasive weeds. Noxious weeds are a serious problem that has plagued the West for years. Exotic weeds push out native plants and provide plenty of fuel for wildfires. In Nevada, we know about this threat all too well. National Public Lands Day volunteers in Elko, NV, will help to repair the damage from last year's record-setting fire season.

The preservation of our public lands is a priority for me. Our public lands are part of what makes the United States a great Nation. I voice my gratitude to all who will participate in National Public Lands Day this year.

CORRECTION FOR THE RECORD

Mr. GREGG. Mr. President, I wish to correct a press release issued by my office on August 2, 2007. In this release, we correctly quoted Senator BAUCUS during the SCHIP debate when he stated, "We're the only country in the industrialized world that does not have universal coverage. I think the Children's Health Insurance Program is another step to move toward universal coverage."

Due to a misplaced quotation mark in the release, the following statement I made on the floor was included in the same quotation attributed to Senator BAUCUS: "Everyone realizes that the goal of this legislation moves us a giant step further down the road to nationalizing healthcare, which would result in a drop in quality and in rationing." Although this is an accurate quote, it should have been attributed to me and not Senator BAUCUS, and I apologize for any confusion that our press release may have created.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

THE UNITED STATES AND THE UNITED NATIONS

• Mr. OBAMA. Mr. President, I rise to discuss the United Nations General Assembly. Today, as President Bush prepares to speak before the United Nations General Assembly, we are reminded both of the great potential of American leadership to enhance global security and prosperity and, tragically, of how much ground we have lost in recent years in fulfilling that potential. That ground can only be regained with new, bold, and visionary American leadership that acknowledges past mistakes, embodies and embraces change, and unifies our country to meet the challenges of the 21st century.

America has surmounted far greater hurdles before, renewing itself and leading the world towards shared security and common progress. That is the story of the founding of the United Nations. Its original architect, President Franklin D. Roosevelt, died weeks before the U.N.'s inaugural meeting in San Francisco. Roosevelt never had the opportunity to address the U.N. General Assembly, but his legacy speaks volumes. As American power reached new heights and Allied forces swept across Europe and the Pacific islands to free the world from tyranny, Roosevelt laid the foundations for a new era of collective security by creating a new institution that aimed to guarantee the peace and protect the basic rights of all human beings.

Stalin's obstruction created stalemate in the United Nations, but the United States was not deterred. American presidents created new institutions, like NATO, and encouraged others, including the European Economic Community, to advance the principles and mandate of the U.N. Charter. In the decades that followed, the United States led and listened, gained by being generous, and ultimately prevailed in the struggle with totalitarianism.

Today, it is fashionable in some circles to bash the United Nations. This is all too easy to do, but it is also shortsighted and self-defeating. The United Nations is, we should recall, an American creation. It is also a commonsense vehicle to share global burdens and costs. Despite its evident flaws and failings, the U.N. remains essential to advancing U.S. interests, enhancing global security, spurring development, and providing food, medicine, and lifesaving assistance to the world's most needy every day.

The U.N.'s work in development addresses the dire needs of 1 billion people living in extreme poverty. It is the U.N., funded in part by the generosity of America's taxpayers, that prepares and monitors elections in more than 30 countries and assists fragile new democracies. It is the U.N., funded in part by the generosity of America's taxpayers, that feeds the famished and shelters 20 million refugees fleeing conflict and natural disaster. It is the U.N., funded in part by the generosity of America's taxpayers, that has convened the world's leaders on the urgent issue of climate change. It is the U.N., funded in part by the generosity of America's taxpayers, that strengthens global health and has helped reduce child mortality to its lowest level in history.

Today, the U.N. has more peacekeepers than ever—over 100,000—deployed in 18 missions around the world. Only a small handful are Americans. Since September 11, 2001, more than 700 men and women have lost their lives serving on U.N. peace operations to protect fragile post-conflict transitions in the Great Lakes region of Africa, Afghanistan, Lebanon, Haiti, Sudan, and elsewhere. We should not forget that one of the first terrorist attacks in Iraq targeted the U.N. compound in August of 2003 and resulted in the murder of 22 people, including U.N. Envoy Sergio Vieira de Mello.

No country has a greater stake in a strong United Nations than the United States. That is why it is particularly painful when the U.N. falls short not only of its potential but also of the principles expressed in the U.N. Charter. All too often, member states use U.N. processes as a means to avoid action rather than a means to solve problems. In recent years, U.N. member states have failed to act swiftly or decisively to end the genocide in Darfur.

The Human Rights Council has passed nine resolutions condemning Israel, a democracy with higher standards of human rights than its accusers, but none condemning any other country. The Council has dropped investigations into Belarus and Cuba for political reasons, and its method of reporting on human rights allows the Council's members to shield themselves from scrutiny. The oil-for-food scandal revealed the extent of corruption in the institution and the extent of member states' willingness to tolerate it. Although U.N. operations are often greeted as legitimate, their inefficiencies or misdeeds can turn local people against them.

Progress and renewal will come from reform, not neglect. In the 1940s, the international community with American leadership created the United Nations to meet the needs of their times, but its leaders well understood that time would not stand still. Today, we face a world that is dramatically different than that of 1945. Decisionmaking procedures designed for a world of some 50 nations must now accommodate almost 200. Some of the old rules are harmless. The General Assembly meets when it does because this was when the steamships used to arrive in New York harbors. But some of the procurement and hiring rules have slowed and encumbered multifaceted peace operations that depend on nimbleness and efficiency for success.

Most of the gravest threats faced by the United States are transnational threats: the proliferation of weapons of mass destruction, terrorism, climate change, and global pandemics like HIV/AIDS. These threats are bred in places marked by other transnational challenges: mass atrocities and genocide, weak and failed states, and persistent poverty. By definition, these are challenges that no single country can manage. America's national security depends as never before upon the will and capacity of other states to deal with their own problems and to take responsibility for tackling global problems. A strong and competent United Nations is more vital than ever to building global peace, security, and prosperity.

The United States must champion reform so the United Nations can help us meet the challenges of the 21st century.

The United Nations must step up to the challenge posed by countries developing illicit nuclear programs. The largest test of our resolve on this grave matter is in Iran, where leaders appear resolved to ignore their responsibilities to the international community. The United Nations must send a clear message to Tehran that if Iran verifiably ends its nuclear program and support for terrorism, it can join the community of nations. If it does not, it will face tougher sanctions and deeper isolation. To this end, all U.N. sanctions against Iran must be fully enforced in order to ensure their effectiveness in pressuring Iran to halt its illicit nuclear program, which has all the hallmarks of an attempt to acquire nuclear weapons.

Governments willing to brutalize their own people on a massive scale cannot escape sanction by the international community. The U.N., joined by the United States, has endorsed the responsibility to protect—the right and responsibility of the international community to act if states do not protect their own people from genocide, war crimes, ethnic cleansing, and crimes against humanity. But, there is a huge gap between words and deeds. Governments must replace their willingness to talk about the abstract "responsibility to protect" with an actual willingness to exercise that responsibility. And they should start in Darfur.

The United States should seek to reform the U.N. Human Rights Council and help set it right. If the Council is to be made effective and credible, governments must make it such. We need our voice to be heard loud and clear, and we need to shine a light on the world's most repressive regimes, end the Council's unfair obsession with Israel, and improve human rights policies around the globe.

We need ambassadors to the U.N. who will represent all of America, not an ideological fringe, who will forge coalitions with others, not isolate America, and who will work tirelessly to strengthen the U.N.'s capacity, not revel in weakening it.

The U.S. needs to lead the effort to reform and streamline the U.N.'s bureaucracy, increase efficiency and root out corruption. Managing urgent and high-stakes transnational challenges will be difficult under the best of circumstances. Just as we must demand professionalism, rigor, and accountability from officials in our own government, we must not ask less of those who serve the global good.

Congress needs to support the U.N. with the resources it deserves and abide by the commitments we have made. The Bush administration's record on the payment of dues is uneven, which has depleted the U.N.'s capabilities and sent a signal that this administration does not respect its purpose or its promise. We must guarantee full and prompt payment of our U.N. dues. At the same time, the U.N. and its member states have to uphold their end of the bargain. Too often, we have seen resources wasted or spent to protect parochial interests. It is time to ensure that the U.N.'s money is well spent.

We should not merely react to crises once they occur. By working through the U.N., as well as other multilateral agencies and private organizations, the United States can do more to prevent mass violence from occurring in the first place. Combining effective diplomacy and economic assistance or, when necessary, sanctions can help forestall crises that undermine regional and international security.

The U.N. is ultimately an instrument of its member states. Its future is in our hands. Let us provide bold and effective leadership to reinvigorate it so it finally achieves the potential that Roosevelt envisioned and on which our common security and common humanity depend.●

DEDICATION OF THE ARNOLD UNITED STATES COURTHOUSE

Mr. PRYOR. Mr. President, I would like to draw the Senate's attention to a dedication ceremony occurring on September 28, 2007, in Little Rock, AR. The Richard Sheppard Arnold U.S. Courthouse, located at 500 West Capitol Avenue, is named after one of Arkansas's rarest of men. Judge Arnold intertwined great skill in law with unmatched integrity and character.

The late Supreme Court Justice William J. Brennan, Jr., once described his former law clerk as "one of the most gifted members of the federal judiciary." Other colleagues point to Judge Arnold as a lifetime teacher, master of the written word, and a model of humility. In his obituary, which he wrote, Judge Arnold said that he thought if he left a mark on the world at all, it would be in his written opinions. However, he concluded that his administrative assignments were his most significant achievements. His legal career began at Yale College, where he earned a bachelor's degree summa cum laude in 1957 followed by graduation magna cum laude from Harvard Law School in 1960.

Immediately out of law school, he served as a law clerk to Justice Brennan before joining the Washington, DC, office of Covington & Burling, also serving as a part-time instructor at the University of Virginia Law School. In 1964, he returned to Texarkana, AR, as a partner at Arnold & Arnold. During this time, he also began working as a legislative secretary to Governor Dale Bumpers and later moved to Washington, DC, when Bumpers was elected U.S. Senator.

Judge Arnold's reputation for judicial brilliance and impeccable civility advanced while he served as the U.S. District Judge for the Eastern and Western Districts of Arkansas. He was confirmed again in 1980 when President Carter nominated him to a new seat on the U.S. Court of Appeals for the Eighth Circuit. Judge Arnold served as chief judge from 1992 to 1998.

In addition to his work on the bench, Judge Arnold's service and leadership extended into countless civic, political, and educational projects. He was the recipient of numerous awards, most notably the 1996 Environmental Law Institute Award, Award for Service to Women in the Law from the St. Louis Women Lawyers Association in 1998, the Edward J. Devitt Distinguished Service to Justice Award in 1999, and the Meador-Rosenberg Award for the Standing Committee on Federal Judicial Improvements of the American Bar Association in 1999. He also received honorary doctor of law degrees from the University of Arkansas, the University of Arkansas at Little Rock, and the University of Richmond. He is also the author of many legal articles in many of the Nation's most respected law reviews and journals.

The American Law Institute cites Judge Arnold's accomplishments as "remarkable by any measure" and then adds "they neither capture nor define the quality and spirit of the man who achieved them." The same is true for this courthouse. It cannot fully honor Judge Arnold for his contributions to society, but it does serve as a standing and strong reminder of an extraordinary Judge and the justice he pursued in and out of the courtroom.

50TH ANNIVERSARY OF DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL

Mr. KENNEDY. Mr. President, today the Nation celebrates the 50th anniversary of the court order requiring desegregation of Little Rock Central High School. It was a case that shocked the Nation with its graphic illustration of the horrors of Jim Crow and the very real limits it placed on the educational opportunities of millions of American children. On September 25, 1957, the Little Rock Nine were finally allowed to enter their classrooms, but only with the aid of Federal troops.

Although the students were enrolled that day, the actual process of desegregating Little Rock High School took far longer. These courageous young students had to endure taunts and abuse from their White classmates, and late night phone calls threatening violence against their families. They realized they carried the weight of their communities' futures on their young shoulders.

The effort to fully integrate the Nation's schools continued long after these first African-American students graduated, and it was not until this year that a court declared the school district fully integrated. This process of racially integrating America's public schools was repeated, if in less dramatic ways, throughout the Nation in the 1960s and 1970s.

The 50th anniversary is a reminder that the Nation has sacrificed a great deal to achieve integration, and with great success. Since the historic decision in Brown v. Board of Education in 1954, the march of progress has brought the Nation closer to its high ideals of liberty and justice for all. The struggle for equal educational opportunity has been at the heart of that march of progress, because education is the key to achieving true opportunity in all areas of American society. Education is a powerful force for increasing economic opportunity, combating residential segregation, exercising the right to vote, and fully integrating all our people into the fabric of American life.

When Robert Kennedy served as Attorney General, the effort to desegregate schools was one of his most important priorities, because he understood so well that in the context of segregation, justice delayed is justice denied.

In the past half century, we have come far, but hardly far enough. Civil rights is still the unfinished business of America. In many schools, formal integration has not brought full equality in the classroom. The troubling reports of racial violence and discriminatory discipline in Jena, LA, are an appalling current example, in which White students hung nooses in a schoolyard tree set off months of racial tension. But integration has been incomplete in less dramatic ways as well. Too often, for example, the tracking of students into advanced courses has tended to reflect racial stereotypes and preserve racial divisions.

From the 1980s to the present, we have also seen a new movement that has sought to undermine civil rights progress. Some have adopted the rhetoric of the civil rights movement to undermine its progress, often using the same strategies developed by civil rights leaders in the battle against Jim Crow. We see that result in efforts to have the courts undo landmark civil rights decisions.

Fortunately, the Supreme Court has declined recent invitations to turn back the clock on educational diversity and integration. Although the Court has found fault with some school integration plans such as in Seattle and Jefferson County, KY, its decision made clear that schools can continue to strive for racially inclusive classrooms, and that the door is still open for continued progress.

As a practical matter, it is up to individual educators, parents, school districts to make the promise of equal educational opportunity a reality. Achieving genuine integration and full equality in education takes more than a court decision. It takes good will, vision, creativity, common sense, and a firm commitment to the goal of educating all children, regardless of race. Above all, it takes a realistic assessment in each local community to determine what will work to bring students together.

That challenge is difficult to meet, but the benefits are enormous. Diversity in education benefits all students, and the Nation too. In our diverse society, it is vitally important for children to develop interactions and understanding across racial and cultural lines. Our economic future depends on our ability to educate all children to become productive members of society. That view is widely shared. Leaders of the military community and the business community have made clear that a diverse and highly educated workforce is important to their success, too.

The court order to integrate Little Rock High School helped lay the foundation for subsequent civil rights decisions and gave an immense boost to the civil rights movement. We have come a long way since that historic decision. But the struggle to fulfill Brown's promise continues today. This anniversary is an important reminder of the work still to be done to achieve true equality in education for the Nation's children.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

WATER RESOURCES DEVELOPMENT ACT

• Mr. OBAMA. Mr. President, I applaud the Senator from California, Ms. BOXER, for her leadership and hard work in passing the Water Resources Development Act (WRDA) conference report yesterday. Had I been in Washington, DC, yesterday, I would have enthusiastically voted for the conference report on final passage.

Typically these critical water infrastructure authorizations are enacted by Congress every two years. For almost eight years, however, these priorities have languished under the watch of the previous Senate leadership. At the beginning of the 110th Congress in January, when the Senator from California became Chairman of the Environment and Public Works Committee, she pledged that the Water Resources Development Act would be completed by the Senate in a timely fashion. She kept that pledge, and I applaud her commitment.

By comparison, during the 109th Congress, those of us who supported swift enactment of this bill encountered considerable obstacles. As a member of the Senate Environment and Public Works Committee, I was the only Democrat on the Committee to be an original cosponsor of the bill; when the bill passed out of committee in March 2005, I called upon then-Majority Leader Frist to schedule floor time for the bill that summer. It did not occur.

In September of 2005, the Senator from Missouri, Mr. BOND, and I worked together on a bipartisan letter, signed by 40 of our colleagues, calling upon Senate Republican leadership to schedule floor time for this bill. We were informed that the support of 40 Senators was insufficient, that 60 signatures would be necessary. So we gathered 80 signatures. It was not until September 2006 that the Senate finally scheduled debate on WRDA, too late for the bill to be conferenced before the end of the 109th Congress.

I will ask that the text of those letters be printed in the RECORD.

Now it is September 2007, and at long last, the conference report has been completed. This bill authorizes almost $2 billion for upgrades to locks and dams along the Mississippi and Illinois Rivers. Illinois is the largest shipper of corn and soybeans on these rivers, and the 70 year old system of locks and dams needs these upgrades to ensure swifter access to export markets—something, by the way, that competitors like Brazil are doing right now. A significant part of the farm economy is about reducing transportation costs, so if we are to strengthen our agriculture markets, we need to strengthen waterway transportation, and that means upgrading these locks and dams.

The bill also authorizes funding for a number of noteworthy Illinois projects, including the Keith Creek dam to prevent flooding in Rockford, Illinois, a third-party review of the disagreement in reconstructing Promontory Point in Chicago, and dredging at the Beardstown, Illinois harbor.

Remarkably, the President has proposed a veto of this bill, which includes approval for nationwide funding of critical flood control, navigation, environmental restoration, and storm damage reduction initiatives; the importance of such funding was tragically highlighted by Hurricane Katrina. I urge the President to drop that veto threat and support these long-delayed upgrades to our national infrastructure that were approved overwhelmingly by the House and Senate.

Mr. President, I ask unanimously to have the letters to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 25, 2006.

Hon. BILL FRIST,
Senate Majority Leader,
Hon. HARRY REID,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: Wise investment in our water resources remains an urgent need in our country. America's communities continue to face the threats posed by flooding and other natural disasters. The devastation along the Gulf Coast last year underscores the importance of shoring up our defenses against catastrophic floods in all areas of the nation. With these points in mind, we urge you to schedule floor time for the Water Resources Development Act (S. 728) at the start of this session of Congress.

As you know, this bill authorizes critical flood control, shore protection, dam safety, storm damage reduction, and environmental restoration projects across the country. These projects, subject to appropriations, will help protect America's communities from the destruction caused by severe weather and flooding, as well as enhancing natural means of protection by restoring our fragile ecosystems. Furthermore, these projects save taxpayers money by decreasing the recovery costs associated with disasters.

In addition, this legislation is needed to support our nation's vital waterways and ports—key components of our national transportation system and the backbone of a healthy economy.

Recent hurricanes and severe storms have taught the nation a tragic lesson: maintain and improve our aging flood control and water resources infrastructure or risk the ruin and destruction of our communities. This bill moves us in the right direction toward addressing and preventing these grave threats to public safety.

It has been five years since the last WRDA was enacted into law. In contrast, three WRDA bills were enacted from 1995 to 2000 with an accumulated authorized cost level that surpasses the current bill. Local and state non-Federal cost-sharing partners cannot afford any further delay. We urge you to act expeditiously to bring this important bill to the full Senate for immediate consideration.

Sincerely,

Sen. James Inhofe, Sen. Thad Cochran, Sen. Jim Jeffords, Sen. Robert Byrd, Sen. Lindsey Graham, Sen. Arlen Specter, Sen. Rick Santorum, Sen. Richard Durbin, Sen. Debbie Stabenow, Sen. Norm Coleman, Sen. Sam Brownback, Sen. Ted Stevens, Sen. Mike Crapo, Sen. Chuck Grassley, Sen. Pete V. Domenici, Sen. Dianne Feinstein, Sen. Lamar Alexander, Sen. Mel Martinez, Sen. John Cornyn, Sen. Barbara A. Mikulski, Sen. Lisa Murkowski, Sen. Bill Nelson, Sen. Maria Cantwell, Sen. Ron Wyden, Sen. Lincoln Chafee, Sen. Johnny Isakson, Sen. Jim Talent, Sen. Carl Levin, Sen. Tom Harkin, Sen. Jeff Bingaman, Sen. Barack Obama, Sen. Patty Murray, Sen. Mark Dayton, Sen. Gordon H. Smith, Sen. John Thune, Sen. John Warner, Sen. Kay Bailey Hutchison, Sen. Robert Menendez, Sen. Pat Roberts, Sen. David Vitter, Sen. Mark Pryor, Sen. Frank R. Lautenberg, Sen. Wayne Allard, Sen. George Voinovich, Sen. John F. Kerry, Sen. John D. Rockefeller, Sen. Mary Landrieu, Sen. Tim Johnson, Sen. Barbara Boxer, Sen. Byron Dorgan, Sen. Charles Schumer, Sen. Herb Kohl, Sen. Blanche Lincoln, Sen. Richard Burr, Sen. Max Baucus, Sen. George Allen, Sen. Elizabeth Dole, Sen. Paul Sarbanes, Sen. Daniel Inouye, Sen. Hillary Clinton, Sen. Larry Craig, Sen. Ken Salazar, Sen. Kent Conrad, Sen. Ben Nelson, Sen. Tom Carper, Sen. Mike DeWine, Sen. Olympia Snowe, Sen. Chuck Hagel, Sen. Saxby Chambliss, Sen. Jim Bunning, Sen. Robert Bennett, Sen. Richard Shelby, Sen. Christopher Bond, Sen. Conrad Burns, Sen. Orrin Hatch, Sen. Richard Lugar, Sen. Jack Reed, Sen. Daniel Akaka.

U.S. SENATE,
Washington, DC, February 16, 2006.

Hon. BILL FRIST,
Senate Majority Leader,
U.S. Senate, Washington, DC.
Hon. HARRY REID,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: We are writing to you to join our colleagues who sent you the attached letter requesting that you schedule floor time for the Water Resources Development Act (S. 728) at the beginning of this session of Congress. The attached letter details the critical needs for flood control, shore protection, dam safety, storm damage reduction, and ecosystem restoration projects across the country that this bill will authorize. There has not been a WRDA bill enacted into law since 2000. It is time for the Congress to act.

Sincerely,

EVAN BAYH.
PATRICK LEAHY.

U.S. SENATE,
Washington, DC, September 28, 2005.

Hon. BILL FRIST,
Senate Majority Leader,
Hon. HARRY REID,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: Earlier this year, the Senate Environment and Public Works Committee approved S. 728, the Water Resources Development Act of 2005 (WRDA). The devastation along the Gulf Coast has served as a warning to America to shore up our defenses against catastrophic floods. With these vivid images in mind, we urge you to grant floor time for this bill prior to the completion of this session of Congress.

As you know, this bill authorizes critical flood control, storm damage reduction, and environmental restoration projects across the country. These projects will help protect America's communities from the destruction caused by severe weather and flooding, as well as enhancing natural means of protection by restoring our fragile ecosystems.

In addition, this legislation is needed to support our nation's vital waterways and ports—key components of our national transportation system and our economy.

Hurricane Katrina taught the nation a tragic lesson: maintain and improve our aging flood control and water resources infrastructure or risk the ruin and destruction of our communities. This bill moves us in the right direction toward addressing and preventing these grave threats to public safety.

It has been nearly five years since the last WRDA was enacted into law. America's water resources and the communities they serve cannot afford any further delay. We urge you to act expeditiously to bring this very important bill to the full Senate for immediate consideration.

Sincerely,

James M. Jeffords, Christopher S. Bond, Jim DeMint, George V. Voinovich, Barack Obama, Jim Talent, Mike Crapo, Barbara A. Mikulski, Mel Martinez, Norm Coleman, Bill Nelson, David Vitter, John Warner, Jon S. Corzine, Frank R. Lautenberg, Richard Durbin, Carl Levin, Sam Brownback, Tim Johnson, Mark Dayton, Robert C. Byrd, John Cornyn, Ron Wyden, James M. Inhofe, Johnny Isakson, Lisa Murkowski, John Thune, Barbara Boxer, Lincoln Chafee, Tom Harkin, Paul Sarbanes, Pete V. Domenici, Chuck Grassley, Dianne Feinstein, Mary L. Landrieu, Kay Bailey Hutchison, Debbie Stabenow, Pat Roberts, Patty Murray, Gordon Smith, Mark Pryor, Lamar Alexander, Blanche L. Lincoln, Maria Cantwell.●

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 301 of S. Con. Res. 21, I previously filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for legislation reauthorizing the State Children's Health Insurance Program, SCHIP.

The Senate passed H.R. 976 on August 2. To preserve the adjustment for SCHIP legislation, I am further revising the 2008 budget resolution and reversing the adjustments previously made pursuant to section 301 to the aggregates and the allocation provided to the Senate Finance Committee. Assuming it meets the conditions of the deficit-neutral reserve fund specified in section 301, I will again adjust the aggregates and the Senate Finance Committee's allocation for final SCHIP legislation.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,015.841
FY 2009	2,113.811
FY 2010	2,169.475
FY 2011	2,350.248
FY 2012	2,488.296
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.955
FY 2009	6.885
FY 2010	5.754
FY 2011	−44.302
FY 2012	−108.800
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,495.877
FY 2009	2,517.139
FY 2010	2,570.687
FY 2011	2,686.675
FY 2012	2,721.607
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,467.472
FY 2009	2,565.763
FY 2010	2,600.015
FY 2011	2,693.749
FY 2012	2,705.780

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

Current Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,086,142
FY 2008 Outlays	1,081,969
FY 2008–2012 Budget Authority	6,064,784
FY 2008–2012 Outlays	6,056,901
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−7,237
FY 2008 Outlays	−2,055
FY 2008–2012 Budget Authority	−47,405
FY 2008–2012 Outlays	−35,191
Revised Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT

Mr. ALEXANDER. Mr. President, last week the Senate passed H.R. 3580, the Food and Drug Administration Amendments Act of 2007, and sent it on to the President for his signature. This is the biggest drug safety reform in a decade, and I was proud to support it. Among other things, this legislation will help the FDA do a better job approving and monitoring prescription drugs and medical devices, encourage the research and development of medical treatments for children, and provide needed resources to the FDA.

I am very pleased that the incentive which encourages more studies of medicines in children was preserved in the final version of this bill. Over the last 10 years, this program has helped provide worried parents and concerned physicians with information they need to make better decisions in prescribing treatment for young children. By extending drug patents in exchange for additional research on how these drugs affect children, this program has prompted studies on 144 products and led to 122 label changes on some of the most frequently prescribed medicines for children. Clearly the system works and should be continued, especially since to date only a third of drugs prescribed to children have been studied and labeled for children.

I also am pleased that this legislation reinforces FDA's broad authority over prescription drug labels. Under current law, States are preempted from substituting their judgment for the FDA's scientific decisions based on exhaustive reviews of clinical data. If this weren't the case, medicine labels would become so overwhelmed with warnings designed to avert lawsuits that most Americans will simply stop paying attention to them.

Additionally, Congress has decided to give FDA the authority to make expedited labeling changes, so that when prescription drug safety problems are identified the FDA and drug manufacturers can work together to quickly update product labels to ensure that the American people have the latest safety information. If a drug manufacturer comes to the FDA in good faith to discuss the possible need for an expedited labeling change—and if the FDA does not respond in a timely manner or decides that the science does not require a labeling change—then that drug manufacturer should not be subject to frivolous lawsuits.

I am pleased that Congress came together in a bipartisan manner to approve this legislation. It can serve as a model for how the parties can come together to pass other meaningful bills during the remainder of the 110th Congress.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF DR. EDWARD M. GRAMLICH

● Mr. LEVIN. Mr. President, I would like to honor the life of Dr. Edward M. Gramlich, who recently passed away at the age of 68. Dr. Gramlich was an outstanding and dedicated public servant whose expertise, knowledge, and counsel were highly sought after among the leaders of Michigan's economic and academic communities.

Dr. Gramlich will be best remembered as a pragmatic economist who championed the cause of consumer protection and sought to tighten mortgage lending practices. Appointed to the Board of Governors of the Federal Reserve System in 1997 by President Clinton, Dr. Gramlich brought a balanced view to the Reserve Board that included a deep respect for consumer-protection issues. For years he warned of the looming crisis in the mortgage industry, citing excessive fees and high cost mortgages offered to those who could not afford them. In June of this year, while undergoing medical treatment, Dr. Gramlich published a timely critique of these practices entitled "Sub-prime Mortgages: America's Latest Boom and Bust," which both assessed the issue and offered timely solutions to the problem.

In 2005, Dr. Gramlich resigned from the Fed to return as interim provost to the University of Michigan, where he enjoyed a decades-long affiliation. He held a number of distinguished positions there throughout his career, including as a professor of economics and public policy, chair of the Economics Department, and Dean of the Ford School of Public Policy. Other important positions included Dr. Gramlich's service as chair of the Air Transportation Stabilization Board after the attacks of September 11, 2001; deputy director and acting director of the Congressional Budget Office; senior fellow at the Brookings Institute; and director of the Policy Research Division at the Office of Economic Opportunity.

Prior to his work with the Reserve Board, Dr. Gramlich served as chairman of the Neighborhood Reinvestment Corporation. In that capacity Dr. Gramlich worked to urge legislators to clamp down on predatory lending practices and to toughen regulations on banks and mortgage lenders. During his tenure at the Fed, his strong calls for regulation were often met with resistance from a system that favors industry self-regulation. Given today's mortgage and credit crises, we cannot help but wonder "what if" with respect to many of those decisions. In any event, as Congress and the States seek ways to grapple with the current situation, Dr. Gramlich's work on consumer protection issues and his insightful analyses will undoubtedly have significant influence.

Dr. Gramlich is mourned by many in Michigan and across the country, including his wife Ruth; his children, Sarah Howard and Robert; his parents, J. Edward and Harriet; as well as many other family members, friends, and colleagues. Dr. Gramlich made an extraordinary impact throughout his life, and I hope that those mourning this loss find comfort in the significant legacy he leaves behind.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1199. An act to attend the grant program for drug-endangered children.

H.R. 1389. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

H.R. 1520. An act to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes.

H.R. 1664. An act to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library.

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

H.R. 3540. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 140. Concurrent resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry.

H. Con. Res. 186. Concurrent resolution honoring the 75th anniversary of Brookgreen Gardens in Murrells Inlet, South Carolina.

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety.

H. Con. Res. 217. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3580.

The message further announced that the House has passed the following bill, without amendment:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1199. An act to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

H.R. 1389. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

H.R. 1664. An act to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 140. Concurrent resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry; to the Committee on Banking, Housing, and Urban Affairs.

H. Con. Res. 186. Concurrent resolution honoring the 75th anniversary of Brookgreen Gardens in Murrells Inlet, South Carolina; to the Committee on Energy and Natural Resources.

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1520. An act to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3386. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving exports to Turkey including seven Boeing 737-800 passenger aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC-3387. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Mississippi Regulatory Program" (Docket No. MS-021-FOR) received on September 24, 2007; to the Committee on Energy and Natural Resources.

EC-3388. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alachlor; Pesticide Tolerance" ((FRL No. 8147-2)(Docket No. EPA-HQ-OPP-2007-0146)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC-3389. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio" ((FRL No. 8470-7)(Docket No. EPA-R05-OAR-2006-0544)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC-3390. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana; Clean Air Interstate Rule Nitrogen Oxides Trading Programs" ((FRL No. 8473–5)(Docket No. EPA–R06–OAR–2007–0651)) received on September 21, 2007; to the Committee on Environment and Public Works .

EC–3391. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" ((FRL No. 8471–9)(Docket No. EPA–R07–OAR–2007–0926)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3392. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arkansas; Clean Air Interstate Rule Nitrogen Oxides Ozone Season Trading Program" ((FRL No. 8473–3)(Docket No. EPA–R06–OAR–2007–0886)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3393. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Award of United States-Mexico Border Program and Alaska Rural and Native Villages Program Grants Authorized by the Revised Continuing Appropriations Resolution, 2007" (FRL No. 8472–1) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3394. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methamidophos, Oxydemeton-methyl, Profenofos, and Trichlorfon; Tolerance Actions" ((FRL No. 8147–6) (Docket No. EPA–HQ–OPP–2007–0261)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3395. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraclostrobin; Pesticide Tolerance" ((FRL No. 8148–6) (Docket No. EPA–HQ–OPP–2006–0522)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3396. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfosulfuron; Pesticide Tolerance" ((FRL No. 8147–4) (Docket No. EPA–HQ–OPP–2006–0206)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3397. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Correction of Effective Date Under Congressional Review Act" ((FRL No. 8473–1) (Docket No. EPA–R03–OAR–2007–0174)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3398. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tepraloxydim; Pesticide Tolerance" ((FRL No. 8148–1) (Docket No. EPA–HQ–OPP–2007–0145)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3399. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Expanded Definition of Byproduct Material" (RIN3150–AH84) received on September 24, 2007; to the Committee on Environment and Public Works.

EC–3400. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological Material from Mali" (RIN1505–AB86) received on September 20, 2007; to the Committee on Finance.

EC–3401. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological Material from Guatemala" (RIN1505–AB87) received on September 21, 2007; to the Committee on Finance.

EC–3402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Child Care and Development Fund; to the Committee on Finance.

EC–3403. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—October 2007" (Rev. Rul. 2007–63) received on September 20, 2007; to the Committee on Finance.

EC–3404. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Temporary Closing of Determination Letter Program for Adopters of Pre-Approved Defined Contribution Plans" (Announcement 2007–90) received on September 20, 2007; to the Committee on Finance.

EC–3405. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2007–55) received on September 20, 2007; to the Committee on Finance.

EC–3406. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Hotel Industry Overview Guide" (LMSB–04–0807–054) received on September 24, 2007; to the Committee on Finance.

EC–3407. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Report for fiscal year 2006; to the Committee on Foreign Relations.

EC–3408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "The Mentoring Children of Prisoners Program"; to the Committee on Health, Education, Labor, and Pensions.

EC–3409. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Strategic Plan for fiscal years 2007 to 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–3410. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled, "Report on the Necessity and Desirability of Amending the Federal Rules of Evidence to Codify a 'Harm to Child' Exception to the Marital Privileges"; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–229. A resolution adopted by the Board of Commissioners of the County of Armstrong, Pennsylvania, urging Congress to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced; to the Committee on Finance.

POM–230. A concurrent resolution adopted by the Senate of the State of New Hampshire urging Congress to fully fund the federal government's share of special education services in public schools; to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted IDEA, it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 17 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; and

Whereas, the general court is currently challenged with the responsibility of defining and funding an adequate education for all children in this state; and

Whereas, these legislative efforts are significantly burdened and constrained by the costs incurred by the federal government's failure to meet its full financial promise under IDEA: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the New Hampshire general court urges the President and the Congress, prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under IDEA to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–231. A concurrent resolution adopted by the Legislature of the State of Texas urging Congress to restore full funding to the Community Oriented Policing Services program; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 125

Whereas, in 1994, the Violent Crime Control and Law Enforcement Act created the Community Oriented Policing Services (COPS) program and for more than a decade the COPS initiative has awarded more than $11 billion to over 13,000 agencies across the country; in the last six years, however, the COPS program has suffered numerous cuts in funding, threatening to reverse the improvements in law enforcement credited to the program at a time when national security is a concern at all levels of government; and

Whereas, the recently filed Prosperous and Secure Neighbor Alliance Act of 2007 would allocate $170 million to the United Mexican States to professionalize the Mexican police force for patrols along the U.S.-Mexico border, sending a significant portion of the limited federal aid available to Mexico, further jeopardizing the efforts of state and local law enforcement agencies that depend on continued funding through the COPS program; and

Whereas, among the initiatives established under the COPS program is the universal hiring program that resulted in the hiring or redeployment of more than 118,000 law enforcement officers in over 12,000 enforcement agencies nationwide and training initiatives that have helped deliver to more than 340,000 officers classes on topics ranging from ethics to terrorism; in offering grants to implement innovative programs such as these, COPS has played a significant role in reducing the crime rate in many areas of the country; but recent cuts to the program have negatively impacted recipient agencies across the country and specifically along the Texas-Mexico border where Texas law officers are consistently understaffed, underpaid, and overworked; and

Whereas, while the United States must rely on neighboring nations to do their part to maintain border security, it is equally crucial that programs such as COPS continue to receive the funding necessary to provide adequate resources to safeguard our borders and achieve a level of security expected by the American people; unfortunately, sending funds to Mexico and at the same time reducing federal assistance locally substantially imperils this worthy goal: Now, therefore, be it

Resolved, That the 80th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to restore full funding to the Community Oriented Policing Services program to assist Texas law enforcement in patrolling the border before authorizing funding for the police force of the United Mexican States; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–232. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to take such actions as are necessary to research and promote Virtual Command Technology to improve police, emergency medical services, and fire protection; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 41

Whereas, Virtual Command Technology, the remote viewing of a developing emergency which gives firefighters, EMS professionals, and police officers a virtual presence at the scene, will be of enormous significance to the future security of people and property by giving fire, EMS, and police departments unprecedented knowledge of any developing emergency within seconds of its beginning; and

Whereas, in an emergency, time of response and information about the emergency are crucial for successful mitigation in a fire, health, or security incident; and

Whereas, the use of Virtual Command Technology enables fire, EMS, and police responders to reach the emergency with their critical incident planning and preparation in progress as they gain complete situational awareness of the incident and are able to put mitigation plans in place, then take action immediately upon arrival at the scene; and

Whereas, the advantage of Virtual Command Technology is that first responders can understand a developing emergency and react to it within seconds of the alert, as opposed to conventional technology, which only allows for response upon arrival at the scene; and

Whereas, Virtual Command Technology integrates video with a unique graphic display of alarm activity utilizing a database of building floor plans overlaid with icons representing sensors, detectors, and critical emergency building information; and

Whereas, in a fire emergency, smoke detector and temperature sensor conditions are updated every second, with the change in color showing the observer the nature of the developing emergency and the actual temperature; and

Whereas, in a security emergency, sensor conditions are updated every second, with icons changing color to allow monitoring personnel to locate perpetrators and track movement throughout the facility; and

Whereas, Virtual Command Technology provides crucial information to commanders enabling them to understand the emergency situation, conduct incident planning, and issue instructions while they are en route to a location so that upon arrival, all responders have their assignments and can begin incident mitigation immediately; and

Whereas, commercial, government, public, and private entities are encouraged to consider Virtual Command Technology for their security and fire protection; and

Whereas, in this consideration, the three key elements of Virtual Command Technology should be understood: (1) the protected facility is networked to police, EMS, and fire dispatch centers for immediate notification and visual validation of an emergency; (2) the protected facility is networked to a tactical monitoring station for situational awareness of a developing security incident; and (3) responding units can view the incident remotely utilizing a mobile computer networked to the facility by a broadband wireless connection; and

Whereas, in October 2006 the effectiveness of Virtual Command Technology was demonstrated in a series of comparative tactical exercises that culminated with a joint police and fire department demonstration by the Baton Rouge police and fire departments; and

Whereas, Baton Rouge Fire Chief Ed Smith and Baton Rouge Police Chief Jeff LeDuff endorsed the technology for its safety aspect for their officers and firefighters and its ability to provide real-time information about an emergency for successful mitigation; and

Whereas, using Virtual Command Technology, Baton Rouge police and fire departments experienced a significant performance increase over current response procedures and practices: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to research and promote Virtual Command Technology to improve police, EMS, and fire protection. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–233. A concurrent resolution adopted by the Legislature of the State of Texas expressing its gratitude for the sacrifices made by veterans; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 1

Whereas, military veterans who have served their country honorably and who were promised and have earned health care and benefits from the federal government through the Department of Veterans Affairs are now in need of these benefits; and

Whereas, federal discretionary funding is controlled by the executive branch and the United States Congress through the budget and appropriations process; and

Whereas, direct funding provides the Department of Veterans Affairs with a reliable, predictable, and consistent source of funding to provide timely, efficient, and high-quality health care for our veterans; and

Whereas, currently almost 90 percent of federal health care spending is direct rather than discretionary, and only the funding for health care for active duty military, Native Americans, and veterans is subject to the discretion of the United States Congress; and

Whereas, discretionary funding for health care lags behind both medical inflation and the increased demand for services; for example, the enrollment for veterans' health care increased 134 percent between fiscal years 1996 and 2004 yet funding increased only 34 percent during the same period when adjusted to 1996 dollars; and

Whereas, the Department of Veterans Affairs is the largest integrated health care system in the United States and has four critical health care missions: to provide health care to veterans, to educate and train health care personnel, to conduct medical research, and to serve as a backup to the United States Department of Defense and support communities in times of crisis; and

Whereas, the Department of Veterans Affairs operates 157 hospitals, with at least one in each of the contiguous states, Puerto Rico, and the District of Columbia; and

Whereas, the Department of Veterans Affairs operates more than 850 ambulatory care and community-based outpatient clinics, 132 nursing homes, 42 residential rehabilitation treatment programs, and 88 home care programs; and

Whereas, the Department of Veterans Affairs provides a wide range of specialized services to meet the unique needs of veterans, including spinal cord injury and dysfunction care and rehabilitation, blind rehabilitation, traumatic brain injury care, posttraumatic stress disorder treatment, amputee care and prosthetics programs, mental health and substance abuse programs, and long-term care programs; and

Whereas, the Department of Veterans Affairs health care system is severely underfunded, and had funding for the department's medical programs been allowed to grow proportionately as the system sought to admit newly eligible veterans following the eligibility reform legislation in 1996, the current veterans' health care budget would be approximately $10 billion more; and

Whereas, in a spirit of bipartisan accommodation, members of the United States Congress should collectively resolve the problem of discretionary funding and jointly fashion an acceptable formula for funding the medical programs of the Department of Veterans Affairs: Now, therefore, be it

Resolved, That the 80th Legislature of the State of Texas hereby express its profound gratitude for the sacrifices made by veterans, including those suffering from various medical issues resulting from injuries that occurred while serving in the United States Armed Forces at home or abroad; and, be it further

Resolved, That the legislature hereby respectfully urge the Congress of the United States to support legislation for veterans' health care budget reform to allow assured funding; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the secretary of veterans affairs, to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-234. A concurrent resolution adopted by the Legislature of the State of Texas urging Congress to authorize the Department of Veterans Affairs to convey the Thomas T. Connally Medical Center to the State of Texas; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 46

Whereas, the Thomas T. Connally Department of Veterans Affairs Medical Center was a fundamental part of the City of Marlin, Texas, for more than 50 years, and its recent closure dealt a significant blow to the community and surrounding area; and

Whereas, the beginning in 1943, the citizens of Marlin organized a campaign to secure their city as the location for a proposed naval medical facility; initially, 31 individual contributors donated $2,025 to finance their preliminary effort, and two years later, the city raised an additional $25,000 in small contributions from the local citizenry to purchase 150 acres of land for a new naval hospital; and

Whereas, although Marlin's selection as the site for the hospital had been announced in 1944, and the order approving construction of the new 500-bed facility was signed by President Harry S. Truman on July 1, 1945, congressional funding for the project was omitted from appropriations legislation later that year; and

Whereas, undeterred, the residents focused on attracting a 200-bed Veterans Administration general and surgical hospital and collected additional funds for the purchase of eight acres to donate for the facility; the city's efforts came to fruition when the Marlin Veterans Administration Hospital opened on November 1, 1950, with a staff of 14 physicians, 42 nurses, and two dentists; during its 50 years of operation, the hospital provided hundreds of jobs to area residents, continuing to reward the community's early faith and determination; and

Whereas, in 1992, the facility was renamed the Thomas T. Connally Department of Veterans Affairs Medical Center after United States Senator Connally, who championed the city's efforts to have the hospital located in Marlin; regrettably, the medical center has since been closed by the United States Department of Veterans Affairs, and there currently are no plans for its reuse despite a recent extensive remodeling; and

Whereas, although the center's closure was a major economic loss to the residents of Marlin, the city's spirit and goodwill have yet to waver; in the aftermath of Hurricanes Rita and Katrina, Marlin opened the Connally Veterans Administration Medical Center to house medically fragile evacuees from the affected areas, but, with that notable exception, the complex has sat empty and will likely be razed if a permanent use for the center cannot be found; and

Whereas, fortunately, the Connally Veterans Administration Medical Center facilities can be easily converted for a number of uses by the state, presenting a practical and beneficial use for the idle buildings; precedent for the adaptation of a Veterans Administration facility to state use was established in 2001 when the United States Congress authorized the conveyance, without consideration, of all real property and improvements associated with the Fort Lyon Veterans Administration Medical Center in Las Animas, Colorado, to the state of Colorado; and

Whereas, elected officials from Falls County and the City of Marlin, as well as many civic leaders, have expressed their support for the reuse of the Connally Veterans Administration Medical Center, and given the City of Marlin's long history with the site and the fact that it would cost more to destroy the center than to convey the facility to the State of Texas, it is only fitting that the state take advantage of this available resource: Now, therefore, be it

Resolved, that the 80th Legislature of the State of Texas hereby respectfully request the Congress of the United States to authorize the secretary of the United States Department of Veterans Affairs to convey the Thomas T. Connally Department of Veterans Affairs Medical Center located in Marlin, Texas, to the State of Texas; and, be it further

Resolved, that the Texas secretary of state forward official copies of this resolution to the president of the United States, to the Speaker of the House of Representatives and the president of the Senate of the United States Congress, to all members of the Texas delegation to the Congress, and to the Secretary of the United States Department of Veterans Affairs with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself and Mr. MCCAIN):

S. 2087. A bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes; to the Committee on Indian Affairs.

By Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. DURBIN, Ms. MURKOWSKI, Mr. SALAZAR, and Mr. HAGEL):

S. 2088. A bill to place reasonable limitations on the use of National Security Letters, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. WHITEHOUSE, Ms. MIKULSKI, Ms. COLLINS, Mr. KOHL, and Mr. KERRY):

S. 2089. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

By Mr. AKAKA (by request):

S. 2090. A bill to protect privacy and security concerns in court records; to the Committee on Veterans' Affairs.

By Mr. AKAKA (by request):

S. 2091. A bill to increase the number of the court's active judges; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mr. OBAMA):

S. 2092. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 2093. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 330. A resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and Palestine; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Res. 331. A resolution expressing the sense of the Senate that Turkey should end its military occupation of the Republic of Cyprus, particularly because Turkey's pretext has been refuted by over 13,000,000 crossings of the divide by Turkish-Cypriots and

Greek Cypriots into each other's communities without incident; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 305

At the request of Mr. GRASSLEY, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 305, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 773

At the request of Mr. WARNER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 790

At the request of Mr. LUGAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 1105

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1105, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1382

At the request of Mr. REID, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1518

At the request of Mr. REED, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1543

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Idaho (Mr. CRAPO) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1555

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1555, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1616

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1616, a bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1895

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2061

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2061, a bill to amend the Fair Labor Standards Act of 1938 to exempt certain home health workers from the provisions of such Act.

S. 2063

At the request of Mr. CONRAD, the names of the Senator from Tennessee

(Mr. CORKER), the Senator from Tennessee (Mr. ALEXANDER), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2075

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2075, a bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion.

S. 2085

At the request of Mr. BROWN, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2085, a bill to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2872

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 2872 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2872 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2919

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 2919 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2931

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2931 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2969

At the request of Mr. KERRY, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2969 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2972

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2972 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2989

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2989 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2989 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2993

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2993 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3003

At the request of Mrs. MCCASKILL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3003 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3012

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 3012 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3017

At the request of Mr. KYL, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 3017 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. DURBIN, Ms. MURKOWSKI, Mr. SALAZAR, and Mr. HAGEL):

S. 2088. A bill to place reasonable limitations on the use of National Security Letters, and for other purposes; to the Committee on the Judiciary.

Mr. FEINGOLD. I am pleased today to introduce the National Security Reform Act of 2007, a bipartisan effort that has the support of Senators who I respect a great deal, and with whom I have worked over the years on the Patriot Act and other issues. It also has the support of organizations and activists across the political spectrum.

This past spring, the Inspector General of the Justice Department issued the results of a congressionally mandated audit, an audit that examined the FBI's implementation of its dramatically expanded authority under the USA PATRIOT Act to issue National Security Letters, or NSLs. The Inspector General found, as he put it: "Widespread and serious misuse of the FBI's national security letter authorities. In many instances, the FBI's misuse of national security letters violated NSL statutes, Attorney General Guidelines, or the FBI's own internal policies." A subsequent internal audit conducted by the FBI itself confirmed the IG's findings.

After the IG report came out, the Judiciary Committee heard from the Inspector General himself, who described his conclusions in detail, and from the FBI Director, who talked about some steps the FBI is taking in response to the report.

I appreciate that the FBI agrees with the IG's conclusions and recognizes that it needs to change the way it does business when it comes to NSLs. But in my view, leaving it to the FBI to fix this problem is not enough.

Unfortunately, Congress shares some responsibility for the FBI's troubling implementation of these broad authorities. The FBI's apparently lax attitude and in some cases grave misuse of these potentially very intrusive authorities is attributable in no small part to the USA PATRIOT Act. That flawed legislation greatly expanded the NSL authorities, essentially granting the FBI a blank check to obtain some very sensitive records about Americans, including people not under any suspicion of wrong-doing, without judicial approval. Congress gave the FBI very few rules to follow and failed to adequately remedy those shortcomings when it considered the NSL statutes as part of the Patriot Act reauthorization process.

This Inspector General report proves that "trust us" doesn't cut it when it comes to the Government's power to obtain Americans' sensitive business records—without a court order and without any suspicion that they are tied to terrorism or espionage. It was a significant mistake for Congress to grant the Government broad authorities and just keep its fingers crossed that they wouldn't be misused.

Congress has the responsibility to put appropriate limits on government authorities—limits that allow agents to actively pursue criminals, terrorists and spies, but that also protect the privacy of innocent Americans.

In addition, a Federal district court recently struck down one of the new NSL statutes, as modified by the Patriot Act reauthorization legislation enacted in 2006. The court found that a statutory provision permitting the FBI to impose a permanent, blanket nondisclosure order on recipients of NSLs violated the First Amendment.

Congress also has not provided sufficient privacy protections to govern the related authority in Section 215 of the Patriot Act, which permits the Government to obtain court orders for Americans' business records under the Foreign Intelligence Surveillance Act. Often referred to as the "library" provision, although it covers all types of business records, Section 215 was one of the most controversial provisions in the Patriot Act. Unfortunately, Congress did not go nearly far enough in the reauthorization process in addressing the very legitimate privacy and civil liberties concerns that have been raised about this power, including with respect to the low standard the Government has to meet to obtain a Section 215 order, the entirely insufficient judicial review provisions, and the lack of other procedural protections.

All of this is why a bipartisan group of Senators, three Democrats and three Republicans, are introducing the National Security Letter Reform Act of 2007.

The bill places new safeguards on the use of National Security Letters and related Patriot Act authorities to protect against abuse. It restricts the types of records that can be obtained without a court order to those that are the least sensitive and private, and it ensures that the FBI can only use NSLs to obtain information about individuals with some nexus to a suspected terrorist or spy. It makes sure that the FBI can no longer obtain the sensitive records of individuals three or four times removed from a suspect, most of whom would be entirely innocent.

It prevents the use of so-called "exigent letters," which the IG found the FBI was using in violation of the NSL statutes. It requires additional congressional reporting on NSLs, and it requires the FBI to establish a compliance program and tracking database for NSLs. It requires the Attorney General to issue minimization and destruction procedures for information obtained through NSLs, so that information obtained about Americans is subject to enhanced protections and the FBI does not retain information obtained in error.

On Section 215, the legislation establishes a standard of individualized suspicion for obtaining a FISA business records order, requiring that the government have reason to believe the records sought relate to a suspected terrorist or spy or someone directly linked to a suspected terrorist or spy, and it creates procedural protections to prevent abuses. The bill also ensures robust, meaningful and constitutionally sound judicial review of both National Security Letters and Section 215 business records orders, and the gag orders that accompany them.

This legislation is a measured, reasonable response to a serious problem. The NSL authorities operate in secret. The Justice Department's classified reports to Congress on the use of NSLs were admittedly inaccurate. And when, during the reauthorization process, Congress asked questions about how these authorities were being used, we got empty assurances and platitudes that we now know were mistaken.

Oversight alone is not enough. Congress also must take corrective action. The Inspector General report has shown both that the executive branch cannot be trusted to exercise those powers without oversight and that current statutory safeguards are inadequate. This National Security Letter Reform Act is the answer.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Security Letter Reform Act of 2007" or the "NSL Reform Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. National Security Letter authority for communications subscriber records.
Sec. 3. National Security Letter authority for certain financial records.
Sec. 4. National Security Letter authority for certain consumer report records.
Sec. 5. Judicial review of National Security Letters.
Sec. 6. National Security Letter compliance program and tracking database.
Sec. 7. Public reporting on National Security Letters.
Sec. 8. Sunset of expanded National Security Letter authorities.
Sec. 9. Privacy protections for section 215 business records orders.
Sec. 10.. Judicial review of section 215 orders.
Sec. 11. Resources for FISA applications.
Sec. 12. Enhanced protections for emergency disclosures.
Sec. 13. Clarification regarding data retention.
Sec. 14. Least intrusive means.

SEC. 2. NATIONAL SECURITY LETTER AUTHORITY FOR COMMUNICATIONS SUBSCRIBER RECORDS.

Section 2709 of title 18, United States Code, is amended to read as follows:

"§2709. National Security Letter for communications subscriber records

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge of a Bureau field office, may issue in writing and cause to be served on a wire or electronic communications service provider a National Security Letter requiring the production of the following:

"(A) The name of the customer or subscriber.

"(B) The address of the customer or subscriber.

"(C) The length of the provision of service by such provider to the customer or subscriber (including start date) and the types of service utilized by the customer or subscriber.

"(D) The telephone number or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address.

"(E) The means and sources of payment for such service (including any credit card or bank account number).

"(F) Information about any service or merchandise orders, including any shipping information and vendor locations.

"(G) The name and contact information, if available, of any other wire or electronic communications service providers facilitating the communications of the customer or subscriber.

"(2) LIMITATION.—A National Security Letter issued pursuant to this section shall not require the production of local or long distance telephone records or electronic communications transactional information not listed in paragraph (1).

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—A National Security Letter shall be issued under subsection (a) only where—

"(A) the records sought are relevant to an ongoing, authorized and specifically identified national security investigation (other than a threat assessment); and

"(B) there are specific and articulable facts providing reason to believe that the records—

"(i) pertain to a suspected agent of a foreign power; or

"(ii) pertain to an individual who has been in contact with, or otherwise directly linked to, a suspected agent of a foreign power who is the subject of an ongoing, authorized and specifically identified national security investigation (other than a threat assessment); or

"(iii) pertain to the activities of a suspected agent of a foreign power, where those activities are the subject of an ongoing, authorized and specifically identified national security investigation (other than a threat assessment), and obtaining the records is the least intrusive means that could be used to identify persons believed to be involved in such activities.

"(2) INVESTIGATION.—For purposes of this section, an ongoing, authorized, and specifically identified national security investigation—

"(A) shall be conducted under guidelines approved by the Attorney General and Executive Order 12333 (or successor order); and

"(B) shall not be conducted with respect to a United States person upon the basis of activities protected by the first amendment to the Constitution of the United States.

"(3) CONTENTS.—A National Security Letter issued under subsection (a) shall—

"(A) describe the records to be produced with sufficient particularity to permit them to be fairly identified;

"(B) include the date on which the records must be provided, which shall allow a reasonable period of time within which the records can be assembled and made available;

"(C) provide clear and conspicuous notice of the principles and procedures set forth in this section, including notification of any nondisclosure requirement under subsection (c) and a statement laying out the rights and responsibilities of the recipient; and

"(D) not contain any requirement that would be held to be unreasonable if contained in a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation or require the production of any documentary evidence that would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation.

"(4) RETENTION OF RECORDS.—The Director of the Federal Bureau of Investigation shall direct that a signed copy of each National Security Letter issued under this section be retained in the database required to be established by section 6 of the National Security Letter Reform Act of 2007.

"(c) PROHIBITION OF CERTAIN DISCLOSURE.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—If a certification is issued pursuant to subparagraph (B), no wire or electronic communication service provider, or officer, employee, or agent thereof, who receives a National Security Letter under this section, shall disclose to any person the particular information specified in such certification for 30 days after receipt of such National Security Letter.

"(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in charge of a Bureau field office, certifies that—

"(i) there is reason to believe that disclosure of particular information about the existence or contents of a National Security Letter issued under this section will result in—

"(I) endangering the life or physical safety of any person;

"(II) flight from prosecution;

"(III) destruction of or tampering with evidence;

"(IV) intimidation of potential witnesses;

"(V) interference with diplomatic relations; or

"(VI) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

"(ii) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

"(C) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the 30-day period specified in subparagraph (A), an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that such nondisclosure requirement is no longer in effect.

"(2) EXCEPTION.—

"(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, who receives a National Security Letter under this section may disclose information otherwise subject to any applicable nondisclosure requirement to—

"(i) those persons to whom disclosure is necessary in order to comply with a National Security Letter under this section;

"(ii) an attorney in order to obtain legal advice or assistance regarding such National Security Letter; or

"(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

"(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made pursuant to subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a National Security Letter is directed under this section in the same manner as such person.

"(C) NOTICE.—Any recipient who discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform such person of the applicable nondisclosure requirement.

"(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, may apply for an order prohibiting disclosure of particular information about the existence or contents of a National Security Letter issued under this section for an additional 180 days.

"(4) JURISDICTION.—An application for an order pursuant to this subsection shall be filed in the district court of the United States in any district within which the authorized investigation that is the basis for a request pursuant to this section is being conducted.

"(5) APPLICATION CONTENTS.—An application for an order pursuant to this subsection shall include—

"(A) a statement of specific and articulable facts giving the applicant reason to believe that disclosure of particular information about the existence or contents of a National Security Letter issued under this section will result in—

"(i) endangering the life or physical safety of any person;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses;

"(v) interference with diplomatic relations; or

"(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

"(B) an explanation of how the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

"(6) STANDARD.—The court may issue an ex parte order pursuant to this subsection if the court determines—

"(A) there is reason to believe that disclosure of particular information about the existence or contents of a National Security Letter issued under this section will result in—

"(i) endangering the life or physical safety of any person;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses;

"(v) interference with diplomatic relations; or

"(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

"(B) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

"(7) RENEWAL.—An order under this subsection may be renewed for additional periods of up to 180 days upon another application meeting the requirements of paragraph (5) and a determination by the court that the circumstances described in paragraph (6) continue to exist.

"(8) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the expiration of the time period imposed by a court for that nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the court, and the court shall terminate such nondisclosure requirement.

"(d) MINIMIZATION AND DESTRUCTION.—

"(1) IN GENERAL.—Not later than 180 days after the enactment of this section, the Attorney General shall establish minimization and destruction procedures governing the retention and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation in response to a National Security Letter under this section.

"(2) DEFINITION.—In this section, the term 'minimization and destruction procedures' means—

"(A) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter, to minimize the retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained pursuant to a National Security Letter regarding persons no longer of interest in an authorized investigation, or information obtained pursuant to a National Security Letter that does not meet the requirements of this section or is outside the scope of such National Security Letter, is returned or destroyed;

"(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978, shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

"(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

"(e) REQUIREMENT THAT CERTAIN CONGRESSIONAL BODIES BE INFORMED.—

"(1) IN GENERAL.—On a semiannual basis the Director of the Federal Bureau of Investigation shall fully inform the Permanent Select Committee on Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, concerning all requests made under this section.

"(2) CONTENTS.—The report required by paragraph (1) shall include—

"(A) a description of the minimization and destruction procedures adopted by the Attorney General pursuant to subsection (d), including any changes to such minimization procedures previously adopted by the Attorney General;

"(B) a summary of the court challenges brought pursuant to section 3511 of title 18, United States Code, by recipients of National Security Letters;

"(C) a description of the extent to which information obtained with National Security Letters under this section has aided intelligence investigations and an explanation of how such information has aided such investigations; and

"(D) a description of the extent to which information obtained with National Security Letters under this section has aided criminal prosecutions and an explanation of how such information has aided such prosecutions.

"(f) USE OF INFORMATION.—

"(1) IN GENERAL.—

"(A) CONSENT.—Any information acquired from a National Security Letter pursuant to this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization and destruction procedures required by this section.

"(B) LAWFUL PURPOSE.—No information acquired from a National Security Letter pursuant to this section may be used or disclosed by Federal officers or employees except for lawful purposes.

"(2) DISCLOSURE FOR LAW ENFORCEMENT PURPOSES.—No information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

"(3) NOTIFICATION OF INTENDED DISCLOSURE BY THE UNITED STATES.—Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against an aggrieved person any information obtained or derived from a National Security Letter pursuant to this section, the United States shall, before the trial, hearing, or other proceeding or at a reasonable time before an effort to so disclose or so use this information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the United States intends to so disclose or so use such information.

"(4) NOTIFICATION OF INTENDED DISCLOSURE BY STATE OR POLITICAL SUBDIVISION.—Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision thereof against an aggrieved person any information obtained or derived from a National Security Letter pursuant to this section, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

"(5) MOTION TO SUPPRESS.—

"(A) IN GENERAL.—Any aggrieved person against whom evidence obtained or derived from a National Security Letter pursuant to this section is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, or a State or political subdivision thereof, may move to suppress the evidence obtained or derived from the National Security Letter, as the case may be, on the grounds that—

"(i) the information was acquired in violation of the Constitution or laws of the United States; or

"(ii) the National Security Letter was not issued in conformity with the requirements of this section.

"(B) TIMING.—A motion under subparagraph (A) shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the aggrieved person concerned was not aware of the grounds of the motion.

"(6) JUDICIAL REVIEW.—

"(A) IN GENERAL.—Whenever—

"(i) a court or other authority is notified pursuant to paragraph (3) or (4);

"(ii) a motion is made pursuant to paragraph (5); or

"(iii) any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to—

"(I) discover or obtain materials relating to a National Security Letter issued pursuant to this section; or

"(II) discover, obtain, or suppress evidence or information obtained or derived from a National Security Letter issued pursuant to this section;

the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other provision of law and if the Attorney General files an affidavit under oath that disclosure would harm the national security of the United States, review in camera the materials as may be necessary to determine whether the request was lawful.

"(B) DISCLOSURE.—In making a determination under subparagraph (A), unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, order, or other related materials, or evidence or information obtained or derived from the order.

"(7) EFFECT OF DETERMINATION OF LAWFULNESS.—

"(A) UNLAWFUL ORDERS.—If the United States district court determines pursuant to paragraph (6) that the National Security Letter was not in compliance with the Constitution or laws of the United States, the court may, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the National Security Letter or otherwise grant the motion of the aggrieved person.

"(B) LAWFUL ORDERS.—If the court determines that the National Security Letter was lawful, it may deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

"(8) BINDING FINAL ORDERS.—Orders granting motions or requests under paragraph (6), decisions under this section that a National Security Letter was not lawful, and orders of the United States district court requiring review or granting disclosure of applications, orders, or other related materials shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals or the Supreme Court.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'agent of a foreign power' has the meaning given such term by section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b));

"(2) the term 'aggrieved person' means a person whose information or records were sought or obtained under this section; and

"(3) the term 'foreign power' has the meaning given such term by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)).".

SEC. 3. NATIONAL SECURITY LETTER AUTHORITY FOR CERTAIN FINANCIAL RECORDS.

Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended to read as follows:

"SEC. 1114. NATIONAL SECURITY LETTER FOR CERTAIN FINANCIAL RECORDS.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge of a Bureau field office, may issue in writing and cause to be served on a financial institution, a National Security Letter requiring the production of—

"(A) the name of the customer or entity with whom the financial institution has a financial relationship;

"(B) the address of the customer or entity with whom the financial institution has a financial relationship;

"(C) the length of time during which the customer or entity has had an account or other financial relationship with the financial institution (including the start date) and the type of account or other financial relationship; and

"(D) any account number or other unique identifier associated with the financial relationship of the customer or entity to the financial institution.

"(2) LIMITATION.—A National Security Letter issued pursuant to this section may require the production only of records identified in subparagraphs (A) through (D) of paragraph (1).

"(b) NATIONAL SECURITY LETTER REQUIREMENTS.—

"(1) IN GENERAL.—A National Security Letter issued under this section shall be subject to the requirements of subsections (b) through (g) of section 2709 of title 18, United States Code, in the same manner and to the same extent as those provisions apply with respect to wire and electronic communication service providers.

"(2) REPORTING.—For purposes of this section, the reporting requirement in section 2709(e) of title 18, United States Code, shall also require informing the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

"(c) DEFINITION OF 'FINANCIAL INSTITUTION'.—For purposes of this section, section 1115, and section 1117, insofar as they relate to the operation of this section, the term 'financial institution' has the same meaning as in subsections (a)(2) and (c)(1) of section 5312 of title 31, except that, for purposes of this section, such term shall include only such a financial institution any part of which is located inside any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.".

SEC. 4. NATIONAL SECURITY LETTER AUTHORITY FOR CERTAIN CONSUMER REPORT RECORDS.

Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) by striking the section heading and inserting the following:

"§626. National Security Letters for certain consumer report records";

(2) by striking subsections (a) through (d) and inserting the following:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge of a Bureau field office, may issue in writing and cause to be served on a consumer reporting agency a National Security Letter requiring the production of—

"(A) the name of a consumer;

"(B) the current and former address of a consumer;

"(C) the current and former places of employment of a consumer; and

"(D) the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that such information is in the files of the consumer reporting agency.

"(2) LIMITATION.—A National Security Letter issued pursuant to this section may not require the production of a consumer report.

"(b) NATIONAL SECURITY LETTER REQUIREMENTS.—

"(1) IN GENERAL.—A National Security Letter issued under this section shall be subject to the requirements of subsections (b) through (g) of section 2709 of title 18, United States Code, in the same manner and to the same extent as those provisions apply with respect to wire and electronic communication service providers.

"(2) REPORTING.—For purposes of this section, the reporting requirement in section 2709(e) of title 18, United States Code, shall also require informing the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.";

(3) by striking subsections (f) through (h); and

(4) by redesignating subsections (e) and (i) through (m) as subsections (c) through (h), respectively.

SEC. 5. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

(a) REVIEW OF NONDISCLOSURE ORDERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

"(b) NONDISCLOSURE.—

"(1) IN GENERAL.—The recipient of a request for records or other information under section 2709 of this title, section 626 of the Fair Credit Reporting Act, section 1114 of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, may petition any court described in subsection (a) to modify or set aside a nondisclosure requirement imposed in connection with such a request. Such petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the nondisclosure requirement to comply with the provisions of section 2709 of this title, section 626 of the Fair Credit Reporting Act, section 1114 of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, or upon any constitutional or other legal right or privilege of such person.

"(2) STANDARD.—The court shall modify or set aside the nondisclosure requirement unless the court determines that—

"(A) there is a reason to believe that disclosure of the information subject to the nondisclosure requirement will result in—

"(i) endangering the life or physical safety of any person;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses;

"(v) interference with diplomatic relations; or

"(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

"(B) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.".

(b) DISCLOSURE.—Section 3511(d) of title 18, United States Code, is amended to read as follows:

"(d) DISCLOSURE.—In making determinations under this section, unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the petitioner, the counsel of the petitioner, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, National Security Letter, or other related materials.".

(c) CONFORMING AMENDMENTS.—Section 3511 of title 18, United States Code, is amended—

(1) in subsection (a), by—

(A) inserting after "(a)" the following "REQUEST.—";

(B) striking "2709(b)" and inserting "2709";

(C) striking "626(a) or (b) or 627(a)" and inserting "626"; and

(D) striking "1114(a)(5)(A)" and inserting "1114"; and

(2) in subsection (c), by—

(A) inserting after "(c)" the following "FAILURE TO COMPLY.—";

(B) by striking "2709(b)" and inserting "2709";

(C) by striking "626(a) or (b) or 627(a)" and inserting "626"; and

(D) by striking "1114(a)(5)(A)" and inserting "1114". .

(d) REPEAL.—Section 3511(e) of title 18, United States Code, is repealed.

SEC. 6. NATIONAL SECURITY LETTER COMPLIANCE PROGRAM AND TRACKING DATABASE.

(a) COMPLIANCE PROGRAM.—The Director of the Federal Bureau of Investigation shall establish a program to ensure compliance with the amendments made by sections 2, 3, and 4 of this Act.

(b) TRACKING DATABASE.—The compliance program required by subsection (a) shall include the establishment of a database, the purpose of which shall be to track all National Security Letters issued by the Federal Bureau of Investigation under section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), and section 2709 of title 18, United States Code.

(c) INFORMATION.—The database required by this section shall include—

(1) a signed copy of each National Security Letter;

(2) the date the National Security Letter was issued and for what type of information;

(3) whether the National Security Letter seeks information regarding a United States person or non-United States person;

(4) the ongoing, authorized, and specifically identified national security investigation (other than a threat assessment) to which the National Security Letter relates;

(5) whether the National Security Letter seeks information regarding an individual who is the subject of such investigation;

(6) when the information requested was received and, if applicable, when it was destroyed; and

(7) whether the information gathered was disclosed for law enforcement purposes.

SEC. 7. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177) is amended—

(1) in paragraph (1)—

(A) by striking "concerning different United States persons"; and

(B) in subparagraph (A), by striking ", excluding the number of requests for subscriber information";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) CONTENT.—The report required by this subsection shall include the total number of requests described in paragraph (1) requiring disclosure of information concerning—

"(A) United States persons;

"(B) non-United States persons;

"(C) persons who are the subjects of authorized national security investigations; and

"(D) persons who are not the subjects of authorized national security investigations.".

SEC. 8. SUNSET OF EXPANDED NATIONAL SECURITY LETTER AUTHORITIES.

Subsection 102(b) of Public Law 109–177 is amended to read as follows:

"(b) SECTIONS 206, 215, 358(G), 505 SUNSET.—

"(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended to read as they read on October 25, 2001—

"(A) sections 501, 502, and 105(c)(2) of the Foreign Intelligence Surveillance Act of 1978;

"(B) section 2709 of title 18, United States Code;

"(C) sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v); and

"(D) section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

"(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.".

SEC. 9. PRIVACY PROTECTIONS FOR SECTION 215 BUSINESS RECORDS ORDERS.

(a) IN GENERAL.—Section 501(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended—

(1) in paragraph (1)(B), by striking "and" after the semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ", such things being presumptively" through the end of the subparagraph and inserting a semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C) and striking the period at the end and inserting "; and"; and

(C) by inserting after subparagraph (A) the following:

"(B) a statement of specific and articulable facts providing reason to believe that the tangible things sought—

"(i) pertain to a suspected agent of a foreign power; or

"(ii) pertain to an individual who has been in contact with, or otherwise directly linked to, a suspected agent of a foreign power if the circumstances of that contact or link suggest that the records sought will be relevant to an ongoing, authorized and specifically identified national security investigation (other than a threat assessment) of that suspected agent of a foreign power; and"; and

(3) by inserting at the end the following:

"(3) if the applicant is seeking a nondisclosure requirement described in subsection (d), shall include—

"(A) a statement of specific and articulable facts providing reason to believe that disclosure of particular information about the existence or contents of the order requiring the production of tangible things under this section will result in—

"(i) endangering the life or physical safety of any person;

"(ii) flight from prosecution;

"(iii) destruction of or tampering with evidence;

"(iv) intimidation of potential witnesses;

"(v) interference with diplomatic relations; or

"(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

"(B) an explanation of how the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.".

(b) ORDER.—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (1), by—

(A) striking "subsections (a) and (b)" and inserting "subsection (a) and paragraphs (1) and (2) of subsection (b)"; and

(B) inserting at the end the following: "If the judge finds that the requirements of subsection (b)(3) have been met, such order shall include a nondisclosure requirement subject to the principles and procedures described in subsection (d)"; and

(2) in paragraph (2)(C), by inserting before the semicolon ", if applicable".

(c) NONDISCLOSURE.—Section 501(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)) is amended to read as follows:

"(d) NONDISCLOSURE.—

"(1) IN GENERAL.—No person who receives an order under subsection (c) that contains a nondisclosure requirement shall disclose to any person the particular information specified in such nondisclosure requirement for 180 days after receipt of such order.

"(2) EXCEPTION.—

"(A) DISCLOSURE.—A person who receives an order under subsection (c) that contains a nondisclosure requirement may disclose information otherwise subject to any applicable nondisclosure requirement to—

"(i) those persons to whom disclosure is necessary in order to comply with an order under this section;

"(ii) an attorney in order to obtain legal advice or assistance regarding such order; or

"(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

"(B) APPLICATION.—A person to whom disclosure is made pursuant to subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom an order is directed under this section in the same manner as such person.

"(C) NOTIFICATION.—Any person who discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall notify such person of the applicable nondisclosure requirement.

"(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge), may apply for renewals for the prohibition on disclosure of particular information about the existence or contents of an order requiring the production of tangible things under this section for additional periods of up to 180 days each. Such nondisclosure requirement shall be renewed if a court having jurisdiction pursuant to paragraph (4) determines that the application meets the requirements of subsection (b)(3).

"(4) JURISDICTION.—An application for a renewal pursuant to this subsection shall be made to—

"(A) a judge of the court established under section 103(a); or

"(B) a United States Magistrate Judge under chapter 43 of title 28, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of the court established under section 103(a).".

(d) USE OF INFORMATION.—Section 501(h) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended to read as follows:

"(h) USE OF INFORMATION.—

"(1) IN GENERAL.—

"(A) CONSENT.—Any tangible things or information acquired from an order pursuant to this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this section.

"(B) USE AND DISCLOSURE.—No tangible things or information acquired from an order pursuant to this section may be used or disclosed by Federal officers or employees except for lawful purposes.

"(2) DISCLOSURE FOR LAW ENFORCEMENT PURPOSES.—No tangible things or information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such tangible things or information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

"(3) NOTIFICATION OF INTENDED DISCLOSURE BY THE UNITED STATES.—Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against an aggrieved person any tangible things or information obtained or derived from an order pursuant to this section, the United States shall, before the trial, hearing, or other proceeding or at a reasonable time before an effort to so disclose or so use the tangible things or information or submit them in evidence, notify the aggrieved person and the court or other authority in which the tangible things or information are to be disclosed or used that the United States intends to so disclose or so use such tangible things or information.

"(4) NOTIFICATION OF INTENDED DISCLOSURE BY STATE OR POLITICAL SUBDIVISION.—Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision thereof against an aggrieved person any tangible things or information obtained or derived from an order pursuant to this section, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the tangible things or information are to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such tangible things or information.

"(5) MOTION TO SUPPRESS.—

"(A) IN GENERAL.—Any aggrieved person against whom evidence obtained or derived from an order pursuant to this section is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, or a State or political subdivision thereof, may move to suppress the evidence obtained or derived from the order, as the case may be, on the grounds that—

"(i) the tangible things or information were acquired in violation of the Constitution or laws of the United States; or

"(ii) the order was not issued in conformity with the requirements of this section.

"(B) TIMING.—A motion under subparagraph (A) shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the aggrieved person concerned was not aware of the grounds of the motion.

"(6) JUDICIAL REVIEW.—

"(A) IN GENERAL.—Whenever—

"(i) a court or other authority is notified pursuant to paragraph (3) or (4);

"(ii) a motion is made pursuant to paragraph (5); or

"(iii) any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to—

"(I) discover or obtain applications, orders, or other materials relating to an order issued pursuant to this section; or

"(II) discover, obtain, or suppress evidence or information obtained or derived from an order issued pursuant to this section;

the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other provision of law and if the Attorney General files an affidavit under oath that disclosure would harm the national security of the United States, review in camera the application, order, and such other related materials as may be necessary to determine whether the order was lawfully authorized and served.

"(B) DISCLOSURE.—In making a determination under subparagraph (A), unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, order, or other related materials, or evidence or information obtained or derived from the order.

"(7) EFFECT OF DETERMINATION OF LAWFULNESS.—

"(A) UNLAWFUL ORDERS.—If the United States district court determines pursuant to paragraph (6) that the order was not authorized or served in compliance with the Constitution or laws of the United States, the court may, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the order or otherwise grant the motion of the aggrieved person.

"(B) LAWFUL ORDERS.—If the court determines that the order was lawfully authorized and served, it may deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

"(8) BINDING FINAL ORDERS.—Orders granting motions or requests under paragraph (6), decisions under this section that an order was not lawfully authorized or served, and orders of the United States district court requiring review or granting disclosure of applications, orders, or other related materials shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals or the Supreme Court.".

(e) DEFINITION.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

"SEC. 503. DEFINITIONS.

"In this title, the following definitions apply:

"(1) IN GENERAL.—Except as provided in this section, terms used in this title that are also used in title I shall have the meanings given such terms by section 101.

"(2) AGGRIEVED PERSON.—The term 'aggrieved person' means any person whose tangible things or information were acquired pursuant to an order under this title.".

SEC. 10. JUDICIAL REVIEW OF SECTION 215 ORDERS.

Section 501(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended to read as follows:

"(f) JUDICIAL REVIEW.—

"(1) ORDER FOR PRODUCTION.—Not later than 20 days after the service upon any person of an order pursuant to subsection (c), or at any time before the return date specified in the order, whichever period is shorter, such person may file, in the court established under section 103(a) or in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, a petition for such court to modify or set aside such order. The time allowed for compliance with the order in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of such order to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

"(2) NONDISCLOSURE ORDER.—

"(A) IN GENERAL.—A person prohibited from disclosing information under subsection (d) may file, in the courts established by section 103(a) or in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, a petition for such court to set aside the nondisclosure requirement. Such petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the nondisclosure requirement to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

"(B) STANDARD.—The court shall modify or set aside the nondisclosure requirement unless the court determines that—

"(i) there is reason to believe that disclosure of the information subject to the nondisclosure requirement will result in—

"(I) endangering the life or physical safety of any person;

"(II) flight from prosecution;

"(III) destruction of or tampering with evidence;

"(IV) intimidation of potential witnesses;

"(V) interference with diplomatic relations; or

"(VI) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

"(ii) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

"(3) RULEMAKING.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of the National Security Letter Reform Act of 2007, the courts established pursuant to section 103(a) shall establish such rules and procedures and take such actions as are reasonably necessary to administer their responsibilities under this subsection.

"(B) REPORTING.—Not later than 30 days after promulgating rules and procedures under subparagraph (A), the courts established pursuant to section 103(a) shall transmit a copy of the rules and procedures, unclassified to the greatest extent possible (with a classified annex, if necessary), to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

"(4) DISCLOSURES TO PETITIONERS.—In making determinations under this subsection, unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the petitioner, the counsel of the petitioner, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, order, or other related materials.".

SEC. 11. RESOURCES FOR FISA APPLICATIONS.

(a) ELECTRONIC FILING.—

(1) IN GENERAL.—The Department of Justice shall establish a secure electronic system for the submission of documents and other information to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) relating to applications for orders under chapter 36 of title 50, authorizing electronic surveillance, physical searches, the use of pen register and trap and trace devices, and the production of tangible things.

(2) FUNDING SOURCE.—Section 1103(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended—

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) in subparagraph (D), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(E) $5,000,000 for the implementation of the secure electronic filing system established by Section 11(a)(1) of the National Security Letter Reform Act.".

(b) PERSONNEL AND INFORMATION TECHNOLOGY NEEDS.—

(1) OFFICE OF INTELLIGENCE POLICY AND REVIEW.—

(A) IN GENERAL.—The Office of Intelligence Policy and Review of the Department of Justice may hire personnel and procure information technology, as needed, to ensure the timely and efficient processing of applications to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(B) FUNDING SOURCE.—

(i) Section 1103(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended—

(I) in subparagraph (D), by striking "and" after the semicolon;

(II) in subparagraph (E), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(F) not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(1)(A) of the National Security Letter Reform Act.".

(ii) Section 1104(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended—

(I) in subparagraph (C), by striking "and" after the semicolon;

(II) in subparagraph (D), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(E) not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(1)(A) of the National Security Letter Reform Act.".

(2) FBI.—

(A) IN GENERAL.—The Federal Bureau of Investigation may hire personnel and procure information technology, as needed, to ensure the timely and efficient processing of applications to the Foreign Intelligence Surveillance Court.

(B) FUNDING SOURCE.—

(i) Section 1103(7) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by inserting before the period the following: ", and which shall include not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(2)(A) of the National Security Letter Reform Act".

(ii) Section 1104(7) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by inserting before the period the following: ", and which shall include not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(2)(A) of the National Security Letter Reform Act".

SEC. 12. ENHANCED PROTECTIONS FOR EMERGENCY DISCLOSURES.

(a) STORED COMMUNICATIONS ACT.—Section 2702 of title 18, United States Code is amended—

(1) in subsection (b)(8), by—

(A) striking ", in good faith," and inserting "reasonably";

(B) inserting "immediate" after "involving"; and

(C) adding before the period: ", subject to the limitations of subsection (d) of this section;";

(2) in subsection (c)(4) by—

(A) striking ". in good faith," and inserting "reasonably";

(B) inserting "immediate" after "involving"; and

(C) adding before the period: ", subject to the limitations of subsection (d) of this section.";

(3) redesignating subsection (d) as subsection (e) and adding after subsection (c) the following:

"(d) REQUIREMENT.—

"(1) REQUEST.—If a governmental entity requests that a provider divulge information pursuant to subsection (b)(8) or (c)(4), the request shall specify that the disclosure is on a voluntary basis and shall document the factual basis for believing that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

"(2) NOTICE TO COURT.—Within 5 days of obtaining access to records under subsection (b)(8) or (c)(4), the governmental entity shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the governmental entity setting forth the grounds for the emergency access."; and

(4) in subsection (e), as redesignated in paragraphs (1) and (2), by striking "subsection (b)(8)" and inserting "subsections (b)(8) and (c)(4)".

(b) RIGHT TO FINANCIAL PRIVACY ACT.—

(1) EMERGENCY DISCLOSURES.—The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended by inserting after section 1120 the following:

"SEC. 1121. EMERGENCY DISCLOSURES.

"(a) IN GENERAL.—

"(1) STANDARD.—A financial institution (as defined in section 1114(c)) may divulge a record described in section 1114(a) pertaining to a customer to a Government authority, if the financial institution reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency.

"(2) NOTICE IN REQUEST.—If a Government authority requests that a financial institution divulge information pursuant to this section, the request shall specify that the disclosure is on a voluntary basis, and shall document the factual basis for believing that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

"(b) CERTIFICATE.—In the instances specified in subsection (a), the Government shall submit to the financial institution the certificate required in section 1103(b), signed by a supervisory official of a rank designated by the head of the Government authority.

"(c) NOTICE TO COURT.—Within 5 days of obtaining access to financial records under this section, the Government authority shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the Government authority setting forth the grounds for the emergency access. The Government authority shall thereafter comply with the notice provisions of section 1109.

"(d) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General of the United States shall submit to the Committee on the Judiciary and the Committee on Financial Services of the House of Representatives and the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

"(1) the number of individuals for whom the Department of Justice has received voluntary disclosures under this section; and

"(2) a summary of the bases for disclosure in those instances where—

"(A) voluntary disclosures under this section were made to the Department of Justice; and

"(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.".

(2) CONFORMING AMENDMENTS.—The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended—

(A) in section 1102 (12 U.S.C. 3402), by striking "or 1114" and inserting "1114, or 1121"; and

(B) in section 1109(c) (12 U.S.C. 3409(c)), by striking "1114(b)" and inserting "1121".

(c) FAIR CREDIT REPORTING ACT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended to read as follows:

"SEC. 627. EMERGENCY DISCLOSURES.

"(a) IN GENERAL.—

"(1) STANDARD.—A consumer reporting agency may divulge identifying information respecting any consumer, limited to the name, address, former addresses, places of employment, or former places of employment of the consumer, to a Government agency, if the consumer reporting agency reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency.

"(2) NOTICE IN REQUEST.—If a Government agency requests that a consumer reporting agency divulge information pursuant to this section, the request shall specify that the disclosure is on a voluntary basis, and shall document the factual basis for believing that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

"(b) NOTICE TO COURT.—Within 5 days of obtaining access to identifying information under this section, the Government agency shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the Government agency setting forth the grounds for the emergency access.

"(c) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General of the United States shall submit to the Committee on the Judiciary and the Committee on Financial Services of the House of Representatives and the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

"(1) the number of individuals for whom the Department of Justice has received voluntary disclosures under this section; and

"(2) a summary of the bases for disclosure in those instances where—

"(A) voluntary disclosures under this section were made to the Department of Justice; and

"(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.".

SEC. 13. CLARIFICATION REGARDING DATA RETENTION.

Subsection 2703(f) of title 18, United States Code, is amended by adding at the end the following:

"(3) A provider of wire or electronic communications services or a remote computing service who has received a request under this subsection shall not disclose the records referred to in paragraph (1) until such provider has received a court order or other process.".

SEC. 14. LEAST INTRUSIVE MEANS.

(a) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines (consistent with Executive Order 12333 or successor order) instructing that when choices are available between the use of information collection methods in national security investigations that are more or less intrusive, the least intrusive collection techniques feasible are to be used.

(2) SPECIFIC COLLECTION TECHNIQUES.—The guidelines required by this section shall provide guidance with regard to specific collection techniques, including the use of national security letters, considering such factors as—

(A) the effect on the privacy of individuals;

(B) the potential damage to reputation of individuals; and

(C) any special First Amendment concerns relating to a potential recipient of a National Security Letter or other legal process, including a direction that prior to issuing such National Security Letter or other legal process to a library or bookseller, investigative procedures aimed at obtaining the relevant information from entities other than a library or bookseller be utilized and have failed, or reasonably appear to be unlikely to succeed if tried or endanger lives if tried.

(b) DEFINITIONS.—In this section:

(1) BOOKSELLER.—The term "bookseller" means a person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

(2) LIBRARY.—The term "library" means a library (as that term is defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2))) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination, or circulation.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mr. OBAMA):

S. 2092. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to support this Nations' workers, who deserve better treatment than they currently experience when their employers fail them.

We all remember what happened with Enron. Thousands of workers toiled over decades to slowly build up good, solid companies of which they could be proud. Then, in just a few short years, these companies were bought up by a conglomerate and run into the ground.

Enron went bankrupt and, just like that, the workers and retirees who spent their lives building something lost their jobs, their benefits, and most of their pensions. Our bankruptcy system helped facilitate that loss.

It is not just Enron. Workers and retirees are always near the back of the line when their companies go into bankruptcy. Some firms have gone into bankruptcy at least in part because companies can walk away forever from some of their obligations to their employees.

Today I am introducing the Protecting Employees and Retirees in Business Bankruptcies Act, along with Senators KENNEDY and FEINGOLD. I am pleased that Chairman CONYERS of the House Judiciary Committee will be introducing the House companion.

The Protecting Employees and Retirees in Business Bankruptcies Act will increase the value of worker claims in bankruptcy. The bill doubles the maximum value of wage claims for each worker to $20,000; allows a second claim of up to $20,000 for benefits earned; eliminates the requirement that employees earn wage and benefit claims within 180 days of the bankruptcy filing; creates a new priority claim for the loss in value of workers' pensions; and establishes a new priority administrative expense for workers' collective severance pay.

The bill also will reduce the loss of wages and benefits. It protects the value of collective bargaining agreements by limiting the situations in which they can be rejected and by tightening the criteria by which they can be amended. It also protects retiree benefits and ensures that bidders for assets of the bankrupt company that promise to honor back wages, vacation time, and other benefits are considered favorably.

Finally, the bill will increase the parity of worker and executive claims. For example, the bill prohibits deferred executive compensation in situations where employee compensation plans have been terminated in bankruptcy.

No longer will executives and insiders be able to pay themselves huge bonuses in the midst of slashing payroll and benefit costs.

No longer will consultants receive huge fees while retirees are losing most of their pensions.

No longer will companies be able to sell off all of the assets that make the company worthwhile, and yet refuse to use those proceeds to support the workers who have lost their livelihoods.

I am proud to introduce this legislation with Senators KENNEDY and FEINGOLD, and I thank the AFL–CIO and all of its workers for their wholehearted support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Employees and Retirees in Business Bankruptcies Act of 2007".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Recent corporate restructurings have exacted a devastating toll on workers through deep cuts in wages and benefits, termination of defined benefit pension plans, and the transfer of productive assets to lower wage economies outside the United States. Retirees have suffered deep cutbacks in benefits when companies in bankruptcy renege on their retiree health obligations and terminate pension plans.

(2) Congress enacted chapter 11 of title 11, United States Code, to protect jobs and enhance enterprise value for all stakeholders and not to be used as a strategic weapon to eliminate good paying jobs, strip employees and their families of a lifetime's worth of earned benefits and hinder their ability to participate in a prosperous and sustainable economy. Specific laws designed to treat workers and retirees fairly and keep companies operating are instead causing the burdens of bankruptcy to fall disproportionately and overwhelmingly on employees and retirees, those least able to absorb the losses.

(3) At the same time that working families and retirees are forced to make substantial economic sacrifices, executive pay enhancements continue to flourish in business bankruptcies, despite recent congressional enactments designed to curb lavish pay packages for those in charge of failing enterprises. Bankruptcy should not be a haven for the excesses of executive pay.

(4) Employees and retirees, unlike other creditors, have no way to diversify the risk of their employer's bankruptcy.

(5) Comprehensive reform is essential in order to remedy these fundamental inequities in the bankruptcy process and to recognize the unique firm-specific investment by employees and retirees in their employers' business through their labor.

SEC. 3. INCREASED WAGE PRIORITY.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking "$10,000" and inserting "$20,000";

(B) by striking "within 180 days"; and

(C) by striking "or the date of the cessation of the debtor's business, whichever occurs first,";

(2) in paragraph (5)(A), by striking—

(A) "within 180 days"; and

(B) "or the date of the cessation of the debtor's business, whichever occurs first"; and

(3) in paragraph (5), by striking subparagraph (B) and inserting the following:

"(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by $20,000.".

SEC. 4. PRIORITY FOR STOCK VALUE LOSSES IN DEFINED CONTRIBUTION PLANS.

(a) Section 101(5) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by inserting "or" after the semicolon; and

(3) by adding at the end the following:

"(C) right or interest in equity securities of the debtor, or an affiliate of the debtor, held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)) for the benefit of an individual who is not an insider or 1 of the 10 most highly compensated employees of the debtor (if 1 or more are not insiders), if such securities were attributable to—

"(i) employer contributions by the debtor or an affiliate of the debtor, other than elective deferrals (within the meaning of section 402(g) of the Internal Revenue Code of 1986), and any earnings thereon; or

"(ii) elective deferrals and any earnings thereon.".

(b) Section 507(a) of title 11, United States Code, is amended—

(1) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(2) by inserting after paragraph (5) the following:

"(6) Sixth, loss of the value of equity securities of the debtor or affiliate of the debtor that are held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)), without regard to when services resulting in the contribution of stock to the plan were rendered, measured by the market value of the stock at the time of contribution to, or purchase by, the plan and the value as of the commencement of the case where an employer or plan sponsor that has commenced a case under this title has committed fraud with respect to such plan or has otherwise breached a duty to the participant that has proximately caused the loss of value.";

(3) in paragraph (7), as redesignated, by striking "Sixth" and inserting "Seventh";

(4) in paragraph (8), as redesignated, by striking "Seventh" and inserting "Eighth";

(5) in paragraph (9), as redesignated, by striking "Eighth" and inserting "Ninth";

(6) in paragraph (10), as redesignated, by striking "Ninth" and inserting "Tenth"; and

(7) in paragraph (11), as redesignated, by striking "Tenth" and inserting "Eleventh".

SEC. 5. PRIORITY FOR SEVERANCE PAY.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (8) by striking "and" at the end;

(2) in paragraph (9) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(10) severance pay owed to employees of the debtor (other than to an insider, other senior management, or a consultant retained to provide services to the debtor), under a plan, program, or policy generally applicable to employees of the debtor, or owed pursuant to a collective bargaining agreement, but not under an individual contract of employment, for termination or layoff on or after the date of the filing of the petition, which pay shall be deemed earned in full upon such layoff or termination of employment.".

SEC. 6. EXECUTIVE COMPENSATION UPON EXIT FROM BANKRUPTCY.

Section 1129(a)(5) of title 11, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking "and" at the end; and

(2) in subparagraph (B), by striking the period at the end and inserting the following: "; and

"(C) the compensation disclosed pursuant to subparagraph (B) has been approved by, or is subject to the approval of, the court, as reasonable when compared to persons holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.".

SEC. 7. LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.

Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect prior to the date of the commencement of the case," after "remain with the debtor's business,"; and

(2) by amending paragraph (3) to read as follows:

"(3) other transfers or obligations, to or for the benefit of officers, of managers, or of consultants retained to provide services to the debtor, before or after the date of filing of the petition, in the absence of a finding by the court based upon evidence in the record, and without deference to the debtor's request for such payments, that such transfers or obligations are essential to the survival of the debtor's business or (in the case of a liquidation of some or all of the debtor's assets) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.".

SEC. 8. REJECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Section 1113 of title 11, United States Code, is amended—

(1) by striking subsections (a) through (c) and inserting the following:

"(a) The debtor in possession, or the trustee if one has been appointed under this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may reject a collective bargaining agreement only in accordance with the provisions of this section.

"(b)(1) Where a debtor in possession or trustee (hereinafter in this section referred to collectively as a 'trustee') seeks rejection of a collective bargaining agreement, a motion seeking rejection shall not be filed unless the trustee has first met with the authorized representative (at reasonable times and for a reasonable period in light of the complexity of the case) to confer in good faith in attempting to reach mutually acceptable modifications of such agreement. Proposals by the trustee to modify the agreement shall be limited to modifications to the agreement that—

"(A) are designed to achieve a total aggregate financial contribution for the affected labor group for a period not to exceed 2 years after the effective date of the plan;

"(B) shall be no more than the minimal savings necessary to permit the debtor to exit bankruptcy, such that confirmation of such plan is not likely to be followed by the liquidation of the debtor or any successor to the debtor; and

"(C) shall not overly burden the affected labor group, either in the amount of the savings sought from such group or the nature of the modifications, when compared to other constituent groups expected to maintain ongoing relationships with the debtor, including management personnel.

"(2) Proposals by the trustee under paragraph (1) shall be based upon the most complete and reliable information available. Information that is relevant for the negotiations shall be provided to the authorized representative.

"(c)(1) If, after a period of negotiations, the debtor and the authorized representative have not reached agreement over mutually satisfactory modifications and the parties are at an impasse, the debtor may file a motion seeking rejection of the collective bargaining agreement after notice and a hearing held pursuant to subsection (d). The court may grant a motion to reject a collective bargaining agreement only if the court finds that—

"(A) the debtor has, prior to such hearing, complied with the requirements of subsection (b) and has conferred in good faith with the authorized representative regarding such proposed modifications, and the parties were at an impasse;

"(B) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subparagraphs (A) and (B) of subsection (b)(1);

"(C) further negotiations are not likely to produce a mutually satisfactory agreement; and

"(D) the court has considered—

"(i) the effect of the proposed financial relief on the affected labor group;

"(ii) the ability of the debtor to retain an experienced and qualified workforce; and

"(iii) the effect of a strike in the event of rejection of the collective bargaining agreement.

"(2) In reaching a decision under this subsection regarding whether modifications proposed by the debtor and the total aggregate savings meet the requirements of subsection (b), the court shall take into account—

"(A) the ongoing impact on the debtor of the debtor's relationship with all subsidiaries and affiliates, regardless of whether any such subsidiary or affiliate is domestic or nondomestic, or whether any such subsidiary or affiliate is a debtor entity; and

"(B) whether the authorized representative agreed to provide financial relief to the debtor within the 24-month period prior to the date of the commencement of the case, and if so, shall consider the total value of such relief in evaluating the debtor's proposed modifications.

"(3) In reaching a decision under this subsection, where a debtor has implemented a program of incentive pay, bonuses, or other financial returns for insiders or senior management personnel during the bankruptcy, or has implemented such a program within 180 days before the date of the commencement of the case, the court shall presume that the debtor has failed to satisfy the requirements of subsection (b)(1)(C).";

(2) in subsection (d)—

(A) by striking "(d)" and all that follows through paragraph (2) and inserting the following:

"(d)(1) Upon the filing of a motion for rejection of a collective bargaining agreement, the court shall schedule a hearing to be held on not less than 21 days notice (unless the debtor and the authorized representative agree to a shorter time). Only the debtor and the authorized representative may appear and be heard at such hearing."; and

(B) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (f), by adding at the end the following: "Any payment required to be made under this section before the date on which a plan confirmed under section 1129 is effective has the status of an allowed administrative expense, as provided in section 503."; and

(4) by adding at the end the following:

"(g) The rejection of a collective bargaining agreement constitutes a breach of such contract with the same effect as rejection of an executory contract pursuant to section 365(g). No claim for rejection damages shall be limited by section 502(b)(7). Economic self-help by an authorized representative shall be permitted upon a court order granting a motion to reject a collective bargaining agreement under subsection (c) or court-authorized interim changes under subsection (e), and no provision of this title or of any other Federal or State law shall be construed to the contrary.

"(h) At any time after the date on which an order is entered authorizing rejection, or where an agreement providing mutually satisfactory modifications has been entered into between the debtor and the authorized representative, at any time after such agreement has been entered into, the authorized representative may apply to the court for an order seeking an increase in the level of wages or benefits, or relief from working conditions, based upon changed circumstances. The court shall grant the request so long as the increase or other relief is consistent with the standard set forth in subsection (b)(1)(B).

"(i) Upon request by the authorized representative, and where the court finds that the prospects for reaching a mutually satisfactory agreement would be aided by granting the request, the court may direct that a dispute under subsection (c) be heard and determined by a neutral panel of experienced labor arbitrators in lieu of a court proceeding under subsection (d). The decision of such panel shall have the same effect as a decision by the court. The court's decision directing the appointment of a neutral panel is not subject to appeal.

"(j) Upon request by the authorized representative, the debtor shall provide for the reasonable fees and costs incurred by the authorized representative under this section, after notice and a hearing.

"(k) If a plan to be confirmed under section 1129 provides for the liquidation of the debtor, whether by sale or cessation of all or part of the business, the trustee and the authorized representative shall confer regarding the effects of such liquidation on the affected labor group, in accordance with applicable nonbankruptcy law, and shall provide for the payment of all accrued obligations not assumed as part of a sale transaction, and for such other terms as may be agreed upon, in order to ensure an orderly transfer of assets or cessation of the business. Any such payments shall have the status of allowed administrative expenses under section 503.

"(l) A collective bargaining agreement that is assumed shall be assumed in accordance with section 365.".

SEC. 9. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting ", whether or not the debtor asserts a right to unilaterally modify such payments under such plan, fund, or program" before the period at the end;

(2) in subsection (c)(1), by adding at the end the following: "Where a labor organization elects to serve as the authorized representative, the debtor shall provide for the reasonable fees and costs incurred by the authorized representative under this section after notice and a hearing.";

(3) in subsection (f), by striking "(f)" and all that follows through paragraph (2) and inserting the following:

"(f)(1) Where a trustee seeks modification of retiree benefits, a motion seeking modification of such benefits shall not be filed, unless the trustee has first met with the authorized representative (at reasonable times and for a reasonable period in light of the complexity of the case) to confer in good faith in attempting to reach mutually satisfactory modifications. Proposals by the trustee to modify retiree benefits shall be limited to modifications in retiree benefits that—

"(A) are designed to achieve a total aggregate financial contribution for the affected retiree group for a period not to exceed 2 years after the effective date of the plan;

"(B) shall be no more than the minimal savings necessary to permit the debtor to exit bankruptcy, such that confirmation of such plan is not likely to be followed by the liquidation of the debtor or any successor to the debtor; and

"(C) shall not overly burden the affected retirees, either in the amount of the savings sought or the nature of the modifications, when compared to other constituent groups expected to maintain ongoing relationships with the debtor, including management personnel.

"(2) Proposals by the trustee under paragraph (1) shall be based upon the most complete and reliable information available. Information that is relevant for the negotiations shall be provided to the authorized representative.";

(4) in subsection (g), by striking "(g)" and all that follows through the semicolon at the end of paragraph (3) and inserting the following:

"(g) If, after a period of negotiations, the debtor and the authorized representative have not reached agreement over mutually satisfactory modifications and the parties are at an impasse, the debtor may apply to the court for modifications in the payment of retiree benefits after notice and a hearing held pursuant to subsection (k). The court may grant a motion to modify the payment of retiree benefits only if the court finds that—

"(1) the debtor has, prior to the hearing, complied with the requirements of subsection (f) and has conferred in good faith with the authorized representative regarding such proposed modifications and the parties were at an impasse;

"(2) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subparagraphs (A) and (B) of subsection (f)(1);

"(3) further negotiations are not likely to produce a mutually satisfactory agreement; and

"(4) the court has considered—

"(A) the effect of the proposed modifications on the affected retirees; and

"(B) where the authorized representative is a labor organization, the effect of a strike in the event of modification of retiree health benefits;";

(5) in subsection (k)—

(A) in paragraph (1)—

(i) in the first sentence, by striking "fourteen" and inserting "21"; and

(ii) by striking the second and third sentences, and inserting the following: "Only the debtor and the authorized representative may appear and be heard at such hearing.";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(6) by redesignating subsections (l) and (m) as subsections (n) and (o), respectively, and inserting the following:

"(l) In determining whether the proposed modifications comply with subsection (f)(1)(A), the court shall take into account the ongoing impact on the debtor of the debtor's relationship with all subsidiaries and affiliates, regardless of whether any such subsidiary or affiliate is domestic or nondomestic, or whether any such subsidiary or affiliate is a debtor entity.

"(m) No plan, fund, program, or contract to provide retiree benefits for insiders or senior management shall be assumed by the debtor if the debtor has obtained relief under subsection (g) or (h) for reductions in retiree benefits or under subsection (c) or (e) of section 1113 for reductions in the health benefits of active employees of the debtor on or after the commencement of the case or reduced or eliminated active or retiree benefits within 180 days prior to the date of the commencement of the case.".

SEC. 10. PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.

Section 363 of title 11, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

"(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, has preserved retiree health benefits, and has assumed the obligations of any defined benefit plan, in determining whether an offer constitutes the highest or best offer for such property."; and

(2) by adding at the end the following:

"(q) If, as a result of a sale approved under this section, retiree benefits, as defined under section 1114(a), are modified or eliminated pursuant to the provisions of subsection (e)(1) or (h) of section 1114 or otherwise, then, except as otherwise provided in an agreement with the authorized representative of such retirees, a charge of $20,000 per retiree shall be made against the proceeds of such sale (or paid by the buyer as part of the sale) for the purpose of—

"(1) funding 12 months of health coverage following the termination or modification of such coverage through a plan, fund, or program made available by the buyer, by the debtor, or by a third party; or

"(2) providing the means by which affected retirees may obtain replacement coverage on their own,

except that the selection of either paragraph (1) or (2) shall be upon the consent of the authorized representative, within the meaning of section 1114(b), if any. Any claim for modification or elimination of retiree benefits pursuant to section 1114(i) shall be offset by the amounts paid under this subsection.".

SEC. 11. UNION PROOF OF CLAIM.

Section 501(a) of title 11, United States Code, is amended by inserting ", including a labor organization," after "A creditor".

SEC. 12. CLAIM FOR LOSS OF PENSION BENEFITS.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(l) The court shall allow a claim asserted by an active or retired participant in a defined benefit plan terminated under section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, for any shortfall in pension benefits accrued as of the effective date of the termination of such pension plan as a result of the termination of the plan and limitations upon the payment of benefits imposed pursuant to section 4022 of such Act, notwithstanding any claim asserted and collected by the Pension Benefit Guaranty Corporation with respect to such termination.".

SEC. 13. PAYMENTS BY SECURED LENDER.

Section 506(c) of title 11, United States Code, is amended by adding at the end the following: "Where employees have not received wages, accrued vacation, severance, or other benefits owed pursuant to the terms of a collective bargaining agreement for services rendered on and after the date of the commencement of the case, such unpaid obligations shall be deemed necessary costs and expenses of preserving, or disposing of, property securing an allowed secured claim and shall be recovered even if the trustee has otherwise waived the provisions of this subsection under an agreement with the holder of the allowed secured claim or successor or predecessor in interest.".

SEC. 14. PRESERVATION OF JOBS AND BENEFITS.

Title 11, United States Code, is amended—

(1) by inserting before section 1101 the following:

"SEC. 1100. STATEMENT OF PURPOSE.

"A debtor commencing a case under this chapter shall have as its purpose the reorganization of its business and, to the greatest extent possible, maintaining or enhancing the productive use of its assets, so as to preserve jobs.";

(2) in section 1129(a), by adding at the end the following:

"(17) The debtor has demonstrated that every reasonable effort has been made to maintain existing jobs and mitigate losses to employees and retirees.";

(3) in section 1129(c), by striking the last sentence and inserting the following: "If the requirements of subsections (a) and (b) are met with respect to more than 1 plan, the court shall, in determining which plan to confirm, consider—

"(1) the extent to which each plan would maintain existing jobs, has preserved retiree health benefits, and has maintained any existing defined benefit plans; and

"(2) the preferences of creditors and equity security holders, and shall confirm the plan that better serves the interests of employees and retirees."; and

(4) in the table of sections in chapter 11, by inserting the following before the item relating to section 1101:

"1100. Statement of purpose.".

SEC. 15. ASSUMPTION OF EXECUTIVE RETIREMENT PLANS.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "and (d)" and inserting "(d), and (q)"; and

(2) by adding at the end the following:

"(q) No deferred compensation arrangement for the benefit of insiders or senior management of the debtor shall be assumed if a defined benefit plan for employees of the debtor has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, on or after the date of the commencement of the case or within 180 days prior to the date of the commencement of the case.".

SEC. 16. RECOVERY OF EXECUTIVE COMPENSATION.

Title 11, United States Code, is amended by inserting after section 562 the following:

"§ 563. Recovery of executive compensation

"(a) If a debtor has obtained relief under subsection (c) or (e) of section 1113, or subsection (g) or (h) of section 1114, by which the debtor reduces its contractual obligations under a collective bargaining agreement or retiree benefits plan, the court, as part of the entry of such order granting relief, shall determine the percentage diminution, as a result of the relief granted under section 1113 or 1114, in the value of the obligations when compared to the debtor's obligations under the collective bargaining agreement or with respect to retiree benefits, as of the date of the commencement of the case under this title. In making its determination, the court shall include reductions in benefits, if any, as a result of the termination pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, of a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, effective at any time on or after 180 days before the date of the commencement of a case under this title. The court shall not take into account pension benefits paid or payable under the provisions of title IV of such Act as a result of any such termination.

"(b) Where a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, effective at any time on or after 180 days before the date of the commencement of a case under this title, but a debtor has not obtained relief under subsection (c) or (e) of section 1113, or subsection (g) or (h) of section 1114 of this title, the court, upon motion of a party in interest, shall determine the percentage diminution in the value of benefit obligations when compared to the total benefit liabilities prior to such termination. The court shall not take into account pension benefits paid or payable under the provisions of title IV of the Employee Retirement Income Security Act of 1974 as a result of any such termination.

"(c) Upon the determination of the percentage diminution in value under subsection (a) or (b), the estate shall have a claim for the return of the same percentage of the compensation paid, directly or indirectly (including any transfer to a self-settled trust or similar device, or to a nonqualified deferred compensation plan under section 409A(d)(1) of the Internal Revenue Code of 1986) to any officer of the debtor serving as member of the board of directors of the debtor within the year before the date of the commencement of the case, and any individual serving as chairman and any individual serving as lead director of the board of directors at the time of the granting of relief under section 1113 or 1114 of this title or, if no such relief has been granted, the termination of the defined benefit plan.

"(d) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such claims, except that if neither the trustee nor such committee commences an action to recover such claim by the first date set for the hearing on the confirmation of plan under section 1129, any party in interest may apply to the court for authority to recover such claim for the benefit of the estate. The costs of recovery shall be borne by the estate.

"(e) The court shall not award postpetition compensation under section 503(c) or otherwise to any person subject to the provisions of subsection (c) if there is a reasonable likelihood that such compensation is intended to reimburse or replace compensation recovered by the estate under this section.".

SEC. 17. EXCEPTION FROM AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; and" and

(3) by adding at the end the following:

"(29) of the commencement or continuation of a grievance, arbitration, or similar dispute resolution proceeding established by a collective bargaining agreement that was or could have been commenced against the debtor before the filing of a case under this title, or the payment or enforcement of an award or settlement under such proceeding.".

SEC. 18. PREFERENTIAL COMPENSATION TRANSFER.

Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(j) The trustee may avoid a transfer to or for the benefit of an insider (including an obligation incurred for the benefit of an insider under an employment contract) made in anticipation of bankruptcy, or a transfer made in anticipation of bankruptcy to a consultant who is formerly an insider and who is retained to provide services to an entity that becomes a debtor (including an obligation under a contract to provide services to such entity or to a debtor) made or incurred on or within 1 year before the filing of the petition. No provision of subsection (c) shall constitute a defense against the recovery of such transfer. The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such transfer, except that, if neither the trustee nor such committee commences an action to recover such transfer by the time of the commencement of a hearing on the confirmation of a plan under section 1129, any party in interest may apply to the court for authority to recover the claims for the benefit of the estate. The costs of recovery shall be borne by the estate.".

SEC. 19. FINANCIAL RETURNS FOR EMPLOYEES AND RETIREES.

Section 1129(a) of title 11, United States Code, is amended—

(1) by adding at the end the following:

"(18) In a case in which the debtor initiated proceedings under section 1113, the plan provides for recovery of rejection damages (where the debtor obtained relief under subsection (c) or (e) of section 1113 prior to confirmation of the plan) or for other financial returns, as negotiated by the debtor and the authorized representative (to the extent that such returns are paid under, rather than outside of, a plan)."; and

(2) by striking paragraph (13) and inserting the following:

"(13) With respect to retiree benefits, as that term is defined in section 1114, the plan—

"(A) provides for the continuation after its effective date of payment of all retiree benefits at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 at any time prior to the date of confirmation of the plan, for the duration of the period for which the debtor has obligated itself to provide such benefits, or, if no modifications are made prior to confirmation of the plan, the continuation of all such retiree benefits maintained or established in whole or in part by the debtor prior to the date of the filing of the petition; and

"(B) provides for allowed claims for modification of retiree benefits or for other financial returns, as negotiated by the debtor and the authorized representative, to the extent that such returns are paid under, rather than outside of, a plan).".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 330—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA AND WELCOMING COOPERATION BETWEEN THE PEOPLES OF ISRAEL, JORDAN, AND PALESTINE

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 330

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to restore the quantity and quality of the Jordan River water flow and to restore the water level of the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the "Beneficiary Parties"), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, "The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors";

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, "This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks";

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, "This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples";

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and the desalination and restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea–Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea–Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in Washington in November 2007 to seek an enduring solution to the Arab–Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the "Beneficiary Parties"), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of a possible pipeline from the Red Sea to the Dead Sea in comparison to alternative proposals;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in Washington between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab–Israeli crisis.

Mr. LUGAR. Mr. President, I rise to introduce a resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan and Palestine.

The Jordan River and the Dead Sea are bodies of water of exceptional historic, religious, cultural, economic and environmental importance for the Middle East and the world. However, both the Jordan River and the Dead Sea face serious problems. The governments of Israel and Jordan, as well as the Palestinian Authority, have worked together in an unusual and welcome spirit of cooperation to address many of the water challenges confronting the region. The Senate applauds this cooperation and urges Israel, Jordan and the Palestinian Authority to continue to work in a spirit of cooperation as it addresses the degradation of the Jordan River and the Dead Sea, and hopes this cooperation might serve as a model for Israel and the Palestinian Authority as they prepare to meet in Washington this fall to seek a durable solution to the Arab-Israeli crisis.

SENATE RESOLUTION 331—EXPRESSING THE SENSE OF THE SENATE THAT TURKEY SHOULD END ITS MILITARY OCCUPATION OF THE REPUBLIC OF CYPRUS, PARTICULARLY BECAUSE TURKEY'S PRETEXT HAS BEEN REFUTED BY OVER 13,000,000 CROSSINGS OF THE DIVIDE BY TURKISH-CYPRIOTS AND GREEK CYPRIOTS INTO EACH OTHER'S COMMUNITIES WITHOUT INCIDENT

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 331

Whereas it is in the best interests of the United States, Turkey, Cyprus, the European Union, and NATO for Turkey to adhere to United Nations resolutions and United States and European Union policy and end its military occupation of the Republic of Cyprus;

Whereas 13,000,000 crossings of the divide by Turkish-Cypriots and Greek-Cypriots into each other's communities without incident qualifies Cyprus' ethnic community relations to be among the world's safest, regardless of circumstances;

Whereas, unlike age-old ethnic frictions in the region, Cyprus has historically been an oasis of generally peaceful relations among ethnic communities, as is reflected in many Turkish-Cypriot and Greek-Cypriot emigrants seeking each other as neighbors in places like Great Britain;

Whereas United States interests, regional stability, and relations between United States allies Greece and Turkey will improve with an end to the occupation of Cyprus;

Whereas Turkey's European Union accession prospects, which require approval by each European Union nation, will improve if Turkey ends its hostile occupation of Cyprus, a European Union nation;

Whereas Turkey's image for religious tolerance will improve by removing troops that have allowed, as German Chancellor and European Union President Angela Merkel recently said, "destruction of churches or other religious sites" under their control; and

Whereas overlooking Turkey's occupation of Cyprus injures the moral standing of the United States internationally and doesn't help the image of the United States in Turkey, which recently ranked last in a 47-nation Pew survey for favorable views of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the United States Government to initiate a new effort to help Turkey understand the benefits that will accrue to it as a result of ending its military occupation of Cyprus;

(2) urges the Government of Turkey to immediately begin the withdrawal of its military occupation forces from the Republic of Cyprus; and

(3) urges the Government of Turkey to complete the withdrawal of its occupation forces in the near future so that Turkey, Cyprus, the region, and the United States can begin realizing the benefits of the end of that occupation.

Mr. MENENDEZ. Mr. President, I am here to offer a resolution which calls on Turkey to immediately begin the withdrawal of its troops from Cyprus and end its military occupation. Turkish troops have now been in Cyprus for over 33 years. The number of these troops has increased over the last three decades so that there are now more than 43,000, making this area one of the most militarized in the world.

Let me be clear. There is no legitimate justification for the 43,000 Turkish troops to be in Cyprus. Cyprus is a peaceful country. Millions of people have been crossing the buffer zone without incident for years. There are no military attacks and there is no need for military protection of Turkish Cypriots. In the end, these troops only serve to create military tension. Again, there is absolutely no legitimate justification for this military occupation.

In fact, Cyprus has historically been an oasis of generally peaceful relations. When Turkish-Cypriots and Greek-Cypriots emigrate to Great Britain from Cyprus, they often seek to live next to each other as neighbors.

This resolution highlights these examples and uses them as evidence to urge Turkey to immediately begin the withdrawal of its military occupation. And it notes the importance of Turkey fulfilling this as soon as possible so that Turkey, Cyprus, the region and the United States can work more closely on other strategic issues.

This resolution, in addition, calls on the U.S. Government to initiate a new effort to help Turkey understand the benefits of ending its military occupation of Cyprus. Such benefits include: Improving Turkey's European Union accession prospects; improving regional stability; improving relations with Greece; improving relations with the United States and; improving Turkey's image on religious tolerance.

It is also in the best interest of the U.S., the European Union, and NATO for Turkey to end its military occupation of the Republic of Cyprus. Sadly, Turkey ranked last in a recent 47-nation Pew survey for favorable views of the U.S. Ending their occupation will offer more opportunities for U.S.-Turkey cooperation which will only improve our image in this key U.S. ally.

For the U.S. to remain silent during this unjust occupation injures our moral standing internationally. Because silence is complicity, we must speak out.

That is why I am proud to be the lead on this resolution with Senator Snowe which calls on Turkey to end its unjust military occupation in Cyprus.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3033. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2237 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3034. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3035. Mr. REID (for Mr. KENNEDY (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 1585, supra.

SA 3036. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3037. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3038. Mr. REID proposed an amendment to the bill H.R. 1585, supra.

SA 3039. Mr. REID proposed an amendment to amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, supra.

SA 3040. Mr. REID proposed an amendment to amendment SA 3039 proposed by Mr. REID to the amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, supra.

SA 3041. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3042. Mr. VITTER (for himself, Mr. COBURN, and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3043. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3044. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3045. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3046. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3047. Mr. CASEY (for Mr. HATCH) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

TEXT OF AMENDMENTS

SA 3033. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2237 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, after line 3, add the following:

SEC. 3313. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—This title shall take effect on the date on which the Secretary of Homeland Security submits a written certification to the President and Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The Commissioner of United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There have been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources

to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—The Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act of 2005 (division B of Public Law 109–13); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) should be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress that describes—

(A) the progress made in funding, meeting, or otherwise satisfying each of the requirements described in subsection (a); and

(B) any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the report required under paragraph (1) shall contain specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing such requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—A certification may not be made under paragraph (1) unless the following provisions of existing law have been fully implemented, as directed by the Congress:

(A) The Department of Homeland Security has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367).

(B) The total miles of fence required under the Secure Fence Act of 2006 have been constructed.

(C) All databases maintained by the Department of Homeland Security that contain information on aliens are fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Secretary of Homeland Security has implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting "sanctuary" policies or that prevents State and local employees from communicating with the Department of Homeland Security are being fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department of Homeland Security maintains fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card cannot enter the United States until the biometric identifier on the border crossing card is matched against the alien in accordance with section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the President has received a certification under subsection (e), the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the relevant requirements set forth in subsection (e) have not been met.

(2) DISAPPROVAL.—If the President disapproves a certification, the President shall provide the Secretary of the department or agency that made such certification with a notice that contains a description of the manner in which the requirement was not met. The Secretary of the department or agency responsible for implementing such requirement shall continue to work to implement such requirement.

(3) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing a requirement described in subsection (e) shall consider a certification submitted under subsection (e) to be approved unless the Secretary receives the notice set forth in paragraph (2). If a certification is deemed approved, the Secretary of Homeland Security shall continue to ensure that the requirement continues to be fully implemented as directed by Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs, and the Committee on Finance of the Senate; and

(B) to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, this title shall not be implemented unless, during the first 90-calendar day period of continuous session of the Congress after the date of the receipt by the Congress of such notice of Presidential Certification of Immigration Enforcement, Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term "Presidential Certification of Immigration Enforcement" means the certification required under this section, which is signed by the President, and reads as follows:

"Pursuant to the provisions set forth in section 3313 of the National Defense Authorization Act for Fiscal Year 2008 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.".

(2) CERTIFICATION.—The term "certification" means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term "immigration enforcement measure" means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term "Resolution of Presidential Certification of Immigration Enforcement" means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

"That Congress approves the certification of the President of the United States submitted to Congress on _______ that the national borders of the United States have been secured in accordance with the provisions set forth in section 3313 of the National Defense Authorization Act for Fiscal Year 2008.".

SA 3034. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

"(a) LIMITATION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except—

"(1) with the express written consent of the servicemember to such change; or

"(2) that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

"(b) COMPLETION OF DEPLOYMENT.—In any preceding covered by subsection (a)(2), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated.

"(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember who was deployed in support of a contingency operation is filed after the end of the deployment, no court may consider the absence of the servicemember by reason of that deployment in determining the best interest of the child.

"(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

"Sec. 208. Child custody protection.".

SA 3035. Mr. REID (for Mr. KENNEDY (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In lieu of the matter proposed to be stricken insert the following:

SEC. 1070. HATE CRIMES.

(a) SHORT TITLE.—This section may be cited as the "Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007".

(b) FINDINGS.—Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

(c) DEFINITION OF HATE CRIME.—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16, title 18, United States Code;

(2) the term "hate crime" has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence;

(ii) constitutes a felony under the State, local, or Tribal laws; and

(iii) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(B) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this paragraph, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(C) APPLICATION.—

(i) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this paragraph shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(ii) DATE FOR SUBMISSION.—Applications submitted pursuant to clause (i) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(iii) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this paragraph shall—

(I) describe the extraordinary purposes for which the grant is needed;

(II) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(III) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(IV) certify that any Federal funds received under this paragraph will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this paragraph.

(D) DEADLINE.—An application for a grant under this paragraph shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(E) GRANT AMOUNT.—A grant under this paragraph shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(F) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this paragraph, the award of such grants, and the purposes for which the grant amounts were expended.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2008 and 2009.

(e) GRANT PROGRAM.—

(1) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(f) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by this section.

(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

"(c) DEFINITIONS.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

"(2) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

"(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

"(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

(h) STATISTICS.—

(1) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender and gender identity," after "race,".

(2) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ", including data about crimes committed by, and crimes directed against, juveniles" after "data acquired under this section".

(i) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 3036. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. NO INFRINGEMENT ON THE SOVEREIGN RIGHTS OF THE NATION OF IRAQ.

In accordance with international law, no provision of this Act may be construed to infringe in any way or manner on the sovereign rights of the nation of Iraq.

SA 3037. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "2008" and inserting "2016".

SA 3038. Mr. REID proposed an amendment to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

The provisions of this Act shall become effective 3 days after enactment.

SA 3039. Mr. REID proposed an amendment to amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike "3" and insert "2".

SA 3040. Mr. REID proposed an amendment to amendment SA 3039 proposed by Mr. REID to the amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike "2" and insert "1".

SA 3041. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "2008" and inserting "2010".

SA 3042. Mr. VITTER (for himself, Mr. COBURN, and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense has consistently claimed that voting rates among members of the Armed Forces exceed 70 percent.

(2) The Status of Forces survey of the Department of Defense for the 2006 elections shows clearly that only 22 percent of eligible members of the Armed Forces were able to cast a ballot.

(3) The General Accountability Office report entitled "Elections: Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens" and dated June 14, 2007 (GAO-07-774), cites continued shortcomings with current Department of Defense efforts to facilitate voting by members of the Armed Forces and strongly recommends additional actions for that purpose.

(4) Congress has a fundamental responsibility to ensure that all members of the Armed Forces have a voice in our government.

(5) Troops who fight to defend America's democracy should have every opportunity to participate in that democracy by being able to cast a ballot and know that ballot has been counted.

(b) OVERSIGHT OF VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.—

(1) RESPONSIBILITY WITHIN DOD.—The Secretary of Defense shall designate a single member of the Armed Forces to undertake responsibility for matters relating to voting by Department of Defense personnel. The member so designated shall report directly to the Secretary in the discharge of that responsibility.

(2) RESPONSIBILITY WITHIN MILITARY DEPARTMENTS.—The Secretary of each military department shall designate a single member of the Armed Forces under the jurisdiction of such Secretary to undertake responsibility for matters relating to voting by personnel of such military department. The member so designated shall report directly to such Secretary in the discharge of that responsibility.

(3) MANAGEMENT OF MILITARY VOTING OPERATIONS.—The Business Transformation Agency shall oversee the management of business systems and procedures of the Department of Defense with respect to military and overseas voting, including applicable communications with States and other non-Department entities regarding voting by Department of Defense personnel. In carrying out that responsibility, the Business Transformation Agency shall be responsible for the implementation of any pilot programs and other programs carried out for purposes of voting by Department of Defense personnel.

(4) IMPROVEMENT OF BALLOT DISTRIBUTION.—The Secretary of Defense shall undertake appropriate actions to streamline the distribution of ballots to Department of Defense personnel using electronic and Internet-based technology. In carrying out such actions, the Secretary shall seek to engage stakeholders in voting by Department of Defense personnel at all levels to ensure maximum participation in such actions by State and local election officials, other appropriate State officials, and members of the Armed Forces.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of efforts to implement the requirements of this subsection.

(B) REPORT ON PLAN OF ACTION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth a comprehensive plan of action to ensure that members of the Armed Forces have the full opportunity to exercise their right to vote.

SA 3043. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 530, between lines 10 and 11, insert the following:

SEC. 3126. AGREEMENTS AND REPORTS ON NUCLEAR FORENSICS CAPABILITIES.

(a) INTERNATIONAL AGREEMENTS ON NUCLEAR WEAPONS DATA.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations to conduct data collection and analysis to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon.

(b) INTERNATIONAL AGREEMENTS ON INFORMATION ON RADIOACTIVE MATERIALS.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations—

(1) to acquire for the materials information program of the Department of Energy validated information on the physical characteristics of radioactive material produced, used, or stored at various locations, in order to facilitate the ability to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon; and

(2) to obtain access to information described in paragraph (1) in the event of—

(A) a nuclear detonation; or

(B) the interdiction or discovery of a nuclear device or weapon or nuclear material.

(c) REPORT ON AGREEMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall, in coordination with the Secretary of State, submit to Congress a report identifying—

(1) the countries or international organizations with which the Secretary has sought to make agreements pursuant to subsections (a) and (b);

(2) any countries or international organizations with which such agreements have been finalized and the measures included in such agreements; and

(3) any major obstacles to completing such agreements with other countries and international organizations.

(d) REPORT ON STANDARDS AND CAPABILITIES.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report—

(1) setting forth standards and procedures to be used in determining accurately and in a timely manner any country or group that knowingly or negligently provides to another country or group—

(A) a nuclear device or weapon;

(B) a major component of a nuclear device or weapon; or

(C) fissile material that could be used in a nuclear device or weapon;

(2) assessing the capability of the United States to collect and analyze nuclear material or debris in a manner consistent with the standards and procedures described in paragraph (1); and

(3) including a plan and proposed funding for rectifying any shortfalls in the nuclear forensics capabilities of the United States by September 30, 2010.

SA 3044. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

SA 3045. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Joint and Multiservice Matters

SEC. 161. COMPETITION FOR THE PROCUREMENT OF INDIVIDUAL WEAPONS.

(a) CERTIFICATION BY MILITARY DEPARTMENTS.—Not later than March 1, 2008, the Secretary of each military department shall certify new requirements for individual weapons that take into account lessons learned from combat operations.

(b) JOINT REQUIREMENTS OVERSIGHT COUNCIL (JROC) CERTIFICATION.—Not later than June 1, 2008, the Joint Requirements Oversight Council shall certify individual weapon calibers that best satisfy the requirements certified under subsection (a).

(c) COMPETITION REQUIRED.—Each military department shall rapidly conduct full and open competitions for procurements to fulfill the requirements certified under subsections (a) and (b).

(d) PROCUREMENTS COVERED.—This section applies to the procurement of individual weapons less than .50 caliber (to include shotguns).

SA 3046. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1064, insert the following:

SEC. 1065. IMPROVEMENTS IN THE PROCESS FOR THE ISSUANCE OF SECURITY CLEARANCES.

(a) DEMONSTRATION PROJECT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall implement a demonstration project that applies new and innovative approaches to improve the processing of requests for security clearances.

(b) EVALUATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall carry out an evaluation of the process for issuing security clearances and develop a specific plan and schedule for replacing such process with an improved process.

(c) REPORT.—Not later than 30 days after the date of the completion of the evaluation required by subsection (b), the Secretary of Defense and the Director of National Intelligence shall submit to Congress a report on—

(1) the results of the demonstration project carried out pursuant to subsection (a);

(2) the results of the evaluation carried out under subsection (b); and

(3) the specific plan and schedule for replacing the existing process for issuing security clearances with an improved process.

SA 3047. Mr. CASEY (for Mr. HATCH) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place in the substitute add the following:

SEC. ___. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term "relevant offense" means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the

Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 27, 2007, at 9 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct a business meeting to consider pending business, to be followed immediately by an oversight hearing on the prevalence of violence against Indian women.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 25, 2007, at 9:30 a.m., in order to conduct a hearing entitled "Two Years After the Storm: Housing Needs in the Gulf Coast."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURSES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, September 25, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purposes of the hearing are to receive testimony on S. 1756, a bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; and to receive testimony on the implementation of the Compact of Free Association between the United States and the Marshall Islands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 25, 2007 at 2 p.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Green Jobs Created by Global Warming Initiatives."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 25, 2007, at 10 a.m., in room G–50 of the Dirksen Senate Office Building, to hear testimony on "Home and Community Based Care: Expanding Options for Long Term Care."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, 2007, at 2:30 p.m., in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled "Strengthening FISA: Does the Protect America Act Protect Americans' Civil Liberties and Enhance Security?" on Tuesday, September 25, 2007, at 9:30 a.m., in the Hart Senate Office Building Room 216.

Witness list:

Panel I: The Honorable J. Michael McConnell, Director of National Intelligence, Office of the Director of National Intelligence, Washington, DC.

Panel II: James A. Baker, Lecturer on Law, Harvard Law School, Formerly Counsel for Intelligence Policy, Department of Justice Washington, DC; James X. Dempsey, Policy Director, Center for Democracy and Technology, San Francisco, CA; Suzanne E. Spaulding, Principal Bingham Consulting Group, Washington, DC; Bryan Cunningham, Principal, Morgan & Cunningham LLC, Greenwood Village, CO.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled "Judicial Nominations" on Tuesday, September 25, 2007, at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness list: John Daniel Tinder to be United States Circuit Judge for the Seventh Circuit; Robert M. Dow, Jr., to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, September 25, 2007, in order to conduct an Oversight Hearing on Persian Gulf Research. The Committee will meet in 562 Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 25, 2007 at 2 p.m. to hold a closed hearing.

The PRESIDING OFFICER: Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 976

Mr. CASEY. Mr. President, I ask unanimous consent that on Wednesday, September 26, when cloture is filed on the motion to concur in the House amendments to the Senate amendments to H.R. 976, that it be considered to have been filed on Tuesday, and the mandatory quorum be waived, notwithstanding rule XXII.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. CASEY. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration, and the Senate now proceed to S. Res. 325.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 325), supporting efforts to increase childhood cancer awareness, treatment, and research.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 325

Whereas an estimated 12,400 children are diagnosed with cancer each year;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children die from cancer each year;

Whereas the incidence of cancer among children in the United States is rising by about 1 percent each year;

Whereas 1 in every 330 people in the United States develops cancer before age 20;

Whereas approximately 8 percent of deaths of individuals between 1 and 19 years old are caused by cancer;

Whereas, while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to the field of pediatric oncology;

Whereas the results of peer-reviewed clinical trials have helped to raise the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancers continues to increase, with about 1 in 640 adults between ages 20 to 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least 1 late effect from treatment, which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and have serious consequences; and

Whereas 89 percent of children with terminal cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about—

(A) the incidence of cancer among children;

(B) the signs and symptoms of cancer in children; and

(C) options for the treatment of, and long-term follow-up for, childhood cancers;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients;

(7) policies that enhance education, services, and other resources related to late effects from treatment; and

(8) grassroots efforts to promote awareness and support research for cures for childhood cancer.

TRADE ADJUSTMENT ASSISTANCE PROGRAM EXTENSION

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3375, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3375) to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3375) was ordered to a third reading, was read the third time, and passed.

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY.) Without objection, it is so ordered.

PATIENT AND PHARMACY PROTECTION ACT OF 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2085, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2085) to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2085) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient and Pharmacy Protection Act of 2007".

SEC. 2. 6-MONTH DELAY IN REQUIREMENT TO USE TAMPER-RESISTANT PRESCRIPTION PADS UNDER MEDICAID.

Effective as if included in the enactment of section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28, 121 Sta. 187), paragraph (2) of such section is amended by striking "September 30, 2007" and inserting "March 31, 2008".

ORDERS FOR WEDNESDAY, SEPTEMBER 26, 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, September 26; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:50 p.m., adjourned until Wednesday, September 26, 2007, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHRISTINA H. PEARSON, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE SUZANNE C. DEFRANCIS, RESIGNED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 25, 2007 withdrawing from further Senate consideration the following nomination:

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE SCOTT W. MULLER, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

HOUSE OF REPRESENTATIVES—*Tuesday, September 25, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. WELCH of Vermont).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 25, 2007.

I hereby appoint the Honorable PETER WELCH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oklahoma (Mr. BOREN) for 5 minutes.

HONORING STEVE MOORE

Mr. BOREN. Mr. Speaker, I rise today to remember the life of a fellow Oklahoman, Steve Moore, who unexpectedly passed away on Saturday, September 22, 2007.

Steve was a great person and a great Oklahoman. Many in the Oklahoma community and around the Nation knew Steve as the CEO of OG&E, but he was much, much more.

In fact, Steve's leadership paved the way for OG&E to be recognized by Forbes magazine on its list of the Nation's best managed companies. Additionally, as approximately 750,000 OG&E customers know, the company received numerous awards for customer satisfaction in emergency response under Steve's guidance.

However, during his 61 years, Steve managed not only to be the leader of Oklahoma's largest utility provider, but also a civic leader throughout the State. Few may know that Steve is the past chairman of the Oklahoma City Chamber of Commerce, and he served on the boards of the Oklahoma City Public Schools Foundation, Allied Arts, the State Fair, the United Way, the Edison Electric Institute, and the foundations of both the University of Oklahoma and Oklahoma City University.

I think his list of civic activities, along with the State and national recognition given to OG&E, showed that Steve Moore truly cared for his employees, for his customers, and, above all else, his fellow Oklahomans. It was this home-grown Okie compassion that will make the Sayre-born and Altus-raised son of Oklahoma missed by us all.

With these thoughts, Oklahomans around the State send their condolences to Steve's wife Nancy, his daughter, Lisa, his son, Scott, and his mother, Melda. Steve will be missed, but not forgotten.

HONORING BROOKGREEN GARDENS IN MURRELLS INLET, SOUTH CAROLINA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from South Carolina (Mr. BROWN) is recognized during morning-hour debate for 5 minutes.

Mr. BROWN of South Carolina. Mr. Speaker, yesterday this House unanimously approved H. Con. Res. 186, which honors the 75th anniversary of Brookgreen Gardens, which is located in my district in Murrells Inlet, South Carolina. I rise today to thank my colleagues for celebrating Brookgreen Gardens, which is one of the most beautiful places in coastal South Carolina.

In 1931, Archer and Anna Hyatt Huntington founded Brookgreen Gardens to preserve the native flora and fauna of coastal South Carolina and to display objects of art within that natural setting. Today, Brookgreen Gardens is a National Historic Landmark, and contains more than 550 works from American artists in what was the country's first public sculpture garden. Brookgreen Gardens also offers a natural exhibit center and a small zoo, which educates visitors on the unique species and issues of coastal South Carolina.

In conclusion, I would like to especially thank my colleagues from the South Carolina delegation that have shown bipartisan unity in cosponsoring this resolution, celebrating the 75th anniversary of the opening of Brookgreen Gardens.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISRAEL) at 10 a.m.

PRAYER

Imam Yusuf Saleem, Masjid Muhammad, Washington, DC, offered the following prayer:

With God's name, the merciful benefactor, the merciful redeemer. We seek Your guidance, Your mercy, and Your forgiveness that this body of servants to God and this country will be blessed with hindsight, insight, and foresight as only You can provide. Supply this elected assembly, entrusted by our Nation's citizens, to ultimately trust the creator of us all. As defined by humans, these are delicate times, but still we know it is Your times. So let truth, excellence, justice, and service lead the intellects and souls of our House of Representatives.

Yes, God bless America. Yes, God has blessed America. Yes, God is still blessing America, a land of diversity in every imaginable way. For in the Holy Quran, a book of guidance to humanity, it states, "God has honored all of the children of Adam." And in America's Declaration of Independence, "all men are created equal."

So, with resources, material, spiritual, and mental, we thank God. We thank You, God, for engineering the tradition of this land to witness that life and liberty must be secured by submitting our wills to Your plan. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Virginia (Mrs.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DRAKE) come forward and lead the House in the Pledge of Allegiance.

Mrs. DRAKE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING IMAM YUSUF SALEEM

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, it is my privilege to introduce to the Members of this body Imam Yusuf Saleem, a devoted servant of the Muslim faith and a recognized leader of the Muslim community. Imam Saleem is a graduate of Howard University, where he earned both his bachelor's of arts degree as well as his master's degree in education. He is a devoted educator who has held the rank of professor, principal, and teacher.

In the wake of the brutal terrorist attacks of September 11, 2001, Imam Saleem, along with other prominent leaders of the Muslim community, met with President George Bush to condemn the attacks and to establish a unified front against terrorism. As spokesman for this historic meeting, Imam Saleem's remarks, along with those of President Bush, helped to clarify for the American people the peaceful nature of the religion of Islam.

Imam Saleem's tireless work has not gone unnoticed. In August 2002, the District of Columbia awarded Imam Saleem the first mayoral clergy award. In 2002, he was named Muslim man of the year by members of the Muslim community.

Mr. Speaker, please join me in welcoming to the floor a true citizen-servant who is committed to his faith, his family, and the United States of America.

SCHIP

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, last week President Bush threatened to veto a bipartisan agreement that will provide health insurance to 10 million of America's children.

Before acting on this threat, the President should talk to our Nation's Governors, 43 of whom support a robust reauthorization of children's health insurance, known as SCHIP, set to expire this Sunday night. Governors such as Republican John Huntsman of Utah, Republican Tim Pawlenty of Wisconsin, Republican Arnold Schwarzenegger of California, and Republican Jodi Rell of my State of Connecticut have all endorsed protecting this program, which the bipartisan agreement will accomplish.

Make no mistake about it; the President's plan will disqualify millions of American children from SCHIP coverage in the future. We already know, in Connecticut, 5,000 children will be kicked off the existing SCHIP program if his plan goes through.

Mr. Speaker, Republican and Democratic Governors together recognize the importance of a strong SCHIP program. It is time for him to listen to these Governors and back off his veto threat.

APPRECIATION FOR TROOPS IN IRAQ AND AFGHANISTAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this last weekend I was grateful to visit our troops in Iraq and Afghanistan.

I saw firsthand the growing success in Baghdad during a visit with Major General Joseph Fil, commander of forces in Baghdad, to a neighborhood joint security site. We saw shops open, normal traffic, and civilians unafraid. This evidence of success was repeated in a visit to Ramadi, where enthusiastic American and Iraqi troops have deposed the al Qaeda terrorists.

In Kabul, I was briefed on training of Afghan police by the 218th Brigade of the South Carolina Army National Guard led by General Bob Livingston. As a 28-year veteran of the 218th, I know the competence and resolve of our troops. Additionally, in Jalalabad, American and Afghani provincial reconstruction teams are promoting security, governance, and economic development.

With eight visits to Iraq and four to Afghanistan, I am more convinced than ever that to protect the American families we must stop the terrorists overseas. Our dedicated troops deserve our support of this vital mission.

In conclusion, God bless our troops, and we will never forget September the 11th.

SCHIP

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, 2 years ago, entering my 31st year in the military, my single daughter, 4-year-old Alex, was struck with a malignant brain tumor. After two brain operations and given 3 to 9 months to live, we moved into a cancer ward and began a journey that has her here today and has me in the House.

The incident that brought me here was, her roommate that day as she began her chemotherapy was a young 2½-year-old boy from Washington, DC. He was diagnosed that morning with acute leukemia, and for 6 hours we could not help but overhear as social workers came and went to see if that 2½-year-old boy could stay because his parents did not have health insurance.

I have been in combat. I have seen the worst of human nature. I have also seen the best of human nature. This SCHIP bill would cover 10 million uninsured Americans, that 2½-year-old boy, so that social worker does not determine whether some child is taken care of, is the best of our nature. I ask everyone to support the SCHIP bill.

THE BATTLE AGAINST THE BRIDGE TO NOWHERE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, we have won the battle against the Bridge to Nowhere.

This $320 million federally subsidized structure would have been as long as the Golden Gate Bridge, standing 80 feet higher than the Brooklyn Bridge. It would have connected the mainland to an island, population 50, with no roads or stores.

Last year, the House adopted the Kirk amendment, blocking all funding for the Bridge to Nowhere. It was a wise move to protect taxpayers. But the Senate said, no, and temporarily saved the bridge. House leaders of this Congress surprisingly backed the Bridge to Nowhere, but our arguments have finally won. Alaska has decided to block all funding for the Bridge to Nowhere. Following the collapse of the Minneapolis bridge, we now have additional funds to fix bridges in need of repair, and maybe return some of this money that was to be wasted to the American taxpayers that earned it.

SCHIP

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute.)

Mr. WELCH of Vermont. Mr. Speaker, we have 47 million Americans without health insurance. Today, we are going to have an opportunity to vote on providing 10 million children with continued health care coverage that they are going to need. This is, as in the spirit of many of the good things we have done, bipartisan. The Governor of Vermont, Republican, supports it. Republican Senators HATCH and GRASSLEY support it, done a tremendous job. The response from the President, unfortunately, is to veto this legislation.

It is hard to understand how it is that, when the cost of this program is the equivalent of 2 weeks' spending on the war in Iraq, we can't find it in our capacity to spend that money to make certain that parents, when they go to bed at night, know their kids, when they need a doctor, will have access to the health care that they need. Our opportunity here in this House is to send the President a message, in the hopes that he will do the right thing and sign this bill, with an overwhelming bipartisan bill that reflects the bipartisan work and bicameral work that was done to bring it to the floor.

SCHIP

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today the new majority sadly declares politics more important than health care for our Nation's poorest children. Democrats are moving forward with a massive expansion of Washington-run health care under the auspices of helping kids. Yet, any honest discussion about this bill reveals that it is clearly less about helping children and more about Washington control. You see, they think they can make better decisions than you.

Remarkably, this expansion of bureaucratic health care offers taxpayer-funded coverage to people who are neither poor nor children. Democrats have made it clear that this bill is just the next step in their desired march toward Washington control of health care. And as a physician, I have seen how dangerous government control of health care can be.

Rather than forcing bureaucratic-controlled health care upon the American people, I urge my colleagues to reject this proposal and reauthorize SCHIP in a way that is consistent with its original bipartisan intent: helping America's poorest children.

SCHIP

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, how many more thousands of lives and hundreds of billions of dollars need to be spent to enable this President to avoid accountability, to save face for the worst foreign policy fiasco in America's history?

And when all is said and done, when all the blood and the treasure has been spent and we look back at what we will have accomplished, we will have a Shia theocracy far more loyal to Iran than it is to the United States, and probably equally repressive of women's rights and human rights. How is that possibly worthy of the sacrifice of our soldiers? Mr. Speaker, it is not.

The fact is that, if the President's supplemental for Iraq that he is requesting now is granted, we will be spending almost as much in 1 week, $3.5 billion, as it would take to provide needed health insurance for 4 million poor children for an entire year. Isn't it time to put America's priorities in order?

U.S. HISTORY RESOLUTION

(Mr. McHENRY asked and was given permission to address the House for 1 minute.)

Mr. McHENRY. Mr. Speaker, 220 years ago, 55 delegates assembled in Philadelphia, "to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

The principles set forth by our Founding Fathers are still important today, and the Constitution and founding documents are essential to understand our history as a nation. They remain the bedrock of American society, and it is essential that we honor our Constitution as the embodiment of the freedoms we hold dear. That is why I introduced the U.S. History Resolution.

This resolution acknowledges the importance of promoting U.S. history in our schools and communities, with a particular focus on America's founding documents.

As the saying goes, those who forget history are doomed to repeat it. And to avoid this fate, we should repeat it often, but to repeat it in schools, to repeat it to our children so they understand where we came from so we can know where we are going. And that will promote a better America.

WAR IN IRAQ

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, the President recently boasted that we were "kicking ass in Iraq."

With brave Americans dying in record numbers, I have two questions for the President.

POINT OF ORDER

Mr. McHENRY. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. McHENRY. The gentleman's words are out of order. The gentleman is using language that is unbecoming of the debate.

The SPEAKER pro tempore. The Chair will remind all Members to refrain from vulgarity.

The gentleman will proceed.

Mr. YARMUTH. With brave American soldiers dying in record numbers, I have just two questions for the President: Just whose posteriors are we kicking? And how do you know?

With Sunnis and Shiites killing themselves and each other, plus an incompetent Maliki government, we don't know who we are fighting much less where we are kicking them. And while we are tied up in Iraq, al Qaeda thrives in Pakistan and Afghanistan.

So the President's turn of phrase will go into the Blooper Hall of Fame with other Bush golden oldies, like "last throes," "links to al Qaeda," and "mission accomplished."

There was a time when American success meant defeating Nazis, tearing down communism's iron curtain, and walking on the Moon. Supporting our troops meant honest safeguards, not trash talk. How low have our standards fallen when the President points to the debacle he created and says, "This is what I am proud of"?

Most Americans believe in a country that is capable of much higher standards. And if America were really kicking butt, the President wouldn't need to say anything. Everyone would know it.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to refrain from vulgarity.

CONDEMNING THE ATTACK ON GENERAL PETRAEUS

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, 2 weeks ago, General Petraeus presented Congress with the progress report that we requested. Rather than encountering a fair dialogue on the situation in Iraq, he was confronted with an accusation of treason by one of the Nation's most prominent and well-funded liberal advocacy organizations.

Last week the Senate took the appropriate course of action to officially, and in a bipartisan fashion, condemn this atrocious act on a distinguished war hero. I call on the Democrat leadership to follow the Senate's lead and allow for consideration of House Resolution 644.

The men and women of our Armed Forces have committed themselves to the defense of this Nation. I ask my colleagues, who will come to their defense when their integrity and patriotism come under attack?

CHILDREN'S HEALTH CARE COVERAGE

(Mr. CUELLAR asked and was given permission to address the House for 1 minute.)

Mr. CUELLAR. Mr. Speaker, 10 years ago, in a bipartisan manner, Congress enacted the Children's Health Insurance Program to provide health coverage to those who need it the most.

Since that time it's been a success story providing health care coverage to 6 million children.

When I was a member of the Texas State legislature, I had an opportunity to help implement the first CHIP program in the State of Texas there in Laredo. Again, it's a story that's worked very well.

In fact, as the program grew, the number of uninsured children in our Nation has dropped dramatically, even though child poverty was on the rise and many of the families were losing their employer-based health coverage.

Unfortunately, this trend has started to reverse itself. For 2 years in a row the number of uninsured children has increased. There are now 8.7 million children in our Nation who are uninsured. Those numbers are a clear sign that Congress needs to pass a bipartisan agreement that was reached last week and will be on the floor today that will provide access to quality health insurance to 10 million low-income children.

Mr. Speaker, this is a bipartisan agreement. Again, Democrats and Republicans need to come together for the Nation's children.

BURMA PROTESTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, over the last several days, the world has witnessed an incredible display of courage in the face of tyranny in Burma. Buddhist monks have been peacefully marching throughout the streets of Rangoon, as well as 25 other cities throughout the country. These pious men, revered by their countrymen, are peacefully calling for an end to the brutal military dictatorships that have held the country hostage for over four decades.

Citizens are beginning to stand in support of the peaceful demonstration, at times protecting the monks from possible violence from riot police by linking arms, acting as a human shield. The military junta has warned that it may take action against the protestors, action that has been terribly violent in the past.

Mr. Speaker, I stand today in solidarity with the people of Burma, who wish only for freedom and an end to the military dictatorship. And I call on the military regime to respect the will of the Burmese people to live in freedom.

NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

(Mr. ELLSWORTH asked and was given permission to address the House for 1 minute.)

Mr. ELLSWORTH. Mr. Speaker, I rise today to recognize the National Day of Remembrance for Murder Victims. This day gives each of us the opportunity to remember the victims of violent crimes and offer our support to their families.

As a career law enforcement officer, I saw firsthand the devastation violent crimes bring to victims and their families and to the communities where they occur. And I understand the need to defend victims rights in the aftermath of their unspeakable loss.

In honor of those victims, I'm proud to join my colleague from Washington (Mr. REICHERT) in introducing legislation to prohibit America's most heinous criminals and murderers from profiting from their crimes. Our bill, the Stop the Sale of Murderabilia to Protect the Dignity of Crime Victims Act, would fight the exploitation of criminal activity by preventing criminals from selling their wares in public auction. I can think of no better way to honor the victims of murder than supporting this bill.

NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. ELLSWORTH) for his resolution, and I want to join him this morning. And I'm honored to stand here this morning as part of the first National Day of Remembrance for Murder Victims to pay tribute to the memory of those whose lives have been tragically cut short through senseless acts of violence in this country. Let us and their families know that they are not alone.

Of course we must continue to devote the resources necessary to the local, State, and Federal levels to protect our communities from falling victim to future criminal acts, but we cannot forget those who have already been victims, particularly the victims of murder and the families that struggle to rebuild their lives after such heinous acts.

This day also enables us to recognize and thank those victims assistance organizations, like Parents of Murdered Children, that happen to be headquartered in my district in Cincinnati, Ohio, and the National Center for Victims of Crime, that provide ongoing support to the surviving families. The strength, comfort, and compassion that these organizations provide to families and friends of murder victims is immeasurable and should not go unrecognized.

I urge my colleagues to take a moment today to remember these victims and their families and the organizations that provide assistance.

REPUBLICAN CONGRESS LOST ITS WAY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Congress will take up a continuing resolution to fund the Federal Government after September 30. While the House has passed all 12 of its appropriation bills, Senate Republicans continue to obstruct efforts to finish the process over in the other Chamber, making the continuing resolution necessary.

In our appropriations bills, we rejected the President's most harmful cuts and made targeted investments in veterans care, education, health care, homeland security, and law enforcement. And we did this all by remaining fiscally responsible.

This is something new around here. Past Republican Congresses refused to abide by the pay-as-you-go philosophy. As a result, they turned a $5.6 trillion 10-year surplus under the Clinton administration into a $3 trillion deficit today.

Former Federal Reserve Chairman Alan Greenspan summarizes the Republican stewardship of the Federal budget best when he states in his new book: "The Republicans in Congress lost their way."

Mr. Speaker, House Democrats will continue to be fiscally responsible.

FUNDING FOR VETERANS HEALTH CARE

(Mr. PEARCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, I rise today to address the continued politics being played with this year's veterans funding by the majority party. Last week, 44 Members of Congress sent a letter to the Speaker urging her to immediately bring a conference report on veterans funding before the House. Our goal was to pass this funding and avoid the political gamesmanship of the appropriation process. Earlier this year, the House and Senate both passed veterans funding with overwhelming support. The fiscal year ends on Saturday.

Unfortunately, it has become clear that the top Democratic aides intend to hold our veterans hostage. A spokeswoman for the House Appropriations Committee called our letter and efforts to pass veterans funding immediately just "a cute diversion."

Mr. Speaker, there is nothing cute about withholding funding for veterans benefits. There is nothing cute about withholding funding for veterans health care. There is nothing cute about Democrats using veterans as political pawns in their appropriations strategy.

I urge my colleagues not to let veterans funding be held hostage any longer. Our veterans are saying, don't betray us. Pass the fiscal year 2008 appropriations.

VETERANS OF FOREIGN WARS

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, today we will vote for legislation supporting the goals and ideals of Veterans of Foreign Wars Day.

For nearly 100 years, the Veterans of Foreign Wars has served a straightforward and noble mission, honoring the dead by helping the living and by providing friendship.

In my home State of New Hampshire, we have nearly 10,000 VFW members, another 4,500 members of the Ladies Auxiliary. I'm honored to be their representative in this House and to work with them to ensure that all of our veterans and their families receive the full support and benefits they have earned.

The VFW has been an outspoken advocate for veterans rights. It has called for expanded health care for veterans, increased funding for research into traumatic brain injury and post-traumatic stress disorder. It has also asked for improved access to health care and for veterans support for mental illnesses and treatment.

When I met with my veterans advisory committee last fall, one prominent member of the VFW asked me to support a sufficient budget for the Department of Veterans Affairs. I am happy to report that the 110th Congress passed the largest budget in the 77-year history of the Veterans Affairs.

The House of Representatives has heard the call of the VFW and other veterans organizations and has passed bills to support and fund these critical issues.

STOP THE SALE OF MURDERABILIA TO PROTECT THE DIGNITY OF CRIME VICTIMS ACT

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, later today I will introduce legislation, the Stop the Sale of Murderabilia to Protect the Dignity of Crime Victims Act. And I will introduce that legislation with my good friend and former sheriff from Indiana, Congressman ELLSWORTH.

Before coming to Congress, I served 33 years in the King County Sheriff's Office. I have seen the pain on the faces of victims and victims families, unexplainable, unimaginable pain that covers their faces and their families for the rest of their life.

And, unfortunately, criminals today who are in our State and Federal prisons are using their fame and notoriety to make a buck. The Internet has become a gateway to an industry coined as "murderabilia," where tangible goods owned and/or created by convicted murderers are sold for their profit.

Today, on the National Day of Remembrance for Murder Victims, I'm privileged and honored to honor the memory of all victims. And my bill aims to shut down this business.

STRENGTHENING THE CHILDREN'S HEALTH INSURANCE PROGRAM

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, when President Bush was running for re-election in 2004, one of the major promises he made during his acceptance speech at the Republican Convention was to strengthen the Children's Health Insurance Program.

Back then, the compassionately conservative President vowed to, and I'm quoting now, "lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance program."

That's exactly what this Congress has done. A bipartisan agreement that comes to the floor today would enroll more than 4 million more children in the Children's Health Insurance Program who are already eligible. And based on his past statement, you would think that President Bush would be praising this agreement. He is not. In fact, he's threatening to veto the bill because he says that we are trying to expand the program beyond its original intent. That's just wrong. Our bipartisan agreement does nothing more than what he vowed to do back in 2004.

Mr. Speaker, actions speak louder than words. The President should follow through with his promise and support our efforts to ensure 10 million children have access to health care.

ALAN GREENSPAN AND FISCAL RESPONSIBILITY

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, in Alan Greenspan's new memoir, "The Age of Turbulence," the former Fed Chair criticizes Republicans for abandoning fiscal discipline.

It's no wonder: the current Bush administration has racked up over one-third, about $3.2 trillion, of our nearly $9 trillion total national debt. In fact, Ronald Reagan, George H.W. Bush, and George W. Bush are responsible for incurring almost three-quarters of our total national debt, according to a new analysis from the Joint Economic Committee.

Republican administrations over the last 30 years have made us a Nation of debtors, vulnerable to the economic and political decisions made half a world away. We need a new direction.

Democrats in Congress are committed to getting our fiscal house back in order.

APPOINTMENT OF MEMBERS TO MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER pro tempore. Pursuant to section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Migratory Bird Conservation Commission:

Mr. DINGELL, Michigan
Mr. GILCHREST, Maryland

APPOINTMENT OF MEMBER TO CONGRESSIONAL AWARD BOARD

The SPEAKER pro tempore. Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Congressional Award Board:

Ms. JACKSON-LEE, Texas

and, in addition,

Mr. Paxton Baker, Maryland
Mr. Vic Fazio, Virginia
Mrs. Annette Lantos, California
Ms. Mary Rodgers, Pennsylvania

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 28, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)) I am pleased to appoint the Honorable Gus M. Bilirakis of Florida to the Congressional Award Board.

Mr. Bilirakis has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

□ 1030

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 5, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)) I am pleased to appoint Mr. Cliff Akiyama M.A. of California as a Congressional Award Board Member. As a former Gold Medalist, his work on Asian youth gang violence is to be commended.

Mr. Akiyama has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

IRAN COUNTER-PROLIFERATION ACT OF 2007

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1400) to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Iran Counter-Proliferation Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. United States policy toward Iran.
TITLE I—SUPPORT FOR DIPLOMATIC EFFORTS RELATING TO PREVENTING IRAN FROM ACQUIRING NUCLEAR WEAPONS
Sec. 101. Support for international diplomatic efforts.
Sec. 102. Peaceful efforts by the United States.
TITLE II—ADDITIONAL BILATERAL SANCTIONS AGAINST IRAN
Sec. 201. Application to subsidiaries.
Sec. 202. Additional import sanctions against Iran.
Sec. 203. Additional export sanctions against Iran.
Sec. 204. Temporary increase in fee for certain consular services.
TITLE III—AMENDMENTS TO THE IRAN SANCTIONS ACT OF 1996
Sec. 301. Multilateral regime.
Sec. 302. Mandatory sanctions.
Sec. 303. Authority to impose sanctions on principal executive officers.
Sec. 304. United States efforts to prevent investment.
Sec. 305. Clarification and expansion of definitions.
Sec. 306. Removal of waiver authority.
Sec. 307. Clarification of authority.
Sec. 308. Applicability of certain amendments.
TITLE IV—ADDITIONAL MEASURES
Sec. 401. Additions to terrorism and other lists.
Sec. 402. Increased capacity for efforts to combat unlawful or terrorist financing.
Sec. 403. Exchange programs with the people of Iran.
Sec. 404. Reducing contributions to the World Bank.
Sec. 405. Restrictions on nuclear cooperation with countries assisting the nuclear program of Iran.
TITLE V—MISCELLANEOUS PROVISIONS
Sec. 501. Termination.

SEC. 2. UNITED STATES POLICY TOWARD IRAN.

(a) FINDINGS.—Congress finds the following:

(1) The prospect of the Islamic Republic of Iran achieving nuclear arms represents a grave threat to the United States and its allies in the Middle East, Europe, and globally.

(2) The nature of this threat is manifold, ranging from the vastly enhanced political influence extremist Iran would wield in its region, including the ability to intimidate its neighbors, to, at its most nightmarish, the prospect that Iran would attack its neighbors and others with nuclear arms. This concern is illustrated by the statement of Hashemi Rafsanjani, former president of Iran and currently a prominent member of two of Iran's most important decision-making bodies, of December 14, 2001, when he said that it "is not irrational to contemplate" the use of nuclear weapons.

(3) The theological nature of the Iranian regime creates a special urgency in addressing Iran's efforts to acquire nuclear weapons.

(4) Iranian regime leaders have persistently denied Israel's right to exist. Current President Mahmoud Ahmadinejad has called for Israel to be "wiped off the map" and the Government of Iran has displayed inflammatory symbols that express similar intent.

(5) The nature of the Iranian threat makes it critical that the United States and its allies do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring nuclear-arms capability and persuade the Iranian regime to halt its quest for nuclear arms.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Iranian President Ahmadinejad's persistent denials of the Holocaust and his repeated assertions that Israel should be "wiped off the map" may constitute a violation of the Convention on the Prevention and Punishment of the Crime of Genocide and should be brought before an appropriate international tribunal for the purpose of declaring Iran in breach of the Genocide Convention;

(2) the United States should increase use of its important role in the international financial sector to isolate Iran;

(3) Iran should be barred from entering the World Trade Organization (WTO) until all issues related to its nuclear program are resolved;

(4) all future free trade agreements entered into by the United States should be conditioned on the requirement that the parties to such agreements pledge not to invest and not to allow companies based in its territory or controlled by its citizens to invest in Iran's energy sector or otherwise to make significant investment in Iran;

(5) United Nations Security Council Resolutions 1737 (December 23, 2006) and 1747 (March 24, 2007), which were passed unanimously and mandate an immediate and unconditional suspension of Iran's nuclear enrichment program, represent a critical gain in the worldwide campaign to prevent Iran's acquisition of nuclear arms and should be fully respected by all nations;

(6) the United Nations Security Council should take further measures beyond Resolutions 1737 and 1747 to tighten sanctions on Iran, including preventing new investment in Iran's energy sector, as long as Iran fails to comply with the international community's demand to halt its nuclear enrichment campaign;

(7) the United States should encourage foreign governments to direct state-owned entities to cease all investment in Iran's energy sector and all exports of refined petroleum products to Iran and to persuade, and, where possible, require private entities based in their territories to cease all investment in Iran's energy sector and all exports of refined petroleum products to Iran;

(8) moderate Arab states have a vital and perhaps existential interest in preventing Iran from acquiring nuclear arms, and therefore such states, particularly those with large oil deposits, should use their economic leverage to dissuade other nations, including the Russian Federation and the People's Republic of China, from assisting Iran's nuclear program directly or indirectly and to persuade other nations, including Russia and China, to be more forthcoming in supporting United Nations Security Council efforts to halt Iran's nuclear program;

(9) the United States should take all possible measures to discourage and, if possible, prevent foreign banks from providing export credits to foreign entities seeking to invest in the Iranian energy sector;

(10) the United States should oppose any further activity by the International Bank for Reconstruction and Development with respect to Iran, or the adoption of a new Country Assistance Strategy for Iran, including by seeking the cooperation of other countries;

(11) the United States should extend its program of discouraging foreign banks from accepting Iranian state banks as clients;

(12) the United States should prohibit all Iranian state banks from using the United States banking system;

(13) State and local government pension plans should divest themselves of all non-United States companies investing more than $20,000,000 in Iran's energy sector;

(14) the United States should designate the Iranian Islamic Revolutionary Guards Corps, which purveys terrorism throughout the Middle East and plays an important role in the Iranian economy, as a foreign terrorist organization under section 219 of the Immigration and Nationality Act, place the Iranian Islamic Revolutionary Guards Corps on the list of specially designated global terrorists, and place the Iranian Islamic Revolutionary Guards Corps on the list of weapons of mass destruction proliferators and their supporters;

(15) United States concerns regarding Iran are strictly the result of actions of the Government of Iran; and

(16) the American people have feelings of friendship for the Iranian people, regret that developments of recent decades have created impediments to that friendship, and hold the Iranian people, their culture, and their ancient and rich history in the highest esteem.

TITLE I—SUPPORT FOR DIPLOMATIC EFFORTS RELATING TO PREVENTING IRAN FROM ACQUIRING NUCLEAR WEAPONS

SEC. 101. SUPPORT FOR INTERNATIONAL DIPLOMATIC EFFORTS.

It is the sense of the Congress that—

(1) the United States should use diplomatic and economic means to resolve the Iranian nuclear problem;

(2) the United States should continue to support efforts in the International Atomic

Energy Agency and the United Nations Security Council to bring about an end to Iran's uranium enrichment program and its nuclear weapons program; and

(3)(A) United Nations Security Council Resolution 1737 was a useful first step toward pressing Iran to end its nuclear weapons program; and

(B) in light of Iran's continued defiance of the international community, the United Nations Security Council should adopt additional measures against Iran, including measures to prohibit investments in Iran's energy sector.

SEC. 102. PEACEFUL EFFORTS BY THE UNITED STATES.

Nothing in this Act shall be construed as authorizing the use of force or the use of the United States Armed Forces against Iran.

TITLE II—ADDITIONAL BILATERAL SANCTIONS AGAINST IRAN

SEC. 201. APPLICATION TO SUBSIDIARIES.

(a) IN GENERAL.—Except as provided in subsection (b), in any case in which an entity engages in an act outside the United States which, if committed in the United States or by a United States person, would violate Executive Order No. 12959 of May 6, 1995, Executive Order No. 13059 of August 19, 1997, or any other prohibition on transactions with respect to Iran that is imposed under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and if that entity was created or availed of for the purpose of engaging in such an act, the parent company of that entity shall be subject to the penalties for such violation to the same extent as if the parent company had engaged in that act.

(b) EXCEPTION.—Subsection (a) shall not apply to any act carried out under a contract or other obligation of any entity if—

(1) the contract or obligation existed on May 22, 2007, unless such contract or obligation is extended in time in any manner or expanded to cover additional activities beyond the terms of the contract or other obligation as it existed on May 22, 2007; or

(2) the parent company acquired that entity not knowing, and not having reason to know, that such contract or other obligation existed, unless such contract or other obligation is extended in time in any manner or expanded to cover additional activities beyond the terms of such contract or other obligation as it existed at the time of such acquisition.

(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the issuance of regulations, orders, directives, or licenses under the Executive orders described in subsection (a) or as being inconsistent with the authorities under the International Emergency Economic Powers Act.

(d) DEFINITIONS.—In this section—

(1) the term "entity" means a partnership, association, trust, joint venture, corporation, or other organization;

(2) an entity is a "parent company" of another entity if it controls, directly or indirectly, that other entity and is a United States person; and

(3) the term "United States person" means any United States citizen, any alien lawfully admitted for permanent residence to the United States, any entity organized under the laws of the United States, or any person in the United States.

SEC. 202. ADDITIONAL IMPORT SANCTIONS AGAINST IRAN.

Effective 120 days after the date of the enactment of this Act—

(1) goods of Iranian origin that are otherwise authorized to be imported under section 560.534 of title 31, Code of Federal Regulations, as in effect on March 5, 2007, may not be imported into the United States under such section; and

(2) activities otherwise authorized by section 560.535 of title 31, Code of Federal Regulations, as in effect on March 5, 2007, are no longer authorized under such section.

SEC. 203. ADDITIONAL EXPORT SANCTIONS AGAINST IRAN.

Effective on the date of the enactment of this Act—

(1) licenses to export or reexport goods, services, or technology relating to civil aviation that are otherwise authorized by section 560.528 of title 31, Code of Federal Regulations, as in effect on March 5, 2007, may not be issued, and any such license issued before such date of enactment is no longer valid; and

(2) goods, services, or technology described in paragraph (1) may not be exported or reexported.

SEC. 204. TEMPORARY INCREASE IN FEE FOR CERTAIN CONSULAR SERVICES.

(a) INCREASE IN FEE.—Notwithstanding any other provision of law, not later than 120 days after the date of the enactment of this Act, the Secretary of State shall increase by $1.00 the fee or surcharge assessed under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note) for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(b) DEPOSIT OF AMOUNTS.—Fees collected under the authority of subsection (a) shall be deposited in the Treasury.

(c) DURATION OF INCREASE.—The fee increase authorized under subsection (a) shall terminate on the date that is one year after the date on which such fee is first collected.

TITLE III—AMENDMENTS TO THE IRAN SANCTIONS ACT OF 1996

SEC. 301. MULTILATERAL REGIME.

Section 4(b) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

"(b) REPORTS TO CONGRESS.—Not later than 6 months after the date of the enactment of the Iran Counter-Proliferation Act of 2007 and every six months thereafter, the President shall transmit to the appropriate congressional committees a report regarding specific diplomatic efforts undertaken pursuant to subsection (a), the results of those efforts, and a description of proposed diplomatic efforts pursuant to such subsection. Each report shall include—

"(1) a list of the countries that have agreed to undertake measures to further the objectives of section 3 with respect to Iran;

"(2) a description of those measures, including—

"(A) government actions with respect to public or private entities (or their subsidiaries) located in their territories, that are engaged in Iran;

"(B) any decisions by the governments of these countries to rescind or continue the provision of credits, guarantees, or other governmental assistance to these entities; and

"(C) actions taken in international fora to further the objectives of section 3;

"(3) a list of the countries that have not agreed to undertake measures to further the objectives of section 3 with respect to Iran, and the reasons therefor; and

"(4) a description of any memorandums of understanding, political understandings, or international agreements to which the United States has acceded which affect implementation of this section or section 5(a).".

SEC. 302. MANDATORY SANCTIONS.

Section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking "2 or more of the sanctions described in paragraphs (1) through (6) of section 6" and inserting "the sanction described in paragraph (5) of section 6 and, in addition, one or more of the sanctions described in paragraphs (1), (2), (3), (4), and (6) of such section".

SEC. 303. AUTHORITY TO IMPOSE SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.

Section 5 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by adding at the end the following:

"(g) AUTHORITY TO IMPOSE SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—

"(1) SANCTIONS UNDER SECTION 6.—In addition to the sanctions imposed under subsection (a), the President may impose any of the sanctions under section 6 on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions as such officer or officers. The President shall include on the list published under subsection (d) the name of any person on whom sanctions are imposed under this paragraph.

"(2) ADDITIONAL SANCTIONS.—In addition to the sanctions imposed under paragraph (1), the President may block the property of any person described in paragraph (1), and prohibit transactions in such property, to the same extent as the property of a foreign person determined to have committed acts of terrorism for purposes of Executive Order 13224 of September 23, 2001 (50 U.S.C. 1701 note).".

SEC. 304. UNITED STATES EFFORTS TO PREVENT INVESTMENT.

Section 5 of the Iran Sanctions Act of 1996 is amended by adding the following new subsection at the end:

"(h) UNITED STATES EFFORTS TO ADDRESS PLANNED INVESTMENT.—

"(1) REPORTS ON INVESTMENT ACTIVITY.—Not later than January 30, 2008, and every 6 months thereafter, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on investment and pre-investment activity, by any person or entity, that could contribute to the enhancement of Iran's ability to develop petroleum resources in Iran. For each such activity, the President shall provide a description of the activity, any information regarding when actual investment may commence, and what steps the United States has taken to respond to such activity.

"(2) DEFINITION.—In this subsection—

"(A) the term 'investment' includes the extension by a financial institution of credit or other financing to a person for that person's investment; and

"(B) the term 'pre-investment activity' means any activity indicating an intent to make an investment, including a memorandum of understanding among parties indicating such an intent."

SEC. 305. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

"(B)(i) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization;

"(ii) any foreign subsidiary of any entity described in clause (i); and "(iii) any government entity operating as a business enterprise, such as an export credit agency; and".

(b) DEVELOPMENT AND INVESTMENT.—Section 14 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in paragraph (4), by inserting "tanker or" after "transportation by"; and

(2) in paragraph (9)—

(A) by inserting after subparagraph (C) the following:

"(D) The sale of an oil tanker or liquefied natural gas tanker."; and

(B) in the second sentence, by inserting ", other than a sale described in subparagraph (D)" after "goods, service, or technology".

SEC. 306. REMOVAL OF WAIVER AUTHORITY.

(a) SIX-MONTH WAIVER AUTHORITY.—Section 4 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (d)(1), by striking "except those with respect to which the President has exercised the waiver authority of subsection (c)";

(2) by striking subsection (c); and

(3) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(b) GENERAL WAIVER AUTHORITY.—Section 9 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking subsection (c).

SEC. 307. CLARIFICATION OF AUTHORITY.

Section 6(6) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting "the authorities under" after "in accordance with".

SEC. 308. APPLICABILITY OF CERTAIN AMENDMENTS.

The amendments made by sections 302, 305, and 306 shall apply with respect to acts done on or after August 3, 2007.

TITLE IV—ADDITIONAL MEASURES

SEC. 401. ADDITIONS TO TERRORISM AND OTHER LISTS.

(a) DETERMINATIONS AND REPORT.—Not later than 120 days after the date of the enactment of this Act, the President shall—

(1) determine whether the Iranian Islamic Revolutionary Guards Corps (in this section referred to as "IRGC") should be—

(A) designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(B) placed on the list of specially designated global terrorists; and

(C) placed on the list of weapons of mass destruction proliferators and their supporters; and

(2) report the determinations under paragraph (1) to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, including, if the President determines that such Corps should not be so designated or placed on either such list, the justification for the President's determination.

(b) EXTENSION OF AUTHORITY.—The President may block all property and interests in property of the following persons, to the same extent as property and interests in property of a foreign person determined to have committed acts of terrorism for purposes of Executive Order 13224 of September 21, 2001 (50 U.S.C. 1701 note) may be blocked:

(1) Persons who assist or provide financial, material, or technological support for, or financial or other services to or in support of, the IRGC or entities owned or effectively controlled by the IRGC.

(2) Persons otherwise associated with the IRGC or entities referred to in paragraph (1).

(c) DEFINITIONS.—In this section—

(1) the term "specially designated global terrorist" means any person included on the Annex to Executive Order 13224, of September 23, 2001, and any other person identified under section 1 of that Executive order whose property and interests in property are blocked by that section; and

(2) the term "weapons of mass destruction proliferators and their supporters" means any person included on the Annex to Executive Order 13382, of June 28, 2005, and any other person identified under section 1 of that Executive order whose property and interests in property are blocked by that section.

SEC. 402. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDINGS.—The work of the Office of Terrorism and Financial Intelligence of the Department of Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Center, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(b) AUTHORIZATION.—There is authorized for the Secretary of the Treasury $59,466,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 and 2010 for the Office of Terrorism and Financial Intelligence.

(c) AUTHORIZATION AMENDMENT.—Section 310(d)(1) of title 31, United States Code, is amended by striking "such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005" and inserting "$85,844,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 and 2010".

SEC. 403. EXCHANGE PROGRAMS WITH THE PEOPLE OF IRAN.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should seek to enhance its friendship with the people of Iran, particularly by identifying young people of Iran to come to the United States under United States exchange programs.

(b) EXCHANGE PROGRAMS AUTHORIZED.—The President is authorized to carry out exchange programs with the people of Iran, particularly the young people of Iran. Such programs shall be carried out to the extent practicable in a manner consistent with the eligibility for assistance requirements specified in section 302(b) of the Iran Freedom Support Act (Public Law 109–293).

(c) AUTHORIZATION.—Of the amounts available to the Department of State for "Educational and Cultural Exchanges" to carry out the Mutual Educational and Cultural Exchange Act of 1961, there is authorized to be appropriated to the President to carry out this section the sum of $10,000,000 for fiscal year 2008.

SEC. 404. REDUCING CONTRIBUTIONS TO THE WORLD BANK.

The President of the United States shall reduce the total amount otherwise payable on behalf of the United States to the International Bank for Reconstruction and Development for each fiscal year by the percentage represented by—

(1) the total of the amounts provided by the Bank to entities in Iran, or for projects and activities in Iran, in the then-preceding fiscal year; divided by

(2) the total of the amounts provided by the Bank to all entities, or for all projects and activities, in the then-preceding fiscal year.

SEC. 405. RESTRICTIONS ON NUCLEAR COOPERATION WITH COUNTRIES ASSISTING THE NUCLEAR PROGRAM OF IRAN.

(a) IN GENERAL.—

(1) RESTRICTION.—Notwithstanding any other provision of law or any international agreement—

(A) no agreement for cooperation between the United States and the government of any country that is assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran may be submitted to the President or to Congress pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153),

(B) no such agreement may enter into force with such country,

(C) no license may be issued for export directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and

(D) no approval may be given for the transfer or retransfer directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement,

until the President makes the determination and report under paragraph (2).

(2) DETERMINATION AND REPORT.—The determination and report referred to in paragraph (1) are a determination and report by the President, submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, that—

(A) Iran has ceased its efforts to design, develop, or acquire a nuclear explosive device or related materials or technology; or

(B) the government of the country that is assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran—

(i) has suspended all nuclear assistance to Iran and all transfers of advanced conventional weapons and missiles to Iran; and

(ii) is committed to maintaining that suspension until Iran has implemented measures that would permit the President to make the determination described in subparagraph (A).

(b) CONSTRUCTION.—The restrictions in subsection (a)—

(1) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws; and

(2) shall not be construed as affecting the validity of agreements for cooperation that are in effect on the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) AGREEMENT FOR COOPERATION.—The term "agreement for cooperation" has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

(2) ASSISTING THE NUCLEAR PROGRAM OF IRAN.—The term "assisting the nuclear program of Iran" means the intentional transfer to Iran by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions), or the Nuclear Suppliers Group Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIR/254/Rev. 3/Part 2, and subsequent revisions).

(3) COUNTRY THAT IS ASSISTING THE NUCLEAR PROGRAM OF IRAN OR TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN.—The term "country that is assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran" means—

(A) the Russian Federation; and

(B) any other country determined by the President to be assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran.

(4) TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN.—The term "transferring advanced conventional weapons or missiles to Iran" means the intentional transfer to Iran by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on—

(A) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(B) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expense paid or incurred on or after January 1, 2007.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. TERMINATION.

(a) TERMINATION.—The restrictions provided in sections 203, 404, and 405 shall cease to be effective with respect to Iran on the date on which the President determines and certifies to the appropriate congressional committees that Iran—

(1) has ceased its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; and

(C) ballistic missiles and ballistic missile launch technology;

(2) has been removed from the list of countries the governments of which have been determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, to have repeatedly provided support for acts of international terrorism; and

(3) poses no significant threat to United States national security, interests, or allies.

(b) DEFINITION.—In subsection (a), the term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

The SPEAKER pro tempore (Mr. ISRAEL). Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, Iranian President Mahmoud Ahmadinejad will address the United Nations General Assembly in just a couple of hours, the latest step in his campaign to remove all obstacles to Tehran's headlong pursuit of nuclear weapons. We, in turn, must resolve to use every available peaceful means, economic, political, and diplomatic, to put a stop to that deadly, dangerous pursuit.

Peaceful persuasion in this instance will require a lot of leverage. Strong international sanctions must be imposed against the regime in Tehran, biting sanctions that will bring about a change in policy.

Ideally, Mr. Speaker, such measures would be undertaken through the United Nations. But if China and Russia continue to block effective U.N. sanctions against Iran, the United States must move ahead in the company of as many other like-minded nations as possible. And if multilateral sanctions are not in the offing, the United States needs to be prepared to tighten and to fully enforce our own sanctions without any exceptions.

Current law imposes sanctions in the U.S. market on any foreign company that invests $20 million or more in the Iranian energy sector. But the law lets the executive branch, at its sole discretion, waive those sanctions. And for years, Mr. Speaker, administrations of both parties have done so without fail.

Since 1999, giant companies such as Royal Dutch Shell, France's Total, Italy's ENI, and Inpex of Japan have invested over $100 billion, over $100 billion, in the Iranian energy industry, and the United States has done nothing to stop them.

If we wish to impose serious and biting sanctions on Iran, effective measures that will change the behavior of the regime in Tehran, it is clear what we must do. We must take away the power from the administration to waive sanctions we pass.

Two days ago on 60 Minutes, the President of Iran had this to say about the issue of nuclear weapons: "We don't need a nuclear bomb . . . In political relations right now, the nuclear bomb is of no use. If it was useful, it would have prevented the downfall of the Soviet Union."

I wish that we could take Ahmadinejad at his word, but we obviously cannot. This is the same man who yesterday said, "Our people are the freest in the world" and "there are no homosexuals in Iran." We are all aware of the many other absurd and irrational statements that have emanated from Tehran since this man took power.

But there is one arena in which I agree with Ahmadinejad: when he says his country has the same right as every other country to use civilian nuclear power. Every country has that right. But if they all decide to get there by mastering the full nuclear fuel cycle, then the door will be wide open to an unprecedented global proliferation of nuclear weapons.

That is why earlier the House passed my legislation to authorize the creation of an International Nuclear Fuel Bank under the auspices of the International Atomic Energy Agency. Every country, including Iran, can draw from that bank the nuclear fuel necessary for the production of civilian nuclear energy under strict IAEA safeguards, but no nation will be able to divert nuclear materials for military purposes. The International Atomic Energy Agency supports my approach, as do all five permanent members of the U.N. Security Council, including our own administration.

One would think that the decision makers in Tehran would look upon this idea of an International Nuclear Fuel Bank as an elegant way to get Iran out of a difficult, unproductive, and singularly isolated situation. I hope that they will take this road and they will use this opportunity to move away from their current isolation in the international community.

And I hope as well that the administration will see its way clear to opening up serious and continuing dialogue with Iran. When I hear it said that it is somehow wrong to talk with Iran, I think back to the days when the Soviet Union had thousands of nuclear-tipped missiles aimed at the United States. Surely, the Soviets then were a great deal more dangerous to us than the Iranian leadership is today, and yet we talked with them daily. We maintained a very active diplomacy vis-a-vis the Soviet Union. We were engaged in trade, travel, and cultural exchanges of many types.

Mr. Speaker, I am not alone in hoping that relations with Iran can and will be improved. But as long as irrationality prevails in Tehran, we must be prepared to employ all peaceful means at our disposal to ensure that the regime renounces its pursuit of nuclear weapons.

Iran today faces a choice between a very big carrot and a very sharp stick. It is my hope that they will take the carrot, but today we are putting the stick in place.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is a day of contrast. Today as we stand here in this hallowed Chamber of democracy discussing the threat that Iran poses to the United States and, indeed, to global security, to its own people as well, Iran's leader will later be spewing his venomous rhetoric before the United Nations General Assembly.

Last year, the leader of the Iranian regime called for Israel to be wiped off the map and for a new wave of Palestinian attacks to destroy the Jewish state. He further stated that anyone who recognizes Israel will burn in the fire of the fury of Islamic nations.

This is not the first time that the Iranian leadership has called for the destruction of Israel. On December 14, 2001, former Iranian leader Rafsanjani threatened Israel with nuclear attack, saying that the use of even one nuclear bomb inside Israel would destroy that country while it would do little harm to the Islamic world.

Given the Iranian regime's history of acting on its declarations, we should be under no illusions regarding its intentions. And its intentions are to get a nuclear weapon. In fact, they are even taking out advertisements about it.

Let me show you this very revealing ad that appeared in the May issue of the Economist. As they say, "a picture is worth a thousand words." Even as the International Atomic Energy Agency reported that "gaps remain in the agency's knowledge with respect to the scope and content of Iran's centrifuge program . . . including the role of the military in Iran's nuclear program . . ." and voiced concern regarding "undeclared nuclear material and activities in Iran," and even as additional sanctions were being considered against Iran by the United Nations Security Council, this request for proposals for two new large nuclear plants appeared in a major western magazine. And let me point out that the ad clearly identifies the name of the bank, a European bank. For the record, it is Austria Bank Creditansalt, with the account number clearly evident in the advertisement.

Mr. Speaker, for over 5 years, Iran has been manipulating the international community, buying time to expand and to hide its nuclear program, and it is making rapid progress. The International Atomic Energy Agency report of August 30 of this year stated that Iran is running almost 2,000 centrifuges with as many more being tested or under construction, indicating that it has already overcome many of the roadblocks to manufacturing nuclear fuel, including weapons-grade material.

The estimate of the International Atomic Energy Agency, however, may be too conservative. Iranian leader Ahmadinejad put the number of centrifuges at 3,000 and said that the program was making great strides. His comments underscored his regime's intense focus on its nuclear weapons program and should increase our focus and our sense of urgency.

□ 1045

When thinking of the consequences of an Iranian nuclear bomb, we must always remember that Iran is the number one state sponsor of terrorism, supplying weapons, funding, training and sanctuary to terrorist groups such as Hezbollah and Hamas that have murdered countless civilians and threatens our allies in the region and elsewhere; that Iran continues to supply Shiite Islamic groups in Iraq with money, training and weapons that fuel sectarian violence; that Iran is responsible for the deaths of U.S. troops by providing the resources and the materials used for improvised explosive devices, or IEDs, and other much more powerful weapons; that Iran is also supplying the Taliban with weapons to use against our troops serving in Afghanistan.

My daughter-in-law is proudly wearing our Nation's uniform right now in Afghanistan, and Iran's work is a danger to her and all of our sons and daughters serving overseas.

However, Tehran's pursuit of these destructive policies has one weakness, namely, its dependence on the revenue derived from energy exports. For that reason, the U.S. has targeted Iran's energy sector, attempting to starve it of its foreign investment. U.S. law prohibits American firms from investing in Iran, but foreign entities continue to do so. To address that problem, my distinguished colleague, my good friend from California, the chairman of our committee, Mr. LANTOS, and I introduced the Iran Freedom Support Act, which was enacted into law in September of last year.

This legislation under consideration today, however, H.R. 1400, builds upon that foundation, reiterates the application of the Iran Sanctions Act, ISA, to parent companies of foreign subsidiaries that engage in activities that ISA would prohibit for U.S. entities. Like its predecessors, the Iraq Freedom Support Act and H.R. 957, this bill before us, H.R. 1400, expands the application of the Iran Sanctions Act to any financial institution, insurer, underwriter, guarantor, or other business organization including any foreign subsidiary of the foregoing. Mr. Speaker, this bill enlarges the scope of the ISA sanctions to include the sale of oil or liquefied natural gas tankers.

In addition, the bill before us states the sense of Congress that the United States should prevent foreign banks from providing export credits to foreign entities seeking to invest in Iran's energy sector. And in line with the Iran Freedom Support Act, which urged the President to instruct the U.S. ambassador to the U.N. to push for United Nations Security Council sanctions against Iran, this bill before us commends the U.N. Security Council for its previous action and urges additional action.

H.R. 1400 also restricts U.S. nuclear cooperation with any country that helps Iran's nuclear program or transfers advanced conventional weapons or missiles to Iran. This puts countries seeking to maintain good relations with the U.S. on notice that we will not allow ourselves to be used as indirect purveyors of nuclear assistance to Iran.

Finally, let me emphasize, Mr. Speaker, that this bill speaks directly to the people of Iran. The regime in Tehran continues its brutal crackdown on human rights advocates, on religious and ethnic minorities, on opponents in the universities and the press, and on dissidents in general. And to address their plight, the bill before us expresses the unwavering support of the American people for the tens of millions of Iranians suffering under a brutal medieval regime.

We must always remember that we share a common enemy, the regime in Tehran, and a common goal, which is freedom.

Mr. Speaker, thank you for this time. But I mostly want to thank the chairman of our committee, Mr. LANTOS, for his leadership on this issue, and I strongly urge my colleagues to support its adoption.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished chairman of the Middle East Subcommittee of the Foreign Affairs Committee, Mr. ACKERMAN of New York.

Mr. ACKERMAN. Thank you, Mr. Chairman, for yielding me the time, as well as for your tireless efforts in support of the legislation that we are considering today.

There is no more imperative threat facing the world today than checking Iran's nuclear aspirations. Sometimes, in the midst of urgent debate over the right tactics to use to stop the mullahs' mad march towards the bomb, we lose sight of the big strategic picture. By focusing on the particular costs of each sanction, the monstrous reality of a world in which Iran possesses nuclear weapons can slip into the background. This loss of perspective is a terrible mistake.

Critics of H.R. 1400, both here and abroad, see only the cost and the irritants of American sanctions. Their concerns focus on economic liberty and their own bottom line, on their national sovereignty, but not their national security.

Protests are heard regarding our insensitivity to the Iranian regime and the likelihood of sanctions hurting the Iranian people. The critics are, unfortunately, missing the point. In a vacuum, sanctions always seem harsh unless you consider the nonpeaceful alternative.

To fully and fairly judge the proposals in a sanctions measure such as H.R. 1400, we have to consider what a future without it might look like. If you don't want to see the complete collapse of the nuclear nonproliferation regime and the rapid nuclearization of the entire Middle East, then you're for the bill. If you don't want to see Iranian proxies, such as Hamas and Hezbollah, taking over the Palestinian Authority and the Government of Lebanon, then you're for the bill. If you don't want to see Iran accelerating its supply of arms and training to terrorists around the world, then you're for the bill. If you don't want the supply and the price of oil to be set in Tehran, then you're for the bill. If you don't want to even imagine a nuclear device exploding somewhere, anywhere in the Middle East, then you're for the bill. And, finally, if you do abhor war, if you really don't want to see military force used to stop Iran's nuclear program, if you hate the very idea of America attacking Iran's nuclear program, then you're for this bill.

The official title is the Iran Counter-Proliferation Act. The proper title should be the Stop the Iranian Bomb by Every Peaceful Means Possible Act. This is the alternative.

We are running out of time. Nuclear weapons in the hands of Iran's mullahs are not inevitable; but to prevent such an international security catastrophe, we need every tool at our disposal now while there is still time. The longer we wait, the greater the danger and difficulty of the challenge we face. Now is the time to apply the absolute maximum diplomatic, political and economic pressure that we can muster.

H.R. 1400 will crank up the pressure and help us avoid having to choose between military action and an Iranian atomic bomb. I urge all Members to support this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time, I would like to yield 6 minutes to Mr. PENCE, the ranking member on the Subcommittee on the Middle East and South Asia of our Committee on Foreign Affairs.

Mr. PENCE. I thank the gentlelady for yielding. I also thank the ranking member and the distinguished chairman of this committee for their extraordinary and visionary work in bringing H.R. 1400 to the floor of this Congress to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran.

As the ranking member and my other senior colleagues have described, this legislation would continue an expanding effort to confront Iran's rhetoric and reality in a manner both diplomatic and economic. And the reasons to do so are legion. Iran, for instance, denies the Holocaust and hosted a Holocaust-denying conference which aired on Arab television across the region.

President Ahmadinejad, as I will describe in a moment, has repeatedly advocated "wiping Israel off the map." Their headlong and reckless pursuit of a nuclear weapons program ominously would enable them to do that in a matter of minutes when combined with their missile technology.

Iran supplies and trains insurgents fighting U.S. forces and Iraqi forces in Iraq, as General Petraeus and Ambassador Crocker and the physical evidence and the incarceration of Iranian intelligence personnel now in Baghdad attest. Iran supports Hezbollah, Hamas, and other terrorist organizations.

But I want to speak specifically, Mr. Speaker, to yesterday and today's events involving the Iranian President, Mahmoud Ahmadinejad, who arrived yesterday for a forum in Columbia University and an address at the United Nations today. Let me be clear: If my colleagues have no other reason to support H.R. 1400, we can look to the rhetoric and the statements in the past 48 hours of President Ahmadinejad. He is a destabilizing force leading a threatening country and gave evidence of that repeatedly in statements on American television, Columbia University, and I expect at the U.N. today.

Ahmadinejad veers regularly between the deadly and the bizarre. He is perhaps best known for the menacing statements about advocating the elimination of the State of Israel. But at last year's address to the U.N. General Assembly, President Ahmadinejad told an Iranian cleric that he had felt the hand of God entrancing world leaders as he addressed that body. All of these various threats and outrages are delivered with a trademark eery grin, which would be easy to dismiss as the rantings of a madman were he not vested with the power of a head of state. Yet his musings are as clear and as threatening as those musings written in a prison cell in the 1930s entitled "Mein Kampf."

This is a man who is on a misguided mission; he is a dangerous and deluded leader. We ignore his intents at our peril. While his speech at Columbia University yesterday was described as a rambling speech by the New York Times that meandered from science to religion to the creation of human beings, it was his claim that he was a "peaceful" man, that Iran possessed, as he made some reference to, a thriving Jewish community, and his claim that Iran was a country where no homosexuals lived. For me, I cannot decide which of those statements was more Orwellian or more offensive to reality or to western respect for individual liberty. But they do give us a window into the mindset of a leader.

And, Mr. Speaker, I believe no terrorist despot deserves an Ivy League forum, and have said so. On "60 Minutes" Sunday night, Ahmadinejad refused to address what we all know to be true: His forces and weaponry, as I said before, are directly implicated in the deaths of American forces in Iraq, and that would have been reason enough to deny him a podium.

Now, we are occasionally told, and maybe some will hesitate to support this legislation today because Ahmadinejad is not in charge, that some believe a relatively moderate group of clerics are the real power in Iran. But in a military parade just Saturday, the Supreme Leader Ayatollah Khamenei, allegedly a moderate in some versions, had a banner displayed alongside him that read: "The Iranian Nation is ready to bring any oppressive power to its knees." Clearly, this threatening posture is deep-seated; it is not focused on one man.

But I think as we argue today for H.R. 1400 to bring additional economic sanctions against Iran, we should look at the man who is the leader of the country. H.R. 1400, sponsored by our distinguished chairman and ranking minority member, does the reasonable step of imposing additional economic sanctions against Iran.

But let me say I believe it is imperative that we must continue to use every tool in our power to pressure and isolate this dangerous and threatening regime. And the people of the United States of America, the U.N. Security Council, our neighbors and allies in the region also need to be prepared to keep all options on the table as we confront this regime. It is my hope H.R. 1400, with its diplomatic and economic initiative, will prevail and bring Iran back from the nuclear brink, and that would be my prayer. But we must remain committed to the notion that this nation and this leader in Iran must not be permitted to come into possession of a usable nuclear weapon.

□ 1100

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished chairman of the Subcommittee on Terrorism, Nonproliferation and Trade of the Foreign Affairs Committee, Mr. SHERMAN of California.

Mr. SHERMAN. Mr. Speaker, I thank the chairman for yielding, and I thank him for this outstanding piece of legislation.

Yesterday, at Columbia University, Mahmoud Ahmadinejad made two points that were newsworthy. First, there are no gay people in Iran. Second, there is no nuclear weapons program in Iran. These two points are equally true.

To focus on Iran's nuclear program, we do not need military action. I want to emphasize that this bill does not authorize, it does not justify, it does not urge military action in any way. In fact, it gives us an alternative, and that is economic and diplomatic pressure.

Now, we owe a special debt of gratitude to the mullahs who are running Iran, because their mismanagement, corruption and oppression has made their government vulnerable, vulnerable even in an $80-a-barrel world. Today, Iran faces a slow decline in its oil fields. Without further investment, they won't be exporting oil in 10 years. Today, as I speak, they are rationing gasoline in Tehran.

We need to be able to use our considerable broadcasting resources to send a message into Iran for the people and elites of that country: that you face diplomatic and economic isolation if you don't abandon your nuclear program. The problem is that none of us can lie that well in Farsi. We have not imposed economic isolation on Iran. But with this bill, we can begin.

We have acquiesced in World Bank loans to the Government of Iran. With this bill, we stop putting money into the unit of the World Bank that is making loans to Iran. We ought to look at other things we can do to make sure that there are no further World Bank loans to Iran.

Currently, we import from Iran—not oil, but only the stuff we don't need, and they can't sell anywhere else. This bill ends imports from Iran.

With regard to oil companies, again, we owe a special debt of gratitude to those mullahs whose outrageous business practices and threats of expropriation have made oil companies reluctant to invest in Iran. But now we have got to make them more reluctant to invest in Iran. This bill turns to foreign subsidiaries of U.S. oil companies and bans their investment in Iran.

With regard to foreign-based oil companies, it sends a clear message: Don't do business with Iran if you expect to do business-as-usual in the United States. We have had that kind of sanction against foreign-based oil companies for quite some time under what was then called the Iran-Libya Sanctions Act (ILSA). We applied that act against Libya, and it worked. It is now time to apply that act with regard to oil companies investing in Iran. This bill moves us a long way in that direction.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 3 minutes to Mr. SHAYS of the National Security and Foreign Affairs Subcommittee of the Committee on Oversight and Government Reform.

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in support of H.R. 1400, the Iran Counter-Proliferation Act, what I call the bipartisan Lantos-Ros-Lehtinen Resolution. We need to prohibit nuclear cooperation between the U.S. and countries who are aiding Iran's nuclear program, and we need to strengthen our current sanctions against Iran.

First, we cannot talk about Iran in a vacuum. We need to pass this resolution and put other pressure on this government. We also need to make sure that we do not leave Iraq and the Middle East to this country. Iran is pursuing nuclear capabilities and is one of the world's most egregious exporters of terrorism, funding Hamas, Hezbollah and Iraqi insurgents. We are needing to confront Iran because they are funding the Iraqi insurgents, therefore killing Iraqis who are on our side. They are literally killing our American troops. The seriousness of these facts was made clear when Iran's president threatened to wipe Israel off the map. That is his intent.

In addition, in April 2006, Ayatollah Khamenei told another one of the world's worst human rights abusers, Sudan, that Iran would gladly transfer nuclear technology to it. Khamenei stated, "The Islamic Republic of Iran is prepared to transfer the experience, knowledge and technology of its scientists." That is a quote. I am hopeful the ongoing discussions between the Iranians and the United Nations to craft a permanent nuclear agreement will be successful. But I am not holding my breath.

It is critical that our Government utilize the tools at our disposal, including economic and diplomatic sanctions and the appropriate distribution of foreign aid to those groups who oppose the current regime to deter the threat Iran poses to global security. It is also appropriate and essential for us to impose pressure on the other nations of the world who prop up the Iranian Government and the extremists at the helm by their investing heavily in that nation.

The bottom line is, in spite of its assurances to the contrary, Iran remains committed to a nuclear weapons program. The United States must be unequivocal in its rejection of these ambitions. We need to realize that if you don't want war with Iran, then we need to make sanctions work.

Mr. Speaker, I thank the gentlewoman for yielding.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my good friend from Texas (Mr. EDWARDS) for a colloquy.

Mr. EDWARDS. I first want to commend Chairman LANTOS for his strong leadership in this legislation. I support it very strongly and think it's good for our Nation and the security of the world. I would like to express that I have heard some concerns raised about whether section 405 unintentionally might create any roadblocks to the Nunn-Lugar program where the United States and Russia work together to prohibit nuclear materials from getting into the hands of terrorists. Obviously, no one here, no one in Russia, no one in this country would want to make it more difficult to protect our Nation from theft of nuclear material from Russia.

Mr. Speaker, I just hope that as we move toward the final version of this legislation and discuss this with the Senate, I hope we can ensure it would not in any way unintentionally undermine our ability to evaluate physical protection systems at sites that receive U.S. nuclear exports and to just ensure that in no way do we unintentionally create some roadblocks for the continuation of the Nunn-Lugar program.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from California.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my friend from Texas for raising this issue. The Nunn-Lugar program is one of the most valuable international pieces of legislation since the end of the Second World War. It has gone a long ways in preventing nuclear materials falling into dangerous hands. It is imperative that the Russian Federation work together with the international community to thwart Iran's nuclear ambitions. I very much look forward to working with my friend from Texas to ensure that that goal and the nonproliferation goals are fully met in this legislation.

Mr. EDWARDS. I thank the gentleman for his leadership and his comments.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK), the cochair of the Congressional Iran Working Group.

Mr. KIRK. Mr. Speaker, the history of the 20th century tells us that genocidal dictators say what they will do and then do what they said. Hitler told us in his writings that he would murder Jews. And he did. Stalin said that he would liquidate the Kulaks, Russia's small farmers. And he did. Pol Pot said he would eliminate the middle class and intellectuals. And he did. Now the President of Iran said he will wipe Israel off the face of the Earth. And he will.

Now, we Americans promised in 1945, never again. Ahmadinejad says that one Jewish holocaust is not enough, that he would wish to commit a second genocide, and he would deny that that would happen because he already denies that the holocaust happened.

Now, our options with regard to Iran are poor. Option one is to leave this to the United Nations alone. But that appears to lead to the Iranians having the bomb. Option two is to let Israel's armed forces remove the threat. But that mission is dangerous and uncertain.

Thanks to Chairman LANTOS and Ranking Member ROS-LEHTINEN, we in Congress are developing a better and third option. Sanctions against Iran can work. This bill strengthens such sanctions. We can do more. We should bankrupt Bank Melli, a funder of terror. And we should quarantine gasoline sales to Iran. These measures could cripple Iran. Like the Yugoslav dictatorship, we can bring effective pressure to bear to achieve our objectives without military action.

The new President of France sees the growing danger and says the international community and Europe should act. The new French President is right. This bill takes us in the direction of a safer world and one in cooperation with our allies.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished Chair of the Western Hemisphere Subcommittee of the Foreign Affairs Committee, Mr. ENGEL of New York.

Mr. ENGEL. Mr. Speaker, I thank our distinguished chairman for yielding to me. I rise in strong support of this legislation.

Mr. Speaker, yesterday, I was in New York City, my hometown, where I spoke at a demonstration in front of the United Nations protesting Ahmadinejad's speaking at that world body. I also then went to Columbia University where I also participated in a protest outside of Columbia University.

Mr. Speaker, I want to be able to tell my children and my grandchildren that I did something when evil raised its ugly head. Perhaps if there had been more of this in the 1930s, Adolph Hitler might not have come to power. He said what he was going to do, as the gentleman from Illinois just said, and he carried it out. When Mr. Ahmadinejad says he wants to wipe Israel off the face of the Earth and do all kinds of other countless, horrific things, he means it.

This bill squeezes the Iranian regime where it counts the most, in the pockets, economically. No one could have foreseen that the Soviet Union could have rotted from within. But the Iranian regime is rotting from within. They are now importing oil. There's an energy crunch in Iran. This is the way to topple that regime. I think that they are the biggest threat right now to the world.

The United Nations discredits itself. We will soon have a resolution condemning their so-called Human Rights Commission, which does nothing but attack Israel. We need to stand up and say that we were able to act when it counted. This is one of the most important things that the Congress can do by slapping sanctions on Iran.

We have the Syria Accountability Act which I introduced with the distinguished ranking member. We are going to have another bill. Syria and Iran, who represent threats to the region, need to be hit in the pocketbook, economically, in order for their regimes to collapse or for them to change their behavior.

Mr. Speaker, this bill does that. That is why everyone should support it today.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1¾ minutes to the distinguished member of the Intelligence Committee, the gentlewoman from California (Ms. HARMAN).

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Ms. HARMAN. Mr. Speaker, California is poised to join several other States in requiring its huge pension funds to disinvest in Iran. The decision is bipartisan. I commend my State's Democratic legislature and Republican Governor for this bold move.

So, H.R. 1400 too, is a bold bipartisan move, and I urge its passage. It tightens enforcement of U.S. sanctions, which are working; it conditions future nuclear cooperation with Russia on that country's ceasing its nuclear ties with Iran; and it designates Iran's Revolutionary Guards, who have long carried out terrorist acts in Iraq and the region, as a terror organization.

Mr. Speaker, Los Angeles, California, is home to over 800,000 Iranian Americans. In fact, it's called sometimes the "Tehrangeles." I understand that, because we have such a large population. Our fight, however, is not with the "Tehrangelenos," and it surely is not with the Iranian people either; but our fight, and we must continue it, is against the threats and the actions of the extreme regime in Iran who threaten our Democratic ally Israel and who threaten the entire world with the prospect of a nuclear bomb.

Coercive sanctions are working. H.R. 1400 will add new tools to those sanctions. This is the right way for this country to speak out and the right way for this country to achieve results.

Mr. HERGER. Mr. Speaker, I rise in support of H.R. 1400, as amended to strengthen its goals and effect.

The Iranian regime supports terrorism. Iran's President has called for Israel to be, and I quote, "wiped off the map." Iranian special forces are fighting a "proxy war" against U.S. troops in Iraq and are training Iraqi Shiite extremists. Iran's uranium enrichment continues to fly in the face of several United Nations resolutions, and the International Atomic Energy Agency, IAEA, reports that Iran could develop nuclear weapons in as few as 3 years.

A multilateral strategy will most effectively block Iran's dangerous ambitions. The U.N., in particular, must adopt additional, stronger measures to stop this hostile regime dead in its tracks. I am also very encouraged by the recent statements of French President Sarkozy calling on France and the rest of Europe to adopt "international" and "multilateral" economic sanctions against Iran, in coordination with U.S. efforts.

As I have said on this floor before, I question the effectiveness of unilateral sanctions because they often disturb the very multilateralism that we currently see taking shape against Iran. Careful drafting, however, can alleviate the disruption, and the Ways and Means Committee strengthened H.R. 1400 by inserting provisions that will preserve this growing international coalition.

More specifically, H.R. 1400 maintains the President's discretion under current law not to impose import restrictions, if refraining would best serve the foreign policy purpose. To that end, Section 307 of this bill clarifies that the full "authorities" of IEEPA are implicated in Section 6(6) of the Iran Sanctions Act, not just the authority to impose import restrictions. A parallel rule of construction is included in Section 201.

In addition, my Committee was careful to clarify in Section 202 that the bill's import restrictions apply only to the current regulation, so the President retains needed flexibility. Finally, Section 406 of the bill as introduced and reported was stripped and replaced with a new funding source.

For these reasons, I urge support of H.R. 1400, as amended.

Mr. LANTOS. Mr. Speaker, I submit a series of letters from other committees that have jurisdiction over parts of this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 24, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 1400—"to enhance United States diplomatic efforts with respect to Iran by imposing economic sanctions against Iran, and for other purposes"—which was reported by the House Foreign Affairs Committee on August 2, 2007.

As you know, the Committee on Ways & Means has jurisdiction over import matters. Accordingly, certain provisions of H.R. 1400 fall under the Committee's jurisdiction.

There have been some productive conversations between the staffs of our committees, during which we have proposed some changes to H.R. 1400 that I believe I help clarify the intent and scope of the measure. My understanding is that there is an agreement with regard to these changes. Modifications were made to section 202, relating to additional import sanctions against Iran, and section 406, relating to certain tax incentives, was removed. In addition, provisions were included in section 201 and a new section 307 was added to H.R. 1400 to clarify that other provisions of the Act did not affect the President's authority under the International Emergency Economic Powers Act, particularly as such authority relates to measures restricting imports.

To expedite this legislation for floor consideration, the Committee will forgo action on this bill and will not oppose its consideration on the suspension calendar. This is done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this, or similar legislation, in the future.

I would appreciate your response to this letter, confirming our understanding with respect to H.R. 1400, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 24, 2007.
Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1400, the Iran Counter-Proliferation Act of 2007.

I appreciate your willingness to work cooperatively on this legislation and the mutually agreed upon text that is being presented to the House. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I agree that the inaction of your Committee with respect to the bill does not in any way prejudice the Committee on Ways and Means or its jurisdictional prerogatives on this or similar legislation in the future.

I will ensure that our exchange of letters be included in the Congressional Record.

Cordially,
TOM LANTOS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, September 21, 2007.
Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 1400, the Iran Counter-Proliferation Act of 2007. This bill was introduced on March 8, 2007, and was referred to the Committee on Foreign Affairs, and in addition, to this Committee, among others. The bill has been reported by the Committee on Foreign Affairs.

There is an agreement with regard to this bill, and so in order to expedite floor consideration, I agree to forego further consideration by the Committee on Financial Services. I do so with the understanding that this decision will not prejudice this Committee with respect to its jurisdictional prerogatives on this or similar legislation. I request your support for the appointment of conferees from this Committee should this bill be the subject of a House-Senate conference.

Please place this letter in the Congressional Record when this bill is considered by the House. I look forward to the bill's consideration and hope that it will command the broadest possible support.

BARNEY FRANK,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 6, 2007.
Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN LANTOS: In recognition of the desire to expedite consideration of H.R. 1400, the "Iran Counter-Proliferation Act of 2007," the Committee on the Judiciary agrees to waive formal consideration of the bill.

Section 401 of the bill, which requires the President to determine whether the Islamic Revolutionary Guards Corps in Iran should be listed as a foreign terrorist organization under section 219 of the Immigration and Nationality Act, falls within the rule X jurisdiction of the Committee on the Judiciary.

The Committee takes this action with the understanding that by foregoing consideration of H.R. 1400 at this time, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation, and requests your support if such a request is made.

I would appreciate your including this letter in your Committee's report for H.R. 1400, or in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter.

Sincerely,
JOHN CONYERS, Jr.,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 6, 2007.
Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1400, the Iran Counter-Proliferation Act of 2007.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Judiciary. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction of the Judiciary Committee over subject matter contained in this bill or similar legislation.

Further, as to any House-Senate conference on the bill, I understand that your committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction.

I will ensure that our exchange of letters are included in the Congressional Record during the consideration of House debate on H.R. 1400, and I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,
TOM LANTOS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 7, 2007.
Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN LANTOS: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 1400, the Iran Counter-Proliferation Act of 2007.

As you know, on August 2, 2007, the Committee on Foreign Affairs reported H.R. 1400 to the House. The Committee on Oversight and Government Reform (Oversight Committee) appreciates your effort to consult regarding those provisions of H.R. 1400 that fall within the Oversight Committee's jurisdiction, including matters related to the federal workforce and contracting.

In the interest of expediting consideration of H.R. 1400, the Oversight Committee will not separately consider this legislation. The Oversight Committee does so, however, with the understanding that this does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 1400 or a similar Senate bill be considered in conference with the Senate. I also request that you include our exchange of letters in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,
HENRY A. WAXMAN,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2007.
Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1400, the Iran Counter-Proliferation Act of 2007.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Oversight and Government Reform. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

Further, as to any House-Senate conference on the bill, I understand that your committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill (or similar legislation).

I will ensure that our exchange of letters are included in the Congressional Record during the consideration of House debate on H.R. 1400, and I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,
TOM LANTOS,
Chairman.

Mr. BLUMENAUER. Mr. Speaker, I share my colleagues' concern about the possibility of a nuclear armed Iran, so it is with regret that I must vote against this bill. Similarly to other bills that purported to sanction Iran and which I voted against, this legislation doesn't provide additional tools for diplomacy. Rather it limits the President's flexibility to use sanctions as a tool to deal with the Iranian challenge. However, by focusing the sanctions within it on third-parties such as Russia and Australia, this bill would make it more difficult to maintain the united international diplomatic front that is critical to resolving the Iranian situation peacefully.

We need to craft a new framework for relations with Iran; one that advances our interests and values through engagement and support for the Iranian people. I believe it is more important than ever for forceful U.S. diplomatic re-engagement to support peace, democracy, and a more secure regional dynamic. We must also undertake the difficult, yet critical, task of engaging directly and honestly with Iran, despite its often destructive and destabilizing role. The lack of a serious diplomatic relationship strengthens those who seek chaos and isolation, while leaving the U.S. with fewer levers of influence and more blind spots than we can afford.

Faced with the prospect of nuclear war with the Soviet Union, President John F. Kennedy said, "Let us never negotiate out of fear. But let us never fear to negotiate." For the United States and our friends in the Middle East, the prospect of continued terror, violence, and instability is too dire to do otherwise.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 1400, the Iran Counter-Proliferation Act of 2007.

With this bill, the United States will have the tools to persuade Iran's Government to abandon its pursuit of nuclear weapons.

We are sending a strong message to the world. We will not tolerate violations of the Genocide Convention. This bill calls for Iranian President Mahmoud Ahmadinejad to be brought before the International Court of Justice for his repeated calls for the destruction of Israel.

We will continue to use diplomatic methods to stand tough and protect our allies abroad. This bill ends all Iranian imports to the United States and restricts U.S. exports to Iran to strictly food and medicine.

I also believe economic pressure is an effective deterrence. This bill prevents U.S. subsidiaries of foreign oil companies that are sanctioned for investing in Iran's oil sector from receiving U.S. tax benefits for oil and gas exploration.

Iran will not violate rules and go unnoticed. This bill also encourages the administration to prohibit all Iranian state-owned banks from using the U.S. banking system.

I urge my colleagues to support this bill.

Mr. HOLT. Mr. Speaker, I rise today as a cosponsor and strong supporter of the Iran Counter-Proliferation Act of 2007, H.R. 1400. It is appropriate that we are debating this bill today while Iran's President Mahmoud Ahmadinejad addresses the United Nations General Assembly.

The current regime in Iran poses troubling security challenges to the community nations and our allies in the Middle East. The hateful and threatening comments made by the President of Iran against Israel cannot be tolerated. Further, the provocative actions taken by Iran to further their nuclear weapons program are not acceptable. A nuclear Iran would destabilize the region and threaten the United States and our allies. Iran must alter its dangerous course, and the United States needs to be fully involved to help bring this about.

My commitment to ending Iran's nuclear weapons program is one of the reasons I was an early cosponsor of the Iran Counter Proliferation Act of 2007. H.R. 1400 is important legislation that would prevent nuclear cooperation between the United States and any country that provides nuclear assistance to Iran as well as support diplomatic and economic means to resolve the Iranian nuclear problem. It would also expand bilateral sanctions against Iran by severely limiting the export of U.S. items to Iran and by prohibiting all imports. Additionally, H.R. 1400 calls for enhanced UN Security Council efforts in response to Iran's continued defiance of the international community. Finally, it is important to note that the bill specifically states that the administration cannot interpret anything in the legislation as a congressional authorization of a military strike on Iran.

Earlier this year, the House passed the Iran Sanctions Enabling Act of 2007, H.R. 2347. This legislation which I also supported would authorize State and local governments to divest from, and prevent investment in, companies with financial ties to Iran's energy sector, or that sell arms to the Government of Iran, and financial institutions that extend credit to the Government of Iran.

H.R. 1400 is logical next step to ensure that the United States does everything in our power to prevent Iran from becoming a nuclear state and further destabilizing the Middle East. I urge my colleagues to support this vital legislation.

Mr. PAUL. Mr. Speaker, I rise in strongest opposition to this curiously-timed legislation which continues to beat the drums for war against Iran. It is interesting that this legislation was not scheduled for a vote this week, but appeared on the schedule at the last minute after a controversial speech by Iran's President at Columbia University.

The House has obviously learned nothing at all from the Iraq debacle. In 2002, Congress voted to abrogate its Constitutional obligation to declare war and instead transfer that authority to the President. Many of my colleagues have expressed regrets over their decision to transfer this authority to the President, yet this legislation is Iraq all over again. Some have plausibly claimed that the move in this legislation to designate the Iranian military as a foreign terrorist organization is an attempt to signal to the President that he already has authority under previous resolutions to initiate force against Iran. We should recall that language specifically requiring the President to return to Congress before initiating any strike on Iran was removed from legislation by House leadership this year.

In expanding sanctions against Iran and against foreign businesses and countries that do business with Iran, we are hurting the American economy and moving the country closer to war. After all, sanctions are a form of warfare against a nation; and, if anyone has forgotten Cuba, sanctions never achieve the stated goals.

This legislation authorizes millions more dollars to identify and support young Iranians to come to the United States. Does anyone believe that we are assisting political opposition to the current Iranian regime by singling Iranians out for U.S. support? How would Americans react if the Chinese government were funding U.S. students to come to China to learn how to overthrow the U.S. government? This move is a counterproductive waste of U.S. taxpayer dollars.

The march to war with Iraq was preceded with numerous bills similar to H.R. 1400. No one should be fooled: supporters of this legislation are aiming the same outcome for Iran. I strongly urge a "no" vote on this bill.

Ms. MOORE of Wisconsin. Mr. Speaker, I join my colleagues in expressing grave concerns about Iran's irresponsible violations both of its commitments under the Nuclear Nonproliferation Treaty, NPT, and its agreements which it signed with the International Atomic Energy Agency, IAEA.

In the last year, I have joined my colleagues on a number of occasions to express the concerns of this body about these activities. Last February, I supported passage of a resolution that would condemn Iran for violating its international nuclear nonproliferation obligations while commending diplomatic efforts being taken by France, Germany, and the U.K. (EU-3) to suspend Iran's activities.

I have also voted to condemn Iranian President Ahmadinejad's persistent denials of the Holocaust and his assertions that Israel should be "wiped off the map." I have also supported legislation just this year authorizing State and local government pension plans to divest themselves of all non-U.S. companies investing more than $20 million in Iran's energy sector.

It is clear that the threat posed by Iran acquiring nuclear weapons is real. Therefore, it is all the more important that this Congress support efforts that will help provide, and not restrict, the diplomatic, economic, and political tools available to address it. Just 10 months ago, Congress recognized that when it reauthorized the Iran Freedom Support Act to enhance U.S. tools for using financial means to address Iran's activities.

As the House considers H.R. 1400, there are provisions of this bill that are commendable and which are worthwhile and which I support. In fact, in July, I voted for some of these provisions such as those expanding the law's scope to add financial institutions, insurers, underwriters, guarantors, and any other business organizations, including foreign subsidiaries, to the list of entities already barred from investing in Iran which were included in H.R. 957 which passed the House by a vote of 415–11.

However, I could not support H.R. 1400 as currently written because I am concerned that its provision striking the ability of the President—this President or any future one—to waive sanctions in situations where it serves the U.S. national interest. I am concerned that removing this ability will hinder, not help, our diplomatic or national security interests.

Some have warned that the approach taken by this legislation would not only limit diplomatic options with Iran, but also create a rift with our allies in Europe and possibly strengthen support for President Ahmadinejad's regime in Iran. I think we ought to take those concerns seriously. At a time when the U.S. and the world should be in lock step in trying to deal with the Iranian threat, Congress should not put one more obstacle in the way.

The reason Congress has been careful to add waiver authority to a number of sanctions provisions over the years—and I must confess to my own frustration with the use of the waiver authority at times—is that there are situations when it is in the United States' best national security interest to do so. If there are concerns about the President's use of the waiver, there are other options that Congress can pursue. In fact, on some sanctions that are currently on the books, Congress has given itself the power to negate a presidential waiver by enacting a joint resolution stating its disapproval.

If this legislation were enacted, companies headquartered in a nation that have committed to work with us at the U.N. or within the E.U. to pressure Iran would be treated no differently from one headquartered in a nation that was actively supporting investment in Iran's energy sector. It makes no sense to argue that we are "enhancing diplomacy" by taking away the ability, on a case-by-case basis, to waive sanctions as an incentive for those countries taking responsible actions to address U.S. concerns and Iran's activities.

Everyone agrees that working cooperatively and diplomatically with the U.N., E.U., and others to curb Iran's nuclear program and limit its nuclear activities is the best way to proceed. It is clear that a coherent strategy that has the support of our allies and the international community stands a far better chance of ending Iran's nuclear activities.

However, if this diplomacy is to succeed, those who we charge with carrying out those efforts should be able to go to the bargaining table without one hand being tied behind their backs. While H.R. 1400 declares that the U.S. should use diplomatic and economic means to resolve the Iranian nuclear problem, I am concerned that the bill itself would undermine the very thing it is trying to promote at a time when that unity of effort is the most crucial.

Just 10 months ago, Congress rejected the waiver provision contained in this bill when it last considered how to best enhance the tools available to the administration to deal with Iran's activities. I hope that as this legislation moves forward in the legislative process, further changes will be made to strengthen this bill in a way that will truly enhance, and not hobble, strong diplomatic efforts.

Ms. LEE. Mr. Speaker, as a staunch supporter of United States efforts to curb nuclear weapons proliferation, I am deeply concerned about Iran's nuclear program and its potential to lead to weapons development. This is especially troubling in light of the hateful and unfounded comments of Iran's President Amadenajad towards Israel, our friend and partner in the Middle East.

Mr. Speaker, I voted against H.R. 1400 today because it is a fatally flawed approach to preventing Iran from acquiring such weapons out of its nuclear program. Instead, we should be adopting a comprehensive strategy to prevent Iran from developing nuclear weapons, for only that will work. A comprehensive strategy includes diplomacy and incentives for Iran, and not just harsher sanctions alone, as this bill provides.

Simply put: we need a carrots and sticks approach to this problem.

Further, I believe that passage of this bill will needlessly complicate relations with the several of the nations with which we must work if the world community is to dissuade Iran from weaponizing its nuclear program, thereby rendering our non-proliferation efforts that much less effective.

Mr. Speaker, if we are to be successful in this critical effort to prevent Iran from acquiring nuclear weapons, I believe we must put diplomacy and a policy of constructive engagement at the forefront of comprehensive efforts. This bill, instead, I fear begins a not so long march down the road of further confrontation in an already enflamed region.

Mr. UDALL of New Mexico. Mr. Speaker, the Iranian government continues to defy the international community in its pursuit of nuclear weapons. In the past, it denounced United Nations Security Council Resolutions imposing sanctions as "illegal" and "invalid." And just this week, Iranian President Mahmoud Ahmadinejad spoke before the U.N. General Assembly and announced that the nuclear issue in Iran was closed.

It is obvious to all of us that Iran's nuclear development programs are a concern for our Nation. Our Nation's security would be greatly affected by Iranian control over any nuclear weapons. However, we must not forget that, in addition to its disregard for the international community, the regime in place has abhorrent civil liberties and human rights practices within Iran. In the past 5 years, hundreds of newspapers have been closed, hundreds of pro-reform websites have been blocked, and innumerable people have been unjustly imprisoned. Just this year, Dr. Haleh Esfandiari, an Iranian-American, was jailed for months for unsubstantiated accusations that she was trying to set up networks of Iranians to start a revolution to bring down the government. In fact, she has long been an advocate for building bridges between the United States and the Middle East. While Dr. Esfandiari has been released, countless others have not, and it is clear that we must work to stop these baseless and ruthless actions.

While we address our ongoing concerns, we must be vigilant in ensuring that the United States works with the international community and approaches the Middle East diplomatically. As our Nation has learned, we must be willing to do everything that is necessary to protect our Nation and its people; however, we must not preemptively strike other sovereign nations because of incomplete and questionable information. What we must all agree on is that Iranian nuclear capability must continue to be investigated, discussed, and debated—throughout this Congress, the Nation, and the world.

Nonetheless, while we attempt to address these situations diplomatically, these actions must be backed by strong sanctions against the regime in Tehran. It is with this knowledge that I support H.R. 1400, the Iran Counter-Proliferation Act of 2007. This legislation, first and foremost, declares the support of diplomatic and economic means to resolve the Iranian nuclear situation, calls for enhanced U.N. Security Council efforts, and explicitly states that nothing authorizes the use of force in Iran. Additionally, the bill expands bilateral sanctions against Iran, prohibits the Presidential waiver of these sanctions, and increases oversight of the Administration's efforts.

While critics of this legislation may consider these actions to be inflammatory, I instead see it as a necessary and diplomatic step that must be taken. Iran has long flouted its disregard for the international community and it must understand that it cannot pursue a nuclear weapons program and ignore international law without facing international political and economic repercussions.

Ms. ROS-LEHTINEN. Mr. Speaker, I again thank the chairman, Mr. LANTOS.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and pass the bill, H.R. 1400, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules on H.R. 1400 will be followed by 5-minute votes on motions to suspend the rules postponed yesterday in the following order:

H. Res. 584, by the yeas and nays;

H. Con. Res. 210, by the yeas and nays;

H. Res. 663, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 397, nays 16, not voting 19, as follows:

[Roll No. 895]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren.
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)

Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary

Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner

Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—16

Abercrombie
Baldwin
Bartlett (MD)
Blumenauer
Conyers
Ellison

Flake
Gilchrest
Hinchey
Lee
McDermott
Miller, George

Moore (WI)
Olver
Paul
Stark

NOT VOTING—19

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt

Herger
Jindal
Johnson (IL)
Johnson, E. B.
Kucinich
Lampson
Platts

Poe
Ross
Schmidt
Snyder
Tiahrt

□ 1142

Messrs. BLUMENAUER, GEORGE MILLER of California, GILCHREST, BARTLETT of Maryland, CONYERS, HINCHEY, Ms. LEE and Ms. BALDWIN changed their vote from "yea" to "nay."

Mr. NEAL of Massachusetts and Ms. LORETTA SANCHEZ of California changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated if:

Mr. PLATTS. Mr. Speaker, on rollcall No. 895 (H.R. 1400), I missed the vote due to extenuating circumstances. Had I been present, I would have voted "yea."

Mrs. SCHMIDT. Mr. Speaker, on rollcall No. 895, I was late returning from Walter Reed Army Medical Center and missed the vote. Had I been present, I would have voted "yea."

NATIONAL LIFE INSURANCE AWARENESS MONTH

The SPEAKER pro tempore (Mr. ISRAEL). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 584, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 584.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 1, not voting 19, as follows:

[Roll No. 896]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn

Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon

Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson

Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa

Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler

Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor

Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Stark

NOT VOTING—19

Berry
Bishop (GA)
Carson
Conyers
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson (IL)
Johnson, E. B.
Kucinich
Lampson
Poe
Rogers (MI)
Ross
Snyder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1150

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LAMPSON. Mr. Speaker, on rollcall Nos. 895 and 896, had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEALS OF SICKLE CELL DISEASE AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 210, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 210.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 897]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Gilchrest
Herger
Jindal
Johnson (IL)
Johnson, E. B.
Kucinich
Poe
Ross
Snyder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1158

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF VETERANS OF FOREIGN WARS DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 663, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 663.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 898]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri

Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Doggett
Doyle
Herger
Jindal
Johnson (IL)
Johnson, E. B.
Kingston
Kucinich
Peterson (MN)
Poe
Ross
Simpson
Snyder
Tiahrt
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1204

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on September 24, I was unavoidably detained and missed rollcall vote Nos. 891, 892, 893 and 894.

Rollcall vote No. 891 was to suspend the Rules and agree to H. Con. Res. 193. Had I been present, I would have voted "yea."

Rollcall vote No. 892 was to suspend the Rules and agree to H. Res. 668. Had I been present, I would have voted "yea."

Rollcall vote No. 893 was to suspend the Rules and agree to H.R. 1199. Had I been present, I would have voted "yea."

Rollcall vote No. 894 was to suspend the Rules and agree to H. Res. 340. Had I been present, I would have voted "yea."

In addition, on September 25, I was unavoidably detained and missed rollcall vote Nos. 895, 896, 897, and 898.

Rollcall vote No. 895 was to suspend the Rules and agree to H.R. 1400. Had I been present, I would have voted "yea."

Rollcall vote No. 896 was to suspend the Rules and agree to H. Res. 584. Had I been present, I would have voted "yea."

Rollcall vote No. 897 was to suspend the Rules and agree to H. Con. Res. 210. Had I been present, I would have voted "yea."

Rollcall vote No. 898 was to suspend the Rules and agree to H. Res. 663. Had I been present, I would have voted "yea."

I would ask that my statement appear in the appropriate location in the CONGRESSIONAL RECORD.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISRAEL). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

OPPOSING ASSASSINATION OF LEBANESE PUBLIC FIGURES

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 548) expressing the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 548

Whereas on February 14, 2005, former Lebanese Prime Minister Rafik Hariri, along with 22 other people, was assassinated by a massive bomb;

Whereas Lebanon's Cedar Revolution led to the withdrawal of Syrian troops from Lebanon in April 2005, following 30 years of Syrian military occupation;

Whereas parliamentary elections were held in Lebanon in May and June of 2005 leading to the formation of a government under Prime Minister Fuad Siniora, with a majority of the parliament and cabinet committed to strengthening Lebanon's independence and the sovereignty of its democratic institutions of government;

Whereas Lebanese independence and sovereignty are still threatened by an ongoing campaign of assassination and attempted assassinations of Lebanese political and public figures opposed to Syrian interference in Lebanon's internal affairs, and terrorist bombings intended to incite ethnic and religious hatred, the continuing presence of state-sponsored militias and foreign terrorist groups, and the ongoing and illegal transshipment of weapons and munitions from Iran and Syria into Lebanon;

Whereas the democratically-elected and legitimate government of Lebanon, in accordance with the mandate of United Nations Security Council resolutions and the relevant provisions of the Taif Accords, has made efforts, through the internal deployments of the Lebanese Armed Forces, to exercise its full sovereignty, so that there will be no weapon or authority within Lebanon other than that of the Government of Lebanon;

Whereas the Lebanese Council of Ministers, on November 25, 2006, approved a statute for the establishment of a tribunal of an international character according to the terms negotiated between the Government of Lebanon and the United Nations in order to bring to justice all those responsible for the terrorist bombing of February 14, 2005;

Whereas a majority of Lebanese members of parliament sought a vote in favor of ratifying the statute establishing a tribunal of an international character, and 70 of Lebanon's then 127 parliamentarians sent a memorandum to the United Nations Secretary-General endorsing the establishment under the United Nations Charter of a Special Tribunal to bring to justice all those responsible for the terrorist bombing of February 14, 2005;

Whereas the Lebanese parliament is scheduled to convene on September 25, 2007, to begin the process of electing the next President of Lebanon;

Whereas Hezbollah, a United States Department of State-designated Foreign Terrorist Organization, and their pro-Syrian allies have declared the democratically-elected and legitimate Government of Lebanon "unconstitutional", and are seeking to topple the government through extra-legal means, including rioting, continuous street demonstrations outside of the Council of Ministers, and obstructing traffic in Beirut;

Whereas the transfer of weapons, ammunition, and fighters into Lebanon in contravention of United Nations Security Council Resolution 1701 (2006), has twice prompted the Security Council to issue statements, on April 17, 2007, (S/PRST/2007/12) and on June 11, 2007, (S/PRST/2007/17) wherein it expressed deep and serious concern at mounting information by Israel and other states of illegal movements of arms into Lebanon, and in particular across the Lebanese-Syrian border, in violation of Security Council Resolution 1701;

Whereas the United Nations Security Council, with the full support of the United States, has repeatedly adopted resolutions, notably, Resolutions 425 (1978), 520 (1982), 1559 (2004), 1655 (2006), 1664 (2006), 1680 (2006), 1701 (2006), and 1757 (2007) that, among other things, express the support of the international community for the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon, and demand the disarmament of all armed groups in Lebanon;

Whereas United Nations Security Council Resolutions, notably, 1595 (2005), 1636 (2005), 1644, (2005), 1664 (2006), 1748 (2007), and 1757 (2007), underscore the importance of the pursuit of justice in response to the terrorist bombing of February 14, 2005, and if appropriate, other assassinations and assassination attempts since October 2004;

Whereas the United Nations Security Council, with the full support of the United States, has sought to assist the Government of Lebanon in extending its authority over all Lebanese territory, including its sea, land, and air borders, through the presence of the United Nations Interim Force in Lebanon (UNIFIL) in southern Lebanon and through technical and personnel assistance;

Whereas the United Nations Security Council, with the full support of the United States, has strongly supported the demand of the Lebanese people that justice be done to those responsible for the terrorist attack of February 14, 2005, and other terrorist attacks and attempted assassinations since October 2004, establishing and extending the mandate of the International Independent Investigation Commission (IIIC) to investigate terrorist bombings of February 14, 2005, and moving toward the creation of a Special Tribunal of an international character, according to United Nations Security Council Resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1664 (2006), 1686 (2006) and 1748 (2007);

Whereas Lebanese Prime Minister Fuad Siniora in a letter of May 14, 2007, informed the Secretary General of the United Nations that, "the Lebanese Government believes that the time has come for the Security Council to help make the Special Tribunal for Lebanon a reality. We therefore ask you, as a matter of urgency, to put before the Security Council our request that the Special Tribunal be put into effect. A binding decision regarding the Tribunal on the part of the Security Council will be fully consistent with the importance the United Nations has attached to this matter from the outset, when the investigation commission was established. Further delays in setting up the Tribunal would be most detrimental to Lebanon's stability, to the cause of justice, to the credibility of the United Nations itself and to peace and security in the region.";

Whereas the United Nations Security Council, with the full support of the United States, adopted Resolution 1757, establishing on June 10, 2007, a Special Tribunal to try all those found responsible for the terrorist bombing of February 14, 2005, and if appropriate, both prior and subsequent attacks in Lebanon, unless the Government of Lebanon has provided notice that such a tribunal has been established under its own laws;

Whereas the United States Congress has appropriated emergency economic and military assistance to Lebanon at levels far greater than the amounts of bilateral assistance provided in recent fiscal years; and

Whereas it is manifestly in the interests of the United States and the international community to support the full sovereignty and political independence of Lebanon, its democratically-elected and legitimate government, and to insist that justice be done concerning the terrorist bombing of February 14, 2005, and both prior and subsequent politically-inspired assassinations and assassination attempts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the attempts by Hezbollah and other pro-Syrian groups to undermine and intimidate the democratically-elected and legitimate Government of Lebanon by extra-legal means;

(2) condemns the campaign of attempted and successful assassinations targeting members of parliament and public figures in favor of Lebanese independence and sovereignty and opposed to Syrian interference in Lebanon, and bombings in civilian areas intended to intimidate the Lebanese people;

(3) calls on the Lebanese parliament to elect a new President in accordance with the processes and timetable established by Lebanon's constitution;

(4) declares that the association of political parties with terrorist organizations, militias, and other elements retaining armed operational capabilities outside of the official military and security institutions of the Government of Lebanon hinders the emergence of a fully-democratic Lebanon;

(5) confirms the strong support of the United States for United Nations Security Council resolutions concerning Lebanon, and the clear and binding mandate of the international community for the arms embargo and disarmament of all armed groups in Lebanon, and particularly, Hezbollah and Palestinian factions in Lebanon;

(6) condemns Syria and Iran for their ongoing roles in providing arms to terrorist organizations, Lebanese militias, and other militias operating in Lebanon, in blatant contravention of United Nations Security Council Resolution 1701;

(7) declares that the United States should consider Syria's obstructive role in Lebanon when assessing the status and nature of United States bilateral relations with Syria;

(8) expresses its strong appreciation to Belgium, China, Cyprus, Denmark, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, the Republic of Korea, Luxemburg, Malaysia, Nepal, Netherlands, Norway, Poland, Portugal, Qatar, Slovakia, Slovenia, Spain, Sweden, Tanzania, and Turkey for their contributions of military personnel to serve in the United Nations Interim Force in Lebanon (UNIFIL), now manned with 13,251 troops of the 15,000 troops authorized in United Nations Security Council Resolution 1701;

(9) urges the Government of Lebanon to request UNIFIL's assistance to secure the Lebanese-Syrian border against the entry of illicit arms or related material under paragraphs 11(f) and 14 of United Nations Security Council Resolution 1701, and pledges earnest American support for this action, should the Government of Lebanon choose to do so;

(10) calls on the international community to further support the mission of UNIFIL and efforts by the United Nations Secretary-General to improve the monitoring of the Lebanese border in order to effectively implement the arms embargo on armed groups in Lebanon required by United Nations Security Council Resolution 1701;

(11) affirms strongly United States support for efforts to bring to justice those responsible for the terrorist bombing of February 14, 2005, and both prior and subsequent politically inspired assassinations, and for the Special Tribunal for Lebanon established by the United Nations Security Council Resolution 1757;

(12) endorses prompt action by the Special Tribunal for Lebanon for the terrorist bombing of February 14, 2005, and both prior and subsequent politically-inspired assassinations, under Chapter VII of the United Nations Charter;

(13) pledges continued support for the democratically-elected and legitimate Government of Lebanon and the Lebanese people against the campaign of intimidation, terror, and murder directed at the Lebanese people and at political and public figures opposing Syrian interference in Lebanon;

(14) commends the many Lebanese who continue to adhere steadfastly to the principles of the Cedar Revolution and support the democratically-elected and legitimate Government of Lebanon;

(15) applauds the Government of Lebanon's efforts to fully extend Lebanon's sovereignty over the entire country through the internal deployments of the Lebanese Armed Forces, including direct action against the Fatah al Islam group, and encourages the Government of Lebanon to intensify these efforts; and

(16) re-affirms its intention to continue to provide financial and material assistance to

support the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I rise in support of the resolution and yield myself such time as I may consume.

Mr. Speaker, what has been happening in Lebanon is extreme aggression in the classic sense of the word. Through a campaign of assassinations targeting Lebanese parliamentarians and political figures; bombings in public places; threats to establish an alternative extra-constitutional government; and the instigation of a jihadi insurgency by the Fatah al-Islam, Syria, Iran, their bootlegging proxies, Hezbollah, Amal, and Aoun's Free Patriotic Movement, have brought Lebanon's government to a constitutional crisis. Yet again, outside actors have pushed Lebanon to the brink of civil war for their selfish interests.

Just 6 days ago, on September 19, a massive car bomb killed Antoine Ghanem along with five other civilians, and left many dozens of other bystanders wounded. Mr. Ghanem, a member of the Lebanese Parliament and a supporter of the Siniora government, was just the latest in a string of 11 political assassinations over the past 3 years. As a consequence of this pattern of violence, the March 14 alliance is two parliamentarians away from being murdered out of their majority.

Now is the time for this Congress to send a strong message of support for the democratically elected and fully legitimate government in Lebanon. Time, Mr. Speaker, is short.

The Syrian-backed campaign for murder is creeping ever closer to its goal of destroying the majority of the Lebanese Parliament, bringing down the government of Fuad Siniora, and imposing again a pro-Syrian president on Lebanon.

Fearing just this scenario months ago, I introduced H. Res. 548 with the ranking member of the subcommittee, Mr. PENCE, with Chairman LANTOS and Representatives ISSA and BOUSTANY, two Members whose roots extend back to Lebanon. This bipartisan resolution expresses the strong support of the House of Representatives for Lebanon's elected government, and affirms our readiness to make that support tangible in order to help preserve and strengthen Lebanese sovereignty and independence.

The resolution condemns Syria and Iran for providing arms to Lebanese militias, particularly the terrorist group Hezbollah, and the Palestinian factions in Lebanon, in clear contravention of Security Council resolutions.

H. Res. 548 also endorses prompt action by the Special Tribunal for Lebanon established by the Security Council to investigate the assassination of former Lebanese Prime Minister Rafik Hariri in February 2005. Syria must know with utter certainty that the United States will never sacrifice justice in Lebanon to allow Damascus to escape accountability for its crimes.

The current Lebanese Government, which is under siege, is both legitimate and representative of the majority of Lebanese. The attempts to undermine it are not some kind of retaliation. Lebanon's government is being systemically attacked only because it is unwilling to subordinate its authority and Lebanon's sovereignty to external and extra-legal demands.

Quite simply, Lebanon is being bullied. And in light of this fact, the United States and the entire international community must come to its aid.

I would urge all of our colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 548. I would like to thank the gentleman from New York, my good friend, Mr. ACKERMAN, for introducing this important resolution, and for Chairman LANTOS of our Foreign Affairs Committee for bringing it before the floor today.

With the execution last Wednesday of an anti-Syrian Lebanese parliamentarian in a Christian suburb of Beirut, and the announcement today that the Lebanese Parliament will delay until next month the election of a new Lebanese president due to a Hezbollah-led opposition boycott, both Syria and Iran are now one step closer to their strategic goal of once again dominating Lebanon.

Four anti-Syrian parliamentarians are all that stand in the way of the detestable efforts of pro-Syrian forces within Lebanon to impose their presidential candidate on all of Lebanon and deny Lebanon its true sovereignty. They will undoubtedly use the time afforded by the delay in the presidential election to effectively finish the job they started in the wake of the coalition's March 14 electoral victory.

And what is the goal of these pro-Syrian forces? To gain a parliamentary majority through assassination and terror. Led by Hezbollah, the pro-Syrian parliamentary bloc has repeatedly demanded that a compromise candidate who will bring national unity be elected to the presidency next month. However, Mr. Speaker, just the opposite is true. A compromise and a unity candidate can only serve to bring about the election of yet another Syrian and Iranian puppet to the presidency. Like the outgoing so-called president, such a leader will work to prevent Lebanon from extricating itself from Iranian and Syrian influence and total control.

Furthermore, the inclusion of pro-Syrian and Iranian elements in the Lebanese Government renders the government, regardless of the individual desires of the members, and indeed the entire electoral process, an effective tool of Syria and Iran. Some had hoped that Hezbollah's entry into Lebanese politics would signal its integration into Lebanese society and force its leaders to dismantle Hezbollah's military and terrorist infrastructure. Sadly, the opposite has occurred. Allowing an Islamic terrorist entity to use the political process and legitimatize itself without first demanding that it stop its objectionable behavior only serve to perpetuate and enhance the threat.

Last October, Iran and Syria changed their calculations as to how to best use Hezbollah to advance their interests and undermine the sovereignty of Lebanon. They instructed Hezbollah to withdraw from the government.

Since then, Hezbollah, joined by other Syrian and Iranian proxies, has worked steadily to overthrow the government by politically paralyzing it in parliament and assassinating its supporters. At the same time, they have reportedly provided massive amounts of arms, training, and financial support to Hezbollah as it rebuilds from the conflict with Israel last summer.

Additionally, reports that the Lebanese Army has enabled Hezbollah to reassert its control over southern Lebanon continues to gravely concern us.

Mr. Speaker, simply put, we cannot afford to continue to pursue a policy toward Lebanon based on willful negligence. We must accept that a moderate government will only materialize after the Syrian and Iranian proxies in Lebanon are defeated and dismantled. This resolution represents a step in the correct direction by voicing its unequivocal support for a true democratic government, and all those within Lebanon who have struggled against Syrian and Iranian control over their homeland for far too long truly deserve our support. I strongly urge my colleagues to support Mr. ACKERMAN's resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I am pleased to rise in strong support of House Resolution 548. This resolution expresses support for Lebanon's democratic institutions and the need to bring those responsible for the assassination of Lebanese public figures to justice.

Lebanon is a key ally of the United States and deserves our unwavering support as they continue to recover from last year's war.

Lebanon is a diverse country with over 17 religious groups, nevertheless, there is a strong sense of national unity within this country and its citizens often identify themselves as Lebanese before identifying with their own religious factions.

Lebanon is the example of what a democracy can and should be in the Middle East and I encourage all party leaders in the parliament to remain committed to finding a compromise presidential candidate. It is important that the process is followed and that a unified government remains in place.

Political assassinations over the past several years have continued to plague Lebanon and have derailed the country's efforts to enact real reform measures. The individuals responsible for these murders must be brought to justice.

Lebanon is at a crossroad and the United States must remain committed to helping this nascent democracy.

Mr. LAHOOD. Mr. Speaker, I rise today in strong support of H. Res. 548, a resolution expressing the continued concern that we as a Congress and as a Nation have for the Lebanese people and their government.

The Cedar Revolution in 2005 led to the withdrawal of Syrian forces that had occupied Lebanon for more than three decades. After the withdrawal, the government of Prime Minister Fuad Siniora committed to creating a strong, democratic Lebanon, free of occupation or outside influence. Lebanon is fighting many enemies of freedom, both within and outside the country.

We have all seen the horrific news reports of the assassinations and attempted assassinations of anti-Syrian lawmakers in Lebanon, the most recent occurring just last week. The brave men and women who are struggling to move Lebanon forward have become targets in their own country. Hezbollah and other pro-Syrian factions in Lebanon know that they are in the minority, and have begun a desperation campaign to kill as many of their opponents as possible. Members of the Parliament have had to go into hiding outside of Lebanon, and lay their lives on the line when they return to conduct government business.

As Lebanon prepares for presidential elections this November, I believe it is vital that we reiterate our support for Lebanon and her people. H. Res. 548 reaffirms our support of the many United Nations resolutions that condemn Syria and Iran for their continued roles in arming the enemies of a free Lebanon, and expresses our appreciation to the many countries that have contributed funding and personnel to the United Nations Interim Force in Lebanon (UNIFL). Our Lebanese friends must know that we stand beside them as they continue to strengthen their government and bring to justice those responsible for the killings.

Mr. Speaker, I urge adoption of this important resolution.

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Mr. ACKERMAN. Mr. Speaker, I would like to inquire if the distinguished ranking member has any additional speakers.

Ms. ROS-LEHTINEN. I have no additional speakers, and I'd like to yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 548, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ACKERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GLOBAL POVERTY ACT OF 2007

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1302) to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Poverty Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More than one billion people worldwide live on less than $1 per day, and another 1.6 billion people struggle to survive on less than $2 per day, according to the World Bank.

(2) At the United Nations Millennium Summit in 2000, the United States joined more than 180 other countries in committing to work toward the United Nations Millennium Development Goals to improve life for the world's poorest people by 2015.

(3) The United Nations Millennium Development Goals include the goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, that live on less than $1 per day, cutting in half the proportion of people suffering from hunger and unable to access safe drinking water and sanitation, reducing child mortality by two-thirds, ensuring basic education for all children, and reversing the spread of HIV/AIDS and malaria, while sustaining the environment upon which human life depends.

(4) On March 22, 2002, President George W. Bush stated: "We fight against poverty because hope is an answer to terror. We fight against poverty because opportunity is a fundamental right to human dignity. We fight against poverty because faith requires it and conscience demands it. We fight against poverty with a growing conviction that major progress is within our reach.".

(5) The 2002 National Security Strategy of the United States notes: "[A] world where some live in comfort and plenty, while half of the human race lives on less than $2 per day, is neither just nor stable. Including all of the world's poor in an expanding circle of development and opportunity is a moral imperative and one of the top priorities of United States international policy.".

(6) The 2006 National Security Strategy of the United States notes: "America's national interests and moral values drive us in the same direction: to assist the world's poor citizens and least developed nations and help integrate them into the global economy.".

(7) The bipartisan Final Report of the National Commission on Terrorist Attacks Upon the United States recommends: "A comprehensive United States strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and enhance prospects for their children.".

(8) At the summit of the Group of Eight (G-8) nations in July 2005, leaders from all eight countries committed to increase aid to Africa from the current $25 billion annually to $50 billion by 2010, and to cancel 100 percent of the debt obligations owed to the World Bank, African Development Bank, and International Monetary Fund by 18 of the world's poorest nations.

(9) At the United Nations World Summit in September 2005, the United States joined more than 180 other governments in reiterating their commitment to achieve the United Nations Millennium Development Goals by 2015.

(10) The United States has recognized the need for increased financial and technical assistance to countries burdened by extreme poverty, as well as the need for strengthened economic and trade opportunities for those countries, through significant initiatives in recent years, including the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, the Millennium Challenge Act of 2003, the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries, such as the African Growth and Opportunity Act.

(11) In January 2006, United States Secretary of State Condoleezza Rice initiated a restructuring of the United States foreign assistance program, including the creation of a Director of Foreign Assistance, who maintains authority over Department of State and United States Agency for International Development (USAID) foreign assistance funding and programs.

(12) In January 2007, the Department of State's Office of the Director of Foreign Assistance added poverty reduction as an explicit, central component of the overall goal of United States foreign assistance. The official goal of United States foreign assistance is: "To help build and sustain democratic, well-governed states that respond to the needs of their people, reduce widespread poverty and conduct themselves responsibly in the international system.".

SEC. 3. DECLARATION OF POLICY.

It is the policy of the United States to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

SEC. 4. REQUIREMENT TO DEVELOP COMPREHENSIVE STRATEGY.

(a) STRATEGY.—The President, acting through the Secretary of State, and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

(b) CONTENTS.—The strategy required by subsection (a) shall include, but not be limited to, specific and measurable goals, efforts to be undertaken, benchmarks, and timetables to achieve the objectives described in subsection (a).

(c) COMPONENTS.—The strategy required by subsection (a) should include, but not be limited to, the following components:

(1) Continued investment in existing United States initiatives related to international poverty reduction, such as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, the Millennium Challenge Act of 2003, the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries, such as the African Growth and Opportunity Act.

(2) Improving the effectiveness of development assistance and making available additional overall United States assistance levels as appropriate.

(3) Enhancing and expanding debt relief as appropriate.

(4) Leveraging United States trade policy where possible to enhance economic development prospects for developing countries.

(5) Coordinating efforts and working in cooperation with developed and developing countries, international organizations, and international financial institutions.

(6) Mobilizing and leveraging the participation of businesses, United States and international nongovernmental organizations, civil society, and public-private partnerships.

(7) Coordinating the goal of poverty reduction with other development goals, such as combating the spread of preventable diseases such as HIV/AIDS, tuberculosis, and malaria, increasing access to potable water and basic sanitation, reducing hunger and malnutrition, and improving access to and quality of education at all levels regardless of gender.

(8) Integrating principles of sustainable development into policies and programs.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary of State, shall transmit to the appropriate congressional committees a report that describes the strategy required by subsection (a).

(2) SUBSEQUENT REPORTS.—Not less than once every two years after the submission of the initial report under paragraph (1) until and including 2015, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the global poverty reduction objectives described in subsection (a), and any changes to the strategy since the date of the submission of the last report.

SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) EXTREME GLOBAL POVERTY.—The term "extreme global poverty" refers to the conditions in which individuals live on less than $1 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

(3) GLOBAL POVERTY.—The term "global poverty" refers to the conditions in which individuals live on less than $2 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the Global Poverty Act, and want to explain first what the bill does and then why it is so important. It declares the official U.S. policy to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the U.N. Millennium Development Goal of cutting extreme poverty in half by 2015. It requires the President to develop and implement a comprehensive strategy to carry out this policy. It includes guidelines for what the strategy should include, from aid, trade and debt relief, to working with the international community, businesses and NGOs to ensuring environmental sustainability.

It also requires that the President's strategy include specific and measurable goals, efforts to be undertaken, benchmarks and time tables. And, lastly, it requires that the President report back to Congress biannually on the progress made in the implementation of the global poverty strategy.

There are nearly 2.7 billion people in the world who are living on less than $2 a day. There are close to a billion who are living on less than a dollar a day. Arguably, there is no greater problem facing the globe right now than poverty and the vast number of people who suffer from it, the countries and communities who, every day, get up, simply wondering whether or not they and their children are going to live to see the end of that day. It causes instability, disease, and all kinds of problems from one end of the globe to the other.

But the other thing that is simply immoral is that there are this many people on that level of despair and on that level of poverty. And we in the United States have the power to at least try to help, and we are, in many, many ways.

I actually want to thank the President for the Millennium Challenge accounts, an effort to try to make sure that countries not just get foreign aid but use it wisely; the efforts to fund prevention of AIDS in Africa. The PEPFAR effort that's been going on for a number of years is a significant step forward.

We also have a large number of organizations and groups that are trying to combat global poverty. We have the world coming together in many ways as it never has before to try to combat this menace.

As mentioned, the U.N. set out their millennial development goals. The G8 set global poverty as its prime purpose a couple years ago. We have groups like the Gates Foundation and Results and Bread for the World and a large number of other organizations that are combating global poverty from every conceivable angle. And they are learning a lot as they do. They are learning what works, what moves forward, what doesn't work, what the best way to spend money is.

We are in the position, I believe, to consolidate those resources to get the maximum return on our effort to reduce global poverty. And I feel that the United States of America should be, not just a leader, but the leader in this effort.

And we have, as I mentioned, done a lot. But the one thing we haven't done is stated clearly and unequivocally that eliminating global poverty, or at least reducing it, is going to be a foremost goal of our foreign policy; and we have not implemented a comprehensive plan. It's great that there are so many different organizations working at this problem from a variety of different angles; but if we could bring that together, we could get more out of those resources. And I think the United States should coordinate that effort.

I want to thank a large number of people for helping make this happen. Certainly Chairman TOM LANTOS has been a tremendous leader on these issues and has been very helpful in this particular piece of legislation, as has the ranking member, ILEANA ROS-LEHTINEN, and the Republicans on the committee. This is a bipartisan effort. I want to thank Representative BACHUS, who I believe is going to speak, he and I were the original two sponsors on this bill, stepped up and helped.

I think this is something that we can come together on, and I think it is very, very important that the United States takes this leadership role. I believe if we do so we will be able to better combat global poverty, and I also think we will be better able to build alliances throughout the world and let the world know that the United States wants to use its power for the betterment of the entire world, not just ourselves. And we're willing to work with them on this problem that affects so many different countries throughout the world.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the gentleman's bill, H.R. 1302, the Global Poverty Act of 2007. We certainly have serious needs and poverty right here in our own country. The suffering of the world's extremely poor, however, is beyond the imagining of most Americans.

Many Americans might be shocked to know just how many men, women and children around the world die each hour of every day simply because they are too poor to obtain food, shelter or basic medical care. While we quite often see the fatal impact of famines or natural disasters, we rarely see the images of the ongoing suffering caused by persistent hunger and chronic poverty.

The bill seeks to better organize the approaches to fighting poverty that are employed by the Agency for International Development and other agencies in our own government. It would seek to accomplish that by calling on the President to create an overall strategy for these efforts.

I note that the sponsor of the bill, my good friend, Mr. SMITH from Washington, agreed to an amendment adopted by our Foreign Affairs Committee that made two important changes. First, while referencing foreign aid and debt relief as components of a strategy to address global poverty, the bill now makes it clear that the strategy that the President would draw up would not have to be based on the assumption that the United States foreign aid and debt relief will always continue to rise.

The United States certainly has been generous in its provisions of foreign aid and debt relief. But no one can predict whether those two types of assistance will always rise.

Moreover, to address poverty comprehensively, the President may want to focus on expanding other types of interactions with countries suffering from widespread poverty, such as promoting trade, promoting investment, for example.

The bill, in the amended text before us today, Mr. Speaker, will allow the greater flexibility in deciding what might work best at a given time, in the particular circumstances, rather than insisting that he devise a strategy that assumes that more foreign aid and debt relief are always required.

Secondly, the bill, as amended, requires that the President submit to Congress a report on the implementation of the strategy once every 2 years, rather than once a year, as originally intended. And I appreciate the sponsor of the bill agreeing to that change. The change in the frequency of the reports, of the submission of the reports, Mr. Speaker, will enhance the substance of the periodic reports as significant statements on the progress being made under a global poverty reduction strategy.

Mr. Speaker, it is my hope that Mr. SMITH's bill will promote a greater focus on how we might best provide assistance to those in dire poverty overseas, while ensuring a realistic view of the resources and the means available to us to provide such assistance.

Mr. Speaker, I reserve the balance of our time.

Mr. SMITH of Washington. Mr. Speaker, I have no further speakers. I will reserve the balance of my time for purposes of closing.

Ms. ROS-LEHTINEN. Mr. Speaker, if I might, I would like to yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the ranking member of the Committee on Financial Services and an original cosponsor of the resolution before us.

Mr. BACHUS. Mr. Speaker, first of all, let me commend the chairman and the ranking member of the Foreign Affairs Committee. It's been a pleasure working with Congressman Adam Smith on this legislation, and I commend you, Adam.

This is a bipartisan bill with a goal that should bring all of us together. And that goal is the reduction of extreme poverty and to make that reduction of extreme poverty a foreign policy priority for the United States.

Today, in dozens of poor countries all over the world, little boys and girls are born into poverty, disease, and hunger. Hopelessness and despair are their daily companions. Their burdens are day-to-day; they're painful and they're heavy.

In debating debt relief, I quoted Sister Rebecca Trujillo. She was asked, How do they make it? How do they get through the day? Her answer was: "How do they survive? Since being in Nicaragua I have taken to answer in a matter of fact way. Often they do not. Often they do not survive the day."

Each day, even on our bad days, and we're fond of saying we've had a really bad day, but we ought to be reminded that for billions of people throughout the world, that even on our worst days, we have more food, more shelter, more clothes, more security, more health care, more of everything than our poor brothers and sisters have on their best days.

And, finally, a lot of people said, well, the reality is overwhelming. Half the world lives on $2 a day. But we can make a difference and we can do so at a very small cost.

We've had successes. We have made a difference. Debt relief has been a success. It has improved the lives of millions of people for almost no monetary cost to this country. Since the Millennium Development Goals were set 7 years ago, the poverty rate in sub-Saharan Africa is down 6 percent. There are more children receiving health care, in fact, over a million more children in that area alone, and medical treatment. Vaccinations are up throughout Africa. The percentage of students enrolled in primary schools has gone up considerably.

So, in closing, let me simply say this: cost should never be the overriding consideration. But when we consider cost, and doing the right thing is the imperative, but when we consider the cost, let us realize that the cost of not acting is not only hopelessness and unrest throughout the world, but is also terrorism and confrontation and wars that can be avoided if these programs work.

□ 1230

Global poverty is in our economic interest. It is in our national security interest as well. This bill will focus our battle against global poverty, and it is a powerful statement that Americans are committed to making this world a better place for all.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

I want to thank and again appreciate the efforts of my Republican colleagues and agree with their comments. A comprehensive strategy is what we are looking for here, and that is certainly trade, efforts at economic development, capacity-building to help countries figure out how to better use trade, microcredit. There are a lot of different strategies out there that can be employed. Certainly aid and debt relief are part of it but not the only part. In fact, the better part is when you can figure out how to make the economies work, how to make the governments work in these countries so that they can begin to develop their own economies and grow and lift themselves out of poverty in that manner. That is more sustainable and more long term. I personally believe that aid and debt relief will continue to be a significant part of the strategy for a while, but certainly the goal is also to be as comprehensive as possible and employ economic means to help lift people out of poverty as well.

I also think the other exciting thing about all this is the possibility of public-private partnerships, and I do not envision personally that the Federal Government or any federal government will wind up being the sole or even necessarily the leading organization in terms of driving the dollars out. We have a large number of groups, in my own neck of the woods, the Gates Foundation to the tune of over $30 billion, that are pumping money into a variety of different ideas to help alleviate global poverty. Nongovernmental organizations are making an enormous difference, and I would hope that the strategy would reflect that public-private partnership to maximize those resources.

And, lastly, I just want to agree with what Representative BACHUS said at the close there about how this does impact all of us. Instability leads to all manner of problems in the world, and poverty leads to instability more quickly than anything else. It is in our best interests to try to alleviate that instability and bring greater fairness, justice, and economic opportunities to the world. And I sincerely believe that this bill will have that effect, and I urge all Members of the body to support it.

Mr. LANTOS. Mr. Speaker, I would like to thank my colleague and good friend from Washington, Congressman ADAM SMITH, for this legislation and his commitment to ending poverty worldwide.

The statistics are hard to believe: More than one billion people worldwide still struggle to survive on less than $1 per day, and another 1.6 billion eke out a living on less than $2 per day.

So, close to three billion men, women, and children—or a population 11 times the size of our own nation—awake each morning to little or no food, dirty water, inadequate shelter, and a lack of rudimentary health care. The entire international community should be ashamed at this massive failure.

Alleviating crushing poverty around the globe is our most profound moral imperative. Our unending compassion as an American people and our position as the world's sole remaining superpower demand it.

But more than just an appeal to our generosity should move us to pass this bill through the House of Representatives today: Reducing poverty around the world is in our national interest.

Persistent poverty gnaws at the bodies of men and women, making them vulnerable to global infectious diseases, such as HIV/AIDS, that demand our resources and threaten health around the globe.

And the despair that inevitably accompanies stifling poverty also chews at the souls of the afflicted, making them vulnerable to ideologies of hate that foment violence around the world.

For all these reasons, we must support this bill. This legislation makes it a central U.S. foreign policy goal to eliminate extreme poverty and to achieve the U.N. Millennium Development Goals, which this Administration has committed to time and again.

Many observers have noted that the Millennium goals are ambitious. But the only way to even come close to achieving them is to remain committed—as a Congress and as a nation—to addressing poverty head-on.

This legislation requires the Administration to develop a comprehensive strategy to eliminate extreme global poverty. And it calls on the Administration—and future Administrations—to present to Congress the specific steps it has taken to develop and implement its strategy.

The bill enumerates several methods that serve as a blueprint for the overall strategy: development policies, continued investment in key programs, debt relief, and coordination with international organizations.

We could all glance at the statistics I mentioned earlier, shrug our shoulders, and shake our heads. But this Congress will not settle for apathy and indifference. We will use our generosity and our foreign policy to lift up the people in extreme poverty who deserve our immediate attention.

I strongly urge all of my colleagues to join me in supporting this legislation.

Mr. SMITH of Washington. Mr. Speaker, I rise in support of Global Poverty Act and want to take a moment to explain the profound need for this important piece of legislation.

Nearly 2.7 billion people in the world live on less than $2 a day. Close to a billion people live on less than $1 a day. Vast numbers of people wake up every morning wondering whether they or their children will live to see the end of the day. Poverty leads to widespread disease and instability, and in a world with such vast resources, its existence is absolutely immoral. And yet, the United States has not stated that reducing global poverty and eliminating extreme global poverty are among the foremost goals of our foreign policy, nor have we implemented a comprehensive plan to reach these goals.

H.R. 1302 declares it official U.S. policy to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the U.N. Millennium Development Goal of cutting extreme global poverty in half by 2015. This bill requires the President to develop and implement a comprehensive strategy to carry out this policy. It includes guidelines for what the strategy should include from aid, trade, and debt relief to working with the international community, businesses, and NGOs to insuring environmental sustainability. The bill also requires the President's strategy include specific and measurable goals, efforts to be undertaken, benchmarks, and timetables. Lastly it requires that the President report back to Congress biannually on the progress made in the implementation of the strategy.

To be clear, Americans are working to address global poverty. The President implemented the Millennium Challenge Account to make sure countries don't just get foreign aid but use it wisely. Other significant steps forward include funding the PEPFAR effort and AIDS treatment and prevention in Africa. The United Nations set out the Millennium Development Goals and the G–8 set global poverty as its priority a couple years ago. Groups like the Gates Foundation, RESULTS and Bread for the World and a large number of other organizations combat global poverty from every conceivable angle. The world is coming together as it never has before to combat this menace, but in the U.S. no overarching strategy guides the allocation of resources.

The United States of America should be not just a leader, but the leader in this effort. We are in a position, I believe, to consolidate those resources, to get the maximum return on our effort to relieve global poverty. This bill would bring much-needed strategic vision and accountability to our efforts to address what is arguably the greatest challenge facing the world community today.

I want to thank a large number of people for bringing the Global Poverty Act to the floor. House Foreign Affairs Chairman TOM LANTOS (D–Calif.) has been a tremendous leader on these issues and has been very helpful in this particular piece of legislation, as has Ranking Member ILEANA ROS-LEHTINEN (R–Fla.) and the Republicans on the committee. This is a bipartisan effort. I especially want to thank Congressman SPENCER BACHUS (R–Ala.) who joined me as an original co-sponsor.

It is very important that we adopt this legislation and help the U.S. take this leadership role. I believe if we do so we'll be better able to combat global poverty and be better able to build alliances throughout the world. This new policy will let the world know that the United States wants to use its power for the betterment of the entire world and that we want to work with the international community to solve the greatest crisis facing our world today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1302, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COUNTRIES HIT BY HURRICANES FELIX, DEAN, AND HENRIETTE

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 642) expressing sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 642

Whereas on September 4, 2007, Hurricane Felix, a Category 5 storm, hit the Nicaragua-Honduras border, causing over 40,000 people in Nicaragua and Honduras to be evacuated, and killing at least 100 people;

Whereas just weeks before, Hurricane Dean, a Category 5 storm, hit Mexico and the Caribbean coast, killed 27 persons, displaced over 260,000 persons, and destroyed over 36,000 homes;

Whereas Hurricane Henriette, a Category 1 storm, made landfall along the Baja California peninsula of Mexico hours after Hurricane Felix made landfall, the first time since 1949 that two Atlantic and Pacific hurricanes hit land on the same day;

Whereas for the first time in the recorded history of hurricanes, two Category 5 storms, Hurricanes Dean and Felix, made landfall during the same year;

Whereas Hurricane Henriette, though less powerful than Hurricane Felix, killed 7 people;

Whereas the homes of at least 5,000 Central Americans were damaged or destroyed by Hurricanes Felix and Henriette;

Whereas thousands more individuals were unable to be evacuated and forced to endure these hurricanes in the shelter of their own homes;

Whereas Hurricane Felix obtained wind speeds of over 160 miles-an-hour, causing widespread destruction with heavy rains and subsequent mudslides and floods expected to follow;

Whereas Hurricane Felix hit the Miskito Coast, home to the Miskito Indians, an indigenous population of Central America;

Whereas relief organizations have reported that thousands of Miskito Indians were stranded on the coast and unable to travel to safer regions;

Whereas the poorest civilians of Honduras and Guatemala who live in hillside villages will be most susceptible to mudslides due to their inland location;

Whereas Honduras and Nicaragua, the poorest countries of Central America, have economies that rely heavily on limited agricultural exports, which make both countries extremely vulnerable to natural disasters;

Whereas major tourist destinations, including Cabo San Lucas, the Mayan Riviera, Cancun, Acapulco, and a host of Caribbean islands, were forced to evacuate due to the hurricanes, thus harming the tourist industry on which these areas depend; and

Whereas Honduras and Nicaragua were still rebuilding after the devastating effects of Hurricane Mitch in 1998, which killed nearly 11,000 people and left more than 8,000 people missing, destroyed the infrastructures and economies of both countries, and caused billions of dollars in damage: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico in this time of devastation;

(2) vows its continued friendship and support for our neighbors in Central America, the Caribbean, and Mexico;

(3) urges all parties to continue their efforts in evacuating and providing aid to those individuals displaced by the hurricanes;

(4) recognizes the United States Government's initial efforts to provide assistance to populations affected by the hurricanes and urges increased and continued assistance as the effects of the hurricanes continue to unfold;

(5) encourages public institutions, specialized agencies, as well as private citizens, to offer their resources; and

(6) recognizes the efforts of relief organizations, including the International Federation of Red Cross and Red Crescent Societies, and the international community, in aiding the people and governments involved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 642 pertains to the hurricanes that have struck Latin America in recent weeks and expresses sympathy and support for the people and the governments of the countries of Central America, the Caribbean, and Mexico, which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown.

As we all saw in the news in recent weeks, these hurricanes have devastated much of that region. We here in the House of Representatives want to express our sympathy and support for all the peoples in those regions that were impacted. We want to thank all those who have responded to the emergency with aid and various other efforts to help them and recognize the efforts of the United States in particular to do that and that we pledge to continue that help in any way we can as they try to recover from these terrible tragedies.

We in the U.S. know only too well the impacts of hurricanes and want to be as helpful as we can to our neighbors in helping them get through this very difficult time.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Hurricanes Felix, Dean, and Henriette delivered a devastating toll to the countries of Mexico, the rest of Central America, and the Caribbean. Between the three hurricanes, nearly 200 lives were lost, hundreds of thousands of people were displaced, and thousands of homes were destroyed.

I join my colleagues today to express our sincere sympathy and support for the people who have suffered as a result of these destructive storms. The resiliency of the people of these nations to overcome the tremendous power of these catastrophes has been truly tested. When Hurricane Felix hit on September 4, Honduras and Nicaragua were still in the midst of rebuilding following the effects of Hurricane Mitch in 1998. Especially vulnerable to natural disasters due to their dependence on agricultural exports and the potential for damaging mudslides, the historic occurrence of two category 5 storms in 1 year had an overwhelming impact for several of the countries in this region.

I commend the courage that our neighbors in Mexico, the rest of Central America, and the Caribbean continue to demonstrate in their efforts to overcome the damage wrought, and I admire the courage and the contributions made by relief agencies, private citizens, and the international community to assist in the aftermath of Hurricane Felix, Hurricane Dean, and Henriette.

Our prayers are with the family and friends of those who were harmed by the perils of this terrible storm season.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

I just want to thank the Committee on Foreign Affairs again, Mr. LANTOS, Ranking Member ROS-LEHTINEN, and the entire committee for their quick response to these issues. I think it is very, very important that we in the United States, particularly when we are talking about incidents in Latin America, our neighbors to the south, recognize as quickly as possible our solidarity with their struggles and their difficulties and our pledge to support and help them in any way we can.

I also want to thank Ms. SOLIS, who was the prime sponsor of this legislation, for her leadership on this issue. Not just this issue but throughout Latin America on a number of issues on the Foreign Affairs Committee, she has been a tremendous leader for us. She is supposed to be here to speak, but I believe she has been caught up in committee.

Ms. SOLIS. Mr. Speaker, I rise in strong support of House Resolution 642, a resolution I authored to express our sympathy and support for those affected by the recent hurricanes in Central America, Mexico and the Caribbean. As the only Member of Congress of Central American descent, I am very concerned about the impact of the hurricanes on this impoverished region of the world.

For the first time, two Category 5 storms, Hurricanes Dean and Felix, made landfall during the same year, both striking Central and Latin America. Earlier this month, Hurricane Felix, a Category 5 storm, made landfall along the remote border of Nicaragua and Honduras. The storm killed over 130 people and damaged or destroyed over 19,000 homes, mostly in Nicaragua. The aftermath has been devastating for thousands of families.

Hurricane Dean, another Category 5 storm, hit Mexico and the Caribbean coast and killed 27 people and damaged or destroyed over 50,000 homes. Nicaragua, in Central America, is one of the poorest countries in the area and was the hardest hit by Hurricane Felix.

The complete economic and human toll of the hurricanes is still unknown, but we must act quickly to ensure that humanitarian aid continues to flow to the communities impacted. Supplies, including food, clean water and rebuilding materials, are essential. Economic aid for the agriculture economies that those countries rely on is also badly needed.

House Resolution 642 recognizes the U.S. Government's initial humanitarian efforts and urges increased and continued assistance as the effects of the hurricanes unfold. The resolution also recognizes the efforts of humanitarian relief groups, including the International Red Cross.

Unfortunately, the United States knows all too well the damage and destruction that can result from hurricanes and other natural disasters. The area I represent in Los Angeles is prone to wildfires and earthquakes, and we are still working to support those affected by Hurricane Katrina.

Just as Hurricane Katrina showed us how disruptive and damaging natural disasters can be, they are all the worse for less developed countries. We all remember the devastation of Hurricane Mitch, which killed nearly 11,000 people and caused catastrophic mudslides in the same region nearly 10 years ago. We can and must help our neighbors in Latin America to recover from these hurricanes.

I urge my colleagues to support House Resolution 642.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H. Res. 642, expressing sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette. I would like to thank my friend, Congresswoman HILDA SOLIS, for bringing this resolution to the House floor.

When Hurricane Dean, a category 5 hurricane, made landfall in Mexico's Yucatan in August, people around the world were stunned and saddened by the damage that massive storm left in its wake. The third strongest Atlantic hurricane ever at landfall, Dean ripped through Mexico, causing at least 42 deaths and $1.9 billion in damage.

After Hurricane Dean, the region braced itself as Hurricane Felix gathered strength off the coast of Central America weeks later. Felix touched down between Nicaragua and Honduras on September 1, 2007 wreaking havoc and causing at least 122 deaths. Also on September 1st, Hurricane Henriette slammed into Mexico's Baja, the first time since 1949 that 2 Atlantic and Pacific hurricanes hit land on the same day.

In the wake of these massive and destructive storms, Congress must continue to provide humanitarian assistance to the regions affected. As the effects of the hurricanes continue to unfold and we must also encourage concerned U.S. citizens to donate their time and funds to hurricane relief.

After Hurricane Mitch tore through Central America in 1999, I traveled to the Honduran town of Marcovia to help CARE bring relief to the thousands of affected families there. Hurricane Mitch killed more than 10,000 people, left hundreds of thousands homeless, and inflicted billions of dollars in economic losses throughout Central America.

I urge my colleagues in Congress and the American people to reach out to the countries, communities and individuals affected by Hurricanes Dean, Felix and Henriette the way we reached out to the survivors of Hurricane Mitch.

I am proud to support H. Res. 642 and I hope all of my colleagues will lend it their support.

Mr. SMITH of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 642.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

OPPOSING SINGLING OUT ISRAEL'S HUMAN RIGHTS RECORD

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 557) strongly condemning the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 557

Whereas Article II of Chapter I of the United Nations Charter states that "[t]he Organization is based on the principles of sovereign equality of all its members";

Whereas the former United Nations Human Rights Commission was widely discredited for its incessant attacks against Israel and for granting membership to Cuba, Zimbabwe, China, Saudi Arabia, and other countries that were notorious human rights violators;

Whereas the United Nations General Assembly voted overwhelmingly to adopt a resolution establishing the United Nations Human Rights Council, stating that "members elected to the Council shall uphold the highest standards in the promotion and protection of human rights";

Whereas the resolution also stated that "the Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner";

Whereas China, Cuba, and Saudi Arabia are members of the United Nations Human Rights Council;

Whereas in the past year that the United Nations Human Rights Council has been in existence, the Council has held four special sessions to address pressing human rights situations;

Whereas of the four special sessions, three sessions were held for purposes of condemning Israel for alleged human right abuses in the West Bank and Gaza Strip, and in Lebanon, and the fourth session was a non-condemnatory expression of "concern" regarding the situation in Darfur, Sudan;

Whereas the United Nations Human Rights Council has failed to condemn serial abusers of human rights throughout the world, including Iran, Syria, North Korea, Cuba, China, Zimbabwe, Venezuela, and others;

Whereas, on June 19, 2007, a Department of State spokesperson specifically identified Burma, Cuba, North Korea, Zimbabwe, and Belarus as countries that merit consideration by the United Nations Human Rights Council due to their "serious human rights violations";

Whereas during its fifth special session, the United Nations Human Rights Council voted to make Israel the only country permanently included on its agenda; and

Whereas United Nations Secretary General Ban Ki-Moon stated he was "disappointed at the Council's decision to single out only one specific regional item, given the range and scope of allegations of human rights violations throughout the world": Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the United Nations Human Rights Council for ignoring severe human rights abuses in other countries, while choosing to unfairly target the State of Israel;

(2) strongly urges the United Nations Human Rights Council to remove Israel from its permanent agenda;

(3) strongly urges the United Nations Human Rights Council to hold special sessions to address other countries in which human rights abuses are being committed, adopt real reform as was intended for the Council when it replaced the United Nations Commission on Human Rights, and reaffirm the principle of human dignity consistent with the original intent envisioned at the Council's establishment;

(4) strongly urges the United States to make every effort in the United Nations General Assembly to ensure that the United Nations Human Rights Council lives up to its mission to protect human rights around the world, in accordance with United Nations General Assembly Resolution 60/251 establishing the Council; and

(5) strongly urges the United States to work with the United Nations General Assembly to ensure that only countries that have a well-established commitment to protecting human rights are chosen to serve on the Council.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Representative CAMPBELL for bringing this issue to the floor.

It has long been my view that the United Nations can be, and in many cases is, a very, very useful organization. It gives the countries of the world a chance to come together in one place and discuss issues that they can work together on but, perhaps as importantly, to discuss their differences. It was set up so that, hopefully, that process would reduce more violent conflict, that they could discuss these issues, figure out a way to work together, and move forward.

I also feel that it is a very appropriate role of the United Nations to look throughout the world and see where injustice is being done, identify it, and try to fix it.

Unfortunately, too many times that becomes politicized and focused, and in particular it becomes politicized and focused on the nation of Israel. With all of the problems that are going on throughout the world, all of the countries, all the despotic governments out there causing no ends of grief for their people, the one country that the United Nations continues to focus on is a free democracy in the Middle East, Israel. And they continually focus on them to the exclusion, in many cases, of far, far greater problems in other parts of the world.

Now, certainly I recognize the United Nations should be involved in the Middle East. There is unquestionably a conflict there between Israel and their neighbors in the Palestinian territories. Resolving that difference and helping the Palestinian people to set up their own country that will protect its people is incredibly important. But, again, unfortunately, the focus of the U.N. seems more to criticize and attack Israel to the exclusion of other problems.

So I want to thank Mr. CAMPBELL for bringing this resolution, which very simply asks, I guess, the United Nations to stop doing that, to stop focusing on Israel, and to have a broader focus on the problems of the world and do not unfairly criticize the nation of Israel. It undermines, rather than helps, any effort to resolve the conflicts in the Middle East.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 557, introduced by my friend Congressman JOHN CAMPBELL of California and his Democratic coauthor also from California (Mr. BERMAN).

The activities of the United Nations Human Rights Council during its first year in operation has been a travesty, but it should not come as any surprise to us.

Over the summer the council, which embraces serious human rights abusers as members, celebrated its first birthday by giving gifts to repressive dictators and Islamic radicals. It stopped unfinished investigations into human rights conditions in Cuba and Belarus and created a permanent agenda item relating to Israel, the only country singled out for such scrutiny.

Darfur, apparently the Human Rights Council sees no problem in southern Sudan.

□ 1245

North Korea, no evil there. China, according to the U.N. Human Rights Council, there are no human rights abusers in that workers' paradise. The bloody repression in Burma, in Zimbabwe, the council members have never heard of these actions. Unfortunately, these are exactly the consequences that many of us expected given the flaws inherent in the council's creation. For example, there are no criteria for membership in the council. Certain regional groups also are given greater power than democratic countries. And special sessions are easier to call, with Israel being the target for condemnation.

The council's structure and agenda are hopelessly compromised by political manipulation. The only country, again, singled out for actual condemnation has been the democratic State of Israel, which was the subject of three special sessions and 75 percent of all council resolutions and decisions expressing concerns about human rights conditions.

In June, because of such outrages, the House adopted an amendment that I proposed to the State and Foreign Operations appropriations bill which prohibited United States funding for the council. Mr. CAMPBELL and Mr. BERMAN's resolution before us today presents this body with another important opportunity to protest the farce, the insult, the travesty, the sad joke that the U.N. Human Rights Council has become.

I urge unanimous support for its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding the time, and I thank my friend from California (Mr. CAMPBELL) for coming to me with the idea of a resolution on the subject of the distorted, unfair, hypocritical, self-mocking agenda of the United Nations Human Rights Council and the need for the Congress of the United States to speak to their conduct.

Last year, I thought that when the United Nations decided to create a human rights body to replace the thoroughly discredited Human Rights Commission, there might finally be a chance for an open, respected forum for promoting basic liberties and rights and holding countries accountable that failed to do so, rather than a body on which would be placed some of the worst human rights abusers in the world.

The commission, as many of you know, was composed of many such countries whose own human rights records were far from laudable. While, for example, Zimbabwe, a former member of the commission, was busy leveling thousands of homes and leaving an estimated half a million people homeless, the commission was preoccupied with issuing successive reports condemning Israel.

I sincerely hope that the council will live up to its charter and become an impartial and forceful proponent of human rights around the world. Unfortunately, some have argued that the council, by spending an inordinate amount of time vilifying Israel, is even worse than the commission. It has passed one-sided resolutions condemning Israeli human rights violations in the Palestinian territories, calling several extraordinary sessions on Israeli actions in Lebanon and Gaza, and appointed successive rapporteurs to investigate alleged Israeli war crimes.

As Uzbekistan's jails continue to fill with thousands of prisoners, many of whom, according to the State Department, have been brutally tortured, the council was painfully silent. To be a human rights activist in Uzbekistan is to take one's life in one's own hands, yet the council has continued to shirk its responsibilities by failing to take a stand against these horrific human rights violations.

Rather than taking the regime in Khartoum to task, as the gentlelady, the ranking member of the committee, pointed out, taking Khartoum to task for its brazen and continued support for the janjaweed militias in Darfur, widely acknowledged to be responsible for horrific crimes against Darfurian civilians, the council has issued only a tepid expression of concerns. This shameful record led The Washington Post to describe the council as a "ludicrous diplomatic lynch mob." Even U.N. Secretary General Ban Ki Moon has publicly admonished the council's unwillingness to pursue an evenhanded human rights agenda.

I want to make clear the criticisms I level and others have leveled against the council should in no way be viewed as an indictment of all the work of the United Nations, much of which is indispensable and serves our national interest as well as global peace and security. And while it has not been without its share of mistakes, the U.N., through its countless peacekeeping operations, poverty alleviation efforts and disease prevention programs, has proven to be worth its weight in gold.

We stand here today to criticize the Human Rights Council, which has an obsessed view of one country and only one country in terms of a human rights agenda, because we know that the U.N. can do better than they did in the creation and the rules governing that council.

I ask you to support this resolution because I believe that, while the council is still in its infancy, we can work to maximize the chances that it develops into a respected and forceful champion of human rights, not simply another proxy in the vitriolic campaign against Israel.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this measure, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentlelady from Florida for yielding, and I thank the gentleman from Washington for his support and supportive words about this bill. And most of all, I thank my coauthor in this effort, Mr. BERMAN, my friend and fellow Californian, for his involvement and effort in this bill and this important action.

And I think it is an important action, Mr. Speaker, because, as the three previous speakers have mentioned, it's not like the world is devoid of problems in human rights. It's not like there are not repressive regimes in various places around the world. There is a place for the United Nations to be talking about this, to be dealing with this, to be trying to help this situation; but, unfortunately, this Human Rights Council, which was supposed to be that, is clearly not that.

Now, when this Human Rights Council was formed in 2006 to replace, as Mr. BERMAN pointed out, the discredited U.N. Commission on Human Rights, the then-U.N. General Assembly president, Jan Eliasson, said that the council would be "principled, effective and fair." And during its establishment, the U.N. General Assembly went on to say that this council would be responsible for "promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind, and in a fair and equal manner."

Mr. Speaker, I applaud those words. I applaud the basis upon which this council was established. But the facts show that in the year of its existence, it has not followed this directive. As was pointed out, the first three special sessions out of the first nine sessions they had condemned Israel for their possible human rights abuses in the occupied Palestinian territories and Lebanon. The fourth one was a noncondemnatory expression of concern regarding the situation in Darfur.

Now, what about Belarus? What about China? What about Cuba, North Korea, Zimbabwe, Uzbekistan, anywhere else in the world? They have not even had a session to discuss them, not to mention have a mild condemnation or a full condemnation, but multiple condemnations of Israel, and they have now placed Israel on the permanent schedule. Now, that is not a good thing. That means that every meeting they have, they will be discussing what human rights violations are in Israel. But as Mr. BERMAN pointed out, is Uzbekistan even on the calendar? No. Any of these other places even on the calendar? No.

Let's look at some of the members of the Human Rights Council now. Some of the members include Algeria, China, Cuba, Pakistan, Russia and Saudi Arabia. Now, I'm very disappointed that, as it has happened, a group that started out with such a noble cause and noble effort seems to have a complete lack of reasoned objectivity with their obvious inherent discrimination against Israel. And it appears they have become a refuge for human rights abusers to hang out and thereby avoid scrutiny or condemnation of their own actions.

Just this morning, the President was in New York speaking before the United Nations; and amongst the comments that he made was the following: "Yet the American people are disappointed by the failures of the Human Rights Council. This body has been silent on repression by regimes from Havana to Caracas to Pyongyang and Tehran, while focusing its criticism successively on Israel. To be credible on human rights in the world, the United Nations must reform its own Human Rights Council."

Mr. Speaker, that's what this bill hopes to begin the process of doing. This Human Rights Council is a sham. It is not accomplishing what it was set out to do, yet the objective for which it was put in place still exists, the need still exists. The United Nations needs a real Human Rights Council, not a cover for those who would abuse human rights.

Mr. SMITH of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me, and I rise in strong support of this resolution.

Yesterday, I was in front of the United Nations in demonstration of protesting Iranian President Ahmadinejad's speaking to the United Nations.

I have always been a strong believer in the United Nations because I think that it is a good hope for world peace; but, frankly, I must say, the U.N. discredits itself, and it discredits itself once again by having this so-called Human Rights Council and the way it operates. And the U.N. really discredits itself by focusing so much hatred on one tiny little country, Israel. Whether it's in the General Assembly or the Security Council or the so-called Human Rights Council, Israel has become about 40 percent of the resolutions in the United Nations totally.

It's absolutely outrageous that you have countries like Algeria, Cuba, Saudi Arabia, Pakistan, China, even Egypt and Russia participating when Israel has such a better record of human rights than any of these countries.

The problem inherent with the United Nations, unfortunately, is you have dictatorships basically running the show. And we try to have a democratic institution, but it's inherently not, because it's dictatorships that are now a majority there.

It is outrageous, the Israel-bashing that goes on at the United Nations, and I am proud of this Congress for standing up and saying that enough is enough. People are dying in Darfur. We don't hear the Human Rights Council be so concerned about that as they are about bashing Israel.

So I strongly support this resolution. I think that the Congress does itself proud by bringing truth to the American people and to the world. And the Human Rights Council is no better than the organization that preceded it. We need to change it, otherwise the U.N. will continue to be discredited.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 557, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CAMPBELL of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1300

SUPPORTING THE GOALS AND IDEALS OF CAMPUS FIRE SAFETY MONTH

Mr. HOLT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 95) expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 95

Whereas in 2006, thirty-one states issued proclamations recognizing September as Campus Fire Safety Month;

Whereas since January 2000, at least 113 people, including students, parents, and children have died in student housing fires;

Whereas over three-fourths of these deaths have occurred in off-campus occupancies;

Whereas a majority of the students across the Nation live in off-campus occupancies;

Whereas a number of fatal fires have occurred in buildings where the fire safety systems have been compromised or disabled by the occupants;

Whereas it is recognized that automatic fire alarm systems provide the necessary early warning to occupants and the fire department of a fire so that appropriate action can be taken;

Whereas it is recognized that automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants;

Whereas many students are living in off-campus occupancies, Greek housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas it is recognized that fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college career;

Whereas it is vital to educate the future generation of our Nation about the importance of fire safety behavior so that these behaviors can help to ensure their safety during their college years and beyond; and

Whereas by developing a generation of fire-safe adults, future loss of life from fires can be significantly reduced: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Campus Fire Safety Month;

(2) encourages administrators and municipalities across the country to provide educational programs to all students during September and throughout the school year; and

(3) encourages administrators and municipalities to evaluate the level of fire safety being provided in both on- and off-campus student housing and take the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems and the development and enforcement of applicable codes relating to fire safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 95 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express support for the goals and ideals of Campus Fire Safety Month, introduced by the representative from Ohio, Mrs. STEPHANIE TUBBS JONES. Campus fire safety is an important issue for students all over the country. Since January of 2000, at least 113 young people have died in student housing fires. These unfortunate deaths may have been prevented by better education of fire safety measures and implementation of effective prevention systems.

In my own State of New Jersey, early on January 19, 2000, a fire killed three students and injured 58 others at Seton Hall University. Over 75 percent of these fatalities around the country have occurred in off-campus housing. It should be a priority to make sure that all students are aware of fire safety information, especially those students who do not live in on-campus housing. Fire safety training should be a continuing process so that our Nation's young people practice fire safety throughout their lives.

As we send our Nation's students off to campuses this month to further their education, it is essential that they are in safe environments. Simple steps such as testing smoke detectors and having a working and accessible fire extinguisher can help keep our students safe. By recognizing September as Campus Fire Safety Month, this resolution will help bring awareness to such simple and critical measures to protect students from fire hazards.

Mr. Speaker, the knowledge and skills learned through fire safety training are invaluable for everyone. I would like to encourage administrators and municipalities across the country to provide educational programs to all students during September and throughout the school year.

Mr. Speaker, I urge my colleagues to pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise today in support of H. Res. 95, a measure to support the goals and ideals of Campus Fire Safety Month. We passed a similar resolution last Congress promoting the establishment of September as Campus Fire Safety Month. Since that time, 31 States have issued proclamations recognizing September as Campus Fire Safety Month.

Our Nation's college students should be able to live on campus with the confidence that they will be safe in their dorms, apartments or other housing. This measure will take a key step toward ensuring greater awareness of campus fire prevention and safety. I thank my colleagues, Representatives TUBBS JONES and WHITFIELD, for taking the lead on this important topic.

There are numerous examples nationwide that demonstrate a renewed commitment to campus fire safety. In my home State of Minnesota, the University of Minnesota system equips dorms with smoke detectors and is working now to ensure that residence halls and individual dormitory rooms have sprinkler systems. They use flame-resistant mattresses and other materials to provide students with the safest furniture available. In another example, New York State Office of Fire Prevention and Control trains college officials and distributes materials that can be used in training college students on campus fire safety. These are just 2 examples of the good work being done at the State level to increase awareness of fire safety on college campuses.

The legislation before us today is sure to raise awareness even further. This is not the first time that campus safety has been discussed in the House. In the 109th Congress, we passed the College Access and Opportunity Act which endorsed an effort to ask colleges and universities to report annually on fire safety efforts. The report would include information such as a list of all student housing facilities and whether or not each is equipped with a sprinkler system or other fire safety system, statistics on occurrences of fires and false alarms, information on various fire safety rules and regulations, and information about training provided to students, faculty and staff. Moreover, the measure asks schools to keep a publicly available log of all on-campus fires and false alarms.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution today.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLT. I appreciate the remarks of the gentleman from Minnesota. May I ask if he has any further speakers?

Mr. KLINE of Minnesota. I have no further speakers. I yield back the balance of my time.

Mr. HOLT. Mr. Speaker, as the gentleman from Minnesota has said, we are safer, students in dormitories and off-campus housing are safer than they were 6, 8 years ago. We have learned things to do. In this case, we know what to do. The education should be carried forward. Designation of this awareness month will help in that educational effort.

Mr. Speaker, I urge my colleagues to support enthusiastically this measure.

Mrs. JONES of Ohio. Mr. Speaker I rise today in support of H. Res. 95, a bipartisan resolution that I, along with Mr. WHITFIELD, introduced to establish September as Campus Fire Safety Month.

This legislation encourages administrators and municipalities across the country to provide educational programs to all students during September and throughout the school year on fire safety.

Additionally, the resolution calls for evaluation of the level of fire safety being provided in both on- and off-campus student housing and taking the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems and the development and enforcement of applicable codes relating to fire safety.

In June, the Senate adopted a similar resolution, sponsored by Senator JOE BIDEN, that also encourages campus fire safety across the Nation.

Nationwide, 113 people have been killed in student housing since January 2000, as identified by the Center for Campus Fire Safety, a nonprofit organization that compiles information on campus-related fires. Almost 80 percent of the fire fatalities have occurred in off-campus occupancies such as rented houses and apartments. Common factors in a number of these fires include: Lack of automatic sprinklers, disabled smoke alarms, careless disposal of smoking materials, and alcohol consumption. According to the center, April and May, followed by August and September, are the 2 most dangerous periods of time for student housing fire fatalities. So far 31 States have issued proclamations declaring September as Campus Fire Safety Month. Historically, September is one of the most fatal months for campus fires, but for the first time since 2000 there were no fatalities last September.

H. Res. 95 is supported by the Center for Campus Fire Safety, National Electrical Manufacturers Association, Congressional Fire Services Institute, National Fire Protection Association, International Association of Fire Chiefs, International Association of Fire Fighters, National Fire Sprinkler Association, International Code Council, Society of Fire Protection Engineers, International Association of Fire Marshals.

For the past few Congresses I have introduced H.R. 642, known as the College Fire and Prevention Act. This legislation would establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing or dormitories, and for other purposes. The Congressional Fire Services Institute, the National Fire Sprinkler Association and the American Fire Sprinkler Association have endorsed this fire prevention legislation.

Fire safety and prevention is an issue that needs to be addressed across this country. Over these few years we have seen many tragedies involving fire at colleges, places of business, entertainment venues and places of residence. We must begin to put in place suppression measures against fires and increase support and resources for our fire fighters to ensure that no more lives are lost to fires that could have been prevented. I am pleased to say that this institution adopted this resolution in the 109th Congress and will do so again today. It is encouraging that we remain committed to bringing awareness to this issue in order to prevent more needless deaths of our students.

I encourage my colleagues to pass this legislation so that we can increase awareness about this problem that affects us all.

Mr. HOLT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the resolution, H. Res. 95, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HOLT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RELIGIOUS TOLERANCE IN NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

Mr. HOLT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 25) calling on the Board of Directors of the National High School Mock Trial Championship to accommodate students of all religious faiths.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 25

Whereas religious intolerance and discrimination continue to be the root causes of many of the conflicts around the world;

Whereas the United States of America was founded by those seeking to practice their religion freely, and the American justice system, including all legal professionals involved, should be working to uphold this principle;

Whereas the First Amendment to the Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances";

Whereas section 1 of the Fourteenth Amendment to the Constitution states, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.";

Whereas the National High School Mock Trial Championship has been, until this date, a prestigious event that requires a tremendous amount of preparation, skill, and dedication on behalf of those students who are competing, and is looked upon with distinction by institutions of higher learning;

Whereas the National High School Mock Trial Championship is a program based on constitutional law;

Whereas the sponsor of the 2005 competition stated that, "The National High School Mock Trial Championship is a participatory program that engages students, legal professionals and the educational community to advance the understanding of the American justice system and the important role of lawyers. A well-educated public translates into a more engaged citizenry that is better equipped and more interested in fulfilling their civic responsibilities";

Whereas the National High School Mock Trial Championship espouses the goals of heightening "appreciation of the principle of equal justice for all" and promoting the "exchange of ideas among students from throughout the United States";

Whereas the usual National High School Mock Trial Championship schedule consists of two rounds on Friday and two rounds on Saturday, followed by a Championship round on Saturday;

Whereas the Torah Academy of Bergen County of Teaneck, New Jersey, won the 2005 New Jersey State Bar Foundation High School tournament, and was eligible to compete in the National High School Mock Trial Championship;

Whereas the members of the mock trial team from Torah Academy observe the Sabbath, in accordance with their practice of Orthodox Judaism, and would not have been able to participate in any National High School Mock Trial Championship competitions from sundown on Friday through sundown on Saturday without certain accommodations;

Whereas satisfactory accommodations were made to allow Torah Academy of Teaneck, New Jersey, to compete during the last National High School Mock Trial Championship held in Charlotte, North Carolina, from May 5–7, 2005, without violating the religious practices of the students;

Whereas a review of the post-host report compiled after the 2005 Championship showed a majority of the comments supported the accommodations made for the Torah Academy students and the benefit of competing with the Torah Academy students;

Whereas one respondent replied, "the compromise demonstrated fairness, tolerance and problem-solving, all values that I try to encourage in my students";

Whereas the Board of Directors of the National High School Mock Trial Championship voted on October 15, 2005, to refuse any future accommodations for students who observe Sabbath on Friday and/or Saturday;

Whereas students who have otherwise met all of the criteria to participate in the qualifying competitions leading to the National High School Mock Trial Championship should be able to compete regardless of their religious affiliation;

Whereas the Board of Trustees of the New Jersey State Bar Foundation unanimously voted at its October 27, 2005, meeting that New Jersey will not compete in the National High School Mock Trial Championship unless the National Board establishes a policy permitting accommodation for religious observance;

Whereas on January 6, 2006, the North Carolina Academy of Trial Lawyers also officially withdrew from participating in the National High School Mock Trial Championship because the National Board would not make changes to the competition's schedule to accommodate students with religious restrictions;

Whereas the decision of the Board of Directors of the National High School Mock Trial Championship to refuse any future accommodations for students who observe their Sabbath on Friday and/or Saturday adversely and wrongly impacts observant Jewish, Muslim, and Seventh-Day Adventist students;

Whereas the decision made by the Board of Directors of the National High School Mock Trial Championship is inconsistent with the spirit of freedom of religion or equal protection; and

Whereas all students should be allowed to both compete fully in the National High School Mock Trial Championship and uphold the practice of their religion: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on the Board of Directors of the National High School Mock Trial Championship to accommodate the religious beliefs of students participating in the competition; and

(2) urges the Board of Directors of the National High School Mock Trial Championship to restructure the rules of the competition to allow qualifying students of all faiths to compete fully in this national championship without betraying their religious beliefs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 25 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 25, a resolution that calls on the National High School Mock Trial Championship board of directors to make provisions in the championship schedule to accommodate the religious faiths of all potential students and participants. This legislation was introduced by Mr. ROTHMAN, my colleague from New Jersey, who has worked diligently on this issue to see that fairness and tolerance prevails.

The National High School Mock Trial Championship is a competition between winning high schools on a national level designed to showcase bright and talented high school students. The event requires intense preparation, skill and dedication for those who reach the high level of competition. The current championship takes place on weekends. There are two rounds on Friday, two rounds on Saturday, and a championship round that occurs later on Saturday.

In 2005, just a couple of years ago, this schedule caused an imposition to a team in that competition. The Torah Academy of Teaneck, New Jersey was scheduled to participate after winning the 2005 New Jersey State Bar Foundation high school tournament. Now, this school, without proper accommodation, would not have been able to compete because of their orthodox religious practice to observe the Sabbath from sundown on Friday until sundown on Saturday. In that instance, the board of the competition made a proper accommodation for the students' religious faiths. The team was able to compete in May of that year. Those who took part in that competition recognized that the adjustment made by the board showed fairness and tolerance, and it was a good way to approach a problem. All participating applauded the board for doing so. However, the board later voted to refuse any future accommodations for students who observe the Sabbath on Friday or Saturday. The vote carried and signified a rejection of participation for all future participants with religious prohibitions, religious practices that may require accommodation.

Well, a number of legal organizations then withdrew their participation and support for the National High School Mock Trial Championship pointing to this act of the board of directors that quite clearly undermines free religious spirit, the kind of spirit on which this country was based. It is not without irony that this was applied in a competition that is intended for legal and constitutional education.

The resolution before us today from Mr. ROTHMAN and cosponsored by a number of us calls on the mock trial championship to recognize the diverse religious views and practices in this country and to restore its rules in order to accommodate excellent students of all faiths. I commend Mr. ROTHMAN for pursuing this. We hope that this can be resolved in a way that is most inclusive and in the spirit, the constitutional spirit, of equality of religious practice in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 25. I thank my colleague for his opening remarks. This resolution calls on the board of directors of the National High School Mock Trial Championship to accommodate students of all religious faiths. Among our most basic human rights, the right to follow one's conscience in matters of religion and belief, is undoubtedly one of the most cherished, so much so that people have been willing to endure the severest trials and even to lay down their lives rather than surrender this fundamental right.

Throughout history, men and women of religion have fought for the natural right of all individuals to practice their own faith and beliefs free from harassment, suppression and persecution. One can also point to many shining examples of established religions tolerating each other's beliefs and practices. The National High School Mock Trial Championship, which is based on constitutional law, is a prestigious event that requires a tremendous amount of preparation, skill and dedication on behalf of those students who are competing. The competition espouses the goals of heightening "appreciation of the principle of equal justice for all" and promoting the "exchange of ideas among students from throughout the United States."

This participatory program engages students, legal professionals and the educational community to advance the understanding of the American justice system and the important role of lawyers. I have to admit sometimes that I have a prejudice against some of my lawyer friends. Nevertheless, they are clearly an integral part of our system of the rule of law and justice for all.

On October 15, 2005, the board of directors of the National High School Mock Trial Championship voted to refuse any future accommodations for students who observe the Sabbath on Friday and/or Saturday. This decision of the board of directors to refuse any future accommodations adversely and wrongly impacts observant Jewish, Muslim and Seventh Day Adventist students and is inconsistent with the spirit of freedom of religion and equal protection guaranteed by our Constitution.

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During the 2005 championships, satisfactory accommodations were made to allow Torah Academy of Teaneck, New Jersey, to compete at the National High School Mock Trial Championship held in Charlotte, North Carolina. A review of the post-host report compiled afterward showed a majority of the comments supported the accommodations made for the Torah Academy students and the benefit of competing with the Torah Academy students.

I think that is an important point in this debate. All the other participants, even recognizing the challenge from a significant competitor, thought this was the right thing to do. One respondent replied, "The compromise demonstrated fairness, tolerance and problem-solving, all values that I try to encourage in my students."

The simple fact is that all students should be allowed to both compete fully in the National High School Mock Trial Championship and uphold the practice of their religion. We stand here today calling the National Board of Directors to accommodate the religious beliefs of students participating in the competition and urge the Board of Directors of the National High School Mock Trial Championship to restructure the rules of the competition to allow qualifying students of all faiths to compete fully in this national championship without betraying their religious beliefs.

I thank my colleague, Mr. ROTHMAN, for bringing this matter to the floor today, and I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from New Jersey (Mr. ROTHMAN), the author of this resolution.

Mr. ROTHMAN. Mr. Speaker, first let me thank my distinguished friend and colleague, Mr. HOLT from New Jersey, for his leadership on this issue and his support from the very beginning. It was critical. I am most grateful, as are all the students who will now be able to participate.

I also would like to thank my friend and colleague from Minnesota (Mr. KLINE) for his kind remarks and his support of this resolution, which will bring fairness and restore a sense of equal justice under the law to a program we are hopeful has the potential to provide valuable lessons to all our students.

Mr. Speaker, in 2005 there was a National High School Mock Trial Championship competition all over America, just like there has been for many years. There were literally hundreds of schools in New Jersey, as there are hundreds of schools in other States, participating in this competition, and, by the way, hundreds of schools, public schools, private schools.

That year, in 2005, the Torah Academy, an Orthodox Yeshiva located in Teaneck, New Jersey, won the New Jersey State championship. And they won the right to represent our beloved Garden State in the National High School Mock Trial Championship.

How awful it was for them to learn that if they had proceeded in the competition to the semifinals and finals, they wouldn't be able to participate because the semifinals and finals had been scheduled on a Saturday, on their Sabbath.

When we went to the National High School Mock Trial Championship, they were at first very reluctant to accommodate these students, although every conceivable reason that they might have, they had to get more buses, move people from one place to another, would have been accommodated and provided for them. In the end, they did the right thing, and they allowed these students to participate. All they did was move the championships then to Sunday instead of Saturday, without objection from anyone.

As my colleague from Minnesota has said, the results of the inclusion of these students not only demonstrated fairness, tolerance and problem-solving, but was a demonstration to all those involved, particularly the young people, that accommodations for religious practice, when reasonable, should be put into place.

But the decision of the board of this National High School Mock Trial Championship to never again permit such an accommodation, whether it be an Orthodox Jewish school or a Muslim school or a Seventh Day Adventist school, was wrong, and we couldn't talk them out of it. The question was how to impress upon them that this was un-American and that the Congress of the United States wouldn't stand for it. That is why we drafted this resolution.

Remember, these are students who played by the rules, were eligible to participate, competed, and won in their State championships, all according to the rules. The organization in fact demonstrated that they could accommodate these students without any problems whatsoever, and, in fact, with a very positive result.

That is why I urge all the Members of the House to join me and my distinguished colleagues in supporting House Resolution 25, to express our body's strong disapproval of the decision made by the board of the National Mock Trial Championship not to make any attempt in the future to accommodate students of all faiths in future events.

You know, the most important purpose of this mock trial championship was to teach about the rule of law; and part of our rule of law here in America is equal justice under the law, no matter where you come from, what your religion is, as well as equal access to the law. As we pride ourselves on these values, it is important for the United States House of Representatives to pass this resolution to convey in the strongest terms its hope that the National High School Mock Trial Championship Board will revisit its decision to deny accommodations for students who observe the Sabbath on Friday and Saturday, and instead schedule future competitions in such a way that enable all eligible students to participate, regardless of their religion.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

I was sitting here listening to my distinguished colleagues speak and looking at my own notes, and, again, I just find it incredible that you have this wonderful competition which espouses the goals of heightening the appreciation of the principle of equal justice for all stated, a stated goal, and yet it couldn't make accommodation to respect the religious beliefs and practices of the competitors.

Again, I urge all my colleagues to join in support of this resolution.

Mr. Speaker, I have no further speakers, and I yield balance the balance of my time.

Mr. HOLT. Mr. Speaker, I yield an additional 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I did want to point out that good people have not stood silently during all of this. Both the New Jersey State Bar Association and the North Carolina Academy of Trial Lawyers have withdrawn from the National High School Mock Trial Championships and have established their own mock trial competition, which ensures that all students, regardless of affiliation, religious affiliation, can participate in every aspect of the annual contest.

I commend these organizations. That may be the direction to go, to ask people of all good will to remove themselves from the National High School Mock Trial Championships if they will not accommodate students of all religions who are otherwise eligible to participate. I hope it doesn't come to that, but so far the board of the National High School Mock Trial Championship has not been willing to accommodate all these students.

Mr. HOLT. Mr. Speaker, I wish this resolution were not necessary, but maybe we should welcome this and embrace it as a teachable moment, not only to understand the religious tenets, practices, and traditions of various people in this country, but also to understand what it means to say we are a Nation dedicated to the proposition that all are equal.

No one said that the freedoms we cherish need be convenient. They do require from each of us, from time to time, accommodation, even inconvenience. This is a teachable moment, an important lesson in tolerance, equality and, yes, accommodation.

I thank the gentleman from New Jersey (Mr. ROTHMAN) for bringing this forward, and I urge my colleagues to support this.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the resolution, H. Res. 25.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

STUDENT FINANCIAL ASSISTANCE DURING A WAR OR OTHER MILITARY OPERATION

Mr. SESTAK. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3625) to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Higher Education Relief Opportunities for Students Act of 2003 addresses the unique situations that active duty military personnel and other affected individuals may face in connection with their enrollment in postsecondary institutions and their Federal student loans; and

(2) the provisions authorized by such Act should be made permanent, thereby allowing the Secretary of Education to continue providing assistance to active duty service members and other affected individuals and their families.

SEC. 2. PERMANENT EXTENSION OF WAIVER AUTHORITY.

The Higher Education Relief Opportunities for Students Act of 2003 (Public Law 108–76; 20 U.S.C. 1070, note) is amended by striking section 6.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SESTAK) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SESTAK. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H.R. 3625 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SESTAK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3625, an act to permanently extend waiver authority to the Secretary of Education with respect to enrollment in post-secondary institutions and student financial assistance during a period of combat or national emergency.

This legislation recognizes the unique and unexpected situations that military personnel face when called to active duty to serve our country, as well as situations that many face in times of a national emergency, even here at home.

The intent of this legislation is simple: to provide the Secretary of Education with the permanent authority to ensure that active duty military personnel are not financially harmed by the service that they perform.

The Secretary is thereby granted the authority to take necessary actions which include, first, protecting borrowers from further financial difficulty when they are called to serve. This will ensure that when a student withdraws from college because of his or her status as an individual called up for service, Guard, Reserve or active, or, if they are affected by a disaster, that the requirement that grant overpayments be repaid would be waived, and collection activities on a defaulted education loan may be halted for the time period during which a borrower is serving.

Second, minimizing administrative requirements without impacting the integrity of the Federal Student Aid program. So, for instance, certain requests that previously required written documentation may now be made orally by an affected individual or member of the borrower's family when that member may actually be, while applying for school, actually in conflict overseas.

Third, adjusting the calculation used to determine students' eligibility for aid for those whose financial circumstances change because the student or his or her parents are called to serve, such as when a parent was about to give a large contribution to the son's education, is suddenly called up in the National Guard, and is unable to make that commitment.

This bill, therefore, encourages financial aid administrators to choose to use professional judgment as the proper method of determining financial need that is most beneficial to an affected individual and to his or her family; for instance, taking into account the most favorable tax period for the student's or the parents' recording period in order to be assessed on that year's tax recording period, a grant or aid.

Mr. Speaker, I thank my colleague Mr. KLINE for his leadership on this legislation in past Congresses and for the flexibility that our men and women in the service have received because of you. These provisions have been critical to our men and women serving in Iraq, Afghanistan and elsewhere. In addition, these provisions will provide critical relief to those who answer the call to serve in the future, including responding to national emergencies and natural disasters.

I am also pleased with the additional relief provided to men and women in uniform in the College Cost Reduction and Access Act, which is currently waiting for the President's signature. That piece of legislation included necessary provisions that recognize military service by allowing those called to service to serve on active duty, including National Guard and Reservists, to defer payments on their student loans not only while serving but for a period of time after leaving active duty.

Because of unforeseen national emergencies, such as Hurricane Katrina, as well as our continued military engagement overseas, it is important that we pass the legislation before us and allow the Secretary of Education to continue providing this needed relief. Without prompt passage of H.R. 3625, the Secretary's authority to provide this flexibility will expire at the end of this week. It is critical not only for those currently receiving relief from unnecessary financial burden while sacrificing for our country, but also for those who will serve our country in the future, that these provisions be made permanent.

I urge my colleagues to pass the resolution.

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Mr. Speaker, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of permanently extending the Higher Education Relief Opportunities for Students Act of 2003, or HEROES. This extension will ensure that all of our men and women serving in the military will always receive the flexibility they need in dealing with their student loans and post-secondary education commitments.

Mr. Speaker, I have championed this act since coming to Congress, and support for this legislation has always transcended party lines. I appreciate that Members on both sides of the aisle have joined together once again this year. I would like to thank senior Republican Member MCKEON and Chairmen MILLER and HINOJOSA for their continued support for higher education and this legislation. And I extend my personal thanks to the gentleman from Pennsylvania (Mr. SESTAK) with his many years of distinguished naval service for joining me in this effort to protect the higher education interest of members of the Armed Forces.

The HEROES Act will ensure support for military personnel by continuing to allow the U.S. Secretary of Education to provide the appropriate assistance and flexibility to men and women in uniform as they transfer in and out of post-secondary education during time of war. I must say, this has worked very well and successfully, giving the Secretary the flexibility, but we in Congress need to provide that flexibility.

Throughout our involvement in this war on terrorism, many thousands of men and women who serve our Nation in the Reserves or National Guard have been called to active duty. Many of these men and women are also college and university students who are called away from their families, class work and studies to defend the Nation. Unfortunately, due to a number of restrictions in the Higher Education Act, these individuals are at risk of losing financial assistance and educational credit as a result of their service. Such a scenario is clearly not acceptable.

The HEROES Act provides assurance to our men and women in uniform that they will not face education-related financial or administrative difficulties while they defend our Nation.

This bill is specific in its intent to insure that, as a result of a war or military contingency operation or national emergency, our men and women in uniform are protected. By granting flexibility to the Secretary of Education, the HEROES Act will protect recipients of student financial assistance from further financial difficulty generated when they are called to serve, minimize administrative requirements without affecting the integrity of the programs, adjust the calculation used to determine financial need to accurately reflect the financial condition of the individual and his or her family, and provide the Secretary with the authority to address issues not yet foreseen.

I think all of us recognize the absurdity of a young man or woman being deployed to a foreign shore, Iraq, Afghanistan, the Horn of Africa, while they are a student and getting in financial difficulties because of that service.

I am pleased to offer this legislation which provides a permanent extension of the HEROES Act. By permanently extending this act, we not only send a strong message of support to our troops, but we also provide them with the peace of mind that this program will continue throughout the duration of their current or any subsequent deployment.

The legislation before us today is an indication of Congress's commitment to our military, our students, our families and our schools. I urge my colleagues to stand in strong support of the HEROES Act and join me in voting "yes" on H.R. 3625.

Mr. Speaker, I reserve the balance of my time.

Mr. SESTAK. Mr. Speaker, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I am very pleased to yield such time as he may consume to the ranking Republican member on the House Education and Labor Committee, the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this bill to support our brave student soldiers.

The men and women of the Armed Forces give selflessly to defend our freedom overseas and respond to emergencies here at home. Some of them are also students pursuing the dream of a college education, just like millions of other Americans. These military personnel volunteer to put their educational pursuits on hold so they can serve the Nation. We owe them a debt of gratitude, and the least we can do is make their transition to and from education as seamless as possible.

I would like to recognize the gentleman from Minnesota (Mr. KLINE) for his long-standing commitment to the legislation before us. He had an outstanding career with the U.S. Marine Corps before coming to Congress, and I want to thank him also for his service there. He has championed passage of this bill on a temporary basis since 2003, and he is here today supporting a permanent extension of this measure to ensure members of the military will always be afforded the flexibility and support they need.

This bill has always received support from our friends on the other side of the aisle, and I am pleased to have key members of the Education and Labor Committee joining us in introducing legislation to extend the flexibility and waiver authority in this bill. I want to thank Chairmen MILLER and HINOJOSA, along with Mr. SESTAK, who also had a very distinguished career in the Navy, and it is good to see Navy and Marines still working together, for introducing legislation that as we propose makes this legislation permanent.

The men and women of our Armed Forces have made considerable sacrifices for our Nation, and for that we are grateful. As members of the Education Committee, we also recognize the importance of a higher education system that is accessible. What this bill does is allow the Secretary of Education to accommodate the unique needs of our student soldiers so that higher education remains flexible and accessible while they serve our country.

Once again, I would like to thank Representative KLINE for his leadership and recognize our friends on the other side of the aisle for their continued support of this legislation. I strongly support the permanent extension of the HEROES Act to support the many heroes protecting our freedom, and I urge my colleagues to join me in voting "yes."

Mr. SESTAK. Mr. Speaker, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend and colleague, the gentleman from Pennsylvania (Mr. SESTAK), for stepping into the breach here and providing the leadership he has provided on this important legislation, and urge all of my colleagues to get behind this legislation and let's vote "yes" and permanently extend this flexibility.

Mr. Speaker, I yield back the balance of my time.

Mr. SESTAK. Mr. Speaker, I yield myself the balance of my time.

As the gentleman from California (Mr. McKEON) has said, I am privileged to stand up here as a former Navy officer with someone who has served so well in the U.S. Marine Corps. Someone has said that the Navy without the Marine Corps is like a coat without buttons. So it is a great bipartisan effort here on what I think is an instrumental bill.

As Mr. KLINE knows, and why he has worked on this so assiduously over the years, when you lead men and women in combat, what you most want them to have is their head in the game. You don't want them looking back at some problems at home, at debt at home that is hurting their families, nor do you want them looking ahead into some type of future that they want to have. Their safety and the safety of their brethren, the men and women standing on either side of them, depends upon them having their head in the game. That is why this bill is so very important.

It is extremely important now in Iraq and Afghanistan. I compare the men and women out there and having their head in the game compared to those great patriots of the world's greatest generation, World War II. Back in World War II, the average soldier was in combat 182 days. There were horrific battles from Guadalcanal to Iwo Jima to the Battle of the Bulge, but there was dwell time in between those great battles. Our soldiers, our marines over there in Iraq and Afghanistan go outside the wire every day for 15 months. There is unremitting strain upon them. In order to have a measure of relieving that, I am proud to stand beside you, sir, on this bill.

I urge my colleagues to do what is important, recognize the bipartisan approach of this and recognize that this is the way to take care of our troops.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SESTAK) that the House suspend the rules and pass the bill, H.R. 3625.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mrs. McCARTHY of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 590) supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should raise awareness of domestic violence in the United States and its devastating effects on families and communities, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 590

Whereas one in four women will experience domestic violence sometime in her life;

Whereas domestic violence affects men, women, and children of all ages, racial, ethnic, economic, and religious backgrounds;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas 13 percent of teenage girls who have been in a relationship report being hit or hurt by their partners and one in four teenage girls has been in a relationship in which she was pressured into performing sexual acts by her partner;

Whereas there is a need for middle schools, secondary schools, and post-secondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking;

Whereas the annual cost of lost productivity due to domestic violence is estimated as $727,800,000 with over $7,900,000 paid workdays lost per year;

Whereas homicides were the second leading cause of death on the job for women, with 15 percent of the 119 workplace homicides of women in 2003 attributed to a current or former husband or boyfriend;

Whereas landlords frequently deny housing to victims of domestic violence who have protection orders or evict victims of domestic violence for seeking help, such as by calling 911, after a domestic violence incident or who have other indications that they are domestic violence victims;

Whereas 92 percent of homeless women experience severe physical or sexual abuse at some point in their lifetimes;

Whereas Americans suffer 2,200,000 medically treated injuries due to interpersonal violence annually, at a cost of $37,000,000,000 ($33,000,000,000 in productivity losses, $4,000,000,000 in medical treatment);

Whereas people aged 15 to 44 years comprise 44 percent of the population, but account for nearly 75 percent of injuries and 83 percent of costs due to interpersonal violence;

Whereas 40 to 60 percent of men who abuse women also abuse children;

Whereas male children exposed to domestic violence are twice as likely to abuse their own partners;

Whereas children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas 13.7 percent of the victims of murder-suicide cases were the children of the perpetrator and 74.6 percent were female while 91.9 percent of the perpetrators were male; in 30 percent of those cases the male perpetrator also committed suicide;

Whereas a 2001 study by the Centers for Disease Control and Prevention (CDC) on homicide among intimate partners found that female intimate partners are more likely to be murdered with a firearm than all other means combined;

Whereas according to one study, during court ordered visitation, five percent of abusive fathers threaten to kill their spouses, 34 percent of abusive fathers threaten to kidnap their children, and 25 percent of abusive fathers threaten to physically hurt their children;

Whereas homicide is the third leading cause of death for Native American women and 75 percent of Native American women who are killed are killed by a family member or an acquaintance;

Whereas 88 percent of men think that our society should do more to respect women and girls;

Whereas men say that the entertainment industry, government leaders and elected officials, the sports industry, schools, colleges and universities, the news media and employers should be doing more to prevent intimate partner violence;

Whereas there is a need to increase funding for programs carried out under the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law 109–162, aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. McCARTHY of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 590 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I want to call attention to the fact that October is Domestic Violence Awareness Month, as first declared by Congress in 1998, and I also would like to thank the gentleman from Texas (Mr. POE) for bringing this forward through the Education Committee.

Throughout October, thousands of groups hold events to bring awareness to the violence that affects millions of men, women, and children in our country every single year. The positive effect of this advocacy has increased community awareness about domestic violence.

Increased knowledge about domestic violence and the services available helps victims seek help, holds abusers accountable, and helps children live in homes where violence is not condoned. In addition to recognizing October as Domestic Violence Awareness Month, our Congress has recognized that domestic violence is a serious crime by passing laws such as the Family Violence Prevention and Services Act, the Victims of Crime Act and the Violence Against Women Act.

Preventing domestic violence is critical in addressing and breaking the cycle of violence. And it is a cycle. Whether the violence is found in a dating situation or in married life, the strongest risk factor of violent behavior continuing from one generation to the next is if children are witnessing this violence. Evidence shows that children who witness domestic violence at home are more likely to engage in violent behavior, do poorly in school, use drugs and alcohol, and at an early age engage in risky sexual behavior and develop mental illness issues.

Domestic violence adversely affects the workplace by negatively impacting the victim's health and safety, decreasing employee productivity, and increasing health care costs.

A Bureau of Labor Statistics national survey found that 21 percent of full-time employed adults were the victims of domestic violence.

Congress must continue to lead in making our Nation aware of domestic violence and its impact on our society. We must assist the men, women and children affected by domestic violence while prosecuting this as a crime.

In my district in Nassau County, there were over 5,000 domestic violence hotline calls last year, and 2,700 domestic violence victims received services other than hotline calls. They received counseling, legal and residential and nonresidential services. But, unfortunately, we did not reach all of them. There is still much work to be done.

During October, the Nassau County Coalition Against Domestic Violence will do its part in reaching the community through trainings with the police department, medical staff, students in social work programs, and public safety announcements.

Mr. Speaker, clearly we need to work with the men and women of this Nation to educate them on what domestic violence is, the impact upon society and how to stop it in each community. It affects our children and it affects our community. It affects all of us.

I hope that my colleagues will support this resolution and the work being done in their communities and across the Nation to raise awareness of and break the cycle of domestic violence.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 590, supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should raise awareness of domestic violence in the United States and its devastating effects on families and communities.

October is National Domestic Violence Awareness Month and is recognized as such in communities across the country. This designation helps to focus public attention on this widespread and devastating crime.

The problem of domestic violence is centuries old, and our attention to the matter has grown, but we need to do more to raise awareness of this problem.

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One in every 4 women will experience domestic violence in her lifetime. Boys who witness domestic violence are twice as likely to abuse their partners and children when they become adults. The cost of intimate partner violence exceeds $5.8 billion each year. As evidenced by these staggering statistics, domestic violence has far-reaching effects on society.

Domestic violence is the willful intimidation, assault, battery, sexual assault and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects men, women, and children in every community regardless of age, economic status, religion, nationality, educational background, or gender.

When we think of domestic violence, we often think of women being the victims. However, men are victimized by violence as well. Male victims are less likely than women to report violence and seek services due to concerns over the stigma associated with being a male victim, or not being believed. Both men and women experience the same dynamics of interpersonal violence including experiences of disbelief, ridicule, and shame that only enhance their silence.

Unfortunately, the youngest victims are the children who witness the abuse. Research has shown that children witnessing domestic violence and living in an environment where violence occurs may experience some of the same trauma as abused children. They may become fearful, aggressive, or withdrawn. Adolescents may act out or exhibit risk-taking behaviors such as drug and alcohol use, running away, sexual promiscuity, and criminal behavior. All of this behavior has an effect on society as a whole, and we must continue to keep domestic violence in the forefront so this cycle can be broken now.

Domestic violence harms the victim, children, the abuser and the entire health of American families and communities. Nearly 20 years ago, Congress passed legislation recognizing the first Domestic Violence Awareness Month. Designating October as National Domestic Violence Awareness Month allows organizations and communities concerned about domestic violence to leverage this public recognition for activities that raise awareness and link victims to services.

In our role as Members of Congress, we can help galvanize public awareness for the victims of domestic violence. Therefore, I urge my colleagues to support H. Res. 590.

Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, I yield 2 minutes to my colleague from California (Mr. COSTA) who has been an outspoken person against domestic violence.

Mr. COSTA. Mr. Speaker, I thank the gentlewoman for yielding, and I want to thank her for her strong advocacy on behalf of victims of crime and her long history in being a tenacious fighter on behalf of the families throughout our country.

Mr. Speaker, I rise, as a cochair of the bipartisan Victims Rights Caucus, along with Congressman TED POE, and speak on behalf of all the members of that caucus today to provide strong support for H. Res. 590, which supports the goals and ideals of National Domestic Violence Awareness Month, which occurs every October. These goals and efforts are spelled out among the principles of what the Victims Rights Caucus advocates here in the House.

Next month, communities throughout the Nation will participate in National Night Out and Take Back the Night marches in order to bring the awful crime of domestic violence, once again, to the forefront throughout our communities. This resolution helps to bring more awareness of this terrible offense and its effect that it has on our families and our neighbors throughout the communities of this great country of ours.

In my home State of California, domestic violence hotlines answer more than 30 calls every hour from victims, a sad fact. And domestic violence unfortunately continues to plague our families and communities unless we come together as a Nation to end it for good, not just in terms of the formal efforts that we provide but in terms of all the other community organizations that play an important role.

We must remember that domestic violence victims are our sons. They are our daughters. They are our sisters and our brothers, even our parents and our neighbors. They struggle to survive after a crime, and they deserve our services and support to help them cope during their difficult hour.

Therefore, it is fitting and appropriate that we today support the goals and the ideals in recognizing National Domestic Violence Awareness Month, which occurs every October.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield such time as he may consume to my friend and colleague, the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentlewoman from New York for handling this very important bill. I want to thank Mr. COSTA and Mr. POE for sponsoring this legislation.

When we talk about violence in the family, domestic violence, we quote a lot of statistics, and my colleagues have done that very, very well. But one of the things that's very hard for people to understand is what it's like to actually go through domestic violence.

It's so important that everybody in America be involved in stopping domestic violence. There's so many people that hear some woman scream or see some child being beaten by their father and they don't do anything about it. They say it's not my business, and so they go on their merry way, and they feel like this problem's going to go away. It doesn't go away. It gets worse and worse and worse until sometimes people get killed or maimed for life.

My father was six-foot-eight, and my mother was five-foot-and-a-half inches tall, and he used to beat her so badly that we couldn't recognize her. He would tear her clothes off of her in front of me and my brother and sister, and then if we said anything he would beat me.

He went to prison for trying to kill her, and one of the reasons it went that far, in my opinion, is because there wasn't enough attention paid to what he was doing in the first place.

I can remember one night about 2 o'clock in the morning my mother, who had been beaten up, took me and my brother and sister down to the police station in Indianapolis, and she went to the desk sergeant and said to him, you know, she wanted to get a restraining order, get away from this brute and this brutality. And the desk officer said, you know what time it is, lady? It's 2 o'clock in the morning, and these kids ought to be in bed. If you don't take these kids home right now, I'm going to arrest you for child abuse. That was the attitude that we saw back in those days.

I can remember when she would throw a lamp through the front window when he was beating on her or me and scream for help so loud that you could hear it for blocks away and nobody came. Nobody's light went on. Nobody paid any attention, and that's the crime.

The crime isn't just the wife abuse or child abuse or spousal abuse. The crime is that people don't take it upon themselves to stop it.

Today, it's a lot better in police departments across this country. There's a lot of organizations that are trying to help women and kids who are abused, and that's great. It's a great step in the right direction, but as these statistics that we've heard today will tell you, it goes on and on and on. And the only way it's going to stop, if collectively across this country, men and women who see violence in public or in private or hear about it, report it to the police, report it to the proper people and get that brute away from that man and that woman and those kids. If we don't do that, this is never going to stop. The brute has to be afraid of what's going to happen to him.

I'll just tell you how this story ends. My mother finally got away from him. He went to prison for 2 to 14 years. And when he got out, he still tried to bother us. But it wasn't until he realized that he was going to go back to jail if he did it again that he stopped. The fear of the law, the fear of prosecution, the fear of retaliation for what they're doing is the one thing that brutes and wife and child abusers understand.

And so I'd like to say to my colleagues, this is very important legislation. I really appreciate it. I'm glad that we sponsor this every year, and we need to make sure there's awareness of this.

But I'd like to say if anybody across the country is paying attention, it's your responsibility, every single American, if you see a wife or child abuse or abuse of any type like this, report it to the police. Tell your friends and neighbors to watch for it. That's the only way it's going to stop, and it's everybody's responsibility.

Each year children witness domestic violence and this experience can have a lasting impact on their lives. In order to break the intergenerational cycle, children need services and interventions to address their experiences and prevent future violence. Between 3.3 and 10 million children witness domestic violence every year.

The National Census of Domestic Violence Services (NCDVS) revealed that over 18,000 children in the United States received services and support from 1,243 local domestic violence programs during a 24-hour period in November 2006. During the survey day: 7,241 children found refuge in emergency shelter; 4,852 children were living in transitional housing programs designed specifically for domestic violence survivors; and 5,946 children received non-residential services, such as individual counseling, legal advocacy, and children's support groups.

Nationwide, participating programs reported that 5,157 requests for services from adults and children went unmet. Boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults.

Children exposed to domestic violence are more likely to exhibit cognitive and physical health problems like depression, anxiety, and violence toward peers. These children are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

Teens experience high rates of domestic and sexual violence and need specialized services that respond to this and prevent future violence. Domestic and sexual violence's prevalence in the youth population is a problem that deserves careful attention.

One in 3 teens know a friend or peer who has been hit, punched, kicked, slapped, choked or physically hurt by dating partners. One-fourth of high school girls have been the victims of physical abuse, sexual abuse or date rape. Girls and young women between the ages of 16 and 24 experience the highest rate of intimate partner violence.

Not surprisingly, this violence can have a traumatic effect on the lives of these young people that can last well into adulthood.

Victims of teen dating violence are more likely to: use alcohol, tobacco, and cocaine; drive after drinking; engage in unhealthy weight control behaviors; commit sexually risky behaviors; and become pregnant. Over 50 percent of youth reporting dating violence and rape also reported attempting suicide. Girls who are raped are about 3 times more likely to suffer from psychiatric disorders and over 4 times more likely to suffer from drug and alcohol abuse in adulthood.

American Indian and Alaska Native women are battered, raped and stalked at far greater rates than any other group of women in the United States.

The U.S. Department of Justice estimates that: 1 of 3 Native women will be raped; 6 of 10 will be physically assaulted; and Native women are stalked at a rate at least twice that of any other population. Seventy percent of American Indians who are the victims of violent crimes are victimized by someone of a different race.

This bill raises awareness of domestic violence. It is essential to keep this issue in the eye of the public so that victims know that they have options and a way out. I am proud to support this bill today.

Mrs. McCARTHY of New York. Mr. Speaker, does the gentleman from Minnesota have any more speakers?

Mr. KLINE of Minnesota. Mr. Speaker, I do not have any more speakers. I would just like to urge my colleagues to support this legislation, and I yield back the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, in closing, I urge my colleagues to support this important resolution by educating people about domestic violence so that we may be able to prevent it from happening.

Again, domestic violence is like a domino effect. Once it happens in the family, it continues through generation through generation.

The last speaker mentioned about the community getting involved, people getting involved. We have to stop this because it's a terrible, terrible action against people.

Mr. POE. Mr. Speaker, in 1987, 20 years ago, Congress first recognized October as National Domestic Violence Awareness month. Because of Congress's actions, local community groups, religious organizations, healthcare providers, corporations, and the media are addressing domestic violence in our communities. This October, thousands of victim advocacy organizations, state coalitions, and community groups will hold events to raise awareness to the violence that annually affects millions of men, women, and children in the United States. If we can raise awareness and teach the youth healthy relationship skills and intervene in youth violence, we can reduce dating violence, sexual assault, and stalking in our schools and communities. As the founder of the Victims' Rights Caucus, and sponsor of H. Res. 590, I hope to give a voice to domestic violence victims. Raising awareness of domestic violence provides victims with help and a safe haven, while holding abusers accountable. And that's just the way it is.

Mr. Speaker, Yvette Cade is an inspiring survivor of domestic violence. The justice system failed her. In 2005, Yvette sought protection from her estranged husband. Already a victim of domestic violence, Yvette had a restraining order against her estranged husband, but it was set to expire. Yvette turned to the courts for help. She personally asked District Judge Richard Palumbo to extend the restraining order. Judge Palumbo said no; he refused to extend the order. Judge Palumbo went so far as to make fun of Yvette for seeking a protective order. When Yvette, who represented herself without a lawyer, told Palumbo that she wanted "an immediate, absolute divorce," Judge Palumbo replied, "I'd like to be six-foot-five, but that's not what we do here." Judge Palumbo likened other domestic violence victims to buses that come along every 10 minutes. Judge Palumbo then dismissed Yvette's assault case against her estranged husband. Two weeks later, Yvette's fears of further abuse were realized when her estranged husband walked into her workplace, doused her with gasoline, struck a match, and set her on fire.

Yvette Cade survived the third-degree burns across sixty-percent of her body. She underwent several surgeries and still has more surgeries in her future. As a victim, survivor, and advocate, Yvette Cade is an inspiring voice for all domestic violence victims. She is a reminder of the staggering statistics on domestic violence victims in America and the injustices that victims face on an all too-often basis.

Yvette Cade triumphed over tragedy. To recognize her remarkable spirit and advocacy work on behalf of other victims, the Victims' Rights Caucus awarded Yvette the Eva Murillo "Unsung Hero" Award in April.

Domestic violence victims need a voice so that they too can become survivors. That is why I sponsored H. Res. 590 to declare October as National Domestic Violence Awareness Month. It is appropriate that this House pass this legislation unanimously.

With more awareness of domestic violence, more action can be taken. We owe it to good people like Yvette Cade. And that's just the way it is.

Mr. AL GREEN of Texas. Mr. Speaker, I would like to express my strong support for H. Res. 590, a resolution supporting the goal and ideals of National Domestic Violence Awareness month.

Within the United States, we know that 1 out of every 4 American women will experience violence by an intimate partner sometime during her lifetime.

Great strides have been made in breaking the vicious cycle of domestic violence in this country. With the impact of legislation such as the Violence Against Women Act, VAWA, the rate of domestic violence against females over the age of 12 in the U.S. declined between 1993 and 2001.

Despite this progress, however, we must continue to raise awareness and actively work to combat this epidemic. We must speak out on behalf of victims who, for too long, were forced to suffer in silence.

Domestic violence can, and often does, turn deadly. A study released by the U.S. Department of Justice in 2005 reported that roughly 22 percent of murders were committed against family members. This study also shows that women are much more likely than men to be victims of domestic violence. In fact, over three-quarters of domestic violence victims are female, while over three-quarters of domestic violence perpetrators are male. It was also found that family members were responsible for an astounding 43 percent of murders of females.

According to a survey conducted in 2007 by the Family Violence Prevention Fund, 56 percent of men have had reason to believe that a member of their immediate or extended family, a close friend, or an acquaintance has been in a domestic violence or sexual assault situation. However, this survey also shows that 57 percent of men believe that they personally can make at least some difference in preventing domestic violence and sexual assault.

I believe that we can all make a difference in the battle against domestic violence. I do not only believe that we can make a difference, but that we must make a difference. I would like to thank my colleague, fellow Texas Congressman TED POE for introducing this important resolution.

I would also like to recognize the numerous organizations and individuals who work tirelessly to eradicate domestic violence and its devastating impact on individuals, families, and our communities.

Ms. SCHAKOWSKY. Mr. Speaker, I stand before you today in support of H. Res. 590, which supports the goals and ideals of domestic violence awareness month and expresses that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities.

Domestic violence is a serious and pervasive problem in America and throughout the world. According to the Family Violence Prevention Fund, estimates on the number of incidents of violence against a current or former spouse range from 960,000 to 3 million each year; and more than 3 women are murdered by their husband or boyfriend in America every day.

Without question, these statistics are alarming and must be taken seriously. I truly believe that together, we can eliminate domestic violence from homes across the country and ensure that our children grow up in a healthy and peaceful environment.

In order to achieve this change, Congress must continue to pass laws that protect the rights of victims and punish their abusers. In 1994, Congress passed Violence Against Women Act, VAWA, which provided an additional $1.6 billion to enhance investigation and prosecution of violent crimes against women and allowed civil redress in cases prosecutors chose to leave unprosecuted. The results from this legislation are tangible and encouraging, between 1993 and 2004, domestic violence in the United States declined significantly, with nonfatal incidents dropping more than 50 percent, according to data from the Bureau of Justice Statistics. Nonfatal incidents of intimate partner violence fell from 5.8 per 1,000 residents in 1993 to 2.6 victimizations per 1,000 in 2005.

In 2005, I worked with my colleagues to make further improvements to VAWA by also recognizing male victims of domestic violence and sexual assault. In its current form VAWA has so profoundly changed the way our Government prosecutes these crimes that the National Organization of Women heralded the bill as "the greatest breakthrough in civil rights for women in nearly two decades."

Today, as we recognize National Domestic Violence Awareness Month, we must remember that there is still plenty of work to do to eradicate domestic violence from our homes and communities.

Mrs. McCARTHY of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 590, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KLINE of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STOP AIDS IN PRISON ACT OF 2007

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1943) to provide for an effective HIV/AIDS program in Federal prisons, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop AIDS in Prison Act of 2007".

SEC. 2. COMPREHENSIVE HIV/AIDS POLICY.

(a) IN GENERAL.—The Bureau of Prisons (hereinafter in this Act referred to as the "Bureau") shall develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates within the correctional setting and upon reentry.

(b) PURPOSE.—The purposes of this policy shall be as follows:

(1) To stop the spread of HIV/AIDS among inmates.

(2) To protect prison guards and other personnel from HIV/AIDS infection.

(3) To provide comprehensive medical treatment to inmates who are living with HIV/AIDS.

(4) To promote HIV/AIDS awareness and prevention among inmates.

(5) To encourage inmates to take personal responsibility for their health.

(6) To reduce the risk that inmates will transmit HIV/AIDS to other persons in the community following their release from prison.

(c) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of this policy.

(d) TIME LIMIT.—The Bureau shall draft appropriate regulations to implement this policy not later than 1 year after the date of the enactment of this Act.

SEC. 3. REQUIREMENTS FOR POLICY.

The policy created under section 2 shall do the following:

(1) TESTING AND COUNSELING UPON INTAKE.—

(A) Medical personnel shall provide routine HIV testing to all inmates as a part of a comprehensive medical examination immediately following admission to a facility. (Medical personnel need not provide routine HIV testing to an inmate who is transferred to a facility from another facility if the inmate's medical records are transferred with the inmate and indicate that the inmate has been tested previously.)

(B) To all inmates admitted to a facility prior to the effective date of this policy, medical personnel shall provide routine HIV testing within no more than 6 months. HIV testing for these inmates may be performed in conjunction with other health services provided to these inmates by medical personnel.

(C) All HIV tests under this paragraph shall comply with paragraph (9).

(2) PRE-TEST AND POST-TEST COUNSELING.—Medical personnel shall provide confidential pre-test and post-test counseling to all inmates who are tested for HIV. Counseling may be included with other general health counseling provided to inmates by medical personnel.

(3) HIV/AIDS PREVENTION EDUCATION.—

(A) Medical personnel shall improve HIV/AIDS awareness through frequent educational programs for all inmates. HIV/AIDS educational programs may be provided by community based organizations, local health departments, and inmate peer educators. These HIV/AIDS educational programs shall include information on modes of transmission, including transmission through tattooing, sexual contact, and intravenous drug use; prevention methods; treatment; and disease progression. HIV/AIDS educational programs shall be culturally sensitive, conducted in a variety of languages, and present scientifically accurate information in a clear and understandable manner.

(B) HIV/AIDS educational materials shall be made available to all inmates at orientation, at health care clinics, at regular educational programs, and prior to release. Both written and audio-visual materials shall be made available to all inmates. These materials shall be culturally sensitive, written for low literacy levels, and available in a variety of languages.

(4) HIV TESTING UPON REQUEST.—

(A) Medical personnel shall allow inmates to obtain HIV tests upon request once per year or whenever an inmate has a reason to believe the inmate may have been exposed to HIV. Medical personnel shall, both orally and in writing, inform inmates, during orientation and periodically throughout incarceration, of their right to obtain HIV tests.

(B) Medical personnel shall encourage inmates to request HIV tests if the inmate is sexually active, has been raped, uses intravenous drugs, receives a tattoo, or if the inmate is concerned that the inmate may have been exposed to HIV/AIDS.

(C) An inmate's request for an HIV test shall not be considered an indication that the inmate has put him/herself at risk of infection and/or committed a violation of prison rules.

(5) HIV TESTING OF PREGNANT WOMAN.—

(A) Medical personnel shall provide routine HIV testing to all inmates who become pregnant.

(B) All HIV tests under this paragraph shall comply with paragraph (9).

(6) COMPREHENSIVE TREATMENT.—

(A) Medical personnel shall provide all inmates who test positive for HIV—

(i) timely, comprehensive medical treatment;

(ii) confidential counseling on managing their medical condition and preventing its transmission to other persons; and

(iii) voluntary partner notification services.

(B) Medical care provided under this paragraph shall be consistent with current Department of Health and Human Services guidelines and standard medical practice. Medical personnel shall discuss treatment options, the importance of adherence to antiretroviral therapy, and the side effects of medications with inmates receiving treatment.

(C) Medical and pharmacy personnel shall ensure that the facility formulary contains all Food and Drug Administration-approved medications necessary to provide comprehensive treatment for inmates living with HIV/AIDS, and that the facility maintains adequate supplies of such medications to meet inmates' medical needs. Medical and pharmacy personnel shall also develop and implement automatic renewal systems for these medications to prevent interruptions in care.

(D) Correctional staff and medical and pharmacy personnel shall develop and implement distribution procedures to ensure timely and confidential access to medications.

(7) PROTECTION OF CONFIDENTIALITY.—

(A) Medical personnel shall develop and implement procedures to ensure the confidentiality of inmate tests, diagnoses, and treatment. Medical personnel and correctional staff shall receive regular training on the implementation of these procedures. Penalties for violations of inmate confidentiality by medical personnel or correctional staff shall be specified and strictly enforced.

(B) HIV testing, counseling, and treatment shall be provided in a confidential setting where other routine health services are provided and in a manner that allows the inmate to request and obtain these services as routine medical services.

(8) TESTING, COUNSELING, AND REFERRAL PRIOR TO REENTRY.—

(A) Medical personnel shall provide routine HIV testing to all inmates no more than 3 months prior to their release and reentry into the community. (Inmates who are already known to be infected need not be tested again.) This requirement may be waived if an inmate's release occurs without sufficient notice to the Bureau to allow medical personnel to perform a routine HIV test and notify the inmate of the results.

(B) All HIV tests under this paragraph shall comply with paragraph (9).

(C) To all inmates who test positive for HIV and all inmates who already are known to have HIV/AIDS, medical personnel shall provide—

(i) confidential prerelease counseling on managing their medical condition in the community, accessing appropriate treatment and services in the community, and preventing the transmission of their condition to family members and other persons in the community;

(ii) referrals to appropriate health care providers and social service agencies in the community that meet the inmate's individual needs, including voluntary partner notification services and prevention counseling services for people living with HIV/AIDS; and

(iii) a 30-day supply of any medically necessary medications the inmate is currently receiving.

(9) OPT-OUT PROVISION.—Inmates shall have the right to refuse routine HIV testing. Inmates shall be informed both orally and in writing of this right. Oral and written disclosure of this right may be included with other general health information and counseling provided to inmates by medical personnel. If an inmate refuses a routine test for HIV, medical personnel shall make a note of the inmate's refusal in the inmate's confidential medical records. However, the inmate's refusal shall not be considered a violation of prison rules or result in disciplinary action.

(10) EXPOSURE INCIDENT TESTING.—The Bureau may perform HIV testing of an inmate under section 4014 of title 18, United States Code. HIV testing of an inmate who is involved in an exposure incident is not "routine HIV testing" for the purposes of paragraph (9) and does not require the inmate's consent. Medical personnel shall document the reason for exposure incident testing in the inmate's confidential medical records.

(11) TIMELY NOTIFICATION OF TEST RESULTS.—Medical personnel shall provide timely notification to inmates of the results of HIV tests.

SEC. 4. CHANGES IN EXISTING LAW.

(a) SCREENING IN GENERAL.—Section 4014(a) of title 18, United States Code, is amended—

(1) by striking "for a period of 6 months or more";

(2) by striking ", as appropriate,"; and

(3) by striking "if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management" and inserting "unless the individual declines. The Attorney General shall also cause such individual to be so tested before release unless the individual declines".

(b) INADMISSIBILITY OF HIV TEST RESULTS IN CIVIL AND CRIMINAL PROCEEDINGS.—Section 4014(d) of title 18, United States Code, is amended by inserting "or under the Stop AIDS in Prison Act of 2007" after "under this section".

(c) SCREENING AS PART OF ROUTINE SCREENING.—Section 4014(e) of title 18, United States Code, is amended by adding at the end the following: "Such rules shall also provide that the initial test under this section be performed as part of the routine health screening conducted at intake.".

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORT ON HEPATITIS AND OTHER DISEASES.—Not later than 1 year after the date of the enactment of this Act, the Bureau shall provide a report to the Congress on Bureau policies and procedures to provide testing, treatment, and prevention education programs for Hepatitis and other diseases transmitted through sexual activity and intravenous drug use. The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of this report.

(b) ANNUAL REPORTS.—

(1) GENERALLY.—Not later than 2 years after the date of the enactment of this Act, and then annually thereafter, the Bureau shall report to Congress on the incidence among inmates of diseases transmitted through sexual activity and intravenous drug use.

(2) MATTERS PERTAINING TO VARIOUS DISEASES.—Reports under paragraph (1) shall discuss—

(A) the incidence among inmates of HIV/AIDS, Hepatitis, and other diseases transmitted through sexual activity and intravenous drug use; and

(B) updates on Bureau testing, treatment, and prevention education programs for these diseases.

(3) MATTERS PERTAINING TO HIV/AIDS ONLY.—Reports under paragraph (1) shall also include—

(A) the number of inmates who tested positive for HIV upon intake;

(B) the number of inmates who tested positive prior to reentry;

(C) the number of inmates who were not tested prior to reentry because they were released without sufficient notice;

(D) the number of inmates who opted-out of taking the test;

(E) the number of inmates who were tested following exposure incidents; and

(F) the number of inmates under treatment for HIV/AIDS.

(4) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of reports under paragraph (1).

SEC. 6. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I yield to myself such time as I may consume.

Mr. Speaker, before I give my statement on this legislation, I'd sincerely like to thank Mr. LAMAR SMITH, my colleague on the opposite side of the aisle who was the author of this legislation in the last Congress and who has worked with me so much and so well to bring this legislation before us today. I'm very thankful to him. We have 43 cosponsors on this bill, and I'd also like to thank Mr. RANDY FORBES and Mr. LUIS FORTUÑO who are on the opposite side of the aisle who worked with us on this bill; but all of the Members who came together to get this legislation to this point today are to be appreciated because it was somewhat controversial when Mr. SMITH first brought the idea to us. And, of course, I would like to thank Judiciary Committee Chairman JOHN CONYERS for all of his support for this legislation.

This particular legislation takes us back 25 years after AIDS was discovered; the AIDS virus continues to spread. About 1.7 million Americans have been infected by HIV since the beginning of the epidemic, and there are 1.2 million Americans living with HIV today. Every year, there are 40,000 new HIV infections and 17,000 new AIDS-related deaths in the United States.

We need to take the threat of HIV/AIDS seriously and confront it in every institution of our society. That includes our Nation's prison system, and that is why this bill is so important.

The Stop AIDS in Prison Act requires the Federal Bureau of Prisons to develop a comprehensive policy to provide HIV testing, treatment and prevention for inmates in Federal prisons. The bill requires the Bureau of Prisons to test all prison inmates for HIV upon entering prison and again prior to release from prison, unless the inmate absolutely opts out of taking the test.

The bill requires HIV/AIDS prevention education for all inmates and comprehensive treatment for those inmates who test positive. Language was included to protect the confidentiality of inmate tests, diagnosis, and treatment and to require that inmates receive pre-test and post-test counseling so that they will understand the meaning of HIV test results.

In 2005, the Department of Justice reported that the rate of confirmed AIDS cases in prisons was three times higher than in the general population. The Department of Justice also reported that 2 percent of the State prison inmates and 1.1 percent of Federal prison inmates were known to be living with HIV/AIDS in 2003.

However, the actual rate of HIV infection in our Nation's prisons is simply unknown, and it could be considerably higher.

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This is because prison officials do not consistently test prisoners for HIV. The only way to determine whether HIV has been spread among prisoners is to begin routine HIV testing of all prison inmates. This bill does that.

This bill has been endorsed by a number of prominent HIV/AIDS advocacy organizations, including AIDS Action, the AIDS Institute, the National Minority AIDS Council, the AIDS Health Care Foundation, the HIV Medicine Association, AIDS Project Los Angeles, and Bienestar; that happens to be a Latino community service and advocacy organization. The bill also has been endorsed by the Los Angeles County Board of Supervisors and even the Los Angeles Times.

Mr. Speaker and Members, I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a strong supporter of H.R. 1943, The Stop AIDS in Prison Act of 2007.

I introduced this legislation in the last Congress and am an original cosponsor of it this year as well. And I want to thank my colleague, Congresswoman WATERS, for her energetic help. I was happy to work with her in the last Congress, and I am pleased that we have worked together again this year. Also, I want to thank Chairman CONYERS for his leadership in bringing this legislation to the House floor today.

Mr. Speaker, the incidence of HIV and AIDS in Federal and State prison populations is difficult to measure because not all Federal and State inmates are routinely tested. There are approximately 170,000 prisoners in the Federal system. The Justice Department said in its 2006 report that about 2 percent of State prison inmates and over 1 percent of all Federal inmates were known to be infected with HIV. The occurrence of HIV and AIDS cases in Federal prison is at least three times higher than it is among the United States population as a whole.

H.R. 1943 requires routine HIV testing for all Federal prison inmates upon entry and prior to release. For all existing inmates, testing is required within 6 months of enactment. This reasonable requirement will enable prison officials to reduce HIV among inmates and provide much needed counseling, prevention, and health care services for inmates who happen to be infected.

Requiring Federal inmates to be tested when they enter prison and when they leave prison is just good common sense. For some prisoners tested when they enter prison, such testing will ensure that they receive adequate treatments, education, and prevention services while incarcerated. Similarly, it is important that prisoners are tested shortly before they are released into the community so that adequate services can be provided after their release. That, in turn, will protect the community.

I believe in tough punishment for criminal offenders because the public deserves to be protected. But we have a duty to treat prisoners humanely and to rehabilitate them. Preventing the spread of HIV and AIDS among prisoners is an essential aspect of humane treatment and rehabilitation. So I urge my colleagues to support this legislation.

Before I reserve the balance of my time, I just want to thank Congresswoman WATERS again for making sure that we are here today, for her leadership on this legislation, and for working with me both last year and this year on such an important bill.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. I yield to the gentlelady from California, Ms. BARBARA LEE, 5 minutes, a woman who has been in the forefront of the fight against HIV and AIDS not only domestically but internationally.

Ms. LEE. Mr. Speaker, first let me thank Congresswoman WATERS for yielding and for introducing H.R. 1943, the Stop AIDS in Prison Act, and for your leadership on so many issues. But I just want to talk very briefly about what has happened since 1998 under your leadership when you were Chair of the Congressional Black Caucus.

I can remember when I was first elected in 1998, one of the first efforts that I was involved in with Congresswoman WATERS, then as Chair, was calling together a national meeting on a moment's notice. I think we had maybe 2 weeks, 10 days to bring people from around the country here to Washington, DC to talk about a bold response to HIV and AIDS, especially here in the African American community given the devastation and the disproportionate rates that our communities are faced with.

Out of that meeting, and it was truly a grassroots meeting in Washington, DC on Capitol Hill, we came up with several plans, several strategies, one of which was the idea to establish the Minority AIDS Initiative. Congresswoman WATERS not only talked about why we needed to have a separate pot of money that would track the disease and track prevention, treatment, and education efforts around HIV and AIDS, but also she worked to make sure that happened and oftentimes was the lone voice in the wilderness calling for this.

Well, fast forward. So much has happened since then. We were in Toronto, Canada last year, and Congresswoman WATERS, myself, Congresswoman CHRISTENSEN, we said we have got to take on some tougher issues now because this disease is really getting worse, and the unfortunate reality is that to be black in America is to be at greater risk of HIV and AIDS. And I will never forget her saying: Now, I am going to do something really bold when I get back; now, just get ready for it.

And it was amazing to see how she moved forward with this bill, the Stop AIDS in Prison Act to help us move one step closer to our goal by providing this opt-out testing, treatment, and education at all Federal prison facilities. And she knew that it was going to be controversial, which it was.

But as I listened to the list of supporters and those organizations that have endorsed the bill, I want to just say that this is a real testament to making sure that people understood, the country understood why this bill was necessary and needed, and how she brought people together and organizations together to get this bill to the floor today.

And so it is a good day, Congresswoman WATERS, and I want to thank you so much for stepping out there once again, because it is an example of what we need to do to make sure that we take on the tough issues that we are taking on.

Finally, let me say, as part of our comprehensive strategy, I am working on a bill which Congresswoman WATERS has supported, H.R. 178, called The Justice Act, which would allow for condom distribution in Federal prisons as well as in State prisons, and that is something that we need to do. We have got to fund the Ryan White Care Act and the Minority AIDS Initiative this year. I think we asked for at least $610 million.

We have a long way to go and there are many now, thank goodness, bills that are coming before this body that will allow for a strong, robust response. This is really one of the major pieces of legislation that are central to this overall agenda.

Finally, let me say, we join the Black AIDS Institute to call for a national mobilization and a national plan to end the HIV/AIDS epidemic in America. And, in fact, this plan is bold. It is going to move forward in a very aggressive way. We must employ every strategy that we can to stamp this from the face of the Earth. And so today is another day that we are making one major step in the right direction. And again, Congresswoman WATERS, thank you for your leadership and for yielding, and congratulations.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I would like to use this moment to just thank, again, Representative LAMAR SMITH. Also I would like to thank, again, Chairman JOHN CONYERS and Subcommittee Chairman BOBBY SCOTT and all of the Members who have signed on as cosponsors on this bill.

Again, as was mentioned by Congresswoman BARBARA LEE, it certainly did start out a bit controversial. We had some of the advocacy groups who did not support this bill when we began to talk about doing something about AIDS in the prison system. As a matter of fact, questions were raised about everything from confidentiality to the cost to not knowing what to do about follow-up once they leave. But we have been able to answer all of those questions, and some of those who were opposed are now very, very strong supporters because they understand that we really do have to take additional steps to stem the tide of HIV and AIDS in this country.

You would think after 25 years and all of the education that we have tried to do, all the literature that has been written, that everyone would know everything that they need to know about HIV and AIDS. But it is not true. And one of the things that we had to consider was why was it there was an increase in HIV and AIDS with women, particularly minority women. And then we had to take a look at where it may be coming from. And though we don't have empirical data, we do think we are on the right track in helping to stem this tide because we do think that some of these infections are coming from those who may have been incarcerated.

Those who are incarcerated have nothing to fear. As a matter of fact, they should feel even protected by what we are doing because, despite the fact that we don't always discuss what is going on in prison, I think we have a pretty good idea. And this will help again to save the lives not only of inmates, but certainly the mates of inmates when they return into the general population.

Mr. Speaker, I thank everyone.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 1943, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

* * *

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 470) supporting efforts to increase childhood cancer awareness, treatment, and research.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 470

Whereas an estimated 12,400 children are diagnosed with cancer annually;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children die from cancer each year;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years old are caused by cancer;

Whereas while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancers continues to grow, with about 1 in 640 adults between ages 20 to 39 who have a history of cancer;

Whereas up to two-thirds of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I might consume.

I rise today to express my strong support for House Resolution 470, supporting efforts to increase childhood cancer awareness, treatment, and research. I am proud to join my colleagues across the aisle and throughout this body in support of this resolution.

September is Childhood Cancer Awareness Month, marking the time when we raise awareness of childhood cancer and the lives affected. Although cancer in children is rare, it is estimated that this year alone more than 12,000 children will be diagnosed with cancer and nearly one-fifth will die, making cancer the leading cause of disease-related deaths for children under the age of 15.

House Resolution 470 reminds us that cancer occurring during childhood has harmful repercussions for a child's future well-being. Cancer compromises a child's natural defenses against other types of illnesses and destroys organs and bones. Cancer disrupts a child's life at a time when he or she should be otherwise more concerned with exploring the world and making new discoveries instead of undergoing chemotherapy or medical therapies.

House Resolution 470 reminds us that more must be done to fight this devastating disease. Mr. Speaker, I rise in support of those children and their families attempting to deal with such a terrible disease.

I want to thank in particular the sponsor of this legislation, Representative PRYCE of Ohio, because I know that she has worked so hard on this in trying to push it to the floor today. I urge all of my colleagues to do the same.

I reserve the balance of my time.

□ 1415

Mr. TERRY. Mr. Speaker, I yield myself as much time as I may consume.

I stand here today in support of this resolution, as does the full committee Chair, JOE BARTON, and Ranking Member NATHAN DEAL, supporting efforts of this resolution, House Resolution 470, supporting the efforts to increase childhood cancer awareness, treatment and research.

The sponsor of this bill, Representative DEBORAH PRYCE, is a true champion for childhood cancers. Cancer is a brutal disease and so pervasive we are all closely touched by it. It is that much more devastating to see a young child suffer from cancer. This resolution serves to increase knowledge and awareness of cancer among children and how we can encourage research and education into the disease.

DEBORAH PRYCE is a committed mother and a dedicated and tireless advocate. Through this resolution, she is honoring not only the memory of her daughter, but also those of all children who have suffered from cancer. Childhood cancers affect the whole family: mothers and fathers, brothers and sisters.

I think it can be said that we all will greatly miss Representative PRYCE after her retirement from the House at the end of this Congress. She's leaving a legacy both for her work for her constituents in Ohio, as well as for the leadership of the House of Representatives.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, at this time I yield as much time as she may consume to the gentlelady from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I'd like to thank Mr. TERRY for the time and for those very kind words, and Mr. PALLONE for his support in this cause, and the entire committee for allowing this to come forward.

Mr. Speaker, I rise today as a voice for the thousands of families across America who have been touched by pediatric cancer, and most importantly, the 12,000 children who will be diagnosed with the disease during this year alone.

This resolution is about a promise to these families that medical advancement and understanding, coupled with a new resolve among researchers, advocates and public officials, will one day eradicate the heartache of pediatric cancer, and promise to the children of our Nation that we will do better to help them in their fight.

The fight of a child with cancer involves many things. It involves being in the hospital and away from your siblings and your best friends, away from your toys and away from the comfort and love of your own home.

It involves confusion and pain after you may have lost your best new friend from the hospital playroom and the heartache that a parent feels having to explain to their child why that happened, all the while knowing that their own child may share the same fate.

And then, there's that different look in the eyes of your parents. Is that fear? But why? I'm going to get better, aren't I?

Mr. Speaker, when a child is diagnosed with cancer, they're forced to say goodbye to their life as they knew it. As they say hello to IV poles and transfusions, catheters, chemotherapy, nausea, surgeries, isolation, they say goodbye to many other things. Because of compromised immune systems, they say goodbye to school and the ordinary routine of growing up. They say goodbye to their friends and their teachers. They say goodbye to their appetite, to their energy, to their hair, and possibly, to some of their limbs. They lose so much. But they never lose hope; and they never lose their dignity.

Mr. Speaker, these are the bravest children I've ever, ever seen.

September is Childhood Cancer Awareness Month. This is the month that these brave kids and their families raise awareness of this awful disease. As these fearless children share their stories in Washington and elsewhere around the country, we learn about strength and courage and will. As their loving families share their stories about how cancer has touched their lives, we learn about resolve and the ultimate a parent can give.

As we hear these stories, we will not lose sight of the incredible hope that these families are providing to tens of thousands of children and other families whose worlds have been turned upside down by cancer, kids whose dreams and aspirations are now in question, who must focus solely on beating this disease today before they can even think about tomorrow.

Mr. Speaker, if you've ever looked into the eyes of one of these children who's so valiantly, courageously waging war against this devastating disease, you certainly could understand why we must continue our efforts to raise awareness, and why I stand here today to stress the perpetual importance of continued education and research.

One child who suffers is one too many. We will continue to fight this terrible disease that's wrought so much suffering and pain on so many.

This resolution honors all of the heroic children and thanks them for their courage and the eternal hope that they provide families everywhere.

I urge my colleagues to support this resolution.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H. Res. 470, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

No child should have to experience and suffer the effects of cancer. And no parent should have to see their child suffer. I am proud to be working with Congresswoman DEBORAH PRYCE on such an important issue. Together, we have introduced the Conquer Childhood Cancer Act. The Conquer Childhood Cancer Act would enhance and expand biomedical research programs in childhood cancer and establish a new fellowship program through the National Institutes of Health (NIH) for pediatric cancer research. The bill would also increase informational and educational outreach to patients and families affected by pediatric cancer.

Over the last several years after a successful doubling of the NIH budget that ended in 2003, funding for NIH and the National Cancer Institute has been flat. As a result, many cancer clinical trials have had to be scaled back. The Children's Oncology Group, which is headquartered in my congressional district, has had to put 20 new studies on hold and decrease enrollment of new clinical trials by 400 children. This is going in the wrong direction.

Thanks to the past funding in childhood cancer research, we know that 78 percent of childhood cancer patients overall are now able to survive. Forty years ago it was a much different story—the cure rates for children with cancer were lower than 10 percent. This shows that by funding biomedical research we can save lives. Congress must increase funding for NIH and NCI so that it can continue the groundbreaking, life-saving research that will lead to new cures and treatments.

So, I not only urge my colleagues to support H. Res. 470, but I also urge my colleagues to cosponsor the Conquer Childhood Cancer Act and pass that much-needed legislation.

Mr. TERRY. Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I would, again, urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 470.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF H.R. 3580

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 217) to correct technical errors in the enrollment of the bill H.R. 3580.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 217

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3580, the Clerk of the House shall make the following corrections:

(1) In subparagraph (I) of section 402(j)(3) of the Public Health Service Act, as inserted by section 801(a)(2) of the bill:

(A) In clause (i) of such subparagraph (I), strike "drugs described in subparagraph (C)" and insert "drugs and devices described in subparagraph (C)".

(B) In clause (iii) of such subparagraph (I), strike "drugs described in subparagraph (C)" and insert "drugs and devices described in subparagraph (C)".

(2) In subparagraph (A) of section 505(q)(1) of the Federal Food, Drug, and Cosmetic Act, as added by section 914(a) of the bill, add at the end the following:

"Consideration of the petition shall be separate and apart from review and approval of any application.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, once again I would ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution concerns two errors in the bill, H.R. 3580, the Food and Drug Administration Amendments of 2007. The bill has passed both the House and Senate and is currently in the process of being enrolled for delivery to the President.

The resolution directs the Clerk of the House to correct two errors, both of which were made in drafting and inadvertently occurred as we all worked under pressure to complete the drafting of H.R. 3580.

We were under pressure to complete that bill, as you know, before the expiration date on September 30 of PDUFA, the Prescription Drug User Fee Act. The failure to reauthorize PDUFA in time would have caused the Food and Drug Administration to send out notice of employee layoffs.

I'm aware of no objection to passage of the resolution, and I would urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 3580, which passed the House last week, was highly technical and addressed a number of very complicated FDA policy and regulatory matters. I commend the bipartisan Members and the staff who worked so hard on the language that passed with such broad support in the House. Inevitably, when these complicated matters are addressed, some drafting and technical issues need to be revisited in a technical corrections bill.

In the case of the FDA Amendments of 2007, we were especially mindful that the funding had to be secured to prevent the layoff of FDA reviewers prior to September 30. Given the importance of that deadline to protecting the public health, it is inevitable drafting and workability issues may need to be revisited. The resolution simply corrects two omissions from the text that was approved last week.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, once again I would urge passage of this corrections legislation. I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 217.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENDING TRADE ADJUSTMENT ASSISTANCE PROGRAM

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3375) to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) ASSISTANCE FOR WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking "September 30, 2007" and inserting "December 31, 2007".

(b) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by inserting after "2007," the following: "and $4,000,000 for the 3-month period beginning on October 1, 2007,".

(c) ASSISTANCE FOR FARMERS.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by inserting before the period the following: ", and there are authorized to be appropriated and there are appropriated to the Department of Agriculture to carry out this chapter $9,000,000 for the 3-month period beginning on October 1, 2007".

(d) EXTENSION OF TERMINATION DATES.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking "September 30" each place it appears and inserting "December 31".

(e) EFFECTIVE DATE.—The amendments made by this section shall be effective as of October 1, 2007.

SEC. 2. OFFSETS.

(a) TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.75 percent" and inserting "115 percent".

(b) CUSTOMS USER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking "September 30, 2014" and inserting "October 7, 2014".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Texas (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I now yield myself such time as I may consume.

Today we are considering an extension of a critical component of our trade agenda, an extension of the Trade Adjustment Assistance program. All three programs that make up TAA, Adjustment Assistance for Workers, Adjustment Assistance for Firms, and Adjustment Assistance for Farmers, expire on September 30.

Trade Adjustment Assistance helps to make sure that workers impacted by increased trade get the help and retraining they need and deserve so that they can go out and get new, good-paying, family-wage jobs.

It's not a perfect program. In fact, it needs work. The committee will be taking up legislation reforming and reauthorizing Trade Adjustment Assistance shortly.

Critically, this program will improve the effectiveness of the program by, among other things, offering TAA access to service workers, increasing funding to satisfy unmet demand, getting rid of complicated and burdensome rules that make it hard for people to take advantage of Trade Adjustment Assistance.

I think all of us can expect a discussion draft of the bill reforming and reauthorizing TAA to be circulated in the next week. The committee should take up the bill sometime after that; and if all goes as planned, the program will be authorized before the end of the year.

We will hammer out the details of TAA overhaul; and while we do that, we need to pass this short-term, 3-month extension.

The bill under consideration today was originally introduced by Mr. HERGER. His support for the extension reflects the bipartisan support for Trade Adjustment Assistance that's really necessary, and I hope for in the future. It is also a recognition of the fact that the program has an important element of America's overall trade agenda.

I also want to thank, in addition to Mr. HERGER and those of you on the Republican side, I want to thank Mr. ADAM SMITH for his work on Trade Adjustment Assistance.

□ 1430

We all have been focusing on this issue for many years, and now there is the opportunity to act within this House.

I also want to thank Mr. McDERMOTT, another subcommittee Chair for his help.

Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I stand in support of this legislation. I appreciate the chairman's leadership on extending it. I stand on behalf of Representative WALLY HERGER, who is author of this legislation and ranking member, lead Republican on the Trade Subcommittee of Ways and Means.

In my view, free trade is working on America's behalf. The free trade agreements we have today are producing more and more sales of American products and services around the world, nearly doubling those sales. Even though our free trade agreements are with countries that only represent 7 percent of the whole global market, in fact, they buy almost half of all that America sells and produces. In fact, we have a free trade surplus with these countries of over $5 billion. Conversely, much of our trade deficit, 80 percent of it are with countries we don't have free trade agreements with.

Nonetheless, at the same time we have to do a better job of helping those who lose their jobs due to the ever-changing world marketplace. We need to give workers more training options and more flexibility to get back on their feet as soon as possible.

Trade Adjustment Assistance has been successful in helping many adjust to job loss because of trade. The benefits, including the health coverage, tax credit, are very meaningful. Trade Adjustment Assistance can be improved in how it is administered to get people certified and trained more quickly, and changes can be made to get people back to work soon. However, this is an expensive program, costing taxpayers nearly $1 billion while providing assistance for about 54,000 workers per year. Accordingly, as the committee and as this Congress looks forward to covering additional workers who lose their jobs because of trade, we must look at it carefully to make sure we are getting the help to those who need it, that we are doing it efficiently, that we are giving them the educational tools they need to get back to the workforce just as soon as possible. And that is an area that I think will take considerable discussion, but I think there is common ground among Republicans and Democrats to try to make sure that we get as many workers back to work as soon as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself 3 minutes.

We clearly need to reform and reauthorize TAA. We also need to be sure that we reform trade policy. One is not a substitute for the other. We need to do both.

In the continuing resolution that was passed last February, Congress included language prohibiting the United States Department of Labor from issuing final regulations concerning the TAA program. Critically and problematically, these regulations would contravene Congress's legislative intent in the important policy areas and cause confusion among State and local operators of the TAA program. In short, these regulations would change the very nature of this program, a program specifically committed to ensuring that workers adversely affected by trade get the assistance and training they need to obtain new, good-paying, family-wage jobs, as I said before.

For example, these rules would, number 1, compel States to implement a "rapid reemployment" strategy; 2, permit States to establish monetary caps on training for dislocated workers; 3, compel States to integrate the TAA program into the Workforce Investment Act system; 4, permit the privatization of the administration of programs; and, 5, abolish merit staff standards.

These rules are extremely troubling. They undermine the program and, more generally, the intent of Congress.

Fortunately, my colleagues on the majority side felt the same way about the Department of Labor proposal. Recognizing the serious implications of these flawed rules, Chairman OBEY included the following language in the February continuing resolution:

"None of the funds made available in this division or any other act shall be available to finalize or implement any proposed regulation under the Workforce Investment 12 Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted."

And I quote that because it is so important.

Mr. Speaker, I now would like to yield such time as he may consume to my colleague from Washington, ADAM SMITH, who has been working so hard on this issue.

Mr. SMITH of Washington. Mr. Speaker, I will be yielding to the chairman to ask a question to get a clarification on one point. But, first of all, I want to thank him for his leadership on this issue, and I do want to agree with Representative BRADY's comments.

I think trade is very, very important. It has a very positive impact on the economy in this country. We need to work to improve these trade agreements. But what we try to do with Trade Adjustment Assistance is try to help displaced workers.

I have long been troubled by the fact that it's called Trade Adjustment Assistance. I think it should just be called "adjustment assistance," because regardless of where your job goes, it creates a problem that needs to be filled. In fact, many jobs are lost in this country to advancements in technology. Frequently jobs are lost from one part of this country to another part of the country, and those people who have lost those jobs are no more impacted than if we develop a competitive disadvantage with a country and they start taking over some jobs in an area that we used to occupy. In both instances workers need help and we need a broad adjustment program to do that.

I am, however, troubled, as Mr. LEVIN pointed out, by the regulations that the administration tried to adopt that would pare back the program and, to some degree, limit the ability of displaced workers to get adjustment assistance.

As we have heard from all economists, skills are going to be the critical factor from this point forward in having an employable workforce in this country. We have got to give our workforce access to greater training, greater technology, and more repetitive training. Sorry, that's the wrong way to put it. They have to update their skills more often. Gone pretty much are the days when you could simply have a high school education, find a job with a company that was going to be around forever, and you were set. If we are going to have an economy where change is more rapid, we have to help our workers in this country.

As the gentleman knows, I am a strong supporter of trade agreements, frequently berated by many in my own party for that, but I don't see that as the piece that is causing the problems for our workers. The piece I see is causing the problem for our workers is we have not made enough changes to reflect the rapid change that is facing them. We don't give them enough opportunities to retrain, update their skills for the changes they have to deal with. We don't have adequate health care protection for them when they lose their job as well. These are things that the Trade Adjustment Assistance Act tries to take care of and that I am concerned that those regulations that the administration tried to adopt would undermine. So I am very grateful to have that language in there.

And this is where, if Mr. LEVIN could just clarify on one point, and I think in our colloquy here we have two questions, but it is really only one. I just want to be clear that the legislation that we are considering today is simply an extension of the existing program, it is not the reauthorization of the program, so that the prohibition contained in the February 2007 continuing resolution on the implementation of the flawed rules that we have referenced remains in effect even if we pass this bill. Is that correct?

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Washington. I will yield to the gentleman.

Mr. LEVIN. That is absolutely correct. As Chairman RANGEL has stated and I have stated at the markup last week, this is an extension of existing law. It is not a reauthorization. As Ranking Member McCRERY stated at the markup and as Mr. HERGER explained in the remarks he submitted for the RECORD, this piece of legislation is a simple extension of existing law, nothing more, nothing less. So the prohibition on the implementation of the rules remains fully in effect.

Mr. SMITH of Washington. I want to thank you for that clarification and appreciate your work on this issue. I think it is critical that we pass it so that we can move forward and continue Trade Adjustment Assistance.

Equally critical, as you know, Mr. Chairman, I have been working with you and Chairman RANGEL and many others on expanding Trade Adjustment Assistance so that more workers can benefit from it. I know right now we are working on a bill with a variety of different ideas. I think it is critical that we do that full-scale reauthorization and that we expand the bill so that it better protects workers, protects more workers, and makes sure that workers in this country can benefit from the new economy so that we don't have to have these constant wars over trade agreements, so that we can focus on taking advantage of the economic opportunities that are there in today's economy by making sure that the workers who are most vulnerable, who need greater skills, have help so that they too can begin to benefit from the economy.

I appreciate your work on this issue. I look forward to working with you. I know in the next few weeks we will be introducing a bill and we will be moving forward on a broader reauthorization.

I simply urge the body to support this short-term extension in the meantime.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the previous speakers as well that there are lots of challenges that face American workers these days. And whether it is from competition here at home or competition from abroad, technology, or just the fact that our economy continues to transition, families need help in moving with that transition, acquiring the education, the skills. We have a huge mismatch between the jobs available in this country and the skills of the workers who can fill them, and it is important that we bridge that gap.

I would close with this point that Congressman HERGER has made, I think, in all of these hearings. Trade Adjustment Assistance is just one tool in a larger policy toolbox to help workers and families and communities adjust to the new global economy. Trade Adjustment Assistance isn't the proper response to all job loss. Currently we spend billions of dollars each year through a large number of Federal programs, including Trade Adjustment Assistance, to help Americans who lose their jobs.

I think, as we work on this, you take decades-old Federal programs that need reform today such as TAA, improve their effectiveness, improve their efficiency, make sure that we are really getting that help down to families that need it in a timely way, sometimes in advance of those job losses, with the education debit cards and other new ideas that can help these workers recover more quickly. I just think there is an opportunity to work together, Republicans and Democrats, to try to resolve this and find a real good solution for this issue.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

I will close, first of all, if I might, commenting on TAA to the gentleman from Texas and to Mr. McCRERY and Mr. HERGER, who could not be here, we have a lot of work to do on TAA. We are working on legislation that would reform it as well as reauthorize it, that would expand its scope. To exclude service workers, for example, is no longer acceptable, if it ever was.

We also need to be sure that we remove the obstacles to those who have been eligible on paper for TAA but, because of the obstacles and the complexities within the law, have really not been able to access it.

We also need to look at the health benefit because today only about 10 percent of the people who are eligible for TAA ever are able to access the health benefit.

So as mentioned by my friend from Washington and as I said earlier, as Mr. RANGEL has also said publicly, we are working on legislation. We hope to have a draft ready next week, but we want to disseminate it and discuss it within the majority ranks, also to discuss it with the minority, in the hope that perhaps we can obtain strong bipartisan support.

□ 1445

I don't think it's preordained on trade issues; I guess nothing is preordained. But there will be those discussions. But I want to serve notice that we really need to and intend to proceed, that this extension is not an excuse for the lack of basic action.

And, secondly, I want the record to be entirely clear that TAA reform is critical, but it is no substitute for reform of our trade policy. We need to have programs that help those who are disadvantaged by trade, and for other reasons, to be able to have the opportunity, they have the desire, but also the opportunity to do some retraining, to obtain more education to extend their skills so that they can get back on their feet with a living wage.

We also need to pass reform of trade policy that prevents dislocation in the first place, wherever possible. And to have the notion that simply "catch those people who fall off because of dislocation" isn't enough. We have to address the basic issues in trade policy. We began to do that in the Ways and Means Committee today in terms of a Peru FTA that I think are the first steps toward a new trade policy for America. I hope that we can do both and, if at all possible, on a bipartisan basis, but we need to do both.

Mr. HERGER. Mr. Speaker, I support H.R. 3375, a bill to extend the Trade Adjustment Assistance program by three months beyond September 30th, when it would otherwise expire.

I introduced this bill to allow Members adequate time to review and carefully consider the range of existing and forthcoming proposals to reform and expand this very complex and important program. As part of this review, our Committee must consider whether any expansions would create duplicative federal programs and how any such expansions to the TAA program would be covered under the "pay-go" rules.

TAA can be a valuable tool for retraining people and helping return them to work quickly, but the program is in need of reform to do that job better. Moreover, TAA is an expensive federal program, costing taxpayers nearly $1 billion each year, but providing assistance only to some 54,000 workers per year, amounting to $18,000 per worker. In light of this, any expansion of TAA must be done in a cost conscious manner focusing on actual results.

At the same time, we must be mindful that TAA is just one tool in a larger policy toolbox to help workers, families, and communities adjust to the new global economy. TAA is not the proper response to all job loss.

Today, billions of dollars are provided annually through various Federal programs, including TAA, to help Americans who lose their jobs so that they can adapt and return to productive jobs. However, TAA and these other decades-old Federal programs need to be reformed to improve the services that they provide to address job loss due to trade, globalization, technology, and other reasons.

I look forward to working with my Republican and Democratic colleagues in an effort to develop an effective, fiscally sound, and comprehensive approach that would help more American workers, regardless of the reason for their job loss, get retrained and re-enter the workforce as quickly as possible so they can better adapt to the changing global economy

Mr. McCRERY. Mr. Speaker, I rise in support of H.R. 3375, a bill to extend the Trade Adjust Assistance or TAA program for 3 months beyond its expiration on September 30th.

I want to acknowledge Mr. HERGER, ranking member of the trade subcommittee, for anticipating the need for this extension to ensure there is sufficient time to carefully consider reforms to TAA as well as to our programs to help workers if they lose jobs for reasons other than trade. I also want to thank Chairman RANGEL and Chairman LEVIN for their support of this bill.

I look forward to seeing the two Chairmen's TAA reform proposal. My colleagues and I have been working on our own proposal too. I hope we can craft a bipartisan, cost-effective approach that helps get all dislocated workers—not just the few who lose their jobs due to trade—retrained and back to work sooner. It is our responsibility to make sure that all Americans have the opportunity to quickly obtain the skills they need to adapt to globalization.

Today, our Committee held a non-markup of the U.S.-Peru FTA and approved, by voice vote, the draft implementing legislation to it. I commend Chairman RANGEL for his commitment to quickly move this FTA to passage. At the same time, we must implement the pending FTAs with Panama, Colombia, and Korea to enable our workers and their employers to benefit from the new opportunities created by these FTAs.

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 3375, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 548, by the yeas and nays;

H. Res. 642, by the yeas and nays;

H. Res. 557, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

OPPOSING ASSASSINATION OF LEBANESE PUBLIC FIGURES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 548, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 548, as amended.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 15, as follows:

[Roll No. 899]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays

Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Kucinich
Paul

NOT VOTING—15

Berry
Bishop (GA)
Bishop (UT)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Larsen (WA)
Poe
Ross
Snyder

☐ 1513

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COUNTRIES HIT BY HURRICANES FELIX, DEAN, AND HENRIETTE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 642, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 642.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 900]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Kagen
Poe
Ross
Snyder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1520

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OPPOSING SINGLING OUT ISRAEL'S HUMAN RIGHTS RECORD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 557, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 557, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 2, not voting 14, as follows:

[Roll No. 901]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren

Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Kucinich
Paul

NOT VOTING—14

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Johnson, Sam
Poe
Ross
Snyder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1527

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1530

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 976, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 675

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, with Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chairman of the Committee on Energy and Commerce or his designee that the House concur in each of the Senate amendments with the respective amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

POINT OF ORDER

Mr. ROGERS of Michigan. Mr. Speaker, point of order.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman will state his point of order.

Mr. ROGERS of Michigan. Mr. Speaker, I rise for a point of order against consideration of the resolution because it violates clause 9(b) of House rule XXI for failure to disclose a taxpayer-funded earmark contained in the bill.

Section 618 of the Democrats' SCHIP bill contains an undisclosed earmark directing taxpayer funding to a facility located in Memphis, Tennessee, specifically in the district of the gentleman from Tennessee.

Under House rules, all earmarks are supposed to be disclosed, and the Member requesting the earmark is required to certify that he has no financial interest in this earmark.

The earmark contained in this bill has not been disclosed anywhere. In fact, at the Rules Committee last night, my friends in the Democratic leadership certified this bill as "earmark-free," despite the fact that this bill includes an earmark for the gentleman from Tennessee.

The requirements of full disclosure and certification that there is no financial interest have not been met here.

This earmark was not in the House-passed bill, H.R. 976. It was not in the Senate amendment to H.R. 976. I would point out it was in the House-passed H.R. 3192, but it was never disclosed there either.

This bill threatens the important programs that protect the health of seniors and children, and that debate should happen.

This bill spends billions in taxpayer dollars on health insurance for families who make $83,000 a year and on illegal immigrants. This bill ignores House earmark rules to buy votes for its passage.

Mr. Speaker, the American people are entitled to know how their tax dollars are being used. This is why the Republican leadership for months has been requesting a vote on House Resolution 479, legislation that would clarify the rules of our Chamber to ensure all earmarks are publicly disclosed and subject to challenge and debate here on the floor. The majority leadership has unfortunately refused to allow H. Res.

479 to come to the floor for vote. And this is why Republicans had no choice but to file a discharge petition last week that will force H. Res. 479 to the floor.

Mr. Speaker, there is a reason that the American people hold us in lower regard than a twice-convicted used car salesmen. It is because we continue to, in a slap of the face of every American taxpayer who gets up in the morning and plays by the rules, to play politics and slip things into bills that are not only against the rules, but against the integrity and well-standing of this House.

POINT OF ORDER

Mr. McGOVERN. Mr. Speaker, will the gentleman please state his point of order?

The SPEAKER pro tempore. The gentleman from Michigan must confine his remarks to his point of order.

Mr. ROGERS of Michigan. Mr. Speaker, my point of order is that this bill is in violation of 9(b) of House rule XXI for failure to disclose a taxpayer-funded earmark contained in the bill.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

The gentleman from Michigan makes a point of order under clause 9(b) of rule XXI that the resolution waives the application of clause 9(a) of rule XXI. It is correct that clause 9(b) of rule XXI provides a point of order against a rule that waives the application of the clause 9(a) point of order.

In pertinent part, clause 9(a) of rule XXI provides a point of order against a bill, a joint resolution, or a so-called "manager's amendment" thereto unless certain information on congressional earmarks, limited tax benefits and limited tariff benefits is disclosed. But this point of order does not lie against an amendment between the Houses.

House Resolution 675 makes in order a motion to concur in Senate amendments with amendment. Because clause 9(a) of rule XXI does not apply to amendments between the Houses, House Resolution 675 has no tendency to waive its application. The point of order is overruled.

Mr. ROGERS of Michigan. I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. MCGOVERN

Mr. McGOVERN. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 190, not voting 18, as follows:

[Roll No. 902]

AYES—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
English (PA)
Fortenberry
Herger
Hunter
Jindal
Johnson, E. B.
Johnson, Sam
McDermott
Poe
Ross
Snyder

☐ 1557

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, H. Res. 675 provides a rule for consideration of the Senate amendments to H.R. 976, the Children's Health Insurance Program Reauthorization Act.

The rule permits the chairman of the Committee on Energy and Commerce to move that the House concur in the Senate amendments with the amendments printed in the Rules Committee report.

The rule waives all points of order against the motion except those arising under clause 10 of rule XXI.

Finally, the rule provides 1 hour of debate equally divided among and controlled by the chairmen and ranking minority members of the Committee on Energy and Commerce and the Committee on Ways and Means.

Mr. Speaker, the bill before us today represents a defining historic moment for this House. Members of this body will be faced with the simple choice: Will you vote to provide health insurance to millions of children, or will you vote to take health insurance away from the children who currently have it?

Today, over 45 million people living in this country woke up without health care. Millions of them are children whose families make too much to be eligible for Medicaid but not enough to purchase their own insurance.

Studies have shown that the number of uninsured children jumped by 710,000 last year. That is unconscionable; and under the leadership of Speaker PELOSI and the new Democratic Congress, we have begun to change it.

The State Children's Health Insurance Program, or SCHIP, currently provides health care to over 6 million children; but the program will expire in just 6 days unless we act to reauthorize it.

Historically, the SCHIP program has enjoyed bipartisan support. The bill before us today represents a careful, bipartisan compromise that enjoys the support of people like Senator CHUCK GRASSLEY, Senator ORRIN HATCH, Congressman RAY LAHOOD, and Congresswoman HEATHER WILSON.

Frankly, Mr. Speaker, the bill before us does not go as far as I would like. I prefer the bill this House passed a few weeks ago. The House-passed bill not only expanded the SCHIP program to 1 million more children than the bill we'll be voting on today; it also leveled the playing field by adjusting the reimbursements for the Medicare Advantage Program, a program that is in dire need of reform. But I will not and I cannot allow the perfect to be the enemy of the very good, and this is a very good bill.

Under this agreement, health insurance coverage will be provided to millions of children who do not have it today. Quality dental coverage will be provided to all enrolled children. The agreement ensures that States will offer mental health services on par with medical and surgical benefits covered under SCHIP, and the bill also provides States the option to cover prenatal care, ensuring healthy babies and healthy moms.

Now, contrary to the White House rhetoric, the bulk of the children who would gain coverage are poor and near-poor children who are uninsured, not middle-income children with private coverage.

□ 1600

The President would like to suggest that SCHIP is Congress's way of socializing medicine and undermining private health insurance plans, which is interesting, considering that just yesterday this bill was endorsed by America's Health Insurance Plans, the Nation's largest insurance lobbying group. It is also important to note, Mr. Speaker, that this bill is fully paid for. This represents a sharp change from earlier bills that the President enthusiastically supported from the 2003 Medicare prescription drug bill to the Republican energy plans to his tax cuts for the rich, which were all financed by massive amounts of deficit spending.

The President has threatened to veto this bill, Mr. Speaker. That takes my breath away. He didn't veto billions of dollars in tax breaks to oil companies that were gouging people at the pump. He didn't veto billions of dollars in no-bid defense contracts. But he will veto a modest bipartisan bill to provide health care coverage for millions of low- and moderate-income American children?

Now, some of my friends on the other side of the aisle would say that we should simply extend the current SCHIP program, but what they won't tell you is that the spending level supported by the President is not enough even to provide continued coverage for all the children who are currently enrolled. In other words, Mr. Speaker, those who support the President would take health care away from over 800,000 kids who have it today. That is not acceptable. That is cruel.

As the Catholic Health Association has said, "Temporary extensions and/or inadequate funding levels will lead to children losing coverage. That would be an enormous step back for our Nation and a retreat from our collective commitment to cover uninsured children."

Mr. Speaker, this is a defining moment for this Congress. With a "yes" vote on this bill, we can improve the lives of millions of children and their families. A "no" vote is a vote to take health care away from some of the most vulnerable members of the American family.

The choice is clear. I urge a "yes" vote on the rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, today is a defining moment for an insatiable appetite that the new Democrat majority has for spending, spending taxpayer dollars and going well beyond the mission statement of SCHIP. And that is what the day is all about. It is a defining moment with the new Democrat majority seeking a way to have single payer-funded health care for all America. And that is the road that we are defining and beginning again today.

Mr. Speaker, I rise in strong opposition to this completely closed rule that fails to even provide the minority with a motion to recommit, and to the underlying legislation that the minority did not receive until 6:30 last night.

When I came to the floor in the beginning of August to oppose the previous version of this legislation, I explained my opposition to the way that it had been brought to the floor without a single legislative markup. And, unfortunately, again today that fact has not changed. In fact, neither Republican leadership nor Republican members on the House Energy and Commerce Committee had an opportunity to participate in the crafting of the 250-plus pages of legislative language this entire House was provided with just a little bit more than 12 hours ago.

Despite the terrible process surrounding this legislation from start to finish, I would like to once again thank the Democrat leadership for one thing: By cramming this bill through the House for a second time, they are giving every single Member of this body another opportunity to go on record regarding which vision they have for the future of our Nation's health care system that they truly support.

The first vision for our future is to slowly shift away as many Americans as is possible into a one-size-fits-all Washington bureaucrat-run program. And, if nothing else, I congratulate the Democrat leadership for their clarity, because that vision is embodied in H.R. 976.

Rather than taking the opportunity to cover the children who cannot obtain coverage through Medicaid or the private marketplace, this bill uses these children as pawns in their cynical attempt to make millions of Americans completely reliant upon the government for their health care needs.

H.R. 976 also increases government spending and dislocates the private marketplace, leaving taxpayers holding the bag for these increased costs. This bill generally raises the income threshold for eligibility and allows States to qualify anyone receiving these funds, including childless adults and people making over $80,000 a year, despite the fact that this diverts these much needed funds away from helping our Nation's most poorest children.

It would also allow illegal immigrants and aliens to receive these benefits by forcing States to accept nonsecure documents as proof of citizenship for purposes of receiving these funds. I find it both ironic and unfortunate, Mr. Speaker, that the party of HILLARY CLINTON and bureaucrat-run health care would float a proposal in which law-abiding citizens are made to show proof of insurance as a condition of employment, while this legislation would open the door for ineligible and illegal immigrants to receive federally funded benefits, no questions asked.

All of these problems exist on top of a current system which we know that some States already abuse. This bill grandfathers in New York's standard, which provides Federal assistance to those making four times the poverty level, and in New Jersey at 3½ times, while allowing every other State to expand coverage to three times the current poverty level.

Finally, Mr. Speaker, the crowd-out effect created by this big government bill that replaces private insurance with a government program will not provide coverage to more kids. By the CBO estimate, it simply will shift 2.4 million children out of private insurance and into a Federal program that hurts doctors and hospitals by forcing them to deal with government bureaucrats that short-change both patients and providers by undercompensating them for medical services.

If Democrats were serious about ensuring that every American had access to inexpensive and high-quality health care, we would be talking about a different vision today for our health care, one that tackles the system's real underlying problems and revolutionizes our health care system to provide us with better results. This other, Republican vision for improving health access to health insurance includes allowing families to have access to tax exemptions up to $15,000 a year for health care, not just those who work for large employers.

The Republican vision includes giving Americans the ability to purchase health insurance across State lines, because healthy insurance options should not be limited to the State you live in or your zip code. It also includes having Congress act to ensure that those who can't get insurance in the marketplace have access to coverage through high-risk pools and low-income tax credits.

Mr. Speaker, I am not here to oppose the idea of SCHIP. It was a Republican-controlled Congress that created SCHIP, and I support its original, true mission. But H.R. 976 is a camouflaged attempt at slowly siphoning Americans from insurance plans into a Washington, D.C., bureaucrat-run system.

Mr. Speaker, today we fail to address one of the most serious issues facing our Nation: how to make our health insurance system more affordable and accessible for all Americans. And by focusing on the wrong vision for our future, this bill does nothing to address either problem. It ignores the fact that our Nation has produced the greatest health care advantages in the world, many of which have come as a result of our competitive insurance market.

The American survival rate for leukemia is 50 percent; the European rate is just about 35 percent. For prostate cancer, the American survival rate is 81 percent; in France, it is 62 percent; in England, it is 44 percent.

Rather than trying to emulate Europe and its outdated socialized approach, we should be working on a vision to give every single American an opportunity to take part in our competitive insurance market. I encourage my colleagues to oppose this rule and the underlying legislation to drag America into a one-size-fits-all European model.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, before I yield to our next speaker, I just respond to the gentleman from Texas by saying, he talks about this Republican vision for health care; but if my memory is serving me correctly, the Republicans were in charge of the Congress for many years, too many years, if you ask me, and they had the President of the United States of the same party while they were in control of both Congresses.

What they presided over with all their control, this Republican vision that the gentleman from Texas talks about, resulted in more and more and more, millions and millions more Americans falling into the ranks of the uninsured. And many of them are children. Too many are children. We are trying to fix that here. We think it is unconscionable in the richest country on the face of this Earth that millions of children go without health insurance.

Let me just say one other thing. The gentleman made an allusion, too, that this bill would make it easier to enroll illegal immigrants. I want to ask my friend from Texas to read the bill. Section 605, no Federal funds for illegal immigrants. Nothing in this Act allows Federal payment for residents who are not legal residents.

Now, I know that immigrant bashing is the last bastion of the politically desperate, but the fact of the matter is facts are facts. And on documentation, only my Republican friends would argue that poor children should have passports as though they are jetting off to Paris for the spring fashion shows.

The bottom line is, what the gentleman is raising on that level is totally unwarranted.

Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of the bipartisan agreement that will provide health coverage to 10 million children.

We have a moral obligation to protect and nurture our children. No child should go without health care. No child should go without regular checkups, preventive care, and treatment of illnesses. This legislation provides support to those who need it most, our children. And it is long overdue.

This compromise secures coverage for the 37,000 children covered by Iowa's HAWK-I program. It also provides essential funding for the State of Iowa to reach the almost 27,000 children who are eligible for the program but remain uninsured.

Mr. Speaker, healthy children are the foundation of our society and our economy. I sincerely hope that the President will change his mind, put the politics aside, and sign this critical legislation into law. The health, the well-being, and the lives of our children are at stake, and I support the rule.

Mr. SESSIONS. Mr. Speaker, at this time I yield to the gentleman from San Dimas, California, the ranking member on the Rules Committee, the gentleman from California (Mr. DREIER) 6 minutes.

Mr. DREIER. Mr. Speaker, I thank my very good friend from Dallas for yielding this time, and I thank him for his great, very thoughtful statement on this issue.

I have got to say, as I did last night when we met in the Rules Committee, Mr. Speaker, that it really saddens me that we are here at this point. It was very proudly in a Republican Congress with a Democratic President that we came together in a bipartisan way to ensure that the very, very underprivileged in this country, children, would have access to health insurance. It is something that existed for 10 years, and we know that there are still children who are in need and we want to do everything that we possibly can to ensure that children have an opportunity to have access to quality health care. Mr. Speaker, this ain't it. This is not the answer.

I listened to my friend from Worcester begin this very thoughtful statement about bipartisanship. He mentioned two House Republicans and two Senate Republicans who made this a wonderful bipartisan measure. But I would like to yield to my friend and engage in a colloquy with him, if I might.

I see here on the floor the very distinguished ranking minority member of the Committee on Energy and Commerce, the committee that has had jurisdiction over this issue. And I would like to inquire of my friend if he knows if the distinguished gentleman from Texas (Mr. BARTON) was ever invited, as he hails this great spirit of bipartisanship, to any meeting that was held by the majority in attempts to negotiate this measure. I am happy to yield to my friend from Worcester.

☐ 1615

Mr. McGOVERN. I'm sorry, I didn't hear the question of the gentleman from California.

Mr. DREIER. Would the gentleman yield me 1 minute so that I could ask the question again?

Mr. McGOVERN. We have all of our time scheduled. I'm sorry.

Mr. DREIER. Would the gentleman yield me 30 seconds so that I can ask the question? We've got a limited amount of time here and a lot of speakers.

Mr. McGOVERN. We are literally filled up.

Mr. DREIER. So the gentleman chooses not to answer my question then.

Mr. RANGEL. I will answer the question if you yield.

Mr. DREIER. I'd be happy to yield to my very good friend from New York.

Mr. RANGEL. Let me explain to the ranking member how difficult I know it must have been for you to see how the leadership in the House and Senate did this.

Mr. DREIER. Mr. Speaker, let me reclaim my time. I was happy to yield to my friend to answer my question. It was a yes or no question.

Mr. RANGEL. The Republican leadership excluded that man. The Republican leadership excluded him, as I had been excluded as a Democrat. He was excluded from participating by the Republican leaders.

The SPEAKER pro tempore (Mr. SCHIFF). The gentleman from New York will suspend. The gentleman from California controls the time.

Mr. DREIER. Mr. Speaker, the distinguished Chair of the Committee on Ways and Means is a great friend of mine. I'm always happy to yield to him. I was trying to yield to the gentleman from Worcester who is managing this rule——

Mr. RANGEL. He was excluded, too.

Mr. DREIER. I would simply inquire as to whether or not the distinguished ranking member of the Committee on Energy and Commerce, the former chairman of the committee, was invited to participate in this much heralded bipartisan agreement to which Mr. McGOVERN has referred. And I guess the answer that I'm getting with all of this convoluted stuff is no. Well, you know what? Maybe I should yield to the distinguished former chairman of the Committee on Energy and Commerce to inquire of him. Mr. RANGEL and Mr. McGOVERN seem to be unable to answer the question as to whether or not the distinguished former chairman, the ranking member, was invited to participate in this great bipartisan package that we've got. I'm happy to yield to my friend.

Mr. BARTON of Texas. The answer is no. I was allowed to testify at the Rules Committee last evening. That's the only formal opportunity I was ever given in the last 9 months on this bill.

Mr. DREIER. I thank my friend for enlightening us on that, Mr. Speaker, and I will simply say that that demonstrates that, as we've heard about this great quest for bipartisanship in dealing with an issue which should have been completely bipartisan, and was when the Republicans were in the majority, I will say. The American people were represented here in a bipartisan way in fashioning a State Children's Health Insurance Program, SCHIP, that had, first, a Democratic President, Bill Clinton, sign it, and it was a Republican work product.

It saddens me that today we now have a Democratic Congress and a Republican President, and this Republican President is going to veto the measure. Why? Because it dramatically expands the welfare state, undermines the ability for children who are truly in need to get it, and as was pointed out in an Energy and Commerce item, it's a reverse Robin Hood. It takes from the poor with a tax increase, the most regressive tax of all, as was stated by the Congressional Budget Office, and it gives to people who shouldn't even be able to qualify for this program.

And that is, I believe, just plain wrong. It is a mischaracterization of what we should see in a SCHIP program. Everybody wants to make this happen. Governors across the country wanted to make it happen. Of course, they want to have access to these resources. And Democrats and Republicans want to make it happen. But this is not the right bill. If Mr. BARTON had been able to participate, I'm convinced that we would have, Mr. Speaker, had a very decent bill on this.

Now, let me just say that the other thing that really troubles me is what we held our last vote on just a few minutes ago. Let me just very quickly, Mr. Speaker, say that we tried very, very hard at the beginning of this Congress to take the majority at their word when they said there was going to be a great new era of transparency and disclosure and accountability.

Well, 10 days ago, Mr. Speaker, we marked the first anniversary of our passing real earmark reform in this institution. What did it say? It said there would be transparency, accountability and disclosure on items, not just appropriations bills, but on authorizing bills and on tax bills. And, unfortunately, in this so-called new era of transparency and disclosure in this new Congress, we completely subvert the notion of transparency and disclosure on earmarks, as is evidenced in this bill.

When we in the Rules Committee last night saw the majority, and they all voted, we had a recorded vote on this. They chose to waive the provision that would have, in fact, had an opportunity for disclosure and accountability; and they voted, again, against it right here on the House floor. That's why, as was said by Mr. ROGERS earlier, we have a discharge petition so that we can do what we did last September 14, a year ago, and that is have real earmark reform.

Vote "no" on this rule and "no" on the underlying legislation.

Mr. McGOVERN. Mr. Speaker, I'm sorry that the gentleman from California wasn't impressed with the names of the Republican legislators that I met who, I think, have impeccable conservative credentials. But this is a bipartisan effort. In fact, unlike when he was the chairman of the Rules Committee and his party was in control of Congress, bipartisanship now means more than just one Member of the opposing party.

Mr. Speaker, I would like to insert in the RECORD a letter that's in enthusiastic support of this bill sent to Speaker PELOSI signed by 16 other Republicans, and there are many, many more who I hope will support this bill.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 19, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol, Washington, DC.

MADAM SPEAKER: On September 30, 2007, authorization for the State Children's Health Insurance Program will expire, putting at risk the health insurance coverage of six million children. While the House has passed a controversial Medicare and SCHIP reauthorization bill largely along party lines, the Senate has passed bipartisan SCHIP reauthorization legislation without Medicare provisions. We urge you to take up the bipartisan Senate SCHIP bill to reauthorize the program before it expires at the end of the month.

The Senate legislation would reauthorize the program for five years and increase. the authorized funding for the program by $35 billion over that time. The funding would fully fund current program levels and allow for the enrollment of more eligible uninsured children into the program. The Congressional Budget Office estimated the Senate bill would decrease the number of uninsured children by 3.2 million.

We would be supportive of consideration of the Senate SCHIP bill and believe it is the best vehicle for extending the program expeditiously. The health of the nation's children is too important to delay.

Sincerely,

Heather Wilson, John M. McHugh, Mary Bono, Phil English, James T. Walsh, David Reichert, Jo Ann Emerson, Wayne T. Gilchrest, Ralph Regula, Tom Davis, Todd R. Platts, Jim Ramstad, Mark Kirk, Judy Biggert, Rick Renzi, — — —.

Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I've been on the Energy and Commerce Committee 10 years, and it was a dark day that we couldn't mark up this bill simply because the Republican minority wanted to read the bill for 2 days, and so we lost jurisdiction of it. It hurt the Energy and Commerce Committee. But it hurt this House. And that's what we're seeing in this House of Representatives.

We want to do things on a bipartisan basis. And there is not a closer friend I have in the House than JOE BARTON. But as ranking member, we were stuck there for 2 days and couldn't even amend the bill without reading the whole bill. So to pass it in August we had to get it out of the committee. And we didn't do that when we were the minority. We could have, but we also knew that the majority had to rule.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise with the same sadness that was manifested by the ranking member, Mr. DREIER of the Rules Committee, when he spoke about the fact that on an issue like this, if there is ever an issue where we should be able to come together and extend a program, it is this one.

But as we saw last night, with the long, thorough testimony before the Rules Committee, the excessively exclusivist process that has been engaged in by the majority really has affected, in a significant and unfortunate way, the product before us. And Mr. BARTON pointed out, as has already been explained, that he was excluded from the process. And for example, on an issue, despite the fact that it's a major expansion of SCHIP, that we're facing a major expansion here of SCHIP on a very important issue which is the inclusion, for example, of legal immigrant children, they have not been included. For example, that's why we have the National Hispanic Medical Association saying we do not support this legislation, this SCHIP bill that does not include legal immigrant children.

You have the National Hispanic Leadership Agenda: "We cannot support legislation that extends health coverage to some children while explicitly excluding legal immigrant children."

The National Council of La Raza: "We are particularly disheartened that a congressional debate focused on expanding access to health care to children would perpetuate an exclusion for legal immigrants."

Now, one thing would be, Mr. Speaker, if due to limited resources we were simply extending this program, a program that we all agree is so necessary and important. But to see an expansion of the program that excludes legal, and I reiterate, legal immigrant children and pregnant women is most unfortunate. That's why I would include into the RECORD, Mr. Speaker, these letters.

My distinguished friend Mr. PALLONE last night was saying, well, you know, some people in the Senate didn't want that; that's why we don't do it. Mr. BARTON pointed out in Rules that he would have been happy to be there supporting this provision for legal, and I repeat, legal immigrant children. Perhaps that would have been the difference in being able to solve this problem.

Again, exclusivist process leads to an unfortunate result in policy. If there's ever been an example of that, we're seeing it this afternoon. So I oppose this rule, Mr. Speaker, and, at this stage, this unsatisfactory product that is being brought before us and that we should vote down today.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, September 24, 2007.

DEAR MEMBER OF CONGRESS: The National Council of La Raza (NCLR), the largest Hispanic civil rights and advocacy organization in the U.S., urges you to vote "No" on the State Children's Health Insurance Program (SCHIP) reauthorization conference report, legislation that we had hoped to support. The SCHIP conference report deliberately deletes a provision previously approved by the House of Representatives to restore health care coverage for Latino and other legal immigrant children. We cannot support legislation that extends health coverage to some children while explicitly excluding legal immigrant children. We urge Congress to reject the conference report and go back to the drawing board to develop SCHIP reauthorization legislation which will provide health care coverage equitably.

Latino children, who represent two-fifths of uninsured children, are overwhelmingly disconnected from health coverage, so it remains essential for Congress to address the core barriers that prevent them from gaining access to health care. While we acknowledge that the bill has some provisions that will broaden coverage opportunities for some of America's children, including some Latinos, we are deeply dismayed that it fails to include the language of the "Legal Immigrant Children's Health Improvement Act (Legal ICHIA)," which was passed by the House of Representatives with widespread bipartisan support. This important proposal addresses arbitrary restrictions to Medicaid and SCHIP for legal immigrant children and pregnant women and has the potential to extend coverage for hundreds of thousands of vulnerable children.

We are particularly disheartened that a congressional debate which is focused on expanding access to health care to children would perpetuate an exclusion for legal immigrants. It is disingenuous to say to the Latino community that health care is being expanded when a significant proportion of our children are not included.

We cannot accept this unjust and unnecessary inequity. We urge you to oppose the SCHIP conference report and redraft a reauthorization which includes the provisions of "Legal ICHIA." We will recommend that votes associated with this legislation are included in the National Hispanic Leadership Agenda (NHLA) congressional scorecard.

Sincerely,

JANET MURGUÍA
President and CEO.

NATIONAL HISPANIC
LEADERSHIP AGENDA,
Washington, DC, September 24, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MAJORITY LEADER REID AND SPEAKER PELOSI: On behalf of the National Hispanic Leadership Agenda (NHLA), a nonpartisan coalition of 40 major national Hispanic organizations and distinguished leaders, representing 44 million Hispanics, we strongly urge you to include the Legal Immigrant Children's Health Improvement Act (Legal ICHIA) into the final State Children's Health Insurance Program (SCHIP) Conference Report.

Latino children, who represent two-fifths of all uninsured children, are overwhelmingly disenfranchised from health coverage, so it remains essential for Congress to address the core barriers that prevent them from gaining access to health care. Not including Legal ICHIA in the Report is a grave injustice to the thousands of legal immigrant children and pregnant women who will be affected by this exclusion. The ban on covering legal immigrant children who have not been in the U.S. for five years has resulted in high uninsurance rates and lack of preventative care for many Hispanic children. Lifting the restriction to public health care would provide assurance to many families that their children's health conditions could be treated before becoming chronic.

We cannot support legislation that extends health coverage to some children while explicitly excluding legal immigrant children. We urge you to reject the conference report and go back to the drawing board to develop SCHIP reauthorization legislation which will provide health care coverage equitably.

Sincerely,

RONALD BLACKBURN-MORENO,
Chair of the Board of Directors.

NATIONAL HISPANIC
MEDICAL ASSOCIATION,
Washington, DC, September 24, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MAJORITY LEADER REID AND SPEAKER PELOSI: On behalf of the National Hispanic Medical Association (NHMA), a nonprofit association representing 36,000 licensed Hispanic physicians in the United States, we strongly urge you to demonstrate leadership and include the Legal Immigrant Children's Health Improvement Act (Legal ICHIA) into the final State Children's Health Insurance Program (SCHIP) bill.

The mission of NHMA is to improve the health of Hispanics and other underserved populations. We recognize that expansion of health insurance to legal immigrant children in the U.S. would allow a significant number of children to have access to health care that they desperately need in order to be better equipped to learn in school as well as to be able to grow developmentally into healthy adults. Since one in five Hispanic children is currently uninsured, and Hispanics represent the largest group of uninsured in the United States, inclusion of the Legal Immigrant Children's Health Improvement Act into the program is vital to increasing the enrollment numbers of Hispanic children.

In summary, the National Hispanic Medical Association strongly supports the inclusion of expanding access to health insurance for legal immigrant children and pregnant women that would ultimately, increase the quality of life of all Americans. We do not support an SCHIP bill that does not include Legal ICHIA.

Sincerely,

ELENA RIOS,
President and CEO.

Mr. MCGOVERN. Mr. Speaker, let me just say a couple of things with regard to process. The gentleman knows, everybody else knows, the gentleman should know that his Republican colleagues in the Senate blocked a motion to go to conference.

The SCHIP program expires in 6 days, and we don't have time for a House version of a filibuster. A dozen States will run out of SCHIP funding if we do not act. Now is the time to act. So if you want to make sure that those currently enrolled continue to get the health care coverage, then you've got to vote for this. And if you want more children to be enrolled, then you have to vote for this.

On the issue of legal immigrants, I agree. I think all of us here agree that the legal immigrants should be included. The reality is there were not enough Republicans who agree. The Republican leadership has been awful on this issue. And the Republicans in the Senate have said that adding a legal immigrant provision would have killed the bill in the Senate. That is the gentleman's party.

Let me also remind Members of this House that you had an opportunity to vote for an SCHIP that covered legal immigrants. That is what we voted on here in the House, and you all voted "no." You voted "no" on that. You voted not to extend coverage for those legal immigrants in this country, those children of legal immigrants. So I'm not quite sure what you're trying to do here, other than trying to delay this process so we don't get this bill passed.

Mr. Speaker, I'd like to yield 3 minutes to the gentlewoman from California (Ms. MATSUI), a distinguished member of the Rules Committee.

Ms. MATSUI. Mr. Speaker, I rise in support of this rule and the underlying legislation, even though it does not do as much as I would like. In fact, less than 2 months ago I voted with a majority of this body for a bill that covered more children. It strengthened health care for millions of American citizens and restored fairness to our Medicare system and invested in preventive health.

Unfortunately, that bill cannot pass the Senate. And sometimes, in order to make change, we must compromise. Compromise is why we are here today, Mr. Speaker. And though the bill before is us is not ideal, it is a step in the right direction.

It is rare that Members of Congress have the chance to provide health care to 4 million more children with one vote, but that is the opportunity we have today.

My district is like many others in this country. In my hometown of Sacramento, there are children who can see a doctor when they get sick. They go to a pediatrician and get a checkup or have their ear infection examined or their teeth cleaned regularly.

But there are also thousands of children in Sacramento who do not have this access, thousands of kids whose families cannot afford the huge cost of health insurance. These are children who cannot see a doctor until they're seriously ill, children who do not get the medical attention until they get to an emergency room. It is for these children, the thousands in Sacramento and the millions across the country, that we must pass this legislation today.

It is for these children that the President must sign this bill. If he vetoes it, he turns his back on 4 million more children in need. He will disregard the will of a clear majority of the American people.

Mr. Speaker, I stand before this House today as a colleague, but also as a proud grandmother. My 2 grandchildren are named Anna and Robby. Most of what I do in Congress is colored by how it will affect them and their generation.

Anna and Robby are fortunate. They have stable reliable health insurance. Millions of other children are not so lucky. Anna and Robby's peers are the reason I support this compromise bill, Mr. Speaker, even though it ignores many of the problems that the CHAMP Act addressed. Anna and Robby's peers are still the reason we should all support this bill, and they are the reason the President must sign it.

We'll return to this issue soon, Mr. Speaker. We'll finish what we began with the CHAMP Act. But for now, for the sake of millions of children in this country, I urge all my colleagues to support this rule and the underlying legislation.

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Mr. SESSIONS. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Ennis, Texas, the ranking member on Energy and Commerce (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I am going to speak extemporaneously since my prepared remarks are in the RECORD. I remind the body that the Democratic majority took over the House and the Senate in January of this year. They set the schedule. They set the agenda. They decide what hearings are held. They decide what bills are marked up. They decide which issues come to the floor of both bodies. Not the Republicans.

It is insulting to sit here and be told that somehow when the same party, of which I am not a member, controls the agenda in both legislative bodies of this great Congress that somehow the Republicans are responsible for this late effort to reauthorize SCHIP.

I told the distinguished chairman of the Energy and Commerce Committee the day after the election last November, Mr. DINGELL of Michigan, that I was looking forward to working with him on SCHIP reauthorization, and while I don't know it as a fact, I am fairly certain that Mr. MCCRERY had a similar conversation with the distinguished chairman of the Ways and Means Committee, Mr. RANGEL of New York.

Now, how much bipartisan cooperation have we had in the House of Representatives? The answer is almost none. It is my understanding that Mr. RANGEL and Mr. MCCRERY did talk some in their committee, but in the Energy and Commerce Committee we held a number of generic hearings. We never held a hearing specifically on SCHIP. We never held a legislative markup in subcommittee. We never held a legislative hearing or markup in full committee. We got a 565-page bill the night before the scheduled markup, and it was take it or leave it. Well, we left it. And that bill passed the House, but barely.

What has happened since that bill passed? There have been discussions in the Senate between the Republicans and the Democrats apparently, and the House Democratic leadership have participated. But the House Republicans have not been allowed to participate. So what is the result of that? The result of that is a 300-page bill that the House Republicans saw at about 6:14 last evening and a Rules Committee in which it was voted to not give a Republican substitute, not give a Republican amendment, not even give a Republican motion to recommit.

So we are going to have twice now a major bill in which there is bipartisan support for is going to come to the House of Representatives with no Republican input, not even a motion to recommit.

Now, I don't know how many times the Republicans did that to the Democrats in the last several Congresses when we were in the majority, but I bet I could count them on the fingers of one hand, and I might be able to count them on the fingers of one finger.

Don't you think the American people deserve at least a substitute or a motion to recommit? Now, we are going to be given a chance later this evening to have 1 hour of debate, 1 hour of debate, and then an up-or-down vote, and we are going to get enough votes to sustain the President's veto, and maybe next week Mr. DINGELL and Mr. RANGEL and Ms. PELOSI will contact Mr. BOEHNER, Mr. BARTON, and Mr. MCCRERY, and we may yet get this bipartisan agreement. We may get it next week, and I hope we do. But I don't want the American people to be under any illusion. The bill that's coming before the floor tonight is a backroom deal that the most that can be said for it is that it does have money in it for the children of America, which we support. And there are lots of reforms that we probably support, too, if we are ever given the chance to have that discussion.

I would hope we would vote "no" on this rule, take it back to the Rules

Committee, at least make a substitute or a motion to recommit in order, and put back in the rule in terms of earmarks. There are at least two earmarks that we know in the bill that nobody has talked about.

One of the earmarks is from the great State of Michigan, $1.2 billion over 10 years. It's just a gift of $1.2 billion for their FMAP program. And if that's not an earmark, I don't know what is. And under the Democratic leadership's own rule in this Congress, that should have at least been disclosed. And last night at the Rules Committee, they said there were no earmarks in the bill. And I believe when Ms. SLAUGHTER, the distinguished chairman, said that, she believed it. I don't think she knew it was in the bill. But it is. That at least ought to be corrected.

Vote "no" on the rule and send it back to the committee.

Mr. Speaker, this rule is an apt reflection of the underlying SCRIP legislation. Like the bill, it tramples democracy in a feckless commitment to bad politics over good policy. The House Democratic leadership wants to embarrass and weaken the President, and that goal is more important to them than extending health care to needy children.

So we're being instructed—not even asked—to swallow a multi-billion-dollar bill without having a legislative hearing at any level, without having a subcommittee markup and without having a conference. We're each supposed to analyze and comprehend a 299-page enigma that was unveiled last night. There'll be no amendments, of course, and no motion to recommit. This is getting to be a bad habit, isn't it?

Each of us represents several hundred thousand people, and most of them come from families that work hard and pay taxes. They do their part, and we should, too. But we can't do much more than voting object when we are not even able to know what's in the bills we're voting on.

Most of what we know about this SCHIP bill is what we hear in the halls and see in the newspapers. For some, that's enough because the harder we listen and the more we look, the more we discover that is troubling. What on earth is the $1.2 billion earmark for Michigan all about, anyway? And how many more like it are tucked away in this bill?

We cannot actually know most of what's in this bill, but we can suspect much. We can certainly suspect the State Children's Health Insurance Program grew from a fraction of the House SCHIP bill to become an entire pretend conference report. All we know for sure is that we're being asked to pass another major piece of legislation based on blind faith and guesswork.

I wonder why we can't do now what we're surely going to do later—pass a simple extension of the SCRIP program and then have the honest public debate about policy changes that should have occurred over the last 10 months. Mr. DEAL and I propose to extend the authorization of SCRIP for an additional 18 months, and more than a hundred of our colleagues have agreed. There are no gimmicks, no budget trickery, no politics and no changes.

But the majority will want their pound of the President's flesh first. Everybody gets that, and maybe it won't work so well as they hope because, after all, everybody gets it. This rule and this legislation aren't about children or health. They are about a cynical exercise of raw power for the sake of a fleeting political advantage.

I wish the Democrats wouldn't do it this way, but I'm under no illusion that wishin' or hopin' will change the speaker's mind. I look forward to the President's inevitable veto because it will give us a chance to have a real discussion and write a transparent bill instead of foisting this mystery package on the taxpayers and the needy children of America.

We can work together and do this right, and I believe that eventually, we will. The best first step would be to reject this pathetic rule and start working on real legislation now instead of later.

Mr. McGOVERN. Mr. Speaker, let me remind my colleagues that this program expires in 6 days and that the Republicans in the Senate blocked a motion to go to conference. That's why we are here. The other reason why we are here is we want to make sure that 10 million children in this country get health insurance.

Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York, the chairman of the Ways and Means Committee (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I want to support some of what Mr. BARTON has just said in terms of being critical about the manner in which this bill, albeit it helps 3½ million more children, how it got to the floor. And I also want to sympathize with him, having been the ranking member of Ways and Means when the Republicans were in charge, so I know what being excluded means. But I want to assure him that he was not excluded by the House leadership, not the House Democratic leadership and not the House Republican leadership. The criticism that so many people have about this bill is misfounded.

This is not the House bill. For those that are so sensitive about legal immigrants not being covered, you had an opportunity when the bill was in the House to vote for the House bill. And I hope for political reasons when you get back home, that vote was recorded the right way. But the reason it is not in this is because this is not the House bill.

And I want to tell Mr. BARTON that I was invited to go into the back room, but the back room was on the Senate side and it wasn't controlled by the Democratic leadership but by those Republicans who demanded that it be their way or the highway.

So you can debate all you want how you want to help or hurt the children, but don't be critical of the Democratic leadership in the House. Be critical of this bipartisan agreement on what? The Senate bill. And I have been assured by the majority whip of the majority leader in the Senate that he wanted to go to conference, and it would take 60 votes in order to beat a filibuster even for us to have a conference on the bill or perhaps we could have heard from the ranking member and others that would be appointed to the conference.

So the issue today is not how badly really the Republicans in the Senate handled this. They're in charge. They hold us hostage. You need 60 votes. You got a filibuster. So they have now capitulated to this bill that's now before us. And what is your decision? It is either you're going to help the kids or you're not. Either you're going to expand the coverage or you're not. And the President is not going to be in your district if you're lucky, but he doesn't have to explain anything if he vetoes.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, it came up in the point of order about a question of an earmark, and it was raised by the Republican side that that earmark was in my district. And they questioned something that maybe I should have done.

The fact is that part of the bill is in my district. It's The Med, a public hospital that renders charity care to people in Tennessee, Mississippi, Arkansas, and the boothill of Missouri; a hospital almost out of business because of how much charity care that it renders to the folks in those States.

I have no interest in that hospital but that as a congressman who supports that hospital. No personal interest whatsoever. I have great political interest in it because it serves my constituents, the people of Mississippi, and Arkansas. It is questionable whether that is an earmark or not. It was put in with the help of people across the aisle, and I appreciate my Republican colleagues from the State of Tennessee who helped get this in the bill because they see the need to help folks from Mississippi and Arkansas get health care that is provided at The Med and is not reimbursed to The Med. They lost $20 million in funding last year, the citizens of Shelby County who provided that funding at The Med for people in Mississippi and Arkansas, and that funding should continue.

Patients don't stop at State lines and neither should funding. And all this provision does is allow States to request Medicaid reimbursement for their citizens being treated at The Med in Memphis, Tennessee, the "City of Good Abode." I am proud to be a Congressman from Tennessee, and I am proud to represent The Med and take umbrage at any suggestion that I violated any rules in seeing that I worked with my colleagues from Tennessee on the Republican and Democrat side to see that this inequity was corrected.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague of the Rules Committee for allowing me to speak.

I rise today in support of the legislation to reauthorize the SCHIP program. With 6 million American children currently eligible for the program and yet unenrolled, it is time we quit playing politics with their health care and start covering these children.

This bill accomplishes both of these goals and is a true bipartisan, at least in the Senate, bicameral effort that will result in nearly 4 million additional children receiving health insurance coverage under the SCHIP program. This bill wisely retains the House formula and the incentives for States to implement outreach and enrollment tools, which offered the best combination for finding and enrolling eligible children.

However, I have to express regret and disappointment that the bill did not include the House bill's guarantee that children in families earning less than 200 percent of the poverty level will have 12 months of continuous eligibility under SCHIP. The enrollment and outreach package includes an incentive for States to provide this eligibility guarantee. But for a State like mine, we need to ensure that the State of Texas does right by our Texas children and doesn't use that flexibility inherent in the program to kick these kids off the rolls on a budgetary whim. The 175,000 Texas children who were kicked off the rolls in 2003 know all too well of the State's willingness to balance the State budget on their backs, and I hoped that this bill would take away the State's ability to do that in the future.

But like most pieces of compromise legislation, we have to consider the totality of the bill, and the bill should be celebrated for all that it does accomplish.

I hope my colleagues will join me in supporting the legislation and sending a strong message to the President that we must abandon the partisan politics and reauthorize SCHIP for America's children whose parents are working but cannot afford or are not offered employer-based health insurance.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

I rise today in opposition to this rule. It is the latest example of a long line of broken campaign promises made by this Democratic majority to conduct the most open, fair, and inclusive Congress in history. However, the Democrat majority has taken this opportunity yet again to shut out and alienate nearly half of the American population from the democratic process.

But I not only rise today in opposition to the rule but the underlying legislation as well. I do so because this massive expansion of an entitlement program is an irresponsible way to spend American taxpayers' hard-earned money.

Mr. Speaker, the legislation that we will be debating on the floor of the House today increases this government-run health care program far past its original intent to help low-income families purchase health care coverage for their children. The reality is this bill does not protect the most vulnerable amongst our children and citizens. Rather, it diverts these precious resources from those who most need it in order to cover adults and already privately insured children.

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In fact, the extra $35 billion the Democrats are asking American families to pay for is aimed at a population, Mr. Speaker, where 77 percent of the children already have private health insurance coverage. These children would simply be transferred from private insurance coverage to a taxpayer-funded, government-controlled health care entitlement program.

So I wholeheartedly support the concept of the continuation of the SCHIP program, because as a physician for nearly 30 years, I acutely understand how quality health care is critical for our American children. And that's why I am a proud original cosponsor of H.R. 3584, the SCHIP Extension Act.

Mr. Speaker, this legislation looks to extend the current SCHIP program for 18 months, and it focuses the program and its funds on those individuals who really need it: low-income, uninsured American children.

I am also a cosponsor of the Barton-Deal alternative to this 140 percent massive 5-year Democratic expansion. Barton-Deal increases funding by 35 percent, and this is sufficient to cover the poor children who have fallen through the cracks; it is estimated to be 750,000 to 1 million kids. That covers it, Mr. Speaker.

So I, again, want to say that I am adamantly opposed to this legislation, not because I don't support SCHIP, but because this legislation irresponsibly spends American tax dollars. And I believe Congress can and should do a better job, because I believe the American taxpayers deserve better.

I urge all of my colleagues to vote "no" on this rule and the underlying legislation.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT) of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, today's bill certainly does not do enough for America's children; but even too little is too much for President Bush, who seems intent on doing for America's children what he did as Governor for the children of Texas, condemning more and more of them to suffer without health insurance.

As Governor, Mr. Bush refused to lead for Texas children. Our children's health insurance was late, very late. And once we got it, he did all he could to see that as few children as possible were covered, even though the Federal Government was picking up almost 75 cents of every dollar of the bill. Texas has actually refused about $1 billion of Federal money to help our children. And by insisting on such neglect from the start, Mr. Bush has ensured that Texas has the proud record of being number one of all the 50 States in having the highest percentage of children with no health insurance.

Now in alliance with the nicotine peddlers opposing this bill, once again President Bush's greatest concern is that too many children will get insurance coverage. He actually demands that some children must wait an entire year with no insurance at all before they are eligible for CHIP coverage.

Why doesn't the child of a waitress, the child of a construction worker, the child of one of the many workers at a small business that can't afford to provide health insurance to their employees, why doesn't that child deserve a healthy start in life? Painful earaches, a strep throat, a cavity, they deserve swift treatment, not waiting. As President Bush so disdainfully said last month, just take them to the emergency room. It's that kind of indifference, combined with his record in Texas, that demonstrates indifference to the needs of our children and their health insurance as nothing new for our President. But if he prevails today, the number of children who will suffer without adequate health insurance will be even bigger than Texas.

He calls this approach compassionate conservatism. I think most Americans would just call it "cheatin' children."

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the Children's Health Insurance Program is pro-family and pro-work. It is pro-family because few things are more important to a family than the health of their children. It's pro-work because it says to those on welfare, if you will get a job and go to work, you won't lose your health care coverage for your children.

This bill is about helping those who are working hard to help themselves.

By passing this bill, we can ensure that 4 million American children without health insurance will receive better health care.

All too often in years past, Congress has fought hard for powerful special interests for change. Today, we can stand up for the interest of America's children, and we should do it for their sake and for the future of our country.

As a father of two young sons, I hope every Member will ask him or herself just one question, how would I vote if this bill meant the difference between my own children having health care coverage or not? The lives of 4 million children will be affected by how we answer that question today, right now.

Vote "yes" to children's health care. It's the right thing to do.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Texas, a father and a patriot (Mr. HENSARLING).

Mr. HENSARLING. I thank my dear friend for yielding.

I rise in opposition to this rule. I find it somewhat ironic that apparently Members have 5 days to insert something into the RECORD, yet we have less than 24 hours to actually read a 300-page bill.

Mr. Speaker, maybe some people are confused about the debate. Those of us who have plowed through this bill are not. Make no mistake about it, this is a government-run, socialized health care wolf masquerading in the sheepskin of children's health care.

This is only the first battle in this Congress over who will control health care in America. Will it be parents, families and doctors? Or will be it Washington bureaucrats? That's what this debate is all about.

As one of my colleagues, the gentlelady from Oklahoma (Ms. FALLIN), said, and I'll paraphrase, the Democrats now want to turn over your health care, your family's health care to the same Federal Government that can't get you a passport, that can't keep illegal immigrants from crossing our border, and could not competently render aid after Hurricane Katrina. And that's who they want to give your family's health care to.

Now, again, the Democrats claim this is all about insuring low-income children. That debate is false because they know, Mr. Speaker, Medicaid takes care of the children at the poverty level in the current SCHIP program, takes care of the working poor. And today, the Democrats know they could get overwhelmingly bipartisan support if they would reauthorize that, but that's not what they're bringing to the floor. They're bringing us a program that will insure adults, insure families making up to $62,000 a year and in some cases $82,000 a year. And they do this by taxing working poor, by a massive tobacco tax that primarily falls upon families with less than $30,000 in income. That's right, Mr. Speaker, they're going to tax the working poor to give subsidies to those making up to $82,000 a year.

In order to finance this program, the Heritage Foundation has concluded they're going to need 22 million new smokers over the next 10 years just to fund this program.

The Congressional Budget Office said that in effect they will also in this bill take family-chosen health care plans away from 2.1 million families and stick them with a government-run plan instead. They're taking children off of family-chosen health insurance and putting them in government-run plans.

Every American child deserves access to quality, affordable, accessible health care. They deserve the kind of health care that we in Congress and our children enjoy, but that's not what they're receiving here. Instead, in a matter of years, when mothers in America have sick children, they will wait weeks and months to see a marginally competent doctor chosen by a Washington bureaucrat that may or may not do anything to help their children. That's not the way it ought to be in America. We can do better.

Defeat this rule. Defeat this bill.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Massachusetts and the chairman of the full Committee on Ways and Means and the chairman of Energy and Commerce. This is correctly stated by the chairman of the Ways and Means: this is not the House bill.

I love our children. I have great concerns about this legislation, but I have more concerns about my Republican friends who are opposing this legislation, and I am outraged about the President's threat of a veto. Even this bill does not cover the 6 million children that we need to cover, it only covers 2.4 million. My friends, this is not Medicaid; this is SCHIP. This is for working men and women whose children don't have health insurance; 2.8 million are insured. We wanted 5 million, 6 million; but, no, we only have 2.8 million, 3.2 million left out.

And then, of course, there was the possibility of insuring some adults, the most vulnerable sick adults, under SCHIP with remaining monies. This bill does not do that. And then, of course, we look at individuals who are of legal immigrant status and we tell them they cannot be covered—these immigrants are here legally.

We also are asking people to come to the emergency room with a sick child with citizenship documentation. And let me say, this is for all of us. And so you have a sick child and you're looking for citizenship documentation. On the other hand, I am grateful that we have parity with dental and mental care for SCHIP children. And pregnant women are covered. And then we have the ability to enroll the children quickly, because one of the problems of SCHIP is that children are not enrolled. But the real crisis is no answer coming from the White House children's health care. The only thing coming from the White House is a veto pen.

So not only will 6 million children be left out in the cold, but the small number, 2.8 million, that was squeaking through the door will be thrown under the bus because we won't be able to cover them because a veto pen is waiting for us. We can do better. America is better than this.

I love our children. We need to do this in the right way. We certainly don't need a veto pen by the President of the United States. We should love our children and respond to their health needs.

Mr. Speaker, I rise to express my disappointment in the version of the State Children's Health Insurance Program Act of 2007 which has been brought before this body today. This bill, which has been largely driven by the Republicans in the Senate, falls far short of the mark to mend the broken pieces of our healthcare system and provide healthcare coverage for some of our most vulnerable populations in this country. Instead of covering an additional 6 million uninsured children, this bill increases coverage for 3 million, leaving 3 million children uninsured. This bill also fails to provide vision coverage and provides very little mental coverage for our children. Pregnant women may also suffer under this bill because this bill, unlike the previous House version, does not guarantee additional coverage for pregnant women. This bill also denies coverage to parents, college-aged adults, and legal immigrants who currently have coverage in some states.

This is extremely important because reauthorization of SCHIP is crucial to closing the racial and ethnic health disparities in this country. Narrowing health care coverage of our children, as this newly agreed upon version does, clearly falls far short of the goal that we had hoped for in our efforts to decrease health disparities. It is crucial that this Congress continue to bring awareness to the many health concerns facing minority communities and to acknowledge that we need to find solutions to address these concerns. My colleagues in the Congressional Black Caucus and I understand the very difficult challenges facing us in the form of huge health disparities among our community and other minority communities. We will continue to seek solutions to those challenges.

Reauthorization of the SCHIP bill is crucial to realizing those solutions. However, we must not compromise away the health of millions of children who will under this new SCHIP version go without healthcare coverage. It is imperative for us to improve the prospects for living long and healthy lives and fostering an ethic of wellness in African-American and other minority communities.

Looking at the statistics, we know that the lack of healthcare contributes greatly to the racial and ethnic health disparities in this country, so we must provide our children with the health insurance coverage to remain healthy. SCHIP, established in 1997 to serve as the healthcare safety net for low-income uninsured children, has decreased the number of uninsured low-income children in the United States by more than one-third. The reduction in the number of uninsured children is even more striking for minority children.

In 2006, SCHIP provided insurance to 6.7 million children. Of these, 6.2 million were in families whose income was less than $33,200 a year for a family of three. SCHIP works in conjunction with the Medicaid safety net that serves the lowest income children and ones with disabilities. Together, these programs provide necessary preventative, primary and acute healthcare services to more than 30 million children. Eighty-six percent of these children are in working families that are unable to obtain or afford private health insurance. Meanwhile, healthcare through SCHIP is cost effective: it costs a mere $3.34 a day or $100 a month to cover a child under SCHIP, according to the Congressional Budget Office. There are significant benefits of the State Children's Health Insurance Program when looking at specific populations served by this program.

Minority Children: SCHIP has had a dramatic effect in reducing the number of uninsured minority children and providing them access to care; Between 1996 and 2005, the percentage of low-income African American and Hispanic children without insurance decreased substantially; In 1998, roughly 30 percent of Latino children, 20 percent of African American children, and 18 percent of Asian American and Pacific Islander children were uninsured. After enactment, those numbers had dropped by 2004 to about 12 percent, and 8 percent, respectively; Half of all African American and Hispanic children are already covered by SCHIP or Medicaid; More than 80 percent of uninsured African American children and 70 percent of uninsured Hispanic children are eligible but not enrolled in Medicaid and SCHIP, so reauthorizing and increasing support for SCHIP will be crucial to insuring this population.

Prior to enrolling in SCHIP, African American and Hispanic children were much less likely than non-Hispanic White children to have a usual source of care. After they enrolled in SCHIP, these racial and ethnic disparities largely disappeared. In addition, SCHIP eliminated racial and ethnic disparities in unmet medical needs for African American and Hispanic children, putting them on par with White children. SCHIP is also important to children living in urban areas of the country. In urban areas: One in four children has health care coverage through SCHIP. More than half of all children whose family income is $32,180 received health care coverage through SCHIP.

Children in Urban Areas: SCHIP is also important to children living in urban areas of the country. In urban areas: One in four children has health care coverage through SCHIP. More than half of all children whose family income is $32,180 received healthcare coverage through SCHIP.

Children in Rural Communities: SCHIP is significantly important to children living in our country's rural areas. In rural areas: One in three children has health care coverage through SCHIP or more than half of all children whose family income is under $32,180 received healthcare coverage through Medicaid or SCHIP. Seventeen percent of children continue to be of the 50 counties with the highest rates of uninsured children, 44 are rural counties, with many located in the most remote and isolated parts of the country. Because the goal is to reduce the number of uninsured children, reauthorizing and increasing support for SCHIP will be crucial to helping the uninsured in these counties and reducing the 17 percent of uninsured.

Mr. Speaker, I would much rather we extend the deadline for reauthorization of SCHIP, while we diligently and reasonably consider the unsettled issues in this debate so that millions of the most vulnerable population, including many African American and other minority children can receive the health care coverage they need to remain healthy and develop into productive citizens of this great country. It is not as important to reauthorize an inferior bill under pressure of fast-approaching deadlines, as it is to ensure that we provide health care to those children who remain vulnerable to health disparities. I urge my colleagues to join me in ensuring health care coverage for millions of children and reducing health disparities among the most vulnerable populations.

Mr. McGOVERN. Mr. Speaker, I would like to yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

I urge my colleagues to invest in our children's health by approving this bipartisan legislation.

It amazes me that the President of the United States can support testing our children in school repeatedly under No Child Left Behind, but doesn't think we should test them for hepatitis, let alone vaccinate them against the disease.

The President claims that everybody already has access to health care through the emergency room. This is not only callous; it's a terrible way to get health care and it is factually wrong. Every family does not have access.

Now, there are no surprises here in this legislation. No matter how often the President or some of his apologists here on the Republican side of the aisle say it, this is not a giveaway to the middle class; it's not socialized medicine. That's why 86 percent of our Governors, including 16 Republican Governors, support this legislation and are looking, actually, to use it to increase the number of vulnerable families who receive health care.

How can some claim that ours is the best health care system in the world when it is inaccessible to 10 million of our most vulnerable citizens, our children of working class families, none of whom can afford their own health care? I urge my colleagues to take a stand, join this bipartisan consensus, vote to extend the program, and resist the President's veto.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I am pleased to rise in support of this rule to reauthorize the Children's Health Insurance Program. It is critical that we pass this legislation, and with the funding for SCHIP program scheduled to expire in 5 days from now, it is critical that we pass it today.

SCHIP began in 1997 and has been a true success story. While the number of uninsured adults has steadily climbed over the past 10 years, currently 47 million Americans without health insurance, the number of uninsured children in our Nation has declined by nearly a third.

This program has made health insurance a reality for over 12,000 children in my home State of Rhode Island this year, the majority of them in families where one or more adults is part of the workforce. It is a critical component of health care delivery in Rhode Island, as it is across the country.

By reauthorizing the SCHIP program, we renew our national commitment to achieving the goal of insuring all children whose parents cannot afford private health insurance coverage.

I urge my colleagues to vote in favor of this rule which will allow us to preserve and strengthen this tremendously successful program. It is the compassionate thing to do, it's the right thing to do, and I urge my colleagues to support SCHIP reauthorization.

□ 1700

Mr. SESSIONS. Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to allow for consideration of H. Res. 479, a resolution that I call the "Earmark Accountability Rule." It seems like we need a lot more accountability. We had to learn today that through a loophole that evidently we don't have to have all earmarks to be accounted for in the bills that come to this floor of the House of Representatives despite what we were told just a few months ago.

Last night in the "Graveyard of Good Ideas," which is the Rules Committee, I made a motion that would have the Democrats enforce their own earmark proposal by allowing points of order regarding earmarks to be raised on this legislation. As expected, the vote failed along party lines with every Democrat member present voting to waive their own earmark rules for this bill. I am greatly disappointed in that outcome. So today I am giving the entire House, not just the nine Democrat members of the Rules Committee, whose word we are expected to take that this legislation contains no earmarks, an opportunity to correct that mistake.

This rules change would simply allow the House to debate openly and honestly about the validity and accuracy of earmarks contained in all bills, not just appropriations bills. If we defeat the previous question, we can address that problem today and restore this Congress' nonexistent credibility when it comes to the enforcement of its own rules.

I ask unanimous consent to have the text of this amendment and extraneous material appear in the RECORD just before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, today, once again, we have a rule that is on the floor of the House of Representatives that is neither open nor I think passes the standard of accountability to the American people nor fairness that they spoke about. Last night, the Rules Committee and minority received this bill just 1 hour and 15 minutes before the Rules Committee was to meet. It involved no feedback from Republican Members, especially those who have jurisdiction over this from the Energy and Commerce Committee.

I am disappointed. I am disappointed that, once again, we have to come to the floor of the House of Representatives after asking a straightforward question last night to the chairman of the Rules Committee, "Are there any earmarks in this legislation? We think we found three," only to come to the floor today and find out, oops, no, we got a loophole, had to find a loophole.

This is crass. It is really politics over policy. I know many people want the United States House of Representatives to be higher in the polls. We are at 11 percent right now. People scratch their head and wonder why. Well, with the way that this House is running, not living up to their word, even the word in committee among colleagues who have been with each other for 9 years that I have been on the Rules Committee where a person looked right at me and said, "There is nothing in that bill," I think we can do better.

Mr. Speaker, I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, let me begin by saying that this is a proud day for the House of Representatives. If we can pass the bill and send it to the President, that will guarantee 10 million children who don't have health insurance currently that they will get health insurance. That is something we can be proud of. That is an accomplishment. That is results.

We have heard a lot of excuses from the other side. A lot of my friends say, "I love SCHIP, but I just don't want to vote for it. I love all of our children in this country. I believe everybody should have insurance, but I am not willing to vote to make sure that they have insurance."

Well, Mr. Speaker, that doesn't cut it. The American people are sick of the stalling tactics. They are sick of the excuses. They are sick of the lack of results that they have seen in the area of making sure that everybody in this country gets health insurance. And that is one of the reasons why, I should tell the gentleman from Texas, why his party lost in the last election, because it was perceived by the American people that his party wasn't responding to the real challenges and the real needs of the American people, that they were indifferent to the plight of uninsured children across this country.

It is time to do the right thing, Mr. Speaker. As I said in the very beginning of this debate, the choice really is very simple, will you vote to provide health insurance to millions of children, or will you vote to take health insurance away from children who currently have it? This is the choice. Voting "no" or voting for all the procedural motions that the gentleman from Texas has put forward will basically result in children currently who have insurance losing that insurance, because the President's plan doesn't provide nearly enough money to cover those who are already enrolled in the program. But we need to do better.

The bottom line is that we are the richest country on the face of the Earth. It is unconscionable that every person in this country does not have health care. It is even more outrageous that our children don't have health insurance. It is, quite frankly, outrageous that the President of the United States is holding a veto threat over this bill, a bill to guarantee that more of our children have health insurance. Of all the things he could possibly veto, this is where he draws the line in the sand when it comes to making sure that our kids get the health care they deserve? It takes my breath away when I think that this is the issue that he chooses to have a fight over, health insurance for our children. I am grateful that there are Republicans who are going to join with us on this vote.

So, Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 675 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 675, if ordered, and suspending the rules and agreeing to House Resolution 95.

The vote was taken by electronic device, and there were—yeas 218, nays 197, not voting 17, as follows:

[Roll No. 903]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Berry
Bishop (GA)
Blunt
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Johnson, Sam
Jones (OH)
Poe
Putnam
Ross
Snyder

□ 1732

Messrs. DAVIS of Kentucky, LEWIS of California, and STEARNS changed their vote from "yea" to "nay."

Messrs. GENE GREEN of Texas, HIGGINS, and MOORE of Kansas changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SCHIFF). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 215, noes 199, answered "present" 2, not voting 16, as follows:

[Roll No. 904]

AYES—215

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)

Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Kaptur
Watson

NOT VOTING—16

Berry
Bishop (GA)
Blunt
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Johnson, Sam
Poe
Putnam
Ross
Snyder

□ 1741

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF CAMPUS FIRE SAFETY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 95, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the resolution, H. Res. 95, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows:

[Roll No. 905]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf

Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Berry
Bishop (GA)
Blumenauer
Blunt
Carson
Cleaver
Cubin
Davis (IL)
Davis, Jo Ann
DeFazio
Delahunt
Forbes
Herger
Jindal
Johnson, E. B.
Johnson, Sam
Moran (VA)
Murtha
Obey
Poe
Putnam
Ross
Rush
Snyder
Stark
Weldon (FL)

☐ 1747

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PUTNAM. Mr. Speaker: on Tuesday, September 25, 2007, I had obligations that caused me to miss three votes. Had I been here, I would have voted: "nay" on the Previous Question on the Rule for H.R. 976 (SCHIP). "Nay" on the Rule for H.R. 976 (SCHIP). "Yea" on H. Res. 95 "Expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 52, CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–348) on the resolution (H. Res. 677) providing for consideration of the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2693, POPCORN WORKERS LUNG DISEASE PREVENTION ACT

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–349) on the resolution (H. Res. 678) providing for consideration of the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1837

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHIFF) at 6 o'clock and 37 minutes p.m.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. DINGELL. Mr. Speaker, pursuant to H. Res. 675, I call up from the Speaker's table the bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, with Senate amendments thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Health Insurance Program Reauthorization Act of 2007".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO MEDICAID; CHIP; SECRETARY.—In this Act:

(1) CHIP.—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.

TITLE I—FINANCING OF CHIP

Sec. 101. Extension of CHIP.
Sec. 102. Allotments for the 50 States and the District of Columbia.
Sec. 103. One-time appropriation.
Sec. 104. Improving funding for the territories under CHIP and Medicaid.
Sec. 105. Incentive bonuses for States.
Sec. 106. Phase-out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
Sec. 107. State option to cover low-income pregnant women under CHIP through a State plan amendment.
Sec. 108. CHIP Contingency fund.
Sec. 109. Two-year availability of allotments; expenditures counted against oldest allotments.
Sec. 110. Limitation on matching rate for States that propose to cover children with effective family income that exceeds 300 percent of the poverty line.
Sec. 111. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.

TITLE II—OUTREACH AND ENROLLMENT

Sec. 201. Grants for outreach and enrollment.
Sec. 202. Increased outreach and enrollment of Indians.
Sec. 203. Demonstration program to permit States to rely on findings by an Express Lane agency to determine components of a child's eligibility for Medicaid or CHIP.
Sec. 204. Authorization of certain information disclosures to simplify health coverage determinations.

TITLE III—REDUCING BARRIERS TO ENROLLMENT

Sec. 301. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
Sec. 302. Reducing administrative barriers to enrollment.

TITLE IV—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 401. Additional State option for providing premium assistance.
Sec. 402. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 411. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE V—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

Sec. 501. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
Sec. 502. Improved information regarding access to coverage under CHIP.
Sec. 503. Application of certain managed care quality safeguards to CHIP.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical correction regarding current State authority under Medicaid.
Sec. 602. Payment error rate measurement ("PERM").
Sec. 603. Elimination of counting medicaid child presumptive eligibility costs against title XXI allotment.
Sec. 604. Improving data collection.
Sec. 605. Deficit Reduction Act technical corrections.
Sec. 606. Elimination of confusing program references.
Sec. 607. Mental health parity in CHIP plans.
Sec. 608. Dental health grants.
Sec. 609. Application of prospective payment system for services provided by Federally-qualified health centers and rural health clinics.
Sec. 610. Support for injured servicemembers.
Sec. 611. Military family job protection.
Sec. 612. Sense of Senate regarding access to affordable and meaningful health insurance coverage.
Sec. 613. Demonstraion projects relating to diabetes prevention.

Sec. 614. Outreach regarding health insurance options available to children.

TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.
Sec. 702. Administrative improvements.
Sec. 703. Time for payment of corporate estimated taxes.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

TITLE I—FINANCING OF CHIP

SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(11) for fiscal year 2008, $9,125,000,000;

"(12) for fiscal year 2009, $10,675,000,000;

"(13) for fiscal year 2010, $11,850,000,000;

"(14) for fiscal year 2011, $13,750,000,000; and

"(15) for fiscal year 2012, for purposes of making 2 semi-annual allotments—

"(A) $1,750,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012, and

"(B) $1,750,000,000 for the period beginning on April 1, 2012, and ending on September 30, 2012.".

SEC. 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.

(a) In General.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) Determination of Allotments for the 50 States and the District of Columbia for Fiscal Years 2008 Through 2012.—

"(1) Computation of allotment.—

"(A) In general.—Subject to the succeeding paragraphs of this subsection, the Secretary shall for each of fiscal years 2008 through 2012 allot to each subsection (b) State from the available national allotment an amount equal to 110 percent of—

"(i) in the case of fiscal year 2008, the highest of the amounts determined under paragraph (2);

"(ii) in the case of each of fiscal years 2009 through 2011, the Federal share of the expenditures determined under subparagraph (B) for the fiscal year; and

"(iii) beginning with fiscal year 2012, subject to subparagraph (E), each semi-annual allotment determined under subparagraph (D).

"(B) Projected state expenditures for the fiscal year.—For purposes of subparagraphs (A)(ii) and (D), the expenditures determined under this subparagraph for a fiscal year are the projected expenditures under the State child health plan for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year).

"(C) Available national allotment.—For purposes of this subsection, the term 'available national allotment' means, with respect to any fiscal year, the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of the allotments made for the fiscal year under subsection (c). Subject to paragraph (3)(B), the available national allotment with respect to the amount available under subsection (a)(15)(A) for fiscal year 2012 shall be increased by the amount of the appropriation for the period beginning on October 1 and ending on March 31 of such fiscal year under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007.

"(D) Semi-annual allotments.—For purposes of subparagraph (A)(iii), the semi-annual allotments determined under this paragraph with respect to a fiscal year are as follows:

"(i) For the period beginning on October 1 and ending on March 31 of the fiscal year, the Federal share of the portion of the expenditures determined under subparagraph (B) for the fiscal year which are allocable to such period.

"(ii) For the period beginning on April 1 and ending on September 30 of the fiscal year, the Federal share of the portion of the expenditures determined under subparagraph (B) for the fiscal year which are allocable to such period.

"(E) Availability.—Each semi-annual allotment made under subparagraph (A)(iii) shall remain available for expenditure under this title for periods after the period specified in subparagraph (D) for purposes of determining the allotment in the same manner as the allotment would have been available for expenditure if made for an entire fiscal year.

"(2) Special rule for fiscal year 2008.—

"(A) In general.—For purposes of paragraph (1)(A)(i), the amounts determined under this paragraph for fiscal year 2008 are as follows:

"(i) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

"(ii) The Federal share of the amount allotted to the State for fiscal year 2007 under subsection (b), multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

"(iii) Only in the case of—

"(I) a State that received a payment, redistribution, or allotment under any of paragraphs (1), (2), or (4) of subsection (h), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary;

"(II) a State whose projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the May 2006 estimates certified by the State to the Secretary, were at least $95,000,000 but not more than $96,000,000 higher than the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the November 2006 estimates, the amount of the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the May 2006 estimates; or

"(III) a State whose projected total Federal payments under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, exceeded all amounts available to the State for expenditure for fiscal year 2007 (including any amounts paid, allotted, or redistributed to the State in prior fiscal years), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

"(iv) The projected total Federal payments to the State under this title for fiscal year 2008, as determined on the basis of the August 2007 projections certified by the State to the Secretary by not later than September 30, 2007.

"(B) Annual adjustment for health care cost growth and child population growth.—The annual adjustment determined under this subparagraph for a fiscal year with respect to a State is equal to the product of the amounts determined under clauses (i) and (ii):

"(i) Per capita health care growth.—1 plus the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

"(ii) Child population growth.—1.01 plus the percentage change in the population of children under 19 years of age in the State from July 1 of the fiscal year preceding the fiscal year involved to July 1 of the fiscal year involved, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census.

"(C) Definition.—For purposes of subparagraph (B), the term 'fiscal year involved' means the fiscal year for which an allotment under this subsection is being determined.

"(D) Proration rule.—If, after the application of this paragraph without regard to this subparagraph, the sum of the State allotments determined under this paragraph for fiscal year 2008 exceeds the available national allotment for fiscal year 2008, the Secretary shall reduce each such allotment on a proportional basis.

"(3) Alternative allotments for fiscal years 2009 through 2012.—

"(A) In general.—If the sum of the State allotments determined under paragraph (1)(A)(ii) for any of fiscal years 2009 through 2011 exceeds the available national allotment for the fiscal year, the Secretary shall allot to each subsection (b) State from the available national allotment for the fiscal year an amount equal to the product of—

"(i) the available national allotment for the fiscal year; and

"(ii) the percentage equal to the sum of the State allotment factors for the fiscal year determined under paragraph (4) with respect to the State.

"(B) Special rules beginning in fiscal year 2012.—Beginning in fiscal year 2012—

"(i) this paragraph shall be applied separately with respect to each of the periods described in clauses (i) and (ii) of paragraph (1)(D) and the available national allotment for each such period shall be the amount appropriated for such period (rather than the amount appropriated for the entire fiscal year), reduced by the amount of the allotments made for the fiscal year under subsection (c) for each such period, and

"(ii) if—

"(I) the sum of the State allotments determined under paragraph (1)(A)(iii) for either such period exceeds the amount of such available national allotment for such period, the Secretary shall make the allotment for each State for such period in the same manner as under subparagraph (A), and

"(II) the amount of such available national allotment for either such period exceeds the sum of the State allotments determined under paragraph (1)(A)(iii) for such period, the Secretary shall increase the allotment for each State for such period by the amount that bears the same ratio to such excess as the State's allotment determined under paragraph (1)(A)(iii) for such period (without regard to this subparagraph) bears to the sum of such allotments for all States.

"(4) Weighted factors.—

"(A) Factors described.—For purposes of paragraph (3), the factors described in this subparagraph are the following:

"(i) Projected state expenditures for the fiscal year.—The ratio of the projected expenditures under the State child health plan for the fiscal year (as certified by the State to the Secretary by not later than August 31 of the preceding fiscal year) to the sum of the projected expenditures under all such plans for all subsection (b) States for the fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(ii) Number of low-income children in the state.—The ratio of the number of low-income children in the State, as determined on the basis of the most timely and accurate published estimates of the Bureau of the Census, to the sum of the number of low-income children so determined for all subsection (b) States for such *fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).*

"(iii) PROJECTED STATE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—The ratio of the projected expenditures under the State child health plan for the preceding fiscal year (as determined on the basis of the projections certified by the State to the Secretary for November of the fiscal year), to the sum of the projected expenditures under all such plans for all subsection (b) States for such preceding fiscal year (as so determined), multiplied by the applicable percentage weight assigned under subparagraph (B).

"(iv) ACTUAL STATE EXPENDITURES FOR THE SECOND PRECEDING FISCAL YEAR.—The ratio of the actual expenditures under the State child health plan for the second preceding fiscal year, as determined by the Secretary on the basis of expenditure data reported by States on CMS Form 64 or CMS Form 21, to such sum of the actual expenditures under all such plans for all subsection (b) States for such second preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(B) ASSIGNMENT OF WEIGHTS.—For each of fiscal years 2009 through 2012, the applicable weights assigned under this subparagraph are the following:

"(i) With respect to the factor described in subparagraph (A)(i), a weight of 75 percent for each such fiscal year.

"(ii) With respect to the factor described in subparagraph (A)(ii), a weight of 12½ percent for each such fiscal year.

"(iii) With respect to the factor described in subparagraph (A)(iii), a weight of 7½ percent for each such fiscal year.

"(iv) With respect to the factor described in subparagraph (A)(iv), a weight of 5 percent for each such fiscal year.

"(5) DEMONSTRATION OF NEED FOR INCREASED ALLOTMENT BASED ON PROJECTED STATE EXPENDITURES EXCEEDING 10 PERCENT OF THE PRECEDING FISCAL YEAR ALLOTMENT.—

"(A) IN GENERAL.—If the projected expenditures under the State child health plan described in paragraph (1)(B) for any of fiscal years 2009 through 2012 are at least 10 percent more than the allotment determined for the State for the preceding fiscal year (determined without regard to paragraph (2)(D) or paragraph (3)), and, during the preceding fiscal year, the State did not receive approval for a State plan amendment or waiver to expand coverage under the State child health plan or did not receive a CHIP contingency fund payment under subsection (k)—

"(i) the State shall submit to the Secretary, by not later than August 31 of the preceding fiscal year, information relating to the factors that contributed to the need for the increase in the State's allotment for the fiscal year, as well as any other additional information that the Secretary may require for the State to demonstrate the need for the increase in the State's allotment for the fiscal year;

"(ii) the Secretary shall—

"(I) review the information submitted under clause (i);

"(II) notify the State in writing within 60 days after receipt of the information that—

"(aa) the projected expenditures under the State child health plan are approved or disapproved (and if disapproved, the reasons for disapproval); or

"(bb) specified additional information is needed; and

"(III) if the Secretary disapproved the projected expenditures or determined additional information is needed, provide the State with a reasonable opportunity to submit additional information to demonstrate the need for the increase in the State's allotment for the fiscal year.

"(B) PROVISIONAL AND FINAL ALLOTMENT.—In the case of a State described in subparagraph (A) for which the Secretary has not determined by September 30 of a fiscal year whether the State has demonstrated the need for the increase in the State's allotment for the succeeding fiscal year, the Secretary shall provide the State with a provisional allotment for the fiscal year equal to 110 percent of the allotment determined for the State under this subsection for the preceding fiscal year (determined without regard to paragraph (2)(D) or paragraph (3)), and may, not later than November 30 of the fiscal year, adjust the State's allotment (and the allotments of other subsection (b) States), as necessary (and, if applicable, subject to paragraph (3)), on the basis of information submitted by the State in accordance with subparagraph (A).

"(6) SPECIAL RULES.—

"(A) DEADLINE AND DATA FOR DETERMINING FISCAL YEAR 2008 ALLOTMENTS.—In computing the amounts under paragraph (2)(A) and subsection (c)(5)(A) that determine the allotments to subsection (b) States and territories for fiscal year 2008, the Secretary shall use the most recent data available to the Secretary before the start of that fiscal year. The Secretary may adjust such amounts and allotments, as necessary, on the basis of the expenditure data for the prior year reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2007, but in no case shall the Secretary adjust the allotments provided under paragraph (2)(A) or subsection (c)(5)(A) for fiscal year 2008 after December 31, 2007.

"(B) INCLUSION OF CERTAIN EXPENDITURES.—

"(i) PROJECTED EXPENDITURES OF QUALIFYING STATES.—Payments made or projected to be made to a qualifying State described in paragraph (2) of section 2105(g) for expenditures described in paragraph (1)(B)(ii) or (4)(B) of that section shall be included for purposes of determining the projected expenditures described in paragraph (1)(B) with respect to the allotments determined for each of fiscal years 2009 through 2012 and for purposes of determining the amounts described in clauses (i) and (iv) of paragraph (2)(A) with respect to the allotments determined for fiscal year 2008.

"(ii) PROJECTED EXPENDITURES UNDER BLOCK GRANT SET-ASIDES FOR NONPREGNANT CHILDLESS ADULTS AND PARENTS.—Payments projected to be made to a State under subsection (a) or (b) of section 2111 shall be included for purposes of determining the projected expenditures described in paragraph (1)(B) with respect to the allotments determined for each of fiscal years 2009 through 2012 (to the extent such payments are permitted under such section), including for purposes of allocating such expenditures for purposes of clauses (i) and (ii) of paragraph (1)(D).

"(7) SUBSECTION (b) STATE.—In this subsection, the term 'subsection (b) State' means 1 of the 50 States or the District of Columbia.".

(b) CONFORMING AMENDMENTS.—Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)";

(2) in subsection (b)(1), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)"; and

(3) in subsection (c)(1), by striking "subsection (d)" and inserting "subsections (d), (h), and (i)".

SEC. 103. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $12,500,000,000 to accompany the allotment made for the period beginning on October 1, 2011, and ending on March 31, 2012, under section 2104(a)(15)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(15)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under subsections (c)(5) and (i) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for the first 6 months of fiscal year 2012 in the same manner as allotments are provided under subsection (a)(15)(A) of such section and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(15)(A).

SEC. 104. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) UPDATE OF CHIP ALLOTMENTS.—Section 2104(c) (42 U.S.C. 1397dd(c)) is amended—

(1) in paragraph (1), by inserting "and paragraphs (5) and (6)" after "and (i)"; and

(2) by adding at the end the following new paragraphs:

"(5) ANNUAL ALLOTMENTS FOR TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—Of the total allotment amount appropriated under subsection (a) for a fiscal year beginning with fiscal year 2008, the Secretary shall allot to each of the commonwealths and territories described in paragraph (3) the following:

"(A) FISCAL YEAR 2008.—For fiscal year 2008, the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the annual adjustment determined under subsection (i)(2)(B) for fiscal year 2008, except that clause (ii) thereof shall be applied by substituting 'the United States' for 'the State'.

"(B) FISCAL YEARS 2009 THROUGH 2012.—

"(i) IN GENERAL.—For each of fiscal years 2009 through 2012, except as provided in clause (ii), the amount determined under this paragraph for the preceding fiscal year multiplied by the annual adjustment determined under subsection (i)(2)(B) for the fiscal year, except that clause (ii) thereof shall be applied by substituting 'the United States' for 'the State'.

"(ii) SPECIAL RULE FOR FISCAL YEAR 2012.—In the case of fiscal year 2012—

"(I) 89 percent of the amount allocated to the commonwealth or territory for such fiscal year (without regard to this subclause) shall be allocated for the period beginning on October 1, 2011, and ending on March 31, 2012, and

"(II) 11 percent of such amount shall be allocated for the period beginning on April 1, 2012, and ending on September 30, 2012.".

(b) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2008, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.".

(c) GAO STUDY AND REPORT.—Not later than September 30, 2009, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress regarding Federal funding under Medicaid and CHIP for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations for improving Federal funding under Medicaid and CHIP for such commonwealths and territories.

SEC. 105. INCENTIVE BONUSES FOR STATES.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

"(j) INCENTIVE BONUSES.—

"(1) ESTABLISHMENT OF INCENTIVE POOL FROM UNOBLIGATED NATIONAL ALLOTMENT AND UNEXPENDED STATE ALLOTMENTS.—

"(A) IN GENERAL.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP Incentive Bonuses Pool' (in this subsection referred to as the 'Incentive Pool'). Amounts in the Incentive Pool are authorized to be appropriated for payments under this subsection and shall remain available until expended.

"(B) DEPOSITS THROUGH INITIAL APPROPRIATION AND TRANSFERS OF FUNDS.—

"(i) INITIAL APPROPRIATION.—There is appropriated to the Incentive Pool, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008.

"(ii) TRANSFERS.—Notwithstanding any other provision of law, the following amounts are hereby appropriated or transferred to, deposited in, and made available for expenditure from the Incentive Pool on the following dates:

"(I) UNEXPENDED FISCAL YEAR 2006 AND 2007 ALLOTMENTS.—On December 31, 2007, the sum for all States of the excess (if any) for each State of—

"(aa) the aggregate allotments provided for the State under subsection (b) or (c) for fiscal years 2006 and 2007 that are not expended by September 30, 2007, over

"(bb) an amount equal to 50 percent of the allotment provided for the State under subsection (c) or (i) for fiscal year 2008 (as determined in accordance with subsection (i)(6)).

"(II) UNOBLIGATED NATIONAL ALLOTMENT.—

"(aa) FISCAL YEARS 2008 THROUGH 2011.—On December 31 of fiscal year 2008, and on December 31 of each succeeding fiscal year through fiscal year 2011, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

"(bb) FIRST HALF OF FISCAL YEAR 2012.—On December 31 of fiscal year 2012, the portion, if any, of the sum of the amounts appropriated under subsection (a)(15)(A) and under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007 for the period beginning on October 1, 2011, and ending on March 31, 2012, that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(cc) SECOND HALF OF FISCAL YEAR 2012.—On June 30 of fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a)(15)(B) for the period beginning on April 1, 2012, and ending on September 30, 2012, that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(III) PERCENTAGE OF STATE ALLOTMENTS THAT ARE UNEXPENDED BY THE END OF THE FIRST YEAR OF AVAILABILITY BEGINNING WITH THE FISCAL YEAR 2009 ALLOTMENTS.—On October 1 of each of fiscal years 2009 through 2012, the sum for all States for such fiscal year (the 'current fiscal year') of the excess (if any) for each State of—

"(aa) the allotment made for the State under subsection (b), (c), or (i) for the fiscal year preceding the current fiscal year (reduced by any amounts set aside under section 2111(a)(3)) that is not expended by the end of such preceding fiscal year, over

"(bb) an amount equal to the applicable percentage (for the fiscal year) of the allotment made for the State under subsection (b), (c), or (i) (as so reduced) for such preceding fiscal year.

For purposes of item (bb), the applicable percentage is 20 percent for fiscal year 2009, and 10 percent for each of fiscal years 2010, 2011, and 2012.

"(IV) REMAINDER OF STATE ALLOTMENTS THAT ARE UNEXPENDED BY THE END OF THE PERIOD OF AVAILABILITY BEGINNING WITH THE FISCAL YEAR 2006 ALLOTMENTS.—On October 1 of each of fiscal years 2009 through 2012, the total amount of allotments made to States under subsection (b), (c), or (i) for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006 allotments) and remaining after the application of subclause (III) that are not expended by September 30 of the preceding fiscal year.

"(V) UNEXPENDED TRANSITIONAL COVERAGE BLOCK GRANT FOR NONPREGNANT CHILDLESS ADULTS.—On October 1, 2009, any amounts set aside under section 2111(a)(3) that are not expended by September 30, 2009.

"(VI) EXCESS CHIP CONTINGENCY FUNDS.—

"(aa) AMOUNTS IN EXCESS OF THE AGGREGATE CAP.—On October 1 of each of fiscal years 2010 through 2012, any amount in excess of the aggregate cap applicable to the CHIP Contingency Fund for the fiscal year under subsection (k)(2)(B).

"(bb) UNEXPENDED CHIP CONTINGENCY FUND PAYMENTS.—On October 1 of each of fiscal years 2010 through 2012, any portion of a CHIP Contingency Fund payment made to a State that remains unexpended at the end of the period for which the payment is available for expenditure under subsection (e)(3).

"(VII) EXTENSION OF AVAILABILITY FOR PORTION OF UNEXPENDED STATE ALLOTMENTS.—The portion of the allotment made to a State for a fiscal year that is not transferred to the Incentive Pool under subclause (I) or (III) shall remain available for expenditure by the State only during the fiscal year in which such transfer occurs, in accordance with subclause (IV) and subsection (e)(4).

"(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Incentive Pool as are not immediately required for payments from the Pool. The income derived from these investments constitutes a part of the Incentive Pool.

"(2) PAYMENTS TO STATES INCREASING ENROLLMENT.—

"(A) IN GENERAL.—Subject to paragraph (3)(D), with respect to each of fiscal years 2009 through 2012, the Secretary shall make payments to States from the Incentive Pool determined under subparagraph (B).

"(B) DETERMINATION OF PAYMENTS.—If, for any coverage period ending in a fiscal year ending after September 30, 2008, the average monthly enrollment of children in the State plan under title XIX exceeds the baseline monthly average for such period, the payment made for the fiscal year shall be equal to the applicable amount determined under subparagraph (C).

"(C) APPLICABLE AMOUNT.—For purposes of subparagraph (B), the applicable amount is the product determined in accordance with the following:

"(i) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX does not exceed 2 percent, the product of $75 and the number of such individuals included in such excess.

"(ii) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 2, but does not exceed 5 percent, the product of $300 and the number of such individuals included in such excess, less the amount of such excess calculated in clause (i).

"(iii) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 5 percent, the product of $625 and the number of such individuals included in such excess, less the sum of the amount of such excess calculated in clauses (i) and (ii).

"(D) INDEXING OF DOLLAR AMOUNTS.—For each coverage period ending in a fiscal year ending after September 30, 2009, the dollar amounts specified in subparagraph (C) shall be increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year beginning on January 1 of the coverage period over the preceding coverage period, as most recently published by the Secretary before the beginning of the coverage period involved.

"(3) RULES RELATING TO ENROLLMENT INCREASES.—For purposes of paragraph (2)(B)—

"(A) BASELINE MONTHLY AVERAGE.—Except as provided in subparagraph (C), the baseline monthly average for any fiscal year for a State is equal to—

"(i) the baseline monthly average for the preceding fiscal year; multiplied by

"(ii) the sum of 1 plus the sum of—

"(I) 0.01; and

"(II) the percentage increase in the population of low-income children in the State from the preceding fiscal year to the fiscal year involved, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

"(B) COVERAGE PERIOD.—Except as provided in subparagraph (C), the coverage period for any fiscal year consists of the last 2 quarters of the preceding fiscal year and the first 2 quarters of the fiscal year.

"(C) SPECIAL RULES FOR FISCAL YEAR 2009.—With respect to fiscal year 2009—

"(i) the coverage period for that fiscal year shall be based on the first 2 quarters of fiscal year 2009; and

"(ii) the baseline monthly average shall be—

"(I) the average monthly enrollment of low-income children enrolled in the State's plan under title XIX for the first 2 quarters of fiscal year 2007 (as determined over a 6-month period on the basis of the most recent information reported through the Medicaid Statistical Information System (MSIS)); multiplied by

"(II) the sum of 1 plus the sum of—

"(aa) 0.02; and

"(bb) the percentage increase in the population of low-income children in the State from fiscal year 2007 to fiscal year 2009, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

"(D) ADDITIONAL REQUIREMENT FOR ELIGIBILITY FOR PAYMENT.—For purposes of subparagraphs (B) and (C), the average monthly enrollment shall be determined without regard to children who do not meet the income eligibility criteria in effect on July 19, 2007, for enrollment under the State plan under title XIX or under a waiver of such plan.

"(4) TIME OF PAYMENT.—Payments under paragraph (2) for any fiscal year shall be made during the last quarter of such year.

"(5) USE OF PAYMENTS.—Payments made to a State from the Incentive Pool shall be used for any purpose that the State determines is likely to reduce the percentage of low-income children in the State without health insurance.

"(6) PRORATION RULE.—If the amount available for payment from the Incentive Pool is less than the total amount of payments to be made for such fiscal year, the Secretary shall reduce the payments described in paragraph (2) on a proportional basis.

"(7) REFERENCES.—With respect to a State plan under title XIX, any references to a child in this subsection shall include a reference to any individual provided medical assistance under the plan who has not attained age 19 (or, if a State has so elected under such State plan, age 20 or 21).".

(b) REDISTRIBUTION OF UNEXPENDED FISCAL YEAR 2005 ALLOTMENTS.—Notwithstanding section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)), with respect to fiscal year 2008, the Secretary shall provide for a redistribution under such section from the allotments for fiscal year 2005 under subsection (b) and (c) of such section that are not expended by the end of fiscal year 2007, to each State described in clause (iii) of section 2104(i)(2)(A) of the Social Security Act, as added by section 102(a), of an amount that bears the same ratio to such unexpended fiscal year 2005 allotments as the ratio of the fiscal year 2007 allotment determined for each such State under subsection (b) of section 2104 of such Act for fiscal year 2007 (without regard to any amounts paid, allotted, or redistributed to the State under section 2104 for any preceding fiscal year) bears to the total amount of the fiscal year 2007 allotments for all such States (as so determined).

(c) CONFORMING AMENDMENT ELIMINATING RULES FOR REDISTRIBUTION OF UNEXPENDED ALLOTMENTS FOR FISCAL YEARS AFTER 2005.—Effective January 1, 2008, section 2104(f) (42 U.S.C. 1397dd(f)) is amended to read as follows:

"(f) UNALLOCATED PORTION OF NATIONAL ALLOTMENT AND UNUSED ALLOTMENTS.—For provisions relating to the distribution of portions of the unallocated national allotment under subsection (a) for fiscal years beginning with fiscal year 2008, and unexpended allotments for fiscal years beginning with fiscal year 2006, see subsection (j).".

(d) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to the Secretary for fiscal year 2008 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of carrying out section 2104(j)(2)(B) of the Social Security Act (as added by subsection (a)) and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States) so that, beginning no later than October 1, 2008, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

SEC. 106. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.

"(a) TERMINATION OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH FISCAL YEAR 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

"(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2008, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF FISCAL YEAR 2008.—

"(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after September 30, 2008.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2008, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through September 30, 2008.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during fiscal year 2008.

"(3) OPTIONAL 1-YEAR TRANSITIONAL COVERAGE BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Subject to paragraph (4)(B), each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may elect to provide nonpregnant childless adults who were provided child health assistance or health benefits coverage under the applicable existing waiver at any time during fiscal year 2008 with such assistance or coverage during fiscal year 2009, as if the authority to provide such assistance or coverage under an applicable existing waiver was extended through that fiscal year, but subject to the following terms and conditions:

"(A) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—The Secretary shall set aside for the State an amount equal to the Federal share of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all nonpregnant childless adults under such waiver for fiscal year 2008 (as certified by the State and submitted to the Secretary by not later than August 31, 2008, and without regard to whether any such individual lost coverage during fiscal year 2008 and was later provided child health assistance or other health benefits coverage under the waiver in that fiscal year), increased by the annual adjustment for fiscal year 2009 determined under section 2104(i)(2)(B)(i). The Secretary may adjust the amount set aside under the preceding sentence, as necessary, on the basis of the expenditure data for fiscal year 2008 reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2008, but in no case shall the Secretary adjust such amount after December 31, 2008.

"(B) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS WHO WERE NOT COVERED DURING FISCAL YEAR 2008.—

"(i) FMAP APPLIED TO EXPENDITURES.—The Secretary shall pay the State for each quarter of fiscal year 2009, from the amount set aside under subparagraph (A), an amount equal to the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) of expenditures in the quarter for providing child health assistance or other health benefits coverage to a nonpregnant childless adult but only if such adult was enrolled in the State program under this title during fiscal year 2008 (without regard to whether the individual lost coverage during fiscal year 2008 and was reenrolled in that fiscal year or in fiscal year 2009).

"(ii) FEDERAL PAYMENTS LIMITED TO AMOUNT OF BLOCK GRANT SET-ASIDE.—No payments shall be made to a State for expenditures described in this subparagraph after the total amount set aside under subparagraph (A) for fiscal year 2009 has been paid to the State.

"(4) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than June 30, 2009, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

"(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of September 30, 2009, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by June 30, 2009, the application shall be deemed approved.

"(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

"(i) in the case of fiscal year 2010, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for fiscal year 2009, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for calendar year 2010 over calendar year 2009, as most recently published by the Secretary; and

"(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

"(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

"(1) TWO-YEAR TRANSITION PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2009.—

"(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(i) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

"(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2009, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2009.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during fiscal years 2008 and 2009.

"(2) RULES FOR FISCAL YEARS 2010 THROUGH 2012.—

"(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2010, 2011, or 2012, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

"(B) TERMS AND CONDITIONS.—

"(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2012, the set aside for any State shall be computed separately for each period described in clauses (i) and (ii) of subsection (i))(1)(D) and any increase or reduction in the allotment for either such period under subsection (i)(3)(B)(ii) shall be allocated on a pro rata basis to such set aside.

"(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

"(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2010 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2010 is equal to—

"(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described in any of subparagraphs (A), (B), or (C) of paragraph (3) for fiscal year 2009; or

"(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

"(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

"(I) the REMAP percentage if—

"(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

"(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

"(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

"(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

"(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

"(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

"(i) was awarded a grant under section 2113 for fiscal year 2009;

"(ii) implemented 1 or more of the process measures described in section 2104(j)(3)(A)(i) for such fiscal year; or

"(iii) has submitted a specific plan for outreach for such fiscal year.

"(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest 1/3 of States in terms of the State's percentage of low-income children without health insurance.

"(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a payment from the Incentive Fund under clause (ii) or (iii) of paragraph (2)(C) of section 2104(j) for the most recent coverage period applicable under such section.

"(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

"(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

"(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

"(i) a parent of a targeted low-income child;

"(ii) a nonpregnant childless adult; or

"(iii) individuals described in both clauses (i) and (ii); and

"(B) was in effect during fiscal year 2007.

"(2) DEFINITIONS.—

"(A) PARENT.—The term 'parent' includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

"(B) NONPREGNANT CHILDLESS ADULT.—The term 'nonpregnant childless adult' has the meaning given such term by section 2107(f).".

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking ", the Secretary" and inserting ":

"(1) The Secretary";

(ii) in the first sentence, by inserting "or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child" before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.".

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking "Nothing" and inserting "Subject to section 2111 of the Social Security Act, as added by section 106(a)(1) of the Children's Health Insurance Program Reauthorization Act of 2007, nothing".

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the appropriate committees of Congress,

including recommendations (if any) for changes in legislation.

SEC. 107. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 106(a), is amended by adding at the end the following new section:

"SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

"(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

"(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

"(1) MEDICAID INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN OF AT LEAST 185 PERCENT OF POVERTY.—The State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902 that is at least 185 percent of the income official poverty line.

"(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

"(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

"(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

"(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

"(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

"(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

"(d) DEFINITIONS.—For purposes of this section:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) and includes any medical assistance that the State would provide for a pregnant woman under the State plan under title XIX during pregnancy and the period described in paragraph (2)(A).

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

"(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

"(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

"(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

"(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956–61974 (October 2, 2002)), or

"(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2007).

"(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

"(3) NO INFERENCE.—Nothing in this subsection shall be construed—

"(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

"(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).".

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting "OR PREGNANCY-RELATED ASSISTANCE" after "PREVENTIVE SERVICES"; and

(B) by inserting before the period at the end the following: "or for pregnancy-related assistance".

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking ", and" at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.".

SEC. 108. CHIP CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 105, is amended by adding at the end the following new subsection:

"(k) CHIP CONTINGENCY FUND.—

"(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP Contingency Fund' (in this subsection referred to as the 'Fund'). Amounts in the Fund are authorized to be appropriated for payments under this subsection.

"(2) DEPOSITS INTO FUND.—

"(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (E), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

"(i) for fiscal year 2009, an amount equal to 12.5 percent of the available national allotment under subsection (i)(1)(C) for the fiscal year; and

"(ii) for each of fiscal years 2010 through 2012, such sums as are necessary for making payments to eligible States for such fiscal year, but not in excess of the aggregate cap described in subparagraph (B).

"(B) AGGREGATE CAP.—Subject to subparagraph (E), the total amount available for payment from the Fund for each of fiscal years 2009 through 2012 (taking into account deposits made under subparagraph (C)), shall not exceed 12.5 percent of the available national allotment under subsection (i)(1)(C) for the fiscal year.

"(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

"(D) TRANSFER OF EXCESS FUNDS TO THE INCENTIVE FUND.—The Secretary of the Treasury shall transfer to, and deposit in, the CHIP Incentive Bonuses Pool established under subsection (j) any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year.

"(E) SPECIAL RULES FOR AMOUNTS SET ASIDE FOR PARENTS AND CHILDLESS ADULTS.—For purposes of subparagraphs (A) and (B)—

"(i) the available national allotment under subsection (i)(1)(C) shall be reduced by any amount set aside under section 2111(a)(3) for block grant payments for transitional coverage for childless adults; and

"(ii) the Secretary shall establish a separate account in the Fund for the portion of any amount appropriated to the Fund for any fiscal year which is allocable to the portion of the available national allotment under subsection (i)(1)(C) which is set aside for the fiscal year under section 2111(b)(2)(B)(i) for coverage of parents of low-income children.

The Secretary shall include in the account established under clause (ii) any income derived *under subparagraph (C) which is allocable to amounts in such account.*

"(3) CHIP CONTINGENCY FUND PAYMENTS.—

"(A) PAYMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii) and the succeeding subparagraphs of this paragraph, the Secretary shall pay from the Fund to a State that is an eligible State for a month of a fiscal year a CHIP contingency fund payment equal to the Federal share of the shortfall determined under subparagraph (D). In the case of an eligible State under subparagraph (D)(i), the Secretary shall not make the payment under this subparagraph until the State makes, and submits to the Secretary, a projection of the amount of the shortfall.

"(ii) SEPARATE DETERMINATIONS OF SHORTFALLS.—The Secretary shall separately compute the shortfall under subparagraph (D) for expenditures for eligible individuals other than nonpregnant childless adults and parents with respect to whom amounts are set aside under section 2111, for expenditures for such childless adults, and for expenditures for such parents.

"(iii) PAYMENTS.—

"(I) NONPREGNANT CHILDLESS ADULTS.—No payments shall be made from the Fund for nonpregnant childless adults with respect to whom amounts are set aside under section 2111(a)(3).

"(II) PARENTS.—Any payments with respect to any shortfall for parents who are paid from amounts set aside under section 2111(b)(2)(B)(i) shall be made only from the account established under paragraph (2)(E)(ii) and not from any other amounts in the Fund. No other payments may be made from such account.

"(iv) SPECIAL RULES.—Subparagraphs (B) and (C) shall be applied separately with respect to shortfalls described in clause (ii).

"(B) USE OF FUNDS.—Amounts paid to an eligible State from the Fund shall be used only to eliminate the Federal share of a shortfall in the State's allotment under subsection (i) for a fiscal year.

"(C) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year are less than the total amount of payments determined under subparagraph (A) for the fiscal year, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

"(D) ELIGIBLE STATE.—

"(i) IN GENERAL.—A State is an eligible State for a month if the State is a subsection (b) State (as defined in subsection (i)(7)), the State requests access to the Fund for the month, and it is described in clause (ii) or (iii).

"(ii) SHORTFALL OF FEDERAL ALLOTMENT FUNDING OF NOT MORE THAN 5 PERCENT.—The Secretary estimates, on the basis of the most recent data available to the Secretary or requested from the State by the Secretary, that the State's allotment for the fiscal year is at least 95 percent, but less than 100 percent, of the projected expenditures under the State child health plan for the State for the fiscal year determined under subsection (i) (without regard to incentive bonuses or payments for which the State is eligible for under subsection (j)(2) for the fiscal year).

"(iii) SHORTFALL OF FEDERAL ALLOTMENT FUNDING OF MORE THAN 5 PERCENT CAUSED BY SPECIFIC EVENTS.—The Secretary estimates, on the basis of the most recent data available to the Secretary or requested from the State by the Secretary, that the State's allotment for the fiscal year is less than 95 percent of the projected expenditures under the State child health plan for the State for the fiscal year determined under subsection (i) (without regard to incentive bonuses or payments for which the State is eligible for under subsection (j)(2) for the fiscal year) and that such shortfall is attributable to 1 or more of the following events:

"(I) STAFFORD ACT OR PUBLIC HEALTH EMERGENCY.—The State has—

"(aa) 1 or more parishes or counties for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) and which the President has determined warrants individual and public assistance from the Federal Government under such Act; or

"(bb) a public health emergency declared by the Secretary under section 319 of the Public Health Service Act.

"(II) STATE ECONOMIC DOWNTURN.—The State unemployment rate is at least 5.5 percent during any 3-month period during the fiscal year and such rate is at least 120 percent of the State unemployment rate for the same period as averaged over the last 3 fiscal years.

"(III) EVENT RESULTING IN RISE IN PERCENTAGE OF LOW-INCOME CHILDREN WITHOUT HEALTH INSURANCE.—The State experienced a recent event that resulted in an increase in the percentage of low-income children in the State without health insurance (as determined on the basis of the most timely and accurate published estimates of the Bureau of the Census) that was outside the control of the State and warrants granting the State access to the Fund (as determined by the Secretary).

"(E) PAYMENTS MADE TO ALL ELIGIBLE STATES ON A MONTHLY BASIS; AUTHORITY FOR PRO RATA PAYMENTS.—The Secretary shall make monthly payments from the Fund to all States that are determined to be eligible States with respect to a month. If the sum of the payments to be made from the Fund for a month exceed the amount in the Fund, the Secretary shall reduce each such payment on a proportional basis.

"(F) PAYMENTS LIMITED TO FISCAL YEAR OF ELIGIBILITY DETERMINATION UNLESS NEW ELIGIBILITY BASIS DETERMINED.—No State shall receive a CHIP contingency fund payment under this section for a month beginning after September 30 of the fiscal year in which the State is determined to be an eligible State under this subsection, except that in the case of an event described in subclause (I) or (III) of subparagraph (D)(iii) that occurred after July 1 of the fiscal year, any such payment with respect to such event shall remain available until September 30 of the subsequent fiscal year. Nothing in the preceding sentence shall be construed as prohibiting a State from being determined to be an eligible State under this subsection for any fiscal year occurring after a fiscal year in which such a determination is made.

"(G) EXEMPTION FROM DETERMINATION OF PERCENTAGE OF ALLOTMENT RETAINED AFTER FIRST YEAR OF AVAILABILITY.—In no event shall payments made to a State under this subsection be treated as part of the allotment determined for a State for a fiscal year under subsection (i) for purposes of subsection (j)(1)(B)(ii)(III).

"(H) APPLICATION OF ALLOTMENT REPORTING RULES.—Rules applicable to States for purposes of receiving payments from an allotment determined under subsection (c) or (i) shall apply in the same manner to an eligible State for purposes of receiving a CHIP contingency fund payment under this subsection.

"(4) ANNUAL REPORTS.—The Secretary shall annually report to the Congress on the amounts in the Fund, the specific events that caused States to apply for payments from the Fund, and the payments made from the Fund.".

SEC. 109. TWO-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in subsection (j)(1)(B)(ii)(III), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2006, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for each of fiscal years 2007 through 2012, shall remain available for expenditure by the State only through the end of the succeeding fiscal year for which such amounts are allotted.

"(2) INCENTIVE BONUSES.—Incentive bonuses paid to a State under subsection (j)(2) for a fiscal year shall remain available for expenditure by the State without limitation.

"(3) CHIP CONTINGENCY FUND PAYMENTS.—Except as provided in paragraph (3)(F) of subsection (k), CHIP Contingency Fund payments made to a State under such subsection for a month of a fiscal year shall remain available for expenditure by the State through the end of the fiscal year.

"(4) RULE FOR COUNTING EXPENDITURES AGAINST CHIP CONTINGENCY FUND PAYMENTS, FISCAL YEAR ALLOTMENTS, AND INCENTIVE BONUSES.—

"(A) IN GENERAL.—Expenditures under the State child health plan made on or after October 1, 2007, shall be counted against—

"(i) first, any CHIP Contingency Fund payment made to the State under subsection (k) for the earliest month of the earliest fiscal year for which the payment remains available for expenditure; and

"(ii) second, amounts allotted to the State for the earliest fiscal year for which amounts remain available for expenditure.

"(B) INCENTIVE BONUSES.—A State may elect, but is not required, to count expenditures under the State child health plan against any incentive bonuses paid to the State under subsection (j)(2) for a fiscal year.

"(C) BLOCK GRANT SET-ASIDES.—Expenditures for coverage of—

"(i) nonpregnant childless adults for fiscal year 2009 shall be counted only against the amount set aside for such coverage under section 2111(a)(3); and

"(ii) parents of targeted low-income children for each of fiscal years 2010 through 2012, shall be counted only against the amount set aside for such coverage under section 2111(b)(2)(B)(i).".

SEC. 110. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

"(A) FMAP APPLIED TO EXPENDITURES.—Except as provided in subparagraph (B), for fiscal years beginning with fiscal year 2008, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures

described in such subparagraph under the State child health plan.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

SEC. 111. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), by inserting "subject to paragraph (4)," after "Notwithstanding any other provision of law,"; and

(2) by adding at the end the following new paragraph:

"(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

"(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2008 through 2012 (insofar as the allotment is available to the State under subsections (e) and (i) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.".

TITLE II—OUTREACH AND ENROLLMENT

SEC. 201. GRANTS FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 107, is amended by adding at the end the following:

"SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2008 through 2012 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

"(b) PRIORITY FOR AWARD OF GRANTS.—

"(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

"(A) propose to target geographic areas with high rates of—

"(i) eligible but unenrolled children, including such children who reside in rural areas; or

"(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

"(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

"(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

"(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

"(4) an assurance that the eligible entity shall—

"(A) conduct an assessment of the effectiveness of such activities against the performance measures;

"(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

"(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

"(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

"(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

"(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

"(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

"(1) the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

"(2) no State matching funds shall be required for the State to receive a grant under this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State with an approved child health plan under this title.

"(B) A local government.

"(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

"(D) A Federal health safety net organization.

"(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to nongovernmental entities.

"(G) An elementary or secondary school.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

"(A) by serving as a liaison between communities and health care agencies;

"(B) by providing guidance and social assistance to community residents;

"(C) by enhancing community residents' ability to effectively communicate with health care providers;

"(D) by providing culturally and linguistically appropriate health or nutrition education;

"(E) by advocating for individual and community health or nutrition needs; and

"(F) by providing referral and followup services.

"(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

"(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

"(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

"(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

"(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

"(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

"(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

"(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.".

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 603, is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)" after "enhanced FMAP"; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking "and" at the end;

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following new clause:

"(iv) for translation or interpretation services in connection with the enrollment and use of services under this title by individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and".

(c) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

"(i) EXPENDITURES FUNDED UNDER SECTION 2113.—Expenditures for outreach and enrollment activities funded under a grant awarded to the State under section 2113.".

SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b–9) is amended to read as follows:

"SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as added by section 201(c), is amended by adding at the end the following new clause:

"(ii) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

SEC. 203. DEMONSTRATION PROGRAM TO PERMIT STATES TO RELY ON FINDINGS BY AN EXPRESS LANE AGENCY TO DETERMINE COMPONENTS OF A CHILD'S ELIGIBILITY FOR MEDICAID OR CHIP.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration program under which up to 10 States shall be authorized to rely on a finding made within the preceding 12 months by an Express Lane agency to determine whether a child has met 1 or more of the eligibility requirements, such as income, assets or resources, citizenship status, or other criteria, necessary to determine the child's initial eligibility, eligibility redetermination, or renewal of eligibility, for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan. A State selected to participate in the demonstration program—

(A) shall not be required to direct a child (or a child's family) to submit information or documentation previously submitted by the child or family to an Express Lane agency that the State relies on for its Medicaid or CHIP eligibility determination; and

(B) may rely on information from an Express Lane agency when evaluating a child's eligibility for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan without a separate, independent confirmation of the information at the time of enrollment, redetermination, or renewal.

(2) PAYMENTS TO STATES.—From the amount appropriated under paragraph (1) of subsection (f), after the application of paragraph (2) of that subsection, the Secretary shall pay the States selected to participate in the demonstration program such sums as the Secretary shall determine for expenditures made by the State for systems upgrades and implementation of the demonstration program. In no event shall a payment be made to a State from the amount appropriated under subsection (f) for any expenditures incurred for providing medical assistance or child health assistance to a child enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency.

(b) REQUIREMENTS; OPTIONS FOR APPLICATION.—

(1) STATE REQUIREMENTS.—A State selected to participate in the demonstration program established under this section may rely on a finding of an Express Lane agency only if the following conditions are met:

(A) REQUIREMENT TO DETERMINE ELIGIBILITY USING REGULAR PROCEDURES IF CHILD IS FIRST FOUND INELIGIBLE.—If reliance on a finding from an Express Lane agency results in a child not being found eligible for the State Medicaid plan or the State CHIP plan, the State would be required to determine eligibility under such plan using its regular procedures.

(B) NOTICE.—The State shall inform the families (especially those whose children are enrolled in the State CHIP plan) that they may qualify for lower premium payments or more comprehensive health coverage under the State Medicaid plan if the family's income were directly evaluated for an eligibility determination by the State Medicaid agency, and that, at the family's option, the family may seek an eligibility determination by the State Medicaid agency.

(C) COMPLIANCE WITH DEPARTMENT OF HOMELAND SECURITY PROCEDURES.—The State may rely on an Express Lane agency finding that a child is a qualified alien as long as the Express Lane agency complies with guidance and regulatory procedures issued by the Secretary of Homeland Security for eligibility determinations of qualified aliens (as defined in subsections (b) and (c) of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641)).

(D) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(9) of the Social Security Act, as applicable (and as added by section 301 of this Act) for verifications of citizenship or nationality status.

(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

(i) IN GENERAL.—The State agrees to—

(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State's participation in the demonstration program;

(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate with respect to the enrollment of such children;

(III) submit the error rate determined under subclause (II) to the Secretary;

(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State participates in the demonstration program, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

(V) if such error rate exceeds 3 percent for any fiscal year in which the State participates in the

demonstration program, a reduction in the amount otherwise payable to the State under section 1903(a) of the Social Security Act (42 Secretary 1396b(a)) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State's regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as relieving a State that participates in the demonstration program established under this section from being subject to a penalty under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

(2) STATE OPTIONS FOR APPLICATION.—A State selected to participate in the demonstration program may elect to apply any of the following:

(A) SATISFACTION OF CHIP SCREEN AND ENROLL REQUIREMENTS.—If the State relies on a finding of an Express Lane agency for purposes of determining eligibility under the State CHIP plan, the State may meet the screen and enroll requirements imposed under subparagraphs (A) and (B) of section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) by using any of the following:

(i) Establishing a threshold percentage of the poverty line that is 30 percentage points (or such other higher number of percentage points) as the State determines reflects the income methodologies of the program administered by the Express Lane Agency and the State Medicaid plan.

(ii) Providing that a child satisfies all income requirements for eligibility under the State Medicaid plan.

(iii) Providing that a child has a family income that exceeds the Medicaid applicable income level.

(B) PRESUMPTIVE ELIGIBILITY.—The State may provide for presumptive eligibility under the State CHIP plan for a child who, based on an eligibility determination of an income finding from an Express Lane agency, would qualify for child health assistance under the State CHIP plan. During the period of presumptive eligibility, the State may determine the child's eligibility for child health assistance under the State CHIP plan based on telephone contact with family members, access to data available in electronic or paper format, or other means that minimize to the maximum extent feasible the burden on the family.

(C) AUTOMATIC ENROLLMENT.—

(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child's family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation and signature on an Express Lane agency application.

(ii) INFORMATION REQUIREMENT.—A State that elects the option under clause (i) shall have procedures in place to inform the child or the child's family of the services that will be covered under the State Medicaid plan or the State CHIP plan (as applicable), appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations created by the enrollment (if applicable), and the actions the child or the child's family must take to maintain enrollment and renew coverage.

(iii) OPTION TO WAIVE SIGNATURES.—The State may waive any signature requirements for enrollment for a child who consents to, or on whose behalf consent is provided for, enrollment in the State Medicaid plan or the State CHIP plan.

(3) SIGNATURE REQUIREMENTS.—In the case of a State selected to participate in the demonstration program—

(A) no signature under penalty of perjury shall be required on an application form for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan to attest to any element of the application for which eligibility is based on information received from an Express Lane agency or a source other than an applicant; and

(B) any signature requirement for determination of an application for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan may be satisfied through an electronic signature.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) relieve a State of the obligation under section 1902(a)(5) of the Social Security Act (42 U.S.C. 1396a(a)(5)) to determine eligibility for medical assistance under the State Medicaid plan; or

(B) prohibit any State options otherwise permitted under Federal law (without regard to this paragraph or the demonstration program established under this section) that are intended to increase the enrollment of eligible children for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan, including options related to outreach, enrollment, applications, or the determination or redetermination of eligibility.

(c) LIMITED WAIVER OF OTHER APPLICABLE REQUIREMENTS.—

(1) SOCIAL SECURITY ACT.—The Secretary shall waive only such requirements of the Social Security Act as the Secretary determines are necessary to carry out the demonstration program established under this section.

(2) AUTHORIZATION FOR PARTICIPATING STATES TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—For provisions relating to the authority of States participating in the demonstration program to receive certain data directly, see section 204(c).

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the demonstration program established under this section. Such evaluation shall include an analysis of the effectiveness of the program, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2012, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration program established under this section.

(e) DEFINITIONS.—In this section:

(1) CHILD; CHILDREN.—With respect to a State selected to participate in the demonstration program established under this section, the terms "child" and "children" have the meanings given such terms for purposes of the State plans under titles XIX and XXI of the Social Security Act.

(2) EXPRESS LANE AGENCY.—

(A) IN GENERAL.—The term "Express Lane agency" means a public agency that—

(i) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of 1 or more eligibility requirements described in subsection (a)(1);

(ii) is identified in the State Medicaid plan or the State CHIP plan; and

(iii) notifies the child's family—

(I) of the information which shall be disclosed in accordance with this section;

(II) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

(III) that the family may elect to not have the information disclosed for such purposes; and

(iv) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

(B) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

(i) A public agency that determines eligibility for assistance under any of the following:

(I) The temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(II) A State program funded under part D of title IV of such Act (42 U.S.C. 651 et seq.).

(III) The State Medicaid plan.

(IV) The State CHIP plan.

(V) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(VI) The Head Start Act (42 U.S.C. 9801 et seq.).

(VII) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(VIII) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(IX) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(X) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

(XI) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(XII) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

(ii) A State-specified governmental agency that has fiscal liability or legal responsibility for

the accuracy of the eligibility determination findings relied on by the State.

(iii) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

(C) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.) or a private, for-profit organization.

(D) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

(i) affecting the authority of a State Medicaid agency to enter into contracts with nonprofit and for-profit agencies to administer the Medicaid application process;

(ii) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) of the Social Security Act (relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest); or

(iii) authorizing a State Medicaid agency that participates in the demonstration program established under this section to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

(3) MEDICAID APPLICABLE INCOME LEVEL.—With respect to a State, the term "Medicaid applicable income level" has the meaning given that term for purposes of such State under section 2110(b)(4) of the Social Security Act (42 U.S.C. 1397jj(4)).

(4) POVERTY LINE.—The term "poverty line" has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(5) STATE.—The term "State" means 1 of the 50 States or the District of Columbia.

(6) STATE CHIP AGENCY.—The term "State CHIP agency" means the State agency responsible for administering the State CHIP plan.

(7) STATE CHIP PLAN.—The term "State CHIP plan" means the State child health plan established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), and includes any waiver of such plan.

(8) STATE MEDICAID AGENCY.—The term "State Medicaid agency" means the State agency responsible for administering the State Medicaid plan.

(9) STATE MEDICAID PLAN.—The term "State Medicaid plan" means the State plan established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and includes any waiver of such plan.

(f) APPROPRIATION.—

(1) OPERATIONAL FUNDS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the demonstration program established under this section, $49,000,000 for the period of fiscal years 2008 through 2012.

(2) EVALUATION FUNDS.—$5,000,000 of the funds appropriated under paragraph (1) shall be used to conduct the evaluation required under subsection (d).

(3) BUDGET AUTHORITY.—Paragraph (1) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment to States selected to participate in the demonstration program established under this section of the amounts provided under such paragraph (after the application of paragraph (2)).

SEC. 204. AUTHORIZATION OF CERTAIN INFORMATION DISCLOSURES TO SIMPLIFY HEALTH COVERAGE DETERMINATIONS.

(a) AUTHORIZATION OF INFORMATION DISCLOSURE.—Title XIX (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1939 as section 1940; and

(2) by inserting after section 1938 the following new section:

"AUTHORIZATION TO RECEIVE PERTINENT INFORMATION

"SEC. 1939. (a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files, information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, but only if such conveyance meets the requirements of subsection (b).

"(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to this section only if the following requirements are met:

"(1) The child whose circumstances are described in the data or information (or such child's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying children who are eligible or potentially eligible for medical assistance under this title and enrolling (or attempting to enroll) such children in the State plan; and

"(B) verifying the eligibility of children for medical assistance under the State plan.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements for safeguarding privacy and data security; and

"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll children in the plan.

"(c) CRIMINAL PENALTY.—A person described in subsection (a) who publishes, divulges, discloses, or makes known in any manner, or to any extent, not authorized by Federal law, any information obtained under this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for each such unauthorized activity.

"(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(b) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(E) Section 1939 (relating to authorization to receive data directly relevant to eligibility determinations).".

(c) AUTHORIZATION FOR STATES PARTICIPATING IN THE EXPRESS LANE DEMONSTRATION PROGRAM TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—Only in the case of a State selected to participate in the Express Lane demonstration program established under section 203, the Secretary shall enter into such agreements as are necessary to permit such a State to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under the State CHIP plan or the State Medicaid plan (as such terms are defined in paragraphs (7) and (9) section 203(e)) from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

TITLE III—REDUCING BARRIERS TO ENROLLMENT

SEC. 301. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) STATE OPTION TO VERIFY DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID THROUGH VERIFICATION OF NAME AND SOCIAL SECURITY NUMBER.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(i) in subsection (a)(46)—

(I) by inserting "(A)" after "(46)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following new subparagraph:

"(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

"(i) section 1903(x); or

"(ii) subsection (dd);"; and

(ii) by adding at the end the following new subsection:

"(dd)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

"(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the plan established under paragraph (2).

"(B) If the State receives notice from the Commissioner of Social Security that the name or social security number of the individual is invalid, the State—

"(i) notifies the individual of such fact;

(ii) provides the individual with a period of 90 days from the date on which the notice required under clause (i) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security; and

"(iii) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented.

"(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits each month to the Commissioner of Social Security for verification the name and social security number of each individual enrolled in the State plan under this title that month who has attained the age of 1 before the date of the enrollment.

"(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security to provide for the electronic submission

and verification of the name and social security number of an individual before the individual is enrolled in the State plan.

"(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the invalid names and numbers submitted bears to the total submitted for verification.

"(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 7 percent—

"(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

"(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided invalid information as the number of individuals with invalid information in excess of 7 percent of such total submitted bears to the total number of individuals with invalid information.

"(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

"(D) This paragraph shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year.

"(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.".

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking "plus" at the end of subparagraph (E) and inserting "and", and

(ii) by adding at the end the following new subparagraph:

"(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(dd) (including a system described in paragraph (2)(B) thereof), and

"(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus".

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking "subsection (x)" and inserting "section 1902(a)(46)(B)"; and

(B) in subsection (x)(1), by striking "subsection (i)(22)" and inserting "section 1902(a)(46)(B)(i)".

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

"(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

"(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.".

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

"(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.".

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking "or" at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(ii) by adding at the end the following new paragraph:

"(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.".

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.".

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 110(a), is amended by adding at the end the following new paragraph:

"(9) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

"(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

"(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.".

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

"(iii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2008, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of

such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

SEC. 302. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

"(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.".

TITLE IV—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

SEC. 401. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(c), is amended by adding at the end the following:

"(10) STATE OPTION TO OFFER PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

"(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

"(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

"(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

"(III) to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

"(ii) EXCEPTION.—Such term does not include coverage consisting of—

"(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

"(II) a high deductible health plan (as defined in section 223(c)(2) of such Code) purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

"(iii) COST-EFFECTIVENESS ALTERNATIVE TO REQUIRED EMPLOYER CONTRIBUTION.—A group health plan or health insurance coverage offered through an employer that would be considered qualified employer-sponsored coverage but for the application of clause (i)(II) may be deemed to satisfy the requirement of such clause if either of the following applies:

"(I) APPLICATION OF CHILD-BASED OR FAMILY-BASED TEST.—The State establishes to the satisfaction of the Secretary that the cost of such coverage is less than the expenditures that the State would have made to enroll the child or the family (as applicable) in the State child health plan.

"(II) AGGREGATE PROGRAM OPERATIONAL COSTS DO NOT EXCEED THE COST OF PROVIDING COVERAGE UNDER THE STATE CHILD HEALTH PLAN.—If subclause (I) does not apply, the State establishes to the satisfaction of the Secretary that the aggregate amount of expenditures by the State for the purchase of all such coverage for targeted low-income children under the State child health plan (including administrative expenditures) does not exceed the aggregate amount of expenditures that the State would have made for providing coverage under the State child health plan for all such children.

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

"(ii) STATE PAYMENT OPTION.—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee's employer.

"(iii) EMPLOYER OPT-OUT.—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(D) APPLICATION OF SECONDARY PAYOR RULES.—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

"(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

"(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

"(II) cost-sharing protection consistent with section 2103(e).

"(ii) RECORD KEEPING REQUIREMENTS.—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

"(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

"(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

"(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

"(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

"(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

"(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

"(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

"(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

"(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State *to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.*

"(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

"(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).".

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) A State may elect to offer a premium assistance subsidy (as defined in section 2105(c)(10)(C)) for qualified employer-sponsored coverage (as defined in section 2105(c)(10)(B)) to a child who is eligible for medical assistance under the State plan under this title, to the parent of such a child, and to a pregnant woman, in the same manner as such a subsidy for such coverage may be offered under a State child health plan under title XXI in accordance with section 2105(c)(10) (except that subparagraph (E)(i)(II) of such section shall be applied by substituting '1916 or, if applicable, 1916A' for '2103(e)').".

(c) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the appropriate committees of Congress on the results of such study.

SEC. 402. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

"(3) PREMIUM ASSISTANCE SUBSIDIES.—Outreach, education, and enrollment assistance for families of children likely to be eligible for premium assistance subsidies under the State child health plan in accordance with paragraphs (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 301(c)(2), is amended by adding at the end the following new clause:

"(iv) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE XIX THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraphs (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph).".

Subtitle B—Coordinating Premium Assistance With Private Coverage

SEC. 411. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including

under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

"(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

"(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking "and the remedies" and inserting ", the remedies"; and

(ii) by inserting before the period the following: ", and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside".

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the "Working Group"). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking "or (8)" and inserting "(8), or (9)"; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

"(9)(A) The Secretary may assess a civil penalty against any employer of up to $100 a day from the date of the employer's failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

"(B) The Secretary may assess a civil penalty against any plan administrator of up to $100 a day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.".

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll

for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

TITLE V—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

SEC. 501. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

"SEC. 1139A. CHILD HEALTH QUALITY MEASURES.

"(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

"(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

"(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

"(A) The duration of children's health insurance coverage over a 12-month time period.

"(B) The availability of a full range of—

"(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth and prevent and treat premature birth; and

"(ii) treatments to correct or ameliorate the effects of chronic physical and mental conditions in infants, young children, school-age children, and adolescents.

"(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

"(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

"(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI.

"(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

"(6) REPORTS TO CONGRESS.—Not later than January 1, 2010, and every 3 years thereafter, the Secretary shall report to Congress on—

"(A) the status of the Secretary's efforts to improve—

"(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

"(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

"(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

"(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

"(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

"(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of valid, reliable, and evidence-based quality measures that, taken together—

"(A) provide information regarding the quality of health coverage and health care for children;

"(B) address the needs of children throughout the developmental age span; and

"(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

"(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

"(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2010, the Secretary shall establish a pediatric quality measures program to—

"(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

"(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

"(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

"(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

"(A) evidence-based and, where appropriate, risk adjusted;

"(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

"(C) designed to ensure that the data required for such measures is collected and reported in a

standard format that permits comparison of quality and data at a State, plan, and provider level;

"(D) periodically updated; and

"(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

"(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

"(A) States;

"(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

"(C) dental professionals, including pediatric dental professionals;

"(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

"(E) national organizations representing consumers and purchasers of children's health care;

"(F) national organizations and individuals with expertise in pediatric health quality measurement; and

"(G) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

"(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

"(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

"(B) award grants and contracts for—

"(i) the development of consensus on evidence-based measures for children's health care services;

"(ii) the dissemination of such measures to public and private purchasers of health care for children; and

"(iii) the updating of such measures as necessary.

"(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2012, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

"(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term 'pediatric quality measure' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

"(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

"(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

"(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

"(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u–4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u–7, 1397cc).

"(2) PUBLICATION.—Not later than September 30, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

"(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

"(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

"(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

"(B) promote the use of health information technology in care delivery for children under such titles;

"(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

"(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

"(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

"(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

"(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

"(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

"(4) FUNDING.—$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

"(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

"(A) identify, through self-assessment, behavioral risk factors for obesity among children;

"(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

"(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

"(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

"(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

"(A) A city, county, or Indian tribe.

"(B) A local or tribal educational agency.

"(C) An accredited university, college, or community college.

"(D) A Federally-qualified health center.

"(E) A local health department.

"(F) A health care provider.

"(G) A community-based organization.

"(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

"(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

"(A) carry out community-based activities related to reducing childhood obesity, including by—

"(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

"(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

"(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

"(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

"(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

"(I) after hours physical activity programs; and

"(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problem-solving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

"(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

"(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

"(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

"(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

"(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

"(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

"(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

"(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

"(D) provide, through qualified health professionals, training and supervision for community health workers to—

"(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

"(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

"(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

"(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

"(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

"(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

"(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

"(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

"(E) located in communities that are medically underserved, as determined by the Secretary;

"(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

"(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

"(i) community-based organizations;

"(ii) local governments;

"(iii) local educational agencies;

"(iv) the private sector;

"(v) State or local departments of health;

"(vi) accredited colleges, universities, and community colleges;

"(vii) health care providers;

"(viii) State and local departments of transportation and city planning; and

"(ix) other entities determined appropriate by the Secretary.

"(5) PROGRAM DESIGN.—

"(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

"(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

"(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

"(7) DEFINITIONS.—In this subsection:

"(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given that term in section 1905(l)(2)(B).

"(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(C) SELF-ASSESSMENT.—The term 'self-assessment' means a form that—

"(i) includes questions regarding—

"(I) behavioral risk factors;

"(II) needed preventive and screening services; and

"(III) target individuals' preferences for receiving follow-up information;

"(ii) is assessed using such computer generated assessment programs; and

"(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

"(D) ONGOING SUPPORT.—The term 'ongoing support' means—

"(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

"(I) the results of a self-assessment given to the individual;

"(II) behavior modification based on the self-assessment; and

"(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

"(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

"(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2008 through 2012.

"(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

"(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

"(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

"(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

"(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

"(2) FUNDING.—$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

"(1) IN GENERAL.—Not later than July 1, 2009, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

"(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

"(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

"(C) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment; and

"(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

"(2) FUNDING.—Up to $1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI .

"(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2008 through 2012, $45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.".

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following new clause:

"(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and".

SEC. 502. IMPROVED INFORMATION REGARDING ACCESS TO COVERAGE UNDER CHIP.

(a) Inclusion of Process and Access Measures in Annual State Reports.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "The State" and inserting "Subject to subsection (e), the State"; and

(2) by adding at the end the following new subsection:

"(e) Information Required for Inclusion in State Annual Report.—The State shall include the following information in the annual report required under subsection (a):

"(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

"(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

"(3) Data regarding denials of eligibility and redeterminations of eligibility.

"(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

"(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

"(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.".

(b) GAO Study and Report on Access to Primary and Speciality Services.—

(1) In general.—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) Report.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SEC. 503. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b), is amended by redesignating subparagraph (E) (as added by such section) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

"(E) Subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care).".

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL CORRECTION REGARDING CURRENT STATE AUTHORITY UNDER MEDICAID.

(a) In General.—Only with respect to expenditures for medical assistance under a State Medicaid plan, including any waiver of such plan, for fiscal years 2007 and 2008, a State may elect, notwithstanding the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section—

(1) to cover individuals described in section 1902(a)(10)(A)(ii)(IX) of the Social Security Act and, at its option, to apply less restrictive methodologies to such individuals under section 1902(r)(2) of such Act or 1931(b)(2)(C) of such Act and thereby receive Federal financial participation for medical assistance for such individuals under title XIX of the Social Security Act; or

(2) to receive Federal financial participation for expenditures for medical assistance under title XIX of such Act for children described in paragraph (2)(B) or (3) of section 1905(u) of such Act based on the Federal medical assistance percentage, as otherwise determined based on the first and third sentences of subsection (b) of section 1905 of the Social Security Act, rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act).

(b) Repeal.—Effective October 1, 2008, subsection (a) is repealed.

(c) Hold Harmless.—No State that elects the option described in subsection (a) shall be treated as not having been authorized to make such election and to receive Federal financial participation for expenditures for medical assistance described in that subsection for fiscal years 2007 and 2008 as a result of the repeal of the subsection under subsection (b).

SEC. 602. PAYMENT ERROR RATE MEASUREMENT ("PERM").

(a) Expenditures Related to Compliance With Requirements.—

(1) Enhanced payments.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 401(a), is amended by adding at the end the following new paragraph:

"(11) Enhanced payments.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.".

(2) Exclusion of from cap on administrative expenditures.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)C)), as amended by section 402(b), is amended by adding at the end the following:

"(v) Payment error rate measurement (PERM) expenditures.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).".

(b) Final Rule Required To Be in Effect for All States.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as "PERM") requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such final rule in effect for all States may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

(c) Requirements for Final Rule.—For purposes of subsection (b), the requirements of this subsection are that the final rule implementing the PERM requirements shall include—

(1) clearly defined criteria for errors for both States and providers;

(2) a clearly defined process for appealing error determinations by review contractors; and

(3) clearly defined responsibilities and deadlines for States in implementing any corrective action plans.

(d) Option for Application of Data for Certain States Under the Interim Final Rule.—

(1) Option for states in first application cycle.—After the final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 were the first fiscal year for which the PERM requirements apply to the State.

(2) Option for states in second application cycle.—If such final rule is not in effect for all States by July 1, 2008, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2008 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2011 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the "MEQC") requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with fiscal year 2009, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

SEC. 603. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) [reserved]".

SEC. 604. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking "$10,000,000 for fiscal year 2000" and inserting "$20,000,000 for fiscal year 2008".

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

"(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

"(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

"(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to compile the State-specific and national number of low-income children without health insurance for purposes of determining allotments under subsections (c) and (i) of section 2104 and making payments to States from the CHIP Incentive Bonuses Pool established under subsection (j) of such section, the CHIP Contingency Fund established under subsection (k) of such section, and, to the extent applicable to a State, from the block grant set aside under section 2111(b)(2)(B)(i) for each of fiscal years 2010 through 2012.

"(C) Include health insurance survey information in the American Community Survey related to children.

"(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

"(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

"(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

"(3) AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.".

SEC. 605. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) STATE FLEXIBILITY IN BENEFIT PACKAGES.—

(1) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES.—Section 1937(a)(1) (42 U.S.C. 1396u–7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 88), is amended—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking "enrollment in coverage that provides" and inserting "coverage that";

(ii) in clause (i), by inserting "provides" after "(i)"; and

(iii) by striking clause (ii) and inserting the following:

"(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).";

(B) in subparagraph (C)—

(i) in the heading, by striking "WRAP-AROUND" and inserting "ADDITIONAL"; and

(ii) by striking "wrap-around or"; and

(C) by adding at the end the following new subparagraph:

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

"(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2).".

(2) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u–7(a)(2)(B)(viii), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking "aid or assistance is made available under part B of title IV to children in foster care and individuals" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care or".

(3) TRANSPARENCY.—Section 1937 (42 U.S.C. 1396u–7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

"(c) PUBLICATION OF PROVISIONS AFFECTED.—Not later than 30 days after the date the Secretary approves a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b), the Secretary shall publish in the Federal Register and on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out such plan amendment and the reason for each such determination.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

SEC. 606. ELIMINATION OF CONFUSING PROGRAM REFERENCES.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–402) is repealed.

SEC. 607. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following:

"(5) MENTAL HEALTH SERVICES PARITY.—

"(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

"(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).".

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)"; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 608. DENTAL HEALTH GRANTS.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 201, is amended by adding at the end the following:

"SEC. 2114. DENTAL HEALTH GRANTS.

"(a) AUTHORITY TO AWARD GRANTS.—

"(1) IN GENERAL.—From the amount appropriated under subsection (f), the Secretary shall award grants from amounts to eligible States for the purpose of carrying out programs and activities that are designed to improve the availability of dental services and strengthen dental coverage for targeted low-income children enrolled in State child health plans.

"(2) ELIGIBLE STATE.—In this section, the term 'eligible State' means a State with an approved State child health plan under this title that submits an application under subsection (b) that is approved by Secretary.

"(b) APPLICATION.—An eligible State that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may require. Such application shall include—

"(1) a detailed description of—

"(A) the dental services (if any) covered under the State child health plan; and

"(B) how the State intends to improve dental coverage and services during fiscal years 2008 through 2012;

"(2) a detailed description of the programs and activities proposed to be conducted with funds awarded under the grant;

"(3) quality and outcomes performance measures to evaluate the effectiveness of such activities; and

"(4) an assurance that the State shall—

"(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

"(B) cooperate with the collection and reporting of data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

"(c) USE OF FUNDS.—The programs and activities described in subsection (a)(1) may include the provision of enhanced dental coverage under the State child health plan.

"(d) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

"(1) the State share of funds expended for dental services under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

"(2) no State matching funds shall be required for the State to receive a grant under this section.

"(e) ANNUAL REPORT.—The Secretary shall submit an annual report to the appropriate committees of Congress regarding the grants awarded under this section that includes—

"(1) State specific descriptions of the programs and activities conducted with funds awarded under such grants; and

"(2) information regarding the assessments required of States under subsection (b)(4).

"(f) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated, $200,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants to States under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105.".

(b) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1-877-KIDS-NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website.

(c) GAO STUDY AND REPORT ON ACCESS TO ORAL HEALTH CARE, INCLUDING PREVENTIVE AND RESTORATIVE SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(D) as appropriate, information on the degree of availability of oral health care, including preventive and restorative services, for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

(d) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a)(6)(ii), as added by section 501(a), is amended by inserting "dental care," after "preventive health services,".

SEC. 609. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by sections 204(b) and 503, is amended by inserting after subparagraph (A) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(B) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2008.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2008, $5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(B) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2010, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

SEC. 610. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the "Support for Injured Servicemembers Act".

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

"(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

"(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of

leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 103(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 103''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting ''(or 26 workweeks in the case of leave provided under subsection (a)(3))'' after ''12 workweeks'' the first place it appears; and

(II) by inserting ''(or 26 workweeks, as appropriate)'' after ''12 workweeks'' the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: ''An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.''.

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(iii) by adding at the end the following:

''(2) SERVICEMEMBER FAMILY LEAVE.—

''(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

''(i) leave under subsection (a)(3); or

''(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

''(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).''.

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting ''or under section 102(a)(3)'' before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking ''or'' at the end;

(II) in clause (ii), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).''.

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting ''(or 26 weeks, in a case involving leave under section 102(a)(3))'' after ''12 weeks''.

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting ''or under section 102(a)(3)'' after ''section 102(a)(1)''.

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

''(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

''(9) the term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

''(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

''(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

''(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 6383(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 6383''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: ''An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.''.

(C) NOTICE.—Section 6382(e) of such title is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SEC. 611. MILITARY FAMILY JOB PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Military Family Job Protection Act''.

(b) PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.—A family member of a recovering servicemember described in subsection (c) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(d) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (b) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(e) DEFINITIONS.—In this section:

(1) BENEFIT OF EMPLOYMENT.—The term ''benefit of employment'' has the meaning given such term in section 4303 of title 38, United States Code.

(2) CARING FOR.—The term ''caring for'', used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) EMPLOYER.—The term ''employer'' has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) FAMILY MEMBER.—The term ''family member'', with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) RECOVERING SERVICEMEMBER.—The term ''recovering servicemember'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover

status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SEC. 612. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

SEC. 613. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15,000,000 during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 States over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations, the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.".

SEC. 614. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "certified development company" means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term "Medicaid program" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term "State" has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term "State Children's Health Insurance Program" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term "task force" means the task force established under subsection (b)(1); and

(10) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

TITLE VII—REVENUE PROVISIONS

SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand",

(2) by striking "20.719 percent (18.063 percent on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "53.13 percent", and

(3) by striking "$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "$3.00 per cigar".

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking "$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand", and

(2) by striking "$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (2) and inserting "$104.9999 cents per thousand".

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking "1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "3.13 cents".

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking "2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "6.26 cents".

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking "58.5 cents (51 cents on snuff removed during 2000 or 2001)" in paragraph (1) and inserting "$1.50", and

(2) by striking "19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)" in paragraph (2) and inserting "50 cents".

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking "$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "$2.8126 cents".

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking "$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "$8.8889 cents".

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 2008, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2008.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, REPORT, AND RECORD REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMITS.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting "or processed tobacco" after "tobacco products".

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting "or processed tobacco" after "tobacco products".

(2) INVENTORIES AND REPORTS.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(B) REPORTS.—Section 5722 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(3) RECORDS.—Section 5741 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

"(p) MANUFACTURER OF PROCESSED TOBACCO.—

"(1) IN GENERAL.—The term 'manufacturer of processed tobacco' means any person who processes any tobacco other than tobacco products.

"(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.".

(5) CONFORMING AMENDMENT.—Section 5702(k) of such Code is amended by inserting ", or any processed tobacco," after "nontaxpaid tobacco products or cigarette papers or tubes".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

"(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

"(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

"(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes, or

"(C) has failed to disclose any material information required or made any material false statement in the application therefor.".

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

"(b) SUSPENSION OR REVOCATION.—

"(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

"(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

"(B) has violated the conditions of such permit,

"(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

"(D) has failed to maintain his premises in such manner as to protect the revenue,

"(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

"(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

"(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.".

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking "and section 520 (relating to refunds)" and inserting "section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)".

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting "or cigars, or for use as wrappers thereof" before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

"(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes produced in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.".

SEC. 703. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.50 percent" and inserting "113.25 percent".

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise provided in this Act, subject to subsection (b), the amendments made by this Act shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or XXI of the Social Security Act, which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by an amendment made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, pursuant to H. Res. 675, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DINGELL moves that the House concur in each of the Senate amendments to H.R. 976 with the respective amendment printed in the report of the Committee on Rules accompanying H. Res. 675.

The text of the House amendments to the Senate amendments is as follows:

House amendments to Senate amendments:

In lieu of the matter proposed to be inserted to the text of the Act, insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as "Children's Health Insurance Program Reauthorization Act of 2007".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO CHIP; MEDICAID; SECRETARY.—In this Act:

(1) CHIP.—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.
Sec. 2. Purpose.
Sec. 3. General effective date; exception for State legislation; contingent effective date; reliance on law.

TITLE I—FINANCING

Subtitle A—Funding

Sec. 101. Extension of CHIP.
Sec. 102. Allotments for States and territories for fiscal years 2008 through 2012.
Sec. 103. Child Enrollment Contingency Fund.
Sec. 104. CHIP performance bonus payment to offset additional enrollment costs resulting from enrollment and retention efforts.
Sec. 105. 2-year initial availability of CHIP allotments.
Sec. 106. Redistribution of unused allotments to address State funding shortfalls.
Sec. 107. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.
Sec. 108. One-time appropriation.
Sec. 109. Improving funding for the territories under CHIP and Medicaid.

Subtitle B—Focus on Low-Income Children and Pregnant Women

Sec. 111. State option to cover low-income pregnant women under CHIP through a State plan amendment.
Sec. 112. Phase-Out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
Sec. 113. Elimination of counting Medicaid child presumptive eligibility costs against Title XXI allotment.
Sec. 114. Limitation on matching rate for States that propose to cover children with effective family income that exceeds 300 percent of the poverty line.
Sec. 115. State authority under Medicaid.
Sec. 116. Preventing substitution of CHIP coverage for private coverage.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

Sec. 201. Grants and enhanced administrative funding for outreach and enrollment.
Sec. 202. Increased outreach and enrollment of Indians.
Sec. 203. State option to rely on findings from an Express Lane agency to conduct simplified eligibility determinations.

Subtitle B—Reducing Barriers to Enrollment

Sec. 211. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
Sec. 212. Reducing administrative barriers to enrollment.
Sec. 213. Model of Interstate coordinated enrollment and coverage process.

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 301. Additional State option for providing premium assistance.
Sec. 302. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 311. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

Sec. 401. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
Sec. 402. Improved availability of public information regarding enrollment of children in CHIP and Medicaid.
Sec. 403. Application of certain managed care quality safeguards to CHIP.

TITLE V—IMPROVING ACCESS TO BENEFITS

Sec. 501. Dental benefits.
Sec. 502. Mental health parity in CHIP plans.
Sec. 503. Application of prospective payment system for services provided by Federally-Qualified Health Centers and rural health clinics.
Sec. 504. Premium grace period.
Sec. 505. Demonstration projects relating to diabetes prevention.
Sec. 506. Clarification of coverage of services provided through school-based health centers.

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

Sec. 601. Payment error rate measurement ("PERM").
Sec. 602. Improving data collection.
Sec. 603. Updated Federal evaluation of CHIP.
Sec. 604. Access to records for IG and GAO audits and evaluations.
Sec. 605. No Federal funding for illegal aliens.

Subtitle B—Miscellaneous Health Provisions

Sec. 611. Deficit Reduction Act technical corrections.
Sec. 612. References to title XXI.
Sec. 613. Prohibiting initiation of new health opportunity account demonstration programs.
Sec. 614. County medicaid health insuring organizations; GAO report on Medicaid managed care payment rates.
Sec. 615. Adjustment in computation of Medicaid FMAP to disregard an extraordinary employer pension contribution.
Sec. 616. Moratorium on certain payment restrictions.
Sec. 617. Medicaid DSH allotments for Tennessee and Hawaii.
Sec. 618. Clarification treatment of regional medical center.
Sec. 619. Extension of SSI web-based asset demonstration project to the Medicaid program.

Subtitle C—Other Provisions

Sec. 621. Support for injured servicemembers.
Sec. 622. Military family job protection.
Sec. 623. Outreach regarding health insurance options available to children.
Sec. 624. Sense of Senate regarding access to affordable and meaningful health insurance coverage.

TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.
Sec. 702. Administrative improvements.
Sec. 703. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible, but not enrolled, for coverage today through such titles.

SEC. 3. GENERAL EFFECTIVE DATE; EXCEPTION FOR STATE LEGISLATION; CONTINGENT EFFECTIVE DATE; RELIANCE ON LAW.

(a) GENERAL EFFECTIVE DATE.—Unless otherwise provided in this Act, subject to subsections (b) and (c), this Act (and the amendments made by this Act) shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out this Act (or such amendments) have been promulgated by such date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for respective plan to meet one or more additional requirements imposed by amendments made by this Act, the respective State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(c) CONTINGENT EFFECTIVE DATE FOR CHIP FUNDING FOR FISCAL YEAR 2008.—Notwithstanding any other provision of law, if funds are appropriated under any law (other than this Act) to provide allotments to States under CHIP for all (or any portion) of fiscal year 2008—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(2) any amount provided for CHIP allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

(d) RELIANCE ON LAW.—With respect to amendments made by this Act (other than title VII) that become effective as of a date—

(1) such amendments are effective as of such date whether or not regulations implementing such amendments have been issued; and

(2) Federal financial participation for medical assistance or child health assistance furnished under title XIX or XXI, respectively, of the Social Security Act on or after such date by a State in good faith reliance on such amendments before the date of promulgation of final regulations, if any, to carry out such amendments (or before the date of guidance, if any, regarding the implementation of such amendments) shall not be denied on the basis of the State's failure to comply with such regulations or guidance.

TITLE I—FINANCING

Subtitle A—Funding

SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(11) for fiscal year 2008, $9,125,000,000;

"(12) for fiscal year 2009, $10,675,000,000;

"(13) for fiscal year 2010, $11,850,000,000;

"(14) for fiscal year 2011, $13,750,000,000; and

"(15) for fiscal year 2012, for purposes of making 2 semi-annual allotments—

"(A) $1,750,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012, and

"(B) $1,750,000,000 for the period beginning on April 1, 2012, and ending on September 30, 2012.".

SEC. 102. ALLOTMENTS FOR STATES AND TERRITORIES FOR FISCAL YEARS 2008 THROUGH 2012.

Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (b)(1), by striking "subsection (d)" and inserting "subsections (d) and (i)";

(2) in subsection (c)(1), by striking "subsection (d)" and inserting "subsections (d) and (i)(4)"; and

(3) by adding at the end the following new subsection:

"(i) ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

"(1) FOR FISCAL YEAR 2008.—

"(A) FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2008 from the amount made available under subsection (a)(11), to each of the 50 States and the District of Columbia 110 percent of the highest of the following amounts for such State or District:

"(i) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

"(ii) The Federal share of the amount allotted to the State for fiscal year 2007 under subsection (b), multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

"(iii) Only in the case of—

"(I) a State that received a payment, redistribution, or allotment under any of paragraphs (1), (2), or (4) of subsection (h), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary;

"(II) a State whose projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the May 2006 estimates certified by the State to the Secretary, were at least $95,000,000 but not more than $96,000,000 higher than the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the November 2006 estimates, the amount of the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the May 2006 estimates; or

"(III) a State whose projected total Federal payments under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, exceeded all amounts available to the State for expenditure for fiscal year 2007 (including any amounts paid, allotted, or redistributed to the State in prior fiscal years), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary,

multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

"(iv) The projected total Federal payments to the State under this title for fiscal year 2008, as determined on the basis of the August 2007 projections certified by the State to the Secretary by not later than September 30, 2007.

"(B) FOR THE COMMONWEALTHS AND TERRITORIES.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2008 from the amount made available under subsection (a)(11) to each of the commonwealths and territories described in subsection (c)(3) an amount equal to the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008, except that subparagraph (B) thereof shall be applied by substituting 'the United States' for 'the State'.

"(C) DEADLINE AND DATA FOR DETERMINING FISCAL YEAR 2008 ALLOTMENTS.—In computing the amounts under subparagraphs (A) and (B) that determine the allotments to States for fiscal year 2008, the Secretary shall use the most recent data available to the Secretary before the start of that fiscal year. The Secretary may adjust such amounts and allotments, as necessary, on the basis of the expenditure data for the prior year reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2007, but in no case shall the Secretary adjust the allotments provided under subparagraph (A) or (B) for fiscal year 2008 after December 31, 2007.

"(D) ADJUSTMENT FOR QUALIFYING STATES.—In the case of a qualifying State described in paragraph (2) of section 2105(g), the Secretary shall permit the State to submit revised projection described in subparagraph (A)(iv) in order to take into account changes in such projections attributable to the application of paragraph (4) of such section.

"(2) FOR FISCAL YEARS 2009 THROUGH 2011.—

"(A) IN GENERAL.—Subject to paragraphs (4) and (6), from the amount made available under paragraphs (12) through (14) of subsection (a) for each of fiscal years 2009 through 2011, respectively, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for each such fiscal year as follows:

"(i) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2009.—For fiscal year 2009, the allotment of the State is equal to the sum of—

"(I) the amount of the State allotment under paragraph (1) for fiscal year 2008; and

"(II) the amount of any payments made to the State under subsection (j) for fiscal year 2008,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2009.

"(ii) REBASING IN FISCAL YEAR 2010.—For fiscal year 2010, the allotment of a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2009 (including payments made to the State under subsection (j) for fiscal year 2009 as well as amounts redistributed to the State in fiscal year 2009) multiplied by the allotment increase factor under paragraph (5) for fiscal year 2010.

"(iii) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2011.—For fiscal year 2011, the allotment of the State is equal to the sum of—

"(I) the amount of the State allotment under clause (ii) for fiscal year 2010; and

"(II) the amount of any payments made to the State under subsection (j) for fiscal year 2010,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2011.

"(3) FOR FISCAL YEAR 2012.—

"(A) FIRST HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (A) of paragraph (15) of subsection (a) for the semi-annual period described in such paragraph, increased by the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

"(B) SECOND HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (B) of paragraph (15) of subsection (a) for the semi-annual period described in such paragraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph multiplied by the ratio of—

"(i) the amount of the allotment to such State under subparagraph (A); to

"(ii) the total of the amount of all of the allotments made available under such subparagraph.

"(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2011 (including payments made to the State under subsection (j) for fiscal year 2011 as well as amounts redistributed to the State in fiscal year 2011) multiplied by the allotment increase factor under paragraph (5) for fiscal year 2012.

"(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

"(i) the sum of—

"(I) the amount made available under subsection (a)(15)(A); and

"(II) the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2007; to

"(ii) the sum of the—

"(I) amount described in clause (i); and

"(II) the amount made available under subsection (a)(15)(B).

"(4) PRORATION RULE.—If, after the application of this subsection without regard to this paragraph, the sum of the allotments determined under paragraph (1), (2), or (3) for a fiscal year (or, in the case of fiscal year 2012, for a semi-annual period in such fiscal year) exceeds the amount available under subsection (a) for such fiscal year or period, the Secretary shall reduce each allotment for any State under such paragraph for such fiscal year or period on a proportional basis.

"(5) ALLOTMENT INCREASE FACTOR.—The allotment increase factor under this paragraph for a fiscal year is equal to the product of the following:

"(A) PER CAPITA HEALTH CARE GROWTH FACTOR.—1 plus the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.

"(B) CHILD POPULATION GROWTH FACTOR.—1 plus the percentage increase (if any) in the population of children in the State from July 1 in the previous fiscal year to July 1 in the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved, plus 1 percentage point.

"(6) INCREASE IN ALLOTMENT TO ACCOUNT FOR APPROVED PROGRAM EXPANSIONS.—In the case of one of the 50 States or the District of Columbia that—

"(A) has submitted to the Secretary, and has approved by the Secretary, a State plan amendment or waiver request relating to an expansion of eligibility for children or benefits under this title that becomes effective for a fiscal year (beginning with fiscal year 2009 and ending with fiscal year 2012); and

"(B) has submitted to the Secretary, before the August 31 preceding the beginning of the fiscal year, a request for an expansion allotment adjustment under this paragraph for such fiscal year that specifies—

"(i) the additional expenditures that are attributable to the eligibility or benefit expansion provided under the amendment or waiver described in subparagraph (A), as certified by the State and submitted to the Secretary by not later than August 31 preceding the beginning of the fiscal year; and

"(ii) the extent to which such additional expenditures are projected to exceed the allotment of the State or District for the year,

subject to paragraph (4), the amount of the allotment of the State or District under this subsection for such fiscal year shall be increased by the excess amount described in subparagraph (B)(i). A State or District may only obtain an increase under this paragraph for an allotment for fiscal year 2009 or fiscal year 2011.

"(7) AVAILABILITY OF AMOUNTS FOR SEMI-ANNUAL PERIODS IN FISCAL YEAR 2012.—Each semi-annual allotment made under paragraph (3) for a period in fiscal year 2012 shall remain available for expenditure under this title for periods after the end of such fiscal year in the same manner as if the allotment had been made available for the entire fiscal year.".

SEC. 103. CHILD ENROLLMENT CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

"(j) CHILD ENROLLMENT CONTINGENCY FUND.—

"(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'Child Enrollment Contingency Fund' (in this subsection referred to as the 'Fund'). Amounts in the Fund shall be available without further appropriations for payments under this subsection.

"(2) DEPOSITS INTO FUND.—

"(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (D), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

"(i) for fiscal year 2008, an amount equal to 20 percent of the amount made available under paragraph (11) of subsection (a) for the fiscal year; and

"(ii) for each of fiscal years 2009 through 2011 (and for each of the semi-annual allotment periods for fiscal year 2012) , such sums as are necessary for making payments to eligible States for such fiscal year or period, but not in excess of the aggregate cap described in subparagraph (B).

"(B) AGGREGATE CAP.—The total amount available for payment from the Fund for each of fiscal years 2009 through 2011 (and for each of the semi-annual allotment periods for fiscal year 2012), taking into account deposits made under subparagraph (C), shall not exceed 20 percent of the amount made available under subsection (a) for the fiscal year or period.

"(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

"(D) AVAILABILITY OF EXCESS FUNDS FOR PERFORMANCE BONUSES.—Any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year or period shall be made available for purposes of carrying out section 2105(a)(3) for any succeeding fiscal year and the Secretary of the Treasury shall reduce the amount in the Fund by the amount so made available.

"(3) CHILD ENROLLMENT CONTINGENCY FUND PAYMENTS.—

"(A) IN GENERAL.—If a State's expenditures under this title in fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, or a semi-annual allotment period for fiscal year 2012, exceed the total amount of allotments available under this section to the State in the fiscal year or period (determined without regard to any redistribution it receives under subsection (f) that is available for expenditure during such fiscal year or period, but including any carryover from a previous fiscal year) and if the average monthly unduplicated number of children enrolled under the State plan under this title (including children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during such fiscal year or period exceeds its target average number of such enrollees (as determined under subparagraph (B)) for that fiscal year or period, subject to subparagraph (D), the Secretary shall pay to the State from the Fund an amount equal to the product of—

"(i) the amount by which such average monthly caseload exceeds such target number of enrollees; and

"(ii) the projected per capita expenditures under the State child health plan (as determined under subparagraph (C) for the fiscal year), multiplied by the enhanced FMAP (as defined in section 2105(b)) for the State and fiscal year involved (or in which the period occurs).

"(B) TARGET AVERAGE NUMBER OF CHILD ENROLLEES.—In this paragraph, the target average number of child enrollees for a State—

"(i) for fiscal year 2008 is equal to the monthly average unduplicated number of children enrolled in the State child health plan under this title (including such children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the target average number of child enrollees for the State for the previous fiscal year increased by the child population growth factor described in subsection (i)(5)(B) for the State for the prior fiscal year.

"(C) PROJECTED PER CAPITA EXPENDITURES.—For purposes of subparagraph (A)(ii), the projected per capita expenditures under a State child health plan—

"(i) for fiscal year 2008 is equal to the average per capita expenditures (including both State and Federal financial participation) under such plan for the targeted low-income children counted in the average monthly caseload for purposes of this paragraph during fiscal year 2007, increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for 2008; or

"(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the projected per capita expenditures under such plan for the previous fiscal year (as determined under clause (i) or this clause) increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for the year in which such subsequent fiscal year ends.

"(D) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year or period are less than the total amount of payments determined under subparagraph (A) for the fiscal year or period, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

"(E) TIMELY PAYMENT; RECONCILIATION.—Payment under this paragraph for a fiscal year or period shall be made before the end of the fiscal year or period based upon the most recent data for expenditures and enrollment and the provisions of subsection (e) of section 2105 shall apply to payments under this subsection in the same manner as they apply to payments under such section.

"(F) CONTINUED REPORTING.—For purposes of this paragraph and subsection (f), the

State shall submit to the Secretary the State's projected Federal expenditures, even if the amount of such expenditures exceeds the total amount of allotments available to the State in such fiscal year or period.

"(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—No payment shall be made under this paragraph to a commonwealth or territory described in subsection (c)(3) until such time as the Secretary determines that there are in effect methods, satisfactory to the Secretary, for the collection and reporting of reliable data regarding the enrollment of children described in subparagraphs (A) and (B) in order to accurately determine the commonwealth's or territory's eligibility for, and amount of payment, under this paragraph.".

SEC. 104. CHIP PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.

Section 2105(a) (42 U.S.C. 1397ee(a)) is amended by adding at the end the following new paragraphs:

"(3) PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL MEDICAID AND CHIP CHILD ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.—

"(A) IN GENERAL.—In addition to the payments made under paragraph (1), for each fiscal year (beginning with fiscal year 2008 and ending with fiscal year 2012) the Secretary shall pay from amounts made available under subparagraph (E), to each State that meets the condition under paragraph (4) for the fiscal year, an amount equal to the amount described in subparagraph (B) for the State and fiscal year. The payment under this paragraph shall be made, to a State for a fiscal year, as a single payment not later than the last day of the first calendar quarter of the following fiscal year.

"(B) AMOUNT.—Subject to subparagraph (E), the amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

"(i) FOR ABOVE BASELINE MEDICAID CHILD ENROLLMENT COSTS.—

"(I) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under subparagraph (C)(i)) under title XIX for the State and fiscal year multiplied by 15 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)(i)) for the State and fiscal year under title XIX.

"(II) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under subparagraph (C)(ii)) under title XIX for the State and fiscal year multiplied by 60 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)(i)) for the State and fiscal year under title XIX.

"(ii) FOR ABOVE BASELINE CHIP ENROLLMENT COSTS.—

"(I) FIRST TIER ABOVE BASELINE CHIP ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees under this title (as determined under subparagraph (C)(i)) for the State and fiscal year multiplied by 10 percent of the projected per capita State CHIP expenditures (as determined under subparagraph (D)(ii)) for the State and fiscal year under this title.

"(II) SECOND TIER ABOVE BASELINE CHIP ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees under this title (as determined under subparagraph (C)(ii)) for the State and fiscal year multiplied by 40 percent of the projected per capita State CHIP expenditures (as determined under subparagraph (D)(ii)) for the State and fiscal year under this title.

"(C) NUMBER OF FIRST AND SECOND TIER ABOVE BASELINE CHILD ENROLLEES; BASELINE NUMBER OF CHILD ENROLLEES.—For purposes of this paragraph:

"(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under this title or title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under the State child health plan under this title or under the State plan under title XIX, respectively; exceeds

"(II) the baseline number of enrollees described in clause (iii) for the State and fiscal year under this title or title XIX, respectively;

but not to exceed 3 percent (in the case of title XIX) or 7.5 percent (in the case of this title) of the baseline number of enrollees described in subclause (II).

"(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under this title or title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under this title or under title XIX, respectively, as described in clause (i)(I); exceeds

"(II) the sum of the baseline number of child enrollees described in clause (iii) for the State and fiscal year under this title or title XIX, respectively, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under this title or title XIX, respectively, as determined under clause (i).

"(iii) BASELINE NUMBER OF CHILD ENROLLEES.—Subject to subparagraph (H), the baseline number of child enrollees for a State under this title or title XIX—

"(I) for fiscal year 2008 is equal to the monthly average unduplicated number of qualifying children enrolled in the State child health plan under this title or in the State plan under title XIX, respectively, during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(II) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under this title or title XIX, respectively, increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

"(D) PROJECTED PER CAPITA STATE EXPENDITURES.—For purposes of subparagraph (B)—

"(i) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—The projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

"(ii) PROJECTED PER CAPITA STATE CHIP EXPENDITURES.—The projected per capita State CHIP expenditures for a State and fiscal year under this title is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State child health plan under this title, including under waivers, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the enhanced FMAP (as defined in section 2105(b)) for the fiscal year involved.

"(E) AMOUNTS AVAILABLE FOR PAYMENTS.—

"(i) INITIAL APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated $3,000,000,000 for fiscal year 2008 for making payments under this paragraph, to be available until expended.

"(ii) TRANSFERS.—Notwithstanding any other provision of this title, the following amounts shall also be available, without fiscal year limitation, for making payments under this paragraph:

"(I) UNOBLIGATED NATIONAL ALLOTMENT.—

"(aa) FISCAL YEARS 2008 THROUGH 2011.—As of December 31 of fiscal year 2008, and as of December 31 of each succeeding fiscal year through fiscal year 2011, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

"(bb) FIRST HALF OF FISCAL YEAR 2012.—As of December 31 of fiscal year 2012, the portion, if any, of the sum of the amounts appropriated under subsection (a)(15)(A) and under section 108 of the Children's Health Insurance Reauthorization Act of 2007 for the period beginning on October 1, 2011, and ending on March 31, 2012, that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(cc) SECOND HALF OF FISCAL YEAR 2012.—As of June 30 of fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a)(15)(B) for the period beginning on April 1, 2012, and ending on September 30, 2012, that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(II) UNEXPENDED ALLOTMENTS NOT USED FOR REDISTRIBUTION.—As of November 15 of each of fiscal years 2009 through 2012, the total amount of allotments made to States under section 2104 for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006 and 2007 allotments) that is not expended or redistributed under section 2104(f) during the period in which such allotments are available for obligation.

"(III) EXCESS CHILD ENROLLMENT CONTINGENCY FUNDS.—As of October 1 of each of fiscal years 2009 through 2012, any amount in excess of the aggregate cap applicable to the Child Enrollment Contingency Fund for the fiscal year under section 2104(j).

"(IV) UNEXPENDED TRANSITIONAL COVERAGE BLOCK GRANT FOR NONPREGNANT CHILDLESS ADULTS.—As of October 1, 2009, any amounts set aside under section 2111(a)(3) that are not expended by September 30, 2009.

"(iii) PROPORTIONAL REDUCTION.—If the sum of the amounts otherwise payable under this paragraph for a fiscal year exceeds the amount available for the fiscal year under this subparagraph, the amount to be paid under this paragraph to each State shall be reduced proportionally.

"(F) QUALIFYING CHILDREN DEFINED.—For purposes of this subsection, the term 'qualifying children' means, with respect to this title or title XIX, children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2007, for enrollment under this title or title XIX, respectively, taking into account criteria applied as of such date under this title or title XIX, respectively, pursuant to a waiver under section 1115.

"(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—The provisions of subparagraph (H) of section 2104(j)(3) shall apply with respect to payments under this paragraph in the same manner as such provisions apply to payment under such section.

"(H) APPLICATION TO STATES THAT IMPLEMENT A MEDICAID EXPANSION FOR CHILDREN AFTER FISCAL YEAR 2007.—In the case of a State that provides coverage under paragraph (1) or (2) of section 115(b) of the Children's Health Insurance Program Reauthorization Act of 2007 for any fiscal year after fiscal year 2007—

"(i) any child enrolled in the State plan under title XIX through the application of such an election shall be disregarded from the determination for the State of the monthly average unduplicated number of qualifying children enrolled in such plan during the first 3 fiscal years in which such an election is in effect; and

"(ii) in determining the baseline number of child enrollees for the State for any fiscal year subsequent to such first 3 fiscal years, the baseline number of child enrollees for the State under this title or title XIX for the third of such fiscal years shall be the monthly average unduplicated number of qualifying children enrolled in the State child health plan under this title or in the State plan under title XIX, respectively, for such third fiscal year.

"(4) ENROLLMENT AND RETENTION PROVISIONS FOR CHILDREN.—For purposes of paragraph (3)(A), a State meets the condition of this paragraph for a fiscal year if it is implementing at least 4 of the following enrollment and retention provisions (treating each subparagraph as a separate enrollment and retention provision) throughout the entire fiscal year:

"(A) CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months for all children described in section 1902(e)(12) under title XIX under 19 years of age, as well as applying such policy under its State child health plan under this title.

"(B) LIBERALIZATION OF ASSET REQUIREMENTS.—The State meets the requirement specified in either of the following clauses:

"(i) ELIMINATION OF ASSET TEST.—The State does not apply any asset or resource test for eligibility for children under title XIX or this title.

"(ii) ADMINISTRATIVE VERIFICATION OF ASSETS.—The State—

"(I) permits a parent or caretaker relative who is applying on behalf of a child for medical assistance under title XIX or child health assistance under this title to declare and certify by signature under penalty of perjury information relating to family assets for purposes of determining and redetermining financial eligibility; and

"(II) takes steps to verify assets through means other than by requiring documentation from parents and applicants except in individual cases of discrepancies or where otherwise justified.

"(C) ELIMINATION OF IN-PERSON INTERVIEW REQUIREMENT.—The State does not require an application of a child for medical assistance under title XIX (or for child health assistance under this title), including an application for renewal of such assistance, to be made in person nor does the State require a face-to-face interview, unless there are discrepancies or individual circumstances justifying an in-person application or face-to-face interview.

"(D) USE OF JOINT APPLICATION FOR MEDICAID AND CHIP.—The application form and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children for medical assistance under title XIX and child health assistance under this title.

"(E) AUTOMATIC RENEWAL (USE OF ADMINISTRATIVE RENEWAL).—

"(i) IN GENERAL.—The State provides, in the case of renewal of a child's eligibility for medical assistance under title XIX or child health assistance under this title, a preprinted form completed by the State based on the information available to the State and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the State is provided other information. Nothing in this clause shall be construed as preventing a State from verifying, through electronic and other means, the information so provided.

"(ii) SATISFACTION THROUGH DEMONSTRATED USE OF EX PARTE PROCESS.—A State shall be treated as satisfying the requirement of clause (i) if renewal of eligibility of children under title XIX or this title is determined without any requirement for an in-person interview, unless sufficient information is not in the State's possession and cannot be acquired from other sources (including other State agencies) without the participation of the applicant or the applicant's parent or caretaker relative.

"(F) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State is implementing section 1920A under title XIX as well as, pursuant to section 2107(e)(1), under this title.

"(G) EXPRESS LANE.—The State is implementing the option described in section 1902(e)(13) under title XIX as well as, pursuant to section 2107(e)(1), under this title.".

SEC. 105. 2-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

"(2) AVAILABILITY OF AMOUNTS REDISTRIBUTED.—Amounts redistributed to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are redistributed.".

SEC. 106. REDISTRIBUTION OF UNUSED ALLOTMENTS TO ADDRESS STATE FUNDING SHORTFALLS.

(a) FISCAL YEAR 2005 ALLOTMENTS.—

(1) IN GENERAL.—Notwithstanding section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)), subject to paragraph (2), with respect to fiscal year 2008, the Secretary shall provide for a redistribution under such section from the allotments for fiscal year 2005 under subsection (b) and (c) of such section that are not expended by the end of fiscal year 2007, to each State described in clause (iii) of section 2104(i)(1)(A) of the Social Security Act, as added by section 102, of an amount that bears the same ratio to such unexpended fiscal year 2005 allotments as the ratio of the fiscal year 2007 allotment determined for each such State under subsection (b) of section 2104 of such Act for fiscal year 2007 (without regard to any amounts paid, allotted, or redistributed to the State under section 2104 for any preceding fiscal year) bears to the total amount of the fiscal year 2007 allotments for all such States (as so determined).

(2) CONTINGENCY.—Paragraph (1) shall not apply if the redistribution described in such paragraph has occurred as of the date of the enactment of this Act.

(b) ALLOTMENTS FOR SUBSEQUENT FISCAL YEARS.—Section 2104(f) (42 U.S.C. 1397dd(f)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "States that have fully expended the amount of their allotments under this section." and inserting "States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year, but not to exceed the amount of the shortfall described in paragraph (2)(A) for each such State (as may be adjusted under paragraph (2)(C)).''; and

(3) by adding at the end the following new paragraph:

"(2) SHORTFALL STATES DESCRIBED.—

"(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

"(i) the amount of the State's allotments for any preceding fiscal years that remains available for expenditure and that will not be expended by the end of the immediately preceding fiscal year;

"(ii) the amount (if any) of the child enrollment contingency fund payment under subsection (j); and

"(iii) the amount of the State's allotment for the fiscal year.

"(B) PRORATION RULE.—If the amounts available for redistribution under paragraph

(1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

"(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.".

SEC. 107. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), by inserting "subject to paragraph (4)," after "Notwithstanding any other provision of law,"; and

(2) by adding at the end the following new paragraph:

"(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

"(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2008 through 2012 (insofar as the allotment is available to the State under subsections (e) and (i) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.".

SEC. 108. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $12,500,000,000 to accompany the allotment made for the period beginning on October 1, 2011, and ending on March 31, 2012, under section 2104(a)(15)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(15)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (3) of section 2104(i) of the Social Security Act (42 U.S.C. 1397dd(i)), as added by section 102, for the first 6 months of fiscal year 2012 in the same manner as allotments are provided under subsection (a)(15)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(15)(A).

SEC. 109. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2008, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.".

(b) GAO STUDY AND REPORT.—Not later than September 30, 2009, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding Federal funding under Medicaid and CHIP for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations regarding methods for the collection and reporting of reliable data regarding the enrollment under Medicaid and CHIP of children in such commonwealths and territories

(3) Recommendations for improving Federal funding under Medicaid and CHIP for such commonwealths and territories.

Subtitle B—Focus on Low-Income Children and Pregnant Women

SEC. 111. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 112(a), is amended by adding at the end the following new section:

"SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

"(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

"(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

"(1) MINIMUM INCOME ELIGIBILITY LEVELS FOR PREGNANT WOMEN AND CHILDREN.—The State has established an income eligibility level—

"(A) for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902 that is at least 185 percent (or such higher percent as the State has in effect with regard to pregnant women under this title) of the poverty line applicable to a family of the size involved, but in no case lower than the percent in effect under any such subsection as of July 1, 2007; and

"(B) for children under 19 years of age under this title (or title XIX) that is at least 200 percent of the poverty line applicable to a family of the size involved.

"(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

"(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

"(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

"(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

"(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

"(7) NO WAITING LIST FOR CHILDREN.—The State does not impose, with respect to the enrollment under the State child health plan of targeted low-income children during the quarter, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.

"(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

"(d) DEFINITIONS.—For purposes of this section:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) and includes any medical assistance that the State would provide for a pregnant woman under the State plan under title XIX during the period described in paragraph (2)(A).

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds 185 percent (or, if higher, the percent applied under subsection (b)(1)(A)) of the poverty line applicable to a family of the size involved, but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

"(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

"(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

"(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

"(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956–61974 (October 2, 2002)), or

"(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2007).

"(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

"(3) NO INFERENCE.—Nothing in this subsection shall be construed—

"(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

"(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).".

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting "**OR PREGNANCY-RELATED ASSISTANCE**" after "**PREVENTIVE SERVICES**"; and

(B) by inserting before the period at the end the following: "or for pregnancy-related assistance".

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking ", and" at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.".

SEC. 112. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.

"(a) TERMINATION OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH FISCAL YEAR 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

"(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2008, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF FISCAL YEAR 2008.—

"(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after September 30, 2008.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2008, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through September 30, 2008.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during fiscal year 2008.

"(3) OPTIONAL 1-YEAR TRANSITIONAL COVERAGE BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Subject to paragraph (4)(B), each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may elect to provide nonpregnant childless adults who were provided child health assistance or health benefits coverage under the applicable existing waiver at any time during fiscal year 2008 with such assistance or coverage during fiscal year 2009, as if the authority to provide such assistance or coverage under an applicable existing waiver was extended through that fiscal year, but subject to the following terms and conditions:

"(A) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—The Secretary shall set aside for the State an amount equal to the Federal share of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all nonpregnant childless adults under such waiver for fiscal year 2008 (as certified by the State and submitted to the Secretary by not later than August 31, 2008, and without regard to whether any such individual lost coverage during fiscal year 2008 and was later provided child health assistance or other health benefits coverage under the waiver in that fiscal year), increased by the annual adjustment for fiscal year 2009 determined under section 2104(i)(5)(A). The Secretary may adjust the amount set aside under the preceding sentence, as necessary, on the basis of the expenditure data for fiscal year 2008 reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2008, but in no case shall the Secretary adjust such amount after December 31, 2008.

"(B) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS WHO WERE NOT COVERED DURING FISCAL YEAR 2008.—

"(i) FMAP APPLIED TO EXPENDITURES.—The Secretary shall pay the State for each quarter of fiscal year 2009, from the amount set aside under subparagraph (A), an amount equal to the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) of expenditures in the quarter for providing child health assistance or other health benefits coverage to a nonpregnant childless adult but only if such adult was enrolled in the State program under this title during fiscal year 2008 (without regard to whether the individual lost coverage during fiscal year 2008 and was reenrolled in that fiscal year or in fiscal year 2009).

"(ii) FEDERAL PAYMENTS LIMITED TO AMOUNT OF BLOCK GRANT SET-ASIDE.—No payments shall be made to a State for expenditures described in this subparagraph after the total amount set aside under subparagraph (A) for fiscal year 2009 has been paid to the State.

"(4) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than June 30, 2009, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

"(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of September 30, 2009, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by June 30, 2009, the application shall be deemed approved.

"(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

"(i) in the case of fiscal year 2010, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for fiscal year 2009, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for calendar year 2010 over calendar year 2009, as most recently published by the Secretary; and

"(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

"(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

"(1) TWO-YEAR TRANSITION PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2009.—

"(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(i) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

"(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2009, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2009.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during fiscal years 2008 and 2009.

"(2) RULES FOR FISCAL YEARS 2010 THROUGH 2012.—

"(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2010, 2011, or 2012, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

"(B) TERMS AND CONDITIONS.—

"(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2012, the set aside for any State shall be computed separately for each period described in subparagraphs (A) and (B) of section 2104(a)(15) and any reduction in the allotment for either such period under section 2104(i)(4) shall be allocated on a pro rata basis to such set aside.

"(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

"(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2010 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2010 is equal to—

"(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described in any of subparagraphs (A), (B), or (C) of paragraph (3) for fiscal year 2009; or

"(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

"(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

"(I) the REMAP percentage if—

"(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

"(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

"(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

"(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

"(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

"(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

"(i) was awarded a grant under section 2113 for fiscal year 2009;

"(ii) implemented 1 or more of the enrollment and retention provisions described in section 2105(a)(4) for such fiscal year; or

"(iii) has submitted a specific plan for outreach for such fiscal year.

"(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest ⅓ of States in terms of the State's percentage of low-income children without health insurance.

"(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a performance bonus payment under section 2105(a)(3)(B) for the most recent fiscal year applicable under such section.

"(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

"(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

"(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

"(i) a parent of a targeted low-income child;

"(ii) a nonpregnant childless adult; or

"(iii) individuals described in both clauses (i) and (ii); and

"(B) was in effect during fiscal year 2007.

"(2) DEFINITIONS.—

"(A) PARENT.—The term 'parent' includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

"(B) NONPREGNANT CHILDLESS ADULT.—The term 'nonpregnant childless adult' has the meaning given such term by section 2107(f).".

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking ", the Secretary" and inserting ":

"(1) The Secretary";

(ii) in the first sentence, by inserting "or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child" before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.".

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking "Nothing" and inserting "Subject to section 2111 of the Social Security Act, as added by section 112 of the Children's Health Insurance Program Reauthorization Act of 2007, nothing".

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives, including recommendations (if any) for changes in legislation.

SEC. 113. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

(a) IN GENERAL.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) [reserved]".

(b) AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following flush sentence:

"The term 'qualified provider' also includes a qualified entity, as defined in section 1920A(b)(3).".

SEC. 114. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

"(A) FMAP APPLIED TO EXPENDITURES.—Except as provided in subparagraph (B), for fiscal years beginning with fiscal year 2008, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.".

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as—

(1) changing any income eligibility level for children under title XXI of the Social Security Act; or

(2) changing the flexibility provided States under such title to establish the income eligibility level for targeted low-income children under a State child health plan and the methodologies used by the State to determine income or assets under such plan.

SEC. 115. STATE AUTHORITY UNDER MEDICAID.

(a) STATE AUTHORITY TO EXPAND INCOME OR RESOURCE ELIGIBILITY LEVELS FOR CHILDREN.—Nothing in this Act, the amendments made by this Act, or title XIX of the Social Security Act, including paragraph (2)(B) of section 1905(u) of such Act, shall be construed as limiting the flexibility afforded States under such title to increase the income or resource eligibility levels for children under a State plan or waiver under such title.

(b) STATE AUTHORITY TO RECEIVE PAYMENTS UNDER MEDICAID FOR PROVIDING MEDICAL ASSISTANCE TO CHILDREN ELIGIBLE AS A RESULT OF AN INCOME OR RESOURCE ELIGIBILITY LEVEL EXPANSION.—A State may, notwithstanding the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section—

(1) cover individuals described in section 1902(a)(10)(A)(ii)(IX) of the Social Security Act and thereby receive Federal financial participation for medical assistance for such individuals under title XIX of the Social Security Act; or

(2) receive Federal financial participation for expenditures for medical assistance under Medicaid for children described in paragraph (2)(B) or (3) of section 1905(u) of such Act based on the Federal medical assistance percentage, as otherwise determined based on the first and third sentences of subsection (b) of section 1905 of the Social Security Act, rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act).

SEC. 116. PREVENTING SUBSTITUTION OF CHIP COVERAGE FOR PRIVATE COVERAGE.

(a) FINDINGS.—

(1) Congress agrees with the President that low-income children should be the first priority of all States in providing child health assistance under CHIP.

(2) Congress agrees with the President and the Congressional Budget Office that the substitution of CHIP coverage for private coverage occurs more frequently for children in families at higher income levels.

(3) Congress agrees with the President that it is appropriate that States that expand CHIP eligibility to children at higher income levels should have achieved a high level of health benefits coverage for low-income children and should implement strategies to address such substitution.

(4) Congress concludes that the policies specified in this section (and the amendments made by this section) are the appropriate policies to address these issues.

(b) ANALYSES OF BEST PRACTICES AND METHODOLOGY IN ADDRESSING CROWD-OUT.—

(1) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives and the Secretary a report describing the best practices by States in addressing the issue of CHIP crowd-out. Such report shall include analyses of—

(A) the impact of different geographic areas, including urban and rural areas, on CHIP crowd-out;

(B) the impact of different State labor markets on CHIP crowd-out;

(C) the impact of different strategies for addressing CHIP crowd-out;

(D) the incidence of crowd-out for children with different levels of family income; and

(E) the relationship (if any) between changes in the availability and affordability of dependent coverage under employer-sponsored health insurance and CHIP crowd-out.

(2) IOM REPORT ON METHODOLOGY.—The Secretary shall enter into an arrangement with the Institute of Medicine under which the Institute submits to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives and the Secretary, not later than 18 months after the date of the enactment of this Act, a report on—

(A) the most accurate, reliable, and timely way to measure—

(i) on a State-by-State basis, the rate of public and private health benefits coverage among low-income children with family income that does not exceed 200 percent of the poverty line; and

(ii) CHIP crowd-out, including in the case of children with family income that exceeds 200 percent of the poverty line; and

(B) the least burdensome way to gather the necessary data to conduct the measurements described in subparagraph (A).

Out of any money in the Treasury not otherwise appropriated, there are hereby appropriated $2,000,000 to carry out this paragraph for the period ending September 30, 2009.

(3) INCORPORATION OF DEFINITIONS.—In this section, the terms "CHIP crowd-out", "children", "poverty line", and "State" have the meanings given such terms for purposes of CHIP.

(4) DEFINITION OF CHIP CROWD-OUT.—Section 2110(c) (42 U.S.C. 1397jj(c)) is amended by adding at the end the following:

“(9) CHIP CROWD-OUT.—The term ‘CHIP crowd-out’ means the substitution of—

“(A) health benefits coverage for a child under this title, for

“(B) health benefits coverage for the child other than under this title or title XIX.”.

(c) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

“(g) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Within 6 months after the date of receipt of the reports under subsections (a) and (b) of section 116 of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, including Medicaid and CHIP directors in States, shall publish in the Federal Register, and post on the public website for the Department of Health and Human Services—

“(1) recommendations regarding best practices for States to use to address CHIP crowd-out; and

“(2) uniform standards for data collection by States to measure and report—

“(A) health benefits coverage for children with family income below 200 percent of the poverty line; and

“(B) on CHIP crowd-out, including for children with family income that exceeds 200 percent of the poverty line.

The Secretary, in consultation with States, including Medicaid and CHIP directors in States, may from time to time update the best practice recommendations and uniform standards set published under paragraphs (1) and (2) and shall provide for publication and posting of such updated recommendations and standards.”.

(d) REQUIREMENT TO ADDRESS CHIP CROWD-OUT; SECRETARIAL REVIEW.—Section 2106 (42 U.S.C. 1397ff) is amended by adding at the end the following:

“(f) REQUIREMENT TO ADDRESS CHIP CROWD-OUT; SECRETARIAL REVIEW.—

“(1) IN GENERAL.—Each State that, on or after the best practice application date described in paragraph (3), submits a plan amendment (or waiver request) to provide for eligibility for child health assistance under the State child health plan for higher income children described in section 2105(c)(9)(D) (relating to children whose effective family income exceeds 300 percent of the poverty line) shall include with such plan amendment or request a description of how the State—

“(A) will address CHIP crowd-out for such children; and

“(B) will incorporate recommended best practices referred to in such paragraph.

“(2) APPLICATION TO CERTAIN STATES.—Each State that, as of the best practice application date described in paragraph (3), has a State child health plan that provides (whether under the plan or through a waiver) for eligibility for child health assistance for children referred to in paragraph (1) shall submit to the Secretary, not later than 6 months after the date of such application, a State plan amendment describing how the State—

“(A) will address CHIP crowd-out for such children; and

“(B) will incorporate recommended best practices referred to in such paragraph.

“(3) BEST PRACTICE APPLICATION DATE.—The best practice application date described in this paragraph is the date that is 6 months after the date of publication of recommendations regarding best practices under section 2107(g)(1).

“(4) SECRETARIAL REVIEW.—The Secretary shall—

“(A) review each State plan amendment or waiver request submitted under paragraph (1) or (2);

“(B) determine whether the amendment or request incorporates recommended best practices referred to in paragraph (3);

“(C) determine whether the State meets the enrollment targets required under reference section 2105(c)(9)(C); and

“(D) notify the State of such determinations.”.

(e) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 114(a), is amended by adding at the end the following new subsection:

“(9) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

“(A) DETERMINATIONS.—

“(i) IN GENERAL.—The Secretary shall determine, for each State that is a higher income eligibility State as of April 1 of 2010 and each subsequent year, whether the State meets the target rate of coverage of low-income children required under subparagraph (C) and shall notify the State in that month of such determination.

“(ii) DETERMINATION OF FAILURE.—If the Secretary determines in such month that a higher income eligibility State does not meet such target rate of coverage, subject to subparagraph (E), no payment shall be made as of October 1 of such year on or after October 1, 2010, under this section for child health assistance provided for higher-income children (as defined in subparagraph (D)) under the State child health plan unless and until the State establishes it is in compliance with such requirement.

“(B) HIGHER INCOME ELIGIBILITY STATE.—A higher income eligibility State described in this clause is a State that—

“(i) applies under its State child health plan an eligibility income standard for targeted low-income children that exceeds 300 percent of the poverty line; or

“(ii) because of the application of a general exclusion of a block of income that is not determined by type of expense or type of income, applies an effective income standard under the State child health plan for such children that exceeds 300 percent of the poverty line.

“(C) REQUIREMENT FOR TARGET RATE OF COVERAGE OF LOW-INCOME CHILDREN.—

“(i) IN GENERAL.—The requirement of this subparagraph for a State is that the rate of health benefits coverage (both private and public) for low-income children in the State is not statistically significantly (at a $p=0.05$ level) less than the target rate of coverage specified in clause (ii).

“(ii) TARGET RATE.—The target rate of coverage specified in this clause is the average rate (determined by the Secretary) of health benefits coverage (both private and public) as of January 1, 2010, among the 10 of the 50 States and the District of Columbia with the highest percentage of health benefits coverage (both private and public) for low-income children.

“(iii) STANDARDS FOR DATA.— In applying this subparagraph, rates of health benefits coverage for States shall be determined using the uniform standards identified by the Secretary under section 2107(g)(2).

“(D) HIGHER-INCOME CHILD.—For purposes of this paragraph, the term ‘higher income child’ means, with respect to a State child health plan, a targeted low-income child whose family income—

“(i) exceeds 300 percent of the poverty line; or

“(ii) would exceed 300 percent of the poverty line if there were not taken into account any general exclusion described in subparagraph (B)(ii).

“(E) NOTICE AND OPPORTUNITY TO COMPLY WITH TARGET RATE.—If the Secretary makes a determination described in subparagraph (A)(ii) in April of a year, the Secretary—

“(i) shall provide the State with the opportunity to submit and implement a corrective action plan for the State to come into compliance with the requirement of subparagraph (C) before October 1 of such year;

“(ii) shall not effect a denial of payment under subparagraph (A) on the basis of such determination before October 1 of such year; and

“(iii) shall not effect such a denial if the Secretary determines that there is a reasonable likelihood that the implementation of such a correction action plan will bring the State into compliance with the requirement of subparagraph (C).”.

(f) TREATMENT OF MEDICAL SUPPORT ORDERS.—Section 2102(b) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following::

“(5) TREATMENT OF MEDICAL SUPPORT ORDERS.—

“(A) IN GENERAL.—Nothing in this title shall be construed to allow the Secretary to require that a State deny eligibility for child health assistance to a child who is otherwise eligible on the basis of the existence of a valid medical support order being in effect.

“(B) STATE ELECTION.—A State may elect to limit eligibility for child health assistance to a targeted low-income child on the basis of the existence of a valid medical support order on the child's behalf, but only if the State does not deny such eligibility for a child on such basis if the child asserts that the order is not being complied with for any of the reasons described in subparagraph (C) unless the State demonstrates that none of such reasons applies in the case involved.

“(C) REASONS FOR NONCOMPLIANCE.—The reasons described in this subparagraph for noncompliance with a medical support order with respect to a child are that the child is not being provided health benefits coverage pursuant to such order because—

“(i) of failure of the noncustodial parent to comply with the order;

“(ii) of the failure of an employer, group health plan or health insurance issuer to comply with such order; or

“(iii) the child resides in a geographic area in which benefits under the health benefits coverage are generally unavailable.”.

(g) EFFECTIVE DATE OF AMENDMENTS; CONSISTENCY OF POLICIES.—The amendments made by this section shall take effect as if enacted on August 16, 2007. The Secretary may not impose (or continue in effect) any requirement, prevent the implementation of any provision, or condition the approval of any provision under any State child health plan, State plan amendment, or waiver request on the basis of any policy or interpretation relating to CHIP crowd-out or medical support order other than under the amendments made by this section.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

SEC. 201. GRANTS AND ENHANCED ADMINISTRATIVE FUNDING FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 107, is amended by adding at the end the following:

"SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2008 through 2012 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

"(b) PRIORITY FOR AWARD OF GRANTS.—

"(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

"(A) propose to target geographic areas with high rates of—

"(i) eligible but unenrolled children, including such children who reside in rural areas; or

"(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

"(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

"(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

"(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

"(4) an assurance that the eligible entity shall—

"(A) conduct an assessment of the effectiveness of such activities against the performance measures;

"(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

"(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

"(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

"(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

"(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

"(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

"(1) the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

"(2) no State matching funds shall be required for the State to receive a grant under this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State with an approved child health plan under this title.

"(B) A local government.

"(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

"(D) A Federal health safety net organization.

"(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x-65) relating to a grant award to nongovernmental entities.

"(G) An elementary or secondary school.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

"(A) by serving as a liaison between communities and health care agencies;

"(B) by providing guidance and social assistance to community residents;

"(C) by enhancing community residents' ability to effectively communicate with health care providers;

"(D) by providing culturally and linguistically appropriate health or nutrition education;

"(E) by advocating for individual and community health or nutrition needs; and

"(F) by providing referral and followup services.

"(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for the period of fiscal years 2008 through 2012, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

"(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

"(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

"(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

"(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

"(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

"(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

"(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.".

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP AND MEDICAID.—

(1) CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 113, is amended—

(A) in the matter preceding subparagraph (A), by inserting "(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)" after "enhanced FMAP"; and

(B) in subparagraph (D)—

(i) in clause (iii), by striking "and" at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

"(iv) for translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and".

(2) MEDICAID.—

(A) USE OF MEDICAID FUNDS.—Section 1903(a)(2) (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, children of families for whom English is not the primary language; plus".

(B) USE OF COMMUNITY HEALTH WORKERS FOR OUTREACH ACTIVITIES.—

(i) IN GENERAL.—Section 2102(c)(1) of such Act (42 U.S.C. 1397bb(c)(1)) is amended by inserting "(through community health workers and others)" after "Outreach".

(ii) IN FEDERAL EVALUATION.—Section 2108(c)(3)(B) of such Act (42 U.S.C. 1397hh(c)(3)(B)) is amended by inserting "(such as through community health workers and others)" after "including practices".

SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b–9) is amended to read as follows:

"SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

"(i) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE xix.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

SEC. 203. STATE OPTION TO RELY ON FINDINGS FROM AN EXPRESS LANE AGENCY TO CONDUCT SIMPLIFIED ELIGIBILITY DETERMINATIONS.

(a) APPLICATION UNDER MEDICAID AND CHIP PROGRAMS.—

(1) MEDICAID.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

"(13) EXPRESS LANE OPTION.—

"(A) IN GENERAL.—

"(i) OPTION TO USE A FINDING FROM AN EXPRESS LANE AGENCY.—At the option of the State, the State plan may provide that in determining eligibility under this title for a child (as defined in subparagraph (G)), the State may rely on a finding made within a reasonable period (as determined by the State) from an Express Lane agency (as defined in subparagraph (F)) when it determines whether a child satisfies one or more components of eligibility for medical assistance under this title. The State may rely on a finding from an Express Lane agency notwithstanding sections 1902(a)(46)(B) and 1137(d) and any differences in budget unit, disregard, deeming or other methodology, if the following requirements are met:

"(I) PROHIBITION ON DETERMINING CHILDREN INELIGIBLE FOR COVERAGE.—If a finding from an Express Lane agency would result in a determination that a child does not satisfy an eligibility requirement for medical assistance under this title and for child health assistance under title XXI, the State shall determine eligibility for assistance using its regular procedures.

"(II) NOTICE REQUIREMENT.—For any child who is found eligible for medical assistance under the State plan under this title or child health assistance under title XXI and who is subject to premiums based on an Express Lane agency's finding of such child's income level, the State shall provide notice that the child may qualify for lower premium payments if evaluated by the State using its regular policies and of the procedures for requesting such an evaluation.

"(III) COMPLIANCE WITH SCREEN AND ENROLL REQUIREMENT.—The State shall satisfy the requirements under (A) and (B) of section 2102(b)(3) (relating to screen and enroll) before enrolling a child in child health assistance under title XXI. At its option, the State may fulfill such requirements in accordance with either option provided under subparagraph (C) of this paragraph.

"(IV) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(10), as applicable for verifications of citizenship or nationality status.

"(V) CODING.—The State meets the requirements of subparagraph (E).

"(ii) OPTION TO APPLY TO RENEWALS AND REDETERMINATIONS.—The State may apply the provisions of this paragraph when conducting initial determinations of eligibility, redeterminations of eligibility, or both, as described in the State plan.

"(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

"(i) to limit or prohibit a State from taking any actions otherwise permitted under this title or title XXI in determining eligibility for or enrolling children into medical assistance under this title or child health assistance under title XXI; or

"(ii) to modify the limitations in section 1902(a)(5) concerning the agencies that may make a determination of eligibility for medical assistance under this title.

"(C) OPTIONS FOR SATISFYING THE SCREEN AND ENROLL REQUIREMENT.—

"(i) IN GENERAL.—With respect to a child whose eligibility for medical assistance under this title or for child health assistance under title XXI has been evaluated by a State agency using an income finding from an Express Lane agency, a State may carry out its duties under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) in accordance with either clause (ii) or clause (iii).

"(ii) ESTABLISHING A SCREENING THRESHOLD.—

"(I) IN GENERAL.—Under this clause, the State establishes a screening threshold set as a percentage of the Federal poverty level that exceeds the highest income threshold applicable under this title to the child by a minimum of 30 percentage points or, at State option, a higher number of percentage points that reflects the value (as determined by the State and described in the State plan) of any differences between income methodologies used by the program administered by the Express Lane agency and the methodologies used by the State in determining eligibility for medical assistance under this title.

"(II) CHILDREN WITH INCOME NOT ABOVE THRESHOLD.—If the income of a child does not exceed the screening threshold, the child is deemed to satisfy the income eligibility criteria for medical assistance under this title regardless of whether such child would otherwise satisfy such criteria.

"(III) CHILDREN WITH INCOME ABOVE THRESHOLD.—If the income of a child exceeds the screening threshold, the child shall be considered to have an income above the Medicaid applicable income level described in section 2110(b)(4) and to satisfy the requirement under section 2110(b)(1)(C) (relating to the requirement that CHIP matching funds be used only for children not eligible for Medicaid). If such a child is enrolled in child health assistance under title XXI, the State shall provide the parent, guardian, or custodial relative with the following:

"(aa) Notice that the child may be eligible to receive medical assistance under the State plan under this title if evaluated for such assistance under the State's regular procedures and notice of the process through which a parent, guardian, or custodial relative can request that the State evaluate the child's eligibility for medical assistance under this title using such regular procedures.

"(bb) A description of differences between the medical assistance provided under this title and child health assistance under title

XXI, including differences in cost-sharing requirements and covered benefits.

"(iii) TEMPORARY ENROLLMENT IN CHIP PENDING SCREEN AND ENROLL.—

"(I) IN GENERAL.—Under this clause, a State enrolls a child in child health assistance under title XXI for a temporary period if the child appears eligible for such assistance based on an income finding by an Express Lane agency.

"(II) DETERMINATION OF ELIGIBILITY.—During such temporary enrollment period, the State shall determine the child's eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

"(III) PROMPT FOLLOW UP.—In making such a determination, the State shall take prompt action to determine whether the child should be enrolled in medical assistance under this title or child health assistance under title XXI pursuant to subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll).

"(IV) REQUIREMENT FOR SIMPLIFIED DETERMINATION.—In making such a determination, the State shall use procedures that, to the maximum feasible extent, reduce the burden imposed on the individual of such determination. Such procedures may not require the child's parent, guardian, or custodial relative to provide or verify information that already has been provided to the State agency by an Express Lane agency or another source of information unless the State agency has reason to believe the information is erroneous.

"(V) AVAILABILITY OF CHIP MATCHING FUNDS DURING TEMPORARY ENROLLMENT PERIOD.—Medical assistance for items and services that are provided to a child enrolled in title XXI during a temporary enrollment period under this clause shall be treated as child health assistance under such title.

"(D) OPTION FOR AUTOMATIC ENROLLMENT.—

"(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child's family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation and signature on an Express Lane agency application, if the requirement of clause (ii) is met.

"(ii) INFORMATION REQUIREMENT.—The requirement of this clause is that the State informs the parent, guardian, or custodial relative of the child of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations (under section 1912(a)) created by enrollment (if applicable), and the actions the parent, guardian, or relative must take to maintain enrollment and renew coverage.

"(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(iv), the requirement of this subparagraph for a State is that the State agrees to—

"(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State's election under this paragraph;

"(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate (as described in clause (iv)) with respect to the enrollment of such children (and shall not include such children in any data or samples used for purposes of complying with a Medicaid Eligibility Quality Control (MEQC) review or a payment error rate measurement (PERM) requirement);

"(III) submit the error rate determined under subclause (II) to the Secretary;

"(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State elects to apply this paragraph, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

"(V) if such error rate exceeds 3 percent for any fiscal year in which the State elects to apply this paragraph, a reduction in the amount otherwise payable to the State under section 1903(a) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

"(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State's regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

"(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as relieving a State that elects to apply this paragraph from being subject to a penalty under section 1903(u), for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

"(iv) ERROR RATE DEFINED.—In this subparagraph, the term 'error rate' means the rate of erroneous excess payments for medical assistance (as defined in section 1903(u)(1)(D)) for the period involved, except that such payments shall be limited to individuals for which eligibility determinations are made under this paragraph and except that in applying this paragraph under title XXI, there shall be substituted for references to provisions of this title corresponding provisions within title XXI.

"(F) EXPRESS LANE AGENCY.—

"(i) IN GENERAL.—In this paragraph, the term 'Express Lane agency' means a public agency that—

"(I) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of one or more eligibility requirements described in subparagraph (A)(i);

"(II) is identified in the State Medicaid plan or the State CHIP plan; and

"(III) notifies the child's family—

"(aa) of the information which shall be disclosed in accordance with this paragraph;

"(bb) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

"(cc) that the family may elect to not have the information disclosed for such purposes; and

"(IV) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

"(ii) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

"(I) A public agency that determines eligibility for assistance under any of the following:

"(aa) The temporary assistance for needy families program funded under part A of title IV.

"(bb) A State program funded under part D of title IV.

"(cc) The State Medicaid plan.

"(dd) The State CHIP plan.

"(ee) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(ff) The Head Start Act (42 U.S.C. 9801 et seq.).

"(gg) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(hh) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(ii) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

"(jj) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"(kk) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

"(ll) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

"(II) A State-specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings relied on by the State.

"(III) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

"(iii) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX or a private, for-profit organization.

"(iv) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(I) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest); or

"(II) authorizing a State Medicaid agency that elects to use Express Lane agencies under this subparagraph to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

"(v) ADDITIONAL DEFINITIONS.—In this paragraph:

"(I) STATE.—The term 'State' means 1 of the 50 States or the District of Columbia.

"(II) STATE CHIP AGENCY.—The term 'State CHIP agency' means the State agency responsible for administering the State CHIP plan.

"(III) STATE CHIP PLAN.—The term 'State CHIP plan' means the State child health plan established under title XXI and includes any waiver of such plan.

"(IV) STATE MEDICAID AGENCY.—The term 'State Medicaid agency' means the State agency responsible for administering the State Medicaid plan.

"(V) STATE MEDICAID PLAN.—The term 'State Medicaid plan' means the State plan established under title XIX and includes any waiver of such plan.

"(G) CHILD DEFINED.—For purposes of this paragraph, the term 'child' means an individual under 19 years of age, or, at the option of a State, such higher age, not to exceed 21 years of age, as the State may elect.

"(H) APPLICATION.—This paragraph shall not apply to with respect to eligibility determinations made after September 30, 2012.".

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(e)(13) (relating to the State option to rely on findings from an Express Lane agency to help evaluate a child's eligibility for medical assistance).".

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the option provided under the amendments made by subsection (a). Such evaluation shall include an analysis of the effectiveness of the option, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2011, the Secretary shall submit a report to Congress on the results of the evaluation under paragraph (1).

(3) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the evaluation under this subsection $5,000,000 for the period of fiscal years 2008 through 2011.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of such amount to conduct the evaluation under this subsection.

(c) ELECTRONIC TRANSMISSION OF INFORMATION.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(dd) ELECTRONIC TRANSMISSION OF INFORMATION.—If the State agency determining eligibility for medical assistance under this title or child health assistance under title XXI verifies an element of eligibility based on information from an Express Lane agency (as defined in subsection (e)(13)(F)), or from another public agency, then the applicant's signature under penalty of perjury shall not be required as to such element. Any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note). The requirements of subparagraphs (A) and (B) of section 1137(d)(2) may be met through evidence in digital or electronic form.".

(d) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following new section:

"SEC. 1939. AUTHORIZATION TO RECEIVE RELEVANT INFORMATION.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, to the extent such conveyance meets the requirements of subsection (b).

"(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

"(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling or attempting to enroll such individuals in the State plan; and

"(B) verifying the eligibility of individuals for medical assistance under the State plan.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

"(c) PENALTIES FOR IMPROPER DISCLOSURE.—

"(1) CIVIL MONEY PENALTY.—A private entity described in the subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section is subject to a civil money penalty in an amount equal to $10,000 for each such unauthorized publication or disclosure. The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(2) CRIMINAL PENALTY.—A private entity described in the subsection (a) that willfully publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than $10,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

"(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(2) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by subsection (a)(2), is amended by adding at the end the following new subparagraph:

"(F) Section 1939 (relating to authorization to receive data directly relevant to eligibility determinations).".

(3) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR CHIP.—Section 1902(a)(25)(I)(i) (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting "(and, at State option, individuals who apply or whose eligibility for medical assistance is being evaluated in accordance with section 1902(e)(13)(D))" after "with respect to individuals who are eligible"; and

(B) by inserting "under this title (and, at State option, child health assistance under title XXI)" after "the State plan".

(e) AUTHORIZATION FOR STATES ELECTING EXPRESS LANE OPTION TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—The Secretary shall enter into such agreements as are necessary to permit a State that elects the Express Lane option under section 1902(e)(13) of the Social Security Act to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under a State child health plan under CHIP or a State plan under Medicaid from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

(f) EFFECTIVE DATE.—The amendments made by this section are effective on January 1, 2008.

Subtitle B—Reducing Barriers to Enrollment

SEC. 211. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) STATE OPTION TO VERIFY DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID THROUGH VERIFICATION OF NAME AND SOCIAL SECURITY NUMBER.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a), as amended by section 203(c), is amended—

(i) in subsection (a)(46)—

(I) by inserting "(A)" after "(46)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following new subparagraph:

"(B) provide, with respect to an individual declaring to be a citizen or national of the

United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

"(i) section 1903(x); or

"(ii) subsection (ee);"; and

(ii) by adding at the end the following new subsection:

"(ee)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

"(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the program established under paragraph (2).

"(B) If the State receives notice from the Commissioner of Social Security that the name or social security number of the individual is invalid—

"(i) the State makes a reasonable effort to identify and address the causes of such invalid match, including through typographical or other clerical errors, by contacting the individual to confirm the accuracy of the name or social security number, respectively, submitted, and by taking such additional actions as the Secretary, through regulation or other guidance, or the State may identify, and continues to provide the individual with medical assistance while making such effort; and

"(ii) in the case that the name or social security number of the individual remains invalid after such reasonable efforts, the State—

"(I) notifies the individual of such fact;

"(II) provides the individual with a period of 90 days from the date on which the notice required under subclause (I) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security (and continues to provide the individual with medical assistance during such 90-day period); and

"(III) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented or if such invalid determination is not cured.

"(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits each month to the Commissioner of Social Security for verification the name and social security number of each individual newly enrolled in the State plan under this title that month who is not described in section 1903(x)(2).

"(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security—

"(i) to provide for the electronic submission and verification, through an on-line system or otherwise, of the name and social security number of an individual enrolled in the State plan under this title;

"(ii) to submit to the Commissioner the names and social security numbers of such individuals on a batch basis, provided that such batches are submitted at least on a monthly basis; or

"(iii) to provide for the verification of the names and social security numbers of such individuals through such other method as agreed to by the State and the Commissioner and approved by the Secretary, provided that such method is no more burdensome for individuals to comply with than any burdens that may apply under a method described in clause (i) or (ii).

"(C) The program established under this paragraph shall provide that, in the case of any individual who is required to submit a social security number to the State under subparagraph (A) and who is unable to provide the State with such number, shall be provided with at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.

"(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the invalid names and numbers submitted bears to the total submitted for verification. For purposes of the previous sentence, a name or social security number of an individual shall be treated as invalid and included in the determination of such percentage only if—

"(i) the name or social security number, respectively, submitted by the individual does not match Social Security Administration records;

"(ii) the inconsistency between the name or number, respectively, so submitted and the Social Security Administration records could not be resolved by the State;

"(iii) the individual was provided with a reasonable period of time to resolve the inconsistency with the Social Security Administration or provide satisfactory documentation of citizenship and did not successfully resolve such inconsistency; and

"(iv) payment has been made for an item or service furnished to the individual under this title.

"(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 3 percent—

"(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

"(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided invalid information as the number of individuals with invalid information in excess of 3 percent of such total submitted bears to the total number of individuals with invalid information.

"(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

"(D) This paragraph shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year.

"(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.".

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking "plus" at the end of subparagraph (E) and inserting "and", and

(ii) by adding at the end the following new subparagraph:

"(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(ee) (including a system described in paragraph (2)(B) thereof), and

"(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus".

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking "subsection (x)" and inserting "section 1902(a)(46)(B)"; and

(B) in subsection (x)(1), by striking "subsection (i)(22)" and inserting "section 1902(a)(46)(B)(i)".

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

"(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

"(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.".

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

"(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.".

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking "or" at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(ii) by adding at the end the following new paragraph:

"(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.".

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.".

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a) and 116(c), is amended by adding at the end the following new paragraph:

"(10) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

"(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

"(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.".

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

"(ii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2008, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

SEC. 212. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

"(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.".

SEC. 213. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

(a) IN GENERAL.—In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children's Health Insurance Program (CHIP), not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with State Medicaid and CHIP directors and organizations representing program beneficiaries, shall develop a model process for the coordination of the enrollment, retention, and coverage under such programs of children who, because of migration of families, emergency evacuations, natural or other disasters, public health emergencies, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily located outside of the State of their residency.

(b) REPORT TO CONGRESS.—After development of such model process, the Secretary of Health and Human Services shall submit to Congress a report describing additional steps or authority needed to make further improvements to coordinate the enrollment, retention, and coverage under CHIP and Medicaid of children described in subsection (a).

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

SEC. 301. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a), 116(c), and 211(c), is amended by adding at the end the following:

"(11) STATE OPTION TO OFFER PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph. No subsidy shall be provided to a targeted low-income child under this paragraph unless the child (or the child's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of child health assistance.

"(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

"(i) IN GENERAL.—Subject to clause (ii), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

"(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

"(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

"(III) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

"(ii) EXCEPTION.—Such term does not include coverage consisting of—

"(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

"(II) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

"(ii) STATE PAYMENT OPTION.—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee's employer.

"(iii) EMPLOYER OPT-OUT.—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(D) APPLICATION OF SECONDARY PAYOR RULES.—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

"(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

"(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

"(II) cost-sharing protection consistent with section 2103(e).

"(ii) RECORD KEEPING REQUIREMENTS.—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

"(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

"(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

"(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

"(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

"(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

"(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

"(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

"(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

"(iii) CLARIFICATION OF PAYMENT FOR ADMINISTRATIVE EXPENDITURES.—Nothing in this subparagraph shall be construed as permitting payment under this section for administrative expenditures attributable to the establishment or operation of such pool, except to the extent that such payment would otherwise be permitted under this title.

"(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906 or 1906A, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

"(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

"(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).

"(M) SATISFACTION OF COST-EFFECTIVENESS TEST.—Premium assistance subsidies for qualified employer-sponsored coverage offered under this paragraph shall be deemed to meet the requirement of subparagraph (A) of paragraph (3).".

(2) DETERMINATION OF COST-EFFECTIVENESS FOR PREMIUM ASSISTANCE OR PURCHASE OF FAMILY COVERAGE.—

(A) IN GENERAL.—Section 2105(c)(3)(A) (42 U.S.C. 1397ee(c)(3)(A)) is amended by striking "relative to" and all that follows through the comma and inserting "relative to

"(i) the amount of expenditures under the State child health plan, including administrative expenditures, that the State would have made to provide comparable coverage of the targeted low-income child involved or the family involved (as applicable); or

"(ii) the aggregate amount of expenditures that the State would have made under the State child health plan, including administrative expenditures, for providing coverage under such plan for all such children or families.".

(B) NONAPPLICATION TO PREVIOUSLY APPROVED COVERAGE.—The amendment made by subparagraph (A) shall not apply to coverage the purchase of which has been approved by the Secretary under section 2105(c)(3) of the Social Security Act prior to the date of enactment of this Act.

(b) MEDICAID.—Title XIX is amended by inserting after section 1906 the following new section:

“PREMIUM ASSISTANCE OPTION FOR CHILDREN

“SEC. 1906A. (a) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subsection (c)) for qualified employer-sponsored coverage (as defined in subsection (b)) to all individuals under age 19 who are entitled to medical assistance under this title (and to the parent of such an individual) who have access to such coverage if the State meets the requirements of this section.

“(b) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

“(1) IN GENERAL.—Subject to paragraph (2)), in this paragraph, the term ‘qualified employer-sponsored coverage’ means a group health plan or health insurance coverage offered through an employer—

“(A) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

“(B) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

“(C) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

“(2) EXCEPTION.—Such term does not include coverage consisting of—

“(A) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

“(B) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

“(3) TREATMENT AS THIRD PARTY LIABILITY.—The State shall treat the coverage provided under qualified employer-sponsored coverage as a third party liability under section 1902(a)(25).

“(c) PREMIUM ASSISTANCE SUBSIDY.—In this section, the term ‘premium assistance subsidy’ means the amount of the employee contribution for enrollment in the qualified employer-sponsored coverage by the individual under age 19 or by the individual's family. Premium assistance subsidies under this section shall be considered, for purposes of section 1903(a), to be a payment for medical assistance.

“(d) VOLUNTARY PARTICIPATION.—

“(1) EMPLOYERS.—Participation by an employer in a premium assistance subsidy offered by a State under this section shall be voluntary. An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee.

“(2) BENEFICIARIES.—No subsidy shall be provided to an individual under age 19 under this section unless the individual (or the individual's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of medical assistance. State may not require, as a condition of an individual under age 19 (or the individual's parent) being or remaining eligible for medical assistance under this title, apply for enrollment in qualified employer-sponsored coverage under this section.

“(3) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of an individual under age 19 receiving a premium assistance subsidy to disenroll the individual from the qualified employer-sponsored coverage.

“(e) REQUIREMENT TO PAY PREMIUMS AND COST-SHARING AND PROVIDE SUPPLEMENTAL COVERAGE.—In the case of the participation of an individual under age 19 (or the individual's parent) in a premium assistance subsidy under this section for qualified employer-sponsored coverage, the State shall provide for payment of all enrollee premiums for enrollment in such coverage and all deductibles, coinsurance, and other cost-sharing obligations for items and services otherwise covered under the State plan under this title (exceeding the amount otherwise permitted under section 1916 or, if applicable, section 1916A). The fact that an individual under age 19 (or a parent) elects to enroll in qualified employer-sponsored coverage under this section shall not change the individual's (or parent's) eligibility for medical assistance under the State plan, except insofar as section 1902(a)(25) provides that payments for such assistance shall first be made under such coverage.”.

(c) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the results of such study.

SEC. 302. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

“(3) PREMIUM ASSISTANCE SUBSIDIES.—In the case of a State that provides for premium assistance subsidies under the State child health plan in accordance with paragraphs (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, outreach, education, and enrollment assistance for families of children likely to be eligible for such subsidies, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.”.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 301(c)(2), is amended by adding at the end the following new clause:

“(iv) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE xix THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraphs (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph), but not to exceed an amount equal to 1.25 percent of the maximum amount permitted to be expended under subparagraph (A) for items described in subsection (a)(1)(D).”.

Subtitle B—Coordinating Premium Assistance With Private Coverage

SEC. 311. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

“(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

“(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

“(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

“(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

“(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

“(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

“(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

"(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

"(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b)..

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking "and the remedies" and inserting ", the remedies"; and

(ii) by inserting before the period the following: ", and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside".

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the "Working Group"). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking "or (8)" and inserting "(8), or (9)"; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

"(9)(A) The Secretary may assess a civil penalty against any employer of up to $100 a day from the date of the employer's failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

"(B) The Secretary may assess a civil penalty against any plan administrator of up to $100 a day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.".

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

SEC. 401. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

"SEC. 1139A. CHILD HEALTH QUALITY MEASURES.

"(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

"(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

"(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

"(A) The duration of children's health insurance coverage over a 12-month time period.

"(B) The availability and effectiveness of a full range of—

"(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth, prevent and treat premature birth, and detect the presence or risk of physical or mental conditions that could adversely affect growth and development; and "(ii) treatments to correct or ameliorate the effects of physical and mental conditions, including chronic conditions, in infants, young children, school-age children, and adolescents.

"(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

"(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children, including children with special needs, and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

"(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI.

"(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

"(6) REPORTS TO CONGRESS.—Not later than January 1, 2010, and every 3 years thereafter, the Secretary shall report to Congress on—

"(A) the status of the Secretary's efforts to improve—

"(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

"(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

"(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

"(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

"(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

"(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of valid, reliable, and evidence-based quality measures that, taken together—

"(A) provide information regarding the quality of health coverage and health care for children;

"(B) address the needs of children throughout the developmental age span; and

"(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

"(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

"(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2010, the Secretary shall establish a pediatric quality measures program to—

"(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

"(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

"(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

"(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

"(A) evidence-based and, where appropriate, risk adjusted;

"(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

"(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

"(D) periodically updated; and

"(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

"(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

"(A) States;

"(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

"(C) dental professionals, including pediatric dental professionals;

"(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

"(E) national organizations representing children, including children with disabilities and children with chronic conditions;

"(F) national organizations representing consumers and purchasers of children's health care;

"(G) national organizations and individuals with expertise in pediatric health quality measurement; and

"(H) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

"(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

"(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

"(B) award grants and contracts for—

"(i) the development of consensus on evidence-based measures for children's health care services;

"(ii) the dissemination of such measures to public and private purchasers of health care for children; and

"(iii) the updating of such measures as necessary.

"(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2012, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

"(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term 'pediatric quality measure' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

"(7) CONSTRUCTION.—Nothing in this section shall be construed as supporting the restriction of coverage, under title XIX or XXI or otherwise, to only those services that are evidence-based.

"(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

"(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

"(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

"(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u–4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u–7, 1397cc).

"(2) PUBLICATION.—Not later than September 30, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

"(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

"(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

"(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

"(B) promote the use of health information technology in care delivery for children under such titles;

"(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

"(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

"(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

"(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

"(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

"(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

"(4) FUNDING.—$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

"(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

"(A) identify, through self-assessment, behavioral risk factors for obesity among children;

"(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

"(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

"(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

"(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

"(A) A city, county, or Indian tribe.

"(B) A local or tribal educational agency.

"(C) An accredited university, college, or community college.

"(D) A Federally-qualified health center.

"(E) A local health department.

"(F) A health care provider.

"(G) A community-based organization.

"(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

"(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

"(A) carry out community-based activities related to reducing childhood obesity, including by—

"(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

"(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

"(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

"(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

"(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

"(I) after hours physical activity programs; and

"(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problemsolving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

"(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

"(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

"(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

"(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

"(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

"(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

"(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

"(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

"(D) provide, through qualified health professionals, training and supervision for community health workers to—

"(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

"(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

"(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

"(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

"(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

"(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

"(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

"(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

"(E) located in communities that are medically underserved, as determined by the Secretary;

"(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

"(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

"(i) community-based organizations;

"(ii) local governments;

"(iii) local educational agencies;

"(iv) the private sector;

"(v) State or local departments of health;

"(vi) accredited colleges, universities, and community colleges;

"(vii) health care providers;

"(viii) State and local departments of transportation and city planning; and

"(ix) other entities determined appropriate by the Secretary.

"(5) PROGRAM DESIGN.—

"(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

"(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

"(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

"(7) DEFINITIONS.—In this subsection:

"(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given that term in section 1905(l)(2)(B).

"(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(C) SELF-ASSESSMENT.—The term 'self-assessment' means a form that—

"(i) includes questions regarding—

"(I) behavioral risk factors;

"(II) needed preventive and screening services; and

"(III) target individuals' preferences for receiving follow-up information;

"(ii) is assessed using such computer generated assessment programs; and

"(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

"(D) ONGOING SUPPORT.—The term 'ongoing support' means—

"(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

"(I) the results of a self-assessment given to the individual;

"(II) behavior modification based on the self-assessment; and

"(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

"(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

"(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2008 through 2012.

"(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

"(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

"(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

"(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

"(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

"(2) FUNDING.—$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

"(1) IN GENERAL.—Not later than July 1, 2009, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

"(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

"(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

"(C) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment; and

"(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

"(2) FUNDING.—Up to $1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI .

"(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2008 through 2012, $45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.".

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following new clause:

"(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and".

SEC. 402. IMPROVED AVAILABILITY OF PUBLIC INFORMATION REGARDING ENROLLMENT OF CHILDREN IN CHIP AND MEDICAID.

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "The State" and inserting "Subject to subsection (e), the State"; and

(2) by adding at the end the following new subsection:

"(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

"(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

"(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

"(3) Data regarding denials of eligibility and redeterminations of eligibility.

"(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

"(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

"(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.".

(b) STANDARDIZED REPORTING FORMAT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall specify a standardized format for States to use for reporting the information required under section 2108(e) of the Social Security Act, as added by subsection (a)(2).

(2) TRANSITION PERIOD FOR STATES.—Each State that is required to submit a report under subsection (a) of section 2108 of the Social Security Act that includes the information required under subsection (e) of such section may use up to 3 reporting periods to transition to the reporting of such information in accordance with the standardized format specified by the Secretary under paragraph (1).

(c) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to the Secretary for fiscal year 2008 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of providing more timely data on enrollment and eligibility of children under Medicaid and CHIP and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States to report such information in a complete and expeditious manner) so that, beginning no later than October 1, 2008, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

(d) GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALITY SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SEC. 403. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

(a) IN GENERAL.—Section 2103(f) of Social Security Act (42 U.S.C. 1397bb(f)) is amended by adding at the end the following new paragraph:

"(3) COMPLIANCE WITH MANAGED CARE REQUIREMENTS.—The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this title in the same manner as such subsections apply to coverage and such entities and organizations under title XIX.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years for health plans beginning on or after July 1, 2008.

TITLE V—IMPROVING ACCESS TO BENEFITS

SEC. 501. DENTAL BENEFITS.

(a) COVERAGE.—

(1) IN GENERAL.—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (7) of subsection (c)"; and

(ii) in paragraph (1), by inserting "at least" after "that is"; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (7); and

(ii) by inserting after paragraph (4), the following:

"(5) DENTAL BENEFITS.—

"(A) IN GENERAL.—The child health assistance provided to a targeted low-income child shall include coverage of dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

"(B) PERMITTING USE OF DENTAL BENCHMARK PLANS BY CERTAIN STATES.—A State may elect to meet the requirement of subparagraph (A) through dental coverage that is equivalent to a benchmark dental benefit package described in subparagraph (C).

"(C) BENCHMARK DENTAL BENEFIT PACKAGES.—The benchmark dental benefit packages are as follows:

"(i) FEHBP CHILDREN'S DENTAL COVERAGE.—A dental benefits plan under chapter 89A of title 5, United States Code, that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

"(ii) STATE EMPLOYEE DEPENDENT DENTAL COVERAGE.—A dental benefits plan that is offered and generally available to State employees in the State involved and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

"(iii) COVERAGE OFFERED THROUGH COMMERCIAL DENTAL PLAN.—A dental benefits plan that has the largest insured commercial, non-medicaid enrollment of dependent covered lives of such plans that is offered in the State involved.".

(2) ASSURING ACCESS TO CARE.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services".

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to coverage of items and services furnished on or after October 1, 2008.

(b) DENTAL EDUCATION FOR PARENTS OF NEWBORNS.—The Secretary shall develop and implement, through entities that fund or provide perinatal care services to targeted low-income children under a State child health plan under title XXI of the Social Security Act, a program to deliver oral health educational materials that inform new parents about risks for, and prevention of, early childhood caries and the need for a dental visit within their newborn's first year of life.

(c) PROVISION OF DENTAL SERVICES THROUGH FQHCS.—

(1) MEDICAID.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(A) by striking "and" at the end of paragraph (69);

(B) by striking the period at the end of paragraph (70) and inserting "; and"; and

(C) by inserting after paragraph (70) the following new paragraph:

"(71) provide that the State will not prevent a Federally-qualified health center from entering into contractual relationships with private practice dental providers in the provision of Federally-qualified health center services.".

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397g(e)(1)), as amended by subsections (a)(2) and (d)(2) of section 203, is amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(C) Section 1902(a)(71) (relating to limiting FQHC contracting for provision of dental services).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(d) REPORTING INFORMATION ON DENTAL HEALTH.—

(1) MEDICAID.—Section 1902(a)(43)(D)(iii) (42 U.S.C. 1396a(a)(43)(D)(iii)) is amended by inserting "and other information relating to the provision of dental services to such children described in section 2108(e)" after "receiving dental services,".

(2) CHIP.—Section 2108 (42 U.S.C. 1397hh) is amended by adding at the end the following new subsection:

"(e) INFORMATION ON DENTAL CARE FOR CHILDREN.—

"(1) IN GENERAL.—Each annual report under subsection (a) shall include the following information with respect to care and services described in section 1905(r)(3) provided to targeted low-income children enrolled in the State child health plan under this title at any time during the year involved:

"(A) The number of enrolled children by age grouping used for reporting purposes under section 1902(a)(43).

"(B) For children within each such age grouping, information of the type contained in questions 12(a)-(c) of CMS Form 416 (that consists of the number of enrolled targeted low income children who receive any, preventive, or restorative dental care under the State plan).

"(C) For the age grouping that includes children 8 years of age, the number of such children who have received a protective sealant on at least one permanent molar tooth.

"(2) INCLUSION OF INFORMATION ON ENROLLEES IN MANAGED CARE PLANS.—The information under paragraph (1) shall include information on children who are enrolled in managed care plans and other private health plans and contracts with such plans under this title shall provide for the reporting of such information by such plans to the State.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective for annual reports submitted for years beginning after date of enactment.

(e) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers (including providers that are, or are affiliated with, a school of dentistry) to include, not later than 6 months after the date of the enactment of this Act, on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1-877-KIDS-NOW) (or on any successor websites or hotlines) a current and accurate list of all such dentists and providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include, not later than 6 months after the date of the enactment of this Act, a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website, and shall ensure that such list is updated at least annually.

(f) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a), as added by section 401(a), is amended—

(1) in paragraph (3)(B)(ii), by inserting "and, with respect to dental care, conditions requiring the restoration of teeth, relief of pain and infection, and maintenance of dental health" after "chronic conditions"; and

(2) in paragraph (6)(A)(ii), by inserting "dental care," after "preventive health services,".

(g) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall provide for a study that examines—

(A) access to dental services by children in underserved areas;

(B) children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(i) the extent to which dental providers are willing to treat children eligible for such programs;

(ii) information on such children's access to networks of care, including such networks that serve special needs children; and

(iii) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(C) the feasibility and appropriateness of using qualified mid-level dental health providers, in coordination with dentists, to improve access for children to oral health services and public health overall.

(2) REPORT.—Not later than 18 months year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

SEC. 502. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by inserting after paragraph (5), the following:

"(6) MENTAL HEALTH SERVICES PARITY.—

"(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

"(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).".

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), as amended by section 501(a)(1)(A)(i), in the matter preceding paragraph (1), by inserting ", (6)," after "(5)"; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 503. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 501(c)(2) is amended by inserting after subparagraph (C) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(D) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2008.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2008, $5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(D) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2010, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

SEC. 504. PREMIUM GRACE PERIOD.

(a) IN GENERAL.—Section 2103(e)(3) (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

"(C) PREMIUM GRACE PERIOD.—The State child health plan—

"(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual's coverage under the plan may be terminated; and

"(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

"(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

"(II) of the individual's right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term 'new coverage period' means the month immediately following the last month for which the premium has been paid.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to new coverage periods beginning on or after January 1, 2009.

SEC. 505. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15,000,000 during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 States over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations, the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.

SEC. 506. CLARIFICATION OF COVERAGE OF SERVICES PROVIDED THROUGH SCHOOL-BASED HEALTH CENTERS.

Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by adding at the end the following new paragraph:

"(8) AVAILABILITY OF COVERAGE FOR ITEMS AND SERVICES FURNISHED THROUGH SCHOOL-BASED HEALTH CENTERS.—Nothing in this title shall be construed as limiting a State's ability to provide child health assistance for covered items and services that are furnished through school-based health centers.".

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

SEC. 601. PAYMENT ERROR RATE MEASUREMENT ("PERM").

(a) EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.—

(1) ENHANCED PAYMENTS.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(a), is amended by adding at the end the following new paragraph:

"(12) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.".

(2) EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)C)), as amended by section 302(b)), is amended by adding at the end the following:

"(iv) PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).".

(b) FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as "PERM") requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such final rule in effect for all States may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

(c) REQUIREMENTS FOR FINAL RULE.—For purposes of subsection (b), the requirements of this subsection are that the final rule implementing the PERM requirements shall—

(1) include—

(A) clearly defined criteria for errors for both States and providers;

(B) a clearly defined process for appealing error determinations by—

(i) review contractors; or

(ii) the agency and personnel described in section 431.974(a)(2) of title 42, Code of Federal Regulations, as in effect on September 1, 2007, responsible for the development, direction, implementation, and evaluation of eligibility reviews and associated activities; and

(C) clearly defined responsibilities and deadlines for States in implementing any corrective action plans; and

(2) provide that the payment error rate determined for a State shall not take into account payment errors resulting from the State's verification of an applicant's self-declaration or self-certification of eligibility for, and the correct amount of, medical assistance or child health assistance, if the State process for verifying an applicant's self-declaration or self-certification satisfies the requirements for such process applicable under regulations promulgated by the Secretary or otherwise approved by the Secretary.

(d) OPTION FOR APPLICATION OF DATA FOR STATES IN FIRST APPLICATION CYCLE UNDER THE INTERIM FINAL RULE.—After the final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the "MEQC") requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(3) STATE OPTION TO APPLY MEQC DATA.—For purposes of satisfying the requirements of subpart Q of part 431 of title 42, Code of Federal Regulations, as in effect on September 1, 2007, relating to Medicaid eligibility reviews, a State may elect to substitute data obtained through MEQC reviews conducted in accordance with section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for data required for purposes of PERM requirements, but only if the State MEQC reviews are based on a broad, representative sample of Medicaid applicants or enrollees in the States.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with fiscal year 2009, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

SEC. 602. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking "$10,000,000 for fiscal year 2000" and inserting "$20,000,000 for fiscal year 2008".

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

"(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

"(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

"(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to determine the child population growth factor under section 2104(i)(5)(B) and any other data necessary for carrying out this title.

"(C) Include health insurance survey information in the American Community Survey related to children.

"(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

"(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

"(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

"(3) AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services, in consultation with the States, may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.".

SEC. 603. UPDATED FEDERAL EVALUATION OF CHIP.

Section 2108(c) (42 U.S.C. 1397hh(c)) is amended by striking paragraph (5) and inserting the following:

"(5) SUBSEQUENT EVALUATION USING UPDATED INFORMATION.—

"(A) IN GENERAL.—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent subsequent evaluation of 10 States with approved child health plans.

"(B) SELECTION OF STATES AND MATTERS INCLUDED.—Paragraphs (2) and (3) shall apply to such subsequent evaluation in the same manner as such provisions apply to the evaluation conducted under paragraph (1).

"(C) SUBMISSION TO CONGRESS.—Not later than December 31, 2010, the Secretary shall submit to Congress the results of the evaluation conducted under this paragraph.

"(D) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $10,000,000 for fiscal year 2009 for the purpose of conducting the evaluation authorized under this paragraph. Amounts appropriated under this subparagraph shall remain available for expenditure through fiscal year 2011.".

SEC. 604. ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.

Section 2108(d) (42 U.S.C. 1397hh(d)) is amended to read as follows:

"(d) ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.—For the purpose of evaluating and auditing the program established under this title, or title XIX, the Secretary, the Office of Inspector General, and the Comptroller General shall have access to any books, accounts, records, correspondence, and other documents that are related to the expenditure of Federal funds under this title and that are in the possession, custody, or control of States receiving Federal funds under this title or political subdivisions thereof, or any grantee or contractor of such States or political subdivisions.".

SEC. 605. NO FEDERAL FUNDING FOR ILLEGAL ALIENS.

Nothing in this Act allows Federal payment for individuals who are not legal residents.

Subtitle B—Miscellaneous Health Provisions

SEC. 611. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES UNDER MEDICAID.—Section 1937(a)(1) (42 U.S.C. 1396u-7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109-171, 120 Stat. 88), is amended—

(1) in subparagraph (A)—

(A) in the matter before clause (i)—

(i) by striking "Notwithstanding any other provision of this title" and inserting "Notwithstanding section 1902 (a) (1) (relating to statewideness), section 1902 (a)(10)(B)(relating to comparability) and any other provision of this title which would be directly contrary to the authority under this section and subject to subsection (E)"; and

(ii) by striking "enrollment in coverage that provides" and inserting "coverage that";

(B) in clause (i), by inserting "provides" after "(i)"; and

(C) by striking clause (ii) and inserting the following:

"(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).";

(2) in subparagraph (C)—

(A) in the heading, by striking "**WRAP-AROUND**" and inserting "ADDITIONAL"; and

(B) by striking "wrap-around or"; and

(3) by adding at the end the following new subparagraph:

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2);

"(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

"(iii) affecting a child's entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1902(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.".

(b) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u-7(a)(2)(B)(viii), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking "aid or assistance is made available under part B of title IV to children in foster care and individuals" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care or".

(c) TRANSPARENCY.—Section 1937 (42 U.S.C. 1396u-7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

"(c) PUBLICATION OF PROVISIONS AFFECTED.—With respect to a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b) that is approved by the Secretary, the Secretary shall publish on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out the plan amendment and the reason for each such determination on the date such approval is made, and shall publish such list in the Federal Register and not later than 30 days after such date of approval.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) of this section shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

SEC. 612. REFERENCES TO TITLE XXI.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106-113 (113 Stat. 1501A-402) is repealed.

SEC. 613. PROHIBITING INITIATION OF NEW HEALTH OPPORTUNITY ACCOUNT DEMONSTRATION PROGRAMS.

After the date of the enactment of this Act, the Secretary of Health and Human Services may not approve any new demonstration programs under section 1938 of the Social Security Act (42 U.S.C. 1396u-8).

SEC. 614. COUNTY MEDICAID HEALTH INSURING ORGANIZATIONS; GAO REPORT ON MEDICAID MANAGED CARE PAYMENT RATES.

(a) IN GENERAL.—Section 9517(c)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990 and as amended by section 704 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, is amended—

(1) in subparagraph (A), by inserting ", in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Ventura County, and in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Merced County" after "described in subparagraph (B)"; and

(2) in subparagraph (C), by striking "14 percent" and inserting "16 percent".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(c) GAO REPORT ON ACTUARIAL SOUNDNESS OF MEDICAID MANAGED CARE PAYMENT RATES.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives analyzing the extent to which State payment rates for medicaid managed care organizations under title XIX of the Social Security Act are actuarially sound.

SEC. 615. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.

(a) IN GENERAL.—Only for purposes of computing the FMAP (as defined in subsection (e)) for a State for a fiscal year (beginning with fiscal year 2006) and applying the FMAP under title XIX of the Social Security Act, any significantly disproportionate employer pension or insurance fund contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION AND INSURANCE FUND CONTRIBUTION.—

(1) IN GENERAL.—For purposes of this section, a significantly disproportionate employer pension and insurance fund contribution described in this subsection with respect to a State is any identifiable employer contribution towards pension or other employee insurance funds that is estimated to accrue to residents of such State for a calendar year (beginning with calendar year 2003) if the increase in the amount so estimated exceeds 25 percent of the total increase in personal income in that State for the year involved.

(2) DATA TO BE USED.—For estimating and adjustment a FMAP already calculated as of the date of the enactment of this Act for a State with a significantly disproportionate employer pension and insurance fund contribution, the Secretary shall use the personal income data set originally used in calculating such FMAP.

(3) SPECIAL ADJUSTMENT FOR NEGATIVE GROWTH.—If in any calendar year the total personal income growth in a State is negative, an employer pension and insurance fund contribution for the purposes of calculating the State's FMAP for a calendar year shall not exceed 125 percent of the amount of such contribution for the previous calendar year for the State.

(c) HOLD HARMLESS.—No State shall have its FMAP for a fiscal year reduced as a result of the application of this section.

(d) REPORT.—Not later than May 15, 2008, the Secretary shall submit to the Congress a report on the problems presented by the current treatment of pension and insurance fund contributions in the use of Bureau of Economic Affairs calculations for the FMAP and for Medicaid and on possible alternative methodologies to mitigate such problems.

(e) FMAP DEFINED.—For purposes of this section, the term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396(d)).

SEC. 616. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to May 28, 2008, take any action (through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for rehabilitation services, or school-based administration, transportation, or medical services if such restrictions are more restrictive in any aspect than those applied to such coverage or payment as of July 1, 2007.

SEC. 617. MEDICAID DSH ALLOTMENTS FOR TENNESSEE AND HAWAII.

(a) TENNESSEE.—The DSH allotments for Tennessee for each fiscal year beginning with fiscal year 2008 under subsection (f)(3) of section 1923 of the Social Security Act (42 U.S.C. 1396r–4) are deemed to be $30,000,000. The Secretary of Health and Human Services may impose a limitation on the total amount of payments made to hospitals under the TennCare Section 1115 waiver only to the extent that such limitation is necessary to ensure that a hospital does not receive payment in excess of the amounts described in subsection (f) of such section or as necessary to ensure that the waiver remains budget neutral.

(b) HAWAII.—Section 1923(f)(6) (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the paragraph heading, by striking "FOR FISCAL YEAR 2007"; and

(2) in subparagraph (B)—

(A) in clause (i), by striking "Only with respect to fiscal year 2007" and inserting "With respect to each of fiscal years 2007 and 2008";

(B) by redesignating clause (ii) as clause (iv); and

(C) by inserting after clause (i), the following new clauses:

"(ii) TREATMENT AS A LOW-DSH STATE.—With respect to fiscal year 2009 and each fiscal year thereafter, notwithstanding the table set forth in paragraph (2), the DSH allotment for Hawaii shall be increased in the same manner as allotments for low DSH States are increased for such fiscal year under clauses (ii) and (iii) of paragraph (5)(B).

"(iii) CERTAIN HOSPITAL PAYMENTS.—The Secretary may not impose a limitation on the total amount of payments made to hospitals under the QUEST section 1115 Demonstration Project except to the extent that such limitation is necessary to ensure that a hospital does not receive payments in excess of the amounts described in subsection (g), or as necessary to ensure that such payments under the waiver and such payments pursuant to the allotment provided in this section do not, in the aggregate in any year, exceed the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for such year that is reflected in the budget neutrality provision of the QUEST Demonstration Project.".

SEC. 618. CLARIFICATION TREATMENT OF REGIONAL MEDICAL CENTER.

(a) IN GENERAL.—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State's use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in subsection (b), so long as the Secretary determines that such use of funds is proper and in the interest of the program under title XIX.

(b) CENTER DESCRIBED.—A center described in this subsection is a publicly-owned regional medical center that—

(1) provides level 1 trauma and burn care services;

(2) provides level 3 neonatal care services;

(3) is obligated to serve all patients, regardless of ability to pay;

(4) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States;

(5) provides services as a tertiary care provider for patients residing within a 125-mile radius; and

(6) meets the criteria for a disproportionate share hospital under section 1923 of such Act (42 U.S.C. 1396r–4) in at least one State other than the State in which the center is located.

SEC. 619. EXTENSION OF SSI WEB-BASED ASSET DEMONSTRATION PROJECT TO THE MEDICAID PROGRAM.

(a) IN GENERAL.—Beginning on October 1, 2012, the Secretary of Health and Human Services shall provide for the application to asset eligibility determinations under the Medicaid program under title XIX of the Social Security Act of the automated, secure, web-based asset verification request and response process being applied for determining eligibility for benefits under the Supplemental Security Income (SSI) program under title XVI of such Act under a demonstration project conducted under the authority of section 1631(e)(1)(B)(ii) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)).

(b) LIMITATION.—Such application shall only extend to those States in which such demonstration project is operating and only for the period in which such project is otherwise provided.

(c) RULES OF APPLICATION.—For purposes of carrying out subsection (a), notwithstanding any other provision of law, information obtained from a financial institution that is used for purposes of eligibility determinations under such demonstration project with respect to the Secretary of Health and Human Services under the SSI program may also be shared and used by States for purposes of eligibility determinations under the Medicaid program. In applying section 1631(e)(1)(B)(ii) of the Social Security Act under this subsection, references to the Commissioner of Social Security and benefits under title XVI of such Act shall be treated as including a reference to a State described in subsection (b) and medical assistance under title XIX of such Act provided by such a State.

Subtitle C—Other Provisions

SEC. 621. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the "Support for Injured Servicemembers Act".

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

"(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

"(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

"(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 103(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 103"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting "(or 26 workweeks in the case of leave provided under subsection (a)(3))" after "12 workweeks" the first place it appears; and

(II) by inserting "(or 26 workweeks, as appropriate)" after "12 workweeks" the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: "An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.".

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking "In any" and inserting the following:

"(1) IN GENERAL.—In any"; and

(iii) by adding at the end the following:

"(2) SERVICEMEMBER FAMILY LEAVE.—

"(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

"(i) leave under subsection (a)(3); or

"(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

"(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).".

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting "or under section 102(a)(3)" before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking "or" at the end;

(II) in clause (ii), by striking the period and inserting "; or"; and

(III) by adding at the end the following:

"(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).".

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting "(or 26 weeks, in a case involving leave under section 102(a)(3))" after "12 weeks".

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting "or under section 102(a)(3)" after "section 102(a)(1)".

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

"(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

"(9) the term 'medical hold or medical holdover status' means—

"(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

"(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

"(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

"(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

"(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.".

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking "section 6383(b)(5)" and inserting "subsection (b)(5) or (f) (as appropriate) of section 6383"; and

(II) by inserting "or under subsection (a)(3)" after "subsection (a)(1)"; and

(ii) in paragraph (2), by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: "An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.".

(C) NOTICE.—Section 6382(e) of such title is amended by inserting "or under subsection (a)(3)" after "subsection (a)(1)".

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SEC. 622. MILITARY FAMILY JOB PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Military Family Job Protection Act".

(b) PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.—A family member of a recovering servicemember described in subsection (c) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(d) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (b) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(e) DEFINITIONS.—In this section:

(1) BENEFIT OF EMPLOYMENT.—The term "benefit of employment" has the meaning given such term in section 4303 of title 38, United States Code.

(2) CARING FOR.—The term "caring for", used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) EMPLOYER.—The term "employer" has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) FAMILY MEMBER.—The term "family member", with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) RECOVERING SERVICEMEMBER.—The term "recovering servicemember" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SEC. 623. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "certified development company" means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term "Medicaid program" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term "State" has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term "State Children's Health Insurance Program" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term "task force" means the task force established under subsection (b)(1); and

(10) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

SEC. 624. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

TITLE VII—REVENUE PROVISIONS

SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand",

(2) by striking "20.719 percent (18.063 percent on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "52.988 percent", and

(3) by striking "$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "$3.00 per cigar".

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking "$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (1) and inserting "$50.00 per thousand", and

(2) by striking "$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (2) and inserting "$105.00 per thousand".

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking "1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "3.13 cents".

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking "2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "6.26 cents".

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking "58.5 cents (51 cents on snuff removed during 2000 or 2001)" in paragraph (1) and inserting "$1.50", and

(2) by striking "19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)" in paragraph (2) and inserting "50 cents".

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking "$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "$2.8126 cents".

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking "$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "$8.8889 cents".

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products (other than cigars described in section 5701(a)(2) of the Internal Revenue Code of 1986) and cigarette papers and tubes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of such Code on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 2008, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2008.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United

States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, REPORT, AND RECORD REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMITS.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting "or processed tobacco" after "tobacco products".

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting "or processed tobacco" after "tobacco products".

(2) INVENTORIES AND REPORTS.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(B) REPORTS.—Section 5722 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(3) RECORDS.—Section 5741 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

"(p) MANUFACTURER OF PROCESSED TOBACCO.—

"(1) IN GENERAL.—The term 'manufacturer of processed tobacco' means any person who processes any tobacco other than tobacco products.

"(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.".

(5) CONFORMING AMENDMENT.—Section 5702(k) of such Code is amended by inserting ", or any processed tobacco," after "nontaxpaid tobacco products or cigarette papers or tubes".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

"(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

"(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

"(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes, or

"(C) has failed to disclose any material information required or made any material false statement in the application therefor.".

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

"(b) SUSPENSION OR REVOCATION.—

"(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

"(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

"(B) has violated the conditions of such permit,

"(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

"(D) has failed to maintain his premises in such manner as to protect the revenue,

"(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

"(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

"(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—

(1) IN GENERAL.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking "and section 520 (relating to refunds)" and inserting "section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles imported after the date of the enactment of this Act.

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting "or cigars, or for use as wrappers thereof" before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

"(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes produced in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 703. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.75 percent" and inserting "113.75 percent".

In lieu of the matter proposed to be inserted to the title of the Act, insert the following: "An Act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.".

The SPEAKER pro tempore. Pursuant to House Resolution 675, the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. BARTON), the gentleman from New York (Mr. RANGEL), and the gentleman from Louisiana (Mr. MCCRERY) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include therein extraneous matter on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of H.R. 976, the Children's Health Insurance Program Reauthorization Act of 2007.

Ten years ago a Republican Congress and a Democratic President passed a landmark program to reach children who had fallen through the cracks of the health care system. These kids weren't poor enough to qualify for Medicaid, and their parents, most of whom worked, couldn't afford health insurance on their own.

Today this program provides health care for 6 million children across the Nation. Those 6 million kids today are in jeopardy because this successful program will expire September 30. The legislation before us will continue helping these 6 million of our children and extend health care to 4 million more of our young people.

This bill is for parents like Ms. Molina, a mother of 2 children who worked 2 part-time jobs but still could not afford health insurance. CHIP got her kids treatment for dental work, 2 sprained ankles, 1 broken arm, and a severe burn.

It's for parents like Ms. Mingeldorff, the mother of a child born 25 weeks prematurely who would have had to turn down a job without health insurance because it would have made her ineligible for Medicaid.

This bill is for every child who needs a vaccination, a cavity filled, chemotherapy, insulin, antidepressants, or other life-sustaining health care.

I urge my colleagues to vote for the children in your district and to remember this legislation will provide health care for 6 million who are now deriving that and 4 million more. The issue here is are you for or against health care for the kids under the SCHIP program?

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, on behalf of the House Energy and Commerce Committee, I reserve the balance of my time at this point.

Mr. RANGEL. Mr. Speaker, I yield myself 3 minutes.

My friends, this is almost an historic occasion because, like the President of the United States said, it is our intention to extend health care to cover 10 million kids.

I don't care how you cut it. You can call it socialized medicine. You can say it's outside of the budget. But when you go home, the question basically is going to be were you with the kids or were you not? It is not just the human and right thing to do, but from a fiscal point of view, how many billions of dollars do we save by providing preventative care to these youngsters? And certainly from a tax writer's point of view, how many of these kids are going to grow to be productive workers so that they can pay taxes and make a contribution to this great Republic?

□ 1845

I don't know how you're going to explain how the kids can go to emergency wards if they get ill, as the President of the United States has indicated; but I know one thing, those of us who have kids and grandkids want the very best for them, and we do have this occasion now.

Now, there are a lot of complaints from the other side that they did not participate in the writing of this bill. Having been in the minority for so long, let me say that every one of you on the Republican side that did not participate, that complained, you have good cause. You were not involved. And I might heartily add, neither were Members on the Democratic side involved.

If you really want to find out who called the shots on this bill, which is not the House bill, it's those people on the other side of the Capitol that believe that everything that has to pass the Senate, that you need 60 votes for. And that's the long and the short of it. So, you may call it the Democratic majority, as I once did, but they're being held hostage by the Republican minority.

And so I participated in terms of seeing what they wanted to do. And believe me, what they said to the House of Representatives, Republicans and Democrats alike, take it or leave it. And so if you want to join with me in looking for someone to criticize, after the debate we can meet in the lobby and talk about it.

But you had an opportunity to vote for a better bill; it was here. And for those who are concerned that legal immigrants can't get services, I hope you voted for the House bill because it was in there. But if you really want to complain about it being un-American, walk with me to the other side, and we'll find the culprits who did it, and they're not Democrats.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the debate this evening should not be about who is for insurance for children and who is against health insurance for children. The fact is that all of us, Democrats and Republicans alike, want SCHIP to be reauthorized. We will vote tomorrow, I believe, for a temporary extension of the program, and I predict that there will be a huge bipartisan vote in favor of extending the program to give this House more time to develop a true bipartisan reauthorization, long-term reauthorization of the SCHIP program.

I do expect, Mr. Speaker, this bill to pass tonight, but I also expect the President to veto this bill, and I expect his veto to be sustained by this House. At that point, I'm very hopeful that, for the first time in this process, the minority in this House will be included in discussions about how we should reauthorize the SCHIP program, because to this point, frankly, we have not been included at all. We have not been asked for our recommendations for a reauthorization; we were not even given a substitute when this matter came to the floor originally here in the House of Representatives.

So perhaps after the President vetoes and we sustain the veto, then maybe we will be brought into the room and we will have a chance to discuss with the majority what we think is the appropriate level of reauthorization for funding for this program and perhaps some of our ideas with respect to limiting those eligible for this program to the universe of people who were originally intended to be helped by the program, that is, low-income children whose family incomes are too high to qualify for Medicaid but too low to buy a policy in the individual market outside of the workplace.

So, Mr. Speaker, this evening I suggest that, rather than point fingers and say you're against kids and we're for kids, you're for tobacco, we're against tobacco, that we get through this debate and then get through the next step of the process, which I hope will be more bipartisan and more cooperative, to allow us to get a real reauthorization that we can all support as we did in the mid-1990s when we created this program.

Now, we only got this bill, this so-called compromise, last night, so we've been diligently going through it all night and all day today. We're not sure of everything that's in this bill, but I can enumerate a number of things that we believe to be facts and I think are important in this debate for this particular bill.

First of all is the matter of funding. This bill is not even close to being fully funded. Budget gimmicks are replete. The proposal assumes that funding will drop to about one-fourth of the funding in the year 2013, and then another $5 million cut after that. We all know that's not going to happen. But that was done, and I understand, just to make the budget numbers work; but Members ought to know what they're voting for.

Another thing that we're told by the Congressional Budget Office, a nonpartisan arm of the House and the Senate, is that under this proposal 2 million children will move from private health insurance to government health insurance. Now, surely that's not what we want. We don't want the SCHIP program, do we, to move children from private insurance into government insurance? That wasn't the intent of this program when it started.

And on the tax side, on the pay-for side, this bill proposes that we pay for a program with clearly growing requirements, growing needs with a funding source that is going to be declining, depleting, the tobacco tax. As you raise the tax on tobacco, you exacerbate the trend that has been evident in this country for a number of years of declining use of tobacco.

So to propose funding a growing program with a declining revenue source is, I would submit, irresponsible fiscal policy.

I have a few other speakers who are going to talk about some of the other weaknesses in this legislation.

At this time, I would reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey, the chairman of the subcommittee, Mr. PALLONE.

Mr. PALLONE. I want to thank my chairman, Mr. DINGELL, Mr. RANGEL, Mr. STARK, and all who worked, including on the Senate side, to put this bill together.

It does pain me a great deal, though, to hear my Republican colleagues, and specifically the ranking member of the Ways and Means Committee, basically advocate for the President's veto of this legislation. And I say that because I know that 10 years ago, when we established the SCHIP program, it was bipartisan, President Clinton, Speaker Gingrich. And the fact of the matter is it was done for practical reasons because we knew there were kids, as was said by the gentleman from Louisiana, who were not getting health care on the job, but whose incomes, because their parents were working, were too high to be eligible for Medicaid.

Now, all we're doing today is being as practical as we were 10 years ago. We know that there are 6 million kids, almost twice who were enrolled in the program, who are eligible for this program under the same eligibility requirements as 10 years ago who are not enrolled in the program because we don't have enough money to pay for it and we haven't had enough outreach to get them enrolled.

There is nothing new here. This is the same block grant that Speaker Gingrich and President Clinton advocated 10 years ago. But practically speaking, we know that for the first time in the last 2 years the number of uninsured kids is now going up instead of going down, so we have to do something about it. And we sat down with the Republicans in the Senate, with the Democrats in the Senate and the Democrats here in the House, and we came up with a solution, which was the tobacco tax. Now, this is fully funded. And the tobacco tax is a great way to pay for it because if you tax people who are smoking and they smoke less, then we have less health problems, and it's directly related to trying to provide health insurance. So don't tell me it's not paid for. It is paid for. It's paid for in a good way. There is no change in eligibility here. We are simply trying to cover the same kids that are eligible but not enrolled.

And if you go along with the President's veto of this legislation, what you're saying is that not only the kids that are not enrolled, but even those who are now in the program won't be able to get their health insurance. Shame on you for that.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself 3½ minutes.

We're debating the reauthorization of a bill that has been in place for 10 years. It would seem to me that, in doing so, we should learn from the mistakes that were made in the initial legislation and attempt to correct them. I believe the legislation before us tonight overlooks that opportunity.

We have seen the House version that passed here earlier, and we have now seen a Senate version; and the one before us tonight is very similar to the Senate version of this legislation. But it appears to me that we have some questions to ask about that. CBO says that there are 300,000 fewer uninsured low-income children who will be enrolled under the bill before us today than would have been enrolled under the original Senate bill, and yet the amount of money that is being spent is almost exactly the same, an additional $35 billion over the next 5 years. When you couple that $35 billion with the baseline budgeting and the amount of money that States will have to put into the program, we find that we're going to be spending about $60 billion over the next 5 years for a program that for the first 10 years was only a $40 billion program. And when you do include that State funding into the mix, it will be $200 billion over the next 10 years.

Now, who are we going to insure by putting this substantial amount of new money into the program? Once again, the Congressional Budget Office attempts to answer that question. They say that there will be an additional 800,000 children, currently SCHIP eligible, being enrolled in the program by the year 2012. And if that is truly the focus, which it should be the focus of the program, then what are we getting by spending an additional $60 billion? If you divide $60 billion by the additional 800,000 children, that means that this bill is going to require that we spend $74,000 per child. Now, I know the government can throw money away, but I believe that is certainly an excessive amount of money.

Now, who are these children that are going to be the new enrollees? Once again, CBO tells us that, of the additional children who are going to be potentially enrolled, that about half of them are children who already have private health insurance, a 50 percent crowd-out of the existing insurance market.

Now, they also tell us that we ought to be concerned about the fact that if there are potentially going to be as many as 2 million children who will have been moved out of their private insurance into this government-subsidized program, we're also told that Medicaid and also SCHIP generally pay less than the private insurance market pays, that means that the health care providers, the doctors and the hospitals, are going to have to absorb another 2 million patients who are going to be reimbursing them at a lower rate. Another error in the original program, it was for children, and yet we know that four States currently have more adults than children in their program.

Under this bill before us, CBO estimates that in the next 5 years there will still be 780,000 adults enrolled in the Children's Health Care Program.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. RANGEL. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RANGEL. Does it violate any of the House rules if I refer to the bill before this House as the "Republican-controlled Senate" bill?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. RANGEL. Well, does it violate any of the House rules if I refer to this bill as a bill that is a Senate bill controlled by the Republicans on the other side of the House? I want to make it clear it's not a House bill.

The SPEAKER pro tempore. If a point of order is made against the gentleman's referring to the bill in that manner, the Speaker will rule on the matter.

□ 1900

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume because I want to share a lot of complaints about what those Republicans did to a good, decent House bill. So if you want to join with me with your criticism, don't criticize anyone here. It is not my fault that your leaders were excluded from the so-called "conference." We had no conference.

I know how it feels to have been in the minority, having been there for a decade. So I share with you why you were left out. But had I been in charge, and not the Senate, I would have wanted you there, your judgment. Even if it was just to read the bill over and over and over, at least you would have been participating.

I yield to the chairman of the Health Subcommittee. No one is in a better position to let you know that this is not the House bill. As hard as he worked to reform Medicare, to make certain that we preserved it, to reform that bill, to get $5 billion for the people in the rural areas, to help the aged poor, and really to help the doctors that work hard every day and deserve a decent reimbursement, that, my friends, was in the House bill. But our friends on the other side, the Republicans said, "No, take it or leave it."

Mr. Speaker, I yield 2 minutes to the gentleman that worked hard for the House bill, the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, as my distinguished chairman has suggested, this is a modest proposal, with all due respect to Mr. Swift. I am not proud of the bill or the process. I would say to my distinguished ranking member from the Ways and Means Committee that they were accorded every opportunity at every point to participate in this bill, and they know it. They were not excluded until they decided they did not want to help us pass the CHAMP bill, which was a far better bill.

At this point, I have to thank my colleagues on both sides of the aisle who have helped us pass a bill that would have added a million additional children. It was a far better bill for children. It would have expanded coverage to legal immigrant children. It was better also for senior citizens. But I also have to thank our leadership and the commitment of Speaker PELOSI to suggest that when we come back, after, as we expect this bill will be vetoed, we will remember that there were a tremendous number of proposals in here which would have helped not only children, but seniors, financial help for low-income seniors, mental health parity for Medicare, improved Medicare benefits and health benefits, preventive care, rural health parity, consumer protections in part D, improved dialysis procedures, protection of Medicare from privatization, and the preservation of the Medicare system by doing away with the excessive spending in Medicare Advantage.

The allegiance of groups like AARP, the AMA, Families USA, the Alliance for Retired Americans, the National Committee to Preserve Medicare and Social Security, the AHA, all of whom helped us pass CHAMP, all have been ignored in the bill before us today.

I want to make it perfectly clear, I had no part in backing away from not only my commitments, the commitments of many of my colleagues, to these groups or to America's seniors. I know the Speaker will help us return to that commitment and pass those procedures in the future.

Mr. Speaker, I rise in support of H.R. 976, the Children's Health Insurance Program Reauthorization Act.

As many of my colleagues have made clear, this bill is far better than what President Bush prefers. It will provide $35 billion in new funds for the CHIP program, which will enable 6.6 million children to keep their health care at the end of the month and provide coverage to nearly 4 million currently uninsured children.

President Bush proclaims to want a "clean extension" of the CHIP program, but don't believe him on this any more than you did on weapons of mass destruction, "mission accomplished" or take your pick of lies he's told. He knows full well that his proposal would mean taking health care away from needy children.

The CHIP program is a block grant so it provides a capped amount of funding to States each year. The existing program is broken. We've already had to pass legislation this year to provide additional funds to keep more than 13 States from dropping children from their CHIP roles. If the President has his way, those States will soon have to take away their health coverage anyway.

That's why I'll vote for this bill today. It is better than the status quo—and far better than the direction President Bush wants to take us all with regard to health coverage.

But, I am not proud of this bill or this process.

On August 1st, we passed a far better bill through the House of Representatives.

First, the Children's Health Insurance and Medicare Protection Act, CHAMP, was better for children. It invested $50 billion into the program and covered more than a million children. CHAMP also allowed States to use Federal funds to appropriately expand coverage to legal immigrant children and corrected a misguided regulation issued by the Bush administration on citizenship documentation that forced thousands of American children to lose their health coverage through Medicaid.

However, not only was the CHAMP Act better for children, it also provided overdue and much needed improvements to senior citizens and people with disabilities on Medicare. In the House, we combined children with seniors and created a bill that improved the health of our youngest and most needy and our oldest.

Unfortunately, Senate Republicans refused to allow our bills to go to conference. They refused to even consider attaching any Medicare provisions to the CHIP reauthorization. As a result, we are here today with a reduced CHIP package that cedes most of the House CHIP reauthorization bill to the Senate's preferred language.

I'm also not certain about whether we will really take up Medicare later this year and adopt the important Medicare improvements we passed in the House.

All of the following provisions from the CHAMP Act are now at risk: financial help for low-income seniors, Medicare mental health parity, improved Medicare preventive health benefits, prevention of the pending physician payment cuts, rural health parity, consumer protections in Part D, improved dialysis procedures, protection of Medicare from privatization through massive overpayments to private plans, and preservation of the Medicare system.

In my opinion, the allegiance of groups like AARP, the AMA, Families USA, the Alliance for Retired Americans, the National Committee to Preserve Medicare, and Social Security and the AHA—which helped us pass CHAMP—have been ignored in the bill before us today.

I want to close by making it perfectly clear that I had no part in backing away from my commitments to any Members of Congress, these groups, or to America's seniors in requesting your support for our broader CHAMP Act. I will do everything I can to see all sections of CHAMP become law. I urge my colleagues in the House and advocates across the country to urge leaders in both the House and the Senate to do the same.

Mr. McCRERY. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), the distinguished member of the Ways and Means Committee, the ranking member of the Health Subcommittee.

Mr. CAMP of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill clearly isn't about helping low-income children. If it were, it would have support from both parties and the President would be eagerly waiting to sign it into law. This is a missed opportunity. Virtually everyone supports providing health insurance to low-income children. But when a Federal health program for children starts covering not only families, but childless adults making three and four times the poverty level, it has clearly lost its focus.

It is clear that Democrats want taxpayers to fund, and the Federal Government to directly provide, health care benefits to millions of more Americans, even for those families making over $80,000 a year. They are using SCHIP as a vehicle and the children it is intended to cover as a shield to get one step closer to total Government control over our health care system. The current plan to expand SCHIP is in dire need of a second opinion. Instead of moving further and further away from the core mission, we should be reforming the program to ensure it is truly helping America's uninsured children.

The nonpartisan Congressional Budget Office stipulates that the proposed expansion would cover an additional 5.8 million Americans at a cost of $35 billion. Alarmingly, more than one out of every three individuals already has private insurance. The bill before us does little more than move children and upper-income families from private insurance plans to taxpayer-funded plans. That is a prescription for the type of government largess that stifles economies and unduly burdens taxpayers. It is not a prescription for reducing the number of uninsured Americans.

State's and children's advocates should take a second look at this bill. Because of shoddy funding sources, this bill is likely to harm more States and health care programs than it helps. A Heritage Foundation study showed that as many as 28 States, including Michigan, stand to have a net loss of $10 to $700 million in revenue.

This bill is designed poorly, funded poorly, and will do little to help lower-income Americans obtain health coverage. The President should veto this bill. Congress should work in a bipartisan fashion, as we did nearly 10 years ago when the program was created, to make certain that children in America have access to a health care system.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. ESHOO) 1 minute.

Ms. ESHOO. Mr. Speaker, I thank the chairman of the Energy and Commerce Committee for his devotion to this issue during his entire career in the Congress. I don't think that this is a complicated question that is here before us today. I think that it is very clear. It is very clear in terms of the values of the American people. Why wouldn't a Congress, any Congress, offer health insurance for its most vulnerable citizens, the little ones, of our country?

That is what is on the floor today. That is what is on the floor. They are smart, and they are grinning. Grinning. But do you know what? There are going to be the votes for this bill, and the bill is going to pass. And imagine the person that stands at the doctor's door and not allow children to go through: the President of the United States.

This is a bipartisan effort. The people of our country want us to come together for the families of this country, for the betterment of our country, to make an investment. Yes, through taxing tobacco. I would rather tax tobacco and protect the children of our country than to blow $10 billion a month in Iraq. I am proud of the Democrats. I am proud of the Republicans that support it. We should pass this and say a prayer that the President will come out of his cloud and sign the bill.

The SPEAKER pro tempore. Without objection, the gentleman from Texas will claim the time controlled previously by the gentleman from Georgia.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I would like to recognize a member of the committee, the gentleman from Arizona (Mr. SHADEGG), for 2 minutes.

Mr. SHADEGG. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of health care for America's poor and near-poor children. I also rise in equally strong opposition to this bill.

For more than a decade, I have introduced into the United States Congress every single year a bill that would give every single child covered by this bill health insurance. Indeed, it would provide to every family covered by this bill a source of money, tax funds, to them and their family, to buy the health insurance they need for them and their children. But make no mistake about it. This bill is a fraud. The American people are smart. They know it is a fraud. This bill is Congress playing fast and loose with the facts. If we are going to have a debate about covering every single American, let's have that debate. But let's not hide it in a debate about children's health care.

The American people are generous to a fault. They want to cover poor children. They want to cover children who are uninsured. The SCHIP program we have was supposed to do just that. But this program is a fraud. It doesn't cover just poor and near-poor. It covers middle-class families. Some will say, "Oh, it is capped at 300 percent of the Federal poverty level." But under the law and the language in the bill, States can define income any way they want. Therefore, there is no cap on income. It doesn't just cover uninsured children. It covers more children who are insured already than those who are uninsured. CBO says that if we pass this bill, 2 million children currently covered by insurance, getting better coverage than they will get under this bill, will lose that coverage and go on SCHIP. Be proud of reducing the quality of the care they get. In fact, this bill isn't even limited to children. Indeed, this bill will cover adults. In Wisconsin today, 75 percent of the SCHIP money is used to cover adults. In Minnesota, it is 61 percent. In Arizona, we do the same.

Mr. Speaker, if we want to have a debate about universal care, I am for that debate. I have got that bill. But don't have a bill that is a fraud. We must be honest in this debate. This bill will hurt children's health care in America.

Mr. RANGEL. Mr. Speaker, I am going to act as if I didn't hear that gentleman call this bill a fraud four times. I was in that back room with Senator GRASSLEY, Senator REID and our dear friend ORRIN HATCH. It's their bill. So you call it what you want. But please don't call it a fraud, because it is a Senate bill. And they are very sensitive over there. So I just want to make that clear.

Mr. Speaker, it is my pleasure to give 1 minute to the gentleman from Illinois (Mr. LAHOOD). I cannot think of a Member of this House that has worked harder in trying to bring civility, no matter what the issue was. I heard he wasn't going to run for reelection. I just want him to know publicly that both sides of the aisle will miss him.

Mr. LAHOOD. Mr. Speaker, this is a bill about children and about health care. Now, all of us in this Chamber have the very best health care insurance in the world, bar none. We should be willing to share those kinds of resources with kids in this country. Why should children have to go to an emergency room when they have the flu? Why should children have to go to an emergency room when they have a cold? Why should children have to go to emergency rooms when they are sick? They shouldn't. Not in America. Not where we have the very best health care in the world. My friends, we should give to our children the access to health care that we have, those of us that serve in the House and the Senate.

This is a bipartisan compromise. This is an opportunity to take a Republican initiative, share it, move on and give the opportunity to children. I encourage Members to do that, to play on the Republican initiative that was started years ago and to say, we have a bipartisan opportunity to give good health care to children.

Mr. Speaker, I urge my colleagues, particularly on the Republican side, to vote for this proposal.

I thank the chairman for the time.

The debate about whether or not to reauthorize and expand the State Children's Health Insurance Program should be easy. This legislation is the product of a bipartisan group that worked to produce a compromise that should be acceptable to all of us. With the shortfall we have seen in several states over the past year, reauthorization of the program at current funding levels is unacceptable. Earlier this year, Illinois faced a $247 million SCHIP shortfall. Many other states were a similar situation before the shortfalls were addressed with new appropriations. By passing this bill today, we may be able to prevent future shortfalls which jeopardize those state programs designed to cover the costs for low income families who can't afford adequate health insurance for their children.

Of the estimated six million low-income children who are not eligible for Medicaid, more than 250,000 children were covered by All Kids, Illinois' successful children's insurance program. More than half of those children live in working and middle class families that make too much to qualify for Medicaid but can't afford private insurance. In 2005, more than 25% of all uninsured children in Illinois fell into the $25,000–$35,000 income level range, having nearly doubled from 13% in 2002. At that rate of growth, we must continue to see this program through. With passage of this legislation today, it is estimated that an additional 154,000 Illinois children will be afforded health insurance. An additional 3.8 million children nationwide will be covered.

I urge my colleagues to support this vital piece of legislation. It is imperative that we continue to look out for the future health and well-being of this Nation, and that starts with our children today.

☐ 1915

Mr. MCCRERY. Mr. Speaker, before I recognize our next speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the gentleman that children ought not have to go to emergency rooms to get care, that children ought to be able to go to their family doctor; but there's a good way and a not-so-good way to provide that.

This bill provides a government healthcare program for that. We would much rather provide a private health insurance plan for that. I would submit that there is a vast difference in those approaches.

Mr. Speaker, at this time I would yield 2 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON), a member of the Ways and Means Committee and ranking member of the Social Security Subcommittee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I must oppose this bill today, but I have got to make it clear that I do support children's health insurance. I believe this bill flat misses the mark. While well-intentioned, this legislation is a massive expansion of a government-run healthcare program that takes resources away from the very children it was meant to help.

As ranking member of the Social Security Subcommittee on Ways and Means, I am deeply disturbed by the part of this bill that makes it easier for illegal immigrants to be covered under this program. In the last Congress, Republicans worked hard to ensure that everyone in this children's health program are really U.S. citizens. Because of that effort, States now require applicants to show documents like birth certificates, driver's licenses or passports in order to prove U.S. citizenship.

This new legislation weakens this standard. All applicants would simply be asked to provide a Social Security number and a name that would then be verified by the Social Security Administration. This process is ripe for massive fraud and abuse that will leave American tax dollars paying for healthcare for illegal immigrants.

In addition, we have the responsibility here in Congress to spend the taxpayer dollar wisely. I know my constituents don't want the Federal Government doling out billions of dollars to pay for illegal immigrants' health care.

Congress should just pass a responsible extension of this important program before it expires, not play politics with our kids' health care. Americans deserve, want, and need for our children to have good health care, and we need to do it today.

Mr. DINGELL. Mr. Speaker, with affection and respect for my good friend from Texas, I would observe that none of the abuses that he points out have been found in the years in which this legislation has been in place, and there are none of the abuses that he would find here going to come forward.

Mr. Speaker, I am delighted to yield 1 minute to my friend, the distinguished gentlewoman from California (Mrs. CAPPS), a real expert in the field of health care and a caring and concerned practitioner as a nurse. We are grateful that she is with us.

Mrs. CAPPS. Thank you, Chairman DINGELL, for your leadership.

Mr. Speaker, I rise today in strong support of this bill and in support of America's children. We have two choices today: We can vote for this excellent bipartisan bill, which Senator HATCH appropriately called "an honest compromise which improves a program that works," or we can vote against this bill and not only deny millions of children the chance to finally access health care, but strip it away from children who are already covered.

Trust me: as a nurse, I know the power and prudence of providing this health care coverage for our kids. It is indeed an accomplishment that Congress can be proud of.

This bill is responsible, and it's the right thing to do. Make no mistake, it is a compromise bill. But if we fail to pass this bill and even one child loses health coverage, we have failed our most important constituents, our children.

I urge my colleagues, I strongly urge my colleagues to join me in supporting this legislation. Vote "yes" to protect children's health. "Suffer the little children."

Mr. BARTON of Texas. Mr. Speaker, I would yield myself 2 minutes.

Mr. Speaker, we have spent most of today actually trying to read the bill. I have the bill in front of me. In this 2-minute period, I want to discuss section 605 of the bill. Section 605 of the bill has the title: "No Federal funding for illegal aliens." It is a very brief section, two lines: "Nothing in this act allows Federal payment for individuals who are not legal residents." That is it.

So the title of section 605 would have you believe there's going to be no Federal funding for illegal aliens. When you specifically read the section, it just says nothing in the act allows payment. It doesn't prohibit it.

Now, if the authors of section 605 really don't want illegal aliens to receive funding under this bill, this section ought to read something like this: "This act prohibits Federal payments for individuals who are not legal residents or citizens."

Mr. Speaker, I would ask unanimous consent to substitute the language that I just read: "This act prohibits Federal payments for individuals who are not legal residents or citizens."

Mr. DINGELL. Reserving the right to object, will the gentleman restate his unanimous consent request?

Mr. BARTON of Texas. Mr. Speaker, my unanimous consent request is to substitute for what is in the bill: "Nothing in this act allows Federal payment for individuals who are not legal residents," that is in the bill, I ask unanimous consent to substitute: "This act prohibits Federal payments for individuals who are not legal residents or citizens."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DINGELL. Mr. Speaker, that would contravene the understandings we had with our good friends in the Senate who insisted on this language. I have to object.

The SPEAKER pro tempore. Objection is heard.

Mr. BARTON of Texas. The gentleman from Michigan has objected, and I respect that objection. But what that means is that they want illegal residents of the United States of America to get these benefits. That is what the objection means. So for that reason alone, I would ask that we vote against this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Let me tell you what it means, distinguished ranking member. Distinguished ranking member, what it means is that the deal that we cut, if we change anything over here, the Republicans on the other side are going to drop everything. So we are trying to cooperate with this Republican Senate bill. So even if the distinguished gentlemen here would want to agree, we can't do it. We are held hostage by the other side.

Let us put down our arguments and march over there and correct this thing. But I agree with you, that language should have been corrected with both Houses, but the Republicans objected to any changes or any additions.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. EMANUEL), a member of the Ways and Means Committee who is a leader in the Democratic Party, a leader in our Congress, and a leader in our country. We are proud to have him on this bill.

Mr. EMANUEL. Last week the President asked for $200 billion more for the war in Iraq. In the same week, the White House said that the bipartisan plan to give 10 million children health care included "excessive spending" and threatened to veto it.

I agree we have excessive spending. In Iraq. For 41 days of the war in Iraq, 10 million U.S. children would get health care; 41 days of the war in Iraq, where we have been at war for over 4½ years.

Make no mistakes, this debate is not about spending. It is about priorities. So it is no surprise that the President finds himself increasingly isolated from Republicans here on Capitol Hill, in the Senate, in the House, and Republicans in the State capitals around America.

This President is isolated from where the American people are. They would like to see 10 million children get their health care.

Just listen to what Republicans have been saying. Senate Republican ORRIN HATCH: "We're talking about kids who basically don't have coverage. I think the President's had some pretty bad advice."

Senator CHARLES GRASSLEY, another Republican, said that the bipartisan plan "breaks the legislative impasse and should have strong support from both Democrats and Republicans."

From minimum wage, to lobbying reform, to veterans health care, to college education, we have passed bipartisan solutions to problems facing America. That is what this bill does.

Thank you for the Republican support for this Democrat initiative. It is right for America's children. It is time to put them first, 10 million kids.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), another distinguished member of the Ways and Means Committee.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Speaker, a couple of things: number one, we are not dedicating enough time to this debate. A half-hour is not enough time to debate what this is really all about. This is not just about health care, health insurance for low-income children. If that is all this was about, then we could pass this with 2 minutes of debate, unanimous consent, voice vote, everyone would agree.

That is not what this debate is about. This debate goes far beyond that, and the American people deserve to have a much more honest, much more thorough debate about what really is being discussed here.

This is a misleading bill. This is a misleading debate. This is misleading, number one, because this is really all about whether or not the Federal Government should run health care for most Americans or not.

All of us in this room, Republicans and Democrats, believe that Americans ought to have access to affordable health insurance. All Americans. We all believe that. The question is, should the government run it, or should health care be a decision between patients and their doctors? Let's have a debate about that.

The reason this is a misleading debate is because this bill takes more health insurance away from children with private insurance than it gives to children without insurance. We are taking more people off of private insurance than we are giving to uninsured children. If we wanted to just give uninsured children health insurance, let's do it.

This bill is misleading because it gives children health insurance for 5 years, and then it pushes them off a cliff. I call it the majority's "bait and switch SCHIP funding." It says 5 million children get it now; 5 million children 6 months into 2012 get nothing. $41 billion is hidden out of this bill. Who believes that that is going to happen? In order to contort their way into their PAYGO rule, they are giving on the one hand and taking out with the other.

But what this debate is really about is putting the government in the middle of that decision between the patient and their doctor. I don't want a bureaucrat running health care. I don't want an HMO bureaucrat running health care, and I don't want a government bureaucrat running health care. I want patients running health care with their doctors.

That is what this debate is really about. This debate is about getting more and more and more government in the middle of the health care decisions between patients and their doctors. This is a debate about getting us on that path toward government-run health care. That is a big debate. It deserves more than a half-hour of debate.

And, unfortunately, the majority is misleading the American people by saying this is only about low-income children, when they are bringing us a bill that displaces kids off of private health insurance, goes to virtually to anybody of any income if a State wants to, and goes way beyond the idea of insuring low-income children.

Let's give low-income children health insurance, and let's have a big debate on whether the government ought to be running health care in America or not.

Mr. DINGELL. Mr. Speaker, I would observe an interesting point, and that is the Congressional Budget Office says that we are taking care of 4 million additional kids who are identical in all particulars to those we now care for under SCHIP. There is no vast increase in socialized medicine or anything of that sort, as we hear from the other side.

Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I thank our chairman of the Energy and Commerce Committee for allowing me to speak this evening.

Mr. Speaker, I rise with a very heavy heart today in support of this so-called Children's Health Insurance Program because I can't afford not to have our children covered. That is what SCHIP has been about for the last 10 years. We need to continue that service to those kids who are covered. It hopefully will not be dropped off, and we can continue to expand the program.

I will tell you that I do have differences with our party, and especially the Republican Senate Members that refused to allow for coverage of legal permanent resident children and pregnant women.

We passed a good bill, the CHAMP Act. We worked very hard, and I thank our leaders of our committee and our Members for allowing us the opportunity to provide interpretive services for hard-to-reach populations, to go out and do the right thing and to get more children enrolled.

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This is not the expansion that many of us envisioned that are sitting here tonight, but it is the best we can do. I can tell you, we had a meeting earlier with Speaker PELOSI. She has made a commitment to continue the discussion with us, and we will make that a priority for the people that we represent here in America.

If we can send troops, send our soldiers to defend our country and yet not cover their families and their children, then we have moral corruption going on in this Congress. I support this bill. Again, I say I have a heavy heart.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to acknowledge my good friend, Mr. RANGEL, the distinguished chairman of the Ways and Means Committee. I now know who the problem is; it is those big, bad bully Republicans in the Senate. I didn't realize that.

Mr. RANGEL. I can discuss it in some detail.

Mr. BARTON of Texas. It is my time.

The SPEAKER pro tempore (Mr. SCHIFF). The gentleman from Texas controls the time.

Mr. BARTON of Texas. Now that I know what the problem is, I am going to call over there. They are good friends of mine, Mr. HATCH and Mr. GRASSLEY. And tell them that now that we have identified the problem, will they accept the language that Mr. DINGELL objected to, and when we are here next week on the House floor when this bill is vetoed by the President, I would expect my good friend from New York to accept that change in the language.

Mr. RANGEL. If we can get them to open up this, we can do business.

Mr. BARTON of Texas. I know we can. I think my time has expired, but I just want to commend him because now I know where the problem is. It is those big bad bully Republicans and these two wily negotiators, Mr. RANGEL and Mr. DINGELL, who are two of the most distinguished, able legislators in the history of the Congress, have been buffaloed by a couple of scallywags over in the Senate.

Mr. RANGEL. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ) who is an outstanding member of the Ways and Means Committee.

Ms. SCHWARTZ. Mr. Speaker, as one of the original architects of CHIP in Pennsylvania, I have seen firsthand that it is possible to bring together public and private stakeholders and expand health coverage to millions of children, children of working families who cannot afford the increasing cost of coverage.

As the September 30 deadline to reauthorize CHIP quickly approaches, American families are counting on us to ensure health coverage for millions of American children.

The Democratic majority understands the needs of working families and has negotiated for weeks to craft a commonsense compromise legislation before us. This plan has a broad-based coalition of supporters ranging from our Nation's seniors and unions and businesses, insurance companies and health care providers, all of whom have come together to support CHIP.

American families expect action, and 10 million uninsured American children are depending on us. It is time to put children ahead of politics. Vote "yes." Vote for America's children. Tell the President to end his veto threats and vote to make health coverage available and affordable to 10 million American children.

Mr. McCRERY. Mr. Speaker, due to the imbalance of time remaining, I would at this time withhold calling on a speaker, and I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and I rise to oppose this bill.

As much as anything, I want to say the children's health care bill, you would think would get a little more dignity in the process around here. This is a 299-page bill which we received, "we," minority Republicans, received at 6 p.m. last night, or maybe even later than that. That doesn't give you a lot of time to work on a bill and have any kind of bipartisan deliberations.

Plus, there is no motion to recommit. Now I know that is inside-the-Beltway stuff, but this is important if you are talking children's health care.

What I do know is that in the bill, adults are still allowed to be covered by it. Adults can push poor children out of the way because States are going to politically favor them and let them have the opportunity to be insured.

I know there is a massive tax increase. I know there is very little sympathy for smokers these days, but it is still a tax increase on the backs of the smokers. And in order to get enough money to pay for this, it would require 22 million new smokers in the United States of America.

Now, maybe the Democrat Party is planning to pass out cigarettes at the schools and say to the kids: Hey, look, start smoking so you can finance your own insurance company. And you'll probably be needing it, by the way, wink-wink. But in the meantime, the government gets to grow. The bureaucracy gets to grow. The nanny-state, more like the Nurse Ratchet states, continues to grow at the expense of children. I urge a "no" vote on this.

Mr. RANGEL. Mr. Speaker, I think my time along with Mr. MCCRERY's is short. If you can give us the amount of time, I think I am going to pass right now.

The SPEAKER pro tempore. The gentleman from New York has 4½ minutes remaining. The gentleman from Louisiana has 2½ minutes remaining. The gentleman from Texas has 5½ minutes remaining. The gentleman from Michigan has 7½ minutes remaining.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I am delighted to yield 1 minute to a very able member of our committee, the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, I rise today in strong support of H.R. 976. In Oregon alone, 37,000 new children will receive access to health care under this bill. Those children are counting on us to act today before this critical program expires.

Although many speakers before me have focused on the big picture by citing the number of children impacted by this legislation, I implore my colleagues to not lose sight of the small picture: the impact SCHIP has on the life of a single child.

The core purpose of this legislation is to ensure that a single child with the flu can go to the doctor or that a single child with cancer can receive chemotherapy. SCHIP simply allows the interaction between health care providers and the child to occur millions of times over.

I hope the House will put aside petty partisan differences and show strong bipartisan support for H.R. 976, that the President will stand alone if he vetoes this critical piece of legislation.

I can give the President 10 million reasons why he should put down his veto pen once we pass this bill, H.R. 976: the 10 million children who will otherwise go without access to health care if we do not pass this bill. I urge a "yes" vote on H.R. 976.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to this SCHIP proposal. I see this as a bad deal for America, which is not to say that I oppose a reauthorization of this program or its essential elements. And in the continuing resolution this week, we will see to it that this program does not lapse as a virtue of my vote.

But beyond the budget gimmickry, beyond increasing taxpayer liability for illegal immigrants, this compromise is no deal the American people should accept.

It is interesting that a health insurance program for poor kids doesn't require your kids to be poor. Families with incomes of up to $83,000 a year could be entitled to assistance in health insurance in this program. Also, a State program to provide health insurance for children doesn't require families to have children to participate. This program allows childless adults to continue to receive SCHIP through 2012.

Also, it pays for all of this by raising taxes 61 cents per pack and more on cigars. The headline ought to read, "Smokers in America to pay for middle class welfare."

Congress should reject this SCHIP program, continue this program, and reject all of the bad elements of this bad deal.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to Mr. JASON ALTMIRE, a distinguished gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Speaker, there has been a lot of conversation about how this is a Federal Government program and how this is a move to expand Government's role in health care, so I thought I would take a moment, a minute, to talk about what is really in this bill.

This is an expansion of an existing program created 10 years ago in a Republican Congress. It is a capped block grant. The amount of money is capped. It flows through the States, and almost every State in the country administers the program through the private health insurance market. Through the private market.

This could not be anything further from a big, government-run program. It is administered by the States and contracted out to the private market.

And yes, these are families that have income. They are families that work hard and play by the rules, and they are families that can't afford health care for their children. Is there any better cause in this country that we can work on in this Congress than that issue? I ask my colleagues to support this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, since we have not had a markup and since we have not had a legislative hearing, and I know it is cumbersome to actually refer to specific sections of the bill on the floor, especially of what is portrayed to be a conference report, which this is not, which is not amendable, but I want to go back and talk about this eligibility.

There is a section in the bill, section 203: "State option to rely on findings from an express lane agency to conduct simplified eligibility determinations." On the face of it, that would seem to be a good thing. This section is very complicated. It is 10 to 15 pages long.

But it does say in this section that a parent of a child that might be eligible can self-verify. If you are approached by one of these express lane agencies, it is up to the parent of the child to self-determine, to self-certify that they are indeed eligible. That would appear to be something that we need to work on.

Then it goes on when it defines the actual express lane agencies on page 123 of the bill, in subparagraph (F), it goes through and lists the kind of public agencies that are express lane agencies. They apparently include Medicare part D, Medicaid, Food Stamp Act, Head Start Act, National School Lunch Act, Child Nutrition Act, Stewart B. McKinney Homeless Assistance Act, United States Housing Act, Native American Housing Assistance Act, and so on and so on.

Again on the face of it, those are all agencies that might be of some assistance, but I doubt that their requirements are the same as the requirements for the base bill for SCHIP in terms of income eligibility and age determination. For example, I doubt that the Stewart B. McKinney Homeless Assistance Act has an age requirement at all.

So again, when the President vetoes this bill and we are back working together on a bipartisan basis, these are the kinds of things I hope to clarify and tighten up.

Mr. DINGELL. Mr. Speaker, it is a pleasure and a privilege for me to yield time to a distinguished member of the Committee on Energy and Commerce, the respected gentlewoman from New Mexico, a very valuable member of our committee (Mrs. WILSON).

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Mrs. WILSON of New Mexico. Mr. Speaker, my colleague from New York, Mr. RANGEL, says this is not a House bill; and he's right, it isn't.

When the House first passed its version of this bill, I opposed it, particularly because it funded that House version of the bill through reductions in Medicare spending. This bill is a compromise. It is a much better bill. It's not a great bill, but it's a good bill.

I was a cabinet secretary in New Mexico for children at the time SCHIP was initially implemented. It was established by a Republican Congress and a Democrat President and it works. It gets kids health insurance that they need.

We have big challenges in health care, but this isn't one of them. Don't let the perfect be the enemy of the good. I would ask my colleagues to join together and to support this bill tonight for the good of all of us.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to a distinguished Member from Texas (Mr. HENSARLING).

Mr. McCRERY. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, let nobody make a mistake about it. I know the Democrats are trying to cast this as a debate about insuring poor children. That's false. We have Medicaid. We could reauthorize the current SCHIP program now in the snap of a finger, but that's not what this is about.

Instead, this is a debate about who will control health care in America. Will it be families and doctors, or will it be government bureaucrats? This is a proxy fight for the Democrats to take that first step towards socialized, government-run health care in America. That's what this is all about, and there should be no mistake about it.

We've got a program for children that insures adults. We've got a program ostensibly to help the poor that can subsidize people making $82,000 a year, and they're going to do all this with a huge tax increase on smokers, and we're going to need 22 million new smokers in 10 years just to pay for it.

If this bill passes not today not tomorrow but at some time, the children of America will suffer. If this program passes, and I hope all the mothers of America are paying very careful attention to this, because if this passes, in the years to come they won't wait minutes or hours to see a doctor of their choice. They will wait weeks and months to see a doctor chosen by a government bureaucrat, and that doctor will not be the doctor of today. It will be somebody who is less competent, less able to take care of their child, and that's what this is all about.

If you care about the children, reject this bill tonight.

Mr. RANGEL. Mr. Speaker, it's my pleasure to yield 1 minute to Dr. STEVE KAGEN, who would share his views with us.

Mr. KAGEN. Mr. Speaker, the vote we will cast today will ask a simple question: Whose side are you on? Are you on the side of the millions of children who lack access to health care? Are you on the side of families who are working hard, but still cannot afford the cost of health insurance today in America? Are you on the side of the American people who demand, who demand that this Congress find a solution to the impossible costs for health care across the country? Or are you on the side of powerful special interests?

The bill before us will cover nearly 38,000 additional uninsured children in Wisconsin, and I'm on their side. Whose side are you on? The American people will remember tonight, how you cast your vote. That question tonight will be answered in your vote, and tonight will answer the needs of those who need us the most, and that's our Nation's children, for they are our future.

Vote "yes."

Mr. McCRERY. Mr. Speaker, I only have one speaker left to close, so I would reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I also only have one speaker, that's myself, to close. What is the order of closure?

The SPEAKER pro tempore. The Chair will recognize Members to close in the reverse order of opening: Mr. McCRERY, Mr. RANGEL, Mr. BARTON, and lastly Mr. DINGELL.

Mr. RANGEL. Mr. Speaker, I have two speakers so I think I will reserve my time at this time until we can get a little equality in the time. I think I only have 2½ minutes.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from Washington (Mr. INSLEE) 1 minute.

Mr. INSLEE. Mr. Speaker, 10 million low-income American children will get health care coverage under this bill to renew SCHIP. Some of us think that is not such a bad thing.

This legislation is especially important to my home State of Washington because it will cut in half the number of uninsured kids in Washington State. It does that by fixing a long-standing inequity that punished Washington and 10 other States because we provided coverage for kids just above the poverty line, and we fix that long-standing inequity tonight.

If you're a Member from the State of Washington, Wisconsin, New Mexico, Connecticut, Wisconsin, Rhode Island, Minnesota, Maryland, New Hampshire, Vermont and Tennessee, vote for this bill and you can go home telling your constituents we fixed this long-term unfairness.

I'd like to thank Chairman DINGELL for including a 100 percent permanent fix in the House SCHIP bill that we passed in early August. I'm grateful that we retained that fix, and I hope we'll make sure that we do this on a permanent basis ultimately.

So we need to pass this bill tonight, extend coverage and fix that inequity.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. ROYBAL-ALLARD) 1 minute.

Ms. ROYBAL-ALLARD. Mr. Speaker, I hoped I would rise today in strong support of this SCHIP conference agreement that ensures millions of additional children access to health care.

While I am pleased that we are increasing our investment in children's health, I'm deeply disappointed that final product denies health care to legal immigrant children.

The Senate Republicans' failure to include the House-passed Immigrant Children's Health Improvement Act in the conference agreement is a tragically missed opportunity to address existing health disparities among vulnerable legal immigrant children and pregnant women.

More than 20 States, including California, have recognized that increasing access to care for legal immigrant children and pregnant women is good public health policy and cost-effective care.

Unfortunately, this bill ignores that fact.

This debate is not about immigration. This debate is about health care and our moral imperative to value the life of every child and to ensure that race and income do not determine the health status of any child in our wealthy Nation.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to an outstanding member of the Ways and Means Committee from the sovereign State of New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, 90 million Americans, nearly one-third of our Nation's population, had no health insurance for some or all of the past 2 years. Please let it sink in.

It is shameful that roughly 10 million of these uninsured are children. Ninety percent of those kids live in working households and a majority in two-parent families who simply cannot afford health coverage. Six million children are in imminent danger of losing their coverage if Congress fails to reauthorize SCHIP now.

We've heard many things this evening and that is, you've stooped to conquer. You accuse the Republicans and Democrats who support this legislation of wanting to do this for illegals. Then you accuse the Republicans and Democrats who support this legislation of supporting socialized medicine. And that wasn't bad enough. You went to the next thing. You accused Democrats and Republicans of encouraging smoking, and then you said that we want to aid the rich and comfort the rich.

Read the legislation. This is good legislation for America. Help the children for a change. Let's come together and vote for this legislation.

Mr. DINGELL. Mr. Speaker, at this time I yield myself 2 minutes.

We have here before us a bill which gives $35 billion to strengthen and improve children's health coverage. It protects 6 million children today covered by SCHIP. It adds an additional 4 million. It is the largest investment in children's health since the passage of the original Children's Health Insurance Program in 1997.

It provides $300 million in outreach grants for the States, community organizations, tribal organizations, and national initiatives. It provides a new express lane initiative for one-stop enrollment. It facilitates enrollments for newborns so coverage starts immediately. It does more than this. It revises the current SCHIP program formula to more accurately attract State need in that it follows the House provisions.

It provides the children enrollment program contingencies adjustment allotments to States to succeed in reaching the eligible but the unenrolled.

It does more. It provides dental coverage for CHIP children. It also provides mental health coverage for children. It provides grant money for diabetes clarification and prevention. It clarifies the coverage of school-based clinic services through the CHIP program. It creates a new option for CHIP programs to subsidize employer options and employer coverage for children whose parents may already have access to coverage.

It does not do any of the things that were charged on the other side because it does not change the law that CHIP now has in place. It just offers additional benefits to children under the SCHIP program.

It is a program which will cover 4 million more kids. It has to be passed by the first of the next month or else all of these kids are going to lose their coverage.

I was at the Governors' meeting in northern Michigan, and the one thing that the Governors were unanimous on is that we need to pass this SCHIP because it is an essential program and an essential part of their program for the care of our kids.

It is a piece of legislation that will make this country better. Take care of our kids. See to it that we do the job that we should in making health care available for all of our kids.

I yield back the balance of my time, excepting I'm going to save time to yield to my dear friend, the majority leader, to close.

The SPEAKER pro tempore. The gentleman reserves the balance of his time.

Mr. McCRERY. Mr. Speaker, I believe all of the controllers of time are ready to close.

Mr. Speaker, the gentleman that spoke right before me, the distinguished chairman of the Energy and Commerce Committee, said that this bill provides $35 billion for children. This bill actually provides a lot more than that. It's $35 billion in new, additional spending on top of the $25 billion that the program as currently structured spends. So we're more than doubling on paper the cost of this program. And when you consider that there's another, oh, approximately $30 billion that the tax increase in this bill does not cover, we're getting up to tripling, quadrupling the size of this program.

Now, the gentleman earlier said that no abuses such as illegal immigrants gaining benefits have ever been identified. Well, I would refer the gentleman to the 2005 HHS Inspector General report in which the Inspector General says that 47 States allowed self-declaration in the United States citizenship for Medicaid and he asked for those States to give him an audit.

Only one State did that, the State of Oregon. The Secretary of State provided an audit, and in that audit he found out of 812 individuals sampled, who were Medicaid beneficiaries in that State, 25 of them were noneligible noncitizens.

So, Mr. Speaker, under the provisions in this bill, which liberalize the current law treatment of qualification of individuals for this program, we indeed expect to see abuses of this.

So, Mr. Speaker, I urge all of us to vote "no" on this so that we can sustain the President's veto if the bill passes and then get together for a true bipartisan compromise on this important program.

The SPEAKER pro tempore. The time of the gentleman has expired.

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Mr. RANGEL. Mr. Speaker, when Congresswoman NANCY PELOSI shattered the glass ceiling and made history as the first woman to become Speaker in the history of the United States Congress, the one picture that remained to commemorate this great event was the children that were there when she was sworn in. It wasn't a symbol of the war or the deficit or the Republicans or Democrats; it was this Congress sharing with the rest of the country our deep commitment to the children of our country. And that is our investment.

Whether you are liberal, conservative, Republican, or Democrat, no one can challenge that our most precious human beings are those who cannot protect themselves. We have this opportunity to join with the Speaker as she closes this argument to set aside the partisanship and to be able to say, no matter what our differences, it was the children, it was the children that prevailed, and I voted with them.

I yield the balance of my time to the Speaker of the House of Representatives, Congresswoman NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank the distinguished chairman for recalling to mind that opening day here when I accepted the gavel on behalf of the children of America, all of the children of America. And when we had this debate before in Congress, we talked about perhaps the children listening to this debate, hearing what Members of Congress were saying. And I expressed my hope that they would consider this the children's Congress.

I thank the chairman of the Ways and Means Committee, Mr. RANGEL, for his leadership, and Mr. STARK, the Chair of the Health Subcommittee for helping to make this the children's Congress with this legislation. I thank the distinguished chairman of the Energy and Commerce Committee for his tremendous leadership.

Mr. RANGEL and Mr. DINGELL went into the conversations with the Republican leadership in the Senate on this bill, true champions of America's children, knowing the facts and figures, the provisions, every provision of the bill with such authority as they argued on behalf of America's children so effectively that this legislation before us reflects many of the provisions that were in the House bill. We had to agree to the Senate language in terms of the $35 billion and the pay-for with the tax on tobacco. We had hoped that we could do more in terms of the money allocated for this purpose so that we could cover more children.

As I praise Mr. DINGELL, I also want to acknowledge the fabulous leadership of Mr. PALLONE, Chairman PALLONE of the Subcommittee on Health in the Energy and Commerce Committee. Because of their leadership, we were able to join Senator REID, Chairman BAUCUS, Chairman ROCKEFELLER, Ranking Member GRASSLEY, and Ranking Member HATCH in having a very bipartisan conversation on this subject. The people who were in the room that evening cared about passing a serious piece of legislation to expand health care for America's children. Not to expand the eligibility, as some on the other side of this House would have you believe, but to expand the number of kids who could be served if they met the eligibility. I, myself, had hoped that we could go beyond that and have eligible children in America who were legal immigrants. I was told that that would not fly in the Senate; that is a fight we will hold for another day.

But I am pleased as one who represents a minority majority district from a majority minority State, where our State is blessed with a beautiful diversity, that of the additional children, nearly 4 million additional children covered, 67 percent of those children are minority children. Two-thirds of those children are children from families who are working hard, playing by the rules, lifting themselves out of poverty. They are the working poor in America. They are those who have aspired to the middle class to change that status and want to stay there. They simply don't make enough money to afford the private health insurance that this SCHIP initiative enables them to do. In fact, 72 percent, my colleagues might be interested to know that 72 percent of the children on this SCHIP program get their health coverage from private health insurance.

There are many misrepresentations, and I think they are probably unwitting because I assume that every person in this Congress cares about insuring as many children in our country as possible. How could it not be so? It is a deeply held value in our country that our children, as President Kennedy said, are our greatest resource and our best hope for the future. We must invest in them. We have a moral responsibility to do so.

When we had the debate on this bill and it first came to the floor, I was delighted in quoting a poem from my youth from Longfellow when he said, "Between the dark and the daylight, when the night is beginning to lower, comes a pause in the day's occupation that is known as the children's hour." This is the children's hour for us in the Congress of the United States.

I quoted Longfellow then, I am reminded of the Bible tonight, and I speak with all of the sincerity and all of the hope to President Bush in the hope that he will change his mind to dig deeply into his heart and think about the children in America who don't have health care. Because, if not, I think that the President is giving new meaning to the words "suffer, little children." Suffer, little children, if your parents can't afford health insurance, but they are working hard and they are not on Medicaid, but you will suffer because they are struggling to give you the best possible future. Suffer, little children, if your family has played by the rules and they have come to this country and you are here as a legal immigrant, because if you are sick, you will not get health care unless your parents can afford private insurance. Suffer, little children, if you are sick because you haven't had the proper nutrition, the proper prevention, the proper early intervention to your affliction, that you should go directly to the emergency room. But until you can get into that emergency room with enough of a serious illness, you will suffer. That is just not right.

I would hope that the President would have had a change of heart and mind since he was Governor of Texas. When he was Governor of Texas, the SCHIP program there, in meeting the needs of the children of Texas, ranked 49th in the country; 49th in the country. Forty-eight States were doing better in meeting the health needs of their children as reflected in the outreach of the SCHIP program. Does that mean that Texas is the 49th wealthiest State in the Union, that the children in that State can all afford private health care? I don't think so, especially since that State, as with mine, is blessed with beautiful diversity and people, again, families who come to America, families who are part of our country, who are struggling to make ends meet to build a better future for their children. And building that better future is what our country is all about, and those newcomers make America more American. I heard the President say that.

We also heard him say that in this term of office that he would enroll every child who is eligible. I am sure our distinguished majority leader will bring that to the attention of this body.

What is interesting about this is that the President, if he persists in vetoing this bill, and by the way, you don't have to be a Latin scholar to know that "veto" means "I forbid." With that pen, the President says, I forbid struggling families in America to have health care for their children. I forbid every child to be treated the same if they have an ailment.

How did any one of us decide that we were going to choose, you will have health care and you will not, in a country as great as ours when we are talking about our children? We are talking about our children.

So that is why the Conference of Mayors, the U.S. Conference of Mayors, a bipartisan organization, has overwhelmingly supported this legislation. That is why 43 Governors sent us a letter in July urging us to come to bipartisan agreement on legislation that would reauthorize SCHIP to care for many more children in our country. So when I hear the President say that we don't want to help children, we just want to do politics, I don't think he means that. So I hope he doesn't mean that he is going to veto the bill.

Senator GRASSLEY said of the President: The President's understanding of our bill is wrong. I urge him to reconsider his veto message based on our bill, not something that someone on his staff told him wrongly is in the bill. Actually, he said, "in my bill," Senator GRASSLEY said. And Senator HATCH said: We are talking about kids who basically don't have coverage. I think the President has some pretty bad advice on this.

And I want to also commend Representative RAY LAHOOD and join you, Mr. Chairman, in saying what a privilege it is to call him "colleague" and to serve with him in the Congress, and thank him for his leadership in making a distinction between what is about the children and what is about politics in this House.

I talked about the mayors; I talked about the Governors. Nearly 300 organizations in our country, alphabetically from AARP to YMCA and everything alphabetically in between, Families USA.

I heard someone say the doctors should be making the decisions. The American Medical Association firmly supports this bill. The President of the AMA stood with us in a press conference today to support this legislation. The Society of Pediatrics. Everyone who has anything to do or cares about children in our country knows that this bill is the way to go. It is not everything I want, believe me, it is not the bill I would have written. I would have been far more generous and it would have been paid for in perhaps a different way, but it would have been paid for; because in terms of bringing benefits to our children, we have absolutely no intention of heaping debt onto them.

The Catholic Hospitals Association, again, the list goes on and on about who supports this bill. It is a long list; it is a comprehensive list. And I might include in it that, across the country, overwhelmingly, the American people know and respect the value of taking care of America's children, all of America's children. Two-thirds, two-thirds of those polled among Republican voters, 2–1, they support passing this legislation and having it signed into law.

Why does the President want to isolate himself from caring for America's children? Let's hope and let's pray that a very big, strong bipartisan vote tonight will send him a message to rethink his position.

I see a child in the Chamber. Our constant inspiration of what we do here is supposed to be about the future, and the future demands that we invest in health, the education, and the well-being of our children.

So, my colleagues, vote as if the children are watching. Please vote as if the children are watching, and please send them a message that this is the children's Congress.

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Mr. BARTON of Texas. Mr. Speaker, may I inquire as to how much time I have.

The SPEAKER pro tempore. The gentleman from Texas has 1½ minutes remaining. The gentleman from Michigan has 1 minute remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of the time.

And since I really have a real minute and a half, I'm going to try to go through this as quickly as possible.

Republicans want to reauthorize the SCHIP program. We do want to refocus it on the original intent of the program, which was near-low-income children in families between 100 and 200 percent of poverty. We understand that in the 10 years of the program's existence that waivers have been given and there are some States that cover up to 350 percent of poverty, and some States cover adults.

But as our distinguished Speaker just said, Republicans are for the children, and we want to focus the SCHIP funds on those children and those families that don't have private insurance and aren't covered by Medicaid; and we believe that that is children in families somewhere between 100 percent of poverty and 200 percent of poverty.

And when the President rightfully vetoes this bill, and when the House of Representatives rightfully sustains the President's veto, it is my hope that we will get with the other body and the Democratic leadership at the leadership level and Chairman DINGELL and Chairman RANGEL, and we will work out a bipartisan compromise that does cover the health care needs of the needy children of America that currently, in spite of our best efforts, do not have the health insurance and the health coverage that they need.

To make that possible, we have to defeat this bill, or at least get enough votes to sustain the President's veto of this bill, and then work together in the near future to do some of the things that we have talked about on the floor this evening.

Vote "no" on the SCHIP bill this evening.

Mr. DINGELL. Mr. Speaker, at this time I yield to the distinguished majority leader the balance of my time for purposes of closing.

Mr. HOYER. Mr. Speaker, for those of us who have served in this body for some period of time, all of us know that the gentleman from Michigan (Mr. DINGELL) has been as focused on health care for all Americans as anybody who's served in this body, with the sole exception, perhaps, of his father. For over half a century, the Dingells have focused on making sure that Americans in the richest land on the face of the Earth had access to health care.

I want to congratulate my friend, Mr. DINGELL, and I want to congratulate his partner, CHARLIE RANGEL, one of the senior Members of this House, chairman of the Ways and Means Committee, who has worked collaboratively with JIM MCCRERY, and I want to congratulate JIM MCCRERY; I'll congratulate him again while he's listening; who has worked, I think, positively with the chairman, and I thank him for that.

I rise in support of this legislation. Today the Members of this body must answer this fundamental question: Will you stand with millions of American children who, through no fault of their own, but they live in families of limited means, have no health insurance? Or will you stand with the few, including at least now President Bush, although I hope he changes his mind, who are ideologically opposed to this legislation, and thus being willing to leave millions of American children stranded without the health insurance coverage they need and that they deserve?

Mr. Speaker, the bottom line is this: We must not sacrifice the health of our children on the altar of a conservative ideology. We must pass this bill.

The fact is, President Bush himself stated on the campaign trail in 2004, in fact, it was at the Republican Convention, and I would hope all my Republican colleagues would listen to the President's quote, if you haven't already seen it and read it. He said this as he addressed the American people asking them for their vote for a second term, which they gave him. He said this: "In a new term, we will lead an aggressive effort to enroll millions of children who are eligible but not signed up for government health insurance programs."

President Bush said that as he appealed to the American public for their support for a second term, that he would aggressively pursue a program of adding millions of children, eligible but not included, in the health insurance program.

"We will not allow a lack of attention or information to stand between these children and the health care they need." That is what President Bush said to the American public from the convention floor in 2004. We, tonight, are going to give him the opportunity to fulfill that promise to the American public.

Unfortunately, the President is threatening to renege on his campaign promise and to veto this legislation. Let's be clear: this fiscally responsible legislation will ensure that some 10 million children will receive health insurance coverage. That's approximately 4 million more than are covered under the Children's Health Insurance Program today. And so what we consider today is not young Master Snyder, who was on this floor, or Gemma Frost, with whom we met earlier today. Gemma Frost will be covered. Luckily, Master Snyder's father is covered, as all of us are, under a Federal Employee Health Benefit Plan to which our employer contributes. Gemma Frost was not so lucky.

The truth is, those 4 million additional children are eligible under existing guidelines, not new guidelines that we've created. They are the children that were eligible that President Bush talked about in 2004 that he wanted to vigorously assume inclusion in the program. Millions, he referred to.

This legislation does not change eligibility guidelines. It simply strengthens CHIP's financing, increases coverage for low-income children, and improves the quality of care they will receive.

In contrast, under the President's proposal, and I hope my friends would put this fact in juxtaposition to the President's representation in 2004 on the floor of the national convention that you held as your party, his proposal would decrease, by 800,000 children, the numbers that would be covered under CHIP in the future. Now, that's included in the 4 million, so actually it's a net 4 million difference between the proposals.

Ladies and gentlemen, we ought not to retreat from our children's health. We ought not to retreat from working families concerned about the inclusion of their children.

And I suggest to my friends concerned about cost, we ought not to give the answer, they can go to the emergency room. Why not? Because all of us know that is the most expensive intervention in the health care system in America. And so not only do we put our children at risk, but we compound our costs.

It's no wonder, Mr. Speaker, that this legislation has received strong support from Members of both sides of the aisle, as well as a wide range of health care providers, including private insurers, doctors and hospitals.

For example, Senator HATCH has already been quoted, but it bears repeating. He said: "We're talking about kids who basically don't have coverage. I think the President had some pretty bad advice on this."

Don't take that bad advice. Let us join hands; let us be together on this issue. You voted on a prescription drug program far more expensive than this one, and unpaid for.

Senator GRASSLEY stated: "The President's understanding of our bill is wrong."

That's the former chairman of the Finance Committee, Republican, senior Member of the United States Senate. He says, "The President's wrong." He urges him, he says, "I urge him to reconsider his veto message."

Every one of us, as we vote tonight, can send a strong message that will perhaps help him to reconsider that position.

Now, let me say, those who complain that this bill will induce people with private insurance to drop their coverage and enroll in the CHIP program are simply grasping at straws. Why do I say that? The fact is, even America's health insurance lobbying group supports this bill.

Finally, let me mention 2 other points. First, I am very pleased that this legislation includes a comprehensive dental benefit that will give low-income children the dental care they need and will provide States with flexibility in how they provide such care.

Why do I bring that up?

Dental care is important. A 12-year-old child who lived approximately 8 miles from this Chamber, Deamonte Driver was his name, he was 12 years of age. He had 3 siblings. He got a toothache. His mother did not have coverage and tried to get coverage, tried to get dental care, and she could not get dental care, and that toothache became an infection in the brain, and Deamonte Driver died just months ago, just 9 or 10 miles from where we stand. That is one of the reasons, one of the four million reasons that I stand here to say that we need to pass this legislation.

Secondly, I'm very disappointed that the Senate Republicans insisted that we remove the House-passed provision on Medicare, as well as our provision that would have allowed legal immigrants who pay taxes to be eligible.

Why is that of concern?

Because my granddaughter, 5 years of age, who just started kindergarten, she may sit next to one of those children in her kindergarten class, and that child who is legally in the United States may get sick. But if that child cannot access health care and sits next to my granddaughter, my granddaughter is at risk.

We want everybody in this country to be healthy so that the rest of us can be assured that we operate in a healthy environment. That is why we want that provision.

Ladies and gentlemen of this House, Speaker PELOSI was right: I don't believe there's a person in this House that doesn't care about their own children, about their neighbor's children, and about the children of our country. All of us care. We need to come together, however, and see how that care can be transformed into meaningful, tangible help.

Mr. Speaker, we have a rare and wonderful opportunity tonight to do the right thing, to put aside partisanship, to elevate the practical, responsible, and moral solution above the ideological.

Mr. Speaker, I urge my colleagues on both sides of the aisle, let's seize this opportunity. Let's do the right thing. Let's stand with America's children. Let us pass this historic legislation.

Ms. HIRONO. Mr. Speaker, I rise today in support of H.R. 976, the reauthorization of the Children's Health Insurance Program (CHIP).

I believe our nation must show true compassion for the most vulnerable among us, and CHIP is a program that helps millions of low-income American children to receive health care so they can grow up in good health.

Since its creation in 1997, CHIP has been successful in providing vital health care coverage for children in families who cannot afford private insurance yet earn too much to qualify for Medicaid.

There are now 6.6 million children enrolled in the program.

Unless we act now, they are in danger of losing their health coverage, as CHIP expires on September 30th.

Leaders in the House and Senate have worked hard to bring this conference bill to the floor.

In supporting the conference bill, I want to note that the bill passed by the House earlier is a stronger bill in its coverage of more children in need and in eliminating the automatic cuts to Medicare reimbursements set to take effect in 2008 and 2009. Eliminating these automatic cuts was at the top of the list of needed legislation by medical and health care groups.

I am hopeful that we will address their concerns through another bill before the cuts go into effect.

I am also deeply disappointed that Senate Republicans insisted on the removal of provisions providing coverage for the children of legal immigrants. Such discrimination based on immigrant status should have no place in a bill providing health care to children.

While work remains to be done, I also want to point out that under this bill we would preserve the coverage of more than 20,000 children in Hawai'i, and in addition 12,000 children in Hawai'i who currently are uninsured would gain coverage.

We would preserve coverage for the 6.6 million children nationwide currently covered by CHIP and extend coverage to an additional 3.8 million children who are eligible for coverage but not enrolled. Thus passing this bill would provide health care coverage for more than 10 million American children.

A new report by Families USA indicates that during a 2-year period almost 35 percent of Americans under age 65 lacked healthcare insurance. Hawai'i is better than average in this regard, but 29 percent of our state's residents under age 65 still lacked insurance at some point during the past 2 years.

I support providing all Americans with high quality, affordable health care, and I hope that Congress will continue to move in that direction. But until we reach that goal, we should take steps that help our most vulnerable populations, including low-income children. This is precisely the group that CHIP will help, if we can get it reauthorized and signed into law.

I support CHIP because it is the compassionate, just, moral and the right thing to do. In fact, it is also highly cost-effective. It costs less than $3.50 a day to cover a child through CHIP. It would be far more expensive for taxpayers to leave these children uninsured and having to pick up the tab for indigent care in emergency rooms.

I urge my colleagues to vote for this bill.

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 976, the Children's Health and Medicare Protection Act. While the bill is not as strong as the House passed version, it has several good provisions that deserve our support. This bill invests $35 billion in our children, providing health insurance for an additional four million children and bringing the total number of children covered by SCHIP to ten million. This bill will also help states provide millions of children with the dental and mental health services they so desperately need.

While this is a very good bill, it is not perfect and I hope it will serve as a starting point in a larger conversation about how we find a way to ensure coverage for everyone, but particularly for children and low income seniors, the most vulnerable amongst us. I look forward to working with my colleagues in the House and Senate to come to an agreement on how to increase coverage to the level the House bill provided. Additionally, I would like to join my colleagues in covering legal immigrant children and pregnant women, which the House bill ensured. Finally, I hope that the House and Senate will agree upon a strong Medicare bill that rolls back payment cuts and addresses payments based solely upon where a physician practices. This has made it incredibly difficult for physicians in Sonoma County to continue to see Medicare patients. The House bill addressed the geographic inequity and is a great starting point for a conversation about how to address this serious issue.

Additionally, as the Chairwoman of the House Subcommittee on Workforce Protections, I am proud to support the language in this bill that will provide military families with the protections they need in the workplace. For the first time since Congress passed the Family and Medical Leave Act (FMLA) fourteen years ago, this bill will amend FMLA to provide the spouse, child, parent, and closest blood relative of an injured service member with six months of unpaid, job protected leave to care for their injured loved ones. Congressman GEORGE MILLER and I worked closely with Senators CHRISTOPHER DODD and HILLARY RODHAM CLINTON to ensure that the provisions of H.R. 3481, the Support for Injured Servicemembers Act, were included as part of the final compromise reached between the House and Senate, and I commend the Democratic Leadership for their strong support for our Nation's wounded warriors and their families. Military families should never have to risk losing their jobs in order to meet the needs of their loved ones, and with this bill, we are one step closer to fulfilling our promise to them.

Passing this bill will mean a real investment for our children and I hope that we consider it a starting point for a conversation about covering every child.

Ms. SCHAKOWSKY. Mr. Speaker, I want to start by thanking Chairman DINGELL as well as the Democratic leadership for working so hard to bring the Children's Health Insurance Program reauthorization bill before us today. H.R. 976 is not a compromise that was easily come by, and it's important to recognize the hard work that has gone into it.

Let's be clear, today each of us is either voting for providing healthcare to more uninsured children, or voting against covering more uninsured kids.

This bill is not the bill that I would have written, nor is it as good as the bill that passed the House. But it will cover the 6.6 million children currently covered by CHIP and will reach an additional 4 million kids. It also provides children with dental coverage and finally puts mental health services on par with other medical benefits covered under the program. This bill will also improve quality improvement, outreach, and enrollment efforts under CHIP, and will target those most in need. It is a good bill that we think will get to the President's desk. Thus, I think the commitment this bill makes to our children should be celebrated.

Yet, we need to push further and pass several provisions that were in the house bill, including meaningful improvements in access to basic health services, including granting access to our legal immigrant children, more affordable prescription drug costs and benefits for senior citizens and people with disabilities, and adequate reimbursements for physicians that provide critical care to the Medicare population.

Incredibly, President Bush has pledged to veto this compromise, bipartisan, bicameral measure. The President and the Congressional Republican leadership say that we cannot afford it. We can't afford to cover children, but we can afford the war in Iraq. The bill to provide health care to children will cost $35 billion over the next 5 years—but we will spend over $50 billion in the next 5 months in Iraq.

While this bill could have been so much more to so many of our constituents, it does bring us a necessary, moderate expansion of the Children's Health Insurance Program and I urge my colleagues to support it.

Mr. MARKEY. Mr. Speaker, I rise today in strong support of this compromise legislation which will provide healthcare for 10 million low-income American children.

This bill will give 4 million currently uninsured children a healthy start in life.

Yet in a confirmation of the White House's pitiless priorities, President Bush is threatening to veto this bill if we spend any more than $5 billion dollars over 5 years to help poor American children get health care.

This year alone, the President requested 40 times that amount—$200 billion dollars—for the wars in Iraq and Afghanistan, yet he has threatened to veto SCHIP on the basis that it spends too much money on American children.

The President constantly chooses Corporations over Children, spending billions on tax cuts for millionaires and subsidies for his friends in big oil without batting an eyelash. But when it comes to giving our country's poor children health care, he can't find the heart to come up with the money.

Today's debate is a major moment in the history of health care, and a veto will place the President firmly on the wrong side of history.

By vetoing this bill, President Bush will expose himself as a Compassionless Conservative.

By vetoing SCHIP, the President will dash hopes of millions of working families who dreamed that they would be able to provide health care for their sick children.

I urge you to stand with those working families and help their children get the health care they need. Vote yes on this critical legislation.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill.

Dr. Martin Luther King, Jr. said "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." H.R. 976 does not end health care inequality, but it will provide continued coverage for children not covered by Medicare but whose parents cannot afford to buy insurance and whose employers do not provide it.

These children—currently 6 million of them—are now eligible for coverage under the Children's Health Insurance Program (CHIP)—but that program is set to expire at the end of this month. If Congress does not act, these six million will no longer have access to quality, affordable health insurance. This bill responds to that urgent need.

This legislation would assure continued coverage for those now enrolled and would provide coverage for an additional four million children who currently qualify, but who are not yet enrolled under CHIP.

I believe that health care should be a right, not a privilege, and this act is a step in the right direction toward that goal. So, I will support it although I wish it went further.

Despite claims by some, this bill does not change the basic nature of the CHIP program. Instead, it maintains current eligibility requirements for CHIP. The majority of uninsured children are currently eligible for coverage—but better outreach and adequate funding are needed to identify and enroll them. This bill gives states the tools and incentives necessary to reach millions of uninsured children who are eligible for, but not enrolled in, the program.

Earlier this year, I vote for the "CHAMP" bill to extend CHIP. The House of Representatives passed that bill, and I had hoped the Senate would follow suit. It would have increased funding for the CHIP program to $50 million, instead of the lesser amount provided by this bill. The CHAMP bill would have also addressed major health care issues, first by protecting traditional Medicare and second by addressing the catastrophic 10 percent payment cuts to physicians who serve Medicare patients.

However, the bill before us represents a compromise between the House and the Senate and deserves support today. It will pay for continued CHIP coverage by raising the federal tax by $0.61 per pack of cigarettes and similar amounts on other tobacco products. According to the American Cancer Society, this means that youth smoking will be reduced by seven percent while overall smoking will be reduced by four percent, with the potential that 900,000 lives will be saved.

H.R. 976 has the support of the American Medical Association, American Association of Retired Persons, Catholic Health Association, Healthcare Leadership Council, National Association of Children's Hospitals, American Nurses Association, US Conference of Mayors, NAACP, American Cancer Society Cancer Action Network, and United Way of America.

I am proud to vote for this bill that seeks to protect those that are most vulnerable in our society by increasing health insurance coverage for low-income children. I hope that we have the opportunity to take up the other important Medicare issues addressed in the CHAMP bill soon.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of H.R. 976, which extends and expands the State Children's Health Insurance Program (SCHIP).

We have a moral obligation to cover all our children so every child in America can grow up healthy. It's the right thing to do; it's also the cost-effective thing to do.

The great Minnesotan Hubert H. Humphrey once said that a key moral test of government is how we treat those who are in the dawn of life, the children. We must not flunk this moral test!

My home state of Minnesota started covering children through its medical assistance program even before SCHIP was created, but we still have far too many children without coverage—73,000 kids.

That's why I strongly support extending and expanding SCHIP. I also hope we can work together to provide greater access to private insurance coverage for America's children and other uninsured Americans.

This SCHIP legislation also avoids cutting any of the payments to Medicare Advantage and other critical programs, as it is financed primarily by a cigarette tax increase. So this bill will cover our children without cutting benefits for our seniors.

I urge my colleagues to support this bill. With an expiration of this crucial program looming on September 30, we cannot afford to wait any longer. It's time to break down the barriers to health care for our kids. It's time to reauthorize SCHIP. It's time that all kids have a chance to grow up healthy.

Like the U.S. Senate, we should pass this SCHIP reauthorization with a strong bipartisan vote.

Let's put children's health first and do the right thing. Let's pass this reauthorization of SCHIP and reduce the number of uninsured children by at least 70 percent.

There is no better investment than to invest in the health and well-being of America's children.

Mr. BACA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I support the Children's Health Insurance Program Act.

It's a shame that we live in the richest country of the world, yet 3.8 million children are uninsured. 33,000 of these children are in my District.

This bill is not about politics, it's about helping hardworking families and the poorest among us.

Leaving children uninsured is unacceptable. With health care costs going up, working families are on the edge. Expanding coverage is the only solution.

I am disappointed that this bill does not cover pregnant women and children who are legal permanent residents. This is a health care issue, not an immigration issue.

A simple pre-natal exam can detect future complications and prevent costly visits to the emergency room. This would save tax payers millions of dollars in the end.

No mother who is working here legally and paying taxes should have to choose between buying baby formula and taking her infant to the doctor.

No child should die from a sore throat or be denied access to lifesaving treatments. It costs less than $3.50 a day to cover a child through SCHIP.

This is not the time to play politics, our children must come first. I urge my colleagues to support this bill.

Mr. WELDON of Florida. Mr. Speaker, I rise as a supporter of the State Children Health Insurance Program (SCHIP), which focuses on covering children in families at or below 200 percent of the poverty level ($41,000 per year). I have voted to extend this program and to provide additional resources to ensure that those living in families below 200 percent of the poverty level ($41,000) have access to affordable health insurance through the SCHIP program.

What I cannot support is the Democrat's SCHIP bill, because their bill: 1. Fails to place a priority on first enrolling uninsured children in households earning less than $41,000 per year (200 percent of the federal poverty level); 2. Expands government subsidies to those making nearly $80,000 per year; 3. Spends half of the additional SCHIP dollars to enroll children in the government SCHIP program who were otherwise enrolled in private insurance; and 4. Virtually eliminates all funding for SCHIP beyond 2012 because they have no way to sustain funding for SCHIP beyond that date.

It is fiscally irresponsible to expand this program by enticing millions of children in families earning as much as $82,000 per year to drop private coverage and enroll in the SCHIP program that cannot be sustained. In August, House Democrat leaders forced an earlier version of SCHIP through the House that cut over $150 billion from Medicare and moved that money into SCHIP so that they would have a way to pay for millions of new SCHIP enrollees over the next ten years, including millions of currently insured children from middle and upper middle class families.

Their plan to cut Medicare was rejected not only by Republicans, but by the U.S. Senate, and most importantly by the public at large. But now the bill before us is simply a bait and switch. They have brought a bill before us today that nearly triples the size of SCHIP over the next five years—including enrolling millions of children currently ensured by private plans—only this time they have chosen to hide from the public how they plan to pay for the program for the next ten years. They ramp up the annual budget of SCHIP to nearly $14 billion a year, and then they simply leave it to a future Congress to find a way to continue paying for the massively expanded SCHIP program. It turns out that their nearly tripling of the federal cigarette taxes still leaves them tens of billions of dollars short. Americans should be on notice that in 2012 the Democrats will ask for another $180 billion to continue SCHIP for another ten years.

Particularly troubling is that by significantly expanding SCHIP enrollment eligibility those in families making upwards of $80,000 per year, the Congressional Budget Office (CBO) estimates that millions of new SCHIP enrollees will be children that move from private coverage to the SCHIP program. By moving children from private insurance onto the government program, this bill essentially enrolls five uninsured children for the price of ten. Enticing millions of children to drop private coverage and sign up for SCHIP is short-sighted and fiscally irresponsible, particularly given that it goes bankrupt in 2012.

What we should be doing is focusing this program on enrolling uninsured children in households earning less than $41,000 per year. Mr. Chairman, our children and the American taxpayers deserve better that what the Democrat leadership has put before us today.

In February of this year, states that had overspent their SCHIP funding grants came to Congress begging for more money to "insure uninsured poor children." The root problem in many of these states was the fact that they had use their federal grant to enroll children in the SCHIP program who were neither poor nor uninsured. New Jersey, for example had used their grant to enroll children in families with incomes of more than $72,000, even though there were and still are over 150,000 children in New Jersey in households earning less than $41,000 who are uninsured.

I offered an amendment in February that would have refocus SCHIP to make sure that children in families under 200 percent of the poverty level were covered first. My amendment was rejected by the liberal majority on the Committee, who stated that they had no intent to refocus SCHIP on lower income children. Rather, they planned to continue expanding the program to those well above the poverty level—to include adults and illegal immigrants—as a step toward universal government-run health care. In today's Washington Post, liberal columnist E.J. Dionne Jr., removes any doubt of this goal by writing: "This battle [over SCHIP] is central to the long-term goal of universal coverage."

While the press releases about today's bill focus on uninsured low-income children, the language in the bill is about much more than uninsured low-income children. If the bill before us was focused on low-income uninsured children, I would be voting for it. The bill before us does the opposite. It repeals recent rules requiring states to ensure that at least 95 percent of those under 200 percent of the poverty level are insured under their state SCHIP programs. Democrats leaders in Congress have responded to the rule by arguing that there is no way to ensure a 95 percent enrollment rate of uninsured children in households earning less than $41,000 per year. They argue that since they cannot achieve the goal we should simply expand the program to those in households earning more than $80,000 or more a year.

They use budget gimmicks to say that their bill is balance and paid for through higher cigarette taxes. The Heritage Foundation has estimated that the amount of money Democrats estimate they will raise from higher cigarette taxes comes up billions of dollars short and that over the next 10 years they will have to find 22 million new smokers to bring in the amount of cigarette tax revenue they hope to raise. (It is also noteworthy that lower-income Americans pay a higher percentage of cigarette taxes, but it is middle-income Americans that will receive most of the expanded SCHIP benefits under this bill.)

I am also concerned over provisions included in the bill that repeal the requirement that individuals must prove citizenship in order to enroll in Medicaid and SCHIP. This opens the program to fraud and the enrollment of illegal immigrants. In 2006, the Inspector General (IG) of the Department of Health and Human Services found that 46 states allowed anyone seeking Medicaid or SCHIP to simply state they were citizens. The IG found that 27 states never sought to verify that enrollees were indeed citizens. The Congressional Budget Office (CBO) estimates that repealing this requirement will cost $1.9 billion.

And finally from a Florida perspective, Florida taxpayers come up short. Florida taxpayer will send $700 million more to Washington than we will receive back in SCHIP allocations. Where will Florida taxpayer dollars end up going? Residents of California, New York, Texas, New Mexico, Arizona and New Jersey will be the biggest recipients of Florida tax dollars. Yet, Florida has a higher rate of uninsured children that several of these.

Florida voters will also be asked to foot part of the bill for a $1.2 billion earmark inserted into the 300–page bill at the last minute by the powerful chairman of the committee for his home state of Michigan.

Mr. BARTON of Texas. Mr. Speaker, here we are again.

Once again, we are being forced by the Democratic Leadership of the House to vote on a bill of vital importance to millions of our constituents without the ability to actually analyze its contents.

Once again, Mr. Speaker, we are being forced by the Democratic Leadership to vote less than 24 hours after they introduced a bill that is hundreds of pages long and spends hundreds of billions of the taxpayers' dollars.

Once again, Mr. Speaker, we are being forced to vote on a bill that was concocted in secret and unveiled in the middle of the night.

When this sort of thing happens, everybody wonders what the Majority is trying to hide, and why they need to hide anything.

I truly hope that the Democratic Leadership does not expect me to vote in favor of a 299-page bill that Republicans saw for the first time at 6:36 p.m. yesterday evening. I believe in faith, but not in blind faith.

I challenge the supporters of this bill to come to the floor of this House, look people in the eye, and say that they understand all of the provisions that are actually in this bill. Because I have some questions for you.

Mr. Speaker, it would be a compliment to say that the so-called process which produced this bill is an abuse of our democratic system of government. It was so much worse than garden-variety abuse. It was a travesty and an abomination, and it was pathetic. Yet, I'm sure that some will show up here with a handful of talking points from the staff who actually wrote this legislation, and explain to us that it is not a pathetic abomination, but a wondrous triumph of bipartisanship.

I challenge any Member that would claim that this bill is bipartisan to give me the name of one Republican in the entire House of Representatives who directly participated in these discussions. Name just one.

I know that the authors of this bill certainly did not consult with either Mr. DEAL or myself; I know that they have not included any Members of the Republican Leadership in the House; and I'm not aware of a single Republican Member of the Energy and Commerce Committee or the Ways and Means Committee being invited to participate in this process.

Now we have not had time to analyze this product that the Democrats are going to bring to the floor today but the Congressional Budget Office has. Yesterday at the Rules Committee, it was stated that this bill would put 4.4 million new people on to SCHIP. However, according to the CBO close to a million of those children were already enrolled in Medicaid and over 1.5 million of those newly enrolled in SCHIP were already enrolled in private coverage.

It was also stated last night at the Rules Committee that this bill does not expand eligibility under SCHIP. If that is the case then why does the CBO estimate 1.2 million of the newly enrolled people in SCHIP come from expanding the populations that are eligible for the program? Now those comments last night could have been misstatements because people just really do not know what is in this bill. It is difficult to know what is in a bill that no one has seen.

Mr. Speaker, I wonder if someone can explain to me why the Democratic Leadership has decided to wait until just days before SCHIP expires to bring their reauthorization to the House floor. We have known for well over 10 years that the current SCHIP authorization would expire on September 30, 2007, and the Democratic Leadership in the House and the Senate have known since early November that they would be in charge of actually producing a bill to reauthorize this vital health care program for low-income, uninsured children. Yet, here they are, a full 10 months later, jamming a bill through the House with fewer than three legislative days before the entire program expires and children's health care stops.

Well, Mr. Speaker, I was not sent here by the 6th District of Texas to be quiet and do what the gentle lady from San Francisco instructs me to do. I was sent here to represent my constituents' best interests and I demand the ability to do what I have sworn to do.

We all know that the President has promised to veto this version of the bill, so why are we wasting precious time on a bill that we all know doesn't stand a chance of ever becoming law?

While we are down here on the floor participating in this Theatre of the Absurd, the Democratic Leadership is in the back rooms trying to figure how they will extend the SCHIP program for another 6 months or a year. We all know this to be a fact, but I guess the Democrats want to pick a fight with the president so they can pretend that he is against children, and only then will they permit everybody to do the right thing and extend SCHIP.

Mr. Speaker, I'm sorry it's come to this. The pettiness of this transparent political strategy to damage and weaken the president is a new low. I regret that the state of political strategy has come to this.

I'd hoped that we would not engage in this game, and it's still not too late to stop it. We could start debating how to best extend the SCHIP program so that we can actually do the job people sent us here to do. We still have a chance to write a responsible, long-term reauthorization of the SCHIP program. Now, it's true that writing a solid, bipartisan bill will not give the president a black eye, but that's the price that Democrats will have to pay. Given that millions of needy children are depending on us, it doesn't seem like a big price.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the bipartisan, bicameral Children's Health Insurance Program (CHIP) Reauthorization Act of 2007.

The CHIP Reauthorization Act will reauthorize and improve the very successful Children's Health Insurance Program, CHIP, for 5 years. This bipartisan bill will preserve coverage for the 6 million children currently enrolled who otherwise would have no access to health insurance while, according to the non-partisan Congressional Budget Office (CBO), extending coverage to 3.8 million children who are not enrolled in the program. By reauthorizing this very important program, we will strengthen CHIP's financing, improve the quality of health care children receive, and increase health insurance coverage for low-income children.

I am pleased that this bill maintains the guaranteed dental coverage and mental health parity provisions that were in the CHAMP Act. Good oral health care is important to the overall health of children. No family should have to suffer the loss of a child because they lack the access to care, as happened in the tragic case of Deamonte Driver, a 12-year-old Marylander who died earlier this year when an infection from an untreated abscessed tooth spread to his brain.

This legislation increases the tobacco tax by 61 cents to a total of one dollar. Increasing the tobacco tax will save billions in health costs and is one of the most effective ways to reduce tobacco use, especially among young children. The 2000 U.S. Surgeon General's report found that increasing the price of tobacco products will decrease the prevalence of tobacco use, particularly among kids and young adults. In short, raising the tobacco tax will prevent thousands of children from starting to smoke and the proceeds of the tax will be used to provide health coverage for children. That is a win-win result.

The President has said that he will veto this bipartisan bill. Not so long ago in a September 2004 speech, he promised to expand coverage of CHIP to include eligible children who are not yet enrolled in the program.

Now the President has reversed course. In his July 2007 speech in Cleveland, Ohio, he forgot his 2004 pledge and stated, "I mean, people have access to health care in America. After all, you just go to an emergency room." I am disappointed that he will wield his veto pen on such promising legislation. I hope he will reconsider his position and help Congress provide health insurance to millions of America's children.

Mr. Speaker, I urge my colleagues to vote for this much needed bipartisan legislation.

Mr. HONDA. Mr. Speaker, I rise today in support of the Children's Health Insurance Program Reauthorization Act of 2007 and to express my dismay over one particular matter not addressed by today's conference agreement.

Since its creation in 1997, the CHIP's flexibility, in combination with existing Medicaid programs, has proven highly effective in reducing the number of children who are uninsured in the United States. The bill before us today will invest $35 billion in the program over the next 5 years, ensuring that 6.6 million children currently enrolled will continue to have a health program and allowing for the growth in the program predicted over the next 10 years.

I am glad that the bill will allow California and other innovative states to continue to cover families—the health of children is inextricably entwined with that of the family as a whole. I am especially pleased that this bill includes full dental coverage and mental health parity, recognizing that physical health care is only one part of effective health coverage.

Despite the desperately needed reforms contained in this legislation, I am deeply disappointed that the conferees did not include language from the House-passed Children's Health and Medicare Protection, CHAMP, Act that would have given states the option of choosing to waive the five year waiting period for Medicaid and CHIP imposed on pregnant women and children who are legally present in the United States. It is unconscionable that Congress will make pregnant women and innocent children pawns in a raucous and frequently misleading immigration debate. I was proud that the House included language that would allow states to make their own decision on this matter and I am saddened that Congress bowed to reactionary anti-immigrant voices on this particular matter and excluded it from this conference agreement.

Despite my concern, I support this legislation, as I believe that it is too important to allow to lapse. I hope that House leadership will take note of my and others' concerns about the denial of coverage to legally present, otherwise eligible, immigrant children and pregnant women and will work with us to bring this matter to resolution in as swift a manner as possible.

I am glad that the Democratic and Republican leadership have been so active in ensuring that we get this bill to the President before the program expires on September 30th, 2007. With passage of this bill, the health of millions of American children will depend on the stroke of the President's pen. I am sure that I express the sentiments of millions of Americans when I say that I hope the President will make the morally correct choice not to veto healthcare for children when this agreement reaches his desk.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the State Children's Health Insurance Reauthorization Act of 2007. This legislation renews and strengthens a program that provides health insurance to children whose families cannot afford it on the private market.

The legislation we are voting on today will extend children's health insurance to enroll almost 4 million kids that are currently eligible for the program and not yet enrolled. That's in addition to the 6 million low-income children already receiving health care under the SCHIP program nationwide, including 55,000 kids in my home state of Michigan.

I regret that many of the provisions the House included this summer did not make it into the compromise bill. I'm hopeful that we will work with the Senate to approve legislation before the year's end in order to ensure Medicare beneficiary access to physicians and stop the further erosion of Medicare solvency. Nonetheless, I support this legislation and urge my colleagues to vote in support of the compromise bill.

Providing health care for children should not be a partisan issue. The legislation has the support of a large majority of state governors, Republicans and Democrats alike. The bill has broad bipartisan support in the Senate; unfortunately, most of the Republican minority in the House has failed to join us in crafting this compromise and the President has threatened to veto this important legislation. So it comes down to this: Clearly, a majority of the House will vote for the SCHIP bill today; the only real question is whether the House will pass this bill with enough votes to discourage a Presidential veto. Do we stand with the President or with kids who need health care coverage?

Instead of working with Congress to expand health care coverage for children, the President's proposal would actually cause 840,000 kids that are currently covered under SCHIP to lose their benefits, not to mention leave hanging the 4 million children that Congress' bill would bring into the program.

The American people want the children of America covered by health insurance. A bipartisan majority of House and Senate Members are committed to carrying this out. The question remains as to whether or not the Bush Administration will get on board.

Mr. DINGELL. Mr. Speaker, I insert these remarks into the RECORD in response to some unfortunate remarks made on the House floor regarding a provision in the Children's Health Insurance Program Reauthorization Act, H.R. 976. A statement was made suggesting that a certain provision had been inserted in the bill to solely benefit my home State of Michigan, a statement that could not be further from the truth. The provision for which this accusation was made in reality would ensure that all States would not be penalized due to factors in Medicaid funding that are beyond their control.

The Medicaid Federal Medical Assistance Percentage, FMAP, is the formula used to calculate the amount of Federal funding distributed to States to offset Medicaid expenses. The Federal Government's share of a State's Medicaid funding is based on the State's per capita income. Put simply, States with lower per capita incomes receive more Federal Medicaid funding; States with higher per capita incomes receive lower Federal Medicaid funding.

Due to recent changes to accounting rules, the current FMAP formula needs to be updated. Accounting rules that require employers to pre-fund employee pension and insurance funds may cause a State's per capita income to be calculated far higher than it really is. To comply with the rules, employers may occasionally have to make large transfers to a pension or insurance fund. This money is counted in the calculation of a State's per capita income in the year of the transfer, even though it may not be paid out for years. When this occurs, a State then appears wealthier than it is, causing the State to lose Medicaid funding.

The FMAP adjustment included in the CHIP Reauthorization Act corrects this unfair penalty. It simply ensures that when an employer makes a significantly disproportionate pension or insurance contribution, the State is not denied much-needed Medicaid funding.

This adjustment provision is not limited to any single State. In fact it now applies to three States, Michigan, Indiana and Ohio. It may well be that many more States will have cause to complain about this soon, unless it is corrected. It would apply to any State in any instance where there is a significantly disproportionate employer pension or insurance fund contribution that exceeds 25 percent of a State's increase in personal income for a year.

Mr. ETHERIDGE. Mr. Speaker, I rise reluctantly in opposition to H.R. 976. There is no doubt that the State Children's Health Insurance Program, or SCHIP, which expires at the end of this fiscal year, needs to be reauthorized. Millions of children across the country, including 120,000 in North Carolina's Health Choice, depend on SCHIP to provide cost-effective and high-quality health services. This health care makes a difference to the development of at-risk children and to their leading healthy adult lives. Unfortunately, in its current form, this legislation will excessively burden the Second Congressional District of North Carolina.

By singling out tobacco for a huge tax increase, the provisions of this bill will cost North Carolina's citizens a great deal in direct cost increases. Researchers at North Carolina State University estimate that North Carolina's economy would lose at least $540 million a year through the tax's indirect impact as well. North Carolina's tobacco farmers grow a legal crop. These hard-working farm families have suffered greatly from transformations in the global economy. Because my district is the second largest tobacco producing district in the country, this bill disproportionately affects my constituents who work hard to be able to pay their bills and provide a better life for their children. This just doesn't pass the fairness test.

I have been a long-time supporter of SCHIP. As a member of the House Budget Committee, I am proud that we provided for an increase of $50 billion for SCHIP, not just the $35 billion reflected in the compromise we are considering today. I support reauthorizing and strengthening SCHIP, but North Carolina's citizens pay more than their share for the benefits they receive in this bill.

Mr. Speaker, I want children to receive the health care they need. However, as the bill stands, I must vote no today, and hope that we can come up with a better, more balanced plan in the future.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support of the Children's Health Insurance Program Reauthorization Act of 2007. Truly, we face a health care crisis in this country—in the richest country on Earth, 46 million Americans do not have health insurance, including 9 million children. Today's bipartisan, bicameral compromise is not a perfect solution to that problem, but is a decisive, strong step towards covering uninsured kids and fulfilling our moral obligation to our children.

In my home State of Virginia, the CHIP program, known as FAMIS or Family Access to Medical Insurance Security, currently provides coverage to 137,642 low-income children each year. The current population survey estimates that 171,642 children in Virginia remain uninsured, and the CHIP Reauthorization Act will help us cover 74,200 of these children in Fiscal Year 2008. The CHIP Reauthorization Act will ensure that these children have access to high quality health insurance, including the preventative services that children need to be healthy and successful in school and later in life. This bill will provide dental and mental health benefits on par with medical and surgical services—truly ensuring that the whole child's health is provided for.

The CHIP Reauthorization Act does not increase the deficit, through a 61-cent-per-pack increase in the Federal excise tax on cigarettes. In my view as chairman of the Congressional Prevention Caucus, an increase in the Federal tobacco tax is sound public health policy. On the one hand, it provides a reliable revenue source to offset the costs of expanding coverage to low-income children. On the other, given that 70 percent of health care spending in the U.S. can be attributed to chronic diseases, many of which are linked to smoking, measures which reduce tobacco use, particularly among young people, are responsible ways to improve public health and reduce the overall costs of our healthcare system.

The CHIP Reauthorization Act also addresses a serious problem arising from the implementation of the Deficit Reduction Act of 2005. Opponents of this responsible, commonsense, humane adjustment claim that language in the 2005 Deficit Reduction Act (DRA) that imposed harsher citizenship verification requirements on State Medicaid programs is the only barrier protecting taxpayer dollars from being spent on healthcare for illegal immigrants. Empirical evidence from the first 9 months of the implementation of this rule demonstrates, in fact, that nothing could be further from the truth.

First and foremost, existing Federal law and provisions in the CHIP Reauthorization Act prevent Federal funds from being spent to provide benefits for illegal immigrants. Section 605 specifically states that "nothing in this act allows Federal payment for individuals who are not legal immigrants." Illegal immigrants have never been eligible for Medicaid, and nothing in the CHIP Reauthorization Act would change that fact.

Secondly, the DRA requirements have overwhelmingly failed to meet their objective—producing cost savings for the Medicaid program. Instead, they have imposed substantial additional costs on taxpayers while reducing health care benefits available to poor children. Wait times have skyrocketed, and measures to streamline the application process have been rendered impossible. In the first 9 months of the implementation of this requirement, 6 States spent a combined $16.6 million in State and Federal dollars, and found just 8 undocumented immigrants out of a pool of 3.6 million Medicaid applicants. The DRA requirements have effectively led States and the Federal Government to spend millions of dollars in additional administrative expenses, funds which have ultimately been put to use denying care to tens of thousands of otherwise eligible American children.

Third, these draconian requirements, which are far stricter than those employed by other government programs, have caused tens of thousands of U.S. citizen children to lose health insurance coverage. In Virginia, there was a net decline of more than 11,000 children enrolled in Medicaid during the first 9 months of implementation. Had growth in enrollment continued at the same rate it had during the previous 2 years, the State would have seen an increase of 9,000 poor children in the program during this same time period. Kansas has seen a net decline of 14,000 children. The Virginia State Medicaid Office has identified a total of two undocumented immigrants during this period; meanwhile, 20,000 poor children have gone without health insurance. Data from the Center on Budget and Policy Priorities suggests that these children are overwhelmingly African American, hardly the demographic results we'd expect if our colleagues were correct in suggesting that tens of thousands of illegal immigrant children were being denied coverage.

The debate about reauthorizing SCHIP should be about the public health and improving the health of our children. In a recent survey, 90 percent of parents applying for Medicaid for their children indicated that they have no other health coverage available. Allowing state flexibility in citizenship verification is sound public health policy that would enable thousands of American children access to vital health services to help them live better, healthier, and more productive lives. Because Medicaid is now the single largest cost to state taxpayers, we ought to make a concerted effort to support state flexibility. Twenty-four Senators signed letters to Chairman BAUCUS asking him to include this measure in the Senate's bipartisan SCHIP bill, and 51 other House Members joined me in requesting that Chairman DINGELL include this provision in the House version. I thank the Committees for including this important provision in this landmark legislation.

Reauthorizing SCHIP is sound public health policy—research shows that children who have access to health insurance are substantially more likely to access key preventative services, miss fewer days of school due to illness, get better grades, and continue to have superior outcomes later in life. Moreover, the financial benefits of covering children vastly outweigh the costs—one need only compare the cost of a visit to a primary care provider to the cost of a night spent in the emergency room. But above all, covering all our children is a moral imperative—it is the only possible humane, responsible course of action. I urge a yes vote on the underlying bill, and furthermore, would urge the President, in the strongest possible terms, not to veto this vitally needed, responsible legislation to cover the most vulnerable members of our society: our children.

Mr. ELLISON. Mr. Speaker, I rise today in strong support of the SCHIP bill that will provide millions of children in America with health coverage. The bill passed Tuesday, 265–159.

The bi-partisan compromise will include $35 billion more for the SCHIP program allowing Congress to cover 4 million more additional children, bringing the total number of children covered to 10 million. Next year alone, this new SCHIP bill will provide Minnesota with $50 million in additional dollars to help insure Minnesota's children.

This compromise reauthorizing SCHIP is supported by 43 Governors, 16 of them Republican, including Republican Governors Arnold Schwarzenegger and my home state Governor Tim Pawlenty.

But unfortunately, Mr. Speaker, it has been widely reported that the President has promised to veto this bill to provide children with health care.

Last February, I spoke on the floor of the House to criticize the budget cuts contained in the President's budget. Like the budget, we could easily look at the SCHIP bill and say, this is all about numbers, it is just a plan and it is an impersonal thing. But, in fact, Madam Speaker, this bill is a moral statement about who matters in our society.

This bill is a reflection of our own humanity. It talks about who counts, who doesn't, who matters, who doesn't, and what are our priorities.

As the late Senator and former Vice President Hubert Humphrey from my State of Minnesota stated so eloquently:

"The moral test of any government is how it treats those in the dawn of life, the children; those in the dusk of life, the elderly; and those in the shadow of life, the disadvantaged."

The SCHIP bill brought to the House floor today clearly shows the priorities of this Congress.

We are for children having access to health insurance.

We are for providing health care for 4 million additional children.

We are for families not having to worry about the health care for their children.

This SCHIP bill is a clear measure that Congress values the hardworking energy, the blood, sweat and tears of Minnesotans or Americans.

Mr. President, let's not play politics with the health care of our nation's children. Step up to plate and truly leave no children behind by signing this SCHIP bill into law.

Mr. MCHUGH. Mr. Speaker, I rise today in support of H.R. 976, the Children's Health Insurance Program Reauthorization Act of 2007. As a strong supporter of the State Children's Health Insurance Program (SCHIP), I am pleased that the House is working to extend SCHIP beyond its upcoming September 30, 2007 expiration.

Importantly, the bill before the House today (H.R. 976) does not include many of the Medicare provisions that were included in H.R. 3162. Those provisions would have markedly reduced funding for my constituent seniors, hospitals, skilled nursing facilities, and home health agencies. Accordingly, I was compelled to vote against H.R. 3162, even though I have long supported the SCHIP program and its expansion.

H.R. 976 takes the approach set forth in legislation (H.R. 3269) introduced by the gentlewoman from New Mexico, Mrs. WILSON, which I cosponsored. Significantly, under this approach, approximately 4 million additional children will have access to health insurance through SCHIP and their coverage will not come at the expense of my constituent seniors and health care providers.

Ms. CORRINE BROWN of Florida. Mr. Speaker, today, I rise in strong support of the State Children's Health Insurance Program (SCHIP) reauthorization bill. This is a landmark piece of bipartisan legislation that will progress further than any other program to cover uninsured children.

Currently, I am ashamed to say that there are 10 million children without health insurance. But, this bill would provide continued health insurance to 6 million children already covered and add an additional four million children who currently lack health insurance nationwide. It will improve health benefits for children by providing dental coverage, mental health services and surgical benefits. The bill will also improve access by providing states with incentives to lower the rate of uninsured low income children and distributing grants for new outreach activities to states, local governments and schools.

Unfortunately President Bush has threatened to veto this bipartisan bill and deny 10 million low-income kids the health care they need and deserve. The President has instead expressed support for his own CHIP proposal—which would result in 840,000 low-income kids losing their health care coverage, according to the Congressional Budget Office.

The President has no idea what it might be like to go without health insurance. I saw a quote from him in July when he said "I mean, people have access to health care in America. After all, just go to an emergency room . . ."

An emergency room, Mr. President? That is the best kind of health care you want to provide to our children? Shame, shame, shame.

Mr. President, this bill is going to get the children out the emergency room and make sure they don't delay health care needs until the last minute, give them regular checkups and preventative care. That is what health care is really about.

Poor children cannot contribute to campaigns, but their right to medical care is no less than that of the children of members of Congress. This bill is the right thing to do and it pays for itself. I urge all my colleagues to have some compassionate conservatism and support this bill.

Mr. RODRIGUEZ. Mr. Speaker, I am proud to support the State Children's Health Insurance Program Reauthorization bill. At a time when there are over 46 million uninsured individuals in this country, and over 5 million uninsured people in Texas alone, it is time that Congress stepped up and improved access to healthcare for children—our most vulnerable population. This legislation will go a long way in providing care to children of low-income families, some of our most disadvantaged individuals.

Without this important legislation, SCHIP will expire at the end of the month. Since its inception ten years ago, SCHIP has been a highly successful program. There are currently 6.6 million children enrolled in SCHIP, but millions more are eligible for the program and continue to lack health insurance. Approximately two-thirds of uninsured children are eligible for SCHIP or Medicaid and it is our responsibility to ensure that these children receive health benefits. Without healthcare coverage under SCHIP many children of the working poor are forced to replace regular visits to primary care physicians with costly trips to the emergency room.

Today's expansion will provide states with the resources to start covering more of these eligible children. This legislation will expand the Children's Health Insurance Program by $35 billion over the next 5 years, allowing states to cover an estimated 3.8 million more children. In Texas alone, an additional 440,000 children will receive coverage. Texas has the unpleasant distinction of being the state with the most uninsured residents. With 5 million uninsured Texans, providing healthcare coverage for another half million children is a critical first step for the state of Texas.

I am proud to support this important SCHIP expansion that will improve healthcare access for children in Texas and across the Nation.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to express my strong support for the State Children's Health Insurance Program Reauthorization Act to provide health care coverage for an additional 3.8 million children.

The Children's Health Insurance Program (CHIP) plays an important role in providing quality, cost-effective health care coverage for millions of lower-income children around the country. It costs less than $3.50 a day to provide health care for a child through CHIP. This small investment keeps kids and families healthy and saves money in the long-run. However, without action from Congress, the law authorizing funding for this important program will expire at the end of September. For this reason, it is essential for Congress and the President to put politics aside to renew this critical, bi-partisan program.

This legislation reauthorizes CHIP and includes an additional $35 billion for children's health care. This funding is to enroll children throughout our nation who are eligible, but not currently enrolled in CHIP or Medicaid, and to improve the benefits available by adding a guaranteed dental benefit for all children enrolled in CHIP and parity for mental health coverage.

Investing in our children's health care must be a priority for Congress. All Americans—Republicans, Democrats, and Independents—should be able to agree that our children deserve access to quality health care. It is morally right, it is the right thing for our economy and in the richest country in the world—it is possible. I urge my colleagues to join me in voting for this important bill.

☐ 2030

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 675, the previous question is ordered.

The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to the motion will be followed by a 5-minute vote on suspending the rules and agreeing to House Resolution 590.

The vote was taken by electronic device, and there were—yeas 265, nays 159, answered "present" 1, not voting 8, as follows:

[Roll No. 906]

YEAS—265

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—159

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castor
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Etheridge
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

ANSWERED "PRESENT"—1

Watson

NOT VOTING—8

Carson
Cubin
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Poe

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to cast their votes.

☐ 2053

Messrs. PASTOR, ORTIZ, GRIJALVA, GUTIERREZ and MEEK of Florida changed their vote from "nay" to "yea."

Mr. REYES and Mrs. NAPOLITANO changed their vote from "present" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 590, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SCHIFF). The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 590, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 37, as follows:

[Roll No. 907]

YEAS—395

Abercrombie
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—37

Ackerman
Alexander
Berkley
Berman
Brown-Waite, Ginny
Cardoza
Carson
Clay
Cooper
Cramer
Cubin
Davis, Jo Ann
Delahunt
Dicks
Frank (MA)
Hastert
Hastings (WA)
Herger
Hooley
Jindal
Johnson, E. B.
Matsui
McDermott
Meeks (NY)
Miller, George
Moran (VA)
Murtha
Poe
Radanovich
Rangel
Roybal-Allard
Scott (VA)
Stark
Van Hollen
Watson
Weldon (FL)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to cast their votes.

□ 2102

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING FATHER ROBERT BOND ON HIS 75TH BIRTHDAY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today in honor of the 75th birthday of my friend and family's former priest, Father Robert Bond. Father Bob, as his parishioners call him, is a retired priest of the Glenmary Home Missioners with a legacy of loving compassion not only for his church but for the unchurched and the less fortunate.

Father Bond currently lives in Micaville, North Carolina, but he previously served in many places including Boone, North Carolina, where he served the flock at St. Elizabeth's Catholic Church for 4 years. During his time at St. Elizabeth's, Father Bond typified the church's call to reach out to those in need and share the love of Christ. He was truly ahead of his time in his faithful efforts to bring the power of God's love to those who might never darken the door of a church.

Perhaps the most significant contribution he made to the community of Boone was his vision for Camp Dogwood in Valle Crucis, North Carolina. Camp Dogwood was a ministry that Father Bond ran for disadvantaged youth. On the power of his vision and the work of many volunteers, Camp Dogwood brightened the days and brought hope to the lives of many underprivileged children in North Carolina. He practiced the "No Child Left Behind" concept long before it was a national slogan.

Father Bond's 75th birthday provides a reason to celebrate a life marked by compassion and Christian witness. I wish him many more years of faithful service.

THE NEEDS OF CHILDREN IN AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thought I would reflect this evening on the needs of our children in America. Today we just debated a legislative initiative to attempt to respond to the health care needs of our children. The good news was the House bill understood that money was the answer to the uninsured children, $50 billion. We didn't quite get there. But I am committed to coming back so that all children can be insured, legal immigrants who have a right to be here and are documented, their children can be insured. But we have to fight this battle. My question to the President is: Do you care?

And then I want to say to this Congress, another young man is languishing in a jail in Jena, Louisiana. It is time to free Mychel Bell, someone who was inappropriately charged as an adult. He is representing thousands of young people wrongly prosecuted, minority young people, who have not been able to find justice.

So to this Congress, help us free Mychel Bell and the Jena 6. Enough is enough.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CONSTITUTIONAL WAR POWERS RESOLUTION OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, questions of when and how American military forces should be used have become increasingly complex in the 21st century. Threats to international peace and security continue to evolve. Today the notion of national self-defense has come to include preemptive or preventive military action against those who are perceived to be a threat. A war on terrorism in which the enemy may not always be a specific nation-state has become the primary defense concerns of the United States.

The War Powers Resolution of 1973 was intended to clarify the intent of the constitutional framers and ensure that Congress and the President share in the decision-making process in the event of armed conflict.

Yet, since the enactment of the Resolution, presidents have consistently maintained that the consultation, reporting and congressional authorization requirements of the Resolution are unconstitutional obstacles to executive authority.

Mr. Speaker, the Constitution divides war powers between the legislative and executive branches. Our Constitution states that while the Commander in Chief has the power to conduct war, only Congress has the power to authorize war. Too many times this Congress has abdicated its constitutional duty and allowed Presidents to overstep their constitutional authority.

As James Madison said, and I quote, "In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature and not to the executive department."

Mr. Speaker, it is time for Congress to meet its constitutional responsibility. The framers sought to decentralize the war powers of the United States and construct a balance between the political branches. Because this balance has been both respected and ignored throughout American history, I have today introduced legislation, H.J. Resolution 53, the Constitutional War Powers Resolution that seeks to establish a clear and national policy for today's post-9/11 world. This resolution is a result of the dedicated work of the Constitutional Project and its War Powers Initiative.

The Constitutional War Powers Resolution improves upon the War Powers Resolution of 1973 in a number of ways. It clearly spells out the powers that the Congress and the President must exercise collectively, as well as the defensive measures that the Commander in Chief may exercise without congressional approval. It also provides a more robust reporting requirement to enable Congress to be more informed and to have great oversight.

By more fully clarifying the war powers of the President and the Congress, the Constitutional War Powers Resolution rededicates Congress to its primary constitutional role of deciding when to use force abroad. This resolution protects and preserves the checks and balances that framers intended in the decision to bring our Nation into war.

Mr. Speaker, I hope many of my colleagues will consider cosponsoring this legislation. I ask the good Lord in heaven to please bless our men and women in uniform and to continue to bless America.

Mr. Speaker, I yield back the balance of my time.

CHIP REAUTHORIZATION AND DENTAL HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise tonight to express my appreciation to Speaker PELOSI, Chairman DINGELL and our entire Congress which has passed a bipartisan, bicameral agreement to reauthorize the Children's Health Insurance Program for an additional 5 years.

While I would have preferred a bill with more funding to cover additional children, I am pleased that the $35 billion increase agreed to by House and Senate negotiators will bring health coverage to approximately 10 million children in need, preserving coverage for the 6.6 million who are currently enrolled in a program, while reaching many others who are eligible but not enrolled.

I am especially pleased that the agreement ensures quality dental coverage for all children enrolled in CHIP. This provision became a major initiative for me following the tragic death of a 12-year-old Maryland boy named Deamonte Driver.

Mr. Speaker, Deamonte died February of this year when an untreated tooth infection spread to his brain. Eighty dollars worth of dental care might have saved his life, but Deamonte was poor and homeless. He did not have access to a dentist. Deamonte Driver's case was rare and extreme, but he was by no means alone in his suffering.

According to the Centers for Disease Control and Prevention, dental decay is the second most common chronic childhood disease in this country. And it is preventable. Few public health challenges of this magnitude are so easy to address. We are faced with this problem because we have systematically failed to provide children with the care they need.

Approximately 9 million children are uninsured in this country, but more than twice that amount, 20 million, are without dental insurance. That is why I am so glad that we will not only ensure the health coverage of 10 million children, but ensure that they have access to dental care as well.

Those of us in the Maryland delegation stood up in support of this vitally important initiative; and in a Congress-wide push, we were joined by 60 of our colleagues. On this issue, Democrats and Republicans from both Chambers have put aside differences to draft critically important legislation that will help American children. Unfortunately, we have received nothing but push-back from the administration.

In an arrogant attempt to interfere with the business of Congress, the Centers for Medicare and Medicaid Services sent a letter to States on August 17 that has the potential of drastically limiting some States' ability to implement CHIP. H.R. 976 clarifies States' ability to implement the law, and it also addresses the President's concern that CHIP would not go to cover the Nation's poorest children. On this point, let me be clear: this legislation provides health insurance coverage to poor children, children who were already eligible for the benefit but were not enrolled.

President Bush is playing politics with our children's health by threatening to veto the bipartisan CHIP reauthorization and deny 10 million low-income kids the health care they need and deserve. The President has instead expressed support for his own CHIP proposal, which will result in 84,000 low-income children losing their health care coverage, according to the Congressional Budget Office.

Again, Mr. Speaker, I am pleased that my colleagues sent a strong message to the President by voting in favor of the bicameral CHIP reauthorization.

□ 2115

CONFLICT IN BURMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, tomorrow the Foreign Affairs Committee will mark up legislation dealing with the tumultuous events now taking place in Burma. I am an original cosponsor, and I would ask my colleagues to support the bill.

Mr. Speaker, we may be witnessing an historic event taking place in

Burma. Religious leaders are bravely confronting a violent, brutal military dictatorship. The people of Burma are telling the generals who have oppressed them and looted their country for decades to peacefully step aside and let a democratically elected government rule the nation.

Nobel Prize winner Aung San Suu Kyi and her National League for Democracy overwhelmingly won elections back in 1990, but corrupt and brutal generals betrayed their people. They ignored the election results.

The SLORC, which is what the Burmese military regime called itself, then commenced to murder, torture and imprison anyone who would oppose their tyranny. Further, they have plundered Burma's vast natural resources, with the help of their Chinese masters and other foreign looters.

Now, at long last, the people of Burma have a chance. This is their moment. I urge all Burmese soldiers: do not kill your own people to further the greed and corruption of those who have sold out your country to the Chinese. You are not a vassal state of Beijing. It is your country. Those demonstrating for democracy are your brothers and sisters and your family. Do not turn your weapons on them.

I warn the Burmese military officers: if you slaughter the monks and those calling for democracy, when your regime falls, and it will fall, you will be pursued to every corner of the globe and hunted down like the Nazi criminals before you.

The bamboo ramparts of tyranny are coming down. The American people and free people everywhere are with the brave souls in Burma who are seeking to free themselves from the gangsters who oppress them and steal their wealth.

To the people of Burma: You are not alone. Your cause is our cause. Have courage. We are with you.

END THE OCCUPATION OF IRAQ NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, 9 days ago, 11 innocent Iraqi civilian were killed in an incident involving American military contractors. The circumstances surrounding the tragedy are not clear, but what is clear is that not enough attention has been paid to civilian deaths in Iraq.

By the most conservative count, over 73,000 innocent Iraqi civilians have been killed since the occupation began. Just about everyone agrees that the real figure is much higher, since many deaths aren't even reported. But even if you accept the low 73,000 figure, you can see how catastrophic the occupation has been to Iraqi society.

The population of the United States is about 12 times greater than that of Iraq, so 73,000 Iraqi deaths are comparable to over 875,000 American deaths. That is more than the population of Cleveland and Kansas City combined, or Atlanta and Omaha combined. This 875,000 is more than the population of an entire congressional district.

I would also like to call my colleagues' attention to the article in The Washington Post this morning concerning civilian casualties in Iraq. The article points out that the Pentagon's official count of civilian casualties in Iraq shows an increase over the course of this year. This is in stark contrast to the charts that General Petraeus showed us in his testimony earlier this month, which only showed the narrower category of civilian deaths. This is further evidence, Mr. Speaker, that General Petraeus' testimony was part of an overall administration spin campaign to convince this Congress and the American people to keep their support for "stay the course" in Iraq.

Iraqi civilians are also suffering, because the violence has forced over 4 million of them to become refugees. The U.N. referred 11,000 refugee applicants to the United States for processing by the end of this fiscal year. In February, the United States promised to admit 7,000. Then that number was downgraded to 2,000. But, so far, only 1,035 refugees have been admitted, and the fiscal year expires in 5 days. This situation is like so many others we have seen during the occupation of Iraq. The administration makes big promises about what it can achieve, then retreats from its promises, and then fails to deliver altogether.

To make our refugee record even worse, the Government Accountability Office has reported that the number of condolence payments the United States Government pays to families of dead or injured Iraqi civilians plunged by 66 percent from the year 2005 to 2006. The condolence payments are, at most, $2,500, $2,500 per incident. Would any one of us consider $2,500 to be a condolence payment for the death of a beloved child or spouse? No, Mr. Speaker, we wouldn't.

This Congress will have failed America, both morally and politically, if we allow the occupation to continue and ignore the suffering of the innocent. We have only one real tool that we can use to end the occupation, the power of the purse. We must not appropriate another dime for the continuation of the occupation. Instead, we must fully fund the safe, orderly, and responsible withdrawal of our troops and the estimated 180,000 military contractors who constitute an even larger army than our 160,000 troops. This is what the American people sent us here to do, and we have a moral obligation to do it. We have an obligation to bring our troops home.

IMPROVING CHILDREN'S HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, within the past hour, the House voted to pass a bill on the Children's Health Insurance Program, a laudable program that all Members agree is important to help children with their health care needs.

Unfortunately, the debate was filled with much rhetoric, and it is important that we cut through all that rhetoric to understand that despite comments made, neither Republicans nor Democrats nor the White House nor anyone else dislikes children. We all want them to have the best health care they can get, and we will continue to work to make sure that happens. But as that bill was voted on on this floor with a threat of the White House to veto it, feeling it was not an appropriate bill, it appears that there may be enough votes to sustain that veto.

During the coming days or weeks as the Senate also looks at this bill and as it goes to the White House, Congress has a couple of choices. First of all, Congress may take this as an opportunity to gain political points, spending untold hundreds of thousands of dollars on campaign ads attacking each other, perhaps saying that each side doesn't care about children, perhaps trying to sway votes so that the veto is not sustained, accusing people of horrendous things which are not true. Or Congress can do what the American people expect us to do, and use this as an opportunity to make things even better.

Now, I believe there were a lot of good things in that bill, and I think all Members agree that there are important aspects about children's health insurance we need to support. But shouldn't we also use this as an opportunity to make things better?

There are elements in this bill that looked at some things to help with prevention, obesity, case management, health information technology, things that I have been talking about in this Chamber for the last 4 years as important things to help us save money. But let me review a few of these and say what we need to do and what we should be doing as Members of Congress to use this bill that will help several million children with their health care as a vehicle to find real change with health care. Instead of us continuing to come to this Chamber and debate how we are going to finance health care, we should be talking about how to fix health care.

The problem with health care is not just that the costs are too high and people can't afford them. The concern is that there is so much waste in our health care dollars that people cannot afford it, perhaps as much as $400 billion a year wasted on our health care system. If we are able to reduce that waste in health care, we can make health care more affordable, and we wouldn't have to be dealing with how do we find the money to fund children's health insurance or adult health insurance. By fixing the system, we could change that.

For example, health care-acquired infections this year will account for something like $50 billion in waste. This chart next to me indicates that just as of this evening, as of this evening there has been at least this many cases who have picked up infections in America, almost 1.5 million cases here, while some indications are that it may be much more than that. There have been some 66,000 deaths so far this year, one every 5 minutes, and so far spending, some $36 billion in health care-acquired infections which are preventable through hand washing, sterilized equipment, using clean procedures.

Health information technology, if we stop talking about it and work with hospitals to invoke it, can save $162 billion in reducing errors. If we do more with case management, we could reduce the big bulk of dollars spent on people who have chronic illnesses such as heart disease and other problems.

If we worked to reduce maternal smoking, we can reduce premature births, problems with low birth weights, asthma, respiratory distress symptoms, and so many other problems that infants experience, if we work to reduce maternal smoking.

Now, we have a choice here. We can continue to argue as a House over who has the better plan, the Republicans' or Democrats' plan; or we can really get together over these next several days and say we need to fix our broken health care system, not continue to finance it. We need a health care system that is focused on patients and not politics. We need a health care system that is focused on patient safety and patient quality and where patients can choose their doctors and hospitals.

I hope this is not a time that Americans will continue to see politicians beat their chest and say "my plan is better"; "no, my plan is better." I know if every few minutes a child or an adult is dying from an infection they picked up in a hospital, if we know the chronic illnesses they face continue to be so difficult to manage, and it is odd to me that Medicare and Medicaid will spend thousands of dollars to amputate the foot of someone who has severe diabetes, but won't spend $5 to have some nurse call that person and check up on them with care management, something is wrong and something is broken with that system.

If we really and truly care about children, as I believe we do, if we really and truly care about the health care of Americans, as I believe we all do, shouldn't we be focusing our time instead on how to fix the system and use the compassion in our hearts to roll up our sleeves and work together and stop this continued fighting for the sake of political points.

I believe that is what America wants, I believe that is what America needs, and I believe that is what they sent us here to take care of.

□ 2130

BUSH ECONOMIC RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, the President says his policies are working to make the economy strong and that all Americans are benefiting. But evidence of a slowing economy is building, and anxiety over the state of the economy remains high.

The credit crunch, the worsening housing slump, market volatility and weak consumer confidence point to a gathering storm that could drag down the economy, taking thousands of American jobs with it.

Risks in the housing market and weak business investment point to the growing uncertainty of which way the economy is heading. We are facing a tsunami of defaults and foreclosures in the subprime market which could have broader implications for the overall economy.

RealtyTrac reported that foreclosures in August increased 36 percent since July and 115 percent since this time last year. Expectations are that the next 18 months will be even worse as many subprime loans reset to higher rates.

The ability of American consumers to keep spending may be flagging with the cooling housing market. Consumer spending has been propping up the economy, but high energy prices and a worsening housing slump could force consumers to cut back, putting the economy at even greater risk.

American families are understandably worried about the future because the economy is weakening even before many have shared in the gains from the economic growth we have seen so far.

Employee compensation has lagged far behind productivity in this recovery. Some workers are beginning to see some gains in their paychecks after inflation, but they still have a great deal of lost ground to make up. Median family income has actually fallen by nearly $1,000 since President Bush took office.

The divergence between the "haves" and the "have nots" in the Bush economy stands in marked contrast to the second term of the Clinton administration when real wage gains were strong up and down the wage ladder, to the wealthy, to the poor, to the middle class.

And our economic foundation is simply not on solid ground. The administration is responsible for the three largest budget deficits on record, including a $413 billion deficit in 2004. The gross Federal debt is now almost $9 trillion, or my colleagues listening tonight, each of us owes $29,000 per person. Every citizen in America owes $29,000 to the Federal debt.

Our current account deficit with the rest of the world, the broadest measure of our trade deficit, rose to a record smashing $856 billion in 2006, the largest ever in the history of our country. The amount of Federal debt owned by foreigners has more than doubled under President Bush, with Japan and China alone holding nearly half of our $2.2 trillion debt. We have become a Nation of debtors vulnerable to the economic and political decisions made half a world away.

Despite 4 years of economic expansion, job growth has been modest. Wages are barely keeping pace with inflation. Employer-provided health insurance coverage is declining, and private pensions are in jeopardy. These are the economic barometers that matter most to American families.

Democrats in Congress are taking action to restore a sense of economic security to the middle class and ensure long-term economic growth for our Nation. We started by presenting a realistic budget plan that adheres to PAYGO principles for bringing down the deficit but that does not shortchange our national defense or our citizens. We are not going to spend money we do not have.

Our priorities include providing health care for millions more uninsured children as we did tonight, adding 10 million uninsured children, providing coverage for them, making investments in veterans' benefits, and restoring crucial funding for first responders and local law enforcement.

In order to spur innovation that will keep America number one, Democrats will increase funding for cutting-edge research, invest more in math and science education, and make college more affordable.

We also have a plan to expand renewable energy and energy efficiency to reduce global warming and dependence on foreign oil.

And Democrats want to bring tax relief to those who need it most, by shielding 19 million middle-income American families from the alternative minimum tax.

Mr. Speaker, after 6 years of irresponsible policies, Democrats are working hard to get our economic house back in order.

CONGRATULATING TEMPLE EMANUEL ON 75TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to recognize the 75th anniversary of Temple Emanuel in Winston-Salem, North Carolina. Temple Emanuel is a Jewish reform congregation in Winston-Salem known for consistently reaching out beyond the Jewish community to embrace people from all walks of life.

Temple Emanuel is identified in the area as a community with a long history of actively engaging the issues that confront the people of Winston-Salem. Its example clearly illustrates how important the tradition of American religious communities' involvement in civic and community life is in an age of what often seems like increasing individual disengagement. I commend the members of Temple Emanuel for their faithful example of outreach and investment in others.

This ethic is embodied in the leadership of Rabbi Mark Strauss-Cohn. His commitment to service and religious dialogue recently earned him the Everyone Can Help Out Award from the Winston-Salem Foundation for his efforts to bridge religious differences by teaching community classes on Judaism. Rabbi Strauss-Cohn has also led by example by involving Temple Emanuel in housing projects with Habitat for Humanity and other activities.

Temple Emanuel was founded as a reform congregation in the 1930s. When it was incorporated, it boasted 63 family memberships. Today the congregation has grown to more than 250 families. I look forward to seeing this fine Jewish congregation continue to grow and make a positive impact on its community.

I send my best wishes on this significant anniversary, and wish everyone at Temple Emanuel many more years of celebrating and practicing their Jewish faith and heritage.

HONORING THREE COURAGEOUS ODESSA POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I am saddened to rise today to honor three courageous police officers from Odessa, Texas who risked and ultimately lost their lives responding to a domestic violence call. Corporal Arlie Jones, Corporal John "Scott" Gardner, and Corporal Abel Marquez are true heroes that will be missed by their families and friends, the community of Odessa, and this country.

Corporal Jones was 48 years old and had served with the Odessa Police Department for 23 of those years. He is survived by his wife, Rhonda Jones; children, Kathleen Jones, Chelsea Jones, Shanna Foppiano, Mandy Boren, Shonda Boren; and parents, Arlie and Lolly Jones.

Corporal Gardner was only 30 years old and had served the Odessa Police Department for 4 years and 5 months. He is survived by his parents, E.D. and Sally Gardner, and brothers Jack and David Gardner, who both work for the Odessa Fire Department.

Corporal Marquez was only 32 years old and served the Odessa Police Department for 7 years and 1 month. He is survived by his children, Isaac Marquez and Sandra Marquez; his parents, Pete and Epi Marquez; and brothers Pete and Philip Marquez, who also work for the Odessa Police Department.

On September 8, 2007, these three men answered their final call of duty to a frantic domestic violence call, a 911 call. It was not the first time the police had visited this specific residence. But these three men didn't think twice about the danger they were stepping in to; to serve, to protect, and to defend was all that was on their minds that fateful night.

Three days later, members of the Odessa community were busy preparing for the September 11 anniversary ceremony. However, the ceremony was a little different this year. In addition to the 3,000 American flags that traditionally fly in the somber west Texas sky, there were three more flags, one for each of the fallen officers. In an ironic and touching service, the people of west Texas honored all of our fallen heroic first responders, both close and far from home.

The community outpouring of love and support shown for the victims' families has been extraordinary, an obvious display of how these three men lived their lives.

I want to offer my deepest condolences to the families and friends of the victims.

During the month of October, we will observe National Domestic Violence Awareness Month. This year as we work in Congress to pass legislation to provide leadership in the ongoing effort against domestic violence, I will personally remember the three heroes from Odessa, Texas who made the ultimate sacrifice for this cause.

Mr. Speaker, I rise to the floor today to honor these three heroes who have been described by Odessa Police Deputy Chief Lou Orras as "hard-working and dedicated officers with a passion for law enforcement." They will be missed, but never forgotten.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker,

Under sections 211, 301(b), and 320(a), of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the House amendments to the Senate amendments to H.R. 976 made in order by the Committee on Rules (Children's Health Insurance Program Reauthorization Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	−1	−1	134	132	89	87
Change in Children's Health Insurance Program Reauthorization Act (H.R. 976):						
Energy and Commerce	0	0	9,098	2,412	47,678	34,907
Revised allocation:						
Energy and Commerce	−1	−1	9,232	2,544	47,767	34,994

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal years—		
	2007	2008[1]	2008–2012
Current Aggregates:[2]			
Budget authority	2,250,680	2,350,181	(3)
Outlays	2,263,759	2,353,150	(3)
Revenues	1,900,340	2,015,841	11,137,671
Change in Children's Health Insurance Program Reauthorization Act (H.R. 976):			
Budget authority	0	9,098	(3)
Outlays	0	2,412	(3)
Revenues	0	6,210	35,525
Revised Aggregates:			
Budget authority	2,250,680	2,359,279	(3)
Outlays	2,263,759	2,355,562	(3)
Revenues	1,900,340	2,022,051	11,173,196

[1] Pending action by the House Appropriations Committee on spending covered by section 207 (d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

[3] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEKSTRA. Mr. Speaker, I rise tonight to talk about the Foreign Intelligence Surveillance Act. But before we talk about this very important piece of legislation which the Congress extended in the waning hours before we went on our August recess, I think it is important that we put this in context.

As Members of Congress and as my colleague here, Mrs. WILSON from New Mexico joins me, we serve on the Intelligence Committee. We recognize that the American people have laid upon us the responsibility to do everything in our power to assist and give the intelligence community the tools that it needs to prevent another terrorist attack against the United States.

And make no doubt about it, when you take a look at what bin Laden and others in al Qaeda have said, their intent is to attack us and to attack us again and again.

In 1998, bin Laden, in a series of interviews, was asked about his intentions. One of his quotes was: "To kill the Americans and their allies, civilians and military, is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al Aqsa Mosque and the holy mosque from their grip, and in order for their armies to move out of all of the lands of Islam, defeated and unable to threaten any Muslim." That was February 28, 1998.

He was asked about the possibility of acquiring chemical or nuclear weapons. His response to those questions, again in 1998, was: "Acquiring weapons for the defense of Muslims is a religious duty. If I have indeed acquired these weapons, then I thank God for enabling me to do so."

He goes on in another quote, December 1998, to say: "If I seek to acquire such weapons, this is a religious duty. How we use them is up to us."

So we have known of the intentions of bin Laden, al Qaeda and the radical jihadists for a long period of time.

☐ 2145

We experienced many of their attacks during the 1990s, whether it was the first attack on the World Trade Center, the attacks against the USS *Cole*, the attacks against our compounds in Saudi Arabia, or our embassies in Africa. Of course, it all culminated on 9/11 with the attacks in New York, Washington, and the crash in Pennsylvania.

It is exactly these kinds of activities, these attacks against our homeland or against our interests in other parts of the world that we seek to prevent. We want to make sure that the intelligence community works with other intelligence communities around the world, because we recognize that it's not only the United States and our homeland that is vulnerable; but we recognize with the attacks in London, the attacks in Spain, the killing of van Gogh in The Netherlands, the plots that were recently disrupted in Germany, in Denmark, the airline plot that was disrupted a year ago, we recognize that the statements that bin Laden made in 1998 are still the way that they think and what they want to do in 2007.

If you go back, if you go to his most recent statement, or one of his recent statements around the anniversary of 9/11, again here's what bin Laden says: However, there are two solutions for stopping it. The first is from our side, and there he's talking about the radical jihadists, and it is to continue to escalate, to continue to escalate the killing and fighting against you. This is our duty and our brothers are carrying it out, and I ask Allah to grant them resolve in victory.

The second solution is from your side, meaning our side. It has now become clear to you and the entire world the impotence of the democratic system and how it plays with the interest of the peoples and their blood, by sacrificing soldiers and populations to achieve the interests of the major corporations.

He wants to attack and sees it as his religious duty for radical jihadists to attack the West, to attack the United States and to escalate, and as I said earlier, his quote from 1998, he seeks access to chemical and nuclear weapons. He seeks access so that they can determine how to use it.

It's our responsibility, again, to give the intelligence community and give the military the tools necessary to prevent bin Laden, to prevent radical jihadists, to prevent al Qaeda from successfully attacking the United States.

I yield to my colleague from New Mexico to talk a little bit about FISA and perhaps also put some context in why this is so important and why the intelligence community is so important as we try to intercept the communications of foreign terrorists like al Qaeda, like bin Laden, like radical jihadists to prevent these kinds of terrorist attacks from occurring again in the future. I yield to my colleague.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from Michigan, and I think it's important tonight to take a moment to stop for a moment.

We've been talking all day and all afternoon about health care, and it is something we both care about, and jobs and education and trying to make our schools better and make sure we have roads that people can drive to work on and that we can build businesses and get products to market. And we're all focused on our lives and trying to raise our kids and do the best we can, but we want to talk about something tonight that's really a serious issue and is something I think worries all of us. But sometimes we just want to set it aside, and we don't want to think about things that could happen to our own families, particularly if we don't feel personally like we can do something about it.

But as government leaders there are things that we can do about it. In fact, I think we have a duty. The first duty that we have as Federal officials is to make sure we protect this country.

This weekend, I have been a merit badge adviser for citizenship in the Nation in Troop 166 in Albuquerque, New

Mexico, and had a group of boys that I was just teaching about the Constitution. We were talking about what are the functions of the Federal Government. And I believe that first and foremost our duty is to provide for the common defense.

And by that, we don't mean to clean up after the next disaster or support law enforcement if they prosecute people who conducted a terrorist attack. That's not enough, and that shouldn't be the goal of our government. It is to prevent a terrorist attack on this country. It's to prevent the next disaster. It's to prevent you waking up tomorrow morning, as you did 6 years ago, to watch aircraft fly into the sides of buildings.

I think in some ways maybe as a people our desire to move on with our lives has caused us to become a little complacent about the threats that we continue to face; and, in fact, I think our greatest accomplishment in the last 6 years has been what has not happened. We have not had another terrorist attack on our soil since that cool September morning, and it's not because they haven't tried.

A year ago in August, the British Government arrested 16 people who were within 48 hours of walking on to American airliners at Heathrow Airport and blowing them up simultaneously over the Atlantic. They planned to conceal explosives in things they could carry on in their luggage that looked like toothpaste or hair cream or shampoo, things you'd normally have. That's why all of us now have to put those things in those little quart-size containers so they can make sure there's not enough of anything there that can destroy an airliner, because the people in Heathrow were going to do that. They were going to make the bomb on board.

And if we underestimate the hatred and the cruelty of the people that were going to carry this out, think about this: one of them told the police at Heathrow or British police that he intended to bring his wife and his 6-month-old child with him so he wouldn't attract too much suspicion at the airport. Think about that for a second. These people hate Americans so much, they are so determined to inflict mass casualties on us, that they're willing to kill their own 6-month-old child to do it.

That's the threat that we continue to face; and on September 6, in this month, in Germany, they arrested three people who had amassed enough explosive material to cause an explosion larger than the London subway bombs. Their likely targets were U.S. military bases in Germany.

Al Qaeda has been successful in the past in conducting a dramatic attack on the United States with mass casualties, huge economic dislocation; and they want to do it again. As Americans we have to accept, perhaps not accept but expect, that it is likely that they will succeed. They may fail in more of their attempts than they succeed at, but they only have to succeed once. America has to get it right 100 percent of the time. They can fail a bunch of times. They just have to get it right once.

There's no question in my mind anyway, and in fact bin Laden has said so, they are trying to acquire chemical, biological, and nuclear materials in order to make their attacks on the West even more dramatic, more devastating, more catastrophic. And there is no doubt in my mind that if they had those weapons they would use them.

Mr. HOEKSTRA. And this is not a partisan issue. The vice chairman of the 9/11 Commission, Lee Hamilton, a Democrat, talking about the objectives of al Qaeda: keep in mind there isn't any doubt here about the intentions of the terrorists. They've made it very clear. They want to get hold of a nuclear weapon. So this is not an idle threat. It's a very serious one. Lee Hamilton, a distinguished Member of this body, former Member of this body, vice chairman of the 9/11 Commission and a Democrat who did a wonderful job in leading the effort of that 9/11 Commission.

One of our colleagues here in the House talked about, again, their intentions and talked a little bit about what his reaction was to September 11. His quote is: It did answer the one question we didn't know about September 11: how far would they go. What September 11 said is they will go as far as they want to, that there's no red line, that there's no sense of decency, no innocence, that our world has changed in a very real way. Those are the words of our colleague from Connecticut, CHRIS SHAYS.

And then if we go back to Lee Hamilton: There is one threat because of the consequences that just rises above all others and that is the possibility of a terrorist getting hold of a nuclear weapon. They've made it very clear that they want to get a hold of a nuclear weapon. It's not an idle threat. It's a serious one. It's our responsibility not as Republicans, not as Democrats. This is an American issue. It's got to be an American priority. It is about preventing a nuclear terrorist attack.

And I yield to my colleague.

Mrs. WILSON of New Mexico. And one of the things that's so deeply troubling is they don't even need to get a nuclear weapon to sell terror across a whole region. It is just nuclear material or a suitcase-sized device that could cause tremendous damage and mass casualties, huge economic dislocation; and that is their intent.

And sometimes you listen to these tapes from bin Laden, and I was sitting in my office reading over the most recent one that he sent out on 9/11 on the anniversary of the terrorist attacks. You read through this and go, man, this guy is nuts. It just sounds nuts, but he is serious, and he has shown the ability to carry out mass attacks in the United States and to inspire followers to try to do the same.

We have to take this threat seriously. So the question is, as a Nation, and this is one of the things I look forward to talking a little bit about with my colleague tonight, all right, if the first duty of the United States Government is to protect America, to protect Americans from all enemies foreign and domestic, so how do we do this? How can we not only be better today than we were 6 years ago on the morning of 9/11? That's not the challenge. How do we be better tomorrow than we are today?

I think the greatest accomplishment we've had over the last 6 years is that we've not had another terrorist attack on our soil; but just because we're one step ahead of them today is not good enough. We have to stay one step ahead of them. How do we make sure our government is doing everything it can to keep America safe?

Mr. HOEKSTRA. Reclaiming my time, and I think that's exactly right, that we take a look at the past but most importantly that we set the right objective, the right milestone looking forward; and I think as a Congress we ought to commit to the principle of prevention.

We need to commit to diplomacy and international cooperation, commit to homeland security. That includes our ports, our borders, not just our skies. Let's commit to a nonpartisan approach that applies the knowledge and wisdom of all of our elected officials. Let's learn from 9/11 the goal and the objective of making sure that we will prevent the next 9/11 from occurring.

I'll yield.

Mrs. WILSON of New Mexico. One of the things that is hard to understand is just how difficult prevention is when you're facing a terrorist threat compared to what we faced during the Cold War.

I served in the military during the Cold War. I served overseas in Europe for most of my time as an officer, graduated from the Air Force Academy and then did my service overseas.

In some ways I kind of look back on this and say as an intelligence problem, the Soviet Union was a very convenient enemy. They had their exercises the same time every year. They came out of the same barracks. They had tables of equipment and standard organizational charts. They used the same radio frequencies, the same rail lines. They were a very predictable, potential enemy. Had they ever attacked us, they would have been very difficult to defeat, but we had no doubt about where they were and what they were doing pretty much, and we had huge systems set up for what we called indications and warning, ballistic missile early warning systems and systems that would launch our air interceptors if bombers came close to the United States. We were very good at looking at what the Soviet Union was doing to immediately protect America.

□ 2200

Mrs. WILSON of New Mexico. The intelligence problem with terrorism is much different. It is more like a Where's Waldo problem. They are hiding among us. They don't have set tables of equipment, they don't have their own dedicated radio systems. They don't live in barracks. They don't have exercises that we can catch or plan for or listen to. But if we can find them, we can stop them. And that is why I believe that good intelligence is the first line of defense on the war on terror.

Mr. HOEKSTRA. Reclaiming my time for just a minute. When we take a look at the threat that we face today, it is a fight against radical jihadists. As my colleague pointed out, this is a fight that is very different than what we fought in the cold war. But even in the cold war we had a very specific strategy laid out and a very specific objective. Now, we need to transform our intelligence community to make sure that it is as good and as quick. Actually, it has to be better and it has to be quicker, than radical jihadists. These people who have perverted their Islamic faith to achieve what they hope will be ultimately a world in which their view of Islam dominates everyone, and you either bend to their will or you are killed. Remember, their objectives are very simple: They want to take down the government in Iraq; they then want to destabilize the region; eliminate the State of Israel; establish their caliphate, Northern Africa, Southern Europe, the Middle East, reaching down into Asia, and they want to put it under sharia law; and, at the same time, they want to continue on in the West.

Remember, that for radical jihadists, as they look at the rest of the world they say, you have three options: you have the option to convert to Islam; you have the option to pay the tax, the hadid, or you will be attacked and you will be killed. And that is how they view the rest of the world. And that is why, when you take a look at the statements of bin Laden, al Qaeda, and other radical jihadist groups, it is why they are so focused and why bin Laden, in one of his latest messages, said that they need to escalate their efforts against the West. They need to escalate the killing. And why, if by the grace of God he is given a nuclear weapon, he will decide whether they will use it or how they will use it. It is why we need to use every tool at our disposal, tools that we refined and that we learned how to use during the cold war.

We developed a great capability against the former Soviet Union, against other enemies during the cold war, and we ought to now take our knowledge of how these tools worked, how we put them in practice, to make sure that we got the information that kept us safe, that prevented the Soviet Union from ever being able to attack us and attack us successfully. How did we develop those tools to make sure that we got the information that we needed at the same time that we protected American civil liberties, privacy and American rights and the American way of life?

We had a good balance. We got the intelligence that we needed. We kept America safe. We had a period of 50 years where we developed these tools. We developed them at their various intelligence organizations where we refined the practices in such a way that they are now positioned as we target them at different threats, and perhaps a more serious threat than what we have ever seen before, radical jihadists. These are the tools that will enable us to meet our commitment of saying we will do everything we can to prevent a successful attack against the homeland.

I will yield to my colleague.

Mrs. WILSON of New Mexico. My colleague from Michigan and I are talking tonight about something that is pretty important and something perhaps that gets not enough time or attention these days, and that is, how do we better prevent a successful attack on the United States, a successful terrorist attack in particular?

One of our strongest tools in this fight is good intelligence. Now, America spies on its enemies.

Mr. HOEKSTRA. Reclaiming my time. We steal secrets. Correct?

Mrs. WILSON of New Mexico. That is exactly what we do. Other governments try to hide what they are doing and terrorist organizations try to hide what they are doing, and we try to steal those secrets. That is what good intelligence does. We steal those secrets so that we can find out the plans and the capabilities and the intentions of groups that might want to kill us or attack us so that we can stop them.

Mr. HOEKSTRA. If the gentlelady will yield.

Mrs. WILSON of New Mexico. Sure.

Mr. HOEKSTRA. Just to talk a little bit about the difference between the threat that we face with radical jihadists versus what we faced in the former Soviet Union.

You know, when we developed some of these tools, they were targeted against a specific location, an embassy in Washington, DC or embassies overseas. We knew who these individuals were; we knew where their locations were. I mean, it is a nation-state. They carried passports of certain countries. We knew where their embassies were and all of those kinds of things. They were relatively easy to identify, and the threat wasn't necessarily imminent.

What we now face with radical jihadists is we have got groups of people who, as we have seen in taking a look at their own words, have a passion for attacking the United States. And there are all different kinds of levels within this group. You have got the radical jihadists who are clearly linked to al Qaeda who take direction from al Qaeda. We call it the al Qaeda Central in the Pakistani-Afghan border region, the Fatah, the federally administered tribal areas. So you have got that network that is committed on a larger scale to attacking the West. And then you also have individual cells that might be franchises of radical jihadists who have aligned their goals and their missions with al Qaeda but may not be directly linked or taking their direction. And then that goes all the way over to the thing that we see with homegrown terrorists, people who may have become radicalized in a local mosque, or individuals that may actually become radicalized through the Internet.

So, the intelligence community needs to be focused on each of these types of threats in different ways, and it is a very difficult threat to get a handle on.

Mrs. WILSON of New Mexico. And probably one of the best ways that we have to get a handle, particularly on the terrorist threats, is what they call communications intelligence. We try to listen to people talking to each other. If you are trying to get people's plans and their intentions, understand more about them, you listen to them when they are talking to each other. That is what communications intelligence does. And we have been trying to collect communications intelligence since we started technical intelligence since the invention of the telegraph.

There were spies during the Civil War. We tried to read communications telegrams, intercept international telegrams during the First World War. So we have been trying to intercept communications to be able to tell what is the enemy going to do.

In New Mexico, probably the best example and the one that people know today is what we tried to do to protect our own communications. Particularly in the Pacific, in the Marine Corps, because we knew the Japanese were listening to our guys in the field talk to each other on the radios back and forth on where they were going and what hill they were going to, what their plans were. They used Navajo communicators because nobody in Japan could translate the Navajo code talkers. So we try to protect our own communications. We also try to intercept those of the enemy, both on the battlefield and more globally.

One of the challenges that we face and one of the things that the gentleman from Michigan and I have been working on for close to 2 years is that our laws for communications, particularly for gathering foreign intelligence from within the United States, have become outdated. There is a law called the Foreign Intelligence Surveillance Act, or FISA, which was initially put in place in 1978. Before that, there was really no statute that dealt with any limitations at all on how you collect foreign intelligence, foreign communications intelligence if you are based here in the United States. That law was a response to excesses of the intelligence community in the 1950s and the 1960s, and Congress put some limitations in place. They said, we are going to have some procedures on how we gather foreign intelligence in the United States.

Now, think about this. 1978. 1978 was the year I graduated from high school. The telephone was on the wall in the kitchen and it had an extra long extension cord. The Internet was not a word in the dictionary. Cell phones were only on Star Trek, and the first personal computer, the first IBM personal computer was invented in 1982, so 4 years after the Foreign Intelligence Surveillance Act was put in place.

So the threat was different. We were looking at collecting foreign intelligence mostly on diplomats who were hiding as spies in embassies like the Soviet embassy here in Washington. So it was a more static enemy and more static communications.

In 1978, almost all long-haul communication went over the air; it was bounced off satellites. Almost all short-haul communication, local calls, were over a wire. When we wrote the law, or when the Congress wrote the law in 1978, it was technology specific. It said, you don't have to do anything special if you are just gathering signals over the air if it is a radio signal or satellite signal. You can tune it in on your tuner similar to your car radio. There is no special privacy protections there. But if you touch a wire, you have to do some special things. So it was technology specific.

Since 1978, we have gone through a revolution in communications technology so that now the situation is completely reversed. Now, almost all long-haul communications that would be of foreign intelligence interest are on a wire; and almost all, or a vast percentage, of short-haul communications are over the air. There are 230 million cell phone customers just in the United States.

This change in technology meant that the foreign intelligence surveillance law was getting more and more out of date, at the same time the threats to the United States were changing, requiring America to be more agile in its intelligence collection than we had to be when faced with the former Soviet Union and the Soviet threats.

I yield back to my colleague from Michigan.

Mr. HOEKSTRA. If you take a look at the information right almost immediately after 9/11, as the President convened the bipartisan leadership of the House and Senate, along with the bipartisan leadership of the Intelligence Committees, they recognized that the FISA law wasn't going to work against this new kind of threat. So almost immediately, as the President consulted with this bipartisan leadership of the Congress, they talked about exactly what is this threat that is out there. And as they took a look at the statements, as we did earlier tonight, of what bin Laden was saying, what others in the al Qaeda organization were saying about we want to attack the West, we may use a nuclear weapon, we made a portable nuclear weapon, or something like that, they were unsure of exactly what the threat would be and they were unsure of what the organizational capabilities of the radical jihadists and al Qaeda were. So they made a decision. They said, we are going to do everything, we are going to unleash the NSA onto radical jihadists and intercept their communications so that we can determine and get a better insight as to exactly what they are doing. Because the President and the leadership, bipartisan leadership, recognized that it was their responsibility, and they made a commitment back then that said, we are going to do everything in our power to make sure that we prevent another attack against the United States.

So they took the policies and the practices, and they made the decision to adapt it and extend it to recognize the changes that had taken place in technology. The current Speaker of the House, NANCY PELOSI, Speaker PELOSI, briefed four times in the first 12 months of this effort, talking about exactly how it was working, who was being targeted, the information that was being collected, the kind of impact that it was having on the threats against the United States and how American's civil liberties were being protected. And consistently over a period of 3 to 4 years, as Members of Congress, we are consulted and briefed on this program. They all walked out of those briefings saying, this is essential, this is a necessary tool to prevent another successful attack against the United States.

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That all changed when the New York Times published the existence of this program. It made America less safe. It tipped the radical jihadists off as to what some of our capabilities might be. They changed the way that they communicated. They changed the way that they operated.

But the end result is this is still an effective tool and a balanced tool that we now need to bring up to date through the legislative process. We did that in August.

I yield to my colleague.

Mrs. WILSON of New Mexico. And one of the ironies here is that because of this law, if we're trying to listen to a foreigner in a foreign country, and we take tremendous risks with our members of the intelligence community and collect that communication overseas, maybe at high risk, may not work, and we collect that communication overseas, you don't have to ask permission from anybody in the American judiciary. You're out there trying to do your job as a military officer or a civilian in the intelligence agencies, trying to steal secrets, listen to communications overseas.

But America dominates telecommunications. It used to be that if somebody from northern Spain was calling southern Spain, the route of that communication went directly from northern Spain to southern Spain. Now, because of global telecommunications networks, that call will go on the least restrictive, fastest path. And these efficiencies are running all of the time, and that call from northern Spain to southern Spain could route all the way around the world, through the United States, through whatever the system figures is the best, fastest path. So we may have situations where somebody in a foreign country is talking to somebody else in the same foreign country, and the communication might be routed through the United States.

And yet just because you touch, when you touch a wire in the United States, under the old law, you had to get a warrant from a court, even if you're listening to a foreigner in a foreign country, even if there are U.S. military forces in that country hunting down insurgents who are trying to kill Americans. It just doesn't make any sense at all.

And as one military officer said recently in Iraq, this doesn't make any sense. If I see an insurgent on the telephone, I can shoot him, but I can't listen to him. That was the problem with the Foreign Intelligence Surveillance Act that we sought to get fixed.

Mr. HOEKSTRA. Reclaiming my time, as the gentlelady recognizes, when Admiral McConnell, the Director of the National Intelligence Agency, the former head of NSA during the Clinton administration, I think, for three or four years testified in front of our committee that on occasion, in military activities involving the security and safety of American soldiers, that there were instances where there was a requirement, the safety and the security, not of the homeland, but of our troops who are in harm's way that it required the intelligence communities to go to a court in the United States to be able to listen to foreigners, terrorists, jihadists to get the information that was necessary to protect our troops. And in a time of war, as we talked about it on an Amber Alert, whether it's 12 hours, whether it's 24 hours or whatever, that's too long. And if you're a soldier under fire, or at risk, you want the intelligence community to have every tool to keep you safe and from preventing the terrorists from being successful where you are because, in your environment for the terrorists to be successful, the terrorist objective is very simple. They are over there, you are over here. You're in a hostile environment. Their objective is to kill you. It becomes very, very real for them.

Mrs. WILSON of New Mexico. The other irony of this is that it depended on what technology they were using to talk to each other. If the terrorists or insurgents trying to kill your military unit in the mountains of Afghanistan were using push-to-talk radios, you could listen to them. But if they were on a wire line phone and you were listening, trying to tap into that communication, if it transited the United States, you needed a warrant from somebody in Washington, DC. This makes no sense. And it was compromising our ability to protect this country, and it was putting our soldiers in danger overseas.

Now there's one provision I want to talk about because I think it is sometimes misrepresented and given as an excuse for not making any updates to the law, and that's the emergency provision in the Foreign Intelligence Surveillance Act. In the 1978 law, there was an emergency provision that said, in case of an emergency, the Attorney General can stand in the shoes of the FISA Court and can approve wiretapping in the United States, and then get 72 hours to go in front of the court and make their case and get the warrant. The problem is that the Attorney General really does stand in the shoes of the court.

The Director of National Intelligence has testified in open session that an average FISA warrant takes 200 manhours to complete the packet, which is about two or three inches thick, to show probable cause in order to get a warrant. But it's worse than that. If we're talking in the United States, there are things that you can do. If I think that my colleague from Michigan is affiliated with a terrorist organization, the FBI can go out and talk to his neighbors. We can show what kind of affiliations he has with others, who he's communicating with us and so on.

But if you're on the Horn of Africa and you think a particular guy is affiliated with al Qaeda, it's not as though you have a lot of resources there to build your case for probable cause to satisfy some judge in Washington, D.C. And so the standard was not even being met in some cases where we had very good reason to believe that someone was affiliated with a terrorist organization. But everybody, all our analysts are back here, with the limited number of analysts we have with expertise in particular terrorist cells, trying to develop cases to convince judges to allow wiretaps on foreigners in foreign countries simply because the point of access to the communication was in the United States.

And the emergency provision really requires the Attorney General to stand in the shoes of the judge. He has to certify that the probable cause standard is met, that it's all the work to get to that probable cause standard that takes the time in the first place. And in the real world the time has taken too long in cases of real emergencies.

Mr. HOEKSTRA. Reclaiming my time, Mr. Baker, a former official at the Justice Department spent a considerable amount of time with the committee explaining to us exactly how the emergency process works. And so often people have focused on just the last part of the emergency process saying, call the Attorney General and he'll approve it. And that can take, that can be almost done at the speed of light. The Attorney General knows the call's coming, and it's kind of like you can get the approval very quickly. If that were the full extent of the emergency process, it might work. But Mr. Baker, in his testimony, says the emergency process, there are complications to it. I don't mean to sit here today, that you push a button, or it is not like, click, buy now on the Internet. It does take time.

He goes on, so why does it take time? So the intelligence community has to do their investigation, make a judgment about what targets they want to pursue, when they've done that; and when they've reached a point where they realize that they need to do collection immediately, they start talking to us. The "us" is the Justice Department.

Going on, he says, then we work through the legal facts, the legal issues, the factual issues, at the same time that they are dealing with the technical stuff that they need to do. Then, when all of that is ready and they tell us we are ready to go, and they say, yes, we resolved all legal issues, we have no problem; then they call the Attorney General. Calling the Attorney General and getting an answer back, it's not like super-time intensive unless a complicated case. Oftentimes we'll go down, prebrief the Attorney General what the case is all about, what the request will be, so that when the call comes, it can happen quickly.

But before that call is made, Mr. Baker goes through, we work through the legal facts, the legal issues, the factual issues at the same time that they are dealing with the technical stuff. Then, when that's all ready, and this is what my colleague from New Mexico is talking about, this is what the two inches of legal documents preparation that needs to be done before these folks in the Justice Department and in the intelligence community feel comfortable enough calling the Attorney General or one of his designees and saying, hey, it's time to go up on an emergency FISA.

Mrs. WILSON of New Mexico. And some of my colleagues have said, well, you know, there are some commonsense cases, I mean, where you should just, you know, we're all reasonable people here. There's some commonsense situations where if you've got insurgents who've captured American soldiers, gee, start listening to their communications and we'll take care of the paper work later. That's a felony under the old foreign intelligence surveillance law. So who in a bureaucracy is willing to commit a felony on the hope that some judge will give them mercy? And I look at this and I think, this is nuts. It is the United States Congress' responsibility to make sure we have the laws in place so that the people who are trying to protect us can prevent the next terrorist attack. We shouldn't have lawyers in Washington going in front of judges or making latenight calls to the Attorney General with somebody overseas on the line trying to explain why Abu terrorist really is an agent of a foreign power.

Mr. HOEKSTRA. Reclaiming my time for just a minute, I think we need to go back to what you said where folks have said, well, you know, common sense just says that if there's an imminent threat, just call him. Don't worry about getting the stuff, and just go or just start listening. Like you said, that's a felony. And in the FISA law——

Mrs. WILSON of New Mexico. It used to be a felony until we fixed it.

Mr. HOEKSTRA. Until we fixed it. But in the FISA, you know, there was not a commonsense exception. I'm sure that there are lots of people in America today who have paid a penalty or whatever, believing that what they were doing was, you know, it's just common sense. And they went in front of a judge or maybe they got called in front of a committee in Congress and they found out that their definition of common sense happened to be very different than maybe what the Members of Congress would have defined common sense; and when they got in a court of law, they found out that there wasn't a common sense objective or a common sense exception and found that they'd violated the law.

I yield to my colleague.

Mrs. WILSON of New Mexico. There is no common sense exception. And there is no start listening now and then do all the paperwork later. The paperwork has to be done before the Attorney General says, okay, go ahead; put the alligator clips on the wire. Then all that's left is to get the judge's signature on all of that close-to-200 man-hours on average of paperwork.

So what we did, and what we, and I actually think this year the problem got worse. It got worse for a couple of reasons. One of them was that the Foreign Intelligence Surveillance Court kept looking at more and more issues, and they found that their court was becoming clogged with huge requests for foreigners, for people who are in foreign countries talking to other people in foreign countries. That is not what this law was for. This law needed to be revised to take it back to its original intent, which was to protect the civil liberties of people in the United States. There are no fourth amendment protections under the Constitution of somebody who's not in the United States, not even related in any way to the United States. That's been long established in law and policy. So why are we wasting all this time with lawyers in Washington getting warrants for foreigners in foreign countries just because they happen to be talking on a wire that transits the United States?

Mr. HOEKSTRA. Just reclaiming my time, because, if we go back and we take a look at since this bill passed in 1978, 1979, FISA originally, I mean, at any time from 1978 to 2007 or before 2001, did we ever pick up American communications?

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Mrs. WILSON of New Mexico. Sure.

Mr. HOEKSTRA. And did the intelligence community develop an elaborate system of protections which we call minimization to protect the civil liberties of Americans if and when that occurred?

Mrs. WILSON of New Mexico. In fact, they are much more explicit than they are in criminal law. Think about this. If the FBI thinks that somebody is running a drug cartel and they have got a wiretap on that person, that person may be calling some of his criminal associates, but he also bumps into hundreds of people who are completely innocent. He calls his kid's teacher at school. He may call a cousin. He may talk to his barber. All those people are innocent. You don't have to go out and get warrants on the innocent people. So, yes, wiretaps bump into innocent people. Intelligence agencies bump into innocent Americans overseas.

I was stationed in Vienna briefly when I was an Air Force captain, and one of my jobs was doing negotiations with the Soviets at the time. We all knew who the guy in the Soviet delegation who was the KGB guy. He came to my apartment for a reception with all the diplomatic corps. And if he had happened to communicate back to Moscow and we were listening in on that conversation and he reported on Captain Wilson and what she was like and whether she would like champagne and strawberries or what she talked about and the American intelligence agencies bumped into that, they would have minimized my participation. If it had no intelligence value, it was completely destroyed. But if it had some, with respect to this KGB guy, they would minimize it. They would hide my identity in a way that they are required to do both by statute and by regulation. And that is a long-established practice in foreign intelligence

Mr. HOEKSTRA. So even before the attacks of 2001 and the implementation of the terrorist surveillance program, for 21 years the intelligence community had developed a strict regimen of here is what we do if our surveillance touches on an American to make sure that we protect the civil liberties, and that whole process for 23 years has been able to be reviewed by the Intelligence Committees of the House and the Senate, and those procedures from 2001 were extended and applied in the same way under the terrorist surveillance program.

Mrs. WILSON of New Mexico. One of the ironies here is that some of our colleagues on the Intelligence Committee who were worried about this new law said well, can you tell us how often you collect information that is to, from, or about Americans in the normal intelligence collection? Well, that would require the intelligence agencies to go back and mine their databases, much of which, frankly, is not even touched and actually probably violate the privacy of Americans in ways that they do not now do so in order to make a report to the Congress about collection of information that happened to be incidentally about Americans. If the North Koreans called the, pick one, Iranians and are talking about one of our colleagues in the Congress, that's a conversation about an American.

Mr. HOEKSTRA. Let me reclaim my time, Mr. Speaker, and yield to my colleague from Connecticut.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

I have been listening to this wonderful dialogue and realizing that I didn't want to interrupt the flow, but one thing I am just struck with is during the Cold War, we knew what our strategy was. It was to contain, to react, and it was mutually assured destruction. I don't think Americans have accepted what the new strategy has to be, and it has to be detect, prevent, preempt, and maybe act unilaterally. If a small group of dedicated scientists can create an altered biological agent that will wipe out humanity as we know it, even Jimmy Carter is not going to wait for permission from anyone.

And my point is, I'm struck by the fact that we make it easier, for instance, to go into a business or a library to catch a common criminal than we do that if we thought a terrorist was potentially using a library even within this country to communicate. And I am just wondering if, in fact, that is true or not. In other words, isn't it true that if I impanel a grand jury, as the attorney, the prosecutor, I can just literally go and demand information from a business or library and get it, but don't we require, when we go after someone who is a terrorist, to literally go to the FISA court, have to swear under oath that the information that we are seeking is important? And I guess my question relates to the fact that, isn't the key to our success with terrorism to break into the cell without the terrorists knowing that we have so that we can then break it down and know what they are going to do before they act?

Mr. HOEKSTRA. Let me reclaim my time for a second and answer a part of that. My colleague from New Mexico touched it. When in a legal proceeding we get a warrant against an individual, or a criminal proceeding here in the United States, we target that individual and all of the calls or all of the communications of that individual then are monitored. Some of these calls may be the kind that the criminal system wanted to intercept, talking to another drug kingpin or whatever. But at the same time they may pick up a call from his mom, his kid's teacher, his dentist, a pizza guy, or whatever, and those are all listened to.

What some folks wanted to do on an alternative to this FISA legislation that we passed in August was a guarantee that when you targeted this foreign terrorist, somebody that we knew was a foreign terrorist and you have to guarantee that that person, whoever he is talking to, is also going to be a foreigner, you kind of sit there and say, wow, how do you do that? This cell phone has an area code of West Michigan; so if someone is calling me and has this number, they are probably calling West Michigan. No, I am in Washington, D.C. And for my BlackBerry, if they call my BlackBerry, it has got a West Michigan number on it. I could be in Europe. You don't know where they are going to call, but they said you have to guarantee that it's going to be foreign to foreign. You can't do that.

Mrs. WILSON of New Mexico. But if the gentleman will yield, it's even worse than that. If the limitation in law said you can only listen to foreign-to-foreign communications and I am trying to listen to your cell phone, how do I know who you are going to call next before you call me? So if you are a foreigner and you call another foreigner, that's fine. But if you call into the United States, I have committed a felony because you just called the United States.

You cannot possibly technically, with very rare exceptions, be able to screen out all communications that a foreign target might do calling into the United States before the communication takes place.

Mr. SHAYS. But the bottom line, if the gentleman will further yield, is that we literally have more protections to the potential terrorists than we do for someone involved in organized crime. We make it more difficult, not easier, to get that information. And yet the stakes are so high.

I was in your State at Los Alamos. Is that actually in your district or your neighbor's?

Mrs. WILSON of New Mexico. It's north.

Mr. SHAYS. What I was struck by was that they showed me a nuclear weapon that they made basically out of material they could have bought at Home Depot. The only thing they needed was weapons-grade material. So I am struck by the stakes being so high, and yet we want to make it harder, not easier, to get the terrorists than to get the organized crime.

Mrs. WILSON of New Mexico. But to me it's even worse than that that my colleague from Connecticut mentions, because somebody who is a criminal in the United States has rights under our Constitution; a terrorist outside of the United States does not. They have no protections under the first ten amendments, the Bill of Rights, and those things. We seek to steal secrets from people who are trying to kill us. We seek to listen to the radio communications of our enemies on the battlefield, and yet if those enemies are now using a phone, a communication on a wire to the United States, we are tying ourselves up in court in Washington, D.C. while they are killing our people. It sets a standard which is completely unreasonable.

Now, the Director of National Intelligence came to us in April of this year and said, I have a problem, a very serious problem. We are starting to go deaf because the Foreign Intelligence Surveillance Act has not been updated. He testified in open session last week about the Protect America Act, which must be made permanent. This fix to the Foreign Intelligence Surveillance Act we passed in August and the President has signed. And he said unless we make this law permanent, we will lose between one-half and two-thirds of our intelligence against the terrorist target. Let me say that again. Unless we make this act permanent, we will lose between one-half and two-thirds of our intelligence on the terrorist target.

Think about that. Are you willing to say two of three conversations from terrorists trying to kill us, that it is okay not to listen to them, it is okay that we go deaf with respect to protecting this country against terrorists? I am not. I believe it's possible to protect the civil liberties of Americans and focus our resources there with respect to the courts while listening to people who are reasonably believed to be in foreign countries who are not Americans, and that is what the Protect America Act did.

Mr. HOEKSTRA. Reclaiming my time, I would like to thank my colleagues for joining me this evening to talk about this very important issue. I thank the generosity of the Speaker.

THE UNITED STATES AIR FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, nearly 100 years ago the Department of War made a contract with two all-American men who would revolutionize human life as we know it. Those Ohio-born Wright brothers had a starry-eyed vision, tenacity, and brilliance that transformed their vision from theory to reality when they contracted with the United States Army to build a flying machine for the use of the United States Armed Forces.

Since then the United States Air Force has proven that mortals can break the sound barrier many times over in heavier-than-air, high-powered aircraft defying, it seems, the very forces of gravity and transcending the previously incontrovertible dimensions of human capacity. Even at this very moment, the Air Force is working to defend our assets in a new frontier of national security: space itself.

Mr. Speaker, this year marks the 60th anniversary of the year in which the United States Air Force became an official separate military service within the Department of Defense. Since then, the ability to protect the forces of freedom all over the world through flight in air, space, and cyberspace has transformed warfare in a way that perhaps only can be truly appreciated by the enemies of liberty.

Air power was born through the courage and resilience with which our noble men and women in the Air Force overcame in the crucibles of World War I, World War II, and the Cold War. And today the courageous airmen and women of this generation are shaping history still as the enemies of liberty feel the just fury of the Air Force in Operation Iraqi Freedom. The U.S. Air Force has risen to meet the challenge of international terrorism by attaining a new level of technological capability to surveil a battle space virtually encompassing the entire planet.

Mr. Speaker, I have the precious honor of representing the Second Congressional District of Arizona, which includes Luke Air Force Base, a vital strategic asset to our national security and the largest fighter wing in the United States Air Force. Luke Air Force Base trains over 95 percent of all U.S. Air Force F–16 pilots and over 50 percent of all U.S. fighter pilots. The commanders at Luke are entrusted with the solemn mission of effectively equipping the Nation's greatest F–16 pilots and maintainers to be deployed as mission-ready war fighters. It is a center and symbol of excellence to the Air Force and a beacon of courage, honor, military strategy, and effectiveness for our armed services throughout America.

As the Nation commends 60 years of noble and selfless service in the cause of the freedom and security of these United States, it is an honor for me to stand here on the floor of the United States House of Representatives and thank Luke Air Force Base and the entire United States Air Force for their selfless dedication and their commitment to the cause of human freedom. None of us can ever fully convey the gratitude that we owe to these warriors who have answered liberty's call to service and sacrifice.

So, Mr. Speaker, may I pause this moment and offer my deepest and heartfelt gratitude, and that of the entire Nation, to the gallant men and women of the United States Air Force who have now, for these 60 years, borne upon their noble wings of freedom the cause of America and the hope of humanity.

God bless them all, Mr. Speaker. Thank you.

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THE POLARIZATION OF WASHINGTON: FACTIONALISM IN AMERICAN POLITICS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes.

Mr. SHAYS. Mr. Speaker, I thank you for giving me this time and recognizing me. Just so folks who are here can kind of plan on their evening, I don't intend to go more than a half an hour, but there are some things that have been on my mind that I wanted to talk about.

In 2004, we passed a law that every school or college that receives Federal dollars must teach about the Constitution on September 17, the day the Constitution was adopted. We call this Constitution Day, or Citizens Day.

I found myself thinking about this from the perspective of my witnessing what is taking place in Iraq, where they're wrestling with their constitution. And so I found myself thinking that we can learn a lot about ourselves and our great Nation by looking at one of the world's oldest civilizations and its people, a people struggling under the most difficult circumstances to construct a governing constitution that will allow them to unite their nation, survive and prosper.

In my first visit to Iraq in April of 2003, I literally had to sneak into the seaport city of Um Qasr near the Kuwait border. The State Department was helping me, but the Department of Defense was trying to track me down and stop me from entering this historic land. As I approached the border, the British guards at the gates were asking for identification. My Save the Children driver, talking with DoD officials by satellite phone, was cooperating with them as little as possible, and I sat quietly in the Land Rover's front seat feeling like an anxious prisoner trying to gain my freedom by escaping into Iraq, not trying to get out.

We did get into this land of the Tigris and Euphrates Rivers, and so began my first of 18 trips seeking to exercise my constitutional responsibility of congressional oversight over a reluctant executive branch.

The irony of this experience was not lost on me. Here I was trying to fulfill my responsibility as the chairman of the National Security Subcommittee of the Oversight and Government Reform Committee, with specific jurisdiction over both the Departments of Defense and State, and one of these Departments, Defense, was trying to prevent me from exercising that responsibility, and the other, State, was trying to help me carry it out.

So why would we want such oversight? The reality is, if more Members of Congress had done proper oversight and gone to Iraq, abuses like Abu Ghraib never would have happened. Some Members would have toured the facility, and one of the soldiers in that dysfunctional Reserve unit would have quietly approached a Member and said, Sir or Ma'am, I don't know the first thing about being a prison guard, and by the way, some pretty bad stuff is going on here. The Members of Congress would more than likely have waited until the soldier left, and then asked some tough questions of the supervisors and demanded to see all of the facility. If he or she had gotten any "push back," they would have come home asking even more questions, and the military would have been forced to look into the issue and take corrective action before things got out of hand.

Abu Ghraib was about a military unit run amuck. With proper oversight, the abuses would have been easy to correct and been corrected without a lot of fanfare or publicity. The press would not have had a story, our Nation's reputation wouldn't have been in question, and a primary recruitment cry of al Qaeda would never have existed.

As it was, Abu Ghraib happened. The press ran the story, with little obligation or inclination to contain it, particularly after part of it was out. Al-Jazeera and al Qaeda used it to inflame the Muslim world, and hundreds of American soldiers, sailors, marines and air men and women died as a result.

In our Constitution, there are checks and balances between the executive and legislative branches, but the fourth estate, the press, is on its own. Our Founding Fathers knew the tension between the legislative and executive branches makes both branches perform better, our country stronger, and our people safer. The fact is, the failure of the first Republican Congress to consistently do aggressive oversight hurt the President, his administration, the country and helped them elect a new Democratic Congress.

The first year I traveled primarily outside the umbrella of the military, staying in places like Um Qasr, Basrah, Al Kut, Arbil, Sulaymaniyah and Khanagin. That year turned out to be an undeniable disaster. Regrettably, the President sided with Defense and Rumsfeld. State and Colin Powell were put on the sideline. Paul Bremer was brought in to rule as a dictator, and I saw firsthand the result of such a government. The voice of everyday Iraqis was not being heard, and predictably one bad decision piled on another.

Following the faithful decision to arbitrarily disband their police, border patrol and army, as I traveled outside the umbrella of the military, I was continually asked by everyday Iraqis, why are you putting my neighbor, why are you putting my uncle, why are you putting my brother, why are you putting my cousin, my nephew, my father, my son, why are you putting my husband out of work? Why can't he at least guard a hospital? That question still haunts me to this day. You see, Wilfredo Perez, Jr. of Norwalk, the first Fourth Congressional District casualty, was killed guarding a hospital.

I found myself asking, why did we leave 26 million Iraqis no indigenous security in a country larger than New England? Why did we put so many Iraqis out of work, leaving the general population completely defenseless and in the process endangering all our troops?

Yes, one thing is clear. During the first year, the voices of the people of Iraq were never heard. They had no representation, their dictator wasn't even an Iraqi, but an American who had no real sense of their wants and fears, and certainly no sensitivity to their culture. If only we had listened in the beginning and allowed Iraqis, not us, to shape their future.

Their anger was palpable. Americans, if you are here as our guests, you are welcome forever. If you are here as occupiers, we will fight you to the death.

When we transferred power to Iraqis in June of 2004 and allowed them to establish their own government, they, and we, saw what turned out to be 18 months of tangible progress. To their immense credit, in January of 2005 they elected a transitional government, wrote their constitution, ratified that constitution in an October plebiscite, and just 3 months later elected a government under their new constitution.

The year 2006, however, was another matter. The Samarra bombing ignited sectarian violence. It took 4 months just to form the Maliki government. And once in power, Prime Minister Maliki, particularly in the early stages, lacked the political will to get things done.

With this small margin of supporters and belief that the government needed to be more deliberate and not rush the tough decisions, it has been difficult for Iraqis to find common ground based on our timeline on when things need to get done.

But before we become too self-righteous about what Iraqis have done or should have done, it cannot be lost on any of us that our Constitution was preceded by the Articles of Confederation, and 13 years, from 1776 to 1789, of blood, sweat and toil. And even then, we did not get it perfect. If you were black, you were most likely a slave and two-thirds a person. In fact, dialogue about the issue of slavery and how to deal with it was such a non-starter, it wasn't even discussed.

As an American history major in college, I truly loved studying about our Federalist era. I marvel at how so many great men found themselves in one place with such a difficult and monumental task: build a Nation, establish a democracy, create a Republic. We are seeing Iraqis faced with a similar challenge. The meetings of our Founding Fathers in Philadelphia were filled with passion, courage, devotion, great intellect, humor, optimism, experience, and most importantly, a willingness to take chances, build trust, and compromise for a common goal and a greater good.

There was George Washington, Alexander Hamilton, Benjamin Franklin, and of course Connecticut's own Roger Sherman, to name a few. Thomas Jefferson was absent, but he was not absent when it came to the Bill of Rights, demanding its inclusion if Virginia was to be part of the Union.

I haven't identified an Iraqi George Washington, Madison or Franklin, nor have I seen in the Iraqi governing council the dynamics found at our own Nation's Constitutional Convention.

The tension between Virginia and New Englanders seems like child's play compared to the ethnic gravitation of the Kurds towards autonomy, and even more significantly, the sectarian conflict between Shias and Sunnis. One thing is clear to me: while Iraqis wrestle with sectarian violence, they do not wrestle with their nationality identity. They know who they are. They are

Iraqis, people of two great rivers, descendants of the Fertile Crescent, where, as they tell me, it all began.

So when I ask an Iraqi, Are you Sunni? They reply, Yes, I'm a Sunni, but I'm married to a Shia. Or when I ask, Are you a Shia? They often respond, I'm a Shia, but my tribe is Sunni, or my son or daughter is married to a Sunni.

In the United States, I am constantly being told Iraq is not a real country. But when I'm in Iraq, I am told, We are Iraqis. We are the cradle of Western civilization. Your roots come from us. We may be Sunni or Shia, but we are all Iraqis. This point was emphasized to me by an Iraqi intern who worked in my office during the 2006 summer. He told me he never thought or identified himself as a Sunni. He always thought of himself as an Iraqi until his family in Baghdad became threatened by Shia militia and sought refuge among other Sunnis. This is not an irrelevant point.

When it comes to the creation of a diverse nation, sectarian and nationalistic tendencies can break a country apart. It was not at all certain our 13 colonies would form a perfect union, but fortunately patriotism trumped nationalism, regional and sectarian tendencies lurking beneath the surface.

While Iraqis don't seem to have the optimism or experience to govern, they have the passion, humor, intellect, devotion and courage that would match the bravest of any of our patriots. As an example, I think of Mithal al Alusi, whose meeting with me in my Washington office a few years back after his two college-age sons were killed 2 months earlier during an attempt on his life. Mithal had attended a conference of Muslims, Christians and Jews in Israel, and upon return to Iraq was taken off the Supreme National De-Ba'athification Commission and stripped of his security. There were already two attempts on his life before the third, which killed his only children. The assassins have made it clear they will not stop trying to kill him until he is dead.

So there he was, sitting in my office, a truly marked man, and I said to him, Mr. al Alusi, you cannot go home. I will do everything I can to enable you to stay in the United States, to which he replied, in true disbelief, I can't leave Iraq, my country needs me.

A year later, I visited Mithal in the so-called government's Green Zone, where we found him a place to live so at least in his home he and his wife could be safe.

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During this visit, I noticed there were no pictures of any family members, so I asked him if he would show me a picture of his two sons. He brought out an 8-by-11 color print protected by a thin plastic sheet which he told me he keeps in a file because his wife cannot endure the sadness and pain of looking at her two precious sons. The picture shows Mithal's arms stretched out around both his sons, they are taller than he is, with his head leaning on the shoulder of one of them. It was such a loving image that it breaks my heart to think of it and know that his is not the only Iraqi story of intense devotion, sacrifice and loss.

This great Iraqi patriot, Mithal al Alusi, was elected to the parliament later that year. So how is this new government doing? The Shias, Sunnis and Kurds, in the early stages of government, reminded me of a sixth grade dance where little interaction takes place except for a brave few willing to risk some contact. They interact a lot more now, but as a fledging democracy, the Shias, who constitute 60 percent of the population, understand "majority rule" but struggle with the concept of "minority rights." This struggle over minority rights is the center of their differences. The Shias fear repeating history and losing power to the Sunni minority. They believe if this happens, like in the past, we will not be there to help them. And Sunnis fear having little or no power under an unsympathetic majority. In Iraq, it is easy to advocate for majority rule. They get it. The majority rules. But it is very difficult to explain and advocate for the power and freedom that comes to a nation that protects its minorities and makes sure they are not outside the government but an important part of that government.

As I witnessed democracy take root in this ancient land, I will never take for granted the essential nature of "minority rights." Minority rights is the lubricant that makes the whole system work. Without it, democratic governments would come to a grinding halt.

So we have a people that have spent 4 years and 5 months trying to create the perfect union for themselves. With the death of over 3,780 of our troops and over 12,512 seriously wounded, and the expenditures of over $1.5 trillion, we are losing patience with Iraq. Americans feel justified, given the sacrifice of our military and the expenditure of so much money, to lecture Iraqis how they need to get their act together, forgetting they didn't attack us, we attacked them. And then, we proceeded to eliminate their security, all their police, border patrol and army after Saddam, to add insult to injury, had already let out of jail all the criminals throughout Iraq.

One U.S. politician after another berates the Maliki government and the Sunni, Shia and Kurds for their intransigence and failure to work out their differences and find common ground. I can't help but wonder, who are we to talk? When was the last time Republicans and Democrats, House and Senate, White House and Congress, worked together on any major piece of legislation facing our country? The Senate, once again, has only now begun to pass any of its 11 appropriations bills necessary to fund the government. And by the way, the new funding should be done, but won't be, by October 1. We can't even agree in this Chamber on what to do in Iraq. The irony of that is mind-boggling. We blame Iraqis for not agreeing. And we can't agree.

So what about us? When it comes to Iraq, the former Republican Congress was blatantly partisan. The new Democratic Congress has returned the favor. And a very opinionated press, rather than encouraging Republicans and Democrats, the White House and Congress to come together, has picked sides and marshaled the facts to fit their own conclusions.

It is hard to know, I might add, with a press that is accountable to absolutely no one, where you can go to get the unadulterated facts. The reality is we went into Iraq on a bipartisan basis with two-thirds of the House and three-quarters of the Senate supporting the resolution to use force. The only way we are going to successfully bring most of our troops home is if we come together, find common ground, and compromise.

But I don't think this is likely to happen in the near future since both sides of the aisle seem captive to their so-called party's base. The Republican religious right and the Democratic anti-war impeachment left leave most Americans wondering, who is speaking for us? In this highly intense, politically charged environment, the answer is, practically no one.

The largest number of Americans aren't on the right or the left. The bell curve is pretty much in the middle of the political spectrum. In the past Presidential election, 42 percent of the American people said they were neither red nor blue, Republican nor Democrat, but purple. This leaves Republicans and Democrats with just 29 percent support each. Why is this relevant? The majority of Americans are not being heard or represented.

The majority of Americans are not being heard or represented.

The extremes focus on ideology and berate the fact that, according to them, the Republicans and Democrats are no different from each other. So they keep pushing extreme positions. But the American people are still in the middle of the political spectrum. They want solutions, not ideology. They want problems solved, not ignored. And they are getting neither.

Our Constitution was created by men who knew the meaning of compromise. During their time together, they grew to trust and respect each other. In the process, they gave up hardened views. They allowed themselves to be drawn to the middle of the political spectrum. In the process, they created the United

States of America where the people rule and have ruled for 218 years.

The question that confronts all of us today in Congress is, do we have this same capacity, like our Founding Fathers, to grow to trust and respect each other, give up hardened views and find solutions to the plethora of inconvenient truths that confront us? Of this we can be certain. Now is not the time for Congress and the White House to do nothing. There are so many inconvenient truths we must confront, but we won't successfully address any of them until we have honest debate and until compromise and coming to the middle becomes something Americans value again.

Mr. Speaker, I thank you for spending your time with us, and I thank the staff for allowing Members to address this Chamber tonight.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today after 6 p.m.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and until 6 p.m. on September 27.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. POE, for 5 minutes, October 2.

Mr. JONES of North Carolina, for 5 minutes, October 2.

Ms. FOXX, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 24, 2007 she presented to the President of the United States, for his approval, the following bill:

H.R. 3528. To provide authority to the Peace Corps to provide separation pay for host country resident personal service contractors of the Peace Corps.

ADJOURNMENT

Mr. SHAYS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 26, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3448. A letter from the Acting Director, Office of Management and Budget, transmitting a copy of proposed legislation that seeks to bring the funding structure for the Commodity Futures Trading Commission (CFTC) into line with the funding of other Federal financial regulators by establishing a fee on the settlement of commodity futures and options contracts overseen by the CFTC; to the Committee on Agriculture.

3449. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitations on Tiered Evaluation of Offers [DFARS Case 2006-D009] (RIN: 0750-AF36) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3450. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reports of Government Property [DFARS Case 2005-D015] (RIN: 0750-AF24) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3451. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's Joint Improvised Explosive Device Defeat Organization second quarter report as required by section 1402 of the John Warner National Defense Authorization Act for fiscal year 2007; to the Committee on Armed Services.

3452. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3453. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7730 and B-7729] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3454. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3455. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Government National Mortgage Association: Mortgage-Backed Securities (MBS) Program-Payments to Securityholders; Book-Entry Procedures; and Financial Reporting [Docket No. FR-5063-F-02] (RIN: 2503-AA19) received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3456. A letter from the Northern California Habitat Supervisor, National Oceanic and Atmospheric Administration, transmitting the Administration's comments on the Federal Energy Regulatory Commission's preliminary analysis of the Tuolumne River Fisheries Study Plan for the New Don Pedro Hydroelectric Project; to the Committee on Natural Resources.

3457. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill, "to enhance the functioning and integration of formerly homeless veterans who reside in permanent housing, and for other purposes"; to the Committee on Veterans' Affairs.

3458. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2007 [Notice 2007-77] received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3459. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Nuclear Decommissioning Funds for Purposes of Allocating Purchase Price in Certain Deemed and Actual Asset Acquisitions [TD 9358] (RIN: 1545-BC99) received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3460. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 7508.-Time for Performing Certain Acts Postponed by Reason of Service in Combat Zone or Contingency Operation (Also Sections 6081, 7508A; 11 U.S.C. 507, 523, 727.) (Rev. Rul. 2007-59) received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3461. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1045 Application to Partnerships [TD 9353] (RIN: 1545-BC67) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3462. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disregarded Entities; Employment and Excise Taxes [TD 9356] (RIN: 1545-BE43) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3463. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Expenses for Household and Dependent Care Services Necessary for Gainful Employment [TD 9354] (RIN: 1545-BB86) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3464. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Tier 1 Issue: Government Settlements Directive #2 [LMSB Control No.: LMS-04-0707-050] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3465. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transaction of Interest — Contribution of Successor Member Interest [Notice 2007-72] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3466. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Transition Relief for Indian Tribal Government Plans [Notice 2007-67] received August 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3467. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2007-68] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3468. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Elimination of country-by-country reporting to shareholders of foreign taxes paid by regulated investment companies [TD 9357] (RIN: 1545-BE09) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3469. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transition Relief Regarding the Active Trade or Business Requirement for Certain Transactions [Notice 2007-60] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3470. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 807.-Rules for certain reserves (Also 812) (Rev. Rul. 2007-54) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3471. A letter from the Administrator, Environmental Protection Agency, transmitting copies of two proposed bills to collect certain fees under the Toxic Substance Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodentice Act (FIFRA); jointly to the Committees on Agriculture and Energy and Commerce.

3472. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2009, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 3567. A bill to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes (Rept. 110-347). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 677. Resolution providing for consideration of the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes (Rept. 110-348). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 678. Resolution providing for consideration of the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl (Rept. 110-349). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. ANDREWS, Mr. NADLER, Mrs. MALONEY of New York, Mr. SPACE, and Mr. NEAL of Massachusetts):

H.R. 3648. A bill to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3649. A bill to require mercenary training to be conducted only on Federal Government property; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. HUNTER, Ms. BERKLEY, Mr. KING of New York, Mr. HOEKSTRA, Mr. CHABOT, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. POE, Mr. FORTUÑO, Mr. ROYCE, Mr. MCCAUL of Texas, and Mr. TANCREDO):

H.R. 3650. A bill to provide for the continuation of restrictions against the Government of North Korea unless the President certifies to Congress that the Government of North Korea has met certain benchmarks; to the Committee on Foreign Affairs.

By Mr. BISHOP of Utah (for himself, Mr. MATHESON, and Mr. CANNON):

H.R. 3651. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. NADLER, Mr. COHEN, Ms. SUTTON, Ms. ZOE LOFGREN of California, and Mr. JOHNSON of Georgia):

H.R. 3652. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Ms. ROS-LEHTINEN, Mr. WOLF, and Mr. MCCOTTER):

H.R. 3653. A bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran; to the Committee on Foreign Affairs.

By Mr. COOPER (for himself and Mr. WOLF):

H.R. 3654. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself and Mr. WOLF):

H.R. 3655. A bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. WELLER):

H.R. 3656. A bill to require States to withhold assistance to applicants for, and recipients of temporary assistance for needy families with respect to whom there is substantial evidence of recent unlawful drug use; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 3657. A bill to amend the Internal Revenue Code of 1986 to allow individuals and businesses a credit against income tax for the purchase of Energy Star compliant air conditioners; to the Committee on Ways and Means.

By Mr. FORTUÑO (for himself, Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mrs. CHRISTENSEN):

H.R. 3658. A bill to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina:

H.R. 3659. A bill to prohibit a school from receiving Federal funds if the school prevents a student from displaying or wearing in a respectful manner a representation of the flag of the United States; to the Committee on Education and Labor.

By Mr. KIND (for himself, Mr. HERGER, Ms. SCHWARTZ, Mr. PLATTS, Mr. PAUL, Mr. CALVERT, Mr. FORTENBERRY, Mrs. EMERSON, Mr. PETRI, Ms. BEAN, and Mr. FORBES):

H.R. 3660. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for the health insurance costs of self-employed individuals be allowed in determining self-employment tax; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself and Mr. KUHL of New York):

H.R. 3661. A bill to conduct 1 or more higher education and career readiness demonstration projects for rural, low-income students; to the Committee on Education and Labor.

By Mr. MCHUGH:

H.R. 3662. A bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act; to the Committee on Education and Labor.

By Mr. GEORGE MILLER of California (for himself, Mr. DINGELL, and Mr. DICKS):

H.R. 3663. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Natural Resources.

By Mr. PAUL:

H.R. 3664. A bill to amend the Internal Revenue Code of 1986 to provide that tips shall not be subject to income or employment taxes; to the Committee on Ways and Means.

By Mr. REICHERT (for himself and Mr. ELLSWORTH):

H.R. 3665. A bill to amend chapter 87 of title 18, United States Code, to end the terrorizing effects of the sale of murderabilia on crime victims and their families; to the Committee on the Judiciary.

By Ms. SUTTON:

H.R. 3666. A bill to establish a bipartisan commission to perform a comprehensive examination of the current foreclosure and mortgage lending crisis and to make recommendations for legislative and regulatory changes to address such problems; to the Committee on Financial Services.

By Mr. WELCH of Vermont:

H.R. 3667. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. OBEY:

H.J. Res. 52. A joint resolution making continuing appropriations for the fiscal year 2008, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.J. Res. 53. A joint resolution to amend the War Powers Resolution to ensure the collective judgment of both the Congress and the President will apply to the initiation of hostilities by the Armed Forces, the continued use of the Armed Forces in hostilities, and the participation of the Armed Forces in military operations of the United Nations; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H. Con. Res. 219. Concurrent resolution expressing the sense of Congress that the Government of Iraq should schedule a referendum to determine whether or not the people of Iraq want the Armed Forces of the United States to be withdrawn from Iraq or to remain in Iraq until order is restored to the country; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. MCCAUL of Texas, Mr. TANCREDO, Mr. ACKERMAN, Mr. CHABOT, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. PAYNE, Mr. FORTUÑO, Mr. SESSIONS, Mr. WU, Mr. SCOTT of Georgia, Mr. ENGEL, and Mr. ANDREWS):

H. Res. 676. A resolution declaring that it shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey:

H. Res. 679. A resolution expressing the sense of the House of Representatives regarding the continuing effects of the genocide, crimes against humanity, and war crimes in Bosnia and Herzegovina; to the Committee on Foreign Affairs.

By Mr. CARTER (for himself, Mr. ROGERS of Kentucky, Mr. CALVERT, Mr. LINCOLN DAVIS of Tennessee, Mrs. JO ANN DAVIS of Virginia, Mr. SESSIONS, Mr. DAVID DAVIS of Tennessee, Mr. JONES of North Carolina, Mr. FEENEY, Mr. SOUDER, Mr. KAGEN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. COLE of Oklahoma, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. BUCHANAN, Mr. BOOZMAN, Mr. LAMBORN, Mr. PEARCE, Mr. GINGREY, Mr. TANCREDO, Mr. MILLER of Florida, Mr. GALLEGLY, Mr. THORNBERRY, Mr. NEUGEBAUER, Ms. GRANGER, Mr. LEWIS of California, Mr. PORTER, Mr. GERLACH, Mr. MCHENRY, Mr. SMITH of New Jersey, Mr. TERRY, Mr. CANNON, Mr. WOLF, Mr. REYNOLDS, Mr. FERGUSON, Mr. GENE GREEN of Texas, Mr. WALDEN of Oregon, Mr. BILIRAKIS, Mr. FRANKS of Arizona, Mr. DENT, Mr. ADERHOLT, Mr. INGLIS of South Carolina, Mr. HOEKSTRA, Mr. KING of New York, Mr. BURTON of Indiana, Mr. FOSSELLA, Mr. WALSH of New York, Mr. KUHL of New York, Mrs. BLACKBURN, Mr. WICKER, Mr. PUTNAM, Mr. RENZI, Ms. FALLIN, Mr. GARRETT of New Jersey, Mr. REHBERG, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. HENSARLING, Mr. SMITH of Texas, Mr. ROGERS of Alabama, Mr. CULBERSON, Mr. BARTON of Texas, Mr. ENGLISH of Pennsylvania, Mr. BONNER, Mr. ISSA, Mr. SHADEGG, Mr. EDWARDS, Mr. DONNELLY, Mr. GOHMERT, Mr. EHLERS, Mrs. DRAKE, Mrs. MILLER of Michigan, Mr. DEAL of Georgia, Mr. CONAWAY, Mrs. WILSON of New Mexico, Mr. SHAYS, Mrs. SCHMIDT, Mr. BURGESS, Mr. BOEHNER, Mr. MICA, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. LOBIONDO, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. FRELINGHUYSEN, Mrs. MUSGRAVE, Mr. MCKEON, Mr. PENCE, Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, Mr. REYES, Ms. FOXX, Mr. UPTON, Mr. WAMP, and Mr. MCCAUL of Texas):

H. Res. 680. A resolution condemning the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial; to the Committee on Veterans' Affairs.

By Mr. COHEN:

H. Res. 681. A resolution to express the sense of the House of Representatives regarding the Medicare national coverage determination on the treatment of anemia in cancer patients; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. LOBIONDO and Mr. FERGUSON.

H.R. 39: Mr. TOWNS.

H.R. 138: Mr. MCCAUL of Texas.

H.R. 139: Mr. BURGESS.

H.R. 174: Mr. CAPUANO.

H.R. 369: Mr. KENNEDY and Mrs. CAPPS.

H.R. 459: Mr. HIGGINS.

H.R. 619: Mr. WYNN and Mr. BOUCHER.

H.R. 627: Mr. FERGUSON.

H.R. 648: Mr. FERGUSON.

H.R. 690: Mr. SESTAK and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 695: Mr. CARDOZA and Mr. KANJORSKI.

H.R. 707: Mr. BROUN of Georgia.

H.R. 726: Mr. PRICE of North Carolina.

H.R. 728: Mrs. GILLIBRAND.

H.R. 729: Mr. SCHIFF.

H.R. 743: Mr. HOLDEN, Mr. HENSARLING, Mr. BILIRAKIS, Mrs. MYRICK, Mr. BRALEY of Iowa, Mr. SULLIVAN, Mr. DAVIS of Kentucky, Mr. HAYES, Mr. CARNEY, and Mr. PEARCE.

H.R. 748: Mr. HOLT, Mr. WILSON of South Carolina, Mr. HELLER, Mr. ELLSWORTH, and Mr. DAVIS of Alabama.

H.R. 758: Mr. MURPHY of Connecticut.

H.R. 760: Mr. ROTHMAN.

H.R. 819: Mr. TOWNS and Ms. WATERS.

H.R. 854: Ms. CLARKE and Mr. COURTNEY.

H.R. 871: Mr. COHEN.

H.R. 882: Mr. SHAYS.

H.R. 897: Ms. LEE, Mr. RANGEL, and Ms. DELAURO.

H.R. 946: Mr. TIERNEY, Mr. MILLER of North Carolina, and Mr. RYAN of Ohio.

H.R. 1022: Ms. MCCOLLUM of Minnesota.

H.R. 1064: Mr. MCCAUL of Texas.

H.R. 1073: Mr. SIRES.

H.R. 1127: Mr. GRAVES.

H.R. 1166: Mr. FERGUSON.

H.R. 1169: Mr. FERGUSON.

H.R. 1237: Mr. WOLF, Mr. PAYNE, Mr. FORTUÑO, MR. DAVIS of Illinois, Mr. TERRY, and Mr. KIND.

H.R. 1283: Ms. LEE.

H.R. 1312: Ms. WATERS.

H.R. 1346: Mr. NEAL of Massachusetts.

H.R. 1395: Mr. ISSA.

H.R. 1396: Mr. DAVIS of Alabama, Mrs. LOWEY, and Mr. NEAL of Massachusetts.

H.R. 1422: Mr. TERRY.

H.R. 1514: Mr. BRALEY of Iowa.

H.R. 1518: Mr. CAPUANO.

H.R. 1566: Ms. LEE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1596: Mr. LOBIONDO.

H.R. 1649: Mr. ELLSWORTH.

H.R. 1671: Mr. CAPUANO.

H.R. 1691: Mr. ENGEL.

H.R. 1711: Mr. FERGUSON.

H.R. 1738: Mr. PETERSON of Minnesota, Mr. FERGUSON, and Mr. BARTLETT of Maryland.

H.R. 1742: Mr. STARK.

H.R. 1850: Ms. CLARKE.

H.R. 1876: Mr. PRICE of Georgia.

H.R. 1884: Mr. MURPHY of Connecticut.

H.R. 1956: Mr. HILL.

H.R. 1959: Mr. TERRY.

H.R. 1971: Mr. CAPUANO.

H.R. 1975: Mr. FERGUSON.

H.R. 2033: Mr. RANGEL, Mr. FRANK of Massachusetts, and Mr. WEINER.

H.R. 2053: Mr. CUMMINGS and Mr. RADANOVICH.

H.R. 2061: Ms. SUTTON.

H.R. 2074: Mr. PRICE of North Carolina.

H.R. 2092: Mrs. TAUSCHER, Mr. PASTOR, Mr. NADLER, Mr. SESTAK, Mr. DOGGETT, Ms. LEE, Mr. MEEKS of New York, and Mr. MCCAUL of Texas.

H.R. 2122: Ms. BALDWIN and Ms. CARSON.

H.R. 2164: Mrs. BLACKBURN.

H.R. 2188: Mr. GENE GREEN of Texas.

H.R. 2193: Mr. WEXLER.

H.R. 2262: Mr. GILCHREST, Ms. DEGETTE, Mr. LEWIS of Georgia, Mr. WU, Mr. SERRANO, Mr. SIRES, Ms. WOOLSEY, Mr. GUTIERREZ, and Mr. CHANDLER.

H.R. 2287: Mr. HARE and Mr. FERGUSON.

H.R. 2307: Mr. WEXLER

H.R. 2343: Mr. HARE.

H.R. 2376: Mr. ENGLISH of Pennsylvania.

H.R. 2417: Mr. WILSON of Ohio.

H.R. 2452: Mr. WILSON of South Carolina, Mr. BRALEY of Iowa, and Mr. PASCRELL.

H.R. 2470: Ms. HARMAN and Mr. SCHIFF.

H.R. 2478: Mr. COHEN.

H.R. 2511: Mr. CONAWAY, Mrs. NAPOLITANO, Ms. HARMAN, and Mr. HINCHEY.

H.R. 2517: Mr. POMEROY, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. ABERCROMBIE, Mr. JACKSON of Illinois, Mr. BAIRD, Mrs. CAPITO, Mr. KIRK, Mr. MANZULLO, Mr. CASTLE, Ms. GINNY BROWN-WAITE of Florida, Mr. UPTON, Mr. EHLERS, Ms. PRYCE of Ohio, Mr. PLATTS, and Mr. GERLACH.

H.R. 2526: Mr. ROSKAM.

H.R. 2567: Mr. CLAY.

H.R. 2593: Mr. HOLT and Mr. MORAN of Virginia.

H.R. 2596: Mr. BLUMENAUER and Ms. BALDWIN.

H.R. 2609: Mr. SERRANO.

H.R. 2677: Mr. CALVERT.

H.R. 2695: Mrs. BLACKBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, and Mr. BISHOP of Georgia.

H.R. 2702: Mr. SCHIFF, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. FERGUSON, and Mr. SAXTON.

H.R. 2706: Mr. HERGER, Mr. BOEHNER, and Mr. SOUDER.

H.R. 2726: Mrs. MYRICK.

H.R. 2749: Mr. JINDAL and Mr. CAPUANO.

H.R. 2784: Mr. SESSIONS, Mr. ROGERS of Alabama, and Mr. MCKEON.

H.R. 2790: Mr. LATHAM.

H.R. 2805: Mr. KUHL of New York, Mr. SHAYS, Mr. BLUMENAUER, and Ms. BALDWIN.

H.R. 2819: Ms. HARMAN.

H.R. 2842: Ms. SLAUGHTER and Mr. BLUMENAUER.

H.R. 2846: Mr. FERGUSON.

H.R. 2852: Mr. RUPPERSBERGER, Mr. MCHUGH, Mr. BARTLETT of Maryland, Mr. DONNELLY, Mr. PETERSON of Minnesota, Mr. SARBANES, Ms. HIRONO, Mr. BOSWELL, and Mr. VISCLOSKY.

H.R. 2857: Ms. ZOE LOFGREN of California.

H.R. 2878: Mr. JINDAL and Ms. WASSERMAN SCHULTZ.

H.R. 2930: Mrs. BIGGERT and Mr. MCNERNEY.

H.R. 2946: Mr. FERGUSON.

H.R. 2965: Mr. PAYNE, Mrs. TAUSCHER, Mr. BLUMENAUER, Mr. JACKSON of Illinois, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. CAPPS, Ms. LEE, Ms. SCHAKOWSKY, and Mr. GONZALEZ.

H.R. 3005: Mr. ORTIZ, Mr. HOLT, and Mr. ACKERMAN.

H.R. 3026: Mr. COURTNEY, Mr. LATHAM, and Mr. PLATTS.

H.R. 3029: Mr. GALLEGLY.

H.R. 3041: Mr. KENNEDY.

H.R. 3058: Mr. SCOTT of Georgia, Mr. INSLEE, Mr. FILNER, and Mrs. CAPPS.

H.R. 3090: Mr. COLE on Oklahoma.

H.R. 3099: Mr. KIND.

H.R. 3114: Mrs. BOYDA of Kansas, Mrs. MCCARTHY of New York, Ms. LORETTA SANCHEZ of California, Ms. SUTTON, and Ms. ZOE LOFGREN of California.

H.R. 3115: Mr. ACKERMAN.

H.R. 3140: Mr. ARCURI, Mr. ALTMIRE, and Mr. DAVIS of Alabama.

H.R. 3172: Mr. BLUMENAUER and Mr. COHEN.

H.R. 3187: Mr. BLUMENAUER.

H.R. 3191: Mr. GONZALEZ, Ms. LEE, Mr. DOYLE, and Mr. HARE.

H.R. 3212: Mr. HOLT and Mr. KUCINICH.

H.R. 3219: Mr. ENGLISH of Pennsylvania, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mrs. MALONEY of New York, Mr. FARR, Mrs. LOWEY, Ms. MCCOLLUM of Minnesota, Mr. WEXLER, Ms. SLAUGHTER, and Ms. CASTOR.

H.R. 3229: Mr. MARSHALL.

H.R. 3257: Mr. COSTA.

H.R. 3282: Mr. WILSON of South Carolina and Mr. MCHUGH.

H.R. 3337: Ms. BALDWIN.

H.R. 3357: Mr. PICKERING, Mr. DENT, Mr. LEWIS of Kentucky, Mr. LOEBSACK, Mr. THOMPSON of Mississippi, Mr. HINCHEY, Mr. BRALEY of Iowa, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3372: Mr. STARK, Mr. DAVIS of Illinois, Ms. ZOE LOFGREN of California, Mr. BLUMENAUER, and Mr. TOWNS.

H.R. 3378: Ms. CARSON and Mr. COHEN.

H.R. 3402: Mr. COHEN.

H.R. 3411: Ms. BERKLEY.

H.R. 3416: Ms. ZOE LOFGREN of California.

H.R. 3423: Ms. WOOLSEY, Ms. BORDALLO, Mrs. MCCARTHY of New York, Mr. DAVIS of Illinois, and Mr. RUSH.

H.R. 3425: Mr. COHEN.

H.R. 3429: Mr. COHEN.

H.R. 3432: Mr. KING of New York, Mr. LAHOOD, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Mr. ROHRABACHER, Mr. WELLER, Mr. FORTENBERRY, Mr. GILCHREST, Mr. WALSH of New York, Mr. DREIER, Mr. ENGLISH of Pennsylvania, Mr. SHAYS, Mr. LANTOS, and Mr. WOLF.

H.R. 3452: Ms. ROYBAL-ALLARD.

H.R. 3453: Ms. DEGETTE, Mr. MATHESON, and Mr. GORDON.

H.R. 3461: Mr. POMEROY.

H.R. 3480: Mr. CARTER, Ms. SUTTON, Mr. SESTAK, Mr. STEARNS, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. ENGLISH of Pennsylvania, and Mr. PETERSON of Minnesota.

H.R. 3498: Mr. MCNULTY.

H.R. 3502: Mr. ENGLISH of Pennsylvania.

H.R. 3512: Mr. FORTENBERRY.

H.R. 3521: Ms. NORTON.

H.R. 3524: Mr. LYNCH.

H.R. 3531: Mrs. MYRICK and Mr. SHUSTER.

H.R. 3533: Mr. CLEAVER, Mr. MCHUGH, Ms. SUTTON, Mr. WELCH of Vermont, Mr. MCDERMOTT, Mr. SCHIFF, Mr. BISHOP of Georgia, and Mr. DAVIS of Alabama.

H.R. 3544: Mr. GORDON, Mr. JOHNSON of Illinois, Mr. FERGUSON, Mr. MORAN of Virginia, and Mrs. JONES of Ohio.

H.R. 3547: Mr. ISSA, Mr. COHEN, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3553: Mr. UDALL of New Mexico.

H.R. 3558: Mr. ROSS, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 3566: Mr. JORDAN.

H.R. 3572: Mr. COHEN, Mr. LEWIS of Georgia, and Mr. SCOTT of Georgia.

H.R. 3584: Mr. FOSSELLA, Mr. WILSON of South Carolina, Mr. KNOLLENBERG, Ms. FOXX, Mr. LEWIS of California, Mr. FRANKS of Arizona, and Mrs. BACHMANN.

H.R. 3585: Mrs. JO ANN DAVIS of Virginia and Ms. WASSERMAN SCHULTZ.

H.R. 3609: Mr. JOHNSON of Georgia, Mr. COHEN, Mr. ELLISON, and Mr. NADLER.

H.R. 3610: Mr. WAXMAN.

H.R. 3647: Ms. HERSETH SANDLIN.

H. Con. Res. 10: Mr. JACKSON of Illinois.

H. Con. Res. 32: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 83: Mr. BUCHANAN.

H. Con. Res. 122: Mr. FILNER and Mr. SCHIFF.

H. Con. Res. 137: Mr. MCCAUL of Texas.

H. Con. Res. 176: Mr. BURGESS and Mr. TERRY.

H. Con. Res. 198: Mr. OLVER.

H. Con. Res. 200: Mr. LANGEVIN, Mr. SIRES, Mr. BILIRAKIS, Mr. PENCE, and Mr. MORAN of Virginia.

H. Con. Res. 203: Ms. MATSUI, Mr. ACKERMAN, and Mr. COHEN.

H. Res. 71: Ms. SUTTON.

H. Res. 108: Ms. CASTOR.

H. Res. 212: Mr. EHLERS.

H. Res. 237: Mr. BURTON of Indiana.

H. Res. 356: Mr. LOBIONDO.

H. Res. 405: Mr. PAYNE, Mr. INGLIS of South Carolina, Mr. KENNEDY, Mr. HINCHEY, Mr. HOLT, Mr. ANDREWS, Mr. CARNAHAN, Mr. CAPUANO, Mr. ENGEL, Mr. HODES, and Mr. VAN HOLLEN.

H. Res. 470: Mrs. WILSON of New Mexico.

H. Res. 524: Mrs. CAPPS, Mr. JACKSON of Illinois, Mr. BAKER, Mr. SIRES, Mr. SALAZAR, Mr. POE, Mr. TERRY, Mr. PETRI, Mr. HASTINGS of Florida, Mr. MICHAUD, Mrs. TAUSCHER, Ms. LORETTA SANCHEZ of California, Mr. PITTS, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Ms. SHEA-PORTER, Mr. HARE, Ms. SUTTON, Ms. WATSON, Ms. LEE, Mr. LANTOS, Mr. CARDOZA, Mr. BOSWELL, Mr. HINOJOSA, Ms. SCHAKOWSKY, Mr. MILLER of Florida, Mr. YARMUTH, Mr. DONNELLY, Mr. GENE GREEN of Texas, Mr. BACA, Mr. COHEN, Mr. LAMPSON, Ms. ESHOO, Mr. MCNULTY, Mr. TIM MURPHY of Pennsylvania, Mr. CARNEY, Mr. ROGERS of Alabama, Mrs. MALONEY of New York, Ms. HOOLEY, Mr. MOORE of Kansas, Mr. PLATTS, Mr. SKELTON, Mr. HALL of Texas, Mrs. BIGGERT, Mr. BISHOP of New York, Ms. CLARKE, Mr. JOHNSON of Georgia, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Mr. INSLEE, Mr. HOYER, Mrs. LOWEY, Mr. WELCH of Vermont, Mr. MCGOVERN, Mr. ANDREWS, Mr. RUPPERSBERGER, Mr. PALLONE, Mr. WALDEN of Oregon, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. ISRAEL, Mr. HINCHEY, Mrs. EMERSON, Mr. REYES, Mr. ALTMIRE, Mr. LYNCH, Mr. WAXMAN, Ms. ROS-LEHTINEN, Mrs. BONO, Mr. KIRK, Mr. PENCE, Mr. PRICE of Georgia, Mr. HILL, Mr. CAPUANO, Mr. WU, Mr. PERLMUTTER, Ms. HIRONO, Mr. CLYBURN, Mr. KING of New York, Ms. DEGETTE, Ms. BEAN, Ms. HARMAN, Mr. TOWNS, Mr. HOLDEN, Mr. HIGGINS, Mr. HOLDEN, Mr. HIGGINS, Mr. SCOTT of Virginia, Mr. TAYLOR, Mr. ROTHMAN, Ms. BALDWIN, Mr. CROWLEY, Mr. ACKERMAN, Mr. ALLEN, Mr. SCHIFF, Mr. ENGEL, Mr. HALL of New York, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mr. WYNN, Mr. WEINER, Ms. MCCOLLUM of Minnesota, Mrs. DAVIS of California, Ms. VELÁZQUEZ, Mr. LARSON of Connecticut, Mr. SERRANO, Mr. DOGGETT, and Mr. RUSH.

H. Res. 542: Mr. GALLEGLY, Mr. GERLACH, and Ms. BORDALLO.

H. Res. 572: Mr. MELANCON.

H. Res. 573: Mr. MCCAUL of Texas.

H. Res. 576: Mr. YOUNG of Alaska.

H. Res. 584: Ms. WASSERMAN SCHULTZ.

H. Res. 590: Mr. BLUMENAUER and Mr. TIERNEY.

H. Res. 618: Mr. HARE.

H. Res. 620: Mr. MCCOTTER.

H. Res. 640: Mr. HUNTER, Mr. SAXTON, Mr. JONES of North Carolina, Mr. HAYES, Mr. AKIN, Mr. MILLER of Florida, Mr. ABERCROMBIE, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. COOPER, and Mr. BOREN.

H. Res. 641: Mr. ENGLISH of Pennsylvania.

H. Res. 642: Mrs. CAPPS, Mr. BACA, Mrs. NAPOLITANO, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. SIRES, Mr. PASTOR, Mr. BECERRA, Mr. CUELLAR, Mr. HINOJOSA, Ms. MCCOLLUM of Minnesota, and Mr. COHEN.

H. Res. 644: Mr. ROGERS of Kentucky and Mr. KLINE of Minnesota.

H. Res. 651: Mr. RENZI, Mrs. SCHMIDT, and Ms. WATSON.

H. Res. 652: Mr. DEFAZIO, Ms. SCHAKOWSKY, Mr. SHADEGG, Mr. OLVER, and Mr. HONDA.

H. Res. 669: Ms. SUTTON.

H. Res. 673: Mr. DENT and Mr. KING of New York.

H. Res. 674: Mr. SIRES, Mr. MAHONEY of Florida, Mr. MORAN of Virginia, and Mr. CARNAHAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. DAVID R. OBEY

H.J. Res. 52, making continuing appropriations for the fiscal year 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

163. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 464 urging the Federal Corporation For National and Community Service to fully restore funding to Rockland County's Americorps Program; to the Committee on Education and Labor.

164. Also, a petition of the California State Lands Commission, relative to a Resolution opposing federal preemption of state laws to reduce greenhose gas emissions; to the Committee on Energy and Commerce.

165. Also, a petition of the City of Hollywood, Florida, relative to Resolution No. R-2007-195 supporting S. 1115, "the Energy Efficiency Promotion Act"; to the Committee on Energy and Commerce.

166. Also, a petition of Mr. Tony Avella, Council Member of the City of New York, relative to regarding a request from Mr. Richard George, Director of the Beachside Bungalow Preservation Association; to the Committee on Natural Resources.

167. Also, a petition of the Board of Commissioners of the County of Armstrong, Pennsylvania, relative to a Resolution urging the Congress of the United States to amend necessary federal regulation to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentanced; to the Committee on the Judiciary.

168. Also, a petition of the Village of Nyack, New York, relative to a Resolution calling for an investigation of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

169. Also, a petition of the Town Council of the Town of Bay Harbor Islands, Florida, relative to Resolution No. 1044 supporting the Governing Board of the South Florida Water Management District requesting that the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

170. Also, a petition of the Washington State Democrats, relative to a Resolution calling on the Congress of the United States to support and enact the AFL-CIO Policy on Immigration; jointly to the Committees on the Judiciary and Education and Labor.

EXTENSIONS OF REMARKS

IN RECOGNITION OF LINDA SPEARS' 2007 DON CARLOS HUMANITARIAN AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. MITCHELL. Madam Speaker, I rise today to recognize long time Tempe resident, past councilwoman and friend, Linda Spears, who will be receiving the 2007 Don Carlos Humanitarian of the Year Award tonight in my hometown of Tempe, Arizona.

The Don Carlos Humanitarian Award honors a Tempe resident who upholds the humanitarian ideals of Charles Trumball Hayden, Tempe's founder, who was referred to as "Don Carlos" by Hispanic pioneers due to his generosity and compassion for people in need. This prestigious recognition is awarded each year by the Tempe Community Council to pay tribute to Tempeans for their outstanding humanitarian service in the community over an extended period of time.

Linda served on the Tempe City Council from 1994 to 1998. Yet Linda's service to the community dates back to 1990, through a variety of human service efforts in the community. Linda continues her dedication to the community through her activities with the Boys and Girls Club, contributing her leadership and fundraising skills to help the needs of children served by their programs.

Madam Speaker, in addition to her service to the Boys and Girls Club, Linda served on the boards of the TIE Foundation from 1997 through 2003, the Tempe Salvation Army from 1999 through 2002, the Centers for Habilitation from 1996 through 2003 and Tempe Community Council from 1999 through 2007.

Linda is an active member of Kiwanis Club of Tempe, was elected its first female president in 1992 and helped to conceptualize Tempe's Fantasy of Lights Parade which now draws crowds of over 45,000 from the community. Linda is passionate when it comes to providing affordable housing in Tempe, a passion that led her to the boards of the Industrial Development Authority and Newtown Community Development Corporation. And if that is not enough, Linda's current endeavors includes raising money and awareness for the Tempe Community Foundation, which provides funding to meet the needs of all human service agencies serving Tempe residents.

Linda's activities should be viewed as those of a true community steward. Linda's commitment to our Tempe community truly embodies the spirit of Don Carlos and the humanitarian ideals that continue to make Tempe a great and desired place to call home. It is for these reasons that I join former Mayor Neil Guiliano, the Tempe Community Council, and Linda's family and friends in relaying a heartfelt "thank you" for your service and congratulate her on receiving this award.

CELEBRATING WARREN COUNTY, TENNESSEE'S BICENTENNIAL

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to celebrate the 200th anniversary of the founding of Warren County, Tennessee. Nestled in the heart of the foothills of the Cumberland Plateau, Warren County is a proud piece of the Tennessee tradition.

Warren County takes its name from Major General Joseph Warren, a hero of the American Revolution who earned the rank of Major General and was killed in the battle of Bunker Hill. The County continued to serve as a staging ground for great historical moments through the Civil War, when General Forrest's brigade camped in Warren County before they launched an attack on the Federal Army that resulted in the capture of twelve hundred Union Soldiers, including a General.

But Warren County has far more to offer the State than its rich history alone. From the scenic beauty of Rock Island to the Highland Rim Classic bicycle race in McMinnville, Warren County has something for sportsmen and outdoorsmen alike. McMinnville, Morrison, Viola and Dibrell all make up the diverse landscape. Perhaps the best view of Warren County, however, comes from the annual "boogie," or sky diving event that gives brave participants a unique perspective on this great Tennessee County.

Warren County is also home to the nursery capital of the world, McMinnville, Tennessee. McMinnville and all of Warren County's growers have made Tennessee proud for a number of years, marking McMinnville as a city known for being "always in bloom."

I am proud today to wish a happy bicentennial to the people of Warren County, and hope that they will continue to enjoy the blessings of their place in middle Tennessee for years to come.

IN HONOR OF THE MONTEREY COUNTY FILM COMMISSION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. FARR. Madam Speaker, I rise today to honor the Monterey County Film Commission's 20th year of "lights, camera, and economic action" for Monterey County. It was created in 1987 by the Monterey County Board of Supervisors to increase local economic development through the film industry.

The film commission markets Monterey County to bring an economic boost to the area from film, video, and multimedia production. Its mission has expanded over the years as it also provides local educational programs on various aspects of the film industry's artistry, skills, and employment opportunities. It has also created a scholarship fund for students of filmmaking.

The film commission has helped attract and facilitate hundreds of movies, TV shows, commercials, documentaries, and still shoots, bringing in nearly $60 million to date to the local communities. There is also spin-off tourism value when local sites are shown in these products.

The film commission acts as a liaison between film productions and local governments and communities. It serves as a resource for information and guidelines on film procedures and filming on public and private property. It provides services including a location library, scouting assistance, and logistical referrals for crew, facilities, and support services. It markets the county's locations through tradeshows and sales trips, advertising and public relations, and film industry events.

The commission is a member of the Greater San Francisco Film Commissions, California Film Commission, and is affiliated with the Association of Film Commissioners International.

Madam Speaker, it gives me great pleasure to honor this group, and I know my fellow Members join me in congratulating them on 20 years of service to the community.

HONORING GREENHILLS SCHOOL FOR RECEIVING THE 2007 SCHOOLS OF DISTINCTION AWARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. DINGELL. Madam Speaker, I rise today to congratulate Greenhills School for receiving the prestigious Intel Schools of Distinction award for 2007.

Chosen from almost 1,000 entries, this prestigious award is granted to only six schools nationwide each year. The award is designed to recognize those schools that demonstrate excellence in implementing innovative programs within their classrooms, specifically in the fields of math and science. The science faculty of Greenhills School has exemplified the spirit of the award, modernizing classroom labs to incorporate wireless computers. Their efforts educated students not only in the complex field of science, but also in technology's role as a laboratory instrument. In addition, they have demonstrated an enthusiasm to connect with all students in the school.

Greenhills School has always stood out as an exceptional place to learn. Located in Ann Arbor, it boasts the largest percentage of National Merit Semi-Finalists and AP Scholars of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

any school in the State of Michigan. With students averaging outstanding SAT and ACT scores, it is not surprising that 100 percent of Greenhills graduates enroll in college. This award is a testament not only to the science teachers of Greenhills School, but all of the 64 faculty members who work to provide students with one of the best educations in the country.

Science teachers Dr. James Lupton, Dr. Deano Smith, Thomas Friedlander, Catherine Renaud, Dee Lamphear, Martha Friedlander, Ann Novak, Chris Gleason, Deborah Jagers and Michael Wilson have all demonstrated an admirable passion and dedication that benefits over 500 students at Greenhills School. They deserve recognition for their exceptional achievement.

Madam Speaker, I ask that all of my colleagues join me in commending Greenhills School for their 2007 Schools of Distinction Award.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. LANGEVIN. Madam Speaker, on September 24, 2007, I was unavoidably detained while returning from committee business and unable to vote, I would like the record to reflect that, had I been present, I would have voted "yea" on rollcall vote Nos. 891, 892 and 893.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, September 24, on very urgent business. Had I been present for the four votes which occurred yesterday evening: I would have voted "Yea" on H. Con. Res. 193, rollcall vote No. 891; I would have voted "Yea" on H. Res. 668, rollcall vote No. 892; I would have voted "Yea" on H.R. 1199, rollcall vote No. 893; I would have voted "Yea" on H. Res. 340, rollcall vote No. 894.

CONGRATULATING NEW EAGLE SCOUTS

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Ms. FALLIN. Madam Speaker, today I rise to honor and congratulate Merritt William Parham, Joseph Price Fallin III, Joseph Graham Wolfe, William Upton McClendon, and Samuel Johnson Rainbolt upon the recent attainment of their Eagle Scout rank.

Each one of these young men has exemplified what it means to be a leader to the Boy Scouts of America, the State of Oklahoma, and their country. Their service is one of the greatest contributions they can make to their peers and their community. These young men have carried out this honor with great professionalism and dignity.

Madam Speaker, on behalf of the entire House of Representatives, please join me in congratulating these outstanding young men in obtaining the highest rank of Eagle Scout.

TRIBUTE TO MR. PHIL RIZZUTO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. SERRANO. Madam Speaker, I rise today to honor the life of Phil Rizzuto, former New York Yankees shortstop and baseball game announcer, who died on August 13, 2007 at the age of 89. Popularly known as "the Scooter," Mr. Rizzuto dazzled baseball fans with his spectacular bunts and defense and his dynamic style as a broadcaster.

Mr. Rizzuto was born on September 25,1917 and grew up in Brooklyn and Queens, New York, dreaming of one day playing professional baseball. He was eventually signed by the Yankees in 1937 as a free agent and played his first professional game in 1941.

After serving in the United States Navy during World War II, Mr. Rizzuto resumed playing for the Yankees in 1946, staying there through the end of his career in 1956. During this period, the Scooter played in five All-Star games, won the Hickok Belt in 1950, awarded to the top professional athlete of the year, and helped the Bronx Bombers win seven World Series championships with his clutch hitting abilities. Mr. Rizzuto's uniform number, 10, was retired by the Yankees on August 4, 1985.

In 1956, Mr. Rizzuto was hired as a television sports announcer for the Yankees, a position in which he would serve for the next forty years. He quickly became beloved as a quirky and witty announcer and for his intense affection for the Yankee organization. Mr. Rizzuto's energetic style and use of popular phrases such as "Holy Cow" and "Did you see that?" to describe an exciting play moved him from the category of popular announcer to that of broadcasting legend. He was an institution in the Bronx.

Phil Rizzuto was one of the true legends associated with the Yankees. People came to depend on hearing his voice calling the plays and often a little more. He was part of the rich tapestry of people and players that have come to define this great sports organization.

The New York Yankees have become synonymous with the community where they have played—the Bronx. They are part of the fabric of the community. Phil Rizzuto understood that special relationship. In return, he became an honorary son of the Bronx.

Mr. Rizzuto was truly a one-of-a-kind New Yorker and a Yankee legend. Although the Scooter is gone, he will certainly not be forgotten. I ask my colleagues to join me in paying tribute and bidding farewell to this baseball hero.

PERSONAL EXPLANATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. MCHUGH. Madam Speaker, I was on a leave of absence for personal reasons on September 19 and 20. Consequently, I missed several rollcall votes. At this time, I wish to note that had I been present, I would have voted "yea" on rollcall No. 884, "yea" on rollcall No. 885, and "yea" on rollcall No. 890.

RECOGNIZING NATIONAL FOUNDATION FOR WOMEN LEGISLATORS AND OFFICE DEPOT

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Ms. WATSON. Madam Speaker, I would like to congratulate the National Foundation for Women Legislators for working to distribute thousands of backpacks filled with school supplies in every U.S. State and Puerto Rico.

These backpacks have been donated by Office Depot and are being distributed to at-risk and disadvantaged youth. As lawmakers we introduce and pass legislation every year that affects our Nation's youth. We talk about statistics and reading performance and free lunch programs, but we do not talk enough about ensuring that all students have the school supplies they need to perform both inside and out of the classroom.

Office Depot's National Backpack Program, now in its 7th year, is designed to make a difference in communities across the country and put backpacks in the hands of underprivileged and at-risk children so they have the tools they need to start the school year. Beginning in 2001 with 80,000 backpacks donated nationwide, the program has expanded to deliver 100,000 backpacks in 2002 and in 2003 and 2004, the program was increased to 200,000 backpacks containing school supplies. In 2005, the program grew to 300,000 backpacks with school supplies and finally, in 2006, 300,000 backpacks were again donated by Office Depot across North America and in Puerto Rico, totaling more than 1 million backpacks in the hands of children since the inception of the program.

Sadly, there are hundreds of thousands of children who cannot afford the basic supplies they need for school. This backpack initiative not only alleviates some of the financial burden from the many single-family households that are stretching their budget and have enough to worry about paying for food and bills, but it also allows their children to have the pride of being able to start the school year the right way.

I am proud to say that 1,000 backpacks will be delivered to the Bradley Elementary School in my home district. I ask all of my colleagues in this United States Congress to join me in recognizing the National Foundation for Women Legislators and their partnership with Office Depot, whose efforts to empower our children and provide them the tools they need to be successful in school and in life are to be commended.

EXPRESSING CONCERN ABOUT ADMINISTRATION'S SEPTEMBER 9, 2007 OIL DEAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. KUCINICH. Madam Speaker, I rise today to express deep concern about the administration's involvement in an oil deal announced on September 9, 2007, between the U.S. company Hunt Oil and the Kurdistan Regional Government. This oil deal appears to benefit a large Republican donor and ally of President Bush and Vice President CHENEY.

The recent oil deal between the U.S.-based Hunt Oil Company and the Kurdistan Regional Government raises numerous questions. Hunt Oil, a privately held oil company based in Texas, and its founder, Ray Hunt, have close ties to Vice President CHENEY and are large donors to President Bush. The deal appears to undercut the goal of oil revenue sharing but is predictably consistent with the administration's attempt to privatize Iraqi oil assets.

This war is about oil. The Bush administration desires private control of Iraqi oil, but we have no right to force Iraq to give up their oil. We have no right to set preconditions for Iraq which lead Iraq to giving up control of their oil. The constitution of Iraq designates that the oil of Iraq is the property of all Iraqi people.

The Administration has misled Congress and the media into thinking that pending Iraqi oil legislation before Iraq's Parliament was about the fair distribution of oil revenue. But the Hunt Oil deal with Kurdistan exposes the real intent of that legislation, promotion of a privatization scheme.

The Hunt Oil deal with Kurdistan suggests the war has made foreign access to Iraqi oil a reality. Because the connections between Hunt Oil Company and the Bush administration are numerous, I have asked the Committee on Oversight and Government Reform to investigate Hunt Oil's ties to the Bush Administration and Halliburton.

The contract between Hunt Oil and Kurdistan would be the first of its kind in the Middle East where oil has been nationalized for decades and foreign oil companies have had no presence. The lack of consensus on how to manage the Iraqi oil resources suggests that the Hunt Oil Company deal could lead to greater instability within Iraq.

I have sent a letter to Secretary of State Condoleezza Rice urging an immediate investigation into the implications of the Hunt Oil Company's recent production sharing agreement for petroleum exploration with Kurdistan on U.S. and Iraqi national security.

Congress should put a stop to the outrageous exploitation of a nation already in shambles due to U.S. intervention. I will soon introduce legislation to prevent all U.S. companies from gaining financial interests in Iraq's oil resources. I hope my colleagues will join me to ensure that the people of Iraq are not made to endure greater suffering and injustice that has already occurred because of this illegal and unjust war.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 18, 2007.

Hon. CONDOLEEZZA RICE,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY RICE: To assure the national security of the U.S. and Iraq I urge an immediate investigation into Hunt Oil Company's recent production sharing agreement for petroleum exploration with Kurdistan. The Iraq Central Government reportedly considers this agreement illegitimate. As such, a thorough investigation assessing the threat posed by the agreement to U.S. and Iraqi national security interests should be conducted promptly.

The Constitution of Iraq designates that the oil of Iraq is the property of all Iraqi people. Thus, it is unsurprising that the Iraqi Central Government believes that the oil production sharing agreement between Hunt Oil Company and the Kurdistan Regional Government (KRG) is illegal. The agreement is reportedly based on oil law passed by the KRG and is the subject of much legal debate. The lack of consensus on how to manage the Iraqi oil resources suggest that the Hunt Oil Company deal could lead to greater instability within Iraq.

As you are undoubtedly aware, the contract between Hunt Oil and the KRG would be the first of its kind in the Middle East where oil has been nationalized for decades. Foreign oil companies have had no presence in the Middle East for decades. The legality of this matter is of obvious importance to the people of Iraq who have a constitutional right to the oil resources of Iraq.

Furthermore, close ties between Hunt Oil Company and the Administration's top officials coupled with this precedent setting agreement appears morally debased. The following will assist in clarifying this connection: Ray Hunt, CEO of Hunt Oil Company, was twice appointed to a seat on the President's Foreign Intelligence Advisory Board (PFIAB). Mr. Hunt raised campaign funds for President George H.W. and George W. Bush. He also personally donated $20,000 to the Republican National Committee's Victory Fund for the current President Bush. Ray Hunt gave $100,000 toward the 2001 Bush inaugural festivities and one of his corporations, Hunt Consolidated, gave another $250,000 toward the Bush 2005 presidential inaugural gala. In addition, Ray Hunt donated $35 million toward the Bush library/think tank to secure additional property for the project.

This unmatched deal struck by the Hunt Oil Company coupled with the company's ties to the administration could be viewed as hostile to the interests of Iraq amidst growing knowledge of Iraqi opposition to privatization and sale of Iraq's national oil reserves.

Your investigation should address how the agreement will affect Iraqi public sentiment toward the Iraqi and U.S. governments, insurgent efforts, the stability of Iraq and the stated goals of U.S. policy to bring peace and stability to the region.

I look forward to your timely response and the conclusions of your investigation.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 18, 2007.

Chairman HENRY A. WAXMAN,
Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: I request that the Full Committee begin an investigation into the recently announced oil production sharing agreement between the Hunt Oil Company and the Kurdistan Regional Government (KRG). The recently announced agreement raises numerous concerns.

(I) Was the U.S. company Hunt Oil and its CEO, Ray Hunt, in entering into the agreement with the KRG, the beneficiary of a special relationship with the Bush administration? Have reported ties between Ray Hunt and the Bush administration led to special advocacy for Hunt Oil by the administration that resulted in the production sharing agreement with the KRG?

In 2002, Mr. Hunt acted as the finance chairman of the Republican National Committee for President Bush. Mr. Hunt led the Republican National Committee's Victory Fund for George W. Bush and personally donated $20,000 to the committee. Mr. Hunt contributed $100,000 toward inaugural festivities for President Bush in 2001, while Hunt Consolidated contributed $250,000 toward the 2005 Bush presidential inaugural gala. Mr. Hunt has also given generously toward construction of the Bush library by securing $35 million dollars in additional property for the endeavor.

Furthermore, Mr. Hunt has twice been appointed to a seat on the President's Foreign Intelligence Advisory Board (PFIAB); most recently in 2006. The PFIAB is said to have access to intelligence information that is not available to a majority of the members of Congress. There are experts who acknowledge that information accessible to Mr. Hunt through the PFIAB is advantageous to the international energy interest of the Hunt Oil Company.

It is also notable that Vice President Cheney, as the head of Halliburton, invited Mr. Ray Hunt to sit on the Halliburton Board of Directors.

(II) Was Kurdistan pressured into promulgating a new oil law and/or entering into production sharing agreement with Hunt Oil and perhaps other administration connected companies by elements of the U.S. government in Iraq?

It should be of great concern to all those who wish to see Iraq achieve self-sufficiency that the Iraqi Central Government is opposed to the agreement entered into by the Hunt Oil Company and the KRG. Iraq's oil minister, Hussain al-Shahristani, has said "any oil deal has no standing as far as the government of Iraq is concerned. All these contracts have to be approved by the Federal Authority before they are legal. This (contract) was not presented for approval. It has no standing."

(III) Does the Hunt Oil Company's deal with the KRG foretell of more such agreements in the future? If the KRG does plan to announce more production sharing agreements in the future what would be the consequences for any revenue sharing programs initiated by the Iraqi Central Government?

On numerous occasions President Bush has stated his support for a revenue sharing program in Iraq. On May 31, 2007, at a White House press conference President Bush stated, "We're working very hard, for example, on getting an oil law with an oil revenue-sharing code that will help unite the country." On August 9, 2007, at another White

House press briefing, Mr. Bush stated, "People say we need an oil revenue sharing law. I agree with that, that needs to be codified."

While many have pointed out that the oil law that President Bush has supported is primarily a privatization bill, nevertheless is not the announcement between Hunt Oil and the KRG undermining the alleged purpose of the Iraqi oil law? Is this not at odds with President Bush's stated goal of revenue sharing? Supposedly the U.S. is in favor of an Iraqi oil revenue sharing program, but will the Hunt Oil agreement with the KRG contribute to or undermine a revenue sharing program in Iraq?

It is hard to imagine that in Iraq there is any matter more controversial than oil. So long as the U.S. occupies Iraq, it is hard to imagine that there can be anything more damaging to the United States' world reputation than the awarding of oil agreements to Bush administration cronies.

In light of the Full Committee's excellent past work on Halliburton, I strongly recommend that the Full Committee ascertain the relationships between the Hunt Oil Company, the Bush administration and the KRG that resulted in the September 9, 2007 announcement of the oil production sharing agreement.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, September 24, 2007, I was unable to cast my votes on H. Con. Res. 193, H. Res. 668, H.R. 1199, and H. Res. 340 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 891 on suspending the rules and passing H. Con. Res. 193, recognizing all hunters across the United States for their continued commitment to safety, I would have voted "aye."

Had I been present for rollcall No. 892 on suspending the rules and passing H. Res. 668, recognizing the 50th anniversary of the September 25, 1957, desegregation of Little Rock Central High School by the Little Rock Nine, I would have voted "aye."

Had I been present for rollcall No. 893 on suspending the rules and passing H.R. 1199, the Drug Endangered Children Act, I would have voted "aye."

Had I been present for rollcall No. 894 on suspending the rules and passing H. Res. 340, expressing the sense of the House of Representatives of the importance of providing a voice for the many victims, and families of victims, involved in missing persons cases and unidentified human remains cases, I would have voted "aye."

RECOGNIZING THE SOUTHAMPTON FIRE COMPANY NO. 1 AND THE TRI-HAMPTON RESCUE SQUAD

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I would like to take this opportunity to recognize the Southampton Fire Company No. 1 and the Tri-Hampton Rescue Squad for their outstanding service and dedication to protecting our community. Everyday, they willingly and selflessly risk their lives to protect our families, friends and neighbors. They set an example with their inspiring courage and devotion and their sacrifice deserves our sincerest thanks and utmost respect.

Madam Speaker, as the son of a former Philadelphia police officer, I know how hard America's first responders work to keep our cities and towns safe. They bravely face considerable danger and peril for the safety of families across our community. As their proud representatives, we ought to be just as committed to providing our first responders with the tools they need to do their jobs. True homeland security means supporting those who keep our families safe.

Madam Speaker, the members of the Southampton Fire Company No. 1 and the Tri-Hampton Rescue Squad serve tirelessly to protect our community and we should do everything possible to give them the support they need to keep us safe.

TRIBUTE TO MARIA LORENSON, LAURA SMITH, AND BARBARA PICHOT

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mrs. CAPITO. Madam Speaker, I rise today to honor Maria Lorenson, Laura Smith, and Barbara Pichot who are being honored by the Girl Scouts Shawnee Division as the 2007 Women of Distinction.

These three ladies are being honored for their career accomplishments and leadership that have made them role models for young women in their communities. The Girl Scouts Shawnee Council honors three women annually from the Eastern Panhandle.

The first honoree, Maria Lorenson, is being recognized for her role as editor-in-chief with the Martinsburg Journal. She has received various awards and honors in her 11 years with the Martinsburg Journal from the West Virginia Press Association. Maria is credited for balancing her career with her role as a wife, mother, and community leader.

Laura Smith of Morgan County is being honored for her many leadership roles in her community. She is currently the president of the Morgan County Board of Education. She has worked to promote the beauty of Morgan County through her work with Travel Berkeley Springs and as board member of George Washington Heritage Trail. She is also an active member of her church, St. Marks Episcopal Church.

The final recipient of the 2007 Women of Distinction award is Barbara Pichot. At a time when many women were not entering the field of business, Barbara was a trailblazer and eventually became a partner in the accounting firm Cox, Nichols and Hollida until her retirement. She now dedicates herself to volunteer endeavors including Rotary, United Way, and is responsible for the development of Hospice of the Panhandle.

It is an honor to represent these three outstanding women who serve as strong leaders and excellent role models for young women in their communities. Congratulations to Maria Lorenson, Laura Smith, and Barbara Pichot as the 2007 Women of Distinction.

TRIBUTE TO REVEREND WILLIAM H. WATSON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. PAYNE. Madam Speaker, I rise today in memory of Reverend William H. Watson, who was a long-time social activist and resident of Newark, NJ. His passion for social justice led him to direct many social service organizations within my district and the northeast coast of the United States.

Born on September 23, 1934, in Memphis, Tennessee, Rev. Watson always exhibited a passion for helping others. After ordination in the Central Pennsylvania Annual Conference of the United Methodist Church, Bill served a couple of churches in North-Central Pennsylvania and served as Campus Minister at Penn State University.

Rev. Watson served respectively as the Executive Director of Voice a church based organization supporting community organization in northeastern Pennsylvania and as Director of the Social Concerns Department of the Capitol Region Conferences of Churches in Hartford, Connecticut.

Later in life, Rev. Watson worked at Unified Vailsburg Service Organization (UVSO) in Newark, NJ—a neighborhood based human services and community development agency founded by local residents in 1972 to "create a stable and compassionate community" by bringing together representatives of various local groups in an attempt to solve some of the neighborhood problem. Rev. Watson worked as a community organizer dealing with issues of crime, education, and housing.

Reverend Watson also served as a VISTA Volunteer with the Newark Tenants organization; a member of the Board of Directors of Inside-Out: Citizens United for Prison Reform, Inc.; member of the Northeast Inter-Help Council which deals with social justice issues and ecology, and a founding member secretary of the Board of Directors of the Family Partnership Committee, and Hartford Area Habitat for Humanity.

Madam Speaker, I invite my colleagues here in the United States House of Representatives to join me in honoring Reverend William H. Watson, whose spirit lives on through lives he touched and work he accomplished while on earth. I am proud to have had him in my Congressional district.

IN HONOR OF THE 50TH ANNIVERSARY OF THE COMPLETION OF THE MONTICELLO DAM

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mrs. TAUSCHER. Madam Speaker, I rise with the support of my colleagues, Hon. GEORGE MILLER and Hon. MIKE THOMPSON to recognize the 50th anniversary of the completion of the Monticello Dam. This monumental accomplishment has been instrumental in providing the people of Solano County with a vast supply of high quality water.

Completed in October of 1957 as part of the Solano Project, the Monticello Dam rises 304 feet high spanning a gorge of 1,023 feet while storing 1.6 million acre feet of water. The Monticello Dam created Lake Berryessa and is one of the largest reservoirs in the State of California.

The Monticello Dam is owned by the United States Bureau of Reclamation but is operated and maintained locally by the Solano County Water Agency.

Through the management of the Monticello Dam, the Solano County Water Agency is able to provide 200,000 acre feet per year of high quality and dependable water. This supply amounts to about two-thirds of the total water use of Solano County. The Solano Project serves a growing population of about 350,000 people in the cities of Vacaville, Fairfield, Suisun City and Vallejo. Additionally the Solano Project serves about 80,000 acres of irrigated farmland by providing agricultural water to the Solano Irrigation District and the Maine Prairie Water District.

In addition to serving the water needs of our communities the Monticello Dam has additional local benefits. The Dam created Lake Berryessa, 23 miles long and 3 miles wide with 165 miles of shoreline that offers year-round recreational opportunities.

The river downstream of the Dam, known as Lower Putah Creek, provides a valuable fish and wildlife area on the border of Yolo and Solano Counties. Community groups such as the Lower Putah Creek Coordinating Committee are involved in creek restoration planning. This committee, made up of Yolo and Solano representatives, oversees stream restoration projects that enhance the natural setting.

We wish to commend the Solano County Water Agency for 50 years of outstanding management of the Monticello Dam and recognize its essential contribution to the quality of life in the region.

TRIBUTE TO MR. ALEX RODRIGUEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. SERRANO. Madam Speaker, I rise today to pay tribute to Mr. Alex Rodriguez, who, on August 4, 2007, made history by becoming the youngest baseball player to hit 500 home runs. Lovingly known to baseball fans throughout the world as "A-Rod," Mr. Rodriguez exemplifies the great contributions Dominican-Americans continue to make to this Nation.

Born in New York, and raised in Miami, Mr. Rodriguez displayed his baseball talents early in life. He attended Miami's Westminster Christian High School, which went on to win the national baseball championship his junior year. During that time, he earned several prestigious awards, including USA Baseball Junior Player of the Year and Gatorade's National Student-Athlete of the Year. Mr. Rodriguez was also the first high-school player to try out for Team USA in 1993.

Today, Mr. Rodriguez is considered one of the best baseball players of all time. Proudly wearing #13 for my beloved New York Yankees, Mr. Rodriguez has become a legend to all prospective baseball players and fans. He has earned two American League Most Valuable Player (MVP) awards and has accomplished several noteworthy feats. For example, among all baseball players at the age of 30, Mr. Rodriguez ranks first in both home runs and runs scored, third in runs batted in (RBIs) and fourth in hits compared to other players at that point in their careers. Mr. Rodriguez also shares the record for most home runs in one month, hitting fourteen in April 2007. Mr. Rodriguez is also the third member of the exclusive 40–40 Club, composed of baseball players who accumulate a total of both 40 home runs and 40 stolen bases in a single season. These are just a few of the many accomplishments of this legendary baseball player.

Off the baseball field, Mr. Rodriguez is actively involved in his communities, from Miami to New York to the land of his parents, the Dominican Republic. For example, in 1998, he established the Alex Rodriguez Evening Benefit for the All Stars, which, up to this point, has raised more than half a million dollars for the Boys and Girls Club of Miami. In 2003, Mr. Rodriguez donated $3.9 million to the University of Miami to remodel the university's baseball stadium and to provide scholarships to deserving students. In 2005, Mr. Rodriguez donated $200,000 to the Children's Aid Society in New York and $50,000 to the Dominican Republic branch of UNICEF, which fully funded five day-care centers outside of Santo Domingo for 1 year. These are only a handful of the many ways in which Mr. Rodriguez contributes to the development and success of our communities.

Madam Speaker, A-Rod is truly a shining star and a role model to us all both on and off the baseball field. I will continue to cheer him on as he breaks more records on his way to greatness. I ask my colleagues to join me in paying tribute to this fine athlete on the occasion of his 500th home run.

INTRODUCTION OF THE FOREWARN ACT OF 2007

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. MCHUGH. Madam Speaker, I rise today to introduce the Forewarn Act of 2007, which is designed to help American workers by improving the Worker Adjustment and Retraining Notification (WARN) Act (P.L. 100–379).

The WARN Act became effective nearly two decades ago in February 1989. Very simply, Congress rightly decided that it was good policy to ensure that workers receive 60 days advance notice of mass lay-offs and closures to facilitate their efforts to find a new job, obtain retraining, or otherwise prepare for the consequences of their employer's decision. Likewise, through the WARN Act, Congress required that the same 60-day notice be provided to state dislocated worker entities and the chief elected official of the pertinent local government to enhance their ability to respond to the situation and provide effective assistance.

I had the occasion to thoroughly review the WARN Act earlier this year when the General Motors (GM) Corporation unfortunately decided to phase out 500 jobs and close its Powertrain facility in Massena, New York, which I represent. As I have mentioned previously, it is difficult to overstate how important the plant's $31 million annual payroll was to the local economy and how devastating GM's decision was to its employees, their families, and the residents of St. Lawrence and Franklin counties.

Despite the magnitude of this decision's impact upon my constituents, GM did not provide me with any advance notice. In fairness to GM, there was no legal requirement under the WARN Act that GM provide me with such notice, which I found to be unfortunate as it limits and even precludes opportunities to attempt to provide any and all assistance that could possibly prevent a closure or mass lay-off and the corresponding loss of jobs. In the event that the closure or mass lay-off is unavoidable, adequate advance notice allows elected representatives to begin taking actions to assist the individuals and community as they transition.

Accordingly, the Forewarn Act would expand the WARN Act's notice requirements to include the U.S. Senators and Representatives, as well as state senators and representatives who represent the area in which the facility is located. In addition, the Forewarn Act would require that notice be provided to the affected state's governor, as well as to the U.S. Secretary of Labor. As the intent of this notice is to allow elected officials to attempt to provide assistance, the amount of notice would be expanded from 60 to 90 days.

Additionally, the Forewarn Act would also increase the notice requirement for employers with 50 or more employees to 90 calendar days. By doing so, the Forewarn Act would enhance employees' ability to adjust to their change in job status. The Forewarn Act would also redefine mass lay-off to cover lay-offs of at least 25 employees who account for one-third of an employer's workforce or mass lay-offs of at least 100 employees.

To ensure compliance, the Forewarn Act would increase the back pay penalty; workers would receive 2 days pay multiplied by the number of calendar days short of 90 that the employer gives notice. Likewise, the Forewarn Act would allow the U.S. Secretary of Labor or the appropriate state attorney general to bring a civil action on behalf of employees and require the Secretary of Labor to provide educational materials concerning employees' rights and employer responsibilities.

It has been nearly two decades since the WARN Act was enacted. In that time, our nation's economy has changed markedly as U.S. firms have restructured their operations to adjust to an increasingly competitive global marketplace. It is time to revisit and retool the WARN Act, and with the introduction of the Forewarn Act, I invite my colleagues to join with me in doing so.

HONORING FORMER CONGRESSMAN CHARLES VANIK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. STARK. Madam Speaker, I rise today to join Congressman KLEIN in support of a resolution honoring former Congressman Charles Vanik. Charlie was a dedicated public servant and a great man. From 1955 to 1981, he served the people of northern Ohio with distinction and is an exemplary example for those of us in public office of what it means to be a true representative of the people.

It is hard to say whether Charlie was best known for his signature black suits and bowties or his sponsorship of the now famous Jackson-Vanik amendment to the 1974 Trade Reform Bill. The former made him instantly recognizable throughout northern Ohio and in the corridors of Capitol Hill. The latter, which tied the former Soviet Union's trade status to whether it freely allowed Jewish emigration, allowed thousands of families to escape religious persecution. I personally will always remember Charlie for his strong work ethic and his tireless defense of the American working and middle class.

Charlie spent his 26 years in Congress pursuing policies that gave the American people opportunities to achieve their dreams and rejecting those that allowed corporations to dodge taxes and shirk their responsibilities to their employees. He was so adamant about representing the people instead of interest groups that, after winning reelection in 1970, he vowed to never accept campaign contributions again. Charlie was beholden to no one for his congressional seat except the people of northern Ohio, and it showed in his politics. He returned to Washington time and time again not because of his ability to fundraise, but because of his ability to pass meaningful legislation. Some of his greatest victories included: the section 13 summer school lunch program, the predecessor amendment to the Americans with Disabilities Act, Great Lakes pollution clean-up, a Cuyahoga Valley National Park, the original CAFE legislation, tax reform measures and Social Security and Medicare improvements.

When Charlie passed away late last month, the United States lost one of its greatest leaders. However, Charlie's legacy can be seen in the 110th Congress as we continue to protect our delicate environment for future generations, guarantee all of our Nation's children receive the care they need, and ensure that all people receive adequate healthcare and can retire with security. As one of his former staffers—and later one of mine—Bill Vaughan, recently wrote, "Like his black suit and bowtie, Mr. Vanik was a classic." Charlie was a one-of-a kind leader and I hope today's generation of members can learn from his steadfast pursuit of policies that helped everybody in our Nation achieve the American Dream.

IRAN COUNTER-PROLIFERATION ACT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HOYER. Madam Speaker, I urge my colleagues on both sides of the aisle to support this important, bipartisan legislation—the Iran Counter-Proliferation Act of 2007—which has more than 300 cosponsors.

This bill would greatly strengthen the existing sanctions regime and propose new diplomatic strategies with respect to Iran, which continues to pursue its nuclear agenda in defiance of U.N. sanctions and international pressure.

Let us be clear: The Government of Iran—which is recognized as a state sponsor of terrorism by our State Department and which supports terrorist groups such as Hezbollah—believes it can exploit international irresolution. We must not allow it to do so.

It goes without saying that a nuclear-armed Iran constitutes a threat to the national security interests of the United States, as well as the peace and security of the international community. And, we cannot overlook the serious questions raised about Iran's efforts to exploit the civil war in Iraq to its advantage or intelligence information related to its arming of Iraqi insurgents.

Our concerns are only heightened by the inflammatory and irresponsible statements of Iran's president, Mahmoud Ahmadinejad, who has stated his hope for a "world without America" and his desire "to wipe Israel off the map."

Let me say, Ahmadinejad's comments yesterday at Columbia University in New York only confirm the view that he is a dangerous menace, who spins loathsome propaganda while denying that the Holocaust occurred, threatening Israel, and repressing his own people.

I believe the international community must stand as one against Iran, an international lawbreaker whose record of deceit and belligerence leaves no doubt as to its motivations.

Thus, I believe this legislation is an important step forward in demonstrating our bipartisan resolve to address the serious security concerns posed by Iran.

Nothing in this act authorizes the use of force against Iran. However, it would support diplomatic and economic means to resolve the Iranian nuclear problem, and calls for enhanced U.N. Security Council efforts to respond to Iran's defiance.

Furthermore, the bill amends the Iran Sanctions Act to remove the President's waiver on sanctions, and expands the types of investments subject to sanctions. It reforms our commercial relationship with this rogue regime by limiting the export of U.S. items to Iran and by prohibiting all imports.

Among other things, the bill also prevents U.S. subsidiaries of foreign oil companies that invest in Iran's oil sector from receiving U.S. tax benefits for oil and gas exploration, and prevents nuclear cooperation between the United States and any country that provides nuclear assistance in Iran.

Madam Speaker, I urge all of my colleagues on both sides of the aisle to support this important bipartisan bill.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HONDA. Madam Speaker, on Monday August 24, I was unavoidably detained due to official business in New York and was not present for a number of rollcall votes.

Had I been present I would have voted:

"Yea" on rollcall 891, H. Con. Res. 193, recognizing all hunters across the United States for their continued commitment to safety.

"Yea" on rollcall 892, H. Res. 668, recognizing the 50th anniversary of the September 25, 1957, desegregation of Little Rock Central High School by the Little Rock Nine.

"Yea" on rollcall 893, H.R. 1199, to extend the grant program for drug-endangered children.

"Yea" on rollcall 894, H. Res. 340, expressing the sense of the House of Representatives of the importance of providing a voice for the many victims (and families of victims) involved in missing persons cases and unidentified human remains cases.

HONORING THE GENEROUS CONTRIBUTION OF EL PASOAN PAUL L. FOSTER TO TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. REYES. Madam Speaker, it is with great honor that I rise to recognize Mr. Paul L. Foster, the president and CEO of Western Refining Inc. of El Paso, who, with a strong desire to give back to the El Paso community, donated $50 million to the Texas Tech University Health Sciences Center. That's right, Madam Speaker—$50 million of his own money.

Foster's selfless contribution, the largest donation given to Texas Tech by an individual in the history of the university, will allow for great advances in border health issues research and various other health care initiatives. The gift will support the recruitment of staff members, finance faculty salaries, and purchase necessary medical equipment. In acknowledgment of his donation, the university named El Paso's 4-year medical school the "Paul L. Foster School of Medicine." Unique to the area, it is the first medical school on the U.S.-Mexico border and only the second new medical institution created in the U.S. in the last 25 years. Although a medical school of such stature and prestige has been greatly needed for the El Paso community for some time, it is now becoming a reality, in part due to Mr. Foster's assistance.

The Paul F. Foster School holds many prospects for medical science and healthcare. Increased specialized physicians coupled with superior medical equipment will allow for substantial economic growth in the El Paso region along with quality health care for my constituents. It will also provide greater incentives for researchers to come to the area and learn about and help solve health issues unique to the U.S.-Mexico border.

A 1979 Baylor University graduate, Foster founded Western Refining Inc. in 1997, which is currently the Nation's fourth largest publicly traded independent oil refinery. Despite his tremendous success, Paul remains modest, humble, and connected to our local community. The magnitude of his generous gift will be felt for generations, yet in typical fashion he seeks none of the attention that such a gift merits.

I have always believed it is critically important that we continue to pave the way for greater healthcare infrastructure in El Paso and along the U.S.-Mexico border, and the 4-year medical school can serve as the cornerstone in this effort. This vision, this dream, is one step closer with the huge charitable contribution of Paul Foster.

As the Paul L. Foster School of Medicine pays tribute to this remarkable philanthropist, I would like to do the same. His contribution to the Texas Tech University Health Sciences Center will prove extremely beneficial to the El Paso community and to aspiring doctors and nurses in our region.

IN HONOR OF THE CARMEL WRITERS FESTIVAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. FARR. Madam Speaker, I rise today to honor the inaugural Writer's Festival in my hometown of Carmel, California. As co-chair of the Congressional Travel and Tourism Caucus, I would like to commend the organizers, Jim and Cindy McGillen, for their efforts to initiate the first ever Carmel Authors & Ideas Festival, which will take place at the Sunset Center in Carmel on September 28–30 this year.

Inspired by the Sun Valley Writers' Conference, the format of the festival is to be a combination of talks by well-known authors and break-out sessions with lesser-known writers, allowing attendees to interact with them on an informal basis. The first line-up of authors includes Frank McCourt, "Angela's Ashes"; Doris Kearns Goodwin, historian; John Grogan, "Marley and Me"; Douglas Brinkley, editor of "The Regan Diaries"; Seymour Hersh, investigative reporter; Irshad Manji, critic of radical Islam; and Elizabeth Edwards, "Saving Graces." In all, 25 award winning authors will be present, including Pulitzer Prize and Nobel Prize winners, and New York Times Best Sellers.

Carmel Mayor Sue McCloud said of the festival, "It's certainly in keeping with our history as a writers' haven and artists' haven." Boutique conferences like this one are a good match for the community which is known for its non-traditional approach to literature and poetry. McGillen has sought out authors who are interesting, compelling, and entertaining.

Madam Speaker, this festival promises to be an exciting new addition to the lineup of high quality cultural events enjoyed year-round in California's 17th District, and I am proud to represent them in the U.S. Congress.

CONGRATULATING PASQUALE "PAT" BANGOR UPON BEING NAMED "PERSON OF THE YEAR" BY THE LUZERNE COUNTY ITALIAN AMERICAN ASSOCIATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Pasquale "Pat" Bangor, of Hazleton, Luzerne County, Pennsylvania, who was named "Person of the Year" by the Italian American Association of Luzerne County.

Mr. Bangor is a son of the late Neil and Phyllis Cerullo Bangor. He has two sisters, Camella O'Donnell and the late Rose Realo and one brother, John.

He was married to Dorothy Gutosky Bangor for 30 years until her death in 1983. He has been married to Vanda Molinaro Bangor for the past 21 years.

Mr. Bangor has three daughters: Patricia Conahan, Carol Ann Brown and the late Jacqueline Cardillo. He also has three stepdaughters: Rose Esposito, Wanda Rosenbaum and Lydia Hunsinger. He is also blessed with grandchildren, step-grandchildren and great grandchildren.

A graduate of Hazleton High School in 1946; he served in the United States Army during the Korean Conflict. Following his military service, he was a self employed printer in the Hazleton area for more than 40 years.

In retirement, Mr. Bangor has remained active by driving a school bus for special needs children in the Hazleton Area School District and working part-time at a local carpet store.

He has been an active member of Our Lady of Grace Church in Hazleton all his life and has served on the church's financial council.

Mr. Bangor was a member of the Hazleton Elks Club for several years and has been an active and dedicated member of the Italian American Association of Luzerne County where he served many years on its board of directors.

Mr. and Mrs. Bangor spend much of their time with their children and grandchildren. They also enjoy dancing and world travel.

Madam Speaker, please join me in congratulating Pat Bangor on this auspicious occasion. Mr. Bangor is a shining example of a family and community minded citizen whose contributions of time and energy has improved the quality of life for all whose lives he has touched.

CONGRATULATING THE STAFF OF THE JOINT SERVICE EXPLOSIVE ORDNANCE DISPOSAL PROGRAM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HOYER. Madam Speaker, I rise to offer my congratulations to the staff of the Joint Service Explosive Ordnance Disposal, EOD, Program, which today marks the delivery of the 1000th EOD Man Transportable Robot System, MTRS, to our military. This significant milestone is a testament to the highly skilled, top notch workforce marking this accomplishment today at the Naval EOD Technology Division.

The MTRS is a two-man portable robotic system used in both peacetime and wartime operations by EOD technicians to perform remote reconnaissance of unexploded ordnance and improvised explosive device, IED, incident sites. These EOD Robots are keeping EOD technicians alive and are mitigating the effects of emplaced IEDs and unexploded ordnance encountered in a wide variety of operational environments around the world. By using replaceable robots, EOD operators can effectively conduct and complete highly hazardous missions while remaining in a protected position, minimizing human exposure and time-on-target.

While no machine can replace a trained EOD technician, EOD personnel have embraced the ability of these robots to assist them in carrying out their important mission. Indeed, because of these robots, many of our EOD technicians have significantly reduced or avoided serious risk to themselves and their colleagues in military service.

We owe a great debt of gratitude to the brave men and women willing to risk their own lives for this Nation by serving in our active military forces. While we can never fully repay that debt, we can demonstrate our gratitude by providing our military forces with advanced technology to ensure their safe return to their loved ones. Those responsible for delivering MTRS have been working to do just this.

Madam Speaker, I ask that all Members join me in congratulating this outstanding Navy team as they celebrate the successful delivery of the 1000th Man Transportable Robot System to our deployed military forces.

THE MERCENARY TRAINING CONTROL ACT (SEPTEMBER 19, 2007)

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. FILNER. Madam Speaker, I rise today to introduce legislation (H.R. 3649) that would require mercenary training be conducted only on property owned by the Federal Government.

As you may know, Blackwater USA, a private military security contractor, already operates 2 private military-style training facilities: 1 in Moyock, North Carolina and the other in Mount Carroll, Illinois. Blackwater USA is also seeking to open a third facility in Potrero, California.

It is outrageous to allow private individuals or corporations to establish private military bases anywhere in the United States! The military-style training conducted at these facilities has no place in our backyards.

The Federal Government and U.S. military have also become too reliant on these private security contractors, especially in Iraq and Afghanistan. We must stop this trend!

However, in the meantime, my bill will take the modest step of requiring government contractors, like Blackwater USA, to train only on property owned by the Federal Government, such as our military bases.

SAUDI LAWSUIT AGAINST THE PUBLISHERS OF THE BOOK ALMS FOR JIHAD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. WOLF. Madam Speaker, I rise today to bring attention to the book Alms for Jihad, coauthored by J. Millard Burr and Robert O. Collins. This seminal work details the use of Islamic charities to fund terrorist activity around the world.

The book's publisher, Cambridge University Press, agreed to pulp all unsold copies of "Alms for Jihad" in the face of a defamation lawsuit by Saudi billionaire Sheikh Khalid bin Mahfouz. The publisher also sent letters to 280 libraries around the world, asking them to insert an erratum slip or withdraw the book from their shelves. Since March 2002, bin Mahfouz has sued or threatened to sue at least 36 times against individuals in England who have linked bin Mahfouz to terrorist financing and activities.

"Alms for Jihad" reaches back into history, particularly into Sudan where much of the activities of fundamentalist Islamist groups found their origins, and traces them to the modern-day struggle against extremist forces around the world. We cannot understand the current war on terror, which extends far beyond the terrible events of September 11, without examining the chronology and details of this issue.

I have enclosed the author's response to the lawsuit, and encourage our colleagues to obtain and read this important book.

SAUDI BILLIONAIRE VS. CAMBRIDGE UNIVERSITY PRESS: NO CONTEST

On 3 April 2007 Kevin Taylor, Intellectual Property Manager for the Cambridge University Press (CUP), contacted Millard Burr and myself that the solicitors for Shaykh Khalid bin Mahfouz, Kendall Freeman, had informed CUP of eleven "allegations of defamation" in our book Alms for Jihad: Charities and Terrorism in the Islamic World and requested a response. On 20 April CUP received our seventeen page "robust defence", but it soon became apparent that CUP had decided not to defend Alms for Jihad given "knowledge of claims from previous litigation" and that "the top-line allegations of defamation made against us by bin Mahfouz are sustainable and cannot be successfully defended . . . certainly not in the English courts, which is where the current action arises." Of the eleven points of alleged defamation "we [CUP] could defend ourselves against some of his individual allegations . . . which, as you say could hardly be deemed defamatory on its own," but on pp. 51–52 where you use the phrase " 'The twenty supporters of Al Qaeda' followed by the Golden Chain references . . . is defamatory of him under English law." The Golden Chain was a list of twenty wealthy Saudi donors to al-Qa'ida which included the name "Mahfouz" on a computer disk seized during a raid by the Bosnian police and U.S. security agents of the Sarajevo office of the Saudi charity, the Benevolent International Foundation (Bosanska Idealna Futura, BIF).

On 9 May 2007 CUP agreed to virtually all of the Shaykh's demands to stop sale of the book, destroy all "existing copies," prepare a letter of apology, and make a "payment to charity" for damages and contribute to legal costs. After further negotiations the press also agreed, on 20 June 2007, to request 280 libraries around the world to withdraw the book or insert an erratum slip. During these three months of negotiations Millard and I had naively assumed that, as authors, we were automatically a party to any settlement but were now informed we "are out of jurisdiction" so that CUP had to ask "whether of not they [the authors] wish to join in any settlement with your client [Mahfouz]." On 30 July 2007 Mr. Justice Eady in the London High Court accepted the abject surrender of CUP which promptly pulped 2,340 existing copies of Alms for Jihad, sent letters to the relevant libraries to do the same or insert an errata sheet, issued a public apology, and paid costs and damages.

The crux of this sordid and sorry saga lies firmly in the existing English libel law which is very narrow and restrictive compared to its counterpart in the United States with a long history and precedent of "good faith" protected by the First Amendment, absent in English jurisprudence. In effect, CUP was not prepared to embark on a long and very expensive litigation it could not possibly win under English libel law in the English High Court, known to journalists the "Club Med for Libel Tourists." Laurence Harris of Kendall Freeman was quite candid. "Our client [Shaykh] Mahfouz chose to complain to Cambridge University Press about the book because the book was published in this jurisdiction by them" where he had previously threatened to "sue some 36 U.S. and U.K. publishers and authors" and in which Shaykh Mahfouz had previously won three suits for the same charges of his alleged financing of terrorism. Even Justice Eady's pious pronouncements about "the importance of freedom of speech" were of little relevance before the weight, or lack thereof, in English libel law he rigorously enforced.

This was the first time that Shaykh Mahfouz had brought suit only against the publisher that did not include the authors, for "our client [Shaykh Mahfouz] took the view that they [CUP] were likely to deal with his complaint sensibly and quickly, which they did," rather than include the authors who would not. As American authors residing in the U.S., we were "out of jurisdiction" and under the protection of the U.S. Courts, specifically the unanimous ruling by the Second U.S. Circuit Court of Appeals in June 2007 that Dr. Rachel Ehrenfeld could challenge in a U.S. Court the suit previously won against her by Shaykh Mahfouz in Justice Eady's High Court in London thereby establishing a defining precedent in U.S. jurisprudence. Dr. Ehrenfeld is the director of the American Center for Democracy in New York whose book, "Funding Evil: how terrorism is financed—and how to stop it," published by Bonus Books of Chicago in 2003, describes how Shaykh Mahfouz helped finance al-Qa'ida, Hamas, and other terrorist organizations in greater detail than "Alms for Jihad." Although her book was not sold in Britain, Shaykh Mahfouz secured British jurisdiction by demonstrating that "Funding Evil" could be purchased or read on the internet by British citizens. When she refused to defend the case in the London High Court, Justice Eady declared for the plaintiff and ordered Dr. Ehrenfeld to pay $225,000 damages. She then chose to confront the Shaykh and seek redress in the U.S. Court system.

Millard Burr and I had adamantly refused to be a party to the humiliating capitulation by CUP and were not about to renounce what we had written. "Alms for Jihad" had been meticulously researched, our interpretations judicious, our conclusions made in good faith on the available evidence. It is a very detailed analysis of the global reach of Islamic, mostly Saudi, charities to support the spread of fundamental Islam and the Islamist state by any means necessary. When writing "Alms for Jihad" we identified specific persons, methods, money, how it was laundered, and for what purpose substantiated by over 1,000 references. I had previously warned the editor at CUP, Marigold Acland, that some of this material could prove contentious, and in March 2005 legal advisers for CUP spent a month vetting the book before going into production and finally its publication in March 2006. We were careful when writing "Alms for Jihad" not to state explicitly that Shaykh Mahfouz was funding terrorism but the overwhelming real and circumstantial evidence presented implicitly could lead the reader to no other conclusion. Court records in the case of U.S. vs. Enaam Arnaout, Director of the Benevolent International Foundation and close associate of Osama bin Laden, accepted as evidence the "Golden Chain" which the British High Court later refused as evidentiary. The Mawafaq (Blessed Relief) Foundation of Shaykh Mahfouz and its principal donor was declared by the U.S. Treasury "an al-Qaida front that receives funding from wealthy Saudi businessmen" one of whom was the designated terrorist, Yassin al-Qadi who "transferred millions of dollars to Osama bin Laden through charities and trusts like the

Muwafaq Foundation." It appears very strange that the founder of his personal charity and its major donor had no idea where or whom or for what purpose his generosity was being used.

Although the reaction to the settlement by CUP has been regarded by some, like Professor Deborah Lipstadt at Emory University, as a "frightening development" whereby the Saudis "systematically, case by case, book by book" are shutting down public discourse on terrorism and intimidating publishers from accepting manuscripts critical of the Saudis, there still remains the free exchange of ideas, opinions, and written text in the world of the internet protected by the First Amendment. Ironically, the eleven points of the Mahfouz suit against CUP amount to little more than a large footnote, a trivial fraction of the wealth of information in "Alms for Jihad" that cannot be found elsewhere. The Shaykh can burn the books in Britain, but he cannot prevent the recovery of the copyright by the authors nor their search for a U.S. publisher to reprint a new edition of "Alms for Jihad" for those who have been seeking a copy in the global market place.

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HERGER. Madam Speaker, I was unable to vote on four bills brought up under Suspension of the Rules on Monday, September 24, 2007 because of an illness.

Had I been present, I would have voted "yea" on H. Con. Res. 193, a resolution recognizing all hunters across the United States for their continued commitment to safety; "yea" on H. Res. 668, a resolution recognizing the 50th anniversary of the September 25, 1957, desegregation of Little Rock Central High School by the Little Rock Nine; "yea" on H.R. 1199, the Drug Endangered Children Act of 2007; and "yea" on H. Res. 340, a resolution expressing the sense of the House of Representatives of the importance of providing a voice for the many victims (and families of victims) involved in missing persons cases and unidentified human remains cases.

CONGRATULATING FRENCH LICK, INDIANA ON ITS SESQUICENTENNIAL

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HILL. Madam Speaker, 2007 marks the 150th anniversary of the town of French Lick, Indiana. Many of my colleagues in Congress may recognize the town's name as the birthplace of one of basketball's finest, Larry Bird. But, those of us who have had the pleasure of spending time in French Lick know it for much more. I am looking forward to celebrating French Lick's Sesquicentennial with its residents this coming weekend when the festivities commence on Friday, September 28, 2007. The celebration will feature an array of events, such as the Queen's Ball, Historic Home Tours, Commemorative Post Mark, Pumpkin Festival Parade, Carnival Rides, Historic Train Rides, Time Capsule Dedication, live musical performances, art show, and golf tournament.

French Lick has a long and distinguished history. In the 1800s, as pioneers began settling the Indiana Territory, one of the few roads connecting Louisville and Vincennes was the buffalo trail through current day French Lick. Several pioneers established hotels and other business trades along the route, leading to the founding of French Lick in 1857. Some of these early residents included the likes of Dr. William Bowles, who constructed the first health resort sometime between 1840 and 1845; Charles Edward Ballard, the town's most famous entrepreneur known for his successful management of saloons and casino operations; and Ferdinand and Henry Cross, brothers whose artistic talents enriched the lives on travels to the town. Henry's work would later be used for the sketch of the buffalo on the United States nickel.

The tourist demand for French Lick's magical, health-rejuvenating water led to the construction and remodeling of the French Lick Hotel. One of the hotel's most famous owners was a resourceful entrepreneur named Thomas Taggart. Taggart, who served in several elected positions including as Mayor of Indianapolis and as a U.S. Senator, also lead the State Democratic Party beginning in 1892 and the National Democratic Party in 1905. After fire destroyed part of the original hotel, it was Taggart that expanded and rebuilt the facility with its trademark yellow brick, 6 story front. Thousand of travelers flocked to the new hotel as a resort destination prior to traveling to other destinations or attending popular events such as the Kentucky Derby in nearby Louisville, KY.

The mineral springs of the French Lick area brought many travelers to the region, but it was the gambling that established the Spring Valley as the leisure destination during the first half of the twentieth century. Although seen as a "victimless crime" to many, gambling was illegal and in the late 1940s raids on several casinos ended the practice in the area. The resulting loss of tourism to the area created an economic hardship in the region and the French Lick Hotel passed among several owners. It was in the late 1990s that residents of the town and surrounding region, aided by Historical Preservationist such as William Cook, began restoring the Grand Hotels of the area. Coupled with the legalization of gaming in 2003, the French Lick Springs Resort Hotel and town has returned to its formed grandeur as a resort and leisure destination.

Congratulations French Lick on this historical occasion. All Hoosiers look forward to seeing how this unique and wonderful town develops for decades to come.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mrs. CAPPS. Madam Speaker, I was not able to be present for the following rollcall votes on September 24, 2007. I would have voted as follows: Rollcall No. 891: "yea"; rollcall No. 892: "yea"; rollcall No. 893: "yea"; and rollcall No. 894: "yea".

PROTECTING EMPLOYEES AND RETIREES IN BUSINESS BANKRUPTCIES ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. CONYERS. Madam Speaker, the "Protecting Employees and Retirees in Business Bankruptcies Act of 2007," addresses the vast inequities in current bankruptcy law with respect to how American workers and retirees are treated, an area long-neglected by Congress.

The rights of workers and retirees have greatly eroded over the past two decades, particularly in the context of Chapter 11. Let me just cite three reasons.

First, it is no secret that certain districts in our Nation interpret the law to favor the reorganization of a business over all other priorities, including job preservation, salary protections, and other benefits. Part of the problem is that the law is simply not clear, leading to a split of authority among the circuits.

This is particularly true with respect to the standards by which collective bargaining agreements can be rejected and retiree benefits can be modified in Chapter 11. Businesses, as a result, take advantage of these venue options and file their Chapter 11 cases in employer-friendly districts. This was one of the main reasons that Delphi, a Michigan-headquartered company, filed for bankruptcy in New York.

Second, it is clear that at least some businesses use Chapter 11 to bust unions or to at least give themselves unfair leverage in its negotiations with unions. According to a recently released GAO analysis that I requested nearly 2 years ago, 30 percent of companies in the study sought to reject their collective bargaining agreements in bankruptcy. Nearly as many companies took advantage of special provisions in the Bankruptcy Code by employers that can modify retiree benefits.

Let me be specific here. What we are talking about is terminating retiree health care benefits, medical benefits, prescription drug benefits, disability benefits, and death benefits, among other protections.

And, remember that these benefits were bargained for in good faith by hardworking Americans who gave their all to their employers and now are in retirement. This is a travesty.

Third, as a result of Chapter 11's inequitable playing field, employers are able to extract major concessions from workers and retirees, while lining their own pockets. As we learned at a hearing held earlier this year by the Subcommittee on Commercial and Administrative Law, executives of Chapter 11 debtors often receive extravagant multi-million dollar bonuses and stock options, while regular workers are forced to accept drastic pay cuts or even job losses and while retirees lose hard-won pensions and health benefits.

As many of you know, the Ford Motor Company reported a record $12.7 billion loss for last year. But what many of you may not know is that Ford paid $28 million to its new CEO, Alan Mulally, in his first 4 months on the job. This disclosure comes as companies like Ford, General Motors, and DaimlerChrysler are in the midst of negotiations with unions to obtain concessions and labor cost savings when their current contracts end in this month.

A factor that will likely be present at the bargaining table is the threat of a potential Chapter 11 filing. As many of you know, the United Auto Workers yesterday announced a strike at General Motors principally because GM wants to shed more than $50 billion in future health care benefits for retirees.

We need to restore the level playing field that the drafters of Chapter 11 originally envisioned and to ensure that workers and retirees receive fair treatment when their company is in bankruptcy. It is time that we include the interests of working families in the bankruptcy law and consider how we can add a measure of fairness to a playing field that is overwhelmingly tilted against workers.

My bill addresses these problems by:

Increasing the amount by which unpaid wage and employee benefit claims would be entitled to payment priority;

Creating a more level playing field for employees in Chapter 11 cases where employers want to terminate jobs, reduce wages, reject collective bargaining agreements, and terminate medical benefits for retirees;

Prohibiting companies in bankruptcy from paying lavish performance bonuses and incentive compensation to key management; and

Ensuring that the bankruptcy judges have clear statutory guidance that the purpose of Chapter 11 is—to the greatest extent possible—maximize assets so as to preserve jobs.

I will urge prompt consideration of this legislation by the Subcommittee on Commercial and Administrative Law and further proceedings by the House Judiciary Committee.

EQUITY FOR OUR NATION'S SELF-EMPLOYED ACT OF 2007

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HERGER. Madam Speaker, with nearly 47 million uninsured in America, rising health care costs, and a federal health entitlement system that is simply unsustainable in the long run, America is truly on the verge of a health crisis. Yet despite the looming fiscal insolvency of Medicare and other challenges facing U.S. health care, Congress is preparing now to approve one of the largest expansions of government health care in decades. Mr. Speaker, we must change course in today's debate, and address the root problems facing our health system. And true change can be achieved only through working together on a bipartisan level.

It is for this very reason that I am pleased to join with my colleague from the other side of the aisle, Representative RON KIND of Wisconsin, in introducing truly collaborative, bipartisan legislation that would help expand health coverage to millions of currently uninsured American taxpayers. Our legislation, the "Equity for Our Nation's Self-Employed Act of 2007," would correct an inequity that currently exists in our tax laws to help make quality health care more affordable for millions of Americans. It achieves this by allowing the self-employed to fully deduct their health insurance premiums for the purposes of both income tax and self-employment tax.

Although many consider themselves "self-employed," only the owners of businesses that are organized as sole proprietorships pay the self-employment tax or SET. Across the U.S. there are more than 21 million sole proprietors who could be subject to some level of self-employment tax. In my own home State of California, there are more self-employed individuals than anywhere else in the country, with roughly 13 percent of the Nation's sole proprietorships, or more than 2.8 million self-employed individuals. The vast majority of the businesses owned by self-employed sole proprietors are small and micro-businesses with 10 or fewer employees. Despite their size, however, these businesses generate more than $800 billion in economic activity in the U.S.

The self-employment tax serves as a proxy for Federal FICA payroll taxes, which other business combinations like C-corporations, limited liability partnerships and S-corporations withhold and pay on behalf of their employees. The SET tax rate is 15.3 percent, representing both the traditionally withheld employee share of 7.65 percent of wages (for Social Security and Medicare) plus the employer's matching share of 7.65 percent. Unlike other businesses, however, the SET applies to all income generated from the sole proprietorship.

At the crux of the current disparity is that all businesses apart from sole proprietorships can deduct employee health care premiums as normal business expenses before taxes. While self-employed taxpayers may deduct 100 percent of their health premiums for regular income tax purposes, sole proprietorships frequently pay more for insurance simply because these expenses are then subjected to the SET of 15.3 percent. One of my constituents, a micro-business owner named Gloria, who lives in Redding, California, reported that she pays about $1,300 more on health insurance each year because of the SET. Another constituent, Tom, from Anderson, pays $900 more for health care each year because of this increased payroll tax. By extending the health deduction to the self-employment tax, we would level the playing field for sole proprietors like Gloria, Tom and the more than 2.8 million self-employed Californians who cannot currently deduct their health coverage costs as a business expense.

Several of my sole proprietor constituents have commented on the rising costs of health care, and how the SET prohibits them from putting this extra amount they pay in taxes to better use expanding their business or purchasing more health coverage for themselves and their employees. Nationwide, more than half of all sole proprietors report that they are unable to purchase health insurance at all, citing affordability as a chief concern. Of these small business owners, more than 80 percent stated they would be more likely to purchase health insurance if it was deductible from payroll taxes through SET deductibility.

Owning and operating a small business in the United States has always been and continues to be extremely risky, with many small businesses not surviving the first 5 years of operation. However, despite great challenges, small businesses provide nearly two-thirds of all new job creation in our country, employing tens of millions of workers and providing a higher standard of living for millions of American families. The difference between low or high taxes can make or break a firm, and mean the difference between profitability and continued entrepreneurial investment to survive, or going out of business. A recent report by the Small Business Administration's Office of Advocacy confirms this about the SET in particular, finding that extending the health insurance deduction for the SET actually increases the probability that a micro-business will remain in the market.

Madam Speaker, around 60 percent of America's uninsured individuals work for small businesses that cannot afford to provide coverage. Our simple, bipartisan legislation would help millions of sole proprietors and their employees better afford coverage by allowing a tax deduction for 100 percent of health insurance expenses from payroll taxes, just like other businesses in the U.S. I thank my colleague from Wisconsin for his leadership on this legislation, and look forward to working to enact it.

RECOGNIZING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. AL GREEN of Texas. Madam Speaker, I wish to recognize the importance of National Historically Black Colleges and Universities (HBCU) Week which was celebrated September 9 through September 15, 2007. During Historically Black Colleges and Universities Week, all Americans are encouraged to highlight our Nation's commitment to these notable institutions and their efforts to provide more Americans with the tools to accomplish their goals, realize their full human potential, and contribute to the advancement of our country's great ideals.

We must continue to provide our strong support to HBCUs so that every citizen can enjoy a future of hope, accomplishment, and opportunity. We commend these great institutions as they build on a foundation of continued success for every college student.

There are 114 historically black colleges in the United States today, including 2-year and

4-year institutions as well as public and private institutions. Most are located in the Southeastern United States. Four are located in the Midwestern states (2 each in Missouri and Ohio), 2 are located in Pennsylvania, one is in Delaware, nine in Texas, and one is in the Virgin Islands. It is fitting that we take this week to honor all of these institutions for their service, accomplishment, and continuing legacy.

It is important that we as a nation take a moment to reflect on the tremendous service HBCUs have provided on behalf of our great Nation. America's HBCUs have a proud and solid tradition. Since their inception, HBCUs have furthered the development of African Americans who have become leaders in science, health, government, business, education, the military, law, and world affairs. Graduates of HBCUs have made great contributions to our society, and America, and they continue to serve as role models for all Americans.

As a graduate of Texas Southern University, I understand the vital importance that Historically Black Colleges and Universities play in the advancement of minority education and empowerment. I will continue to work with my colleagues in preserving the educational institutions that have given knowledge and hope to so many minorities for so many years.

Madam Speaker, I urge my colleagues to join me in recognizing the importance of National Historically Black Colleges and Universities Week.

IN HONOR OF THE TOWERS AT WILLIAMS SQUARE WINNING THE 2007 INTERNATIONAL TOBY AWARD

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. SESSIONS. Madam Speaker, I rise today to congratulate Cousins Properties, TIAA Realty, and the Towers at Williams Square for winning the coveted 2007 International The Office Building of the Year (TOBY) Award.

The Towers at Williams Square made Dallas Building Owners and Manager Association, BOMA, history as the first local association to win an International TOBY in the over 1 million square feet category. After losing to The Crescent at the local level in 2001, the Towers at Williams Square re-entered in 2007; this time winning at the local and regional levels before advancing to the international competition. The TOBY Award recognizes excellence in building office management and operations worldwide and speaks loudly of the value and contributions that Cousins Properties and TIAA Realty have brought to the Towers at Williams Square and the surrounding local community.

It is home to the "Mustangs of Las Colinas" sculpture and museum and was originally created as the symbolic center of Las Colinas. The Greater Irving—Las Colinas Chamber of Commerce will gather members of the local community to celebrate this prestigious honor that has bestowed on the Towers at Williams Square. Madam Speaker, I ask my esteemed colleagues to join me in congratulating them.

VIETNAM SEEKING TO BECOME NON-PERMANENT MEMBER OF U.N. COUNCIL

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. ROHRABACHER. Madam Speaker, it was very disturbing to learn that the Vietnamese dictatorship is seeking to become a nonpermanent member of the U.N. Council when the 62nd session of the U.N. begins to meet this week. Vietnam's Prime Minister Nguyen Tan Dung is scheduled to address the General Assembly on Thursday.

It is great shame that in 2006 the Bush administration's State Department removed Vietnam from the list of Countries of Particular Concern and gave Vietnam PNTR status, which led to its membership in the WTO. As a result of the Vietnamese dictators achieving everything that they wanted, it was predictable that in early 2007 they would revert to their old tactics. They have again begun broad-scale detention and physical abuse of religious and human rights leaders and the destruction and confiscation of private property.

What role can the United States play to align ourselves with the Vietnamese people who are struggling for their freedom? I agree with Ngai Xuan Nguyen, the overseas representative of the Vietnam Democratic Movement, that our Nation must condition its approval for Vietnam's bid to sit on the Security Council on three requirements:

(1) A definitive improvement in human rights with the release of all political and religious prisoners.

(2) A dramatic show of progress for freedom of speech, freedom of assembly and freedom of the press.

(3) Allowing multiparties as part of the political process.

Last week when I met with Ngai Xuan Nguyen he gave me a list of over 100 names of political and religious prisoners. I wish to submit these names to be printed at this point in the RECORD.

I strongly urge the administration to vigorously pursue these cases. Our country should be a beacon of hope for people who struggle for freedom, democracy and rule of law. Access to cheap Vietnamese labor that will only benefit big business should not be the foundation of our Vietnam policy. The benefits of open markets and free trade will follow free systems. Economic deals with dictators will not lead to the long-term security that we seek from our relations with Asian nations. I am honored to work with people like Ngai Xuan Nguyen and I wish success for all Vietnamese who are struggling for freedom in Vietnam.

LIST OF POLITICAL AND RELIGIOUS PRISONERS STILL DETAINED

1. Le Van Tinh, People Action Party of Vietnam (PAP), Advisory Board member to Unified Buddhist Church, arrested 25/01/95, sentenced to 20 years in Xuan Loc prison, Dong Nai.

2. Nguyen Tuan Nam, PAP, sentenced to 19 years, Xuan Loc prison, Dong Nai Province.

3. Nguyen Van Trai, PAP, sentenced to 16 years, Xuan Loc prison, Dong Nai.

4. Tran Cong Minh, PAP, sentenced to 13 years, Xuan Loc prison, Dong Nai.

5. Le Dong Phuong, PAP, sentenced to 12 years, Xuan Loc prison, Dong Nai.

6. Bui Dang Thuy, PAP, sentenced to 18 years, Xuan Loc prison, Dong Nai.

7. Nguyen Anh Hao, PAP, sentenced to 13 years, Xuan Loc prison, Dong Nai.

8. Nguyen Huu Phu, PAP, sentenced to 10 years, Xuan Loc prison, Dong Nai.

9. Nguyen Van Hau, PAP, sentenced 8 years, Xuan Loc prison, Dong Nai.

10. Vu thi Ngoc An, PAP, sentenced to 8 years, Z30 D prison, Ham Tan.

11. Tran Thi Le Hang, arrested 12/04/07, founder to United Workers and Farmers Association, (UWFA) prison camp B5, Dong Nai.

12. Lawyer Tran Quoc Hien, spokesman to UWFA arrested 12/01/07, sentenced to 5 years, Bo La prison camp, Binh Duong Province.

13. Doan Van Dien, arrested 12/04/07 UWFA, prison camp B5, Dong Nai.

14. Doan Huu Chuong, arrested 12/04/07, UWFA, prison camp B5, Dong Nai.

15. Nguyen Tan Hoanh, arrested 12/04/07, chief to UWFA, prison camp B5 Dong Nai, reportedly missing.

16. Tran Khai Thanh Thuy, temporarily detained, not yet tried.

17. Tran Thi Thuy Trang, temporarily detained, not yet tried.

18. Vu Hoang Hai, temporarily detained, not yet tried

19. Nguyen Ngoc Quang, temporarily detained, not yet tried.

20. Pham Ba Hai, temporarily detained, not yet tried.

21. Rev. Nguyen Van Ly, Catholic priest, sentenced to 8 years (Founder of the Bloc 8406).

22. Nguyen Phong, sentenced to 6 years, Thang Tien Party Progressive Party of Vietnam, PPV), prison camp of Thanh Hoa.

23. Nguyen Binh Thanh, sentenced to 5 years (PPV), prison camp Xuan Loc, Dong Nai.

24. Lawyer Le Thi Cong Nhan, sentenced 4 nam years (member of the Bloc 8406, spokeswoman to the PPV).

25. Lawyer Nguyen Van Dai sentenced to 5 years (member of the Bloc 8406).

26. Dr. Le Nguyen Sang, sentenced 5 years (Chairman of the People's Democratic Party PDP).

27. Lawyer Nguyen Bac Truyen, sentenced 4 years (PDP).

28. Huynh Nguyen Dao, sentenced to 3 years (PDP).

29. Hoang Thi Anh Dao (PPV), probation of 2 years.

30. Luu Van Si, fugitive (UWFA).

31. Truong Quoc Huy, born 22/09/80, arrested 19/610/2005.

32. Ngo Van Ninh 87 years of age, president to Buu Son Ky Huong Buddhist Church, prison camp Xuan Loc, Dong Nai province.

33. Nguyen Si Bang, life sentenced in the Campaign the Red Jacaranda of Hoang Viet Cuong, prison camp Xuan Loc, Dong Nai province.

34. Pham Xuan Than, life sentenced in the Campaign the Red Jacaranda of Hoang Viet Cuong, prison camp Xuan Loc, Dong Nai province.

35. Truong Van Duy, life sentenced, the Campaign the Red Jacaranda of Hoang Viet Cuong, prison camp Xuan Loc, Dong Nai province.

36. Le Kim Hung, the Free Vietnam Organization (FVO), prison camp Xuan Loc, Dong Nai.

37. Ho Long Duc, FVO, sentenced to 20 years, prison camp Xuan Loc, Dong Nai.

38. Nguyen Thanh Van, FVO, prison camp Xuan Loc, Dong Nai province.

39. Nguyen Van Phuong, FVO, prison camp Xuan Loc, Dong Nai province.

40. Nguyen Ngoc Phuong, FVO, prison camp Xuan Loc, Dong Nai province.

41. Nguyen Hoang Giang, FVO, prison camp Xuan Loc, Dong Nai.

42. Nguyen Van Huong, FVO, prison camp Xuan Loc, Dong Nai.

43. Son Nguyen Thanh Dien, FVO, prison camp Xuan Loc, Dong Nai.

44. Nguyen Minh Man, FVO, prison camp Xuan Loc, Dong Nai.

45. Nguyen Van Minh, FVO, prison camp Xuan Loc, Dong Nai.

46. Huynh Buu Chau, FVO, prison camp Xuan Loc, Dong Nai.

47. Huynh Anh Tu, FVO, prison camp Xuan Loc, Dong Nai.

48. Huynh Anh Tri, FVO, prison camp Xuan Loc, Dong Nai.

49. Nguyen Van Than, FVO, prison camp Xuan Loc, Dong Nai.

50. Tran Van Duc, FVO, prison camp Xuan Loc, Dong Nai.

51. Vo Si Cuong, FVO, prison camp Xuan Loc, Dong Nai.

52. Ngo Thanh Son, FVO, prison camp Xuan Loc, Dong Nai.

53. Tran Van Thai, Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.

54. Do Thanh Van (tu Nhan), Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.

55. Dinh Quang Hai, Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.

56. Lam Quang Hai, Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.

57. Nguyen Anh Hao, trai giam Xuan Loc, tinh Dong Nai.

58. To Thanh Hong, Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.

59. Mai Xuan Khanh, trai giam Xuan Loc, tinh Dong Nai.

60. Tran Van Thieng, trai giam Xuan Loc, tinh Dong Nai.

61. Phan Quoc Dung, trai giam Xuan Loc, tinh Dong Nai.

62. Nguyen Van Hoa, trai giam Xuan Loc, tinh Dong Nai.

63. Nguyen Van Chung, trai giam Xuan Loc, tinh Dong Nai.

64. Nguyen Sinh Nhat, trai giam Xuan Loc, tinh Dong Nai.

65. Bui Re, trai giam Xuan Loc, tinh Dong Nai.

66. Nguyen Huu Cau, trai giam Xuan Loc, tinh Dong Nai.

67. Le Thi Hang (Dang Thang Tien Party) sentenced to 18 months of probation.

68. Nguyen van Ngoc, Dong Nai, temporarily detained, not yet tried.

69. Ho Thi Bich Khuong, arrested in Nam Dan district, Nghe an province.

70. Hang Tan Phat, arrested 20/10/06 in Nha Trang.

71. Le Trung Hieu, temporarily detained, not yet tried.

72. Ngo Luot, victim of unjustly expropriated properties, Phan Thiet, Binh Thuan province, arrested 03/08/07.

THE LIST OF MEMBERS OF HOA HAO BUDDHIST CHURCH IN PRISON

1. Bui Tan Nha, executive member of Hoa Hao Buddhist Church, arrested 13/07/97, life sentenced, Xuan Loc prison camp.

2. Nguyen Van Dien, Resident Monk, Vice Chief to UWFA, arrested 05/08/05 sentenced to 7 years, Xuan Loc prison camp.

3. Vo Van Buu, chief to Youth of Hoa Hao Buddhist Church, arrested 05/08/05 sentenced to 6 years, Xuan Loc prison camp.

4. Mai thi Dung, chief of Women Association of Cho Moi district, An Giang province, arrested 05/08/05, sentenced to 5 years, Vinh Long prison camp.

5. Vo Van Thanh Liem, resident monk to Quang Minh Tu, An Giang, arrested 05/08/05, sentenced to 7 years, Xuan Loc prison camp.

6. Nguyen Thanh Phong, Young Men's Association to Hoa Hao Buddhist Church, Cho Moi District, Giang Province, arrested 05/08/05, sentenced to 6 years, Vinh Long prison camp.

7. Nguyen Thi Ha, Member of Women's Association of Hoa Hao Buddhist Church, Cho Moi district, An Giang province, arrested 05/08/07, sentenced to 5 years, Vinh Long prison camp.

8. To Van Manh, resident believer practising at home to Hoa Hao Buddhist Church, arrested 05/08/07, sentenced to 6 years, Xuan Loc prison camp.

9. Vo Van Thanh Long, resident believer practising at home to Hoa Hao Buddhist Church, arrested 05/08/07, sentenced 5 years, Xuan Loc prison camp.

10. Nguyen Van Thuy, resident Monk, chief of Youth of Hoa Hao Buddhist Church, Vinh Long province, arrested 22/04/06, sentenced to 5 years in prison.

11. Nguyen Van Tho, president to executive board of Hoa Hao Buddhist Church, Dong Thap province, arrested 02/10/06, sentenced 6 years, Dong Thap prison camp.

12. Duong Thi Tron, resident believer of Hoa Hao Buddhist Church (HHBC), arrested 13/10/2006, sentenced to 4 years, Cao Lanh prison camp.

14. Le van Soc, vice chief exec board to HHBC, Vinh Long province, arrested 04/11/2006, sentenced 6 years.

15. Nguyen Van Tho, sentenced to 4 years in prison.

16. Nguyen Thi Thanh, Tuy Hoa, Phu Yen province, arrested 05/08/06, prison camp Vinh Long.

17. Le Minh Triet, resident Monk of Hoa Hao Buddist Church, after kept in prison 8 years ago, now continues under house arrest 24 months by the people's committee of An Giang Province.

THE LIST OF PERSECUTED MEMBERS OF THE VIETNAMESE PEOPLE'S EVANGELICAL FELLOWSHIP (VPEF)

Hiep Hoi Thong Cong Tin Lanh Cac Dan Toc Vietnam

THE LIST OF THE DEAD PRISONERS WITHIN 2 YEARS TO NOW IN THE PRISON CAMP OF XUAN LOC, DONG NAI PROVINCE; TOTAL: 11 DEAD PEOPLE

1. Ly Nhurt Thanh, Dang Nhan Dan Hanh Dong, People Action Party of Vietnam (PAP).

2. Ngo Minh Tuan, Dang Nhan Dan Hanh Dong (PAP).

3. Ho Quoc Dung, Dang Nhan Dan Hanh Dong (PAP).

4. Hoa Van Xuan, Dang Nhan Dan Hanh Dong (PAP).

5. Nguyen Van Binh, Dang Nhan Dan Hanh Dong (PAP).

6. Son Tam, To chuc Viet Nam Tu Do, The Free Vietnam Organization (FVO).

7. Nguyen-Van-Ha, To chuc Viet Nam Tu Do (FVO).

8. Pham Minh Tuan, To chuc Viet Nam Tu Do (FVO).

9. Nguyen Van Chien, To chuc trong nuoc, Domestic Organization (DO).

10. Nguyen Minh Tan, To chuc trong nuoc (DO).

11. Phan Van Truoc, To chuc trong nuoc (DO).

LIST OF MENNONITE MEMBERS/CHRISTIANS JAILED UNTIL NOW (17/08/07)

1. Pastor K'soTiNo arrested 14/05/2005 sentenced to 7 jail term, prison camp Nam Ha Bac Viet. Alleged of "undoing national unity." Tribal of Ja ra (Pleiku).

2. Evangelist A Ka, tribal of H'lang, Kon Tum, arrested 04/01/2007 detained in Binh Dinh, sentenced to 2 years, alleged of "undoing national unity" (PHCSDKDT).

3. Evangelist: Y Brek, tribal of Ja Rai, Gia Lai. Arrested 04/2004. Sentenced to 7 years; alleged of "undoing national unity." Prison camp Nam Ha.

4. Evangelist A aoh, tribal of Ja Rai, Kon Tum, arrested 04/2005, sentenced to 7 years, jailed in Nam ha prison camp, alleged of "undoing national unity."

5. Pastor Ra Lan Chel, tribal of Ja Rai, Gia Lai province, arrested 07/2006. alleged of "disturbing security"; being jailed in Ma drak, Daklak. No trial, no sentence according to VN's Resolution 31/ND-CP.

6. Evangelist A chu, tribal of Ja Rai, Kon Tum province, arrested 04/2004; sentenced to 3 years; prison camp Phui Yen.

7. Evangelist A Ja roong tribal Ja Rai, Kon Tum; arrested in 2001; deranged. in 2003; released then re-arrested for arson; and De Gar connection; sentenced to 4 years in prison.

8. Evangelist A Phuong, tribal of Ja Rai, province Kon Tum; arrested 04/2005; sentenced to 3 years in prison camp T20, Gia Lai. Alleged of "undoing national unity."

9. Evangelist Doan van Dien, village Phu Ngoc, Dong Nai, arrested 10/2006; prison camp B5, Dong Nai. Not yet tried. Alleged of "against the socialist regime."

10. Assistant Doan Huy Chuong arrested 10/2006, not yet tried, jailed in prison camp B5 Dong Nai province, alleged of "against the socialist regime."

11. Assistant Nguyen Thi le Hang, of Phuoc Son, Ninh Thuan, arrested 10/2006, alleged of "against the socialist regime"; not yet tried; being jailed in prison camp B5, Dong Nai.

12. Pastor Nguyen Van Dai, legal commissioner of the church, arrested 03/2007; alleged of "propaganda of against the socialist regime"; sentenced to 5 years.

All of the above so-called allegations are of forced depositions, or fabrications; there are some missing or who died after being released from the prison camps; or were interrogated by the police; released, after that died of unknown sudden deaths, no known causes, no examinations; or were killed and fabricated as suicides!

Mennonite Office, 17/8/2007, (President) Pastor: Nguyen Hong Quang.

Note: In this list, some persons to be Religion while participate Democracy Movement were kept in Prison. So, having the same name as follows: 1. Ong Doan Van Dien. 2. Doan Huy Chuong. 3. Nguyen Thi Le Hang. 4. Nguyen Van Dai.

CONGRATULATING THE DENTON ACME BRICK PLANT FOR THE CREATION OF THE WORLD'S LARGEST BRICK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Denton Acme Brick plant for creating what could be the world's largest brick.

The 6,400-pound brick was created in honor of the company's 116th anniversary. Crews began creating a replica 3,000 times larger than an original brick on December 12, 2005. The process took 18 months from start to finish.

The brick was built using 99 percent Denton-area clay and 1 percent combination of other materials. The employees have lovingly named the brick "Baby Clay". The brick will be transported to several Acme locations throughout the company to be on display for employees. It will then return to Denton and be put on public display.

Acme Brick hopes to obtain the "world's largest" brick recognition from the Guinness World Records. Currently, there is no recognition for such a record. It will take 4 to 6 weeks for the Guinness employees to validate or reject Acme's claim.

I extend my sincere congratulations to the Denton Acme Brick Plant and the creation of "Baby Clay". Also congratulations to the Acme Company in celebrating 116 years of service.

TAINTED IMPORTS

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. BARROW. Madam Speaker, I rise today because I haven't been able to open up a newspaper in the last few months without reading about another product coming into this country from overseas that is tainted, poisonous, or dangerous in some major way.

Tainted pet food, counterfeit alcohol, poisonous toothpaste, children's toys with lead paint . . . the list goes on and on.

Frankly, I'm tired of hearing about these dangers only when it's too late to do anything about them without spending valuable time and resources to fix the problem. We need to do a better job of ensuring the safety of these imported products across the board.

As a father and a consumer, I hope that in the coming weeks we'll devote the time necessary to figuring out how to identify these problems. We need to act before we read about more recalls or worse—when someone gets physically ill because of lax regulations or enforcement. We have a duty to ensure that the stream of commerce isn't polluted.

TAX FREE TIPS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. PAUL. Madam Speaker, I rise to help millions of working Americans by introducing the Tax Free Tips Act. As the title suggests, this legislation makes tips exempt from federal income and payroll taxes. Tips often compose a substantial portion of the earnings of waiters, waitresses, and other service-sector employees. However, unlike regular wages, a service-sector employee usually has no guarantee of, or legal right to, a tip. Instead, the amount of a tip usually depends on how well an employee satisfies a client. Since the amount of taxes one pays increases along with the size of tip, taxing tips punishes workers for doing a superior job!

Many service-sector employers are young people trying to make money to pay for their education, or single parents struggling to provide for their children. Oftentimes, these workers work 2 jobs in hopes of making a better life for themselves and their families. The Tax Free Tips Act gives these hard-working Americans an immediate pay raise. People may use this pay raise to devote more resources to their children's, or their own, education, or to save for a home, retirement, or to start their own businesses.

Helping Americans improve themselves by reducing their taxes will make our country stronger. I, therefore, hope all my colleagues will join me in cosponsoring the Tax Free Tips Act.

HOUSE OF REPRESENTATIVES—*Wednesday, September 26, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You alone can trace the deepest fault lines of history and read the highest aspirations of the human heart.

We pray You, O Lord, to be with the Members of the House of Representatives today. Give them sound judgment and make them as practical and "street wise" as the American people who sent them here as their representatives.

Help them to withstand open criticism when they know what is right before You and conscience. Often they are characterized by half-truths and attributed motives that are far beneath them. Uphold them at such times, with personal integrity and compassion for those most in need. Having called them to serve others to the best of their ability, lift them even higher by Your grace and power to live and work for the greater glory of God, both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. RICHARDSON) come forward and lead the House in the Pledge of Allegiance.

Ms. RICHARDSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

FUNDING FOR SCHIP VERSUS FUNDING FOR IRAQ

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, yesterday this House made the historic step of reauthorizing the Children's Health Insurance Program, known as SCHIP, so we can give 10 million low-income children health care. This plan not only ensures current enrollees do not lose coverage, but it will help cover 3 million additional children in low-income families who are currently eligible for the program but not yet enrolled.

Unfortunately, President Bush has threatened to veto the bill over and over. He instead supports his own plan which would actually result in thousands of low-income kids losing their health care coverage, according to the nonpartisan Congressional Budget Office.

It is also important to mention that the plan we passed is fully paid for. This is in stark contrast to the over $400 billion that the President has already asked the taxpayers to spend in Iraq. In fact, for the cost of just over 3 months in Iraq, we could insure these 10 million children for 5 years without adding to our Nation's debt.

Madam Speaker, it is time for the President to reconsider his ill-advised veto threat and pledge to protect health coverage for America's children in need.

EARMARK IN SCHIP BILL

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, yesterday the House passed a SCHIP bill that makes a mockery of the earmark rules. An already seriously flawed bill got worse when it became clear that we would be voting on a bill that had been given a sham earmark certification. Quite simply, this bill contained an earmark, despite receiving the earmark-free designation by the House Rules Committee.

The House rules are clear. If a bill has earmarks, it must be identified accordingly. But, somehow, the Democrat majority shoehorned money for specific health care facilities into yesterday's SCHIP legislation and slipped it through committee.

I don't doubt there are medical facilities that need funding, but not funding that bends the rules. Are the American people supposed to take proclamations about new ethical standards seriously? If anything, we are witnessing a new atmosphere of hypocrisy, a charade of openness that veils a status quo rife with secret earmark spending.

This is not the way this House should do business. Let's get back to doing business the way the American people want, without secret earmark spending and with accountability for every dollar in every piece of legislation.

SCHIP

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, yesterday this House passed a conference committee report on SCHIP that will give health care for over 4 million children, something we long should have done.

Forty Members of the Republican Party joined with us, but many Members of the Republican Party, just like the previous speaker, sensed that something was wrong with the bill because it was, quote-unquote, an earmark. That alleged earmark, not really an earmark, was in my district. It says that the States of Mississippi and Arkansas can pay for the health care that their people receive at the Charity Hospital in the City of Memphis, Tennessee that is losing $20 million a year and more treating people from Mississippi and Arkansas who are indigent.

That is not an earmark. That is allowing a State the option to pay for care received by their citizens that they otherwise wouldn't receive and that another county taxpayer group or city people are paying for. It is equity. It is long due. It wasn't an earmark. And I hope my colleagues will refrain from continuing to refer to this in such a way. It is a calumny that shouldn't be repeated on this House floor.

Mr. Speaker, I thank this House for passing that conference committee report and correcting an inequity in health care.

CIRCULAR FUNDRAISING

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, among the many downsides of earmarking and one that we rarely talk about on the House floor is the practice of circular fundraising. Campaign donations are given to Members, Members secure earmarks benefiting their contributors, and contributors in turn are able to give Members more donations. This cycle is repeated over and over and over.

Unfortunately, this is a bipartisan practice. The media has reported on many such arrangements for Members on both sides of the aisle. Legal issues aside, circular fundraising does not pass the smell test.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Whether it is fair or not, the crimes of a few of our former colleagues have cast suspicion over us all. Continued rampant fundraising is simply not worth the trust it costs us with our constituents. I think that most of us had higher aspirations when we came here than groveling for crumbs that fall from the appropriators' table. I hope that we as Members of Congress will finally decide that enough is enough.

DEMOCRATIC CONGRESS

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute.)

Ms. RICHARDSON. Mr. Speaker, the Democratic Congress has a strong record of delivering our promises, real meaningful change, fiscally responsible ways, and instituting a pay-as-you-go policy and doing it in a deficit reduction, disciplined way.

Our Democratic Congress, the majority that we have, has passed three significant things:

Number one, we passed legislation last month that instituted the 9/11 Commission recommendations that would improve communications with first responders and would ensure 100 percent screening of airline and seaborne cargo.

Number two, we established historic energy independence that would reduce our Nation's dependency on foreign oil.

And, number three, this Democratic House, we have made sure to invest in over 3,000 new Border Patrol agents as well as 50,000 new police officers.

Mr. Speaker, these are just a few examples of how our Democratic Congress majority has taken America in a new direction.

GIVE ILLEGALS A PACKAGE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, two delivery services, UPS and FedEx, take a package and deliver it for a customer anywhere in a world in just a handful of days. Amazingly, a customer can even track one of those 23 million packages on the Internet and know exactly where it is on any given day. Maybe the Federal Government could learn something here.

The Federal Government doesn't seem to even know where 20 million illegals are in this country, much less track their whereabouts. A good example of how private industry works and the Federal Government does not.

Anyway, it has been suggested that the way to solve the case of the missing illegals is to give every illegal that crosses into the United States a FedEx or UPS package. The package could contain items for their stay illegally in the United States. Then we could record when people enter the U.S. and know where they are at any given time.

Mr. Speaker, it is a disgrace that the Federal Government can't handle border security any better than it does. The Feds owe it to the American citizens to come up with ways to stop the flow of illegals into the United States.

And that's just the way it is.

HOUSE DEMOCRATS ARE MEETING AMERICA'S PRIORITIES IN A FISCALLY RESPONSIBLE MANNER

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, the new Democratic Congress is taking our Nation in a new direction by putting the needs of the American people first and making long delayed investments in our future.

Over the summer, the House passed every single one of its appropriations bills for the upcoming year. Our appropriation priorities will better protect the Nation against terrorism by including 3,500 more firefighting grants and better protect our neighborhoods against violent crime by investing in 12,000 new police officers.

We also invest in community health centers so that they can provide essential health care services to more than 1 million additional Americans. We beefed up cancer and other lifesaving medical research so that we can continue to look for cures for these devastating diseases.

And we make the largest investment in veterans health care funding in the history of the Veterans Administration, ensuring that our veterans get the health care they are entitled to.

Mr. Speaker, we once again invest in priorities that were neglected by the old Republican Congress, and we do it in a fiscally responsible way following pay-as-you-go policies that will lead us to no new deficit spending.

□ 1015

GREATER FISCAL RESPONSIBILITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to promote the congressional duty to be good stewards of the American taxpayers' money. The American people deserve government that is transparent and open when spending money.

Republicans enjoyed a tremendous victory for American families earlier this year when we passed a smart earmark reform policy for spending bills. But we need to ensure that earmarks put in all legislation receive the same amount of scrutiny. That is why I call on Members of this Chamber to join over 160 of our colleagues in signing a discharge petition to force a vote on a resolution that will enforce an open and honest earmark policy on all legislation that comes before this body.

I hope that my colleagues on both sides of the aisle will join us in standing up for the American taxpayer.

In conclusion, God bless our troops, and we will never forget September the 11th.

CHILDREN'S HEALTH INSURANCE PROGRAM

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, at long last, after months of debate, negotiation and compromise, the House and the Senate have come to agreement on a children's health reauthorization that's going to extend health care coverage to 10 million children in this country. And last night, I'm proud to be 1 of 265 Members of this House that supported that legislation and voted to send that bill to the President.

This is bipartisan legislation. We have agreement with both the House and the Senate, but unfortunately, the House does not have the votes to override the veto at this time.

I'm asking my Republican colleagues, please consider the 10 million children that are going to lose access to health care coverage if this bill is not passed, if the veto is not overridden. We must override this veto. These are working families that play hard, that work hard and play by the rules, and we have to find a way to ensure their children.

COLUMBIA UNIVERSITY HYPOCRISY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Columbia University defended the Iranian President's speech by invoking the right to free speech and speaking about open exchange of ideas.

None of what he said on Monday could be construed as such. He dodged questions about his Holocaust denial. He ignored questions about his country's role in the death of American soldiers in Iraq.

This same university does not allow our military's ROTC program on campus because they believe the military's "don't ask, don't tell policy" is discriminatory toward homosexuals.

But if Columbia is that concerned about defending homosexuals, why did they let this dictator on campus? His regime doesn't discriminate against gays; it executes them. More than 400 homosexuals so far executed like this.

Columbia University provided Mr. Ahmadinejad a sense of legitimacy and a forum that he will no doubt use to his advantage at home and abroad.

It is unfortunate they don't provide the same to the fine young men and women of our armed services.

HOUSE RULES ON TAX RATE INCREASES

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I'm honored to serve as chairman of the Select Revenue Measures Subcommittee. That subcommittee reviews tax legislation that has been referred to the Ways and Means Committee. We take this responsibility most seriously. Raising or lowering the tax burden on families and businesses has a real impact, both on those individuals and on the economy.

I was concerned when I heard debate last week suggesting that the House had changed our procedural rules for considering tax increases. The gentleman from Georgia (Mr. PRICE) mistakenly stated that the House rules no longer require a supermajority for tax rate increases.

The House rules on this subject are exactly the same as they were under the last Congress. The rule was written by the Republican majority back in 1997 and has remained unchanged.

I simply wanted to ensure that the record was entirely clear on this subject.

TRIBUTE TO ARMY SPECIALIST CHRISTIAN M. NEFF

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, I rise today to honor the life of a brave young soldier and one of America's fallen heroes, Army Specialist Christian M. Neff.

Chris attended middle and high school in the Shawnee District before graduating from the Apollo Career Center in Lima, Ohio. He's remembered by many as a quiet man, but one with the ability to make people smile; someone who earned people's respect and led by example.

Christian Neff died on Wednesday, September 19 in Iraq while serving America in Operation Iraqi Freedom. Age 19, he is survived by a loving family and friends in Allen County and beyond.

In reading of Christian's life and speaking with his mother, I was touched by the dramatic impact he had on the lives of so many.

A young man of deep faith, Chris stood up and volunteered to serve his country. He fought to promote freedom. He gave his life in defense of his family, his community, his State and his Nation. For this, each and every American owes him and his family a great debt of gratitude.

Christian will be deeply missed. But the strength of his character and the courage he demonstrated through his service will live on.

WELCOMING THE STUDENTS FROM CHRIST THE KING SCHOOL IN TOLEDO, OHIO

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, I join with my colleague, Mr. JORDAN, in extending deepest sympathy to the family of Specialist Neff, and thank him for his valorous service to our Nation.

At the same time, today I would like to welcome to our Chamber and ask my colleagues to join me in welcoming the students from Christ the King School in Toledo, Ohio, 57 strong, who are here today, the future leaders of our country. We have sitting there future teachers, future astronauts, future Members of this House, future doctors, future military leaders, future librarians, future priests, future leaders in every sector. I'm just so pleased that they were able to visit our Nation's Capitol today. To see their enthusiasm and to know that America will be placed in their hands in a very short while gives me great hope for this 21st century. I know they will lead America to years of greater progress, greater opportunity and greater waves of peace for the people of our Nation and the people of the world. I'm so happy that they could visit today.

DEMOCRATIC MAJORITY SAYS "NOT GUILTY"

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, with O.J. Simpson back in the news, House leadership has decided to take one of his famous lines and use it to escape responsibility for a multitude of massive, budget-busting spending bills that they are trying to pass.

Raising taxes nationwide by $400 billion, including an on-average $3,000 per tax increase per American citizen? The Democrat majority says, "not guilty."

Withholding the passage of veterans health care bills for political purposes? The majority again says, "not guilty."

Granting illegal immigrants health care benefits and taking Medicare Advantage benefits away from our seniors and putting them in waiting lines for wheelchairs? The House leadership pleads "not guilty."

Well, sorry majority party. The American people are tired of your wasteful spending, and they will not acquit. This Congress needs to instill fiscal discipline and balance the budget so our families can build a better, brighter future.

DRIVER'S LICENSES FOR ILLEGAL IMMIGRANTS

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUHL of New York. Mr. Speaker, on Friday of this past week, New York's Governor, Eliot Spitzer, announced his immigration policy, which allows immigrants, including those entering the country illegally, to obtain driver's licenses. This decision solidifies the need for more aggressive immigration legislation in these United States.

Why are we rewarding the people who are coming here illegally at the expense of others who are law-abiding citizens?

Inviting potential terrorists into the State and allowing them to drive whenever they wish undermines the preventive measures that protect our country from national security threats.

Let's not forget that September 11, 2001, hijackers had at least 35 licenses which helped them to rent cars and open bank accounts.

In addition, it will wreak havoc on our social services programs and create a massive flooding of illegal immigrants to New York State, straining our resources in our schools and our hospitals.

We need real immigration legislation that strengthens our borders and does not diminish our national security by granting more privileges to those who have entered this country illegally.

PROVIDING FOR CONSIDERATION OF H.R. 2693, POPCORN WORKERS LUNG DISEASE PREVENTION ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 678 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 678

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2693 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. HOLDEN). The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 678.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, House Resolution 678 provides for consideration of H.R. 2693, the Popcorn Workers Lung Disease Prevention Act, under a structured rule.

The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

The rule makes in order the Committee on Education and Labor amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The rule makes in order the two amendments that were submitted to the Rules Committee and are printed in the Rules report.

Mr. Speaker, I rise today in favor of the rule and in favor of H.R. 2693, the Popcorn Workers Lung Disease Prevention Act.

The central Ohio town of Marion is located about two hours from my hometown of Barberton, Ohio. Marion has the unique distinction of being known as the "Popcorn Capital of the World." Just this month, the town of Marion hosted its yearly popcorn festival, complete with a popcorn scholarship pageant, parade and 5K run.

Unfortunately, these fun-filled festivities are not the only symbols of Marion's popcorn industry. It was recently discovered that a chemical used in the production of microwave popcorn is the cause of fatal lung disease in popcorn workers across the country, including the Popcorn Capital of the World, Marion Ohio.

Diacetyl is a chemical ingredient used in microwave popcorn that gives the popcorn a distinct buttery smell.

□ 1030

Diacetyl has been linked to illnesses in hundreds of workers in popcorn and other food production facilities across the United States. Diacetyl is specifically connected to a lung disease called bronchiolitis obliterans. This condition makes it difficult for air to flow out of the lungs. This difficulty is not reversible, and it is sometimes fatal.

In November of 2000, the National Institute for Occupational Safety and Health conducted voluntary tests of workers at a popcorn plant in Missouri. The workers in that plant suffered from chronic cough and shortness of breath almost 3 times as often as people in the general population. Those plant workers are over 3 times more likely to suffer from abnormally low airflow through their lungs. The percentage of workers in the popcorn plant with asthma or chronic bronchitis was double the national rate. Several workers from this plant in Missouri had conditions that were so severe that they had to be placed on the lung transplant list.

Remarkably, Mr. Speaker, despite these reports from the Missouri popcorn plant and other plants across the country, there are currently no enforceable OSHA standards requiring exposure to diacetyl to be controlled.

It has been 7 years since the first cases of popcorn lung were identified. It has been 5 years since the National Institute for Occupational Safety and Health published its first report stating the inhalation of diacetyl was leading to deadly results. There is simply no excuse for the lack of action taken by OSHA in the face of this evidence. OSHA has failed to uphold its primary charge to protect the safety and health of American workers.

Mr. Speaker, this legislation fills that fatal void by protecting workers from this damaging chemical. The Popcorn Workers Lung Disease Prevention Act directs the Secretary of Labor to create standards for workers' exposure to diacetyl in popcorn plants and in any location where diacetyl is used or manufactured. Our legislation requires that final rules for exposure to diacetyl be in place under the Occupational Safety and Health Act no later than 2 years after the bill is enacted.

For the popcorn workers of Marion, Ohio, things are starting to look up. The popcorn factories in their town have eliminated the use of diacetyl because of its linkage to the fatal lung conditions. They have done the right thing.

But not every production facility that uses diacetyl has recognized the danger. In fact, on Monday of this week, one of America's largest food manufacturers introduced their new toasted butter flavoring. What is one of the ingredients in this new butter flavoring? Diacetyl.

Mr. Speaker, it is clear that some food manufacturers have gotten the message, but some are going to continue to ignore the science and put their workers in harm's way. Over 500 workers in Ohio are already suffering because of uncontrolled exposure to diacetyl.

Today, we act to protect our food industry workers from these harmful chemicals and dangerous conditions. We stand up for workers and their families. This legislation is not just about the conditions in food manufacturing plants across this country. It's about changing the way we treat working men and women. It's about respecting the risks that they undertake every day to feed their family. The hardworking people who make our world turn deserve safe working conditions, a living wage, and strong support from Congress.

I ask my colleagues to join me in supporting this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentlewoman from Ohio (Ms. SUTTON), for the time, and I yield myself such time as I may consume.

H.R. 2693, the underlying legislation that is being brought to the floor today, directs the Secretary of Labor to establish an interim standard regulating worker exposure to diacetyl that applies to flavor manufacturers as well as all microwave popcorn production and packaging establishments that use diacetyl.

Diacetyl is a chemical found in trace amounts in nature and can be found in such foods and beverages as beer and wine and some forms of chicken. The compound is also used in the production of the artificial butter flavoring in microwave popcorn. Since 2000, several organizations, including the NIOSH, the OSHA, have raised concerns regarding health effects of diacetyl on workers in manufacturing plants that use the chemical.

Mr. Speaker, we all want to make sure that our workers are able to work in a safe environment. We also want to make certain that the policy that we enact is best for workers. We certainly want to make sure that in the end it doesn't harm them more. That's why a significant number of Members on our side of the aisle are concerned that this legislation may be premature.

I just received a letter from the American Bakers Association, which I will submit for the RECORD. Its president, the American Bakers Association president, says, "On behalf of the American Bakers Association, I am writing to express our opposition to the Popcorn Workers Lung Disease Prevention Act, which the House of Representatives is expected to consider this week. Passage of the legislation "would significantly short circuit the appropriate regulatory process by mandating that OSHA implement a regulation, including a permissible exposure limit, PEL, applicable to all sectors of the food industry, and based on limited scientific data."

Mr. Speaker, even though OSHA has raised concerns about diacetyl, the agency itself has also said, "At this time, insufficient data exists on which to base workplace exposure standards or recommend exposure limits for butter flavorings."

So we believe that it is important to give OSHA time to complete a scientific study of diacetyl exposure or to issue a recommended exposure limit for the use of that chemical. Without a complete study, Congress may push manufacturers to use different chemicals that could be even more directly responsible for diseases.

Yesterday, the minority in the Rules Committee offered an amendment to the rule to allow for an open rule so that any Member who wished to bring forth amendments, ideas for legislative changes would have the opportunity to do so. Especially after listening to the commencement of this debate and if they have some expertise or perhaps they are in touch with some people with expertise, Members could bring forth amendments to improve this legislation. That is what we sought in the Rules Committee, and we offered an amendment to the rule to allow for an open rule.

The majority voted down an open rule on a party-line vote. We think it's unfortunate that the majority did not want to consider this bill under an open rule. Now, considering that only two amendments were submitted to the Rules Committee prior to consideration, I really do not believe that we would have faced an avalanche of amendments. But the reason that it would have been important is that any of our Members and/or their staffs, listening to the commencement of this debate, if they have expertise, they could bring that expertise forth in the form of ideas, legislative ideas, amendments, for improving this legislation. Unfortunately, that will not be possible because the majority in the Rules Committee shut down debate, did not allow that open rule.

I think an open rule would have been an easy lift on this legislation. Instead, we have this structured rule. So it is a missed opportunity, Mr. Speaker.

If the majority would have offered an open rule, as a matter of fact, they would have doubled the number of open rules for this session on nonappropriation bills, because they have only brought forth one. So they had an opportunity to double the amount of open rules. It would have been an easy lift. So an unfortunate opportunity was missed.

The material previously referred to is as follows:

AMERICAN BAKERS ASSOCIATION,
Washington, DC, September 25, 2007.

Hon. HOWARD MCKEON,
House of Representatives,
Washington, DC.

DEAR MR. MCKEON: On behalf of the American Bakers Association (ABA), I am writing to express our opposition to H.R. 2693, "the Popcorn Workers Lung Disease Prevention Act," which the House of Representatives is expected to consider this week. Passage of H.R. 2693 would significantly short circuit the appropriate regulatory process by mandating that the Occupational Safety and Health Administration (OSHA) implement a regulation, including a Permissible Exposure Limit (PEL), applicable to all sectors of the food industry, and based on limited scientific data. For over 100 years, the ABA has represented the interests of the wholesale baking industry and its suppliers—companies that work together to provide over 80 percent of the wholesome and nutritious bakery products purchased by American consumers.

The American Bakers Association prides itself on our long history of assisting baking companies to stay ahead of the curve on safety and health in the workplace. Our Safety Committee provides tremendous leadership on safety and health policy issues. We are committed to keeping our workers safe and support science-based standards and regulations. The ABA is aware of recent data from the National Institute for Occupational Safety and Health (NIOSH) regarding the use of diacetyl in popcorn manufacturing and the flavor manufacturing industry. We also understand the severity of the health effects that have been demonstrated in a limited number of cases. However, we strongly believe that the recent NIOSH data does not accurately reflect the use of diacetyl in other sectors of the food industry, such as baking. Differences exist in the food processing industry, the concentrations of diacetyl used, and the existing controls in place.

Mandating specific requirements that OSHA must include in a diacetyl standard sets a precedent that should be avoided. Congress's role as set forth in the OSH Act of 1970 is to "assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources." However, it is the role of the Department of Labor to use its expertise for implementing regulations. For Congress to specify the applicable requirements of a "final standard" would bypass inappropriately the mechanisms and tests established under the OSH Act. Expedited regulation, even if directed by Congress, would rest on very limited scientific evidence and would represent rushed and inappropriate legislative and Agency action.

Further H.R. 2693 does not address the carefully developed procedures for rulemaking that Congress and the courts have put in place under the Administrative Procedures Act (APA), including provisions designed to protect small businesses. Finally, on September 24, 2007 OSHA announced its intent to move forward with a rulemaking on diacetyl. This rulemaking process should be allowed to move forward as it includes the appropriate procedural safeguards.

ABA respectfully urges you to oppose this legislation and allow the regulatory procedures designed to protect the interests of small businesses to guide OSHA in developing a standard.

Sincerely,

ROBB MACKIE,
President and CEO.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, at this time, I am happy to yield 4 minutes to the gentlewoman from Connecticut, the chairwoman of the Agriculture Appropriations Subcommittee (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today in strong support of this rule to allow the House to consider the Popcorn Workers Lung Disease Prevention Act. This is important legislation. It would require the Occupational Safety and Health Administration to issue a standard to minimize worker exposure to diacetyl, which is an artificial butter flavoring chemical that has been linked to irreversible, deadly lung disease known as "popcorn lung." By passing this rule and bill, we meet our obligation to protect thousands of American workers and ensure the public health.

More than 7 years ago, a physician contacted the Missouri Department of Health and Senior Services to report eight cases of fixed obstructive lung diseases, bronchiolitis obliterans, also known as "popcorn lung," in workers from a Missouri microwave popcorn plant. Follow-up investigations by the National Institute for Occupational Safety and Health found diacetyl to have caused the lung disease. Since that time, cases of popcorn lung have been identified in microwave popcorn workers in several States: Missouri, Iowa, Ohio, New Jersey, and Illinois. In all, NIOSH conducted six investigations at 10 microwave popcorn facilities, finding respiratory impairment among workers at a majority of the plants.

The science on this chemical's danger is clear. Beyond the NIOSH investigations, the Centers for Disease Control and Prevention called for health care providers to report additional suspected cases of respiratory disease in workers exposed to food-flavoring chemicals.

That was 5 years ago. This past April, the CDC again recommended that employers implement safety measures to minimize worker exposures to flavoring chemicals such as diacetyl.

When I asked Secretary of Labor, Elaine Chao, during an appropriations budget hearing why OSHA was dragging its feet on issuing an "emergency temporary standard," she responded, "This is a difficult evaluation because of the relative lack of specific scientific information concerning the health effects of diacetyl and other butter flavoring chemicals." Indeed, we should not be too surprised by the fact that, even after all these years, OSHA has failed to issue a standard to protect workers from exposure to diacetyl, preferring to rely instead on voluntary efforts.

The science is there. Scientists have called diacetyl's effect on workers' lungs "astonishingly grotesque." They likened it to "inhaling acid." Workers who are exposed to diacetyl today cannot afford to wait. This legislation would require engineering controls, respiratory protection, exposure monitoring, medical surveillance, and worker training. It would also apply to popcorn manufacturing and packaging as well as to the food flavorings industry.

Let me just tell you what the industry has done. ConAgra Foods and Pop Weaver, two major producers of microwave popcorn, have already announced that they will no longer used diacetyl to flavor their microwave popcorn because they understand it. They see the science and know that we have to act.

□ 1045

We have a responsibility in this body to both consumers and to workers. Yesterday, however, Kraft Foods announced a new toasted butter flavor which contains diacetyl; in fact, Kraft Company flavorist, Susan Parker, told reporters, "To some customers diacetyl is not an issue; to others, it is. We're moving forward to formulating solutions to meet customer need." But what Kraft fails to realize and fails to mention is that diacetyl is an issue for all workers. This much we know, and that is why we need this legislation.

I urge my colleagues to support this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman or sponsor of a bill, joint resolution, conference report or manager's amendment includes either a list of earmarks contained in the bill or report or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress. However, under the rule, as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule.

This amendment will restore the accountability and enforceability of the earmark rule to where it was at the end of the 109th Congress to provide Members with an opportunity to bring the question of earmarks before the House for a vote.

Last year, the distinguished new Speaker said that if she would become Speaker, she would require all earmarks to be publicly disclosed and would "put it in writing." However, the new majority is falling quite short of the promise. Certainly this week, this is the second rule we are considering this week, and the second time the majority has disregarded earmark transparency. That's 0 for 2 this week, not a good week for transparency. Certainly it could be said it's a good week for hidden earmarks.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, let me begin with a point of clarification; the earmark rule was not waived. And to the question about whether this bill today is premature, I would argue that it's not premature for the 500 workers in Ohio and those across this country who are now suffering from this irreversible disease.

I have heard the workers' stories from the Ohio popcorn plants. I have heard the story of a worker who worked 12-hour shifts in the popcorn factory outside of Marion, Ohio. His job was to mix the flavors, measuring and dumping butter-flavored powders and pastes into the vats of soybean oil. Now, Mr. Speaker, he is so crippled from breathing the vapors in the plant that he hardly has the strength to hold his granddaughter. He is racked with spasms that leave him dizzy and incapacitated.

In 2001, after an outbreak of diseases at the popcorn factory in Missouri, his employer guaranteed him that his plant was safe. Mr. Speaker, OSHA's failure to protect our workers by ignoring the reports, studies and warning signs has endangered the health of families. That is why we must act today. Our workers should never have to choose between their health and feeding their families. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 678 OFFERED BY MR. DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.J. RES. 52, CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 677 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 677

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against the joint resolution and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. During consideration of House Joint Resolution 52 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to such time as may be designated by the Speaker.

SEC. 3. House Resolution 659 is laid upon the table.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 677.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 677 provides for consideration of H.J. Res. 52, making continuing appropriations for the fiscal year 2008, and for other purposes.

The rule provides 1 hour of general debate controlled by the Committee on Appropriations. The rule waives all points of order against the joint resolution and against its consideration except for clause 9 or 10 of rule XXI.

The rule also provides that the joint resolution shall be considered as read. The rule provides one motion to recommit with or without instructions.

Mr. Speaker, every Congress has a constitutional responsibility to be good stewards of the money sent to us by the American people. And I am proud to say that we here in the House of Representatives have fulfilled our fiscal responsibility to the American people by passing all of our appropriations bills on time.

We, in the new majority, have been absolute in our promise to construct and pass spending bills with broad bipartisan support, and I am proud to say that we have delivered on those promises.

Of the 12 fiscal year 2008 appropriations bills that passed the House this year, we have garnered an average of 50 Republican votes. In a spirit of working together, we have successfully pushed ahead our bold and new agenda and passed legislation that prioritize veterans, health care, education and energy independence.

Mr. Speaker, H. Res 677 provides for consideration of H.J. Res. 52, as I said before, for continuing appropriations for the year 2008.

Mr. Speaker, with that, I will reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlelady and chairman of the Rules Committee for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, in just 5 days, fiscal year 2007 will come to an end and a new fiscal year will begin. I am disappointed that this rule and the underlying continuing resolution are on the floor today. Not one, let me repeat that, not one spending bill has been sent to the President for his signature this year.

Congress has a responsibility to fund the priorities of the government, and here we are, just days before the start of a new fiscal year, and not one of the 12 spending bills that must be signed into law have been signed.

So, Mr. Speaker, I will support the underlying continuing resolution because I recognize the government must continue to be funded. It is my strong hope, however, that within the next 6 weeks, 12 separate conference reports will come before the House of Representatives.

I do not believe that omnibus bills are the best vehicles for spending billions and billions of taxpayer dollars, and I truly hope that that will not be what we end with on November 16.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. I have no requests for time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this is a disappointing day for the American people. Here we are, nearly 9 months into this Congress controlled by the Democrat majority, and still the majority has failed to live up to their promises by denying every American taxpayer accountability when it comes to transparency of earmarks.

Just yesterday, a challenge was made to an earmark slipped into a bill 299 pages long that had not been disclosed. The Democrat majority certified the bill was "earmark free," but then denied all accountability and scrutiny of this earmark.

It is vital that the House act today to allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills, such as the SCHIP bill yesterday, and not just on appropriation bills. Therefore, Mr. Speaker, I will be asking Members to oppose the previous question so that they may amend the rule to allow for immediate consideration of House Resolution 479, the Earmark Accountability bill.

By defeating the previous question, the House will be able to consider the continuing resolution today, but will also be able to address earmark enforceability in order to restore the credibility of this House.

By considering and approving House Resolution 479, we will send a strong message to the American taxpayers that this House will no longer turn its head the other way when it comes to transparency of earmarks.

So, Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. With that, I urge my colleagues to oppose the previous question, and I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I feel obliged to say simply for the record that there are no earmarks in this bill and that everybody knows it.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 677 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 4. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 677 will be followed by 5-minute votes on adoption of House Resolution 677, if ordered; ordering the previous question on House Resolution 678, by the yeas and nays; and adoption of House Resolution 678, if ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 192, not voting 20, as follows:

[Roll No. 908]

YEAS—220

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Abercrombie
Boyd (FL)
Brown, Corrine
Carson
Crenshaw
Cubin
Davis, Jo Ann
Engel
Herger
Hinojosa
Hunter
Jindal
Johnson, E. B.
Loebsack
Meeks (NY)
Musgrave
Putnam
Smith (TX)
Souder
Whitfield

☐ 1123

Ms. GINNY BROWN-WAITE of Florida and Messrs. LEWIS of Kentucky, BOOZMAN and TIM MURPHY of Pennsylvania changed their vote from "yea" to "nay."

Mr. HILL changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2693, POPCORN WORKERS LUNG DISEASE PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 678, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 193, not voting 18, as follows:

[Roll No. 909]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Brown, Corrine
Carson
Cubin
Davis, Jo Ann
Edwards
Ellison
Engel
Herger
Hinojosa
Hunter
Jindal
Johnson, E. B.
Meeks (NY)
Musgrave
Peterson (PA)
Smith (TX)
Souder
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1130

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1665

Mr. UDALL of Colorado. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1665.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 677, I call up the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 52 is as follows:

H.J. RES. 52

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2008, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2007 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2007, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2007 (division A of Public Law 109-289).

(2) The Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295).

(3) The Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110–5).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2007 or prior years; (2) the increase in production rates above those sustained with fiscal year 2007 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2007.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

(c) Notwithstanding this section, the Secretary of Defense may, following notification of the congressional defense committees, initiate projects or activities required to be undertaken for force protection purposes using funds available from the Iraq Freedom Fund.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2007.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2008, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2008 without any provision for such project or activity; or (3) November 16, 2007.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this joint resolution may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2008 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2007, and for activities under the Food Stamp Act of 1977, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2007, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2007 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2007, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. Notwithstanding section 20106 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the Secretary of Agriculture is authorized to enter into or renew contracts under section 521(a)(2) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(2)) for 1 year.

SEC. 115. The authority provided by section 3a of the Act of March 3, 1927 (commonly known as the "Cotton Statistics and Estimates Act") (7 U.S.C. 473a) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 116. The authority of the Secretary of Agriculture to carry out the adjusted gross income limitation contained in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall continue through the end of the period specified in subsection (e) of such section or the date specified in section 106(3) of this joint resolution, whichever occurs later.

SEC. 117. The provisions of title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108–447, division B) that apply during fiscal year 2007 shall continue to apply through the date specified in section 106(3) of this joint resolution.

SEC. 118. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2008 or the date specified in section 106(3) of this joint resolution.

SEC. 119. The authority provided by section 1477(d) of title 10, United States Code, as amended by section 3306 of Public Law 110–28, shall continue in effect through the date of enactment of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 120. The authority provided by section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2008 or the date specified in section 106(3) of this joint resolution.

SEC. 121. The authority provided by section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), as amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2008 or the date specified in section 106(3) of this joint resolution.

SEC. 122. The authority provided by section 1051a of title 10, United States Code, shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2008 or the date specified in section 106(3) of this joint resolution.

SEC. 123. (a) Notwithstanding any other provision of law or this joint resolution, and in addition to amounts otherwise made available by this joint resolution, there is appropriated $5,200,000,000 for a "Mine Resistant Ambush Protected Vehicle Fund", to remain available until September 30, 2008.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 5 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

(d) The amount provided by this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 124. Section 14704 of title 40, United States Code, shall be applied by substituting the date specified in section 106(3) of this joint resolution for "October 1, 2007".

SEC. 125. Section 382N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–13) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "October 1, 2007".

SEC. 126. Of the funds made available to the Department of Energy under this joint resolution, $484,000 may be transferred to another agency for carrying out the provisions of division C of Public Law 108–324. Funds so transferred shall be refunded to the Department after passage of the regular appropriations Act for that agency.

SEC. 127. (a) In addition to the amounts otherwise provided under section 101, an additional amount is available under "General Services Administration—Operating Expenses Account", at a rate for operations of $4,340,000, for the costs of agency activities transferred to the Civilian Board of Contract Appeals pursuant to section 847 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

(b) For purposes of section 101, the rate for operations for each of the accounts from which funds were transferred in fiscal year 2007 pursuant to section 847(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 41 U.S.C. 607 note) is reduced by an amount equal to the annualized level of the funds transferred.

SEC. 128. Notwithstanding any other provision of this joint resolution, except section

106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2829 (110th Congress), as passed by the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 7, 2007, as amended on June 29, 2007.

SEC. 129. Section 403(f) of the Government Management Reform Act of 1994 (Public Law 103–356; 31 U.S.C. 501 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "October 1, 2006".

SEC. 130. Section 204(e) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 38 U.S.C. 4301 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2007".

SEC. 131. Any funds made available pursuant to section 101 for United States Customs and Border Protection may be obligated to support hiring, training, and equipping of new border patrol agents at a rate for operations not exceeding that necessary to sustain the numbers of new border patrol agents hired, trained, and equipped in the final quarter of fiscal year 2007. The Commissioner of United States Customs and Border Protection shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 132. The Secretary of Homeland Security may continue, through the date specified in section 106(3) of this joint resolution, to obligate funds at the rate the Secretary determines necessary to maintain not more than the average monthly number of detention bed spaces in use during September 2007 at detention facilities operated or contracted by the Department of Homeland Security.

SEC. 133. During the period specified in section 106 of this joint resolution, section 517(b) of Public Law 109–295 shall not be in effect.

SEC. 134. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "the end of fiscal year 2007".

SEC. 135. (a) Activities authorized by chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) shall continue through the date specified in section 106(3) of this joint resolution.

(b) Notwithstanding any other provision of this joint resolution, except section 106, there is appropriated to carry out chapter 6 of title II of the Trade Act of 1974 (19 U.S.C. 2401 et seq.) $5,000,000.

SEC. 136. (a) APPROPRIATION FOR CHIP PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of this joint resolution, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated for fiscal year 2008, $5,000,000,000 for purposes of providing allotments to States, the District of Columbia, and commonwealths and territories under section 2104 of the Social Security Act (42 U.S.C. 1397dd), and, in addition, $40,000,000 for the purpose of providing additional allotments under subsection (c)(4)(A) of such section.

(2) AVAILABILITY.—Funds made available from any allotment under subsection (b) shall not be available for obligation for child health assistance for items and services furnished after the termination date specified in section 106(3) of this joint resolution, or, if earlier, the date of the enactment of an Act that provides funding for fiscal year 2008 and for one or more subsequent fiscal years for the Children's Health Insurance Program under title XXI of the Social Security Act.

(b) ALLOTMENTS.—Notwithstanding any other provision of this joint resolution, the Secretary of Health and Human Services shall make allotments to States, the District of Columbia, and commonwealths and territories under section 2104 of the Social Security Act (42 U.S.C. 1397dd) from the amounts appropriated under subsection (a) for the entire fiscal year 2008.

(c) REDISTRIBUTION OF UNUSED FISCAL YEAR 2005 ALLOTMENTS TO STATES WITH ESTIMATED FUNDING SHORTFALLS FOR FISCAL YEAR 2008.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) REDISTRIBUTION OF UNUSED FISCAL YEAR 2005 ALLOTMENTS TO STATES WITH ESTIMATED FUNDING SHORTFALLS FOR FISCAL YEAR 2008.—

"(1) IN GENERAL.—Notwithstanding subsection (f) and subject to paragraphs (3) and (4), with respect to months beginning during fiscal year 2008, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2005 under subsection (b) that are not expended by the end of fiscal year 2007, to a fiscal year 2008 shortfall State described in paragraph (2), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for such State for the month.

"(2) FISCAL YEAR 2008 SHORTFALL STATE DESCRIBED.—A fiscal year 2008 shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on a monthly basis using the most recent data available to the Secretary as of such month, that the projected expenditures under such plan for such State for fiscal year 2008 will exceed the sum of—

"(A) the amount of the State's allotments for each of fiscal years 2006 and 2007 that was not expended by the end of fiscal year 2007; and

"(B) the amount of the State's allotment for fiscal year 2008.

"(3) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under paragraph (1) to fiscal year 2008 shortfall States described in paragraph (2) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2008. The Secretary shall only make redistributions under this subsection to the extent that there are unexpended fiscal year 2005 allotments under subsection (b) available for such redistributions.

"(4) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) are less than the total amounts of the estimated shortfalls determined for the month under that paragraph, the amount computed under such paragraph for each fiscal year 2008 shortfall State for the month shall be reduced proportionally.

"(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than November 30, 2007, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

"(6) 1-YEAR AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for fiscal year 2008 shall only remain available for expenditure by the State through September 30, 2008, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f).".

(d) EXTENDING AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g)(1)(A) of such Act (42 U.S.C. 1397ee) is amended by striking "or 2007" and inserting "2007, or 2008".

(e) APPLICABILITY.—The amendments made by subsection (c) and (d) shall be in effect through the date specified in section 106(3) of this joint resolution or, if earlier, the date of the enactment of an Act that provides funding for fiscal year 2008 and for one or more subsequent fiscal years for the Children's Health Insurance Program under title XXI of the Social Security Act.

SEC. 137. Notwithstanding any other provision of this joint resolution, there is appropriated for payment to Susan Thomas, widow of Craig Thomas, late a Senator from the State of Wyoming, $165,200, and for payment to Karen L. Gillmor, widow of Paul E. Gillmor, late a Representative from the State of Ohio, $165,200.

SEC. 138. The Secretary of Veterans Affairs shall carry out subparagraph (B) of section 1710(f)(2) of title 38, United States Code, and subparagraph (E) of section 1729(a)(2) of such title by substituting the date specified in section 106(3) of this joint resolution for the date specified in each such subparagraph.

SEC. 139. Notwithstanding section 101, amounts are provided for "Department of Defense Base Closure Account 2005" at a rate for operations of $5,626,223,000.

SEC. 140. Notwithstanding any other provision of this joint resolution, except section 106, the Department of Veterans Affairs may expend funds for programs and activities under the heading "Information Technology Systems" for pay and associated cost for operations and maintenance associated staff.

SEC. 141. Notwithstanding any other provision of this joint resolution, except section 106, in addition to the amount made available for fiscal year 2008 to carry out section 3674 of title 38, United States Code, there is appropriated to carry out that section an additional amount equal to $6,000,000 multiplied by the ratio of the number of days covered by this joint resolution to 366.

SEC. 142. Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 143. Notwithstanding section 101, amounts are provided for "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" at a rate for operations of $4,435,013,000, of which not less than $778,449,000 shall be for worldwide security upgrades.

SEC. 144. The provisions of title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) shall continue in effect, notwithstanding section 209 of such Act, through the earlier of (1) the date specified in section 106(3) of this joint resolution; or (2) the date of enactment of an authorization Act relating to the McKinney-Vento Homeless Assistance Act.

SEC. 145. Funds made available under section 101 for the National Transportation

Safety Board shall include amounts necessary to make lease payments due in fiscal year 2008 only, on an obligation incurred in 2001 under a capital lease.

SEC. 146. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)), the Secretary of Housing and Urban Development may, until the date specified in section 106(3) of this joint resolution, insure and may enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z-20(g)).

SEC. 147. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2007".

SEC. 148. (a) Section 48103(4) of title 49, United States Code, shall be applied (1) by substituting the amount specified in such section with an amount that equals $3,675,000,000 multiplied by the ratio of the number of days covered by this joint resolution to 366; and (2) by substituting the fiscal year specified in such section with the period beginning October 1, 2007, through the date specified in section 106(3) of this joint resolution.

(b) Section 47104(c) of title 49, United States Code, shall be applied by substituting "2008" for "2007".

(c) Nothing in this section shall affect the availability of any balances of contract authority provided under section 48103 of title 49, United States Code, for fiscal year 2007 and any prior fiscal year.

SEC. 149. (a) Sections 4081(d)(2)(B), 4261(j)(1)(A)(ii), 4271(d)(1)(A)(ii), 9502(d)(1), and 9502(f)(2) of the Internal Revenue Code of 1986 shall each be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2007" or "October 1, 2007", as the case may be.

(b) Subparagraph (A) of section 9502(d)(1) of the Internal Revenue Code of 1986 is amended by inserting "or any joint resolution making continuing appropriations for the fiscal year 2008" before the semicolon at the end.

The SPEAKER pro tempore. Pursuant to House Resolution 677, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 52.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this resolution keeps government functioning until Congress and the President can make final decisions on appropriation issues for fiscal year 2008. It is a clean CR. It funds all departments at last year's level. The only exception is a $5.2 billion appropriation for MRAPs, which are essential to protect our troops. It expires November 16. I ask Members to do the responsible thing and vote "aye."

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, the chairman of the committee often talks about thoughts and wisdom of Archie the cockroach, but today I am reminded of the words of Yogi Berra, "It's deja vu all over again."

It was 1 year ago that the House passed the first of several continuing resolutions to ensure the continuation of government-funded programs in the new fiscal year.

My friend, DAVID OBEY, came to the floor as the ranking member during the debate to criticize Republicans in the House and the Senate for their failure to pass the annual spending bills by the end of the fiscal year. He spoke of the breakdown of the budget process and vowed that things would be different under a Democrat majority.

We are now 4 days away from the end of the fiscal year, and once again the ranking member of the Appropriations Committee is on the floor decrying the breakdown of regular order. The only difference is that DAVID OBEY is now Chairman OBEY and I am a mere struggling committee ranking member.

At this time last year, we had sent President Bush two appropriations conference reports. This year, not one appropriations conference meeting has taken place between the two bodies, even though there are bills available.

When we passed the first CR last year, my hope was it would provide strong motivation for Congress to complete its work in regular order. I was hopeful that our colleagues in the Senate would complete their work so we could send to the White House the remaining individual conference reports before the end of our legislative session.

I come to the floor today with the same hopeful expectation that the Senate will soon complete its work. But, based on recent history, I'm not holding my breath.

My appropriations colleague, Senator COCHRAN of Mississippi, could not have been a better partner as we attempted to bring regular order to the appropriations process. Unfortunately, Chairman COCHRAN was poorly served by his own leadership.

The breakdown of regular order in the last Congress, indeed the failure to get our bills done, was placed squarely at the feet of the former Senate majority leader who failed to schedule floor time for the consideration of appropriations bills. One year later, the failure of the appropriations process can be laid squarely at the feet of the present Senate majority leader.

The House has passed each of its spending bills; and, while I believe these bills spend too much, the House Appropriations Committee has kept its word by completing its work.

During my tenure as chairman, the Appropriations Committee was strongly committed to bringing to the floor individual conference reports for each and every bill. I did not then support, and do not now support, an omnibus spending bill in any form. But that is exactly the direction in which the Democrat majority is now moving.

I am convinced that moving bills individually is the only way for us to control government spending. Lacking regular order, there is a tendency for spending on the remaining bills to grow out of control. That challenge is particularly acute this year with the Democrat majority writing and passing spending bills that exceed the President's budget request by about $23 billion.

We are today passing a CR that continues for the next 6 weeks Federal programs under the terms and conditions established in the 2007 fiscal year resolution.

In 6 weeks, I am afraid we will be here once again to pass yet another continuing resolution, and that will lead us well into the free-spending holiday season.

My colleagues, we are moving ever closer to a massive year-end omnibus spending bill. That course of action would be an admission of failure on the part of this Congress.

At this moment, there is still time for Democrats and Republicans to find common ground on spending. There is still time for the House and the Senate to complete its work in regular order. There is still time to pass and send to the White House individual conference reports. But we must act now.

I would like to close by quoting my friend, Mr. OBEY, from a past continuing resolution debate: "This continuing resolution is a monument to institutional failure. This Congress is failing to meet even the most basic and minimal expectations that the country has for it by way of doing our routine business. This is governing in a pitiful way," Mr. OBEY said, "and I wish that I could say something more positive about it, but, indeed, I cannot."

Mr. Speaker, and I would say, "Madam Speaker," if I could find the gentlelady on the floor, "Madam Speaker, this is deja vu all over again."

I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me recite a slightly different version of recent history with respect to appropriation bills.

After 12 years of rule by the Republican Party, the American people gave the Democratic Party the privilege of moving into the majority in the last election. We were sworn in on January 4. At that point, not a single domestic appropriation bill had been passed by the previous Congress.

So before we could move to our own business for this year, we had to first clean up the unfinished business left by the previous Republican-controlled Congress. That took us 6 weeks. And in 6 weeks we passed the entire domestic budget; and, at the time we did that, we eliminated all earmarks.

Then we also set about to implement the earmark reform process which was spoken for by both political parties in this House. That took us an extra 3 weeks. During that time, we ramped up the number of hearings and the intensity of congressional oversight; and by the end of the hearing process we had doubled the number of hearings held by the previous Congress and restored a much more tenacious set of oversight habits.

We also were forced to confront the President on Iraq because of the unraveling situation in that misbegotten war. And we also, as we tried to pass our appropriation bills, had to endure filibuster by amendment on the part of the minority. They took more than 60 hours above the amount taken by the minority in the previous year on appropriation bills.

Republicans offered 339 amendments to the appropriation bills that we passed in the House, compared to 172 amendments that were offered by Democrats when we were in the minority. Despite all of that, we still managed to pass every single appropriation bill before the August recess. That is only the second time during the Bush administration that this House has passed all of its appropriation bills before the August recess.

Then those bills went to the Senate; and, as the gentleman indicated, they ran into considerable trouble. The Senate has passed four bills. I have asked them to proceed to pass as many additional bills as they can, and I hope that they do. And, incidentally, when they do bring up bills, I was told yesterday that you have between two and three hundred amendments filed to several of the bills, so you face a filibuster by amendment on the part of the minority in the Senate. As you know, under Senate rules, debate cannot be shut down unless you have 60 votes, rather than 50.

So that's the record as I see it. The gentleman from California has recited the record as he sees it. But I would suggest that what is important is what we do now. Where do we go from here?

Even as the Senate makes an effort to complete action on its bills, I would hope that we could shorten the process by sitting down now with the administration to work out compromises on those bills so that we don't have to spend the next 6 weeks continuing to define our differences.

☐ 1145

I'm an old-fashioned legislator, and I believe that the way the parties ought to proceed is that we first ought to define our differences and then we ought to resolve them. We've already defined our differences with the passage of the 12 bills in the House. I doubt that the Senate bills are going to get any better from our standpoint, and so it seems to me that time's awasting. It seems to me that we would best serve the needs of the country if the administration would be willing to sit down with us now and begin discussions about how we might reach compromises on these bills so that we can move forward.

Now, let me make one additional point. The President is asking us to spend about $200 billion, every dollar of that borrowed, in order to finance the supplemental for the war in Iraq, and yet he is objecting to the fact that in the House-passed bills we tried to take about 1/10th that amount and use it for crucial investments in our country's future.

The job of this Congress, the job certainly of this committee, is to make investments that will benefit the country over the long haul, make us a stronger country, and make us a stronger society over the next 10 years. We don't believe on this side of the aisle, and I think in fact we had significant bipartisan agreement if you take a look at the votes, we don't believe that you accomplish that strengthening of the country by cutting vocational education by 50 percent, as the President does in his budget; by eliminating all student aid programs except work study and Pell Grant, as the President does in his budget; by gutting education technology grants, as the President does in his budget; by actually reducing the number of medical research grants at NIH, as the President does in his budget. I've never had anybody come up to me in my life and say, "OBEY, why don't you guys in Congress get your act together and cut cancer research." And yet, that's what the Congress has done the last 2 years. We don't think that ought to happen. So that's why we depart from the President on that score.

We also don't think we strengthen the country when we cut special education by $300 million, and there are a good many Republicans who agree with that. In fact, Mr. WALSH, the ranking Republican on the Labor, Health, Education and Social Services Subcommittee, Mr. WALSH, led the effort to increase the funds that our committee provided for special education, and I commend him for it.

We also don't think it's good to cut mental health and drug abuse funding by $160 million. We don't think that we strengthen the society or this country when we cut minority health professions training by 66 percent. We don't think that we improve health care for children by cutting the training of medical personnel in children's hospitals by 63 percent, and we don't think we strengthen rural America by cutting rural health programs by 54 percent.

We don't think we help make our communities better and cleaner by cutting the clean water revolving fund by 37 percent, as the President does. We don't believe that we meet the needs of our logging industry and the recreational needs of the American people when we cut the forest service budget by 15 percent, as the President's budget does. And we don't believe that we ought to cut housing for disabled Americans by 47 percent or senior housing by 20 percent. In an age of high gas prices and high energy prices, we don't believe that we ought to cut the low-income heating assistance program by 18 percent.

And let me say that Democrats are not the only ones who believe that. If you take a look and analyze the votes on the various appropriations bills that went through the House, you will see that on average we had 65 Republicans who voted with us in support of the appropriations bills that we sent over to the Senate. In fact, if you average out each of the rollcalls for each of the bills that passed, you will see that exactly two-thirds of this body voted for those bills.

So I think we have established a bipartisan foundation in the House for moving forward, and I hope this continuing resolution gives us the necessary time to do that.

I would hope that the Senate can move forward and complete its work on a bill-by-bill basis, but frankly, it is immaterial to me whether the bills are produced one by one or if they are produced in bunches. What counts is not the form. What counts is the substance. What counts is whether we make the right investments to make this country stronger over the long haul. That's our obligation, no matter how we package it.

So I would once again simply urge the administration to sit down with us and begin to talk about how, as adults, we can reach a compromise on these issues.

The President would have the country believe that we are blowing the lid outrageously on budgets and pouring money into the domestic budget. I would suggest that restoring $16 billion in Presidential cuts is mighty small potatoes in comparison to the $200 billion that he wants us to spend in Iraq and the $50 billion that he still wants us to provide for tax cuts for people making a million bucks a year.

Let me remind the House, Mr. Speaker, that in 1980 the appropriations for domestic budgets equaled 4.8 percent of our total national income. Today, they have been reduced to 2.9 percent of our total national income, and the President's budget would take us, by the year 2012, down to 2.4 percent of the Nation's income. That means that we would have cut in half our investments relative to our national wealth. We would have cut in half those domestic investments since 1980. I don't believe, and I think there are many in both parties who don't believe, that that is the way that we build a stronger future for this country.

So I would simply point out what we have here is an effort on our part to add about 2 percent to what the President is doing in the area of education, health care, science, law enforcement and all of that, and I'd simply suggest that, instead of continuing to talk about it, we sit down and have some more productive actions; we sit down and try to work out these differences between us so that we can leave town at a reasonable time, having completed our action on these bills and having met our responsibilities to make the investments that will, over the long haul, make this a stronger country.

With that, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I just wanted to know if Mr. OBEY wanted to continue speaking or I can yield back my time. I'm ready to yield back the balance of my time. I just wondered if you were ready to yield more time.

Mr. OBEY. I'm ready to yield back.

Mr. BLUMENAUER. Mr. Speaker, As a result of Republican obstructionism and the President's threats to veto our Democratic Congress' new investments in health, the environment and infrastructure, Congress is being forced to pass a resolution to keep the government operating beyond next week's end of the fiscal year. Unfortunately, this bill included money to continue funding the war in Iraq. I have pledged: "not another dime for the war," and voted "no." I will continue to vote against any appropriations bill that continues military operations in Iraq.

At the same time, the motion to condemn Moveon.org was both irrelevant and hypocritical. It was irrelevant in that it had nothing to do with the underlying bill and hypocritical because the Republicans have tolerated, and in some cases encouraged, some of the most savage Swift-boating of candidates and individuals without ever raising a voice in protest.

People have deep concerns about this administration and they have the right to question the testimony General Petraeus gave before Congress. The twisted factual basis for some of his statements, which charitably can only be deemed convoluted, has been made clear in numerous independent press accounts. I voted "no," choosing not to be a part of the irrelevance and hypocrisy.

Mr OBERSTAR. Mr. Speaker, I rise in support of H.J. Res. 52, making continuing appropriations for fiscal year 2008, and for other purposes. H.J. Res. 52 provides continuing appropriations for Federal programs, including the aviation investment programs.

H.J. Res. 52 includes a provision extending the Federal Aviation Administration's Airport Improvement Program, AIP. Specifically, section 148 of H.J. Res. 52 provided mandatory AIP contract authority only for the term covered by the Continuing Resolution at a level that, when annualized, equals the amount of mandatory AIP contract authority included in the fiscal year 2008 budget baseline.

The Congressional Budget Office, the House Budget Committee, the House and Senate Appropriations Committees, the Senate Commerce Committee, and the Office of Management and Budget all concur that section 148 provides mandatory contract authority. Moreover, section 148 is a change to a mandatory program and therefore, the amount of contract authority provided by the Continuing Resolution will ultimately be rebased in the baseline and put on the mandatory side of the budget. The baseline for the AIP program will remain mandatory.

Based on my shared understanding that section 148 will not in any way change the nature of the AIP program, I urge my colleagues to join me in supporting H.J. Res. 52.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 677, the joint resolution is considered read, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. LEWIS of California. Mr. Speaker, I am certainly in its present form.

Mr. OBEY. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis moves to recommit House Joint Resolution 52 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

At the end of the joint resolution, insert the following section:

SEC. 150. (a) Congress makes the following findings:

(1) General David H. Petraeus was confirmed by a unanimous vote of 81–0 in the Senate on January 26, 2007, to be the Commander of the Multi-National Forces—Iraq;

(2) General David H. Petraeus assumed command of the Multi-National Forces—Iraq on February 10, 2007;

(3) General David H. Petraeus previously served in Operation Iraqi Freedom as the Commander of the Multi-National Security Transition Command—Iraq, as the Commander of the NATO Training Mission—Iraq, and as Commander of the 101st Airborne Division (Air—Assault) during the first year of combat operations in Iraq;

(4) General David H. Petraeus has received numerous awards and distinctions during his career, including the Defense Distinguished Service Medal, two awards of the Distinguished Service Medal, two awards of the Defense Superior Service Medal, four awards of the Legion of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and the Gold Award of the Iraqi Order of the Date Palm; and

(5) The leadership of the majority party in both the House of Representatives and the Senate implored the American people and Members of Congress early in January 2007 to listen to the generals on the ground.

(b) It is the Sense of the Congress that the House of Representatives—

(1) recognizes the service of General David H. Petraeus, as well as all other members of the Armed Forces serving in good standing, in the defense of the United States and the personal sacrifices made by General Petraeus and his family, and other members of the Armed Forces and their families, to serve with distinction and honor;

(2) commits to judge the merits of the sworn testimony of General David H. Petraeus without prejudice or personal bias, including refraining from unwarranted personal attacks;

(3) condemns in the strongest possible terms the personal attacks made by the advocacy group MoveOn.org impugning the integrity and professionalism of General David H.Petraeus;

(4) honors all members of the Armed Forces and civilian personnel serving in harm's way, as well as their families; and

(5) pledges to debate any supplemental funding request or any policy decisions regarding the war in Iraq with the solemn respect and the commitment to intellectual integrity that the sacrifices of these members of the Armed Forces and civilian personnel deserve.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LEWIS) is recognized for 5 minutes in support of his motion.

Mr. LEWIS of California. Mr. Speaker, this simple motion is to recommend or recommit. It is a sense of the Congress resolution that recognizes the service of General David Petraeus as well as all other members of our Armed Forces. It expresses our appreciation for his personal sacrifices and those of his family as well as the sacrifices of those who served in the Armed Forces and their families.

□ 1200

Further, this sense of the Congress resolution condemns, in the strongest possible terms, the unfair personal attacks made by the advocacy group, MoveOn.org, on the character, integrity and professionalism of General David Patraeus. Such unwarranted attacks should be strongly condemned by Republicans and Democrats alike in the House.

I strongly urge a "yea" vote on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to claim the time in opposition.

The SPEAKER pro tempore. Does the gentleman withdraw his reservation?

Mr. OBEY. Yes, I do.

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin is recognized for 5 minutes.

There was no objection.

Mr. OBEY. Mr. Speaker, I want to urge support for this motion. As those in this House who know me well understand, I come from the State of Joe McCarthy. And one of the reasons that I changed political parties, because I grew up in a Republican family, is because I saw what the local McCarthy supporters did to the best teacher I ever had when they impugned his patriotism by calling him a Bolshevik back during the McCarthy heyday. And to this day there is nothing that gets my dander up more than to have someone's patriotism questioned on this House floor or anywhere else in the political realm. And if I'm going to get upset when that kind of juvenile activity occurs on the part of the political right, then I've got an obligation to be equally upset when that kind of juvenile debate emanates from the left.

It seems to me that we all ought to recognize that we can have honest and profound differences with the policy that the general was selling 2 weeks ago without getting personal about it. I think what we ought to do is accept this motion, vote for it, send the continuing resolution to the Senate and get on with the business of negotiating out the content of these appropriation bills so that we can do our duty to the country.

I yield back the balance of my time and ask for an "aye" vote.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 341, nays 79, not voting 12, as follows:

[Roll No. 910]

YEAS—341

Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—79

Abercrombie
Ackerman
Allen
Baldwin
Becerra
Berman
Blumenauer
Brown, Corrine
Capps
Capuano
Castor
Clarke
Clay
Cohen
Conyers
Crowley
Davis (IL)
DeGette
Ellison
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Inslee
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren, Zoe
Markey
Matsui
McDermott
McGovern
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Neal (MA)
Olver
Pallone
Payne
Price (NC)
Rush
Ryan (OH)
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Tierney
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn
Yarmuth

NOT VOTING—12

Bachus
Carson
Cubin
Cummings
Davis, Jo Ann
Gordon
Herger
Hinojosa
Jindal
Johnson, E. B.
Souder
Sutton

□ 1232

Mr. BECERRA, Mr. CROWLEY, Ms. SOLIS, Mr. STARK, Ms. BALDWIN, Mr. McDERMOTT, Ms. DEGETTE, Messrs. TIERNEY, SCOTT of Virginia, MILLER of North Carolina, ALLEN, RUSH, Ms. CORRINE BROWN of Florida, Messrs. AL GREEN of Texas, VAN HOLLEN, BERMAN, INSLEE, NEAL of Massachusetts and SHERMAN changed their vote from "yea to "nay."

Mr. LINDER, Mrs. TAUSCHER, Mr. PORTER, Mr. BRALEY of Iowa, Mr. THOMPSON of California, Ms. McCOLLUM of Minnesota and Messrs. PETERSON of Minnesota, OBERSTAR, BACA, DOGGETT, BUTTERFIELD and LARSON of Connecticut changed their vote from "nay" to "yea."

Mr. COHEN changed his vote from "present" to "nay."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report H.J. Res. 52 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the joint resolution, insert the following new section:

SEC. 150 (a) Congress makes the following findings:

(1) General David H. Petraeus was confirmed by a unanimous vote of 81-0 in the Senate on January 26, 2007, to be the Commander of the Multi-National Forces-Iraq;

(2) General David H. Petraeus assumed command of the Multi-National Forces-Iraq on February 10, 2007;

(3) General David H. Petraeus previously served in Operation Iraqi Freedom as the Commander of the Multi-National Security Transition Command–Iraq, as the Commander of the NATO Training Mission–Iraq, and as Commander of the 101st Airborne Division (Air Assault) during the first year of combat operations in Iraq;

(4) General David H. Petraeus has received numerous awards and distinctions during his career, including the Defense Distinguished Service Medal, two awards of the Distinguished Service Medal, two awards of the Defense Superior Service Medal, four awards of the Legion of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and the Gold Award of the Iraqi Order of the Date Palm; and

(5) The leadership of the majority party in both the House of Representatives and the Senate implored the American people and Members of Congress early in January 2007 to listen to the generals on the ground.

(b) It is the Sense of the Congress that the House of Representatives—

(1) recognizes the service of General David H. Petraeus, as well as all other members of the Armed Forces serving in good standing, in the defense of the United States and the personal sacrifices made by General Petraeus and his family, and other members of the Armed Forces and their families, to serve with distinction and honor;

(2) commits to judge the merits of the sworn testimony of General David H. Petraeus without prejudice or personal bias, including refraining from unwarranted personal attacks;

(3) condemns in the strongest possible terms the personal attacks made by the advocacy group MoveOn.org impugning the integrity and professionalism of General David H. Petraeus;

(4) honors all members of the Armed Forces and civilian personnel serving in harm's way, as well as their families; and

(5) pledges to debate any supplemental funding request or any policy decisions regarding the war in Iraq with the solemn respect and the commitment to intellectual integrity that the sacrifices of these members of the Armed Forces and civilian personnel deserve.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 404, noes 14, not voting 14, as follows:

[Roll No. 911]

AYES—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
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Gerlach
Giffords
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Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
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Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
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Michaud
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Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
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Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
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Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
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Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
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Taylor
Terry
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Thornberry
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Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—14

Blumenauer
Clay
Ellison
Filner
Frank (MA)
Hinchey
Kucinich
Lee
McDermott
Paul
Payne
Waters
Watson
Woolsey

NOT VOTING—14

Bachus
Carson
Cubin
Davis, Jo Ann
Gordon
Herger
Hinojosa
Jindal
Johnson, E. B.
LaTourette
Olver
Royce
Souder
Sutton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1244

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LATOURETTE on rollcall No. 911, I was unavoidably detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days for Members to revise and extend their remarks and insert materials on H.R. 2693 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

POPCORN WORKERS LUNG DISEASE PREVENTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 678 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2693.

□ 1245

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl, with Mr. CARDOZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, today we have an opportunity to protect thousands of American workers from a serious, irreversible and deadly lung disease known as "popcorn lung," a disease caused by a simple artificial butter flavoring chemical called diacetyl.

The alarm bells began ringing on this health crisis over 7 years ago when a Missouri doctor diagnosed several workers from the same popcorn production plant with this debilitating lung disease. In 2002, the National Institute for Occupational Safety and Health linked the lung disease to exposure to diacetyl used in the plant.

Scientists have called the effect of diacetyl on workers' lungs "astonishingly grotesque" and likened it to "inhaling acid." Hundreds of workers in popcorn and flavor production have become ill, several have died of popcorn lung, and many of the workers are so sick they needed lung transplants. Dozens of workers have sued flavoring manufacturers, winning millions in lawsuits and settlements.

NIOSH first connected popcorn lung to this chemical in 2002. In 2003, NIOSH issued guidance recommending that workers' exposure be minimized. In 2004, the Food Extract Manufacturers Association, the trade association of the flavoring industry, issued similar guidelines. Yet 5 years later, the Occupational Safety and Health Administration has failed to issue a standard to protect workers from exposure to diacetyl, preferring to rely on voluntary efforts.

Voluntary efforts, however, have not worked. Last year, California researchers found that despite the issuance of government and industry guidance for years before, many of those recommendations still have not been implemented in the flavor manufacturing facilities, and new cases of this debilitating lung disease have been identified.

How does this bill address the problem? H.R. 2693 would require OSHA to issue an interim final standard to minimize worker exposer to diacetyl. The standard would contain provisions of engineering controls, respiratory protection, exposure monitoring, medical surveillance and worker training. The interim standard applies to popcorn manufacturing and packaging, as well as the food flavoring industry.

OSHA would then be required to issue a final standard within 2 years. This final standard would apply to all locations where workers are exposed to diacetyl and would include permissible exposure limit.

This bill should not be controversial. It is not another battle between workers and business about safety issues and alleged burdens of regulations. Over the past several months, we have built a wide coalition around this legislation from all sides, including industry, labor and scientists. The Flavor and Extract Manufacturers Association, the association representing the companies that make these flavorings, has joined with the unions that represent the affected workers to strongly support this legislation.

In fact, the only outside dissenters from this coalition are the usual anti-OSHA ideologues spouting the same old "sky is falling" rhetoric about regulations. Such rhetoric may be music to the ears of the OSHA-hating ideologues in search of a talking point, but in the real world, this ideology leaves workers and their families to suffer from the preventable scourges of toxic chemicals.

There are many reasons why industry, labor and scientists agree on this legislation. They all agree that we don't need to wait any longer to act; indeed, we can't afford to wait. I have a list of almost 30 major studies and reports showing that diacetyl destroys workers' lungs. They agree that we know how to protect workers. The National Institute for Occupational Safety and Health issued guidelines in 2003 laying out the basic measures that industry can take to prevent worker exposure to diacetyl. In 2004, the Flavor and Extract Manufacturers Association outlined in even greater detail the measures that members can take to prevent the employees from getting sick.

This legislation is straightforward and merely requires that OSHA do what it could have done and should have already done, issue an emergency standard. There is precedent for this bill and for Congress stepping in when OSHA falters in its mission to protect American workers. In 1986, 1990, 1991, 1992 and 2000, Congress moved to require OSHA to issue health and safety standards.

Earlier this month, in response to a report that a consumer of microwave popcorn has contracted popcorn lung, a few popcorn manufacturers have announced that they intend to stop using diacetyl. This is welcome news. It highlights how serious this issue is, but it is not enough. Workers are still at risk because diacetyl will continue to be used in a variety of other food products. We can't wait for consumers to get sick and hit the companies in their pocketbooks before the industry changes. Workers are getting sick now, and have for many years, and will continue to get sick unless we act. Workers cannot wait any longer for our help.

In the past several years, we've seen hundreds of workers become sick from exposure to diacetyl, and we've heard about young workers who need lung transplants, who are not expected to live to see their small children grow up.

It is time for us to act. OSHA has failed over 5 years. They've been on notice to do this, they have failed to do this. The only time they have shown any movement is when we've called a hearing or had some congressional action, they have responded to it.

The time has come for Congress to act and pass this legislation and stop ignoring the needs of these workers' health and safety. And it's time to get OSHA to do the job that they were constituted to do, and that is, to protect these workers and their families from this preventable exposure to diacetyl as the toxic substance that it has become.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, earlier this year, the Subcommittee on Workforce Protections held a hearing that explored, among other things, the question of whether and how the flavoring compound diacetyl should be regulated by OSHA. We heard from an individual suffering from lung impairment that could well have been developed as a result of his manufacturing popcorn, during which he was exposed to high concentrations of diacetyl and numerous other chemicals.

There are many questions about this particular chemical. In fact, a number of large popcorn manufacturers recently announced voluntary steps to curb the use of diacetyl while its effects on worker health are studied.

The bill before us calls for a much more drastic response to the concerns about this chemical. It would require OSHA to set an interim final standard relating to diacetyl exposure within 90 days of passage, to be followed by a final rule within 2 years. This directive is, without a doubt, a well-intended effort to prevent illness that may be caused by this particular substance. Unfortunately, despite its good intentions, this bill has the potential to cause great harm.

I recognize that my colleagues on the other side of the aisle wish to do something to respond to the questions about this chemical. I also understand their frustration about a lack of action by the administration. Candidly, I share some of that frustration. It is my understanding that just this week the administration announced plans to implement rule-making for diacetyl exposure; this, despite the fact that Congress has been looking into these concerns for months and until this week had not received clear, unambiguous direction from the administration other than a letter written by the OSHA administrator expressing serious concerns about the implications of the bill.

From the outset of this process, I have been concerned about the lack of scientific data available to guide our actions. Without the necessary scientific understanding of this chemical, we cannot possibly develop the appropriate guidelines to protect workers. At this point, we still do not even know whether diacetyl alone, or in conjunction with other chemicals, is responsible for the condition known as popcorn lung.

Because of my concerns about a lack of scientific data, and because I'm uneasy about short-circuiting the proven regulatory process, I raised concerns about this bill when it was considered in committee. It's my position that the administration should be allowed adequate time to complete necessary scientific investigation before developing new standards.

I was, at the outset, and I remain, concerned that such a rushed response to questions about this substance make for better politics than policy. That is why I was so surprised, and frankly, disappointed, to learn that only now has the administration suddenly chosen to take action. They announced on Monday their intent to initiate rulemaking, issue a Safety and Health Information Bulletin, and provide Hazard Communication Guidance.

The administration's actions in this case, and their lack of communication with Congress, have done nothing to shed light on this issue of concern to us all. Instead, it has resulted in confusion about what is being done to address this issue and when they and we can expect to have answers. In fact, if the administration had simply been forthright with Congress about its plans, we might not be here considering this questionable legislation at all.

During committee consideration, Republicans offered an alternative. Our plan, which we will offer as an amendment today, strikes a balance between acting quickly to protect workers while relying upon sound science to establish a comprehensive regulation.

The Republican plan would maintain the 90-day deadline for establishing an interim final rule. Under this rule, guidance would be provided so that manufacturers could take immediate steps to limit exposure through the use of engineering improvements, ventilation and other strategies to protect workers. Our plan would also maintain the requirement that a final rule be developed, including a permissible exposure limit.

Under our alternative, this would be required within 2 years after the National Institute for Occupational Safety and Health concludes that the standard can be supported by solid scientific evidence.

In short, the amendment maintains the same time frame for immediate protection, while eliminating the arbitrary nature of the final rule in favor of a timeline based on the availability of scientific evidence.

I want to reiterate my deep concern for the workers who have become ill. It is my goal, and surely the goal of everyone here, to determine as soon as possible what caused their illness and what can be done to prevent future occurrences.

Mr. Chairman, I opposed this bill in committee because I felt it did not allow for adequate scientific study. I also believed it undermined the long-standing regulatory process. However, I strongly support the effort to protect workers, and I can understand why Members on both sides of the aisle would wish to vote in favor of this measure.

As for me, until we can clear up the confusion surrounding this bill, I will reluctantly oppose it. I continue to believe this legislation undermines sound scientific and regulatory processes, but I will keep an open mind as this bill progresses through the legislative process. If further scientific evidence is uncovered as this bill moves to the Senate and to the President, my position could change. I only wish the administration had acted sooner and we could have been spared this debate entirely.

With that, I reserve the balance of my time and I yield the balance of my time to the gentleman from South Carolina, the ranking member on the subcommittee, and ask unanimous consent that he be allowed to control that time (Mr. WILSON).

The CHAIRMAN. Without objection, the gentleman from South Carolina will be recognized.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 1 minute.

I certainly appreciate the situation my ranking member, Mr. McKEON, from California finds himself in, and I appreciate his remarks about the actions of OSHA in this situation.

The fact is that, again, earlier this month, in a commentary of the Dutch study on diacetyl workers which found it is unlikely that any other chemical is responsible for these cases, NIOSH scientist, Dr. Catherine Kreiss, wrote "the collective evidence for diacetyl causing respiratory hazards supports actions to minimize exposure of diacetyl even if contributions by other flavoring chemicals exist."

□ 1300

That is the situation we find ourselves in. This isn't a desire to rush to legislation. The fact is, as Mr. McKEON pointed out, on this side of the aisle also we are all terribly disappointed by the failure of OSHA to engage this problem and to engage the people who are coming forth now supporting this legislation to construct a solution.

I yield 5 minutes to the gentlewoman from California (Ms. WOOLSEY), who is the Workforce Protections Subcommittee Chair and who has handled this legislation.

Ms. WOOLSEY. Thank you, Chairman MILLER, for this bill and for the work you do for all working Americans.

Mr. Chairman, I am truly sorry that Mr. McKEON can't support it. But I am proud to be the sponsor of H.R. 2693, the Popcorn Workers Lung Disease Protection Act, which requires OSHA to issue an emergency temporary standard to regulate workers' exposure to diacetyl, a chemical used in butter flavoring for microwave popcorn and other food products. It is a travesty that OSHA has done nothing to regulate this chemical while workers have fallen seriously ill and have actually died.

In 1977, Congress passed OSHA to provide every working man and woman in the Nation a safe and healthful workplace. We gave the new agency charged with the administration the full name of the Occupational Safety and Health Act.

We also gave them important tools to enforce the provisions of the law. One of the most important functions that OSHA is charged with is to develop health and safety standards. When it was exercised, this function actually saved the lives and health of many, many workers.

For example, in 1978, when OSHA's cotton dust standard was adopted, there were 40,000 cases of brown lung disease annually, affecting 12 percent of all textile workers. Because of OSHA, brown lung was virtually eliminated. OSHA's 1978 standard on lead dramatically reduced lead poisoning.

Sadly, Mr. Chairman, there are still millions of workers who suffer from injuries and illnesses while working. One of the most grievous examples of this are workers who are contracting popcorn lung disease from exposure to a chemical called diacetyl used in the manufacture of microwave popcorn and other foods.

The Workforce Protections Subcommittee held a hearing on OSHA standards in April. We heard from Eric Peoples, a former microwave popcorn worker, who has popcorn lung. Eric is in his thirties. He has a young family. He worked in a microwave popcorn facility in Missouri for less than 2 years. After that, he had to stop work because he had contracted popcorn lung disease. Popcorn lung is an irreversible and life-threatening respiratory disease. Eric has lost 80 percent of his lung capacity, is awaiting a double lung transplant, and faces an early death, all because he was exposed to diacetyl.

A standard regulating exposure of diacetyl is currently needed. While OSHA has known about the dangers of the chemical for years, it has failed. It has failed day after day, year after year to act to make this standard an actual reality. In fact, OSHA has done virtually nothing to protect workers against diacetyl.

Now there has been at least 1 or 2 other reported cases of popcorn lung in consumers. Wayne Watson, a 53-year-old man from Colorado, has been diagnosed with popcorn lung due to his daily consumption of microwave popcorn over a 10-year period.

In addition, the Seattle Post-Intelligencer reported that a 6-year-old child, the son of a popcorn plant employee who has popcorn lung, was showing signs of the disease himself. In that case, when the popcorn plant closed, the company told the employees they could help themselves to any of the company's products. The father took home some butter-flavored oil containing diacetyl and used it for frying food. As a result, this 6-year-old child was exposed to the chemical, and it made him sick.

These are unintended and unfortunate consequences when OSHA refuses to act to protect workers.

This is true, Mr. Chairman, even though the Flavor and Extract Manufacturers' Association, the industry that represents the food flavoring manufacturers, issued a report warning of the dangers to workers from exposure of diacetyl and recommended measures controlling that chemical.

OSHA does not seem moved to meaningful action, even though 4 of the Nation's biggest popcorn makers have recently announced that they are working to remove diacetyl from their products. In my own State of California, CalOSHA is currently working on a standard to regulate diacetyl.

There is a whole list of agencies that I will enter into the RECORD that are supporting the regulation of diacetyl.

So, Mr. Chairman, now is the time for this Congress to stand up for the Nation's workers and vote to pass H.R. 2693.

The American Industrial Hygiene Association, the American College of Environmental and Occupational Medicine, the AFL–CIO, the United Food and Commercial Workers, the Teamsters, the Bakery and Confectionary Workers, the American Public Health Association and the American Society of Safety Engineers also support H.R. 2693.

Mr. WILSON of South Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when I looked at the issue of diacetyl in manufacturing during the debate in committee, the answer seemed very clear to me at the time: proper ventilation. Even though it is unclear what is affecting manufacturing workers, all the experts agree that engineering controls, such as ventilation, reduce worker exposure.

I take very seriously lung illness. For nearly 10 years, I served on the State board of the South Carolina Lung Association. In the South Carolina State Senate, I introduced innovative legislation promoting clean air.

Fundamentally, the science does not exist to state a link between diacetyl and impaired lung function. Indeed, last year, the National Institute for Occupational Safety and Health, NIOSH, noted, "At this time, insufficient data exists on which to base workplace exposure standards or recommended exposure limits for butter flavorings."

Unfortunately, this bill goes beyond the issue of what is known. The underlying bill requires the Occupational Safety and Health Administration, OSHA, to set a standard based on documents that OSHA informs us cannot guide rulemaking. These documents provide guidelines of how to solve the problem at issue but are not the foundation for a rule.

More research is currently under way to determine a connection between diacetyl and this respiratory condition. I fully support that research moving forward. In fact, the underlying measure contains an amendment I offered during the committee consideration of the bill to require NIOSH to study similar flavorings to determine possible exposure hazards with flavorings similar to diacetyl. Until there is conclusive evidence, it remains to be seen if diacetyl alone is to blame or whether the chemical, in combination with the other flavorings, places workers at risk.

On June 18, Assistant Secretary of Labor for Occupational Safety and Health, Edwin Foulke, a distinguished attorney from Greenville, South Carolina, of the highest integrity, reiterated this in a letter to Congress, in which he stated, "Focusing on diacetyl ignores the possibility that other flavoring components, many of which are irritants and airway-reactive substances, are playing a role in the development of disease. Given the wide variety of ways and forms in which diacetyl and other flavoring components are used in the food manufacturing industry, a narrow focus on diacetyl would likely result in the selection of risk-management strategies that may not adequately protect employees."

This is a critical point. Until we know the true cause of this lung impairment, I do not see how we can effectively legislate on it. Further, major manufacturers, using this flavoring have already announced they will no longer be using diacetyl.

The lack of scientific foundation is, unfortunately, not the only problem with the bill before us. There are numerous flaws outlined by the OSHA administrator's letter. Further, the President has announced strong opposition to the bill, largely because it is flawed. Undermining the rulemaking process, as this bill does, would almost certainly exclude input from key stakeholders that often proves imperative for a balanced rulemaking process.

Because this bill fails to allow time for appropriate scientific research and because it undermines the proven regulatory framework, I fear it will not do enough to protect workers.

Mr. Chairman, my amendment that was made in order would resolve much of this problem.

DEPARTMENT OF LABOR,
Washington, DC, June 19, 2007.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: I am writing to express my strong concerns with legislation (H.R. 2693) that would require the promulgation of an interim final standard (IFR) regulating employee exposure to diacetyl in the popcorn and flavor manufacturing industries and mandate that the Occupational Safety and Health Administration (OSHA) issue a final rule covering all workplaces that use diacetyl.

I share your goal of protecting workers from the risk of obstructive lung disease. As outlined below OSHA is in the process of taking important steps to strengthen worker protections in this area. However, after careful review of this legislation, we have concluded that the regulatory approach mandated by H.R. 2693 will not afford the best level of protection for workers. Equally important, the process the bill would require may result in missed opportunities to provide needed worker safety. Instead, I urge you to allow OSHA to thoroughly evaluate all available science concerning the effects of exposures to food flavorings, feasible abatements and related issues.

Several considerations lead us to the conclusion that the approach mandated by H.R. 2693 would not best protect workers:

1. The expanded scope of the final rule and the lack of knowledge about the industries that use diacetyl will lead to superficial analysis that may fail to provide needed worker protection.

H.R. 2693 would require OSHA to expand the scope of the final rule to include all establishments where there is potential for exposure to diacetyl. Unfortunately, little is known about industries—other than the microwave popcorn manufacturing and food flavoring manufacturing industries—that use diacetyl and diacetyl-containing flavorings.

OSHA would need to identify those companies that use diacetyl then conduct site visits to gather needed data to (1) identify processes where exposures occur, (2) develop control strategies for each process, and (3) identify employers who have implemented control strategies to determine if those control strategies are effective. Although OSHA has been obtaining this information for microwave popcorn and food flavoring manufacturing establishments, to date little information is available on the many other industry sectors that would potentially be covered by the final role required by the bill. OSHA believes that two years is too short a period of time to develop the information base and analysis necessary to adequately support the proposed and final role, and to afford the public adequate time to comment on OSHA's proposal. The Agency believes that robust public input is essential to achieving a final rule that provides protection for employees while addressing potential impacts on all affected industries.

2. Focusing solely on a Permissible Exposure Limit (PEL) for diacetyl may ignore other components that are playing an important role in the development of disease.

H.R 2693 requires OSHA to develop a PEL for diacetyl that would apply to all facilities where diacetyl is processed or used. Research is ongoing by groups such as the National Institute for Occupational Safety and Health (NIOSH), the National Jewish Medical Center, the National Institute for Environmental Health Studies and California Department of Industrial Relations, Division of Occupational Safety and Health (Cal OSHA) to better determine the role that exposures to diacetyl and other chemicals may play in the development of bronchiolitis obliterans.

By focusing solely on diacetyl, H.R 2693 raises two major concerns:

a. Focusing on diacetyl ignores the possibility that other flavoring components—many of which are irritants and airway-reactive substances—are playing a role in the development of disease. Given the wide variety of ways and forms (e.g., liquids or powders) in which diacetyl and other flavoring components are used in the food manufacturing industry, a narrow focus on diacetyl would likely result in the selection of risk management strategies that may not adequately protect employees. These might include substitution of diacetyl with other chemicals that may be as dangerous under similar circumstances as diacetyl.

b. NIOSH has stated that "at this time, insufficent data exist on which to base workplace exposure standards or recommended exposure limits for butter flavorings." Given the state of the data currently available, OSHA would only be able to develop an imprecise PEL for diacetyl which would have a considerable amount of uncertainty associated with respect to the degree of protection afforded.

3. As drafted the bill would require the interim final rule to impose engineering requirements based on NIOSH recommendations that lack the clarity and specificity necessary to form the basis of a new health standard.

H.R. 2693 would direct OSHA to issue an interim rule at least as stringent as the 2004 NIOSH Hazard Alert. The NIOSH recommendations serve as good general recommendations, but do not provide specific performance criteria that would be necessary to develop an unambiguous and enforceable interim rule. The NIOSH Alert refers to the 2001 ACGIH Ventilation Manual, which provides some general objective design criteria, but mixing and blending processes in flavoring establishments vary greatly. For example, they can range from a 10-gallon batch operation up to several hundred pounds of batch mixing. Each of these operations may use similar control strategies but would require different engineering design parameters to achieve the same level of effectiveness. Therefore, the NIOSH Hazard Alert is not helpful to specify required minimum operating parameters for engineering controls because these minimum parameters will not provide equal protection to all employees in affected establishments. Furthermore, there is simply not enough information available at this point on flavoring processes and current exposure control practices to develop a specification-oriented standard.

OSHA traditionally has used PELs instead of specification-oriented standards to protect workers in this type of situation, because a PEL will set a precise, measurable standard to protect workers. However, as previously mentioned, currently available data do not support setting a PEL for diacetyl. Thus, OSHA would be forced by H.R. 2693 to issue a PEL based on imprecise information and an IFR based on a NIOSH Hazard Alert that does not provide specific performance criteria.

Additionally, the Department of Labor is very concerned that the IFR that is mandated by this legislation will not be open for comment by stakeholders, or reviewed in accordance with the requirements of the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Administrative Procedures Act, and the rulemaking requirements of the Occupational Safety and Health Act These statutes ensure thorough consideration and transparency in rulemaking. We do not believe these regulatory requirements should be waived except in the most exceptional situations. Thorough vetting is particularly critical when the medical and scientific studies do not provide unequivocal conclusions.

The Department of Labor is committed to protecting employees from obstructive lung diseases. The Department recently announced that OSHA win focus on health hazards of microwave popcorn butter flavorings containing diacetyl through a new National Emphasis Program (NEP). The NEP will direct inspections to the facilities where workers may be at the greatest risk of exposure to this hazard. Implementation of this NEP would allow OSHA to inspect every such facility under Federal jurisdiction by the end of this year. This will be followed by a second NEP that focuses on establishments manufacturing food flavorings containing diacetyl.

In addition to the NEP, OSHA is also preparing a Safety and Health Information Bulletin (SHIB) to better inform and instruct employers on how to protect employees from obstructive lung disease caused or exacerbated by food flavorings used in the microwave popcorn manufacturing industry. The SHIB will provide guidance to alert employers and workers to the potential hazards associated with butter flavorings containing diacetyl and will provide recommendations on how to control these hazards. OSHA is also developing a hazard communication guidance document to ensure that material safety data sheets and labels properly convey hazard information on diacetyl and diacetyl-containing food flavorings. Given that NIOSH has stated that insufficient data exist on which to base workplace exposure standards or recommended exposure limits for butter flavorings the approach we are taking is the quickest and most effective means of providing protection to workers in the popcorn and flavor manufacturing industries.

Because of the concerns I have outlined, the Department of Labor is opposed to H.R 2693. We have concluded that the approach proposed by H.R. 2693 will not afford the best level of protection for workers. By not providing sufficient time to do a proper rulemakin OSHA may unintentionally overlook opportunities to provide needed worker safety and, at the same timel require expensive process isolation, and ventilation and other control strategies that may be ineffective. Instead, I urge you to allow OSHA to thoroughly evaluate all available science concerning the effects of exposures to food flavorings, feasibie abatements, and related issues.

Sincerely,

EDWIN G. FOULKE, Jr.,
Assistant Secretary for
Occupational Safety and Health.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the chairman for yielding.

I rise in support of this legislation. In 2002, 5 years ago, NIOSH, the National Institute for Occupational Safety and Health, discovered a link between a dreadful disease called popcorn lung that literally eats away at the tissue of a man or a woman's lung and diacetyl. A lot has happened in the 5 years since then. Hundreds of people have been severely sickened. A significant number of people have died.

In 2003, NIOSH recommended that manufacturers using diacetyl adopt certain standards to protect workers against popcorn lung disease.

In 2004, the Flavor and Extract Manufacturers Association, the trade association of the affected industry, voluntarily adopted certain recommendations that employers and manufacturers do what they could to protect workers against popcorn lung. Very recently, under the leadership of Subcommittee Chairwoman WOOLSEY, who called attention to the issue, the Subcommittee on Workforce Protections drafted a piece of legislation.

Some good things happened. The Flavor and Extract Manufacturers Association said, "We agree with the legislation. We want OSHA to act to protect these workers as a matter of law, not a matter of courtesy."

The Flavor and Extract Manufacturers Association was joined by the industrial hygienists, the experts in this matter, by the physicians, the American College of Environmental and Occupational Medicine, by the public health experts, the American Public Health Association, by the voice of organized labor, the AFL–CIO, the United Food and Commercial Workers Union, the Teamsters, the Bakery, Confectionary, Tobacco Workers and Grain Millers Union and the American Society of Safety Engineers.

So, the manufacturers agree that OSHA ought to act, the physicians agree that OSHA ought to act, the industrial hygienists agree that OSHA ought to act, the labor unions agree that OSHA ought to act, and the American Association of Safety Engineers agrees that OSHA ought to act. All these things have happened in the last 5 years. But one thing has not happened. OSHA has not acted. So, today, we will act.

This is a case of administrative malpractice. This is a case of an administrative agency that is given the responsibility under the law to protect working Americans. After 5 years of evidence, after the unanimous judgment of doctors, hygienists, the trade association, organized labor, after 5 years of unanimous judgment that it is time for OSHA to act, OSHA still has not acted.

Now, the normal course, Mr. Chairman, is to wait for the administrative agency to make up its mind. We have already followed that course. We have waited for 5 years as hundreds of people have been sickened and a significant number of people have passed on. The time to wait is over. The time to act is now.

I urge our Republican and Democratic colleagues to join with doctors, industrial hygienists, the manufacturers association, organized labor, and the Public Health Association and say to OSHA, stop this administrative malpractice. Enact a standard and protect these workers against this dreadful disease.

I would like to congratulate Chairman WOOLSEY, Chairman MILLER and the other leaders in this effort and urge a "yes" vote.

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Mr. WILSON of South Carolina. Mr. Chairman, I include for the RECORD letters in opposition from the American Bakers Association, dated September 25, 2007; the OSHA Fairness Coalition, September 25, 2007; and the Office of Management and Budget, dated September 25, 2007.

AMERICAN BAKERS ASSOCIATION,
Washington, DC, September 25, 2007.

Hon. HOWARD MCKEON,
House of Representatives,
Washington, DC.

DEAR MR. MCKEON: On behalf of the American Bakers Association (ABA), I am writing to express our opposition to H.R. 2693, "the Popcorn Workers Lung Disease Prevention Act," which the House of Representatives is expected to consider this week. Passage of H.R. 2693 would significantly short circuit the appropriate regulatory process by mandating that the Occupational Safety and Health Administration (OSHA) implement a regulation, including a Permissible Exposure Limit (PEL), applicable to all sectors of the food industry, and based on limited scientific data. For over 100 years, the ABA has represented the interests of the wholesale baking industry and its suppliers—companies that work together to provide over 80 percent of the wholesome and nutritious bakery products purchased by American consumers.

The American Bakers Association prides itself on our long history of assisting baking companies to stay ahead of the curve on safety and health in the workplace. Our Safety Committee provides tremendous leadership on safety and health policy issues. We are committed to keeping our workers safe and support science-based standards and regulations. The ABA is aware of recent data from the National Institute for Occupational Safety and Health (NIOSH) regarding the use of diacetyl in popcorn manufacturing and the flavor manufacturing industry. We also understand the severity of the health effects that have been demonstrated in a limited number of cases. However, we strongly believe that the recent NIOSH data does not accurately reflect the use of diacetyl in other sectors of the food industry, such as baking. Differences exist in the food processing industry, the concentrations of diacetyl used, and the existing controls in place.

Mandating specific requirements that OSHA must include in a diacetyl standard sets a precedent that should be avoided. Congress's role as set forth in the OSH Act of 1970 is to "assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources." However, it is the role of the Department of Labor to use its expertise for implementing regulations. For Congress to specify the applicable requirements of a "final standard" would bypass inappropriately the mechanisms and tests established under the OSH Act. Expedited regulation, even if directed by Congress, would rest on very limited scientific evidence and would represent rushed and inappropriate legislative and Agency action.

Further H.R. 2693 does not address the carefully developed procedures for rulemaking that Congress and the courts have put in place under the Administrative Procedures Act (APA), including provisions designed to protect small businesses. Finally, on September 24, 2007 OSHA announced its intent to move forward with a rulemaking on diacetyl. This rulemaking process should be allowed to move forward as it includes the appropriate procedural safeguards.

ABA respectfully urges you to oppose this legislation and allow the regulatory procedures designed to protect the interests of small businesses to guide OSHA in developing a standard.

Sincerely,

ROBB MACKIE,
President and CEO.

OSHA FAIRNESS COALITION

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES: We write to inform you of our strong opposition to H.R. 2693, "the Popcorn Workers Lung Disease Prevention Act," which the House of Representatives is expected to consider this week. The bill directs the Occupational Safety and Health Administration (OSHA) to issue a standard regulating exposure to diacetyl (a substance used to impart butter flavor to various foods, most notably microwave popcorn) even though the science and data available are insufficient to allow OSHA to establish an exposure limit. Such a mandate would be completely at odds with all other laws, judicial decisions, executive orders and sound policy considerations under which OSHA promulgates standards and regulations.

This bill mandates that OSHA issue an interim final regulation within 90 days of enactment, and then a final regulation which would include a short term exposure limit and a permissible exposure limit, within two years of enactment. Unfortunately, data does not currently exist as to where these lines could be drawn. The very NIOSH document cited in the bill for support also states with respect to diacetyl and other flavorings: "Little is currently known about which chemicals used in flavorings have the potential to cause lung disease and other health effects, and what workplace exposure concentrations are safe. . . . Most chemicals used in flavorings have not been tested for respiratory toxicity via the inhalation route, and occupational exposure limits have been established for only a relatively small number of these chemicals." (NIOSH Publication 2004–110, pp. 5–6).

Most importantly, this bill mandates that OSHA completely ignore the carefully developed, balanced, and necessary requirements for rulemaking that Congress and the courts have put in place to make sure OSHA standards reflect the best science available, are responsive to a specific hazard, and are both technologically and economically feasible for the affected employers. Both Congress and the Supreme Court have made clear that OSHA can regulate only after it has satisfied specific requirements for data and analysis as contained in Section 6 of the Occupational Safety and Health Act, and the Administrative Procedure Act including specific provisions designed to protect small businesses. Because regulations have a much different and more significant impact on small businesses, adhering to the strict rulemaking guidelines of the APA are that much more important to small businesses. The normal OSHA rulemaking process allows for regulatory impacts on small businesses (which according to the Small Business Administration are 50 percent higher than they are for large firms) to be assessed, and for important changes to be made to proposed regulations mitigating those impacts. Shortchanging that process could be potentially devastating to those small businesses which provide 60 percent of all new jobs in the United States.

The interim final regulation specified by this bill, which would have the legal effect of an OSHA standard, would not be produced under any rulemaking procedures. Indeed, this bill attempts to write the interim final standard directly, bypassing OSHA's expertise and ability to tailor such a regulation to those circumstances where it is truly warranted. Under the bill the interim final standard would be issued without any analysis of its impact, or opportunity for those subject to it to provide comments or input, nor would it be subject to comments once issued as is customary for interim final rules. Because there is no data around which to formulate the short term exposure limit and permissible exposure limit, the two year timeframe specified for OSHA to issue the final regulation is too accelerated to permit the agency to conduct the necessary impact analyses and other small business-focused analyses that would normally accompany an OSHA rulemaking.

Finally, any need for this bill has been eliminated as a result of the world's largest producer of microwave popcorn, ConAgra Foods Inc., and another large manufacturer of microwave popcorn recently indicating their plans to eliminate diacetyl from their brands, and OSHA's announcement on September 24 that the agency will move forward with various measures to address the hazard of workplace diacetyl exposure including a rulemaking consistent with the full procedural safeguards.

H.R. 2693, while well intentioned, is ill conceived and would establish a devastating precedent of Congress mandating a regulation when there is no data available to use in setting the exposure limit, and trampling on regulatory procedure designed to protect the interests of small businesses. The Coalition urges the House not to pass H.R. 2693.

Sincerely,

American Bakers Association; Associated Builders and Contractors; International Food Distributors Association; National Association of Home Builders; National Oilseed Processors Association; NFIB; U.S. Chamber of Commerce; Plumbing-Heating-Cooling Contractors—National Association; American Foundry Society; Associated General Contractors; National Association of Convenience Stores; National Association of Manufacturers; Mason Contractors Association of America; and Printing Industries of America.

STATEMENT OF ADMINISTRATION POLICY, H.R. 2693—THE POPCORN WORKERS LUNG DISEASE PREVENTION ACT

(Rep. Woolsey (D) CA and 17 cosponsors)

The Administration strongly opposes House passage of H.R. 2693, "Popcorn Workers Lung Disease Prevention Act," in its current form. H.R. 2693 would require the Department of Labor's Occupational Safety and Health Administration (OSHA) to publish a premature interim standard within 90 days of enactment regulating worker exposure to diacetyl and publish a final regulation that includes a permissible exposure limit (PEL) within two years. The bill also directs the National Institute for Occupational Safety and Health (NIOSH) to conduct a study to determine the potential exposure hazards of diacetyl and associated chemicals used in the production of microwave popcorn.

The Administration shares the goal of protecting workers from the risk of obstructive lung disease, and OSHA is already taking steps to strengthen worker protections in this area. These measures include: (1) Announcement of a regular rulemaking process under the Occupational Safety and Health Act to address occupational exposure to flavorings containing diacetyl; (2) inspections at every microwave popcorn manufacturing plant in the nation within the calendar year to ensure that acceptable ventilation and other engineering controls are in place and that appropriate personal protective equipment is in use; (3) issuance of a Safety and Health Information Bulletin that advises employers about diacetyl, recommends specific engineering and work practice controls to regulate exposures, and requires appropriate personal protective equipment and respiratory protection when handling diacetyl; and (4) issuance of a guidance document about health hazard information that must be included on diacetyl material safety data sheets under the Hazard Communication standard.

The Administration does not believe that H.R. 2693 in its present form is the best regulatory approach for protecting workers. Before a PEL can be promulgated, more time is needed to gather sufficient evidence concerning (1) the causes of bronchiolitis obliterans ("popcorn lung disease") in workers exposed to diacetyl and other chemicals used in butter flavorings; (2) the range of exposure levels that may be hazardous; and (3) the kinds of control measures that are most effective. Additional time is also needed to obtain sufficient information about the many other industries besides microwave popcorn manufacturing that use diacetyl and diacetyl-containing flavorings. The expedited rulemaking required by H.R. 2693 would not allow OSHA sufficient time to gather and analyze the kind of evidence and information needed to ensure the promulgation of a standard that adequately protects workers.

The Administration is also very concerned that the interim standard that is mandated by this legislation will not be open for comment by stakeholders, particularly small business, in accordance with the Administrative Procedure Act, Small Business Regulatory Enforcement Fairness Act, and the rulemaking requirements of the Occupational Safety and Health Act. These statutes ensure thorough consideration and transparency in rulemaking, as well as stakeholder input. The Administration believes these requirements should be waived only in the most exceptional situations. Thorough vetting is particularly critical when the medical and scientific studies do not provide unequivocal conclusions.

Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. PRICE), an experienced physician.

Mr. PRICE of Georgia. Mr. Chairman, I thank my friend from South Carolina for his leadership on this, as well as so many other issues.

Mr. Chairman, I represent the Sixth District of Georgia, one that is interested actively in the input of Members of Congress and the actions of government. But they have some suspicion about the actions of government.

When I came to Congress, I was told a story by a former Member who told an amusing story about his sense that when Members of Congress get on the airplane and they head toward Washington to come to work, they think they are pretty smart folks. As they get closer to Washington, they think that their intelligence increases. As they begin to descend and come into Reagan National Airport, they really think they are getting mighty smart. And then once they step off the plane, they think they are the brightest people on the Earth.

I tell that because folks listening to this might be surprised that there actually is a process in place for rulemaking within OSHA. There is a process in place that maximizes workplace safety while it sets standards based upon the strongest and the most complete scientific information.

Now, today, the House of Representatives is considering a bill which bypasses this process, bypasses the process and sets a permissible exposure limit for diacetyl, making Members of Congress the ones who are the experts on scientific evidence.

As my friend mentioned, before I came to Congress, I was a physician. One of the things that concerned me greatly was that Members of Congress, many Members of Congress think that they know best about so many issues. One of them was how to practice medicine. In this instance, it's what the level of appropriate exposure for a worker in this Nation ought be for diacetyl.

Diacetyl is an artificial flavoring commonly used for popcorn. It has been determined to be safe for general consumption, but the inhalation, the breathing in of large quantities may be harmful, although there is not any evidence that demonstrates that it can be solely harmful to an individual, which is what this bill actually assumes or presumes.

You have heard talk about the National Institute of Occupational Safety and Health, NIOSH. NIOSH is the group that studies these kinds of things. In fact, they produced a study that concluded, "There is insufficient data that exists on which to base workplace exposure standards or recommended exposure limits for butter flavorings."

Those are the folks that are the scientists that are involved in setting standards. We ought to listen to their recommendation. I commend the author and I commend the individuals who want to push the process forward more rapidly. I think that's an appropriate thing to do. But by adopting this bill, Congress is effectively saying to OSHA that your rulemaking process doesn't make any difference, that we don't need to hear the folks who have the greatest amount of knowledge about an issue, and that Congress is about to set standards based upon incomplete scientific evidence.

Now that may not be of great concern to some, but it ought to be. It ought to be. Regulations of this nature should only be based on the most sound and thorough scientific data. Otherwise, Congress is coming back every 6 months, every year, every 2 years and revising what they have put in place because they haven't based their decisionmaking on appropriate scientific information.

If this legislation is to go forward, then I would encourage my colleagues to allow it to do so with the adoption of the Wilson amendment. This amendment would ensure that a final safety standard for diacetyl is in fact based on adequate scientific and complete review by NIOSH. The Wilson amendment will guarantee that the most effective worker protections are put in place with the backing of science rather than identifying one compound without complete information.

If the goal here is workplace safety, if the goal is workplace safety, then we ought to make certain that that safety, those guidelines, those regulations are put in place and done correctly. Members of Congress should have a critical eye on the OSHA rulemaking process, without a doubt. But it's important that we not implement mandates based upon incomplete scientific evidence and without all of the facts.

So, for those reasons, Mr. Chairman, I once again thank my colleague for his assistance and leadership in this area. I would urge adoption of the Wilson amendment, and if that does not occur, then I would urge defeat of the underlying bill.

Mr. WILSON of South Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 4 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Chairman, I thank my friend for yielding me time to speak on this important issue. As a cosponsor of H.R. 2693, I rise to express my very strong support of the legislation and to highlight the dangerous philosophy under which the current administration and, consequently, OSHA has been operating.

Beside me you see in print the philosophy of "Guidance" over standards and regulations. Just to be clear here, guidance is great, but it's terribly dangerous when it comes at the expense of enforceable standards. It is this issue that brings us to the floor today.

This Hazard Communications Guidance, which was released just on Monday, starts with a sort of disclaimer paragraph that begins by explaining, "This guidance is not a standard or regulation and it creates no new legal obligations."

It concludes with, "Failure to implement any specific recommendations in this guidance is not in itself a violation of the General Duty Clause. Citations can only be based on standards, regulations, and the General Duty Clause."

In fact, under this administration, OSHA has issued only one significant new standard, which was on the cancer-causing chemical hexavalent chromium, and this was done under court order.

This is an incredibly dangerous philosophy for workers nationwide who rely on the health and safety precautions that OSHA is charged with ensuring. OSHA's obligation to protect these workers is certainly not met by simply enforcing current standards while ignoring emerging dangers. OSHA has responsibility to promulgate new standards and protections as soon as we learn of the hazardous nature of such chemicals as diacetyl.

To my colleagues who would say that Congress should step back and let OSHA do its job, I say gladly. We will step back when OSHA steps up and fulfills its obligation to provide meaningful health and safety protections for our Nation's workers.

I urge my colleagues to support this legislation that will provide this meaningful protection. It does this by requiring OSHA to issue an interim standard and within 2 years to promulgate a final standard with respect to diacetyl. Our workers deserve this added safety. So do our families that use this product. This bill deserves our support.

Mr. WILSON of South Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BISHOP), a member of the committee.

Mr. BISHOP of New York. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 2693, the Popcorn Workers Lung Disease Prevention Act. Millions of Americans enjoy the convenience of microwave popcorn. However, few are aware that those bags of popcorn may contain diacetyl, an artificial butter flavoring and a deadly chemical when inhaled in high levels.

You earlier heard about Eric Peoples from Chairman WOOLSEY who worked at the Jasper Popcorn Company. Mr. Peoples has the debilitating disease of popcorn lung and as a result has only 24 percent of his lung capacity. Everyday activities are no longer possible for him.

Another worker at the Jasper Popcorn Plant, Linda Redman, started working at the plant in 1995. Within 2 years, her breathing was so impaired that she had to quit. I believe that Eric and Linda's pain may have been prevented if OSHA had acted to issue a standard to limit workers' exposure to diacetyl. OSHA has still failed to issue a standard, even though it was some 7 years ago that it was determined that worker illnesses were related to the chemical diacetyl.

H.R. 2693 is a simple bill. It requires OSHA to issue an emergency interim standard within 90 days to protect workers at popcorn and flavoring manufacturing plants to minimize diacetyl, and it requires OSHA to then issue a final standard within 2 years. An emergency standard will help protect the thousands of workers who come into contact with diacetyl every day. The Flavor and Extract Manufacturers Association, the leading industry association for the flavoring industry, recommended similar actions as far back as 2004.

The simple and sad truth is that OSHA has failed to do its job, and thus in this case Congress must act to protect workers. These workers deserve a safe workplace.

As Eric Peoples said, "I played by the rules. I worked to support my family. This unregulated industry virtually destroyed my life. Please don't let it destroy the lives of others."

So I ask Members to join me in promising that we won't stand by and let this industry destroy the lives of others. Let's pass H.R. 2693.

Mr. WILSON of South Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are considering this bill under unfortunate circumstances. A number of workers have become ill, and it is not entirely clear why. We suspect this particular food flavoring diacetyl may be involved, so we all support a thorough investigation into this substance and how exposure to it may impact workers.

Like my friends on the other side of the aisle, I wish there was an easy answer. If only we knew what had made these workers ill, we could immediately eliminate the risks. If only we knew for sure that diacetyl and manufacturing alone caused lung obstruction, then Federal agencies could go through the appropriate regulatory process to establish exposure limitations and take the necessary steps to protect workers.

Unfortunately, we do not have enough information at this point in time to take such action. Research is underway, and it is my hope that the research continues quickly so we can get to the bottom of these questions about how diacetyl impacts manufacturing workers.

Until that research is available and until we have a scientific basis for regulation, in my mind we simply cannot move forward. There is a very real danger that by acting too quickly, we could inadvertently push manufacturers to begin using substitute flavorings. There is a possibility that these substitute flavorings could also put workers at risk; thus, a hurried regulation may provide a false sense of security while manufacturing workers remain vulnerable.

Again, I understand the frustration about a lack of clarity on the administration's intent in this area. Until the recent announcement by the Department of Labor that it intends to undertake a rulemaking process for this flavoring, we had not received any clear indication from the administration that it intended to take action. As such, I believe some on the other side the aisle believed they had no choice but to act themselves.

Mr. Chairman, I recognize the difficulty we face. We have workers who have fallen ill and we do not know why. We have questions about a flavoring that workers are exposed to during manufacturing, but we do not know whether it is the sole cause of their ailments. We have a Federal regulatory agency that is responsible for ensuring workplace safety, but until this week we did not know whether the agency would act.

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Republicans proposed a sensible alternative when this bill was considered in the committee, and we plan to do the same today. We want to balance our pressing desire to act quickly to protect workers with our equally important need to adhere to sound science.

Because I believe it undermines the basic regulatory framework and neglects the necessary scientific foundation, I regret I cannot support the bill in its current form. I hope my alternative will be adopted so that we can quickly increase evidence to guide the final rules to provide the strongest protections possible.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman and Members of the House, this isn't about confusion. This isn't about uncertainty. This is about the absolute failure of a Federal agency that has been established and designed to protect the health and the safety of American workers, the Occupational Health and Safety Administration, and the absolutely failure of that agency to take action, the absolute failure of this administration, the Bush administration, to insist they take action in light of mounting and compelling evidence that workers in popcorn manufacturing facilities and workers maybe now in other food industries have been stricken with a horrible disease that has been directly related to diacetyl.

I appreciate they want to throw up all of the other reasons. Maybe it wasn't O.J., but the fact of the matter is, here it is diacetyl, and we have got to understand that because people are going in for lung transplants, people are losing their ability to earn a living, and people have died from the results of this, and manufacturers and others are paying out millions of dollars.

The other side wants to offer an amendment that is based upon very old information, 3 years old. In those 3 years, NIOSH has recommended that actions be taken. The actions were not taken. NIOSH based that on the information at that time.

Then the industry recommended that actions be taken to protect the lives and the health and the safety of these workers, and actions were not taken in many parts of that industry. And, lo and behold, on the day that we are arguing this bill on the floor, we find out that OSHA has finally taken action.

And what action has OSHA taken? It didn't take action in the absence of information. It specifically states that they are updating the material safety data sheets because they have to include newer health effects information, information they need to understand the hazards associated. The hazards associated.

This is OSHA as of today. OSHA couldn't figure it out yesterday, they couldn't figure it out last year or the year before or the year before. But because Congress is moving, they are now going to give people a data sheet that says diacetyl, in the data sheet from OSHA today, can cause damage to respiratory tract and lungs if inhaled, and it is highly flammable.

This isn't because we don't have information. This is because they refused to act earlier.

The gentleman from the other side wants to talk about the fact that they have put together a rulemaking process. No, what they announced was a one-day meeting, a one-day meeting of stakeholders, and then that was the end of it. We don't know whether they are going to go to the rest of the process or not. There is no indication in their past that they have.

They have forfeited their right to suggest that they will set the time and the tempo and the urgency of the protection of these workers and their families. They have forfeited that. We are stepping in here; and in the first interim standard we are asking NIOSH to do what they have already recommended that they do, based upon the evidence they have today. We are asking them to join with the manufacturers who have made these same recommendations based upon the evidence that they have today.

And what are they asking them to do? These are the first precautionary things that you do: Isolate the mixing room from the rest of the plant using walls, doors or other barriers; provide the mixing room with a separate ventilation system and ensure that negative air pressure relative to the rest of the plant is maintained in the mixing room. Yes, they are doing this because they have information that this can cause damage to your respiratory tracts and your lungs.

The other side wants to suggest in their amendment that if we just knew more, we could do better. It goes on and on.

They suggest reducing the operating temperature and holding the mixing tanks to the minimum temperature necessary, equipping the head space of the mixing and holding tanks with flavor added to oil and held in a pure form, automating the mixing process using closed processes to transfer flavorings. These are all designed to protect these workers, and they would not have happened but for this committee action, but for this floor time and this debate, and but for us voting this bill out of here.

This is the least we can do, to ask these agencies to do what was already recommended they should do in 2003, to do at least what the manufacturers have already recommended they do in 2004. And then we ask them to proceed with a permanent standard using their scientific evidence, their data, their knowledge, not ours. And that is the process by which these workers are going to get protection.

They are not going to get protection from the gentleman's amendment on the other side of the aisle, and they are not going to get it from stalling the Congress from going forward.

This is our opportunity to respond to an urgent medical crises in this industry by these workers and their families. I ask my colleagues to support this legislation when it comes time for final passage and to defeat the Wilson amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HARE. Mr. Chairman, I rise in strong support of the Popcorn Workers Lung Disease Prevention Act. As a Member of the Education and Labor Committee I had the privilege of participating in a hearing at which Eric Peoples, a former microwave popcorn worker, testified. Mr. Peoples had contracted a respiratory disease from exposure to the butter flavoring chemical, diacetyl, during his work at the factory. I was appalled to find out that despite the mountain of evidence showing the links between diacetyl and respiratory damage comparable to inhaling acid, the workers were told this product was safe. Now, Mr. Peoples struggles with only 24 percent lung capacity and is waiting for a lung transplant.

OSHA is failing to protect workers from chemical hazards. According to the National Institute for Occupational Safety and Health, occupational diseases caused by exposure to chemical hazards are responsible for an estimated 50,000 deaths each year.

This bill does the job OSHA has failed to do. H.R. 2693 would require OSHA to issue an interim final standard to minimize worker exposure to diacetyl at popcorn manufacturing and packaging plants. OSHA would then be required to issue a final standard within 2 years that would apply to all locations where workers are exposed to diacetyl.

It is necessary for Congress to take this step to protect our workers. I urge my colleagues to stand with me in passing the Popcorn Workers Lung Disease Prevention Act.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise today in support of the Popcorn Workers Lung Disease Prevention Act.

Bronchiolitis obliterans frequently referred to as popcorn lung is a serious and debilitating lung disease, which has resulted in severe illness and even death of workers in popcorn and flavor production. This irreversible disease has been linked with exposure to the artificial butter chemical, diacetyl. However, despite this knowledge, the Occupational Safety and Health Administration (OSHA) has not issued a single regulation for diacetyl. In fact, OSHA has not issued a single worker safety standard in the last 7 years, except for 1 ordered by a court.

This legislation requires OSHA to issue an emergency standard within 90 days to minimize worker exposure to diacetyl in popcorn and flavorings manufacturing plants. It also requires OSHA to develop a permanent and more comprehensive standard within the next 2 years to regulate diacetyl exposure in all workplaces.

The Popcorn Workers Lung Disease Prevention Act is supported by a wide range of organizations including the Flavor and Extract Manufacturers Association, the AFL–CIO, the American Society of Safety Engineers, and the American Industrial Hygiene Association.

All workers have the right to a safe and healthy workplace. I urge my colleagues to join me in voting for H.R. 2693.

Mr. BACA. Mr. Chairman, this bill requires the Occupational Safety and Health Administration (OSHA) to issue an interim standard to protect workers in the popcorn manufacturing and flavoring industries and gives time to work on a permanent standard.

I urge support of H.R. 2693, the "Popcorn Workers Lung Disease Act."

Every time we microwave a bag of popcorn, we are contributing to lung disease.

Every time we purchase popcorn at the local grocery store, we are contributing to lung disease.

Let's be responsible and start contributing to a solution.

Let's make sure that we support workplace safety legislation.

There is no excuse for workers to need lung transplants or to die just because they are making popcorn for our pleasure.

There is no reason why children should lose a parent from dying of "Popcorn Lung."

Yes, this disease is rare, but it is also irreversible and deadly.

OSHA must issue control measures and education measures to prevent this from happening and to minimize worker exposure.

There is no excuse!

Tens of thousands of food processing workers report to work each day and are exposed to this dangerous chemical without any controls.

This bill will give OSHA two (2) years to decide on a final standard for permissible exposure limits.

That time limit is fair and just.

Let's contribute to a solution and put an end to popcorn lung disease!

Americans have a right to be safe at work, to breathe easily and to raise their families knowing that their government will protect them from dangerous chemicals.

I urge my colleagues to support H.R. 2693.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Popcorn Workers Lung Disease Prevention Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) An emergency exists concerning worker exposure to diacetyl, a substance used in many flavorings, including artificial butter flavorings.

(2) There is compelling evidence that diacetyl presents a grave danger and significant risk of life-threatening illness to exposed employees. Workers exposed to diacetyl have developed, among other conditions, a debilitating lung disease known as bronchiolitis obliterans.

(3) From 2000–2002 NIOSH identified cases of bronchiolitis obliterans in workers employed in microwave popcorn plants, and linked these illnesses to exposure to diacetyl used in butter flavoring. In December 2003, NIOSH issued an alert "Preventing Lung Disease in Workers Who Use or Make Flavorings," recommending that employers implement measures to minimize worker exposure to diacetyl.

(4) In August 2004 the Flavor and Extract Manufacturers Association of the United States issued a report, "Respiratory Health and Safety in the Flavor Manufacturing Workplace," warning about potential serious respiratory illness in workers exposed to flavorings and recommending comprehensive control measures for diacetyl and other "high priority" substances used in flavoring manufacturing.

(5) From 2004–2007 additional cases of bronchiolitis obliterans were identified among workers in the flavoring manufacturing industry by the California Department of Health Services and Division of Occupational Safety and Health (Cal/OSHA), which through enforcement actions and an intervention program called for the flavoring manufacturing industry in California to reduce exposure to diacetyl.

(6) In a report issued in April 2007, NIOSH reported that flavor manufacturers and flavored-food producers are widely distributed in the United States and that bronchiolitis obliterans had been identified among microwave popcorn and flavoring-manufacturing workers in a number of States.

(7) Despite NIOSH's findings of the hazards of diacetyl and recommendations that exposures be controlled, and a formal petition by labor organizations and leading scientists for issuance of an emergency temporary standard, the Occupational Safety and Health Administration (OSHA) has not acted to promulgate an occupational safety and health standard to protect workers from harmful exposure to diacetyl.

(8) An OSHA standard is urgently needed to protect workers exposed to diacetyl from bronchiolitis obliterans and other debilitating conditions.

SEC. 3. ISSUANCE OF STANDARD ON DIACETYL.

(a) INTERIM STANDARD.—

(1) RULEMAKING.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an interim final standard regulating worker exposure to diacetyl. The interim final standard shall apply—

(A) to all locations in the flavoring manufacturing industry that manufacture, use, handle, or process diacetyl; and

(B) to all microwave popcorn production and packaging establishments that use diacetyl-containing flavors in the manufacture of microwave popcorn.

(2) REQUIREMENTS.—The interim final standard required under subsection (a) shall provide no less protection than the recommendations contained in the NIOSH Alert "Preventing Lung Disease in Workers Who Use or Make Flavorings" (NIOSH Publication 2004–110) and include the following:

(A) Requirements for engineering, work practice controls, and respiratory protection to minimize exposure to diacetyl. Such engineering and work practice controls include closed processes, isolation, local exhaust ventilation, proper pouring techniques, and safe cleaning procedures.

(B) Requirements for a written exposure control plan that will indicate specific measures the employer will take to minimize employee exposure; and requirements for evaluation of the exposure control plan to determine the effectiveness of control measures at least on a biannual basis and whenever medical surveillance indicates abnormal pulmonary function in employees exposed to diacetyl, or whenever necessary to reflect new or modified processes.

(C) Requirements for airborne exposure assessments to determine levels of exposure and ensure adequacy of controls.

(D) Requirements for medical surveillance for workers and referral for prompt medical evaluation.

(E) Requirements for protective equipment and clothing for workers exposed to diacetyl.

(F) Requirements to provide written safety and health information and training to employees, including hazard communication information, labeling, and training.

(3) EFFECTIVE DATE OF INTERIM STANDARD.—The interim final standard shall take effect upon issuance. The interim final standard shall have the legal effect of an occupational safety and health standard, and shall apply until a final standard becomes effective under section 6 of the Occupational Safety and Health Act (29 U.S.C. 655).

(b) FINAL STANDARD.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655), promulgate a final standard regulating worker exposure to diacetyl. The final standard shall contain, at a minimum, the worker protection provisions in the interim final standard, a short term exposure limit, and a permissible exposure limit that does not exceed the lowest feasible level, and shall apply at a minimum to all facilities where diacetyl is processed or used.

SEC. 4. STUDY AND RECOMMENDED EXPOSURE LIMITS ON OTHER FLAVORINGS.

(a) STUDY.—The National Institute of Occupational Safety and Health shall conduct a study on food flavorings used in the production of microwave popcorn. The study shall prioritize the chemicals that are most closely chemically associated with diacetyl to determine possible exposure hazards. NIOSH shall transmit a report of the findings of the study to the Occupational Safety and Health Administration.

(b) RECOMMENDED EXPOSURE LIMITS.—Upon completion of the study conducted pursuant to subsection (a), NIOSH shall establish recommended exposure limits for flavorings determined by such study to pose exposure hazards to workers involved in the production of microwave popcorn.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 110–349. Each amendment can be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–349.

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

Page 6, line 21, insert ", if at such time, diacetyl is still being processed or utilized in facilities subject to such Act" after "diacetyl".

Page 7, line 5, strike "of" and insert "for".

Page 7, line 7, strike "used in the production" and all that follows through "NIOSH" and insert "that may be used as substitutes for diacetyl and".

Page 7, strike lines 13 through 18 and insert the following:

(b) CONSTRUCTION.—Nothing in this section shall be construed as affecting the timing of the rulemaking outlined in section 2.

The CHAIRMAN. Pursuant to House Resolution 678, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from South Carolina (Mr. WILSON) each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman and members of the committee, this is an amendment technical in nature, and it clarifies that if no one is using diacetyl, it is not necessary for OSHA to issue a standard. The second portion clarifies that the purpose of the required NIOSH study is to study the health effects of substitutes of diacetyl. I urge passage of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), my next-door neighbor of historic Savannah.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I am opposed to the amendment because I am opposed to the bill.

One of the great things about Congress, I say to people, is it is the ultimate place for those of us with attention deficit disorder, because we have the privilege on a day-to-day basis to go from health care, to war, to weapons systems. Which airplane is better, the C-5 or the C-17? To go to farm issues. How about the cotton program? Is it good? Well, should we model it after the peanut program?

Then education: college, primary, private school. Should there be prayer? Should we lower the student-teacher ratio? Indeed, the President of the United States, President Clinton, stood in this Chamber once and called for school uniforms. We were experts on that for the day.

Tax policy: Who should get tax breaks and who should not? Trade policies: Which countries are going to be the best to trade with us? Immigration.

The list goes on and on and on. But, unfortunately, our expertise does not continue with the demand and the issues.

And here we are talking about popcorn. I would say to my friend from California that 99.9 percent of the Members here have never been in a popcorn factory. I listened to my friend, Mr. MILLER. He knows a lot about this. I am impressed that he knows mixing rooms and building walls and so forth, but I would say most of us do not.

That is why we have agencies and commissions like OSHA set up, because they fill in the blanks where we cannot be experts. They have scientists who go in and make rulemaking policies in a balanced way, nonpolitical and nonemotional. It is scientific. They go in there and say, before we go out and set a bunch of standards on the private sector, let's make sure that we have the experts doing the decisionmaking.

And yet here we are, the nanny-state of Congress. Nurse Ratched once more knows best, completely oblivious to the fact that one of the largest manufacturers of microwave popcorn just recently said they would eliminate this product from their bands, and another manufacturer did the same thing. And even OSHA on September 24 said they will move forward with various measures to address the hazards of the workplace.

I think it is interesting that we have set up OSHA to help us, and yet we have decided now that we know popcorn and we know best.

But I would say to my friend from California, your expertise is not matched by 99 percent of us. I would say Ms. WOOLSEY, being a great Member who does her homework, and Mr. WILSON and the staffers who are here, you all are popcorn experts in Congress, and that's it. There are no other popcorn experts in Congress.

I think we do have some experts on trade and on taxes and on military things, but even they have to rely on agencies and organizations to give them better information. Yet we are leapfrogging over this information. I don't know if it is political or what, but we seem to be in a big rush to forget the standards that should be set by the proper agency.

Later, we will have the opportunity to vote on the Wilson alternative that would give OSHA time to set a standard that would be, after a NIOSH study, based on solid scientific evidence. It seems to me that is a more reasonable and balanced approach to solving this problem. And we are not even convinced. The data doesn't even say this problem is as big and as urgent as those who are advocating this bill are.

So I recommend a "no" vote on this amendment, even though I know it is technical in nature. But I think we should ultimately vote on the Wilson amendment in support of it, and then I think we should pass the bill. But if the Wilson amendment does not pass, we should vote this bill down. Because Congress is not an expert on this and we should know our limitations and we should let the proper agencies with the scientists and the experts make the rulemaking on something so micro-technical as micro-popcorn.

Mr. WILSON of South Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

I find it rather incredible that the gentleman from Georgia would come down and ridicule the idea that Congress would act in this matter when there has been such malfeasance by OSHA, by the Bush administration, and by the oversight of this Congress. I guess you can try to make light of it if you don't want to take responsibility for your actions.

What we are recommending today in this legislation is what NIOSH recommended for the protection of these workers in 2003, and it didn't happen, and nobody on the other side of the aisle asked the question: Why? So now we have workers who have worked in popcorn factories and maybe now in other manufacturing facilities that are losing their lung capacity, that are seeking lung transplants, that have died and have a disease that is called "grotesque" by the medical profession and who suggest, when you get this, it is the equivalent of the damage to your lungs if you inhaled acid.

There may be something trite in that, there may be something cavalier in that, but I don't see it. I don't see it. These families, these workers, are asking for our help. These workers are dying.

□ 1345

The industry has tried and is asking for our help. The labor unions are asking for our help. The scientists are asking for our help.

The gentleman would make light of this. He ought to talk to the families who have had members who have died or who have been severely impaired or are hoping that they can get a lung transplant before they die so they might have a chance to see their children and their grandchildren grow up and enjoy their family. It's not to be made light of.

There's a great deal of malfeasance here by this administration, by OSHA, by the Department of Labor and by failure to have oversight on this in this committee. They ought not to come to this floor and make light of this measure. This is about people's lives and about their health and about their well-being, and we should pass this amendment. We should reject the next amendment and we should pass this legislation.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-349.

Mr. WILSON of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WILSON of South Carolina:

Page 6, line 18, strike "the date of enactment of this Act," and insert "the National Institute for Occupational Safety and Health concludes there is sufficient data to support a recommended exposure limit and establishes such recommended exposure limit,".

The CHAIRMAN. Pursuant to House Resolution 678, the gentleman from South Carolina (Mr. WILSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. WILSON of South Carolina. Mr. Chairman, my amendment is very straightforward. This would ensure that the Occupational Safety and Health Administration, OSHA, sets a permissible exposure limit as directed by the underlying bill, which can be relied in science.

I offered this amendment in the Education and Labor Committee, and we agreed to work together to see if we could reach an agreement. Between committee action and today, we were unable to reach an agreement on the timeframe addressed by my amendment. So I'm offering it for floor consideration.

I understand my colleagues' goal is to set a standard for a substance that appears to be harming manufacturing workers in and around microwave popcorn manufacturing facilities. I know the well-meaning intention of their efforts. Unfortunately, I do not share their belief that this legislation will accomplish that goal.

First, there is widespread concern that while diacetyl is unquestionably a marker, it is not the sole cause of lung impairment in these workers. In addition to this, however, this bill would regulate diacetyl and require a standard to be set based on little or no available science. In other words, if a food manufacturing facility substitutes diacetyl with another flavoring chemical, there is no guarantee that that chemical is not the one making manufacturing workers sick.

Technically, the bill before us requires OSHA to set an interim final rule for diacetyl manufacturers and microwave popcorn plants to implement engineering controls for diacetyl exposure. It then directs OSHA to set a standard that will apply to all food manufacturing facilities. The expansion of coverage from the interim rule to the final rule and the time frame of 2 years in which OSHA is given to set the standard will impact OSHA's ability to follow the appropriate legal guidelines that would apply to a normal rulemaking.

All my amendment does is ensure that OSHA promulgates a regulation with appropriate stakeholder input and the science to establish a technically feasible permissible exposure limit. Also, I would note that OSHA announced Monday that it would undertake a rulemaking on this substance.

I should note that there is a great deal of ongoing research and data gathering concerning the health effects of diacetyl. For example, the National Institute for Occupational Safety and Health is working to improve measuring diacetyl, while the National Jewish Medical Center is working to gather data from workers about lung function. California OSHA also is working with the industry to gather the much-needed information to set a standard. Without any conclusive evidence, which has yet to be generated by any source at this point in time, we are putting the cart before the horse, and because of this, I respectfully urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, this amendment ensures that OSHA can continue to slow-walk a final rulemaking on diacetyl exposure for all workers. Hundreds of workers are exposed to diacetyl, and they've fallen ill with this debilitating lung disease that, as the chairman told you, was equivalent to inhaling acid. Can you imagine what their lungs look like and why at the age of 30 a young father has to have a double lung transplant, and maybe that won't even save his life?

The amendment removes the requirement that OSHA complete final rulemaking within 2 years of enactment of this legislation.

Under this amendment, the final rule would not be required to be completed until 2 years after NIOSH makes a finding that there's sufficient data to support a recommended exposure limit. NIOSH has already told us that they know this is something that they support and diacetyl should be and must be controlled. If NIOSH is delayed, more workers, including the workers we're talking about today, will be unprotected.

While workers in popcorn and flavoring facilities would be protected under the emergency standard, workers in other parts of the food industry where diacetyl is being used would be left unprotected for an indeterminate number of years. Not days, not months, but years. One food manufacturer, for example, recently announced a new line of artificial butter containing diacetyl despite its hazards to workers. Those workers would lose protections because of the Wilson amendment.

This interim rule, Mr. Chairman, covers a narrow band of workers, popcorn workers and flavoring facilities. By slow-walking this final rulemaking, as Mr. WILSON's amendment would allow, other workers exposed to diacetyl will continue to get sick. They will continue to die.

Vote "no" on any further delay to workplace safety rules.

Mr. WILSON of South Carolina. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from South Carolina (Mr. WILSON) has 2 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 2½ minutes remaining.

Mr. WILSON of South Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), the distinguished ranking committee member.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding and for his work on this amendment.

We're kind of facing a dilemma. I think both of us, both sides, want to protect workers. However, we want to make sure that they're protected by sound science.

This amendment immediately starts the 90-day rule which would protect people from diacetyl, those working on popcorn or other products, and then it requires that within the 2 years they have the final rule based on sound science. I think that this amendment would solve the dilemma to make sure that if diacetyl isn't the only cause, we have the time to find the science to make sure that the workers really are protected. We may find that diacetyl and diacetyl alone is the cause, but if not and we have moved forward just on diacetyl, these workers will think they're protected, and in the long run they will not be. And this is why we're really concerned. We move quickly to provide the 90-day rule, but then allow the time within the 2 years to base the final ruling on sound science.

For that reason, I ask that we support the gentleman's amendment that would fix this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from California has 2½ minutes remaining.

Mr. GEORGE MILLER of California. And the gentleman has the right to close on his amendment; is that correct?

The CHAIRMAN. The gentleman from South Carolina has 30 seconds remaining. The gentleman from California has the right to close.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

This amendment was offered in committee, and we rejected the amendment, and we offered to work with the gentleman. We've had a series of discussions, and he's been involved and staff have been involved in the discussions, but at the end of the day the simple fact was that they would not agree to any deadlines for NIOSH or OSHA to act in this amendment.

We think the timetables that are in the legislation are very important. If we take off these timetables, all of the past evidence suggests that OSHA and NIOSH will sort of turn to norm and, once again, we will have an open-ended process here where there isn't an urgency about the impacts of diacetyl.

We know what diacetyl does. That's become very clear. We don't know about everything else in the workplace. We don't know about everything else in the workplace, but we know what this very bad chemical can do to people and what it's causing for them to do it.

And so we lay out NIOSH to do it. They've already recommended the manufacturers are laid out. Then OSHA will do the final rulemaking. If they come back and say they can't do it, that's their scientific evidence. We're not putting a legislative prescription on them, but what we are insisting is they address it and they address it now and they address it on the evidence that is here and emerging and that they make a decision and they protect these workers.

That's what this legislation is about, and that's what this amendment would negate.

Mr. Chairman, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Chairman, again, I urge adoption of the amendment. I want to commend my colleagues again for their good intentions.

I would like to restate that as a former member of the State board of the American Lung Association for a number of years, I've had a long-time concern about lung illnesses. I sincerely believe that the amendment that I have, which provides that action would be taken upon scientific evidence, is in the interest of the manufacturing workers in the United States.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I urge Members of the House to vote against the Wilson amendment and then to support the legislation. If we adopt the Wilson amendment, we're going right back to the status quo, and the status quo is killing these workers in these facilities. And we have the ability to stop it with this legislation.

We should stop it now. We should not any longer empower OSHA to continue to drag their feet and ignore the health and the safety of these workers and their families.

I urge a "no" vote on the Wilson amendment and an "aye" vote on the legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. WILSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WILSON of South Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 233, not voting 15, as follows:

[Roll No. 912]

AYES—189

Aderholt
Akin
Alexander
Altmire
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—233

Abercrombie
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Ackerman
Bachus
Carson
Cubin
Davis, Jo Ann
Gordon
Herger
Hinojosa
Jindal
Johnson, E. B.
Kucinich
Musgrave
Putnam
Souder
Waters

□ 1427

Mr. SAXTON, Mrs. MALONEY of New York, Mr. SHULER, Ms. WASSERMAN SCHULTZ, and Mr. SCOTT of Georgia changed their vote from "aye" to "no."

Mrs. BLACKBURN and Messrs. HOEKSTRA, BUCHANAN, ALTMIRE, DONNELLY, and ELLSWORTH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

ROSS) having assumed the chair, Mr. CARDOZA, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2693), to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl, pursuant to House Resolution 678, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 260, nays 154, answered "present" 2, not voting 16, as follows:

[Roll No. 913]

YEAS—260

Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Buyer
Capps
Capuano
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—154

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hunter
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Tanner
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

ANSWERED "PRESENT"—2

Cardoza
Melancon

NOT VOTING—16

Ackerman
Bachus
Carson
Cubin
Davis, Jo Ann
Gordon
Herger
Hinojosa
Jindal
Johnson, E. B.
Kucinich
Putnam
Scott (GA)
Souder
Waters
Whitfield

☐ 1449

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair may postpone further proceedings today on a motion to suspend the rules on which a recorded vote or the yeas or nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

TMA, ABSTINENCE EDUCATION, AND QI PROGRAMS EXTENSION ACT OF 2007

Mr. GENE GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3668) to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "TMA, Abstinence Education, and QI Programs Extension Act of 2007".

SEC. 2. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM THROUGH DECEMBER 31, 2007.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432), as amended by section 1 of Public Law 110–48, is amended—

(1) by striking "September 30" and inserting "December 31";

(2) by striking "for fiscal year 2006" and inserting "for fiscal year 2007";

(3) by striking "the fourth quarter of fiscal year 2007" and inserting "the first quarter of fiscal year 2008"; and

(4) by striking "the fourth quarter of fiscal year 2006" and inserting "the first quarter of fiscal year 2007".

SEC. 3. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM THROUGH DECEMBER 2007.

(a) THROUGH DECEMBER 2007.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "September 2007" and inserting "December 2007".

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(H) for the period that begins on October 1, 2007, and ends on December 31, 2007, the total allocation amount is $100,000,000."; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking "or (F)" and inserting "(F), or (H)".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of September 30, 2007.

SEC. 4. EXTENSION OF SSI WEB-BASED ASSET DEMONSTRATION PROJECT TO THE MEDICAID PROGRAM.

(a) IN GENERAL.—Beginning on October 1, 2007, and ending on September 30, 2012, the Secretary of Health and Human Services shall provide for the application to asset eligibility determinations under the Medicaid program under title XIX of the Social Security Act of the automated, secure, web-based asset verification request and response process being applied for determining eligibility for benefits under the Supplemental Security Income (SSI) program under title XVI of such Act under a demonstration project conducted under the authority of section 1631(e)(1)(B)(ii) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)).

(b) LIMITATION.—Such application shall only extend to those States in which such demonstration project is operating and only for the period in which such project is otherwise provided.

(c) RULES OF APPLICATION.—For purposes of carrying out subsection (a), notwithstanding any other provision of law, information obtained from a financial institution that is used for purposes of eligibility determinations under such demonstration project with respect to the Secretary of Health and Human Services under the SSI program may also be shared and used by States for purposes of eligibility determinations under the Medicaid program. In applying section 1631(e)(1)(B)(ii) of the Social Security Act under this subsection, references to the Commissioner of Social Security and benefits under title XVI of such Act shall be treated as including a reference to a State described in subsection (b) and medical assistance under title XIX of such Act provided by such a State.

SEC. 5. 6-MONTH DELAY IN REQUIREMENT TO USE TAMPER-RESISTANT PRESCRIPTION PADS UNDER MEDICAID.

Effective as if included in the enactment of section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28, 121 Sta. 187), paragraph (2) of such section is amended by striking "September 30, 2007" and inserting "March 31, 2008".

SEC. 6. ADDITIONAL FUNDING FOR THE MEDICARE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.

Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) is amended—

(1) in subparagraph (A), by adding at the end the following: "In addition, there shall be available to the Fund for expenditures during 2009 an amount equal to $325,000,000 and for expenditures during or after 2013 an amount equal to $60,000,000."; and

(2) in subparagraph (B)—

(A) in the heading, by striking "FURNISHED DURING 2008";

(B) by striking "specified in subparagraph (A)" and inserting "specified in the first sentence of subparagraph (A)"; and

(C) by inserting after "furnished during 2008" the following: "and for the obligation of the entire first amount specified in the second sentence of such subparagraph for payment with respect to physicians' services furnished during 2009 and of the entire second amount so specified for payment with respect to physicians' services furnished on or after January 1, 2013".

SEC. 7. LIMITATION ON IMPLEMENTATION FOR FISCAL YEARS 2008 AND 2009 OF A PROSPECTIVE DOCUMENTATION AND CODING ADJUSTMENT IN RESPONSE TO THE IMPLEMENTATION OF THE MEDICARE SEVERITY DIAGNOSIS RELATED GROUP (MS-DRG) SYSTEM UNDER THE MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT HOSPITAL SERVICES.

(a) IN GENERAL.—In implementing the final rule published on August 22, 2007, on pages 47130 through 48175 of volume 72 of the Federal Register, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall apply prospective documentation and coding adjustments (made in response to the implementation of a Medicare Severity Diagnosis Related Group (MS–DRG) system under the hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) of—

(1) for discharges occurring during fiscal year 2008, 0.6 percent rather than the 1.2 percent specified in such final rule; and

(2) for discharges occurring during fiscal year 2009, 0.9 percent rather than the 1.8 percent specified in such final rule.

(b) SUBSEQUENT ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary determines that implementation of such Medicare Severity Diagnosis Related Group (MS–DRG) system resulted in changes in coding and classification that did not reflect real changes in case mix under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) for discharges occurring during fiscal year 2008 or 2009 that are different than the prospective documentation and coding adjustments applied under subsection (a), the Secretary shall—

(A) make an appropriate adjustment under paragraph (3)(A)(vi) of such section 1886(d); and

(B) make an additional adjustment to the standardized amounts under such section 1886(d) for discharges occurring only during fiscal years 2010, 2011, and 2012 to offset the estimated amount of the increase or decrease in aggregate payments (including interest as determined by the Secretary) determined, based upon a retrospective evaluation of claims data submitted under such Medicare Severity Diagnosis Related Group (MS–DRG) system, by the Secretary with respect to discharges occurring during fiscal years 2008 and 2009.

(2) REQUIREMENT.—Any adjustment under paragraph (1)(B) shall reflect the difference between the amount the Secretary estimates that implementation of such Medicare Severity Diagnosis Related Group (MS–DRG) system resulted in changes in coding and classification that did not reflect real changes in case mix and the prospective documentation and coding adjustments applied under subsection (a). An adjustment made under paragraph (1)(B) for discharges occurring in a year shall not be included in the determination of standardized amounts for discharges occurring in a subsequent year.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as—

(A) requiring the Secretary to adjust the average standardized amounts under paragraph (3)(A)(vi) of such section 1886(d) other than as provided under this section; or

(B) providing authority to apply the adjustment under paragraph (1)(B) other than for discharges occurring during fiscal years 2010, 2011, and 2012.

(4) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1878 of the Social Security Act (42 U.S.C. 1395oo) or otherwise of any determination or adjustments made under this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring forward H.R. 3668, the TMA Abstinence, Education, and QI Programs Extension Act of 2007, a bill to protect the health of Americans, both young and old.

The Transitional Medical Assistance program assists mothers who are transitioning off of welfare and into the workforce. Unfortunately, these working parents often find themselves in low-income jobs that do not offer health insurance. The TMA program extends Medicaid coverage to these vulnerable individuals for up to 1 year. The TMA expires on September 30, and this bill extends it for one additional quarter.

Along with the TMA extension is a one-quarter extension of the Abstinence Education program. In addition, the bill provides a one-quarter extension of the Qualifying Individual (QI) program. The QI program provides Medicare part B premium assistance to low-income seniors, helping ensure Medicare remains affordable for more than 200,000 seniors.

The legislation also includes provisions that will provide immediate relief to hospitals threatened by regulatory cuts, and a 6-month delay of the recently enacted requirement that all Medicaid prescriptions be written on tamper-resistant paper in order to be eligible for reimbursement. This latter provision postpones what would otherwise take effect on October 1, causing significant disruption in access to medicines. This will give pharmacies and physicians more time to prepare for the new requirement.

Finally, the bill invests an additional $385 million into the Medicare Physician Assistance and Quality Initiative Fund. This funding is used to improve care for millions of seniors and people with disabilities in Medicare.

These critical programs are fully funded under PAYGO by an item in the President's budget that extends the current Web-based SSI Asset Demonstration program to Medicaid in the two States in which it is currently operating. This demonstration program would be funded for 5 years.

Finally, this legislation extends and improves programs that are of critical importance to Americans young and old, and I ask my colleagues to join me in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I rise today in support of the bill before us which extends Transitional Medical Assistance and the Title V Abstinence Education programs, and the Qualified Individuals programs, more commonly referred to as QI-1 program. I am pleased that the Congress can work together toward extending the funding for these particular programs.

I support the reauthorization of Title V Abstinence Education program, a program that provides resources to educate our Nation's youth about the benefits of an abstinent lifestyle. I'm sure many of my colleagues have heard, as I have, from the numerous programs within my State that rely on this Federal funding. They believe in the program, and they hope to continue providing abstinence educational opportunities to local teens.

The QI-1 program provides money to States to pay the Medicare part B premiums of low-income beneficiaries ineligible for Medicaid. Without this relief, the low-income beneficiaries enrolled in this program would have to start paying for their part B premiums, which have risen over the past few years due to overspending in Medicare.

I am supportive of extending this program in order that we may continue to provide assistance for our low-income seniors and beneficiaries as we've done in such a bipartisan manner each year for the past several years.

This bill also corrects a provision that was included in a bill for money for our troops in Iraq passed earlier this year. There is a provision in that bill that denies payment for any Medicaid prescription that isn't written on a Secretary-approved, tamper-resistant drug pad. Since then, we've heard from doctors, nurses, pharmacists and State health officials across the Nation that the October 1 implementation deadline required by that bill is much too soon. I am pleased we are affording our Nation's health care providers the flexibility needed to properly implement this new requirement so as not to jeopardize access to care for our Medicaid beneficiaries.

In addition, this package includes $385 million in new funding for the Medicare Physician Assistance and Quality Initiative fund created by last year's tax relief bill. That fund provides bonus payments to physicians for reporting on quality measures this year, and includes over $1 billion set aside for bonus payments in 2008. I am pleased to see this fund extended into 2009 and beyond.

It is a bipartisan recognition that incentivizing physicians to provide quality, efficient and effective health care holds the promise of a better Medicare physician reimbursement system, one that reflects accountability for the type and volume of Medicare services. The Physician Assistance and Quality Initiative fund that we put in place last year takes an important first step in that direction, and I'm happy to see that the House Democrats agree with that position.

In closing, I would like to reiterate my support for the bill and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield whatever time he may consume to our colleague from the Ways and Means Committee, Chairman STARK.

Mr. STARK. I thank the gentleman for yielding.

The Ways and Means Committee has an interest in several of the issues in this bill, and we support the bill. The protection of low-income seniors in Medicare deals with people between $12,252 and $13,782 in income. And when their part B premium is $1,122, they need that protection, and extends that through December 31.

The Abstinence Education program is one that is very important to the Democrats. We've extended it on the theory that if we really enforce this abstinence education, there will be fewer Republicans. So, we support that big time.

The Hospital Perspective Payment System regulation is one of the most important to our hospital community, and we have changed the way we will collect the funds from the hospitals and not collect it all up front. We will collect part of it up front, and then wait until later in the 5-year cycle to see how they behave to collect the balance, which will create less of a financial burden on the hospitals across the country.

I thank all the people who have worked to make this more acceptable for the hospitals.

The 2008 final regulation that governs inpatient hospital payments under Medicare makes important, long-overdue refinements to the system by differentiating payments based on the severity of illness.

In doing so, practice shows that hospital payments are likely to increase as hospitals get smarter about how to document and code their patient cases. There is nothing inappropriate about this behavior, but in order to remain budget neutral, the regulation includes a "behavioral offset". The offset was designed to counterbalance the increased spending expected from using the severity-adjusted payments.

I want to be clear that the Committee supports both efforts in the regulation—moving to severity-adjusted groupings and the so-called "behavioral offset." However, the regulation includes a prospective adjustment.

Questions have been raised about the size of the adjustment and whether it should be prospective or retrospective. Those are fair questions, and it seems that a retrospective adjustment would make some sense. However, we are advised it may take CMS up to two years to gather the necessary data.

Given historical payment and coding patterns, we feel it is appropriate to have an interim policy—rather than simply voiding this part of the regulation. As such, this legislation requires a reduction of 0.6 percent in 2008 and 0.9 percent in 2009.

Even with that "down payment" from the hospitals, we are concerned that the data in 2010 could indicate a need for a substantial reduction to fully recoup the extra spending that occurs in the next two years. I want to be clear that we have talked with hospitals about this possibility and raised with them the difficulty of addressing that when the time comes. This exercise may simply be forestalling the inevitable, not erasing an unwanted reduction.

We are limiting the amount of the offset now, in order to spread out the payments over time. When the time comes to settle the books, I do not want to hear complaints about the adjustment that will have to come into effect at that time.

Mr. DEAL of Georgia. Mr. Speaker, I have no other requests for time. I reserve the balance of my time at this point.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to yield to our colleague from Ohio, CHARLES WILSON, whatever time he may consume.

Mr. WILSON of Ohio. Mr. Speaker, I rise in support of this bill. It contains language that I introduced to help us avoid a case of unintended consequences.

This spring, a provision was slipped into the Iraq War Supplemental appropriation that requires Medicaid prescriptions to be written on tamper-resistant pads for Medicaid reimbursements starting October 1. The tamper-proof pad mandate was designed to fight fraud, and that's a good thing, but this October 1 deadline isn't enough time for States to inform providers and patients about the new requirements. This could mean patients are turned away from pharmacies as of this next week and their prescriptions not be filled. And that paper isn't widely available. Pharmacies that fill prescriptions not written on that special paper may be forced out of business if they're not getting reimbursed by Medicaid. All we need is a 6-month delay. The clock is ticking on this, and I'm asking for your help.

☐ 1500

Mr. DEAL of Georgia. Mr. Speaker, I assume that the majority does not have any additional speakers. Therefore, I will close.

I would simply urge my colleagues to support the bill before us. It does some short-term extensions of some very vital programs. I think that is appropriate.

Mr. DINGELL. Mr. Speaker, I would like to speak briefly about the provision of this legislation which provides for a 3-month reauthorization of the Title V abstinence-only education block grant program.

On August 1 of this year, the House of Representatives passed legislation which made significant and responsible changes to the abstinence-only education programs. The House-passed legislation would have provided states with the flexibility to offer programs best suited to the needs and desires of their citizens and it would have ensured that Federal funds were being spent on effective programs that provide medically accurate information.

Sadly, those changes are not incorporated into the bill before us today because opponents of the House-passed abstinence language decided to hold hostage the important reauthorizations of TMA and Q1, in an effort to ensure that no improvements were made to the discredited abstinence-only programs.

Because it is absolutely necessary that we reauthorize TMA and Q1, the abstinence-only education changes were sacrificed for now. Let me be clear: I am dismayed that the House-passed abstinence-only language was omitted from this legislation and I will continue to fight for those important, responsible, and necessary changes in the coming months.

Mr. WELLER of Illinois. Mr. Speaker, H.R. 3668 contains temporary extensions of several important programs that affect low-income families with children. I urge its passage.

The subcommittee on which I am the ranking Republican, the Ways and Means Subcommittee on Income Security and Family Support, oversees the Nation's welfare, child care, and related programs designed to promote and support work by low-income families. It is important to extend the critical supports Congress enacted in recent years to advance those goals, such the Transitional Medical Assistance program continued under this bill. I am all for that. Every Member should support that.

This legislation also extends the Abstinence Education program, which supports efforts to prevent teenage pregnancy and premarital sexual activity, with a goal of reducing the childbearing outside marriage. Childbearing outside marriage is directly associated with higher poverty rates and ultimately greater welfare receipt and dependence. All Members should support measures designed to reduce the chances children are raised in poverty.

The legislation has other important features, like an extension of the Qualified Individuals program that provides Medicare premium assistance to certain low-income beneficiaries. However, I would like to draw the House's attention to one provision that, as currently drafted, may not achieve the intended effect and thus may not result in the savings suggested by the CBO scoring of this legislation.

This provision appears in section 4 of the legislation, titled "Extension of SSI Web-Based Asset Demonstration Project to the Medicaid Program." The Social Security Administration, SSA, currently is operating a project testing ways to improve asset verification under the Supplemental Security Income, SSI, program. The current project seeks to make sure that SSI applicants are accurately reporting all the assets, like personal savings accounts, to which they can and should turn for support before expecting monthly SSI checks from taxpayers. Since SSI is a means-tested benefit program, it only makes sense to focus benefits on those who don't have a large amount of personal savings, for example, on which to depend.

In recent years, the SSA project has tested comparing individuals' self-reports of their savings account assets with actual bank records. This effort has already produced significant savings in the few States where it has been applied, including uncovering some individuals with tens of thousands or even hundreds of thousands of dollars in undisclosed assets. So it makes sense to expand this effort to include other means-tested programs, as the legislation proposes, including the expensive Medicaid program.

However, it is my understanding that the legislative language in H.R. 3668 includes a number of drafting flaws that will effectively prevent the proposed expansion of this asset verification project from being achieved. Problems include a lack of reference in the legislative language to the need to obtain written consent from individuals for the purpose of obtaining information for the Medicaid program. This may prevent banks from sharing such information with Medicaid officials as would be required to actually expand the current project as proposed. Such "consent" language exists under the current SSI program as required by the Right to Financial Privacy Act, but not in H.R. 3668.

Even if this provision were to work as intended, it is noteworthy that nowhere does this legislation provide for reimbursement of Social Security Administration administrative costs that would inevitably result. SSA is already seeking additional administrative funds to address growing disability claims backlogs as well as handle its current duties, which include serving millions of America's seniors, including the rising numbers applying for retirement and disability benefits as the Baby Boom generation heads into retirement in the coming years.

It is my understanding that the authors of this legislation consulted with SSA on such technical issues during the drafting process, and opted against implementing any of the SSA suggestions.

Because of that, while the current CBO score suggests this legislation is paid for, I am afraid that the real world experience of these provisions will not reflect that optimistic forecast. If that turns out to be correct, the legislation before the House today will not satisfy the pay-as-you-go requirements of this body, which require that increases in spending by fully paid for by such as by offsetting spending cuts. And some individuals will obtain Medicaid benefits for which they should not have qualified.

While it may be too late to correct the drafting errors in this particular bill, I urge my colleagues especially on the House Energy and Commerce and the Senate Finance Committees, which have jurisdiction over Medicaid law, to revisit this legislative language and make the appropriate changes at the next available opportunity. I do not disagree with their intent, but suggest the legislative text reflected in this bill will not result in the outcome they intend. Related language appears in legislation preauthorizing the State Children's Health Insurance Program, which as it continues to be acted on in the coming days would serve as a worthy vehicle for making the appropriate changes to ensure the will of the House is carried out, and misspending under the Medicaid program is minimized as the House intends with this legislation.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of H.R. 3668, but with a great sense of frustration. H.R. 3668 temporarily extends a number of expiring health programs which low-income individuals depend on. Unfortunately, these effective, important programs are held hostage through their attachment to the Title V Abstinence Education program, a program which is ineffective, which prizes ideology over science, and which harms our children through the provision of medically inaccurate information.

Mr. Speaker, teen pregnancy is a serious issue in this country. In the United States, 3 in 10 girls become pregnant by age 20—nearly double the teen pregnancy rate in Great Britain, 4 times the rate in France and Germany, and nearly 10 times the rate in Japan. The National Campaign to Prevent Teen Pregnancy estimates that teen pregnancies impose an additional $9.1 billion in societal costs every year in the United States—and this is after teen pregnancy and birth rates declined by one-third in the past decade.

It should come as no great surprise that the costs of teen pregnancy are so high—pregnant teenagers are substantially less likely than their peers to finish high school, attend college, or go on to pursue professional careers. Pregnant teenagers are less likely to obtain prenatal care, exposing their babies to an increased risk of low birth weight and of being born prematurely. At the age of 2, they have significantly lower cognitive test scores. And because the majority of children from teen pregnancies are born to unmarried women, they are more likely to be poor, drop out of high school, and have poor grades and school attendance records. This is, of course, to say nothing of abortion—which is still a major consequence of teen and unintended pregnancy.

Teen pregnancy is a serious problem, and it demands a serious solution. Of course we should want to delay the onset of sexual activity in our children—what parent of a teenager wouldn't want that? But we cannot let that desire blind us to the very real fact that teenagers, despite our best intentions, will and do have sex, and that our wanting them not to does not absolve us of our obligation to protect them and keep them safe. Pretending that sexual activity among teenagers does not exist will not reduce the number of new sexually transmitted infections, it will not reduce the number of teenage girls who become pregnant, and it will not reduce the number of abortions performed every year.

We have both a practical and a moral obligation to ensure that American teenagers and their families have the resources and the knowledge to make the right decisions about how to prevent teen pregnancies and the spread of sexually transmitted infections. When the House passed the CHAMP Act in August, the bill included a reauthorization of the Title V Abstinence Education program that would have ensured that when we teach children about the importance of abstaining from sexual activity, we do it in a way that is age-appropriate, medically accurate and science-based, and that we allow States the flexibility they need to respond to conditions in their schools in an appropriate way.

I commend Chairman DINGELL for including these improvements in the CHAMP Act, and I express my sincerest hope and conviction that any long-term reauthorization of Title V that passes this House this year will include similar language. Just this year, reports by the House Committee on Government Reform and Oversight, Mathematical Policy Research and the Government Accountability Office indicate that many of the programs funded through Title V contain staggering medical inaccuracies, and that students actually understand less about sexually transmitted diseases after having completed the programs than they did when they began. We have spent $1.25 billion on these programs since Fiscal Year 2001, paying for teachers to tell children that "relying on condoms is like playing Russian Roulette," and that "AIDS can be transmitted through skin-to-skin contact." I believe we can and must do better, and I will continue to fight for responsible, science-based programs that will meaningfully protect our children.

Mr. WAXMAN. Mr. Speaker, this bill allows the extension of some important programs, specifically Transitional Medical Assistance and the Medicare Qualifying Individual Program.

But it unfortunately ties these necessary provisions to yet another ill-considered extension of the federal abstinence-only program.

Keeping federal abstinence-only programs in the form they've taken for the past ten years is an embarrassment to Congress, an insult to taxpayers and a disservice to the health of American young people.

We all support promoting abstinence as the healthiest choice for young people. But the abstinence-only programs we've been funding are a mistake. They contain serious misinformation and, most importantly, are not effective in improving adolescent health.

In 2004 a report I released looked at federally-funded abstinence-only programs and found that the vast majority of the most popular curricula had significant scientific and medical errors. Kids were being taught that HIV can be spread by tears and sweat, that condoms don't help protect against STDs, and that pregnancy occurs 1 in every 7 times a couple uses condoms.

In 2006, GAO found that HHS still wasn't reviewing the medical accuracy of curricula used in the biggest federal abstinence-only programs. GAO also said there was no reliable evidence that these programs improve participants' health.

In 2007, HHS released the results of an evaluation it had commissioned itself on the effectiveness of federally-funded abstinence-only programs. In this randomized, controlled study—the gold standard of research—the abstinence-only programs had no impact on whether teens had sex. They had no impact on the age of first sex. They had no impact on the number of partners. And they had no impact on rates of pregnancy or sexually transmitted disease.

It's not surprising, in light of all this, that eleven states have decided they'd rather not receive federal abstinence-only money at all.

This program is broken. We've given abstinence-only programs 1 billion dollars in the past decade. $500 million of that has been through this program. And that doesn't include the matching money states have put in. And for all that money, all we've been able to show the taxpayers are glaring medical errors and zero impact on adolescent health.

Language passed by the House in August would have required programs to contain medically accurate information; mandated that programs be based on models proven effective in improving adolescent pregnancy, HIV, or sexually transmitted disease rates; and given states the option of offering more comprehensive health information.

I want to be clear. I do not think we should fund any abstinence-only programs. I don't think that we should be funding federal programs that are specifically premised on withholding crucial and age-appropriate health information from young people.

But I am heartened by Chairman DINGELL's statement that he will continue to fight for the House changes, because I believe they will move us closer to a responsible federal position on sex education. I offer Mr. DINGELL my full support in ensuring that federally-funded programs actually improve the health and well-being of American youth.

Mr. DEAL of Georgia. I yield back the balance of my time and urge the approval of the bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield back the balance of my time and encourage our fellow Members to pass H.R. 3668 and the extension.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 3668.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BARBARA KAUFMAN EULOGY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, we have lost a popular and well-educated school administrator who was an outstanding student and gifted in music. Early on, her teachers would say of her, "She could walk amongst kings and not lose her common touch." She moved easily among people, singing her way into star status, and even appeared on an early TV version of "Star Search." Using her own talents of fashion, decorating and cooking, she was a role model for her students.

Barbara Kaufman was a special education administrative secretary for Los Angeles County Schools for over 25 years. She was a champion for the rights of children with special needs and deeply loved working in her chosen profession. In addition, Barbara volunteered in the political campaigns of myself, and she accepted any job that would add to the improvement of the people's social, political and economic conditions.

After many bouts with illness, Barbara's activities were limited. However, she participated as much as possible in her church, particularly enjoying Bible study and prayer support groups. Barbara Kaufman was a woman for all seasons and a witness for Christ.

A life so well lived has to be recognized by our Congress so the record will show her life as a role model for others. BJ's star will forever shine in the lives of those who knew and loved her.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OPPOSING EXTENSION OF HABEAS CORPUS RIGHTS TO ALIEN ENEMY COMBATANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today in the Judiciary Committee we were supposed to mark up H.R. 2826. I was informed that the Judiciary Committee has postponed this to a time uncertain. This was also to be the day that that bill or a similar bill was to be marked up in the Armed Services Committee. That was postponed as well.

The bill, H.R. 2826, was to deal with an issue that is unprecedented and, I would say, unnecessary. And while I am pleased that there was a postponement of consideration of the bill today, I would hope that those on the other side of the aisle who control the schedule both on this floor and in committees would reconsider this bill or any similar bill because this bill is an effort to extend habeas corpus rights to alien enemy combatants. It is a dramatic departure not only from the language of the Detainee Treatment Act, which was passed by this House and the Senate and signed by the President, but from longstanding principles in our Anglo-American legal tradition. As the United States Supreme Court recognized in the Johnson v. Eisentrager case, there is "no instance where a court in this or any other country where the writ is known issued it on behalf of an alien enemy."

What possible reason could we give to the American people and to our troops currently involved in combat for giving al Qaeda and Taliban detainees rights that have never been given to alien enemy combatants in the history of armed conflict? Never. I underscore "never."

Was the Greatest Generation wrong for its failure to accord habeas rights to the more than 425,000 enemy combatants held inside the United States during World War II? We held well over a million, I believe it was over 2 million POWs around the world. But we held 425,000 of them in the United States. Imagine if we had granted them the right to habeas corpus access to our Federal courts. Not only would it have cluttered all of the Federal courts in this land, but it would have had judges making decisions on combat issues rather than the Commander in Chief and our military as we have always recognized since the founding of this Republic.

In responding to the argument that the writ extends to alien enemy combatants, Justice Jackson of the Supreme Court said, "No decision of this court supports such a view. None of the learned commentators on our Constitution has ever hinted at it. The practice of every modern government is opposed to it."

So I want people to understand, Mr. Speaker, that when we are to consider this in the Judiciary Committee and the Armed Services Committee, we are doing something so fundamentally drastic, so different from anything that has ever been done in the history of this Nation. We are opening the gates to the full panoply of rights under the Federal habeas corpus statute. Complex evidentiary hearings, the rules of civil procedure, rules of evidentiary custody are understandable in relation to the protection of the constitutional rights of Americans where evidence and witnesses are more accessible.

But are we willing to force our men and women in uniform to cross-examination, to depositions or to interrogatories as outlined in the Federal habeas statute? The availability of the habeas corpus remedy may serve the interest of justice with respect to U.S. prisoners; however, it is a blunt instrument. As Justice Frankfurter observed in McCleskey v. Zant, "The writ has potentialities for evil as well as for good. Abuse of the writ may undermine the orderly administration of justice." It has no relevance here and presents the prospect of abuse. It is for that reason that from time immemorial, habeas relief has not been extended to alien enemy combatants captured outside the realm of the sovereign.

We must reject the notion that we can fight the war on terrorism with platoons of lawyers. It was stunning to learn that prior to the Detainee Treatment Act, some detainee attorneys sought the wholesale disruption of interrogations. In a telling revelation, one detainee lawyer boasted in public that "the litigation is brutal. It's huge. We have over 100 lawyers now from big and small firms working to represent the detainees. Every time an attorney goes down there, it makes it that much harder to do what they're doing. You can't run an interrogation with attorneys. What are they going to do now that we're getting court orders to get more lawyers down there?"

That is why we changed the law and to have two committees in this House now to say we should change it back is irresponsible. We should not do this.

□ 1515

TERRIBLE NEW THREATS TO OUR NATIONAL SECURITY AND THE SAFETY OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we have learned in the last few days and weeks about terrible new threats to our national security and the safety of the American people.

On August 29, a B–52 bomber accidentally flew six nuclear warheads across the country with a combined power of 60 Hiroshima A-bombs. Imagine the horror, the destructive power of 60 Hiroshima A-bombs flying over the American heartland on a course that took them near Minneapolis, Des Moines, Omaha, Kansas City, St. Louis, Tulsa and Little Rock.

Then, on September 16, we learned that American military contractors in Iraq were involved in the shooting deaths of 11 innocent Iraqi civilians in a Baghdad square.

Was it a case of American military contractors gone wild? We don't know for sure yet. But it is becoming increasingly clear that the vast army of 180,000 military contractors in Iraq are not being held accountable for their actions and often make things more difficult for our troops in Iraq. A senior U.S. military official told the Washington Post that the incident in Baghdad was "a nightmare. This is going to hurt us badly. It may be worse than Abu Ghraib."

And then on September 22, the press reported that Federal prosecutors are investigating charges that the military contractors involved in the Baghdad incident, Blackwater U.S.A., smuggled weapons into Iraq that may have been sold on the black market and ended up in the hands of terrorists.

Mr. Speaker, we must take immediate action to improve our security. The accidental flight of A-bombs over our homeland should remind us that America must return to a policy of nuclear nonproliferation. This administration has abandoned our decades-old commitment to nonproliferation, and that has been a terrible mistake.

We must also end the occupation of Iraq. Secretary of Defense Robert Gates announced today that he will try to strengthen the Pentagon's oversight of the contractors. This is a welcome step, but it doesn't solve the real problem. The real problem is that we need military contractors, because our forces are stretched to the limit in Iraq and beyond. The only solution is to end the occupation.

In testimony prepared for delivery before Congress today, Secretary Gates asked for additional funds for the occupation. We must tell him no. The occupation is hurting America politically, economically and morally. The American people deserve better. Congress has the power of the purse, and it is the only real tool we have to force the administration to change course.

We should not spend another dime to continue the occupation. Instead, we must fully fund the safe, orderly and responsible withdrawal of all of our troops and all of our military contractors by a date certain. That is the best way, Mr. Speaker, for our country to change course and restore the moral leadership that is the true source of our national security.

REVISIONS TO ALLOCATIONS FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, under sections 211, 304, and 320, of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of section 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the bill H.R.

3668, to provide for the extension of transitional medical assistance (TMA) and the abstinence education program, and the qualifying individuals (QI) program, and for other purposes. Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Education and Labor	−4,877	−4,886	−326	−987	5,004	4,146
Energy and Commerce	−1	−1	134	132	89	87
Ways and Means	0	0	−38	−38	−98	−98
Change in TMA, Abstinence Education, and QI Programs Extension Act (H.R. 3668):						
Education and Labor	0	0	13	4	13	11
Energy and Commerce	0	0	213	211	−149	−150
Ways and Means	0	0	570	570	135	135
Total	0	0	796	785	−1	−4
Revised allocation:						
Education and Labor	−4,877	−4,886	−313	−983	5,017	4,157
Energy and Commerce	−1	−1	347	343	−60	−63
Ways and Means	0	0	532	532	37	37

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Years		
	2007	2008[1]	2008–2012
Current Aggregates:[2]			
Budget Authority	2,250,680	2,350,181	([3])
Outlays	2,263,759	2,353,150	([3])
Revenues	1,900,340	2,015,841	11,137,671
Changes in TMA, Abstinence Education, and QI Programs Extension Act (H.R. 3668):			
Budget Authority	0	796	([3])
Outlays	0	785	([3])
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	2,250,680	2,350,977	([3])
Outlays	2,263,759	2,353,935	([3])
Revenues	1,900,340	2,015,841	11,137,671

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

[3] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 17 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1825

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WELCH of Vermont) at 6 o'clock and 25 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3567, SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–350) on the resolution (H. Res. 682) providing for consideration of the bill (H.R. 3567) to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–351) on the resolution (H. Res. 683) providing for consideration of the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. HOYER) for September 24 through October 1.

Mr. BACHUS (at the request of Mr. BOEHNER) for today after 11:30 a.m. and September 27 on account of attending a funeral.

Mr. HERGER (at the request of Mr. BOEHNER) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATSON) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. DEAL of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 3.

Mr. JONES of North Carolina, for 5 minutes, October 3.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

Mr. PETERSON of Minnesota, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

H.R. 3580. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

ADJOURNMENT

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Thursday, September 27, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3473. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tepraloxydim; Pesticide Tolerance [EPA-HQ-OPP-2007-0145; FRL-8148-1] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3474. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfosulfuron; Pesticide Tolerance [EPA-HQ-OPP-2006-0206; FRL-8147-4] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3475. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerance [EPA-HQ-OPP-2006-0522; FRL-8148-6] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3476. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methamidophos, Oxydemeton-methyl, Profenofos, and Trichlorfon; Tolerance Actions [EPA-HQ-OPP-2007-0261; FRL-8147-6] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3477. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Alachlor; Pesticide Tolerance [EPA-HQ-OPP-2007-0146; FRL-8147-2] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3478. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3479. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Current Good Manufacturing Practice for Blood and Blood Components; Notification of Cosignees and Transfusion Recipients Receiving Blood and Blood Components at Increased Risk of Transmitting Hepatitis C Virus Infection ("Lookback") [Docket No. 1999N-2337 (formerly Docket No. 99N-2337)] (RIN: 0910-AB76) received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3480. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Technical Amendments to Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Correction of Effective Date Under Congressional Review Act [EPA-R03-OAR-2007-0174; FRL-8473-1] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3481. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Award of United States-Mexico Border Program and Alaska Rural and Native Villages Program Grants Authorized by the Revised Continuing Appropriations Resolution, 2007 [FRL-8472-1] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3482. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Arkansas; Clean Air Interstate Rule Nitrogen Oxides Ozone Season Trading Program [EPA-R06-OAR-2007-0886; FRL-8473-3] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3483. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2007-0926; FRL-8471-9] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3484. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Louisiana; Clean Air Interstate Rule Nitrogen Oxides Trading Programs [EPA-R06-OAR-2007-0651; FRL-8473-5] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3485. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio [EPA-R05-OAR-2006-0544 FRL-8470-7] received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3486. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-60, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

3487. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3488. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Inherently Governmental and Commercial Activities Inventory for FY 2007, as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Oversight and Government Reform.

3489. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Mississippi Abandoned Mine Land Reclamation Plan [Docket No. MS-021-FOR] received September 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3490. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's report entitled, "Report on the Necessity and Desirability of Amending the Federal Rules of Evidence to Codify a 'Harm to Child' Exception to the Marital Privileges," pursuant to Public Law 109-248, section 214; to the Committee on the Judiciary.

3491. A letter from the Acting Chief, Trade and Commercial Regulations, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON ARCHAEOLOGICAL MATERIAL FROM MALI [CBP Dec. 07-77 USCBP 2007-0075] (RIN: 1505-AB86) received September 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3492. A letter from the Acting Chief, Trade and Commercial Regulations, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON ARCHAEOLOGICAL MATERIAL FROM GUATEMALA [CBP Dec. 07-79 USCBP-2007-0074] (RIN: 1505-AB87) received September 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3493. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Temporary Closing of the Determination Letter Program for Adopters of Pre-Approved Defined Contribution Plans [Announcement 2007-90] received September 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3494. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2007-63) received September 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3495. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 61.—Gross Income Defined 26 CFR 1.61-21: Taxation of fringe benefits. (Rev. Rul. 2007-55) received September 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3496. A letter from the Secretary, Judicial Conference of the United States, transmitting the views of the Conference regarding provisions included in S. 274, the "Federal Employee Protection of Disclosures Act" and H.R. 985, the "Whistleblower Protection Enhancement Act of 2007"; jointly to the Committees on Oversight and Government Reform and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 682. Resolution providing for consideration of the bill (H.R. 3567) to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes (Rept. 110-350). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 683. Resolution providing for consideration of the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes (Rept. 110-351). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DINGELL (for himself and Mr. RANGEL):

H.R. 3668. A bill to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Considered and passed.

By Mr. FALEOMAVAEGA:

H.R. 3669. A bill to amend title 46, United States Code, to promote the U.S. distant water tuna fleet; to the Committee on Transportation and Infrastructure.

By Mr. FARR (for himself, Mr. PORTER, Mr. DELAHUNT, and Mr. BLUNT):

H.R. 3670. A bill to direct the Secretary of State to enhance diplomatic relations with foreign countries and to promote domestic business interests abroad by establishing a grant program to promote international travel to the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 3671. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 3672. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself and Mr. RODRIGUEZ):

H.R. 3673. A bill to require the Secretary of Defense to establish a National Trauma Institute; to the Committee on Armed Services.

By Mr. HASTINGS of Florida (for himself, Mr. ISRAEL, and Mr. MCGOVERN):

H.R. 3674. A bill to address the impending humanitarian crisis and security breakdown as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq, by increasing directed accountable assistance to these populations and their host countries, increasing border security, and facilitating the resettlement of Iraqis at risk; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 3675. A bill to prohibit Federal grants to or contracts with Columbia University; to the Committee on Education and Labor.

By Mr. SHULER (for himself, Mr. JONES of North Carolina, Mr. DONNELLY, Mr. PRICE of North Carolina, Mr. HILL, Mr. CARDOZA, Mr. WAMP, Mr. SOUDER, Ms. WASSERMAN SCHULTZ, Mr. DUNCAN, Mr. MCINTYRE, Mr. BARROW, and Mr. LINCOLN DAVIS of Tennessee):

H.R. 3676. A bill to amend title 49, United States Code, to provide for a child safe viewing area within which covered air carriers shall not display violent in-flight programming; to the Committee on Transportation and Infrastructure.

By Mr. WEINER:

H.R. 3677. A bill to authorize the Secretary of Transportation to carry out programs to enhance bridge safety monitoring in the United States; to the Committee on Transportation and Infrastructure.

By Mr. BOSWELL (for himself, Mr. BRALEY of Iowa, Mr. LATHAM, Mr. LOEBSACK, Mr. KING of Iowa, Ms. WASSERMAN SCHULTZ, Mr. VAN HOLLEN, Mrs. CAPPS, and Mrs. MCMORRIS RODGERS):

H. Res. 684. A resolution congratulating Shawn Johnson on her victory in becoming the 2007 World Artistic Gymnastics Champion in women's gymnastics; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 241: Mr. CULBERSON.

H.R. 369: Mr. DINGELL.

H.R. 462: Mr. PRICE of North Carolina.

H.R. 579: Mr. ROTHMAN and Mr. MAHONEY of Florida.

H.R. 581: Mr. MANZULLO, Ms. FALLIN, Mrs. MYRICK, and Mr. FRANKS of Arizona.

H.R. 601: Mr. BAKER.

H.R. 618: Mr. FEENEY.

H.R. 621: Mr. CUELLAR and Mr. PUTNAM.

H.R. 743: Mr. BLUNT, Mr. LEWIS of Kentucky, Mr. REYES, Mr. AKIN, Mr. BROWN of South Carolina, Mr. DENT, Mr. MELANCON, Mr. SAXTON, and Ms. SCHWARTZ.

H.R. 758: Mr. SPACE.

H.R. 861: Mr. BROUN of Georgia and Mr. TANCREDO.

H.R. 946: Ms. WATERS.

H.R. 970: Mr. WALDEN of Oregon.

H.R. 989: Mr. ISSA.

H.R. 1029: Mr. MCNERNEY and Ms. HIRONO.

H.R. 1078: Mr. NADLER and Mr. TIERNEY.

H.R. 1127: Mrs. MILLER of Michigan.

H.R. 1198: Ms. BALDWIN and Mr. LOBIONDO.

H.R. 1201: Mr. PRICE of North Carolina and Mr. BOOZMAN.

H.R. 1205: Mr. GILCHREST.

H.R. 1232: Mr. GENE GREEN of Texas, Mr. WELCH of Vermont, and Mr. MARSHALL.

H.R. 1279: Mr. BISHOP of Georgia.

H.R. 1293: Ms. ROYBAL-ALLARD.

H.R. 1349: Mr. BUCHANAN.

H.R. 1357: Mr. CAMP of Michigan.

H.R. 1422: Mr. EHLERS, Mr. TOM DAVIS of Virginia, and Ms. ESHOO.

H.R. 1497: Mr. HARE.

H.R. 1514: Mr. SCOTT of Virginia and Mr. SPACE.

H.R. 1553: Ms. BALDWIN.

H.R. 1671: Mr. TOWNS and Mr. ISRAEL.

H.R. 1687: Ms. DEGETTE.

H.R. 1727: Mrs. MCCARTHY of New York and Mr. INSLEE.

H.R. 1738: Mr. SIRES, Mr. WALZ of Minnesota, Mr. MARCHANT, Mr. FARR, and Mr. EDWARDS.

H.R. 1772: Ms. WOOLSEY and Mrs. BOYDA of Kansas.

H.R. 1876: Mr. ALLEN.

H.R. 1975: Ms. DEGETTE.

H.R. 1992: Mr. BACA, Mr. LATOURETTE, and Mr. CAPUANO.

H.R. 2015: Mr. MEEK of Florida and Mr. LARSEN of Washington.

H.R. 2016: Ms. HOOLEY, Mr. PLATTS, Mr. GEORGE MILLER of California, and Mr. BERMAN.

H.R. 2064: Mr. INSLEE, Ms. DELAURO, Mr. CAPUANO, and Ms. SCHAKOWSKY.

H.R. 2066: Mr. HOLT.

H.R. 2109: Mr. SHUSTER.

H.R. 2112: Mr. BISHOP of New York.

H.R. 2126: Mr. DAVIS of Alabama.

H.R. 2128: Mr. BOUCHER.

H.R. 2169: Mr. BUTTERFIELD.

H.R. 2183: Mr. ISSA.

H.R. 2221: Mr. MEEK of Florida.

H.R. 2265: Mr. PRICE of North Carolina and Mr. TOWNS.

H.R. 2287: Mr. SAXTON.

H.R. 2329: Mr. WAMP and Mr. SPACE.

H.R. 2332: Mr. MARSHALL and Mr. ENGLISH of Pennsylvania.

H.R. 2452: Mr. KING of New York, Mr. SIRES, and Mr. HASTINGS of Florida.

H.R. 2468: Ms. HIRONO and Mr. COHEN.

H.R. 2478: Ms. BALDWIN.

H.R. 2537: Mr. WEXLER, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, and Ms. DELAURO.

H.R. 2606: Mr. WEXLER and Mr. SPACE.

H.R. 2666: Mr. CUMMINGS.

H.R. 2702: Ms. SCHAKOWSKY, Mr. SMITH of New Jersey, and Mr. WATT.

H.R. 2758: Mr. ALLEN and Mrs. CHRISTENSEN.

H.R. 2779: Mr. LANGEVIN.

H.R. 2818: Ms. MCCOLLUM of Minnesota and Mrs. WILSON of New Mexico.

H.R. 2820: Mr. KANJORSKI.

H.R. 2933: Mr. BUTTERFIELD, Mrs. MALONEY of New York, Mr. SKELTON, Mr. CARTER, and Mr. MILLER of Florida.

H.R. 3008: Mr. GORDON.

H.R. 3026: Mr. HERGER.

H.R. 3132: Mr. MEEKS of New York, Mr. CROWLEY, and Mr. JACKSON of Illinois.

H.R. 3139: Mrs. MYRICK.

H.R. 3298: Ms. HERSETH SANDLIN and Ms. HOOLEY.

H.R. 3326: Mr. UDALL of New Mexico and Ms. ROYBAL-ALLARD.

H.R. 3331: Ms. SCHAKOWSKY.

H.R. 3358: Mr. MARCHANT.

H.R. 3386: Mr. CUMMINGS.

H.R. 3416: Mr. TOWNS.

H.R. 3430: Mr. BAIRD.

H.R. 3438: Mr. HASTINGS of Florida and Ms. MATSUI.

H.R. 3439: Mr. JEFFERSON, Mr. GORDON, and Mr. GRIJALVA.

H.R. 3452: Mr. CALVERT and Mr. GARY G. MILLER of California.

H.R. 3457: Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. MCCAUL of Texas, Mr. FEENEY, and Mr. CAMPBELL of California.

H.R. 3477: Mr. TERRY.

H.R. 3481: Mr. HOLT, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. HONDA, Mr. COHEN, and Ms. LEE.

H.R. 3498: Mr. HINCHEY.

H.R. 3512: Mr. HONDA.

H.R. 3533: Mr. ETHERIDGE, Ms. ZOE LOFGREN of California, Mr. PASTOR, Mr. WALSH of New York, Mr. WYNN, Ms. ROYBAL-ALLARD, Ms. ESHOO, and Mrs. TAUSCHER.

H.R. 3548: Mr. REYES and Mr. CUMMINGS.

H.R. 3577: Mr. LANGEVIN, Mr. FILNER, and Mr. YOUNG of Alaska.

H.R. 3587: Mr. HASTINGS of Florida.

H.R. 3609: Mr. DELAHUNT and Mr. DAVIS of Alabama.

H.R. 3612: Mr. TANCREDO, Mr. GOODE, Mr. BARTLETT of Maryland, and Mr. FEENEY.

H.J. Res. 6: Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, and Mr. MCINTYRE.

H. Con. Res. 108: Ms. Richardson.

H. Con. Res. 203: Mr. BRADY of Pennsylvania.

H. Con. Res. 204: Mr. MCCAUL of Texas and Mr. GOODE.

H. Res. 258: Mr. BLUMENAUER.

H. Res. 335: Mr. VAN HOLLEN, Mr. CALVERT, Mr. PRICE of North Carolina, and Ms. BALDWIN.

H. Res. 433: Mr. BERMAN.

H. Res. 524: Ms. MATSUI.

H. Res. 563: Mr. DINGELL, Mr. HONDA, Mr. JACKSON of Illinois, Mr. KENNEDY, and Mr. BERMAN.

H. Res. 573: Mr. BISHOP of Georgia.

H. Res. 587: Mr. PETERSON of Minnesota.

H. Res. 620: Mr. CARNAHAN, and Mr. ANDREWS.

H. Res. 624: Mr. NADLER, Mr. LINDER, Mr. ENGLISH of Pennsylvania, and Mr. ENGEL.

H. Res. 630: Mr. MCDERMOTT.

H. Res. 640: Mr. JACKSON of Illinois, and Ms. BORDALLO.

H. Res. 646: Mr. BAKER, Mr. BILBRAY, Mrs. BONO, Mr. CHABOT, Mr. DAVID DAVIS of Tennessee, Mr. DUNCAN, Mr. FERGUSON, Mr. GERLACH, Mr. GINGREY, Mr. GOODE, Mr. HASTINGS of Washington, Mr. LATOURETTE, Mr. MARCHANT, Mr. MCCOTTER, Mr. MCCRERY, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mr. NEUGEBAUER, Mr. PEARCE, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. SESSIONS, Mr. TIAHRT, Mr. WELDON of Florida, Mr. ABERCROMBIE, Ms. CASTOR, Mr. MARKEY, Mr. MCDERMOTT, Mr. PASCRELL, Mr. PERLMUTTER, Ms. WASSERMAN SCHULTZ, Mr. SPRATT, Mr. TAYLOR, Mr. PAYNE, Mr. CASTLE, Mr. TURNER, Mr. JORDAN, Mr. WALBERG, Mr. MOORE of Kansas, Mr. BROUN of Georgia, and Mr. PITTS.

H. Res. 671: Mr. BERMAN, and Mr. BURTON of Indiana.

H. Res. 680: Mr. HAYES, Mr. BOSWELL, Mr. LATHAM, Mr. PITTS, and Mr. DEFAZIO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Frank of Massachusetts or a designee to H.R. 3121 the Flood Insurance Reform and Modernization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative Chabot or a designee to H.R. 3567, the Small Business Investment Expansion Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1665: Mr. UDALL of Colorado.

PETITIONS, ETC.

Under clause 3 of rule XII,

171. The SPEAKER presented a petition of the City Council of Philadelphia, Pennsylvania, relative to Resolution No. 060861 urging the President of the United States and the Congress of the United States to make year 2007 the time to re-deploy U.S. troops out of harm's way in Iraq; which was referred to the Committee on Armed Services.

SENATE—*Wednesday, September 26, 2007*

The Senate met at 9:30 and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Everlasting Father, enable us to love You with all our hearts, souls, minds, and strength. Give us humility so we can see Your divine image in the people around us and serve You by serving them. Let this love expressed in service transform our Senate, Nation, and world.

Lord, bless our Senators. Make them kind in thought, gentle in speech, generous in actions. Lift their lives from the battle zone of combative words to a caring community of integrity, respect, and civility. Teach them that it is better to give than to receive, that it is better to serve than to be served. Lead them to a humility that speaks great things for others.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will conduct morning business, with the time equally divided and controlled between the two sides, with the majority controlling the first half hour.

We are working hard to come up with an agreement on how we can dispose of the Biden and Kyl amendments. We were very close to being there several times yesterday, but we are still not there. Once we reach an agreement, Members will be notified of when the votes will occur.

The Senate has received, it is my understanding, the children's health legislation. We are going to begin the process of getting to a point where this matter will be considered and disposed of in the Senate and sent to the President.

Other matters which need to be considered this week are a continuing resolution and debt limit. I have been in contact with my distinguished colleague, the senior Senator from Kentucky, to see how we are going to work our way through this. Members will be apprised of schedule issues throughout the day.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

MOVING FORWARD

Mr. McCONNELL. Mr. President, let me just say I will be working with the majority leader to accomplish the goals he just laid out. I think there is broad bipartisan support for going forward as he suggested.

BURMA

Mr. McCONNELL. Mr. President, there is disheartening news coming out of Burma this morning. Last night, following yet another day of massive peaceful protests demanding political reform in Burma, the repressive Burmese regime imposed a nighttime curfew and banned all public gatherings of more than five people. Despite this brazen effort to muzzle freedom of expression, reports indicate that thousands of Buddhist monks and other protestors courageously defied the prohibition on public assembly and marched again in Rangoon. In response, reports indicate that the security forces of the State Peace and Development Council responded with typical brutality, beating and arresting scores of these brave protestors. It was reported that one person was shot to death and five received gunshot injuries.

Back in 1988, the regime responded to similar peaceful protests by massacring thousands of its own citizens. But the Burmese regime should know that things have changed in the intervening years. Modern technology has permitted photographs of those heroic protesters to be transmitted via the Internet around the entire world. Whereas before the news could be easily muzzled by the junta, today that is no longer the case. The world is watching, and any brutal steps taken in Rangoon are instantly made known in places such as New York, New Delhi, and Beijing. These moving images of heroism have certainly reached us here in Washington, DC.

As I have said before to the regime in Burma, we are watching you. To the people of Burma, we stand with you.

Mr. DURBIN. Mr. President, would the Republican leader yield for a question?

I want to ask a question based on the Senator's statement. First, I commend the Republican leader for his statement on the situation in Burma. It is my understanding now that we anticipate this military junta is likely to engage in repressive tactics against the Buddhist monks and the people of this country. I thank the leader for his statements because I think they validate our mutual concern that first an election, which came up with a good result, finally be implemented so the people of Burma have a representative government and that those political dissidents—most notably, Nobel Laureate Aung San Suu Kyi—be released from house arrest. She has suffered enough.

I thank the Senator for bringing this up to the floor. I want him to know his sentiments are felt on both sides of the aisle.

Mr. McCONNELL. Mr. President, if I may just add, my friend from Illinois is absolutely correct. This is a regime which I have been following for a long time, having introduced the first Burma sanctions bill some 4 to 5 years ago.

He is absolutely right. They engaged in this kind of activity back in 1988, killed a significant number of Burmese citizens simply seeking to have an opportunity to express themselves, which they subsequently did in the 1990 election, which Aung San Suu Kyi and the National League for Democracy won overwhelmingly, overwhelmingly, after which she was placed under house arrest and has been there virtually the entire time since then, since 1990. She was under house arrest while her husband passed away in London.

This is a pariah regime. Had they had nuclear weapons, I think the rest of the world would have been a lot more interested in this regime, as we have been, for example, in North Korea and in Iran. But they are now revealing their true colors once again. Technology is much better today than it was back in 1988. They will not be able to engage in these kinds of abuses with no one noticing.

I commend my friend from Illinois for making clear that all of us here in the Senate, regardless of party affiliation, condemn this behavior and look forward to the day when the election of 1990 is finally honored.

I yield the floor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, against all odds, the long-suffering people of Burma have risen against one of the world's most repressive regimes. What began a month ago as modest, impromptu protests has now mushroomed into a nationwide peaceful democratic groundswell. Tens of thousands of students have joined Buddhist monks in the streets, marching and chanting in unison against Burma's brutal military rulers. I met with some of those rulers a number of years ago when I went to Burma. I also had a chance to meet with Aung San Suu Kyi in her home where she has been under house arrest.

It is an extraordinary division that is growing and growing in Burma, where the military junta, unbelievably unpopular, nevertheless clings to power through the force of the military which it controls. The riches of the country are exclusively being diverted to their spoils, while Burma remains now and increasingly becomes poorer and poorer.

The Burmese people need to know that the courage they are demonstrating today and what they are fighting for is being watched by people all over the world, that we admire what they are attempting to achieve, and that we stand in awe of their commitment, of their courage. Their actions follow in the venerable footsteps of Mahatma Gandhi, Nelson Mandela, Lech Walesa, and all of those heroes who understand that nonviolent resistance is humanity's greatest weapon against tyranny and injustice. We, with all of the tools available to us, need to make certain the people of Burma understand that their courage is breaking through and that this moment is one we share with them.

What is happening today in the streets of Rangoon is, however, as tenuous as it is unexpected. Just this morning, we learned that warning shots were fired and tensions are escalating. I do not know how many people realize it, but the Government of Burma, the junta, moved to its own sort of private capital and has created this almost surreal exiled government where they feel safe, as if living in a bunker within the isolation of Burma itself. Just this morning, we also learned that the cabal of generals that is pillaging Burma under the guise of governing it could easily meet these nonviolent protests with a bloodbath, just as they did in 1988. So it is important that none of us allow the scrutiny on Burma to be diminished. This could conceivably become another Tiananmen Square moment, if it does.

No one should doubt the Burmese junta's potential for brutality and large-scale violence. Since taking power, they have killed tens of thousands of Burmese, and they have razed more villages than have been destroyed in Darfur. Over half a million people have been internally displaced, and an additional 1 million refugees have fled the country. The tyrannical thugs who run the country are engaged in the systematic use of forced labor, human trafficking, forcible recruitment of child soldiers, torture and rape—an appalling laundry list of human rights violations. Yet, despite such grave danger, the people of Burma have stood strong in the face of this extraordinary evil. They demand Democratic reforms and basic human rights, and they have done so with dignity, and they have done so peacefully.

The United States and the rest of the free world must find more ways to make it clear that we stand with the people of Burma. The President's decision yesterday to target the top general for financial sanctions is a step in the right direction, but it will not solve the problem, and it is not enough.

The massive prodemocracy demonstrations in Burma represent the best opportunity for genuine political change in nearly years. Burma's Saffron Revolution is also an excellent chance for America to finally show greater diplomatic leadership on the world stage.

The United States needs to lead the international community in pressuring the military junta to release all political prisoners, starting with the venerable Nobel Prize laureate and opposition leader, Aung San Suu Kyi, and take steps down the path from there to more thorough political change.

This week's gathering of world leaders at the United Nations General Assembly is ready made. It is a forum waiting to be utilized properly. My hope is that the United Nations will take the necessary steps to make even more clear the world's condemnation but, more importantly, to create real pressure, and that includes pressure from places such as China, which has been playing a clearly duplicitous game because of their deep investments, their proximity, and other occasional similarities in the way in which they have dealt with democracy uprisings. From the halls of the United Nations to the headquarters of the Association of Southeast Asian Nations, the message to the Burmese military needs to be clear: The world is united behind the people marching in your streets. Do not meet peaceful protest with still more butchering. We are prepared, all of us—and we must make this clear—to act in concert against you unless you immediately embark on serious negotiations toward sharing power with the people of Burma.

Showing diplomatic leadership on Burma also requires that we demand better from those countries that have propped up this brutal regime and are thus the best equipped to help pressure it. India and, in particular, China can make a significant difference in this outcome. The President and the United Nations must engage in strenuous diplomacy with Beijing, which carries the most sway with Burma's generals, and urge the Chinese to press for reform. China has in its grasp a momentous opportunity to demonstrate leadership commensurate with its growing power and status. Beijing can host the 2008 Olympics as an enabler of cruelty and repression or it can do so as a responsible stakeholder in the world community. The Olympics will not masquerade or cover up for its absence from this challenge. This is an important test. The world is watching.

As the international community exerts greater pressure on the military junta, it must also reach out more aggressively with humanitarian assistance for the Burmese people. The people of Burma have suffered not only the bullets and bayonets of the current regime but also from decades of misrule that have transformed their resource-rich nation into one of the poorest in Asia. All you have to do is go to YouTube, and you can watch footage of the wedding of the general's daughter, one of the junta general's daughters, laden in diamonds the size of pebbles, an example of the excesses of their coercion of power while the country gets poorer and poorer and people suffer as a consequence.

Many of Burma's 52 million people live in abject misery. About one-third are mired in poverty. Nearly half of all the children never get to go to school. Malaria and tuberculosis are widespread. Mortality rates in Burma are among the highest in Asia. At least 37,000 died of HIV/AIDS in 2005 and over 600,000 are infected with HIV. Burma's suffering destabilizes southeast Asia—heroin and methamphetamines, HIV/AIDs, and other infectious diseases, as well as hordes of refugees spilling across Burma's borders into neighboring countries. The international community must respond to this ongoing tragedy by providing humanitarian aid to a desperate and deserving people.

Current levels of international assistance are simply woefully insufficient. We need a network of public and private donors to fund health, education, and infrastructure projects. The resilient and brave Burmese people have shown that they are more than worthy of our support and compassion. They are fighting for democracy. We need to join that fight.

I close by offering a final word of warning. We dare not forget Burma's last great democratic uprising. It occurred in 1988. It was brutally crushed by the military at the cost of over 3,000 innocent lives. That day and the repression that followed show the horrible human toll of our collective failure to act. A peaceful prodemocratic outcome in Burma is actually within reach, if the international community were to seize this moment. The United Nations, ASEAN, India, and especially China must stand with the United States in solidarity with the Burmese people. All of us must not fail the people of Burma again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

CHIP REAUTHORIZATION

Mrs. LINCOLN. Mr. President, I applaud my colleagues who have come to the floor this morning to speak out about the injustices in Burma and to remind us to not lose sight of the discourse and the injustices that occur across the globe, that we must keep a vigilant focus on those and speak out against them. I also think it is important to lead by example in our country. That is why I come to the floor today in such strong support of the Children's Health Insurance Program reauthorization, the CHIP Reauthorization Act of 2007, and urge my colleagues to support the incredible bipartisan compromise we have all come together to negotiate, to set the example of what our values are so that other countries might see that working together, the values we share and the moral obligation we have to our children can be met as we take these types of steps. That kind of leadership by example is critical not just in our country but to the example we set for the rest of the world.

I have to say, as a working mother, I know all too well the importance of reliable health insurance coverage for all children. I feel blessed that as a Federal employee, I have access to quality coverage. When I am up late at night with a sick child, as I was last week, I have been blessed as a Federal employee to have that access and to be able to know that when the Sun comes up, I can call my doctor. I can get my child the kind of medical care I believe he needs. Having health insurance coverage gives me peace of mind. But that peace of mind should not only belong to those families that can afford private health insurance, it should also belong to the working families that are struggling to make ends meet. That is why Democrats and Republicans worked so hard together to come up with a compromise on a bill this important. I commend my colleagues in this body and in the House of Representatives from both sides, both parties, who have worked diligently to come to this agreement.

Since the inception of SCHIP 10 years ago or, as we call it in Arkansas, ARKids First, because it is a Federal and State partnership to provide this health insurance for our children, the number of children without health care coverage has been reduced by one-third. During that time, I am proud that Arkansas has become a national leader in reducing its number of uninsured children from over 20 percent in 1997 to 10 percent today. Now nearly 65,000 of Arkansas's children currently receive coverage through the ARKids B part of ARKids First.

The bill before us is an important and responsible step forward in reaching the millions of children who remain uninsured. It applies the lesson of the past 10 years and builds upon the success of the program by giving States more of the tools they need while preserving their flexibility to strengthen their programs and ultimately cover more children. In doing so, it would provide an additional $35 billion over 5 years that will allow our States to preserve coverage for children currently enrolled while reaching an additional 3.8 million uninsured, low-income children. This proposal would also provide much needed funding to States for outreach and enrollment efforts to reach many of those currently uninsured but eligible, making sure we are reaching out. For those who are eligible, as we get them on the rolls, it makes a tremendous difference. Because as we begin to bring into the fold those who can be insured, those who are eligible, we begin to mitigate the risk and the balance of the entire cost of what we need to do in covering children. In addition, it takes steps to ensure that they get a healthy start by providing care for expectant mothers and establishing pediatric quality measures to improve the effectiveness, safety, and efficiency of the care they receive. For years we have been putting quality measures into Medicare and other programs. Now we are going to put those same quality measures into pediatric care and children's care so we cannot only be reassured that our children are getting the best of care, but we are going to also see the benefits economically of those quality measures.

Our plan would also invest in the development of evidence-based quality measures for children's health care and provide access to much needed dental care for lower income children. I am sure many of my colleagues have done as I have, visited Head Start facilities or other places where children are learning dental hygiene. It is absolutely essential, because when you visit the places where they are not getting dental care and dental hygiene, you see children who have rotting teeth, who can't pay attention in school, who are malnourished because it hurts to eat when they get the opportunity. Dental care is essential because those children who do get it are going to be paying attention in class. They will be getting better at their education, and they will be healthier individuals because they will be receiving nutrition. They are going to be on a pathway to a healthier lifestyle.

We ensure that children enrolled in this CHIP would also be able to access mental health care that is on par with the level of medical and surgical care they are currently provided. Earlier this month I hosted forums across the State of Arkansas to discuss renewal of this vital program. We had a wonderful opportunity to meet with health care professionals, parents, single working mothers, business individuals who see the productivity of their employees better when they know those parents have that peace of mind when their children are getting health care, others who emphasize just how crucial this program is to Arkansas. They are anxious for us to get this program reauthorized. We have the opportunity, and we must seize it. They know the clock is ticking. If we don't act in some form or fashion by September 30, we could endanger the coverage of 6.6 million children currently receiving care.

Further, those I spoke to wanted to see tolerance. They wanted to see us working together. They had little tolerance, quite frankly, for the political posturing by our President, making this a political issue. They are frustrated that he doesn't seem willing to budge in terms of cost when what we spend in Iraq in only 41 days would provide health care coverage for 10 million children each year. And they, like me, believe that providing health care to our children is not only an investment in our Nation's most precious of resources, but it is a moral issue and, quite simply, the right thing to do.

In Washington we sometimes get in the business of debating policy specifics and losing sight of what it is all about. During my recent trip to Arkansas, I was reminded of what this will mean for real people. It is about a wonderful, hard-working, home-based educator from Benton, Jennifer Brown, and her 6-year-old daughter Elizabeth. Because Elizabeth had a digestive problem that required treatment, her mother would have been forced into the position of choosing between care for her sick child or choosing to feed her family if CHIP were not available. Placing families in that position is completely unacceptable. They deserve so much more. I am proud that CHIP was there for Jennifer and Elizabeth. As Jennifer told me:

> Without ARKids First, I don't know how we could have made it.

It is also about a young working mother and a grandmother, Amy Main and Jackie Deuerling, who spoke to me about their daughter and their granddaughter Emily, a 4-month-old blessing I was able to hold in my arms. What a treasured blessing to that family and to this country. Without ARKids First, Emily's family would be unable to provide her with the care she desperately needed. As Amy told me:

> The health care coverage provided by ARKids First allows me to feed the kids, afford diapers, and pay for Emily's brother's school supplies. I can make sure the kids have everything they need. If I was paying the medical bills [and if it was me and me alone], we wouldn't be able to afford all of those necessities [or the proper medical treatment].

We cannot lose sight of that. We should all agree that providing health care for our children is certainly one area where partisan politics should be placed aside. These working mothers who were there, the working families who were represented in these town hall meetings were saying what an important thing it was to them, as a value, to be able to make sure their children were able to get the health care they needed. But they also felt it was a value of who we are as Arkansans and as Americans.

I am very proud the Senate has seen the case we have presented. The members of the Senate Finance Committee, of which I am a member, worked hard in a bipartisan spirit to find a common ground to improve this program. Chairman BAUCUS and Ranking Member GRASSLEY, Senators ROCKEFELLER and HATCH, took the challenge. All of us, working together, and others, helped in multiple meetings to produce a bill of which everyone can be proud. Their leadership and vision should be commended by this entire body.

That is why it is so unfortunate the President and the Secretary of Health and Human Services feel so differently. In fact, their proposal to increase CHIP funding by only $5 billion over the next 5 years falls well short of the funding needed to simply maintain coverage for those currently enrolled in the program. That is not right.

In fact, the message sent to me during my meetings in Arkansas was that moving backwards—moving backwards—when it concerns the health care of our children is absolutely unacceptable. Instead of forcing nearly 1.5 million children to be dropped from their current health care providers, shouldn't we all agree, at the very least, absolutely, no child should lose coverage as a result of reauthorization?

The President has been adamant about leaving no child behind when it comes to their education. But shouldn't that also apply to their health care? How you choose to spend your money for your families or for your government most definitely reflects your values and your priorities. I ask my colleagues today, what could be a bigger priority than the well-being of our children—all of our children, the Nation's children, our American family?

In a time when more and more Americans are struggling to find affordable health care, CHIP has been a success story that has allowed us to make coverage more accessible for millions of children in working families. I urge each and every one of my colleagues to explore your conscience, to set aside partisan influences, and to support this critical effort to invest in the health care of our children—not only for the future of our Nation but for the well-being of millions of children and working families. They are depending on us, and it is time to fulfill our commitment.

I urge my colleagues to join me in supporting this legislation to expand health care coverage for the children of our American family.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I wish to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. GREGG. Madam President, we are today going to vote on what is euphemistically known as the SCHIP bill. It is clearly incorrectly identified because under that reading one would think it was for children, but it is actually a bill that also covers adults. I think there is a general consensus and no disagreement about the fact that children who are at or near poverty—even considerably above poverty—families who have that type of fiscal constraint should be covered. There is agreement on that.

The issue is whether we should take a program which covers children in poverty, or near poverty, up to 200 percent of the poverty level—which, if we define poverty, it is twice as much as what poverty is—whether we should cover children who are in families who have incomes well above 200 percent of the poverty level and adults who have no children at all, and whether we should do that extra coverage through a nationalized system.

That is what is at issue. The issue is not whether children who come from families who are not that well off—not necessarily poor families but are not well off—those children are covered under the President's proposal, under proposals which I would support, children from families with incomes up to 200 percent of poverty.

The issue is whether we should have States, for example, such as New Jersey, where families who make $71,000 a year—$71,000 a year—should be able to be covered under a federally, totally subsidized, taxpayer-paid-for health care plan, and whether families that are not even families—because they are two adults with no kids—should also be able to be covered under that federally subsidized health care plan, where the taxpayers pick up all the costs, and whether those plans should be structured in a way that they are single-payer, Government-directed, nationalized health care plans.

What is the practical implication of taking a program, which is supposed to be directed at children who come from low-income families, and expanding it radically in the way that the bill we are going to get does?

Well, the first practical implication is it spends a heck of a lot of money: $71 billion over 10 years in additional spending—$71 billion—to cover children in families with up to $71,000 in income. In fact, they go up to 400 percent of the poverty level, with families who make up to $80,000 a year, and they cover adults who do not have children. Yet they claim it is a children-in-need health care program.

So you are going to increase the Federal Government and the size of the Federal Government and the spending of the Federal Government—which, remember, comes from taxpayers—by $71 billion under this proposal.

The President has proposed increasing spending in this area over the baseline—which is about $25 billion—by an additional $5 billion over 5 years. Some of us have proposed we even go a little higher so we make sure every child in that category of 200 percent of poverty can be covered.

But to expand this program to a $71 billion increase is a huge explosion in the Federal program, in the size of the program, and in the cost to the taxpayers. Remember this: Another effect of this policy of covering families who make up to $80,000 a year with this federally taxpayer-paid health care insurance is that families that presently have their children insured by the private sector are going to move their insurance from the private sector, which is paying for the cost—the business they work for—over to the public sector.

In fact, it is estimated, under the proposal before us, 4.4 million children will be covered who are not covered today by this new SCHIP program which covers families up to $80,000 and spends an extra $71 billion. However, what people do not tell you—at least folks from the other side do not tell you—is 2.4 million of those children who are going to be picked up by this plan are already covered—they are already covered—by private insurers.

So we are basically shifting the burden from the private insurance over to the public side, which means the taxpayers—average working Americans—

are going to have to pay more to cover kids who are already covered by the private sector through their taxes.

Does that make sense? Of course it does not make sense. Why would you do something like that? Why would you set up a program like that? Why would you expand a program to families that make $80,000; to adults who do not have children; to children who already are insured and draw them out of the private insurance into the public insurance? Why would you do something like that?

Well, the answer is pretty obvious. This is part of the effort of the other side of the aisle to move us toward a single-payer, nationalized system of health care. There is no hiding that fact. That has been stated as the purpose, even by the chairman of the Finance Committee. So the goal is not necessarily to bring more kids under insurance who need to be insured because they come from families of less means. That is going to be done under either program. The goal is to radically expand the size of a public insurance program to families that are really doing quite well, families making up to $80,000 that may not have children or the children may already be insured by the private sector because you want to move more people onto the public insurance system because you want to have a nationalized system.

Now, I do not happen to support a nationalized system of health care. But I think if we are going to have a nationalized system of health care, we should not do it through the back door. We should not do it through this bait-and-switch approach that this bill represents. We should do it in a very open, honest statement, much as what Senator CLINTON proposed back in the early 1990s: We are going to nationalize the health care system of this country. There is going to be one payer. It is going to be the Federal Government. And all your health care will be provided for by the Federal Government, with the cost being picked up by the American taxpayer.

I oppose that type of an approach for a variety of reasons: first and most honestly because in every other nation that has tried that, it has led to dramatic rationing of care. Depending on your age, you simply are not able to get certain types of care, treatment. You go to Canada, and you wait for months, sometimes years for certain types of procedures or you go to England and you wait for months, years, and you cannot even get certain types of procedures. So you get rationing.

Secondly, you undermine research. You do not get people investing in creating new products and new ways to make people healthy because the cost is not reimbursed.

Thirdly, if you take the private sector out of providing health care, you immediately create huge inefficiencies because you reduce competition, you reduce the forces for cost control that private insurance brings into play.

So I do not support a single-payer plan. But I especially find it inappropriate that the way the other side of the aisle is trying to get to a single-payer program is through this surreptitious back door of taking one chunk of the population—kids who are already insured by the private sector—and moving them over to the public sector in the name of protecting children who are from lower or moderate-income families.

All the proposals that are pending around here—the proposal by the President, the proposal I would support—protect children in families at 200 percent of poverty or less.

One of the ironies, of course, is that as they expand to higher income families, in States such as New Jersey, for example, where people making up to $71,000 are covered under the single-payer plan, they actually leave out low-income kids. For example, in New Jersey, there are about 19,000 kids who are in families that are under 200 percent of poverty and are not covered under the New Jersey plan.

Wouldn't it make a lot more sense, if we were honestly trying to address low-income kids, to put in place a plan which actually covered kids who were in family situations where the income was less than 200 percent of poverty and make sure everybody was covered? That was the proposal from our side of the aisle, by the way, but it was rejected in this rush toward trying to get a big bite on the apple of nationalization, single-payer proposals.

So that is the policy problem with this bill. But there are a lot of other problems. Call them technical, if you want, but they are pretty big technical problems. For example, there is the problem that there is a scam going on, a scam in this bill as to how it is paid for.

You can see this chart I have in the Chamber. This reflects the increased costs of the bill as it goes forward. But in order to make their own budget rules, which they claim so aggressively to be following, such as pay-go, they have to take the program, in the year 2013, from a $16 billion annual spending level down to essentially zero. In other words, they are zeroing out this program in the year 2013. They are not spending any money on it at all so they can hit their budget numbers. That is called a scam. That is called a scam. It is a budget scam. And it is being played against a background of claiming they are going to do all these wonderful things with all of this extra money, such as nationalize the system for people making $80,000 or less, but they are simply not going to claim how they are going to pay for it. This big, white area in here, they have no idea how they are going to pay for that. None. None. I will tell you how they are going to pay for it: by raising taxes on the rest of working Americans. That is how they are going to pay for it. Working Americans are going to pay for it so they can nationalize the system.

Then, on top of that, they have set up a verification system which uses Social Security numbers which the Social Security Administration says will lead to illegal immigrants being the people who get the benefit of this program, primarily—or not primarily but in part—because the Social Security Administration is incapable of accurately monitoring whether these numbers are correct. So you are going to have a lot of illegal immigrants getting coverage, claiming they are legal, because the system has been set up to accomplish that. Maybe this was the back-door approach toward some level of amnesty or something, but if it was going to be done, it should have been done more openly than the system that is being used in this bill. This is a fundamental flaw of this bill. It is a bill which, in its present form, is not paid for and has a huge cap.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Madam President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, it has a huge gap in the way it is paid for. Secondly, it sets up a system of verification which the Social Security system says it can't accomplish, and, therefore, presumes that a large number of people who are in this country illegally will end up in this program.

I ask unanimous consent to have printed in the RECORD the response of the Social Security Administration on this point and a letter to JIM MCCRERY, who is a Congressman and the ranking member of the Ways and Means Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington DC, September 21, 2007.
Commissioner MICHAEL J. ASTRUE,
Social Security Administration, Office of the Commissioner, Baltimore, MD.

DEAR COMMISSIONER ASTRUE: As Congress prepares to debate the reauthorization of the State Children's Health Insurance Program (SCHIP), I am writing to request your assistance in clarifying an issue raised by a provision in the Senate passed bill. Specifically, I would request that the Social Security Administration provide technical assistance to explain the impact of Section 301 of H.R. 976, which was passed by the Senate on August 2, 2007.

Concerns have been raised that the implementation of this provision could make it easier for illegal aliens to qualify for government funded healthcare programs including

SCHIP and Medicaid. In order to better assess the accuracy of these claims, I would request that you provide answers to the following questions by no later than the evening of Monday, September 24, 2007.

1. If implemented as written, would the name and Social Security number verification process in section 301 of the Senate SCHIP bill allow the Social Security Administration (SSA) to verify whether someone is a naturalized citizen?

2. Would Section 301 require SSA to perform any verification of a person's status as a naturalized citizen?

3. Would the implementation of this provision detect and/or prevent a legal alien who is not a naturalized citizen (and therefore generally ineligible for Medicaid), from receiving Medicaid?

4. Would the name and Social Security number verification system in Section 301 verify that the person submitting the name and Social Security number is who they say they are?

5. Would the name and Social Security number verification system in Section 301 prevent an illegal alien from fraudulently using another person's valid name and matching Social Security number to obtain Medicaid or SCHIP benefits?

6. Would the name and Social Security number verification system in Section 301 prevent an individual who has illegally overstayed a work visa permit from qualifying for Medicaid or SCHIP?

7. Based on the accuracy of your database, please comment as to the volume of false positives or false negatives that could occur under the Social Security number verification process in section 301 of the Senate SCHIP bill.

Thank you for your prompt attention to this matter. If you should have questions about any of the requests in this letter, please contact Chuck Clapton of the Ways and Means Committee Republican staff.

Sincerely,

JIM MCCRERY,
Ranking Member.

SOCIAL SECURITY ADMINISTRATION,
Baltimore, MD, September 24, 2007.

Congressman JIM MCCRERY,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN MCCRERY: Thank you for your letter of September 21, 2007, concerning Section 301 of H.R. 976 passed by the Senate.

I have enclosed answers to your seven questions. Please feel free to contact me if you need any additional information. The Office of Management and Budget advises that there is no objection to the transmittal of this letter from the standpoint of the President's program.

Sincerely,

MICHAEL J. ASTRUE,
Commissioner.

1. If implemented as written, would the name and Social Security number verification process in Section 301 of the Senate SCHIP bill allow SSA to verify whether someone is a naturalized citizen?

No, the name/SSN verification process only indicates whether this information matches SSA's records. Our understanding of Section 301 is that it would provide States with the option of using a match as a conclusive presumption that someone is a citizen, whether naturalized or not. Since we have no data specific to this particular population, we have no basis for estimating how many noncitizens would match if this language were passed by Congress.

2. Would Section 301 require SSA to perform any verification of a person's status as a naturalized citizen?

Section 301 would not provide for verification of citizenship but would create a conclusive presumption based on less reliable data that a person is a citizen. As we read Section 301, it would not require use of DHS data to make a verification of citizenship.

3. Would the implementation of this provision detect and/or prevent a legal alien who is not a naturalized citizen (and therefore generally ineligible for Medicaid), from receiving Medicaid?

No. Our current name/SSN verification procedures will not detect legal aliens who are not naturalized citizens.

4. Would the name and Social Security number verification system in Section 301 verify that the person submitting the name and Social Security number is who they say they are?

No.

5. Would the name and Social Security number verification system in Section 301 prevent an illegal alien from fraudulently using another person's valid name and matching SSN to obtain Medicaid or SCHIP benefits?

No.

6. Would the name and Social Security number verification system in Section 301 prevent an individual who has illegally overstayed a work visa permit from qualifying for Medicaid or SCHIP?

The name/SSN verification system in Section 301 would not identify individuals who have illegally overstayed a work visa permit.

7. Based on the accuracy of your database, please comment as to the volume of false positives or false negatives that could occur under the Social Security number verification process in section 301 of the Senate SCHIP bill.

Due to a lack of data specific to this particular population defined in section 301, we have no basis for projecting how many "false negatives" or "false positives" would be produced by enactment of Section 301, but they will occur.

Mr. GREGG. Madam President, to summarize, everybody around here is supportive of a plan which would fully fund what is necessary to take care of children whose families make 200 percent of poverty or less. But what we on our side don't want to see is an expansion of this program as a method of taking people out of private insurance and putting them on the public system, creating a single-payer plan and, as a result, moving down the road toward the nationalization of the entire health care industry. It would be at a cost of $71 billion to the American taxpayer, a cost which isn't accounted for in this bill and which is not paid for. The program has a fundamental flaw in it as to how they verify who is participating so we don't even know if we are going to have citizens participating in this program versus illegals. It is a bill which is flawed. It should be opposed, and it should be vetoed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

DEFENSE AUTHORIZATION

Mr. CORNYN. Madam President, I rise to express my grave concern about the misplaced agenda we appear to be pursuing in the Senate: Taking us off of a Defense authorization bill that we have spent 15 days on—more than 2 weeks—to take up special interest legislation that has nothing to do with providing the equipment and the pay raises and the dignified treatment to our wounded warriors that the Defense authorization bill is designed to provide.

Unfortunately, we see the distinguished majority leader has now introduced an amendment relating to hate crimes on a Defense authorization bill. We are told the majority whip now plans to introduce a bill with regard to immigration, the so-called DREAM Act.

I would submit there is a time and a place for everything. This is a deliberative body, where we are happy to talk about and debate and air our differences on any piece of legislation any Senator might want to propose that comes to the floor, but there is a time and a place for everything. This is not the time and not the place to divert our attention from the important provision of pay raises, the important provision of equipment, and the important public policy changes with regard to how we treat our wounded warriors.

One of the Hill newspapers has reported that today, a Government report is being released that concludes the wounded warriors from Iraq and Afghanistan are still getting the runaround from the Pentagon and Department of Veterans Affairs, despite big promises of change made after last February's revelations about the scandalous conditions at Walter Reed Army Medical Center. As a member of the Senate Armed Services Committee, I am proud of the work we have been able to do on a bipartisan basis to move legislation forward that would address the causes for concern first uncovered as a result of those sad and embarrassing revelations at Walter Reed Army Medical Center.

Today, it is reported the Government Accountability Office, the investigative arm of Congress, says that delays for disability payments for veterans still average 177 days—nearly 6 months—with no indication that any dramatic improvement is in the offing. The General Accounting Office also found continuing frustrations and shortfalls in care for the increasing number of military returnees from Iraq. Delayed decisions, confusing policies, and the perception that the Department of Defense and Veterans' Administration disability ratings result in inequitable outcomes and have eroded the credibility of the system, according to the General Accounting Office. Thus, it is imperative, the GAO concludes, that the Department of Defense and Veterans Affairs take prompt steps to address fundamental system weaknesses.

Well, I agree. This is intolerable. That is the reason why we need to pass the Defense authorization bill, which has previously been pulled from the floor for consideration and has returned and now is being hijacked for special interest legislation that has nothing to do with providing help to our men and women in uniform during a time of war.

Let me talk briefly about what the Defense authorization bill would do if we ever get it passed. It would authorize increases in end strengths to the Army and U.S. Marine Corps. As my distinguished colleague from Arkansas knows, that has been one of the major concerns we have all had about the stress and strain on our military that is too small for the challenges we have today, resulting in lengthy deployments and absences away from family members. This bill would authorize an increase of 13,000 in end strength for the Army and 9,000 for the Marine Corps. But what do we do instead of passing the legislation that would provide that additional authorization? We hijack this Defense authorization bill to talk about hate crimes and perhaps immigration and other unrelated issues. This bill authorizes a pay increase of $135 billion for our men and women in uniform, people who deserve everything we can do for them when it comes to providing for them or reducing some of their financial burdens. This bill authorizes $135 billion in additional pay.

But what does the majority leader do? He says we are going to take another timeout after 15 days and we are going to talk about hate crimes, potentially immigration, and who knows what else, further burdening this bill with amendments which may jeopardize our ability to pass it in the end.

This bill also provides for a 3.5-percent increase in pay for all our troops. To the point of the GAO report, which I cited that has been reported in one of the Hill newspapers today, this bill would authorize $24.6 billion for the Defense health program, including a $1.9 billion adjustment to fund TRICARE benefits for fiscal year 2008.

That is exactly what we ought to be doing. I, similar to my other colleagues, have visited our wounded warriors at Walter Reed and Bethesda, places such as the Brooks Army Medical Center in San Antonio, and places such as Darnall Medical Center at Fort Hood and Killeen. We need to make sure we do everything in our power to take care of our wounded warriors. But what are we doing? We are apparently taking a timeout from that important work that is urgently needed and diverting our attention to other matters that have nothing to do with taking care of our troops.

What else would this Defense authorization bill do? Well, it would authorize $4 billion for Mine Resistant Ambush Protected vehicles. As my colleagues know, these are the V-shaped hull vehicles that have a way of dispersing improvised explosive device attacks in a way that will save lives and protect our troops from further injury as a result of improvised explosive devices. But what do we do? We dillydally around after 15 days of not taking care of our business and divert our attention to other unrelated matters that have nothing to do with protecting our troops. I think it is shameful.

Further evidence the agenda is misplaced in the Senate is the fact that we will, this week, have to consider a continuing resolution. That means passing legislation to keep the doors of Government open until November 16 because this Congress has not passed, nor has the President signed, appropriations bills to pay Congress's bills. Now, this is not a surprise. September 30 we know is the end of the fiscal year. What would happen if we were a small business—or a big business, for that matter—that didn't take care of its affairs and didn't pay its bills? Well, it would shut down. But not the Federal Government, because we have the power to wave a magic wand and pass a continuing resolution. But 13 appropriations bills affecting the lives of each and every one of 300 million Americans in this country has simply been neglected, pushed to the back burner, because we are diverting our attention to matters that we should leave for a later date.

So I implore the majority leader, I implore the new management of this Senate that was elected to the majority status after the last election, let's take care of business. Let's take care of our troops. Let's take care of our military families that, in an all-volunteer military, are absolutely essential to our ability to protect and defend the United States. I think it is shameful we are changing the subject to take care of special interest legislation at a time such as this, when it is so critical, at a time of war. I implore the majority leader to reconsider his misguided agenda for the Senate.

I yield the floor.

Mrs. LINCOLN. Madam President, how much time remains in morning business on each side?

The PRESIDING OFFICER. The Republican side has 6 minutes 41 seconds, and the Majority side has 5 minutes 57 seconds.

The Senator from Florida is recognized.

SCHIP

Mr. MARTINEZ. Madam President, I wish to shift the discussion, while I concur completely with the Senator from Texas and his assessment of floor management time, and I do believe we need to get about the business of a Defense authorization bill and not be sidetracked by other side issues.

I wish to talk about another important issue that is coming before the Senate, which is the SCHIP program, one that I support, one that I want to see reauthorized, and one that I want to see expanded. To my colleagues on the other side of this debate, let's talk about expanding SCHIP. I support a $5 billion expansion. If that is not enough to cover the children this program is intended to cover, let's talk. Let's discuss what amount would cover these children: $5 billion, $10 billion; I am in favor of opening that discussion.

What I am against, what I oppose is expanding this program beyond the needs of the poor.

The bill before us today expands the program beyond its original intent. It expands it to the point where we are making Government-sponsored health care available beyond the intent and to include those in the middle class.

For those who claim otherwise, let me read a quote from the chairman of the Senate Finance Committee. The chairman recently noted:

> Everyone realized that the goal of this legislation moves us a giant step further down the road to nationalizing health care.

Nationalizing health care. Let's call it what it is. This is not a debate over whether we are going to provide health insurance for our Nation's low-income children—because we all agree we should do that—this is a debate over whether we should nationalize health care.

This is a significant ideological debate. Do we in this body—in this Nation—want a system of government versus private health insurance? Is it right to dramatically expand this program to middle-class families for the sake of being able to say we are insuring more? I support SCHIP. I support the program with the original mission of covering low-income children who do not have health insurance. This bill we are debating today is not that program; it is not even close. It is bad policy. To take a program designed to help poor children and create a new entitlement for middle and upper income families, especially when this group already has access to private coverage, money set aside for low-income children should be used to cover low-income children.

Make no mistake. This bill takes us down a one-way path. The bill takes the money intended for SCHIP and uses it as money to begin a program of socialized health care. For this reason, I cannot support this bill.

Beyond the ideological shift of socializing health care, the funding portions of this bill will essentially eliminate health coverage for low-income children after 5 years.

Under this plan, SCHIP outlays increase every year for the next 5 years. But in the year 2013, they drop dramatically—to levels that will not sustain even the existing population of kids on SCHIP.

The proposal, as written, will require the Government to either drop millions of children from health care in 2013 or impose a new tax to raise the $41 billion needed to sustain the increased levels of coverage.

Additionally, this bill sets us up to cover an unintended population of adults. This plan would allow New York to expand their SCHIP program to cover middle-class families earning $82,600 per year, which is four times the Federal poverty level.

Ironically, this means many families in New York will receive a government subsidy for insuring their children at the same time they are subject to the alternative minimum tax, a tax specifically designed to target wealthy Americans.

By expanding coverage further up the income scale and to new populations, this bill takes away needed resources from those most vulnerable, low-income children.

Several recent analyses show that for every 100 children made newly eligible for SCHIP, half of those would either lose or forgo private coverage they currently have. So why are we using taxpayer dollars to cover children who have insurance at the expense of those who don't?

I truly believe this bill represents a fork in the road. We can either move toward a health care system that is patient focused, with a choice of providers, or one that leads us toward a Cuban-style health care system, with rationing of care, long waiting lines and, worse yet, no choice.

Let me reiterate, the dispute is not whether children should have access to affordable health insurance; we all believe children should have that access. The dispute is how we should achieve that goal.

SCHIP reauthorization in its current form will transform the program into a middle-class entitlement.

A real compromise needs to be reached, one that keeps in the spirit of SCHIP; one that finds children currently eligible and signs them up for insurance; a compromise that doesn't simply broaden the program's eligibility so people on private health insurance all of a sudden have an option to move to Government-sponsored health insurance.

Congress also needs to work on legislation that will help make insurance more affordable.

Since the President has signaled his intention to veto this version of SCHIP reauthorization, it is essential we talk about viable alternatives—plans that would ensure the reauthorization of SCHIP that expand rather than diminish private health insurance and coverage for children.

I have been working with some of my colleagues on such a plan—one that would bring a viable alternative to the debate we are currently having. This alternative would be composed of two elements: First, a full reauthorization of SCHIP. SCHIP should continue to cover children in families with incomes at or below 200 percent of the Federal poverty level. But we should also work to enhance outreach for those eligible but not signed up.

We know there are poor children out there without health insurance. We may not agree on the number of them, but let's work harder to find them and sign them up for coverage.

The second part should consist of a child health care tax credit. Rather than putting more people on a government-run program, let's advance tax credits to families with incomes between 200 percent and 300 percent of the poverty level. This would cover the population targeted by this bill, but instead of forcing them to drop their current coverage, it would provide assistance to keep them in the current insurance plan. It would help families with employer-based insurance to add their children to their existing policies.

If a family doesn't have insurance, this credit will provide the resources necessary to go out and purchase health care.

I think this is something we can all agree to. These concepts are supported by both the left and right, from the Heritage Foundation to Families USA. So I urge my colleagues to reject the proposal before us today and, instead, come together and work to ensure access to health care for all low-income children.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise now somewhat in dismay, I suppose, but certainly disappointed in hearing the debate from the other side. When we first started SCHIP 10 years ago, what a great bipartisan effort it was. Under this administration, so many waivers have been granted for childless adults and for other different categories of individuals to be covered.

What we have tried to do, in a bipartisan way in putting together the reauthorization of this bill, is rein in those waivers. I heard my colleague and friend from New Hampshire—he and I have talked often about our own children—say we are going to cover illegal immigrants. We are not only not going to cover them in this bill, we don't even cover those who have stood in line and go through the proper process to come here as legal residents until there has been certain proof of how long they have been here and the contributions they have made.

I have great confusion about this effort to portray this reauthorization as something that is expanding. We are actually reining it in.

I have to say, in listening to my colleagues talk about covering 200 percent of poverty, I hope the American people understand that when we talk about 200 percent of poverty—my colleague from New Hampshire talked about it as if it was a lot of money. When you talk about 200 percent of poverty, you are talking about a family of four trying to live on $41,300. Eighty percent of the people in the State of Arkansas whom I represent have an adjusted gross income of less than $50,000. As a parent myself, being blessed with two incomes coming into our household, a family raising and caring for a family of four on $41,300 a year—talking about what you are paying for rent, for food, for utilities, and then to say that we as a Nation don't want to support you in caring for your children and seeing that they get good health care, that their health care needs are met; no, go into the private marketplace where the most expensive piece of health insurance you can purchase is in the private single-payer marketplace of health insurance.

I have been disappointed by those comments we have heard this morning.

I hope that as we look forward, in this bill, we prohibit any new waivers, waivers that were a part of the first piece of legislation 10 years ago, and this administration granted many of those waivers. My State of Arkansas has been a beneficiary of many of those waivers. But the fact is that we rein them in. We prohibit waivers on childless adults, and as those childless adults are phased out of the program, the States can choose to put them in a block grant program and cover them in a much less percentage than what they are covered now. But they are not going to be in a children's program or a program designed for children.

So I hope our colleagues will look at all the hard work and effort that has been put into this bill, to rein in much of the excess that came through those waivers from this administration, and will look at how we can focus on bringing about compromise and making sure we focus on the hard-working families that make up the fabric of this great Nation and do need the help and the support of all of us in making sure their children get the most basic of needs in health care coverage.

I thank the Chair and look forward to the debate and encouragement from all our colleagues to bring about a bipartisan bill that moves this Nation forward in recognizing our greatest asset—our children.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, has the time for morning business expired?

The PRESIDING OFFICER. The time for morning business expires in 120 seconds.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this afternoon, I will be attending a hearing of the Senate Appropriations Committee. The Secretary of Defense will be there, the head of the Joint Chiefs of Staff will be there, as will someone from the State Department, and they will be here supporting a proposal by the President to the Congress that we supply up to $200 billion in additional funding for the war in Iraq and Afghanistan—all of it declared "emergency," none of it paid for, and that is $200 billion for this year. That will take us to almost three-quarters of a trillion dollars, with respect to the war in Iraq and Afghanistan, all added to the Federal debt as a result of a request by the President that it be emergency spending.

I mention that only because we have been talking out here on the Senate floor about something called the children's health insurance program. It is a fraction of what we will be discussing this afternoon as emergency funding. The children's health insurance bill is fully paid for. That which came out of the Senate Finance Committee on a bipartisan basis to address the issue of health insurance for children and do so in a way that fully pays for it. It is a very different circumstance than exists with the President's request for war funding, for example.

But it is interesting to me that the loudest moans in the Chamber of the Senate come when we take the floor of the Senate to talk about taking care of things here at home, taking care of basic things in this country.

What is more basic than taking care of children and the health care of children? If it is not in first place, tell me what is in first place among your concerns about life. I am talking about the health of our children. If that doesn't rank No. 1, tell me what does. It ought to rank No. 1, front and center. Everybody individually, I think, would say the most important thing in my life is my children and my children's health. Yet we bring a bill to the floor of the Senate dealing with children's health, paid for, and it provides expanded coverage, coverage to those children who don't have coverage—millions of children whose health is now a function of how much money their parents have in their checkbook, and who, in some cases, are lying in pain, walking with a limp, suffering through agony but cannot go to a health care facility because their folks cannot take them because they don't have any money or insurance. Does anybody here believe we should not aspire to address that? And we have. We have a piece of legislation that is fully paid for——

Mr. KENNEDY. Will the Senator yield?

Mr. DORGAN. Compared to what we will hear this afternoon, a request for $200 billion of emergency funding for the war in Iraq and Afghanistan, none of it paid for, and this is a fraction of that to reach out to try to provide health insurance to America's children, particularly America's poor children.

I am happy to yield for a question.

Mr. KENNEDY. On the point the Senator makes about this being a matter that is paid for, it is not effectively costing the taxpayers any resources. As I understand it, it is going to mean an increase in the cigarette tax, and the implication of the increase in the cigarette tax is the fact that less children will be smoking; so you have a double value here, where we are not only getting coverage for the children but discouraging children from smoking, which will help and assist and make sure future generations are going to be healthier as well. I know the Senator is familiar with that argument. Does he think the administration has missed that point?

Mr. DORGAN. I believe they have. It is a fact that this is paid for with revenue coming from the sale of cigarettes. It is also a fact that about 3,000 children a day will begin to smoke and become addicted to cigarettes, and 1,000 of them will ultimately die from that choice. The only chance you have to hook someone on cigarettes is to do it when they are kids. Does anybody know of anybody who is around 30 or 40 years old sitting in a La-Z-Boy recliner and watching television and thinking, what have I missed in life? What have I not yet done that I should do? And they come up with the answer that I ought to start smoking. Does anybody believe that would happen? Of course it doesn't.

We know now that smoking has dangerous health effects. The only chance you have to get someone to smoke, get them addicted for a lifetime, is to get kids addicted. So I think that which we do to persuade children not to smoke is something very important in our lives. It is also a contributor to a healthy lifestyle.

Mr. KENNEDY. Will the Senator yield further?

Mr. DORGAN. Yes.

Mr. KENNEDY. Effectively, when the administration says this is going to be additional kind of spending, they leave out the fact that it is going to be funded—children's health—with a cigarette tax. Is the Senator familiar with the fact that the procedure, the process by which the children actually get the health insurance in the State is basically identical to what the administration asked on their prescription drug program? It is using the private sector in terms of the contract, and in terms of an individual getting coverage for their children. The worker will find out there are several alternatives from which they can make a choice. They are all based on the private sector.

Therefore, I ask the Senator, is he somewhat troubled by the administration's opposition, since we have effectively tracked the delivery system that the administration has asked and it is being paid for independently from spending programs by the Federal Government and that the total expenditure, as the Senator I am sure has pointed out, is some $35 million over 5 years as compared to $120 billion dollars for the war in Iraq in a single year?

Mr. DORGAN. In fact, the request before the Senate Appropriations Committee this afternoon for the war in Iraq is two requests: $145 billion that now exists for this year, and we expect another $50 billion on top of it. That is nearly $200 billion in one single year, totaling about three-quarters of a trillion dollars, over time none of it paid for. This program to provide health insurance to children is $7 billion a year fully paid for.

What bothers me about this issue is this clearly is an issue of trying to take care of things here at home. What is more important than taking care of a young child who is sick? It is interesting to me, we voted a while back about making English the national language. It is a reasonable request. If you want to become an American citizen, you ought to aspire to learn the language, English. Yet I come to the floor and I hear a foreign language. I don't understand what they are talking about: "socialized medicine," "Cuban-style, government-run health care." It seems to me they ought to speak English. I get so tired of people using these terms, such as "socialized medicine." Yes, there is a government aspect to this issue. But as my colleague said, much of this is the private sector as well implementing it.

I am so tired of people saying the Government can't do a thing. How about those firefighters climbing the World Trade Center and giving their lives as those buildings came down? You know what, they were on the public payroll, were they not? Public service, that is what they were doing. Government workers. How about the teachers taking care of our kids today in the classroom? Government workers; yes, they are. How about Dr. Francis Collins working at NIH, who gave us the owners manual for the human body with the mapping of the genome code? Are we proud of him? Government worker.

I am a little tired of this language—"socialized medicine," "Cuban-style system." What a load. That is thoughtless rather than thoughtful debate. This is not some massive socialized medicine program.

I say to my colleagues, look a 4-year-old child in the eye who is hurting and say to them: You know what, we made a decision that the question of whether you get to see a doctor or get to go to a clinic or get to go to a hospital today is a function of how much money your parents have, and if they don't have the requisite amount of money, I am sorry, youngster; tough luck. I am sorry. Just bear the pain. We shouldn't do that. As a country, we shouldn't do it.

What is a higher priority than our children and our children's health? How on Earth, given what we are doing, spending money in this Chamber, a $200 billion request this afternoon before the Senate Appropriations Committee, none of it paid for, on an emergency basis, $200 billion, and now we come with a $35 billion request fully paid for to address the issue of children who do not get health care, children who, when they get sick, do not have adequate health care—what is more important for this country?

I don't understand. I have said from time to time, we have all these events in the Olympics for running and jumping. If ever there were an event for sidestepping, I have some gold medal candidates in this Chamber. Sidestepping the important issue—they don't want to talk about the question of why do you not want to address the health care of children. They want to talk about other issues—socialized medicine. It is a foreign language to me, but maybe not to some.

I guess I would ask this question: Can we—not just on this subject but other subjects as well—can we come to the floor of the Senate and take some pride in taking care of business at home? My colleague from Oregon and I offered the only amendment that cut down a bit the $20 billion—yes, with a "B"—$20 billion this Congress passed for reconstruction in Iraq. A massive amount of it was wasted. Talking about health care, guess what. We gave a $243 million contract to a private contractor to rehabilitate 142 health care clinics in Iraq. An Iraqi doctor went to the Health Minister of Iraq and said: I would like to see the health clinics that were rehabilitated. The money is all gone. The Iraqi Health Minister said: In many cases, those are imaginary health clinics. The money is gone. Reconstruction in Iraq—how about taking care of things at home? How about doing first things first? And you tell me what is in second place. The first place, in my judgment, is taking care of America's kids, and we don't do this through some massive Government program, through some socialized health care system, some Cuban-style system of Government programs. We do this in a thoughtful way, and we do it in a way that works.

How do we know it works? Because this program has existed and been an exemplary program, and it has given low-income families an opportunity to believe that when their kids get sick and they don't have money and are having a tough time, they can still take their kids to a doctor. God bless them for knowing that and God bless the Congress and the President for doing something about it in past years.

It is very different now. We are trying to expand the program to millions of additional kids, and we are told somehow this is a program that is unworthy, it cannot be done this way, it is some sort of big bureaucratic mess. Nothing could be further from the truth—nothing.

I hope when the dust settles this week and we do the conference report, I hope we understand that this conference report is bipartisan—Senator GRASSLEY, Senator BAUCUS, Senator HATCH, Senator KENNEDY, and so many others have advanced this legislation on the floor, Republicans and Democrats. Let's pass this legislation, and let's hope the small amount of opposition in this Chamber will not deter us from doing what we know is best for the country. And, second, let's expect this President to sign it. I know he has threatened to veto the bill. Let's expect him to sign it because it is taking care of business at home and doing first things first.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATE CRIMES

Mr. SMITH. Mr. President, I believe the pending amendment is the hate crimes amendment to the national Defense authorization bill. I rise today to once again discuss the need to enact hate crimes legislation. For the fifth consecutive Congress, I have introduced this legislation with my colleague from Massachusetts, Senator KENNEDY.

The Senate knows well the substance of what we have debated. We have done it in every Congress of my tenure. A majority of Senators have repeatedly supported this legislation. Two years ago, under a Republican-controlled Senate, we overwhelmingly passed hate crimes legislation on the National Defense Authorization Act by a vote of 65 to 33. In 2000, the Senate voted 57 to 42 in favor of the bill. In 2002, we had 54 votes.

Hate crimes legislation, in my view, is the most important civil rights issue before this Congress. The House has already passed this legislation. They have done so and we will do so, I hope, because America needs it.

America is one of the most diverse societies on the planet, and I can think of no other country in world history that has achieved the same degree of diversity as the United States of America. Our diversity is, in part, our Nation's heritage. It is part of our political and social fabric. It is a source of our strength, and it should be protected from those who try to systematically victimize whole classes of individuals based on their beliefs, their practices, or their race.

The bedrock of our civil rights laws is founded on our collective belief that minorities should be protected from discrimination. But the civil rights struggle is far from over. Every election brings a new chapter in our efforts to get it better.

As we fight the war on terrorism abroad, we must not forget that we continue to have injustices on our home shores. Americans continue to be harassed, victimized, and denied equal opportunities simply because of their race, religion, color, disabilities, or sexual orientation.

As a nation that serves as a beacon of freedom and liberty throughout the world, we simply cannot tolerate violence against our own citizens simply because of their differences. We cannot fight terror abroad and accept terror at home.

For the last 7 years, I have entered into the CONGRESSIONAL RECORD a hate crime almost every day. I have entered hundreds upon hundreds of individual hate crimes into the RECORD to demonstrate the need for this legislation. Many of these crimes are extremely brutal, some even resulting in the death of the victim. I do this to raise awareness. I do it to demonstrate the severity of these attacks and to show the frequency of these violent crimes. I also do it to remember these often nameless victims and to give a human face to these senseless acts of violence.

Let me tell my colleagues about the horror of these attacks. Opponents of this measure will say every crime should be treated equally. But those who perpetrate crimes out of bias, against sexual orientation, are unusually and especially savage. One rarely, if ever, reads about a hate crime resulting from a single bullet or errant punch. Hate crime victims will be beaten dozens of times with an iron crowbar, they will be stabbed over and over, or they will be stomped to death. These prolonged, vicious beatings are more akin to punishment and torture and manifest themselves in ways that are most evil.

This year, Senator KENNEDY and I have decided to rename our legislation the Matthew Shepard Act. We do so with the permission of his mother. We do so to put a human face on the issue of hate crimes legislation. In addition, we did it in remembrance of a young hate crime victim who has left an indelible mark upon our Nation's conscience. His name is Matthew Shepard.

Judy Shepard, Matthew's mother, is a dear friend of mine. Judy experienced a parent's single worst tragedy: the loss of her child. But instead of retreating into her own pain for solace, Judy has brought to national attention the need for hate crimes legislation. She is our Nation's strongest advocate for this issue.

For those of you who do not know Matthew Shepard's story, it is truly heartbreaking. Matthew was a 21-year-old college student at the University of Wyoming when he was attacked. Shortly after midnight on October 7, 1998, Matthew was kidnapped, beaten, pistol whipped, lashed to a lonely stretch of fence, and left to die alone.

Almost 18 hours later, Matthew was found alive but unconscious. His injuries were deemed too severe for surgery, and Matthew died on October 12. Matthew was murdered by two men simply for who he was, because he was gay. To think that such virulent hatred of another person's sexual orientation drove another to commit such a heinous act is truly unthinkable. Sadly, this case is not isolated.

One may ask why Senator KENNEDY and I have offered this legislation again on the Defense authorization bill. As I have said in the past, the military is not immune to the scourge of hate crimes in our country. In 1992, Navy seaman Allen Schindler was brutally murdered by his shipmate Terry Helvey in Okinawa, Japan. Schindler was beaten and stomped to death simply because he was gay. His attack was so vicious that almost every organ in his body was destroyed. His own mother could not have identified him but for the remains of a tattoo on his arm.

In another tragic case, PFC Barry Winchell was beaten by another army private with a baseball bat. He was beaten with such force and his injuries were so severe that he died shortly thereafter. He was only 21, the same age as Matthew Shepard.

To those who say we don't need a Federal hate crimes bill, I say they are wrong. This is a national problem that deserves national attention. Our hate crimes legislation would strengthen the ability of the Federal, State, and local governments to investigate and prosecute hate crimes based on race, ethnic background, religion, gender, sexual orientation, disability, and gender identity.

Furthermore, it would strengthen State and local efforts by enabling Justice to assist them in the investigation and prosecution of hate crimes and assist in funding of these prosecutions.

The legislation would also allow the Federal Government to step in, if needed, but only after the Department has certified that a Federal prosecution is necessary. If this can be done locally or at the State level, it should be, but hate crimes should be prosecuted.

Current law does not provide any authority for Federal involvement in these types of hate crimes, even when State or local law enforcement is inadequate because relevant law is nonexistent or resources are insufficient. Without this legislation, the tools for battling hate crimes at the Federal level will remain limited.

I have also heard it argued that we shouldn't punish a hate crime any differently than any other crime. I believe that is flat wrong. Hate crimes tear at the very fabric of our Nation. They seek to intimidate entire groups of Americans and, as such, divide our people. Hate crimes do more than harm one victim; they terrorize an entire society. They send an ominous message of hate and intolerance to all Americans. Those crimes must be punished proportionately.

As to the constitutionality of hate crimes statutes, which is questioned by some, it shouldn't be. The Supreme Court has already responded to their legitimacy. Motive has always been a factor in determining whether a crime has in fact occurred.

Mr. President, when you and I went to law school, took a class in crimes, one of the first things we learned you have to do to establish the commission of a crime is intent and motive, and speech is one of those legitimate areas of inquiry. This was made very clear by Chief Justice William Rehnquist, not exactly a liberal, who wrote the majority opinion in Wisconsin v. Mitchell, where the Supreme Court unanimously upheld the constitutionality of a Wisconsin hate crimes statute. Statutes which provide for an enhanced sentence, where the defendant is intentionally selected because of his race, his religion, color, disability, sexual orientation, national origin or ancestry, does not violate the first amendment, the Court found.

Rehnquist wrote in Mitchell:

> The first amendment does not prohibit the evidentiary use of speech to establish the elements of a crime or to prove motive or intent.

In fact, you can't have a crime unless you prove motive and intent, and speech is one of the legitimate areas of inquiry.

Lastly, I have heard concerns from my religious brothers and sisters who fear passage of hate crimes legislation will have a chilling effect on our Nation's churches and pulpits. This is unfounded. I find it disconcerting that many ministers of religion, for whom I have the utmost respect, would preach such messages from the radio, from television, and from sacred church pulpits. A hate crime does not criminalize thoughts, moral views, and religious beliefs. What it does say is we cannot go out and do violence to our fellow Americans simply because we find another's mere existence offends our beliefs. You have to act. Thought and speech are insufficient to prove a hate crime, and it is disingenuous and fallacious to say otherwise.

And I would say, as an aside, that if I believed what they charge, I would not be here in support of this amendment in Congress after Congress. I know the law, however, and I know what is being said about this amendment is simply wrong.

I accuse no one, but what I find of great comfort is a story from the New Testament on this issue, and I think it is applicable. It is a story from the Book of John, and I will share it with you, because I think it teaches us all how we should behave toward one another, sinners all, in the public square. It reads as follows, from Chapter 8:

> And early in the morning he came again into the temple, and all the people came unto him; and he sat down, and taught them.
>
> And the scribes and Pharisees brought unto him a woman taken in adultery; and when they had set her in the midst,
>
> They say unto him, Master, this woman was taken in adultery, in the very act.
>
> Now Moses in the law commanded us, that such should be stoned: but what sayest thou?
>
> This they said, tempting him, that they might have to accuse him. But Jesus stooped down, and with his finger wrote on the ground, as though he heard them not.
>
> So when they continued asking him, he lifted up himself, and said unto them, He that is without sin among you, let him first cast a stone at her.
>
> And again he stooped down, and wrote on the ground.
>
> And they which heard it, being convicted by their own conscience, went out one by one, beginning at the eldest, even unto the last: and Jesus was left alone, and the woman standing in the midst.
>
> When Jesus had lifted up himself, and saw none but the woman, he said unto her, Woman, where are those thine accusers? hath no man condemned thee?
>
> She said, No man, Lord. And Jesus said unto her, Neither do I condemn thee: go, and sin no more.

That occurred in the public square. Jesus risked his life to save her life. He didn't excuse it nor did he condemn her. He saved her life and risked his own. I don't believe Federal law should do any less than that, and I believe it is high time for us to do what many States, most of the States in America have done, and that is add the category of sexual orientation to our Federal statutes.

No churchman, no preacher, no adherent of religious faith need fear this, but they ought to follow that and understand that what we are not trying to do here is to somehow inhibit the free exercise of religion. We are trying to protect people, American people, from the most brutal kinds of terrorist acts on our own shores.

Finally, there is a memorial in Casper, WY, sculpted by Chris Navarro, dedicated to the memory of Matthew Shepard. It is named the Ring of Peace. The circular design of the ring symbolizes both the individual and the ideals of social unity. The bell, supported by a ring, stands for liberty, and the ring for the promise of tomorrow. White doves flying out of the bell are a symbol of peace. They are flying as a unified group and their wings symbolize hope and freedom.

At the base of the sculpture there is a simple poem that reads:

> If you believe in hope, and the need for peace, step up and ring the bell, for it will sing, for a promise of tomorrow.

With that, Mr. President, I urge my colleagues, as many as have done so in the past, to vote in favor of this amendment. We cannot be complacent or tolerate such acts of hatred. We all need to step up and vote for legislation that promises all Americans a better tomorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I hope our friends and colleagues had a good opportunity to listen to the excellent, extraordinary, compelling presentation my friend from Oregon has made on this issue. I have had the good opportunity to work with him for a good number of years. I always find that when he speaks on this issue, as he does on other issues of war and peace, he is able to get to the heart and the soul of these matters. Today, he has described the moral requirements presented to us on the issue of hate crimes, and he has done that in a very thoughtful and sensitive way, besides explaining in a very detailed way not only the underlying legislation but the compelling reasons for it at this time. One can say that, on this legislation, now is the time, to repeat those wonderful words of Dr. King; that now is the time for action.

Senator SMITH has reminded us why this legislation is so important now on the Defense authorization bill. We cannot let another day, really hours, go by without this legislation. It reminds us of not only the moral compulsion but also why it is necessary to put this as an amendment onto the Defense authorization bill. As we are facing terrorism abroad, we also want to deal with terrorism here at home; and as we are looking at the values those serving abroad are fighting for against the terrorist elements abroad, it is important to reaffirm them and make them consistent with our best instincts. I commend the Senator for his presentation on this issue.

We are hopeful, Senator SMITH and I, we will have the chance to actually vote on this measure. As he has pointed out, this is not a new issue or question for this body. This is one of those issues we have had a chance to debate, debate, debate, and debate. The House of Representatives has taken a very clear and compelling stand. We have voted, the majority of the membership of this body, Democrat and Republican, in Republican Senates and Democratic Senates, to take action on this proposal. We don't need a great amount of time to deal with this issue, but it is appropriate that we lay out this case for it, and I welcome the chance to make some comments on it today. I am hopeful we will have the opportunity to proceed to it.

I was in the Senate when we passed the first hate crimes legislation in 1968, after the death of Dr. King.

We started off with strong legislation. It was cut back and cut back, so now we find that basically it is ineffective in dealing with hate crimes for a number of the reasons the Senator has outlined, because of the kinds of restrictions that have been placed on it. Again we are reminded of the need for this legislation. With the passage of this legislation, we will be, hopefully, a safer and more secure nation.

Legislation has real implications when it is effective. I believe this legislation is effective. I can remember years ago, when we had the series of church burnings in the southern part of our Nation, we passed here at that time—it was Lauch Faircloth and myself—additional responsibility for investigation and working with the prosecution by the Federal Bureau of Investigation in these circumstances and enhanced support for local law enforcement and State law enforcement in the prosecution of these church burnings. We saw a dramatic alteration and change in the pattern of church burnings.

My Governor now, Deval Patrick, was the head of the division in the Justice Department during this period of time, when I had a chance to meet him. We find when we take action, when we are serious, we are saying to the American people we are going to fight hate crimes and violence with both hands instead of one hand tied behind our backs, as we are doing now with the restrictions we have, using all our crime-fighting ability, we will be a more fair and safer land. That is what this legislation is about.

I am going to take a few minutes to remind the Senate about why this is a particular issue in the military. It is also outside the military, but I will just mention some of the incidents. The Senator from Oregon mentioned some, but I wish to take a few moments to elaborate on this question.

At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach, and that we are doing all we can to root out the bigotry and prejudice in our own country that leads to violence here at home.

Crimes motivated by hate because of the victim's race, religion, ethnic background, sexual orientation, disability, or gender are not confined to the geographical boundaries of our great Nation. The current conflicts in the Middle East and Northern Ireland, the ethnic cleansing campaigns in Bosnia and Rwanda, or the Holocaust itself demonstrate that violence motivated by hate is a world-wide danger, and we have a special responsibility to combat it here at home.

This amendment will strengthen the Defense Authorization Act by protecting those who volunteer to serve in the military. The vast majority of our soldiers serve with honor and distinction. These men and women put their lives on the line to ensure our freedom and for that, we are truly grateful.

Sadly, our military bases are not immune from the violence that comes from hatred—and even though members of the military put their lives on the line for us every day—they have not been immune from hate-motivated violence. Just last month, the FBI arrested members of the 82nd Airborne Division in Fayetteville, NC, and charged them with selling stolen military property to an agent they believed was a white supremacist. The pair allegedly sold drugs and bulletproof vests, and were also reportedly interested in selling an Army Humvee and weapons. Officials said the two men had been seen at a white supremacist rally. One of them had a page on the Web with photos of him posing with military weapons, statements about his Nazi heroes, and racist rants from his network of friends.

In December 2006, a Coast Guard procurement officer was given a bad conduct discharge and sentenced to a year in a military brig for posting Ku Klux Klan recruitment fliers on a white supremacist web site, illegally possessing weapons and explosive powder and grenade parts, lying to investigators, and other charges.

In December 1995, two paratroopers in a skinhead gang at Fort Bragg gunned down a black couple in a random, racially motivated double murder that shocked the Nation and led to a major investigation of extremism in the military. The killers were eventually sentenced to life in prison, and 19 other members of their division were dishonorably discharged for neo-Nazi gang activities.

As Senator SMITH points out, in 1992, Allen Schindler, a sailor in the Navy was viciously murdered by two fellow sailors because of his sexual orientation. Seven years later, PFC Barry Winchell, an infantry soldier in the Army, was brutally slain for being perceived as gay. These incidents prompted the military to implement guidelines to prevent this type of violence, but there is more that we can do. We have to send a message that these crimes won't be tolerated against any member of society.

These examples clearly demonstrate the relevance of this amendment to the military. We can't tolerate hate-motivated violence and must do all we can to protect our men and women in uniform.

A disturbing trend has also been discovered in the military. Last year, the Southern Poverty Law Center reported that members of hate groups have been entering into the military. As recruiters struggle to fulfill their quotas, they are being forced to accept recruits who may be extremists, putting our soldiers at higher risk of hate motivated violence. This can't be tolerated. We must stem the tide of hatred and bigotry by sending a loud and clear message that hate crimes will be punished to the fullest extent of the law.

Since the September 11 attacks, we have seen a shameful increase in the number of hate crimes committed against Muslims, Sikhs, and Americans of Middle Eastern descent. Congress has done much to respond to the vicious attacks of September 11. We have authorized the use of force against terrorists and those who harbor them in other lands. We have enacted legislation to provide aid to victims and their families, to strengthen airport security, to improve the security of our borders, to strengthen our defenses against bioterrorism, and to give law enforcement and intelligence officials enhanced powers to investigate and prevent terrorism.

Protecting the security of our homeland is a high priority, and there is more that we should do to strengthen our defenses against hate that comes from abroad. There is no reason why Congress should not act to strengthen our defenses against hate that occurs here at home.

Hate crimes are a form of domestic terrorism. They send the poisonous message that some Americans deserve to be victimized solely because of who they are. Like other acts of terrorism, hate crimes have an impact far greater than the impact on the individual victims. They are crimes against entire communities, against the whole Nation, and against the fundamental ideals on which America was founded. They are a violation of all our country stands for.

Since the September 11 attacks, the Nation has been united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism here at home.

Attorney General Ashcroft put it well when he said:

> Just as the United States will pursue, prosecute, and punish terrorists who attack America out of hatred for what we believe, we will pursue, prosecute and punish those who attack law-abiding Americans out of hatred for who they are. Hatred is the enemy of justice, regardless of its source.

Now more than ever, we need to act against hate crimes and send a strong message here and around the world that we will not tolerate crimes fueled by hate.

Hate is hate regardless of what nation it originates in. We can send a strong message about the need to eradicate hate crimes throughout the world by passing this hate crimes amendment to the Defense Department authorization bill. The hate crimes amendment we are offering today condemns the poisonous message that some human beings deserve to be victimized solely because of their race, religion, or sexual orientation and must not be ignored. This action is long overdue. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

According to FBI statistics, nearly 25 people are victimized each and every day because of their race, religion, sexual orientation, ethnic background, or disability. Some argue that hate crimes are actually decreasing because the total number of hate crimes in 2005 was slightly lower than in 2004. But the FBI data reflects only a fraction of hate crimes, because so many of these crimes routinely go unreported. The Southern Poverty Law Center estimates the total number of hate crimes per year is close to 50,000. Every hate crime is one too many. We need to strengthen the ability of Federal, State and local governments to prevent, investigate and prosecute these vicious and senseless crimes.

The existing Federal hate crime statute was passed in 1968, a few weeks after the assassination of Dr. Martin Luther King, Jr. It was an important step forward at the time, but it is now a generation out of date. The absence of effective legislation has undoubtedly resulted in the failure to solve many hate-motivated crimes. The recent action of the Justice Department in reopening forty civil-rights-era murders demonstrates the need for adequate laws. Many of the victims in these cases have been denied justice for decades, and for some, justice will never come.

Our bill corrects two major deficiencies in current law. Excessive restrictions require proof that victims were attacked because they were engaged in certain "federally protected activities." And the scope of the law is limited, covering hate crimes based on race, religion, or ethnic background alone.

The federally protected activity requirement is outdated, unwise and unnecessary, particularly when we consider the unjust outcomes of this requirement. Hate crimes now occur in a variety of circumstances, and citizens are often targeted during routine activities that should be protected.

For example, in June 2003, six Latino teenagers went to a family restaurant on Long Island. They knew one another from their involvement in community activities and had come together to celebrate one of their birthdays. As they entered the restaurant, three men who were leaving the bar assaulted them, pummeling one boy and severing a tendon in his hand with a sharp weapon. During the attack, the men yelled racial slurs and one identified himself as a skinhead.

Two of the men were tried under the current Federal hate crimes law and were acquitted. The jurors said the Government failed to prove that the attack took place because the victims weren't engaged in a federally protected activity—using the restaurant did not qualify under current law. That case is only one example of the inadequate protection under the current status quo. Our bill will eliminate the federally protected activity requirement. Under this bill, the defendants who left the courtroom as free men would almost certainly have left in handcuffs through a different door.

The bill also recognizes that some hate crimes are committed against people because of their sexual orientation, their gender, their gender identity, or their disability. It is up to Congress to make sure that tough Federal penalties apply to those who commit these types of hate crimes as well. Passing this bill will send a loud and clear message. All hate crimes will face Federal prosecution. Action is long overdue. There are too many stories and too many victims.

In October 2002, two deaf girls in Somerville, MA, one of whom was in a wheelchair from cerebral palsy, were harassed and sexually assaulted by four suspected gang members in a local park. Although the alleged perpetrators were charged in the incident, the assaults could not be charged as hate crimes because there is no Federal protection for a hate crime against a disabled person.

In 1999, four women in Yosemite National Park were attacked by a man who admitted to having fantasized about killing women for most of his life. The current law did not apply to this horrific crime, because enjoyment of a Federal park is not a Federally protected right.

Current law must also be strengthened to deter horrific mass shootings where women are singled out as victims because of their gender.

Crimes against individuals based on sexual orientation or gender identity also cause immense pain and suffering. In 1993, Brandon Teena was raped and beaten in Humboldt, NE, by two male friends. The local sheriff refused to arrest the offenders, and they later shot and stabbed Brandon to death.

In 2001, Fred C. Martinez, Jr., a Navajo, openly gay, transgender youth, was murdered while walking home from a party in Cortez, CO. The killer, Shaun Murphy, had traveled from New Mexico to Colorado with a friend in order to sell illegal drugs. He met Fred at a carnival that night, and the next morning, while driving, he saw Fred walking down the street. Shaun and his friend offered Fred a ride and dropped him off close to home. Shortly thereafter, Shaun attacked Fred and beat him to death with a large rock. His body was discovered several days later. The attackers bragged about this vicious crime, describing the victim with vulgar epithets.

The killer could not be charged with a hate crime, because no State or Federal law protecting gender identity existed. He received a 40 year sentence under a plea agreement, and will be eligible for parole in 25 years. His victim did not live long enough to see his 20th birthday.

These examples graphically illustrate the senseless brutality our fellow citizens face simply for being who they are. They also highlight the importance of passing this legislation.

The vast majority of us in Congress have recognized the need for this legislation since it was first introduced—nearly 10 years ago. With the support of 31 cosponsors, Senator SMITH and I urge your support of this bipartisan bill.

The House has come through on their side and passed the bill. Now it is time for the Senate to do the same. This year, we can get it done. We came close twice before. In 2000 and 2002, a majority of Senators voted to pass this legislation. In 2004, we had 65 votes for the bill and it was adopted as part of the Defense authorization bill. But—that time—it was stripped out in conference.

This year, we have an opportunity to pass it in both the Senate and the House, and enact it into law. We can't afford to lose this opportunity. We must do all we can to end these senseless crimes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. CASEY). The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mr. DURBIN. Mr. President, during the course of the deliberation on this Defense authorization bill, it has been my intention to offer an amendment to the so-called DREAM Act. The DREAM Act is a narrowly tailored, bipartisan measure that would give a select group of undocumented young people in America the chance to become legal residents if they came to this country as children, are currently long-term U.S. residents, have good moral character, no criminal record, and are willing to either enlist in the U.S. military or to attend college for at least 2 years.

The cosponsors of this amendment include Senators HAGEL, LUGAR, HATCH, BINGAMAN, BOXER, CANTWELL, CLINTON, FEINSTEIN, KERRY, LEAHY, LIEBERMAN, MENENDEZ, MURRAY, NELSON of Florida, and OBAMA. It is a bipartisan measure; it has been from the start. It says to a select group of immigrant students who grew up in our country: America is going to give you a chance. We will give you the opportunity to earn your way to legal status if you meet each and every one of the following requirements: You came to the United States before the age of 15; you have been continually present in the United States for at least 5 years; you are 29 years or younger when the DREAM Act becomes law, have good moral character, have not engaged in criminal activity or terrorist activity of any kind, not participated in alien smuggling; you have graduated from a U.S. high school; and you will serve in the military or attend college for at least 2 years.

This bill means a lot to me, but it means even more to a lot of young people across this country. Time and again I run into these young men and women. Some of them came to America as toddlers, as infants. They were brought into this country by their parents, certainly with no voice in the decision, and they grew up here. They attended our schools. Now they have reached a point in their lives where they want to go forward to make decisions about their careers. They are frustrated because they have no legal status.

I have run into specific cases time and again, and since I introduced this bill I have met so many of these students. It strikes me as interesting that we are at a point in American history that we say we do not have enough skilled workers, so we have to have H1-B visa holders come in from overseas; engineers, scientists, doctors, nurses who come in for 3-year periods of time to supplement America's workforce because we do not have enough skilled people. And here we have a group of people who are graduates of high school, prepared to go to college or serve in our military, who, under our law as currently written, are being told: Leave. We do not need you. We do not want you.

If you meet these people, you will come to understand the potential they bring to America's future: the young Korean-American woman I met through my office, who is an accomplished pianist, plays classical piano in symphonies and has been accepted at the most prestigious music school in America to forward her career in music; a young Indian girl who is studying to be a dentist at a university in Illinois; a young Hispanic male who has just completed his graduate degree at an Illinois university in microbiology whose goal is to be a researcher for either a government agency or a pharmaceutical company, looking for cures for diseases.

Future nurses, future teachers, future doctors, scientists, and engineers, I have met them. They are the valedictorians of their high school classes, they are the role models for kids in their communities, they are people with an extraordinary wealth of talent looking for a chance to prove themselves.

Each and every one of them is without a country, without a country because they were brought to the United States as children by their parents with, as I mentioned earlier, no voice in that decision. And this is all they know. This is what they want. This is the country they identify with, the country they want to be part of.

That is why I introduced this bill some 5 years ago and have worked on it ever since. People ask: Why would you offer the DREAM Act as an amendment to the Defense authorization bill? Well, there are pretty compelling reasons for doing that. We are having trouble recruiting and retaining soldiers for our Army. We are accepting more applicants for the U.S. Army who are high school dropouts, applicants who have low scores on the military aptitude test, and even some with criminal backgrounds.

Under the DREAM Act, thousands of well-qualified potential recruits for the military would become eligible for the first time, and many are eager to serve in the Armed Forces, to stand up for the country they love and the country they want to be part of.

Under the DREAM Act, they have a strong incentive to enlist because it gives them a path to permanent legal status. Most people do not know that in the ranks of the military today we have about 40,000 men and women who are not citizens of the United States. They are legal residents, but they are not citizens.

I met some of them when I went to Iraq and went to a Marine Corps camp. One in particular sticks in my memory: a young man who, as I walked through the ranks of Illinois marines, handed me a brown envelope and said: Senator, can you help me become a citizen? I would really like to vote someday.

You do not easily forget that kind of a request from a young man who later that day would strap on his body armor, his helmet, take his weapon, and go out and fight alongside American citizens who were also members of the Marine Corps. The same is true in the Army; the same is true in many of our military services. We do not make it a condition of military service that you be a citizen, only that you currently be a legal resident.

Of course, we know, sadly, that if that soldier or another one like him was killed in combat, we would award them citizenship posthumously. Does that sound right? Does it sound right that someone who is willing to serve, defend our country, take an oath of loyalty to our Nation, risk his life, perhaps be injured, does it make sense for us to say to them: Well, you are good, good enough to serve in the military but not good enough to be an American citizen?

Now, think of those young people, many of whom would step forward today, raise their hand, and proudly serve in the military. Now, this bill, the DREAM Act, does not mandate military service. I would not do that. We have a volunteer military, and I want to keep it that way. A student who is otherwise eligible could earn legal status by attending college as well. That is consistent with the spirit of a volunteer military force, that we do not force young people to enlist as a condition of status.

But there is a strong incentive for military service. Those who analyze it say, you know what. These young people who would be eligible to serve in the military through the DREAM Act are exactly the kind of people we want. A 2004 survey by the Rand Corporation found that 45 percent of Hispanic males, 31 percent of Hispanic females between the ages of 16 and 21, were likely to serve in the Armed Forces. That is 45 percent of Hispanic males compared to 24 percent of White males; 31 percent of Hispanic females compared to 10 percent of White women.

It is important to note that immigrants have an outstanding tradition of service in the military. About 8,000 enlist each year, those with legal status but not in the DREAM Act category.

Last night, like many Americans, I watched a documentary prepared by Kenneth Burns called "The War," about World War II. There was an especially touching part of it about one of our colleagues, Senator DANNY INOUYE of Hawaii, a man of Japanese ancestry, who enlisted in the Army from Hawaii when our Government decided to take a chance on these Japanese Americans and see if maybe they would stand up for America, even to fight our enemies, which included the nation of Japan. They hoped to get 1,500 draftees out of Hawaii.

When DANNY INOUYE, our colleague, volunteered and enlisted, he was one of 10,000 who stepped forward to serve. He told this touching story of taking the streetcar with his dad, off to catch the boat for military training, and how his dad reminded him how good this country had been to him and to his family and urged him to serve with honor and never dishonor his family's name.

DANNY INOUYE told that story like no one else could because, of course, he served and became an officer in the U.S. Army. During an invasion in Italy, he was gravely wounded, lost his left arm, and was awarded the Congressional Medal of Honor for the valor he showed in combat. People worried at that time whether they should take a chance with Japanese Americans. Could we really trust them? Would they really fight for America and be loyal? DANNY INOUYE and thousands of others proved that they would.

The same question is being raised about these young people. These are young people who are undocumented. They don't technically have citizenship. They certainly don't have one in America. They are asking for a chance to serve. We are told they want to serve in greater numbers than most others.

A recent study by the Center for Naval Analyses concluded "non-citizens have high rates of success while serving [in the military]—they are far more likely . . . to fulfill their enlistment obligations than their U.S.-born counterparts."

The Pentagon recognizes the merit of the DREAM Act. Bill Carr, Acting Under Secretary of Defense for Military Personnel Policy, recently said that the DREAM Act is "very appealing" to the military because it would apply to the "cream of the crop of students." Mr. Carr concluded that the DREAM Act would be "good for readiness."

The DREAM Act is also supported by a broad coalition of military experts, education, business, labor, civil rights and religious leaders from across the political spectrum and around the country. Last week, I received a letter supporting the DREAM Act from over 60 national organizations: the American Federation of State and County Municipal Employees, the American Federation of Teachers, the Anti-Defamation League, the American Baptist Churches, Asian-American Justice Center, the Association of Jesuit Colleges and Universities, Episcopal Migration Ministries, Hebrew Immigrant Aid Society, U.S. Hispanic Chamber of Congress, the Jesuit Conference, the Jewish Council for Public Affairs, the Leadership Conference on Civil Rights, Lutheran Immigration and Refugee Services, National Council of Jewish Women, National Council of La Raza, National Education Association, Service Employees International Union, and UNITE HERE.

Thomas Wenski is bishop of Orlando, FL. He issued a statement on behalf of the U.S. Catholic Bishops supporting the DREAM Act. I would like to read it into the Record:

> For those who call this legislation an amnesty, I say shame on you. These are children who were brought to this country illegally through no fault of their own . . . The United States is the only country and home many of them know.
>
> Are we to deport some of our future leaders to a country they do not know in the name of an unjust law? Should we forsake these young people because we lack the political will and courage to provide them a just remedy?
>
> Our elected officials should resist the voices of dissension and fear this time and vote for the DREAM Act. By investing in these young people, our nation will receive benefits for years to come. It also is the right and moral thing to do.

Last week, John Sweeney, president of the AFL–CIO, issued a statement. He said:

> [The DREAM Act] will go a long way in remedying the injustices that these hard-working and law-abiding children face. We strongly support passage of the DREAM Act . . .
>
> Students who qualify for the DREAM Act are graduating at the top of their class; they are honor roll students, star athletes and valedictorians. They have lived in the United States most of their lives; this is the only country they know. These children are as committed to their communities and to this country as their American-born classmates. Yet, because they lack legal status, they do not have the same opportunities to education or to a decent job.

This is the choice the DREAM Act presents to us. We can allow a generation of immigrant students with great potential and ambitions to contribute more fully to our society and national security or we can relegate them to a future in the shadows, which would be a loss for all Americans.

Since I introduced this bill about 5 years ago, I have run into many of these same students. Life goes on for them. They don't qualify for Federal loans, for grants. They are trying to make it through college. They borrow the money and try to come up with it, delay their education, if they can. Occasionally, in the few weeks when I get back in their neighborhoods, they will come and see me. They will walk up to me and say: Senator, what is new with the DREAM Act? It isn't just an idle question of someone who might follow legislative activity; this is a question which will decide their lives for them. It will decide whether we cast them aside, reject them, say we don't need their talent and dreams and their idealism or whether we will vote for this bill and give these young people a chance.

When I hear some describe this as amnesty, I wonder, if someone is willing to risk his or her life to serve in our military in a combat zone, is that a giveaway? Is that citizenship for nothing? I don't think so. It has really been fundamental that we don't hold children responsible for the errors and crimes of their parents. Why, then, would we hold these children responsible?

When I hear some of the critics talk about the millions who will benefit from this, those numbers don't match up to reality. To qualify for this, you have to graduate from high school. Fifty percent of Hispanic students don't graduate from high school. So already these students have beaten the odds. Then how many of these same Hispanic students go on to finish the first year of college? An even smaller percentage. The numbers go down. So we are talking about an elite group of students with great potential who can make this a greater nation, and we are talking about an elite group of undocumented students willing to risk their lives for America.

I ask my colleagues to cast aside some of the rhetoric which is divisive and sometimes unfair about these young people. Take the time to meet them. Sit down and talk to them. You will see in their faces and in their conversation the kind of idealism, the kind of aspiration for a greater America we can only hope for from the next generation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHIP REAUTHORIZATION

Mr. DURBIN. Mr. President, 10 years ago the Senate created the Children's Health Insurance Program to help States provide health coverage for low-income kids across America. It is known as CHIP. It provides cost-effective health coverage to millions of kids. It is truly the biggest success story in health care in America in the past decade. We have reduced the number of uninsured children in our Nation by one-third. With the help of the CHIP program, my State of Illinois launched a statewide initiative to cover all kids, setting an important precedent for other States to follow. Over 300,000 kids in Illinois have insurance, but there are still thousands more we need to reach.

The 15 million uninsured children in America in 1997 are now 9 million nationwide. That is still far too many. Unfortunately, the Bush administration does not view the Senate bill as the carefully crafted compromise it is but sees it as a threat—in their words, "a step down the path of government-run health care for every American." Let me assure them, this bill falls far short of anything resembling universal coverage. It leaves millions of kids still without health insurance and millions of working parents and working adults in a similar uninsured status. But it is progress.

The President's proposal to add just $5 billion over the next 5 years isn't enough. At that level, hundreds of thousands of people will likely lose coverage. At that level, we start moving backward, pushing kids and families out of coverage and increasing the number of uninsured. This is no surprise. This President has seen a dramatic increase of uninsured children for the first time since 1998, since he took office. The number of uninsured children rose to 8.7 million in 2006, up from 8 million in 2005—a 9-percent increase in 1 year.

It is time to reauthorize the children's health program before it expires in a few days. What this bill does is strengthen a successful bipartisan program.

It allows States to cover more than 9 million children who do not have health insurance. The compromise bill will allow 6.6 million children to maintain coverage and allow States to reach almost 4 million more. The House and Senate have worked out a delicate bipartisan compromise. We know it is time to put party labels aside and do something about health care, particularly for our children.

How do we pay for it? It is an honest question, and a good one. The investment in the Children's Health Insurance Program is paid for by increasing the Federal tax on cigarettes, with proportional increases for other tobacco products.

I know there are some people who think this is unfair to smokers. But I have to tell them, their habit, their addiction to nicotine and tobacco comes at great expense not only to them personally but to this Nation. We know higher tobacco prices will make it less likely kids will use tobacco products. So it is a win-win situation. You see, if these tobacco companies do not hook our kids at an early age, while they are still kids and have not thought it through, they might never get them addicted.

So you see, the vast majority of smokers today started smoking before the age of 16. The addiction starts, and it doesn't end until one out of three of them die from this tobacco addiction.

What stops a kid from smoking? Well, sometimes good parental advice or more—and a high price. When tobacco costs a lot of money, kids don't buy it. It is a simple fact. It is economics. If there is one thing you want to do to stop kids from becoming addicted to tobacco, raise the price of the product. Each time you raise it a nickel or a dime or a quarter or 50 cents, you end up with fewer kids smoking. That is what is going to happen. So we will not only raise money from the tobacco tax to pay for health insurance for kids, we will have fewer kids addicted to tobacco.

In a poll conducted for the Campaign for Tobacco Free Kids, two-thirds of those interviewed—67 percent—favor this tax increase across America; 28 percent oppose it. Moreover, nearly half—49 percent—strongly favor it. Only 20 percent strongly oppose it.

It is the right thing to do for our kids' health and for the public's health. We have had good, bipartisan cooperation on this measure. It has been our highest priority since the Democrats took control of Congress at the beginning of this year. We have tried to work together, and we have worked together successfully.

I want to especially salute, on our side of the aisle, Senator MAX BAUCUS, chairman of the Finance Committee, who has been working on this very closely with Senator CHUCK GRASSLEY, a Republican from Iowa. Senator GRASSLEY, Senator HATCH, and others have really shown extraordinary political courage in coming together to support this measure.

Now we have to convince the President. The President said in his statement last week:

> Members of Congress are putting health coverage for poor children at risk so they can score political points in Washington.

Well, I am sorry to say I disagree with the President on this. We are working with the President's party, many Republicans in the Senate and in the House, to improve this important program.

Last night, on the House floor, there was a vote on this program, 265 to 159. Forty-five Republicans joined almost all of the Democratic House Members in support. It is a shame the President refuses to consider the needs of millions of families who would be benefited from additional children's health insurance coverage.

Let me close by saying a word about the cost of this program. This program is likely to cost us $6 billion a year. Mr. President, $6 billion is a substantial sum of money to add more children to health insurance coverage. Measure that $6 billion a year against this war—a war that costs us $12 billion a month, a war for which this President will come and ask $200 billion in the next 2 weeks.

But this measure that costs $6 billion a year is an amount of money that pales in comparison with what the President is going to ask us to continue to spend on the war in Iraq. His request will be near $200 billion. Mr. President, $200 billion for a war in Iraq, $200 billion for helping the people of Iraq, the President believes we can afford. But he argues we cannot afford $6 billion for more health insurance for America's children.

I believe a strong America begins at home. It begins with strong schools and strong families and strong communities and strong neighborhoods. And it begins with health care—health care to bring peace of mind to parents who otherwise worry that tomorrow that earache may turn into something worse, or a strep throat or a child struggling with asthma or diabetes.

These are kids who need basic health protection and do not have it today. They are not the poorest of the poor. Those kids already have help from our

Government. These kids I am talking about are the children of working families, working families who, unfortunately, have no health insurance at their workplace. We are trying to expand the coverage of health insurance.

The President says it is unfair to private health insurance companies for us to expand this program. I could not disagree more. Private health insurance companies are doing quite well. They do not need any more help from us. The fact that these kids do not have health insurance suggests these private health insurance companies either cannot or will not provide them the coverage they need.

I urge my colleagues, when the measure comes over from the House of Representatives—which it should momentarily—that we should support it, and I hope with numbers that say to the President: Please, for the sake of this country, for the sake of our families, and for the sake of the kids—the millions of kids who will have health insurance coverage—please, do not veto this important children's health insurance bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1585

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now resume consideration of H.R. 1585, and immediately after the bill is reported the debate time be 2 minutes equally divided and controlled between the leaders or their designees with respect to the following pending amendments: Biden amendment No. 2997 and Kyl-Lieberman amendment No. 3017; that each amendment be modified with the changes at the desk, and that no amendments be in order to either amendment prior to the vote; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote in relation to the Biden amendment, as modified; that upon the disposition of that amendment, there be 2 minutes of debate equally divided and controlled prior to a vote in relation to the Kyl-Lieberman amendment, as modified; that each amendment be subject to a 60-vote threshold, and that if the amendment does not achieve that threshold, it be withdrawn; and that the second vote in this sequence be limited to 10 minutes; further that upon disposition of these amendments, the next amendment in order be Coburn amendment No. 2196.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I want to make an observation and thank all the people who were involved in this effort. For our colleagues who might be listening, the reason there is an agreement and there will be no objection is because people on both sides of the aisle were willing to make some concessions to the others with regard to the wording of these two resolutions. I would hope they would be both strongly supported.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I also would give notice that it is our intention, since we are alternating back and forth, that the next amendment we will attempt to call up will be the Webb amendment No. 2999, but that is not part of the UC agreement.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Warner (for Graham-Kyl) amendment No. 2064 (to amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.

Kyl-Lieberman amendment No. 3017 (to amendment No. 2011), to express the sense of the Senate regarding Iran.

Biden amendment No. 2997 (to amendment No. 2011), to express the sense of Congress on federalism in Iraq.

Reid (for Kennedy-Smith) amendment No. 3035 (to the language proposed to be stricken by amendment No. 2064), to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes.

Motion to recommit the bill to the Committee on Armed Services, with instructions to report back forthwith, with Reid amendment No. 3038, to change the enactment date.

Reid amendment No. 3039 (to the instructions of the motion to recommit), of a technical nature.

Reid amendment No. 3040 (to amendment No. 3039), of a technical nature.

Casey (for Hatch) amendment No. 3047 (to amendment No. 2011), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

The amendments (No. 2997), as modified, and (No. 3017), as modified, are as follows:

AMENDMENT NO. 2997, AS MODIFIED

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Iraq continues to experience a self-sustaining cycle of sectarian violence.

(2) The ongoing sectarian violence presents a threat to regional and world peace, and the longterm security interests of the United States are best served by an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

(3) A central focus of al Qaeda in Iraq has been to turn sectarian divisions in Iraq into sectarian violence through a concentrated series of attacks, the most significant being the destruction of the Golden Dome of the Shia al-Askariyah Mosque in Samarra in February 2006.

(4) Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of violence in Iraq.

(5) Article One of the Constitution of Iraq declares Iraq to be a "single, independent federal state".

(6) Section Five of the Constitution of Iraq declares that the "federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, and local administrations" and enumerates the expansive powers of regions and the limited powers of the central government and establishes the mechanisms for the creation of new federal regions.

(7) The federal system created by the Constitution of Iraq would give Iraqis local control over their police and certain laws, including those related to employment, education, religion, and marriage.

(8) The Constitution of Iraq recognizes the administrative role of the Kurdistan Regional Government in 3 northern Iraqi provinces, known also as the Kurdistan Region.

(9) The Kurdistan region, recognized by the Constitution of Iraq, is largely stable and peaceful.

(10) The Iraqi Parliament approved a federalism law on October 11th, 2006, which establishes procedures for the creation of new federal regions and will go into effect 18 months after approval.

(11) Iraqis recognize Baghdad as the capital of Iraq, and the Constitution of Iraq stipulates that Baghdad may not merge with any federal region.

(12) Despite their differences, Iraq's sectarian and ethnic groups support the unity and territorial integrity of Iraq.

(13) Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, "[t]he crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should actively support a political settlement in Iraq based on the final provisions of the Constitution of Iraq that create a federal system of government and allow for the creation of federal regions, consistent with the wishes of the Iraqi people and their elected leaders;

(2) the active support referred to in paragraph (1) should include—

(A) calling on the international community, including countries with troops in Iraq, the permanent 5 members of the United Nations Security Council, members of the Gulf Cooperation Council, and Iraq's neighbors—

(i) to support an Iraqi political settlement based on federalism;

(ii) to acknowledge the sovereignty and territorial integrity of Iraq; and

(iii) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council;

(B) further calling on Iraq's neighbors to pledge not to intervene in or destabilize Iraq and to agree to related verification mechanisms; and

(C) convening a conference for Iraqis to reach an agreement on a comprehensive political settlement based on the federalism law approved by the Iraqi Parliament on October 11, 2006;

(3) the United States should urge the Government of Iraq to quickly agree upon and implement a law providing for the equitable distribution of oil revenues, which is a critical component of a comprehensive political settlement based upon federalism;

(4) the steps described in paragraphs (1), (2), and (3) could lead to an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors; and

(5) nothing in this Act should be construed in any way to infringe on the sovereign rights of the nation of Iraq.

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF SENATE ON IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) General David Petraeus, commander of the Multi-National Force-Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "[i]t is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Qods Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces in Iraq".

(2) Ambassador Ryan Crocker, United States Ambassador to Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "Iran plays a harmful role in Iraq. While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state".

(3) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that "Iran has been intensifying aspects of its lethal support for select groups of Iraqi Shia militants, particularly the JAM [Jays al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have risen dramatically".

(4) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that "[t]he Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Diyala provinces, is compelling... It is an accepted fact that most of the sophisticated weapons being used to 'defeat' our armor protection comes across the border from Iran with relative impunity".

(5) General (Ret.) James Jones, chairman of the Independent Commission on the Security Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 6, 2007, that "[w]e judge that the goings-on across the Iranian border in particular are of extreme severity and have the potential of at least delaying our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border".

(6) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that "[w]e know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force . . . We believe that he works directly for the supreme leader of the country".

(7) Mahmoud Ahmedinejad, the president of Iran, stated on August 28, 2007, with respect to the United States presence in Iraq, that "[t]he political power of the occupiers is collapsing rapidly. Soon we will see a huge power vacuum in the region. Of course we are prepared to fill the gap".

(8) Ambassador Crocker testified to Congress, with respect to President Ahmedinejad's statement, on September 11, 2007, that "[t]he Iranian involvement in Iraq—its support for extremist militias, training, connections to Lebanese Hezbollah, provision of munitions that are used against our force as well as the Iraqis—are all, in my view, a pretty clear demonstration that Ahmedinejad means what he says, and is already trying to implement it to the best of his ability".

(9) General Petraeus stated on September 12, 2007, with respect to evidence of the complicity of Iran in the murder of members of the Armed Forces of the United States in Iraq, that "[t]e evidence is very, very clear. We captured it when we captured Qais Khazali, the Lebanese Hezbollah deputy commander, and others, and it's in black and white . . . We interrogated these individuals. We have on tape . . . Qais Khazali himself. When asked, could you have done what you have done without Iranian support, he literally throws up his hands and laughs and says, of course not . . . So they told us about the amounts of money that they have received. They told us about the training that they received. They told us about the ammunition and sophisticated weaponry and all of that that they received".

(10) General Petraeus further stated on September 14, 2007, that "[w]hat we have got is evidence. This is not intelligence. This is evidence, off computers that we captured, documents and so forth . . . In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and aftermath of the operation conducted that resulted in the death of five of our soldiers in Karbala back in January".

(11) The Department of Defense report to Congress entitled "Measuring Stability and Security in Iraq" and released on September 18, 2007, consistent with section 9010 of Public Law 109-289, states that "[t]here has been no decrease in Iranian training and funding of illegal Shi'a militias in Iraq that attack Iraqi and Coalition forces and civilians . . . Tehran's support for these groups is one of the greatest impediments to progress on reconciliation".

(12) The Department of Defense report further states, with respect to Iranian support for Shi'a extremist groups in Iraq, that "[m]ost of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps–Qods Force . . . For the period of June through the end of August, [explosively formed penetrator] events are projected to rise by 39 percent over the period of March through May".

(13) Since May 2007, Ambassador Crocker has held three rounds of talks in Baghdad on Iraq security with representatives of the Government of the Islamic Republic of Iran.

(14) Ambassador Crocker testified before Congress on September 10, 2007, with respect to these talks, stating that "I laid out the concerns we had over Iranian activity that was damaging to Iraq's security, but found no readiness on Iranians' side at all to engage seriously on these issues. The impression I came with after a couple rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business . . . Right now, I haven't seen any sign of earnest or seriousness on the Iranian side".

(15) Ambassador Crocker testified before Congress on September 11, 2007, stating that "[w]e have seen nothing on the ground that would suggest that the Iranians are altering what they're doing in support of extremist elements that are going after our forces as well as the Iraqis".

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the capability of the Government of the Islamic Republic of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) that it is a critical national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning Shi'a militia extremists in Iraq into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions of the legitimate Government of Iraq;

(3) that the United States should designate Iran's Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act and initiated under Executive Order 13224; and

(4) that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

Insert prior to section (6) the following:

(16) Ambassador Crocker further testified before Congress on September 11, 2007, with respect to talks with Iran, that "I think that it's an option that we want to preserve. Our first couple of rounds did not produce anything. I don't think that we should either, therefore, be in a big hurry to have another round, nor do I think we should say we're not going to talk anymore . . . I do believe it's important to keep the option for further discussion on the table."

(17) Secretary of Defense Robert Gates stated on September 16, 2007 that "I think that the administration believes at this point that continuing to try and deal with the Iranian threat, the Iranian challenge,

through diplomatic and economic means is by far the preferable approach. That's the one we are using . . . we always say all options are on the table, but clearly, the diplomatic and economic approach is the one that we are pursuing."

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided and controlled between the two leaders or their designees on the Biden amendment.

Who yields time?

Mr. LEVIN. Senator BIDEN will control the time.

Mr. BIDEN. Mr. President, I yield back my time.

CONSTITUTIONAL REVIEW COMMISSION

Mr. LEVIN. Mr. President, I have discussed with the Senator from Delaware modifying his amendment expressing the sense of Congress on Federalism in Iraq.

My concern with the wording of the amendment stems from the fact that the Iraqi Sunnis did not participate fully in the drafting of the constitution of Iraq and the Sunni community voted overwhelmingly against it but were unable to prevent its adoption in a referendum. As a result of their dissatisfaction with the constitution, an agreement was made to convene a Constitutional Review Commission to review the constitution and to make recommendations for changes to the Iraqi Council of Representatives for submission to the Iraqi people. One of the benchmarks that the Iraqi political leaders agreed among themselves called for the Constitutional Review Commission to be formed by September 2006; for the Commission to complete its work by January 2007; and for a constitutional amendments referendum to be held, if required, in March 2007.

The Constitutional Review Commission has not completed its work despite several extensions of time; the most recent extension being until the end of this year. In recognition of the agreement to have a Constitutional Review Committee, the legislation establishing procedures for the creation of new federal regions in Iraq will not go into effect until 18 months after enactment of the legislation, which is April 2008.

Accordingly, I appreciate the modifications that Senator BIDEN is making to his amendment to reflect that the political settlement regarding federalism referred to in his amendment should be based upon the "final" provisions of the Iraq constitution. This will allow for the possibility of changes being made as a result of the work of the Constitutional Review Commission. I also appreciate Senator BIDEN's modifying the amendment to note that whatever the political settlement is, be it pursuant to the current or revised constitutional provisions, it should be based on the "wishes of the Iraqi people and their elected leaders" as we don't want to suggest that we are trying to impose anything on the Iraqis.

Mr. BIDEN. Mr. President, I want to thank my colleague from Michigan for his suggestions. I believe that federalism and the creation of federal regions would be in the best interest of the Iraqi people and holds great promise for a political settlement among the Iraqi political leadership. I know that my friend is particularly concerned about the opposition of the Sunni community to the constitution. I agree with him that, at, the time of adoption of the constitution, the Sunnis were opposed to many aspects of it including those provisions relating to federalism among others. But in my last visit to Iraq, my conversations with key Sunni leaders reveals a sea change in thinking. There is a growing recognition by the Sunni leadership that Sunnis will not get a fair shake if they are at the mercy of a strong central government controlled by their rivals in the Islamist Shiacamp. One key leader told me that he now understands that federalism is the best option for the Sunnis. Nonetheless, it is not my intention to forego the possibility that the Iraqi Constitutional Review Commission may recommend changes to their constitution nor that the United States should seek to impose a settlement on the Iraqis. I would note, however, at in the last draft proposed by the commission on May 23, 2007, none of the proposed changes would revoke any of the provisions of the constitution which permit the creation of federal regions. However, in deference to the Senator's concerns, I have amended the language to account for the possibility of the issue of regions being reopened by the Iraqis.

Mr. President, I yield the floor.

Mr. KYL. Mr. President, I am checking to see if there is anybody on our side who wishes to speak for any amount of time.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the Biden amendment, as amended.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—75

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Ensign
Feinstein
Grassley
Gregg
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—23

Alexander
Allard
Barrasso
Bond
Bunning
Burr
Coburn
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Enzi
Feingold
Graham
Hagel
Inhofe
Kyl
Sessions
Thune
Vitter
Voinovich

NOT VOTING—2

McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 23. Under the previous order, requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3017

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3017, offered by the Senator from Arizona.

Who yields time?

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, very briefly, this amendment is a sense of the Senate introduced by Senator KYL and me. The findings document the evidence that shows that Iran, working through its Islamic Revolutionary Guard Corps, has been training and equipping Iraqi extremists who are killing American soldiers—hundreds of them.

This sense of the Senate calls on the administration to designate the Islamic Revolutionary Guard Corps as a terrorist organization, allowing us to exert economic pressure on those terrorists who also do business and to stop them from killing Americans.

Because some of our colleagues thought paragraphs 3 and 4 of the sense of the Senate may have opened the door to some kind of military action against Iran, Senator KYL and I have struck them from the amendment. That is not our intention. In fact, our intention is to increase the economic pressure on Iran and the Islamic Revolutionary Guard Corps so that we will never have to consider the use of the military to stop them from what they are doing to kill our soldiers.

Mr. BIDEN. Mr. President, I will oppose the Kyl-Lieberman amendment for one simple reason: this administration cannot be trusted.

I am very concerned about the evidence that suggests that Iran is engaged in destabilizing activities inside Iraq. I believe that many of the steps the Senators from Connecticut and Arizona suggest be taken to end this activity can be taken today. We can and we should move to act against Iranian forces inside Iraq. We can and we should use economic pressure against those who aid and abet attacks on our forces and against Iraqis. The administration already has the authority to do these things and it should be doing them.

Arguably, if we had a different President who abided by the meaning and intent of laws we pass, I might support this amendment. I fear, however, that this President might use the designation of Iran's Revolutionary Guard Corps as a terrorist entity as a pretext to use force against Iran as he sees fit. While this may sound far-fetched to some, my colleagues should examine the record in two particular instances.

First, is the misuse of the authority that we granted the President in 2002 to back our diplomacy with the threat of force. My colleagues will remember that, at the time, we voted to give the President a strong hand to play at the U.N. to get the world to speak with one voice to Saddam: let the inspectors back in and disarm or be disarmed. We thought that would make war less likely.

But in the 5 months between our vote and the invasion of Iraq, the ideologues took over. The President went to war unnecessarily, without letting the weapons inspectors finish their work, without a real coalition, without enough troops, without the right equipment, and without a plan to secure the peace.

The second example is the administration's twisting of our vote on the Iraq Liberation Act of 1998 as an endorsement of military action against Iraq. Let me quote the Vice President from November 2005:

> Permit me to burden you with a bit more history: In August of 1998, the U.S. Congress passed a resolution urging President Clinton take 'appropriate action' to compel Saddam to come into compliance with his obligations to the Security Council. Not a single senator voted no. Two months later, in October of '98—again, without a single dissenting vote in the United States Senate—the Congress passed the Iraq Liberation Act. It explicitly adopted as American policy supporting efforts to remove Saddam Hussein's regime from power and promoting an Iraqi democracy in its place. And just two months after signing the Iraq Liberation law, President Clinton ordered that Iraq be bombed in an effort to destroy facilities that he believed were connected to Saddam's weapons of mass destruction programs.

The Vice President made this argument despite this explicit section of the Iraq Liberation Act: "Nothing in this Act shall be construed to authorize or otherwise speak to the use of United States Armed Forces."

These examples are relevant to the debate today.

The Authorization for the Use of Military Force approved in September 2001 would appear to limit the scope of authority it contains to the terrorists who conducted or aided the attacks of 9/11, or harbored them. But the President and his lawyers have frequently argued for a broad reading of this law, and believe they are fighting a "global" war on terrorism. In letters to Congress under the war powers resolution, the President has stated that he will "direct additional measures as necessary" in the exercise of self-defense and "to protect U.S. citizens and interests" as part of this global war.

I do not think the suggestion that the President designate an arm of the government of Iran as a "terrorist" entity provides any authority to do anything. After all, it is a nonbinding measure. But this administration already has an unduly broad view of the scope of executive power, particularly in time of war. I do not want to give the President and his lawyers any argument that Congress has somehow authorized military actions. The lesson of the last several years is that we must be cautious about acting impulsively on legislation which can be misconstrued, and misused to justify actions that Congress did not contemplate.

With a different President who had a different track record, I could vote to support this amendment. But given this President's actions and misuse of authority, I cannot support the amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I have grave concerns about this amendment. I spoke at length on the floor yesterday about them. We have never characterized an entity of a foreign government as a foreign terrorist organization. If we are saying that the Iranian Revolutionary Guard is conducting terrorist activities, what we are saying, in effect, is that the Revolutionary Guard is conducting military activities against us. This has the danger of becoming a de facto authorization for military force against Iran.

We have not had one hearing. I recommended yesterday that the amendment be withdrawn so we can consider it in the appropriate committees. I oppose passage at this time in the hope that we can get further discussion.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—76

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Whitehouse

NAYS—22

Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Dodd
Feingold
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Leahy
Lincoln
Lugar
McCaskill
Sanders
Tester
Webb
Wyden

NOT VOTING—2

McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 22. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2196 TO AMENDMENT NO. 2011

Mr. COBURN. Mr. President, I ask unanimous consent that the pending motion and amendments be set aside, and that amendment No. 2196 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object—and I won't—is this the amendment which the unanimous consent agreement, previously arrived at, referred to?

Mr. COBURN. It is.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2196.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate wasteful spending and improve the management of counter-drug intelligence)

At the appropriate place, insert the following:

SEC. ___. NDIC CLOSURE.

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be used for the National Drug Intelligence Center (NDIC) located in Johnstown, Pennsylvania, except those activities related to the permanent closing of the NDIC and to the relocation of activities performed at NDIC deemed necessary or essential by the Secretary of Defense, in consultation with the appropriate Federal agencies.

Mr. COBURN. Mr. President, I ask unanimous consent that I be given 30 minutes to speak on this subject. I have every intention of speaking less than that, but this is to allow me the flexibility to do so.

I also plan on reserving that time until such time as we come back from our policy luncheon.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, is there any time agreement on this amendment?

The PRESIDING OFFICER. There is not.

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the motion and all pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2999, AS MODIFIED, TO AMENDMENT NO. 2011

Mrs. McCASKILL. Mr. President, on behalf of Senator WEBB and myself, I call up amendment No. 2999 and ask that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mrs. MCCASKILL], for Mr. WEBB, for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, and Mr. BYRD, proposes an amendment numbered 2999, as modified, to amendment No. 2011.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 2999), as modified, is as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Wartime Contracting" (in this subsection referred to as the "Commission").

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) In the event a Commission seat becomes vacant, the nominee to fill the vacant seat must be of the same political party as the departing commissioner.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force or violations of the laws of war or federal statutes by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) subject to subparagraph (B)(i), require, by subpoena or otherwise, require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—

(I) IN GENERAL.—A subpoena may be issued under subparagraph (A) only—

(aa) by the agreement of the chairman and the vice chairman; or

(bb) by the affirmative vote of 5 members of the Commission.

(II) SIGNATURE.—Subject to subclause (I), subpoenas issued under this subparagraph may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under clause (i), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of subclause (I) or this subclause, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, the Inspector General or the Director of National Intelligence, the Inspector General of the Central Intelligence Agency, and the Inspector General of the Defense Intelligence Agency, and in consultation with the Commission on Wartime Contracting established by subsection (a), conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security, intelligence, and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

Mrs. McCASKILL. Mr. President, today we have an important opportunity to do some good-government. It is so hard in the context of the conflict in Iraq to get beyond some of the political posturing that has, frankly, been inevitable. As campaigns have occurred, and we have campaigns looming next year, there has been a tendency for this body to separate at the middle and not find common ground.

We have an opportunity this afternoon to find common ground, and my job over the next few minutes is to try to convince my colleagues that this attempt to create a War Contracting Commission is not about politics, it is about reform.

It would be hard not to notice the scandals that have occurred in relationship to war contracting. I come to this as a student of history and a huge fan of Harry Truman. I am honored to stand at his desk as I speak today. I am honored to follow in his tradition when he said: War profiteering is unacceptable, especially when you realize it is skimming away and denying the men and women who are fighting resources.

In a very modest fashion, at a time that he, frankly, was not supporting his President, who was of his party, he was saying to the President: We need to do some reform here, even though the President was a Democrat, just as he was, and he began looking at war profiteering. Frankly, that is where Harry Truman first made his mark in the history books of this country. It was because he realized this was so much bigger than being a Democrat or Republican; it was about how we behave when we place men and women in danger on behalf of our Nation. In that vein, this amendment is going to try to take the politics out of the issue of war contracting and try to make things better. Let me first summarize what the amendment is going to do.

It will establish an independent and bipartisan eight-member Commission—bipartisan eight-member Commission, four Republicans and four Democrats. They will study and investigate Federal agency contracting for reconstruction in Iraq and Afghanistan, Federal funding and contracting for the logistical support of coalition forces in Iraq and Afghanistan, Federal contracting for the performance of security and intelligence functions in Iraq and Afghanistan, and will expand the special inspector general's role to include the responsibility of logistical support and security and intelligence functions.

Currently, the special inspector general, Stuart Bowen, only has jurisdiction over reconstruction funds in Iraq. Clearly, frankly, as I met with contracting officials on my trip to Iraq and Kuwait, where I spent most of my time talking to the people who have taken responsibility for issuing these contracts and monitoring these contracts, as I talked to all of them, I mean at every meeting I kind of just went: Oh, my gosh, this is so bad—except when I met with the SIGIR.

When I met with the people who worked for the special inspector general, I was so comforted as an auditor. These were professional auditors, and they were on top of it. They were identifying the problem, they saw the shortcomings, whether they were in the way contracts were distributed or let or, frankly, not competed or whether they were in the monitoring of those contracts, the definitization of those contracts, the oversight of those contracts, or the way we actually pay bonuses on some of those contracts. All of those issues have been looked at by the SIGIR. They have been limited because their jurisdiction was limited. This will expand their jurisdiction and, most importantly, efficiently, it partners them with the Commission. So we do not have to hire a huge staff for this Commission; they can utilize the work of SIGIR, the work of the Special Inspector General for Iraq Reconstruction, to come to conclusions about how we can do better.

Honestly and sincerely—I know Senator WEBB and I have talked about this at great length—this is not about "gotcha," this is about turning the corner, because, let's be honest, will there ever be a time where we are not contracting at this kind of level? Will we ever go back to a time when we have Active military peeling potatoes and cleaning latrines? Will we ever go back to a time where we have Active military driving all of the supply trucks? Will we ever go back to a time where we have Active military providing all of the security needs? I am not sure we will because our struggle is to maintain a Volunteer military but provide them all the support they need in terms of logistics.

Frankly, there are some efficiencies that could be gained if we were contracting in a way that took care of the taxpayer dollars. I do not argue that contracting might be necessary—in fact, better in some instances—but not the way we are doing it now.

Now, you say: Well, there are a lot of people looking at this. That may be true. There have been a lot of journalists who have looked at it. We have certainly had various parts of the Department of Defense and the military, various inspectors general, and we certainly have SIGIR. But let me just point out one thing. As one of the generals said to me when I was in Iraq, sheepishly: You know, everything you are seeing in terms of mistakes that have been made, most of them were made in Bosnia. And by the way, there was a lesson learned after Bosnia, except there was one problem: They forgot to learn the lesson.

So if we are going to elevate this problem to where we really acknowledge that it is systemic, it is overarching, and it is interagency, what do we have if we do a congressional hearing? Well, first of all, we are going to have a committee that has more Democrats than Republicans on it, so we have at the very outset the allegation that it is political. We also have battling turf. Is it Homeland Security and Governmental Affairs? Is it Armed Services? Is it Foreign Relations? Because all of the problems swirl around all of those committees. How do we get above the interagency issue if we do not have this kind of commission?

The makeup of the Commission would be as follows: eight people—two people appointed by the majority leader in the Senate, two people appointed by the Speaker in the House, one person appointed by the minority leader in the Senate, one person appointed by the minority leader in the House—that gets you to six—and then one person appointed by the President of the United States and one person appointed by Secretary Gates at the Department of Defense.

Now, are we going to have a long bureaucratic commission that just does a lot of testimony and we do not get to the end? No. They must finish their work within 2 years. And they must, as I mentioned before, partner with the SIGIR, partner with the Special Inspector General of Iraq Reconstruction, in a way that they can efficiently take the work that has been done by a number of different agencies and a number of different oversight entities, a number of different auditors and bring it together and identify how do we, in a contingency, contract in a way that takes care of taxpayers' money?

Now, we have an election coming up. I have to tell you, I have talked to a couple of my friends across the aisle, and I am concerned about the vote on this amendment because there is a knee-jerk reaction. If we are talking about war contracting, this is political. This is a political witch hunt. It is the D's versus the R's. Let me say that I do not think they have taken time to look at how bipartisan this is because if they did, I think it would assure them that this is not an attempt to do this. We have to fix this, and we have to fix it as quickly as possible. It has to do the work within 2 years.

We have modified the amendment to reassure my friends across the aisle that, first of all, if one of the President's appointments or if one of the other appointments who would represent the Republican Party on this Commission were to quit or for some reason not be able to continue to serve, someone of the same party must be appointed. So we are never going to get to a situation if we have a new President that the new President could say: I am going to appoint two. If the new President were a Democrat, you would end up with six to two.

The other thing that is important to remember is we have modified the amendment so the report of this Commission will come out after next year's election, January of 2009. What a great way to start a new Congress and a new Presidential term. The new President and the new Congress can look at these recommendations—very similar to the 9/11 Commission, very similar to the Baker-Hamilton Commission—and realize there are systemic institutional problems with the way we have been contacting and get it fixed.

I have met with the special inspector general for Iraq, Mr. Bowen, and he has indicated his support for this approach. This is not about in any way diminishing the role of the special inspector general for Iraq—just the opposite. It is going to give the special inspector general a voice that is above the political din in order to issue recommendations. They are going to have their capping report ready next March. That will be a great starting point for this Commission, to look at SIGIR's capping report of all of their work on Iraq reconstruction.

Let me give you a list of some of the groups that have supported this amendment, and we have had many, many groups that have come to the support of this.

First, the Project on Government Oversight is very strongly in favor of it. POGO particularly supports the independent and bipartisan nature of this Commission and the recommended collaboration and consultation with the special inspector general and the expansion of the role of the special inspector general.

OMB Watch, a Government transparency, fiscal policy, and regulatory watchdog nonprofit, wants to applaud the Commission on War Contracting Establishment Act; that is, in fact, this amendment.

The Government Accountability Project also has indicated their support.

The Iraq and Afghanistan Veterans of America have indicated their support.

The Taxpayers for Common Sense has weighed in with their strong support of this amendment.

The Federation of State PIRGs, public interest research groups, has weighed in with their support also, and Common Cause has indicated this is a good government, bipartisan way to fix a serious problem. I may return later to talk about some of the scandals. There have been many, many scandals. Some of them are heartbreaking. Some of them make you want to tear your hair out; whether it is the way some of the whistleblowers have been treated, whether it is contracts that have ballooned out of control, whether it is paying bonuses to companies that haven't done their work, $200 million in bonuses to companies that have not done their work. We obviously have issues with the security company Blackwater and who has authority over them and to whom are they accountable when they take action in the war zone. It is heartbreaking that some in our active military—unfortunately, more than a few—have been charged and pled guilty to actually taking bribes, tens of millions of dollars in their pocket. The Department of State IG, there are problems with whether the investigations have been conducted.

Whether you agree that the investigations have occurred in the State Department or they have not, why not do a bipartisan commission that will look at this fairly under the light of transparency and good government, without the cloud of politics and accusations by one political party or another?

I am especially proud of the fact that this is an amendment that was cosponsored by the nine freshmen Democrats who arrived here in January. We, frankly, probably are not as well versed or schooled in some of the turf fights that occur between committees. It will be a long time before any of us need to worry about whether our committee, as chairman or ranking member, has the ability to have a hearing. We look at it with the eyes of the general public. We come here fresh from speaking with thousands and thousands of people we represent. We hear their frustration that billions of dollars have been lost, tens upon millions of dollars have been stolen, and an incredible amount of money wasted in the name of contracting. We also have 20 cosponsors on this amendment which we believe is very important. I welcome the support.

I do emphasize that we can behave today like people probably expect. We can have a 50-50 vote, and the American public is going to sit back, if we have a 50-50 vote, and they are going to say: What in the name is going on? How do you get a 50-50 vote on an effort, with four Republicans and four Democrats, to get a handle on war contracting? How does that happen? We all sit around and talk—I know the Republicans talk about it; we talk about it—about our approval ratings and why our approval ratings are not higher. This is our chance. This is our chance to say to the American public: We are spending your money wisely, making sure the men and women who fight get the armor they need and the MRAPs they need on their Humvees, instead of billions being wasted on war profiteering. This is our chance to show them we can come together and overcome the politics of this place for the good of our national security and the strength of our military.

I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. WEBB. Mr. President, I would like to add to the comments made by my colleague from Missouri about the Truman Commission follow-on that we have jointly introduced, along with other freshmen Members on the Democratic side, the Independent side, and with a total of 27 cosponsors as of this morning.

I don't think there is a more important or volatile issue, in terms of Government accountability, than the issue of the expenditures that have gone into Iraq and Afghanistan and the accountability of not only contractors but of the quasi-military forces operating there. We have put a great deal of effort into designing a wartime commission that was inspired by the Truman Commission in World War II but has its own uniqueness, given the issues of today. I am very proud to be one of the original sponsors on this amendment. I hope Members on both sides of the aisle can support it.

We are attempting, in a fair way, with experts in the field—not simply a group of Senators forming a panel, bringing in experts from the areas, experts in competence from the areas they would be looking at in a short period of time, 2 years—to examine the amounts of money that have been spent, where this money has gone, to try to bring some accountability into the system and to make their reports, in some cases with legal accountability, and then to wrap it up and go home. This is not an attempt to create a permanent standing organization but, rather, one that can come in with the right people, take a look at what went wrong, make a report to the American people and, in some cases, give them their money back, since all of these now nearly a trillion dollars have been spent on the wars in Iraq and Afghanistan without a lot of accountability—that is taxpayer money—to try to find out how it was spent.

In most cases, it has been spent properly. But in those cases where it has not, we want to get people their money back and get accountability to the people who did not spend it back. This is about improved transparency. It would be forward looking in terms of looking at systemic problems and attempting to address them.

It is more than that. This amendment is supported by nearly every major taxpayer watchdog group. We are now, with the present state of the Department of Defense and of the wars in Iraq and Afghanistan, outsourcing war in ways that we have never seen before in our history. Hundreds of billions of dollars have been allocated for reconstruction and for wartime support, creating a strong potential for fraud, waste, and abuse. This commission will ensure financial accountability in those areas where there has been fraud, waste, and abuse with provisions that allow for legal accountability in cases of wrongdoing.

It also will look at such organizations as Blackwater, which has recently been in the news for the alleged series of wrongful killings of Iraqis and excessive use of force. This is an area that has slid past us as a representative government which is a cause for great concern for anyone who has been involved in national security affairs over the years. We now have in Iraq 180,000 contractors working in a war where there are 160,000 troops. They are doing a whole panorama of chores that traditionally have been done by military people, all the way from operating the mess halls to providing security for even, on some occasions, General Petraeus himself. There is no accountability, none, in terms of legal accountability for actions that have been taken that result in inappropriate use of force and, in some cases, wrongful deaths of people in the area. This committee would help address that.

We are also looking at basic contractor accountability. As one example, not long ago the Special Inspector General for Iraq Reconstruction reported that of the $32 billion at that time that had been spent on reconstruction and relief funds—this is State Department programs—$9 billion was unaccounted for. We need desperately to have an independent, fair, objective analysis of what has happened, what is happening, not only for accountability but also to help us design a structure for the future. Again, we are not trying to create a new bureaucracy. The commission will rely on the inspectors general in agencies that already exist for most of the analysis. We are sunsetting the provision at 2 years. We are very comfortable with SIGIR's excellent performance in uncovering waste, fraud, and abuse in Iraq of reconstruction projects. We believe that is proof of the ability to do this on a more comprehensive and thorough level.

I strongly urge our colleagues on both sides of the aisle to lay aside political differences and come together with the reality that all of us have an obligation to put accountability into the system for the American people and, in some cases, to give people back the money they spend in tax dollars for programs that were wrongfully carried out or, in some cases, not carried out at all.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2196

Mr. COBURN. Mr. President, I have an amendment pending. This is a straightforward amendment. Over the last 10 years, we have spent a half-billion dollars of Defense Department money on a program run by the Justice Department that has achieved probably the least of any program in the entire budget of the Department. This is the National Drug Intelligence Center. It came into being initially through directed spending on a Defense appropriations bill. The reason for adding this amendment to the authorization bill is to preclude any further money on spending on this intelligence center and only allowing money to shut it down and have it consolidated with other intelligence centers.

If we think about what $500 million could be doing for us now in the Defense Department in the true defense of our Nation and then look at the history of this center, this isn't about trying to direct things against any group of people or any Congressman or Senator. It is about the commonsense view that we ought to be spending money in a prioritized way that gets us results.

By any measure—anyone's measure—including the Justice Department, all the other national drug intelligence centers—all of the others—the former directors of this intelligence center, and the directors of others, this intelligence center has been looking for a mission and has accomplished very little.

Of the two things they have accomplished, one is highly expensive and not accurate. The other is the investigation of intelligence information captures on drugs and could be well done at any other facility we have.

The Department of Justice believes the drug center's operations are duplicative and reassigning their responsibilities would improve the management of counterdrug intelligence activities and would allow for funds to be spent on the additional hiring of more drug enforcement officers. So we are going to have anywhere from $30 million to $40 million a year continued to be spent on this center. What this simply is, in the authorization, is a prohibition that we will not do this.

When the Department of Justice, which is charged with running this center, says it does not work, it is not effective, it is not accomplished, and should be consolidated, we have to ask the question: Why does it continue? It continues through the force of directed spending in the Defense appropriations bill.

Now, how is it we have drug enforcement funded through the Defense Department to give the money to the Department of Justice to run a program they say is ineffectual? The whole purpose for this amendment is to not castigate anyone but to say: Shouldn't we be spending the money more wisely? Shouldn't we be accomplishing, with that $500 million we already spent, something of value to the American taxpayer rather than something not of value?

This amendment would protect Defense dollars from being misspent and improve the management of our counterdrug intelligence efforts by eliminating the wasteful spending. It would also direct the necessary funds to close the NDIC. It also would say any activities that might be performed by the center that are deemed necessary, which are minimal—let me emphasize that again: minimal in terms of all the experts we have throughout the rest of the Government—that they would, in fact, be transferred to the appropriate agencies.

In 2002, this intelligence center received $42 million—$39 million, $44 million, $39 million, $38 million, $39 million—for a total of $509 million since its inception. It is duplicative, it is unnecessary, and it is unworkable.

Even the former director said: Most of the time the work was shoddy, of poor quality, and quite often wrong. This is the same director who is no longer there—a Mr. Horn—who was admonished by the Department of Justice for his excessive spending while he was there, on travel, on international things that had nothing to do with the NDIC's goals or direction.

Mr. President, there have been numerous articles written, two of which I ask unanimous consent to have printed in the RECORD, one being a complete dossier on this agency from U.S. News & World Report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, May 9, 2005]

A DRUG WAR BOONDOGGLE

(By Bret Schulte)

It merits only the briefest of mentions in the president's new budget, but those few lines of type could represent the final chapter in a long and twisted Washington saga. Stashed away on Page 1,181 is a paragraph that would effectively kill the little-known National Drug Intelligence Center, located in Johnstown, Pa., the site of the famous flood of 1889. Bush's budget proposes that the center's $40 million annual budget be slashed to $17 million—just enough to facilitate "the shutdown of the center and transfer of its responsibilities . . . to other Department of Justice elements."

If President Bush has his way, the center would be one of 154 programs eliminated or cut as part of his promise to curb federal spending. But as any veteran of Washington's budget wars will tell you, closing even a single federal program can be a herculean task. Perhaps no example is more illuminating than the NDIC, which, in its 12 years, has cost taxpayers at least $350 million. The facility has run through six directors, been rocked by scandal, and been subjected to persistent criticisms that it should have never been created at all.

Pork? In the beginning, the Johnstown center did have some friends in the White House. With the blessing of President George Herbert Walker Bush, then drug czar William Bennett proposed the creation of the NDIC in 1990. Its mission: to collect and coordinate intelligence from often-feuding law enforcement agencies in order to provide a strategic look at the war on drugs. But the Drug Enforcement Administration, worried that its pre-eminent role in the drug war was slipping away, openly fought the idea. So did many on Capitol Hill, arguing that the new center would duplicate the efforts of existing intelligence centers, notably the El Paso Intelligence Center, operated by the DEA. With little support in the law enforcement community, the NDIC looked all but dead. Enter Congressman John Murtha. The Pennsylvania Democrat, who chaired the House Appropriations Subcommittee for Defense, tucked the enabling legislation for the center into a Pentagon authorization bill, with the caveat that it would be placed in his district.

The center was troubled from the start. Murtha's new drug agency was funded by the Pentagon, but the Department of Justice was authorized to run it—an arrangement bound to cause problems. "All of us wanted the NDIC," says John Carnevale, a former official with the Office of National Drug Control Policy, as the drug czar's office is known. "But none of us wanted it in Johnstown. We viewed it as a jobs program that Mr. Murtha wanted [for his district]."

Murtha bristles at implications that the Johnstown center is a boondoggle. "They say anything we do is pork barrel," he fumes. The congressman argues that the federal government should spread its facilities around the country, citing the security risk of a centralized government and cheaper operating costs elsewhere. But "obviously," he says, "I wanted it in my district. I make no apologies for that."

Headquartered in a renovated department store downtown, the center has brought nearly 400 federal jobs to Johnstown, a struggling former steel-mill town. Law enforcement agencies, ordered to send employees to the new center, had trouble finding skilled analysts or executives who would agree to live in Johnstown. Even the bosses didn't want to go. The first director, former FBI official Doug Ball, traveled back and forth from his home near Washington. His deputy, former DEA agent Jim Milford, did the same and made no bones about it. "I've never come to terms," Milford says, "with the justification for the NDIC."

In 1993, when the NDIC officially opened, the congressional General Accounting Office issued a damning report citing duplication among 19 drug intelligence centers that already existed. And many involved in the process said the idea of gathering information from other law enforcement agencies for strategic assessments on drug trafficking just wasn't workable. In some cases, federal law prevented agencies from sharing sensitive intelligence; in others, rival agencies simply refused to give up proprietary information. "The bottom line," Milford said, "was that we had to actually search for a mission."

Stonewalled, the NDIC began operating, effectively, as an extended staff for other drug agencies, working on projects too cumbersome, peripheral, or time-consuming for their own teams of intelligence analysts. The center was costing about $30 million a year, but, as a former official of the drug czar's office put it bluntly, "we saw nothing" from it.

Former DEA official Dick Canas, who took over the NDIC in 1996—one of the few bosses who actually moved to Johnstown—was determined to elevate the facility's status. He began collating and analyzing "open-source information"—intelligence already available to the public—and pulling it all together in one place. The plan was "nonthreatening" to other agencies, Canas argued, and would at least provide policymakers with a general overview of the war on drugs. That project morphed into an annual report called the National Drug Threat Assessment, which officials say is of some real value.

The Johnstown center racked up one other success. Its "document exploitation" program regularly dispatched analysts into the field to process files seized by other law-enforcement agencies using software it developed called RAID (real-time analytical intelligence database). Johnstown analysts used the software to organize data and help law enforcement agencies develop investigative leads.

Cronyism? In 2000, the Clinton administration tried to define the center's role more sharply by releasing the General Counterdrug Intelligence Plan, which restricted the reach of the Johnstown center to domestic intelligence only. Canas, gone by 1999, was replaced by another DEA executive, Mike Horn, who was the fifth interim or permanent director in six years; Horn kept an apartment in Johnstown but traveled back to a home in the Washington area on weekends.

Horn's tenure made everything that came before it seem placid. Despite the NDIC's domestic mandate, Horn and his assistant, Mary Lou Rodgers, made frequent trips abroad to promote a new version of the RAID software in places like Hong Kong, London, and Vienna, racking up nearly $164,000 in travel expenses in less than four years. A Justice Department investigation in 2003 admonished Horn for "unprofessional conduct in. . . dealings with Ms. Rodgers," but that wasn't the end of it. A letter-writing campaign by NDIC employees accused Horn of continued travel abuse and cronyism, prompting another review by Justice lawyers last year. It was also discovered that the new version of the RAID software promoted by Horn had yet to be developed. Many NDIC insiders say morale was poor.

In March 2004, Associate Deputy Attorney General David Margolis suspended Horn's power to authorize travel for Rodgers. In June 2004, Margolis fired Horn. The Justice Department won't comment on the matter. Horn claims all travel was approved and says he has not been made to pay restitution. Horn blames the low morale on malcontents who resented the quality of work he demanded. "I recognized that a lot of reports were God-awful, poorly written, poorly researched, and, in some cases, wrong," he says. Some insiders say that under Horn, the center got as close as it ever would to producing some truly strategic intelligence reports. Not surprisingly, in light of the morale and other problems, others disagree.

Either way, the White House appears to have had it with the NDIC. In its budget report, the Office of Management and Budget says "the proliferation of intelligence centers across the government has not necessarily led to more or better intelligence, but rather more complications in the management of information." For the Johnstown center, it's an ironic coda, then, that the White House is simultaneously supporting a new program—the multiagency Drug Intelligence Fusion Center. Blessed by the DEA, the fusion center will be located in the Washington area. It has already received $25 million from Congress in start-up costs and is slated to open its doors later this year. The idea that a different agency can do the job the NDIC failed to do has left some shaking their heads. "You have to ask, 'What is the master plan?'" said a former official in the office of the drug czar. "The answer is there is no master plan." Proponents say the new agency will succeed because its location makes sense.

That doesn't mean the NDIC is finished. It has supporters in state and local law enforcement, and even some federal officials have come to respect its document exploitation division. The NDIC's biggest supporter, though, is Murtha. "I can assure employees that the NDIC won't be closed," he said in a public statement after Bush's budget was released. While Murtha is no longer chair of the House Appropriations Subcommittee on Defense, he remains the ranking Democrat and a backroom dealer with few equals. In the Senate, Pennsylvania Republican Arlen Specter will fight to keep the center open from his seat on the Appropriations Committee. The showdown could come as soon as next month, when appropriations subcommittees begin tackling the budget.

To paraphrase Mark Twain, reports of Johnstown center's death may be premature. "Barring another flood," says a former law-enforcement official, "I doubt you'll see it go anywhere."

[From the Centre Daily News, June 30, 2007]

OFFICIAL: DISPUTED PA. FACILITY PLAYS VITAL PART IN DRUG WAR

(By Daniel Lovering)

For years, the National Drug Intelligence Center has operated quietly on the upper floors of a former department store, with scores of employees authorized at the highest levels of government security.

But the Justice Department facility, which blends into the landscape of this once-thriving mill town 60 miles east of Pittsburgh, has long caught the attention of critics in Washington.

Watchdog groups and lawmakers have blasted it as a pet project of U.S. Rep. John

Murtha, whose special funding requests—or earmarks—have sustained the center since it opened in his home district in the early 1990s.

It has been derided as a product of pork barrel spending and an unnecessary outgrowth of the war on drugs that duplicates work done elsewhere. The Bush administration has tried to close it, requesting millions to cover shutdown costs.

The latest salvo came last month, when Rep. Mike Rogers, R-Mich., tried to remove an earmark for the center, drawing Murtha's ire.

But the NDIC has persisted, despite lingering questions about its effectiveness in coordinating the efforts of federal authorities to collect and analyze intelligence on the domestic trafficking of cocaine, heroin, methamphetamine and other drugs.

Acting director Irene S. Hernandez insists the center plays a critical and unique role in the nation's anti-drug effort, and that its mission has evolved from an initial focus on trafficking syndicates to its current emphasis on broad trends.

"We can do an independent assessment of the drug trafficking situation, and we can say this is what's happening," Hernandez told The Associated Press in an exclusive interview. "There's nobody else positioned to do what we do."

She said the center differs from other agencies, which may be preoccupied with tactical operations, and informs policy makers.

Over the years, directors have come and gone, in one case under a cloud of scandal. The current director, Michael F. Walther, an army reservist and former federal prosecutor, is currently serving in Iraq.

The center's funding has been precarious—a factor that has impeded hiring efforts, officials say. With a budget of $39 million annually, the center's survival again appears uncertain as a spending bill moves through Congress.

The NDIC conducts what it calls strategic assessments of illicit drug trends. It analyzes evidence for federal investigators and prosecutors, gathers intelligence, trains law enforcement officers and produces a raft of reports. Some of its work is classified.

Its 268 employees have top secret security clearance and include 121 intelligence analysts with backgrounds as diverse as real estate, chemistry, banking and law. It also uses contractors, some of whom are retired federal agents. In their midst are a small number of analysts from the Drug Enforcement Administration and other agencies.

Hernandez, who joined the agency in 2004 after a 27-year DEA career, points to the center's ability to cull information from seized evidence—including ledgers, phone and real estate records, computers and cell phones—and funnel that data to investigators and prosecutors, helping them build cases against suspects. The center has developed its own software, including a program currently used by U.S. military investigators in Iraq.

It works with a broad range of law enforcement agencies, from the Federal Bureau of Investigation to the Internal Revenue Service, and supports the National Counter terrorism Center's efforts to sever ties between drug traffickers and terrorists.

The NDIC assisted in an operation that led to the arrest of one of the world's most hunted drug traffickers, Pablo Rayo Montano, and helped detect growing abuse of the painkiller OxyContin, officials said.

Its marquee report, the National Drug Threat Assessment, charts patterns of drug production, availability and demand. Some law enforcement officials and academics praise the report, but former drug officials question its value as a policy instrument.

Gary L. Fisher, a professor at the University of Nevada-Reno, called the report objective and independent. "It really accurately reflects how futile the (drug) supply control efforts have been," he said. "You'll find the DEA reports are much more biased to fit their agenda."

Another professor, Matthew B. Robinson of North Carolina's Appalachian State University, said he and a colleague used the report to challenge assertions by the Office of National Drug Control Policy, the White House agency responsible for the drug war.

The data showed illicit drugs are cheaper and purer today than they were in the 1980s and 1990s, said Robinson, co-author of "Lies, Damned Lies, and Drug War Statistics: A Critical Analysis of Claims Made by the Office of National Drug Control Policy." Some local law enforcement officials lauded the reports, saying they circulated them among their analysts.

But John Carnevale, a former ONDCP official who worked under three administrations and four drug czars, said the center's work was of no value to him when he was in government, though he has since used its reports.

"I had access to the data well before they did," said Carnevale, now a Maryland-based consultant. "So I pretty much ignored them."

Eric Sterling, president of the Criminal Justice Policy Foundation, an advocacy group based in Maryland, said: "In many respects it seems that their stuff is out of date. . . . I would describe it as a tool of limited value."

Critics have also questioned the center's location 140 miles from Washington, citing political maneuvering by Murtha.

"I know what their capabilities are, I know what they can do, but that didn't need to go to Johnstown, Pennsylvania," said James Mavromatis, a former director of the El Paso Intelligence Center, a Texas-based DEA agency.

He said the center could have been housed at the El Paso facility, closer to the U.S. border with Mexico, where most illicit drugs enter the country. The NDIC had considered moving a team there, he said.

The NDIC's document analysis differs completely from EPIC's work, he added, despite criticism they overlap completely.

NDIC officials and others contend that the center's Johnstown address is hardly a hindrance. It may be an asset, they say, as its low cost of living appeals to job candidates.

Asa Hutchinson, a former DEA head and a former Republican congressman, said he was "a fan of folks performing important government services, and not necessarily in Washington." But he conceded the center may need adjustments.

"I think it is underutilized," he said. "I think they can expand their mission, and I think that should be examined."

An activist group, Citizens Against Government Waste, recently chided Murtha for threatening fellow congressman Rogers with legislative reprisals after Rogers tried to strike a $23 million earmark for the center.

"We're not saying there shouldn't be an NDIC," said David Williams, the group's vice president for policy. "What we're saying is, why should one member of Congress be able to set up a field office like this?"

Rogers said he believed the El Paso center was supposed to be the main drug intelligence agency.

"I strongly believe it is not a good use of very valuable intelligence resources," he told The Associated Press, adding that $23 million amounted to the salaries of hundreds of DEA agents.

The Bush administration evidently agrees. Sean Kevelighan, a spokesman for the Office of Management and Budget, said the center has "been slow to delineate a unique or useful role within the drug intelligence community."

For that reason, the OMB's 2008 budget request "fully funds all shutdown costs" of about $16 million he said.

Mr. COBURN. I quote from the Centre Daily News of this last June:

> . . . the NDIC has persisted, despite lingering questions about its effectiveness in coordinating the efforts of federal authorities to collect and analyze intelligence on the domestic trafficking of cocaine, heroin, methamphetamine, and other drugs.

What is at stake here? Running this center means we will not have enough DEA agents—and we do not. Running this center continues to spend $30 to $40 million a year that could do great things for our military. Why would we not want to redirect or at least prohibit the continued funding through this Defense authorization bill?

Now, there are going to be some claims: Why are you doing this here? Why aren't you doing it on an appropriations bill when it comes through? We cannot have it both ways. We heard in the debate on WRDA that authorizations matter, and it is important for us to have priorities. So the claim is you should not be doing this here on the Defense authorization but, rather, on the appropriations bill. The authorization is the place to do this, to limit the expenditure of funds on something that does not pass muster by anybody's standard.

So it is my hope that consideration will be given to this amendment, and that we will truly have the courage to make a vote to spend money wisely. To continue to spend money on this center means we are going to continue to throw $40 million away, according to the Department of Justice, which runs this center, in something that will not give them any benefit.

I cannot think of a greater thing we could do than to start doing this and look at every program such as this that is not accomplishing any goals. There are no metrics to measure it, other than what the Department of Justice says.

There will be claims saying it has programs that work. They have some programs, but they are highly expensive. They are not as efficient, and they are always late. So over the 12 or 13 years this center has existed, only two of those programs have been successful, and they are not as successful as the other programs within the Department of Justice in this very area. So it is hard to justify the basis for this center.

AMENDMENT NO. 2999

Finally, Mr. President, I want to spend a minute talking about the Webb amendment. One of the things we know is that we do not do a good job on contracting. I know some of the Members on my side of the aisle perceive the potential for this commission to be used in a political framework. I am not worried about that. I do not think it is intended to be used in a political framework. I think it is intended to hold the agencies accountable for how they spend the money and whether we are going to get a handle on our contracting procedures, both through the State Department and the Defense Department so we can see we actually get value for the money we spend.

I am highly supportive of the amendment because I think it is going to give us transparency, it is going to give us recommendations, and it is going to make clear where we have confusion now in how we contract and whether we get value for our money.

With that, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 3035

Mr. MENENDEZ. Mr. President, I rise to speak on an amendment that we will have a cloture vote on at some point today or tomorrow, Senator KENNEDY's and Senator SMITH's Hate Crimes Prevention Act—a vote by which I hope the Senate will succeed, in a robust way, to invoke cloture and to move forward.

Nine years ago, a young man sat in a bar having a good time, like many young men throughout America. Not unlike thousands of young adults at bars across America, this young man needed a ride home from the bar. So he asked two people he had befriended for a ride. They agreed. On the way home, they robbed him, they pistol whipped him, and tied him to a fence, leaving him for dead. They committed this brutal crime for one reason—and one reason only—because the victim was gay.

Since that time, the Congress has been struggling to enact the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act—a bill I am proud to cosponsor. It has received bipartisan support in both the House and the Senate. But for some reason, we have been unable to make the bill a law. Today—as soon as this vote takes place—I hope that will change.

Hate crimes violate every principle upon which this country was founded. When our Declaration of Independence proclaimed that "all men are created equal"—of course, I would take that to mean today all men and women are created equal—it did not go on to say, however, "except Muslim or Sikh or homosexual Americans." It had no exceptions to the rights and liberties Americans had under the Constitution and that Declaration. The freedoms we often take for granted—freedom of speech, freedom of association, freedom of religion—become empty promises if we do not protect all those who seek to exercise these freedoms under the Constitution.

Sadly, right now we are not protecting all of our citizens. This is not, by the way, about providing special rights. It is about ensuring constitutional rights.

Local, State, and Federal governments need additional resources and authority to investigate and prosecute hate crimes based on race, ethnicity, religion, sexual orientation, disability, and gender identity. That is exactly what this bill will do. It will allow the Department of Justice to assist in these investigations and prosecutions, and it will provide grants for State and local governments struggling with the costs and logistics of prosecuting these crimes.

Some people may not think hate crimes are a real problem in this country. They are absolutely mistaken. In 2005—the most recent year we have data on—8,380 hate crimes were reported. Of the single-bias incidents, 54.7 percent were racially motivated; 17.1 percent were motivated by religious bias; 14.2 percent resulted from sexual orientation bias; 13.2 percent by ethnicity or national origin bias; and a little under 1 percent by disability bias.

My home State of New Jersey experienced at least 756 bias incidents, 47 percent of which were based on racial bias, 36 percent were based on religious bias, and 11 percent were based on ethnic bias. I say "at least 756 bias incidents" because we do not know how many of these vile attacks have gone unnoticed and unprosecuted due to the scarce resources currently available to local law enforcement.

Now, I am proud to have been the author of New Jersey's landmark bias crimes law when I was in the State legislature. We said then we could not eradicate hate or bigotry in New Jersey with a single law, but we could send a strong societal message that such acts would not be tolerated. With this law, we can do the same for our great Nation.

Of course, you do not need to rely on my numbers or my experiences to know that hate crimes are alive and well in the United States. All you have to do is watch television.

Last Thursday, thousands of protesters descended on the small town of Jena, LA, to protest the treatment of six young African Americans. The town was a picture of racial tension, all of which came to the surface months ago when three nooses were hung from a "whites-only" tree at the Jena High School. Perhaps if we had stronger hate crimes enforcement, this original action which provoked such violence and started the town down its path would have been properly handled and would have never escalated to the degree it did.

Make no mistake about it, hate crimes are a serious problem in the United States—a problem we can no longer afford to ignore.

Some may protest that this is not the time or place to be debating hate crimes legislation. I disagree. For some, it never seems to be the right time or the right place.

Members of our military are not immune from hate crimes. To the contrary, hate crimes can happen anywhere there are emotions, anywhere there are people with the capability to hate. In 1992, a Navy sailor, Allen Schindler, was murdered by two fellow sailors because of his sexual orientation. In 1999, PFC Barry Winchell was similarly killed because his attackers believed—believed—he was gay. The military has recognized that hate crimes are a problem and sought to prevent them, but more can and must be done.

It is absolutely appropriate to protect members of our Armed Forces from the vicious attacks that constitute hate crimes while we are debating the Department of Defense authorization bill. It is absolutely the right time to enact this hate crimes legislation. After all, what are our men and women doing in uniform? They are fighting for us around the world to preserve our way of life and to promote democracy, and all of them take an oath to uphold and defend the Constitution. Let the preservation of the rights of all Americans be the essence of what they are fighting for.

I will vote to invoke cloture on the hate crimes amendment offered by Senator KENNEDY and Senator SMITH, and I urge my colleagues to do the same.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2999

Mr. LEVIN. Mr. President, I want to speak for a few minutes in support of the Webb-McCaskill amendment that would establish a contracting commission relative to contracting in Iraq, but it also does another very important thing, which is it broadens the jurisdiction of the Special Inspector General for Iraq Reconstruction, or SIGIR. Over the last 4 years, the United States has spent more than $20 billion on reconstruction contracting in Iraq. In report after report, the Special Inspector General for Iraq Reconstruction, SIGIR, has demonstrated that this effort was poorly planned, inadequately staffed, and poorly managed.

For example, the special inspector general has reported that plumbing was so poorly installed at the Baghdad

Police College that dripping sewage not only threatened the health of students and inspectors but could have affected the structural integrity of the building.

The special inspector general reported that the security walls built for the Babylon Police Academy in Hilla were full of gaps and deficiencies, some of which were filled with sandbags; lighting systems and guard towers called for in the contract were never installed. As a result, the academy was vulnerable to attack.

The special inspector general reported that a prison in Nasiriyah was originally supposed to house 4,400 inmates, but the scope was reduced to the point where it would only house 800. After most of the available money had been spent, the contract was terminated due to schedule delays and cost overruns.

He reported that neither the government nor the contractor could verify the status of a new oil pipeline from Kirkuk to Baiji because project monitoring was very limited and sporadic. However, at least 25 percent of the welds on the pipeline was defective, and one major canal crossing was only 10 percent complete. The failure to complete this project resulted in the loss of as much as $14.8 billion in oil revenues to the Iraqi Government.

He reported that after the Army Corps of Engineers spent $186 million on primary health care centers throughout Iraq, the contract was terminated with only 6 health care centers completed, 135 partially constructed, and the remainder "descoped." The special inspector general determined that the contractor had lacked qualified engineering staff, failed to check the capacity of its subcontractors, failed to properly supervise the work, and failed to enforce quality control requirements.

The Department of Defense has spent even more money on logistical support contracts for U.S. forces in Iraq and Afghanistan. There have been numerous indications of fraud, waste, and abuse in these contracts as well. For example, recent press reports indicate that the Department of Defense contracting officials in Iraq and Kuwait received millions of dollars in kickbacks, tainting several billion dollars of DOD logistics support contracts. Similarly, the Armed Services Committee held a hearing in April on Halliburton's LOGCAP contract for logistics support in Iraq. Our committee learned that the company was given work that appears to have far exceeded the scope of the contract. All of this added work was provided to the contractor without competition. The contractor resisted providing us with information that we needed to monitor and control costs. There are almost $2 billion of overcharges on the contract, and the contractor received highly favorable settlements on these overcharges.

Unfortunately, the special inspector general does not have jurisdiction over Department of Defense logistic support contracts, and the Department of Defense inspector general who does have jurisdiction refused for several years to send auditors to Iraq and is now playing catchup. As a result, billions of dollars have been spent on these contracts without sufficient oversight.

In addition, there have been numerous reports of abuses by private security contractors operating in Iraq. More recently, the Iraqi Government has complained about an incident in which employees of Blackwater, Inc., allegedly opened fire on innocent Iraqis in Baghdad. This incident is apparently the latest in a long series of similar cases in which Blackwater employees were alleged to have used excessive force.

Unfortunately, the special inspector general does not have jurisdiction over private security contractors. The DOD inspector general does not have jurisdiction over State Department contractors like Blackwater either. Published reports in the last few weeks indicate that the State Department inspector general has systematically avoided looking into allegations of contract abuse in Iraq.

In short, despite almost 5 years of allegations of waste, fraud, and abuse in Iraq contracting, we continue to have huge gaps in our oversight of these activities. The Webb-McCaskill amendment will address these gaps by, first, establishing an independent commission to look into Federal agency contracting for reconstruction, logistical support, and the performance of private security and intelligence functions in Iraq and Afghanistan; and, second, expanding the jurisdiction of the special inspector general to logistical support contracts and contracts for the performance of private security and intelligence functions in Iraq and Afghanistan.

Under this provision, the special inspector general, in collaboration with other relevant inspectors general, would conduct a comprehensive series of audits of logistical support contracts and private security contracts in Iraq and Afghanistan comparable to the audits the special inspector general has already conducted for Iraq reconstruction contracts. The commission would review these materials, conduct hearings, and issue a report identifying lessons learned and making specific recommendations for improvements that should be made in future contracting.

So the Webb-McCaskill amendment would ensure that we finally have appropriate oversight over the full range of contracting in Iraq and Afghanistan. It will ensure that we are in a position to learn from the mistakes we have made, and we will be better positioned to avoid making similar mistakes in the future. I hope there will be a broad bipartisan vote for Webb-McCaskill, just the way there is already broad bipartisan sponsorship for their amendment.

Mr. WARNER. Mr. President, if I could ask my distinguished chairman and longtime colleague a question, I read this amendment, and it seems to me it has laudatory goals. But it is—we are outsourcing the work of the Congress, and, most specifically, outsourcing the work of our Armed Services Committee. That is the thing that concerns me.

We have two very distinguished sponsors, our colleague from Virginia and our other colleague on our committee. But I find it difficult to rationalize how this commission would function at the same time in a manner that literally outsources the responsibilities of our committee.

Mr. LEVIN. Mr. President, I thank the Senator for his question. Our committee, as the Senator knows perhaps better than any other Member of this body, has a huge responsibility month after month, year after year, on the authorization bill. Most of our focus is on that bill in terms of staff assignments.

We also from time to time do have oversight hearings. We have had a couple on Iraq, but in terms of what is needed with the immense fraud and abuse and waste that has gone on in Iraq, we could assign our committee nothing else and still not catch up to what needs to be done relative to the waste and the fraud and the abuse that has taken place in Iraq contracting. We have perhaps three or four staff members assigned to investigation. They are in the middle of an investigation now. They could not possibly—with the very small number of staffers assigned to that responsibility—take on the breadth of work which needs to be done relative to Iraq.

Also, this amendment not only has a contracting commission, but it also is going to amend the Special Inspector General Act relative to Iraq to fill in a number of gaps which exist in the inspector general's jurisdiction.

The areas which I just outlined that the current special inspector general does not have jurisdiction over, we must have a modification of that jurisdiction in order that the special inspector general will have that capability which is now omitted from the tasking of the special inspector general. As the Senator also knows because he was responsible for the appointment of a number of these commissions, our committee supports, and indeed has led the way, in the creation of independent commissions all the time. It was not an abdication of our jurisdiction or our authority when the Packard Commission was created, when the section 800 commission was created, or when the Service Acquisition Reform Act Commission was recently created. There are many commissions that we appoint, and we are leading the way and have led the way to have created, and in no way does that diminish the jurisdiction of our committee.

In fact, it is quite the opposite. The creation of these commissions has been able to lead to reforms, legislative reforms at times, which our committee then is able to take up and adopt, hopefully, in many cases, and in fact has adopted in many cases.

So there is nothing novel about the creation of commissions. As a matter of fact, I think the Senator from Virginia, perhaps almost on his own, was the creator of a commission which we recently heard from to give us the independent assessment of the military capability of the Iraqi military forces, the commission led by General Jones.

Mr. WARNER. Mr. President, I acknowledge that, yes, I did conceive that idea, and successfully, with the help of Senator BYRD and others, got that legislation through. But that was for a tightly defined purpose within a prescribed short period of time.

This one, I believe, is of 2 years duration. Mr. President, I say to my distinguished chairman, I have listened to him recount some of the commissions that our committee has sanctioned. But I am now prepared on this floor to tell my chairman, if you believe we need extra help, I will lead the effort with you to get more money from our committee to take over some of the responsibilities that the Senator is about to recommend to the Senate be outsourced to a commission.

Mr. LEVIN. Did we outsource to the Packard Commission, the reforms they recommended?

Mr. WARNER. I remember that Packard Commission very well, but that was a tightly knit commission for a specific purpose. I used to be at the Pentagon and worked under David Packard as Secretary of the Navy. We were fortunate to get him to do that. This seems to be an omnibus situation to me. I am concerned about having the inspector generals, which, again, is a creation by our committee, against some of the administration's wishes. They weren't overly keen on putting inspector generals in there. Our colleague from New Jersey has a bill to have an IG now for Iraq. I want to support that. But these inspector generals have to report to this Commission, I understand. I would not want to be a party to amending the law there. They were created by the Congress, and they should report to the Congress, not to a commission.

Mr. LEVIN. I don't think working closely with the Commission collaboratively in any way means they are not going to report to us. They will continue to report to the Congress. There is no shift of the reporting function. As a matter of fact, the IG for Iraq does not have the authority which should have been given to him, and would now be given to him by this bill, for instance, on logistics support contracts. Why in heaven's name should the special IG not have logistics support contracts jurisdiction?

Mr. WARNER. Mr. President, if you want to take those provisions out and make it a freestanding amendment, I would be supportive of modifying it.

Mr. LEVIN. I have never seen as much fraud, waste, and abuse. There is no analogy in the history of this country, I don't believe, for the amount of fraud and waste and abuse that is taking place in Iraq and Afghanistan. I don't think our committee could do anything else if we took on that responsibility. I think we would be having hearings every week, when we need to have hearings on all of the other matters under our jurisdiction. I don't know that we could do an authorization bill properly if we took on this responsibility. It is too massive.

I wonder whether the Senator can give me one example in American history where there has been this degree of waste, fraud, and abuse. We now see a massive investigation taking place because of the alleged fraud of a number of members of the armed services. I cannot remember anything comparable. This is a massive undertaking. It is most appropriate that we have a special commission to do that. There is no reason why they should not work in concert with an IG. We don't want them overlapping and conflicting.

The issue is whether we are going to take on this responsibility one way or the other. This is only one practical way to do it. I wish we had the resources and time in our committee to do the kind of oversight that has to be done relative to Iraq. To me, it has been the most shocking abuse of the taxpayers' dollars that we have seen. As a practical matter, I think the former chairman of the committee would acknowledge it would take a huge amount of staff and committee time.

I want to give one example. We have an ongoing investigation right now, and it is very small relative to the size and scope of this one. We wanted to talk to a witness. During this investigation, a number of witnesses talked to us voluntarily, but a few witnesses would not. In our committee, we don't even have subpoena power unless the full committee votes for it. The Senator from Virginia was very helpful to me, as he remembers, in getting the full committee to vote for a subpoena. I extended my appreciation to him then, and I do it publicly now for his cooperation and that of Senator MCCAIN. Every one of those subpoenas required a vote. Then there had to be a hearing. We have to go through a hearing of our committee to hear from a witness that is subpoenaed, even though that should be through a discovery process. Even our rules are so limiting in our committee that we could not undertake an investigation of this scope.

This is a massive undertaking. To me, it would be suggesting, for instance, that if there was an Iran-Contra Commission, somehow or other the appointment of that Iran-Contra Commission—there was a special committee of the Congress. Was that an abdication of the work of the existing committee? I don't think so. It fit a special need at that time. Each of the committees from which that special committee was drawn didn't have the resources to do it on their own. So each of these are designed for a purpose.

I don't know why there would be objection. The reason for the length of time that the amendment takes is twofold: One is that this is a major investigation that will take a lot of time because its scope is huge. Secondly, we want to take it out of politics. I think the sponsors will speak to this, and perhaps already have. This should not be something where there is going to be a report in the middle of a Presidential campaign. It ought to end after that campaign is over. I think they provide for interim reporting, as I remember, in January after the Presidential campaign.

So I hope there will be bipartisan support. It is not a political effort. The report comes after the Presidential campaign. There is no practical way that our committee has the resources to undertake the travel and the responsibility and the scope of this. This is huge. There has never been this degree of waste that I know of in American history. I know enough about this already from our one hearing, on one matter, involving one contractor, involving the scope of a contract that we touched literally with the tail of an elephant or donkey. It is massive.

I plead with the former chairman here, who knows exactly the responsibilities of our committee, who knows more than anyone in this body what responsibilities our committee has, that there is no practical way, given our bill that comes up every year, given our nominations process with which the Senator is fully familiar—we have four nominations that we have to hear tomorrow. We have dozens of nominations each year. On top of all of that, we have oversight, which we try to do in a number of areas. We had oversight on the Boeing contract. That was one contract that took a significant amount of time. We did some major good. I don't know the magnitude, but if you look at the Boeing contract, for instance, this contracting abuse scandal has to be a multiple of 10 to 100 times that one investigation. I plead with my friend to support this as the only practical way to get our hands around this situation.

Mr. WARNER. Mr. President, I know our chairman has another engagement. We will return to this debate. This thing really poses, in my judgment, new ground for the committee, to outsource this much responsibility of oversight. At this point, I will yield the floor. I see our colleague seeking recognition.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, if I may address the question of the Senator from Virginia briefly, I think it is important to keep this in context.

First, the Senator from Virginia worries that the Armed Services Committee was giving up jurisdiction in order to form this Commission. I think it is important to remember that this mess is not just the jurisdiction of the Armed Services Committee. This mess is also the jurisdiction of the Foreign Relations Committee. It is also the jurisdiction of the Homeland Security and Governmental Affairs Committee. In fact, an argument can be made that this is the modern-day Truman Committee, and the chairman of that committee is none other than Senator LEVIN, who chairs the Special Permanent Subcommittee on Investigations.

One could make the argument that the State Department should be answering to Foreign Relations for the messes in contracting in terms of reconstruction. One could argue that the active military should be answering to Armed Services. Government Affairs should be looking at the whole mess. The bottom line is that this Commission does two important things: First, it gets above all of the agencies to bring all of the problems to one place, so we don't have the turf fights over which committee has jurisdiction over this particular problem that we have encountered like never before. As the Senator from Michigan, chairman of the committee, said, we have never had this kind of problem before in terms of an armed conflict.

The other thing to remember is that, unlike those committees, this is bipartisan. This Commission is four Democrats and four Republicans. It is not a commission where one party is going to take precedence over the other party. We have a representative of the President and the Secretary of Defense on this Commission. So the bipartisan nature allows us to get above this knee-jerk reaction we have around here that if they are for it, we are against it; and if they are against it, we are for it. This is way too important to engage in that.

Finally, in terms of time period, this has a set time; it is only 2 years. The first report is due after the Presidential election in January 2009—the first interim report. Next year, when the capping report is presented to us, they can give it to this Commission, and they can look it over. Stuart Bowen is onboard with this. We discussed it at length, and he thinks this is a great way to move forward and get this above each individual committee and above some of the partisanship. Frankly, we have engaged in it. We are not without sin here. My party has engaged in partisanship over this. I understand that it may feel that this is an effort to engage in partisanship. That is why we went out of our way to say it is going to be bipartisan in nature, limited in time, getting above the various committees that have jurisdiction here because of the State Department's involvement, DOD's involvement, and the involvement of the Homeland Security and Governmental Affairs Committee—three different committees, including the Permanent Subcommittee on Investigations. The first interim report is due January 2009. The final report must be presented by January 2010. This is a 2-year period of time to work and collaborate.

By the way, I tried to count up—and I am sure the Senator from Virginia is aware of this—how many people we have working in the Department of Defense in auditing and auditing-related activities. There are 20,000 people. Now, if you think about that in the context of what has gone on, you realize we need some help. How do we have 20,000 people in contracting and auditing and related investigative activities in the DOD and have the kind of runaway abuse that we have had.

By the way, in talking to the generals in Iraq who are involved, they were focused on their mission. I have no ill will toward these commanders who were trying to get a job done in terms of a military context. That is why we need this Commission, to give the military clear guidance, along with the State Department, of how we fix this systemically. What kind of training do we need to do? These detailees within these various areas given the contract oversight responsibility, the CORs, are not trained right now. They don't have the core competency in terms of contract monitoring that we must have under these conditions where we are contracting at an unprecedented level. If you look at the modifications we have made, where we have actually said we are not ever going to allow this Commission, in terms of members leaving, to get to anything other than a four-four, we are never going to have a situation where it is not completely bipartisan and where they are not going to focus with expertise on ways they can guide our committee and guide the committee I serve on, Homeland Security and Governmental Affairs and guide the Foreign Relations Committee in making sure we help the State Department and Department of Defense and any other Government agencies involved, including inspector general agencies and other auditing agencies. Frankly, GAO does a lot of this work for Congress, and we take their reports.

I think that in light of what has occurred and the scope of this beyond the jurisdiction of any one committee, 2 years is a reasonable finite time to come with concrete, meaningful suggestions that get us above this partisan rancor over the conflict in Iraq and using it as a political football that we have a tendency to throw around here with some frequency.

The Senator's leadership on this particular issue is so key to us having success with this amendment. I ask the Senator to take some time to look at it. I will be happy to visit with him about the conversation I had with Stewart Bowen about the valid approach we are making that I think will bring about some of the same positive results that were brought about in the past, whether it was the 9/11 Commission, the Baker-Hamilton Commission or the other commissions the Senator from Michigan referenced that the Senator has been involved with and party to in terms of wanting outside eyes at some point to help us get beyond some of the stuff that goes on that we cannot help.

I think it is tremendously important, and I implore the Senator from Virginia to take a look at it again and see if we haven't done the things that will reassure him this will be an augmentation of the Armed Services Committee's work instead of an abdication of their responsibility.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Missouri. I must say, having been on this Armed Services Committee now 29 years with my good friend, Senator LEVIN, we "old bulls," as we are referred to, are very much impressed with our new member, her vigor, her foresight, her determination to get things done. She has stirred us up in a very constructive way, I might say.

As to this measure, this will require a little more study on this side. But I am concerned with the fundamental proposition that we are abdicating the duties of the committee, but we are not quite there yet in this debate to try to reach some final determinations.

An interesting observation: 20,000 individuals, and probably that is correct. They are scattered not just in Washington but all across America in military departments. The Department of the Army has its procurement center outside the Nation's Capital.

In a sense, as the chairman said and I think the Senator from Missouri has said, the enormity of the problem out there—is the Senator suggesting that the enormity of that problem is a consequence of this 20,000 or so not performing their duties as prescribed?

Mrs. MCCASKILL. I believe that what happened was in an unprecedented fashion, we engaged in contracting—I know the Senator is a student of history, and if he looks back at the history of the Seabees and where the Seabees came from in terms of the idea that you are going to put people in the middle of a conflict who are not military personnel, in terms of doing ancillary activities apart from the direct military mission, it is unprecedented what we have done in this conflict in terms of the contracting.

I don't think the active military was prepared for this kind of scope in terms of the types of contracts that were entered into, many of them not definitized, many of them not with the kind of oversight that one would expect for contracts that run into $15 billion, $20 billion per contract, in some instances. I think this was a matter of we need it now, we don't have the end strength to get everything done we need to get done; if we contract it, it is going to be cheaper in terms of legacy costs to get a worker to peel potatoes than to recruit a soldier to peel potatoes or to cook.

I understand that was done long term because it had the potential for efficiencies, it had a potential to preserve our ground strength for the military mission and to allow us to not incur the legacy costs of another member of the active military.

In reality, because they were not prepared in terms of their systems for this level of contracting and oversight, bad things happened—very bad things happened.

If we are going to continue to contract at this level, why not at this fork in the road embark upon a limited 2-year exercise in a nonpartisan way to get concrete suggestions with expertise and not creating a new bureaucracy, because they can access those 20,000 people, they can access the Army auditor, they can access the contracting agency within the Army, they can access all the inspectors general, they can access all the acquisition and procurement specialists. They can access that information, bring it together for the State Department and for DOD and say: If moving forward we are going to continue to contract at this level—and let's be honest, I think we are—then these are things we need to be doing.

If the military could do this on its own, we wouldn't have the "lessons learned" book in Bosnia not even getting to the people in Iraq until after they entered into most of these contracts. We remember the testimony from David Walker. He talked about the fact that even though they had drawn up the book and said these are all the mistakes we made in Bosnia, guess what. They forgot to look at the book before they began down the very same road in the Iraq conflict. That is what I want to prevent in the future.

This is about looking forward and not about looking back. This is about figuring out a way forward that we can responsibly contract in a way that protects our military and the strength of our military, and, boy, would I like the help of the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator for her analysis. As I read this, they can look backward, forward, sidewise, any way they wish and have one of the strongest powers Congress can confer on any commission—subpoena power—compelling persons against their wishes to come before that committee, take an oath, and provide testimony. That is something that Congress should consider very carefully before it confers that on—for the moment we know not who will be on this commission.

As I say, we will require further deliberation. But I do point out that the Senator talked about the uniform side. Much of the military procurement system is performed by very able career civilians. From time to time, military officers are detailed as a part of their career and otherwise to work with those civilians. But I feel the Senator is putting on report an awful lot of people with a broad brush. I want to think about that. Having had the privilege of serving with those people in the Department of Defense—perhaps not the ones who are there now but many. I think at the time I was Secretary of the Navy, I had 700,000 to 800,000 civilians in the Department of the Navy. They are very conscientious people. I acknowledge there have been a lot of unfortunate things in the rush to do what we felt was necessary with respect to Iraq and, to a lesser degree but nevertheless to a degree, Afghanistan.

Haste makes waste is the old adage. For the moment, I have thoroughly been informed by the views of the Senator, and I hope to continue to have a dialog with the Senator as this matter is now before the full Senate.

I yield the floor.

Mrs. McCASKILL. Mr. President, I thank the distinguished Senator from Virginia. I don't want to overemphasize his support, but there are few people around here who can get us past partisanship. I have noticed in my short time in the Senate he is one of the chosen ones. He can get us past that partisanship sometimes.

I am very hopeful and remain optimistic that I can convince the Senator from Virginia this is a measured and appropriate way to provide some accountability to all those men and women to whom he referred who are trying to do the right thing. We have not figured this out yet, and I think we have to try something different to see if we can figure it out.

I yield the floor.

Mr. WARNER. I thank my distinguished colleague from Missouri, the State in which my mother was born.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise to speak about two matters, but I wish to, first of all, associate myself with the remarks by my distinguished colleague from the State of Missouri. Our first-year class of Senators has worked hard on a lot of issues. She and our colleague from Virginia, Mr. WEBB, have worked hard on this issue. I appreciate her comments today, as well as the enlightening exchange and as well as Senator LEVIN's comments.

AMENDMENT NO. 2196

Mr. President, I rise to speak first about amendment No. 2196 pertaining to the National Drug Intelligence Center which is located in Johnstown, PA, in southwestern Pennsylvania. This center was created in 1993 and provides Federal, State, and local law enforcement and national security agencies with crucial information about the structure, membership, finances, communications, and activities of drug-trafficking organizations.

While a number of Federal agencies play different roles in combating illegal drug use and distribution, the National Drug Intelligence Center, which some know as NDIC, performs a unique role by providing independent information about drug use to other Federal, State, and local agencies.

This center produces an annual national drug assessment report which is the principal report by which Federal policymakers evaluate trends in drug use and the overall drug threat faced by this Nation. Given the role drug trafficking plays in financing international terrorism, information compiled by the NDIC about drug distribution plays an important role in combating terrorism worldwide.

Much has been made about the fact that the NDIC is located in Johnstown, PA. Let me speak for a few moments about the benefits of locating outside Washington.

All the answers to our Nation's problems do not reside here. Sometimes there are a lot of good answers outside Washington. To some, that may be a news bulletin.

First, the Johnstown location translates into reduced overhead and lower administrative costs.

Second, being outside the beltway allows for greater coordination with State and local law enforcement. The work done by NDIC does not have to be conducted in Washington and, I would argue, the Johnstown location offers greater cost savings for the Federal Government.

This amendment comes at an interesting time where recently—yesterday, actually—the Drug Enforcement Agency, DEA, announced that this center, in particular, played key roles in an international case targeting the global underground trade of anabolic steroids, human growth hormone, and insulin growth factors, in addition to some other information. The investigation included significant enforcement of illicit underground trafficking of ancillary and counterfeit medications.

The investigation represents the largest steroid enforcement action in U.S. history, and it took place in conjunction with enforcement operations in nine countries worldwide.

The information provided by this center in Johnstown, PA, played an important role in this investigation.

I also wish to add my own feelings with regard to this particular center in Johnstown, PA. I am very proud of the people in Johnstown, PA. They share a heritage of hard work and sacrifice, they have overcome a lot, and they have a tremendous work ethic. Any investment in a city such as Johnstown, PA, is a prudent investment, not just because of economic activity but principally, and most importantly, the important work this center provides for law enforcement.

If we want to do comparisons with other places around the country, I am sure that will be constructive. I rise to speak against this amendment and urge my colleagues to vote against it and also to highlight the value of having this center in the State of Pennsylvania for our Nation.

AMENDMENT NO. 3035

I wish to change subjects. I have a second set of remarks which I wish to take the time to deliver.

We are contemplating voting on legislation that pertains to hate crimes. The Hate Crimes Prevention Act at long last may be voted on in the Senate. There are a lot of reasons for me to stand up not only as a supporter of this legislation but a cosponsor; one of, at last count, 43 bipartisan cosponsors. In the other body, there are more than 170, I am told.

This act is simple but profoundly important. First of all, the Hate Crimes Prevention Act will strengthen—strengthen law enforcement's ability to crack down on these kinds of crimes by providing grants to local and State agencies to fight the particular evil that resides in the hearts of those who want to commit crimes based upon this kind of motivation—a motivation of hate, pure and simple. Secondly, in terms of the mechanics of how this will work, this legislation will help the Department of Justice work with local and State law enforcement agencies to assist in the prosecution of these crimes.

But beyond the program and beyond the details of a government program lie some very personal stories. One story that all of America knows, but we need to be reminded sometimes about these stories, is one we saw play out in the 1990s.

His name was Matthew Shepard. He was born on December 1, 1976, to Judy and Dennis Shepard in Casper, WY. He went to the University of Wyoming and had a great interest in politics and a great interest in the environment. In October of 1998, two men tied him to a split rail fence, tortured and beat him, and left him to die in freezing temperatures. He was found 18 hours later, and he died several days later in October of 1998 at the age of 21.

I had the opportunity in September 2005 to meet Matthew Shepard's mother. We had a private meeting where she expressed her deep concern about this crime we see play out across the country. She, obviously, will probably never fully recover from the loss of her son and the way he died, but when I rise to speak about this, I think we have to consider who speaks for that mother if the Senate doesn't stand up and speak with one voice on an issue such as this.

This is about combating hate, hate in the hearts of men and women across this country. We talk all the time about people from other parts of the world and how evil they can be, especially the terrorists, but there are examples in our country of real hate. If we do not stamp them out and prosecute vigorously these kinds of crimes, we cannot fully appreciate nor can we fully expect others to appreciate the feeling in our hearts about making sure we treat people with dignity, with respect, and acceptance, but that we do it in the spirit of brotherhood and sisterhood.

When such a crime as this happens, I would hope the Senate would do everything possible to fully and vigorously prosecute and sanction anyone who engages in this activity. This legislation, the Hate Crimes Prevention Act, is one important step to achieving that goal, and I speak in support of that legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, would the Senator from Pennsylvania mind answering a couple of questions before he leaves?

No. 1, I would note, just on the hate crimes legislation, that the perpetrators of the heinous crimes against Matthew Shepard had full justice carried out against them. That is true, is it not?

Mr. CASEY. Well, there are a lot of ways to prosecute someone.

Mr. COBURN. Were they prosecuted, I guess, and did they receive significant punishment?

Mr. CASEY. Let me finish my thought. There are a lot of ways to prosecute a crime like that. But when you have legislation that is supported broadly across the country, including by law enforcement agencies, district attorneys, and police organizations across the country, I rely upon their judgment when it comes to what are the tools we need for law enforcement.

AMENDMENT NO. 2196

Mr. COBURN. The second question—and I want to make sure you understand as the author of this that it doesn't say anything about Johnstown, PA, which has great folks. This amendment isn't about the people of Johnstown, PA, and what they can offer. They offer great things to our country, and it is not meant to degrade or delineate anything other than the utmost respect for them.

What this amendment is about is, are we getting the value for what we are spending? And all you have to do is look at what the Department of Justice says, which is running this program, and what the DEA says, and what every other intelligence-run enforcement center is saying: that, in fact, there is not added value for the dollars that are spent there, and anything that is a positive contribution could be more effectively utilized at some other center.

So it is not about the people of Pennsylvania and it is not about who did it or whether we all shouldn't try to get a Federal facility to help areas that are economically depressed across the country. That is not a bad idea. There is nothing wrong with that. The purpose of this amendment is to delineate that there is not good value for the half a billion dollars we have already spent and that taxpayers could get more value out of less money if, in fact, we did what the professionals and everyone else has said, including former directors of that center.

Mr. CASEY. Let me just respond to my colleague, the distinguished Senator from Oklahoma, who has been on this floor for many years holding public agencies accountable, and we appreciate that and I share that concern. I only raised the question about Johnstown, I guess, because as a Senator from Pennsylvania, I want to make sure we are fighting for an important community. I am not saying that is the intent of the legislation. I just wanted to reiterate how much I appreciate the work ethic of that community.

Every program that is funded with taxpayer dollars has to be accountable, and I appreciate that. We have an opportunity on this floor to debate programs where we spend significant sums of public dollars. When I was in State government, as Senator COBURN knows, my job for the better part of a decade was to do just that, and it is close to my heart, the kind of accountability I know the Senator is concerned about. But I would hope, in pursuing that, we don't unjustifiably have an impact on a facility that is providing a great benefit for law enforcement well beyond Pennsylvania and, secondly, that we work to be equitable about it. I know that is the intent, but I think we have an honest disagreement about this particular center.

Mr. COBURN. I thank the Senator for answering my question. I guess my debatable point is the offering of the value, in the judgment of the professionals who are running all of the Department, including the Department of Justice and the DEA, which says it doesn't measure up. That is my point. That is why I brought the amendment. It doesn't denigrate the work of the people there.

The fact is, if we are really going to continue to send $30 million to $40 million a year, let's find them something that will give us better value. If we choose not to support this amendment, let's give them direction so that the $30 million or $40 million we do invest actually brings us something that is worth $30 million or $40 million.

And it is not the employees there who are at fault. In fact, the direction and the mission has been one that hasn't been accomplished because it wasn't needed in the first place.

Mr. CASEY. Quickly, by way of a response, I have to say that when I was the auditor general of Pennsylvania, our office authored lots of reports about waste, fraud, and abuse and about problems in spending. What we tried to do as well was not just point out where the problems were but also to point out and to list, actually in reports, a series of recommendations and corrective actions.

I think there is ample reason in a lot of public programs to make changes and to have corrective action. I don't think that always should result in the defunding or the elimination of an entire program. But we might have a disagreement on this issue, and I respectfully submit that.

Mr. COBURN. I thank the Senator for his words and his courtesy in answering my questions.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Montana.

AMENDMENT NO. 2999

Mr. TESTER. Mr. President, I am proud to join with my Democratic colleagues in the freshmen class who are offering amendment No. 2999 today. I wish to give my thanks in particular to Senator McCASKILL, Senator WEBB, as well as the other six freshmen Senators in the Democratic caucus in offering this amendment that deals with accountability as it applies to contracting in Iraq and Afghanistan.

The nine of us were elected last fall in large measure because the people in this country were tired of the war in Iraq and tired of a lack of accountability for how our tax dollars have been spent in the wars in Iraq and Afghanistan. The fact is, people in Montana and around the country work way too hard to have their tax dollars stolen from them by people who think they can take advantage of an environment where there is little or no oversight or accountability. This amendment will bring some much needed accountability in the way our tax dollars are spent in Iraq and Afghanistan, and we will do it in a way that takes this issue out of the political spotlight.

This amendment will establish a bipartisan commission to review the contracts we have entered into in fighting the wars in Iraq and Afghanistan. The Commission will be outside of Congress and will be outside of the Bush administration. The amendment will also direct this new Commission to review the way new contracts are awarded and overseen. This will give us a chance to prevent future waste, fraud, and abuse.

The Commission will work in consultation with the Special Inspector General for Iraq Reconstruction, which currently oversees only reconstruction contracts in Iraq, to review and investigate logistics, security, and intelligence work that has been contracted out by the Defense Department.

According to the nonpartisan Government Accountability Office, we have squandered $10 billion in Iraq reconstruction funds due to contract overcharges and unsupported expenses. That means 1 out of every 6 reconstruction dollars spent in Iraq is not accounted for, and only now, after 5 years of war in Iraq, the Army is looking back at nearly $100 million in contracts to determine how these funds have been spent.

I think it is important for folks to understand we are not coming at this with the idea that every contract is a bad one. There are many contractors who are doing a good job and who are being responsible with our tax dollars. But there are others who are not. At a time when we are struggling to win the hearts and minds of the Iraqi and Afghani people, those who are deliberately overeating at the taxpayer trough, while our troops are fighting and dying in Iraq, are nothing short of treasonous.

Many Americans have questioned how their tax dollars are being spent in Iraq and Afghanistan. They have wondered why it is that there are more contractors than troops in Iraq. They have wondered why some companies are enjoying record profits even though so many projects remain incomplete. For too long, the answer from the Government has been a deafening silence. This amendment is a long-overdue response to the cries for accountability and transparency in our contracting process. It should not be and is not a partisan issue. It is about good government. I urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me concur with my colleague, Senator TESTER, in support of the amendment being offered by Senators WEBB and McCASKILL and which Senator LEVIN also spoke on a little earlier, and that is the need for us to have this independent Commission look at what has happened in Iraq as far as the U.S. taxpayer dollars. I am proud that our new Members of the Senate have made this a priority. I think it is important that the taxpayers have confidence that the money we appropriate will be spent appropriately, and that has not been the case in the reconstruction of Iraq.

AMENDMENT NO. 3035

I also take the floor to speak about an amendment offered by Senator KENNEDY that will be voted on later. I spoke last week about hate crimes in America, and I talked about what is happening in our own communities. I spoke about an episode in College Park, MD, and we are all familiar with what happened in Jena, LA. The FBI has indicated that the number of hate crimes reported is unacceptably high in all communities in America today.

Today, we are going to have an opportunity to do something about that. We are going to have an opportunity to support S. 1105, the Matthew Shepard Act. I am proud to be a cosponsor of that bill, and I thank the senior Senator from Massachusetts, Mr. KENNEDY, for bringing forward this issue. We will have a chance on this very important bill to speak about the moral commitment of our own country and what we stand for as a nation. This is an issue which we need to deal with because it speaks to what type of people we are in this country, that we will not tolerate hate crime activities.

This legislation gives the Department of Justice jurisdiction over violent crimes where a perpetrator picks the victim on the basis of race, color, national origin, gender, sexual orientation, gender identity, or disability.

Now, why do we give the Department of Justice jurisdiction in these areas? Well, we all know, first, that it will make it clear this is a national priority. Secondly, the Department of Justice is in a far better position, in many cases, than local law enforcement working by itself to successfully complete an investigation.

This legislation gives additional tools to local law enforcement so they can get their job done. It gives them training dollars. It gives them other resources and assistance so that, in many cases, they can get the type of information necessary to pursue these cases successfully.

It is what is needed in partnership with local government. But there are some States that are unable or unwilling to move forward with hate crime activities. Only 31 States and the District of Columbia include sexual orientation or disability as a basis for hate crimes prosecution. So we have voids in the Nation and this gives us an opportunity to move forward.

This legislation is bipartisan. We have had support from both sides of the aisle to make it clear that in America we will not tolerate hate crimes activities. It strengthens the current law. It removes the limitation in the current law, the Federal law, that says you only can move forward if it would involve a protected activity such as voting or attending school. That restriction is removed, so that we have more opportunities for the Federal Government to be of assistance in prosecuting hate crime activities. As I have indicated before, it includes sexual orientation, gender, gender identity or disability as categories of hate crime activities.

I am very pleased it has broad support from many organizations and groups around the Nation, including the Federal Law Enforcement Officers Association, the International Association of Chiefs of Police, the National District Attorneys Association, and the National Sheriffs' Association. It also enjoys support from civil rights groups including the Anti-Defamation League, Human Rights Campaign, Leadership Conference on Civil Rights, and the National Association for the Advancement of Colored People. The U.S. Conference of Mayors also supports this legislation. It is also supported by the Consortium for Citizens with Disabilities, including the Maryland Disability Law Center.

There is a broad group that supports this legislation because they know it is needed. They know we need to do a better job, and they know it is time for this Congress to act. Hate crimes are un-American. When they happen, we are all diminished and we have a responsibility to do something about it. It is time for the Senate to act.

I thank Senator KENNEDY for bringing this forward. I urge my colleagues to support it. The House has already taken similar action. It is time this legislation be submitted to the President.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. McCASKILL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3016, 3010, 3043, 3009, AS MODIFIED; 3046, 3008, AS MODIFIED; 3006, AS MODIFIED; 2251, AND 2172 EN BLOC

Mrs. McCASKILL. I send a series of amendments to the desk which have been cleared by Chairman LEVIN and the ranking member. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to and the motions to reconsider be laid upon the table. Finally, I ask that any statements relating to these individual amendments be printed in the RECORD.

Mr. WARNER. No objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 3016

(Purpose: To require a report on the solid rocket motor industrial base)

At the end of title X, add the following:

SEC. 1070. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) REPORT.—Not later than 190 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status, capability, viability, and capacity of the solid rocket motor industrial base in the United States.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the ability to maintain the Minuteman III intercontinental ballistic missile through its planned operational life.

(2) An assessment of the ability to maintain the Trident II D–5 submarine launched ballistic missile through its planned operational life.

(3) An assessment of the ability to maintain all other space launch, missile defense, and other vehicles with solid rocket motors, through their planned operational lifetimes.

(4) An assessment of the ability to support any future requirements for vehicles with solid rocket motors to support space launch, missile defense, or any range of ballistic missiles determined to be necessary to meet defense needs or other requirements of the United States Government.

(5) An assessment of the required materials, the supplier base, the production facilities, and the production workforce needed to ensure that current and future requirements could be met.

(6) An assessment of the adequacy of the current and anticipated programs to support an industrial base that would be needed to support the range of future requirements.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after submittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General's assessment of the matters contained in the report under subsection (a), including an assessment of the consistency of the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1105 of title 31, United States Code, with the matters contained in the report under subsection (a).

AMENDMENT NO. 3010

(Purpose: To require a report on the size and mix of the Air Force intertheater airlift force)

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and planned capabilities and costs of the C–5 aircraft and C–17 aircraft fleets.

(2) CONDUCT OF STUDY.—

(A) USE OF FFRDC.—The Secretary shall select to conduct the study required by subsection (a) a federally funded research and development center (FFRDC) that has experience and expertise in conducting studies similar to the study required by subsection (a).

(B) DEVELOPMENT OF STUDY METHODOLOGY.—Not later than 90 days after the date of enactment of this Act, the federally funded research and development center selected for the conduct of the study shall—

(i) develop the methodology for the study; and

(ii) submit the methodology to the Comptroller General of the United States for review.

(C) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after receipt of the methodology under subparagraph (B), the Comptroller General shall—

(i) review the methodology for purposes of identifying any flaws or weaknesses in the methodology; and

(ii) submit to the federally funded research and development center a report that—

(I) sets forth any flaws or weaknesses in the methodology identified by the Comptroller General in the review; and

(II) makes any recommendations the Comptroller General considers advisable for improvements to the methodology.

(D) MODIFICATION OF METHODOLOGY.—Not later than 30 days after receipt of the report under subparagraph (C), the federally funded research and development center shall—

(i) modify the methodology in order to address flaws or weaknesses identified by the Comptroller General in the report and to improve the methodology in accordance with the recommendations, if any, made by the Comptroller General; and

(ii) submit to the congressional defense committees a report that—

(I) describes the modifications of the methodology made by the federally funded research and development center; and

(II) if the federally funded research and development center does not improve the methodology in accordance with any particular recommendation of the Comptroller General, sets forth a description and explanation of the reasons for such action.

(3) UTILIZATION OF OTHER STUDIES.—The study shall build upon the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intratheater Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C–5A aircraft configured as part of the Reliability Enhancement and Re-engining Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411).

(b) ELEMENTS.—The study under subsection (a) shall address the following:

(1) The state of the current intertheater airlift fleet of the Air Force, including the extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other ongoing operations is affecting the aging of the aircraft of that fleet.

(2) The adequacy of the current intertheater airlift force, including whether or not the current target number of 301 airframes for the Air Force heavy lift aircraft fleet will be sufficient to support future expeditionary combat and non-combat missions as well as domestic and training mission demands consistent with the requirements of the National Military Strategy.

(3) The optimal mix of C–5 aircraft and C–17 aircraft for the intertheater airlift fleet of the Air Force, and any appropriate mix of C–5 aircraft and C–17 aircraft for intratheater airlift missions, including an assessment of the following:

(A) The cost advantages and disadvantages of modernizing the C–5 aircraft fleet when compared with procuring new C–17 aircraft, which assessment shall be performed in concert with the Cost Analysis Improvement Group and be based on program life cycle cost estimates for the respective aircraft.

(B) The military capability of the C–5 aircraft and the C–17 aircraft, including number of lifetime flight hours, cargo and passenger carrying capabilities, and mission capable rates for such airframes. In the case of assumptions for the C–5 aircraft, and any assumptions made for the mission capable rates of the C–17 aircraft, sensitivity analyses shall also be conducted to test assumptions. The military capability study for the C–5 aircraft shall also include an assessment of the mission capable rates after each of the following:

(i) Successful completion of the Avionics Modernization Program (AMP) and the Reliability Enhancement and Re-engining Program (RERP).

(ii) Partially successful completion of the Avionics Modernization Program and the Reliability Enhancement and Re-engining Program, with partially successful completion of either such program being considered the point at which the continued execution of such program is no longer supported by cost-benefit analysis.

(C) The tactical capabilities of strategic airlift aircraft, the potential increase in use of strategic airlift aircraft for tactical missions, and the value of such capabilities to tactical operations.

(D) The value of having more than one type of aircraft in the strategic airlift fleet, and the potential need to pursue a replacement aircraft for the C–5 aircraft that is larger than the C–17 aircraft.

(4) The means by which the Air Force was able to restart the production line for the C–5 aircraft after having closed the line for several years, and the actions to be taken to ensure the production line for the C–17 aircraft could be restarted if necessary, including—

(A) an analysis of the costs of closing and re-opening the production line for the C–5 aircraft; and

(B) an assessment of the costs of closing and re-opening the production line for the C–17 aircraft on a similar basis.

(5) The financial effects of retiring, upgrading and maintaining, or continuing current operations of the C–5A aircraft fleet on procurement decisions relating to the C–17 aircraft.

(6) The impact that increasing the role and use of strategic airlift aircraft in intratheater operations will have on the current target number for strategic airlift aircraft of 301 airframes, including an analysis of the following:

(A) The appropriateness of using C–5 aircraft and C–17 aircraft for intratheater missions, as well as the efficacy of these aircraft to perform current and projected future intratheater missions.

(B) The interplay of existing doctrinal intratheater airlift aircraft (such as the C–130 aircraft and the future Joint Cargo Aircraft (JCA)) with an increasing role for C–5 aircraft and C–17 aircraft in intratheater missions.

(C) The most appropriate and likely missions for C–5 aircraft and C–17 aircraft in intratheater operations and the potential for increased requirements in these mission areas.

(D) Any intratheater mission sets best performed by strategic airlift aircraft as opposed to traditional intratheater airlift aircraft.

(E) Any requirements for increased production or longevity of C–5 aircraft and C–17 aircraft, or for a new strategic airlift aircraft, in light of the matters analyzed under this paragraph.

(7) Taking into consideration all applicable factors, whether or not the replacement of C–5 aircraft with C–17 aircraft on a one-for-one basis will result in the retention of a comparable strategic airlift capability.

(c) CONSTRUCTION.—Nothing in this section shall be construed to exclude from the study under subsection (a) consideration of airlift assets other than the C–5 aircraft or C–17 aircraft that do or may provide intratheater and intertheater airlift, including the potential that such current or future assets may reduce requirements for C–5 aircraft or C-17 aircraft.

(d) COLLABORATION WITH TRANSCOM.—The federally funded research and development center selected under subsection (a) shall conduct the study required by that subsection and make the report required by subsection (e) in concert with the United States Transportation Command.

(e) REPORT BY FFRDC.—

(1) IN GENERAL.—Not later than January 10, 2009, the federally funded research and development center selected under subsection (a) shall submit to the Secretary of Defense, the congressional defense committees, and the Comptroller General of the United States a report on the study required by subsection (a).

(2) REVIEW BY GAO.—Not later than 90 days after receipt of the report under paragraph (1), the Comptroller General shall submit to the congressional defense committee a report on the study conducted under subsection (a) and the report under paragraph (1). The report under this subsection shall include an analysis of the study under subsection (a) and the report under paragraph (1), including an assessment by the Comptroller General of the strengths and weaknesses of the study and report.

(f) REPORT BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report under paragraph 1, 2009, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

(2) ELEMENTS.—The report shall include a comprehensive discussion of the findings of the study, including a particular focus on the following:

(A) A description of lift requirements and operating profiles for intertheater airlift aircraft required to meet the National Military Strategy, including assumptions regarding:

(i) Current and future military combat and support missions.

(ii) The planned force structure growth of the Army and the Marine Corps.

(iii) Potential changes in lift requirements, including the deployment of the Future Combat Systems by the Army.

(iv) New capability in strategic airlift to be provided by the KC(X) aircraft and the expected utilization of such capability, including its use in intratheater lift.

(v) The utilization of the heavy lift aircraft in intratheater combat missions.

(vi) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(vii) Air mobility requirements associated with the Global Rebasing Initiative of the Department of Defense.

(viii) Air mobility requirements in support of peacekeeping and humanitarian missions around the globe.

(ix) Potential changes in lift requirements based on equipment procured for Iraq and Afghanistan.

(B) A description of the assumptions utilized in the study regarding aircraft performances and loading factors.

(C) A comprehensive statement of the data and assumptions utilized in making program life cycle cost estimates.

(D) A comparison of cost and risk associated with optimal mix airlift fleet versus program of record airlift fleet.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 3043

(Purpose: To strengthen the nuclear forensics capabilities of the United States)

On page 530, between lines 10 and 11, insert the following:

SEC. 3126. AGREEMENTS AND REPORTS ON NUCLEAR FORENSICS CAPABILITIES.

(a) INTERNATIONAL AGREEMENTS ON NUCLEAR WEAPONS DATA.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations to conduct data collection and analysis to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon.

(b) INTERNATIONAL AGREEMENTS ON INFORMATION ON RADIOACTIVE MATERIALS.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations—

(1) to acquire for the materials information program of the Department of Energy validated information on the physical characteristics of radioactive material produced, used, or stored at various locations, in order to facilitate the ability to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon; and

(2) to obtain access to information described in paragraph (1) in the event of—

(A) a nuclear detonation; or

(B) the interdiction or discovery of a nuclear device or weapon or nuclear material.

(c) REPORT ON AGREEMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall, in coordination with the Secretary of State, submit to Congress a report identifying—

(1) the countries or international organizations with which the Secretary has sought to make agreements pursuant to subsections (a) and (b);

(2) any countries or international organizations with which such agreements have been finalized and the measures included in such agreements; and

(3) any major obstacles to completing such agreements with other countries and international organizations.

(d) REPORT ON STANDARDS AND CAPABILITIES.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report—

(1) setting forth standards and procedures to be used in determining accurately and in a timely manner any country or group that knowingly or negligently provides to another country or group—

(A) a nuclear device or weapon;

(B) a major component of a nuclear device or weapon; or

(C) fissile material that could be used in a nuclear device or weapon;

(2) assessing the capability of the United States to collect and analyze nuclear material or debris in a manner consistent with the standards and procedures described in paragraph (1); and

(3) including a plan and proposed funding for rectifying any shortfalls in the nuclear forensics capabilities of the United States by September 30, 2010.

AMENDMENT NO. 3009, AS MODIFIED

At the end of title XXII, add the following:

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452) is amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$147,760,000" in the amount column and inserting "$295,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$972,719,000".

(b) CONFORMING AMENDMENT.—Section 2204 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2107), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453) is amended—(2) in subsection (b)(6), by striking "$95,320,000" and inserting "$259,320,000".

AMENDMENT NO. 3046

(Purpose: To improve and streamline the security clearance process)

After section 1064, insert the following:

SEC. 1065. IMPROVEMENTS IN THE PROCESS FOR THE ISSUANCE OF SECURITY CLEARANCES.

(a) DEMONSTRATION PROJECT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall implement a demonstration project that applies new and innovative approaches to improve the processing of requests for security clearances.

(b) EVALUATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall carry out an evaluation of the process for issuing security clearances and develop a specific plan and schedule for replacing such process with an improved process.

(c) REPORT.—Not later than 30 days after the date of the completion of the evaluation required by subsection (b), the Secretary of Defense and the Director of National Intelligence shall submit to Congress a report on—

(1) the results of the demonstration project carried out pursuant to subsection (a);

(2) the results of the evaluation carried out under subsection (b); and

(3) the specific plan and schedule for replacing the existing process for issuing security clearances with an improved process.

AMENDMENT NO. 3008, AS MODIFIED

On page 445, in the table preceding line 1, in the item relating to Naval Station, Bremerton, Washington, strike "$119,760,000" and insert "$190,960,000".

On page 447, line 5, strike "Funds" and insert "(a) AUTHORIZATION OF APPROPRIATIONS.—Funds".

On page 449, between lines 16 and 17, insert the following:

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $71,200,000 (the balance of the amount authorized under section 2201(a) for a nuclear aircraft carrier maintenance pier at Naval Station Bremerton, Washington).

AMENDMENT NO. 3006, AS MODIFIED

At the end of subtitle E of title XXVIII, add the following:

SEC. 2854. TRANSFER OF JURISDICTION, FORMER NIKE MISSILE SITE, GROSSE ILE, MICHIGAN.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is hereby transferred from the Administrator of the Environmental Protection Agency to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the former Nike missile site, consisting of approximately 50 acres located at the southern end of Grosse Ile, Michigan, as depicted on the map entitled "07–CE" on file with the Environmental Protection Agency and dated May 16, 1984.

(c) ADMINISTRATION OF PROPERTY.—Subject to subsection (d), the Secretary of the Interior shall administer the property described in subsection (b)—

(1) acting through the United States Fish and Wildlife Service;

(2) as part of the Detroit River International Wildlife Refuge; and

(3) for use as a habitat for fish and wildlife and as a recreational property for outdoor education and environmental appreciation.

(d) MANAGEMENT RESPONSE.—The Secretary of Defense shall manage and carry out environmental response activities with respect to the property described in subsection (b) as expeditiously as possible, consistent with the Department's prioritization of Formerly Used Defense Sites based on risk and the requirements of the Comprehensive Environmental Response, Compensation, and Liabiity Act of 1980 and the Solid Waste Disposal Act, using amounts made available from the account established by section 2703(a)(5) of title 10, United States Code.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

AMENDMENT NO. 2251

(Purpose: To provide justice for victims of state-sponsored terrorism)

At the appropriate place, insert the following:

SEC. ___. JUSTICE FOR MARINES AND OTHER VICTIMS OF STATE-SPONSORED TERRORISM ACT.

(a) SHORT TITLE.—This section may be cited as the "Justice for Marines and Other Victims of State-Sponsored Terrorism Act".

(b) TERRORISM EXCEPTION TO IMMUNITY.—

(1) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

"§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

"(a) IN GENERAL.—

"(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

"(2) CLAIM HEARD.—The court shall hear a claim under this section if—

"(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

"(B) the claimant or the victim was—

"(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or

"(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

"(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

"(b) DEFINITION.—For purposes of this section—

"(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

"(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

"(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

"(c) TIME LIMIT.—An action may be brought under this section if the action is commenced not later than the latter of—

"(1) 10 years after April 24, 1996; or

"(2) 10 years from the date on which the cause of action arose.

"(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the

United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

"(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

"(f) SPECIAL MASTERS.—

"(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

"(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

"(g) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

"(h) PROPERTY DISPOSITION.—

"(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

"(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

"(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.".

(2) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

"1605A. Terrorism exception to the jurisdictional immunity of a foreign state.".

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

"(g) PROPERTY IN CERTAIN ACTIONS.—

"(1) IN GENERAL.—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

"(A) the level of economic control over the property by the government of the foreign state;

"(B) whether the profits of the property go to that government;

"(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

"(D) whether that government is the sole beneficiary in interest of the property; or

"(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

"(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.".

(2) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking "December 21, 1988, with respect to which an investigation or" and inserting "October 23, 1983, with respect to which an investigation or civil or criminal".

(3) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting "or" after the semicolon;

(ii) in paragraph (6)(D), by striking "; or" and inserting a period; and

(iii) by striking paragraph (7); and

(B) by striking subsections (e) and (f).

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this section.

(2) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104-208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

AMENDMENT NO. 2172

(Purpose: To modify limitations on the retirement of B-52 bomber aircraft)

At the end of subtitle D of title I, add the following:

SEC. 143. MODIFICATION OF LIMITATIONS ON RETIREMENT OF B-52 BOMBER AIRCRAFT.

(a) MAINTENANCE OF PRIMARY AND BACKUP INVENTORY OF AIRCRAFT.—Subsection (a)(1) of section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2111) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph (C):

"(C) shall maintain in a common configuration a primary aircraft inventory of not less than 63 such aircraft and a backup aircraft inventory of not less than 11 such aircraft.".

(b) NOTICE OF RETIREMENT.—Subsection (b)(1) of such section is amended by striking "45 days" and inserting "60 days".

Mr. WARNER. That was a group of how many amendments?

Mrs. McCASKILL. Nine.

Mr. WARNER. We are making progress on this bill, but I strongly urge other colleagues to bring forward their amendments. We have a lot to do on this bill. We are dealing with a bill that is absolutely essential for the men and women of the Armed Forces and their families. We should move along as best we can to complete this important legislation.

I yield the floor.

Mrs. McCASKILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2196

Mr. SPECTER. Mr. President, I have sought recognition to respond to the amendment offered by the Senator from Oklahoma, Mr. COBURN, to eliminate the National Drug Intelligence Center, which is located in Johnstown, PA. That center was created in 1992 and performs a very important function. The National Drug Intelligence Center, commonly referred to as the NDIC, partners with the Department of Homeland Security and the Office of Counternarcotics Enforcement, to provide intelligence, to identify, track, and sever the nexus between drug trafficking and terrorism. The NDIC created an entity called HashKeeper, a company software program which is provided to the Federal Government for use in Iraq. The cost of this center is about one-third of what it would be if it were located in the Washington, DC, area.

I think it makes good sense to decentralize Federal functions to the extent it is possible and practical. Everything does not have to be located in Washington, DC. Everything does not have to be located in a big city. Our country is more vulnerable when everything is concentrated in one area. Johnstown has the advantage of being much less expensive, being able to provide these vital Federal services for about one-third of the cost, while being reasonably close to Washington, DC, which is the location of many of the other entities with which it cooperates.

The jobs which are provided are very substantial for my constituents in Pennsylvania; an obvious interest that I have as a Senator representing the Commonwealth of Pennsylvania. These are several hundred jobs; they are very important. It is a legitimate interest to want to maintain our industrial base in Pennsylvania and to maintain governmental activities in Pennsylvania. But there is good value in having the NDIC function, in general, and there is extra good value in having it function in Johnstown, PA.

The NDIC has been complimented by a broad number of agencies. In a November 21, 2001, letter, the FBI praised the NDIC for its work on financial crimes, saying:

> Through the analysis of these documents, over 400 specific intelligence products have been produced for the FBI, the Department of Justice, the Department of Treasury, and U.S. Attorney's Offices. The work NDIC produces continues to initiate actionable leads and identify avenues of investigation. NDIC has integrated seamlessly with the FBI investigation and has enhanced the way the FBI will investigate future financial cases. The participation of NDIC . . . continues to be invaluable.

In a June 23, 2006, letter, the Drug Enforcement Agency had this to say:

> The Fort Worth Resident Office—

that is of DEA—

> amassed thousands of documents, but was unable to properly exploit the information they contained. The valuable report—

referring to the NDIC report—

> caused several of the principals to negotiate pleas to pending charges. If not for the willingness of the members of NDIC to confront these challenges in a cooperative effort, this investigation would not have reached its current level of success.

There have been many plaudits given to the NDIC by the special agents in charge of FBI offices, such as the FBI agent in charge of the Tampa Field Division, the FBI special agent in charge of the Detroit Field Division, the DEA special agent in charge of the Dallas Field Division, the FBI special agent in charge of the Charlotte Division, and the DEA special agent in charge of the Oklahoma City District Office. This last is ironic, in a sense. In a March 25, 2006, DEA cable, the DEA Oklahoma City District Office had this to say.

> In support of phases one and two, NDIC deployed two teams in Oklahoma, each consisting of one special agent, one computer exploitation and five document exploitation personnel. Actionable intelligence was generated and passed to the appropriate DEA offices. The OKCDO thanks all NDIC personnel—

that is the Oklahoma City District Office thanks all NDIC personnel—

> who planned and participated in this operation. The intelligence and operational knowledge gained was beneficial to OKCDO, and its law enforcement partners. . . .

President, National High Intensity Drug Trafficking Area, HIDTA, Director's Association Executive Board: May 24, 2007, Letter to the Attorney General in support of NDIC:

> NDIC produced thirty-two HIDTA drug market analyses for the HIDTA program. Production of the HIDTA drug market analyses required a full-time effort of twenty-six analysts for extended periods of time working side-by-side with the HIDTA Intelligence Center personnel.
>
> NDIC is a very valuable asset in addressing the nation's drug problem.
>
> This entire effort lead to a valuable working relationship with not only the HIDTAs but federal, state and local drug enforcement entities.

FBI Special Agent in Charge—Tampa Field Division: January 16, 2007, Letter of Appreciation for NDIC assistance.

> The purpose of this letter is to recognize the assistance of the National Drug Intelligence Center's (NDIC) Document and Computer Exploitation Branch for the superb analytical support they provided the Violent Crimes/Gang Squad on an investigation into the Almighty Latin King and Queen Nation.

FBI Special Agent in Charge—Detroit Field Division: December 11, 2006, Letter of Appreciation for NDIC:

> The teamwork displayed in working with investigators from the DEA and the Federal Bureau of Investigation is a true measure of what can be accomplished when agencies work together. NDIC's analysis of the [redacted] Pharmacy evidence assisted in obtaining a sixty-two count indictment . . .

The FBI characterized NDIC's performance as exemplary in this letter.

DEA Special Agent in Charge—Dallas Field Division: June 23, 2006, Letter of Commendation for Document Exploitation support to a major drug investigation:

> The Fort Worth Resident Office (DEA) amassed thousands of documents, but was unable to properly exploit the information they contained. The valuable [NDIC] report listed the seized documents and collated them, which created a valuable tool for Investigators and Prosecutors in this investigation.
>
> In conclusion, this effort caused several of the principals to negotiate pleas to pending charges.
>
> Subsequently, 19 search warrants and over 100 seizure warrants were executed, which resulted in the seizure of approximately $20 million, in assets.
>
> If not for the willingness of the members of NDIC to confront these challenges in a cooperative effort, this investigation would not have reached its current level of success.

FBI Charlotte Division: May 2, 2006, Letter of Commendation for NDIC:

> In February 2006, your staff presented to the North Carolina Law Enforcement Community, the most comprehensive Intelligence Assessment ever conducted within the state of North Carolina relating to gangs. I commend NDIC in exceeding all expectations in providing this valuable assessment.

Executive Office of the President—ONDCP Director: April 17, 2006, Letter of Commendation regarding drug market collection effort:

> I want to express my thanks for NDIC's domestic market collection effort.
>
> I know that this was a serious, time consuming undertaking by your agency, and I truly appreciate the efforts of everyone involved.
>
> Thanks for the hard work.

DEA Oklahoma City District Office: March 25, 2006, DEA cable:

> In support of phases one and two, NDIC deployed two teams to Oklahoma, each consisting of one special agent, one computer exploitation and five document exploitation personnel.
>
> Actionable intelligence was generated and passed to the appropriate DEA offices.
>
> The OKCDO thanks all NDIC personnel who planned and participated in this operation. The intelligence and operational knowledge gained was beneficial to the OKCDO and its law enforcement partners in the state . . .

Executive Office of the President—ONDCP Assistant Deputy Director: March 13, 2006, E-mail of Appreciation for drug market collection effort:

> Please, convey our thanks to your staff for their outstanding job on the ONDCP Market Collection Effort.
>
> Once Again, we greatly appreciate the superb support and please pass on our thanks for a job well done!

U.S. Department of Justice—Assistant Attorney General: March 7, 2006, Letter of Commendation regarding the National Drug Threat Assessment:

> In a letter to the Director of NDIC, the Assistant Attorney General praised NDIC's National Drug Threat Assessment (NDTA) stating:
>
> The NDTA report is extremely helpful to me and prosecutors who are charged with devising new and creative strategies to achieve that goal.
>
> I know that you and your entire staff have put a tremendous amount of work into creating the NDTA. I wanted to let you know that the effort was well worth it.

U.S. Attorney—District of New Mexico: January 18, 2006, Letter of Praise for NDIC:

> I am writing to express my thanks for a job not just well done, but rather for an extraordinary, and in my career, unprecedented collaborative effort to support the federal prosecution of significant drug traffickers and money launders.
>
> Once again, thank you for allowing your amazing staff to dedicate their time, skills and NDIC resources to this important case. The work done in support of this case by NDIC is invaluable . . .

U.S. Department of Treasury—Under Secretary, Office of Terrorism and Financial Intelligence: December 28, 2005, Letter of Appreciation for support in completing the national U.S. Money Laundering Threat Assessment:

> I am very pleased to inform you that the Money Laundering Threat Assessment is complete.
>
> [I]t is thanks to active and substantial contributions by the NDIC and the other participants.
>
> I can't thank you enough for the extraordinary contribution.

Office of Counter Narcotics Enforcement/U.S. Interdiction Coordinator—Acting Director: September 7, 2005, Letter of Appreciation for support to a drug/terror tasking:

> As I am sure you are aware, NDIC is actively supporting the expanded mission of the Office of Counter Narcotics Enforcement (CNE) by aiding us in the response to the new drug/terror nexus (DTX) tasking as assigned to my office in the Intelligence Reform & Terrorism Prevention Act of 2004. I wanted to take this opportunity to let you know how much I appreciate NDIC's support to this office and to our country's overall counterdrug interdiction efforts.

FBI—Chief, Terrorist Financing Operations Section, TFOS: March 5, 2003, Letter of Thanks for providing long term assistance to post-911 investigations:

> As always, it is a pleasure to write to you, as it affords those of us within the Terrorist Financing Operations Section (TFOS) an opportunity to thank you for the continued exceptional assistance NDIC provides to the Counterterrorism Division here at FBI Headquarters.

FBI—Chief, Financial Crimes Section: November 21, 2001, Letter of Appreciation to Deputy Attorney General commending NDIC:

> Since 09/20/2001, the NDIC team, consisting of NDIC Intelligence Analysts and FBI Financial Analysts, has analyzed over 75,000 subpoenaed financial documents. Through the analysis of these documents, over 400 specific intelligence products have been produced for the FBI, the Department of Justice, the Department of Treasury, and U.S. Attorney's Office. The work NDIC produces continues to initiate actionable leads and identify avenues of investigation. NDIC has integrated seamlessly with the FBI investigation and has enhanced the way the FBI will investigate future financial cases. The participation NDIC in this investigation continues to be invaluable.

In concluding—the two most popular words in any speech—I acknowledge and respect the work the Senator from Oklahoma, Mr. COBURN, is doing. He and I have worked very closely in his almost 3 years in the Senate. I observed his work in the House of Representatives, and I know his work as a medical professional. I understand what he is doing in subjecting to an analytical eye Federal expenditures. But I do not believe he should target the NDIC.

I concur that we ought to be holding down Federal expenditures, and I think that close scrutiny of all such projects is very much in the national interest. But I believe the facts are very strong in support of continued operation of the NDIC in Johnstown, PA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COBURN. Will the Senator yield so I can respond to the Senator from Pennsylvania and then we can get this off the floor?

Ms. KLOBUCHAR. That is fine.

Mr. COBURN. A couple of points. You should be down here defending this. This is something in your State and it is appropriate that you do. The point I raise is the HashKeeper system is ineffective and doesn't work near to the way every other component works. We know it doesn't work, and it costs about 18 times what the NARL system does, plus the NARL system is admissible in court and the HashKeeper system is not, which is developed by the NDIC.

So there is no question that some of the work they do is valuable. But every example you cited was the DOCX program, which requires anybody there to travel somewhere else. So the location doesn't matter where.

The other point I would make—and the significance of that is we are not, overall, getting as good a value as we could. The idea is not to relocate this to Washington, what the Justice Department is recommending this DOCX portion of it be where it needs to be—which is all across the country—and the rest of the areas that are deemed vital, which is about 10 percent of what the NIDC does, be relocated to El Paso where the drugs come in, where our border is, and where they need it.

This is not a criticism of the people who work there or everything they do. What it is, the amendment as made is intended to give us a perspective about value that we are not getting. I have great respect and consider a friend the Senator from Pennsylvania. I understand his defense of this program. I do not believe it meets the scrutiny of any commonsense objective when you look at it, and what the Department of Justice, which runs it and manages it, and also the fact that in a time of war we can spend a whole lot less money and have that money available to defend this country.

I thank the Senator for listening to me.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2999

Ms. KLOBUCHAR. Mr. President, I am here to speak in support of amendment No. 2999, as amended. This is an amendment that is very important to me, and I appreciate the leadership of my colleagues Senator MCCASKILL and Senator WEBB, and in fact all of the freshmen Democrats who are supporting this legislation, the goal of which is to bring more public accountability to the way our Government does business.

I think you and I both know, having spent the last 2 years going around our State, that people are yearning for more public accountability from our Government. They are yearning for more transparency. We heard calls for that—increased transparency. And here we have, in the area of Armed Services and the area of Government contracting, a chance to act on it.

This amendment establishes an independent, bipartisan commission to strengthen Government oversight and examine the true costs of a contracting culture that the Federal Government relies upon in Iraq. This idea is not unprecedented.

The legislation is inspired by the work of the Truman Commission and it is fitting Senator MCCASKILL is from Missouri, as was Truman. The Truman Commission, as you know, conducted hundreds of hearings and investigations into Government waste during World War II, at an estimated savings of more than $178 billion in today's dollars; $178 billion. Think of what that would mean to the American taxpayer today at a time when we are spending somewhere between $10 to $12 billion a month in Iraq.

There is, unfortunately, a natural tendency in this country toward excess and corporate excess. So when people are given sort of unlimited contracts, no-bid contracts, I think you can expect excess.

I come from a prosecutor background. We know that when people are given leeway, and maybe even when they have the best intentions, the people in charge, the people on the ground, it leads to fraud and the Government is the one that is on the short end of the stick.

I think it is more than just a cost of doing business when we are looking at what we have been seeing in Iraq with private contractors over the last 5 years. The number of contractors in Iraq, the last estimate I had, was 180,000. It now exceeds the number of American combat troops in Iraq. We need to look at the effects these logistical and security contractors have on our military.

Now, I would say this: We are not talking about creating an additional bureaucracy. We are talking about expanding an infrastructure that already exists. The Special Inspector General for Iraq Reconstruction, with the excellent performance that we have seen in uncovering waste, fraud, and abuse in Iraq reconstruction projects, is proof of its ability to conduct more interagency examination of wartime contracts.

The special inspector general has proven to be a powerful tool in investigating reconstruction contracts. In 2005 alone, he reported a loss of $9 billion tax due to a contractor's inefficiency and bad management.

I can tell you this, in my job as county attorney, when we had a case in front of us, we would always say: Follow the money and you would find the bad guy.

Well, we need to do more of that with Iraqi contractors. This motto could not be more true than it is today as the GAO, the Defense Contract Audit Agency, and news reports continue to expose gross mismanagement in defense contracting.

That is why I am so proud to support this amendment. We have heard that of the $57 billion awarded in contracts for reconstruction in Iraq that was investigated, approximately $10 billion has been wasted; $4.9 billion was lost through contractor overpricing and waste; $5.1 billion was lost through unsupported contract charges. Of this $10 billion, more than $2.7 billion was charged by Halliburton. This means almost 1 in 6 Federal tax dollars sent to rebuild Iraq has been wasted. And while we have heard in dollars the staggering amount, this waste amount, $10 billion, the costs of mismanaged contracts extends beyond that.

For instance, if you look at the electricity in Baghdad, you have seen the city only enjoying an average of 6.5 hours of electricity a day. It has actually gone down from where it was a year ago.

Water. Congress has provided nearly $2 billion to provide clean drinking water and repair sewer systems. But according to the World Health Organization, 70 percent of Iraqis lack access to clean drinking water.

With jobs, the Defense Department has estimated that the unemployment rate is anywhere from 13.6 percent to 60 percent. In a recent survey, only 16 percent of Iraqis said their current incomes met their basic needs. These costs in every way are unacceptable. They are unacceptable to the people of Iraq, and they are unacceptable to the taxpayers of this country.

My colleagues and I—and you are one of them, Mr. President—came to Washington demanding accountability. Today I am proud to be part of a group that supports an important amendment to bring more transparency, to bring accountability to contracting in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHIP

Mr. REED. Mr. President, I rise at this moment to speak in strong support for the renewal of the Children's Health Insurance Program. It is an issue that is fast upon us. The House of Representatives passed this legislation last evening. We will, I hope, do the same, and will send it to the President.

This is an issue that is not just an economic issue; it is also a moral imperative. If we cannot ensure the children of this country have the opportunity to have access to good health care, then we cannot ensure that we keep pace with the basic notion of this country: opportunity for all of our citizens.

Health care and education together are the engine that moves this country forward. They give children a chance to use their talents, develop their talents, and go on and contribute to this great country. But also it makes tremendous economic sense. As we invest in children's health care, we hopefully will ensure that throughout their lifetime they will not only have healthy lifestyles, but they will have the advantage of a good start, so that their efforts can be directed toward contributing toward their community, and contributing to this economy.

We understand that the costs of health care are skyrocketing, and that for many families they have, unfortunately, had to make the choice of forgoing it, to leave their children vulnerable, without access to good primary care, without access to specialized care when they need it.

We also understand that these children, when they get sick, ultimately find their way to an emergency room and we end up paying much more, because a child who can be seen on a regular basis could have access to preventive care. Arriving at the emergency room with a very serious condition requires a great deal more resources than seeing a child before that condition becomes serious, and becomes an emergency.

So we should be, I think, smart, as well as morally responsive to the issue before us. And that directs me to my strong support for this legislation. The final bill which will be coming before us will invest $35 billion in our Nation's children and their future. It preserves coverage for 6.6 million children, but it will also reduce the number of uninsured children by 4 million.

In fact, the final bill improves upon the Senate bill that I proudly supported weeks ago. It provides quality dental coverage to all children enrolled. That is critical. I can recall listening to a foster mother in Rhode Island. She had six different foster children. What was her biggest complaint? She could not get a dentist. They would not see her because she did not have dental coverage. Her complaint to me was a repetition of what her child said to her in so many words, which was: What do I do? How do I take care of a toothache? How do I go to school when I cannot bear to concentrate because of the pain?

For most of us here in this room, that would be a simple call to the dentist, a trip there, and immediate relief, and for our children also. But for millions of Americans, that is not the case. Here we have a chance to give them what we too often take for granted.

I think it is going to be an important step forward. I am particularly proud, because the architect of this program 10 years ago was Senator John H. Chafee of Rhode Island. He stood on a bipartisan basis with many in this Chamber and pushed for the adoption of the children's health care bill. It stands as a legacy to him. It is a vibrant legacy which we in Rhode Island cherish and we hope we can extend through this legislation.

The final bill that will result we hope in passage and signature by the President will give Rhode Island an increase in Federal funding from $18 million to $93 million. It will prevent future shortfalls. Last November on the floor of the Senate before we went out, I insisted that we could not leave until we provided help to States that had already run out of their SCHIP funding. We were able to do that.

But those stopgap measures at the eleventh hour do not provide for the kind of planning and predictability that are essential to keep the costs down and keep the program going. I do think, again, this is a bill that is worth all of our efforts and all of our support.

If we can afford to spend $12 billion a month in Iraq, we must be able to afford to spend a fraction of that to give children health care in this country. I just left the Appropriations Committee hearing. Secretary Gates is urging $50 billion more funding for Iraq. That is quite a bit more than we are asking over 5 years for the children's health care program. That is just for several months in Iraq.

The American people, I believe, will demand that we pass this legislation. If we can find the resources overseas, we have got to be able to find the resources here for this compelling issue.

The other aspect of this is this legislation is fully paid for, unlike the spending in Iraq which is deficit spending, which we are literally sending forward to the next generation of Americans to deal with. This is fully paid for by an increase in the cigarette tax; sound fiscal policy as well as sound public policy.

Now, we have heard a lot from the President, particularly about why he is proposing to veto this legislation. I find it hard to discover any logic at all. It is full of misrepresentations, frankly. The bill does not cover children up to 400 percent of poverty. In fact, about 80 percent of the newly insured children are from families below 200 percent of poverty. Those are the new children to be enrolled.

This bill is well targeted, and provides incentives to ensure that the lowest-income children are insured first. This does not federalize health care or socialize it. In fact, in Rhode Island this children's health care program is run by private health insurance companies, and that is a very effective and efficient approach.

What I have noticed over the last few years is not that private health insurance has expanded dramatically in this country and this legislation would constrain that. Quite the opposite. With private health insurance, the number of insured Americans has decreased. They are losing their private insurance. It is too expensive. So the idea that this somehow is going to throttle the attempts of the private insurance industry to insure those children is, on its face, preposterous.

Those children will not be insured because their parents cannot afford to pay the coverage, and because private insurance companies operate at a profit, they do not extend coverage because they feel like it.

This is the way to expand coverage. This is the way to protect children. This is the way to invest in our future. This is the way to do it in a fiscally responsive manner by increasing the cigarette tax. It makes sense on every ground.

The President's suggestion that he is vetoing it has to be something other than common sense. In fact, it strikes me as slightly spiteful. This is something on a bipartisan basis we have done for 10 years; something on a bipartisan basis that we will continue to do. And to be frustrated by a Presidential veto, I think, would add insult to the injury of not having children insured in this country.

I call on the President to reconsider his veto threat. I call on the President to join us in providing health insurance to the children of America, to provide them a foundation for their education, provide them the foundation to proceed forward as good citizens, good workers in the economy, and contributing members. I hope that will happen in the next few days with passage and signature by the President.

I yield the floor.

Mrs. MCCASKILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I rise today to speak briefly in connection with amendments we made to the National Defense Authorization Act for Fiscal Year 2008. Specifically, I wish to comment on five amendments which have been accepted which are important to the future of our military and also important to the future of military installations we have within the State of Colorado.

At the outset, let me say that as we have moved forward with this legislation, I have very much appreciated the leadership of the chairman of the committee, Senator CARL LEVIN, and all of his staff who have worked so hard with all of us on these amendments and the hundreds of amendments so many Members have filed. I also express my appreciation to Senator MCCAIN and to his staff, Senator WARNER and all of his staff, who have also worked with us on these amendments that are so important for our Nation's defense.

The five amendments I wish to briefly review are related, in part, to Colorado but also in a larger sense related to the question of how we make sure we have the best national defense and homeland security we possibly can.

The first of those amendments is an amendment relating to an effort we have underway with the Secretary of the Air Force to make sure we are protecting our Air Force bases from the kind of encroachment that will impair their military mission, unless we are proactive about making sure the appropriate buffer zones are, in fact, created.

In my State of Colorado, there are three Air Force bases which are very important to our Nation's defense system. They are Peterson and Schriever Air Force Bases in El Paso County, in Colorado Springs, and Buckley Air Force in Aurora, in the Denver metropolitan area. In the case of each one of those installations, which I have frequented often in my time in the Senate, I have seen the development that is occurring from one end of the base to the other and the encroachment that occurs as the urbanization moves out. I have expressed often to local elected officials in that part of the State it is important that what we do is protect those military installations so that 10 years, 25 years, or 50 years from now, we can make sure the military mission we have assigned to those bases is one that will not be compromised. Yet, as urbanization occurs and you see the subdivisions that sprout up around these bases, you have to wonder when that point in time will come where the encroachment itself will start having an impact on the mission of these military installations.

We have noticed in the past—and studies have concluded, including a study from the RAND Corporation—that some branches of our armed services do a better job than others in terms of protecting their military installations from encroachment. The REPI program, which is a program that has now been in existence for some time, has been widely used by the U.S. Army. Indeed, in our State of Colorado, with Fort Carson, one of the things that has happened is we have seen much of the buffer-zone area that is needed to be acquired to assure that Fort Carson's military mission is not negatively impacted in the future. It is that same kind of proactiveness that we need to take on with our Air Force Bases.

I recently met with Secretary Wynne to talk about the importance of us doing this not only in Colorado but around the Nation. He is in agreement that we ought to do that. He is in agreement that we ought to take a look at what more we can do to protect our Air Force installations.

In my own view, in terms of what happens in my own State, we are not proactive enough. What happens is that whenever there is a developer who comes in with some kind of a program, the developer will go to the local land-use officials and seek the necessary land-use approvals to move forward, to try to get their development built. What the local government officials will do is they will look at whether the military mission is being impaired as only one factor. But it is being reactive to a force of development that is probably occurring in that entire area.

It would be much better, from my point of view, if what we do with our Air Force installations is to be proactive and look out at what we can do to make sure we are protecting the mission of those Air Force Bases for the long term—for 10 years, for 25 years, for 50 years. It is my hope with this amendment, which has been agreed to, that we will be able to do that.

The second amendment which I want to speak about briefly has to do with the Pinon Canyon Maneuver Site. The Pinon Canyon Maneuver Site is some 237,000 acres of training facility located in the southeastern part of my State of Colorado. It is a very important part of the training capacities we have at Fort Carson. Over the last several years, the U.S. Army has indicated that what it wants to do is significantly expand Fort Carson and the training facility that is located at the Pinon Canyon Maneuver Site.

Because of rumors and the information flow, which is not always accurate, at one point in time the residents of my State in southeastern Colorado had the view that what, essentially, the Army was attempting to do was to condemn what was the entire southeastern part of the State of Colorado. If that, in fact, were to have happened or if that were to happen in the future, the ranching heritage of the southeastern part of my State would be destroyed.

So what has happened over time is we have had a conversation with the Department of Defense and the Secretary of the Army about the future of Pinon Canyon. There are a number of very legitimate questions that have been raised.

One of those questions is whether the 237,000 acres that already encompass the Pinon Canyon Maneuver Site are sufficient to be able to provide the training capacity that is needed at Fort Carson. There is a possibility that the answer to that question will be, yes; that when you combine those 237,000 acres with the nearly 100,000 acres already on the Fort Carson main campus itself, there are sufficient land needs available for its future. It may be that the answer comes back that some additional land might be needed. But if so, then it is important for the Army to tell us what additional training capacities would be acquired if they acquire this additional land.

There are many questions with respect to the expansion, from my point of view, that have not been answered. I place this in the context of what the BRAC Commission found in January of 2005, where the findings of the Commission were that additional brigades would be moved into Fort Carson which are now underway in terms of being moved into Fort Carson itself; that there was enough training ground at Fort Carson to be able to satisfy the needs of our soldiers at Fort Carson. So if that was, in fact, the conclusion that we reached in January of 2005, it raises the very legitimate question as to why it is that we need to have additional land for training today. So these important questions are set forth in legislation that my friend and colleague, Senator ALLARD from Colorado, and I offered together in an amendment, and it was an amendment that was accepted by the Senate last night. For that I want to say thank you once again to the floor managers of this legislation.

The third amendment I want to speak about briefly this afternoon is an amendment that deals with the paralympic program for wounded warriors. Today, in my State, in part because of the fact that the U.S. Olympic Committee is hosted and housed in Colorado Springs and the fact that we have a major paralympic program that takes place in the State of Colorado, there is a desire to be able to do more. There is a desire to be able to do more in large part because many of the wounded warriors we see coming back from Iraq and from Afghanistan, those 30,000 men and women who have been wounded, sometimes very grievously in this war, ought to be given every opportunity that we can possibly give them so they can live the best life they can, given the injuries they have sustained on behalf of a very grateful nation. So it is in that regard that our paralympic amendment would expand the authorities of the Department of Defense so that they, our wounded warriors, would have a greater opportunity to be involved in some of the paralympic programs that are hosted throughout the Nation. So, again, I thank my colleagues for accepting that amendment.

The fourth amendment I want to briefly address this afternoon is the amendment relating to a hard deadline for the destruction of chemical weapons at the Pueblo Chemical Army depot, as well as at Blue Grass in Kentucky. This legislation is legislation that has been pushed hard on a bipartisan basis. It has been pushed hard by Senator MCCONNELL and Senator BUNNING, Senator ALLARD and myself. It is our hope that with the passage of this legislation, the Army will, in fact, understand, and that the Department of Defense will, in fact, understand that 2017 sets a hard deadline for us to move forward and complete the destruction of these chemicals which today provide a hazard to the communities and people who live nearby, and provide a national security threat if these chemical weapons were ever to fall into the hands of terrorists and into the hands of those who want to do us wrong in this country. So it is our hope that with this legislation, we will be able to continue to push for a 2017 deadline for the completion of the destruction of these chemical weapons.

Finally, the fifth amendment I want to refer to briefly is an amendment relating to the training of helicopter pilots at high altitudes. Today, in the mountains of Afghanistan, where many of us in our congressional delegation trips into either Iraq or Afghanistan have been in those helicopters, we know the kinds of conditions they have to fly in, at some of those very high altitudes, especially in the country of Afghanistan and those borders between Afghanistan and Pakistan. The only place where our pilots can receive the adequate training to be able to make sure they have the capacity to fly those helicopters at those high altitudes is at a site in Gypsum, CO. But today, whenever a helicopter pilot has to go into that area, into that training facility in order to be trained on how to fly their helicopters, what they have to do is they have to bring their own helicopters to the site.

So what we are asking for here is for six helicopters to be stationed there at the site to be able to provide our pilots with the best kind of high altitude training for helicopter pilots that we can possibly provide as a nation. So I thank my colleagues. I thank Senator LEVIN, Senator MCCAIN, Senator WARNER, Senator REID, and others who have been involved in pushing the Department of Defense authorization bill forward, and I thank them for supporting those amendments.

Madam President, I ask unanimous consent that I be recognized to speak on the Children's Health Insurance Program as in morning business for a period of up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHIP

Mr. SALAZAR. Madam President, today I rise first to praise the bipartisan spirit in which the Children's Health Insurance Program came to this floor and was accepted by this Chamber on a positive vote of 68 votes saying yes to providing health insurance to the young children of America. It was one of the finer moments, it seems to me, of the last year in this Chamber, where Democrats and Republicans came together and said: Yes, we can do this for all of the right reasons. It was a circumstance where, with the leadership of Senator BAUCUS and Senator GRASSLEY of the Finance Committee and Senator HATCH and Senator ROCKEFELLER IV, who basically were the key movers and shakers in trying to move this package forward, they said: We are going to put aside our partisan differences, and we are going to put together a package that we can make sure receives bipartisan support on the floor of the Senate.

At the end of the day, that package did, in fact pass, and today and over the next several days, hopefully, we will get that legislation to the President's desk for his signature. It is my hope the President does sign this bill. It is my imploration to the President that he sign the bill on behalf of our Nation's children. Covering our kids, providing them with the kind of preventive care, with the kind of doctors and nurses that they need, will ensure that they grow up healthy and that they grow up strong. These have been the goals of our bipartisan work in this Chamber over the last many months.

The Finance Committee passed that plan by a vote of 17 to 4, and we then confirmed the bipartisan nature and the importance of children's health insurance with a 68-to-31 vote. Now, with 9 million kids without health insurance around the country, 180,000 of those kids in Colorado, the President has issued a veto threat of this legislation. In my view, and with all due respect to the President, I believe the President is wrong to issue a veto threat on such a fundamentally important issue.

Earlier this year, as I was traveling through Colorado, I spoke with folks in my State about the need to reauthorize the children's health insurance plan. As I did so, a school nurse told me of a boy who was injured during a football game. His family wanted to have health insurance, but with premiums increasing up to 70 percent since 2000 and amounting to for that family about $10,000 a year, that family simply could not afford health insurance. They couldn't afford to take their injured son to a doctor. All they could do was to apply ice to their son's leg and pray that somehow it would get better. It did not get better. The boy's leg, which was then fractured, grew progressively worse. It swelled to twice its normal size. In the end, with no choice left, the parents took the child to the emergency room, the most expensive place for any of our children to get care.

Beyond the pain and the anguish that the child or the parents felt that day, the most frustrating part is that with the coverage provided with the legislation that we are about to adopt in this body, the child would have been able to see his doctor within a couple of hours of the injury. He would have received better care at a lower cost and with a lot less pain and a lot less frustration for everybody involved.

We have all heard the stories of how the health care system is failing our children. We hear of the colds that turn into pneumonia. We hear of the earaches that develop into ear infections. We hear of other illnesses that grew worse because parents could not afford to seek medical care for their children. Nine million kids—nine million kids—in the United States have no health insurance today. It is unconscionable that in the strongest, most prosperous democracy in the world that we cannot give our kids that basic coverage of health that they need to have a fair chance in life. Our failure to extend health insurance coverage to more kids would not only be a moral failure, but it would be a massive liability for the education and well-being of our children and for our future economic security.

This is why. Uninsured children miss more school than their peers. They are six times—six times—more likely to have unmet medical needs. They are 2½ times more likely to have unmet dental needs, and one-third of all uninsured children go without any medical care for an entire year. I am proud of the work of the Senate. I am proud of the bipartisan work that went into writing this legislation to cover the 10 million uninsured children in America. This legislation provides the coverage to an additional 3.3 million children who are currently uninsured, and it also maintains the coverage for all the 6.6 million low-income children currently enrolled in the Children's Health Insurance Program. The bill includes significant incentives for States to enroll more children into CHIP, particularly children in rural communities, many rural communities such as the ones in my State of Colorado, where geographic distances and the lack of health insurance create barriers to enrollment. Twenty percent of all low-income children live in rural areas, and a significant number of them are uninsured. This bill will help them get health insurance.

The CHIP reauthorization also allows a State to cover pregnant women. Children, we know, who are born healthy have a far greater chance of a healthy life. Healthy children save Medicaid and CHIP significant resources in reduced health care costs. It is sensible that they receive this coverage under our program.

Once again I want to thank the model of effectiveness and leadership in this Senate in Chairman BAUCUS and Ranking Member GRASSLEY and Senators ROCKEFELLER and HATCH for their strong leadership on this issue. They united the Finance Committee and much of this Chamber around our common goal. It is a very simple goal. It is a simple goal of helping our kids get to the doctor.

This bill is a giant step forward in our Nation's steady march toward providing every child in America the chance to chase their dreams. I hope President Bush will change his mind and that he will support this bill.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, it is without question that we are on a wrong course in Iraq. The Bush administration's failure to listen to the American people, failure to plan for the unexpected, and failure to learn from its mistakes has left our Nation less, not more, secure from terror and from the dangers our troops face in Iraq.

The expenditure of hundreds of billions of American tax dollars has not only strained our Treasury, but cost us uncountable opportunities to improve the lives of American families and to strengthen our country's future.

Every month, we are borrowing and spending over $10 billion to fund the war in Iraq—billions of dollars that we borrow and spend that could help deliver health coverage to children who need it; that could help improve the quality of elementary education and make college more affordable—things that are an essential investment in our Nation's economic strength into the future.

In addition to the billions we are spending to continue our military involvement in Iraq—a policy that must change, and soon—we are also spending billions more on reconstruction efforts. In this area alone, between 2003 and 2006, we have spent more than $300 billion. The same President who thinks it is too much to spend $35 billion on American children's health care over the next 5 years had no problem pouring $300 billion into Iraq reconstruction, and I submit that there is very little to show for it.

We have fought long and hard to keep pressure on President Bush to take a new direction in Iraq. At every turn, he and his allies in Congress have resisted. We will continue our fight, but as we do, we also have an obligation on behalf of the American people to ensure that these tax dollars are being used as they should be.

As fighting the war and rebuilding Iraq have been privatized, too often we have seen evidence of fraud. According to a 2005 report by the Special Inspector General for Iraq Reconstruction, nearly $9 billion in funding intended for reconstruction efforts went unaccounted for—just gone. Investigations by the Special IG for Iraq Reconstruction of $32 billion in funding for Iraq reconstruction have already led to $9.5 million in recovered and seized assets and more than $3.6 million in restitution.

Iraq is a target-rich environment for corruption, and monitoring the expenditure of U.S. resources there requires vigilance. We must ensure that our tax dollars are not squandered to corruption or other malfeasance, and we must ensure that we have the ability to audit U.S. tax dollars from the time our officials award contracts through their final expenditure. We must do all we can to prevent "leakage" of this reconstruction aid through every step in the contractor supply chain.

We must give ourselves the chance to consider what effect all this graft and corruption may be having on the motivations of Iraqi leaders. When I visited in Iraq, we heard of just one official from Al Anbar Province—a police official—who had embezzled more than $50 million. With graft at that scale, one can only imagine how the motivations of Iraqi leaders might be warped.

The measure before us today will help us find out. It will establish a new "Truman Commission" to restore the American people's faith that their tax dollars are being accounted for. The Truman Commission was formed during World War II, when then-Senator Harry S. Truman created a special committee to investigate the National Defense Program to investigate defense-related contracts and expose corruption and mismanagement in the use of war-related funds.

The commission we seek today will have the authority to audit U.S. funds used for U.S. projects or for U.S. efforts to support rehabilitation of Iraqi industries. The establishment of this commission will ensure that this cascade of billions of dollars for reconstruction in Iraq can be tracked, so that the hard-earned money U.S. taxpayers provide will serve the purposes—the legitimate purposes—of the American and the Iraqi people.

I applaud Senator WEBB and our Presiding Officer, Senator MCCASKILL, for their leadership in sponsoring this amendment. I am very pleased that my colleagues in the Democratic freshman class, every one of us has thrown our support behind it.

Last November, the American people told us it was time for a change in Iraq, and we are working hard for a new direction. But as we fight to bring our troops home, this amendment will help make certain that our tax dollars are spent as we mean for them to be. It is wise legislation, it is needed legislation, and I urge its support.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3035

Mr. KENNEDY. Madam President, over the course of this morning, this afternoon, and yesterday, we have had some excellent comments in support of our hate crimes amendment which we will be voting on in the morning. Also, we will be voting on the SCHIP program as well. Over the course of the afternoon, a number of people have spoken on these issues. I am enormously grateful to many of my colleagues who have taken a great interest in these issues and wanted to be able to speak on them. Many of them have. Others will continue through the afternoon, probably into the evening, to express their support for this legislation.

I wish to take a couple of moments on the issue of hate crimes. We have heard during this discussion that hate crimes are alive and well in the United States, tragically. Over the last few days, we have spoken about many people who have been impacted by hate crimes and described in some detail the horrific circumstances so many of these individuals, fellow citizens, have undergone because of their religious, ethnic, racial, and sexual orientation.

I was moved—and I am sure many were—by the Southern Poverty Law Center and their very important study on estimates of hate crimes. The Southern Poverty Law Center was focused on crimes of race in the South for many years and developed enormous amounts of information about those horrific crimes and was very responsible in bringing people to justice in a number of circumstances. Their focus on these issues of hatred got them to expand their research.

As I mentioned in an earlier presentation, they recorded their best judgment that hate crimes reach 50,000 people per year every year, which is an extraordinary amount.

I wish to respond to a point or two that have been raised in questioning our approach on this issue.

In the hate crimes legislation we have introduced, our bill fully respects the primary role of State and local law enforcement in responding to violent crimes. The vast majority of hate crimes will continue to be prosecuted at the State and local level.

The bill authorizes the Justice Department to assist State and local authorities in hate crimes cases. It authorizes Federal prosecution only when a State does not have jurisdiction or when it asks the Federal Government to take jurisdiction or when it fails to act against hate-motivated violence.

We have responded to these issues and gone into them in very careful detail. There are those who say this legislation is going to make every crime of violence a hate crime. We have heard that statement in opposition. We have heard it for a number of years. We have addressed it, and we have spelled out in the legislation exactly what is the jurisdiction.

The bill protects State interests with a strict certification procedure that requires the Federal Government to consult with local officials before bringing a Federal case. It offers Federal assistance to help State and local law enforcement to investigate and prosecute hate crimes in any of the categories. It offers training grants for local law enforcement. It amends the Federal Hate Crimes Statistics Act to add gender to the existing categories of race, religion, ethnic background, sexual orientation, and disability. So a strong Federal role in prosecuting hate crimes is essential for practical and symbolic reasons.

In practical terms, the bill will have a real-world impact on actual criminal investigations and prosecutions by State and Federal officials. This legislation can send a strong message to the perpetrators of such crimes and to all others who think we are going to sit back and watch our fellow citizens being attacked so brutally.

What we are basically saying on the issue of hate crimes is we are going to fight it with both hands. Now the Federal Government has one arm tied behind its back, unable to deal with the problems of hate crimes. Now we are saying: Yes, we are going to work with the locals; yes, we are going to work with the State; but, yes, we are going to insist that all of the resources at the Federal level can be utilized when called upon in these horrific crimes of hate.

These are some of the points that have been raised. I wanted to respond to them this afternoon.

CHIP

Mr. President, I see others of my colleagues here. I had planned to speak briefly for a few moments on another issue we are going to vote on tomorrow, the SCHIP program. If any of our colleagues wanted to make a comment on this, I will be glad to welcome it.

Moving to this issue about the vote we will have tomorrow on the Children's Health Insurance Program that was developed to provide health insurance to the children of working families—the very poor are covered by Medicaid, and CHIP is for the working families. It has been a great success. The greatest failure has been we have not provided the kind of assurance we should to all children who are in need of this program.

This is the statement of the President:

> America's children must also have a healthy start in life. In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

I hope the Senate will heed that comment and that commitment because that effectively is what we will be voting on tomorrow.

It is difficult for many of us to understand, when the President made that comment and that commitment to the American people, that he would urge us to reject the excellent proposal that has been basically accepted by the House and the Senate.

Quickly, this chart is the Center for Medicare Services, known as CMS, report on CHIP, September 19, 2007. Over the past 10 years, CHIP has improved overall access to care, reduced the level of unmet needs, and improved access to dental care, expanded access to preventive care, and reduced emergency department use. This is the Center for Medical Services. This is a part of the current administration.

This is the current administration's assessment. We have the President's statement and now their assessment about the success of the program.

We can understand why, when we look at this chart—this is National Health Interview Survey—CHIP has reduced the uninsured rate for children from when we started the program in 1997 to now, with the arrows going down, from 22 percent down to 13 percent. This side of the aisle would like to have it go all the way down. It shows remarkable progress in an area of important national need.

This chart demonstrates the relationship between health and education. Enrollment in CHIP has helped children learn. We passed an important education program earlier this year. We are addressing now the K-through-12 challenge we are facing. Look at the difference in children's performance ratings before and after 1 year's enrollment in CHIP. We have before, and we are talking about paying attention in class, and after we find a dramatic increase in the interest of children, and before and after "keeping up with school activities."

It is very understandable because the children are getting the health care they need, they are getting eyeglasses, they are getting the hearing assistance they need, they are getting the medical attention they need, and the results has been a dramatic increase in the performance of schools.

We have great issues and questions about what works and what doesn't work in education. What we know is, if you have a healthy child, you have a child who is going to do better in education.

We are concerned in the Senate about disparities that exist in our society, the dramatic difference between the haves and the have-nots. We are very much concerned about that disparity, in the fields of education as well as health care, in our committee.

If we look at the disparities, the percentage of children with unmet health needs before CHIP and after CHIP—this is the Kaiser Family Foundation—we see the difference between Blacks, represented by 38 percent, and Hispanics. If we look at it during CHIP, we see overall progress, and we see the disparities reduced. This means we are looking at all children. We are concerned about all children, and the success, according to the Kaiser Family Foundation, has been dramatic.

One of the areas—and this is a typical one—is asthma. It is one that has affected my family, and it is one in which there has been a dramatic increase over the last several years. Unquestionably, it is because of the administration's changes in environmental standards which put more poisons into the air, and I believe it is also because of an increase of poverty in our country. We have more children who are poor, more families who are poor than ever before.

Rather than looking at the escalation of asthma, if we look at unmet health needs of children, we see the dramatic difference in emergency visits of children before CHIP and after CHIP, and this has had a dramatic impact on the wellness of children.

As has been pointed out by many of my colleagues—and I do not intend to take a great deal more time—this is an issue of priorities. We know the program works. We know it is built on a delivery system which has been basically supported by the President. The Medicare prescription drug program—I didn't agree with that delivery system, but the President strongly supported it. It is the law. The same delivery system is used in the CHIP program. It is based on the private use of private insurance, and it is paid for by, as we all know, an increase in the tobacco tax, which is going to mean additional benefits in health for children. Here is the cost: $35 billion over 5 years, $120 billion for the cost of Iraq. Stated differently, it is $333 million a day; CHIP is $19 million.

Finally, this chart here really says it all. A quote from the mother of Alexiana Lewis:

> If I miss a single appointment, I know she could lose her eyesight. If I can't buy her medication, I know she could lose her eyesight. If I didn't have MASSHealth, my daughter would be blind.

This is one parent, and it is being replicated by parents all over the country, by 6 million children and their parents. I hope we are going to have a solid vote in support of that program on the morrow.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will be no more votes today. We have tried all day to have more votes, but it has been difficult to work that out. We hope in the morning, at about 10:30, we can have as many as five votes—three to five votes. We are going to finish our work on hate crimes and SCHIP. That will require three to five votes. We hope we can get that done with a unanimous consent request; otherwise, we will work our way through it and the procedure will take care of most of it. I think there is a general feeling that this should be done. As indicated, I thought we were going to be able to have the votes today, but for various reasons we were unable to do that. It has made it difficult for the two managers of the bill, but, in fact, we have been able to work out some amendments that have been offered. I just wish we could have done more.

I respect so much the work of our manager on this side and Senator WARNER on the other side. They are certainly experienced at this, and we are confident we will be able to draw to a close, hopefully in the not too distant future, the Defense authorization bill and, shortly thereafter, move to the Defense appropriations bill.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Michigan.

Mr. LEVIN. If the Senator from Illinois would yield for just a moment, I would only urge our colleagues—and I know Senator WARNER joins me in this—we have over 300 amendments that have been filed. We are clearing some. We have cleared 10 more.

Mr. WARNER. We are up to 150 cleared.

Mr. LEVIN. We have about 300 still that need to be addressed one way or the other. Either they are going to be resolved, voted on, or dropped. We need the full cooperation of every Senator to address this very large number of amendments. We have made some progress in clearing amendments. We had two votes today on important amendments. We look forward to those three to five votes in the morning. But we still need the full cooperation of every Senator, and I would urge them to work with our staffs to see if we can clear as many additional amendments as possible.

Mr. REID. Mr. President, I say to my friend, if we spent 3 more days on this bill, that means we would have to dispose of 100 amendments a day. If we spent 4 days on it, we would have to dispose of 75 amendments a day. So these managers have done excellent work, and we know we can't get through all these amendments, but there are a lot we need to get through. It is important, and we will cooperate on this side in every way we can, and I am confident the minority will also.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I was not on the floor earlier, but I suspect the leader was discussing this bill as well as how we finish the week.

Mr. REID. Yes. Basically, I said there would be no more votes today; that somewhere in the morning, around 10:30, we will have three to five votes, three or four on hate crimes—hopefully, only two—and one on SCHIP. When we finish that, we will find out where we are in relation to this bill.

Mr. MCCONNELL. Mr. President, I concur completely with what the majority leader has indicated. We have been working together to try to figure out how we can wrap up the week. We have a number of other items, as he suggests, including the CR, and we are hoping to be able to get all this processed at some point during the day tomorrow.

Mr. REID. Mr. President, we do have a lot to do. There are a number of other issues in addition to the CR that we have to finish before Monday. We have no choice. We have a farm bill we have to extend, and we have a number of things we have to do. We are going to work together to see what we can do in that regard. It has been slow on this bill, but in spite of that, I think we have had one of the best debates we have had on this bill. On the two amendments we have dealt with, the Kyl-Lieberman amendment and the Webb amendment, I think that was very good debate. In addition, we had extremely good debate on the Biden-Brownback amendment. I always joke about the House saying: We are going to do this much this week. And I say: Well, we will do this much this week and feel good about what we have done. We are getting to a point here where we have the ability to see the light at the end of the tunnel, and we are pushing toward that goal, and that goal is Monday as the drop-dead day on a number of things we have to do.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, if there are no others speaking on this Defense authorization bill, I would like to address my remarks to the Senator from Massachusetts, who is still on the floor and who spoke to us on the SCHIP proposal for the Children's Health Insurance Program, which has been in place for 10 years and works for so many children so effectively.

I might correct the Senator's presentation in one regard. I just left a meeting of the Defense Appropriations Subcommittee. The request of this administration for the next year for the war in Iraq is $189 billion—$189 billion. That comes out to about $15 billion a month that they are asking for this war for the next year. It is my understanding that this bill we are going to present to the President to provide health insurance for somewhere in the range of an additional 5 million kids is going to cost us $6 billion or $7 billion a year. So the war in Iraq is costing us $15 billion a month; this program, which the President says we can't afford, to provide health insurance for our own children, will cost us about $7 billion a year—a year.

It would seem to me that a strong America begins at home. It begins with our families, our kids, with our neighborhoods and communities, and I think the President has overlooked that. If we are going to be strong for the future, we have to help our kids have the kind of health insurance coverage that gives them a fighting chance. So I thank the Senator.

Mr. KENNEDY. Will the Senator yield for an observation?

Mr. DURBIN. I am happy to yield.

Mr. KENNEDY. The $35 billion will not be paid for by the taxpayers.

Mr. DURBIN. That is right.

Mr. KENNEDY. Which is really extraordinary. We have done the education program, where we took some $20 billion from the lenders. This $35 billion is going to be paid for with the increase in the cigarette tax, which in and of itself will have an extraordinarily positive impact in the quality of health for children in this country and to the whole problem and challenge of childhood addiction to nicotine. So I think it is important.

We hear a great deal about: Well, the figures the Senator mentioned are dramatic in terms of the choice which is before the Members tomorrow in terms of priorities. But you even add to that the fact that the taxpayer is going to be spared that kind of additional burden, and it is difficult for many of us to understand the strong opposition of the administration.

I thank the Senator.

Mr. DURBIN. I might say to the Senator from Massachusetts that two out of three Americans support an increase in the tobacco tax for this purpose. It is a clearly positive thing for us to do. So unlike the Iraq war, which we are not paying for at all in this instance, we are paying for children's health insurance with a tobacco tax, and I think that is a much more responsible approach.

Mr. President, I have a statement here on the hate crime issue, but I see two other colleagues on the floor, and I don't know what their schedules are.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, before my friend and colleague from Illinois sits down, I have a question. I am going to speak on hate crimes, but that will be after the Senator from Vermont, who is waiting.

I would like to ask the Senator from Illinois a question. We, the Democrats, have a reputation of, well, tax and spend, tax and spend. But just seeing my colleague from Massachusetts here, I realized that in the two major bills we have just done—and my friend from Illinois has mentioned one on higher education and one on children's health—A, we have paid for them. Unlike what has been done on the other side, say, with the prescription drug program, we paid for them. We are being fiscally responsible. And we didn't pay for them by hurting average folks in terms of their taxes. The tobacco tax, which the Senator from Massachusetts just mentioned, and on the college tuition, we are paying for that by making the banks pay a little more. Not a nickel of taxpayer money is coming for that.

So I ask my colleague, how would he compare the record of the new majority on fiscal responsibility compared to the old majority?

Mr. DURBIN. My colleague and friend from New York has served in both the House and Senate, and he knows that often promises are made on important things we do. But we have kept our promise that we would have a pay-as-you-go plan. As we came up with new ideas for legislation, we paid for them—much different from what we saw around here as we were driven deeply into debt under the leadership of the other party.

The war in Iraq is a classic example. This President continues to wage this war and asks for money without any tax or cut in spending. He just adds to the deficit of this country—a deficit which, unfortunately, is out of control and makes us beholden, mortgaged, to some of the largest countries in the world.

So I would say we have kept our promise. It is a pay-as-you-go promise.

AMENDMENT NO. 3035

I would like to make this point on the hate crime amendment, and then I will defer to my colleagues, who may be speaking on the same subject.

Mr. President, the Senate is about to consider a bipartisan amendment to the Defense Department authorization bill dealing with hate crimes which broadens the scope of the Federal hate crime law in significant ways. It is one of the most important pieces of civil rights legislation in our time, and I am proud to cosponsor it.

Some people might ask: Haven't we moved beyond the need for this in this modern age of the 21st century? Do we still really need a hate crime law? Unfortunately, the answer is yes.

As Senator KENNEDY said on the Senate floor:

> At a time when our ideals are under attack by terrorists in other lands, it is more important than ever to demonstrate that we practice what we preach and that we are doing all we can to root out bigotry and prejudice in our own country that leads to violence here at home.

Sadly, there is no shortage of bigotry and violence here at home. In the past week, there has been a national spotlight on Jena, LA, where White high school students put up nooses in a tree to intimidate African-American students—nooses—the ancient symbol of hatred and lynching.

The problems with hate crimes and racial tension are not confined to the South. Take a look at today's Washington Post. An article entitled "Colleges See Flare in Racial Incidents" said that a noose was found a few weeks ago at the University of Maryland outside the campus's African-American cultural center. This past weekend, a swastika was spray-painted onto a car parked on that same campus.

My home State of Illinois is not immune to this same problem. Last month, a judge in Chicago awarded $1.3 million to two victims of vicious hate crimes that were committed a few months after September 11 in Chicago's West Loop. The victims—Amer Zaveri and Toby Paulose are American-born citizens of Indian descent. The perpetrators yelled, "Are you Taliban?" and "Go back to your country" before punching them, assaulting them, kicking them, and smashing a beer bottle on one of their heads, causing facial fractures and lacerations.

Now, according to statistics compiled by the FBI, nearly 10,000 hate crimes are committed in America each year. Other estimates put the number closer to 50,000. An increasing number are committed against gays and lesbians, representing nearly 15 percent of all hate crimes.

The response from some Republicans, not from all—Senator GORDON SMITH of Oregon is a prominent cosponsor of the Kennedy bill on hate crimes—but from some others, is that we need to study this issue. The studies have been done over and over again. Sad to report, hate crimes are a reality in America today.

The existing Federal hate crime law was enacted 40 years ago, in 1968. It was passed at the time of Martin Luther King's assassination. It is an important law, but it is outdated. Its coverage is too narrow. Unless the hate crime falls within one of six very narrow areas, prosecutors can't use the law. For example, if it takes place in a public school, the Government can prosecute, but not in a private school.

This hate crime law we are considering would expand the categories of people who would be covered and the incidents covered as well. The current Federal law provides no coverage for hate crimes based on a victim's sexual orientation, gender or disability. Sadly, hate crimes data suggest that hate crimes based on sexual orientation are the third most prevalent, after race and religion. Our laws should not ignore reality.

Some people have suggested that banning hate crimes is a violation of the first amendment and the right to free speech. The Supreme Court has been very clear that is not the case. In 2003, in the case of Virginia v. Black, the Supreme Court upheld the validity of laws banning cross burning, one of the ultimate hate crimes. In her opinion, Justice Sandra Day O'Connor wrote:

> To this day, regardless of whether the message is a political one or whether the message is also meant to intimidate, the burning of a cross is a symbol of hate.

This week we celebrate the 50th anniversary of the integration of Little Rock Central High School. Arkansas at that time was the crucible, the laboratory for us to test whether America was an accepting, diverse nation. Those nine students and those who stood behind them had the courage to step through those classroom doors and face the intimidation on the way. It is important the Senate have the courage to confront the injustice of our time and pass the bipartisan Kennedy-Smith hate crime amendment.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I have been working with the majority leader in the hopes of helping us complete all these various items he and I would like to complete in short order. To help us get to the end of the trail on the underlying bill, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute amendment to Calendar No. 189, H.R. 1585, National Defense Authorization Act for fiscal year 2008.

> Mitch McConnell, C.S. Bond, David Vitter, Lisa Murkowski, R.F. Bennett, Tom Coburn, Lindsey Graham, Jon Kyl, Wayne Allard, John Thune, Norm Coleman, Richard Burr, Ted Stevens, Jeff Sessions, J.M. Inhofe, Thad Cochran, Michael B. Enzi.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I say to my distinguished counterpart, the senior Senator from Kentucky, we have tried real hard. This is the third time we have taken up this Defense authorization bill. I understand the feelings Senator LEVIN, Senator WARNER, and Senator MCCAIN have regarding this bill. Is this a good time to file cloture? I don't think there is ever a good time. But I think that we have all had a pretty good picture of what is happening on this bill. I would have to acknowledge that at some time, if the distinguished Republican leader had not filed cloture, then we would have filed cloture. Whether it would have been today is something we can talk about later. But I don't feel in any way the Republican leader has surprised me. He has kept me posted about some of his feelings on this.

We have had a number of very complicated issues in this last couple of weeks because of the fiscal year drawing to a close. As a result of that, we have procedural things that seem to always come up with the Senate. But in spite of having said all that, we have been able to accomplish a lot. It would have been much better had we not been interrupted so many different times for various reasons, but that is what happened.

We have spent 15 days on this bill, 15 legislative days on this bill. Other than immigration, I don't think there is anything we have spent this amount of time on during this Congress.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I ask the Chair lay before the Senate the message from the House to accompany H.R. 976, the children's health insurance bill.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 976) "an Act to amend the Internal Revenue Code of 1968 to provide tax relief for small businesses, and for other purposes," with amendments.

CLOTURE MOTION

Mr. REID. I move to concur with the House amendments, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 976, SCHIP.

> Max Baucus, Ted Kennedy, Jeff Bingaman, Patty Murray, Barbara Boxer, Tom Carper, Patrick J. Leahy, Charles Schumer, Maria Cantwell, Dick Durbin, Blanche L. Lincoln, Robert P. Casey, Jr., Debbie Stabenow, Jack Reed, B.A. Mikulski, Tom Harkin, Harry Reid.

Mr. REID. I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3071

Mr. REID. I move to concur in the first House amendment, with the amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3071 to the House amendment to the text of H.R. 976.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect 3 days after date of enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3072 TO AMENDMENT NO. 3071

Mr. REID. I ask now that the clerk report the second-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3072 to amendment No. 3071.

In the amendment strike 3 and insert 1.

Mr. REID. Mr. President, I think I interrupted my distinguished friend. Did he have more business to conduct?

The PRESIDING OFFICER. The Republican leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

Mr. McCONNELL. Are we back on the Defense bill?

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. McCONNELL. I send a motion to invoke cloture on the underlying bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 189, H.R. 1585, National Defense Authorization Act for fiscal year 2008.

> Mitch McConnell, C.S. Bond, David Vitter, Lisa Murkowski, R.F. Bennett, John Coburn, Lindsey Graham, Norm Coleman, Michael B. Enzi, John Thune, Jon Kyl, Richard Burr, Wayne Allard, Ted Stevens, Jeff Sessions, J.M. Inhofe, Thad Cochran.

Mr. DODD. Mr. President, I want to take a few brief moments to explain my votes this afternoon on two amendments to the Defense authorization bill. The first, a resolution offered by my good friend from Delaware, and chairman of the Foreign Relations Committee, Senator BIDEN, expressed the Senate's support for helping the Iraqis to seek a political solution to the current conflict in that country by supporting three Federal regions in Iraq.

It is still my position that the United States should not impose a political solution on the Iraqis to which Iraqis are opposed. According to recent polling in Iraq, it seems as though Iraqis are not yet ready to divide their country along these lines. However, sectarian divisions are already occurring by huge internal displacements in Iraq which are direct results of the level of carnage and violence in that country. And if Iraqis should decide that they would like to devolve their country into three separate sectarian regions, and if they choose this method as the best means for ending the current conflict in that country, then I would wholeheartedly support that decision. This resolution calls for exploring that option, and if Iraqis decide to do so, then I will strongly support such action.

I am deeply worried by the language contained in the Kyl-Lieberman amendment, and for what purposes this language was introduced. Let me be very clear, the Iranian regime is behaving in deeply troubling ways, in its quest to secretly acquire nuclear weapons, to destabilize Iraq and Lebanon, and by calling for the destruction of the State of Israel. We must deal with the various threats Iran poses in an effective, smart, and multilateral way, and I am prepared to do just that.

But we must also learn the lessons of the runup to the Iraq war, when this body passed seemingly innocuous nonbinding language that ended up having profound consequences. Our President must use robust diplomacy to address our concerns with Iran, not turn to the language in the Kyl amendment to justify his action if he decides to draw this country into another disastrous war of choice.

I wholeheartedly agree that we should increase the economic pressure on the Revolutionary Guard, or any other entity of Iran, and that is why as chairman of the Banking Committee, I held a hearing to determine how best to use targeted, robust, and effective sanctions against any elements in the Iranian regime who are supporting and exporting terrorism and extremism.

But this amendment would not increase economic pressure on the Iranian regime—instead it would provide bellicose rhetoric which may serve as the basis of future military action against Iran. For that reason, I staunchly oppose it.

Mr. HATCH. Mr. President, I rise today to speak to an amendment that would increase the maximum Federal age limit at which a member of the military, who has been honorably discharged, may become a Federal law enforcement officer.

Military servicemembers make extraordinary sacrifices on our Nation's behalf. They are the defenders of our freedoms, our liberties, and our security. We owe each of them a great debt, and any appropriate compensation we can offer is a step toward repaying that national obligation.

Many of our brave soldiers joined the world's finest military when they were 18 years of age. Large numbers of them become career soldiers, serving 20 years or more before retiring.

However, current U.S. law states that applicants to Federal law enforcement positions must be between 23 and 37 years old. A servicemember who joins the military at the age of 18 and serves honorably for 20 years falls outside this federally mandated age range. I am sure my Senate colleagues would agree that members of the military, with their training and experience, can be highly suited for positions in Federal law enforcement, and if otherwise qualified should not be prohibited from further serving their country by an arbitrary, maximum age limit.

My amendment would increase the maximum age for Federal law enforcement recruitment to 47 years old for military personnel who receive an honorable discharge. This means that many more honorably discharged military members will be able to seek employment with Federal law enforcement agencies. This amendment is an important tool in both recruiting and retaining fine servicemembers. It is my hope that more would be willing to remain in the military, knowing that after they complete 20 years in uniform, they will still have the opportunity to serve our country as Federal law enforcement officers.

I have heard from several servicemembers who are considering an early departure from the military so that they can become Federal law enforcement officers. It should be remembered that many of these soldiers already have the necessary security clearances for these positions. Furthermore, I believe Federal law enforcement training costs would be largely reduced because of the military training of these individuals. The American people need qualified, competent law enforcement officers, and what greater pool from which to draw than experienced and professional military retirees? I am anxious to see this arbitrary retirement limit changed for military personnel and I encourage my colleagues to support this important amendment.

Mr. MENENDEZ. Mr. President, in recent years, our country has seen a major shift in the way that our National Guard has been used. Traditionally, our Guard units have supplemented our active duty troops during a major war or conflict. But as America faces ever-increasing military challenges, we see these citizen soldiers now replacing active duty troops in operations around the world. Since September 11, many Guard members have been called to active duty for multiple tours, and this is likely to continue in the foreseeable future.

The National Guard has played a critical role in Operation Iraqi Freedom and Operation Enduring Freedom. Currently, almost 15,000 guardsmen and women are deployed in Iraq and Afghanistan and 242,271 have been deployed since the beginning of Operations in Iraq and Afghanistan. These tours have stretched our National Guard to the limit, and have severely depleted our Guard's equipment. In reality, much of the equipment that is sent into theater never returns with the Guard units when their tour of duty is complete. This exacerbates the issue of equipment reset.

While we consider the strain that our current operations in Iraq and Afghanistan are placing on our National Guard, we must also remember that the Guard has another important responsibility: providing security at home. In the past few years, we have seen the valuable role that the Army and Air National Guard play in providing support during domestic emergencies. I know that in my State of New Jersey, the National Guard came to the rescue during the 9/11 terrorist attacks, and was also instrumental in helping during the aftermath of the flooding that wracked New Jersey last year. The guardsmen and women also provided critical support in response to the hurricanes that severely damaged the gulf coast in 2005. Unfortunately, our current military operations abroad have left our National Guard without much of the equipment it needs to respond to some of the domestic emergencies I have just mentioned.

In February of this year, the National Guard Bureau released a report entitled "National Guard Equipment Requirements," which detailed the "Essential 10" equipment needs to support domestic missions. The shortfalls in equipment total $4 billion, and cover areas including logistics, security, transportation, communications, medical, engineering, aviation, maintenance, civil support teams and force protection, and join force headquarters and command and control. Without the proper equipment, the National Guard will not be able to respond as quickly and effectively in missions here at home.

We saw an example of this in May when tornadoes ripped through Kansas. Although the Kansas National Guard was able to respond to the disaster, Governor Sebelius spoke out about the challenges her State faces due to the severe equipment shortages. National Guard units throughout the country are facing such equipment shortfalls, and with tornadoes, floods, hurricanes, and forest fires affecting our nation annually, it is imperative that the National Guard have the equipment it needs to respond accordingly in the face of these emergencies.

That is why I introduced the recently passed amendment that expresses the sense of Congress that the Army and Air National Guard should have sufficient equipment available to achieve their missions inside the United States and to protect the homeland.

This Congress always talks about supporting our troops—well we need to remember that supporting our troops means supporting the National Guard and providing them with the equipment they need not only for missions abroad but here at home. In the coming months, I will be working with my colleagues to see that this Congress provides the necessary funding to address these severe equipment shortages. In the meantime, I hope that the entire Senate will support this amendment.

Mr. CONRAD. Mr. President, our Nation's bomber fleet is a vital national asset. Bombers today offer global reach, operational responsiveness, and close air support for troops on the ground in ways that their designers could never have imagined. While our bomber fleet is currently aging, there is virtually no chance that new long-range bombers will enter service before 2020.

If we remove bombers from our active force and do not furnish them with critical upgrade programs, they will be irretrievably lost. This will create a "bathtub" in bomber capabilities that will last over a decade.

Over the last 2 years, the administration has proposed dramatically downsizing our bomber force, particularly by cutting the B–52 force from 94 aircraft to 56. Neither the House nor the Senate found the administration's arguments for cutting the bomber fleet persuasive. They both concluded that making deep B–52 retirements would put at risk our military's ability to carry out the national security strategy. Let me quote from the House Armed Services Committee's report:

> Committee also understands that the current B–52 combat coded force structure is insufficient to meet combatant commander requirements for conventional long range strike, if the need should arise to conduct simultaneous operations in two major regional conflicts.

The Senate Armed Services Committee had similar concerns:

> The Committee is concerned that any further reduction in the B–52H total aircraft inventory will create unacceptable risk to national security and may prevent our ability to strike the required conventional target set during times of war.

Because of these concerns, last year Congress enacted defense legislation allowing the retirement of only 18 B–52s, reducing the fleet to 76. But the law required that the savings from those retirements be devoted to modernizing the remaining bombers, and the law prohibited any further retirements until a next generation bomber was available—probably around 2018.

I will ask that section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 be printed in the RECORD, along with the relevant sections of the House and Senate Armed Services Committees' reports on that law.

Unfortunately, there have been some efforts to try to find a way around that law. For a while, it looked like there might be an effort to play games with the assignments of the B–52 fleet, by doubling up the assignments of aircraft that we now use for training and calling them "dual coded" training and combat aircraft. Then, instead of retiring B–52s, they would simply mothball them. But mothballed aircraft will do nothing to preserve our ability to fight and win two wars.

Based on the analysis of the Armed Services Committee and my own staff's analysis, it is clear that slashing the size of our B–52 force would significantly increase the risks we face in fighting and winning two nearly simultaneous contingencies. If we retired 38 B–52s, it would be impossible for the Air Force to deploy a bomber force comparable to the one we used during the initial days of the war in Iraq. During the initial 30 days of combat in Iraq, the Air Force used more than 80 B–52s so it could sustain a deployed force of 42 B–52s at forward operating locations overseas. Obviously, the Air Force could not repeat that feat with just 56 B–52s.

Moreover, the war in Iraq has tied down a large share of our land forces and increased our dependence on the Air Force for dealing with any additional crises. Chairman of the Joint Chiefs General Peter Pace has made the situation very clear. He said, "If another, [conflict] popped up tomorrow, regardless of where, . . . you would have the Navy and the Air Force being able to get there very quickly."

Because we were concerned about the risks to our warfighting ability, last year Congress barred the Pentagon from retiring B–52s until the submission of a comprehensive Bomber Roadmap study by an independent research institution. That study still has not been completed.

Some people have tried to tie the B–52 issue to an altogether different question: whether the Air Force will be allowed to retire a long list of old aircraft in its inventory that currently have restrictions on their operation or are even grounded. Let me be clear. As chairman of the Budget Committee, I strongly agree that we need to retire unserviceable aircraft. There is no point in paying to maintain aircraft that we cannot fly.

The B–52 is not part of that problem. While it has flown for many years, the B–52 is still a young aircraft in flying hour terms. The Air Force has said that today's H-model B–52 is flyable for another 30 to 40 years. Most commercial airliners have several times as many cycles per aircraft and airframe hours as the B–52, which spent most of the cold war sitting alert on the ground.

In fact, the B–52 is in many ways the most valuable aircraft in our inventory. Today's B–52 has been modernized and can carry the widest range of weapons of any aircraft we own. It has the highest mission capable rate in the bomber force, and it costs the least to operate of any bomber. The FY 2006 reimbursement rate for the B–52 is $10,000 per flying hour less than the B–1B and $4,000 per flying hour less than the B–2.

Does it make sense to try to save money by cutting the portion of the bomber force that is by far the least expensive to operate and has the highest utilization and mission capable rates? I don't think so.

The B–52 is an indispensable tool for our Nation's military, being used in combat overseas on a daily basis. It is crucial that we maintain a sizeable bomber force and that each plane is outfitted with the most technologically advanced equipment.

The Conrad-Dorgan-Landrieu-Vitter amendment reinforces the law we passed last year requiring a B–52 force of no less than 76 aircraft. This amendment requires that the 76 aircraft B–52 force include 63 active aircraft, 11 backup aircraft and two reserve aircraft, just as it did in 2006. It will prohibit the Pentagon from reducing the maintenance status of some B–52s and creating "hangar queens" that are not regularly flown.

The Conrad amendment also requires technological upgrades to the entire B–52 fleet, ensuring the planes are using the latest in defense technology. It states that the entire fleet must be kept in a "common configuration." The Senate and House Armed Services Committees have already authorized additional funding for B–52s to ensure that the full 76 aircraft fleet is upgraded.

It makes absolutely no sense to try to save money by cutting the cheapest bombers to operate. With ongoing conflicts in Iraq, Afghanistan and elsewhere around the world, our Nation should accelerate the modernization of our bomber force rather than shrinking it.

I thank the distinguished managers of the bill for their support of this amendment and look forward to working with them as the Defense authorization bill moves toward enactment.

I ask unanimous consent that the material to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 5122 (NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2007)

SEC. 131. BOMBER FORCE STRUCTURE.

Requirement for B–52 Force Structure—

(1) RETIREMENT LIMITATION.—During the B–52 retirement limitation period, the Secretary of the Air Force—

(A) may not retire more than 18 B–52 aircraft; and

(B) shall maintain not less than 44 such aircraft as combat-coded aircraft.

(2) B–52 RETIREMENT LIMITATION PERIOD.—For purposes of paragraph (1), the B–52 retirement limitation period is the period beginning on the date of the enactment of this Act and ending on the date that is the earlier of—

(A) January 1, 2018

(A); and

(B) the date as of which a long-range strike replacement aircraft with equal or greater capability than the B-52H model aircraft has attained initial operational capability status.

(b) Limitation on Retirement Pending Report on Bomber Force Structure—

(1) LIMITATION.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for retiring any of the 93 B-52H bomber aircraft in service in the Air Force as of the date of the enactment of this Act until 45 days after, the date on which the Secretary of the Air Force submits the report specified in paragraph (2).

(2) REPORT.—A report specified in this subsection is a report submitted by the Secretary of the Air Force to the Committees on Armed Services of the Senate and the House of Representatives on the amount and type of bomber force structure of the Air Force, including the matters specified in paragraph (4).

(3) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE DEFINED.—In this subsection, the term "amount and type of bomber force structure" means the number of each of the following types of aircraft that are required to carry out the national security strategy of the United States:

(A) B-2 bomber aircraft.

(B) B-52H bomber aircraft.

(C) B-1 bomber aircraft.

(4) MATTER TO BE INCLUDED.—A report under paragraph (2) shall include the following:

(A) The plan of the Secretary of the Air Force for the modernization of the B-52, B-1, and B-2 bomber aircraft fleets.

(B) The amount and type of bomber force structure for the conventional mission and strategic nuclear mission in executing two overlapping "swift defeat" campaigns.

(C) A justification of the cost and projected savings of any reductions to the B-52H bomber aircraft fleet as a result of the retirement of the B-52H bomber aircraft covered by the report.

(D) The life expectancy of each bomber aircraft to remain in the bomber force structure.

(E) The capabilities of the bomber force structure that would be replaced, augmented, or superseded by any new bomber aircraft.

(5) PREPARATION OF REPORT.—A report under paragraph (2) shall be prepared by the Institute for Defense Analyses and submitted to the Secretary of the Air Force for submittal by the Secretary in accordance with that paragraph.

HOUSE REPORT 109-452 ON H.R. 5122 (NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2007)

B-52 FORCE STRUCTURE

The budget request included a proposal to retire 18 B-52 aircraft in fiscal year 2007, and 20 B-52 aircraft in fiscal year 2008.

The committee understands that the 2006 Quadrennial Defense Review directed the Air Force to reduce the B-52 force to 56 aircraft and use the savings to fully modernize the remaining B-52s, B-1s, and B-2s to support global strike operations. However, the committee understands that the estimated $680.0 million savings garnered from the proposed B-52 retirement in the remaining Future Years Defense Program (FYDP) has not been reinvested into modernizing the current bomber force, but has instead been applied towards Air Force transformational activities. The committee also understands that the current B-52 combat coded force structure is insufficient to meet combatant commander requirements for conventional long-range strike, if the need should arise to conduct simultaneous operations in two major regional conflicts.

Additionally, the committee is concerned that the decision to retire 38 B-52 aircraft is primarily based on the nuclear warfighting requirements of the Strategic Integrated Operations Plan, and did not consider the role of the B-52 in meeting combatant commander's conventional long-range strike requirements. The committee disagrees with the decision to reduce the B-52 force structure given that the Air Force has not begun the planned analysis of alternatives to determine what conventional long-range strike capabilities and platforms will be needed to meet future requirements.

The committee is deeply concerned that retirement of any B-52 aircraft prior to a replacement long-range strike aircraft reaching initial operational capability status is premature. Further, the committee strongly opposes a strategy to reduce capability in present day conventional long-range strike capability in order to provide funding for a replacement capability that is not projected to achieve initial operational capability until well into the future.

Therefore, the committee included a provision (section 131) in this Act that would prohibit the Air Force from retiring any B-52 aircraft, except for the one B-52 aircraft no longer in use by the National Aeronautics and Space Administration for testing.

Additionally, this section would require the Air Force to maintain a minimum B-52 force structure of 44 combat coded aircraft until the year 2018, or until a long-range strike replacement aircraft with equal or greater capability than the B-52H model has attained initial operational capability status.

SENATE REPORT 109-254 ON S. 2766 (NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2007)

LIMITATION ON RETIREMENT OF B-52H BOMBER AIRCRAFT (SEC. 144)

The committee recommends a provision that would authorize the Secretary of the Air Force to retire up to and including 18 B-52H aircraft of the Air Force. The committee expects the remaining B-52H aircraft inventory to be maintained in a common aircraft configuration that includes the Electronic Countermeasure Improvement, the Avionics Mid-life Improvement, and the Combat Network Communication Technology modification efforts. The committee expects no further reduction in the B-52H total aircraft inventory, including the current inventory levels for combat coded Primary Mission Aircraft Inventory and Primary Training Aircraft Inventory. The committee is concerned that any further reduction in the B-52H total aircraft inventory will create unacceptable risk to our national security and may prevent our ability to strike the required conventional target set during times of war.

RETIREMENT OF B-52H BOMBER AIRCRAFT (SEC. 145)

The committee recommends a provision that would prohibit the use of any funds available to the Department of Defense from being obligated or expended for retiring or dismantling any of the 93 B-52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days after the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the bomber force structure. The committee directs that the report shall be conducted by the Institute for Defense Analyses and provided to the Secretary of the Air Force for transmittal to Congress. The committee is troubled that the Air Force would reduce the B-52 bomber fleet without a comprehensive analysis of the bomber force structure similar to the last comprehensive long range bomber study, which was conducted in 1999.

CONFERENCE REPORT 109-702 ON H.R. 5122 (NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2007)

BOMBER FORCE STRUCTURE (SEC. 131)

The House bill contained a provision (sec. 131) that would prohibit the Air Force from retiring any B-52 aircraft, except for the one B-52 aircraft no longer in use by the National Aeronautics and Space Administration for testing. The provision would require the Air Force to maintain a minimum of 44 B-52H combat coded aircraft until the year 2018 or until a long-range strike replacement aircraft with equal or greater capability than the B-52H model has attained initial operational capability.

The Senate amendment contained similar provisions (secs. 144-145). Section 144 would allow the Secretary of the Air Force to retire up to 18 B-52H bomber aircraft in fiscal year 2007. Section 145 would prevent the obligation or expenditure of funds for the retirement or dismantling of any of the 93 B-52H bomber aircraft in service in the Air Force as of June 1, 2006, until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the amount and type of bomber force structure required to carry out the National Security Strategy of the United States.

The Senate recedes with an amendment that would authorize the Secretary to retire up to 18 B-52H bomber aircraft, but maintain not less than 44 combat coded B-52H bomber aircraft, beginning 45 days after the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report prepared by the Institute for Defense Analyses on the amount and type of bomber force structure required to carry out the National Security Strategy of the United States. The amendment would also prohibit retirement of more than 18 B-52s until a long-range strike replacement aircraft with equal or greater capability has attained initial operational capability status or until January 1, 2018, whichever occurs first.

The conferees direct the Secretary to include in the report:

(1) the plans to modernize the Air Force bomber fleets;

(2) the amount and type of bomber force required in executing two overlapping 'swift defeat' campaigns involving both conventional and strategic nuclear missions;

(3) a justification of the cost and projected savings associated with any reductions to the B-52H bomber aircraft fleet;

(4) the life expectancy of each bomber aircraft to remain in the bomber force structure; and

(5) the capabilities of the bomber force structure that would be replaced, augmented, or superceded by any new bomber aircraft.

The conferees expect the Secretary to maintain all retired B-52H bomber aircraft, retired in fiscal year 2007 or later, in a condition known as "Type-1000 storage" at the Aircraft Maintenance and Regeneration Center.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. I ask unanimous consent we now proceed to a period for morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise today in strong support of the Matthew Shepard Act as an amendment to the DOD authorization bill.

Federal hate crimes legislation is a much-needed and long missing piece of the civil rights and criminal law puzzle.

First, I would like to thank my friend and colleague, Senator KENNEDY, for his determination and leadership on this bipartisan amendment.

I would also like to thank my friends and colleagues—Majority Leader REID and Chairman LEVIN—for their support of hate crimes legislation and this amendment. Many people had amendments they wanted on this bill, but Senator LEVIN and Senator REID understood the importance of this legislation.

Dr. King once said "In order to answer the question, 'where do we go from here?'. . . we must first honestly recognize where we are now."

We are still in a time where racism and other hatred are ever-present.

We are still in a time when our old scars and wounds from times past have not healed.

Yes, we have made progress, but all of us know we have a long way to go. And the only way we can get there is if we travel together, as one Nation.

And if our Federal Government can say with one strong, unified voice that crimes based on hatred will not be tolerated, then that is a step forward.

And we can also say that those hatemongers who commit these crimes will not get off lightly; but rather will pay the consequences of committing a crime against a larger community.

We can all say this together by voting for the Matthew Shepard Act before us today. The act is named for a brave and courageous individual, who was killed simply because of who he was. This act deserves a quick and strong passage.

We have been here before. In 2004, this body passed hate crimes legislation, only to see it stripped away in conference. And I stand before my colleagues today to say—it is time to pass this legislation once again.

Current Federal hate crime laws are inadequate to deal with the rising tide of hate crimes that are tearing at the very fabric of our communities.

This legislation would remove the "federally protected activity" requirement that currently exists, and also expand the groups of individuals that are covered by Federal law including sexual orientation.

In addition, this legislation gives much needed resources and assistance to State and local law enforcement officials in investigating and prosecuting these crimes.

Let me clear, this legislation allows the Federal Government to act only with the consent of State or local law enforcement officials.

This law can be seen as a backstop—in case State hate crime laws do not cover a particular crime, or if State or local officials need the resources of Federal law enforcement.

This should assuage any federalism concerns that some of my colleagues may have.

Additionally, Congress has the clear mandate to act in this arena, based on both our authority under the commerce clause and the 13th amendment.

This type of crime—violence based on a person's skin color, religion, ethnicity, or other traits and characteristics, are as old as slavery itself. It is unconscionable. Matthew Shepard was killed because of his sexual orientation. Who can defend that? Who can say we should not increase the strength of the laws to deal with that hatred, bigotry and nastiness?

Hate crimes differ from other crimes because the criminals target groups of individuals who have been traditionally marginalized or stigmatized in our society.

This violence directly affects an individual's ability to feel safe and secure in a particular location, and has the effect of forcing people from their homes, or impeding their ability to travel.

Additionally, hate crimes are greater crimes. These crimes affect an entire community. They are not aimed at one individual. In fact, they are often not aimed at the individual upon whom they are committed but, rather, a much broader group. In that sense, these crimes are anti-American. They fly in the face of American pluralism, "E Pluribus Unum" that is on every dollar bill we see. Yes, out of many, one. Those who commit hate crimes are saying: No, there are certain groups of people who should not become part of the American fabric.

What could be more un-American than that?

Hate crimes must stop. The violence directly affects an individual's ability to feel safe and secure in a particular location and has the effect of forcing people from their homes or impeding their ability to travel. But, additionally, they are greater crimes because they affect an entire community, not just one individual. In that way, these crimes hurt all of us—the American community.

Because of that, the perpetrators of these crimes should be punished for their actions; both Federal and local law enforcement working together to punish the perpetrator is an important and sometimes necessary signal showing that violence motivated by hatred is not tolerated at any level. This legislation enjoys a broad range of support from numerous civil rights organizations to the National District Attorneys Association; rightfully so, since this affects all of us as Americans. I urge my colleague to vote for this important piece of civil rights and criminal law.

I hope we will get an overwhelming vote from both sides of the aisle, a condemnation of hatred, a condemnation of pointing to a particular group and saying: You don't belong. You can be subject to vicious and nasty crimes.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I ask to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

HATE CRIMES

Ms. KLOBUCHAR. Mr. President, first, I wanted to make some comments about the hate crimes bill. I am proud to be a cosponsor of that bill. Actually, this came out of my work as a prosecutor in Minnesota. We had a number of cases that involved crimes that were motivated by hate. Sometimes they were found to be hate crimes under our law; sometimes they were not. The ones I remember most—the little 14-year-old boy shot in the middle of the day by a guy who said he wanted to go out and kill a Black kid on Martin Luther King Day.

We had a Hispanic young man who could only speak Spanish, working in a factory, and his boss got mad at him because he didn't speak English and he was speaking Spanish and he took a 2 by 4 and hit him over the head.

We had a temple that was desecrated. We had a number of cases, but what I most remember about this was when the hate crimes bill was first introduced in Washington, I had the honor of introducing President Clinton when he announced his support for the hate crimes bill.

Before we went into the event, I got to meet the investigators in the Matthew Shepard case, two burly cops from Wyoming. They talked about the fact that until they had investigated that case, they had not dealt with ideas of what this victim's life was like. They did not want to think what his life was like. And then they got to know the family in that case, they got to know the mom, and they got to know the people surrounding Matthew Shepard, and their own lives were changed forever. I hope that by passing this bill, by doing the right thing, we can change the lives of other Matthew Shepards, and other victims of hate crimes.

SCHIP

I did come tonight, Mr. President, on the eve of what I hope will be a victory for the children and families in Minnesota and the Nation—passage of the children's health insurance reauthorization bill.

I come to remind my colleague of the weight of the situation presented to us. We have the opportunity to better the lives for millions of children, children and low-income families. We can do it by lifting the burden and lessening the struggle that confronts those who are uninsured.

Today, 45 million Americans are living without access to affordable health care. The worst part of it, the saddest part of it, is that 9 million of them are children and they are uninsured. Kids without access to affordable health care are at an enormous risk, an enormous disadvantage as they grow up and start to make their life in this world. Children without health coverage are less likely to get basic preventive care, less likely to see a doctor regularly, and less likely to perform well in school. Children without health coverage are often more likely to show up at the hospital sicker and more likely to develop costly chronic diseases.

I used to represent the biggest emergency health care center in our State, Hennepin County Medical Center, when I was Hennepin County Attorney. I can tell you this, when people do not have health care, when children do not have health care, they do have a doctor. The doctor is the emergency room, and we all pay for it. That is why making sure that people have health insurance, that these children have health insurance, is actually, in the end, better for all of us, better for taxpayers and certainly better for the kids.

The Children's Health Insurance Program was established to reverse the troubling problem of uninsured youth. It is a successful program that deserves to reach even more children. This is important because, first, it is the decent thing to do for American kids, who, through no fault of their own, are growing up in families who simply cannot afford health care. But it is also important because it is something that is good for all of us, and something that is important because it is a smart investment. It is a smart investment to make sure these kids get preventive care. It is a smart investment to help America's children grow up as healthy as they can be.

I was at a senior center the other day, and I told the seniors: The reason you should care about this is you need someone who is going to pay your Social Security in the end. We need kids who grow up who can participate in our economy and can work. It is a smart investment to have America's children in school, focused on learning, rather than distracted by sickness or injury. It is a smart investment to have America's children get medical care through a sensible system of health insurance rather than having them end up in a hospital emergency room at the taxpayers' expense.

When my daughter was born, she was very sick. She couldn't swallow. We did not know how long she was going to be in the hospital. She actually could not swallow for about a year and a half, and she was fed through a tube. So I saw firsthand the struggle these families go through. She is doing so well today, and it was because she had good, excellent health care at Minneapolis Children's Hospital.

Well, not all families have access to that health care. When I think of what happened to her and how she was able to get stronger and stronger, even though she was this tiny little baby on an x-ray machine, I think all kids should have that right.

Unfortunately, President Bush and his administration continue to fight efforts to expand SCHIP, a popular and effective program. The administration recently put in place a restrictive rule that makes it nearly impossible for States such as Minnesota to expand their program.

I want to remind the President this issue is not about scoring political points or pushing an ideology. It is about bettering the lives of America's future generation. Today we are making a choice, either to support a proven, effective program that has helped children in all States or supporting the status quo which could lead to more kids losing health care coverage as States struggle to make ends meet.

If the Children's Health Insurance Program fails to pass the Senate or the President chooses to veto its reauthorization and deny children access to this vital program, the consequences could prove dire for Minnesota's children and families. It is estimated that an additional 35,000 Minnesotans who would otherwise be uninsured would be enrolled in this program should this bill be signed into law. If the President uses his veto power, he will deny health care to 86,000 uninsured Minnesotan children who may have been enrolled with the passage of this bill. From a fiscal standpoint, our State once again loses out if this bill fails to pass. With changes in the allotment program and the formula, Minnesota would receive an increase of over $50 million in fiscal year 2008 to fund our children's health insurance and Medicaid Program. If the bill fails, Minnesota would be presented with a funding shortfall leaving low-income families in a frightening situation.

This program is very important to our State. Our Governor, a Republican Governor, supports it, as has the Governors Association. He has written letters asking us to approve this bill.

We are proud to have one of the lowest rates of uninsured in our State in the Nation, partially because of this program, and partly because we have been innovative in bolstering coverage for low-income kids and their parents. Since Minnesota was ahead of the curve in covering kids before this program was created, Minnesota uses a portion of these Federal dollars to provide coverage to their parents. This is because ample evidence proves that when parents get coverage, kids are more likely to have health coverage. I am glad to see that the compromise bill we reached largely retains the parental coverage in these special cases.

Many of my colleagues have expressed concern about the CHIP program replacing private insurance. I am reminded, though, of the testimony of CBO Director Orszag who reported to the Finance Committee this summer that this program is about as efficient as a program can be.

That being said, this bipartisan legislation makes an effort to mitigate the replacement of private insurance by requiring GAO and the Institute of Medicine to report on best practices for enrolling low-income children who need assistance the most. It requires the Secretary to help States implement those methods. I believe this rational approach will prove to be effective in reducing crowdout and will protect the State's flexibility, contrary to the Bush administration's overly restrictive rule that essentially bars States from expanding their program. I do not know why you would want to bar States from expanding their program when we are living in a time when more and more children have less and less health coverage.

When I went around my State in the last 2 years, I would go to cafes and we would think maybe 10 people would show up, so we would set the table up with 10 chairs. Then 100 people would show up. These were middle-income people, lower income people. I finally realized when you have got less money in your pocket, when health care premiums go up 100 percent, as they have in our State in the last decade, you feel it first in your pocket. When it costs 100 percent more to go to college, as it does at the University of Minnesota in the last 10 years, and you are a middle-class person, a low-income person, you feel it first in your pocket.

That is what has been going on in this country. There has been an enormous shift of resources away from the great majority of people in this country who are just trying to get by, to the very top echelon of people in this country.

We are trying to reverse that with this Congress. We are trying to change that with this Congress. We need vital programs such as children's health insurance more than ever, especially as these rising health care costs force families to tighten their budget.

The President should reconsider his threat to veto, and my colleagues who say they are against this bipartisan compromise legislation should reconsider their opposition. I thank the Finance Committee for their efforts to bring this bill to the floor, and to expand this important, successful initiative. It is not only good for American kids, it is good for our families, it is good for all of us.

When I think about the health care my daughter got when she could not even swallow and all of the doctors who were there to help her and the nurses who were there to help her, all kids should have that kind of beginning. That is what this bill is about.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. GRASSLEY. I ask unanimous consent to speak for what time I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHIP

Mr. GRASSLEY. Mr. President, soon the Senate will be debating the Children's Health Insurance Program. I might refer to that from time to time as CHIP, C-H-I-P, Children's Health Insurance Program.

This program is sunsetting in a week. The program was started 10 years ago, a product of a Republican-led Congress. It is a targeted program. It is a program designed to provide affordable health coverage for low-income children of working families. Those are families, working families, who make too much to qualify for Medicaid but struggle to afford private insurance and may not even have it.

Last July, because this program has to be reauthorized right now, the Senate Finance Committee reported bipartisan legislation to enhance and improve CHIP by a strong vote of 17 to 4.

In August, the Senate passed the Finance bill with the same bipartisan support by a vote of 68 to 31. On Tuesday, 265 Members of the House of Representatives voted for the bill that now will be before the Senate. That bill is a product of informal conferencing between the House and Senate. Clearly, we have a bill with strong bipartisan support. I want to emphasize that because this is the way the Senate Finance Committee has operated over a long period of time, both with Republicans in control and Democrats in control. Senator BAUCUS worked very closely with me when we were in the majority. Senator BAUCUS has continued that working relationship now that Democrats control the Congress and he is chairman of the committee. I welcome and appreciate that bipartisan leadership. It is obviously represented in this product that will soon be before the Senate.

This legislation maintains the fundamental provisions of the Senate. I want to emphasize that it maintains the fundamental provisions of the Senate bill not to denigrate the work of the House of Representatives but as a reflection of the fact that we had to work out something that would not be filibustered in the Senate. In the House of Representatives they don't have such provisions for filibuster. The House had some deference to the Senate. I appreciate that. But I also appreciate the fact that a lot of my colleagues—and these are Republican colleagues to whom I refer, not Democratic colleagues—said so often during the months of consideration of this bill before we finally passed it the first time that this $35 billion didn't mean much that we passed in the Senate because the House of Representatives passed a $50 billion CHIP bill and it would come back much bigger. I tried to say to my colleagues at that particular time that there would have to be a realization that if we were going to avoid a filibuster in the Senate, we would have to have something closer to the Senate provisions than the House. So I emphasize that this is pretty much the legislation the Senate originally passed, albeit right now it is a compromise between the House and Senate. There was a cap on new spending of $35 billion. There are no Medicare provisions in this bill as there were in the Senate bill. Spending is paid for by an increase in the cigarette tax. I commend the majority in the House and Senate for cooperating with Senate Republicans and for working with us on our priorities during the negotiations that led to this agreement. This compromise agreement is consistent with the principles we put forth in the Senate bill.

Mr. REID. Mr. President, would my friend yield?

Mr. GRASSLEY. Of course I will.

Mr. REID. I was in my office with the TV on listening to my friend from Iowa. I was compelled to come to the Chamber. I have been in Washington for a long time as a Member of Congress. I served in other offices before I came. All my adult life I have been involved in government one way or the other. They were all part-time jobs until I came back. The reason I came to the floor is that in my experience over all these many years I have rarely seen anyone with the leadership that this ranking member, former chairman of the Finance Committee, offered with this very difficult children's health issue. I say that without qualification. I have said it in closed meetings, and I have said it in public meetings, and I say it before the American people this afternoon. I wish we could have done more with this. I wish we could have done more. But, as I said, and as the distinguished senior Senator from Iowa heard me say in my office, in my years in government, I have spent more time on this issue than anything else I have ever worked on. We could not be at the point we are now but for the Senator from Iowa.

It has been very difficult. The House had to give up a tremendous amount of what they wanted. The Senator from Iowa and I both served in the House. They are two different institutions. It is difficult for the House, from my having served there, to understand and appreciate the difficulties we have here.

I don't know how I can say more than what I have said. I am impressed with the way Senator GRASSLEY has handled this bill. We had difficult issues that came with the House because they had so much, and we were only going to offer them a lot less than what they wanted. But the Senator from Iowa was firm. He was gracious. He was a gentleman through it all.

As I have told a number of people, with CHUCK GRASSLEY, no one ever has to wonder how he stands. It is not "I will go talk to my staff," or "I will get back to you." He told us in those meetings what he could do and what he couldn't. I was compelled to come to the floor because we had a real gesture of statesmanship by the Senator from Iowa with this SCHIP legislation.

Mr. GRASSLEY. Mr. President, before the distinguished Senate majority leader leaves, I thank him for those very kind remarks. I also want to recognize him. Without his being an honest broker as an intermediary between the House and the Senate, particularly among Democrats, I don't think we would be here either. I appreciate that very much. As a person who has worked hard on this for 4 months, it wouldn't have happened without the Senate majority leader as well. I thank him very much.

Getting back to the bill, I want to explain that this is fundamentally the Senate bill. We had a cap on new spending at $35 billion. That is where the Senate was. The Senate didn't have any Medicare provisions in their bill. The House did. We didn't have any in our bill, the House had Medicare provisions in theirs. Those are dropped out. There is a lot of Medicare provisions that we must act on, but Senator BAUCUS and I want to do that as separate pieces of legislation. We will do that, and we have committed to the House to do that.

Spending is paid for by an increase in the cigarette tax. That is similar in both the House and Senate. I do want to commend the majority in the House and Senate for cooperating with Senate

Republicans and for working with our priorities during the negotiations that led to this agreement. This compromise agreement is consistent with principles that we put forth in the Senate bill. I made clear during the debate on the bipartisan Senate bill before we originally passed it that the Senate went as far as I was willing to go in terms of spending and politics. It makes sense that we stayed true to the Senate bill. The Senate, after all, had a veto-proof majority. So it made sense to stay as close as possible to that successful formula, if the President would go through with his statement of veto and actually veto it.

The legislation before this body maintains all of the key policy provisions of the Senate-passed bill. This bipartisan bill refocuses the program on low-income children. It phases adults off the program. It prohibits a new waiver for parent coverage. It reduces the Federal match rate for States that cover parents. It includes new improvements to reduce the substitution of public coverage for private coverage. This compromise bill maintains the focus on low-income uninsured children and adds coverage for more than 3 million low-income children.

The compromise bill discourages States from covering higher income kids by reducing the Federal matching rate for States that wish to expand eligibility over 300 percent of Federal poverty limits. It rewards States that cover more low-income kids by providing targeted incentives to States that increase enrollment for coverage of low-income kids. So there is a very clear message to the States, all 50 States: Cover your poorest kids, meaning your kids from low-income families, first. Don't spend money on childless adults, as we heard so often during the debate. The word CHIP has no A in it. It is for children, not adults. Don't spend money on parents unless you can prove you are covering low-income kids. Don't spend money on higher income kids unless you can prove that your State is covering your lower income kids first. It is all there in black and white. Everybody can read it.

I get a sense, talking to some of my colleagues, that they haven't read what we are going to be voting on. Anyone who suggests this bill is an expansion to higher income kids or other populations, as has been done under some waivers given by the Bush administration, is simply not reading the bill.

Since the Senate passed a bill the first time, the subject of crowdout has become a lot more important in the debate. I want to define the word "crowdout." That is the substitution of public coverage for people who were previously in private insurance, individual or corporate, health care policies. Crowdout occurs in CHIP because the CHIP benefit is attractive and there is no penalty for refusing private coverage if you are eligible for public coverage.

On August 17, the Center for Medicare and Medicaid Services put out a letter giving States new instructions on how to address the crowdout, trying to stop going from private coverage to the CHIP program. I appreciate the administration's willingness to engage this issue. They have some very good ideas. But I also think there are some flaws in that policy stated on August 17 by the Secretary of HHS. States are supposed to cover 95 percent of the lowest income kids under that policy statement. But it has been a month since they have issued the policy statement, and CMS still cannot explain what data States should be using to make that determination about 95 percent. Personally, I believe CMS should have answers before they issue policies. If they still can't explain how it works a month later, I believe, as the saying goes, they obviously aren't ready for prime time. So the compromise bill that is before the Senate and passed the House last night replaces the CMS letter with a more thoughtful, reasonable approach.

The Government Accountability Office and the Institute of Medicine would produce analyses on the most accurate and reliable way to measure the rate of public and private insurance coverage and on best practices by States that they would take to address crowdout problems because we don't want to create a public program that moves people from one private coverage to the other. That has happened to some extent over the last few years. We don't want to go further. This deals with that problem. We want to talk about people who don't have any health coverage rather than moving people from private to public.

Following the two reports that are referred to by the Institute of Medicine, as well as the Government Accountability Office, the Secretary, in consultation with the States, under this bill will develop crowdout best practices recommendations for the States to consider and develop a uniform set of data points for States to track and report on coverage of children below 200 percent of Federal poverty guidelines and on crowdout.

Next, States that extend CHIP coverage to children above 300 percent FPL must submit to the Secretary a State plan amendment describing how they will address crowdout for this population, encouraging the best practices recommended by the Secretary to limit moving people from private coverage to public. After October 1, 2010, Federal matching payments will not be permitted to States that cover children whose families' income exceeds 300 percent of poverty, if the State does not meet a target for the percentage of children at or below 200 percent of poverty enrolled in CHIP because we want the emphasis upon low-income children being covered. And at the lower income level, less have to have insurance in the private sector as opposed to higher income people maybe having to have that. So, simply put, cover lower income kids first or the State does not get money to cover higher income kids.

Now, I know some people are obsessed with the State of New York in their efforts to cover kids up to 400 percent of poverty. It seems to come up in the talking points of every person who is against the legislation now before the Senate. This bill does not change the CHIP eligibility rules in any way—not one bit. This bill does not expand the CHIP program to cover middle-income families or higher income kids. It does not do it. The bill actually goes in the other direction. The real fact is the bill makes it very difficult for any State to go above 300 percent of poverty. It will make it very difficult for New Jersey, the only State currently covering kids above 300 percent of poverty, to continue to do so if they do not do a better job of covering low-income kids.

If you are concerned about the State of New York, well, do not waste your time looking at this bill. You will not find answers to New York's fate here in this legislation. The answer is where it has always been—in the office of the Secretary of HHS, Mike Leavitt. Only he has the authority to allow any State to cover children up to 400 percent of poverty. The authority to approve what States do with the CHIP program rests with him and no one else. This bill does nothing to change that authority. That is a fact. I heartily encourage those of you who have not read the bill and are talking along this line to read the bill. You will find out that what I have just said is a fact. It is all there in black and white.

I also want to say a few words about the President's position on this bill and speak directly to the President, as I spoke to him on the phone at 10 minutes to 9 last Thursday about why he should not veto this bill.

Mr. President, it is unfortunate that you are not—or at least there are words out that you are not—going to support this bill, that you might veto it. I would hope, Mr. President, that you would reconsider. I would hope that you would sign this bill. President Bush, you yourself made a commitment to covering more children. I could quote several times you have said this. But I will go back to something I heard you say personally. It was during the Republican National Convention in New York City. Mr. President, you were very firm on this point. Here is what you said. I want to quote what you said:

> America's children must also have a healthy start in life. In a new term, we will lead an aggressive effort to enroll millions of

poor children who are eligible but not signed up for the government's health insurance programs. We will not allow a lack of attention or information to stand between these children and the health care they need.

So, Mr. President, that is what you said back at the Republican Convention. You were reelected. You have a lot of mandates you are trying to carry out. This Republican Senator is trying to help you carry out that mandate you were elected on based on that speech you made.

I think that you, Mr. President, were pretty clear in your convictions then. I would like to repeat your words because I think they are very important. President Bush, you said that you would "lead an aggressive effort to enroll millions of poor children . . . [in] the government's health insurance programs." That is the end of your quote. I am happy to make sure we fulfill that commitment you made, President Bush, but I believe your current budget, where you suggested $5 billion more, does not do the job. I happen to agree with your policy. I think this bill carries out your policy. But I do not think, President Bush, this bill can do that. You obviously cannot do that for the $5 billion more you have in your bill.

The Congressional Budget Office reports that your budget proposal, President Bush, for SCHIP for fiscal year 2008 would result in a loss of coverage—not an increase of coverage that you say you want—a loss of coverage of 1.4 million children and pregnant women. Increasing the numbers of uninsured children is clearly not the goal you expressed or what we want to accomplish in our legislation. So we carry out the policies of covering the kids you want to cover with the amount of money that will do it. That is what we have done in this legislation before us.

Now, this bill does not warrant the overheated rhetoric we heard in the House last night.

I want to say to the President—before I get on to the point about what was said in the House last night—also, the President has another policy he wanted to work into this SCHIP reauthorization. He wanted to use the private sector and use the tax deductibility of individual policies to cover some—and even a great amount—of uninsured people. He thought the SCHIP bill would be a vehicle to do that. I agree with the President's policy on doing that.

There was a period of time—during February, March, and April—that we were negotiating with the White House when I said I thought very much what Senator WYDEN of Oregon was trying to do—and the Senator is on the floor—was worthy of doing. I asked the White House would they try to find some help for me and Senator WYDEN, that maybe we could do this. They did not find any support for that. They still say they want to do that, but sometime along April or May, we had to make a decision here. Were we going to do what the President wanted to do on SCHIP? So we could not do what the White House wanted to do through the private sector as part of SCHIP, so in order to negotiate a bipartisan agreement, we had to forget that aspect. But I promised the White House all the time that I was going to be working for those goals of covering the uninsured through tax deductibility of individual policies, as Senator WYDEN has suggested, and get universal coverage, even, if we can. I am still committed to that.

I spoke to the President of the United States about that last Thursday when I was on the phone with him. I said: Let's get this SCHIP behind us. And I am going to join Senator WYDEN in his effort to do it so we can get bipartisanship started on that issue, as well as what we have on SCHIP.

So I am asking President Bush: Won't you please consider signing this bill, and then let Senator WYDEN and me work with you on trying to take care of the 47 million people who do not have health insurance—do it through the private sector, do it through the tax deductibility of policies like that.

We even had Senator CLINTON, in her statement in Iowa, in her campaign for the Presidency, speak along the same efforts of using tax deductibility of private insurance to take care of medical problems generally but mostly the problems of the uninsured.

So I think we can move in ways of accomplishing what the President wants to accomplish, but it just could not be done on the SCHIP. So you have to do what you have to do around here. If it takes two steps to get the job done, you do it. So I want everybody to know I am not abandoning any efforts to take care of the uninsured. I am going to work with Senator WYDEN on that.

Now, if I could go to the debate, the overheated rhetoric we had last night in the House. This is a bill which improves coverage for kids who are poor. This bill does not make it easier for illegal immigrants to get benefits. I do not know how that comes up, but that red herring has been going on over the last 24 hours, and somehow people believe anything they are told. Here is a case of reading the bill again. The bill clearly states that funds cannot go to illegal immigrants.

The desperate efforts I heard on the House side to suggest this bill makes it easier for illegal immigrants to get benefits simply strains credibility. The bill does not extend eligibility for illegal immigrant children or pregnant women. I heard that.

The bill does not make CHIP an entitlement. Now, we all know what the definition of "entitlement" is. That was thrown out in the debate in the Senate 2 months ago when we had this bill up. An entitlement is something that, if you qualify for it, you get it, and the money comes from the Federal Treasury, and there is no limit on the amount of money. That is an entitlement. This is a specific amount of money which is going to be spent on this program. Not one dollar more can be spent. This is not an entitlement. Even as recently as a meeting I was in within the last 4 hours, among a mass of my colleagues, that argument was used. I do not know how intellectually dishonest you can be. You are a Member of the U.S. Senate. You know what the language of Government is. Maybe the people at the grassroots do not think of entitlements the way we do. They do not think of programs, appropriated accounts the way we do. But everybody who has been around this Senate a few months knows what those things are. And to call this program an entitlement is intellectually dishonest.

This bill is not a Government takeover of health care, either. And you heard that. This bill is not socialized medicine. Screaming "socialized medicine" during a health care debate is like shouting "fire" in a crowded theater. It is intended to cause hysteria that diverts people from reading the bill, looking at the facts.

To those of you, my colleagues, who make such outlandish accusations, I say: Go shout "fire" somewhere else. Serious people are trying to get real work done. Now is the time to get this work done.

I appreciate very much the leadership Chairman BAUCUS has provided. I thank him and Senator ROCKEFELLER for what they did to reach a bipartisan agreement because they gave as much as Senator HATCH and I gave as we were negotiating—the four of us—for this bipartisan agreement.

I also extend a sincere thanks to Senator HATCH, who is on the floor with me, for being a part of this effort. Senator HATCH was the main Republican sponsor of this bill 10 years ago, creating the State Children's Health Insurance Program. His commitment to the ideals and fundamentals of the program is steadfast, and the program is better for it.

When we began the debate on CHIP, I wrote down some principles I want to refer to—principles I gave my staff that I believed in that I thought were accomplishable goals in this reauthorization. I probably wrote these down—well, anyway, I will refer to them. But I wrote these principles down in my own handwriting and handed them to my staff and said this is how I think we ought to proceed with the negotiations on the CHIP bill. I am not going to go through and read it line by line, but this is what I wrote down sometime back in February, and I am going to refer to some of these without holding this paper up again.

Here are some highlights of these principles I wrote down entitled "Principles on SCHIP and How They Compare to The Bill."

It cannot be a middle-class entitlement, I said. This bill is not an entitlement. It must be paid for. This bill is paid for.

Another principle I wrote down is that it must be focused on families below 200 percent of Federal poverty level. This bill is focused on those low-income families.

Another principle: Kids should be covered before adults. This bill clearly makes that a requirement.

Another thing I said is the program should be capped—not an open-ended entitlement to States. The program continues to be capped in this bill.

I am here to say that my principles remain intact in this compromise document; therefore, I support the compromise bill and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Vermont is recognized.

CHIP

Mr. SANDERS. Madam President, before he leaves the floor, let me congratulate Senator GRASSLEY for his very fine work on this legislation, and Senator HATCH as well. It has been a true bipartisan effort. I want to take this discussion in a little different direction. I strongly support the SCHIP program. I happen to believe it is a disgrace that the United States of America remains the only country in the industrialized world which today does not guarantee health care to all of its people. I just came back the other day from a trip to Costa Rica, and this small, poor country manages to cover all of its people. Yet, in our country, we have 47 million Americans who have no health insurance, and we have some 9 million children who have no health insurance.

I always find it ironic that the American people seem to get from the White House what they don't want, and they don't get what they do want. The American people want to end the war in Iraq as soon as possible, a war which will soon be costing us, if you can believe it, $750 billion—three-quarters of $1 trillion—which even in Washington is a lot of money. For the war in Iraq, for Halliburton contracts, we seem to have an endless supply of money. The American people don't want it, but that is what they are getting.

On the other hand, the American people do want health insurance for their children. The American people strongly support—and the polls are very clear about this—the SCHIP program. The American people would like all of the children in this country to be covered. That is what they want, but that is what they are not getting.

What this bill, in fact, does do, which is very good—and I mentioned a moment ago my congratulations to Senator GRASSLEY and Senator HATCH for their efforts—is it takes us somewhere. It provides health insurance for 5 million more children, which is clearly a significant step forward, and I will strongly support this legislation.

It is interesting to me that from the White House the main argument, it appears, for opposition to this particular piece of legislation, and the reason they are threatening to veto it, one of the key reasons is this is an expansion of "government health care"—government health care. Let me read to my colleagues to whom it might be of interest, and to the American people, a poll on the economy done a few weeks ago by CBS News, from September 14 to September 16. This is the CBS poll.

Question No. 1: Which do you think would be better for the country: Having one health insurance program covering all Americans that would be administered by the government—administered by this terrible government—and paid for by taxpayers, or keeping the current system where many people get their insurance from private employers and some have no insurance? So CBS asked: Do you want a government-administered program covering all people or do you want the current system? The response from the American people was 55 percent believe in one health insurance for all Americans administered by the government; 29 percent want to maintain the current system.

We hear a lot of discussion from the White House about how terrible "government health care" is, and yet what the polls show by an almost 2-to-1 majority is that the American people would like a health insurance system guaranteeing health care to all people administered by the Government and paid for out of the tax base.

When I go back to Vermont, I find strong support for the Medicare Program, I find strong support for the Medicaid Program. Veterans want to see a significant increase in VA health care, which is, in fact, a 100-percent controlled Government program. In fact, Mr. Nicholson, who is head of the Veterans' Administration, former head of the Republican Party, says—and I think he is quite right—that the Veterans' Administration provides some of the very best quality health care in the United States of America, and they have been honored by national organizations who have looked at health care quality and have awarded distinction to the Veterans' Administration, which is, by the way, a 100-percent Government-run health care system. We have federally qualified health systems, health care programs all over America which time and time again are acknowledged to be tremendously successful. They are supported in a very strong, bipartisan way here in the Congress. They provide health care to millions of Americans—Government health care. So I think we should perhaps end this bogeyman mentality of Government health care—how terrible an idea it is. In fact, the American people want more Government health care in this country.

Our health care system has serious problems. In fact, it is in the midst of disintegrating. We have 47 million Americans today who have no health insurance, and that number, since President Bush has been in office, has gone up by over 7 million. The cost of health care is soaring. More and more people are not only uninsured, they are underinsured. Despite all of that, our country continues to spend twice as much per capita on health care as any other Nation on Earth. Meanwhile, despite all of that spending, despite all of the people who are uninsured, our health status measures—including infant mortality and life expectancy and the kind of work we do in disease prevention—ranks very low compared to other developed countries. We spend more, we get less value, we have more and more people uninsured, our health care system is disintegrating, and it is high time, in my view, that the United States ends the national disgrace of being the only country in the industrialized world that does not provide health care to all people.

Not only are more and more people uninsured; this system is even incapable of providing the doctors we need, especially in rural America. In cities we have doctors who are specialists earning millions of dollars a year, but somehow this system can't get doctors into rural America, into primary health care, into internal medicine. We lack dentists all over this country. We have a major nursing crisis, such that we are depleting the health care systems of the Philippines and other countries, because we are not educating our own nurses. So we have some major problems.

In terms of the SCHIP program, it is hard for me to understand—it is hard for me to begin to understand—how this President can be threatening to veto this legislation. We hear in the Congress a whole lot about family values. Well, if taking care of our children is not a family value, then I don't know what a family value is. It is clear also that providing health insurance to our children is what is cost effective. Forget the suffering involved. Forget the children who deal with illness they are not getting treated for because their parents don't have health insurance. Look at the cost-effective aspect of this. What kind of thinking is involved when we say: No, we can't provide health insurance for you, but when you get sick because you haven't gone to the doctor, oh, yes, we will operate on you and we will spend tens and tens of thousands of dollars to take care of you when you are in the hospital?

Let me conclude by saying that the time is long overdue for this country to get its priorities right. We should not continue spending hundreds of billions of dollars on a war the American people don't want. We should not, as the President and some in this institution want, give $1 trillion in tax breaks to the wealthiest three-tenths of 1 percent by repealing the inheritance tax. One trillion dollars over 20 years, we have money to do that, but we don't have, apparently, $35 billion to provide health insurance to 4 million children in this country. This Congress has to reorder and change the priorities established in the White House, and I believe that passing this SCHIP program will be a good step forward, a first step forward to be followed by much more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I won't take much time about SCHIP, only to say I hope our colleagues will vote for the SCHIP bill. It is a real bipartisan effort made by Democrats and Republicans over a long period of time with a lot of give by House Democrats and House Democratic leadership because they wanted a bill. I hope we pass that bill. I will identify my remarks to a large degree with the remarks of the distinguished Senator from Iowa who spoke earlier.

AMENDMENT NO. 3047

Madam President, I wish to discuss an amendment addressing the subject of hate crimes that I have filed on this national defense bill. I do not think that hate crimes legislation should be attached to this defense bill. The issue of hate crimes has nothing to do with the matter before us, our national defense.

Frankly, this Kennedy amendment has no relationship, as far as I am concerned, to this very important bill intended to help our military, and it should not be included on this legislation. Yet, as long as my colleagues insisted on filing a politically problematic hate crimes amendment to this legislation, it was important that we have a balanced debate.

My amendment would provide Federal assistance to the States and localities in the prosecution and investigation of bias motivated violence. That is what we are talking about here: bias motivated violence.

I want to be absolutely clear. No one—nobody in this entire body or institution—believes for one second that such crimes are ever acceptable. Nobody in this body believes that. So those who want to make political points by suggesting that are plain wrong, and they should stop.

The question is: What is the proper role of the Federal Government in the prosecution of these crimes? This needs to be a matter that we keep in careful balance. Our States are the primary guarantors of our rights and liberties. As far as I can see, having watched it for years, the States have handled these crimes very well. In every case I can think of—there may be some exceptions, but I don't know of any—the State has handled these matters adequately and well and people have been prosecuted and convicted. Some have been put to death; others have been sentenced for life.

The States are the primary guarantors of our rights and liberties. I think we must respect the hard and decent work of the States as they secure equal justice under the law for all of our citizens in the respective States.

With due respect to my colleagues and good friends, Senators KENNEDY and SMITH, I do not think this amendment strikes the right balance. In fact, I think this amendment is not needed. It has plenty of difficulties. It is constitutionally very questionable.

And frankly, it should not be on this bill. If they want to bring it up, they can do it separately. It should not be on the bill because the President indicated that he is not going to put up with this type of legislation on this bill. This is not because of a lack of dedication on his part in prohibiting hate crimes. He is as dedicated as anybody in this body to targeting these crimes, and that includes the distinguished Senator from Massachusetts.

So I rise to oppose both hate crimes and the Kennedy hate crimes amendment. A conviction against bias-motivated violence does not justify supporting a proposal that is unwise, unnecessary, and unconstitutional.

This amendment would create a new Federal criminal felony, punishable by up to 10 years in prison, for willfully causing bodily injury because of a person's perceived race, color, national origin, religion, gender, sexual orientation, disability, or—get this—gender identity.

Senator KENNEDY made a specific point earlier today that this new felony is not related to Federal jurisdiction. He said such a requirement would be "outdated, unwise, and unnecessary," but that requirement is grounded in the Constitution itself. With all due respect to my friend from Massachusetts, the Constitution is not outdated, unwise or unnecessary.

Not only does Congress lack authority to create such a freestanding hate crimes felony, the States are already handling this issue.

The Kennedy proposal would end up treating the less serious bias crimes too harshly, putting people who committed misdemeanors under State law in Federal prison, and treating the most serious bias crimes too harshly, with no death penalty even for the most heinous murders as in the case of James Byrd in Texas.

This bill goes further even than the Kennedy proposals of the past.

Let me mention a number of problems that I perceive with Senator KENNEDY's hate crimes amendment. First, as noted yesterday, the Kennedy amendment is different from the hate crimes bill offered in past Congresses. This amendment adds "perceived . . . gender identity" as a protected class. What does this concept mean? The Senate has held no hearings on the meaning of this phrase or how far this phrase would allow the courts to go. How far would some of the courts interpret this phrase? The bill's definition is vague; it raises more questions than it answers. Would this include wearing an earring? Would it include an assault of a man with long hair or a woman with short hair? What about a woman wearing long hair? Are all protected the same under Federal law? What about different kinds of clothing?

Clearly, there would be cases that fall safely within the drafters' intent, but can Senators be confident of what this language means? I do not think so. Do they want to pass a law to put judges or juries in charge of interpreting the meaning of clothing and personal style? Again, there have been no hearings in the Senate to give any guidance to Senators for this vote.

When the House passed this bill, the White House released a SAP promising a veto. To pass the Kennedy amendment is to jeopardize the Defense authorization bill altogether.

The Justice Department has also indicated it supports the concepts found in my alternative proposal.

There is no evidence that hate crimes go unprosecuted in the States. For example, as Dr. COBURN recently pointed out on the floor, the killers of Matthew Shepard—for whom this bill is named—were successfully prosecuted under State law. And recall that the killers of James Byrd in Texas several years ago were sentenced to death under State law. But there is no death penalty provided for in the Kennedy amendment. By the way, Senator KENNEDY cannot make the case that the States are inadequate in their handling of these crimes. I don't think he can make the case the States are not doing a good job of handling these crimes. These kind of crimes are intra-State crimes. I do not think he can make the case there is a sufficient nexus of interstate commerce to justify what I consider to be the unconstitutional Kennedy amendment.

The Senator from Massachusetts stated earlier that "all hate crimes will face a Federal prosecution."

If that is true, then prepare for a massive federalization of basic criminal law, which is handled well by the States. Maybe 100 years ago you could find States not enforcing hate crime laws, but I do not think you will find that today in any State in this Union.

There is not a person in the Senate who wants those crimes to go unpunished. But the States are handling them well. Why would we bring the almighty arm of the Federal Government into these matters?

There are also several reasons this bill is unconstitutional. Consider one: The Supreme Court held that certain of the criminal provisions of the Violence Against Women Act were unconstitutional because most crimes of violence against women were not interstate in nature. I have to admit I was a prime cosponsor, along with Senator BIDEN, of VAWA. I was somewhat disappointed in that decision, but that is the decision. That is our constitutional law. The Kennedy amendment would criminalize many physical and sexual assaults. The same constitutional issues are at stake.

Again, I decry hate crimes. I do not believe there should be evil discrimination, bias discrimination, in any way, shape or form. I have always stood up for the rights of those who have been discriminated against. I may have differed on some bills, as I do on this one. But I decry these types of acts. But to federalize hate crimes legislation and to make it not only burdensome but very intrusive on the State's work in this area, I think, is the wrong thing to do.

I hope my colleagues will consider some of these thoughts. I will speak in more detail tomorrow. But the fact of the matter is I think it is a real mistake, when the States are doing as good a job as they have been doing, when the very crimes they use to justify this bill were handled by the States and people were sentenced to long terms, or even to death, I think it is inadvisable for us to proceed on this amendment.

Last but not least, the President said he is going to veto the bill if Senator KENNEDY's amendment makes it in. I think it is wrong to put this amendment into this Defense Authorization Act. It has been wrong, as far as I am concerned, to have a lot of these amendments that have been brought up on the floor that have nothing to do with Defense authorization, or have everything to do with trying to score political points, at a time when we should have passed this bill 2 weeks ago and gotten it on its way to the House of Representatives and then to the President, so our soldiers will have the benefits this bill provides for.

Adding hate crimes to it may lead to a veto of the whole bill. That would be just plain tragic, especially since we know of the President's suggestion that he will veto the hate crimes bill. So I am concerned about it. I understand Senator KENNEDY's motivation on this. He wants to get it on a bill that has to pass both Houses of Congress. But it ought to be on a bill related to hate crimes or related to criminal law, not something that can scuttle this important Defense authorization bill. I personally feel badly that so many of these days have gone by with amendments that have nothing to do with the defense of our country or our soldiers in Iraq and Afghanistan and elsewhere around the world.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Oregon is recognized.

CHILDREN'S HEALTH CARE

Mr. WYDEN. Mr. President, I hope tomorrow the Senate will pass urgently needed help for millions of America's children. I hope it will be done quickly because it is a moral abomination that millions of America's kids don't have health care. If the Senate acts quickly and the White House approves the legislation, it would then be possible to move forward on a bipartisan effort to more broadly address the extraordinary health care needs of all of our citizens.

The fact is, you don't get anything important done on health care, or other issues, unless it is bipartisan. Tomorrow, we will see a textbook case of bipartisanship on display on the floor of the Senate. Four members of the Senate Finance Committee on which I am proud to serve—Senators BAUCUS, GRASSLEY, ROCKEFELLER, and HATCH—and I see my friend from Utah on the floor. I salute him personally in my remarks because I know the Senator from Utah, the Senator from West Virginia, the Senator from Montana, and the Senator from Iowa spent hours and hours, day after day, working on the legislation to help our kids.

Bills such as this don't happen by osmosis; they happen because legislators of good faith, such as Senator HATCH, who, along with Senator KENNEDY and others, was a pioneer of this effort. Senator HATCH has addressed the major concerns. This is protecting private options for health care for children. He has been able to target the neediest youngsters. I am pleased he has addressed this waiver question and the remarks that the Senator has made and the distinguished Senator from Iowa has made, joining Senators BAUCUS and ROCKEFELLER. This is a textbook case, in my view, of how we address health care in a bipartisan way.

Frankly, one of the points I am going to make tonight in my remarks is that I wish to have this issue addressed by the Senate quickly because, first, our kids need it so much and, second, because if we can get it done quickly, he and I, Senator GRASSLEY, and so many other colleagues on the Finance Committee still want to work in a bipartisan way to go further.

Mr. HATCH. Will the Senator yield?

Mr. WYDEN. Yes.

Mr. HATCH. I thank the Senator for his kind remarks, which come from somebody who I know takes health care very seriously and has proven himself to be one of the leaders in health care. I personally pay tribute to the other Members who have also worked so hard on the SCHIP bill; in particular, Senator KENNEDY. I remember back in the early days, when it was a lonely thing for Senator KENNEDY and I to go around the country talking about helping the poor kids, the only ones left out of the health care system. It took a leading liberal such as Senator KENNEDY and this poor, old beaten-up conservative to be able to do that.

I am grateful we were able to come up with a bipartisan bill that the House was kind enough to work with us on. That was one of the rare bipartisan efforts this year that I would like to see more of in the Congress.

I sure hope somehow or another we can get the CHIP bill not only authorized but passed and signed into law so these 10 million kids have a future from a health care standpoint.

In any event, I did not mean to take so much of the Senator's time, but I wanted to thank him for his very kind and thoughtful remarks. His friendship is important to me. I personally congratulate him for his sensitive and very professional work on health care, not only in the House of Representatives but here as well.

Mr. WYDEN. I thank my friend. The fact that Senator HATCH and Senator KENNEDY, in particular, have prosecuted this cause of improving health care for our citizens has been so important. It is going to pay off, I hope, this week with resounding support for the children's health bill.

I want to spend a few minutes tonight talking about the possibility, with a strong victory for the cause of children's health, about the prospects of moving on from there. I wish to pick up on the remarks of the distinguished Senator from Iowa, Mr. GRASSLEY. He has been very gracious in terms of working with me and looking at the variety of options for broader reform. And I appreciate the conversation that Senator GRASSLEY had just a few days ago with the White House.

What a lot of us are saying to the White House is we think you have some valid points with respect to the broader issue of health care reform. I happen to think that Democrats have been spot on, absolutely correct on the coverage issue. We have to cover everybody because if we do not cover everybody, the people who are uninsured shift their bills to people who are insured. But Republicans have had a very valid point as well that there ought to be private options, that there ought to be choices, that you need to have a strong delivery system with American health care in the private sector. That is why I made mention of the emphasis in the children's health bill on the private sector options.

My message to the White House has been, and I think the distinguished Senator from Iowa has made the same point, that it will not be possible to go on to the broader issue of health care reform until first the urgent needs of our children, needs that are demonstrated every single day in communities across the land—we are not going to see efforts on the broader reform effort pay off until first the needs of our children are met.

I hope the White House will see that the prospects of getting into issues that they correctly identify as important—I have said for a long time, and I say to my colleagues again, every liberal economist with whom we have talked in the Finance Committee and the Budget Committee has made the point that the current Tax Code disproportionately on health care favors the most wealthy and encourages inefficiency.

If the children's health bill can get passed, and passed quickly, we can then go forward, Democrats and Republicans, to work together on it. I have a different approach than the White House has with respect to fixing the Tax Code on health care, but certainly there are ways that Democrats and Republicans can work together if there is the same kind of good faith, bipartisan effort we have seen with Democratic and Republican leaders on the CHIP legislation.

I hope the White House will not veto the CHIP bill. They want broader health care reform, and so do I. The fact is, Senator BENNETT of Utah and I, along with Senator GREGG, Senator ALEXANDER, and Senator BILL NELSON, have brought to the floor of the Senate the first bipartisan universal coverage health bill in more than 13 years. It has been more than a decade, I say to my colleagues, since there has been a bipartisan universal coverage bill.

The fact is, out on the Presidential campaign trail, a lot of the Democratic candidates for President and a lot of the Republican candidates for President are talking about some of the very same approaches I outlined when I proposed the Healthy Americans Act in December of 2006.

This is an important time for the future of health care in our country. I hope steps will be taken to meet the needs of our kids that are so urgent and the President will sign that legislation, that he will see the value of the important bipartisan work done in this Chamber. If he does, even though the clock is ticking down on this Congress—and there is not a lot of time left for major initiatives—I still believe, as do Senator BENNETT and the sponsors of the Healthy Americans Act, Democratic and Republican colleagues with whom we continue to talk, that it is possible to go forward after a good children's health bill is passed to have broader health reform. And I think colleagues understand how urgent that is.

One of the sponsors of our Healthy Americans Act, Senator GREGG, the ranking Republican on the Budget Committee, just came into the Chamber. I am very honored to have him as a cosponsor of the Healthy Americans Act. Senators GREGG and CONRAD have correctly identified entitlement spending and the need to address it as a special priority.

The fact is, we cannot address the growing escalation in entitlement spending unless we deal with health care reform. We just cannot do it. It cannot happen because there are no costs rising in America like medical bills. Medical bills are a wrecking ball, flattening communities across the country and are the principal factor in the mushrooming cost of entitlements.

Again and again, the question of our country's well-being, the place of our companies in a tough global marketplace, the spiraling cost of entitlements comes down to the need to better address comprehensive health reform.

I believe, even though there is not a lot of time left in this session of Congress, that can be done, but only if, as Senator GRASSLEY noted early in the evening, the legislation that ensures that at least this session of Congress, at a minimum, takes steps to remove some of that moral taint we now face because our kids don't have health care. If that is done, we can go on from there.

I hope tomorrow we will see a resounding vote for the country's children. It is in their interests, it is in their name that we have had a bipartisan coalition working on the legislation. But I also suggest to the White House and others who want broader reform, reform that picks up on some of the White House's principles, it cannot happen unless the children's health bill is passed, and passed with a strong majority this week and the President signs it into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I echo the words of the Senator from Oregon and thank him for his leadership on health care issues and especially his urging the President of the United States to sign the children's health insurance bill. We are hoping for a strong vote in the Senate tomorrow in passing that very important legislation.

HATE CRIMES

Mr. BROWN. Mr. President, I rise this evening in support of the Kennedy amendment, the hate crimes amendment. Our Nation's strength lies in its diversity, its tolerance, its respect for the individual. Hate crimes borne of prejudice and ignorance, of fear and cowardice, contravene these core principles which our Nation for more than two centuries has held dear. They are perpetuated by individuals who fear, in some sense, individuality. Terrorism is a hate crime.

The amendment offered by my colleague, Mr. KENNEDY, ensures that hate crimes be investigated and prosecuted to the fullest extent of the law. It enables Federal investigations of what are clearly Federal crimes. Hate crimes target individuals because they are part of a community. In the national community, all of us have a stake in fighting back against these crimes.

My colleague's amendment sends a strong message. The message is this: Our Nation will not turn the other way when individuals try to divide us. We will not tread softly when individuals use violence to perpetuate hatred. We will prosecute to the fullest extent of the law crimes that reflect a vicious disregard for individual rights and our Nation's core central values.

Our Nation is a community of people who care about one another. Hate crimes destroy our cohesiveness and our mutual respect and replace those values with paranoia, with divisiveness, and with destruction. Hate crimes weaken our Nation. This amendment strengthens it.

I urge my colleagues to support the amendment.

FOREWARN ACT OF 2007

Mr. BROWN. Mr. President, in July, I introduced S. 1792, the FOREWARN Act of 2007, a direct outgrowth of legislation that one of my predecessors, two predecessors ago, Senator Metzenbaum from Ohio, introduced called the WARN Act, legislation he got through the Congress in the 1980s, but legislation that now needs an update. It is about plant closings and job loss.

Job loss, whether it is in Ohio or whether it is in Seattle, does not just affect a worker or a worker's family. Job loss devastates entire communities and local economies.

While notice of a layoff is no substitute for a job, the WARN Act of 20 years ago was supposed to give employees time to find a new job and for help to be provided. Under current law, however, fair notice has proven to be the exception, not the rule, because too many have gamed the old WARN Act.

Employers have laid off workers in phases to avoid the threshold level of the WARN Act, used subsidiaries to evade liability, and pressured workers in too many cases, in too many places around Ohio to waive their rights.

Whether one lives in Toledo, Columbus, Cleveland, Akron, Cincinnati, or Lebanon, it is absolutely critical that in these situations, workers and groups have sufficient notice to begin working to attempt to limit the damage this causes a community.

The new legislation which I introduced in July, with Senator CLINTON, Senator OBAMA, and Senator STABENOW, S. 1792, will close these loopholes and provide the tools necessary for the enforcement of the rules.

The legislation gives the Labor Department the authority to take civil action for violations, as well as giving authority to State attorneys general if the Labor Secretary fails to act within 6 months. So if the Labor Secretary today refuses to act, if this happens in Zanesville or Lima, Attorney General Marc Dann of Ohio may take action.

The legislation reduces the closing plant threshold from the current number 50, which is gamed all too often, to 25 employees. It recalculates the mass layoff figure. The current mass layoff figure is calculated from at least one-third of the employees, or 50. FOREWARN sets the number at 100 in all events, or one-third of employees if there are between 50 and 100 employees.

Our legislation, S. 1792, reduces the employer size to 50 employees and lengthens the notification period from 60 calendar days to 90 calendar days. It requires employers to provide written notification to the Labor Secretary, as well as local stakeholders, including early warning networks and mayors. It increases penalties for violations of the WARN Act from back pay to double back pay.

Mr. President, I know you have had this problem in the State of Pennsylvania, the problem of lost manufacturing, and you know that the worst thing a community can face is a major plant closing or major reduction of workforce in a plant. And you know that as bad as that is, there are some things employers can do to make it better, and many do. But you also know that the law passed 20 years ago has not always made sure that the transition from losing their job to going back into the community and getting work, getting their family through the hardest times, getting the community through the hardest times—the law has not always addressed the best way to do that, and I think this legislation, S. 1792, does that very well.

I ask my colleagues to consider this legislation. It is time to update the 20-year law, the WARN Act, which passed and was approved by President Reagan. I think this legislation will help ease the lost-job problems. We need to do much more. We need to train differently, we need new trade law, different tax laws, and all the different kinds of things the Presiding Officer and I have worked on already in our time in the Senate, but the FOREWARN Act will matter for communities such as Steubenville, Portsmouth, and Chillicothe, and it will matter for families who have suffered the indignities and the tragedies and the hardship of lost jobs and plant closings.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

COMMISSION ON WARTIME CONTRACTING

Mr. CASEY. Mr. President, I rise to deliver tonight some brief remarks about a matter that a group of freshmen Democrats in this body have worked on together, and that is a bipartisan commission on wartime contracting and to expand the authority of the existing oversight mechanisms to help make sure our taxpayer dollars are spent properly and wisely in Iraq and Afghanistan.

I, like the Presiding Officer from the State of Ohio, joined Senators WEBB and MCCASKILL and 23 other Members in cosponsoring this amendment and encourage the full Senate to approve it when it comes to a vote tomorrow. As a former auditor general in Pennsylvania, I know firsthand the need to aggressively root out waste in government. But it is especially egregious to discover waste and abuse and the loss of taxpayer dollars when our troops are in harm's way.

I also know that the oversight required to monitor potential abuse is a full-time job. That is why this amendment takes the extraordinary step of creating a new commission, evenly divided between the political parties, to investigate contractor abuses in a thorough manner. Some have argued we should leave this task to our existing committees in the Senate. I and my cosponsors, respectfully disagree with that assessment. As the distinguished Senator from Michigan said earlier today on the floor, our existing committees in the Senate, if they have this responsibility, would grind to a halt if any of those committees had to undertake a full investigation of contractor abuses in Iraq and Afghanistan. The commission we propose is deliberately patterned after the Truman Commission—named, of course, after a former President, but at the time the Truman Commission was named for his work in the Senate.

The Truman Commission consisted of a group of patriotic Americans that was charged with the mission of studying all financial and military transactions related to the execution of our war effort during World War II. This Commission recognized that it was not only American military might that would win the war in the struggle against the axis powers, but that every dollar saved, every dollar and every resource rescued would materially contribute to the war effort and enable the American Nation to focus its power and its energy on our common enemy at that time.

The wars in Afghanistan and Iraq are very different from World War II, we know that, but the same principles apply when it comes to rooting out waste, fraud, and abuse. Every day we read the horror stories about the lack of body armor for our troops. We see that the military has failed to order enough mine resistant ambush protective—so-called MRAP—vehicles to secure all of our troops. We hear our military stock is in need of urgent replenishment. The United States is a wealthy nation, we know that, but we are not a nation of infinite riches and resources. We have to prioritize our spending and make hard choices. That is why it is so important to crack down on contractor abuses in Iraq and Afghanistan. We cannot afford to let companies doing business there profit—profit—from fraud and abuse at the same time we need those very dollars for real priorities—our men and women in uniform.

In 2005, the Special Inspector General for Iraq Reconstruction reported that $9 billion spent on Iraq's reconstruction was missing—unaccounted for—due to inefficiencies and bad management. When I say missing, I literally mean the special inspector general's office was unable to find out what happened to this money. Only last week, the Pentagon disclosed that it is auditing $88 billion in contracts and programs for financial irregularities. Let me repeat that number—$88 billion. This is not a case of a few inappropriate cost overruns in contracts or sloppy bookkeeping in other contracts. Here we know that 40 individuals—40 individuals—and private companies have already been suspended, debarred, or are proposed for debarment. Another 30 investigations await prosecution at the Department of Justice.

Contractor abuse in Iraq and Afghanistan is a national scandal. It is an embarrassment. I think it also represents a taking. Every dollar wasted there is a dollar taken away from our troops and our ability to fight the enemy. Most of us supporting this amendment today were elected last year on the promise to change the culture in Washington and to no longer take for granted this type of crass corruption. We shouldn't accept it. We should root it out and do everything possible to make it almost impossible to commit this kind of crime.

This legislation establishes an independent commission to comprehensively vet Federal agency contracting for reconstruction, logistical support of coalition forces, and security and intelligence functions in Iraq and Afghanistan. What we are talking about is an independent and bipartisan commission to provide real credibility and real authority in cracking down on waste, fraud, and abuse.

This amendment also provides significant new powers to the already existing Special Inspector General for Iraq Reconstruction to expand his important work and coordinate with this new commission. I had the chance earlier this month to meet with Stuart Bowen, who is that inspector general and in that position. We discussed this amendment, and he agreed it was a good proposal, one that deserved to be implemented to enhance the ability to uncover and prosecute gross abuses of the public trust.

No matter where one stands on the war in Iraq, I would hope we could agree on the need to eliminate all waste and fraud and prosecute those who facilitate such fraud and such waste. These actions bring dishonor to our Nation and, in a word, are unpatriotic. We should do everything we can to root out such abuses, and this amendment is an important first step to do that.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHIP

Mr. REID. Mr. President, I came to the floor earlier today and spoke very favorably of my friend, CHARLES GRASSLEY from Iowa, and he deserved that attention that I gave him, those accolades that I extended to him.

I also want to extend my appreciation to Senator HATCH, who has worked on this. He is a member of the Finance Committee. He did an outstanding job and helped us get to the point where we are now. We are going to talk more about SCHIP tomorrow. I do not want those who worked so hard on this side to think that I have forgotten about them just because I said so many nice things about Senator GRASSLEY.

Senator BAUCUS, the chairman of the committee, has been a champion from the very beginning. He worked hard to try to explain to everyone that we could not do everything the House wanted to do, even though he and I wanted to do that.

The same applies to Senator ROCKEFELLER, who is the subcommittee chair who worked on this. He did a wonderful job. He attended meetings with the House when his presence was extremely important.

I want to make sure that everyone understands the great work done by Senators BAUCUS, GRASSLEY, HATCH, and ROCKEFELLER as members of the Finance Committee to get us to a point where tomorrow sometime we will finish our work on SCHIP.

HATE CRIMES

Mr. REID. Mr. President, Matthew Shepard was a 21-year-old student at the University of Wyoming when he was savagely beaten on October 6, 1998. Why? Because he was a homosexual; he was gay. Two men who had offered him a ride home robbed and pistol whipped him, beat him so severely they smashed his skull. If that wasn't enough for these demons, they tied him to a fence with a rope in the cold of winter, lonely—you can appreciate it if you spent a few of them in Wyoming—and left him to die. And he did die. He died of severe head injuries less than a week after the beating that was given.

What happened to Matthew was a tragedy for this young man, of course for his family, for other gay men and women who were and have been terrorized by this awful crime. It was certainly a tragedy for our Nation. The men who murdered Matthew Shepard were not charged with committing a hate crime because crimes of violence committed on the basis of sexual orientation were not prosecutable as hate crimes under Wyoming or Federal law. This is still the case today. The Matthew Shepard Local Law Enforcement Enhancement Act would strengthen the ability of Federal, State, and local governments to investigate and prosecute hate crimes.

This amendment would remove the current limitation on Federal jurisdiction that allows Federal involvement only in cases in which the assailant intended to prevent the victim from being engaged in a "federally protected activity," such as voting. This amendment would expand the groups protected under current law to include all hate crimes, including those based on disability, gender, sexual orientation, gender identity—including race and ethnicity. This amendment would provide the Department of Justice the authority to assist State and local jurisdictions in prosecuting violent hate crimes or taking the lead in such prosecutions where local authorities are unwilling or unable to act.

Unfortunately, some of these crimes of hate-motivated violence have been directed to our men and women in uniform.

Just a few years ago, Alan Schindler, a sailor in the Navy, was stomped to death by a fellow serviceman because of his sexual orientation.

A short time after that, PFC Barry Winchell, an infantry soldier in the Army, was beaten to death with a baseball bat because his attackers believed he was gay. They didn't know—they believed he was gay. To them he acted gay, whatever that means.

In December of 1995, two paratroopers who were members of a group of neo-Nazi skinheads at Fort Bragg shot an African-American couple in a random, racially motivated double murder that led to a major investigation of extremism in our military. These killers and 19 other members of this division were dishonorably discharged for neo-Nazi gang activities.

According to a recent Southern Poverty Law Center report, the problem is only going to get worse as members of hate groups have been entering our military, which is increasingly desperate for new recruits. In fact, it used to be if you had committed a crime, any type of crime, the military wouldn't take you. You had to have a high school education and you certainly couldn't be a member of a gang. They are so desperate for military members because of this war we are involved in in Iraq, they are taking just about anybody. There are no background checks with these new recruits.

We have to make it clear that crimes of hate in our military will not be tolerated, and this amendment does just that. It strengthens the Defense authorization bill by sending a clear message that such crimes will be punished to the fullest extent of the law.

Is there a better place to have this amendment than on the Defense bill? I think not. We have had it on it before. If we have our military around the world fighting terror—and that is what they are doing—shouldn't we be able to protect our own troops from the terror? Shouldn't we be able to protect our own people in this country against being terrorized because of their sexual orientation? the color of their skin? their religion? The answer, of course, is we should be able to do that. They should be able to be protected.

We have to make it clear that crimes of hate in our military will not be tolerated. I repeat that. As we hold ourselves up as a model for the ideals of equality, tolerance, and mutual understanding abroad, we have a special responsibility to combat hate-motivated violence right here at home. Our troops are on the front lines of Iraq, Afghanistan, and elsewhere fighting against evil and hate. We owe it to them to uphold these same principles at home.

The Matthew Shepherd Act was introduced this spring at a ceremony attended by his parents, Judy and Dennis. I hope that tomorrow we will honor the memory of this young man by passing this important legislation which is named after him.

We all remember the brutal killing of James Byrd a few years ago, in Texas. This young man, at nighttime, was walking down a street in his own hometown when he was seen by some white men. They beat him severely, tied him to the back of their car, and dragged him through the streets until he was dead.

We need only look to the recent events in Jena, LA, to see for all the progress, racial tensions continue across our country. This legislation honors the commitment to justice that is woven deep within the fabric of our Nation.

I certainly urge all of our colleagues to join me in voting for this matter in the morning. It is important. It is the least we can do for Matthew Shepard and his family.

THE DREAM ACT

Mr. REID. Mr. President, I was disappointed earlier this year when the comprehensive immigration reform was not passed. On two separate occasions, as Republicans filibustered the legislation to its legislative death, we tried to move this to conference on comprehensive immigration reform, and it was filibustered both times. We had knowledge there were not enough Republican votes to pass it. The last time we got 12 Republican Senators.

Part of that vital legislation was something we called the DREAM Act. This legislation's advocates have moved very hard. The primary advocate for this, and its primary sponsor, has been Senator RICHARD DURBIN of Illinois. He has worked tirelessly in his efforts to pass the DREAM Act. He has spoken within the Senate on many occasions, both here on the Senate floor, in the committee, and in press conferences we have had regarding immigration. I have never known Senator DURBIN to feel more strongly about anything than this, and we have been together for 5 years.

The DREAM Act recognizes that children should not be penalized for the actions of their parents. Many of these youth come to America very young. Many do not even remember their country of origin because they were too young when they left, nor do they speak the language of their home country. They think of themselves as Americans.

Many of these children are so desperate to be able to go to school. Only children who come to the United States when they were 15 years old or younger and have been in the United States for at least 5 years can apply under the DREAM Act. They would have to meet certain criteria, including earning a high school diploma, demonstrated good moral character, and passing criminal and security clearances. That is what the DREAM Act requires. To qualify for permanent status you must go to college or serve in the military for at least 2 years.

I have met star students in Nevada, for lack of a better description, who had qualified for the DREAM Act. With it their future is limitless. Without it, their future is very limited. Their future is diminished, of course, if they can't go to school.

Many of the children this bill would help are extremely talented and have graduated in the top of their classes, yet cannot go to a State school. What a waste it is to make it more difficult for them to go to college or prohibit them from getting jobs where they could be making meaningful contributions to their communities and to our country. What good does it do anybody to prevent these young people from having a future? Is gang membership better? Is a minimum wage job for life better? Is a life of crime better?

I hoped we would be able to offer this legislation as an amendment to the pending legislation, the Defense Authorization Act, but we have been unable to do that. Enacting the DREAM Act will give more of our children an opportunity to succeed.

Senator DURBIN and all who care about this matter should know that we will move to proceed to this matter before we leave here. I am going to do my utmost to do it by November 16. This is important legislation. We have a commitment to the young people to do this. It was part of the comprehensive immigration reform. It was a key part of comprehensive immigration reform. It was there that Senator DURBIN began talking about it—some would think incessantly—but he talked about it all the time, and he still feels strongly about this.

I send a message to him tonight and all who care about this legislation, we are going to try to move to this legislation. We should have been able to do it on this bill. We are going to be unable to do it, but we are going to move forward on this legislation as I have outlined.

HONORING OUR ARMED FORCES

SERGEANT EDMUND J. JEFFERS

Mr. SALAZAR. Mr. President, today I wish to reflect on the life of SGT Edmund Jeffers, who died last Wednesday in a vehicle accident in Taqqadum, Iraq. Sergeant Jeffers served in the 1st Battalion, 9th Infantry, 2nd Brigade, 2nd Infantry Division. At the age of 23 he was on his second tour of duty in Iraq.

Eddie Jeffers grew up in Daleville, AL, just south of Fort Rucker. The son of a master sergeant, he learned the value of military service early in life. He enlisted in the Army Reserve in 2002 after his graduation, feeling the call of duty after the events of September 11.

Those who knew Sergeant Jeffers describe him as a man of conviction, principle, and faith. His Christian values, his father recounts, guided his work as a soldier. They strengthened his resolve to defeat those who commit evils against innocents, and they kept alive his hope for a future of freedom and security for Iraqis. He saw the threat of terrorism as the struggle of his generation, a long war that will require sacrifice and commitment from all Americans.

Sergeant Jeffers, like so many soldiers before him, documented his experiences in war with pen and paper. He kept a journal in Iraq, posted updates for his friends and family online, and shared some of his writings with the world. He was eloquent and sharp. One of his essays, entitled "Hope Rides Alone," has circulated widely on the internet, and newspapers have reprinted portions in recent days.

In, the essay, Eddie worried that the political debate at home was weakening our resolve to achieve success in Iraq and was driving a wedge between the country and the military.

He noted that this war is being fought on the backs of our men and women in uniform, while the "American people have not been asked to sacrifice anything. Unless you are in the military or the family member of a servicemember, it's life as usual . . . the war doesn't affect you. But it affects us."

The political debate here in Washington, Sergeant Jeffers argued, has become a national preoccupation that is distracting our focus from our goals in Iraq. As Sergeant Jeffers notes, there is strong disagreement in this country about the course we should take in Iraq. Our soldiers, too, have many different opinions. Much of this debate is necessary and healthy for a democracy, but, as Sergeant Jeffers cautions, the discussion should neither distract us from our efforts to protect national security nor lessen our commitment to helping secure a better future for Iraqis.

In the end, Iraqis "want what everyone else wants in life: safety, security, somewhere to call home," Sergeant Jeffers wrote. "They want a country that is safe to raise their children in."

General MacArthur once said that it is "the soldier, above all other people, who prays for peace, for he must suffer and bear the deepest scars of war." This was true for Eddie. Amid the chaos and violence in Iraq, Sergeant Jeffers never lost sight of the simple aspirations and the basic humanity that bind the vast majority of Iraqis.

I admire Sergeant Jeffers' life and service, all the more for his courage to share his thoughts with the world. His writings are powerful and challenge us to better account for the costs of freedom and for the sacrifices that all Americans should be prepared to make on its behalf.

One cannot adequately honor Eddie Jeffers' service and sacrifice. His actions need no praise to be commendable, and his writings stand alone with the force of his convictions. We are humbled by his life and saddened by his loss.

To Eddie's wife Stephanie, and to his parents Tina and David, my thoughts and prayers are with you. I know of no words that can lessen the pain that you feel, but I hope that one day you will find comfort in knowing that Eddie's sacrifice will never be forgotten. He challenges us to do better by our soldiers, to never let "hope walk alone." His voice is heard, and his country is grateful. He will endure in our hearts and our prayers.

ADDITIONAL STATEMENTS

TRIBUTE TO PEGGY EWING WAXTER

• Mr. CARDIN. Mr. President, today I commemorate the life of Peggy Ewing Waxter, a woman who worked tirelessly to promote positive social change and civil rights. Mrs. Waxter passed away last Tuesday, September 18, 2007, at the age of 103. The State of Maryland and our Nation have lost a remarkable woman.

In the 1930s, Mrs. Waxter helped found the Waxter Center for Seniors in Baltimore City. She also aided in the founding of various other organizations, including the University of Maryland Center for Infant Study, the Children's Guild of Baltimore, and the Maryland Committee for Children. She also helped establish the Baltimore Metropolitan Association for Mental Health.

In addition to working to improve the lives of seniors, women, and minorities, Peggy Waxter also served as chairwoman of the Volunteers Advisory Committee at Baltimore City Hospital, which is now the Johns Hopkins Bayview Hospital, and as head of the Northeast Symphony Society. Through these and numerous other service organizations, she influenced nearly every aspect of Baltimore society and was rightfully named by Baltimore Magazine one of the city's 11 most powerful women in 1978.

Baltimore is a better city because of Peggy Waxter's guiding hand. She is survived by her family: a daughter, Margaret Waxter Maher; a son, retired Baltimore City Circuit Court Judge Thomas J.S. Waxter, Jr., with whom I was privileged to serve in the Maryland General Assembly from 1967 until 1971; 6 grandchildren; and 10 great-grandchildren. I wish to express my heartfelt condolences to the Waxter family, and I ask my colleagues to join me in remembering her today.•

RECOGNIZING THE CONRATH POST OFFICE

• Mr. KOHL. Mr. President, I would like to take this time to recognize and congratulate the Conrath Post Office, located in Conrath, WI, on its 100th anniversary.

In 1904, the Conrath brothers settled in what would later become the village of Conrath. Located in northwest Wisconsin, the village sat on the Wisconsin Central Railroad line between Owen, WI, and Duluth, MN. In 1905, Frank Conrath sent 10 possible names to the railroad general passenger agent for the naming of the village. The general passenger agent decided on the name that still stands today: Conrath.

Mrs. Frank Conrath wrote to the postmaster general in 1905 to request that a post office be established in the village. The post office moved into the Rusk Farm Company Store where George W. Kendall became the first postmaster in 1907.

The first rural mail carrier in Conrath was Joseph Hahn, who delivered the mail in a single-cylinder, chain-drive, high-wheel-car. Throughout the past century, there have been 21 postmasters and postmistresses, as well as numerous rural route carriers, who have diligently served the residents of Conrath.

Just as Mrs. Conrath did over 100 years ago, residents in Conrath have continued to express the need for the Conrath Post Office as well as value the service and benefit to their community. That is why I am proud to have worked with the residents of the village in support of their efforts to maintain this post office. When they told me it might close, I worked with residents to convey these concerns to the U.S. Postal Service in order to ensure that this historic post office remains open and that rural residents continue to have effective and consistent postal service.

On behalf of our State and Nation, I congratulate the Conrath Post Office on its 100th anniversary and send my best wishes to all residents of the village of Conrath.•

HONORING AUDREY KIRKPATRICK

• Mr. JOHNSON. Mr. President, today I wish to honor Audrey Kirkpatrick, one of South Dakota's 2007 Congressional Coalition on Adoption Institute's Angels in Adoption Award recipients. Audrey has worked with Catholic Social Services in Rapid City, SD for 30 years, exhibiting empathy and dedication to birth families, adoptive parents, and adoptees. I am pleased to recognize Audrey for her years of service, and extend my congratulations to her on this special occasion.

Audrey was among the first social workers employed by Catholic Social Services in Rapid City when she began her work with pregnancy counseling and infant adoption in 1977. She remained with the agency until November 2002. At that time, Audrey believed the time had come for her to retire. However, when the program director of the agency resigned, Audrey was called upon to return to Catholic Social Services and fill in the gap during that critical time, despite suffering from ongoing health problems.

Audrey continues to be active in the agency on a part-time basis, and is often tapped by other social workers to answer questions, direct people to resources, and provide ideas on how to continue expanding and fulfilling the agency's mission to facilitate the adoption process, in addition to her role working directly with families.

Stories of Audrey's intense commitment abound. She has been available to families 24 hours a day, going so far as to venture out in the middle of the night to help a young birth mother whose car had broken down. On another occasion, she was present for a reunion of a birth mother and adult son, who she had helped to place in adoption as a child. The mother offered her thanks to Audrey, who had been such a comforting presence at the beginning and end of the adoption experience. It is not uncommon for people to come back to the agency to express their gratitude to Audrey, even years after she helped them through the adoption process.

Audrey is truly an Angel in Adoption. Her contributions to the communities of western South Dakota are inestimable. In the words of one of her coworkers, "I can say with confidence that the gift Audrey offered to these individuals is stronger than words can express. Dedication, alone, cannot describe it." Audrey is beyond a doubt deserving of recognition for her commitment to ensuring that countless children in South Dakota have loving families and safe homes. It is clear that Audrey's legacy will be one of compassion and caring.•

HONORING BREWER FEDERAL CREDIT UNION

• Ms. SNOWE. Mr. President, today I congratulate the Brewer Federal Credit Union for being named the City of Brewer's 2007 Business of the Year. Founded in 1960, the Brewer Federal Credit Union has continually expanded its operations to serve an increasing number of communities in the Brewer area. With slightly over 20 employees, two branches, ATMs throughout the region, and Internet banking services, the credit union aims to make banking simpler for its roughly 8,400 members. Additionally, the Brewer Federal Credit Union's monthly newsletter provides useful information to assist customers, including updated information, news, and financial tips.

The city of Brewer recognized the Brewer Federal Credit Union for its outstanding service to the communities that it serves. Indeed, countless acts of generosity demonstrate well the commitment of the credit union to community service. During the Thanksgiving and Christmas holidays, the credit union assists the Brewer Community Service Council in collecting nonperishable foods that are put together in baskets to be distributed to local families in need. When a student from the town of Orrington was selected for the People to People program, the Brewer Federal Credit Union helped the student collect old cell phones and used ink cartridges which, in turn, were given to local businesses for recycling, to help finance his trip to Australia. During the annual Brewer Days, a fun-filled celebration held in September, the Brewer Federal Credit Union sponsors specific events, including a block party and street dance. In a similar vein, the credit union has sponsored events like the Brewer waterfront winter festival. Finally, the credit union generously supports local youth sports leagues, as well as Brewer High School athletic programs, various student musical ensembles, and the Boosters Club.

Helping others is clearly an integral part of the Brewer Federal Credit Union's equation for success. By providing a friendly and welcoming business atmosphere, combined with compassionate assistance to individuals and groups within the community, the credit union sets a truly remarkable example by leaving a positive mark on those whose lives it touches. The credit union's selection as Brewer's Business of the Year is a recognition of the positive impact that the credit union brings to the city and a cogent reminder of the appreciation of Brewer's citizens for a local business that goes above and beyond the call of duty. I congratulate the Brewer Federal Credit Union for its recent award and wish everyone at the credit union continued success in their kind endeavors.●

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, with amendments.

At 12:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3625. An act to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

At 1:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1302. An act to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

H.R. 1400. An act to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes.

H.R. 1943. An act to provide for an effective HIV/AIDS program in Federal prisons.

H. J. Res. 52. A resolution making continuing appropriations for the fiscal year 2008, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 210. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month.

The message further announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 D.S.C. 803(a)), and the order of the House of January 4, 2007, the Minority Leader appoints Mr. Cliff Akiyama M.A. of California to the Congressional Award Board.

The message also announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 D.S.C. 803(a)), and the order of the House of January 4, 2007, the Minority Leader appoints the following Member of the House of Representatives to the Congressional Award Board: Mr. GUS M. BILIRAKIS of Florida.

The message further announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 D.S.C. 803(a)), and the order of the House of January 4, 2007, the Minority Leader appoints the following Member of the House of Representatives to the Congressional Award Board: Ms. SHEILA JACKSON LEE of Texas; and, in addition: Mr. Paxton Baker of Maryland, Mr. Vic Fazio of Virginia, Mrs. Annette Lantos of California, and Ms. Mary Rodgers of Pennsylvania.

The message also announced that pursuant to section 2 of the Migratory Bird Conservation Act (16 D.S.C. 715a) and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Migratory Bird Conservation Commission: Mr. DINGELL of Michigan and Mr. GILCHREST of Maryland.

ENROLLED BILLS SIGNED

At 3:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

H.R. 3580. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 5:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3668. An act to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R 1302. An act to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day; to the Committee on Foreign Relations.

H.R 1400. An act to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R 1943. An act to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 210. Concurrent resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3411. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Carriage Vessel Overhaul, Repair, and Maintenance" (DFARS Case 2007–D001) received on September 11, 2007; to the Committee on Armed Services.

EC–3412. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority for the Export Administration Regulations" (RIN0694–AD76) received on September 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3413. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Understandings Reached at the June 2007 Australia Group Plenary Meeting; Addition to the List of States Parties to the Chemical Weapons Convention" (RIN0694–AE08) received on September 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3414. A communication from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Definitions of Terms and Exemptions Relating to the 'Broker' Exceptions for Banks" (RIN3235–AJ74) received on September 24, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3415. A communication from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Exemptions for Banks Under Section 3(a)(5) of the Securities Exchange Act of 1934 and Related Rules" (RIN3235–AJ77) received on September 24, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3416. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC–3417. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (RIN0648–XC23) received on September 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3418. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Massachusetts 2007 Summer Flounder Commercial Fishery)" (RIN0648–XC05) received on September 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3419. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled, "Newtown Creek/Greenpoint Oil Spill Study"; to the Committee on Environment and Public Works.

EC–3420. A communication from the Director, Regulations and Disclosure Law, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "NAFTA: Merchandise Processing Fee Exemption and Technical Correction" (RIN1505–AB58) received on September 25, 2007; to the Committee on Finance.

EC–3421. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier II Issue: Contractual Allowances" (LMSB–04–0807–056) received on September 25, 2007; to the Committee on Finance.

EC–3422. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2008 Transition Relief and Additional Guidance on the Application of Section 409A to Nonqualified Deferred Compensation Plans" (Notice 2007–78) received on September 12, 2007; to the Committee on Finance.

EC–3423. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Insurance Company Proration Rules; Company Owned Life Insurance" (Rev. Proc. 2007–61) received on September 12, 2007; to the Committee on Finance.

EC–3424. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Aggregation of Reverse 704(c) Gain" (Rev. Proc. 2007–59) received on September 12, 2007; to the Committee on Finance.

EC–3425. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 812" (Rev. Rul. 2007–54) received on September 12, 2007; to the Committee on Finance.

EC–3426. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Active Conduct of a Trade or Business" (Notice 2007–60) received on September 12, 2007; to the Committee on Finance.

EC–3427. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of firearms sold commercially in the amount of $1,000,000 or more to Malaysia; to the Committee on Foreign Relations.

EC–3428. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–181 to 2007–191); to the Committee on Foreign Relations.

EC–3429. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of two agreements reached between the American Institute in Taiwan and other organizations; to the Committee on Foreign Relations.

EC–3430. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, the Board's commercial activity inventory for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3431. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Glycerol Ester of Tall Oil Rosin" (Docket No. 2006F–0225) received on September 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3432. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Polydextrose" (Docket No. 2006F–0059) received on September 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3433. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Subject to Certification; D and C Black No. 3; Confirmation of Effective Date" (Docket No. 1995C–0286) received on September 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3434. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Food and Drug Administration's fulfillment of the conditions specified in the Medical Device User Fee and Modernization Act during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–3435. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Food and Drug Administration's collection and spending of animal drug user fees during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–3436. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; General Hospital and Personal Use Devices; Classification of the Filtering Facepiece Respirator for Use by the General Public in Public Health Medical Emergencies" (Docket No. 2007N-0198) received on September 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3437. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Safe Handling Statements: Labeling of Shell Eggs" ((RIN0910–ZA23)(Docket No. 2004N–0382)) received on September 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3438. A communication from the Chairperson, District of Columbia Commission on Judicial Disabilities and Tenure, transmitting, pursuant to law, the Commission's annual report for calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–3439. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Audit of Advisory Neighborhood Commission 7B for Fiscal Years 2005 Through 2007, as of March 31, 2007"; to the Committee on Homeland Security and Governmental Affairs.

EC–3440. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Office's commercial activities during fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–3441. A communication from the White House Liaison, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Attorney General, received on September 25, 2007; to the Committee on the Judiciary.

EC-3442. A communication from the Director of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Government-Furnished Headstone and Marker Regulation" (RIN2900-AM64) received on September 25, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 1671. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes (Rept. No. 110-185).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

H.R. 835. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2467. A bill to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building".

H.R. 2587. A bill to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building".

H.R. 2654. A bill to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building".

H.R. 2765. A bill to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office".

H.R. 2778. A bill to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station".

H.R. 2825. A bill to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building".

H.R. 3052. A bill to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building".

H.R. 3106. A bill to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office".

S. 2023. A bill to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

By Mrs. FEINSTEIN for the Committee on Rules and Administration.

*Robert Charles Tapella, of Virginia, to be Public Printer.

*Steven T. Walther, of Nevada, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

*Hans von Spakovsky, of Georgia, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

*David M. Mason, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 2009.

*Robert D. Lenhard, of Maryland, to be a Member of the Federal Election Commission for a term expiring April 30, 2011.

(*Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANDERS:

S. 2094. A bill to increase the wages and benefits of blue collar workers by strengthening labor provisions in the H-2B program, to provide for labor recruiter accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN:

S. 2095. A bill to amend the Agricultural Marketing Act of 1946 to require country of origin labeling for processed food items; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself, Mr. STEVENS, Mr. SCHUMER, Mr. ENSIGN, Mr. KERRY, Mr. KOHL, Mr. FEINGOLD, Mrs. CLINTON, Mrs. FEINSTEIN, and Mr. NELSON of Florida):

S. 2096. A bill to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 2097. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 2098. A bill to establish the Northern Plains Heritage Area in the State of North Dakota; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself, Mr. ROBERTS, and Ms. CANTWELL):

S. 2099. A bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. BARRASSO):

S. 2100. A bill to require that Federal forfeiture funds be used, in part, to clean up methamphetamine laboratories; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. SALAZAR, and Ms. STABENOW):

S. 2101. A bill to amend title XIX of the Social Security Act to assist low-income Medicare beneficiaries by improving eligibility and services under the Medicare Savings Program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. OBAMA, Mr. SALAZAR, Mr. BROWN, Mr. KERRY, Ms. STABENOW, Ms. CANTWELL, and Mrs. CLINTON):

S. 2102. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. OBAMA, Mr. SALAZAR, Ms. COLLINS, and Mr. LIEBERMAN):

S. 2103. A bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. Res. 332. A resolution expressing the sense of the Senate that the Department of Defense and the Department of Veterans Affairs should increase their investment in pain management research; to the Committee on Armed Services.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 333. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 502

At the request of Mr. CRAPO, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Indiana (Mr. LUGAR) and the Senator from

Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 700

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 774

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1240

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1240, a bill to provide for the provision by hospitals receiving Federal funds through the Medicare program or Medicaid program of emergency contraceptives to women who are survivors of sexual assault.

S. 1267

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1651

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1651, a bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

S. 1718

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1825

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1825, a bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 1895

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1916

At the request of Mr. BURR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1916, a bill to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1944

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1982

At the request of Mr. SANDERS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1982, a bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2085

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2085, a bill to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program.

S. 2088

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from New

Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2089

At the request of Mr. NELSON of Florida, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2089, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2092

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2092, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. CON. RES. 36

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. ISAKSON), the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of National Teen Driver Safety Week.

S. RES. 273

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

S. RES. 299

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 299, a resolution recognizing the religious and historical significance of the festival of Diwali.

AMENDMENT NO. 2251

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2251 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2919

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2919 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2982

At the request of Mr. COLEMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2982 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2997

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. BROWN), the Senator from Delaware (Mr. CARPER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2997 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2999

At the request of Mr. WEBB, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 2999 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3017

At the request of Mr. KYL, the names of the Senator from Tennessee (Mr. CORKER), the Senator from South Dakota (Mr. THUNE) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3017 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3024

At the request of Mrs. DOLE, her name was added as a cosponsor of amendment No. 3024 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3034

At the request of Mr. GREGG, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 3034 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3035

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. DODD), the Senator from Maine (Ms. COLLINS), the Senator from Indiana (Mr. BAYH), the Senator from Colorado (Mr. SALAZAR), the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mrs. CLINTON), the Senator from Maine (Ms. SNOWE), the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER), the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. SANDERS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Pennsylvania (Mr. CASEY), the Senator from Oregon (Mr. WYDEN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Iowa (Mr. HARKIN), the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Ms. CANTWELL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 3035 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3045

At the request of Mr. COBURN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 3045 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANDERS:

S. 2094. A bill to increase the wages and benefits of blue collar workers by strengthening labor provisions in the H-2B program, to provide for labor recruiter accountability, and for other purposes; to the Committee on the Judiciary.

Mr. SANDERS. Mr. President, today I am introducing the Increasing American Wages and Benefits Act of 2007.

Since 2000, key economic indicators confirm that the economic security of Americans is moving in the wrong direction: nearly 5 million more Americans are living in poverty; nonelderly household income has declined by nearly $2,500; over 3 million manufacturing jobs have been lost; and 8.6 million more Americans are without health insurance. While the rich have gotten richer, every other income group over the past 7 years has lost ground economically, with the middle class and working families losing the most.

The Increasing American Wages and Benefits Act would begin to reverse this downward economic trend for workers employed in construction, forestry, ski resorts, stone quarries, asphalt paving, hotels, restaurants, landscaping, housekeeping and many other industries by reforming the H-2B guest-worker program.

Under current law and existing Federal regulations, employers applying for H-2B visas must first certify that capable U.S. workers are not available, efforts were made to recruit U.S. workers for these positions first, and the employment of guest workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.

As documented by the AFL-CIO, Change to Win, the Southern Poverty Law Center and other groups, the H-2B program is frequently used by employers to drive down the wages and benefits of U.S. workers, while cheating H-2B workers out of earned benefits. These abuses have clearly undermined the legislative and regulatory intent of this temporary guest-worker program.

The Increasing American Wages and Benefits Act would reform the H-2B program to ensure that workers receive the wages and benefits they deserve and prevent employers from abusing the system.

Specifically, this legislation: requires employers to do a much better job at recruiting American workers first at higher wages before being able to hire H-2B guest-workers; provides the Department of Labor with the explicit authority to enforce labor law violations pertaining to the H-2B program; allows workers who have been directly and adversely affected by the H-2B program to have their day in court against unscrupulous employers; prohibits companies that have announced mass layoffs within the past year from hiring H-2B guest-workers. Allows the Legal Services Corporation to provide the same legal services to H-2B workers as it provides to H-2A workers; requires employers to pay for the transportation expenses for H-2B guest workers both to the United States and back to their country of origin once the employment period ends; and provides other important protections for H-2B guest-workers.

This legislation improves and strengthens the H-2B program so that it can be used by employers during emergency labor shortages, while increasing the wages and benefits for both American workers and guest-workers.

I am proud that the Increasing American Wages and Benefits Act has the strong support of the AFL-CIO; the Service Employees International Union, SEIU; the International Brotherhood of Teamsters; the Southern Poverty Law Center; the Building and Construction Trades Department; the Laborers' International Union of North America; the United Food and Commercial Workers; the International Brotherhood of Electrical Workers; the Alliance of Forest Workers and Harvesters; the United Farmworkers of America; and the Farmworkers Support Committee.

I ask unanimous consent to have printed in the RECORD letters of support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, September 19, 2007.
Hon. BERNARD SANDERS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR SANDERS: The AFL-CIO strongly supports the "Increasing American Wages and Benefits Act of 2007," which would strengthen necessary labor protections within the H-2B seasonal non-agricultural guest worker program.

As demonstrated by a recent report issued by the Southern Poverty Law Center, "Close to Slavery," employers and recruiters who seek to import seasonal workers through this program have all too often engaged in questionable tactics and subjected workers to exploitation. This exploitation often goes undetected because the investigative and enforcement mechanisms of the H-2B program are largely non-existent.

Adequate enforcement of labor standards within the H-2B seasonal guest worker program would not only help deter the abuse of an imported foreign workforce, but would also protect the wages and benefits offered to American workers, who are unfairly forced to compete for jobs by employers who appreciate the benefits of filling vacancies with a more vulnerable workforce.

The suffering of one segment of our workforce has an inevitable and damaging impact on every worker. We must stop unscrupulous employers from padding their profit margins by endangering workers and driving down wages and workplace standards. We applaud your efforts to protect the living standards of all who labor within our borders.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

IMMIGRANT JUSTICE PROJECT,
SOUTHERN POVERTY LAW CENTER,
Montgomery, AL, September 17, 2007.
Hon. BERNIE SANDERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANDERS: I write on behalf of the Southern Poverty Law Center in support of the legislation you recently introduced to reform the H-2B guestworker program. The bill, "The Increasing American Wages and Benefits Act," would substantially improve the legal protections available to H-2B workers and to American workers laboring in industries that rely heavily on guestworkers.

Founded in 1971, the Southern Poverty Law Center is a civil rights organization dedicated to advancing and protecting the rights of minorities, the poor and victims of injustice in significant civil rights and social justice matters. Our Immigrant Justice Project represents low-income immigrant workers in litigation across the Southeast.

During my legal career, I have represented and spoken with literally thousands of H-2 guestworkers in many states. Currently, the Southern Poverty Law Center is representing workers in seven class action lawsuits on behalf of guestworkers. We have also recently published a report about the H-2 guestworker program in the United States entitled "Close to Slavery," which can be accessed at http://www.splcenter.org/pdf/static/SPLCguestworker.pdf.

Our report, which discusses in detail the abuses suffered by guestworkers, is based upon thousands of interviews with workers as well as a review of the research on guestworker programs, scores of legal cases and the experience of legal experts from around the country. As the report reflects, guestworkers are systematically exploited because the very structure of the program places them at the mercy of a single employer and provides no realistic means for workers to exercise the few rights they have.

The H-2B guestworker program permits U.S. employers to import human beings on a temporary basis from other nations to perform work when the employer certifies that "qualified persons in the United States are not available and . . . the terms of employment will not adversely affect the wages and working conditions of workers in the U.S. similarly employed." Those workers generally cannot bring with them their immediate family members, and their status provides them no route to permanent residency in the United States.

The program is rife with abuses. The abuses typically start long before the worker has arrived in the United States, with the recruitment process, and they continue through and even after his or her employment here. Unlike U.S. citizens, guest workers do not enjoy the most fundamental protection of a competitive labor market—the ability to change jobs if they are mistreated. If guestworkers complain about abuses, they face deportation, blacklisting or other retaliation.

Our report documents rampant wage violations, recruitment abuses, seizure of identity documents and squalid living conditions, among other things. H–2B workers simply have very few legal protections under our current law.

In addition, H–2B workers cannot reasonably enforce the few rights they have under our current system. Providing workers a way to enforce promises made to them by employers and giving them access to legal services attorneys are important steps in helping workers combat abuse and protect their rights.

In conclusion, current guestworker programs for low-skilled workers in the United States lack adequate worker protections and lack any real means to enforce the protections that do exist under federal law. Vulnerable workers desperately need Congress to take the lead in demanding reform of this system. Passage of this bill would go a long way toward remedying the abuses that vulnerable workers experience in U.S. guestworker programs.

Sincerely,

MARY BAUER,
Director.

UNITED FOOD & COMMERCIAL
WORKERS INTERNATIONAL UNION, CLC,
Washington, DC, September 21, 2007.

Hon. BERNARD SANDERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANDERS: On behalf of the 1.3 million members of the United Food and Commercial Workers International Union (UFCW), I am writing to thank you for introducing the "Increasing American Wages and Benefits Act of 2007." UFCW supports this legislation that will improve the legal protections to H–2B seasonal non-agricultural workers.

It is clear that the current temporary nonimmigrant programs have not worked as intended and it is long past the time for reform. UFCW has long advocated for reform of existing guestworker programs. Many employers and recruiters who recruit and hire workers through this program have engaged in questionable tactics, and many of the workers have been subjected to exploitation.

In addition, we believe that many of these jobs could and would be filled by American workers, especially if the employers offer appropriate wages and working conditions to attract domestic workers. The "Increasing American Wages and Benefits Act" will increase the enforcement for the program, deter abuse of guestworkers, and would improve the wages, benefits, and working conditions offered to these workers and all American workers, who are unfairly forced to compete for these jobs.

UFCW has been a long-time proponent of reforming guestworker programs because, in spite of the theory, the real world impact is that they have created an underclass of workers, have held down wages, discouraged reporting of workplace complaints, and reduced workers' ability to organize and collectively bargain. In addition, the result of the existing programs is that they have engendered discriminatory attitudes toward individuals who are afforded neither full rights nor benefits on the job, nor participation in our society. Our experience is that no matter how many worker protections have been written into temporary worker programs, the approach inherently provides employers with the opportunity to exploit workers and turn permanent jobs into low-wage, no-benefit, and no-future jobs.

UFCW supports your reform efforts and we look forward to working with you to enact this important legislation.

Sincerely,

MICHAEL J. WILSON,
International Vice President, Director, Legislative and Political Action Department.

FARMWORKER JUSTICE,
Washington, DC, September 19, 2007.

Re reform of the H–2B Temporary Foreign Worker Program.

Senator BERNARD SANDERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANDERS: Thank you for introducing the Increasing American Wages and Benefits Act to reform the H–2B guestworker program for seasonal employment Farmworker Justice, a national advocacy and litigation organization for agricultural workers, has had substantial experience helping U.S. and foreign workers affected by the H–2B program as well as the H–2A agricultural guestworker program. Our research and direct experience cause us to conclude that substantial reforms of the program are needed. We support the legislation and hope that Congress enacts it immediately.

Currently, the H–2B law instructs the Department of Labor to prevent employers that hire H–2B guestworkers based on claimed labor shortages from displacing United States workers and from adversely affecting their wages and working conditions. The law's provisions fail to achieve these objectives. The law also fails to prevent exploitation of foreign citizens who, due to their poverty and the temporary, nonimmigrant status of the H–2B visa, are vulnerable to accepting substandard and often illegal employment conditions. Further, the Department of Labor's policies and actions fail to meet the statutory goals. The H–2B law must be improved and your legislation would do so.

The need for strong protections in guestworker programs has been demonstrated time and time again, in the hiring of Chinese workers in the 1860's to 1870's, in the employment of Mexican workers in the Bracero guestworker program in the 1940's to 1960's, and in the H–2A and H–2B guestworker programs. Many employers find guestworkers advantageous because they usually come from poor countries, where wages are a small fraction of those in the U.S., and often will work at very high productivity rates for significantly lower wages than will U.S. workers. Guestworker programs have displaced U.S. workers and depressed wage rates.

Your legislation is also important because it would begin a process of regulating the international recruitment of guestworkers by labor contracting firms that are hired by employers in the United States. The guestworker recruitment system often enables the ultimate employers to escape responsibility for the mistreatment of the foreign citizens.

While we support reform of the H–2B program, we remain skeptical that any guestworker program is consistent with America's economic and democratic freedoms. We are a nation of immigrants, not a nation of guestworkers. In America, workers should have the freedom to switch employers, demand better wages and working conditions, join unions and become citizens with the right to vote. Although reform is one critical step to protect U.S. workers from displacement and wage depression and guestworkers from exploitation, ultimately Congress should consider abolishing the program and replacing it with a system based on a true immigration status for workers who are needed in this country.

Thank you very much for introducing the Increasing American Wages and Benefits Act.

Sincerely,

BRUCE GOLDSTEIN,
Excecutive Director.

COMITE DE APOYO A LOS TRANSBAJADORES AGRICOLAS—FARMWORKERS SUPPORT COMMITTEE,
Glassboro, NJ, September 19, 2007.

Re endorsement for the increasing American Wages and Benefits Act.

Senator SANDERS,
U.S. Senate,
Washington DC.

DEAR SENATOR SANDERS: CATA—El Comite de Apoyo a los Trabajadores Agricolas, The Farmworker Support Committee, is a grassroots migrant and immigrant worker organization whose mission is to educate and empower workers so they are able to defend their rights.

We at CATA acknowledge that the H–2B reform bill you have prepared would provide greater protection to workers. Thank you for your support in combating the abuse of current H–2B workers.

We believe that maintaining equivalent wages between American workers and guestworkers is critical for sustaining appropriate working conditions and preventing the creation of an underclass. We at CATA remain adamant that enforcement of any legislation is key to its effectiveness at protecting workers' rights.

We at CATA recommend further legislation to address the portability of jobs to eliminate worker vulnerability under the current law. We also insist on developing a mechanism for H–2B workers to achieve permanent residence. Despite not addressing these critical concerns that CATA has, the Increasing American Wages and Benefits Act is a decisive step forward for human rights.

Sincerely,

NELSON CARRASQUILLO,
Executive Director.

By Mr. DORGAN (for himself, Mr. STEVENS, Mr. SCHUMER, Mr. ENSIGN, Mr. KERRY, Mr. KOHL, Mr. FEINGOLD, Mrs. CLINTON, Mrs. FEINSTEIN, and Mr. NELSON of Florida):

S. 2096. A bill to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am introducing, along with Senators STEVENS, SCHUMER, ENSIGN, KERRY, KOHL, FEINGOLD, CLINTON, FEINSTEIN, and NELSON of Florida, the Do-Not-Call Improvement Act of 2007. We seek with this bill to ensure that millions of

Americans who signed up for the "Do-Not-Call" registry do not face a resumption of unwanted calls from telemarketers next year when registrations on the registry begin to expire.

Most Americans are unaware that their registration on the list is set to expire after 5 years. The expiration is unnecessary, most people who initially wanted to be rid of telemarketing calls likely still want to block these calls. The system automatically removes numbers that are disconnected and reassigned.

The automatic expiration will only create a hassle for Americans as they start receiving calls again and have to go through the process of re-registering. The U.S. Government would have to spend money to let people know they need to sign up again.

This bill would prevent the automatic expiration and removal of numbers from the registry.

Congress established the "Do Not Call" registry in 2003. It quickly became one of the most popular consumer protection programs in history. Congress did not provide for automatic expiration of "Do Not Call" list registrations, but the FTC and FCC included an automatic five year expiration for registrations when they wrote the rules for implementing the program.

That was not what Congress intended. As things stand today, 52 million Americans will either have to reregister on October 1, 2008, or get ready to hear their telephones ringing during supper time again with unwanted, commercial solicitation calls.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Do-Not-Call Improvement Act of 2007".

SEC. 2. PROHIBITION OF EXPIRATION DATE FOR REGISTERED TELEPHONE NUMBERS.

The Do-Not-Call Implementation Act (15 U.S.C. 6101 note) is amended—

(1) by inserting "Such rule shall not provide any date of expiration for telephone numbers registered on the 'do-not-call' registry, nor for any predetermined time limitation for telephone numbers to remain on the registry." after the first sentence in section 3; and

(2) by adding at the end the following:

"SEC. 5. PROHIBITION OF EXPIRATION DATE.

"In issuing regulations regarding the 'do-not-call' registry of the Telemarketing Sales Rule (16 C. F. R. 310.4(b)(1)(iii)), the Federal Trade Commission shall not provide for any date of expiration for telephone numbers registered on the 'do-not-call' registry, nor for any predetermined time limitation for telephone numbers to remain on the registry.".

By Mr. FEINGOLD:

S. 2097. A bill to modify the optional method of computing net earnings from self-employment; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to address an injustice in the Tax Code that is threatening family farmers and other self-employed individuals. Some of my constituents, primarily Wisconsin farmers, have requested Congress's assistance to correct the Tax Code so they can protect their families. The legislation I introduce today, the Farmer Tax Fairness Act of 2007, is similar to legislation I introduced in the last two Congresses and will solve the problem for today and into the future.

Farming is vital to Wisconsin. Wisconsin's agricultural industry plays a large and important role in the growth and prosperity of the entire State. Wisconsin's status as "America's Dairyland" is central to our State's agriculture industry. Wisconsin's dairy farmers produce approximately 23 billion pounds of milk and lead the Nation in cheese production with over 25 percent or 2.5 billion pounds of cheese a year. But Wisconsin's farmers produce much more than milk; they also are national leaders in the production of butter, potatoes, ginseng, cranberries, various processing vegetables, and many organic foods. So when the hard-working farmers of Wisconsin need help, I will do all I can to assist.

One concern that I have heard from Wisconsin farmers is that the Tax Code can limit their eligibility for social safety net programs, including old age, survivors, and disability insurance, OASDI, under Social Security and the hospital insurance HI part of Medicare. These programs are paid for through payroll taxes on workers and through the self-employment tax on the income of self-employed individuals. To be eligible for OSADI and HI benefits an individual must be fully insured and must have earned a minimum amount of income in the years immediately preceding the need for coverage. Every year, the Social Security Administration, SSA, sets the amount of earned income that individuals must pay taxes on to earn quarters of coverage, QCs, and maintain their benefits. An individual's eligibility requirements depend upon the age at which death or disability occurs, but for workers over 31 years of age, they must have earned at least 20 QCs within the past 10 years.

Self-employed individuals can have highly variable income, and, particularly for farmers who are at the whim of Mother Nature, not every year is a good year. During lean years, individuals may not earn enough income to maintain adequate coverage under OASDI and HI. Therefore, the Tax Code provides options to allow self-employed individuals to maintain eligibility for benefits. These options allow individuals to choose to pay taxes based on $1,600 of earned income, thus allowing self-employed entrepreneurs to maintain the same Federal protections even when their income varies.

Unfortunately, both the options for farmers and nonfarmers, Social Security Act §211(a) and I.R.C. §1402(a), have not kept pace with inflation, and they no longer provide security to families across the country. Decades ago, self-employment income of $1,600 earned an individual four QCs under SSA's calculations. In 2001, the amount needed to earn a QC rose to $830 of earned income, so individuals electing the optional methods were only able to earn one QC per year; making it much harder for them to remain eligible for benefits because they must average 2 QCs per year to be eligible. With inflation, there is no chance of the amount needed to earn a QC dropping on its own and it has steadily risen since 2001, so legislation is needed to fix this unanticipated erosion in this option for farmers and the self-employed.

Congress's failure to address this problem threatens the ability of self-employed individuals to maintain eligibility for OASDI and HI. I have heard from several of my constituent who want these options to be fixed so they can make sure their families will be taken care of in the event that something unforeseen occurs.

Therefore, I am introducing the Farmer Tax Fairness Act of 2007 in order to provide farmers and self-employed individuals with a fair choice. Under this bill, they will continue to be able to elect the optional method if they so choose. When individuals do elect the option, this legislation provides an update to the Tax Code so farmers and self-employed individuals can retain full eligibility for OASDI and HI benefits. It indexes the optional income levels to SSA's QC calculations, allowing these farmers and self-employed individuals to claim enough earned income to qualify for four OCs annually. In addition, by linking the earned income level to SSA's requirements for QCs, the bill will ensure that the amount of income deemed to be earned under the optional methods will not need to be adjusted by Congress again.

Along with providing security to self-employed individuals and farmers across the country, this solution is fiscally responsible. It could even provide a short run increase in U.S. Treasury revenues while having negligible impact upon the Social Security trust fund in the long run.

Let me take a moment to acknowledge the efforts of the Senator from Iowa, Mr. GRASSLEY, to address this problem in the 107th Congress. As chairman of the Senate Finance Committee, he included similar legislative language in the chairman's mark for the Small Business and Farm Economic Recovery Act of 2002. The Senate Finance Committee held a markup on the legislation on September 19, 2002, but the changes to the optional methods did not become law.

When incomes fall, the Tax Code provides optional methods for calculating net earnings to ensure that farmers and self-employed individuals maintain eligibility for social safety net programs. When these provisions were developed, Congress intended self-employed individuals to have the ability to pay enough to earn a full 4 QCs. Unfortunately the Tax Code has not kept up with the times and due to inflation many farmers are losing eligibility for some of Social Security's programs. Congress needs to provide security to farm families and other self-employed individuals. I urge my colleagues to support the Farmer Tax Fairness Act of 2007.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farmer Tax Fairness Act of 2007".

SEC. 2. MODIFICATION TO OPTIONAL METHOD OF COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—The matter following paragraph (15) of section 1402(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking "$2,400" each place it appears and inserting "the upper limit", and

(B) by striking "$1,600" each place it appears and inserting "the lower limit".

(2) DEFINITIONS.—Section 1402 of such Code is amended by adding at the end the following new subsection:

"(l) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

"(1) LOWER LIMIT.—The lower limit for any taxable year is the sum of the amounts required under section 213(d) of the Social Security Act for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

"(2) UPPER LIMIT.—The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.".

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) IN GENERAL.—The matter following paragraph (15) of section 211(a) of the Social Security Act is amended—

(A) by striking "$2,400" each place it appears and inserting "the upper limit", and

(B) by striking "$1,600" each place it appears and inserting "the lower limit".

(2) DEFINITIONS.—Section 211 of such Act is amended by adding at the end the following new subsection:

"Upper and Lower Limits

"(k) For purposes of subsection (a)—

"(1) The lower limit for any taxable year is the sum of the amounts required under section 213(d) for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

"(2) The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.".

(3) CONFORMING AMENDMENT.—Section 212 of such Act is amended—

(A) in subsection (b), by striking "For" and inserting "Except as provided in subsection (c), for"; and

(B) by adding at the end the following new subsection:

"(c) For the purpose of determining average indexed monthly earnings, average monthly wage, and quarters of coverage in the case of any individual who elects the option described in clause (ii) or (iv) in the matter following section 211(a)(15) for any taxable year that does not begin with or during a particular calendar year and end with or during such year, the self-employment income of such individual deemed to be derived during such taxable year shall be allocated to the two calendar years, portions of which are included within such taxable year, in the same proportion to the total of such deemed self-employment income as the sum of the amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar year bears to the lower limit for such taxable year specified in section 211(k)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 2098. A bill to establish the Northern Plains Heritage Area in the State of North Dakota; to the Committee on Energy and Natural Resources.

Mr. DORGAN. Mr. President, today I am pleased to be joined by Senator CONRAD to introduce legislation called the Northern Plains Heritage Area Act. This legislation would designate a core area of historically significant resources in Burleigh, McLean, Mercer, Morton and Oliver counties in North Dakota.

This National Heritage Area extends nearly the entire length of the last of the free-flowing Missouri River in North Dakota, the last place the river can be seen as it was seen by Lewis and Clark and the ancestors of today's Mandan and Hidatsa tribes.

But what makes this area a particularly good fit for a National Heritage Area designation is the distinction arising from the patterns of human activity shaped by geography. This is the northern extremity of Native agriculture on the Great Plains.

The scenic breaks of North Dakota's Missouri Valley overlook a rich agricultural tradition stretching back a thousand years. Along the length of the State's remaining free-flowing Missouri River, from Huff National Landmark on the south to the Knife River Indian Villages National Historic Site on the north, the Northern Plains Heritage Area would encompass the ancient homeland of the Mandan and Hidatsa nations.

While farming methods have changed, the agricultural traditions and the scenic, cultural and historic values remain. The same attributes of geography and climate that attracted the Mandan and Hidatsa later appealed to homesteading farmers and ranchers and the energy industry, all of whom benefited from the natural resources of the land.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Plains Heritage Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Northern Plains Heritage Area established by section 3(a).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by section 3(d).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under section 5.

(4) MAP.—The term "map" means the map entitled "Proposed Northern Plains National Heritage Area".

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of North Dakota.

SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the State the Northern Plains National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of—

(1) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(2) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(c) MAP.—A map of the Heritage Area shall be—

(1) included in the management plan; and

(2) on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this Act to—

(1) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in natural, cultural, and historical resources protection and heritage programming;

(4) obtain money or services from any source, including under any other Federal law or program;

(5) contract for goods or services; and

(6) carry out any other activity that—

(A) furthers the purposes of the Heritage Area; and

(B) is consistent with the approved management plan.

(b) DUTIES.—The management entity shall—

(1) in accordance with section 5, prepare and submit a management plan for the Heritage Area to the Secretary;

(2) give priority to implementing actions covered by the management plan, including assisting units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations, nonprofit groups, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(5) for any year for which Federal funds have been received under this Act—

(A) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity, including any grants to any other entities;

(B) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(C) require, with respect to all agreements authorizing the expenditure of Federal funds by other organizations, that the organizations receiving the Federal funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(6) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(d) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any Federal funds made available under this Act shall be 50 percent.

(e) OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds form other sources for authorized purposes.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(2) take into consideration State and local plans;

(3) include—

(A) an inventory of—

(i) the resources located in the core area described in section 3(b)(1); and

(ii) any other property in the core area that—

(I) is related to the themes of the Heritage Area; and

(II) should be preserved, restored, managed, or maintained because of the significance of the property;

(B) comprehensive policies, strategies and recommendations for the conservation, funding, management, and development of the Heritage Area;

(C) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(D) a program of implementation for the management plan by the management entity that includes a description of—

(i) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(ii) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation of the Heritage Area;

(E) the identification of sources of funding for carrying out the management plan;

(F) analysis and recommendations for means by which Federal, State, and local programs may best be coordinated to carry out this Act, including recommendations for the role of the National Park Service in the Heritage Area; and

(G) an interpretive plan for the Heritage Area; and

(4) recommend policies and strategies for resource management that consider and describe the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(c) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this Act until the date on which the Secretary approves a management plan.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under subsection (a), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(4) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this Act to carry out any amendments to the management plan until the Secretary has approved the amendments.

SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the management entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the management entity to develop and implement the management plan.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the management entity and other public or private entities to provide technical or financial assistance under paragraph (1).

(3) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(c) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity.

(d) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use

plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the management entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 8. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under section 10, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the management entity with respect to—

(A) accomplishing the purposes of this Act for the Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the Heritage Area;

(2) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(c) REPORT.—

(1) IN GENERAL.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(2) REQUIRED ANALYSIS.—If the report prepared under paragraph (1) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

(3) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

SEC. 10. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. SALAZAR, and Ms. STABENOW):

S. 2101. A bill to amend title XIX of the Social Security Act to assist low-income Medicare beneficiaries by improving eligibility and services under the Medicare Savings Program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senators KERRY, SALAZAR and STABENOW to introduce the Medicare Savings Program Improvement Act of 2007. This legislation would make critical improvements to the Medicare Savings Programs, which provide important cost-assistance for low-income Medicare beneficiaries through the Medicaid program and include the Qualified Medicare Beneficiary, QMB, Specified Low-income Medicare Beneficiary, SLMB, and Qualified Individuals-1, QI-1, programs.

One of the most significant improvements within this legislation is to make permanent the QI-1 program, which expires at the end of this month. This program provides vital assistance to low-income Medicare beneficiaries in paying for Medicare Part B premiums. It was established as part of the Balanced Budget Act of 1997 and was authorized for 5 years. Unfortunately, every few years we in Congress must act to reauthorize this program, providing unnecessary uncertainty for beneficiaries and State Medicaid programs.

Congress should not participate in this annual last minute scramble to try and extend the program for a few months or a year. It is a disservice to the States, who must watch the Congress closely to constantly prepare to send out disenrollment notices and lay off staff, even though they are relatively certain the program will be extended. But, more importantly, it is a disservice to the 185,000 beneficiaries that need this important assistance, as many of those enrolled worry this benefit will be taken away and many of those never enrolled are not told of the benefit since States and advocates are spending their time trying to get the program extended rather than conducting outreach.

While I remain very hopeful that the Congress will pass an extension of the QI-1 program for an additional period in the coming week, I am introducing the Medicare Savings Program Improvement Act of 2007 today in the hope that Congress will end this process of temporary extensions and permanently authorize the program, as provided for in this legislation.

Furthermore, the bill proposes several improvements to the Medicare Savings Programs and application processes that will make these low-income benefits both more efficient to administer and more accessible to the individuals who need them. It would also seek to simplify the process of applying for Medicare Savings Programs and make the Programs more understandable to low-income senior citizens and people with disabilities, as well as State and Federal Government officials.

Rates of enrollment in the Medicare Savings Programs are well below those of other means-tested benefit programs. The Congressional Budget Office estimates that only 33 percent of eligible people are participating in the QMB program, and that the participation rate in the SLMB program is only 13 percent—these figures exclude people who are eligible for full Medicaid benefits. In comparison, participation rates are estimated to be 75 percent in the earned income tax credit, 66 percent to 73 percent for Supplemental Security Income, and 66 percent to 70 percent for Medicaid.

In New Mexico, over 1,500 low-income Medicare beneficiaries receive the QI-1 benefit, which saves them almost $1,000 in Medicare Part B premium out-of-pocket costs annually. Unfortunately, according to estimates made by the Medicare Rights Center using Census Bureau data, over 11,000 are likely to be eligible. Many are completely unaware of the assistance this program offers. This is usually because many eligible individuals are difficult to reach or communicate with because they are isolated, cannot read or speak English, have difficulty seeing or hearing, or lack transportation.

To briefly describe the most critical aspects of the legislation, Section 2 of the bill provides for one unified name for the Federal programs that offer cost sharing and benefit assistance for low income Medicare beneficiaries. Rather than separately referring to the QMB, SLMB, and QI-1 programs, the bill provides one common name for all of these programs, the "Medicare Savings Programs." Aligning these programs under one title helps to establish greater uniformity in income and resource limits, simplifies the application process, makes more people eligible for subsidies and increases the enrollment in programs.

Low enrollment in these assistance programs is in large part due to the lack of knowledge and understanding of the programs or benefits offered. For example, 79 percent of non-enrolled eligible people have ever heard of the Medicare Savings Programs and two thirds of enrollees need assistance in completing the lengthy application form. This simple change has been pilot tested with Medicare beneficiary groups and found to elicit a positive response and interest from Medicare beneficiaries.

Section 3 of the legislation would make permanent the QI–1 category by incorporating these individuals into the SLMB category at 100 percent Federal medical percentage, FMAP, matching rate. In addition to simplifying and making permanent the program, such a change would ensure funding for QI–1 cost-sharing.

Section 5 eliminates the limit on assets, which is set at $4,000 for an individual and $6,000 for a couple and disqualifies millions of Medicare beneficiaries with very low incomes from qualifying for assistance. Many potential beneficiaries do not apply for benefits because they incorrectly assume that they have too many assets to qualify or fear losing their estate. Some States have waived or disallowed the counting of some assets for the purposes of eligibility determination and have seen much higher enrollment rates. The requirements to document one's assets also makes the application process burdensome and deters potential enrollees who might pass the asset test.

Finally, section 8 eliminates some of the critical barriers to enrollment. As I noted earlier, rates of enrollment in the Medicare Savings Programs are well below those of other means-tested. benefit programs. This section provides for several important enrollment simplification procedures, such as allowing self-certification of income and continuous eligibility, and expanded outreach efforts. For instance, instead of requiring people to apply for benefits at the state Medicaid office, the Social Security Administration took applications and forwarded them to Medicaid offices for processing and increased enrollment by 10 percent. Perhaps with more outreach efforts provided within this bill, even more low-income Medicare beneficiaries will receive the health care for which they are eligible.

I urge the Congress to pass a temporary extension of the QI–1 program early next week, but then to immediately begin work to permanently authorize the QI–1 program and to simplify and streamline all the Medicare Savings Programs. Our Nation's low-income Medicare beneficiaries and the States deserve nothing less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Savings Program Improvement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to Medicare Savings Program.
Sec. 3. Increase in income levels for eligibility.
Sec. 4. Elimination of application of estate recovery for Medicare Savings Program beneficiaries.
Sec. 5. Modification of asset test.
Sec. 6. Eligibility for other programs.
Sec. 7. Effective date of MSP benefits.
Sec. 8. Expediting eligibility under the Medicare Savings Program.
Sec. 9. Treatment of qualified medicare beneficiaries, specified low-income medicare beneficiaries, and other dual eligibles as Medicare beneficiaries.
Sec. 10. Medicaid treatment of certain medicare providers.
Sec. 11. Monitoring and enforcement of limitation on beneficiary liability.
Sec. 12. State provision of medical assistance to dual eligibles in MA plans.

SEC. 2. REFERENCES TO MEDICARE SAVINGS PROGRAM.

The low-income assistance programs for Medicare beneficiaries under the Medicaid program under title XIX of the Social Security Act now popularly referred to the "QMB" and "SLMB" programs are to be known as the "Medicare Savings Program".

SEC. 3. INCREASE IN INCOME LEVELS FOR ELIGIBILITY.

(a) INCREASE TO 135 PERCENT OF FPL FOR QUALIFIED MEDICARE BENEFICIARIES.—

(1) IN GENERAL.—Section 1905(p)(2) of the Social Security Act (42 U.S.C. 1396d(p)(2)) is amended—

(A) in subparagraph (A), by striking "100 percent" and inserting "135 percent";

(B) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting ", and"; and

(iii) by adding at the end the following:

"(iv) January 1, 2008, is 135 percent."; and

(C) in subparagraph (C)—

(i) by striking "and" at the end of clause (iii);

(ii) by striking the period at the end of clause (iv) and inserting ", and"; and

(iii) by adding at the end the following:

"(v) January 1, 2008, is 135 percent.".

(2) APPLICATION OF INCOME TEST BASED ON FAMILY SIZE.—Section 1905(p)(2)(A) of such Act (42 U.S.C. 1396d(p)(2)(A)) is amended by adding at the end the following: "For purposes of this subparagraph, family size means the applicant, the spouse (if any) of the applicant if living in the same household as the applicant, and the number of individuals who are related to the applicant (or applicants), who are living in the same household as the applicant (or applicants), and who are dependent on the applicant (or the applicant's spouse) for at least one-half of their financial support.".

(3) NOT COUNTING IN-KIND SUPPORT AND MAINTENANCE AS INCOME.—Section 1905(p)(2)(D) of such Act (42 U.S.C. 1396d(p)(2)(D)) is amended by adding at the end the following new clause:

"(iii) In determining income under this subsection, support and maintenance furnished in kind shall not be counted as income.".

(b) EXPANSION OF SPECIFIED LOW-INCOME MEDICARE BENEFICIARY (SLMB) PROGRAM.—

(1) ELIGIBILITY OF INDIVIDUALS WITH INCOMES BELOW 150 PERCENT OF FPL.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396b(a)(10)(E)) is amended—

(A) by adding "and" at the end of clause (ii);

(B) in clause (iii)—

(i) by striking "and 120 percent in 1995 and years thereafter" and inserting ", or 120 percent in 1995 and any succeeding year before 2008, or 150 percent beginning in 2008"; and

(ii) by striking "and" at the end; and

(C) by striking clause (iv).

(2) PROVIDING 100 PERCENT FEDERAL FINANCING.—The third sentence of section 1905(b) of such Act (42 U.S.C. 1396d(b)) is amended by inserting before the period at the end the following: "and with respect to medical assistance for medicare cost-sharing provided under section 1902(a)(10)(E)(iii)".

(3) REFERENCES.—Section 1905(p)(1) of such Act (42 U.S.C. 1396d(p)(1)) is amended by adding at and below subparagraph (C) the following: "The term 'specified low-income medicare beneficiary' means an individual described in section 1902(a)(10)(E)(iii).".

(c) EFFECTIVE DATE.—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 2008, and, with respect to title XIX of the Social Security Act, shall apply to calendar quarters beginning on or after January 1, 2008.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 4. ELIMINATION OF APPLICATION OF ESTATE RECOVERY FOR MEDICARE SAVINGS PROGRAM BENEFICIARIES.

(a) IN GENERAL.—Section 1917(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1396p(b)(1)(B)(ii)) is amended by inserting "(but not including medical assistance for medicare cost-sharing or for benefits described in section 1902(a)(10)(E))" before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions commencing on or after January 1, 2008.

SEC. 5. MODIFICATION OF ASSET TEST.

(a) FOR QMBS.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)) is amended—

(1) in paragraph (1), by amending subparagraph (C) to read as follows:

"(C) whose resources (as determined under section 1613 for purposes of the supplemental income security program, except as provided in paragraph (6)(C)) do not exceed the amount described in paragraph (6)(A).";

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

"(6)(A) The resource level specified in this subparagraph for—

"(i) for 2008 is six times the maximum amount of resources that an individual may have and obtain benefits under the supplemental security income program under title XVI; or

"(ii) for a subsequent year is the resource level specified in this subparagraph for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.

Any dollar amount established under clause (ii) that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

"(B) In determining the resources of an individual (and their eligible spouse, if any) under section 1613 for purposes of paragraph (1)(C) (relating to qualified medicare beneficiaries) or section 1902(a)(10)(E)(iii) (relating to individuals popularly known as specified low-income medicare beneficiaries), the following additional exclusions shall apply—

"(i) No part of the value of any life insurance policy shall be taken into account.

"(ii) No balance in any pension or retirement plan or account shall be taken into account.".

(b) FOR SLMBS.—

(1) PERMITTING GREATER ASSETS.—Section 1902(a)(10)(E)(iii) of such Act (42 U.S.C. 1396b(a)(10)(E)(iii)) is amended by inserting before the semicolon the following: "or but for the fact that their resources exceed the resource level specified in section 1905(p)(6)(A) but does not exceed the resource level specified in section 1905(p)(6)(B)".

(2) HIGHER RESOURCE LEVEL SPECIFIED.—Section 1905(p)(6) of such Act, as inserted by subsection (a)(3), is amended by inserting after subparagraph (A) the following new subparagraph:

"(B) The resource level specified in this subparagraph for—

"(i) for 2008, is $27,500 (or $55,000 in the case of the combined value of the individual's assets or resources and the assets or resources of the individual's spouse); and

"(ii) for a subsequent year is the applicable resource level specified in this subparagraph for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.

Any dollar amount established under clause (ii) that is not a multiple of $10 shall be rounded to the nearest multiple of $10.".

(c) EFFECTIVE DATE.—

(1) Except as provided in paragraph (2), the amendments made by this section shall apply to calendar quarters beginning on or after January 1, 2008.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 6. ELIGIBILITY FOR OTHER PROGRAMS.

(a) IN GENERAL.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)), as amended by section 4(a), is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) Medical assistance for some or all medicare cost-sharing under this title shall not be treated as benefits or otherwise taken into account in determining an individual's eligibility for, or the amount of benefits under, any other Federal program.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to eligibility for benefits on or after January 1, 2008.

SEC. 7. EFFECTIVE DATE OF MSP BENEFITS.

(a) PROVIDING FOR 3 MONTHS RETROACTIVE ELIGIBILITY.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in the matter preceding paragraph (1), by striking "described in subsection (p)(1), if provided after the month" and inserting "described in subsection (p)(1) or a specified low-income medicare beneficiary described in section 1902(a)(10)(E)(iii), if provided in or after the third month before the month in which the individual expresses an interest in applying to become such a beneficiary, as determined in the manner provided for assistance under section 1860D-14".

(2) CONFORMING AMENDMENTS.—(A) The first sentence of section 1902(e)(8) of such Act (42 U.S.C. 1396a(e)(8)), as amended by section 4(c)(2), is amended by striking "(8)" and the first sentence.

(B) Section 1848(g)(3) of such Act (42 U.S.C. 1395w-4(g)(3)) is amended by adding at the end the following new subparagraph:

"(C) TREATMENT OF RETROACTIVE ELIGIBILITY.—In the case of an individual who is determined to be eligible for medical assistance described in subparagraph (A) retroactively, the Secretary shall provide a process whereby claims which are submitted for services furnished during the period of retroactive eligibility and during a month in which the individual otherwise would have been eligible for such assistance and which were not submitted in accordance with such subparagraph are resubmitted and re-processed in accordance with such subparagraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, but shall not result in eligibility for benefits for medicare cost-sharing for months before January 2008.

SEC. 8. EXPEDITING ELIGIBILITY UNDER THE MEDICARE SAVINGS PROGRAM.

(a) INCREASING ELIGIBILITY THROUGH THE SOCIAL SECURITY OFFICE.—

(1) IN GENERAL.—Title XVIII of the Social Security Act is amended by inserting after section 1808 the following new section:

"EXPEDITED ENROLLMENT UNDER THE MEDICARE SAVINGS PROGRAM THROUGH SOCIAL SECURITY OFFICES

"SEC. 1809. (a) IN GENERAL.—The Secretary shall provide, in cooperation with the Commissioner of Social Security, for an expedited process under this section for individuals to apply and qualify for benefits under the Medicare Savings Program. For purposes of this section, the term 'Medicare Savings Program' means medical assistance for medicare cost-sharing (as defined in section 1905(p)(3)) for qualified medicare beneficiaries and specified low-income medicare beneficiaries under title XIX.

"(b) PROCESS.—The process shall be consistent with the following:

"(1) COORDINATION WITH SOCIAL SECURITY AND MEDICARE ENROLLMENT PROCESS.—The application shall be part of the process for applying for benefits under title II and this title.

"(2) SIMPLIFIED APPLICATION PROCESS.—The application may be made over the Internet, by telephone, or by mail, without the need for an interview in person by the applicant or a representative of the applicant.

"(3) CONTENTS OF APPLICATION.—The application shall contain a description (in English, Spanish and other languages determined appropriate by the Secretary) of the availability of and the requirements for obtaining benefits under the Medicare Savings Program.

"(4) TRAINING.—Employees of the Social Security office involved shall be trained to assist individuals completing such applications.

"(5) SELF-CERTIFICATION AND VERIFICATION.—In determining whether an individual is eligible for benefits under the Medicare Savings Program, the Secretary shall permit individuals to qualify on the basis of self certifications of income and resources meeting applicable standards without the need to provide additional documentation. The Secretary shall verify that information provided in the application is correct.

"(6) TRANSMITTAL OF APPLICATION.—

"(A) ELIGIBLE APPLICANTS.—In the case of an applicant determined by the Social Security office to be eligible for benefits under the Medicare Savings Program based on income and resources meeting the standards otherwise applicable, the office shall transmit to the applicable State Medicaid office the application so that the applicant can be enrolled within 30 days based on the information collected by the office.

"(B) USE OF ELECTRONIC TRANSFER SYSTEM.—Not later than two years after the date of implementation of improvements of the electronic data transfer system under section 8(c) of the Medicare Savings Program Improvement Act of 2007, the process under this paragraph shall use the such system for information transmittal.

"(C) INELIGIBLE APPLICANTS.—In the case of other applicants whose income and resources do not meet such standards, the Social Security office shall transmit to the applicable State Medicaid office the application so that the application may be considered under State standards that may be more generous than the standards otherwise generally applicable.

The process under this subsection shall be established and implemented one year after the date of the enactment of this section.

"(c) DISTRIBUTION OF APPLICATION FORM.—The Secretary shall distribute the application form used under subsection (b) to any organization that requests them, including entities receiving grants from the Secretary for programs designed to provide services to individuals 65 years of age or older and people with disabilities. The Commissioner of Social Security shall make such forms available at local offices of the Social Security Administration.

"(d) STATE RESPONSE AND APPLICATION PROCESS.—

"(1) IN GENERAL.—In the case of an application transmitted under subsection (b)(6), the State agency responsible for determinations of eligibility for benefits under the State's Medicare Savings Program—

"(A) shall make a determination on the application within 30 days of the date of its receipt; and

"(B) shall notify the applicant of the determination within 10 days after it is made.

"(2) USE OF SIMPLIFIED APPLICATION PROCESS.—In the case of an application other than an application transmitted under subsection (b)(6), a State plan under title XIX shall provide that an application for benefits under the Medicare Savings Program may be made over the Internet, by telephone, or by mail, without the need for an interview in person by the applicant or a representative of the applicant.

"(e) EXPEDITED APPLICATION AND ELIGIBILITY PROCESS.—

"(1) EXPEDITED PROCESS.—

"(A) IN GENERAL.—As part of the expedited process for obtaining benefits under the Medicare Savings Program, the Secretary shall through a request to the Secretary of the Treasury to obtain information sufficient to identify whether the individual involved is likely eligible for such benefits based on such information and the type of assistance under the Medicare Savings Program for which they would qualify based on such information. Such process shall be conducted in cooperation with the Commissioner of Social Security.

"(B) OPT IN FOR NEWLY ELIGIBLE INDIVIDUALS.—Not later than 60 days after the date of the enactment of this subsection, the Secretary shall ensure that, as part of the Medicare enrollment process, enrolling individuals—

"(i) receive information describing the Medicare Savings Program provided under this section; and

"(ii) are provided the opportunity to opt-in to the expedited process described in this subsection by requesting that the Commissioner of Social Security screen the individual involved for eligibility for the Medicare Savings Program through a request to the Secretary of the Treasury under section 6103(l)(21) of the Internal Revenue Code of 1986.

"(C) TRANSITION FOR CURRENTLY ELIGIBLE INDIVIDUALS.—In the case of any Medicare Savings Program eligible individual to which subparagraph (B) did not apply at the time of such individual's enrollment, the Secretary shall, not later than 60 days after the date of the implementation of subparagraph (B), request that the Commissioner of Social Security screen such individual for eligibility for the Medicare Savings Program provided under this section through a request to the Secretary of the Treasury under section 6103(l)(21) of the Internal Revenue Code of 1986.

"(2) NOTIFICATION OF POTENTIALLY ELIGIBLE INDIVIDUALS.—Under such process, in the case of each individual identified under paragraph (1) who has not otherwise applied for, or been determined eligible for, benefits under the Medicare Savings Program (or who has applied for and been determined ineligible for such benefits based only on standards in effect before January 1, 2008), the Secretary shall send them a letter (using basic, uncomplicated language) containing the following:

"(A) ELIGIBILITY.—A statement that, based on the information obtained under process under this section, the individual is likely eligible for benefits under the Medicare Savings Program.

"(B) AMOUNT OF ASSISTANCE.—A description of the amount of assistance under such program for which the individual would likely be eligible based on such information.

"(C) ATTESTATION.—A one-page application form that provides for a signed attestation, under penalty of law, as to the amount of income and assets of the individual and constitutes an application for the benefits under the Medicare Savings Program. Such form—

"(i) shall not require the submittal of additional documentation regarding income or assets; and

"(ii) shall allow for the specification of a language (other than English) that is preferred by the individual for subsequent communications with respect to the individual under this title and title XIX.

"(D) INFORMATION ON OUTREACH GROUPS.—Information on how the individual may contact the a State outreach effort or other groups that receive grants from the Secretary to conduct outreach to individuals to receive benefits under the Medicare Savings Program.

"(3) FOLLOW-UP COMMUNICATIONS.—If the individual does not respond to the letter described in paragraph (2) by completing an attestation described in paragraph (2)(C) or declining to do so, the Secretary shall make additional attempts to contact the individual to obtain such an affirmative response.

"(4) HOLD-HARMLESS.—Under such process, if an individual in good faith and in the absence of fraud executes an attestation described in paragraph (2)(C) and is provided benefits under the Medicare Savings Program on the basis of such attestation, if the individual is subsequently found not eligible for such benefits, there shall be no recovery made against the individual because of such benefits improperly paid.

"(5) USE OF PREFERRED LANGUAGE IN SUBSEQUENT COMMUNICATIONS.—In the case an attestation described in paragraph (2)(C) is completed and in which a language other than English is specified under clause (ii) of such paragraph, the Secretary shall provide that subsequent communications to the individual under this subsection shall be in such language.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed as precluding the Secretary from taking additional outreach efforts to enroll eligible individuals under the Medicare Savings Program.

"(f) ELECTRONIC COMMUNICATION BETWEEN SOCIAL SECURITY AND STATE MEDICAID AGENCIES AND THE SECRETARY.—

"(1) NOTICE BY SOCIAL SECURITY TO SECRETARY AND STATE MEDICAID AGENCIES.—In the case of a determination of eligibility of an individual under section 1860D–14(a)(3)(B)(i) by the Commissioner of Social Security, the Commissioner shall provide for notice, preferably in electronic form, to the Secretary and to State medicaid agency under title XIX of such determination for purposes of enabling the individual to automatically qualify for benefits under the Medicare Savings Program under such title through the operation of section 1905(p)(8).

"(2) NOTICE BY STATES TO SECRETARY.—In the case that the State determines that an individual is a qualified medicare beneficiary or a specified low-income medicare beneficiary under title XIX, the State shall provide for notice, preferably in electronic form, to the Secretary of such determination for purposes of enabling the individual to automatically qualify for low-income subsidies under section 1860D–14 through the operation of section 1905(a)(3)(G).

"(3) DEADLINE.—Each State (as defined for purposes of title XIX) and the Secretary shall establish the notification process described in this subsection not later than 1 year after the date of the enactment of this section.".

(2) DISCLOSURE OF RETURN INFORMATION FOR PURPOSES OF SCREENING INDIVIDUALS FOR ELIGIBILITY FOR BENEFITS UNDER THE MEDICARE SAVINGS PROGRAM.—

(A) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF RETURN INFORMATION FOR PURPOSES OF PROVIDING BENEFITS UNDER THE MEDICARE SAVINGS PROGRAM.—

"(A) RETURN INFORMATION FROM INTERNAL REVENUE SERVICE TO SOCIAL SECURITY ADMINISTRATION.—The Secretary, upon written request from the Commissioner of Social Security under section 1809(e)(1)(A) of the Social Security Act, shall disclose to the Commissioner with respect to any taxpayer identified by the Commissioner—

"(i)(I) whether the adjusted gross income, as modified in accordance with specifications of the Secretary of Health and Human Services for purposes of carrying out such section, of such taxpayer and, if applicable, such taxpayer's spouse, for the applicable year, exceeds the amounts specified by the Secretary of Health and Human Services in order to apply the 135 and 150 percent poverty lines under section 1905(p) and section 1902(a)(10)(E)(ii) of such Act;

"(II) the adjusted gross income (as determined under subclause (I)), in the case of a taxpayer with respect to which such adjusted gross income exceeds the amount so specified for applying the 135 percent poverty line and does not exceed the amount so specified for applying the 150 percent poverty line;

"(III) whether the return was a joint return for the applicable year; and

"(IV) the applicable year; or

"(ii) if applicable, the fact that there is no return filed for such taxpayer for the applicable year.

"(B) DEFINITION OF APPLICABLE YEAR.—For the purposes of this paragraph, the term 'applicable year' means the most recent taxable year for which information is available in the Internal Revenue Service's taxpayer data information systems, or, if there is no return filed for such taxpayer for such year, the prior taxable year.

"(C) RESTRICTION ON INDIVIDUALS FOR WHOM DISCLOSURE IS REQUESTED.—The Commissioner of Social Security shall only request information under this paragraph with respect to individuals who have requested that such request be made under section 1809(e) of the Social Security Act.

"(D) RETURN INFORMATION FROM SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Commissioner of Social Security shall, upon written request from the Secretary of Health and Human Services, disclose to the Secretary of Health and Human Services the information described in clauses (i) and (ii) of subparagraph (A).

"(E) PERMISSIVE DISCLOSURE TO OFFICERS, EMPLOYEES, AND CONTRACTORS.—The information described in clauses (i) and (ii) of subparagraph (A) may be disclosed among officers, employees, and contractors of the Social Security Administration and the Department of Health and Human Services for the purposes described in subparagraph (F).

"(F) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purposes of identifying eligible individuals for, and administering—

"(i) low-income subsidies under section 1860D–14 of the Social Security Act; and

"(ii) the Medicare Savings Program implemented under clauses (i) and (ii) of section 1902(a)(10)(E) of such Act.".

(B) CONFIDENTIALITY.—Paragraph (3) of section 6103(a) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(C) PROCEDURES AND RECORD KEEPING RELATED TO DISCLOSURES.—Paragraph (4) of section 6103(p) of such Code is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) UNAUTHORIZED DISCLOSURE OR INSPECTION.—Paragraph (2) of section 7213(a) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(b) TWO-WAY DEEMING BETWEEN MEDICARE SAVINGS PROGRAM AND LOW-INCOME SUBSIDY PROGRAM.—

(1) MEDICARE SAVINGS PROGRAM.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)), as amended by sections 4(a) and 5(a), is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

"(8) An individual who has been determined eligible for premium and cost-sharing subsidies under—

"(A) section 1860D–14(a)(1) is deemed, for purposes of this title and without the need to file any additional application, to be a qualified medicare beneficiary for purposes of this title; or

"(B) section 1860D–14(a)(2) is deemed, for purposes of this title and without the need to file any additional application, to qualify for medical assistance as a specified low-income medicare beneficiary (described in section 1902(a)(10)(E)(iii)).".

(2) LOW-INCOME SUBSIDY PROGRAM.—Section 1860D–14(a)(3) of such Act (42 U.S.C. 1395w–104(a)(3)) is amended by adding at the end the following new subparagraph:

"(G) DEEMED TREATMENT FOR QUALIFIED MEDICARE BENEFICIARIES AND SPECIFIED LOW-INCOME MEDICARE BENEFICIARIES.—

"(i) QMBS ELIGIBLE FOR FULL SUBSIDY.—A part D eligible individual who has been determined for purposes of title XIX to be a qualified medicare beneficiary is deemed, for purposes of this part and without the need to file any additional application, to be a subsidy eligible individual described in paragraph (1).

"(ii) SLMBS ELIGIBLE FOR PARTIAL SUBSIDY.—A part D eligible individual who has been determined to be a specified low-income medicare beneficiary (as defined in section 1905(p)(1)) and who is not described in paragraph (1) is deemed, for purposes of this part and without the need to file any additional application, to be a subsidy eligible individual who is not described in paragraph (1).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to eligibility for months beginning on or after January 2008.

(c) IMPROVEMENTS IN ELECTRONIC COMMUNICATION BETWEEN SOCIAL SECURITY, STATE MEDICAID AGENCIES, AND THE SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Commissioner of Social Security, the Secretary of Health and Human Services, and the directors of State Medicaid agencies shall implement improvements to the electronic data transfer system by which they communicate directly and electronically with each other with respect to individuals who have enrolled for benefits under any part of the Medicare Savings Program in order to ensure that each of them has exactly the same list of beneficiaries who are signed up for the Medicare Savings Program.

(2) INCREASED ADMINISTRATIVE MATCH.—In order to implement paragraph (1)—

(A) the Medicaid administrative match under section 1903(a)(7) of the Social Security Act shall be increased to 75 percent with respect to expenditures made in carrying out such paragraph; and

(B) there is appropriated to the Commissioner of Social Security and the Secretary of Health and Human Services, from any amounts in the Treasury not otherwise appropriated, $2,000,000 each for each of fiscal years 2008 and 2009 to implement paragraph (1).

(3) USE OF SYSTEM.—After the implementation of the improvements to the electronic data transfer system under paragraph (1), the Commissioner of Social Security, State Medicaid agencies, and the Secretary of Health and Human Services shall primarily use this system for the Commissioner and the Secretary to inform the State Medicaid agencies to enroll a beneficiary for the Medicare Savings Program.

(d) IMPROVED COORDINATION WITH STATE, LOCAL, AND OTHER PARTNERS.—

(1) STATE GRANTS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall enter into contracts with States (as defined for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to provide funds to States to use information identified under subsection (c), and other appropriate information, in order to do ex parte determinations or utilize other methods for identifying and enrolling individuals who are potentially—

(i) eligible for benefits under the Medicare Savings Program (under sections 1905(p) of the Social Security Act, 42 U.S.C. 1396d(p)); or

(ii) entitled to a premium or cost-sharing subsidy under section 1860D–14 of such Act (42 U.S.C. 1395w–114).

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to the Secretary of Health and Human Services for the purpose of making contracts under this paragraph.

(2) FUNDING OF STATE HEALTH INSURANCE COUNSELING AND SIMILAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated, there are authorized to be appropriated $3,000,000 for each of calendar years 2008 through 2012 to carry out activities described in subparagraph (B).

(B) ACTIVITIES DESCRIBED.—The activities described in this subparagraph are the following:

(i) Activities under section 4360 of the Omnibus Budget Reconciliation Act of 1990 for the purpose of outreach to low-income Medicare beneficiaries to assist in applying for and obtaining benefits under the Medicare Savings Program (under title XIX of the Social Security Act) and the low-income subsidy program under section 1860D–14 of such Act.

(ii) Activities of the National Center on Senior Benefits Outreach and Enrollment (as described in section 202(a)(20)(B) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(20)(B)).

(iii) Similar activities carried out by other qualified agencies designated by the Secretary of Health and Human Services.

SEC. 9. TREATMENT OF QUALIFIED MEDICARE BENEFICIARIES, SPECIFIED LOW-INCOME MEDICARE BENEFICIARIES, AND OTHER DUAL ELIGIBLES AS MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1862 of the Social Security Act (42 U.S.C. 1395y) is amended by adding at the end the following new subsection:

"(n) TREATMENT OF QUALIFIED MEDICARE BENEFICIARIES (QMBS), SPECIFIED LOW-INCOME MEDICARE BENEFICIARIES (SLMBS), AND OTHER DUAL ELIGIBLES.—Nothing in this title shall be construed as authorizing a provider of services or supplier to discriminate (through a private contractual arrangement or otherwise) against an individual who is otherwise entitled to services under this title on the basis that the individual is a qualified medicare beneficiary (as defined in section 1905(p)(1)), a specified low-income medicare beneficiary, or is otherwise eligible for medical assistance for medicare cost-sharing or other benefits under title XIX.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after the date of the enactment of this Act.

SEC. 10. MEDICAID TREATMENT OF CERTAIN MEDICARE PROVIDERS.

(a) IN GENERAL.—Section 1902(n) of the Social Security Act (42 U.S.C. 1396a(n)) is amended by adding at the end the following new paragraph:

"(4) A State plan shall not deny a claim from a provider or supplier with respect to medicare cost-sharing described in subparagraph (B), (C), or (D) of section 1905(p)(3) for an item or service which is eligible for payment under title XVIII on the basis that the provider or supplier does not have a provider agreement in effect under this title or does not otherwise serve all individuals entitled to medical assistance under this title.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after the date of the enactment of this Act.

SEC. 11. MONITORING AND ENFORCEMENT OF LIMITATION ON BENEFICIARY LIABILITY.

Section 1902(n) of the Social Security Act (42 U.S.C. 1396b(n)), as amended by section 9(a), is further amended by adding at the end the following new paragraph:

"(5)(A) The Inspector General of the Department of Health and Human Services shall examine, not later than one year after the date of the enactment of this paragraph and every three years thereafter, whether providers have attempted to make qualified medicare beneficiaries liable for deductibles, coinsurance, and co-payments in violation of paragraph (3)(B). The Inspector General shall submit to the Secretary a report on such examination and a finding as to whether qualified medicare beneficiaries have been held liable in violation of such paragraph.

"(B) If a report under subparagraph (A) includes a finding that qualified medicare beneficiaries have been held liable in violation of such paragraph, not later than 60 days after the date of receiving such report the Secretary shall submit to Congress a report that includes a plan of action on how to enforce provisions of such paragraph.".

SEC. 12. STATE PROVISION OF MEDICAL ASSISTANCE TO DUAL ELIGIBLES IN MA PLANS.

(a) IN GENERAL.—Section 1902(n) of the Social Security Act (42 U.S.C. 1396b(n)), as amended by section 10, is further amended by adding at the end the following new paragraph:

"(6)(A) Each State shall—

"(i) identify those individuals who are eligible for medical assistance for medicare cost-sharing and who are enrolled with a Medicare Advantage plan under part C of title XVIII; and

"(ii) for the individuals so identified, provide for payment of medical assistance for the medicare cost-sharing (including cost-sharing under a Medicare Advantage plan) to which they are entitled.

"(B)(i) The Inspector General of the Department of Health and Human Services shall examine, not later than one year after the date of the enactment of this paragraph and every three years thereafter, whether States are providing for medical assistance for medicare cost-sharing for individuals enrolled in Medicare Advantage plans in accordance with this title. The Inspector General shall submit to the Secretary a report on such examination and a finding as to whether States are failing to provide such medical assistance.

"(ii) If a report under clause (i) includes a finding that States are failing to provide such medical assistance, not later than 60 days after the date of receiving such report the Secretary shall submit to Congress a report that includes a plan of action on how to enforce such requirement.".

(b) EFFECTIVE DATE.—

(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to calendar quarters beginning on or after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Mr. BINGAMAN (for himself, Mr. OBAMA, Mr. SALAZAR, Mr. BROWN, Mr. KERRY, Ms. STABENOW, Ms. CANTWELL, and Mrs. CLINTON):

S. 2102. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation entitled "Ending the Medicare Disability Waiting Period Act of 2007 with Senators OBAMA, SALAZAR, BROWN, KERRY, STABENOW, CANTWELL, and CLINTON. This legislation would phase-out the current 2 year waiting period that people with disabilities must endure after qualifying for Social Security Disability Insurance SSDI. In the interim or as the waiting period is being phased out, the bill would also create a process by which the secretary can immediately waive the waiting period for people with life threatening illnesses.

When Medicare was expanded in 1972 to include people with significant disabilities, lawmakers created the 24-month waiting period. According to a April 2007 report from the Commonwealth Fund, it is estimated that over 1.5 million SSDI beneficiaries are in the Medicare waiting period at any given time, "all of whom are unable to work because of their disability and most of whom have serious health problems, low incomes, and limited access to health insurance." Nearly 39 percent of these individuals do not have health insurance coverage for some point during the waiting period and 26 percent have no health insurance during this period.

The stated reason at the time was to limit the fiscal cost of the provision. However, Mr. President, I would assert that there is no reason, be it fiscal or moral, to tell people that they must wait longer than two years after becoming severely disabled before we give provide them access to much needed health care.

In fact, it is important to note that there really are actually three waiting periods that are imposed upon people seeking to qualify for SSDI. First, there is the disability determination process through the Social Security Administration, which often takes many months or even longer than a year in some cases. Second, once a worker has been certified as having a severe or permanent disability, they must wait an additional five months before receiving their first SSDI check. And third, after receiving that first SSDI check, there is the 2-year period that people must wait before their Medicare coverage begins.

What happens to the health and well-being of people waiting more than 2½ years before they finally receive critically needed Medicare coverage? According to Karen Davis, president of the Commonwealth Fund, which has conducted several important studies on the issue, "Individuals in the waiting period for Medicare suffer from a broad range of debilitating diseases and are in urgent need of appropriate medical care to manage their conditions. Eliminating the 2-year wait would ensure access to care for those already on the way to Medicare."

Again, we are talking about individuals that have been determined to be unable to engage in any "substantial, gainful activity" because of either a physical or mental impairment that is expected to result in death or to continue for at least 12 months. These are people that, by definition, are in more need of health coverage than anybody else in our society. The consequences are unacceptable and are, in fact, dire.

The majority of people who become disabled were, before their disability, working full-time jobs and paying into Medicare like all other employed Americans. At the moment these men and women need coverage the most, just when they have lost their health, their jobs, their income, and their health insurance, Federal law requires them to wait two full years to become eligible for Medicare. Many of these individuals are needlessly forced to accumulate tens-of-thousands of dollars in healthcare debt or compromise their health due to forgone medical treatment. Many individuals are forced to sell their homes or go bankrupt. Even more tragically, more than 16,000 disabled beneficiaries annually, about 4 percent of beneficiaries, do not make it through the waiting period. They die before their Medicare coverage ever begins.

Removing the waiting period is well worth the expense. According to the Commonwealth Fund, analyses have shown providing men and women with Medicare at the time that Social Security certifies them as disabled would cost $8.7 billion annually. This cost would be partially offset by $4.3 billion in reduced Medicaid spending by Medicaid, which many individuals require during the waiting period. In addition, untold expenses borne by the individuals involved could be avoided, as well as the costs of charity care on which many depend. Moreover, there may be additional savings to the Medicare program itself, which often has to bear the expense of addressing the damage done during the waiting period. During this time, deferred health care can worsen conditions, creating additional health problems and higher costs.

Further exacerbating the situation, some beneficiaries have had the unfortunate fate of having received SSI and Medicaid coverage, applied for SSDI, and then lost their Medicaid coverage because they were not aware the change in income when they received SSDI would push them over the financial limits for Medicaid. In such a case, and let me emphasize this point, the government is effectively taking their health care coverage away because they are so severely disabled.

Therefore, for some in the waiting period, their battle is often as much with the Government as it is with their medical condition, disease, or disability.

Nobody could possible think this makes any sense.

As the Medicare Rights Center has said, "By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty, or death. . . . Since disability can strike anyone, at any point in life, the 24-month waiting period. should be of concern to everyone, not just the millions of Americans with disabilities today."

Although elimination of the Medicare waiting period will certainly increase Medicare costs, it is important to note that there will be some corresponding decrease in Medicaid costs.

Medicaid, which is financed by both Federal and State governments, often provides coverage for a subset of disabled Americans in the waiting period, as long as they meet certain income and asset limits. Income limits are typically at or below the poverty level, including at just 74 percent of the poverty line in New Mexico, with assets generally limited to just $2,000 for individuals and $3,000 for couples.

Furthermore, from a continuity of care point of view, it makes little sense that somebody with disabilities must leave their job and their health providers associated with that plan, move on to Medicaid, often have a different set of providers, then switch to Medicare and yet another set of providers. The cost, both financial and personal, of not providing access to care or poorly coordinated care services for these seriously ill people during the waiting period may be greater in many cases than providing health coverage.

Finally, private-sector employers and employees in those risk-pools would also benefit from the passage of the bill. As the Commonwealth Fund has noted, ". . . to the extent that disabled adults rely on coverage through their prior employer or their spouse's employer, eliminating the waiting period would also produce savings to employers who provide this coverage."

To address concerns about costs and immediate impact on the Medicare program, the legislation phases out the waiting period over a 10-year period. In the interim, the legislation would create a process by which others with life-threatening illnesses could also get an exception to the waiting period. Congress has previously extended such an exception to the waiting period individuals with amyothrophic lateral sclerosis, ALS, also known as Lou Gehrig's disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001. Thus, the legislation would extend the exception to all people with life-threatening illnesses in the waiting period.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Ending the Medicare Disability Waiting Period Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Phase-out of waiting period for medicare disability benefits.
Sec. 3. Elimination of waiting period for individuals with life-threatening conditions.
Sec. 4. Institute of Medicine study and report on delay and prevention of disability conditions.

SEC. 2. PHASE-OUT OF WAITING PERIOD FOR MEDICARE DISABILITY BENEFITS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) in paragraph (2)(A), by striking ", and has for 24 calendar months been entitled to," and inserting ", and for the waiting period (as defined in subsection (k)) has been entitled to,";

(2) in paragraph (2)(B), by striking ", and has been for not less than 24 months," and inserting ", and has been for the waiting period (as defined in subsection (k)),";

(3) in paragraph (2)(C)(ii), by striking ", including the requirement that he has been entitled to the specified benefits for 24 months," and inserting ", including the requirement that the individual has been entitled to the specified benefits for the waiting period (as defined in subsection (k)),"; and

(4) in the flush matter following paragraph (2)(C)(ii)(II)—

(A) in the first sentence, by striking "for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2), and" and inserting "for each month beginning after the waiting period (as so defined) for which the individual satisfies paragraph (2) and";

(B) in the second sentence, by striking "the 'twenty-fifth month of his entitlement' refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and"; and

(C) in the third sentence, by striking ", but not in excess of 78 such months".

(b) SCHEDULE FOR PHASE-OUT OF WAITING PERIOD.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

"(k) For purposes of subsection (b) (and for purposes of section 1837(g)(1) of this Act and section 7(d)(2)(ii) of the Railroad Retirement Act of 1974), the term 'waiting period' means—

"(1) for 2008, 18 months;
"(2) for 2009, 16 months;
"(3) for 2010, 14 months;
"(4) for 2011, 12 months;
"(5) for 2012, 10 months;
"(6) for 2013, 8 months;
"(7) for 2014, 6 months;
"(8) for 2015, 4 months;
"(9) for 2016, 2 months; and
"(10) for 2017 and each subsequent year, 0 months.".

(c) CONFORMING AMENDMENTS.—

(1) SUNSET.—Effective January 1, 2017, subsection (f) of section 226 of the Social Security Act (42 U.S.C. 426) is repealed.

(2) MEDICARE DESCRIPTION.—Section 1811(2) of such Act (42 U.S.C. 1395c(2)) is amended by striking "entitled for not less than 24 months" and inserting "entitled for the waiting period (as defined in section 226(k))".

(3) MEDICARE COVERAGE.—Section 1837(g)(1) of such Act (42 U.S.C. 1395p(g)(1)) is amended by striking "of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement" and inserting "of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b)".

(4) RAILROAD RETIREMENT SYSTEM.—Section 7(d)(2)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)(ii)) is amended—

(A) by striking ", for not less than 24 months" and inserting ", for the waiting period (as defined in section 226(k) of the Social Security Act); and

(B) by striking "could have been entitled for 24 calendar months, and" and inserting "could have been entitled for the waiting period (as defined is section 226(k) of the Social Security Act), and".

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(1), the amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2008).

SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVIDUALS WITH LIFE-THREATENING CONDITIONS.

(a) IN GENERAL.—Section 226(h) of the Social Security Act (42 U.S.C. 426(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting "(1)" after "(h)";

(3) in paragraph (1) (as designated by paragraph (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting "or any other life-threatening condition identified by the Secretary" after "amyotrophic lateral sclerosis (ALS)"; and

(B) in subparagraph (B) (as redesignated by paragraph (1)), by striking "(rather than twenty-fifth month)"; and

(4) by adding at the end the following new paragraph:

"(2) For purposes of identifying life-threatening conditions under paragraph (1), the Secretary shall compile a list of conditions that are fatal without medical treatment. In compiling such list, the Secretary shall consult with the Director of the National Institutes of Health (including the Office of Rare Diseases), the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Institute of Medicine of the National Academy of Sciences.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2008).

SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON DELAY AND PREVENTION OF DISABILITY CONDITIONS.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall request that the Institute of Medicine of the National Academy of Sciences conduct a study on the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before the condition reaches disability levels.

(b) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the Institute of Medicine study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for the period of fiscal years 2008 and 2009.

By Mr. BINGAMAN (for himself, Mr. OBAMA, Mr. SALAZAR, Ms. COLLINS, and Mr. LIEBERMAN):

S. 2103. A bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senators OBAMA, SALAZAR, COLLINS, and LIEBERMAN to introduce the Medicare Independent Living Act of 2007. This legislation would eliminate Medicare's "in the home" restriction for the coverage of mobility devices, including wheelchairs and scooters, for those with disabilities and expected long-term needs. This includes people with multiple sclerosis, paraplegia, osteoarthritis, and cerebrovascular disease that includes acute stroke and conditions like aneurysms.

As currently interpreted by the Centers for Medicare and Medicaid Services, CMS, the "in the home" restriction only permits beneficiaries to obtain wheelchairs that are necessary for use inside the home. As a result, seriously disabled beneficiaries who would primarily utilize a wheelchair outside the home are prevented from receiving this critical and basic equipment through Medicare. For example, this restriction prevents beneficiaries from receiving wheelchairs to access their work, the community-at-large, place of worship, school, physician's offices, or pharmacies.

On July 13, 2005, 34 senators wrote Secretary Leavitt asking the Department of Health and Human Services, or HHS, to modify the "in the home" requirement so as to "improve community access for Medicare beneficiaries with mobility impairments." Unfortunately, CMS continues to impose the "in the home" restriction on Medicare beneficiaries in need of mobility devices.

As the Medicare Rights Center in a report entitled "Forced Isolation: Medicare's 'In The home' Coverage Standards for Wheelchairs" in March 2004 notes, "This effectively disqualifies you from leaving your home without the assistance of others."

Furthermore, in a Kansas City Star article dated July 3, 2005, Mike Oxford with the National Council on Independent Living noted, "You look at mobility assistance as a way to liberate yourself." He added that the restriction "is just backward."

In fact, policies such as these are not only backward but directly contradict numerous initiatives aimed at increasing community integration of people with disabilities, including the Americans with Disabilities Act, the Ticket-to-Work Program, the New Freedom Initiative, and the Olmstead Supreme Court decision.

According to the Medicare Rights Center update dated March 23, 2006, "This results in arbitrary denials. People with apartments too small for a power wheelchair are denied a device that could also get them down the street. Those in more spacious quarters get coverage, allowing them to scoot from room to room and to the grocery store. People who summon all their willpower and strength to hobble around a small apartment get no help for tasks that are beyond them and their front door."

In New Mexico, I have heard this complaint about the law repeatedly from our State's most vulnerable disabled and senior citizens. People argue the provision is being misinterpreted by the administration and results in Medicare beneficiaries being trapped in their home.

The ITEM Coalition adds in a letter to CMS on this issue in November 25, 2005, "There continues to be no clinical basis for the 'in the home' restriction and by asking treating practioners to document medical need only within the home setting, CMS is severely restricting patients from receiving the most appropriate devices to meet their mobility needs."

My legislation would clarify that this restriction does not apply to mobility devices, including wheelchairs, for people with disabilities in the Medicare Program. The language change is fairly simple and simply clarifies that the "in the home" restriction for durable medical equipment does not apply in the case of mobility devices needed by Medicare beneficiaries with expected long-term needs for use "in customary settings such as normal domestic, vocational, and community activities."

This legislation is certainly not intended to discourage CMS from dedicating its resources to reducing waste, fraud, and abuse in the Medicare system, as those efforts are critical to ensuring that Medicare remains financially viable and strong in the future. However, it should be noted that neither Medicaid nor the Department of Veterans Affairs impose such "in the home" restrictions on mobility devices.

Mr. President, I ask unanimous consent that the text of the bill and a letter sent to Secretary Leavitt be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Independent Living Act of 2007".

SEC. 2. ELIMINATION OF IN THE HOME RESTRICTION FOR MEDICARE COVERAGE OF MOBILITY DEVICES FOR INDIVIDUALS WITH EXPECTED LONG-TERM NEEDS.

(a) IN GENERAL.—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n) is amended by inserting "or, in the case of a mobility device required by an individual with expected long-term need, used in customary settings for the purpose of normal domestic, vocational, or community activities" after "1819(a)(1))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after the date of enactment of this Act.

JULY 13, 2005.

SENATE LETTER OPPOSING IN HOME RESTRICTION

Hon. MICHAEL O. LEAVITT,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY LEAVITT: The undersigned members write to request that you modify the "in the home" requirement in Medicare's wheeled mobility benefit to improve community access for Medicare beneficiaries with mobility impairments.

We commend CMS for its dedication to reducing waste, fraud and abuse in the Medicare system, particularly under the mobility device benefit, and fully support your intention to protect precious Medicare funds and resources. Additionally, we commend the agency for recently taking on the task of creating a new and, hopefully, more appropriate Medicare coverage criteria for mobility devices. However, we are concerned that CMS' current interpretation of the "in the home" requirement may continue to act as an inappropriate restriction in meeting the real-life mobility needs of Medicare beneficiaries with physical disabilities and mobility impairments.

Recently CMS announced a final National Coverage Determination (NCD) for mobility assistance equipment (MAE) that fails to adequately address the concerns of beneficiaries and other parties with the "in the home" restriction.

In order to ensure that the "in the home" requirement does not act as a barrier to community participation for Medicare beneficiaries with disabilities and mobility impairments; we ask that you modify this requirement through the regulatory process. Additionally, if your agency concludes that the "in the home" requirement cannot be addressed through the regulatory process, we request that you respond with such information as quickly as possible, so that Congress may begin examining legislative alternatives.

We thank you for your consideration of this matter.

Sincerely,

Jeff Bingaman; Rick Santorum; John Kerry; Joseph I. Lieberman; Barbara Mikulski; Maria Cantwell; Edward M. Kennedy; Patty Murray; Evan Bayh; Mark Dayton; Jack Reed; Johnny Isakson; Sam Brownback; Jon S. Corzine; James M. Talent; Pat Roberts; Frank Lautenberg; James M. Jeffords; Christopher S. Bond; Mike DeWine; Daniel K. Akaka; Mary L. Landrieu; Debbie Stabenow; Charles E. Schumer; Ron Wyden; Herb Kohl; Patrick J. Leahy; Arlen Specter; Hillary Rodham Clinton; Christopher J. Dodd; John McCain; Carl Levin; Tom Harkin; Olympia J. Snowe.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 332—EXPRESSING THE SENSE OF THE SENATE THAT THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS SHOULD INCREASE THEIR INVESTMENT IN PAIN MANAGEMENT RESEARCH

Ms. MIKULSKI (for herself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 332

Whereas the characteristics of modern warfare, including the global war on terror, expose members of the uniformed services to many adverse and dangerous environment-related diseases and living conditions;

Whereas today's war zone conditions, including areas replete with noxious gases released from explosive devices in Iraq and Afghanistan, produce traumatic, life-altering battlefield injuries in degrees unheard of in previous wars including infections, instant crushing of skulls and other bones, loss of sight and limbs, dehydration, blood and other body infections, and, in some cases, severe impairment or total loss of mental and physical functions;

Whereas military medical rapid response teams provide superb, state of the art, lifesaving medical and psychological treatment and care at battlefield sites with an extraordinarily high success rate;

Whereas military, Department of Veterans Affairs, and specialty civilian health care treatment facilities are overburdened with caring for the most serious and most painful battlefield casualties ever witnessed from war; and

Whereas the Nation's medical and mental health care professionals have not been provided with sufficient resources to adequately research, diagnose, treat, and manage acute and chronic pain associated with present day battlefield casualties: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Federal funding for pain management research, treatment and therapies at the Department of Defense, Department of Veterans Affairs and at the National Institutes of Health should be significantly increased;

(2) Congress and the administration should redouble their efforts to ensure that an effective pain management program is uniformly established and implemented for military and Department of Veterans Affairs treatment facilities; and

(3) the Department of Defense and the Department of Veterans Affairs should increase their investment in pain management clinical research by improving and accelerating clinical trials at military and Department of Veterans Affairs treatment facilities and affiliated university medical centers and research programs.

SENATE RESOLUTION 333—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 333

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation in 2003 and 2004 into abusive practices by the credit counseling industry;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to federal or state law enforcement or regulatory agencies and officials records of the Subcommittee's investigation into abusive practices by the credit counseling industry.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3048. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3049. Mr. SANDERS (for himself, Mr. BYRD, Mr. BROWN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3050. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 3051. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3052. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3053. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3054. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3055. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3056. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3057. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3058. Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3059. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 3060. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3061. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3062. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3063. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3064. Mr. MCCONNELL (for himself, Mr. LOTT, Mr. KYL, Mr. DEMINT, Mr. COBURN, Mr. CORNYN, Mr. BUNNING, Mr. ISAKSON, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3065. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3066. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3067. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 976, supra; which was ordered to lie on the table.

SA 3068. Mr. REID (for Mr. OBAMA (for himself, Mr. BOND, Mr. LIEBERMAN, Mrs. BOXER, and Mrs. MCCASKILL)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3069. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3070. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3071. Mr. REID proposed an amendment to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

SA 3072. Mr. REID proposed an amendment to amendment SA 3071 proposed by Mr. REID to the bill H.R. 976, supra.

SA 3073. Mr. REID (for Mr. OBAMA (for himself and Mr. WHITEHOUSE)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3074. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 52, making continuing appropriations for the fiscal year 2008, and for other purposes; which was ordered to lie on the table.

SA 3075. Mr. BIDEN (for himself, Mr. GRAHAM, Mr. CASEY, Mr. SANDERS, Mr. BROWN, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3048. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. M4 CARBINE RIFLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) REPORT ON CAPABILITIES BASED ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(5).

(c) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(d) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a Joint Enhanced Carbine requirement that does not require commonality with existing technical data.

(2) The award of contracts for all available nondevelopmental carbines in lieu of a developmental program intended to meet the proposed Joint Enhanced Carbine requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of Joint Enhanced Carbines authorized only as the result of competition.

(4) The use of rapid equipping authority to procure weapons under $2,000 per unit that meet service-approved requirements, with such weapons being nondevelopmental items selected through full and open competition.

SA 3049. Mr. SANDERS (for himself, Mr. BYRD, Mr. BROWN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available for the Army Medical Research and Materiel Command to carry out, as part of its Medical Research Program required by Congress, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as "Gulf War Illnesses (GWI)", including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program shall be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

SA 3050. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 2111 of the Social Security Act, as added by section 112 of the House amendment to the text, add the following:

"(d) COVER KIDS FIRST IMPLEMENTATION REQUIREMENT.—Notwithstanding the preceding subsections of this section, no funds shall be available under this title for child health assistance or other health benefits coverage that is provided for any other adult other than a pregnant woman, and this title shall be applied with respect to a State without regard to such subsections, for each fiscal year quarter that begins prior to the date on which the State demonstrates to the Secretary that the State has enrolled in the State child health plan at least 95 percent of the targeted low-income children who reside in the State.".

SA 3051. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I of the House amendment to the text, add the following:

SEC. 117. COVER LOW-INCOME KIDS FIRST.

Section 2105(c) (42 U.S.C. 1397ee(c)), as amended section 601(a), is amended by adding at the end the following new paragraph:

"(13) NO PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE OR HEALTH BENEFITS COVERAGE FOR INDIVIDUALS WHOSE GROSS FAMILY INCOME EXCEEDS 200 PERCENT OF THE POVERTY LINE UNLESS AT LEAST 95 PERCENT OF ELIGIBLE LOW-INCOME CHILDREN ENROLLED.—Notwithstanding any other provision of this title, for fiscal years beginning with fiscal year 2008, no payments shall be made to a State under subsection (a)(1), or any other provision of this title, for any fiscal year quarter that begins prior to the date on which the State demonstrates to the Secretary that the State has enrolled in the State child health plan at least 95 percent of the low-income children who reside in the State and are eligible for child health assistance under this State child health plan with respect to any expenditures for providing child health assistance or health benefits coverage for any individual whose gross family income exceeds 200 percent of the poverty line.".

SA 3052. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I of the House amendment to the text, add the following:

SEC. 117. REMOVING THE INCENTIVE TO COVER CHILDREN AT HIGHER INCOME LEVELS RATHER THAN LOWER INCOME LEVELS.

(a) ELIMINATION OF ENHANCED FMAP.—Section 2105 (42 U.S.C. 1397ee) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking "enhanced FMAP (or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))" and inserting "Federal medical assistance percentage";

(2) in subparagraph (A), by striking "on the basis of an enhanced FMAP";

(3) by striking subsection (b) and inserting the following:

"(b) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The term 'Federal medical assistance percentage' has the meaning given such term in the first sentence of section 1905(b).";

(4) in subsection (d)(B)(ii), by striking "an enhanced FMAP" and inserting "payments"; and

(5) in subsection (g)(1)(B)(i), by striking "the additional amount" and all that follows through the period and inserting "the Federal medical assistance percentage with respect to expenditures described in clause (ii).".

(b) CONFORMING AMENDMENTS TO TITLE XIX.—Section 1905 (42 U.S.C. 1396d)) is amended—

(1) in subsection (b)—

(A) in the first sentence by striking "and (4)" and all that follows up to the period;

(B) in the last sentence—

(i) by inserting "the Federal medical assistance percentage shall apply only" after "Notwithstanding the first sentence of this subsection,"; and

(ii) by striking "section 2104" and all that follows through the period and inserting "section 2104."; and

(2) in subsection (u)(4), by striking "an enhanced FMAP described in section 2105(b)" and inserting "this subsection".

(c) CONFORMING AMENDMENTS TO TITLE XXI AND THE AMENDMENTS MADE BY OTHER PROVISIONS OF THIS ACT.—

(1) Subsections (a)(2) and (b)(1) of section 2111, as added by section 106(a), are each amended by striking subparagraph (C).

(2) Section 2111(b)(2)(B), as so added, is amended—

(A) in clause (ii), by striking "applicable percentage determined under clause (iii) or (iv) for" and inserting "Federal medical assistance percentage of";

(B) by striking clauses (iii) and (iv); and

(C) by redesignating clauses (v) and (vi) as clauses (iii) and (iv), respectively.

(3) This Act shall be applied without regard to the amendment to section 2105(c) made by section 110.

(4) Section 2105(g)(4)(A), as added by section 111, is amended by striking "the additional amount" and all that follows through the period and inserting "the Federal medical assistance percentage with respect to expenditures described in subparagraph (B).".

(5) The amendment made by paragraph (1) of section 201(b) of this Act is amended to read as follows:

"(1) in the matter preceding subparagraph (A) (as amended by section 112(a)(1)(A)), by inserting '(or, in the case of expenditures described in subparagraph (D)(iv), 75 percent)' after 'Federal medical assistance percentage'; and".

(6) Section 2105(c)(9), as added by section 301(c)(1), is amended by striking "enhanced FMAP" and inserting "Federal medical assistance percentage".

(7) Section 601(a)(2) of this Act is amended by striking ", rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act)".

(8) Section 2105(c)(11), as added by section 602(a)(1), is amended by striking "enhanced FMAP" and inserting "Federal medical assistance percentage".

SA 3053. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI of the House amendment to the text, add the following:

SEC. 620. PERSONAL EMPOWERMENT THROUGH INDIVIDUAL RESPONSIBILITY.

Section 2103(e) (42 U.S.C. 1397cc(e)) is amended by adding at the end the following new paragraph:

"(5) PERSONAL EMPOWERMENT THROUGH INDIVIDUAL RESPONSIBILITY.—Notwithstanding the preceding provisions of this subsection or any other provision of this title, for fiscal years beginning with fiscal year 2008, a State shall not be considered to have an approved State child health plan unless the State has submitted a State plan amendment to the Secretary specifying how the State will impose premiums, deductibles, coinsurance, and other cost-sharing under the State child health plan (regardless of whether such plan is implemented under this title, title XIX, or both) for populations of individuals whose family income exceeds the effective income eligibility level applicable under the State child health plan for that population on the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, in a manner that is consistent with the authority and limitations for imposed cost-sharing under section 1916A.".

SA 3054. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike clause (ii) of section 2105(c)(11)(B) of the Social Security Act, as added by section 301(a) of the House amendment to the text, and insert the following:

(ii) INCLUSION OF HIGH DEDUCTIBLE HEALTH PLANS; EXCLUSION OF FLEXIBLE SPENDING ARRANGEMENTS.—Such term—

(I) includes coverage consisting of a high deductible health plan (as defined in section 223(c)(2) of such Code) purchased in conjunction with a health savings account (as defined under section 223(d) of such Code); but

(II) does not include coverage consisting of benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986).

SA 3055. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of the House amendment to the text, add the following:

SEC. 704. DISEASE PREVENTION AND TREATMENT RESEARCH TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

"SEC. 9511. DISEASE PREVENTION AND TREATMENT RESEARCH TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Disease Prevention and Treatment Research Trust Fund', consisting of such amounts as may be appropriated or credited to the Disease Prevention and Treatment Research Trust Fund.

"(b) TRANSFER TO DISEASE PREVENTION AND TREATMENT RESEARCH TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Disease Prevention and Treatment Research Trust Fund amounts equivalent to the taxes received in the Treasury attributable to the amendments made by section 701 of the Children's Health Insurance Program Reauthorization Act of 2007.

"(c) EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Amounts in the Disease Prevention and Treatment Research Trust

Fund shall be available, as provided by appropriation Acts, for the purposes of funding the disease prevention and treatment research activities of the National Institutes of Health. Amounts appropriated from the Disease Prevention and Treatment Research Trust Fund shall be in addition to any other funds provided by appropriation Acts for the National Institutes of Health.

"(2) DISEASE PREVENTION AND TREATMENT RESEARCH ACTIVITIES.—Disease prevention and treatment research activities shall include activities relating to:

"(A) CANCER.—Disease prevention and treatment research in this category shall include activities relating to pediatric, lung, breast, ovarian, uterine, prostate, colon, rectal, oral, skin, bone, kidney, liver, stomach, bladder, thyroid, pancreatic, brain and nervous system, and blood-related cancers, including leukemia and lymphoma. Priority in this category shall be given to disease prevention and treatment research into pediatric cancers.

"(B) RESPIRATORY DISEASES.—Disease prevention and treatment research in this category shall include activities relating to chronic obstructive pulmonary disease, tuberculosis, bronchitis, asthma, and emphysema.

"(C) CARDIOVASCULAR DISEASES.—Disease prevention and treatment research in this category shall include activities relating to peripheral arterial disease, heart disease, valve disease, stroke, and hypertension.

"(D) OTHER DISEASES, CONDITIONS, AND DISORDERS.—Disease prevention and treatment research in this category shall include activities relating to autism, diabetes (including type I diabetes, also known as juvenile diabetes, and type II diabetes), muscular dystrophy, Alzheimer's disease, Parkinson's disease, multiple sclerosis, amyotrophic lateral sclerosis, cerebral palsy, cystic fibrosis, spinal muscular atrophy, osteoporosis, human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), depression and other mental health disorders, infertility, arthritis, anaphylaxis, lymphedema, psoriasis, eczema, lupus, cleft lip and palate, fibromyalgia, chronic fatigue and immune dysfunction syndrome, alopecia areata, and sepsis.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 9511. Disease Prevention and Treatment Research Trust Fund.".

SA 3056. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 112 of the House amendment to the text and insert the following:

SEC. 112. ELIMINATION OF COVERAGE FOR NONPREGNANT ADULTS.

(a) ELIMINATION OF COVERAGE.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. ELIMINATION OF COVERAGE FOR NONPREGNANT ADULTS.

"(a) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS AND NONPREGNANT PARENTS.—

"(1) TERMINATION OF COVERAGE UNDER APPLICABLE EXISTING WAIVERS.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided for any other adult other than a pregnant woman after September 30, 2007.

"(2) NO NEW WAIVERS.—Notwithstanding section 1115 or any other provision of this title the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for any other adult other than a pregnant woman.

"(b) INCREASED OUTREACH AND COVERAGE OF LOW-INCOME CHILDREN.—A State that, but for the application of subsections (a) and (b), would have expended funds for child health assistance or other health benefits coverage for an adult other than a pregnant woman after fiscal year 2007 shall use the funds that would have been expended for such assistance or coverage to conduct outreach to, and provide child health assistance for, low-income children who are eligible for such assistance under the State child health plan.

"(c) NONAPPLICATION.—Beginning with fiscal year 2008, this title shall be applied without regard to any provision of this title that would be contrary to the prohibition on providing child health assistance or health benefits coverage for an adult other than a pregnant woman established under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(A) by striking ", the Secretary" and inserting ":

"(1) The Secretary";

(B) in the first sentence, by inserting "or a nonpregnant parent (as defined in section 2111(d)(2)) of a targeted low-income child" before the period;

(C) by striking the second sentence; and

(D) by adding at the end the following new paragraph:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.".

(2) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking "Nothing" and inserting "Subject to section 2111 of the Social Security Act, as added by section 106(a)(1) of the Children's Health Insurance Program Reauthorization Act of 2007, nothing".

SA 3057. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend the XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted to the text by the House amendment to the text, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Children's Health Insurance Program Reauthorization Act of 2007".

SEC. 2. 5-YEAR SCHIP REAUTHORIZATION FOR COVERAGE OF LOW-INCOME CHILDREN.

(a) FUNDING.—

(1) INCREASE IN NATIONAL APPROPRIATION.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(A) in paragraph (9), by striking "and" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(11) for each of fiscal years 2008 through 2012, $7,000,000,000.".

(2) CONTINUATION OF ADDITIONAL ALLOTMENTS TO TERRITORIES AT FISCAL YEAR 2007 LEVEL OF AUTHORITY.—Section 2104(c)(4)(B) of the Social Security Act (42 U.S.C. 1397dd(c)(4)(B)) is amended by striking "fiscal year 2007" and inserting "each of fiscal years 2007 through 2012".

(3) APPLICATION TO OTHER SCHIP FUNDING FOR FISCAL YEAR 2008.—Notwithstanding any other provision of law, if funds are appropriated under any law (other than this Act) to provide allotments to States under title XXI of the Social Security Act for all (or any portion) of fiscal year 2008—

(A) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(B) any amount provided for such title XXI allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

(b) NO FEDERAL MATCHING PAYMENTS FOR COVERAGE OF INDIVIDUALS WHOSE GROSS FAMILY INCOME EXCEEDS 200 PERCENT OF THE POVERTY LINE.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) NO PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE OR HEALTH BENEFITS COVERAGE FOR INDIVIDUALS WHOSE GROSS FAMILY INCOME EXCEEDS 200 PERCENT OF THE POVERTY LINE.—Notwithstanding any other provision of this title, for fiscal years beginning with fiscal year 2008, no payments shall be made to a State under subsection (a)(1), or any other provision of this title, for any expenditures for providing child health assistance or health benefits coverage for any individual whose gross family income exceeds 200 percent of the poverty line.".

(c) NO FEDERAL MATCHING PAYMENTS FOR COVERAGE OF INDIVIDUALS WHO ARE ELIGIBLE FOR EMPLOYER-SPONSORED COVERAGE.—

(1) IN GENERAL.—Section 2105(c) of such Act (42 U.S.C. 1397ee(c)), as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(9) REQUIREMENT REGARDING EMPLOYER-SPONSORED COVERAGE.—

"(A) IN GENERAL.—No payment may be made under this title with respect to an individual who is eligible for coverage under qualified employer-sponsored coverage, either as an individual or as part of family coverage, except with respect to expenditures for providing a premium assistance subsidy for such coverage in accordance with the requirements of this paragraph.

"(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

"(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

"(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

"(II) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

"(III) cost-effective, as determined under clause (ii).

"(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

"(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

"(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

"(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

"(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

"(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

"(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

"(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

"(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

"(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

"(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

"(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

"(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

"(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

"(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007.

"(I) NOTICE OF AVAILABILITY.—A State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.".

(2) APPLICATION TO MEDICAID.—Section 1906 of the Social Security Act (42 U.S.C. 1396e) is amended by adding at the end the following new subsection:

"(d) The provisions of section 2105(c)(9) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.".

SEC. 3. GRANTS FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated for a fiscal year under subsection (f), subject to paragraph (2), the Secretary shall award grants to eligible entities to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) 10 PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts for the fiscal year shall be used by the Secretary for expenditures during the fiscal year to carry out a national enrollment campaign in accordance with subsection (g).

"(b) AWARD OF GRANTS.—

"(1) PRIORITY FOR AWARDING.—

"(A) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

"(i) propose to target geographic areas with high rates of—

"(I) eligible but unenrolled children, including such children who reside in rural areas; or

"(II) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(ii) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

"(B) 10 PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (f) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(2) 2-YEAR AVAILABILITY.—A grant awarded under this section for a fiscal year shall remain available for expenditure through the end of the succeeding fiscal year.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

"(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

"(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

"(4) an assurance that the eligible entity shall—

"(A) conduct an assessment of the effectiveness of such activities against the performance measures;

"(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments.

"(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

"(d) SUPPLEMENT, NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

"(e) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State with an approved child health plan under this title.

"(B) A local government.

"(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

"(D) A Federal health safety net organization.

"(E) A State, national, local, or community-based public or nonprofit private organization.

"(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to non-governmental entities.

"(G) An elementary or secondary school.

"(H) A national, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(D) any other entity or consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

"(A) by serving as a liaison between communities and health care agencies;

"(B) by providing guidance and social assistance to community residents;

"(C) by enhancing community residents' ability to effectively communicate with health care providers;

"(D) by providing culturally and linguistically appropriate health or nutrition education;

"(E) by advocating for individual and community health or nutrition needs; and

"(F) by providing referral and followup services.

"(f) APPROPRIATION.—

"(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of awarding grants under this section $100,000,000 for each of fiscal years 2008 through 2012.

"(2) GRANTS IN ADDITION TO OTHER AMOUNTS PAID.—Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

"(g) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2) for a fiscal year, the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

"(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

"(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

"(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

"(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

"(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

"(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.".

(b) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH AND ENROLLMENT.—The limitation under subparagraph (A) shall not apply with respect to expenditures for outreach activities under section 2102(c)(1), or for enrollment activities, for children eligible for child health assistance under the State child health plan or medical assistance under the State plan under title XIX.".

SEC. 4. EXPANSION OF CHILD HEALTH CARE INSURANCE COVERAGE THROUGH TAX FAIRNESS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. CHILD HEALTH INSURANCE COSTS.

"(a) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to—

"(1) the amount paid by the taxpayer during the taxable year for qualified health insurance for any dependent child of such taxpayer, plus

"(2) if such amount does not exceed the limitation under subsection (b), an amount equal to such difference and paid by the Secretary into a designated account of the taxpayer for the sole benefit of such dependent child.

"(b) LIMITATIONS.—

"(1) IN GENERAL.—The amount allowed as a credit under subsection (a) to an eligible taxpayer for the taxable year shall not exceed the sum of the monthly limitations for coverage months during such taxable year for the individual referred to in subsection (a) for whom such taxpayer paid during the taxable year any amount for coverage under qualified health insurance.

"(2) MONTHLY LIMITATION.—The monthly limitation for an individual for each coverage month of such individual during the taxable year is the amount equal to $\frac{1}{12}$th of $1,200.

"(3) COVERAGE MONTH.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'coverage month' means, with respect to an individual, any month if—

"(i) as of the first day of such month such individual is covered by qualified health insurance, and

"(ii) the premium for coverage under such insurance for such month is paid by an eligible taxpayer.

"(B) MEDICARE AND MEDICAID.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual—

"(i) is entitled to any benefits under title XVIII of the Social Security Act, or "(ii) is a participant in the program under title XIX or XXI of such Act.

"(C) CERTAIN OTHER COVERAGE.—Such term shall not include any month during a taxable year with respect to an individual if, at any time during such year, any benefit is provided to such individual under—

"(i) chapter 89 of title 5, United States Code, or

"(ii) any medical care program under the Indian Health Care Improvement Act.

"(D) INSUFFICIENT PRESENCE IN UNITED STATES.—Such term shall not include any month during a taxable year with respect to an individual if such individual is present in the United States on fewer than 183 days during such year (determined in accordance with section 7701(b)(7)).

"(c) QUALIFIED HEALTH INSURANCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) without regard to—

"(A) paragraph (1)(C) thereof, and

"(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

"(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c)).

"(d) DESIGNATED ACCOUNTS.—

"(1) DESIGNATED ACCOUNT.—For purposes of this section, the term 'designated account' means any specified account established and maintained by the provider of an eligible taxpayer's qualified health insurance—

"(A) which is designated by the taxpayer (in such form and manner as the Secretary may provide) on the return of tax for the taxable year, and

"(B) which, under the terms of the account, accepts the payment described in subparagraph (A) on behalf of the taxpayer.

"(2) SPECIFIED ACCOUNT.—For purposes of this paragraph, the term 'specified account' means—

"(A) any health savings account under section 223 or Archer MSA under section 220, or

"(B) any health insurance reserve account.

"(3) HEALTH INSURANCE RESERVE ACCOUNT.—For purposes of this subsection, the term 'health insurance reserve account' means a trust created or organized in the United States as a health insurance reserve account exclusively for the purpose of paying the qualified medical expenses (within the meaning of section 223(d)(2)) of the account beneficiary (as defined in section 223(d)(3)), but only if the written governing instrument creating the trust meets the requirements described in subparagraphs (B), (C), (D), and (E) of section 223(d)(1). Rules similar to the rules under subsections (g) and (h) of section 408 shall apply for purposes of this subparagraph.

"(4) TREATMENT OF PAYMENT.—Any payment under subsection (a)(2) to a designated account shall—

"(A) not be taken into account with respect to any dollar limitation which applies with respect to contributions to such account (or to tax benefits with respect to such contributions),

"(B) be includible in the gross income of an eligible taxpayer for the taxable year in which the payment is made (except as provided in subparagraph (C)), and

"(C) be taken into account in determining any deduction or exclusion from gross income in the same manner as if such contribution were made by such taxpayer.

"(e) ELIGIBLE TAXPAYER; DEPENDENT; CHILD.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer'means any taxpayer whose income exceeds 200 percent but not 300 percent of the poverty level applicable to a family of the size involved, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

"(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152. An individual to whom section 152(e) applies shall be treated as a dependent of the custodial parent for a coverage month unless the custodial and noncustodial parent provide otherwise.

"(3) CHILD.—The term 'child' means a qualifying child (as defined in section 152(c).

"(f) SPECIAL RULES.—

"(1) COORDINATION WITH MEDICAL DEDUCTION, ETC.—Any amount paid by an eligible taxpayer for insurance to which subsection (a) applies shall not be taken into account in computing the amount allowable to such taxpayer as a credit under section 35 or as a deduction under section 213(a) or 162(l).

"(2) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(3) MARRIED COUPLES MUST FILE JOINT RETURN.—

"(A) IN GENERAL.—If an eligible taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return for the taxable year.

"(B) MARITAL STATUS; CERTAIN MARRIED INDIVIDUALS LIVING APART.—Rules similar to the rules of paragraphs (3) and (4) of section 21(e) shall apply for purposes of this paragraph.

"(4) VERIFICATION OF COVERAGE, ETC.—No credit shall be allowed under this section with respect to any individual unless such individual's coverage (and such related information as the Secretary may require) is verified in such manner as the Secretary may prescribe.

"(5) INSURANCE WHICH COVERS OTHER INDIVIDUALS; TREATMENT OF PAYMENTS.—Rules similar to the rules of paragraphs (7) and (8) of section 35(g) shall apply for purposes of this section.

"(6) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to an eligible taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

"(g) COORDINATION WITH ADVANCE PAYMENTS.—With respect to any taxable year, the amount which would (but for this subsection) be allowed as a credit to an eligible taxpayer under subsection (a) shall be reduced (but not below zero) by the aggregate amount paid on behalf of such taxpayer under section 7527A for months beginning in such taxable year.

"(h) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to an eligible taxpayer under this section.".

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050V the following new section:

"SEC. 6050W. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

"(a) IN GENERAL.—Any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

"(B) the name, address, and TIN of each individual who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage, and

"(C) such other information as the Secretary may reasonably prescribe.

"(c) CREDITABLE HEALTH INSURANCE.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 36(c)).

"(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

"(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished, and

"(3) the information required under subsection (b)(2)(B) with respect to such payments.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xv) through (xx) as clauses (xvi) through (xxi), respectively, and by inserting after clause (xi) the following new clause:

"(xv) section 6050W (relating to returns relating to payments for qualified health insurance),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking the period at the end of subparagraph (CC) and inserting ", or" and by adding at the end the following new subparagraph:

"(DD) section 6050W(d) (relating to returns relating to payments for qualified health insurance).".

(3) Clerical amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Returns relating to payments for qualified health insurance.".

(c) Advance Payment of Credit for Purchasers of Qualified Health Insurance.—

(1) In general.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7529. ADVANCE PAYMENT OF HEALTH INSURANCE CREDIT FOR PURCHASERS OF QUALIFIED HEALTH INSURANCE.

"(a) General Rule.—In the case of an eligible individual, the Secretary shall make payments to the provider of such individual's qualified health insurance equal to such individual's qualified health insurance credit advance amount with respect to such provider.

"(b) Eligible Individual.—For purposes of this section, the term 'eligible individual' means any individual—

"(1) who purchases qualified health insurance (as defined in section 36(c)), and

"(2) for whom a qualified health insurance credit eligibility certificate is in effect.

"(c) Qualified Health Insurance Credit Eligibility Certificate.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement furnished by an individual to the Secretary which—

"(1) certifies that the individual will be eligible to receive the credit provided by section 36 for the taxable year,

"(2) estimates the amount of such credit for such taxable year, and

"(3) provides such other information as the Secretary may require for purposes of this section.

"(d) Qualified Health Insurance Credit Advance Amount.—For purposes of this section, the term 'qualified health insurance credit advance amount' means, with respect to any provider of qualified health insurance, the Secretary's estimate of the amount of credit allowable under section 36 to the individual for the taxable year which is attributable to the insurance provided to the individual by such provider.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(2) Clerical amendment.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

"Sec. 7529. Advance payment of health insurance credit for purchasers of qualified health insurance.".

(d) Conforming Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 36. Health insurance costs.
"Sec. 37. Overpayments of tax.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 5. LIMITATION ON EMPLOYER-PROVIDED HEALTH CARE COVERAGE.

(a) In General.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following new subsection:

"(e) Limitation on Employer-Provided Health Care Coverage.—

"(1) In general.—The amount of any exclusion under subsection (a) for any taxable year with respect to—

"(A) any employer-provided coverage under an accident or health plan which constitutes medical care, and

"(B) any employer contribution to an Archer MSA or a health savings account which is treated by subsection (b) or (d) as employer-provided coverage for medical expenses under an accident or health plan,

shall not exceed $20,000 per employee.

"(2) Medical care defined.—For purposes of paragraph (1), the term 'medical care' has the meaning given to such term in section 213(d) determined without regard to—

"(A) paragraph (1)(C) thereof, and

"(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 6. STATE HEALTH REFORM PROJECTS.

(a) Purpose; Establishment of State Health Care Expansion and Improvement Program.—The purposes of the programs approved under this section shall include, but not be limited to—

(1) achieving the goals of increased health coverage and access;

(2) ensuring that patients receive high-quality, appropriate health care;

(3) improving the efficiency of health care spending; and

(4) testing alternative reforms, such as building on the public or private health systems, or creating new systems, to achieve the objectives of this Act.

(b) Applications by States, Local Governments, and Tribes.—

(1) Entities that may apply.—

(A) In general.—A State, in consultation with local governments, Indian tribes, and Indian organizations involved in the provision of health care, may apply for a State health care expansion and improvement program for the entire State (or for regions of the State) under paragraph (2).

(B) Regional groups.—A regional entity consisting of more than one State may apply for a multi-State health care expansion and improvement program for the entire region involved under paragraph (2).

(C) Definition.—In this Act, the term "State" means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. Such term shall include a regional entity described in subparagraph (B).

(2) Submission of application.—In accordance with this section, each State desiring to implement a State health care expansion and improvement program may submit an application to the State Health Innovation Commission under subsection (c) (referred to in this section as the "Commission") for approval.

(3) Local government applications.—

(A) In general.—Where a State declines to submit an application under this section, a unit of local government of such State, or a consortium of such units of local governments, may submit an application directly to the Commission for programs or projects under this subsection. Such an application shall be subject to the requirements of this section.

(B) Other applications.—Subject to such additional guidelines as the Secretary may prescribe, a unit of local government, Indian tribe, or Indian health organization may submit an application under this section, whether or not the State submits such an application, if such unit of local government can demonstrate unique demographic needs or a significant population size that warrants a substate program under this subsection.

(c) State Health Innovation Commission.—

(1) In general.—Within 90 days after the date of the enactment of this Act, the Secretary shall establish a State Health Innovation Commission that shall—

(A) be comprised of—

(i) the Secretary;

(ii) four State governors to be appointed by the National Governors Association on a bipartisan basis;

(iii) two members of a State legislature to be appointed by the National Conference of State Legislators on a bipartisan basis;

(iv) two county officials to be appointed by the National Association of Counties on a bipartisan basis;

(v) two mayors to be appointed by the United States Conference of Mayors and the National League of Cities on a joint and bipartisan basis;

(vi) two individuals to be appointed by the Speaker of the House of Representatives;

(vii) two individuals to be appointed by the minority leader of the House of Representatives;

(viii) two individuals to be appointed by the majority leader of the Senate;

(ix) two individuals to be appointed by the minority leader of the Senate; and

(x) two individuals who are members of federally-recognized Indian tribes to be appointed on a bipartisan basis by the National Congress of American Indians;

(B) upon approval of ⅔ of the members of the Commission, provide the States with a variety of reform options for their applications, such as tax credit approaches, expansions of public programs such as medicaid and the State Children's Health Insurance Program, the creation of purchasing pooling arrangements similar to the Federal Employees Health Benefits Program, individual market purchasing options, single risk pool or single payer systems, health savings accounts, a combination of the options described in this clause, or other alternatives determined appropriate by the Commission, including options suggested by States, Indian tribes, or the public;

(C) establish, in collaboration with a qualified and independent organization such as the Institute of Medicine, minimum performance measures and goals with respect to coverage, quality, and cost of State programs, as described under subsection (d)(1);

(D) conduct a thorough review of the grant application from a State and carry on a dialogue with all State applicants concerning possible modifications and adjustments;

(E) submit the recommendations and legislative proposal described in subsection (d)(4)(B);

(F) be responsible for monitoring the status and progress achieved under program or projects granted under this section;

(G) report to the public concerning progress made by States with respect to the performance measures and goals established under this Act, the periodic progress of the State relative to its State performance measures and goals, and the State program application procedures, by region and State jurisdiction;

(H) promote information exchange between States and the Federal Government; and

(I) be responsible for making recommendations to the Secretary and the Congress, using equivalency or minimum standards, for minimizing the negative effect of State program on national employer groups, provider organizations, and insurers because of differing State requirements under the programs.

(2) PERIOD OF APPOINTMENT; REPRESENTATION REQUIREMENTS; VACANCIES.—Members shall be appointed for a term of 5 years. In appointing such members under paragraph (1)(A), the designated appointing individuals shall ensure the representation of urban and rural areas and an appropriate geographic distribution of such members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) CHAIRPERSON, MEETINGS.—

(A) CHAIRPERSON.—The Commission shall select a Chairperson from among its members.

(B) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(C) MEETINGS.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting. The Commission shall meet at the call of the Chairperson.

(4) POWERS OF THE COMMISSION.—

(A) NEGOTIATIONS WITH STATES.—The Commission may conduct detailed discussions and negotiations with States submitting applications under this section, either individually or in groups, to facilitate a final set of recommendations for purposes of subsection (d)(4)(B). Such negotiations shall include consultations with Indian tribes, and be conducted in a public forum.

(B) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subsection.

(C) MEETINGS.—In addition to other meetings the Commission may hold, the Commission shall hold an annual meeting with the participating States under this section for the purpose of having States report progress toward the purposes in subsection (a)(1) and for an exchange of information.

(D) INFORMATION.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subsection. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission if the head of the department or agency involved determines it appropriate.

(E) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) PERSONNEL MATTERS.—

(A) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government or of a State or local government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(C) STAFF.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(E) TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $3,000,000 for fiscal year 2007 and each fiscal year thereafter.

(d) REQUIREMENTS FOR PROGRAMS.—

(1) STATE PLAN.—A State that seeks to receive a grant under subsection (f) to operate a program under this section shall prepare and submit to the Commission, as part of the application under subsection (b), a State health care plan that shall have as its goal improvements in coverage, quality and costs. To achieve such goal, the State plan shall comply with the following:

(A) COVERAGE.—With respect to coverage, the State plan shall—

(i) provide and describe the manner in which the State will ensure that an increased number of individuals residing within the State will have expanded access to health care coverage with a specific 5-year target for reduction in the number of uninsured individuals through either private or public program expansion, or both, in accordance with the options established by the Commission;

(ii) describe the number and percentage of current uninsured individuals who will achieve coverage under the State health program;

(iii) describe the minimum benefits package that will be provided to all classes of beneficiaries under the State health program;

(iv) identify Federal, State, or local and private programs that currently provide health care services in the State and describe how such programs could be coordinated with the State health program, to the extent practicable; and

(v) provide for improvements in the availability of appropriate health care services that will increase access to care in urban, rural, and frontier areas of the State with medically underserved populations or where there is an inadequate supply of health care providers.

(B) QUALITY.—With respect to quality, the State plan shall—

(i) provide a plan to improve health care quality in the State, including increasing effectiveness, efficiency, timeliness, patient focused, equity while reducing health disparities, and medical errors; and

(ii) contain appropriate results-based quality indicators established by the Commission that will be addressed by the State as well as State-specific quality indicators.

(C) COSTS.—With respect to costs, the State plan shall—

(i) provide that the State will develop and implement systems to improve the efficiency of health care, including a specific 5-year target for reducing administrative costs (including paperwork burdens);

(ii) describe the public and private sector financing to be provided for the State health program;

(iii) estimate the amount of Federal, State, and local expenditures, as well as, the costs to business and individuals under the State health program;

(iv) describe how the State plan will ensure the financial solvency of the State health program; and

(v) provide that the State will prepare and submit to the Secretary and the Commission such reports as the Secretary or Commission may require to carry out program evaluations.

(D) HEALTH INFORMATION TECHNOLOGY.—With respect to health information technology, the State plan shall provide methodology for the appropriate use of health information technology to improve infrastructure, such as improving the availability of evidence-based medical and outcomes data to providers and patients, as well as other health information (such as electronic health records, electronic billing, and electronic prescribing).

(2) TECHNICAL ASSISTANCE.—The Secretary shall, if requested, provide technical assistance to States to assist such States in developing applications and plans under this section, including technical assistance by private sector entities if determined appropriate by the Commission.

(3) INITIAL REVIEW.—With respect to a State application for a grant under subsection (b), the Secretary and the Commission shall complete an initial review of such State application within 60 days of the receipt of such application, analyze the scope of the proposal, and determine whether additional information is needed from the State. The Commission shall advise the State within such period of the need to submit additional information.

(4) FINAL DETERMINATION.—

(A) IN GENERAL.—Not later than 90 days after completion of the initial review under paragraph (3), the Commission shall determine whether to submit a State proposal to Congress for approval.

(B) VOTING.—

(i) IN GENERAL.—The determination to submit a State proposal to Congress under subparagraph (A) shall be approved by ⅔ of the members of the Commission who are eligible to participate in such determination subject to clause (ii).

(ii) ELIGIBILITY.—A member of the Commission shall not participate in a determination under subparagraph (A) if—

(I) in the case of a member who is a Governor, such determination relates to the State of which the member is the Governor; or

(II) in the case of member not described in subclause (I), such determination relates to the geographic area of a State of which such member serves as a State or local official.

(C) SUBMISSION.—Not later than 90 days prior to October 1 of each fiscal year, the Commission shall submit to Congress a list, in the form of a legislative proposal, of the State applications that the Commission recommends for approval under this section.

(D) APPROVAL.—With respect to a fiscal year, a State proposal that has been recommended under subparagraph (B) shall be deemed to be approved, and subject to the availability of appropriations, Federal funds shall be provided to such program, unless a joint resolution has been enacted disapproving such proposal as provided for in subsection (e). Nothing in the preceding sentence shall be construed to include the approval of State proposals that involve waivers or modifications in applicable Federal law.

(5) PROGRAM OR PROJECT PERIOD.—A State program or project may be approved for a period of 5 years and may be extended for subsequent 5-year periods upon approval by the Commission and the Secretary, based upon achievement of targets, except that a shorter period may be requested by a State and granted by the Secretary.

(e) EXPEDITED CONGRESSIONAL CONSIDERATION.—

(1) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(A) INTRODUCTION.—The legislative proposal submitted pursuant to subsection (d)(4)(B) shall be in the form of a joint resolution (in this subsection referred to as the "resolution"). Such resolution shall be introduced in the House of Representatives by the Speaker, and in the Senate, by the majority leader, immediately upon receipt of the language and shall be referred to the appropriate committee of Congress. If the resolution is not introduced in accordance with the preceding sentence, the resolution may be introduced in either House of Congress by any member thereof.

(B) COMMITTEE CONSIDERATION.—A resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means of the House of Representatives. A resolution introduced in the Senate shall be referred to the Committee on Finance of the Senate. Not later than 15 calendar days after the introduction of the resolution, the committee of Congress to which the resolution was referred shall report the resolution or a committee amendment thereto. If the committee has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a resolution, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such reform bill and such reform bill shall be placed on the appropriate calendar of the House involved.

(2) EXPEDITED PROCEDURE.—

(A) CONSIDERATION.—Not later than 5 days after the date on which a committee has been discharged from consideration of a resolution, the Speaker of the House of Representatives, or the Speaker's designee, or the majority leader of the Senate, or the leader's designee, shall move to proceed to the consideration of the committee amendment to the resolution, and if there is no such amendment, to the resolution. It shall also be in order for any member of the House of Representatives or the Senate, respectively, to move to proceed to the consideration of the resolution at any time after the conclusion of such 5-day period. All points of order against the resolution (and against consideration of the resolution) are waived. A motion to proceed to the consideration of the resolution is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the resolution, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives or the Senate, as the case may be, shall immediately proceed to consideration of the resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the House of Representatives or the Senate, as the case may be, until disposed of.

(B) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the resolution that was introduced in such House, such House receives from the other House a resolution as passed by such other House—

(i) the resolution of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under clause (iii);

(ii) the procedure in the House in receipt of the resolution of the other House, with respect to the resolution that was introduced in the House in receipt of the resolution of the other House, shall be the same as if no resolution had been received from the other House; and

(iii) notwithstanding clause (ii), the vote on final passage shall be on the reform bill of the other House.

Upon disposition of a resolution that is received by one House from the other House, it shall no longer be in order to consider the resolution bill that was introduced in the receiving House.

(C) CONSIDERATION IN CONFERENCE.—Immediately upon a final passage of the resolution that results in a disagreement between the two Houses of Congress with respect to the resolution, conferees shall be appointed and a conference convened. Not later than 10 days after the date on which conferees are appointed, the conferees shall file a report with the House of Representatives and the Senate resolving the differences between the Houses on the resolution. Notwithstanding any other rule of the House of Representatives or the Senate, it shall be in order to immediately consider a report of a committee of conference on the resolution filed in accordance with this subclause. Debate in the House of Representatives and the Senate on the conference report shall be limited to 10 hours, equally divided and controlled by the Speaker of the House of Representatives and the minority leader of the House of Representatives or their designees and the majority and minority leaders of the Senate or their designees. A vote on final passage of the conference report shall occur immediately at the conclusion or yielding back of all time for debate on the conference report.

(3) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(4) LIMITATION.—The amount of Federal funds provided with respect to any State proposal that is deemed approved under subsection (d)(3) shall not exceed the cost provided for such proposals within the concurrent resolution on the budget as enacted by Congress for the fiscal year involved.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary shall provide a grant to a State that has an application approved under subsection (b) to enable such State to carry out an innovative State health program in the State.

(2) AMOUNT OF GRANT.—The amount of a grant provided to a State under paragraph (1) shall be determined based upon the recommendations of the Commission, subject to the amount appropriated under subsection (k).

(3) PERFORMANCE-BASED FUNDING ALLOCATION AND PRIORITIZATION.—In awarding grants under paragraph (1), the Secretary shall—

(A) fund a diversity of approaches as provided for by the Commission in subsection (c)(1)(B);

(B) give priority to those State programs that the Commission determines have the greatest opportunity to succeed in providing expanded health insurance coverage and in providing children, youth, and other vulnerable populations with improved access to health care items and services; and

(C) link allocations to the State to the meeting of the goals and performance measures relating to health care coverage, quality, and health care costs established under this Act through the State project application process.

(4) MAINTENANCE OF EFFORT.—A State, in utilizing the proceeds of a grant received under paragraph (1), shall maintain the expenditures of the State for health care coverage purposes for the support of direct health care delivery at a level equal to not less than the level of such expenditures maintained by the State for the fiscal year preceding the fiscal year for which the grant is received.

(5) REPORT.—At the end of the 5-year period beginning on the date on which the Secretary awards the first grant under paragraph (1), the State Health Innovation Advisory Commission established under subsection (c) shall prepare and submit to the appropriate committees of Congress, a report on the progress made by States receiving grants under paragraph (1) in meeting the goals of expanded coverage, improved quality, and cost containment through performance measures established during the 5-year period of the grant. Such report shall contain the recommendation of the Commission concerning any future action that Congress should take concerning health care reform, including whether or not to extend the program established under this subsection.

(g) MONITORING AND EVALUATION.—

(1) ANNUAL REPORTS AND PARTICIPATION BY STATES.—Each State that has received a program approval shall—

(A) submit to the Commission an annual report based on the period representing the respective State's fiscal year, detailing compliance with the requirements established by the Commission and the Secretary in the approval and in this section; and

(B) participate in the annual meeting under subsection (c)(4)(B).

(2) EVALUATIONS BY COMMISSION.—The Commission, in consultation with a qualified and independent organization such as the Institute of Medicine, shall prepare and submit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce, the Committee on Education and Labor, and the Committee on Ways and Means of the House of Representatives annual reports that shall contain—

(A) a description of the effects of the reforms undertaken in States receiving approvals under this section;

(B) a description of the recommendations of the Commission and actions taken based on these recommendations;

(C) an evaluation of the effectiveness of such reforms in—

(i) expanding health care coverage for State residents;

(ii) improving the quality of health care provided in the States; and

(iii) reducing or containing health care costs in the States;

(D) recommendations regarding the advisability of increasing Federal financial assistance for State ongoing or future health program initiatives, including the amount and source of such assistance; and

(E) as required by the Commission or the Secretary under subsection (f)(5), a periodic, independent evaluation of the program.

(h) NONCOMPLIANCE.—

(1) CORRECTIVE ACTION PLANS.—If a State is not in compliance with a requirement of this section, the Secretary shall develop a corrective action plan for such State.

(2) TERMINATION.—For good cause and in consultation with the Commission, the Secretary may revoke any program granted under this section. Such decisions shall be subject to a petition for reconsideration and appeal pursuant to regulations established by the Secretary.

(i) RELATIONSHIP TO FEDERAL PROGRAMS.—

(1) IN GENERAL.—Nothing in this Act, or in section 1115 of the Social Security Act (42 U.S.C. 1315) shall be construed as authorizing the Secretary, the Commission, a State, or any other person or entity to alter or affect in any way the provisions of title XIX of such Act (42 U.S.C. 1396 et seq.) or the regulations implementing such title.

(2) MAINTENANCE OF EFFORT.—No payment may be made under this section if the State adopts criteria for benefits, income, and resource standards and methodologies for purposes of determining an individual's eligibility for medical assistance under the State plan under title XIX that are more restrictive than those applied as of the date of enactment of this Act.

(j) MISCELLANEOUS PROVISIONS.—

(1) APPLICATION OF CERTAIN REQUIREMENTS.—

(A) RESTRICTION ON APPLICATION OF PREEXISTING CONDITION EXCLUSIONS.—

(i) IN GENERAL.—Subject to subparagraph (B), a State shall not permit the imposition of any preexisting condition exclusion for covered benefits under a program or project under this section.

(ii) GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.—If the State program or project provides for benefits through payment for, or a contract with, a group health plan or group health insurance coverage, the program or project may permit the imposition of a preexisting condition exclusion but only insofar and to the extent that such exclusion is permitted under the applicable provisions of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and title XXVII of the Public Health Service Act.

(B) COMPLIANCE WITH OTHER REQUIREMENTS.—Coverage offered under the program or project shall comply with the requirements of subpart 2 of part A of title XXVII of the Public Health Service Act insofar as such requirements apply with respect to a health insurance issuer that offers group health insurance coverage.

(2) PREVENTION OF DUPLICATIVE PAYMENTS.—

(A) OTHER HEALTH PLANS.—No payment shall be made to a State under this section for expenditures for health assistance provided for an individual to the extent that a private insurer (as defined by the Secretary by regulation and including a group health plan (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), a service benefit plan, and a health maintenance organization) would have been obligated to provide such assistance but for a provision of its insurance contract which has the effect of limiting or excluding such obligation because the individual is eligible for or is provided health assistance under the plan.

(B) OTHER FEDERAL GOVERNMENTAL PROGRAMS.—Except as provided in any other provision of law, no payment shall be made to a State under this section for expenditures for health assistance provided for an individual to the extent that payment has been made or can reasonably be expected to be made promptly (as determined in accordance with regulations) under any other federally operated or financed health care insurance program, other than an insurance program operated or financed by the Indian Health Service, as identified by the Secretary. For purposes of this paragraph, rules similar to the rules for overpayments under section 1903(d)(2) of the Social Security Act shall apply.

(3) APPLICATION OF CERTAIN GENERAL PROVISIONS.—The following sections of the Social Security Act shall apply to States under this section in the same manner as they apply to a State under such title XIX:

(A) TITLE xix PROVISIONS.—

(i) Section 1902(a)(4)(C) (relating to conflict of interest standards).

(ii) Paragraphs (2), (16), and (17) of section 1903(i) (relating to limitations on payment).

(iii) Section 1903(w) (relating to limitations on provider taxes and donations).

(iv) Section 1920A (relating to presumptive eligibility for children).

(B) TITLE xi PROVISIONS.—

(i) Section 1116 (relating to administrative and judicial review), but only insofar as consistent with this title.

(ii) Section 1124 (relating to disclosure of ownership and related information).

(iii) Section 1126 (relating to disclosure of information about certain convicted individuals).

(iv) Section 1128A (relating to civil monetary penalties).

(v) Section 1128B(d) (relating to criminal penalties for certain additional charges).

(vi) Section 1132 (relating to periods within which claims must be filed).

(4) RELATION TO OTHER LAWS.—

(A) HIPAA.—Health benefits coverage provided under a State program or project under this section shall be treated as creditable coverage for purposes of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and subtitle K of the Internal Revenue Code of 1986.

(B) ERISA.—Nothing in this section shall be construed as affecting or modifying section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) with respect to a group health plan (as defined in section 2791(a)(1) of the Public Health Service Act (42 U.S.C. 300gg-91(a)(1))).

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary in each fiscal year. Amounts appropriated for a fiscal year under this subsection and not expended may be used in subsequent fiscal years to carry out this section.

SA 3058. Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

"(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

"(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

"(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and".

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the Department of Defense—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).".

(c) Technical Amendments.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after "2003" the following: ", or any successor circular"; and

(B) in subparagraph (D), by striking "and reliability" and inserting ", reliability, and timeliness"; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting "of" after "examination".

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A-76.

(a) Eligibility to Protest Public-Private Competitions.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.".

(b) Expedited Action.—

(1) In general.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

"For any protest of a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.".

(2) Clerical amendment.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests of public-private competitions.".

(c) Right to Intervene in Civil Action.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.".

(d) Applicability.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A-76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) In General.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

"(a) Public-Private Competition.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

"(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

"(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003, or any successor circular;

"(C) includes the issuance of a solicitation;

"(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

"(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

"(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

"(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

"(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

"(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

"(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

"(ii) $10,000,000; and

"(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

"(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

"(3) In no case may a function being performed by executive agency personnel be—

"(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

"(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

"(b) Requirement to Consult Employees.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the executive agency—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

"(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

"(A) The function for which such public-private competition is to be conducted.

"(B) The location at which the function is performed by agency civilian employees.

"(C) The number of agency civilian employee positions potentially affected.

"(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

"(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

"(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

"(A) agency civilian employees who would be affected by such a conversion in performance; and

"(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

"(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

"(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

"(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

"(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

"(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

"(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

"(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

"(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 43. Public-private competition required before conversion to contractor performance.".

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years .

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term "National Security Personnel System" means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term "inherently governmental function" has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.".

SA 3059. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: ", and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.".

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

"(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.".

SA 3060. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.

(a) ELIGIBILITY BASED ON GROSS INCOME.—

(1) IN GENERAL.—Section 2110 (42 U.S.C. 1397jj) is amended by adding at the end the following new subsection:

"(d) STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.—A State shall determine family income for purposes of determining income eligibility for child health assistance or other health benefits coverage under the State child health plan (or under a waiver of such plan under section 1115) solely on the basis of the gross income (as defined by the Secretary) of the family.".

(2) PROHIBITION ON WAIVER OF REQUIREMENTS.—Section 2107(f) (42 U.S.C. 1397gg(f)), as amended by section 106(a)(2)(A), is amended by adding at the end the following new paragraph:

"(3) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2110(d) (relating to determining income eligibility on the basis of gross income) and regulations promulgated to carry out such requirements.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate interim final regulations defining gross income for purposes of section 2110(d) of the Social Security Act, as added by subsection (a)(1).

(c) APPLICATION TO CURRENT ENROLLEES.—The interim final regulations promulgated under subsection (b) shall not be used to determine the income eligibility of any individual enrolled in a State child health plan under title XXI of the Social Security Act on the date of enactment of this Act before the date on which such eligibility of the individual is required to be redetermined under the plan as in effect on such date. In the case of any individual enrolled in such plan on such date who, solely as a result of the application of subsection (d) of section 2110 of the Social Security Act (as added by subsection (a)(1))) and the regulations promulgated under subsection (b), is determined to be ineligible for child health assistance under the State child health plan, a State may elect, subject to substitution of the Federal medical assistance percentage for the enhanced FMAP under section 2105(a)(1) of the Social Security Act, to continue to provide the individual with such assistance for so long as the individual otherwise would be eligible for such assistance and the individual's family income, if determined under the income and resource standards and methodologies applicable under the State child health plan on September 30, 2007, would not exceed the income eligibility level applicable to the individual under the State child health plan.

SA 3061. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 613 of the proposed House amendment to the text of the Act.

SA 3062. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC.____. Exclusion from Program.

1. No person who is not a United States citizen is eligible to receive benefits in this title.

SA 3063. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 301 of the House amendment to the text and insert the following:

SEC. 301. PREMIUM ASSISTANCE FOR HIGHER INCOME CHILDREN AND PREGNANT WOMEN WITH ACCESS TO EMPLOYER-SPONSORED COVERAGE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 211(c) is amended by adding at the end the following:

"(11) PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—Beginning with fiscal year 2008, a State may only provide child health assistance for a targeted low-income child or a pregnant woman whose family income exceeds 200 percent of the poverty line and who has access to qualified employer sponsored coverage (as defined in subparagraph (B)) through the provision of a premium assistance subsidy in accordance with the requirements of this paragraph.

"(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

"(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

"(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

"(II) for which the employer contribution toward any premium for such coverage is at least 50 percent (75 percent, in the case of an employer with more than 50 employees);

"(III) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

"(IV) cost-effective, as determined under clause (ii).

"(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

"(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

"(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

"(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

"(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

"(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

"(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

"(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

"(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

"(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

"(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

"(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

"(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

"(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

"(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007, for targeted low-income children or pregnant women whose family income does not exceed 200 percent of the poverty line.

"(I) NOTICE OF AVAILABILITY.—A State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage and the requirement to provide such subsidies to the individuals described in subparagraph (A);

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy, or if required, to obtain such subsidies; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.".

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) The provisions of section 2105(c)(11) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.".

SA 3064. Mr. McCONNELL (for himself, Mr. LOTT, Mr. KYL, Mr. DEMINT, Mr. COBURN, Mr. CORNYN, Mr. BUNNING, Mr. ISAKSON, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike all after "Section" and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Kids First Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION

Sec. 101. 5-Year reauthorization.
Sec. 102. Allotments for the 50 States and the District of Columbia based on expenditures and numbers of low-income children.
Sec. 103. Limitations on matching rates for populations other than low-income children or pregnant women covered through a section 1115 waiver.
Sec. 104. Prohibition on new section 1115 waivers for coverage of adults other than pregnant women.
Sec. 105. Standardization of determination of family income.
Sec. 106. Grants for outreach and enrollment.
Sec. 107. Improved State option for offering premium assistance for coverage through private plans.
Sec. 108. Treatment of unborn children.
Sec. 109. 50 percent matching rate for all Medicaid administrative costs.
Sec. 110. Reduction in payments for Medicaid administrative costs to prevent duplication of such costs under TANF.
Sec. 111. Effective date.

TITLE II—HEALTH INSURANCE MARKETPLACE MODERNIZATION AND AFFORDABILITY

Sec. 200. Short title; purpose.

Subtitle A—Small Business Health Plans

Sec. 201. Rules governing small business health plans.
Sec. 202. Cooperation between Federal and State authorities.
Sec. 203. Effective date and transitional and other rules.

Subtitle B—Market Relief

Sec. 211. Market relief.

Subtitle C—Harmonization of Health Insurance Standards

Sec. 221. Health Insurance Standards Harmonization.

TITLE III—HEALTH SAVINGS ACCOUNTS

Sec. 301. Special rule for certain medical expenses incurred before establishment of health savings account.
Sec. 302. Use of account for individual high deductible health plan premiums.
Sec. 303. Exception to requirement for employers to make comparable health savings account contributions.
Sec. 304. Certain health reimbursement arrangement coverage disregarded coverage for health savings accounts.

TITLE IV—STUDY

Sec. 401. Study on tax treatment of and access to private health insurance.

TITLE I—STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION

SEC. 101. 5-YEAR REAUTHORIZATION.

(a) Increase in National Allotment.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(11) for fiscal year 2008, $7,000,000,000;

"(12) for fiscal year 2009, $7,200,000,000;

"(13) for fiscal year 2010, $7,600,000,000;

"(14) for fiscal year 2011, $8,300,000,000; and

"(15) for fiscal year 2012, $8,800,000,000.".

(b) Continuation of Additional Allotments to Territories.—Section 2104(c)(4)(B) of the Social Security Act (42 U.S.C. 1397dd(c)(4)(B)) is amended—

(1) by striking "and" after "2006,"; and

(2) by inserting before the period the following: ", $56,000,000 for fiscal year 2008, $58,000,000 for fiscal year 2009, $61,000,000 for fiscal year 2010, $66,000,000 for fiscal year 2011, and $70,000,000 for fiscal year 2012".

SEC. 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA BASED ON EXPENDITURES AND NUMBERS OF LOW-INCOME CHILDREN.

(a) In General.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(i) Determination of Allotments for the 50 States and the District of Columbia for Fiscal Years 2008 Through 2012.—

"(1) In general.—Notwithstanding the preceding provisions of this subsection and subject to paragraph (3), the Secretary shall allot to each subsection (b) State for each of fiscal years 2008 through 2012,, the amount determined for the fiscal year that is equal to the product of—

"(A) the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of allotments made under subsection (c) (determined without regard to paragraph (4) thereof) for the fiscal year; and

"(B) the sum of the State allotment factors determined under paragraph (2) with respect to the State and weighted in accordance with subparagraph (B) of that paragraph for the fiscal year.

"(2) State allotment factors.—

"(A) In general.—For purposes of paragraph (1)(B), the State allotment factors are the following:

"(i) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the fiscal year to the sum of such projected expenditures for all States for the fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(ii) The ratio of the number of low-income children who have not attained age 19 with no health insurance coverage in the State, as determined by the Secretary on the basis of the arithmetic average of the number of such children for the 3 most recent Annual Social and Economic Supplements to the Current Population Survey of the Bureau of the Census available before the beginning of the calendar year before such fiscal year begins, to the sum of the number of such children determined for all States for such fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(iii) The ratio of the projected expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the preceding fiscal year to the sum of such projected expenditures for all States for such preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(iv) The ratio of the actual expenditures for targeted low-income children under the State child health plan and pregnant women under a waiver of such plan for the second preceding fiscal year to the sum of such actual expenditures for all States for such second preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

"(B) Assignment of weights.—For each of fiscal years 2008 through 2012, the following percentage weights shall be applied to the ratios determined under subparagraph (A) for each such fiscal year:

"(i) 40 percent for the ratio determined under subparagraph (A)(i).

"(ii) 5 percent for the ratio determined under subparagraph (A)(ii).

"(iii) 50 percent for the ratio determined under subparagraph (A)(iii).

"(iv) 5 percent for the ratio determined under subparagraph (A)(iv).

"(C) Determination of projected and actual expenditures.—For purposes of subparagraph (A):

"(i) Projected expenditures.—The projected expenditures described in clauses (i) and (iii) of such subparagraph with respect to a fiscal year shall be determined on the basis of amounts reported by States to the Secretary on the May 15th submission of Form CMS-37 and Form CMS-21B submitted not later than June 30th of the fiscal year preceding such year.

"(ii) Actual expenditures.—The actual expenditures described in clause (iv) of such subparagraph with respect to a second preceding fiscal year shall be determined on the basis of amounts reported by States to the Secretary on Form CMS-64 and Form CMS-21 submitted not later than November 30 of the preceding fiscal year.".

(b) 2-Year Availability of Allotments; Expenditures Counted Against Oldest Allotments.—Section 2104(e) of the Social Security Act (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) Availability of Amounts Allotted.—

"(1) In general.—Except as provided in the succeeding paragraphs of this subsection, amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for each of fiscal years 2008 through 2012, shall remain available for expenditure by the State only through the end of the succeeding fiscal year for which such amounts are allotted.

"(2) Elimination of redistribution of allotments not expended within 3 years.—Notwithstanding subsection (f), amounts allotted to a State under this section for fiscal years beginning with fiscal year 2008 that remain unexpended as of the end of the second succeeding fiscal year shall not be redistributed to other States and shall revert to the Treasury on October 1 of the third succeeding fiscal year.

"(3) Rule for counting expenditures against fiscal year allotments.—Expenditures under the State child health plan made on or after October 1, 2007, shall be counted against allotments for the earliest fiscal year for which funds are available for expenditure under this subsection.".

(c) Conforming Amendments.—

(1) Section 2104(b)(1) of the Social Security Act (42 U.S.C. 1397dd(b)(1)) is amended by striking "subsection (d)" and inserting "the succeeding subsections of this section".

(2) Section 2104(f) of such Act (42 U.S.C. 1397dd(f)) is amended by striking "The" and inserting "Subject to subsection (e)(2), the".

SEC. 103. LIMITATIONS ON MATCHING RATES FOR POPULATIONS OTHER THAN LOW-INCOME CHILDREN OR PREGNANT WOMEN COVERED THROUGH A SECTION 1115 WAIVER.

(a) Limitation on Payments.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) Limitations on matching rate for populations other than targeted low-income children or pregnant women covered through a section 1115 waiver.—For child health assistance or health benefits coverage furnished in any fiscal year beginning with fiscal year 2008:

"(A) FMAP applied to payments for coverage of children or pregnant women covered through a section 1115 waiver enrolled in the State child health plan on the date of enactment of the Kids First Act and whose gross family income is determined to exceed the income eligibility level specified for a targeted low-income child.—Notwithstanding subsections (b)(1)(B) and (d) of section 2110, in the case of any individual described in subsection (c) of section 105 of the Kids First Act who the State elects to continue to provide child health assistance for under the State child health plan in accordance with the requirements of such subsection, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to such assistance.

"(B) FMAP applied to payments only for nonpregnant childless adults and parents and caretaker relatives enrolled under a section 1115 waiver on the date of enactment of the State Children's Health Insurance Program Reauthorization of 2007.—The Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to payments for child health assistance or health benefits coverage provided under the State child health plan for any of the following:

"(i) Parents or caretaker relatives enrolled under a waiver on the date of enactment of the State Children's Health Insurance Program Reauthorization of 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project on the date of enactment of the Kids First Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(ii) Nonpregnant childless adults enrolled under a waiver on such date.—A nonpregnant childless adult enrolled in the State child health plan under a waiver, experimental, pilot, or demonstration project described in section 6102(c)(3) of the Deficit Reduction Act of 2005 (42 U.S.C. 1397gg note) on the date of enactment of the Kids First

Act and whose family income does not exceed the income eligibility applied under such waiver with respect to that population on such date.

"(iii) NO REPLACEMENT ENROLLEES.—Nothing in clauses (i) or (ii) shall be construed as authorizing a State to provide child health assistance or health benefits coverage under a waiver described in either such clause to a nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child, or a nonpregnant childless adult, who is not enrolled under the waiver on the date of enactment of the Kids First Act.

"(C) NO FEDERAL PAYMENT FOR ANY NEW NONPREGNANT ADULT ENROLLEES OR FOR SUCH ENROLLEES WHO NO LONGER SATISFY INCOME ELIGIBILITY REQUIREMENTS.—Payment shall not be made under this section for child health assistance or other health benefits coverage provided under the State child health plan or under a waiver under section 1115 for any of the following:

"(i) PARENTS OR CARETAKER RELATIVES UNDER A SECTION 1115 WAIVER APPROVED AFTER THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—A nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child under a waiver, experimental, pilot, or demonstration project that is approved on or after the date of enactment of the Kids First Act.

"(ii) PARENTS, CARETAKER RELATIVES, AND NONPREGNANT CHILDLESS ADULTS WHOSE FAMILY INCOME EXCEEDS THE INCOME ELIGIBILITY LEVEL SPECIFIED UNDER A SECTION 1115 WAIVER APPROVED PRIOR TO THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child whose family income exceeds the income eligibility level referred to in subparagraph (B)(i), and any nonpregnant childless adult whose family income exceeds the income eligibility level referred to in subparagraph (B)(ii).

"(iii) NONPREGNANT CHILDLESS ADULTS, PARENTS, OR CARETAKER RELATIVES NOT ENROLLED UNDER A SECTION 1115 WAIVER ON THE DATE OF ENACTMENT OF THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION OF 2007.—Any nonpregnant parent or a nonpregnant caretaker relative of a targeted low-income child who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(i) on the date of enactment of the Kids First Act, and any nonpregnant childless adult who is not enrolled in the State child health plan under a section 1115 waiver, experimental, pilot, or demonstration project referred to in subparagraph (B)(ii)(I) on such date.

"(D) DEFINITION OF CARETAKER RELATIVE.—In this subparagraph, the term 'caretaker relative' has the meaning given that term for purposes of carrying out section 1931.

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as implying that payments for coverage of populations for which the Federal medical assistance percentage (as so determined) is to be substituted for the enhanced FMAP under subsection (a)(1) in accordance with this paragraph are to be made from funds other than the allotments determined for a State under section 2104.".

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting "or subsection (c)(8)" after "subparagraph (B)".

SEC. 104. PROHIBITION ON NEW SECTION 1115 WAIVERS FOR COVERAGE OF ADULTS OTHER THAN PREGNANT WOMEN.

(a) IN GENERAL.—Section 2107(f; of the Social Security Act (42 U.S.C. 1397gg(f)) is amended—

(1) by striking ", the Secretary" and inserting ":

"(1) The Secretary"; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage for any other adult other than a pregnant woman whose family income does not exceed the income eligibility level specified for a targeted low-income child in that State under a waiver or project approved as of such date.

"(3) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2105(c)(8).".

(b) CLARIFICATION OF AUTHORITY FOR COVERAGE OF PREGNANT WOMEN.—Section 2106 of the Social Security Act (42 U.S.C. 1397ff) is amended by adding at the end the following new subsection:

"(f) NO AUTHORITY TO COVER PREGNANT WOMEN THROUGH STATE PLAN.—For purposes of this title, a State may provide assistance to a pregnant woman under the State child health plan only—

"(1) by virtue of a waiver under section 1115; or

"(2) through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect on the date of enactment of the Kids First Act).".

(c) ASSURANCE OF NOTICE TO AFFECTED ENROLLEES.—The Secretary of Health and Human Services shall establish procedures to ensure that States provide adequate public notice for parents, caretaker relatives, and nonpregnant childless adults whose eligibility for child health assistance or health benefits coverage under a waiver under section 1115 of the Social Security Act will be terminated as a result of the amendments made by subsection (a), and that States otherwise adhere to regulations of the Secretary relating to procedures for terminating waivers under section 1115 of the Social Security Act.

SEC. 105. STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.

(a) ELIGIBILITY BASED ON GROSS INCOME.—

(1) IN GENERAL.—Section 2110 of the Social Security Act (42 U.S.C. 1397jj) is amended by adding at the end the following new subsection:

"(d) STANDARDIZATION OF DETERMINATION OF FAMILY INCOME.—A State shall determine family income for purposes of determining income eligibility for child health assistance or other health benefits coverage under the State child health plan (or under a waiver of such plan under section 1115) solely on the basis of the gross income (as defined by the Secretary) of the family.".

(2) PROHIBITION ON WAIVER OF REQUIREMENTS.—Section 2107(f) (42 U.S.C. 1397gg(f)), as amended by section 104(a), is amended by adding at the end the following new paragraph:

"(4) The Secretary may not approve a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Kids First Act that would waive or modify the requirements of section 2110(d) (relating to determining income eligibility on the basis of gross income) and regulations promulgated to carry out such requirements.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate interim final regulations defining gross income for purposes of section 2110(d) of the Social Security Act, as added by subsection (a).

(c) APPLICATION TO CURRENT ENROLLEES.—The interim final regulations promulgated under subsection (b) shall not be used to determine the income eligibility of any individual enrolled in a State child health plan under title XXI of the Social Security Act on the date of enactment of this Act before the date on which such eligibility of the individual is required to be redetermined under the plan as in effect on such date. In the case of any individual enrolled in such plan on such date who, solely as a result of the application of subsection (d) of section 2110 of the Social Security Act (as added by subsection (a)) and the regulations promulgated under subsection (b), is determined to be ineligible for child health assistance under the State child health plan, a State may elect, subject to substitution of the Federal medical assistance percentage for the enhanced FMAP under section 2105(c)(8)(A) of the Social Security Act (as added by section 103(a)), to continue to provide the individual with such assistance for so long as the individual otherwise would be eligible for such assistance and the individual's family income, if determined under the income and resource standards and methodologies applicable under the State child health plan on September 30, 2007, would not exceed the income eligibility level applicable to the individual under the State child health plan.

SEC. 106. GRANTS FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated for a fiscal year under subsection (f), subject to paragraph (2), the Secretary shall award grants to eligible entities to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) 10 PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts for the fiscal year shall be used by the Secretary for expenditures during the fiscal year to carry out a national enrollment campaign in accordance with subsection (g).

"(b) AWARD OF GRANTS.—

"(1) PRIORITY FOR AWARDING.—

"(A) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

"(i) propose to target geographic areas with high rates of—

"(I) eligible but unenrolled children, including such children who reside in rural areas; or

"(II) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(ii) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

"(B) 10 PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (f) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(2) 2-YEAR AVAILABILITY.—A grant awarded under this section for a fiscal year shall remain available for expenditure through the end of the succeeding fiscal year.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

"(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

"(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

"(4) an assurance that the eligible entity shall—

"(A) conduct an assessment of the effectiveness of such activities against the performance measures;

"(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments.

"(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

"(d) SUPPLEMENT, NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

"(e) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State with an approved child health plan under this title.

"(B) A local government.

"(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

"(D) A Federal health safety net organization.

"(E) A State, national, local, or community-based public or nonprofit private organization.

"(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x-65) relating to a grant award to non-governmental entities.

"(G) An elementary or secondary school.

"(H) A national, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(D) any other entity or consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

"(A) by serving as a liaison between communities and health care agencies;

"(B) by providing guidance and social assistance to community residents;

"(C) by enhancing community residents' ability to effectively communicate with health care providers;

"(D) by providing culturally and linguistically appropriate health or nutrition education;

"(E) by advocating for individual and community health or nutrition needs; and

"(F) by providing referral and followup services.

"(f) APPROPRIATION.—

"(1) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of awarding grants under this section—

"(A) $100,000,000 for each of fiscal years 2008 and 2009;

"(B) $75,000,000 for each of fiscal years 2010 and 2011; and

"(C) $50,000,000 for fiscal year 2012.

"(2) GRANTS IN ADDITION TO OTHER AMOUNTS PAID.—Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

"(g) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2) for a fiscal year, the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

"(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

"(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

"(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

"(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

"(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

"(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.".

(b) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) NONAPPLICATION TO EXPENDITURES FOR OUTREACH AND ENROLLMENT.—The limitation under subparagraph (A) shall not apply with respect to expenditures for outreach activities under section 2102(c)(1), or for enrollment activities, for children eligible for child health assistance under the State child health plan or medical assistance under the State plan under title XIX.".

SEC. 107. IMPROVED STATE OPTION FOR OFFERING PREMIUM ASSISTANCE FOR COVERAGE THROUGH PRIVATE PLANS.

(a) IN GENERAL.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)), as amended by section 103(a) is amended by adding at the end the following:

"(9) ADDITIONAL STATE OPTION FOR OFFERING PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

"(B) QUALIFIED EMPLOYER SPONSORED COVERAGE.—

"(i) IN GENERAL.—In this paragraph, the term 'qualified employer sponsored coverage' means a group health plan or health insurance coverage offered through an employer that is—

"(I) substantially equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2);

"(II) made similarly available to all of the employer's employees and for which the employer makes a contribution to the premium that is not less for employees receiving a premium assistance subsidy under any option available under the State child health plan under this title or the State plan under title XIX to provide such assistance than the employer contribution provided for all other employees; and

"(III) cost-effective, as determined under clause (ii).

"(ii) COST-EFFECTIVENESS.—A group health plan or health insurance coverage offered through an employer shall be considered to be cost-effective if—

"(I) the marginal premium cost to purchase family coverage through the employer is less than the State cost of providing child health assistance through the State child health plan for all the children in the family who are targeted low-income children; or

"(II) the marginal premium cost between individual coverage and purchasing family coverage through the employer is not greater than 175 percent of the cost to the State to provide child health assistance through the State child health plan for a targeted low-income child.

"(iii) HIGH DEDUCTIBLE HEALTH PLANS INCLUDED.—The term 'qualified employer sponsored coverage' includes a high deductible health plan (as defined in section 223(c)(2) of the Internal Revenue Code of 1986) purchased through a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan, subject to the annual aggregate cost-sharing limit applied under section 2103(e)(3)(B).

"(ii) STATE PAYMENT OPTION.—Subject to clause (iii), a State may provide a premium assistance subsidy directly to an employer or as reimbursement to an employee for out-of-pocket expenditures.

"(iii) REQUIREMENT FOR DIRECT PAYMENT TO EMPLOYEE.—A State shall not pay a premium assistance subsidy directly to the employee, unless the State has established procedures to ensure that the targeted low-income child on whose behalf such payments are made are actually enrolled in the qualified employer sponsored coverage.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(v) STATE OPTION TO REQUIRE ACCEPTANCE OF SUBSIDY.—A State may condition the provision of child health assistance under the State child health plan for a targeted low-income child on the receipt of a premium assistance subsidy for enrollment in qualified employer sponsored coverage if the State determines the provision of such a subsidy to be more cost-effective in accordance with subparagraph (B)(ii).

"(vi) NOT TREATED AS INCOME.—Notwithstanding any other provision of law, a premium assistance subsidy provided in accordance with this paragraph shall not be treated as income to the child or the parent of the child for whom such subsidy is provided.

"(D) NO REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND ADDITIONAL COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—A State that elects the option to provide a premium assistance subsidy under this paragraph shall not be required to provide a targeted low-income child enrolled in qualified employer sponsored coverage with supplemental coverage for items or services that are not covered, or are only partially covered, under the qualified employer sponsored coverage or cost-sharing protection other than the protection required under section 2103(e)(3)(B).

"(ii) NOTICE OF COST-SHARING REQUIREMENTS.—A State shall provide a targeted low-income child or the parent of such a child (as appropriate) who is provided with a premium assistance subsidy in accordance with this paragraph with notice of the cost-sharing requirements and limitations imposed under the qualified employer sponsored coverage in which the child is enrolled upon the enrollment of the child in such coverage and annually thereafter.

"(iii) RECORD KEEPING REQUIREMENTS.—A State may require a parent of a targeted low-income child that is enrolled in qualified employer-sponsored coverage to bear the responsibility for keeping track of out-of-pocket expenditures incurred for cost-sharing imposed under such coverage and to notify the State when the limit on such expenditures imposed under section 2103(e)(3)(B) has been reached for a year from the effective date of enrollment for such year.

"(iv) STATE OPTION FOR REIMBURSEMENT.—A State may retroactively reimburse a parent of a targeted low-income child for out-of-pocket expenditures incurred after reaching the 5 percent cost-sharing limitation imposed under section 2103(e)(3)(B) for a year.

"(E) 6-MONTH WAITING PERIOD REQUIRED.—A State shall impose at least a 6-month waiting period from the time an individual is enrolled in private health insurance prior to the provision of a premium assistance subsidy for a targeted low-income child in accordance with this paragraph.

"(F) NON APPLICATION OF WAITING PERIOD FOR ENROLLMENT IN THE STATE MEDICAID PLAN OR THE STATE CHILD HEALTH PLAN.—A targeted low-income child provided a premium assistance subsidy in accordance with this paragraph who loses eligibility for such subsidy shall not be treated as having been enrolled in private health insurance coverage for purposes of applying any waiting period imposed under the State child health plan or the State plan under title XIX for the enrollment of the child under such plan.

"(G) ASSURANCE OF SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF ELIGIBILITY FOR PREMIUM SUBSIDY ASSISTANCE.—No payment shall be made under subsection (a) for amounts expended for the provision of premium assistance subsidies under this paragraph unless a State provides assurances to the Secretary that the State has in effect laws requiring a group health plan, a health insurance issuer offering group health insurance coverage in connection with a group health plan, and a self-funded health plan, to permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a child of such an employee if the child is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if the employee's child becomes eligible for a premium assistance subsidy under this paragraph.

"(H) NO EFFECT ON PREVIOUSLY APPROVED PREMIUM ASSISTANCE PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect on June 28, 2007.

"(I) NOTICE OF AVAILABILITY.—A State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

"(iii) establish such other procedures as the State determines necessary to ensure that parents are informed of the availability of such subsidies under the State child health plan.".

(b) APPLICATION TO MEDICAID.—Section 1906 of the Social Security Act (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

"(d) The provisions of section 2105(c)(9) shall apply to a child who is eligible for medical assistance under the State plan in the same manner as such provisions apply to a targeted low-income child under a State child health plan under title XXI. Section 1902(a)(34) shall not apply to a child who is provided a premium assistance subsidy under the State plan in accordance with the preceding sentence.".

SEC. 108. TREATMENT OF UNBORN CHILDREN.

(a) CODIFICATION OF CURRENT REGULATIONS.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by striking the period at the end and inserting the following: ", and includes, at the option of a State, an unborn child. For purposes of the previous sentence, the term 'unborn child' means a member of the species Homo sapiens, at any stage of development, who is carried in the womb.".

(b) CLARIFICATIONS REGARDING COVERAGE OF MOTHERS.—Section 2103 of such Act (42 U.S.C. 1397cc) is amended by adding at the end the following new subsection:

"(g) CLARIFICATIONS REGARDING AUTHORITY TO PROVIDE POSTPARTUM SERVICES AND MATERNAL HEALTH CARE.—Any State that provides child health assistance to an unborn child under the option described in section 2110(c)(1) may—

"(1) continue to provide such assistance to the mother, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of pregnancy) ends; and

"(2) in the interest of the child to be born, have flexibility in defining and providing services to benefit either the mother or unborn child consistent with the health of both.".

SEC. 109. 50 PERCENT MATCHING RATE FOR ALL MEDICAID ADMINISTRATIVE COSTS.

Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3)(E) as paragraph (2) and re-locating and indenting it appropriately;

(3) in paragraph (2), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), and indenting them appropriately;

(4) by striking paragraphs (3) and (4);

(5) in paragraph (5), by striking "which are attributable to the offering, arranging, and furnishing" and inserting "which are for the medical assistance costs of furnishing";

(6) by striking paragraph (6);

(7) in paragraph (7), by striking "subject to section 1919(g)(3)(B),"; and

(8) by redesignating paragraphs (5) and (7) as paragraphs (3) and (4), respectively.

SEC. 110. REDUCTION IN PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF SUCH PAYMENTS UNDER TANF.

Section 1903 of such Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (h)";

(2) in subsection (a)(2)(D) by inserting ", subject to subsection (g)(3)(C) of such section" after "as are attributable to State activities under section 1919(g)"; and

(3) by adding after subsection (g) the following new subsection:

"(h) Reduction in Payments for Administrative Costs To Prevent Duplication of Payments Under Title IV.—Beginning with the calendar quarter commencing October 1, 2007, the Secretary shall reduce the amount paid to each State under subsection (a)(7) for each quarter by an amount equal to ¼ of the annualized amount determined for the Medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).".

SEC. 111. EFFECTIVE DATE.

(a) In General.—Subject to subsection (b), the amendments made by this title take effect on October 1, 2007.

(b) Delay if State Legislation Required.—In the case of a State child health plan under title XXI of the Social Security Act or a waiver of such plan under section 1115 of such Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan or waiver to meet the additional requirements imposed by the amendments made by this title, the State child health plan or waiver shall not be regarded as failing to comply with the requirements of such title XXI solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this title. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE II—HEALTH INSURANCE MARKETPLACE MODERNIZATION AND AFFORDABILITY

SEC. 200. SHORT TITLE; PURPOSE.

(a) Short Title.—This title may be cited as the "Health Insurance Marketplace Modernization and Affordability Act of 2007".

(b) Purposes.—It is the purpose of this title to—

(1) make more affordable health insurance options available to small businesses, working families, and all Americans;

(2) assure effective State regulatory protection of the interests of health insurance consumers; and

(3) create a more efficient and affordable health insurance marketplace through collaborative development of uniform regulatory standards.

Subtitle A—Small Business Health Plans

SEC. 201. RULES GOVERNING SMALL BUSINESS HEALTH PLANS.

(a) In General.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

"PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

"SEC. 801. SMALL BUSINESS HEALTH PLANS.

"(a) In General.—For purposes of this part, the term 'small business health plan' means a fully insured group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

"(b) Sponsorship.—The sponsor of a group health plan is described in this subsection if such sponsor—

"(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining medical care;

"(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership;

"(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation; and

"(4) does not condition membership on the basis of a minimum group size.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), (3), and (4) shall be deemed to be a sponsor described in this subsection.

"SEC. 802. CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

"(a) In General.—Not later than 6 months after the date of enactment of this part, the applicable authority shall prescribe by interim final rule a procedure under which the applicable authority shall certify small business health plans which apply for certification as meeting the requirements of this part.

"(b) Requirements Applicable to Certified Plans.—A small business health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

"(c) Requirements for Continued Certification.—The applicable authority may provide by regulation for continued certification of small business health plans under this part. Such regulation shall provide for the revocation of a certification if the applicable authority finds that the small business health plan involved is failing to comply with the requirements of this part.

"(d) Expedited and Deemed Certification.—

"(1) In general.—If the Secretary fails to act on an application for certification under this section within 90 days of receipt of such application, the applying small business health plan shall be deemed certified until such time as the Secretary may deny for cause the application for certification.

"(2) Civil penalty.—The Secretary may assess a civil penalty against the board of trustees and plan sponsor (jointly and severally) of a small business health plan that is deemed certified under paragraph (1) of up to $500,000 in the event the Secretary determines that the application for certification of such small business health plan was willfully or with gross negligence incomplete or inaccurate.

"SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

"(a) Sponsor.—The requirements of this subsection are met with respect to a small business health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

"(b) Board of Trustees.—The requirements of this subsection are met with respect to a small business health plan if the following requirements are met:

"(1) Fiscal control.—The plan is operated, pursuant to a plan document, by a board of trustees which pursuant to a trust agreement has complete fiscal control over the plan and which is responsible for all operations of the plan.

"(2) Rules of operation and financial controls.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

"(3) Rules governing relationship to participating employers and to contractors.—

"(A) Board membership.—

"(i) In general.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

"(ii) Limitation.—

"(I) General rule.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

"(II) Limited exception for providers of services solely on behalf of the sponsor.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

"(III) Treatment of providers of medical care.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

"(iii) Certain plans excluded.—Clause (i) shall not apply to a small business health plan which is in existence on the date of the enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2007.

"(B) Sole authority.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with insurers.

"(c) Treatment of Franchise Networks.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

"(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

"(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

"SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

"(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan—

"(1) each participating employer must be—

"(A) a member of the sponsor;

"(B) the sponsor; or

"(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

"(2) all individuals commencing coverage under the plan after certification under this part must be—

"(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

"(B) the dependents of individuals described in subparagraph (A).

"(b) INDIVIDUAL MARKET UNAFFECTED.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

"(c) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to a small business health plan if—

"(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

"(2) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate; and

"(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

"SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

"(a) IN GENERAL.—The requirements of this section are met with respect to a small business health plan if the following requirements are met:

"(1) CONTENTS OF GOVERNING INSTRUMENTS.—

"(A) IN GENERAL.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

"(i) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A)); and

"(ii) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)).

"(B) DESCRIPTION OF MATERIAL PROVISIONS.—The terms of the health insurance coverage (including the terms of any individual certificates that may be offered to individuals in connection with such coverage) describe the material benefit and rating, and other provisions set forth in this section and such material provisions are included in the summary plan description.

"(2) CONTRIBUTION RATES MUST BE NONDISCRIMINATORY.—

"(A) IN GENERAL.—The contribution rates for any participating small employer shall not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and shall not vary on the basis of the type of business or industry in which such employer is engaged.

"(B) EFFECT OF TITLE.—Nothing in this title or any other provision of law shall be construed to preclude a health insurance issuer offering health insurance coverage in connection with a small business health plan, and at the request of such small business health plan, from—

"(i) setting contribution rates for the small business health plan based on the claims experience of the plan so long as any variation in such rates complies with the requirements of clause (ii), except that small business health plans shall not be subject to paragraphs (1)(A) and (3) of section 2911(b) of the Public Health Service Act; or

"(ii) varying contribution rates for participating employers in a small business health plan in a State to the extent that such rates could vary using the same methodology employed in such State for regulating small group premium rates, subject to the terms of part I of subtitle A of title XXIX of the Public Health Service Act (relating to rating requirements), as added by subtitle B of the Health Insurance Marketplace Modernization and Affordability Act of 2007.

"(3) EXCEPTIONS REGARDING SELF-EMPLOYED AND LARGE EMPLOYERS.—

"(A) SELF EMPLOYED.—

"(i) IN GENERAL.—Small business health plans with participating employers who are self-employed individuals (and their dependents) shall enroll such self-employed participating employers in accordance with rating rules that do not violate the rating rules for self-employed individuals in the State in which such self-employed participating employers are located.

"(ii) GUARANTEE ISSUE.—Small business health plans with participating employers who are self-employed individuals (and their dependents) may decline to guarantee issue to such participating employers in States in which guarantee issue is not otherwise required for the self-employed in that State.

"(B) LARGE EMPLOYERS.—Small business health plans with participating employers that are larger than small employers (as defined in section 808(a)(10)) shall enroll such large participating employers in accordance with rating rules that do not violate the rating rules for large employers in the State in which such large participating employers are located.

"(4) REGULATORY REQUIREMENTS.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

"(b) ABILITY OF SMALL BUSINESS HEALTH PLANS TO DESIGN BENEFIT OPTIONS.—Nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude a small business health plan or a health insurance issuer offering health insurance coverage in connection with a small business health plan from exercising its sole discretion in selecting the specific benefits and services consisting of medical care to be included as benefits under such plan or coverage, except that such benefits and services must meet the terms and specifications of part II of subtitle A of title XXIX of the Public Health Service Act (relating to lower cost plans), as added by subtitle B of the Health Insurance Marketplace Modernization and Affordability Act of 2007.

"(c) DOMICILE AND NON-DOMICILE STATES.—

"(1) DOMICILE STATE.—Coverage shall be issued to a small business health plan in the State in which the sponsor's principal place of business is located.

"(2) NON-DOMICILE STATES.—With respect to a State (other than the domicile State) in which participating employers of a small business health plan are located but in which the insurer of the small business health plan in the domicile State is not yet licensed, the following shall apply:

"(A) TEMPORARY PREEMPTION.—If, upon the expiration of the 90-day period following the submission of a licensure application by such insurer (that includes a certified copy of an approved licensure application as submitted by such insurer in the domicile State) to such State, such State has not approved or denied such application, such State's health insurance licensure laws shall be temporarily preempted and the insurer shall be permitted to operate in such State, subject to the following terms:

"(i) APPLICATION OF NON-DOMICILE STATE LAW.—Except with respect to licensure and with respect to the terms of subtitle A of title XXIX of the Public Health Service Act (relating to rating and benefits as added by the Health Insurance Marketplace Modernization and Affordability Act of 2007), the laws and authority of the non-domicile State shall remain in full force and effect.

"(ii) REVOCATION OF PREEMPTION.—The preemption of a non-domicile State's health insurance licensure laws pursuant to this subparagraph, shall be terminated upon the occurrence of either of the following:

"(I) APPROVAL OR DENIAL OF APPLICATION.—The approval of denial of an insurer's licensure application, following the laws and regulations of the non-domicile State with respect to licensure.

"(II) DETERMINATION OF MATERIAL VIOLATION.—A determination by a non-domicile State that an insurer operating in a non-domicile State pursuant to the preemption provided for in this subparagraph is in material violation of the insurance laws (other than licensure and with respect to the terms of subtitle A of title XXIX of the Public Health Service Act (relating to rating and benefits added by the Health Insurance Marketplace Modernization and Affordability Act of 2007)) of such State.

"(B) NO PROHIBITION ON PROMOTION.—Nothing in this paragraph shall be construed to prohibit a small business health plan or an insurer from promoting coverage prior to the expiration of the 90-day period provided for in subparagraph (A), except that no enrollment or collection of contributions shall occur before the expiration of such 90-day period.

"(C) LICENSURE.—Except with respect to the application of the temporary preemption provision of this paragraph, nothing in this part shall be construed to limit the requirement that insurers issuing coverage to small business health plans shall be licensed in each State in which the small business health plans operate.

"(D) SERVICING BY LICENSED INSURERS.—Notwithstanding subparagraph (C), the requirements of this subsection may also be satisfied if the participating employers of a small business health plan are serviced by a licensed insurer in that State, even where such insurer is not the insurer of such small business health plan in the State in which such small business health plan is domiciled.

"SEC. 806. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

"(a) FILING FEE.—Under the procedure prescribed pursuant to section 802(a), a small business health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

"(b) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

"(1) IDENTIFYING INFORMATION.—The names and addresses of—

"(A) the sponsor; and

"(B) the members of the board of trustees of the plan.

"(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

"(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

"(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

"(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan, health insurance issuer, and contract administrators and other service providers.

"(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to a small business health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which the small business health plans operate.

"(d) NOTICE OF MATERIAL CHANGES.—In the case of any small business health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

"SEC. 807. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

"A small business health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

"(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

"(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

"(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

"SEC. 808. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—For purposes of this part—

"(1) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

"(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor, or

"(B) in the case of a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor.

"(2) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary of Labor, except that, in connection with any exercise of the Secretary's authority with respect to which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

"(3) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

"(4) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1), except that such term shall not include excepted benefits (as defined in section 733(c)).

"(6) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

"(7) INDIVIDUAL MARKET.—

"(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"(B) TREATMENT OF VERY SMALL GROUPS.—

"(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

"(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

"(8) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

"(9) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

"(10) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, a small employer as defined in section 2791(e)(4).

"(11) TRADE ASSOCIATION AND PROFESSIONAL ASSOCIATION.—The terms 'trade association' and 'professional association' mean an entity that meets the requirements of section 1.501(c)(6)-1 of title 26, Code of Federal Regulations (as in effect on the date of enactment of this section).

"(b) RULE OF CONSTRUCTION.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is a small business health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

"(1) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

"(2) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

"(c) RENEWAL.—Notwithstanding any provision of law to the contrary, a participating employer in a small business health plan shall not be deemed to be a plan sponsor in applying requirements relating to coverage renewal.

"(d) HEALTH SAVINGS ACCOUNTS.—Nothing in this part shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

"(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of a small business health plan which is certified under part 8.".

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking "Subsection (a)" and inserting "Subsections (a) and (d)";

(B) in subsection (b)(5), by striking "subsection (a)" in subparagraph (A) and inserting "subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805", and by striking "subsection (a)" in subparagraph

(B) and inserting "subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805";

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from offering health insurance coverage in connection with a small business health plan which is certified under part 8.

"(2) In any case in which health insurance coverage of any policy type is offered under a small business health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may establish rating and benefit requirements that would otherwise apply to such coverage, provided the requirements of subtitle A of title XXIX of the Public Health Service Act (as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2007) (concerning health plan rating and benefits) are met.".

(c) PLAN SPONSOR.—Section 3(16)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: "Such term also includes a person serving as the sponsor of a small business health plan under part 8.".

(d) SAVINGS CLAUSE.—Section 731(c) of the Employee Retirement Income Security Act of 1974 is amended by inserting "or part 8" after "this part".

(e) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

"PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

"801. Small business health plans.
"802. Certification of small business health plans.
"803. Requirements relating to sponsors and boards of trustees.
"804. Participation and coverage requirements.
"805. Other requirements relating to plan documents, contribution rates, and benefit options.
"806. Requirements for application and related requirements.
"807. Notice requirements for voluntary termination.
"808. Definitions and rules of construction.".

SEC. 202. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

"(d) CONSULTATION WITH STATES WITH RESPECT TO SMALL BUSINESS HEALTH PLANS.—

"(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to a small business health plan regarding the exercise of—

"(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

"(B) the Secretary's authority to certify small business health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

"(2) RECOGNITION OF DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular small business health plan, as the State with which consultation is required. In carrying out this paragraph such State shall be the domicile State, as defined in section 805(c).".

SEC. 203. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this subtitle shall take effect 12 months after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this subtitle within 6 months after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 808(a)(2) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of trustees which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement or at such time that the arrangement provides coverage to participants and beneficiaries in any State other than the States in which coverage is provided on such date of enactment.

(2) DEFINITIONS.—For purposes of this subsection, the terms "group health plan", "medical care", and "participating employer" shall have the meanings provided in section 808 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an "small business health plan" shall be deemed a reference to an arrangement referred to in this subsection.

Subtitle B—Market Relief

SEC. 211. MARKET RELIEF.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXX—HEALTH CARE INSURANCE MARKETPLACE MODERNIZATION

"SEC. 3001. GENERAL INSURANCE DEFINITIONS.

"In this title, the terms 'health insurance coverage', 'health insurance issuer', 'group health plan', and 'individual health insurance' shall have the meanings given such terms in section 2791.

"Subtitle A—Market Relief

"PART I—RATING REQUIREMENTS

"SEC. 3011. DEFINITIONS.

"(a) GENERAL DEFINITIONS.—In this part:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that, with respect to the small group market, has enacted either the Model Small Group Rating Rules or, if applicable to such State, the Transitional Model Small Group Rating Rules, each in their entirety and as the exclusive laws of the State that relate to rating in the small group insurance market.

"(2) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the insurance laws of such State.

"(3) BASE PREMIUM RATE.—The term 'base premium rate' means, for each class of business with respect to a rating period, the lowest premium rate charged or that could have been charged under a rating system for that class of business by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

"(4) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the Model Small Group Rating Rules or, as applicable, transitional small group rating rules in a State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer small group health insurance coverage in that State consistent with the Model Small Group Rating Rules, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency); and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the Model Small Group Rating Rules and an affirmation that such Rules are included in the terms of such contract.

"(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the small group health insurance market, except that such term shall not include excepted benefits (as defined in section 2791(c)).

"(6) INDEX RATE.—The term 'index rate' means for each class of business with respect to the rating period for small employers with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

"(7) MODEL SMALL GROUP RATING RULES.—The term ' Model Small Group Rating Rules' means the rules set forth in subsection (b).

"(8) NONADOPTING STATE.—The term 'nonadopting State' means a State that is not an adopting State.

"(9) SMALL GROUP INSURANCE MARKET.—The term 'small group insurance market' shall have the meaning given the term 'small group market' in section 2791(e)(5).

"(10) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"(b) DEFINITION RELATING TO MODEL SMALL GROUP RATING RULES.—The term 'Model Small Group Rating Rules' means adapted rating rules drawn from the Adopted Small Employer Health Insurance Availability Model Act of 1993 of the National Association of Insurance Commissioners consisting of the following:

"(1) PREMIUM RATES.—Premium rates for health benefit plans to which this title applies shall be subject to the following provisions relating to premiums:

"(A) INDEX RATE.—The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than 20 percent.

"(B) CLASS OF BUSINESSES.—With respect to a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage or the rates that could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than 25 percent of the index rate under subparagraph (A).

"(C) INCREASES FOR NEW RATING PERIODS.—The percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

"(i) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, except that such change shall not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers.

"(ii) Any adjustment, not to exceed 15 percent annually and adjusted pro rata for rating periods of less then 1 year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual for the class of business involved.

"(iii) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the small employer carrier's rate manual for the class of business.

"(D) UNIFORM APPLICATION OF ADJUSTMENTS.—Adjustments in premium rates for claim experience, health status, or duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer.

"(E) USE OF INDUSTRY AS A CASE CHARACTERISTIC.—A small employer carrier may utilize industry as a case characteristic in establishing premium rates, so long as the highest rate factor associated with any industry classification does not exceed the lowest rate factor associated with any industry classification by more than 15 percent.

"(F) CONSISTENT APPLICATION OF FACTORS.—Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business. Rating factors shall produce premiums for identical groups which differ only by the amounts attributable to plan design and do not reflect differences due to the nature of the groups assumed to select particular health benefit plans.

"(G) TREATMENT OF PLANS AS HAVING SAME RATING PERIOD.—A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

"(H) RESTRICTED NETWORK PROVISIONS.—For purposes of this subsection, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain a similar provision if the restriction of benefits to network providers results in substantial differences in claims costs.

"(I) PROHIBITION ON USE OF CERTAIN CASE CHARACTERISTICS.—The small employer carrier shall not use case characteristics other than age, gender, industry, geographic area, family composition, group size, and participation in wellness programs without prior approval of the applicable State authority.

"(J) REQUIRE COMPLIANCE.—Premium rates for small business health benefit plans shall comply with the requirements of this subsection notwithstanding any assessments paid or payable by a small employer carrier as required by a State's small employer carrier reinsurance program.

"(2) ESTABLISHMENT OF SEPARATE CLASS OF BUSINESS.—Subject to paragraph (3), a small employer carrier may establish a separate class of business only to reflect substantial differences in expected claims experience or administrative costs related to the following:

"(A) The small employer carrier uses more than one type of system for the marketing and sale of health benefit plans to small employers.

"(B) The small employer carrier has acquired a class of business from another small employer carrier.

"(C) The small employer carrier provides coverage to one or more association groups that meet the requirements of this title.

"(3) LIMITATION.—A small employer carrier may establish up to 9 separate classes of business under paragraph (2), excluding those classes of business related to association groups under this title.

"(4) ADDITIONAL GROUPINGS.—The applicable State authority may approve the establishment of additional distinct groupings by small employer carriers upon the submission of an application to the applicable State authority and a finding by the applicable State authority that such action would enhance the efficiency and fairness of the small employer insurance marketplace.

"(5) LIMITATION ON TRANSFERS.—A small employer carrier shall not transfer a small employer involuntarily into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration of coverage since issue.

"(6) SUSPENSION OF THE RULES.—The applicable State authority may suspend, for a specified period, the application of paragraph (1) to the premium rates applicable to one or more small employers included within a class of business of a small employer carrier for one or more rating periods upon a filing by the small employer carrier and a finding by the applicable State authority either that the suspension is reasonable when considering the financial condition of the small employer carrier or that the suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance.

"SEC. 3012. RATING RULES.

"(a) IMPLEMENTATION OF MODEL SMALL GROUP RATING RULES.—Not later than 6 months after the enactment of this title, the Secretary shall promulgate regulations implementing the Model Small Group Rating Rules pursuant to section 3011(b).

"(b) TRANSITIONAL MODEL SMALL GROUP RATING RULES.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of this title and to the extent necessary to provide for a graduated transition to the Model Small Group Rating Rules, the Secretary, in consultation with the NAIC, shall promulgate Transitional Model Small Group Rating Rules in accordance with this subsection, which shall be applicable with respect to certain nonadopting States for a period of not to exceed 5 years from the date of the promulgation of the Model Small Group Rating Rules pursuant to subsection (a). After the expiration of such 5-year period, the transitional model small group rating rules shall expire, and the Model Small Group Rating Rules shall then apply with respect to all non-adopting States pursuant to the provisions of this part.

"(2) PREMIUM VARIATION DURING TRANSITION.—

"(A) TRANSITION STATES.—During the transition period described in paragraph (1), small group health insurance coverage offered in a non-adopting State that had in place premium rating band requirements or premium limits that varied by less than 12.5 percent from the index rate within a class of business on the date of enactment of this title; shall not be subject to the premium variation provision of section 3011(b)(1) of the Model Small Group Rating Rules and shall instead be subject to the Transitional Model Small Group Rating Rules as promulgated by the Secretary pursuant to paragraph (1).

"(B) NON-TRANSITION STATES.—During the transition period described in paragraph (1), and thereafter, small group health insurance coverage offered in a non-adopting State that had in place premium rating band requirements or premium limits that varied by more than 12.5 percent from the index rate within a class of business on the date of enactment of this title, shall not be subject to the Transitional Model Small Group Rating Rules as promulgated by the Secretary pursuant to paragraph (1), and instead shall be subject to the Model Small Group Rating Rules effective beginning with the first plan year or calendar year following the promulgation of such Rules, at the election of the eligible insurer.

"(3) TRANSITIONING OF OLD BUSINESS.—In developing the transitional model small group rating rules under paragraph (1), the Secretary shall, after consultation with the National Association of Insurance Commissioners and representatives of insurers operating in the small group health insurance market, promulgate special transition standards and timelines with respect to independent rating classes for old and new business, to the extent reasonably necessary to protect health insurance consumers and to ensure a stable and fair transition for old and new market entrants.

"(4) OTHER TRANSITIONAL AUTHORITY.—In developing the Transitional Model Small Group Rating Rules under paragraph (1), the Secretary shall provide for the application of the Transitional Model Small Group Rating Rules in transition States as the Secretary may determine necessary for a an effective transition.

"(c) MARKET RE-ENTRY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a health insurance issuer that has voluntarily withdrawn from providing coverage in the small group market prior to the date of enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2007 shall not be excluded from re-entering such market on a date that is more than 180 days after such date of enactment.

"(2) TERMINATION.—The provision of this subsection shall terminate on the date that is 24 months after the date of enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2007.

"SEC. 3013. APPLICATION AND PREEMPTION.

"(a) SUPERSEDING OF STATE LAW.—

"(1) IN GENERAL.—This part shall supersede any and all State laws of a non-adopting State insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle) relate to rating in the small group insurance market as applied to an eligible insurer, or small group health insurance coverage issued by an eligible insurer, including with respect to coverage issued to a small employer through a small business health plan, in a State.

"(2) NONADOPTING STATES.—This part shall supersede any and all State laws of a nonadopting State insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle)—

"(A) prohibit an eligible insurer from offering, marketing, or implementing small group health insurance coverage consistent with the Model Small Group Rating Rules or transitional model small group rating rules; or

"(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing small group health insurance coverage consistent with the Model Small Group Rating Rules or transitional model small group rating rules.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting states.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers that offer small group health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law in a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the Model Small Group Rating Rules or transitional model small group rating rules.

"(4) NO EFFECT ON PREEMPTION.—In no case shall this part be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this part be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974.

"(c) EFFECTIVE DATE.—This section shall apply, at the election of the eligible insurer, beginning in the first plan year or the first calendar year following the issuance of the final rules by the Secretary under the Model Small Group Rating Rules or, as applicable, the Transitional Model Small Group Rating Rules, but in no event earlier than the date that is 12 months after the date of enactment of this title.

"SEC. 3014. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

"(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 3013.

"(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

"(d) EXPEDITED REVIEW.—

"(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

"(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

"(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 3015. ONGOING REVIEW.

"Not later than 5 years after the date on which the Model Small Group Rating Rules are issued under this part, and every 5 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners, shall prepare and submit to the appropriate committees of Congress a report that assesses the effect of the Model Small Group Rating Rules on access, cost, and market functioning in the small group market. Such report may, if the Secretary, in consultation with the National Association of Insurance Commissioners, determines such is appropriate for improving access, costs, and market functioning, contain legislative proposals for recommended modification to such Model Small Group Rating Rules.

"PART II—AFFORDABLE PLANS

"SEC. 3021. DEFINITIONS.

"In this part:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted the Benefit Choice Standards in their entirety and as the exclusive laws of the State that relate to benefit, service, and provider mandates in the group and individual insurance markets.

"(2) BENEFIT CHOICE STANDARDS.—The term 'Benefit Choice Standards' means the Standards issued under section 3022.

"(3) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the Benefit Choice Standards in a nonadopting State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage in that State consistent with the Benefit Choice Standards, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the Benefit Choice Standards and that adherence to such Standards is included as a term of such contract.

"(4) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the group or individual health insurance markets, except that such term shall not include excepted benefits (as defined in section 2791(c)).

"(5) NONADOPTING STATE.—The term 'nonadopting State' means a State that is not an adopting State.

"(6) SMALL GROUP INSURANCE MARKET.—The term 'small group insurance market' shall have the meaning given the term 'small group market' in section 2791(e)(5).

"(7) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"SEC. 3022. OFFERING AFFORDABLE PLANS.

"(a) BENEFIT CHOICE OPTIONS.—

"(1) DEVELOPMENT.—Not later than 6 months after the date of enactment of this title, the Secretary shall issue, by interim final rule, Benefit Choice Standards that implement the standards provided for in this part.

"(2) BASIC OPTIONS.—The Benefit Choice Standards shall provide that a health insurance issuer in a State, may offer a coverage plan or plan in the small group market, individual market, large group market, or through a small business health plan, that does not comply with one or more mandates regarding covered benefits, services, or category of provider as may be in effect in such State with respect to such market or markets (either prior to or following the date of enactment of this title), if such issuer also offers in such market or markets an enhanced option as provided for in paragraph (3).

"(3) ENHANCED OPTION.—A health insurance issuer issuing a basic option as provided for in paragraph (2) shall also offer to purchasers (including, with respect to a small business health plan, the participating employers of such plan) an enhanced option, which shall at a minimum include such covered benefits, services, and categories of providers as are covered by a State employee coverage plan in one of the 5 most populous States as are in effect in the calendar year in which such enhanced option is offered.

"(4) PUBLICATION OF BENEFITS.—Not later than 3 months after the date of enactment of this title, and on the first day of every calendar year thereafter, the Secretary shall publish in the Federal Register such covered benefits, services, and categories of providers covered in that calendar year by the State employee coverage plans in the 5 most populous States.

"(b) EFFECTIVE DATES.—

"(1) SMALL BUSINESS HEALTH PLANS.—With respect to health insurance provided to participating employers of small business health plans, the requirements of this part (concerning lower cost plans) shall apply beginning on the date that is 12 months after the date of enactment of this title.

"(2) NON-ASSOCIATION COVERAGE.—With respect to health insurance provided to groups or individuals other than participating employers of small business health plans, the requirements of this part shall apply beginning on the date that is 15 months after the date of enactment of this title.

"SEC. 3023. APPLICATION AND PREEMPTION.

"(a) SUPERCEDING OF STATE LAW.—

"(1) IN GENERAL.—This part shall supersede any and all State laws insofar as such laws relate to mandates relating to covered benefits, services, or categories of provider in the health insurance market as applied to an eligible insurer, or health insurance coverage issued by an eligible insurer, including with respect to coverage issued to a small business health plan, in a nonadopting State.

"(2) NONADOPTING STATES.—This part shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as such laws—

"(A) prohibit an eligible insurer from offering, marketing, or implementing health insurance coverage consistent with the Benefit Choice Standards, as provided for in section 3022(a); or

"(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing health insurance coverage consistent with the Benefit Choice Standards.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting States.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the Benefit Choice Standards.

"(4) NO EFFECT ON PREEMPTION.—In no case shall this part be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this part be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974.

"SEC. 3024. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

"(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 3023.

"(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

"(d) EXPEDITED REVIEW.—

"(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

"(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

"(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 3025. RULES OF CONSTRUCTION.

"(a) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a health insurance issuer in an adopting State or an eligible insurer in a non-adopting State may amend its existing policies to be consistent with the terms of this subtitle (concerning rating and benefits).

"(b) HEALTH SAVINGS ACCOUNTS.—Nothing in this subtitle shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.".

Subtitle C—Harmonization of Health Insurance Standards

SEC. 221. HEALTH INSURANCE STANDARDS HARMONIZATION.

Title XXIX of the Public Health Service Act (as added by section 201) is amended by adding at the end the following:

"Subtitle B—Standards Harmonization

"SEC. 3031. DEFINITIONS.

"In this subtitle:

"(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted the harmonized standards adopted under this subtitle in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

"(2) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

"(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the harmonized standards in a nonadopting State;

"(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage in that State consistent with the harmonized standards published pursuant to section 3032(d), and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

"(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such health coverage) and filed with the State pursuant to subparagraph (B), a description of the harmonized standards published pursuant to section 3032(g)(2) and an affirmation that such standards are a term of the contract.

"(3) HARMONIZED STANDARDS.—The term 'harmonized standards' means the standards certified by the Secretary under section 3032(d).

"(4) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the health insurance market, except that such term shall not include excepted benefits (as defined in section 2791(c).

"(5) NONADOPTING STATE.—The term 'nonadopting State' means a State that fails to enact, within 18 months of the date on which the Secretary certifies the harmonized standards under this subtitle, the harmonized standards in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

"(6) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"SEC. 3032. HARMONIZED STANDARDS.

"(a) BOARD.—

"(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this title, the Secretary, in consultation with the NAIC, shall establish the Health Insurance Consensus Standards Board (referred to in this subtitle as the 'Board') to develop recommendations that harmonize inconsistent

State health insurance laws in accordance with the procedures described in subsection (b).

"(2) COMPOSITION.—

"(A) IN GENERAL.—The Board shall be composed of the following voting members to be appointed by the Secretary after considering the recommendations of professional organizations representing the entities and constituencies described in this paragraph:

"(i) Four State insurance commissioners as recommended by the National Association of Insurance Commissioners, of which 2 shall be Democrats and 2 shall be Republicans, and of which one shall be designated as the chairperson and one shall be designated as the vice chairperson.

"(ii) Four representatives of State government, two of which shall be governors of States and two of which shall be State legislators, and two of which shall be Democrats and two of which shall be Republicans.

"(iii) Four representatives of health insurers, of which one shall represent insurers that offer coverage in the small group market, one shall represent insurers that offer coverage in the large group market, one shall represent insurers that offer coverage in the individual market, and one shall represent carriers operating in a regional market.

"(iv) Two representatives of insurance agents and brokers.

"(v) Two independent representatives of the American Academy of Actuaries who have familiarity with the actuarial methods applicable to health insurance.

"(B) EX OFFICIO MEMBER.—A representative of the Secretary shall serve as an ex officio member of the Board.

"(3) ADVISORY PANEL.—The Secretary shall establish an advisory panel to provide advice to the Board, and shall appoint its members after considering the recommendations of professional organizations representing the entities and constituencies identified in this paragraph:

"(A) Two representatives of small business health plans.

"(B) Two representatives of employers, of which one shall represent small employers and one shall represent large employers.

"(C) Two representatives of consumer organizations.

"(D) Two representatives of health care providers.

"(4) QUALIFICATIONS.—The membership of the Board shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, health plans, providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

"(5) ETHICAL DISCLOSURE.—The Secretary shall establish a system for public disclosure by members of the Board of financial and other potential conflicts of interest relating to such members. Members of the Board shall be treated as employees of Congress for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95–521).

"(6) DIRECTOR AND STAFF.—Subject to such review as the Secretary deems necessary to assure the efficient administration of the Board, the chair and vice-chair of the Board may—

"(A) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

"(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

"(C) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Board (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

"(D) make advance, progress, and other payments which relate to the work of the Board;

"(E) provide transportation and subsistence for persons serving without compensation; and

"(F) prescribe such rules as it deems necessary with respect to the internal organization and operation of the Board.

"(7) TERMS.—The members of the Board shall serve for the duration of the Board. Vacancies in the Board shall be filled as needed in a manner consistent with the composition described in paragraph (2).

"(b) DEVELOPMENT OF HARMONIZED STANDARDS.—

"(1) IN GENERAL.—In accordance with the process described in subsection (c), the Board shall identify and recommend nationally harmonized standards for each of the following process categories:

"(A) FORM FILING AND RATE FILING.—Form and rate filing standards shall be established which promote speed to market and include the following defined areas for States that require such filings:

"(i) Procedures for form and rate filing pursuant to a streamlined administrative filing process.

"(ii) Timeframes for filings to be reviewed by a State if review is required before they are deemed approved.

"(iii) Timeframes for an eligible insurer to respond to State requests following its review.

"(iv) A process for an eligible insurer to self-certify.

"(v) State development of form and rate filing templates that include only non-preempted State law and Federal law requirements for eligible insurers with timely updates.

"(vi) Procedures for the resubmission of forms and rates.

"(vii) Disapproval rationale of a form or rate filing based on material omissions or violations of non-preempted State law or Federal law with violations cited and explained.

"(viii) For States that may require a hearing, a rationale for hearings based on violations of non-preempted State law or insurer requests.

"(B) MARKET CONDUCT REVIEW.—Market conduct review standards shall be developed which provide for the following:

"(i) Mandatory participation in national databases.

"(ii) The confidentiality of examination materials.

"(iii) The identification of the State agency with primary responsibility for examinations.

"(iv) Consultation and verification of complaint data with the eligible insurer prior to State actions.

"(v) Consistency of reporting requirements with the recordkeeping and administrative practices of the eligible insurer.

"(vi) Examinations that seek to correct material errors and harmful business practices rather than infrequent errors.

"(vii) Transparency and publishing of the State's examination standards.

"(viii) Coordination of market conduct analysis.

"(ix) Coordination and nonduplication between State examinations of the same eligible insurer.

"(x) Rationale and protocols to be met before a full examination is conducted.

"(xi) Requirements on examiners prior to beginning examinations such as budget planning and work plans.

"(xii) Consideration of methods to limit examiners' fees such as caps, competitive bidding, or other alternatives.

"(xiii) Reasonable fines and penalties for material errors and harmful business practices.

"(C) PROMPT PAYMENT OF CLAIMS.—The Board shall establish prompt payment standards for eligible insurers based on standards similar to those applicable to the Social Security Act as set forth in section 1842(c)(2) of such Act (42 U.S.C. 1395u(c)(2)). Such prompt payment standards shall be consistent with the timing and notice requirements of the claims procedure rules to be specified under subparagraph (D), and shall include appropriate exceptions such as for fraud, nonpayment of premiums, or late submission of claims.

"(D) INTERNAL REVIEW.—The Board shall establish standards for claims procedures for eligible insurers that are consistent with the requirements relating to initial claims for benefits and appeals of claims for benefits under the Employee Retirement Income Security Act of 1974 as set forth in section 503 of such Act (29 U.S.C. 1133) and the regulations thereunder.

"(2) RECOMMENDATIONS.—The Board shall recommend harmonized standards for each element of the categories described in subparagraph (A) through (D) of paragraph (1) within each such market. Notwithstanding the previous sentence, the Board shall not recommend any harmonized standards that disrupt, expand, or duplicate the benefit, service, or provider mandate standards provided in the Benefit Choice Standards pursuant to section 3022(a).

"(c) PROCESS FOR IDENTIFYING HARMONIZED STANDARDS.—

"(1) IN GENERAL.—The Board shall develop recommendations to harmonize inconsistent State insurance laws with respect to each of the process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(2) REQUIREMENTS.—In adopting standards under this section, the Board shall consider the following:

"(A) Any model acts or regulations of the National Association of Insurance Commissioners in each of the process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(B) Substantially similar standards followed by a plurality of States, as reflected in existing State laws, relating to the specific process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(C) Any Federal law requirement related to specific process categories described in subparagraphs (A) through (D) of subsection (b)(1).

"(D) In the case of the adoption of any standard that differs substantially from those referred to in subparagraphs (A), (B), or (C), the Board shall provide evidence to the Secretary that such standard is necessary to protect health insurance consumers or promote speed to market or administrative efficiency.

"(E) The criteria specified in clauses (i) through (iii) of subsection (d)(2)(B).

"(d) RECOMMENDATIONS AND CERTIFICATION BY SECRETARY.—

"(1) RECOMMENDATIONS.—Not later than 18 months after the date on which all members of the Board are selected under subsection (a), the Board shall recommend to the Secretary the certification of the harmonized standards identified pursuant to subsection (c).

"(2) CERTIFICATION.—

"(A) IN GENERAL.—Not later than 120 days after receipt of the Board's recommendations under paragraph (1), the Secretary shall certify the recommended harmonized standards as provided for in subparagraph (B), and issue such standards in the form of an interim final regulation.

"(B) CERTIFICATION PROCESS.—The Secretary shall establish a process for certifying the recommended harmonized standard, by category, as recommended by the Board under this section. Such process shall—

"(i) ensure that the certified standards for a particular process area achieve regulatory harmonization with respect to health plans on a national basis;

"(ii) ensure that the approved standards are the minimum necessary, with regard to substance and quantity of requirements, to protect health insurance consumers and maintain a competitive regulatory environment; and

"(iii) ensure that the approved standards will not limit the range of group health plan designs and insurance products, such as catastrophic coverage only plans, health savings accounts, and health maintenance organizations, that might otherwise be available to consumers.

"(3) EFFECTIVE DATE.—The standards certified by the Secretary under paragraph (2) shall be effective on the date that is 18 months after the date on which the Secretary certifies the harmonized standards.

"(e) TERMINATION.—The Board shall terminate and be dissolved after making the recommendations to the Secretary pursuant to subsection (d)(1).

"(f) ONGOING REVIEW.—Not earlier than 3 years after the termination of the Board under subsection (e), and not earlier than every 3 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners and the entities and constituencies represented on the Board and the Advisory Panel, shall prepare and submit to the appropriate committees of Congress a report that assesses the effect of the harmonized standards on access, cost, and health insurance market functioning. The Secretary may, based on such report and applying the process established for certification under subsection (d)(2)(B), in consultation with the National Association of Insurance Commissioners and the entities and constituencies represented on the Board and the Advisory Panel, update the harmonized standards through notice and comment rulemaking.

"(g) PUBLICATION.—

"(1) LISTING.—The Secretary shall maintain an up to date listing of all harmonized standards certified under this section on the Internet website of the Department of Health and Human Services.

"(2) SAMPLE CONTRACT LANGUAGE.—The Secretary shall publish on the Internet website of the Department of Health and Human Services sample contract language that incorporates the harmonized standards certified under this section, which may be used by insurers seeking to qualify as an eligible insurer. The types of harmonized standards that shall be included in sample contract language are the standards that are relevant to the contractual bargain between the insurer and insured.

"(h) STATE ADOPTION AND ENFORCEMENT.—Not later than 18 months after the certification by the Secretary of harmonized standards under this section, the States may adopt such harmonized standards (and become an adopting State) and, in which case, shall enforce the harmonized standards pursuant to State law.

"SEC. 3033. APPLICATION AND PREEMPTION.

"(a) SUPERCEDING OF STATE LAW.—

"(1) IN GENERAL.—The harmonized standards certified under this subtitle shall supersede any and all State laws of a non-adopting State insofar as such State laws relate to the areas of harmonized standards as applied to an eligible insurer, or health insurance coverage issued by a eligible insurer, including with respect to coverage issued to a small business health plan, in a nonadopting State.

"(2) NONADOPTING STATES.—This subtitle shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as they may—

"(A) prohibit an eligible insurer from offering, marketing, or implementing health insurance coverage consistent with the harmonized standards; or

"(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing health insurance coverage consistent with the harmonized standards under this subtitle.

"(b) SAVINGS CLAUSE AND CONSTRUCTION.—

"(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting States.

"(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

"(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the harmonized standards under this subtitle.

"(4) NO EFFECT ON PREEMPTION.—In no case shall this subtitle be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this subtitle be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974.

"(c) EFFECTIVE DATE.—This section shall apply beginning on the date that is 18 months after the date on harmonized standards are certified by the Secretary under this subtitle.

"SEC. 3034. CIVIL ACTIONS AND JURISDICTION.

"(a) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this subtitle.

"(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 3033.

"(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

"(d) EXPEDITED REVIEW.—

"(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

"(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

"(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 3035. AUTHORIZATION OF APPROPRIATIONS; RULE OF CONSTRUCTION.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

"(b) HEALTH SAVINGS ACCOUNTS.—Nothing in this subtitle shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.".

TITLE III—HEALTH SAVINGS ACCOUNTS

SEC. 301. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT TREATED AS QUALIFIED.—An expense shall not fail to be treated as a qualified medical expense solely because such expense was incurred before the establishment of the health savings account if such expense was incurred—

"(i) during either—

"(I) the taxable year in which the health savings account was established, or

"(II) the preceding taxable year in the case of a health savings account established after the taxable year in which such expense was incurred but before the time prescribed by law for filing the return for such taxable year (not including extensions thereof), and

"(ii) for medical care of an individual during a period that such individual was an eligible individual.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 302. USE OF ACCOUNT FOR INDIVIDUAL HIGH DEDUCTIBLE HEALTH PLAN PREMIUMS.

(a) IN GENERAL.—Section 223(d)(2)(C) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) a high deductible health plan, other than a group health plan (as defined in section 5000(b)(1)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 303. EXCEPTION TO REQUIREMENT FOR EMPLOYERS TO MAKE COMPARABLE HEALTH SAVINGS ACCOUNT CONTRIBUTIONS.

(a) GREATER EMPLOYER-PROVIDED CONTRIBUTIONS TO HSAS FOR CHRONICALLY ILL EMPLOYEES TREATED AS MEETING COMPARABILITY REQUIREMENTS.—Subsection (b) of section 4980G of the Internal Revenue Code of 1986 (relating to failure of employer to make comparable health savings account contributions) is amended to read as follows:

"(b) RULES AND REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), rules and requirements similar to the rules and requirements of section 4980E shall apply for purposes of this section.

"(2) TREATMENT OF EMPLOYER-PROVIDED CONTRIBUTIONS TO HSAS FOR CHRONICALLY ILL EMPLOYEES.—For purposes of this section—

"(A) IN GENERAL.—Any contribution by an employer to a health savings account of an employee who is (or the spouse or any dependent of the employee who is) a chronically ill individual in an amount which is greater than a contribution to a health savings account of a comparable participating employee who is not a chronically ill individual shall not fail to be considered a comparable contribution.

"(B) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A) shall not apply unless the excess employer contributions described in subparagraph (A) are the same for all chronically ill individuals who are similarly situated.

"(C) CHRONICALLY ILL INDIVIDUAL.—For purposes of this paragraph, the term 'chronically ill individual' means any individual whose qualified medical expenses for any taxable year are more than 50 percent greater than the average qualified medical expenses of all employees of the employer for such year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 304. CERTAIN HEALTH REIMBURSEMENT ARRANGEMENT COVERAGE DISREGARDED COVERAGE FOR HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 223(c)(1)(B)(iii) of the Internal Revenue Code of 1986 is amended by inserting "or a health reimbursement arrangement" after "health flexible a spending arrangement".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

TITLE IV—STUDY

SEC. 401. STUDY ON TAX TREATMENT OF AND ACCESS TO PRIVATE HEALTH INSURANCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall study various options and make recommendations—

(A) for reforming the tax treatment of health insurance to improve tax equity and increase access to private health care coverage; and

(B) for providing meaningful assistance to low-income individuals and families to purchase private health insurance.

(2) CONSIDERATION OF VARIOUS OPTIONS.—In carrying out the study under paragraph (1), the Secretary of the Treasury shall consider—

(A) options which rely on changes to Federal law not included in the Internal Revenue Code of 1986;

(B) options which have a goal of minimizing Federal Government outlays;

(C) options which minimize tax increases;

(D) at least one option which retains the Federal tax exclusion for employer-provided health coverage;

(E) at least one option which is budget neutral; and

(F) at least one option which maintains the current distribution of the Federal income tax burden.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report the results of the study and the recommendations required under subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SA 3065. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 613 of the proposed House amendment to the text.

SA 3066. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 615 of the House amendment to the text.

SA 3067. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI insert the following:

SEC. ___. BUDGET POINT OF ORDER AGAINST LEGISLATION THAT RAISES EXCISE TAX RATES.

Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"POINT OF ORDER AGAINST RAISES IN EXCISE TAX RATES

"SEC. 316. (a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal excise tax rate increase which disproportionately affects taxpayers with earned income of less than 200 percent of the Federal poverty level, as determined by the Joint Committee on Taxation. In this subsection, the term 'Federal excise tax rate increase' means any amendment to any section in subtitle D or E of the Internal Revenue Code of 1986, that imposes a new percentage or amount as a rate of tax and thereby increases the amount of tax imposed by any such section.

"(b) SUPERMAJORITY WAIVER AND APPEAL.—

"(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.".

SA 3068. Mr. REID (for Mr. OBAMA (for himself, Mr. BOND, Mr. LIEBERMAN, Mrs. BOXER, and Mrs. MCCASKILL)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) TEMPORARY MORATORIUM ON SEPARATIONS OF CERTAIN MEMBERS.—Not later than 30 days after the date of the enactment of this Act, and continuing until the Secretary of Defense submits to Congress the report required by subsection (b) and the Comptroller General of the United States submits to Congress the report required by subsection (c), a covered member of the Armed Forces may not, except as provided in paragraph (2), be administratively separated from the Armed Forces on the basis of a personality disorder.

(2) CLINICAL REVIEW OF PROPOSED SEPARATIONS BASED ON PERSONALITY DISORDER.—

(A) IN GENERAL.—A covered member of the Armed Forces may be administratively separated from the Armed Forces on the basis of a personality disorder under this paragraph if a clinical review of the case is conducted by a senior officer in the office of the Surgeon General of the Armed Force concerned who is a credentialed mental health provider and who is fully qualified to review cases involving maladaptive behavior (personality disorder), diagnosis and treatment of post-traumatic stress disorder, or other mental health conditions.

(B) PURPOSES OF REVIEW.—The purposes of the review with respect to a member under subparagraph (A) are as follows:

(i) To determine whether the diagnosis of personality order in the member is correct and fully documented.

(ii) To determine whether evidence of other mental health conditions (including depression, post-traumatic stress disorder, substance abuse, or traumatic brain injury) resulting from service in a combat zone may exist in the member which indicate that the separation of the member from the Armed Forces on the basis of a personality disorder is inappropriate pending diagnosis and treatment, and, if so, whether initiation of medical board procedures for the member is warranted.

(b) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality order forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Forces, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces prematurely or unjustly on the basis of a personality order.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not prematurely or unjustly processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(c) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report on the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not prematurely or unjustly separated from the Armed Forces on the basis of a personality disorder.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term "covered member of the Armed Forces"includes the following:

(1) Any member of a regular component of the Armed Forces of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

SA 3069. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1107. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) IN GENERAL.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking "(e) The" and inserting "(e)(1) Except as provided in paragraph (2), the"; and

(B) by adding at the end the following:

"(2) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined by section 8401(17)) shall be 47 years of age, in the case of an individual who, before the effective date of such appointment—

"(A) was discharged or released from active duty in the armed forces under honorable conditions; and

"(B) was a member of the Armed Services retired for age or years of service.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to appointments made on or after the date of the enactment of this Act.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by adding "or" at the end; and

(3) by inserting after paragraph (2) the following:

"(3) after completing 10 years of service as a law enforcement officer, if such employee—

"(A) is originally appointed to a position as a law enforcement officer after the date of enactment of the National Defense Authorization Act for Fiscal Year 2008;

"(B) performs such 10 years of service after that original appointment;

"(C) was discharged or released from active duty in the armed forces under honorable conditions before such date of appointment; and

"(D) was a member of the Armed Services retired for age or years of service before such date of appointment, or".

(c) MANDATORY SEPARATION.—Section 8425(b)(1) of title 5, United States Code, is amended in the first sentence by inserting ", except that a law enforcement officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age" before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "The annuity" and inserting "(1) Except as provided under paragraph (2), the annuity"

(3) by adding at the end the following:

"(2) The annuity of an employee retiring under section 8412(d)(3) is—

"(A) 1 7/10 percent of that individual's average pay multiplied by—

"(i) the 10 years of service described under section 8412(d)(3)(B); and

"(ii) so much of such individual's total service (other than the 10 years of service described under clause (i) of this subparagraph) as does not exceed 10 years; plus

"(B) 1 percent of that individual's average pay multiplied by so much of such individual's total service as exceeds 20 years.".

SA 3070. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. M4 CARBINE RIFLE.

(a) FINDINGS.—Congress makes the following findings:

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) REPORT ON CAPABILITIES BASED ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(5).

(c) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the

Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(d) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a Joint Enhanced Carbine requirement that does not require commonality with currently fielded weapons.

(2) Contracting for a nondevelopmental carbine in lieu of a developmental program intended to meet the proposed Joint Enhanced Carbine requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 carbines to the procurement of Joint Enhanced Carbines authorized only as the result of competition.

(4) The use of rapid equipping authority to procure weapons under $2,000 per unit that meet service-approved requirements, with such weapons being nondevelopmental items selected through full and open competition.

SA 3071. Mr. REID proposed an amendment to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect 3 days after date of enactment.

SA 3072. Mr. REID proposed an amendment to amendment SA 3071 proposed by Mr. REID to the bill H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; as follows:

In the amendment strike 3 and insert 1.

SA 3073. Mr. REID (for Mr. OBAMA (for himself and Mr. WHITEHOUSE)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively, and a brief description of the functions performed by these persons.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) A method for tracking the number of persons who have been killed or wounded in performing work under such contracts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence should make their best efforts to compile the most accurate accounting of the number of civilian contractors killed or wounded in Iraq and Afghanistan since October 1, 2001.

(c) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions; or

(2) place contractors in supervisory roles over United States Government personnel.

SA 3074. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 52, making continuing appropriations for the fiscal year 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. TWO-YEAR EXTENSION OF THE RECLASSIFICATION OF CERTAIN HOSPITALS UNDER THE MEDICARE PROGRAM.

(a) EXTENSION OF TAX RELIEF AND HEALTH CARE ACT PROVISION.—

(1) IN GENERAL.—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note) is amended by striking "September 30, 2007" and inserting "September 30, 2009".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of such section 106.

(b) EXTENSION OF SPECIAL EXCEPTION RECLASSIFICATIONS.—Notwithstanding any other provision of law, in the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which a special exception reclassification of its wage index for purposes of such section (made under the authority of subsection (d)(5)(I)(i) of such section and contained in the final rule promulgated by the Secretary of Health and Human Services in the Federal Register on August 11, 2004 (69 Fed. Reg. 49107)) would (but for this subsection) expire on September 30, 2007, such special exception reclassification of such hospital shall be extended through September 30, 2009. The previous sentence shall not be effected in a budget-neutral manner.

SA 3075. Mr. BIDEN (for himself, Mr. GRAHAM, Mr. CASEY, Mr. SANDERS, Mr. BROWN, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. IMPROVISED EXPLOSIVE DEVICE PROTECTION FOR MILITARY VEHICLES.

(a) PROCUREMENT OF ADDITIONAL MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) ADDITIONAL AMOUNT FOR ARMY OTHER PROCUREMENT.—The amount authorized to be appropriated by section 1501(5) for other procurement for the Army is hereby increased by $23,600,000,000.

(2) AVAILABILITY FOR PROCUREMENT OF ADDITIONAL MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1501(5) for other procurement for the Army, as increased by paragraph (1), $23,600,000,000 may be available for the procurement of 15,200 Mine Resistant Ambush Protected (MRAP) Vehicles.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter until the date that is two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) The current status of efforts to procure and deploy Mine Resistant Ambush Protected vehicles, including the following:

(A) The number of such vehicles procured, and the number of such vehicles deployed, as of the date of such report.

(B) Current plans for increasing the procurement and deployment of such vehicles.

(C) For each on-going contract for the procurement of such vehicles, the contract delivery target for such contract.

(D) For each contract described in subparagraph (C), the number of such vehicles delivered under such contract as of the date of such report.

(E) A description of the obstacles or problems, if any, faced by current contractors for the delivery of such vehicles and by the program for procurement and deployment of such vehicles in general.

(F) Any recommendations for legislative or administrative action that the Secretary considers appropriate to accelerate procurement and deployment of such vehicles.

(G) Any recommendations, including recommendations for additional legislative or administrative action, that the Secretary considers appropriate to enhance non-vehicle protection against improvised explosive devices for members of the Armed Forces.

(2) The status of current efforts to procure and deploy explosively formed penetrator protection for vehicles, including the following:

(A) The amount of such protection procured, and the amount of such protection deployed, as of the date of such report.

(B) Current plans for increasing the procurement and deployment of such protection.

(C) For each on-going contract for the procurement of such protection, the contract delivery target for such contract.

(D) For each contract described in subparagraph (C), the amount of such protection delivered under such contract as of the date of such report.

(E) A description of the obstacles or problems, if any, faced by current contractors for the delivery of such protection and by the program for procurement and deployment of such protection in general.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 26, 2007, at 9:30 a.m., in order to conduct a hearing entitled on "The Role and Impact of Credit Rating Agencies on the Subprime Credit Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, September 26, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S.1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources by creating a program of geothermal research, development, demonstration and commercial application to support the achievement of a national geothermal energy goal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 26, 2007 at 9:30 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "An Examination of the Impacts of Global Warming on the Chesapeake Bay."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 26, 2007, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to hear testimony on the "Offshore Tax Issues: Reinsurance and Hedge Funds".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 26, 2007, at 10 a.m. for a business meeting to consider pending committee business.

Agenda

Nomination

The Honorable Julie L. Myers to be Assistant Secretary, U.S. Department of Homeland Security.

Postal Naming Bills

H.R. 2654, to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building";

H.R. 2467, to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building";

H.R. 2587, to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building";

H.R. 2778, to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station";

H.R. 2825, to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building";

H.R. 3052, to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn Jr. Post Office Building";

H.R. 3106/S. 2023, to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office";

H.R. 2765, to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct an Executive Nomination hearing on Wednesday, September 26, 2007 at 2:30 p.m. in the Dirksen Senate Office Building room 226.

Witness list:

Michael J. Sullivan to be Director, Bureau of Alcohol, Tobacco, Firearms and Explosives

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 26, 2007, at 10 a.m. to conduct an executive business meeting to consider on the Nomination of Robert C. Tapella of Virginia, to be Public Printer, Government Printing Office; and the nominations of Steven T. Walther of Nevada, David M. Mason of Virginia, Robert D. Lenhard of Maryland, and Hans von Spakovsky of Georgia to be members of the Federal Election Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Improving Internet Access to Help Small Business Compete in a Global Economy," on Wednesday, September 26, 2007, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT

Mr. REID. Mr. President, I ask unanimous consent that Senate report 110–184 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR DOCUMENT PRODUCTION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 333.

The PRESIDING OFFICER. The clerk will report the resolution by title.

A resolution (S. Res. 333) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating there be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 333) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 333

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation in 2003 and 2004 into abusive practices by the credit counseling industry;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to federal or state law enforcement or regulatory agencies and officials records of the Subcommittee's investigation into abusive practices by the credit counseling industry.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that tomorrow following the time for the two leaders, there be 2 hours for debate, equally divided between the two leaders, prior to the cloture vote on the Kennedy amendment No. 3035; that upon the completion of that time, the Senate vote on the cloture motion relative to that amendment; that if cloture is invoked there be 2 minutes for debate, equally divided in the usual form, followed by a vote on the amendment; that if cloture is not invoked the amendment be withdrawn; that there then be 2 minutes for debate prior to the cloture vote on the Hatch amendment No. 3047; that if cloture is invoked, there be 2 minutes for debate prior to the vote on the amendment; that if cloture is not invoked the amendment be withdrawn; that following the disposition of these amendments there then be 2 minutes for debate prior to the cloture vote on the motion to concur in House amendments to H.R. 976, the Children's Health Insurance bill; further, that the live quorums in each case under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, I appreciate everyone's cooperation. I will say we have a lot to do. It is all up to us when we get it done. I hope it does not spill over into the weekend. If things work out right, we could finish everything tomorrow. We will have to see. But we are going to try to. I know that may be wishful thinking on my part. But we are going to try to get as much done as we can.

Mr. McCONNELL. Will the leader yield?

Mr. REID. Yes.

Mr. McCONNELL. It strikes me that there is no good reason why we should not wrap this up tomorrow. I think virtually all of the items left to be dealt with, there is broad agreement on on a bipartisan basis that we ought to pass.

I will be working with the majority leader to complete our work for the week at the earliest possible time.

Mr. REID. I say to my friend, I wish to be able to complete, prior to a week from Friday, the Defense appropriations bill.

I would also like to have a run at Commerce-State-Justice, which deals with the FBI and the Drug Enforcement Administration. I would like to be able to do those two appropriations bills before we leave. We have a tremendous burden to do the rest of the appropriations bills. The House has passed them. It is easier for them to do than us. I have requested that we start our conferences. I want real conferences like we used to have around here when the distinguished Republican leader and I were a little bit younger, when we actually had conferences where people sat down and talked about different issues. We are going to try to do that and get a number of these done so we can send them to the President. I think that is what will get this program moving along.

I have spoken to the head of the Office of Management and Budget. Even though he may not be able to agree with what I want, I have found him a person who is agreeable. I talk to him anytime I call him.

Maybe we can work our way through this. But we can't do it unless we have bills that are completed that we can send to the President. It is not just going to happen by magic. I personally believe it is not good for this country to have long-standing continuing resolutions. We need to do our job. That is why I hope we can complete our work so next week we can do the appropriations bills.

Mr. McCONNELL. If the majority leader will yield once again, I concur with the goal of completing those two appropriations bills next week. I will be encouraging everyone on this side to work in a cooperative spirit to achieve the result the majority leader has laid out. It is good for the Senate and good for the country to get this work done. We will be cooperating in every way possible toward that end.

ORDERS FOR THURSDAY, SEPTEMBER 27, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. tomorrow morning, September 27; that on September 27, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 1585 as provided under the previous order; that Members have until 10:30 a.m. to file any germane second-degree amendments.

I would say, because of the request of a number of Members, I will not use any leader time in the morning. We will move immediately to the legislation before this body and have the full 2 hours. I will not use any leader time in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. If the Republican leader has nothing further, I ask unanimous consent that the Senate stand adjourned until 9 a.m. tomorrow.

There being no objection, the Senate, at 7:47 p.m., adjourned until Thursday, September 27, 2007, at 9 a.m.

EXTENSIONS OF REMARKS

IN MEMORIAL OF ED SMITH

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the life of Ed Smith of Raleigh, North Carolina, who passed away on Sunday, September 19, 2007. In his passing I lost a good friend, and North Carolina lost one of its most outstanding citizens and a man who was instrumental in his community, county, and State.

One of the area's most beloved men, my friend Ed, passed away peacefully with his family by his side following a brief bout with pneumonia. He was only 56. Ed was a happy political warrior who enjoyed being in the middle of the political arena, from voter registration to fighting for the rights of the disabled. At the age of 5, Ed contracted polio which left him confined to a wheelchair, but Ed didn't let his disability slow him down in life. He was among the first severely disabled students to get a driver's license using hand controls. He was one of the first disabled students to attend Ligon High School. Ed also graduated from St. Andrews Presbyterian College in Laurinburg, NC. As a young child Ed learned about politics from his mother, the late Judy Hubbard, a seamstress, who won awards for registering voters. As a teenager Ed helped elect Clarence Lightner in 1967 who became Raleigh's first black mayor.

Throughout the years, it is estimated that Ed worked on over 65 campaigns and political committees. The politicians Ed help put into office include Vernon Malone, Abe Jones, Bob Hensley, Dan Blue, Henry Frye, Reps. BRAD MILLER, DAVID PRICE, and G.K. BUTTERFIELD, and he also worked on my campaign. The name Ed Smith went beyond the State of North Carolina. President Bill Clinton appointed him to the Home Loan Bank of Atlanta. He was a State co-chairman for the Gore-Lieberman campaign. During the 1992 and 1996 Democratic conventions, Ed was the State delegation whip for the Clinton-Gore campaign, making sure the Tar Heels were working hand-in-glove with the national campaign. Ed is survived by his lovely wife Debra Smith.

Madam Speaker, Ed saw politics as an extension of his activism on behalf of civil rights for African Americans and the handicapped. He was a respected and a successful dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

HONORING THE 125TH ANNIVERSARY OF THE ST. PAUL PUBLIC LIBRARY AND SCHUBERT CLUB

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, today I rise to honor the City of St. Paul Public Library and Schubert Club for their 125 years of service to the community. These two premier cultural institutions share a unique, shared history, and on behalf of residents of Minnesota's Fourth Congressional District, I offer my congratulations on their 125th anniversary and celebration of words and music on September 30, 2007.

Under the leadership of Alexander Ramsey, who had served as mayor, Governor, U.S. Senator, and U.S. Secretary of War, the city's Library Association proposed that St. Paul establish a free public library. The city's first public library was opened in September 1882 with a collection of 8,051 books. Today, the St. Paul Public Library has expanded to 12 branches throughout St. Paul, and a bookmobile. The library now offers more than 1 million items in its collection. The Central Library in downtown St. Paul features magnificent Italian Renaissance architecture, housing approximately 350,000 books and drawing more than 300,000 visitors each year. The St. Paul Public Library continues to provide vital educational and cultural resources and a place for civic engagement for residents of St. Paul.

During the same year the St. Paul libraries were established, Governor Ramsey's daughter, Marion Ramsey Furness, along with her music-loving friends, founded a music club. The club later named in honor of Franz Schubert continues to thrive as one of the oldest musical and arts organizations in the United States. During its 125-year history, the Schubert Club has promoted the art of music and made it accessible to the public through recitals, concerts, a museum and educational programs. The Schubert Club has hosted many of the world's renowned musicians in St. Paul, including Jascha Heifetz, Myra Hess, Artur Rubinstein, Elizabeth Schwarzkopf, Cecilia Bartoli, Bryn Terfel, Vladimir Horowitz, Robert Casadesu, Isaac Stern, Yo-Yo Ma, and Beverly Sills, just to name a few.

Located across Rice Park from each other in downtown St. Paul, the Central Library and the Schubert Club continue to serve the public well through education, art and culture.

Madam Speaker, in honor of the 125th anniversary of the St. Paul Public Library and the Schubert Club, I am pleased to submit this statement for the CONGRESSIONAL RECORD.

TRIBUTE TO THE "AIM HIGHER" AWARD WINNERS

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. SHUSTER. Madam Speaker, I rise today to recognize the winners of the "Aim Higher" awards from the HealthSouth Rehabilitation Hospital of Altoona, given to encourage and reward personal achievement within its community. For the past 10 years, HealthSouth has presented rehabilitation awards to members of their community who have overcome a great disability or injury. The "Aim Higher" awards ceremony will take place this year on October 1. I congratulate this year's winners: Karrie Lee, winner of the "Live.Life" Award; and Michael Kiel and William Ricciotti, winners of the "Aim Higher" Personal Achievement awards.

Karrie Lee is the winner of the HealthSouth "Live.Life" Award. Karrie was nominated by her mother for her incredible recovery from a life-threatening car accident. Karrie was hit by a tractor trailer in 2003, halfway through her senior year of high school. She was left in a coma for several days and suffered severe injuries. After undergoing several surgeries Karrie was discharged to the HealthSouth Rehabilitation Hospital, upon which time she began her recovery. While Karrie's life was completely interrupted by her accident, she worked hard and finished her senior year at home while completing her rehabilitation program. She took classes at St. Francis University and is now studying at the University of Pittsburgh, working toward her goal of becoming a nurse practitioner.

Michael Kiel is the recipient of the "Aim Higher" Personal Achievement Award. Michael was nominated for this award by his aunt. During his sophomore year of college, Michael was shot at a convenience store by a man he did not know. As a result, Michael suffered a spinal cord injury which left him paralyzed. While some would be defeated by such a tragic experience, Michael persevered, returning to college 4 months later. He earned a bachelor's degree in psychology and continued on to earn a master's in rehab counseling. He has a love for life and gives back to others who have suffered by working as a rehab counselor in Johnstown, Pennsylvania.

William Ricciotti is also a recipient of the "Aim Higher" Personal Achievement Award. Bill suffered a stroke in 2004 which left him disabled; however he worked through his injuries and gained back much of his mobility. He learned how to walk again and has made tremendous progress in making a nearly complete recovery. Though his left hand was left slightly impaired, he continues to work on improving in therapy. He has continued to enjoy life, participating in activities he has always

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

loved. Bill's visits bring joy to the employees of HealthSouth, as he always exhibits a wonderful attitude.

Congratulations to Karrie, Michael and Bill. All of their stories are moving and inspiring, and many others can look up to their examples of personal strength and determination. Their stories will encourage others to never give up, and they may be comforted in knowing that no matter what is thrown their way, they can overcome it and carry on their lives with a positive outlook.

RECOGNIZING THE HISTORIC NIKE MISSILE BASE PH–07, RICHBORO, BUCKS COUNTY, PA

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, it is my great privilege to rise before you today to commemorate the Richboro Bucks County Nike Missile Base PH–07 and the many brave individuals who staffed this base during the cold war. Set in historic Bucks County, Pennsylvania, the now closed base was operational during the cold war in order to protect Philadelphia from Soviet missile attacks. Now, 30 years later, these same individuals are working to ensure this base receives recognition through the Pennsylvania Historical Museum Commission's Historic Site Program.

In a time when fear of missile attacks plagued the entire country, the military built the Nike missile base in our quiet Philadelphia suburb. Currently, the base lies dormant beneath batting cages and other sites from a modern community. Children run over it, unsure of exactly what it is. Though many are unaware of its significant cultural and historical importance, the missile base still retains much of its former integrity. The workers employed there during the cold war underwent extensive military training and carried a strong sense of camaraderie and pride for their country. They worked together to ensure the base was efficiently run and to protect Philadelphia from an imminent Soviet attack.

Madam Speaker, for these reasons, on October 5, 2007, this site will become part of the Bucks County Historical Society. The efforts of the great people who worked here will be forever remembered in a timeless plaque that describes the role of this base and the importance it held for our country during trying times. I ask my colleagues to join me in thanking those who worked tirelessly to make this honor possible and those who fought to protect our community. Madam Speaker, I proudly recognize the Nike missile base for its historical significance.

CONGRATULATIONS TO THE CITY OF CLINTON, NORTH CAROLINA, FOR THEIR 2007 ALL-AMERICA CITY DESIGNATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. McINTYRE. Madam Speaker, I rise today to congratulate the community and citizens of Clinton, North Carolina, for being named an All-America City by the National Civic League. Clinton has earned a place among the ranks of more than 500 other communities across the country that have achieved this distinction. In honor of this accomplishment, I am entering into the CONGRESSIONAL RECORD this special tribute which details the extraordinary efforts made by the people of Clinton and the strong example they have set for other cities in North Carolina and our Nation to follow.

Fully incorporated in the year 1822, Clinton has become a community dedicated to progress, development, and civic engagement. It has become a community committed to a strong system of values and faith. And it is this powerful combination that has helped earn the City of Clinton its All-America designation.

Three community projects in particular set Clinton apart from the other cities in the competition.

First, through the Technology Project at the Butler Avenue School, both students and adults have been given greater access to computers and the World Wide Web. Afterschool programs and "how-to" classes can now give underserved segments of the community access to modern-day technologies and the advantages that come with them.

Second, the March to a Million campaign raised over $2 million in donations in just 3 months from professionals, corporations, churches, civic clubs, teachers, alumni associations, and other citizens to help pay for the construction of a new Clinton High School. Students even sold Valentines to help pay for the auxiliary gym, auditorium, and academic programs that could not have otherwise been built and implemented.

Third, the city of Clinton has tackled the obesity crisis head-on by implementing the Fitness Renaissance program in school physical education classes, as well as building a Center for Health and Wellness. These two efforts have given the citizens of Clinton the proper tools to begin and maintain a healthy way of life.

The city of Clinton will be recognized and congratulated for their designation as an All-America City on October 24, 2007, here in Washington, DC. Its citizens are to be commended for this accomplishment. May God bless the people of this great community for the very positive example they have set for the cities around our great Nation.

CENTENNIAL CELEBRATION OF THE TOWN OF BAILEY, NORTH CAROLINA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the centennial celebration of the town of Bailey, NC, in my Congressional District. Bailey was settled in the 18th century and became a charter town in Nash County in 1908. Bailey was named for the first settler in the township, Drewey Bailey.

Bailey is predominately a farming community. A feed mill and lumber mill are located in the town to meet the needs of the agrarian surroundings. There are several established merchants orientated to supplying the farm community with all needed supplies for the agricultural industry. It is estimated that about 80 percent of the town's income can be accounted to farmers in the area. One of the first merchants in Bailey was Malachi Bissette. His store was one of the largest in the area. It was quite typical of the general store carrying "everything needed from birth to death, farm supplies, groceries, clothes, and coffins." Several of the first buildings of the town are still occupied.

Bailey has two garment factories—the Bailey Garment Plant and Quality Textiles—which employ 150 persons combined. The leading non-agricultural industry of the area in Neverson Quarry of the Superior Stone Company. The Quarry came into existence in 1913 by an act of Congress. In that year Congress authorized a harbor of refuge for ships in case of storms at Cape Lookout on the North Carolina coast. This necessitated the erection of two long sea walls behind which ships could seek protection. Furnishing stone for this breakwater lead to the opening of the Quarry.

In 1948, the company changed its name to Bryan Rock and Sand Company. Under this and the Superior Stone Company leadership, the quarry has become one of the largest and most modem granite crushing plant, in the South. There is an average of two train loads of stone shipped from the quarry daily. This large shipment makes Bailey the fourth largest freight origination point on the Norfolk and Southern Railroad. Economically, the Bailey community benefits from this increased stone output. Approximately 100 workers are regularly employed, with local labor being used when possible.

Civic life has always been an important part of the community. For many years there has been a masonic lodge in the town. In the early fifties, the masons constructed a building for their own use and for the recreational use of the town. Other established civic organizations include the American Legion and Ladies Auxiliary, the Lions Club, the Order of Eastern Star and Chamber of Commerce.

Bailey has been host to several leaders on both the national and international level. President Harry S. Truman made a visit to the city when he was in office. In 1954, Bailey was host to President and Madame Bayar, President of the Republic of Turkey, and the staff of approximately 35 aides and press representatives. After Bayar's visit, officials of the high school and the staff of the school paper were entertained at the Turkish Embassy in exchange for the hospitality offered the president when he visited the town.

Madam Speaker, Bailey has a rich history that makes it one of shining stars of Nash County and the State of North Carolina and I am proud to have the honor of representing this great town. It is fitting that we take a moment today to honor the centennial celebration of the town of Bailey.

TRIBUTE TO THE HONORABLE ROBERT JUBELIRER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. SHUSTER. Madam Speaker, I rise today to recognize the winner of the distinguished Rehabilitation Advocate award from the HealthSouth Rehabilitation Hospital of Altoona, given annually to recognize those who have been a source of encouragement and advocacy for the center and its patients. This year's winner is the Honorable Robert Jubelirer.

Senator Jubelirer has made a life out of serving others as a leader, humanitarian, and advocate. He served over thirty years in the State Senate, working tirelessly on behalf of the citizens of Pennsylvania. The Senator served nearly 21 years as President Pro Tempore of the State Senate and served briefly as Lieutenant Governor of Pennsylvania. He has been instrumental in securing funding for key initiatives for Central Pennsylvania and has truly helped the area and community thrive. Numerous organizations have recognized the Senator over the years, for both his official duties and his work for numerous community causes.

For the past 13 years, Senator Jubelirer has taken time out of his hectic schedule to host and present HealthSouth's "Aim Higher" awards to members of the HealthSouth community who have overcome great obstacles. He personally recognized each recipient of the "Aim Higher" awards with a Commonwealth proclamation and touching personal message. He left the attendees of each ceremony encouraged and inspired.

Senator Jubelirer has brought joy and hope to the HealthSouth community. I, along with the staff and patients of HealthSouth would like to thank Senator Jubelirer for his efforts in bringing recognition to those who have overcome great challenges. He joins today's winners as sources of inspiration, bringing encouragement to all who cross their paths. I congratulate Senator Jubelirer and thank him for all he has done in reaching out to others and bettering the community.

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. ETHERIDGE. Madam Speaker, due to an unpreventable transportation problem while on official Congressional business, I was unable to vote on one measure on the House floor on September 24, 2007.

Had I been present, I would have voted yes on House Concurrent Resolution 193—Recognizing all hunters across the United States for their continued commitment to safety.

RECOGNIZING THE SECOND BAPTIST CHURCH OF DOYLESTOWN

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the Second Baptist Church, in Doylestown, Pennsylvania on its one-hundredth anniversary. For 100 years, the Second Baptist Church has served, with dedication, the Bucks County community.

Initially chartered on April 29, 1874, the Second Baptist Church also has its roots in the St. Mark C.M.E. Church of Doylestown, Pennsylvania. A church that originally consisted of a small congregation first expanded and purchased its own building from Abraham Geil on October 1, 1887. Then, on September 26, 1907, the St. Mark C.M.E. Church changed denominational affiliations and was incorporated under the present name of Second Baptist Church of Doylestown. Since that day, the Second Baptist Church and its congregation have been committed to improving the community.

Madam Speaker, a strong community can shape the lives of children and young adults—something I saw firsthand growing up in a working class family in Northeast Philadelphia. The Second Baptist Church provides a place for our community to come together and work together, especially with the ongoing growth of the congregation.

Over the last century, the Second Baptist Church has grown in numbers and in spirit. They have formed deep connections to our community that are significant to so many. The Second Baptist Church has many friends and neighbors across our area. When the Second Baptist Church was constructing a new building and was in need of a place to worship, the Christ Community Church of Plumstead, Pennsylvania opened its doors. Their impact on our community is hard to measure but it is all of our hope that it will only grow over the next 100 years.

Madam Speaker, the Second Baptist Church is a model for our community and our Nation. Those who worship there today are continuing the legacy of their founders a century ago. I join many in Doylestown and across the 8th District of Pennsylvania in offering congratulations to the Second Baptist Church of Doylestown on its 100-year anniversary.

RECOGNIZING COLONEL RICHARDSON AS THE FIRST FEMALE GARRISON COMMANDER OF THE FORT MYER MILITARY COMMUNITY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize a distinguished individual who will take command as the 100th Garrison Commander of the Fort Meyer Military Community. Colonel Laura Richardson assumed command of Fort Myer in Arlington, Virginia and Fort Lesley J. McNair in Washington, DC on July 24, 2007. Colonel Richardson is the first female Garrison Commander in the history of the two installations.

Colonel Richardson grew up in Colorado and was commissioned a Second Lieutenant Aviation Officer upon graduation from Metropolitan State College in Denver, Colorado. Colonel Richardson's military education includes the Aviation Officer Basic and Advanced Courses, Army Rotary Wing Course, UH–60 Blackhawk Course, Air Assault School, Airborne School, United States Army Command and General Staff College, and the Industrial College of the Armed Forces.

Among her many accomplishments, Colonel Richardson served in Washington, DC as Military Aide to Vice President Al Gore. Later, she served as Commander of the 5th Battalion, 101st Aviation Regiment, and deployed to Iraq in support of Operation Iraqi Freedom. Following battalion command, Colonel Richardson was assigned to the Army Staff and served as deputy director and director of the Army's Transformation Office. Following the Pentagon tour, she was assigned to the Industrial College of Armed Forces at Fort Lesley J. McNair in Washington, DC.

Colonel Richardson's awards and decorations include the Defense Superior Service Medal, Legion of Merit Medal, Bronze Star Medal, Army Meritorious Service Medal with three Oak Leaf Clusters, Air Medal (seven), Joint Service Commendation Medal, Army Commendation Medal with Oak Leaf Cluster, Humanitarian Service Medal, Meritorious Unit Citation, Air Assault Badge, Parachutist Badge and the Senior Army Aviator Badge.

Madam Speaker, I commend Colonel Richardson for her well-deserved, historic achievement. I am truly honored to have her as a constituent and wish her all the best as she commands the Fort Meyer military community.

CONGRATULATIONS TO THE CAMPBELL SOUP COMPANY ON THE OCCASION OF THE TWENTY-FIFTH ANNIVERSARY OF THE MAXTON, NORTH CAROLINA MANUFACTURING FACILITY

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. MCINTYRE. Madam Speaker, it is my great pleasure to pay tribute to a special company in Robeson County, North Carolina. Next week, the Campbell Soup Company celebrates the 25th anniversary of its soup manufacturing facility located in the town of Maxton.

Maxton is a small community of about 2,500 residents. But the combination of abundant resources, a strong transportation network and a terrific work force all helped bring Campbell to Robeson County.

The economic future of Maxton and Robeson County is tied to the progress of Campbell's facility. Only 25 years ago, the first cans of soup came off 1 of 2 manufacturing lines. Today, nearly 10 manufacturing lines fill more than 5 million cans or microwavable bowls of soup, canned pasta, beans and Swanson broth every day—more than 1,000 cans every minute.

But the economic impact of Campbell's facility here is much more than its 800 full time and hourly employees, and the 220 different products that they make. Campbell also uses some 300 different ingredients, including more than 40 million pounds of potatoes, 28 million pounds of carrots, and 25 million pounds of beef, chicken and seafood, much of it from our fertile region.

With almost 25 acres under roof, including nearly 1 million square feet to manufacture, warehouse and distribute Campbell's trademark soups, the Maxton facility remains among Campbell's and the food processing industry's most modern and sophisticated facilities. In almost every year since 1982, Campbell's has invested in new technology at Maxton that has helped to reach the heights of efficient, quality production that it is legendary for today. Most recently, microwavable soup bowls began being processed in Maxton that are designed to meet the needs of busy, time-pressed consumers.

Furthermore, the real success of Maxton's Campbell Soup Facility comes not only from its products, but also from its people. I have walked this plant, greeted employees working the lines and sampled a day's production. I can tell you that what makes the Campbell Soup plant in Maxton special is the dedication of its employees.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the employees and the legacy of Campbell's Maxton facility. Campbell's Maxton facility has a wonderful history of contributions made by thousands of North Carolinians who have made their careers there. We're proud to have such a terrific company like Campbell's in North Carolina and look forward to many more years of success.

THE HOUSE OF REPRESENTATIVES'S VOTE ON THE MOVEON.ORG ADVERTISEMENT ON GENERAL PETRAEUS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. VAN HOLLEN. Madam Speaker, like many of my colleagues, I believe the MoveOn.org advertisement in the New York Times about GEN David Petraeus was both wrong and counterproductive. I also agree with all of the findings in H.J. Res. 52 that praise General Petraeus's exemplary military career, for which he has received numerous awards for his service to our country. However, I decided to vote against this resolution as a matter of principle and because it is a diversionary tactic by the Bush administration and the congressional Republicans. As a legislative body determining important issues affecting our citizens, the Congress should not be in the business of passing resolutions supporting or opposing political ads. Adopting such a practice would consume all our time and divert our attention from important issues like the war in Iraq.

The MoveOn.org advertisement was wrong to question the integrity of General Petraeus. It was also counterproductive in that it took the focus off of President Bush's failed Iraq policies and made General Petraeus the political face of the war. That is exactly what the Bush administration wanted. Moreover, by shifting the focus from President Bush to a political attack on General Petraeus, the Republicans have cleverly attempted to divert attention from the President's responsibility and the real security issues we are facing in the world, like the re-emergence of al-Qaeda along the Pakistan-Afghanistan border. I would have supported the resolution that was put forward by Senate Democrats which reaffirms our strong support for the men and women of our Armed Forces, and which condemns all attacks on those who are serving or who have served in the Armed Forces.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, September 25, on very urgent business. Had I been present for the 11 votes which occurred yesterday evening, I would have voted "aye" on H.R. 1400, rollcall vote No. 895; "aye" on H. Res. 584, rollcall vote No. 896; "aye" on H. Can. Res. 210, rollcall vote No. 897; "aye" on H. Res. 663, rollcall vote No. 898; "aye" on H. Res. 548, rollcall vote No. 899; "aye" on H. Res. 642, rollcall vote No. 900; "aye" on H. Res. 557, rollcall vote No. 901; "aye" on H. Res. 675, rollcall vote No. 902; "aye" on H. Res. 675, rollcall vote No. 903; "aye" on H. Res. 675, rollcall vote No. 904; and "aye" on H. Res. 95, rollcall vote No. 905.

ABSENCE FROM THE HOUSE OF REPRESENTATIVES

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. CRENSHAW. Madam Speaker, I was unavoidably detained in my congressional district on Monday, September 24, 2007. I respectfully request the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "yea" on rollcall vote No. 891 on motion to suspend the rules and pass House Concurrent Resolution 193; "yea" on rollcall vote No. 892 on motion to suspend the rules and pass House Resolution No. 668; "yea" on rollcall vote No. 893 on motion to suspend the rules and pass H.R. 1199 and "yea" on rollcall vote No. 894 on motion to suspend the rules and pass House Resolution 340.

COOPER-WOLF: THE SAFE COMMISSION ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. WOLF. Madam Speaker, I am deeply concerned about the financial future of our Nation. Yesterday, Representative JIM COOPER and I introduced the SAFE Commission Act, H.R. 3654, legislation that would establish a bipartisan commission to review Federal spending. Everything would be on the table—entitlements and tax policies—mandating Congress to vote up or down based on the commission's findings. Democrats and Republicans must work together to ensure that our country regains sound financial footing. I insert for the RECORD my statement from the press conference introducing the SAFE Commission Act.

Thank you for being here today. I am hopeful that by joining efforts with Jim Cooper, our colleagues in the House and Senate will embrace this bipartisan commission that can put our country on sound financial footing.

I also want to thank you, David Walker, for your vision and your courage in laying the groundwork for the legislation we offer today.

David and the others participating in the Fiscal Wake-up Tour—the Heritage Foundation, Brookings Institution, Concord Coalition, Committee for a Responsible Federal Budget—have been crisscrossing America from San Francisco to Cincinnati, from Tampa to Buffalo—laying out the facts about the future financial condition of our country, discussing possible options and preparing the way for tough choices that those of us in Congress are going to have to make.

When you look at this tour ensemble, you see groups who usually disagree more than they agree on policy issues. That makes it even more extraordinary that they all agree that we need to sit down and work together to make sure our country doesn't fall into a financial canyon that we can never climb out of. That's the message that is resonating with folks who hear them—the need to come together and work to find bipartisan answers to ensure a secure financial future for America.

What the tour has told us, too, is that we shouldn't underestimate the willingness and ability of the American people to hear the truth and support the decisions necessary to change our financial course.

We owe it to our children and grandchildren to start the process today. We cannot continue to avoid our responsibility to future generations of Americans by passing on a broken system in the form of unfunded Social Security and Medicare and obligations and unsustainable spending. We cannot continue to keep borrowing and mortgaging our future to countries like China and Saudi Arabia that carry obscene amounts of our debt.

But the question is asked, why the SAFE Commission? If this is such a critical issue, shouldn't Congress deal with it?

Yes, it is a critical issue—maybe the most important one facing our country. And yes, it is the responsibility of elected officials to act.

Our financial issues are real. Our economic growth will come to a grinding halt, our standard of living and even our national security will be at risk if we don't start actively working to change our current course.

But I'm going to be candid—Congress on its own can't get it done in the politically charged atmosphere in Washington today. I describe Congress today as dysfunctional. The latest public opinion polls perhaps validate my assessment.

The American people expect us to put our partisan differences aside and work together to get things done. We must move beyond the politics and come to grips with the fact that the financial future of our country is an American issue. It's not red or blue or Republican or Democrat.

Under the SAFE Commission process, Congress is the ultimate decision-maker.

But it will be the SAFE Commission, after holding hearings across the country, listening to the American people, and putting everything on the table for discussion—entitlements and tax policies—which will send its recommendations to Congress for a mandatory up-or-down vote like the BRAC (The Base Closing Commission) process to decide what military bases to keep open or close.

Congress will be part of the SAFE process—has a place at the table. We even hold out hope that Congress could find its way and act on its own. First, at least four of the 14 congressionally appointed commission members must be sitting Members of Congress. Second, if Congress enacts significant legislation aimed at addressing this looming crisis, the SAFE Commission would terminate and cease to exist. We hope this happens, but, I doubt it will.

Abraham Lincoln once said, "You cannot escape the responsibility of tomorrow by evading it today." I believe there is a moral component to this issue that goes to the heart of who we are as Americans. By that I mean, I wonder if we have lost the national will to make tough decisions that may require sacrifice?

The SAFE Commission offers us the opportunity to find our way forward to protect the future of our country.

My youngest grandchild is just over a year old. By the time he is 15 years old, 29 cents out of every dollar paid in income taxes will be required to cover the needs of Social Security and Medicare to pay for my retirement.

By the time he completes his undergraduate degree, more than 45 cents out of every dollar of income taxes then will be needed to cover the shortfall of Social Security and Medicare. That will rise to 62 cents out of every dollar if he decides to get his doctorate 10 years later.

Sadly, before he retires—and looks into the eyes of his own grandchildren—retired baby boomers will be consuming 88 percent of every income tax dollar. With the baby boomers consuming so much, there will be little money left to meet the needs and challenges of future generations—for instance ensuring that our highways and bridges are safe, that there is money for cancer research and to solve the riddles of Parkinson's and Alzheimer's, that we can take care of our veterans, that we have the resources to ensure our schools are the best in the world so our children and grandchildren get the necessary tools, particularly in math and science, to compete in the world marketplace.

Is it right for one generation to live very well knowing that its debts will be left to be paid for by their children and grandchildren?

I'm challenging our colleagues today to come together—to know that while you served in Congress you did everything in your power to provide the kind of security and way of life for your children and grandchildren that your parents and grandparents worked so hard to provide for you.

The challenge, too, goes out to the leadership in Congress and the administration to make this a truly bipartisan effort and put the SAFE Commission on the fast track to enactment.

LEGALIZING INTERNET GAMBLING WOULD HARM U.S. TRADE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. TOWNS. Madam Speaker, as I stated here a couple of months ago, I believe very strongly that whatever our policy is on other types of gambling, we need to maintain a firm line against any form of sports gambling. Gambling on sports events undermines the integrity of American athletics. It can create corruption or the appearance of corruption, and it taints the image of sports as wholesome, family-friendly entertainment.

I also stated that I opposed legalization of online sports gambling in H.R. 2046. It is not enough to allow sports associations to say "not on my game" if Congress is sending the message to the public that sports gambling is fine. If we are going to consider any loosening of laws against online gambling, we need to say "not on sports, period."

But yesterday I received a letter from Stuart Eizenstat, a very well-respected trade expert who was formerly U.S. Ambassador to the European Union and Under Secretary of Commerce for International Trade, writing on behalf of the National Football League. Ambassador Eizenstat's letter informs me that, under the present circumstances, even "not on sports, period" could leave the NFL and other great American athletic institutions vulnerable to assault by the offshore gambling interests who want to make money off the popularity of these games.

According to Ambassador Eizenstat's letter, a law that legalizes most online gambling but includes limited exceptions, such as a sports gambling exception, will be vulnerable to attack in the World Trade Organization. If the WTO rules against the U.S. law, the U.S would have to choose between eliminating the exception—feeding our treasured sports to the gambling wolves—or paying billions in compensation to our trading partners. I, for one, think we should avoid having to decide which of these is the lesser of two evils if we can.

It appears that the U.S. does have a way out, by withdrawing any commitments to free trade in gambling. The U.S. Trade Representative is currently in the middle of negotiating this withdrawal. But this requires compensation too, for taking away market access from our trading partners. How much compensation? Not much at all, given that almost all Internet gambling is illegal. But if we make it legal, even if sports gambling is excluded, then there is a big legal market for which we will owe compensation.

As Ambassador Eizenstat says, "withdrawal negotiations should be brought to a conclusion before Congress passes any new gambling legislation." In the interest of protecting American athletics, I plan to take this advice to heart.

Madam Speaker, I ask unanimous consent to enter Ambassador Eizenstat's letter into the record.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT (HR 3121)

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mrs. McCARTHY of New York. Madam Speaker, I rise in support of H.R. 3121, the Flood Insurance Reform and Modernization Act. This reauthorization and update of the National Flood Insurance Program is needed to ensure all home and business owners in flood zones have the ability to plan for the worst and purchase an appropriate level of coverage.

In 2005, we witnessed the extreme case of storm damage. Hurricanes Katrina and Rita showed that insurance companies try to blame wind damage on water. Too many lawsuits have been filed to try to resolve the dispute. This bill creates an option: homeowners can purchase a multiperil policy that will pay them for hurricane damage, whether caused by the wind or storm surge.

H.R. 3121 also includes language to further encourage to my constituents on Long Island to purchase flood insurance. A recent study has shown the southern shore of Long Island would be flooded if a Category 1 storm were to strike the area. That flood zone pushes further north on with each intensifying category. The affected areas on Long Island are home to middle-class and businesses. Under H.R. 3121, the maximum coverage for a home increases from $250,000 to $335,000; for residential contents from $100,000 to $135,000; and for non-residential properties from $500,000 to $670,000. These provisions will ensure that flood insurance participants on Long Island will be able to pick up the pieces and start over following a hurricane.

The bill includes another little discussed provision that I strongly support. Most people don't realize that today their finished basement family or media room and its contents are not protected by flood insurance because that room is located below ground level. As more families add on to their homes rather than move to larger homes, basements are becoming another room, often more important than the traditional living room. H.R. 3121 allows optional coverage for improvements and personal property located in basements.

Too many people who should be purchasing flood insurance have no protection. Some people they live too far from the coast. Others don't realize that their homes are in a flood plain and learn this fact, to their dismay, only after a flash flood destroys their residences. I am pleased that H.R. 3121 funds a program to help communities reach out to residents and encourage them to purchase flood insurance. I commend the gentlewoman from California (Ms. MATSUI) who introduced this legislation in the 109th Congress.

It is only a matter of time before a severe hurricane like the Long Island Express of 1938 impacts Long Island. This bill improves current insurance and should encourage more home owners to purchase and retain flood insurance. I encourage the House to pass H.R. 3121 and hope that the Senate also will act quickly to send this important legislation to the President for his signature.

RECOGNIZING NATIONAL OVARIAN CANCER AWARENESS MONTH

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to recognize September as National Ovarian Cancer Awareness Month. This is a very important designation because it helps to raise awareness about ovarian cancer and its symptoms.

In the State of Connecticut alone, over 300 women are diagnosed with ovarian cancer each year. It is predicted that 190 women in Connecticut will die from ovarian cancer in 2007. Ovarian cancer is the eighth most common female cancer in Connecticut and the fourth most common cause of female cancer death in the State.

Although in the United States approximately 20,000 women are diagnosed with ovarian cancer each year and an estimated 15,000 women die of the disease, there is currently no screening test for ovarian cancer. Until there is a cure for this disease it is important to support and recognize the hard work that organizations are doing to raise awareness for this disease and its symptoms. I want to commend organizations like the Ovarian Cancer National Alliance, OCNA, for its commitment to ensuring that women are aware of the symptoms of ovarian cancer and for its advocacy on behalf of the women and families who have been touched by this devastating disease.

Early detection of ovarian cancer must be our focus and education and awareness are imperative. Studies have shown that if ovarian cancer is treated before it has spread outside the ovary, the 5-year survival rate is 93 percent. However, only 19 percent of ovarian cancers are found at such an early stage.

I urge my colleagues to join me in recognizing September as National Ovarian Cancer Awareness Month and to work to increase awareness about this deadly disease.

INTRODUCING THE IRAQI REFUGEE AND INTERNALLY DISPLACED PERSONS HUMANITARIAN ASSISTANCE, RESETTLEMENT AND SECURITY ACT OF 2007

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a vital piece of legislation to raise awareness of the impending humanitarian crisis and security breakdown as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq.

Our legislation addresses this issue by increasing directed accountable assistance to these populations and their host countries, increasing border security, facilitating the resettlement of Iraqis at risk and broadening domestic relocation assistance.

Madam Speaker, whether you agree or disagree with U.S. policy in Iraq, one thing is crystal clear, we have a humanitarian crisis manifesting in the region that cannot be ignored.

Let's examine the facts. Iraqis are now the third-largest displaced population in the world and the fastest-growing refugee population globally. The Office of the United Nations High Commissioner for Refugees, UNHCR, estimates that there are some 2.2 million Iraqis displaced internally and at least another 2 million Iraqis have sought refuge in neighboring countries.

Many of these Iraqi refugees and internally displaced persons lack adequate food, shelter and other basic services. Further, the massive flow of refugees into neighboring countries is straining the social, economic, and security fabric of the host nations and threatens to destabilize the entire Middle East region.

My own efforts to address this looming calamity began in August when I wrote to Secretary of State Condoleezza Rice highlighting the need for the United States to address this devastating situation with strong financial support, either through bilateral assistance or funding for international organizations that are working directly with the refugee and internally displaced populations.

In response to my letter, on September 7, 2007, I, along with Helsinki Commission Cochairman Senator BENJAMIN L. CARDIN (D–MD) and Helsinki Commissioner Congressman JOSEPH R. PITTS (R–PA), received a briefing by Assistant Secretary of State for Population, Refugees, and Migration, PRM, Ellen Sauerbrey, who had recently returned from the region.

It was clear from our discussion that while the United States has been working to address this grave situation, not nearly enough is being done. The United States has a moral obligation to make a serious commitment to help Iraqi refugees and internally displaced populations while meeting our commitment to resettle Iraqi refugees referred by the UNHCR.

It is precisely for these reasons that I decided to take swift action and address this worsening crisis with comprehensive legislation.

Among the legislation's highlights are an authorization of $700 million for each fiscal year beginning in 2008 through 2010 for the relief of Iraqi refugees and internally displaced persons, an increase of direct accountable bilateral assistance and/or funding for international aid organizations and nongovernmental organizations working in the host countries and an authorization of $500 million to increase border security in Jordan.

Additionally, this legislation facilitates the resettlement of Iraqis employed by our government, American companies, and nongovernmental organizations into the United States, broadens domestic relocation assistance to include housing credits, cultural counseling, meetings with social workers, advice on how to work with the schools and employment systems, and requires the Department of State to create a program in the U.S. for English as a second language, vocational, computer training, employment services and some counseling for all Iraqi nationals immigrating to the United States under a Special Immigrant Visa.

Finally this legislation urges increased cooperation between the United States Government and the international community to address this crisis.

In passing this legislation, Congress can reaffirm its commitment to Iraqi refugees and internally displaced persons. Our attention to this crisis could not be more important at this time for the sake of the new Iraq and Middle East regional stability. I urge my colleagues to support this resolution and ask for its expeditious consideration.

IN RECOGNITION OF THE TASK FORCE ON MENTORING OF MONTGOMERY COUNTY ON THE OCCASION OF ITS 16TH ANNUAL CONFERENCE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to congratulate and express my gratitude to the Task Force on Mentoring of Montgomery County, MD.

The Task Force on Mentoring is a community-based, nonprofit organization whose mission is to expand access to mentoring programs to youth and to enhance the community's understanding of mentoring as a valuable tool to ensure that our students can achieve their full potential. Among its many important efforts, the TFM provides training to mentors; sponsors seminars, conferences and workshops; assists parents seeking mentors; works to expand the pool of volunteer mentors; and establishes school-based mentoring programs.

The Task Force on Mentoring has supported at-risk youth for over 16 years. Its upcoming Annual Breakfast Conference focuses on "Making the Right Life Choices—How Mentoring Empowers Our Youth." The conference will take place at the Rockville campus of John Hopkins University on October 4, 2007.

Thanks to the dedication and effective efforts of the Task Force on Mentoring, many of

Montgomery County's adolescents have been given the opportunity to become active and productive citizens.

Madam Speaker, on the occasion of its 16th annual conference, I ask my colleagues to join me in honoring the Task Force on Mentoring of Montgomery County.

TRIBUTE TO THE NATIONAL FOUNDATION FOR WOMEN LEGISLATORS

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Ms. WATSON. I would like to congratulate the National Foundation for Women Legislators for working to distribute thousands of backpacks filled with school supplies in every U.S. State and Puerto Rico.

These backpacks have been donated by Office Depot and are being distributed to at-risk and disadvantaged youth. As lawmakers we introduce and pass legislation every year that affects our Nation's youth. We talk about statistics and reading performance and free lunch programs, but we do not talk enough about ensuring that all students have the school supplies they need to perform both inside and out of the classroom.

Office Depot's National Backpack Program, now in its seventh year, is designed to make a difference in communities across the country and put backpacks in the hands of underprivileged and "at-risk" children so they have the tools they need to start the school year. Beginning in 2001 with 80,000 backpacks donated nationwide, the program has expanded to deliver 100,000 backpacks in 2002 and in 2003 and 2004, the program was increased to 200,000 backpacks containing school supplies. In 2005, the program grew to 300,000 backpacks with school supplies and finally, in 2006, 300,000 backpacks were again donated by Office Depot across North America and in Puerto Rico, totaling more than 1 million backpacks in the hands of children since the inception of the program.

Sadly, there are hundreds of thousands of children who can not afford the basic supplies they need for school. This backpack initiative not only alleviates some of the financial burden from the many single-family households that are stretching their budget and have enough to worry about paying for food and bills, but it also allows their children to have the pride of being able to start the school year the right way.

I am proud to say that 1,000 backpacks will be delivered to the Bradley Elementary School in my home district. I ask all of my colleagues in this United States Congress to join me in recognizing the National Foundation for Women Legislators and their partnership with Office Depot, whose efforts to empower our children and provide them the tools they need to be successful in school and in life are to be commended.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, on Monday, September 24, 2007, while returning from a Homeland Security field hearing in New York City my train was delayed, and I missed the following votes. Had I been present, I would have voted in favor of:

Rollcall 891, H. Con. Res. 193, recognizing all hunters throughout the United States for their commitment to safety.

Rollcall 892, H. Res. 668, recognizing the 50th anniversary of the September 25, 1957 desegregation of Little Rock Central High School by the Little Rock Nine.

Rollcall 893, H.R. 1199, to extend the grant program for drug-endangered children.

Rollcall 894, H. Res. 340, expressing the sense of the House of Representatives of the importance of providing a voice for the many victims (and families of victims) involved in missing persons cases and unidentified human remains cases.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. POE. Madam Speaker, due to the fact that I have been appointed by the President of the United States to be a Congressional Representative to the United Nations, I was in New York City and missed recorded votes on the House Floor on Monday, September 24, 2007 and Tuesday, September 25, 2007.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "yes" on rollcall vote Nos. 894, 895, 896, 897, 898, 899, 900, 901, 905, and 907. I would have voted "no" on rollcall vote Nos. 902, 903, 904, and 906.

ENSURING WELFARE DOLLARS ARE SPENT WISELY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today in strong support of H.R. 3656, a bill to better ensure that taxpayer funds for welfare go to help low-income parents go to work, not to support drug habits. I want to thank my friend and colleague, Congressman PHIL ENGLISH of Pennsylvania, for sponsoring this legislation and I am glad to join as his chief co-sponsor.

In 1996, the Republican-led Congress passed welfare reforms that emphasized the necessity of work to achieving economic self-sufficiency. As a result of that historic reform, millions of families have moved from welfare dependence to greater self-sufficiency, supported by pro-work benefits including child care funds, health coverage, and the Earned Income Tax Credit. Poverty has fallen dramatically, for some groups to record lows.

But there is still more work to do. We all know that too many American parents remain trapped by drug addiction. H.R. 3656 is designed to ensure that our country sends a clearer message about the support available for low-income parents, and what obligations those parents have to stay clean and off of drugs. So this legislation builds upon the success of the 1996 reforms by attempting to better ensure federal tax dollars are spent efficiently and appropriately. Simply put, taxpayer money intended to provide temporary assistance to needy families should not be spent to subsidize drug abuse.

H.R. 3656 expects States to test welfare recipients and applicants for benefits when caseworkers have reason to believe the parent is taking illegal drugs. Not every recipient or applicant, but those for who there is real cause to think that taxpayer funds might wind up furthering a drug habit instead of helping parents find, take and stay in jobs. This common-sense reform will help States identify those in need of substance abuse treatment, and ensure that federal funds are not spent buying illegal drugs.

Madam Speaker, recently in my home state of Illinois, I had an opportunity to meet with members of the Marseilles Concerned Citizens Against Drugs, a group of citizens committed to seeing drug abuse removed from my community. They expressed their dismay that federal dollars are being spent to support an addiction which destroys lives, families, and communities. I couldn't agree more.

I urge my colleagues to support this legislation to better ensure that welfare assistance is spent appropriately, and that those addicted to drugs be identified so they can receive the treatment needed to lead more productive lives. I urge my colleagues to support H.R. 3656.

TRIBUTE TO RICHARD E. "DICK" COOPER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. ROGERS of Kentucky. Madam Speaker, I regret that I must inform the House of the passing of a great American in my home community.

Richard E. "Dick" Cooper was a friend to me and many others in the State of Kentucky, but especially in my hometown of Somerset. Even more than a friend, he was a father figure, a confidant, friend and advisor. And he was humble, giving and modest.

Dick left us August 7, 2007 at 92. He was the Chairman of the Board at Citizens National Bank, and knew practically everyone. In fact, he also likely knew their parents and even grandparents. His devotion to duty was tireless. He came to work every day right up until the day he died. He cared deeply for people.

After completing high school in 1932, he graduated with honors at the University of

Kentucky. In 1942, he entered the U.S. Army and served in the Pacific. Back home, in the business community, he very successfully led the Somerset Stone Company before becoming chairman at the bank. As a civic leader in our community, he served on numerous organizations including on the advisory board at Somerset Community College. For many years he served on the Board of Trustees of the University of Kentucky.

Dick was more than a local leader. He was well-known throughout the Commonwealth, as a great civic and business leader. He was awarded "man of the year" in 1965 by a Louisville radio station. But he was our man of the year for many more years to come and will continue to be.

Mr. Cooper married Cornelia Dozier in 1961, and she is a leader in her own right in community and cultural affairs. He also leaves behind two children and five grand children. Dick was a brother to the late U.S. Senator John Sherman Cooper, who served with great distinction in Congress from just after World War II until the early 70's.

He came from a good family and leaves a good one behind. Family, friends, and associates from across the Commonwealth of Kentucky will remember him. He touched many lives and hearts with his genuine concern for them, and his example of leadership with purpose and dedication. I am just one of them.

The world is a better place because of the life of Dick Cooper.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. AL GREEN of Texas. Madam Speaker, I was unavoidably detained on September 18th and missed rollcall vote 876 on passage of H.R. 1852, the Expanding American Homeownership Act of 2007. Had I been present, I would have voted "aye."

This legislation makes great strides in allowing the Federal Housing Administration to reach a greater number of borrowers seeking homeownership by increasing loan limits to keep pace with the rising cost of homes, and it offers new, important protections to borrowers who are vulnerable to exploitation in the subprime and predatory loan markets.

The bill also includes numerous other strong measures to help address our Nation's affordable housing crisis, and I would like to express my gratitude for this bill's passage in the House.

CONGRATULATING JOSEPH AND JOAN PRZYWARA ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Joseph and Joan Przywara, of West Nanticoke, Pennsylvania, as they celebrate 50 years of marriage.

On September 14, 1957, Mr. and Mrs. Przywara were joined in marriage at St. Mary's of the Immaculate Conception Church in Wilkes-Barre.

Mr. Przywara began his working career at first in the anthracite coal mines in the Wyoming Valley and then worked for General Motors in New Jersey, McGregor Sportswear in Nanticoke, Woodlawn Farm Dairy in Wilkes-Barre and Dairylea in Scranton. In 1974, he established the West Side Dairy and the couple's 2 sons, Joseph and Robert, soon joined him in business. In 1982, he acquired the Dream Whip ice cream business in Nanticoke.

Mr. Przywara has served his community in several capacities over the years, not the least of which was his many contributions of time and energy to promote Democratic Party principles and candidates.

He was also highly instrumental in establishing the Plymouth Township Recreation Association on land he helped acquire from the Glen Alden Coal Company. He coached little league baseball for many years and also served as a PIAA baseball and softball official and as an ASA softball umpire.

Mrs. Przywara worked at Pennsylvania Wholesale Drug Company, Heavenly Shoe Company, the United States Social Security Administration and the United States Department of Labor Mine Safety and Health Administration for many years. She currently manages Dream Whip Ice Cream which employs 9 people. She is a past member of the Plymouth Township Recreation Association Auxiliary.

Mr. and Mrs. Przywara had 3 children, Joseph, who is deceased; Robert and Lisa Bonar. They also have 4 grandchildren.

Mr. and Mrs. Przywara are shining examples of hard working, family and community minded Americans who enrich the quality of life not only for themselves but for all whose lives they have touched. Mr. Speaker, please join me in congratulating Mr. and Mrs. Przywara on this special occasion.

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. HERGER. Madam Speaker, I was unable to vote on several measures that came before the House on Tuesday, September 25, 2007 because of illness.

Had I been present I would have voted "aye" on H.R. 1400, Iran Counter-Proliferation Act of 2007; "aye" on H. Res. 584, Supporting the goals and ideals of National Life Insurance Awareness Month; "aye" on H. Con. Res. 210, Supporting the goals and ideals of Sickle Cell Disease Awareness Month; "aye" on H. Res. 663, Supporting the goals and ideals of Veterans of Foreign Wars Day; "aye" on H. Res. 548, Expressing the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon; "aye" on H. Res. 642, Expressing sympathy and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown; "aye" on H. Res. 557, Strongly condemning the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda; and no on H. Res. 675, On the question of tabling the motion to appeal the ruling of the chair.

Further, I would have voted no on the previous question and no on adopting H. Res. 675, providing for the consideration of the Senate amendments to H.R. 976; "aye" on H. Res. 95, Supporting the goals and ideals of Campus Fire Safety Month; no on H.R. 976, the Children's Health Insurance Program Reauthorization Act of 2007; and "aye" on H. Res. 590, Supporting the goals and ideals of National Domestic Violence Awareness Month.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday morning, September 25, 2007, I was unable to cast my votes on H.R. 1400, H. Res. 584, H. Con. Res. 210, and H. Res. 663.

Had I been present for rollcall No. 895 on suspending the rules and passing H.R. 1400, the Iran Counter-Proliferation Act, I would have voted "aye."

Had I been present for rollcall No. 896 on suspending the rules and passing H. Res. 584, Supporting the goals and ideals of National Life Insurance Awareness Month, I would have voted "aye."

Had I been present for rollcall No. 897 on suspending the rules and passing H. Con. Res. 210, Supporting the goals and ideals of Sickle Cell Disease Awareness Month, I would have voted "aye."

Had I been present for rollcall No. 898 on suspending the rules and passing H. Res. 663, Supporting the goals and ideals of Veterans of Foreign Wars Day, I would have voted "aye."

HONORING MARTY DICKENS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Marty Dickens as he retires from his position as president of AT&T Tennessee after a distinguished 39-year career in the telecommunications industry.

Beginning his career with the company in 1969, Marty worked in the public affairs and regulatory departments and comptroller's office before joining BellSouth International in 1992. He has served on the boards of directors of BellSouth operations in Brazil, Venezuela, Panama, Nicaragua, Israel, China and Denmark.

Since moving to Nashville to become president of the company in 1999, Marty has become a force not just in the Nashville business community, but in its charitable and civic life as well. Not content with the challenges of running a major regional employer, Marty sought out other ways to contribute such as serving on the Board of Trustees at Belmont University, on the community boards of the YMCA, Boy Scouts, Vanderbilt University's Blair School of Music, as well as the Adventure Science Center, among others.

Marty has also served on the corporate boards of Genesco and First American Financial Holdings and has served as chairman of both the Nashville Convention and Visitors Bureau and the Nashville Area Chamber of Commerce. Most recently, he was honored as the 2007 Outstanding Nashvillian of the Year by the Kiwanis Club of Nashville.

Madam Speaker, please join me in congratulating Marty Dickens on an exemplary record of service in business, in charity and in our community. He has set an example that we would all do well to emulate, and we wish him well in his retirement.

TRIBUTE TO DR. JOHN J. COLLINS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, books and movies abound these days about the "Greatest Generation," those men and women who fought and won World War II to save us from fascism. But it is not just the winning of World War II that leads us to admire and be grateful to members of our parents' generation. To know the individual is to understand the generational achievement of greatness.

My father-in-law, Dr. John J. Collins, is a person whose life can so instruct us. Like so many of his generation, John J. Collins was not born to wealth or privilege. Born in Oklahoma in 1917, his family soon moved to California, where his father worked in the oil fields in Coalinga. He was the oldest boy in a big Irish-American family, with several older sisters. And when his father died at an early age, as a boy he was the "oldest man" in his household during the Great Depression. Like so many of his generation, he learned habits of frugality and hard work in those early years. These habits have served him and his family well. They are with him to this day.

In the best American spirit, he struggled to go farther than his parents. He was educated at Coalinga Junior College and then worked his way through the University of California at Berkeley, where he received a Bachelor of Arts degree. Like so many others, he enlisted to fight in World War II, joining the U.S. Army before Pearl Harbor, in 1941. In the Army, he became an infantry and artillery officer. He served for years in the Pacific, including taking part in the fighting in Saipan and Okinawa. This was rough combat and many died. Like most of those who I've met who served under such conditions, he prefers not to discuss the details of combat but remembers still those of his colleagues who did not return. He merely served bravely, honorably and saved our country, emerging as a Captain. He is humble about his service. We are honored by it.

After the war, he returned to the San Francisco Bay Area and then moved to Bakersfield where he went to work at Bakersfield High School. The soldiers came home from the war to make a life for themselves with marriage and children. He was no exception, and he and his wife Patricia were blessed with 3 children, 3 grandchildren and 1 great-grandchild. From Bakersfield High School, he moved on to Bakersfield College. In his early years at the college, he taught sociology and also served as a very successful track and cross-country coach. Always striving to improve himself, he took classes nights and summers while pursuing an education career, and obtained a Master's degree. A counseling credential allowed him to begin serving as a counselor for students. Subsequently, he became first the Director of Student Activities and then the Dean of Students. During this period, he engaged in more evening, weekend, and summer study at UCLA in the Education Department. Ultimately, a doctor's thesis was written and published, and he was awarded a doctorate in education.

In 1965, he was selected as the first President of Moorpark College, a community college in Ventura County. There, he supervised the building of the College's physical plant, planned the curriculum and opening, hired the faculty and administration, and took Moorpark from a plan on paper to a thriving junior college with a variety of innovative educational programs. Later he got the chance to return to Bakersfield College as President and the family moved back to that California community. As President of Bakersfield College for many years, he kept the school in the top rank of community colleges, established an endowment and the B.C. Foundation, and won the respect of the community, his colleagues, and the students. He retired as President of Bakersfield College in 1982. But, with his work ethic, he never has been fully "retired." He served as interim President of Mission Community College in Santa Clara County and then as interim Chancellor for West Valley-Mission Community College District. Throughout this time, he retained the title President Emeritus at Bakersfield College, and has worked as an administrator there most of time since his "retirement." Never one to forget the remembrance and honor due to the past, Dr. Collins has been instrumental in setting up the Bakersfield College Archives. Recognizing his many years of service, several years ago Bakersfield College renamed its student center building as the John J. Collins Student Center.

Along the way, he acquired the skill to make beautiful furniture, and has blessed his family members with many graceful and attractive pieces. At age 90, he continues to work for the Kern Community College District and to be a joy to his friends, family, and community. Dr. John J. Collins, "Doc" to his grandchildren, is to me the model of all we admire in his generation. When times were tough, he just worked harder. When his country called in time of war, he bravely answered. When his country needed him, he spent a career giving back to his community as an educator—making sure that young people had a chance to learn and succeed.

As family man, he devoted himself to his wife, his children, his siblings and extended family. He has shown real courage—whether on the battlefields of the South Pacific or when facing and coping with the serious illness of his wife of more than 60 years. He has shown a steadiness of purpose which allowed him to leap to a level of erudition, education and economic stability not dreamed of by his parents or grandparents. Widely admired in his hometown, he is recognized as someone who made a difference.

We Americans owe much to the Greatest Generation. But we also owe to them as individuals our love and gratitude. I feel that greatly today on the occasion of the 90th birthday of Dr. John J. Collins, who it has been my privilege to know as my father-in-law.

TRIBUTE TO MARCEL MARCEAU

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. FERGUSON. Madam Speaker, I rise today to recognize and honor Marcel Marceau, who died September 22, 2007, at the age of 84.

Marcel Marceau revived the art of pantomime, performing across the world beginning after World War II. Through his on-stage persona, "Bip," Marceau was known for his ability to capture the full range of human emotions without using words.

Although he became famous as a performer, Marceau's most admirable accomplishment was not on the stage. As a French Jew born Marcel Mangel, during World War II he changed his name and joined the French Resistance to save Jewish children from the Holocaust. He and his brother forged documents to trick the Nazis into thinking that children were too young to be deported, and also helped kids escape into Switzerland.

Speaking years later about his actions and about those who were lost in the Holocaust, which included his father, Marceau said: "Among those kids was maybe an Einstein, a Mozart, somebody who (would have) found a cancer drug. That is why we have a great responsibility. Let us love one another."

Just as the Holocaust demonstrated the worst evil that humans are capable of, the response by individuals like Marcel Marceau represented the best in human compassion.

PERSONAL EXPLANATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. VAN HOLLEN. Mr. Speaker, I was unavoidably detained and unable to make the vote on rollcall No. 907. Had I been voting, I would have voted "yes" on H. Res. 590 on National Domestic Violence Awareness Month.

CELEBRATING 25 YEARS AT LIBERTY CHRISTIAN SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Liberty Christian School in Argyle, Texas for celebrating its 25th anniversary. This is a great accomplishment, and I am proud to have an establishment such as this in the 26th Congressional District of Texas.

I would like to give special congratulations to Rodney and Judy Haire, Mark Bowles, Karen Watts, and Dee Quick for serving 25 years at Liberty Christian School. Thanks to teachers and staff such as these, I am confident that Liberty Christian School will continue to inspire and educate the young adults that walk its halls today.

Liberty Christian School is celebrating its 25th anniversary with a jubilee celebration. It is an event where both current and former families, students, staff, faculty, and friends can get together and celebrate the heritage of Liberty Christian School.

Congratulations to the Liberty Christian School on their anniversary. Twenty-five years of service is a milestone to be celebrated. It is with honor that I stand here today to honor Liberty Christian School for their continuing commitment to education in my congressional district.

PAYING TRIBUTE TO CHIEF DEAN MOLBURG

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Boulder City Fire Chief Dean Molburg and congratulate him upon his retirement. Chief Molburg dutifully served the city of Boulder City as a dedicated member and leader of the department for almost 17 years.

Chief Molburg and his wife of 31 years, Elizabeth have been residents of Boulder City for 25 years since moving to Nevada in 1982 from Illinois. Chief Molburg has been a member of the Boulder City Fire Department since 1985. Prior to his appointment as Fire Chief, he served as Deputy Fire Chief and Emergency Management Coordinator for the City of Boulder City. He earned a degree in Fire Service Management and is a graduate of the National Fire Academy's Executive Fire Officer Program.

During his tenure as Fire Chief, the department achieved numerous accomplishments and accolades under his direction and leadership. The increase in the level of emergency medical care with the implementation of a Paramedic Program is one of his most significant accomplishments. Chief Molburg also oversaw two building additions to the existing fire station, the purchase of 2 new fire engines, new ambulances and rescue units. Under the leadership of Chief Molburg, the Boulder City Fire Department achieved an ISO 2 rating, one of the few ISO 2 rated departments in the country.

Madam Speaker, I am proud to honor Chief Molburg for his dedication and service to the City of Boulder City. He has served the citizens of Boulder City for so many years with dedication, vision, and valor. I am proud of his accomplishments with the Boulder City Fire Department and thank him for his service to his community. I wish him all the best in his future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 27, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 28

10 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the role of Federal Executive Boards in pandemic preparedness.

SD–342

OCTOBER 2

10 a.m.

Environment and Public Works

To hold hearings to examine pending nominations.

SD–406

Health, Education, Labor, and Pensions

To hold hearings to examine issues and challenges facing current mine safety disasters.

SD–430

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the National Capitol for pandemic preparedness.

SD–342

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the National Flood Insurance Program.

SD–538

OCTOBER 3

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine combating genocide in Darfur, focusing on the role of divestment and other policy tools.

SD–538

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold hearings to examine the Nuclear Regulatory Commission's reactor oversight process.

SD–406

Aging

To hold hearings to examine veterans health, focusing on ensuring the care of aging heroes.

SR–325

10:30 a.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine S. 772, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

SD–226

2:30 p.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To hold hearings to examine pandemic influenza, focusing on state and local government efforts to prepare.

SD–342

OCTOBER 4

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the security of our nation's seaports.

SR–253

2:30 p.m.

Judiciary

To hold hearings to examine the implementation of the Hometown Heroes Survivors Benefits Act.

SD–226

OCTOBER 17

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the digital television transition, focusing on government and industry perspectives.

SR–253

HOUSE OF REPRESENTATIVES—*Thursday, September 27, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BLUMENAUER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 27, 2007.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend James T. Golden, Ward Temple A.M.E. Church, Bradenton, Florida, offered the following prayer:

God omnipotent, God omniscient, God omnipresent: We thank You for Your mercy that gently awakened us this morning for another day of service to our Nation. And we thank You for Your grace that will empower us to overcome any challenges we will face.

We pray now for our President and all of our fellow servants in Federal, State, and local government across the land. Let Thy will be done today in everything they see, everything they utter, everything they hear, everything they think, and everything they feel.

We also pray for our vigilant, valiant Armed Forces as they protect our interests, defend our liberty, and secure justice at home and abroad in selfless sacrifice for our country.

O God our help in ages past, God of our weary years, God of our silent tears, God who has brought us thus far along the way, O God our hope for years to come, keep our Nation forever in Thy path of goodness and righteousness we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the House of the following title:

S. 2085. An act to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program.

INTRODUCING THE REVEREND JAMES T. GOLDEN

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Mr. Speaker, I rise today to recognize a wonderful man and my constituent, the Reverend James T. Golden of the Ward Temple A.M.E. Church in Bradenton, Florida. He is the guest chaplain of the House of Representatives.

Reverend Golden is a pillar of the Tampa Bay community, with a long record of public service and dedication. In the year 2000, he was elected to the Bradenton City Council, which he continues to represent with distinction.

Reverend Golden is a veteran of the United States Army. He received a bachelor's degree in business administration from Stetson University in Deland, Florida, and went on to become a master of divinity from the Interdenominational Theological Center in Atlanta. He returned to Florida to attend the University of Florida and received his juris doctorate. Reverend Golden has shared his great knowledge and insight with students throughout Florida, and he ministers to the congregation of the Ward Temple A.M.E. Church in Bradenton and serves his community through many nonprofit organizations.

He is joined today by his wife Mildred, nephew Kahreem, and niece Lyleigha. I am proud to stand in recognition of his accomplishments and leadership today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side.

GLOBAL WARMING

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Earlier this week, the world came together at the United Nations to discuss the need to take action against climate change. The United Nations Secretary General stated, "I am convinced that climate change and what we do about it will define us, our era, and ultimately the global legacy we leave for our future generations." Missing from the discussion, however, was none other than the United States.

Rather than engage, the Bush administration continues to bury its head in the sand, organizing summits to discuss aspirational goals and ignoring real science.

The science is certain. Human activity impacts human security, and without a mandatory agreement, the costs of climate change will continue to be socialized. Business as usual cannot go on. We must commit to mandatory reductions in order to protect health, environment, and security around the world.

Our cities, States, and Democrats in Congress are leading by example. I hope the administration will join us and our colleagues on the other side of the aisle. Vulnerable communities in the United States and around the world deserve nothing less.

CELEBRATING THE 100TH ANNIVERSARY OF HOLLAND TRANSFER COMPANY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to pay tribute to one of the finest and oldest logistics companies in the State of North Carolina. Holland Transfer Company in Statesville, North Carolina embodies the ethics of good business that separates great companies from the rest.

This week, Holland Transfer celebrates its 100th anniversary and its longstanding commitment to running a customer service-centered business. This company has transported goods and materials to North Carolina businesses since 1907 and is the oldest carrier in the State.

In the 100 years since its founding, Holland has built a strong reputation as a company that its customers can depend on to provide high-quality service without having to worry about getting shortchanged. Not many companies reach such a 100-year benchmark.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In fact, it is doubtful that when Holland Transfer Company began with a team of horses and a single wagon that its founder, S.R. Holland, envisioned a company that today is a major part of the Statesville community.

Today, Holland Transfer embodies Christian values as part of its company character. These values are an integral part of what has made Holland Transfer successful for 100 years. I wish this fine company and all its employees all the best and many more years of doing business the right way. It is businesses like Holland Transfer that make this country great.

IRAN AND LATIN AMERICA

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, I rise to put the spotlight on an ominous trend in our region. Iranian President Mahmoud Ahmadinejad may have left New York, but he remains close by. From the U.N. General Assembly, Mr. Ahmadinejad flew to Bolivia and then to his friend, Hugo Chavez, in Venezuela.

Ahmadinejad, with his hate-filled rhetoric and his funding of global terror, is too close for comfort. I rise to urge our friends in Latin America to refuse the Iranian president's advances and see him for what he is: A bully who disregards international will and who ignores our efforts against terrorism.

The 1994 bombing of the Argentine Jewish Community Center shows that the Iranian presence in Latin America has been dangerous in the past. This week, Argentina called on the U.N. General Assembly to urge Iran to more fully cooperate with the investigation so that justice can finally be served for this heinous act of terrorism.

Coming from south Florida where I live, when something happens in Latin America, we feel it. My district has many economic and familial ties to Latin America. Our friends in Latin America have been our partners in fighting terrorism, and we look forward to continuing our mutually beneficial partnership with these countries to make our areas safe and more secure.

ARE YOU PUSHING OR PULLING BACK THERE?

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. When I traveled in rural Missouri a number of years ago, I had a favorite truck stop. And on the wall among the things they sold was a picture of a little John Deere green wagon with yellow wheels, had a bail of hay, and it looked like a wheel was sort of stuck on a bump. And there was a little kid with Oshkosh overalls pushing on it, and another kid with the tongue, and he is looking over his shoulder, and in the caption, "Are you pushing or are you pulling back there?" And that picture kind of comes to mind when I think of our Democrat leadership.

We have got 130,000 troops in the field and they have already declared defeat; and I am kind of wondering, are you pushing or pulling back there?

And then we have unanimous consent for General Petraeus, and before he can deliver the report that the Democrats asked to have delivered, they are savaging him in the New York Times as "General Betray Us." And I am thinking, are you pushing or pulling back there?

And now we are talking about affording all kinds of special rights to terrorists that are in jail. It makes me think one more time: By golly, guys, are you pushing or pulling back there?

FREEDOM OF SPEECH

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Yesterday, there was a resolution before the House which I voted for, and the reason I voted for it was because it stated it expresses our appreciation, talking about General Petraeus, for his personal sacrifices and those of his family, as well as the sacrifices of those who served in the Armed Forces and their families.

I too had a husband who served in the Armed Forces, and I was a family member, and so I supported that. But here is where I have trouble. It went on to attack MoveOn.org, saying such unwarranted attacks should be strongly condemned by Republicans and Democrats alike in the House.

I, too, would like to improve the tone here in this House. I would like to see civility. But they forgot to mention something in that resolution. They forgot to condemn the Swift Boating; they forgot to condemn the comments against Senator Max Cleland and other veterans who served this country honorably as well.

I wait for a new resolution that condemns behavior on both sides of the aisle attacking all veterans from all political persuasions. Until then, I support free speech.

BRAIN INJURY ALLIANCE OF SOUTH CAROLINA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to recognize the Brain Injury Alliance of South Carolina and to thank them for their service in raising public awareness of brain injuries. Leaders of this cause have been my longtime friends Lyman and JoAnne Whitehead of Irmo.

An estimated 1.4 million Americans sustain a brain injury yearly. In particular, many of our brave men and women serving in the central front of Iraq and Afghanistan have experienced some form of traumatic brain injury. It is vital that we do all that we can to address our veterans just as we address the needs of civilians living with this condition.

The Brain Injury Alliance is helping to lead the way in informing the public of the dangers of this complex injury and what can be done to help individuals rehabilitate. Their public awareness campaign uses different forms of media and community outreach to ensure that citizens are well educated on this issue. Thousands of individuals and their families will surely benefit from this thoughtful assistance.

In conclusion, God bless our troops, and we will never forget September the 11th.

FREEDOM OF SPEECH

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, yesterday there was a continuing resolution with a motion to recommit that attacked MoveOn.org. I voted against that motion to recommit, and I did it because it attacked the first amendment.

There is a tradition in the House that we address the conduct and not speech, speech which is protected by the first amendment, that flag, and the Constitution, the Bill of Rights.

Now, when we start to attack speech and don't attack other speech, by implication we approve of the other speech. This House by not attacking Don Imus for his statements about African American women, this House by not attacking the individuals who questioned Max Cleland's citizenship or his honor, this House that did not condemn Rush Limbaugh and his statements about Senator HAGEL and Michael J. Fox, or Jerry Falwell and Pat Robertson who question people who are gay and lesbian and feminists for the attacks or Katrina.

When we attack one group for speech and don't attack others, by implication we approve the other's speech, and that is wrong, and that is why the motion to recommit was wrong, and it is a dangerous precedent.

WORLD WAR II VETERAN BRUCE HAMMOND AND THE TWILIGHT WISH FOUNDATION

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Bruce Hammond came to Washington, DC yesterday. He traveled here with the Twilight

Wish Foundation to have his lifetime desire to see the World War II Memorial granted.

Bruce Hammond was an 18-year-old drafted right out of high school in 1944. He served honorably in the United States Army in Europe. Hammond, from Cleveland, Texas, had his wish fulfilled through the Twilight Wish Foundation. The mission of this foundation is to demonstrate care and respect for seniors in America. It grants wishes for seniors on fixed incomes who are below the poverty level. Some wishes are as simple as supplying a hearing aid.

Hammond wanted to see our country's tribute to World War II veterans. Corporal Hammond spent most of yesterday at the Memorial with his sons in solemn tribute and reflection of his buddies back in World War II.

I commend the Twilight Foundation for working to honor our seniors, and we shall always remember our Greatest Generation and their sacrifice and service to this country.

And that's just the way it is.

RECOGNIZING DEDICATION OF JUDGE ARNOLD COURTHOUSE

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, I am pleased to stand here today with my colleague from Arkansas to honor and remember a fellow Arkansan who dedicated his life to serving the public and upholding justice across our great Nation. Texarkana native Judge Richard Arnold spent his lifetime in the court system, from the U.S. District Court to the Eighth Circuit Court of Appeals, where he rose to be chief judge in 1992. Judge Arnold even ran for Congress for the seat which I now hold, Arkansas Fourth Congressional District, before he began his distinguished legal career in the Federal court system.

I am proud that the new United States Federal Courthouse in Little Rock, Arkansas, which will be dedicated tomorrow, will be forever named the Richard Sheppard Arnold United States Courthouse. Judge Arnold was admired for his fairness and will be forever remembered as a dedicated public servant who cared deeply about his family, his work, his State, and his country. I am honored to deliver these remarks as a tribute to his life and career.

□ 1015

60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to commemorate the 60th anniversary of the United States Air Force.

Time and again, the brave men and women of the United States Air Force have answered the call of duty to serve and protect this great Nation. It's because of them that we have the best Air Force in the world, and they will continue to expand that legacy of true excellence and air dominance.

As a 29-year Air Force veteran, it's my honor to congratulate them on 60 years of exemplary service and wish them many more years of air superiority to come.

They all are shining examples of "service before self," one core motto of the Air Force. They protect the safety and security of all U.S. citizens.

As they say in our song, "Nothing will stop the U.S. Air Force."

God bless all the men and women of the United States Air Force. I salute you.

GLOBAL WARMING

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, this week the world convened at the United Nations to combat climate change, but President Bush stayed away.

While the rest of the world knows that carbon dioxide threatens the planet, this administration can't even decide if it endangers the planet.

President Bush's response is not action, but talk. Instead of stopping the pollution, he starts a filibuster.

President Bush has decided to host a conversation to discuss his aspiration for procrastination on global warming until he leaves office. It is time for America to save the planet from another 50 years of red, white and blue CO_2. It is time for America to use its technological genius to launch a new future of clean power, new jobs, and lower cost.

We have no choice. The ice is melting. The coral is dying. The forests are burning, and 30 percent of all species are in danger of extinction.

President Bush, it is time to stop the empty rhetoric and to start saving the planet.

CLEAR ACT UPDATE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, a couple of weeks ago I introduced the Charlie Norwood CLEAR Act, which targets violent criminal aliens and gives local law enforcement the tools they need to get them off the street. This legislation now has bipartisan support and has 140 sponsors, cosponsors; and we are adding to that.

Last week I conducted a telephone town hall, and the overwhelming majority of the callers on that phone call demanded that Congress take action, take some action, not just talk about removing criminal aliens, but take action to get them off the street. This bill accomplishes that goal.

Mr. Speaker, as we hear about the events that have taken place since September 11, Fort Dix, Newark, and in Arizona recently, we know it is needed. So I encourage my colleagues, cosponsor the CLEAR Act, H.R. 3494. Support ridding our streets and our communities of criminal aliens and absconders.

PRIORITIES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, yesterday Defense Secretary Gates requested 43 billion more dollars for the war in Iraq, 43 billion more dollars to support the President's plan for more of the same. We have spent $400 billion in 4 years on the war in Iraq.

For 41 days of the cost of the war, 10 million children would get health care. For 1 month for the cost of the war, 7½ million children would get health care. For 1 week of the cost of the war, 2½ million children would get health care.

While billions have gone unaccounted for in Iraq, and the administration has shown no willingness to do what is necessary to crack down on the waste, fraud and abuse in Iraq, the President calls health care for American children excessive spending.

The President is asking for an open-ended, open-wallet commitment to Iraq; and yet he's told America's children, you're on your own.

I want you to think about this: there have been three vetoes in President Bush's 7 years; one to redeploy from Iraq, one to permit stem cell research, and one to give 10 million children health care; and it says it all about the President and his priorities.

NATIONAL FUTURE FARMERS OF AMERICA

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to commend the FFA, commonly known as the Future Farmers of America, on the news that for the first time in 29 years, their student membership has passed 500,000 students.

It is encouraging to see groups like the FFA growing and adding new members. Through the FFA, young people in rural and urban areas alike are able to understand agriculture's economic, social and environmental impact on all Americans, as well as agriculture's history.

Agriculture is not so much of a vocation as it is a way of life. Owning and operating a farm or ranch is a labor of love, costing time, money, risk and other investments far above most careers. The FFA prepares the next generation of our Nation's family farmers as they step up on the plate.

Simply put, agriculture matters. I'm proud to represent the Third District of Nebraska, one of the largest agricultural districts in the country, and one which truly embodies the spirit of the FFA.

GLOBAL WARMING

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, this week the Select Committee on Energy Independence and Global Warming held two events that starkly presented the consequences of climate change and showed us the way forward to prevent them. Wildlife officials from Alaska showed pictures of polar bears and other species struggling to survive as the ice literally melts under their feet.

The committee heard the gripping testimony of Mayor Stanley Tocktoo, whose village of Shmirsha, Alaska, is literally being wiped away by climate change. He showed footage of severe storms that polar ice once used to defend his village from, hundreds of feet of shore line lost during a single storm, and homes collapsing into the sea.

We need to act to keep Shmirsha, Alaska, from being a harbinger for our communities around the continental United States. The next day, U.N. Special Envoys on Climate Change discussed how.

Secretary Ban gathered over 150 countries in the largest discussion ever of climate change, and they testified of the need to change energy policy and bring emissions under control.

We must act by passing the energy bill and taking real action on carbon control. The stakes are too high for soft, nonenforceable goals.

GOP GOVERNORS ABANDON PRESIDENT BUSH ON CHIP

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, last week President Bush once again threatened to veto a bipartisan agreement that will provide health care insurance to 10 million low-income children. The President should talk to our Nation's Governors, 43 of whom have voiced support for a strengthened CHIP reauthorization.

The Republican Governor of Utah, Jon Huntsman, said, "CHIP is a much needed safety net for uninsured kids, and Congress showed tremendous foresight in authorizing it a decade ago. Uninsured children are the State's number one priority."

The Republican Governor of Wisconsin, Tim Pawlenty, said, "We as Governors also want to make sure that the current population, and hopefully some reasonable expansions, could be covered."

In addition, the Republican Governor of California, Arnold Schwarzenegger said, "We cannot roll back the clock on the program that has helped to ensure children who need it most to have a healthy start in life."

Mr. Speaker, Republican and Democratic Governors alike recognize the importance of this program. I hope the President will listen to these Governors and reconsider his veto threat.

CONDEMNING THE ACCUSATION OF MOVEON.ORG

(Mr. SHAYS asked and was given permission to address the House for 1 minute.)

Mr. SHAYS. Mr. Speaker, I rarely address this Chamber for 1 minute, but I cannot remain silent over the fact that 79 Members of this Chamber refused to condemn the accusation of MoveOn.org that General Petraeus, who has given 3 years of his life in service to our country in Iraq, has betrayed us. He had a message of hope and a recommendation that we not leave Iraq too quickly.

Whether you agree with the general who commands our troops, he, and the troops he commands, deserve to know that all of us in Congress appreciate his service and will not be silent to such outrageous charges. MoveOn.org can say whatever it wants, but freedom of speech does not mean Congress must remain silent.

HONORING JUDGE RICHARD ARNOLD

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, people in Arkansas who knew of Judge Richard Arnold admired and respected his great legal mind, his integrity, and his remarkable attributes as a human being. Everyone who personally knew him liked him. Not even those who disagreed with him found fault with his judicial demeanor nor his legal analysis.

Now we have an opportunity to honor this great man. Tomorrow in Little Rock will be the formal dedication of the Richard Sheppard Arnold United States Courthouse, a wonderful new facility. Not only will this building be a great site for justice in central Arkansas, but it will be a lasting tribute to Judge Arnold. And on this day also we honor his wonderful wife, Kay Kelley Arnold, who will be in attendance at tomorrow's dedication.

PROVIDING FOR CONSIDERATION OF H.R. 3567, SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 682 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 682

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3567) to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions of the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3567 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 682.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1030

Mr. CARDOZA. Mr. Speaker, House Resolution 682 provides for consideration of H.R. 3567, the Small Business Investment Expansion Act of 2007, under a structured rule. As the Clerk reported, the rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. The rule waives all points of order against consideration of the bill except for clause 9 and 10 of rule XXI. The rule makes in order all three amendments that were submitted for consideration that are printed in the Rules Committee report accompanying this resolution. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the Small Business Administration states that it "helps Americans start, build, and grow businesses." Lately, however, the Small Business Administration's actions have spoken louder than their words. And, unfortunately, SBA's actions have not spurred innovation and development but stifled them.

Given the high cost of purchasing additional capital assets, small businesses are dependent upon financing, which typically comes in the form of venture capital or angel investments. Despite the SBA's intent, its investment programs have fallen short and the needs of small business have gone unmet. In fact, due to SBA's ineffective investment programs, small businesses are now faced with more than $60 billion in unmet capital needs.

This is a tragedy. Small businesses form the backbone of our economic growth. In fact, they are responsible for creating three out of every four jobs in the United States. Imagine how many businesses could grow and how many jobs could be created if we could deliver even a fraction of that unmet need.

Small businesses are vital to our economy, and we cannot afford for our budding entrepreneurs to be denied the opportunity to succeed. By making the SBA an efficient partner in business development, small businesses will have better and more widespread access to venture capital and angel investments that they need.

Mr. Speaker, the bill before us today, H.R. 3567, has strong bipartisan support. It passed the Small Business Committee by a voice vote.

Among other things, H.R. 3567 streamlines the Small Business Investment Company program. Last year this public/private partnership leveraged more than $21 billion to over 2,000 small businesses. However, the current leverage limits are overly complex and the heavy reliance on debt-based lending programs has hampered the investment in veteran-, minority-, and women-owned businesses. H.R. 3567 will simplify how leverage caps are calculated and revise the limitations on aggregate investments to increase small business investment opportunities. In addition, it provides incentives to target veteran-, minority-, and women-owned businesses.

Second, the bill updates the New Markets Venture Capital program. This program was established specifically to address the unmet equity needs of low-income communities. However, this program has been woefully underfunded, and as a result, investment in low-income communities has suffered. H.R. 3567 expands the New Markets Venture Capital program and provides additional incentives for small manufacturing companies in low-income areas. This will be especially important to areas like those in my district in Merced County.

Third, the bill establishes a new Office of Angel Investment to focus on increasing equity investments in small businesses. Angel investors are high net-worth individuals who invest in and support start-up businesses in their early stages of growth and currently account for the creation of more than 51,000 new businesses every year.

H.R. 3567 promotes this crucial source of financing for entrepreneurs through the creation of an Angel Investment program within SBA's investment division. This new program provides matching financing leverage to eligible angel groups with 10 or more investors. The bill also directs the SBA to create a Federal angel network, a searchable directory of angel groups on the SBA Web site to better match up angel investors with small businesses seeking financing.

The bill also addresses many deficiencies in the Surety Bond program to assist small businesses in obtaining the backing they need to compete for construction contracts.

Mr. Speaker, this bill reflects Democrats' commitment to providing real solutions to remove the obstacles facing America's small business owners, innovators, and entrepreneurs. I would like to thank the Small Business Committee for their hard work and thoughtful work in bringing this legislation to the floor today. In particular, I extend my thanks to my good friend from Pennsylvania (Mr. ALTMIRE) and Chairwoman VELÁZQUEZ.

Mr. Speaker, we all recognize the importance of small business to our economy, and we must act on this bipartisan bill without further delay.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from California, my good friend (Mr. CARDOZA), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, as a former small business owner, I recognize the need for legislation to help update and streamline Small Business Administration programs and leverage new investment strategies in order to expand small business investment.

However, we must also make a commitment to small business that tax relief measures that passed the House the last several years should not be allowed to expire at the end of this year. With a month left before Congress's target adjournment date and just 3 months left of 2007, small businesses are depending on Congress to act quickly to renew tax relief which has allowed them to create more jobs and grow, helping America's economy grow at the same time. Tax relief and reduced regulatory burdens can make all the difference whether a small business is profitable at the end of the year or is forced to close its doors.

Mr. Speaker, yesterday the Rules Committee adopted a structured rule for consideration of H.R. 3567, the Small Business Investment Expansion Act of 2007. While this rule makes all submitted amendments in order, I believe the underlying bipartisan bill that is supported both by the chairman and ranking member of the Committee on Small Business should have been considered under an open rule on the House floor today.

Yesterday the ranking member, Mr. DREIER, on Rules gave the Democrat majority on Rules the opportunity to double the number of open rules that this body has heard other than appropriation bills reported from the committee this Congress. Unfortunately, Democrat members of the Rules Committee denied bringing the underlying bipartisan bill to the floor under an open rule process. Thus only two, Mr. Speaker, only two of 433 Members of the House will be able to offer amendments on this bill today. While this is disappointing, this, unfortunately, is not an unusual practice of this Rules Committee, despite promises of openness made to the American people just last year.

Mr. Speaker, earlier this year, House rules were adopted that require the disclosure and allow Members to challenge earmarks in appropriation bills; however, under current House rules, earmarks and authorization bills and tax bills do not have to be disclosed and are not allowed to be challenged. This loophole needs to be closed, and I am going to give my colleagues in this House another opportunity to send a strong message to the American taxpayers that we are serious about earmark transparency. Therefore, I will be asking Members to oppose the previous question so that I may amend the rule to allow for immediate consideration of House Resolution 479, the earmark accountability rule. By defeating the previous question, we will be able to address earmark enforceability in order to restore credibility to this House. By considering and approving House Resolution 479, we will send a strong message to American taxpayers that the House will no longer turn its head the other way when it comes to transparency of earmarks.

As my colleague LINCOLN DIAZ-BALART observed yesterday, it has been a good week for earmarks and a bad week for transparency. We have an opportunity to change that, and I hope the Democrat majority will not make this another missed opportunity to make good on their promises to seek earmark transparency to American taxpayers.

I urge my colleagues to oppose the previous question.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, the gentleman discusses the question of an open rule. In fact, we adopted every amendment that was presented to the Rules Committee and brought it to the floor today. There were three amendments offered. All three amendments will be before the House today.

And the question on a Small Business Committee bill that deals with the wide diversity that small businesses can impact really allows, under the House rules, under the germaneness rules, that almost any measure, not related to this bill, but almost any measure could be brought to the floor under an open rule. It's much more appropriate for the Rules Committee to manage the debate and the time spent on this House floor by asking all Members to submit their amendments that they might want to put forward on this particular bill and debate them in an orderly fashion on the floor. And that is why the committee adopted the rule that it did, a structured rule, to manage the rule in an appropriate rule way.

The second question is on the question of earmarks that the gentleman raised. And I would just like to refer to page 24 of the report submitted to the House that accompanies this bill, and title XIV is a statement of no earmarks. I should read that to the House at this time.

It says: "Pursuant to clause 9 of rule XXI, H.R. 3567 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI." The statement is very clear that there are no earmarks in this bill.

Mr. Speaker, the Democrats believe that small businesses are a fundamental part of our Nation's economic growth and that government has a responsibility to provide increased investment opportunities to ensure their long-term successes. H.R. 3567 creates a renewed focus on minority-owned small businesses and small businesses in low-income areas, both of which have been traditionally faced with difficulty in gaining access to equity investment. It also paves the way to better serve thousands of small businesses and give a much-needed jolt to our economy.

Mr. Speaker, we must continue to shepherd our small businesses to give them every opportunity to succeed for today and for tomorrows yet to come. This bill will move us in that direction, and small businesses will be that much closer to making their dreams of prosperity a reality with the passage of this bill.

I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 682 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

(f) Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

☐ 1045

PROVIDING FOR CONSIDERATION OF H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 683 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 683

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3121 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

POINT OF ORDER

Mr. DREIER. Point of order, Mr. Speaker.

Mr. Speaker, I raise a point of order against consideration of the rule.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. DREIER. I raise a point of order against consideration of the resolution because it violates clause 9(b) of House rule XXI, which states that it shall not be in order to consider a rule or order that waives the application of clause 9(a) of House rule XXI, the earmark disclosure rule.

The rule waives the application of the earmark disclosure rule against the amendment printed in part A of the committee report. The amendment is self-executed by the rule and, therefore, evades the application of clause 9.

I doubt that the self-executed amendment contains any earmarks; however, there is no statement in accordance with rule 9 that it does not.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. DREIER. I look forward to your ruling, Mr. Speaker.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from California makes a point of order that the resolution waives the application of clause 9(a) of rule XXI. It is correct that 9(b) of rule XXI provides a point of order against a rule that waives the application of the clause 9(a) point of order.

Clause 9(a) of rule XXI provides a point of order against a bill or joint resolution, a conference report on a bill or joint resolution or a so-called "manager's amendment" to a bill or joint resolution, unless certain information on congressional earmarks, limited tax benefits and limited tariff benefits is disclosed. But this point of order does not lie against an amendment that has been "self-executed" by a special order of business resolution.

House Resolution 683 "self-executes" the amendment recommended by the Committee on Financial Services modified by the amendment printed in part A of the Rules Committee report. Because clause 9(a) of rule XXI does not apply to such amendment, House Resolution 683 has no tendency to waive its application, and the point of order is overruled.

The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 683.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 683 provides for consideration of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, under a structured rule. As the Clerk reported, the rule provides 1 hour of general debate controlled by the Committee on Financial Services.

The rule waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI. The rule also makes in order a substitute reported by the Committee on Financial Services modified by the amendment in part A of the Rules Committee report as an original bill for the purpose of amendment. The self-executing amendment in part A would ensure that the bill complies with the new PAYGO requirements.

The rule makes in order the 13 amendments printed in the Rules Committee report, with each amendment debatable for 10 minutes.

As yesterday's debate in the Rules Committee demonstrated, Members on both sides of the aisle are focused on getting this bill to conference and onto the President's desk, and this bill reflects that consensus.

As a Representative of a district in a floodplain, I understand the need for a healthy flood insurance program. My hometown of Sacramento is the most at-risk river city in the Nation. Whenever I talk about our efforts to improve Sacramento's level of flood protection, I also mention the importance of flood insurance. If you live behind a levee, you should have flood insurance. And the Federal Government has the responsibility to promote this kind of coverage.

I also recognize that to accomplish this, we need a healthy and robust national flood insurance program. That is why legislation we debate today, the Flood Insurance Reform and Modernization Act, is so significant. Through this legislation, we will meet our responsibilities, we will ensure coverage is available to those at risk, and we will educate those same individuals as to the benefits of flood insurance. This bill, which was reported out of the Financial Services Committee by a bipartisan majority of 38–29, takes us in that positive direction.

In the aftermath of Hurricane Katrina, the deficiencies in the program were laid bare. What remained was a program $25 million in debt with a questionable future. It is imperative that we rebuild and reform the Federal flood insurance program.

For many Americans, owning insurance to protect against a flood is more valuable than coverage in case of fire. That is because homes in a designated special flood hazard area are almost three times as likely to be destroyed by a flood as by fire, and this is a case for almost three-fourths of all homes in Sacramento. This is an important program that must be reformed to ensure its long-term stability and solvency.

The bill we are considering today makes reasonable reforms and lays the foundation for a stronger and improved flood insurance program, and for that I would like to thank Chairman BARNEY FRANK and Chairwoman WATERS for their leadership on the bill.

This bill takes important steps to modernize the flood insurance program. It raises maximum coverage limits to keep up with inflation. It provides new coverage for living expenses if you have to vacate your home. And it also provides optional coverage for basements and business interruption coverage for commercial properties. These are all positive steps that will allow the program to continue to provide peace of mind to those impacted when a flood occurs.

In moving forward, Congress is also making the flood insurance program sustainable. The bill tightens enforcement of purchase requirements and adds subsidies on vacation homes, second homes, and businesses. While these actions may not be popular, this will help invigorate the program in the long run.

In addition to helping homeowners, this measure will also benefit taxpayers nationwide by preventing insurance companies from putting their liability on the Federal Government at the expense of the American public.

By identifying flood hazards, managing floodplains via land use controls and building requirements, and providing insurance protections, this essential program reduces flood loss expenses to the Federal Government, saving taxpayers an estimated $1 billion a year.

This measure provides much-needed reforms to restore solvency to a program that has faced unprecedented financial strain in the wake of the 2005 hurricanes. This bill increases accountability of federally regulated lenders by imposing stricter penalties on those lenders that fail to enforce mandatory flood insurance purchase requirements on mortgage holders. This takes our country in the right direction by encouraging individuals to purchase flood insurance, while also addressing the needs of the program.

I would also like to express my sincere thanks for Chairman FRANK for working with me this past year on issues that I believe make this a stronger overall bill. I appreciate the chairman including my legislation, the Flood Insurance Community Outreach Grant Program Act of 2007, in this bill.

This grant program works. A little over two years ago, with the support of a $162,000 FEMA grant, my local flood protection body, the Sacramento Area Flood Control Agency, conducted just a flood insurance outreach initiative. SAFCA reached out to more than 45,000 NFIP policyholders in the American River floodplain with impressive results. After a year, 74 percent maintained their flood insurance policies. Of this group, 43 percent now carry preferred risk flood insurance. Preferred risk policies provide property owners who are protected by a levee or other flood mitigation method with full flood insurance at a reduced price. Because of their lower price, these preferred-risk policies have a higher level of policy retention.

To put this success in perspective, FEMA more than recouped its investment. SAFCA exceeded its target for policies retained more than 20 times over, adding millions to the flood insurance program's bottom line.

Extending these grants to other floodplains will only strengthen and build the solvency of the National Flood Insurance Program.

In short, I truly believe we must encourage greater participation in NFIP rather than providing loopholes for people not to participate. On that note, I would also like to thank the chairman for including language that authorizes a study for future participation of low-income individuals who live in a floodplain. We have an obligation to make sure that everyone has an opportunity to be insured and has access to affordable flood insurance. This is an important issue that I look forward to working on with the chairman, the committee, and many of my colleagues in further addressing this policy issue.

I think it is important that we continue to modernize our flood insurance program. I am pleased that the committee kept the amendment from last Congress' flood insurance bill, language that simply asks that FEMA utilize emerging weather forecasting technology as they update our national flood maps. Moving forward, we must make the investment in weather forecasting technology so that we have the tools to adjust to the changing climate. FEMA needs to be prepared to utilize this technology as it becomes available to us. We must ensure that FEMA has the highest quality information when it works to determine the level of risk for vulnerable geographies. This policy initiative takes us in a positive direction.

Finally, the bill we are debating today is a vital tool to be used after a flooding incident occurs. We need this bill; however, I want to close by saying that flood insurance is one piece of what should be a national comprehensive flood protection approach. Congress must continue to provide the tools and policy for prevention. We must continue to provide the funding for our flood protection infrastructure projects, and we must continue to provide the authorization for the projects that provide the protection for our communities.

□ 1100

With these policies of prevention in place, it will make communities safer and reduce the likelihood of our communities having to utilize their flood insurance policies.

Mr. Speaker, I strongly urge my colleagues to support this rule and final passage of the underlying Flood Insurance Reform and Modernization Act of 2007.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise again today in strong opposition to this unnecessarily restrictive rule that completely closes down the legislative process to every single Republican amendment that was offered in hopes of bettering this bill before the Rules Committee. This modified closed rule is being offered by the broken-promise Democrat majority, is wrong on both process and on policy.

Yesterday evening, in the Rules Committee, the place where democracy goes to die in the House of Representatives, the chairman of the Financial Services Committee, the gentleman from Massachusetts (Mr. FRANK) stated that he welcomed debating any substantive amendment so long as the committee did not make in order multiple amendments with similar goals. Despite the chairman's wishes to allow for a fair and open debate on substantive amendments to this bill, Rules Committee Democrats, once again, instead chose to further solidify our committee's growing reputation as "the graveyard of good ideas" in the House of Representatives by rejecting five times each time, along straight party lines, attempts to improve this rule by including substantive amendments offered by Republicans.

Chairman FRANK also testified that no amendment had been offered to the legislation that reflected the administration's opposition to this legislation, an inaccurate statement that I would like to clear up. First, my good friend from Georgia, the gentleman, Dr. TOM PRICE, electronically submitted a timely amendment to this bill that dealt with the substantive concerns raised by the administration. Dr. PRICE was then turned away from the Rules Committee and denied the opportunity to even offer this amendment when the paper copies reached the Rules Committee door 5 minutes after the arbitrary deadline that was set by the Rules Committee staff.

Next, Mr. Speaker, when it became obvious that the Rules Committee was going to silence Dr. PRICE, my good friend and Texas colleague, Congressman JEB HENSARLING, modified one of his amendments to address the substantive concerns over the addition of wind coverage to the National Flood Insurance Program that he shared in common with Dr. PRICE and President Bush. Unfortunately, Mr. HENSARLING, too, has been shut out by this rule.

Despite numerous campaign promises by the highest-ranking Democrats in the House to run the most transparent, open and honest House in history, this Democrat majority has once again provided the House with the rule where none of this would be available.

Out of 26 amendments offered to this legislation, not one of the seven Republican amendments offered is made in order under the rule. It can't be for lack of time. There is simply no good reason to rush reauthorization for this legislation which doesn't even expire until next year. And the Democrats certainly found time enough to provide 13 Democrat amendment sponsors enough time to come to the floor to try and change this legislation. It can't be because these Republican amendments are not substantive. The Hensarling and Price amendments would have addressed the most substantive and contentious part of this legislation: the inclusions of wind coverage into a flood insurance program. However, the Democrat majority, once again, decided that political expediency is more important than allowing the representatives of half of this country to be heard. I wish I could say that I was surprised by the Democrat leadership allowing politics to triumph over policy or fair procedure. Unfortunately, this is precisely what we have come to expect from the new broken-promise Democrat majority.

What is worse, Mr. Speaker, is that this bill's real-world impact is as bad or worse as the process that brings us here to the floor today. It would expand the flood program to include a new risk before the effects of this policy have even been studied. Both the GAO, the Government Accountability Office, and the Congressional Budget Office, the CBO, have reported to us that the program is already not financially sound. That means that, as the program exists that the new Democrat majority wants to put in place, we already know that it is not financially sound. And the addition of this new and untested liability threats to derail much of the much-needed reforms of this program, while vastly increasing taxpayer exposure for losses from natural disasters unrelated to flooding.

Mr. Speaker, I oppose this rule. I oppose its exclusion of every single Republican amendment that was offered to improve it in the Rules Committee. I oppose the raw, political gain represented by the ill-conceived underlying legislation that puts our National Flood Insurance Program in jeopardy. Most of all, Mr. Speaker, I oppose the new earmark loophole, uncovered last night, that provides the broken-promise Democrat majority with yet another opportunity to waive their already loose earmark rules on every bill as they see fit.

While this new development made here to the strict letter of the smoke-and-mirrors earmark rule the Democrats rushed sloppily through the House at the beginning of the Congress, it certainly does not meet the spirit of that rule either. I encourage all of my colleagues to join me in opposing this rule, particularly Chairman FRANK, who argued so eloquently for the inclusion of substantive amendments so that the new rule can be passed that would finally keep the Democrat promise of openness and inclusion alive.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I just want to point out that the Rules Committee made 13 amendments in order that we believe will benefit the discussion and debate on this very important issue. I would like to point out that three of these amendments were, in fact, bipartisan amendments.

Mr. Speaker, I reserve my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, yesterday I went to the Rules Committee to offer an amendment to this bill that would have given the people of Michigan and other Great Lakes States fundamental fairness in the Federal flood insurance program. Unfortunately, the Democrat majority on the Rules Committee did not allow the people of Michigan to have their case heard on the floor of this House. I want to stress what I do understand about this bill; that this is an insurance program and that some will pay more than they take out, and that the idea is to have a broad spectrum of the Nation share the risk of natural disasters.

But when it comes to States like Michigan and the Federal flood insurance program, the people of my State are repeatedly being sucked dry by a mandated program that forces so many property owners into floodplains and into the program when they never, or almost never, flood. The net result is that Michigan property owners, by far, pay much, much more than their fair share.

Recent hurricanes, of course, have depleted FEMA funds. The Federal Government appropriately has stood up to help these States recover. But now the Federal flood insurance program is looking for even more money. And people in Michigan, where natural disasters are rare, are being forced to kick in more than their fair share.

I would say this, if it is the policy of the United States Government to continue to encourage property owners to live in areas that repeatedly suffer from natural disasters by offering heavily subsidized insurance, then we should just set up a fund for that purpose. We should not have property owners, like people that live in my State of Michigan, carry the burden of that policy. In fact, water levels in our magnificent Great Lakes are at historic lows. If you believe in the climate change theory, those levels are going to continue to fall. Yet property owners currently in floodplains are faced with increased premiums, and new maps will force even more homeowners in areas where we have never seen a flood into this plan. One thing about Michigan is that, instead of other States where they actually look up at the water, in Michigan, we look down at the water.

I would certainly agree that FEMA needs to do what Congress has asked them to do, to update the maps utilizing satellite and digitized elevation. They need to use the new technology. But we should base elevations on sound science. That is not being done now. Currently, the baseline for the FEMA plan is based on 1986 lake levels, which was at a time of historically high lake levels; 20-year-old data is what they are going to base this on now. I would simply suggest that we wait until the International Joint Commission, the IJC, completes its very extensive and exhaustive study that they are currently doing of the lake levels. I think they are now into the third or fourth year of a 5-year study. Then FEMA will have sound science to use on which to base their floodplain maps.

Mr. Speaker, because the Rules Committee would not allow my amendment to be heard, I intend to vote against this rule. I urge all of my colleagues to also oppose the rule. I will also be recommending to our Governor in the great State of Michigan to consider options that are fair to the residents of the State of Michigan, like self-insuring or actually opting out of the Federal flood insurance program.

Ms. MATSUI. Mr. Speaker, I reserve my time.

Mr. SESSIONS. Mr. Speaker, once again, in line with what we have stated earlier, that the 13 Republican amendments, which were presented to the Rules Committee, of course, there were others that were rejected because they were 1 or 2 minutes late, need to be discussed. The Rules Committee voted on a party line not to let them be on the floor today. But our Members represent important not only States, but important districts and important ideas. Another one of the persons who was denied the opportunity to have his amendment to be made in order is here with us today.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. GARRETT) for that purpose.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we come today on the floor in September, 9 months into the 110th Congress under Democrat control where they promised us the most open, honest and transparent Congress in U.S. history. And looking back at yesterday on their last rules decision, what have they wrought? Just the opposite.

I come to the floor today, as well, to oppose this rule and to oppose the closed-door proceedings and partisanship that the other side has exhibited yesterday with the way that they handled their rule. Their methodology is basically closing out the voices of almost half of Americans when they want to have their voice heard here in this Congress. I, too, came and submitted an amendment to the committee. Although the other side indicates that 13 amendments were approved, there were no single Republican-initiated amendments approved last night. That is because, as I said, half of America's voices were silenced.

Now, the amendment to the rule that I proposed is quite simple, to try to bring back fairness to this flood program, a flood program that most Americans would support in a bipartisan approach. Picture this, if you will, out on perhaps the California Coast you have a mansion, a PreFIRM home, a mansion owned by some megastar, a movie star millionaire in that home. He is paying one rate for insurance. Next door, literally across the street, is this little 1970s home, a little bungalow, owned by a poor widow. She now is paying higher rates for her insurance. She, in essence, is subsidizing that multimillionaire movie star on the other side in this lavish megamansion that he may own by this poor widow.

Can't we do something about that? Yes. I propose an amendment that would bring actuarial fairness to this system. And I should say this, too. This was discussed in committee. The chairman of the committee said that he would work with me. My staff did work with his staff. I did work with the chairman. And the chairman even agreed with our language. The chairman even agreed, and I believe testified before the Rules Committee, that what we were doing here was bringing fairness to the committee and the rules process last night.

So, at this time, in my closing comments, I would just ask if the gentlewoman would be willing to enter into a colloquy to explain why is it that she will not, and the Rules Committee would not, enter into a discussion on this bill in Rules, and why is it that they wish to exclude this rule, and why would the gentlewoman in the Rules Committee decide that we should not have fairness, and why should the poor widow be subsidizing the rich and the millionaires in this country?

Mr. Speaker, I yield to the gentlewoman if she can explain why this amendment was excluded last night.

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Ms. MATSUI. I would just like to comment that we had a discussion yesterday. I must say that the Rules Committee is different this year than it was last year. I was in the minority last year. We have vigorous discussions in our committee. We have made in order 13 amendments.

Mr. GARRETT of New Jersey. Reclaiming my time, I appreciate the fact that the Rules Committee is different this year from last year, and that is obviously apparent, because only Democrat amendments would come through, and last year both Democrat and Republican amendments would go through.

If the gentlewoman could explain on the merits? I would gladly yield to the gentlewoman if the gentlewoman could address the point as to why this particular amendment was not considered to be appropriate to be considered for this rule, and why it is that we should have the poor and the infirm and those people who have been living in their homes for decades have to subsidize the rich and the wealthy in this country.

I would yield to the gentlewoman, if she would explain why the inequity should continue.

Ms. MATSUI. Mr. Speaker, we made amendments in order last night, and I stand by the Rules Committee product. It might be that later on down the road you may want to work with the Financial Services Committee; but at this point in time, we did make 13 amendments in order.

Mr. GARRETT of New Jersey. Mr. Speaker, reclaiming my time, I appreciate the fact that the Rules Committee under Democrat control has included 13 Democrat amendments to their Democrat-proposed legislation here today. And if that is the new openness and the change in the process that they are presenting to us, should we anticipate that there is no need for Republicans to present any amendments to the Rules Committee in the future because they will only consider Democrat amendments? That is a sorry state for us today.

Mr. SESSIONS. Mr. Speaker, if the gentleman will yield, I heard the gentleman say that he had spent time working with the chairman of the committee on this inequity to make sure that if you brought forward that amendment, that he would not oppose it.

Mr. GARRETT of New Jersey. That is exactly the case. I presented this amendment in committee and presented it and discussed it in committee. At that time, we entered into a colloquy in committee and the chairman said that perhaps we could work through this because there were some other technical aspects that needed to be changed. I was more than willing to take the chairman at his word, and he lived up to his word to the extent that for the next several weeks and months following the committee hearing, we did have a back-and-forth between staff and also the chairman on the floor, literally himself, and he was supportive of the final product we had.

Ms. MATSUI. Mr. Speaker, I reserve my time.

Mr. SESSIONS. Mr. Speaker, once again the Republican team that is on the floor today wishes to continue our voice of representation of millions of Americans for better ideas, to be included not only on this floor but in the Rules Committee for consideration and agreement to debate and vote on these good ideas.

We know that last night that there were 13 amendments that were made in order, all Democrat amendments, no Republican amendments. We know that several Republican amendments were rejected based upon being just minutes late, even though they had been electronically submitted.

So as a result of that, we are here on the floor today doing appropriately, properly, what we should be doing; we are talking about the good ideas that we have. You heard already a good idea from the gentleman from New Jersey. You heard already a good idea from the gentlewoman from Michigan.

At this time I would like to yield 4 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to this rule governing the consideration of H.R. 3121. I had hoped that the committee would see the wisdom in providing an open rule on this important legislation, and in the absence of an open rule, that it would at least make in order amendments that both sides of the aisle took the time and effort to draft.

Unfortunately, as has been said repeatedly, of the 26 amendments filed with the Rules Committee, only 13, half of the amendments filed, were made in order, and of those 13 amendments that the Rules Committee made in order, not one, not one Republican amendment was made in order.

Has the majority again gone back on its promises to have an open, fair, and bipartisan operation of the House floor? On December 5, 2006, Majority Leader HOYER was quoted in Congress Daily PM as saying, "We intend to have a Rules Committee that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of this House." Clearly, today, the leadership of this Congress has again turned its back on its promises.

The original Flood Insurance Reform Bill, H.R. 1682, which Chairman FRANK and I introduced together earlier this year, enjoyed substantial bipartisan support in the Financial Services Committee. However, due to political pressure, a bill was introduced by my friend from the other side of the aisle, Congressman TAYLOR, to add wind to the National Flood Insurance Program.

The flood reform bill turned partisan. So the majority introduced a new flood reform bill, H.R. 3131, and expanded the flood insurance program to include wind. While nine out of 13 witnesses, insurance experts, testified before the Financial Services Committee that wind should not be added to NFIP, the majority did it anyway.

The new flood-plus-wind insurance passed out of the committee; and in July, at a hearing on adding wind to the NFIP, the National Association of Insurance Commissioners, insurance experts, environmental groups, floodplain management groups, the Treasury, and FEMA all opposed this expansion. That is why we are concerned about not having these amendments come to the floor.

Members on our side of the aisle had hoped to be given the same opportunity to debate important issues on the House floor. The amendments filed by my colleagues Mrs. MILLER, Mr. GARRETT, Mr. HENSARLING, Mr. PEARCE and Mr. ROHRABACHER were not made in order, and Mr. PRICE's amendment was not even considered.

In particular, I wanted to say something about Mr. HENSARLING's amendment. This should have been allowed. This is a hugely important issue. The other side has added a whole new Federal commitment on wind to flood insurance. At the Rules Committee, where I presented the majority request for an open rule, Mr. FRANK stated that he would welcome all amendments that address significant issues.

Now, it is the prerogative of the Rules Committee, and we had a great discussion on that at the committee, and it seemed to talk more about SCHIP, but it is the prerogative of the committee to make amendments in order. But when they hear from the chairman of the committee, Financial Services, in this case, they did not follow his suggestion. There was no more significant issue than adding wind to the flood insurance.

So I guess that Republicans don't deserve the right to participate in the amendment process, whether it is as a member of the committee of jurisdiction or as a Member of the U.S. House of Representatives. Only through an open rule is that possible. For this reason, I rise in strong opposition to the rule being considered here today.

Ms. MATSUI. Mr. Speaker, I just want to make clear that of these 13 amendments, three are bipartisan amendments.

With that, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, part of what our last three colleagues who have been to the floor spoke about was that as members of the Committee on Financial Services they worked very diligently, not only in their States, not only within their delegation, not only within the committee, but also with the chairman on trying to make sure that these good ideas might be included.

Now, the Rules Committee, which I have only served on for 9 years, always finds itself in a difficult position. Always. That is part of the dilemma of being on the committee, in particular when a committee chairman and a member show up before the Rules Committee and they talk about working together, finding a bit of compromise, working together to get a bill and thoughts and ideas to where they are not only germane, but to where they better the bill. The Rules Committee just sits back and we say, boy, that is such a wonderful thing. We are so happy and so pleased, Republicans and Democrats.

Something has happened, something has happened since January that has poisoned that well. Not only time after time after time did we see yesterday when Republicans showed up and said to the committee, oh, I have worked very carefully with my Governor, or I have worked very carefully with people back home, I've worked with the administration, I have put in a lot of time, this is a thoughtful amendment, I've tried to gain the concurrence of working through the committee; and, oh, by the way, I have even worked with my committee chairman, which says something also about the committee chairman, the gentleman from Massachusetts (Mr. FRANK), who yesterday on his own standing said, by and large, look, I understand every issue that is related to this. I don't mind if any amendment, as long as they are not duplicative, and as long as they have substance, I think they ought to be made in order. Once again, one of those times when the members of the committee, Republicans and Democrats, say, boy, that is great. Thank you so much, Chairman FRANK.

Something's happened, however, where people who were from the committee working with the committee chairman come and agree, and all of a sudden every single Republican amendment was rejected. It wasn't because they were duplicative; it wasn't because they didn't have substance. I don't know what it is.

We have tried this morning to have several people who have come to the floor to say I'd like to engage the new Democrat majority, Rules Committee members, to find out—what is it—Why was every single Republican amendment rejected while 13 Democrat amendments were made in order? What is it?

There's a change. I don't think it's open, I don't think it's transparent, and I question some other things behind the decisionmaking that is being made.

Mr. Speaker, the gentleman from Texas (Mr. HENSARLING) also took time to not only have thoughtful amendments, he not only sits on the committee, but also came to the Rules Committee, is here today also, because he believes, we believe, as Republicans we may get shut out, as we were in the Rules Committee; but we are still going to come to the floor and stand for the things which we believe in that would better the bill.

I would like to yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank my dear friend for yielding.

Mr. Speaker, I rarely come to the floor of the House to complain about process. It's a little bit like complaining about the refereeing in the football game. At the end of the day, it doesn't do a whole lot of good. But the irony, the irony of what I see today is so powerful, I must share it with my colleagues.

It was just in the last Congress that our now chairwoman of the Rules Committee, the gentlewoman from New York, said, "Here we go again, another important issue, another closed rule. The majority is arrogant and out of control. Their unethical assault on our democratic values must stop."

That is what the gentlewoman from New York, the chairwoman of the Rules Committee, said when she didn't like closed rules when Republicans were in the majority. Well, here we have a closed rule. At least it's closed to Republicans. This Republican offered 3 amendments, 3 amendments that were very substantive amendments, none of which were found in order. So I am curious whether this closed rule, now that the Democrats are in the majority, Mr. Speaker, whether they consider it arrogant of themselves, whether they consider it an unethical assault on our democratic values to sit here and bring us a rule which is closed to Republicans.

I would certainly yield to the gentlewoman from California if she would like to answer whether or not it's arrogant and unethical to have a closed rule.

Apparently she doesn't wish to answer the question.

Our Speaker, before she became Speaker, said, "We are going to have the most honest and open Congress in history." NANCY PELOSI, January 18, 2006. She also said, "Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute." Speaker of the House, NANCY PELOSI.

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So I am curious, did she not mean it when she said it? Does she not mean it now? Is there some carefully crafted, clever little loophole by which we can explain the Speaker's rules why there is no full amendment process?

And I would be happy to yield to the gentlewoman from California if she would like to explain if the Speaker doesn't mean her words.

Apparently she doesn't care to offer an explanation.

Let's get into the substance of the bill, Mr. Speaker. We are looking at an insurance program run by the Federal Government, not run particularly well, since supposedly premiums were supposed to support this program; and now, now it owes the taxpayers, $20 billion of which it admits it has no way, no chance whatsoever to pay back. None whatsoever.

We have a National Flood Insurance Program run by the Federal Government that subsidizes overtly certain properties, many of which are condos and vacation homes, not all, many of which are. And so we have this anomaly where a factory worker in Mesquite, Texas, in my district, who may be pulling down $50,000, $60,000 a year as a taxpayer, subsidizes the flood insurance for somebody who is making a half a million dollars and has a condo on the beach.

One, this is a program that is not fiscally sound. It is a program that is not fair. It is a program that screams out for reforms. And so what does the Democrat majority do? It wants to expand its coverage. It wants to create a huge, new mandatory wind policy. These are serious issues, Mr. Speaker.

Ms. MATSUI. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I will be asking Members to oppose the previous question to give the Democrats yet another opportunity to live up to their broken promises and amend the rule to allow for consideration of H. Res. 479, a resolution that I like to call the "earmark accountability rule."

Mr. Speaker, this Congress continues to see nondisclosed earmarks appearing in all sorts of bills. These rule changes would simply allow the House to openly debate and be honest about the validity and accuracy of earmarks contained in all bills, not just appropriation bills. If we defeat the previous question, we can address that problem today and restore this Congress's nonexistent credibility when it comes to the enforcement of its own rules.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just before the vote on the previous question.

The SPEAKER pro tempore (Mr. BLUMENAUER). Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO ADJOURN

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 175, nays 229, not voting 28, as follows:

[Roll No. 914]

YEAS—175

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Berry
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Knollenberg
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Fortenberry
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Kagen
Kanjorski
Kaptur
Kildee
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—28

Bachus
Barrow
Barton (TX)
Bishop (UT)
Carson
Cubin
Davis, Jo Ann
Fattah
Herger
Higgins
Hinojosa
Jindal
Johnson, E. B.
Jones (OH)
Keller
Kennedy
Kilpatrick
Kline (MN)
LaHood
Markey
Meeks (NY)
Miller, George
Moran (KS)
Pence
Rangel
Saxton
Spratt
Sullivan

□ 1158

Messrs. MOORE of Kansas, MEEK of Florida, McNERNEY, ELLISON, LEVIN, Ms. HARMAN, Messrs. EDWARDS, SARBANES, and JOHNSON of Georgia changed their vote from "yea" to "nay."

Messrs. SAM JOHNSON of Texas, DUNCAN, GALLEGLY, BUCHANAN, HUNTER, PORTER, and POE changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARTON of Texas. Mr. Speaker, on Thursday, September 27, 2007, I was unable to make the first vote in a series because I was at the White House for a bill signing of the Food and Drug Administration Amendment

Act of 2007. Had I been present, I would have voted "yea" on motion to adjourn which failed by the Yeas and Nays: 175–229 (Roll No. 914).

Stated against:

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 914, I missed this vote, because I was stuck in traffic. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, if I could inquire from my colleague from California if she has finished with her speakers.

Ms. MATSUI. Yes, I have.

Mr. SESSIONS. Mr. Speaker, at this time I yield the balance of my time to the distinguished gentleman from Ohio, the minority leader, Mr. BOEHNER.

Mr. BOEHNER. Let me thank my colleague from Texas for yielding.

Mr. Speaker, posted on the Speaker of the House's Web site at this moment is a document entitled "A New Direction for America." In this document, the following statement is highlighted: Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives.

Last November when Democrats were preparing to take control of this Chamber, I appreciated something that Speaker PELOSI said. And I quote, "The issue of civility, the principle of civility and respect for minority participation in this House is something that we promised the American people. It is the right thing to do. And I set forth, over a number of years now, principles and respect for minority rights. And we intend to implement them."

This statement was made almost a year ago at a press conference on November 20, 2006. Now, let's contrast those statements that were made and with what took place last night in the Rules Committee.

Seven Republican amendments were offered to the bill that we are about to debate, none made in order, including a bipartisan amendment offered by Mr. GARRETT of New Jersey; 13 Democrat amendments were made in order.

Now, the last time the flood insurance bill was on the floor of the House, which was in the 109th Congress, six Democrat amendments were made in order, one bipartisan amendment was made in order, and nine Republican amendments were made in order.

And if this isn't bad enough that the Republicans were denied any amendments in the bill that we have before us today, the majority also, in its rule, has waived the earmark reform rule again.

Now, yesterday when we had the SCHIP bill on the floor, there were earmarks in the bill. They weren't disclosed, they weren't outlined, and there was no way for Members to get at a debate or an amendment on those earmarks that were in this bill.

What assurances do American taxpayers have that there isn't some earmark in this bill that we have today? Because there is no list. But yet, the Rules Committee felt obliged to waive the earmark reform bill that was put in place earlier this year.

Now, the problem we have with the underlying rule is really part of the bigger problem. Last night, our Rules Committee Republicans put together a report outlining the number of closed rules that we have had in this House.

I was here in the early 1990s demanding that the minority ought to be treated more fairly. And clearly, when Republicans took majority control of this House, it may not have been everything everybody wanted, but there was more democracy in the House than what we have seen this year. And I just want to implore all of my colleagues that the American people sent us here to work together to solve the problems of this country. And yet, all year, as I have put my hand out to try to find a way to work in a bipartisan manner, it gets slapped away. That is not what the American people want of us. It is not what they deserve. And I would ask my colleagues to understand, many of you were here in the minority; you know exactly what I am talking about. It is time to be treating the minority the way you asked to be treated when you were in the minority.

I would ask my colleagues to defeat this rule, send it back to the committee, and let's do this in the fair, bipartisan way that the American people expect.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

I want to point out, Mr. Speaker, the earmark rule is not waived in this rule despite the claims of my colleagues. I urge them to read page 2, lines 6 and 7, that the earmark rule specifically excludes the earmark rule from the waiver. Any suggestion otherwise is simply untrue.

Additionally, the Rules Committee took testimony yesterday on this bill. Unfortunately, some of the Members who spoke today didn't even come to testify on their amendments.

Mr. Speaker, this bill takes the National Flood Insurance Program in a positive direction. This bill takes important steps to modernize the flood insurance program. This bill has bipartisan support. It raises maximum coverage limits to keep up with inflation; it provides new coverage for living expenses if you have to vacate your home; and, moving forward, Congress is making the flood insurance program sustainable in the long run.

Mr. Speaker, these are all positive steps that allow the program to continue to provide peace of mind to those impacted when a flood event occurs.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 683 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution ..... [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56).

Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. MATSUI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on House Resolution 682;

adopting House Resolution 682, if ordered;

ordering the previous question on House Resolution 683; and

adopting House Resolution 683, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 3567, SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is on the vote on ordering the previous question on House Resolution 682, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 222, nays 190, not voting 20, as follows:

[Roll No. 915]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Bachus
Carson
Cubin
Davis, Jo Ann
Doyle
Everett
Feeney
Gohmert
Herger
Hinojosa
Jindal
Johnson, E. B.
Keller
Kennedy
Kline (MN)
LaHood
Marchant
Meeks (NY)
Moran (KS)
Reyes

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1226

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 181, not voting 29, as follows:

[Roll No. 916]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Bachus
Brady (TX)
Burgess
Cannon
Carson
Carter
Conaway
Cubin
Culberson
Davis, Jo Ann
Doyle
Everett
Gohmert
Granger
Hall (TX)
Hensarling
Herger
Hinojosa
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Marchant
McCaul (TX)
Meeks (NY)
Moran (KS)
Olver
Thornberry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1235

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 683, on which a recorded vote was ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 193, answered "present" 1, not voting 18, as follows:

[Roll No. 917]

AYES—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—193

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Frank (MA)

NOT VOTING—18

Bachus
Carson
Cubin
Davis, Jo Ann
Doyle
Everett
Hastert
Herger
Hinojosa
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Meeks (NY)
Melancon
Moran (KS)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in the vote.

☐ 1243

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 188, answered "present" 1, not voting 23, as follows:

[Roll No. 918]

AYES—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—188

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Frank (MA)

NOT VOTING—23

Bachus
Boozman
Carson
Cleaver
Conyers
Cubin
Davis, Jo Ann
Doyle
Everett
Hastert
Hensarling
Herger
Hinojosa
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Meeks (NY)
Moran (KS)
Murphy, Tim
Reynolds
Smith (NE)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining in this vote.

☐ 1251

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 3121, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 683 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3121.

☐ 1253

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, with Mr. COSTA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, preliminarily, I recognize myself for 1 minute just to say that I want to be very clear that I regret the decision not to allow a number of amendments offered by members of the minority to this bill. And I will give them my word that as this legislative process goes forward, I intend to seek out opportunities to give them fair consideration.

I must say, Mr. Chairman, I'm never happy when I see my colleagues on the Republican side being a little obstreperous, but when they're being obstreperous with good reason, I really find that hard to tolerate. So I did want to make clear my view and my hope that we can deal with that.

Mr. Chairman, I yield such time as she may consume to the Chair of the Subcommittee on Housing, from which this bill came forward, who has done a great job all year on this legislation, the gentlewoman from California.

Ms. WATERS. Mr. Chairman and Members, I rise in strong support of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007. And I would like to thank my colleague from Mississippi, Mr. GENE TAYLOR, for all of the work that he has put into this issue and the way that he helped to focus my committee and the overall Financial Services Committee on this very issue.

He will be speaking today. And I don't think there is anybody who can describe what happened as a result of Hurricanes Katrina and Rita and Wilma and what happened in the gulf coast, in particular, his district, any better than Mr. TAYLOR will do. And by the time he finishes his presentation here today, I think all of the Members will very well understand why it is so necessary that we move with a real reform bill to deal with these kinds of catastrophes.

As you know, I introduced a bill on July 19, 2007, following substantial consideration by the Financial Services Committee on flood insurance and related issues. Specifically, the committee held two hearings on June 12, one examining the issues of the national flood insurance program raised by the gulf coast hurricanes, and a second hearing on the predecessor to this bill, H.R. 1682, introduced by Chairman FRANK. Thereafter, on July 17, the committee held a hearing on related legislation, H.R. 920, the Multiple Peril Insurance Act of 2007, that was introduced by Mr. TAYLOR.

H.R. 3121 reflects this extensive committee analysis on the NFIP, wind insurance and related issues. Accordingly, on July 26, 2007, the Financial Services Committee reported out H.R. 3121 with a favorable recommendation. I hope that we're able to pass H.R. 3121 today because it makes critical improvements to the NFIP in light of the devastating lessons of the 2005 hurricane season.

In the aftermath of Hurricanes Katrina, Rita and Wilma, NFIP faced unprecedented financial and regulatory strains as it confronted approximately $21.9 billion in NFIP-insured losses. The program had to borrow in excess of $17.5 billion from the United States Treasury in order to pay claims and interest resulting from Hurricane Katrina alone.

Those of us concerned about NFIP in the wake of the 2005 storms saw the urgent need to put the program on sounder financial footing by addressing the issues stakeholders had raised around the substantial premium discounts and cross-subsidies among classes of its policyholders, outdated flood insurance rate maps, allegations of uneven compliance with mandatory purchase requirements, and questions as to the performance and efficiency of private insurers operating under the NFIP's Write Your Own program.

Additionally, the committee hearing on H.R. 920, the Multiple Peril Insurance Act of 2007, made it clear the need to address perverse incentives created by dual government and private insurance regimes when damage can be a result of wind and flood. I'm proud to say that H.R. 3121 prudently addresses these concerns.

Specifically, the bill would increase NFIP's borrowing authority to $21.5 billion from $20.8 billion, but require that it satisfy traditional criteria for actuarial soundness by phasing out discounted premiums; allow the Federal Emergency Management Agency, that is, FEMA, to increase flood policy rates by 15 percent a year, up from 10 percent; raise civil penalties on federally regulated lenders who fail to enforce mandatory purchase of flood insurance for mortgage holders; increase program participation incentives; encourage the revisions to flood maps; and starting in mid-2008, allow for the purchase of optional insurance for wind as well as water damage.

These reforms are desperately needed because, as we have seen, storms will become stronger and more intense. We need a program that can contend with the worst that Mother Nature can throw at us. Simply put, we cannot wait and let another hurricane season pass without putting the National Flood Insurance Program on solid footing.

I would urge my colleagues to support H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

And I thank you so very much, Mr. Chairman, for all of the time that you have put in trying to make us very credible as we relate to these reforms by not only giving us the leadership, but allowing us to hold the hearings that are so necessary to get the information that is so desperately needed to do this.

Mrs. CAPITO. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, floods are amongst the most frequent and costly national disasters in terms of human hardship and economic loss. In fact, 75 percent of Federal disaster declarations are related to flooding.

Before I discuss the merits of the legislation, I would like to talk briefly about the process that is being considered. We are debating a huge expansion of an already struggling existing Federal program, and yet we have not been able to have our amendments out on the floor to have an open and frank discussion about this.

I would like to accept the chairman's offer to continue to work on the amendments that were not allowed to be offered, and I hope that we can see democracy being served by letting everybody's voice be heard.

☐ 1300

In 1968, Congress established the National Flood Insurance Program, NFIP. The program is a partnership between the Federal Government and participating communities. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction, the Federal Government will make flood insurance available to that community. Today, NFIP is the largest single-line property insurer in the Nation, serving nearly 20,000 communities and providing flood insurance coverage for 5.4 million consumers.

Mr. Chairman, recent events have underscored the need to reform and modernize certain aspects of the program. While the NFIP is designed to be actuarially sound, it does not collect sufficient premiums to build up reserves for unexpected disasters. Due to the claims resulting from Hurricanes Katrina and Rita, the NFIP was forced to borrow $7.6 billion from the Treasury, an amount it estimates it will never be able to repay. Consequently, NFIP sits on the GAO's High-Risk Programs list, which recommends increased congressional oversight. Additionally, the 2005 storms shed light on the problem of outdated flood maps, resulting in many homeowners in the gulf region being unaware that their homes were located in floodplains.

To address these and other concerns in 2006, the House overwhelmingly passed flood insurance reform legislation. Earlier this year, Chairman FRANK and Representative JUDY BIGGERT introduced legislation identical to that bipartisan bill. That bill includes many reforms, including the phasing in of actuarial rates, but unfortunately, the flood insurance bill that the majority chose to move out of the Financial Services Committee was amended to incorporate legislation offered by the gentleman from Mississippi (Mr. TAYLOR) which expands the NFIP to include coverage for wind events.

Mr. Chairman, no Member of this House was more personally affected by the 2005 hurricanes than Congressman TAYLOR. I do not, and no one questions his sincerity or his commitment to assisting those who have lost everything they owned in these storms. While I share his concern over the rising costs and outright unavailability of homeowners' wind coverage in some areas, I have three principal objections to linking wind insurance to the reform of the National Flood Insurance Program.

First, expanding the program increases liabilities for taxpayers while decreasing options for customers or consumers. Properties located along the eastern seaboard and gulf coast represent $19 trillion of insured value. Shifting the risk on even a portion of these properties to the troubled NFIP could expose taxpayers to massive losses. The fact is that insurance will choose not to engage a competitor that does not pay taxes, has subsidized borrowing costs, and is not required to build a reserve surplus and is protected from most lawsuits, State regulation and enforcement.

Second, adding wind coverage to the NFIP will exacerbate the program's well-documented administrative problems. Both the Department of Homeland Security and GAO have criticized the NFIP for being understaffed, not having adequate flood maps and not collecting sufficient information on wind payments when claims were submitted for flood damage. Expanding the portfolio further before much-needed reforms are in place is premature.

Third, no consensus yet exists about the necessity or desirability of creating a Federal wind insurance program. In testimony before our committee, representatives of flood management groups, the insurance industry, environmental organizations, Treasury and FEMA all expressed agreement that a comprehensive study of the proposed wind insurance mandate should first be commissioned to provide Congress with a better understanding of the possible implications this expansion could have for consumers, NFIP and the market.

Mr. Chairman, we must not let the desire to meet every perceived problem with a new Government program drive us towards premature actions that yield unwanted consequences. The NFIP's mission should not be expanded, exposing taxpayers to massive new risks, until reforms are in place and adequate study has been conducted.

In addition to the above reservations, I have serious concerns with the effect the addition of wind coverage will have on communities that are now relying on NFIP. This program is already financially unstable, yet we are about to add $19 trillion of risk. Despite this fiscal instability, States like West Virginia, that I represent, will still rely on the program to provide assistance in the case of serious flooding. There have not been major problems this year, thankfully, but as recently as 2001, FEMA has declared counties in my State national disasters due to flooding and provided $17 million in assistance. These are serious needs across the Nation for the flood insurance program. We should be modernizing NFIP so it can become financially stable.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree that we should have had an amendment that would have allowed us to debate whether or not to strike the wind addition. I would have vigorously defended it as I will do now.

The problem is that we now give the insured and the people who administer insurance an impossible task. It is to evacuate a home on the notice of a hurricane and to return to that home some period of time later after there has been devastation from a hurricane and decide with some degree of certainty what damage was caused by water and what by wind, because the Federal Flood Insurance Program protects against water damage. Wind damage is under the auspices of private companies. In some cases, of course, the same company would be involved, and some of the adjusters would have an interest in whether or not it was water versus wind. The more it was water, the less they would have to pay. But even aside from that conflict of interest, it is inherently difficult, in fact impossible, to decide, if you go back and there is all this devastation, was it the wind that blew the roof off? Was it the flood that did it? Was the window broken by a wind-driven projectile? It is impossible to tell. We give people this impossible decision.

Now, the way the wind program works under the bill, in the first place, it is not a complete expansion. You only would be eligible to buy wind insurance if you already have flood insurance. It will lead to no new insureds. That has to be very clear. No one who is not now taking out insurance, not just eligible, but taking out insurance, will be allowed to take this out, because it can only be an adjunct to your water policy. It is aimed at trying to avoid having this impossible arbitration between wind and water damage.

Secondly, and CBO scores it this way, it is subject to PAYGO. The mandate in the legislation is that it has to be actuarially sound. And people have said, well, the previous flood insurance program wasn't actuarially sound. True. It wasn't subjected to that statutory mandate. It wasn't subject to PAYGO.

We have in here language that mandates that the wind coverage be actuarially sound. CBO has certified, and as Members know, we don't always get from CBO what we think is the right answer, but in this case, CBO has certified that this meets PAYGO and that wind will be there.

So what we are saying is that if you already have water and you are in an area where you are likely to have a combination of wind and water, we will allow you to buy wind as an adjunct so that, and you will have to pay the going rate for it, the actuarially sound rate, but then you will avoid this terrible, intractable problem of arbitrating wind versus water.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. I yield 4 minutes to one of the original authors of the bill that was presented initially to this Congress, the gentlewoman from Illinois, Representative JUDY BIGGERT.

Mrs. BIGGERT. Mr. Chairman, I would like to express congratulations to the ranking member on her taking over as the ranking member of the Housing Subcommittee.

Mr. Chairman, I have always known Chairman FRANK to never shy away from a debate. I appreciate his acknowledgement that he would have liked to have had the opportunity to debate the amendments that were not made in order. I know how concerned he was about that and it shows by his vote on the floor. So I really appreciate that. He has always been ready, willing and able to know what the opposition is and their concerns and to debate that.

Mr. Chairman, Chairman FRANK and I did introduce H.R. 1682 earlier. That was the Flood Insurance Reform and Modernization Act of 2007. That was to address the much-needed reforms to NFIP, the Nation's largest single-line property insurance provider. Unfortunately, the legislation before us today, I think, jeopardizes our commitment to enact these reforms because it does couple H.R. 1682 with H.R. 920, which is Representative TAYLOR's bill. We all know how sincere he is about this much-needed reform. But it does add wind to the National Flood Insurance Program. I really am concerned about this.

We had several hearings. Witness after witness testified that adding wind to the flood insurance program was not a good idea. At one of the hearings, adding wind to NFIP, the National Association of Insurance Commissioners, the insurance experts, environmental groups, floodplain management groups, the Treasury and FEMA all were opposed to such an expansion.

In previous Congresses, flood modernization bills virtually identical to H.R. 1682, the Frank-Biggert bill, enjoyed broad, bipartisan support. During the last Congress, the Financial Services Committee considered H.R. 4973, the Act of 2006, which the House passed by a vote of 416-4 on June 27, 2006.

But instead of embracing this approach and the recent track record of bipartisanship on NFIP, the other side of the aisle has chosen to introduce this new bill and include language that I think really threatens the passage of necessary reforms to the program. I am disappointed by this action. NFIP needs reform now, not a controversy and costly program expansion.

For the majority of its 39-year history, NFIP has been a self-funding program. However, flood insurance claims from the 2005 hurricane season have grown to almost $18 billion, a total greater than all the claims from all the other years combined. Unless the NFIP program is reformed soon, the program will face insolvency. In January, the GAO placed the flood insurance program on its High-Risk Series list, which recommends increased congressional oversight for troubled programs.

So, Mr. Chairman, it is clear that NFIP reform is needed now. Therefore, before expanding the NFIP program to include wind, we should keep our commitment to reform NFIP and move H.R. 1682 instead of the bill before us today. The administration has said that if the wind provision is included in this bill, the President will veto it. So adding wind, really, to me, is a poison pill to the flood insurance reform bill and is compromising our efforts to enact much-needed bipartisan reform of the National Flood Insurance Program.

Mr. FRANK of Massachusetts. I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the representative from Illinois (Mr. ROSKAM), a member of the Financial Services Committee.

Mr. ROSKAM. I thank the gentlewoman for yielding.

Mr. Chairman, have you ever walked by a construction site? When they are putting up big buildings, it is really a sight to behold. And you look down at the foundation upon which they are building. If they are building the house right, they are putting it on a foundation of absolute bedrock. As you are watching them put it together, they are bringing in large pieces of concrete and steel. They are putting it down ever so slowly, ever so slowly, because when they finally put it down on the foundation, it is not going to move again. That is why they are very, very careful.

I think today we are missing an opportunity to build on a solid foundation. We have an opportunity to fix a failed and struggling program, and that is the National Flood Insurance Program. That is not bedrock. It is peat moss. It is very, very soft stuff. It has an $18 billion liability right now.

Unfortunately, rather than dealing with the flood component, what is happening is that an additional liability is being placed on a program that doesn't have a solid foundation. We are giving additional responsibility in this bill to FEMA without any substantive reforms of FEMA. I know that over the past years, FEMA has been subject to and receives a great deal of criticism with the way in which it conducted itself following Hurricanes Katrina and Rita.

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I think that the lost opportunity here is a sad thing. The vast majority, not the overwhelming majority, but the vast majority of claims have been settled in the previous conflict, and now here we have got the chance to fix the flood program. My district wants a flood program that is dynamic and vibrant and solvent and based on a good foundation.

As was previously mentioned, the GAO has put the NFIP on a watch list, and yet we are entrusting the NFIP with the new responsibility. That we ought not do.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. I want to thank Chairman FRANK, Chairwoman WATERS, Chairman MEL WATT, the Democratic members of the Financial Services Committee for bringing this incredibly important bill to the floor.

Mr. Chairman, a little over 2 years ago, the Nation's worst disaster hit a number of places, including the district I have the privilege of representing. An unprecedented number of homes were destroyed, including my own. As the crow flies between my house and Senator LOTT's house is 40 miles. As inconceivable as it may be, in that 40 miles between our houses, only a handful of houses within several blocks of the Gulf of Mexico remained.

A number of things occurred after that storm, most of them good. People in south Mississippi pulled together. They did what they could to take care of themselves. People from all over America came to our assistance. Congressman GILCHREST's district raised something in the neighborhood of $40,000 to $50,000 for the people of my district, as well as the people of St. Mary's County. There are so many of these things, that I can't enumerate them all. The people of St. Mary's County sent down three truckloads of Christmas presents to kids who lost everything.

To this day, there are still young volunteers and not-so-young volunteers from all over the country who come down there trying to help people rebuild their lives. About the only group that didn't try to help the people of south Mississippi is the insurance industry. You see, within days of the storm, the insurance industry issued a memo to their employees that said whenever wind and water occur concurrently, blame it all on the water.

Mr. Chairman, the United States Navy has modeled what happened that day in Mississippi, and the United States Navy tells us that for 4 to 5 hours in south Mississippi we had hurricane force winds before the water ever got there.

Under the National Write Your Own program, we count on the private sector for two things: we count on them to sell the policy, and that way our Nation does not have the administrative expense of having a sales force. But we also count on them to adjudicate the claim fairly. Those things that are wind, say the wind did it, and they have to pay. Those things that are attributed to water, you can blame it on the flood insurance, and the Nation pays.

Within days of the storm, State Farm and other companies had issued the following e-mails to their employees: Where wind acts concurrently with flooding to cause damage to the insured property, coverage for the loss exists only under flood coverage.

So, on one hand, they have a contract with the Nation that says we are going to pay if it's wind damage, the Nation is going to pay if it's flood damage. They get to adjust the claim. We don't have a Federal employee following them around. The total discretion to make this claim is with the private sector.

Put yourself in the position of that 25-year-old claims adjuster. You're looking for your Christmas bonus; you're hoping for a promotion. You can walk on that property and say what is fair, that, yeah, there was wind and there was water, or you can be a company man and you can follow the memo from company headquarters and blame it all on the water and stick the taxpayer with the bill. That is not fair to the taxpayer right off the bat, and it's not fair to the citizens.

Let me further clarify this, and I have kind of become an expert at it the hard way. Every homeowner's policy has something in it called "Cost of Living Expenses," and that is if your home burns down tonight, and you have got a homeowners policy, they will pay to put you up until they fix your house. But if they deny the claim, they don't put you up.

The President came down shortly after the storm and said, you know what, if you have lost your house, or if your house is substantially damaged, we are going to get you a trailer to live in. They assigned, just in south Mississippi, 42,000 trailers; one for every family of five, $16,000 per trailer.

Then they gave another contract to an outfit called Bechtel to haul those trailers the last 70 miles, from a place called Purvis, Mississippi, down to the site where a home was, hook it up to a garden hose, plug it in, hook it up to the sewer tap. It worked out where that company got another $16,000 just for doing the very simple thing that grandmoms and grandpops and moms and dads do every weekend, which is called hooking up a travel trailer.

We are now up to $32,000 per trailer, times 42,000 times, because they decided they weren't going to pay on their homeowners claims, that the Nation would pay. Now, you can come to this floor and defend that, but I don't think you can.

So the individual who had a homeowners policy, because if you live in hurricane country, and this has happened three times in my lifetime, it's the only time I lost my house, but three times in my lifetime I have seen terrible storms. You don't know if it's going to be more wind than water or more water than wind. So you buy both policies, with the idea if I get flooded, I've got a flood policy. If it's wind tearing my roof off, I've got a wind policy. You have both.

As the chairman pointed out, our Nation spends a fortune to have hurricane hunters fly into these storms. Our Nation spends a fortune to put satellites that track storms into space. Why do they do that? To give people warning so that they don't die in the storm. Our sheriffs departments and police chiefs did a wonderful job: get the heck out of here, this is going to be a bad storm. So the logical people and the people who weren't hard-headed got the heck out of there. We lost a rocket scientist. I am certainly not going to say that man was dumb, but he built what he thought was a hurricane-proof house. He died in that hurricane-proof house.

The point is that the few folks who stayed behind almost all died, but the few folks who stayed behind had their claims paid because they could sign an affidavit and say I saw my roof fly off before the water got there, I saw my windows fly in. And, by the way, I was 10 miles inland that day and the windows in my brother's house flew in. The insurance companies paid wind claims in all 82 counties of Mississippi, all the way to Memphis, Tennessee; but they are somehow trying to convince this Congress that the wind somehow miraculously leap-frogged over the coast and they shouldn't have had to pay where it hit first.

Mr. Chairman, what we are trying to do with this is tell the people of America, the 52 percent of the people that live in coastal America, that if you build the house the way you should, if you pay your premiums, if you buy this additional coverage, if your house is destroyed in the course of a hurricane or substantially damaged in the course of a hurricane, you don't have to be there with a video camera to record whether it's wind or whether it's water. You paid your premium, you built it right, you are going to get paid.

One of the gentlemen mentioned that the insurance companies have settled 90-something percent of the claims. Let me address that.

I was pretty busy, as you might guess, after the storm. I put off meeting with my adjuster for 2 weeks. By the time I met with my adjuster, I had heard dozens, if not hundreds, of my constituents as I am going around passing out MREs, told me, "They already told me they are not going to pay me. I had a homeowners policy. They are not going to pay me."

So by the time they came to my house, I asked my agent, Please don't say a word. Each one of my steps is about 3 feet. Let's just count the steps until we find my roof. We paced off about 150 of them, 450 feet. I showed them my roof and pointed out it was tin. I reminded them that tin doesn't float. I showed them the holes where it had been ripped through the bolts.

I said, This is my roof. I am the only guy in this neighborhood that has this style roof. This is my roof, and it is 450 feet from where my house used to be. Now let's walk back to where my house used to be. Miss, what do you have to say? This to the claims adjuster.

The first words out of her mouth, I see no evidence of wind damage. We are, however, prepared to pay your flood claim. To which I reminded her that was very sweet of State Farm. That is not their money; that is the Nation's money. What about the claim for that roof that flew over there?

What we are trying to do with this is prevent the need for my constituents, your constituents, anyone who lives in coastal America, to have to stay behind with a video camera to record the destruction and possibly die with these claims. If you build it right, if you pay your premiums, then you get paid. Pretty simple. Under the PAYGO rules of this House, it will pay for itself. It has to. It is written in the law.

Lastly, we quit putting the insurance companies in a position where they can bilk the taxpayers for billions of dollars. What some of you may not know, something I will be entirely grateful for, is because so many homeowners claims weren't paid in south Mississippi of people who lived outside the floodplain, who had homeowners insurance but didn't get paid, in one of the appropriations bills after Katrina, $4 billion in taxpayer dollars was included to pay those people's insurance claims. The taxpayers paid for what State Farm, Nationwide, and Allstate should have paid.

So when people say this is some sort of raid on the Treasury, I see it as just the opposite. This is creating a program where the Nation won't have to ride to the rescue next time because people will have bought insurance ahead of time, in a program that pays for itself, in a program that says if you built it right, if you pay your premiums, an act of God destroys your house, you are going to get paid.

I can't think of anything that is more fiscally responsible. I can't think of anything that is more right for the citizens. And I would remind my colleagues that the National Association of Homebuilders, the National Association of Realtors, and the National Association of Bankers, when given the opportunity to look at this bill in its totality, have endorsed this bill as it is written, including the wind versus water language to allow people to buy all-perils insurance.

I thank the chairman for his leadership on this. No one can say they have been blindsided on this issue. The hearings on this issue began in January. The debate on this issue started the week after the storm. There has been ample opportunity for people to weigh in on this issue.

I very much thank again the chairman, Ms. WATERS, Mr. MEL WATT, for the opportunity to bring this to the floor and the opportunity to right an egregious wrong against the American people.

Lastly, I would like to remind people that even with Katrina, the insurance industry made $42 billion in profits the year of Katrina. So while they are simultaneously telling their employees, don't pay the individual, while they are sticking the bill to the citizen, if you have any doubt in your mind why flood insurance lost so much money, it is because they made so much money that year. We are trying to correct that. I hope you will help us.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentlewoman for yielding.

Mr. Chairman, I appreciate that many homeowners around the country require affordable insurance against natural disasters. However, I also know that the Federal Government cannot afford spending at the excessive levels we are spending at. By expanding the National Flood Insurance Program, the NFIP, H.R. 3121 would put the Federal Government on the hook for even more billions of dollars.

Coming from a State prone to hurricanes, I am sensitive to those needs and to those who live in high-risk areas for natural disasters. But it would be irresponsible for the Federal Government to expand its program without fully understanding the repercussions. Unfortunately, many Americans will likely once again find themselves affected by devastating natural catastrophes such as hurricanes. The NFIP already owes the Department of Treasury around $18 billion, and it is unlikely that they will ever be able to repay this amount; $18 billion.

So should we now increase the NFIP's exposure, thus increasing the Federal Government's liability, by expanding this program to include wind insurance? To do so would be unfair to the taxpayers who would be stuck with this bill, Mr. Chairman.

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Expanding this already distressed program will increase the Federal Government's liability, and will almost definitely increase government spending on a huge scale while crowding out private insurance markets.

Therefore, I urge my colleagues to join me in voting against H.R. 3121, the Flood Insurance Reform and Modernization Act.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time and permitting me to speak, and for the hard work he and his committee have invested in this.

Mr. Chairman, the area of flood insurance is one that I have been focusing on over the last half dozen years. I was pleased to work with our former colleague, Doug Bereuter, with Chairman FRANK and with then-Chairman Oxley on some serious flood insurance reform that predated the most recent disaster with Katrina. During that time, I had a chance to learn a lot about opportunities that the Federal Government has to alter its programs and policies to reduce this long-term exposure, and to think about the redesign of the partnership between the private sector, the State and local governments.

While I appreciate my friend from Mississippi's tenacity in zeroing in on an area of very serious problem dealing with wind damage, and he has documented in great detail the almost impossible situation that many of his constituents and others in the Hurricane Katrina area have faced, I am trying to keep an open mind in terms of how far we go along the lines in terms of expanding it to add wind damage.

I don't think that we have seen the end of this process. I am looking forward to working with my colleague on the legislative process as it moves along. I am deeply concerned that we haven't come to grips with the financing of our flood insurance program. We are looking at upwards of $20 billion, and we are slowly having some actuarial balance added to these programs; but, it still lags. Not only is there a problem of not having actuarial balance to be able to provide the sums that are necessary to maintain this as a self-supporting program, because as it stands now, that is going to be a stretch. It is going to take a long time without serious incident for us to get there.

I am also concerned that we need to do a better job of making sure that the Federal Government and State and local governments aren't putting more people in harm's way. In too many areas we have seen that there has been, shall we say, reluctance on the part of local authorities and State authorities to be rigorous in making sure that we are not pouring large sums of public investment in areas where it is encouraging people to locate in places where we know there is going to be damage over time.

Last but not least, later in this debate we will be talking about working with FEMA to make some adjustments to take into account global warming, climate change and rising sea levels, because this is an area that is going to compound lax local land use controls and unsteady development processes that is going to end up creating a disaster out of our disaster relief.

I can't say enough about how much I appreciate the committee's willingness to be involved in an area that some think is esoteric, that is sort of mundane, that is sort of too detailed and unexciting. But it is precisely that sort of attention that is going to make us have a stronger program that is going to meet the needs of people and is going to do so in a way that actually helps keep people out of harm's way, which ought to be our ultimate objective.

We ought to make sure that all of these forces save money, save lives and protects the environment. I think this legislation moves in that direction. I look forward to working with the committee as this legislation works its way through the legislative process to better achieve that goal.

Mrs. CAPITO. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentlewoman from Florida (Mrs. GINNY BROWN-WAITE).

Mr. FRANK of Massachusetts. Mr. Chairman, I yield an additional minute to the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise to engage my good friend Chairman FRANK in a colloquy concerning the bill.

Mr. FRANK, as you recall during the committee process before we actually marked up H.R. 3121, my Florida colleagues and I raised some serious questions and concerns over expanding the flood program to cover wind. We are concerned that while this expansion may help some in areas of the United States, we were uncertain whether it would hinder some States like Florida that tend to be excluded from the national insurance market.

You will remember Representatives FEENEY, PUTNAM and I introduced an amendment that struck the provisions expanding NFIP to cover wind losses. The amendment put a GAO study in its place to give members in the department time to vet this issue further. Unfortunately, the amendment did not pass the committee, but you and I asked for a GAO study very similar to the one included in the amendment.

You and I have worked closely on issues in the past, and I know that you are a man of your word and you have always given those of us with differing thoughts an opportunity for ample discussion and consideration.

I am hoping today to get your word that when the GAO study is released in April, that the committee and the regulators will take into serious consideration their findings. For example, some of the questions we asked were whether consumers would be able to purchase wind and flood policies at sound, actuarial rates; whether FEMA had staff available and was prepared to administer such an expansion; and how much an expansion of this nature would expose taxpayers to future losses. Those and other questions that were posed, they are tough questions that GAO will be responding to.

But I hope I have your commitment that the Committee on Financial Services members who support an expansion and the regulators listen and respect the findings, regardless of the outcome. I would ask for that commitment, Mr. Chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I must say, Mr. Chairman, the gentlewoman asks for my word, and I am tempted to assume a cultural pose which I haven't always had and simply say, "Word." But I am not sure that is still in vogue. I'm sometimes behind in my fashionableness.

I will say this to the gentlewoman; she has been very constructive and we have been able to work together on this and other matters, including on the most recent legislation involving floods. Certainly I will do everything I can to see that this is given very serious consideration.

Now I should add, the recommendations may mean a curtailment of the program or an adjustment of the program. If the argument is that FEMA is not well structured, the response might be to try to improve the structure of FEMA. But I take this report very seriously. So she has my word that we will take this very, very seriously. In fact, I would say when we get the report, the first thing we will do will be to have a hearing on it and then go from there.

Ms. GINNY BROWN-WAITE of Florida. I look forward to continuing this ongoing work relating to the NFIP program.

Mr. FRANK of Massachusetts. Mr. Chairman, I have no further requests for time, and so I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to Mr. GILCHREST from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentlewoman for yielding, and thank Members on both sides and staff for working on this vital issue.

I want to take a minute or two to tell the Members that there will be an amendment coming up during the amendment process offered by Mr. BLUMENAUER and myself to deal more effectively with how the Federal Government determines taking into consideration future effects of climate change on the American taxpayer and homeowners. I would urge all of my colleagues to vote for the amendment.

The amendment does basically two things: Are we, as a Federal Government, providing incentives to put more people in harm's way in coastal areas and are we adding cost to the Federal taxpayers as a result of that; and are we incentivizing ecological degradation?

I say that because there are maps on coastal areas and there are maps on flooding and there are maps on predicting storms that are all based on history. Nothing is projected into the future with an understanding of what global warming is going to do.

Let me tell you how it has impacted my district in the Chesapeake Bay. Poplar Island for decades was a popular place for many people in Maryland, including Presidents of the United States. It was 1,500 acres. It is now 5 acres as a result of sea level rise. We are now restoring that island with dredged material.

Holland Island, 350 people lived on Holland Island. It was 5 miles long and a mile and a half wide. It is down to 100 acres today, and nobody lives on Holland Island.

Barren Island was 582 acres. It is down to 120 acres now.

Areas in my district, Blackwater Refuge, for example, in Dorchester County, loses 120 acres a year due to sea level rise and exacerbated erosion problems.

It is not taken into consideration by the Federal Government, by FEMA, or anybody else, to project those natural causes that are occurring right now. In the Chesapeake Bay, sea level used to rise 3 feet every 1,000 years. In the last 100 years, it has risen a foot and a half. It is important for us to take these things into consideration.

I urge Members' vote on Mr. BLUMENAUER's amendment when we come to that point in the debate.

Mrs. CAPITO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Financial Services Committee.

Mr. HENSARLING. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I listened very carefully to the gentleman from Mississippi, and he may recall that I went to his hometown and I saw what was left of his home. I saw that devastation and I spoke to those people firsthand.

Although my family didn't feel quite that devastation, my in-laws lived in New Orleans and their home was severely damaged in Hurricane Katrina. My father-in-law was in the New Orleans Convention Center when all of the violence broke out. That is something that my family knows about, so I know there has been a lot of pain in that community. And I have no doubt that the Federal Government, which has already rendered over $100 billion of taxpayer aid, can do more good; but I fear, I fear this is not the solution.

Now I look at the legislation and I understand it is designed to be actuarially sound. I understand that the taxpayers aren't supposed to have to pay more. I understand that factory worker in Mesquite, Texas, in my district, who generously gave to help fellow Americans in their time of need, he has come to me and said, "Congressman, I want to be helpful, but tell me we don't have to do this again."

Congress can't outlaw hurricanes, but what do we do to make sure that he doesn't have to pay again.

So now we have a program that is not actuarially sound. It was designed to be, but it is not. So on the coverages that we have, and I will admit under the chairman's leadership there have been a number of reforms put into the program that I support, but we are increasing coverages. We are upping coverages. We are adding wind on top of a program that already owes the taxpayer $20 billion that they have no way to pay for whatsoever.

I would note, we had other insurance programs that were supposed to be financially sound: Social Security, which now is a long-term deficit of $8.9 trillion; Federal Pension Benefit Guaranty Corporation is supposed to be fiscally sound, running a deficit of $18 billion, off-balance sheet liability of $73 billion. We have already talked about the National Flood Insurance Program, Federal crop insurance, Medicaid. I could go on and on.

Mr. Chairman, I have no doubt again that the people on the gulf coast continue to be in need. But we were told a little earlier this week, I believe by our Speaker, this is supposed to the Congress of the child. Well, let's look at the future of our children. When you look at the spending of the Federal Government already, we know that Chairman Bernanke has said, "Without early and meaningful action, the U.S. economy will be seriously weakened, with future generations bearing much of the cost."

☐ 1345

That's just with the government we have today. The GAO has said we're on the verge of being the first generation in America's history to leave the next generation with the lowest standard of living due to all of this spending. This program makes it worse. It must be rejected.

The CHAIRMAN. The gentleman from Massachusetts has 3½ minutes remaining. The gentlewoman from West Virginia has 8 minutes remaining.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I thank my colleague from West Virginia for yielding. The ranking member is very generous with yielding.

I want to thank the committee chairman, my colleague from Massachusetts, for having an open and fair process in the committee. We had a number of amendments through that whole process that were vigorously debated, and there was a lot of discussion about continuing that vigorous debate on the House floor to work out some compromises, and the committee Chair honors his word in committee. I want to thank him for that.

Unfortunately, the Rules Committee did not allow these amendments to come forward to the House floor, and that is a great shame. I think the work product coming off this House floor will be less than it could have been had we had an open and fair process here on the House floor.

It is obvious and true that the National Flood Insurance Program is already in deep trouble. It's $18 billion in the hole. Since 1981, over the last 26 years, it's borrowed from the Treasury 14 times, $18 billion in the hole. Certainly it needs reform.

I think the underlying reforms for flood insurance in this bill are appropriate and good, and I appreciate the chairman of the committee, and I appreciate my colleague from Massachusetts accepting my amendment in the committee that says that new and renewing multi-peril policies shouldn't be extended in a time when the National Flood Insurance Program is borrowing from the Treasury. I think that's proper, and I appreciate him accepting that in this bill.

But overall, this addition of wind will actually step into the private sector and private market that is largely working and has largely worked for the last 100 years in this country. There have been a number of failures, and that is on occasion what happens; but with the private sector, it can be done on an actuarially sound basis.

What we're doing under this bill by adding a wind proposal is exposing the taxpayers to tens of billions of dollars' worth of additional unfunded liabilities, and that's why I'm going to have to sadly vote against this bill.

I urge my colleagues to vote "no."

Mrs. CAPITO. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentlewoman for yielding the time, and I want to talk a little bit about my own background.

I was in the insurance business for 13 years, worked strictly on commission. I was a broker, which meant I worked for the buyer, helping them find the best quality insurance in the insurance marketplace. I also represent the entire coast of the State of Georgia. I've been involved in flood insurance and wind storm insurance and fire insurance a great deal of my adult life. So I'm very familiar with this. In fact, I'm the only CPCU in Congress, which means Charter Property and Casualty Underwriter. That's a professional designation. I know this stuff is my point.

Now, what you have with the insurance business is you have two types of profits, one they make from underwriting. They don't want to insure a building if they know it's going to burn down because they won't make an underwrite profit. Fair game. They do everything they can to make sure the building does not burn down.

They also make a second kind of profit called investment profit. When they get the cash flow from premiums from underwriting, they invest it and they make a lot of money in that. But generally speaking, insurance companies are risk averse. They don't want to insure wind if you're on the coast. They don't want to insure flood if you're in a flood zone. It makes sense from a business standpoint.

But as they will gladly cede this to the Federal Government, then what happens is exactly what Mr. MCHENRY said: you have the private sector pulls out of it. They don't put in their ingenuity to it.

Now my friend Mr. TAYLOR, and I know having represented coastal areas, it is possible that there are a lot of buildings and homes that have been constructed that probably shouldn't be there or probably shouldn't use the construction standards that they should, I know as I go over the entire district of Georgia on the coast that people in Idaho and Iowa and Maine are subsidizing the flood policies for my homeowners out there.

It's hard to say this is politically unpopular, but it is the truth. I just want to say that the insurance companies need to own up to their social responsibility. They don't need to take a walk on this.

The Federal Government is already supplying health care, retirement benefits, transportation benefits, food, drugs, even school uniforms and babysitting. Yes, there are programs for that. I don't believe the Federal Government needs to get into the wind storm pool in a major way. We need to let the private sector continue to provide this service, and we need to look ourselves in the eye and say maybe not all these buildings should be built.

I urge a "no" vote on this.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes to take up the suggestion of the gentleman from Georgia. He said that the insurance companies should be required, I guess, to live up to their social responsibility. I agree.

The committee of which I'm the Chair has the jurisdiction on that; and if he has any recommendations about what we can do, I'd be glad to do it, but not in that way right now.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Georgia.

Mr. KINGSTON. If they want to make a profit from it, then we should not let them take a walk from it. They will figure out a way to do it.

Mr. FRANK of Massachusetts. It is not in our power to tell them not to take a walk. They are a private sector entity. So unless there was to be some legislative change, there's simply no power, particularly at the Federal level, because insurance has historically been a State issue; but when the gentleman says we shouldn't let them walk away, I might be inclined to agree with that.

There's nothing in the Federal Government now that would allow us to stop them from walking away, and our committee is available if anybody has any proposals to increase the role of the Federal Government, and I yield to the gentleman.

Mr. KINGSTON. Keep in mind, we did not even have a flood program until recent times. The underwriter will take care of it.

Mr. FRANK of Massachusetts. I'll take back my time to say that's irrelevant. We weren't talking about the history of the flood program.

The gentleman said we shouldn't let the private companies walk away from their social responsibility. I wish he would tell me how he thinks we can do that. I will be glad to yield to the gentleman if he wants to get back to the subject, but not when I'm still posing the question, because he apparently didn't understand it.

He said if they're not living up to their social responsibility, we should make them do it. I don't know how we can do that. If he wants to suggest to me new powers it would seem to me for us to take to do that, I'll listen.

I yield to the gentleman.

Mr. KINGSTON. Let me say this, we were not in the Federal flood insurance program until recent times.

Case in point, I used to sell flood insurance; but when the Federal Government grew into it, the private sector withdrew from the market.

Mr. FRANK of Massachusetts. I will take back my time, Mr. Chairman, to say that simply isn't accurate today. Others know it better than I, but we've had insurance companies withdrawing from offering policies that are not covered by Federal flood insurance. The Federal Government covers only flood insurance.

So I would repeat to him, his history is interesting; but he says we shouldn't allow them to walk away, and I don't know any way we can prevent them.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia.

Mr. KINGSTON. Let me say this, I would love to continue this dialogue and that's why we wanted some amendments so that we could try to work out some of these differences.

But in your great State, in Massachusetts, in Boston or in Savannah, Georgia, historically very old communities, there weren't Federal programs that did the underwriting. These were all built by the private sector.

What I'm saying is if you just step back and let the market do its place, the market will continue to work wonders as it did for hundreds of years in the United States of America until the Federal Government let them start taking a walk by providing products that competed with the private sector.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute to say that simply isn't true. That's not the causality.

The notion that it was the Federal Government trotting them out is simply not accurate, and again, the phraseology of the gentleman is not that we should allow them to do it, we shouldn't let them walk away. I don't know any way to not let them walk away.

Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, I'd like to remind the gentleman from Georgia that what this is all about is getting the companies to live by their contract.

Thousands of my constituents, including one of the most powerful Members of the United States Senate and a Federal judge, had to hire lawyers and engineers to get fairness from their insurance companies. If they're going to do that to a powerful Senator or if they're going to do that to a Federal judge, what kind of chance does a schoolteacher, a chief petty officer, a high school football coach have?

The fact of the matter is they have not lived up to their responsibilities. That's what brings this bill to the floor today.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Georgia.

Mr. KINGSTON. Because as I understand it, TRENT LOTT lost a family home that was like 100 years old or something in Mississippi. There was no Federal insurance program of any nature when that house was built, which is my point for Boston and for Savannah, Georgia. All of those old buildings never had any Federal insurance programs: fire, flood or windstorm or anything else.

And what I'm saying is I agree with you. They are not pleasant to work with, and I understand and I want to commend the gentleman for his great work on this. But the reality is, if the Federal Government steps in, the private sector will move out.

The CHAIRMAN. The gentleman from Massachusetts' time has expired. The gentlewoman from West Virginia has 3 minutes to close.

Mrs. CAPITO. Mr. Chairman, I yield the remaining time to close to someone who has lived and breathed this issue for many, many years, an expert in the area, the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I thank the gentlewoman for yielding and wish to quickly say as a Louisianan, obviously I am a defender of the flood insurance program.

I want to commend Chairman FRANK for his willingness to work with us and all affected parties in crafting a flood insurance program reform which I thought was a very good product. It was only with the addition of the wind exposure element to the underlying bill that I began to have any concerns about the legislative direction of the chairman's recommendation.

Currently, the notional value of flood insurance in effect, just flood, not to confuse with wind, today is $1,092,932,778,000 as of a June 30 FEMA report. That's the potential exposure of the flood insurance program to claims pursuant to contract.

We know that the current flood program with the actuarial system in place cannot repay the debt it currently has. To put into scale what the additional risk brought onto the U.S. Government books will look like, the industry estimate from New England to the gulf coast only is an additional $19 trillion of risk exposure.

The limits in the bill that have been described is it's only available where you can buy flood insurance. We sell flood insurance in New Mexico. We sell it in Boulder, Colorado, and we sell flood insurance in Guam, and the entry to the wind program is to buy the flood policy, so that we will, in fact, nationalize wind insurance coverage via the flood program, opening the U.S. taxpayer to a risk and a payment for which there is not an adequate stream.

Some say, well, the bill requires actuarial rating. The flood insurance program has actuarial rating, but it's not industry actuarial. It only looks to historical claims data. There's no risk modeling to look forward.

Those who have laid claim to the fact that weather cycles are more severe, damages are likely to escalate, that is not data which is incorporated into the flood insurance premium structure. So there will be problems with the implementation of the program as currently drafted.

Am I suggesting we do nothing? Absolutely not. Do I think that the current system is adequately taking care of the risk of those who live along coastal areas? Of course it isn't.

I have legislation which I am planning to introduce and hoped to have had introduced before consideration of this bill on the floor which will enable the issuance of a privately issued policy, multi-peril; but it would be exempt from State price controls.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. His point about the flood insurance not being actuarially sound is right; but in this bill, because it is subject to PAYGO, we have a more stringent standard. So it is not totally valid to say, oh, look, it was supposed to be actuarially done. The wind program here is written to a much stricter standard.

Mr. BAKER. If I may reclaim, I would only make the observation that both flood and wind have access to a line of credit. The line of credit is not conditioned for flood only. Therefore, the taxpayer does have exposure to the limit authorized by statute, which is $20.8 billion.

Mr. FRANK of Massachusetts. But not according to CBO, I would say to the gentleman.

Mr. BAKER. Well, we have a dispute.

Mr. FRANK of Massachusetts. Mr. Chairman, I submit the following exchange of letters regarding H.R. 3121.

NATIONAL ASSOCIATION OF REALTORS®,
Washington, DC, September 26, 2007.
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: On behalf of the more than 1.3 million members of the National Association of REALTORS® (NAR), I ask for your vote in favor of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, when it is considered by the House of Representatives on Thursday, September 27.

The National Flood Insurance Program (NFIP) offers essential flood loss protection to homeowners and commercial property owners in more than 20,000 communities nationwide. The bill, as written, will help protect homeowners, renters and commercial property owners from losses sustained from flooding. NAR strongly supports the following changes to the NFIP contained in the bill including:

Extending the NFIP for five years;

Ensuring that the 100-year flood maps are updated as expeditiously as possible;

Increasing coverage limits to $335,000 for residential and $670,000 for commercial properties;

Supporting education of tenants about the availability of flood insurance while providing flexibility to property owners and mangers in the manner of providing such notice;

Adding coverage for living expenses, business interruption, and basement improvements;

Extending the pilot program for mitigation of severe repetitive loss properties; and

Studying the impacts of eliminating subsidies on homeowners, renters and local economies.

It is critical that flood insurance remain accessible for all individuals who own or rent property in a floodplain. I urge you to vote in favor of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, on Thursday.

Sincerely,
PAT V. COMBS, ABR, CRS, GRI, PMN,
2007 President, National Association of Realtors®

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, September 26, 2007.
HOUSE OF REPRESENTATIVES,
Washington, DC.

Dear REPRESENTATIVES: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to express our support for H.R. 3121. the Flood Insurance Reform and Modernization Act of 2007 as amended by the Manager's Amendment. which includes much-needed technical improvements to the underlying bill.

As you know, Hurricanes Katrina, Rita and Wilma radically disrupted the lives of those living on the Gulf Coast. After the storms' passing, many homeowners found themselves in dispute with their property insurance companies over whether water or wind was the primary cause of damage to their homes. After much debate, one proposed solution which has emerged to address this conflict is to expand the authority of the National Flood Insurance Program (NFIP) to include wind coverage.

NAHB is pleased that the bill incorporates new language to provide wind insurance coverage for home owners. H.R. 3121, as amended by the Manager's Amendment, would provide a needed addition in expanding the availability and affordability of property insurance in high hazard areas. Additionally, it references the mitigation requirements of consensus-based building codes as a measure to lessen the potential damage caused by a natural disaster and thus further ensure the financial stability of the NFIP.

NAHB remains concerned about the overall solvency of the NFIP, but we also view this program as not simply about flood insurance premiums and payouts. The NFIP is a comprehensive tool to guide the development of growing communities while simultaneously balancing the need for reasonable protection of life and property. The specific method Congress uses to achieve this balance could potentially impact housing affordability as well as the control local communities have over their growth and development. NAHB believes that H.R. 3121 strikes the proper balance in protecting the NFIP' s long-term financial stability while ensuring that federally-backed flood insurance remains available and affordable.

As this new NFIP expansion moves forward, NAHB encourages Congress to limit the amount of the program's fiscal exposure to ensure its financial sustainability and to require premiums for the new multi-peril coverage to be risk-based and actuarially sound. NAHB commends the work of the House Financial Services Committee in crafting legislation to preserve and enhance this important federal program, and we urge your support for H.R. 3121, as amended by the Manager's Amendment, when it comes to the House floor this week.

Thank you for your attention to our views.

Sincerely,

JOSEPH M. STANTON

Re: Support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

Washington, DC, September 26, 2007

MEMBERS OF THE HOUSE OF REPRESENTATIVES,

I am writing on behalf of the members of the American Bankers Association (ABA) to express our support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, scheduled to be considered by the full House later this week.

Since 1968, nearly 20,000 communities across the United States and its territories have participated in the National Flood Insurance Program (NFIP) by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally backed flood insurance available to homeowners, renters, and business owners in these communities.

Losses from three large hurricanes (Katrina, Rita, and Wilma) in 2005 have left the NFIP more than $23 billion in debt to the Treasury. There is no way that the NFIP can reasonably repay this debt and provide payment for future losses under the current rate structure. The likelihood of additional flood events and resulting claims against the program make reforms vital.

This legislation would require the Federal Emergency Management Agency (FEMA) to update the flood maps, and it would provide a phase-in of actuarial rates for commercial properties and non-primary residences. ABA supports these efforts as being necessary to sustain the program over the long term.

H.R. 3121 also would increase the penalties for non-compliance in placing flood insurance, from $350 per violation to $2000 per violation. We are pleased that the legislation would provide a "safe harbor" for an institution which is in non-compliance due to circumstances beyond its control (such as outdated mapping by FEMA). We also are pleased that the legislation would provide institutions with an opportunity to correct non-compliance before a penalty is assessed and place a reasonable limit for total penalties per institution/per year.

We urge you to support this important legislation.

FLOYD STONER,
Executive Director,
Congressional Relations &
Public Policy, ABA.

Mr. PAUL. Mr. Chairman, Madam Speaker, I am pleased to lend my support to 2 amendments to H.R. 3121, the Flood Insurance Reform and Modernization Act, that will help those Americans, including many in my congressional district, at risk of increased flood insurance premiums because of actions of the Federal Emergency Management Association (FEMA). FEMA is demanding that many towns and communities spend thousands of dollars in taxpayer money to certify levies and other mitigation devices. If the levies are not certified to FEMA's satisfaction, the residents of those communities will face higher flood insurance premiums. Many local governments are struggling to raise the funds to complete the certification in time to meet the FEMA-imposed certification deadlines.

Several communities in my own district have been impacted by these requirements. My office is working with these jurisdictions and FEMA to establish a more reasonable schedule for completing the certifications. My office is also doing every thing it can to help these local jurisdictions fund these projects. Unfortunately, even though there is never a shortage of available funds for overseas programs, there are no funds available to help countries comply with this new federal demand.

While FEMA has thus far been willing to cooperate with my office and the local officials in providing extensions of deadlines for certification, there remains a serious possibility that many Americans will see their flood insurance premiums skyrocket because their local governments where unable to comply with these unreasonable federal demands. In some cases, people may even loose their flood insurance completely.

The amendments offered by Mr. CARDOZA of California will help alleviate this problem by providing a five-year grace period for homeowners whose flood insurance coverage is affected by decertification of a levy. During this five-year, these homeowners would receive a 50 percent reduction in flood insurance premiums. Another amendment, offered by Mr. GREEN provides a five-year phasing in of any changes for flood insurance premiums for low-income homeowners impacted by the updating of the flood maps. These amendments will benefit my constituents, and all Americans, whose flood insurance is endangered by FEMA's certifying requirements, and I hope my colleagues will support them. I also hope my colleagues will continue to work to help those communities impacted by the new mitigation requirements.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 3121. This bill, the Flood Insurance Reform and Modernization Act, takes important steps towards bolstering the protection provided to homeowners in disaster-prone areas who face a constant threat of flood and windstorm damage.

Nearly all of my constituents and my fellow Floridians fall into this category. In Florida, especially, H.R. 3121 will help to ease the homeowners' insurance crisis that grows worse everyday.

Expanding the federal flood-insurance program to include wind damage simply makes sense. Those who have their homes flooded are often in the path of destructive storms that wield powerful winds.

Common sense would dictate that if we are seeking to help protect homeowners from the liability that comes from destructive natural disasters like hurricanes, we would consider all of the forces of nature associated with these storms.

Instead of arguing today why we should include wind damage into this program, the discussion should rather be about why we have gone for so long without it.

While I understand the costs associated with this bill are an issue with some of my colleagues, the cost of doing nothing is much greater.

Many of the homeowners in my District, in the State of Florida, and in disaster-prone areas throughout the United States spend each day staring down the barrel of a gun—waiting for the storm to hit that will put them and their families on a path to financial ruin.

We have a chance to do something about this today.

It is this body's responsibility to act in the interest and welfare of the American people. Vote YES on H.R. 3121, and vote yes to protect millions of homeowners and their families.

Mrs. CAPPS. Mr. Chairman, I rise in strong support of the Cardoza-Ross-Reyes Amendment to H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

This amendment will provide a 5 year grace period for homeowners who are required to purchase flood insurance as a result of new flood maps that decertify previously certified levees. During this period, homeowners would be entitled to a 50 percent reduction in their flood insurance premium while the levees are being recertified.

Recently, while updating flood maps in my congressional district, FEMA asked the Army Corps of Engineers to certify that the Santa Maria Valley levees would protect the City of Santa Maria for the next 100 years. Without the Corps' certification, much of the community will be placed in a flood zone and many of my constituents will be required to purchase expensive Federal flood insurance, something that many of them cannot afford.

The Cardoza-Ross-Reyes Amendment addresses this problem.

Since the Army Corps of Engineers completed the 26-mile Santa Maria Valley levees in 1963, the City has prospered, becoming the largest in Santa Barbara County. However, I over the years, natural deterioration of the levees has undermined their strength, leaving the community vulnerable to potentially devastating flooding by the Santa Maria River.

I am working with the City of Santa Maria, Santa Barbara County, and the area's other elected officials to restore the levees so they can be certified by the Army Corps of Engineers and, more importantly, so our community can avoid a catastrophic flooding event.

Mr. Chairman, this amendment is extremely important to my constituents. It will provide them with much needed relief in a potentially expensive time.

I urge all of my colleagues to support the Cardoza-Ross-Reyes Amendment.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

In April of this year, severe rainstorms in New Jersey caused the Delaware River to overflow for the fourth time in the past 2 years. Each of these floods caused substantial damage to the homes and businesses of my constituents in Mercer and Hunterdon counties. After each incident I toured the affected areas and met with local officials, residents, and business owners. Two primary concerns were raised by my constituents in each of these meetings. Residents wanted to know what efforts are being made to prevent future flooding and they wanted to be assured access to the financial resources available to them.

The legislation before us today provides needed comprehensive flood insurance reform. It will address concerns of the residents in my Central New Jersey district by expanding, improving and reauthorizing the National Flood Insurance Program, NFIP, through 2013. The NFIP is federally backed flood insurance available for purchase to homeowners, renters and business owners in 20,000 communities across the nation. In order to be eligible, these communities are required to adopt floodplain management ordinances to reduce future flood damage.

H.R. 3121 will improve the NFIP by increasing and expanding access to flood insurance policies. For the first time since 1994, the bill updates maximum insurance coverage limits for residential and nonresidential properties. It will create business interruption coverage policies for business owners to better prepare them to meet payroll and other obligations after a flood occurs. Additionally, this bill makes optional coverage at actuarial rates for basement improvements and for the replacement of items damaged by flooding. It also encourages participation in the NFIP through community outreach programs.

This legislation will help protect consumers and ensure that homeowners who should have flood insurance have it. H.R. 3121 increases the fines on lenders who do not enforce the mandatory flood insurance policy purchase requirement for those who live in a floodplain and hold a federally-backed mortgage. It will also clarify the disclosure requirements for flood insurance availability and require plain language information on flood insurance policies. It removes the current $500,000 per apartment building insurance cap and will allow each unit in the building to be insured for its total value. It requires landlords to notify their tenants of contents coverage availability. Further, the bill makes flood insurance effective immediately upon purchase of a home.

Not only does this bill work to ensure that insurance coverage is available to those who need it, it will help us to find better ways to prevent flooding in the future by requiring the Federal Emergency Management Administration, FEMA, to map the 500-year floodplain. It also makes the updating and modernization of flood maps an ongoing process, and increases funding for mapping. According to the Delaware River Basin Commission which works on issues relating to the Delaware River, updated floodplain maps will allow us to better predict areas that are vulnerable to flooding and identify ways to prevent floods from happening.

I urge my colleagues to support H.R. 3121.

Mr. BACA. Mr. Chairman, I ask unanimous consent to revise and extend my remarks. I rise to support of H.R. 3121 a bill that will modernize and reform FEMA's flood insurance program and thank Chairman FRANK and MAXINE WATERS for their leadership on this legislation.

This bill will provide long overdue and much-needed reforms to the National Flood Insurance Program, NFIP, and update the program to meet the needs of the 21st century.

Hurricane Katrina caused property damage from both wind and flooding in parts of five parishes of Louisiana, three counties of Mississippi, and two counties of Alabama.

Yet insurance companies in those areas have refused to count claims where property damage was a result of both wind and water. Instead, for 2 years they engaged in the practice of denying and delaying claims and took advantage of the desperation of disaster victims who lost everything.

This bill provides fair and equitable protection of combined wind and flood losses by allowing property owners to purchase wind and flood coverage in a single policy. It will help us right that wrong for many victims.

As we saw during Hurricane Katrina, FEMA's maps are significantly outdated, often understating flood risk and leaving homeowners without enough information to protect themselves.

I am pleased that this bill includes provisions to address this problem by requiring FEMA to conduct a thorough review of the nation's flood maps, making the updating and modernization of flood maps an ongoing process, and increasing funding for mapping.

H.R. 3121 addresses a number of weaknesses in the Flood Insurance Program that were exposed by the unprecedented 2005 hurricane season. It is a strong bill that will ensure the program's continued viability, encourage broader participation, and increase financial accountability.

I urge my colleagues to support this important legislation.

Mr. WELDON of Florida. Mr. Chairman, I am very concerned about the need to enhance access to affordable storm damage insurance, particularly for those living in communities like the one I represent in Florida. Indeed I have cosponsored and authored legislation that would do just this and compliment the steps that have already been taken by the State of Florida to address this issue.

Asking American taxpayers to assume $19 trillion in potential liabilities under a program that the Government Accountability Office, GAO, has already deemed insolvent just does not make good common sense. If an insolvent private company came before the regulators asking the regulator to further expand their liabilities, as is being done in H.R. 3121, the regulators would reject the application outright.

Increasing the potential liabilities of the National Flood Insurance Program, NFIP, as is done in H.R. 3121—without first paying off the NFIP's $19 billion debt—is unwise. Furthermore, the GAO and the Congressional Budget Office, CBO, admit that the $2 billion in annual premiums that NFIP takes in each year makes it virtually impossible for the NFIP to pay off this debt. No rational person would buy insurance from a private company who was $18 billion in debt or has borrowed from the U.S. Treasury (taxpayers) 14 times just to keep from going bankrupt.

Forcing H.R. 3121 to the floor while blocking amendments from Republican Members of Congress, especially from Members from Florida and other States who deal with hurricanes on a regular basis, does not speak highly of the integrity of this program.

As a father, I worry greatly about the burden we are passing onto our children. With reckless abandon, this Congress is rushing headlong into the future without any thought of what the ramifications of our decisions will have on our children and grandchildren. With every indication that Social Security will be bankrupt by 2042, with the Medicare program $17 trillion short already, the House passed another massive spending program with unfunded liabilities estimated at $180 billion this week in the State Children's Health Insurance Program, SCHIP. In the college student loan bill that we passed earlier this year, this Congress added tens of billions of dollars in potential liabilities. Today this House is going to ram through another massive spending program where, as stated in a study by actuaries Towers Perrin, payouts to insurers for wind damage in a given storm could be $100 to $200 billion.

The GAO estimates that the current unfunded liability that our children face is over $46 trillion, amounting to nearly $375,000 per full time working American. Adding the additional potential liability of $19 trillion in this bill would raise that to more than $500,000 per full-time working American. We need to face reality and begin to think about our children and the America that we are going to leave them.

As we think about the type of America we are creating for our children, I am reminded of a warning given years ago:

> A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy . . .

That is what this bill before us today does. It votes largess today, for political gain, while saddling our children with the debt. In good conscience I cannot do that. We owe it to future generations of Americans to turn the corner here and put their interests above our own.

As the Comptroller of the GAO stated in his testimony before the Senate Homeland Security Committee in 2005, the United States is on an unsustainable fiscal path and our future standard of living will be gradually eroded—if not suddenly damaged—if we continue on this path.

Reforming the NFIP is necessary, and this bill includes some important reforms, such as a phase-in of actuarially determined rates for some currently subsidized property owners. However, this bill does nothing to address the concerns raised by the GAO in the 2006 report that outlines the management and accountability problems after hurricanes Katrina and Rita.

The easy thing to do would be to simply vote for this bill and put the burden of paying for it on our children and grandchildren, much like Washington has done already with dozens of other insolvent federal programs. But that would not be the right thing to do, and it is for that reason that I cannot vote to further burden our children with costs that we are not willing to pay for ourselves today.

Mr. AL GREEN of Texas. Mr. Chairman, I am honored to be a co-sponsor of H.R. 3121, "The Flood Insurance Reform and Modernization Act of 2007" and I would like to thank Chairman FRANK. Subcommittee Chairwoman WATERS, Representative TAYLOR, and Representative JINDAL for their leadership in reforming a program that plays a vital role in protecting residents and communities in flood prone areas.

Flood protection is an important issue in my district and in Texas, a state which has experienced the greatest number of flood and flash flood deaths over the past 36 years. In 2006, Texas saw an increase of over 20 percent in new flood insurance policies under the National Flood Insurance Program.

I want to thank Chairman FRANK for working with Congressman HINOJOSA and I in committee to preserve subsidies for those properties that serve as affordable rental housing for many families. A measure was included in the bill to acknowledge that the loss of subsidies for properties that serve as primary homes for rental households could result in significantly higher premiums, to the detriment of these families. Higher premiums would increase the cost of property ownership, a cost that apartment owners would likely pass on to tenants in the form of higher rents. By protecting subsidies for these properties, this measure would ensure their continued affordability at a time when our nation is faced with a shortage of affordable housing.

I want to also express my strong support for a provision in the bill authored by my colleague Congressman TAYLOR to expand the National Flood Insurance Program to include coverage for wind damage.

Multi-peril coverage, or the coverage of both wind and flood risk in one policy, has proven especially important in the aftermath of Hurricanes Katrina and Rita as survivors continue to struggle to receive fair compensation for the damages they experienced. Private insurers have used anti-concurrent causation clauses to deny payment for damages on the grounds that the damages occurred as a result of flooding, which is covered by the Federal government. Multi-peril coverage would shield consumers from these arguably deceptive practices, protecting consumers in the absence of a solution to this controversy.

Again, I express my full support for this important piece of legislation.

Mrs. CAPITO. Mr. Chairman, floods are amongst the most frequent and costly national disasters in terms of human hardship and economic loss. In fact, 75 percent of Federal disaster declarations are related to flooding.

Before I discuss the merits of the legislation, I would like to talk briefly about the process that is being considered. We are debating a huge expansion of an already struggling existing Federal program, and yet we have not been able to have our amendments out on the floor to have an open and frank discussion about this.

I would like to accept the chairman's offer to continue to work on the amendments that were not allowed to be offered, and I hope that we can see democracy being served by letting everybody's voice be heard.

In 1968, Congress established the National Flood Insurance Program, NFIP. The program is a partnership between the Federal Government and participating communities. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction, the Federal Government will make flood insurance available to that community. Today, NFIP is the largest single-line property insurer in the Nation, serving nearly 20,000 communities and providing flood insurance coverage for 5.4 million consumers.

Mr. Chairman, recent events have underscored the need to reform and modernize certain aspects of the program. While the NFIP is designed to be actuarially sound, it does not collect sufficient premiums to build up reserves for unexpected disasters. Due to the claims resulting from Hurricanes Katrina and Rita, the NFIP was forced to borrow $7.6 billion from the Treasury, an amount it estimates it will never be able to repay. Consequently, NFIP sits on the GAO's High-Risk Programs list, which recommends increased congressional oversight. Additionally, the 2005 storms shed light on the problem of outdated flood maps, resulting in many homeowners in the gulf region being unaware that their homes were located in floodplains.

To address these and other concerns in 2006, the House overwhelmingly passed flood insurance reform legislation. Earlier this year, Chairman FRANK and Representative JUDY BIGGERT introduced legislation identical to that bipartisan bill. That bill includes many reforms, including the phasing in of actuarial rates, but unfortunately, the flood insurance bill that the majority chose to move out of the Financial Services Committee was amended to incorporate legislation offered by the gentleman from Mississippi (Mr. TAYLOR) which expands the NFIP to include coverage for wind events.

Mr. Chairman, no Member of this House was more personally affected by the 2005 hurricanes than Congressman TAYLOR. I do not, and no one questions his sincerity or his commitment to assisting those who have lost everything they owned in these storms. While I share his concern over the rising costs and outright unavailability of homeowners' wind coverage in some areas, I have three principal objections to linking wind insurance to the reform of the National Flood Insurance Program.

First, expanding the program increases liabilities for taxpayers while decreasing options for customers or consumers. Properties located along the eastern seaboard and gulf coast represent $19 trillion of insured value. Shifting the risk on even a portion of these properties to the troubled NFIP could expose taxpayers to massive losses. The fact is that insurance will choose not to engage a competitor that does not pay taxes, has subsidized borrowing costs, and is not required to build a reserve surplus and is protected from most lawsuits, State regulation and enforcement.

Second, adding wind coverage to the NFIP will exacerbate the program's well-documented administrative problems. Both the Department of Homeland Security and GAO have criticized the NFIP for being understaffed, not having adequate flood maps and not collecting sufficient information on wind payments when claims were submitted for flood damage. Expanding the portfolio further before much-needed reforms are in place is premature.

Third, no consensus yet exists about the necessity or desirability of creating a Federal wind insurance program. In testimony before our committee, representatives of flood management groups, the insurance industry, environmental organizations, Treasury and FEMA all expressed agreement that a comprehensive study of the proposed wind insurance mandate should first be commissioned to provide Congress with a better understanding of the possible implications this expansion could have for consumers, NFIP and the market.

Mr. Chairman, we must not let the desire to meet every perceived problem with a new Government program drive us towards premature actions that yield unwanted consequences. The NFIP's mission should not be expanded, exposing taxpayers to massive new risks, until reforms are in place and adequate study has been conducted.

In addition to the above reservations, I have serious concerns with the effect the addition of wind coverage will have on communities that are now relying on NFIP. This program is already financially unstable, yet we are about to add $19 trillion of risk. Despite this fiscal instability, States like West Virginia, that I represent, will still rely on the program to provide assistance in the case of serious flooding. Thankfully, there have not been major problems this year, but since I was elected to Congress in 2000, there have been nine federally declared flooding disasters in West Virginia. In 2001 alone, FEMA provided $17 million in assistance to my State, and between 2004 and 2006 the National Flood Insurance Program received and paid more than $30 million in claims from West Virginia flood victims.

There are serious needs in West Virginia and across the Nation for the flood insurance program. We should be modernizing NFIP so it can become financially stable, not jeopardizing its existence by exposing it—and our taxpayers—to trillions of dollars of liability.

Mr. KENNEDY. Mr. Chairman, I rise in support of the Flood Insurance Reform and Modernization Act which would put the National Flood Insurance Program, an important program to the residents of Rhode Island, back on solid footing. Devastated by the impact of Hurricane Katrina, the National Flood Insurance Program has operated in deficits for over 2 years. This bill authorizes increased funds for the program and includes additional provisions to improve flood plain mapping. Under this legislation, FEMA is required to conduct a review of U.S. flood maps and make the necessary changes to ensure accuracy and comprehensiveness. We owe it to homeowners across the country to provide a fiscally sound insurance policy for natural disasters that create a flood crisis. In my district, the National Flood Insurance Program is essential to economic growth. My home state of Rhode Island saw a 15 percent increase in policy growth to the NFIP as many residents reside in coastal areas that would be threatened by a flood disaster. This bill can give homeowners in my district some peace of mind during storms and violent weather. Though questions remain over the cost of the optional wind coverage in the National Flood Insurance Program, I support the pending study by the General Accountability Office to investigate the financial viability of the wind program. I applaud Chairman FRANK, and Congresswoman WATERS' efforts to infuse federal dollars back into the National Flood Insurance Program so that it continues to serve as a safety net for victims of future natural disasters. Congress has an obligation to ensure that this program is on sound financial footing and I urge my colleagues to pass this important piece of legislation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110-351, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 3121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Flood Insurance Reform and Modernization Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Study regarding status of pre-firm properties and mandatory purchase requirement for natural 100-year floodplain and non-federally related loans.
Sec. 4. Phase-in of actuarial rates for nonresidential properties and non-primary residences.
Sec. 5. Exception to waiting period for effective date of policies.
Sec. 6. Enforcement.
Sec. 7. Multiperil coverage for flood and windstorm.
Sec. 8. Maximum coverage limits.
Sec. 9. Coverage for additional living expenses, basement improvements, business interruption, and replacement cost of contents.
Sec. 10. Notification to tenants of availability of contents insurance.
Sec. 11. Increase in annual limitation on premium increases.
Sec. 12. Report regarding borrowing authority.
Sec. 13. FEMA participation in State disaster claims mediation programs.
Sec. 14. FEMA annual report on insurance program.
Sec. 15. Flood insurance outreach.
Sec. 16. Grants for direct funding of mitigation activities for individual repetitive claims properties.
Sec. 17. Extension of pilot program for mitigation of severe repetitive loss properties.
Sec. 18. Flood mitigation assistance program.
Sec. 19. GAO study of methods to increase flood insurance program participation by low-income families.
Sec. 20. Notice of availability of flood insurance and escrow in RESPA good faith estimate.
Sec. 21. Reiteration of FEMA responsibilities under 2004 Reform Act.
Sec. 22. Ongoing modernization of flood maps and elevation standards.
Sec. 23. Notification and appeal of map changes; notification of establishment of flood elevations.
Sec. 24. Clarification of replacement cost provisions, forms, and policy language.
Sec. 25. Authorization of additional FEMA staff.
Sec. 26. Extension of deadline for filing proof of loss.
Sec. 27. 5-year extension of program.
Sec. 28. Report on inclusion of building codes in floodplain management criteria.
Sec. 29. Study of economic effects of charging actuarially-based premium rates for pre-firm structures.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) flooding has been shown to occur in all 50 States, the District of Columbia, and in all territories and possessions of the United States;

(2) the national flood insurance program (NFIP) is the only affordable and reliable source of insurance to protect against flood losses;

(3) the aggregate amount of the flood insurance claims resulting from Hurricane Katrina, Hurricane Rita, and other events has exceeded the aggregate amount of all claims previously paid in the history of the national flood insurance program, requiring a significant increase in the program's borrowing authority;

(4) flood insurance policyholders have a legitimate expectation that they will receive fair and timely compensation for losses covered under their policies;

(5) substantial flooding has occurred, and will likely occur again, outside the areas designated by the Federal Emergency Management Agency (FEMA) as high-risk flood hazard areas;

(6) properties located in low- to moderate-risk areas are eligible to purchase flood insurance policies with premiums as low as $112 a year;

(7) about 450,000 vacation homes, second homes, and commercial properties are subsidized and are not paying actuarially sound rates for flood insurance;

(8) phasing out subsidies currently extended to vacation homes, second homes, and commercial properties would result in estimated average annual savings to the taxpayers of the United States and the national flood insurance program of $335,000,000;

(9) the maximum coverage limits for flood insurance policies should be increased to reflect inflation and the increased cost of housing;

(10) significant reforms to the national flood insurance program required in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 have yet to be implemented; and

(11) in addition to reforms required in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004, the national flood insurance program requires a modernized and updated administrative model to ensure that the program is solvent and the people of the United States have continued access to flood insurance.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect the integrity of the national flood insurance program by fully funding existing legal obligations expected by existing policyholders who have paid policy premiums in return for flood insurance coverage and to pay debt service on funds borrowed by the NFIP;

(2) to increase incentives for homeowners and communities to participate in the national flood insurance program and to improve oversight to ensure better accountability of the NFIP and FEMA;

(3) to increase awareness of homeowners of flood risks and improve the quality of information regarding such risks provided to homeowners; and

(4) to provide for the national flood insurance program to make available optional multiperil insurance coverage against loss resulting from physical damage to or loss of real or personal property arising from any flood or windstorm.

SEC. 3. STUDY REGARDING STATUS OF PRE-FIRM PROPERTIES AND MANDATORY PURCHASE REQUIREMENT FOR NATURAL 100-YEAR FLOODPLAIN AND NON-FEDERALLY RELATED LOANS.

(a) IN GENERAL.—The Comptroller General shall conduct a study as follows:

(1) PRE-FIRM PROPERTIES.—The study shall determine the status of the national flood insurance program, as of the date of the enactment of this Act, with respect to the provision of flood insurance coverage for pre-FIRM properties (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), which shall include determinations of—

(A) the number of pre-FIRM properties for which coverage is provided and the extent of such coverage;

(B) the cost of providing coverage for such pre-FIRM properties to the national flood insurance program;

(C) the anticipated rate at which such pre-FIRM properties will cease to be covered under the program; and

(D) the effects that implementation of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 will have on the national flood insurance program generally and on coverage of pre-FIRM properties under the program.

(2) MANDATORY PURCHASE REQUIREMENT FOR NATURAL 100-YEAR FLOODPLAIN.—The study shall assess the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system, and shall determine—

(A) the regulatory, financial and economic impacts of extending such mandatory purchase requirements on the costs of homeownership, the actuarial soundness of the national flood insurance program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the national flood insurance program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

(3) MANDATORY PURCHASE REQUIREMENT FOR NON-FEDERALLY RELATED LOANS.—The study shall assess the impact, effectiveness, and feasibility of, and basis under the Constitution of the United States for, amending the provisions of

the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to any property that is located in any area having special flood hazards and which secures the repayment of a loan that is not described in paragraph (1), (2), or (3) of section 102(b) of such Act, and shall determine how best to administer and enforce such a requirement, taking into consideration other insurance purchase requirements under Federal and State law.

(b) Report.—The Comptroller General shall submit a report to the Congress regarding the results and conclusions of the study under this subsection not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. PHASE-IN OF ACTUARIAL RATES FOR NON-RESIDENTIAL PROPERTIES AND NON-PRIMARY RESIDENCES.

(a) In General.—Section 1308(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(c)) is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

“(2) Nonresidential properties.—Any nonresidential property, which term shall not include any multifamily rental property that consists of four or more dwelling units.

“(3) Non-primary residences.—Any residential property that is not the primary residence of any individual, including the owner of the property or any other individual who resides in the property as a tenant.”.

(b) Technical Amendments.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “the limitations provided under paragraphs (1) and (2)” and inserting “subsection (e)”; and

(B) in paragraph (1), by striking “, except” and all that follows through “subsection (e)”; and

(2) in subsection (e), by striking “paragraph (2) or (3)” and inserting “paragraph (4)”.

(c) Effective Date and Transition.—

(1) Effective date.—The amendments made by subsections (a) and (b) shall apply beginning on January 1, 2011, except as provided in paragraph (2) of this subsection.

(2) Transition for properties covered by flood insurance upon effective date.—

(A) Increase of rates over time.—In the case of any property described in paragraph (2) or (3) of section 1308(c) of the National Flood Insurance Act of 1968, as amended by subsection (a) of this section, that, as of the effective date under paragraph (1) of this subsection, is covered under a policy for flood insurance made available under the national flood insurance program for which the chargeable premium rates are less than the applicable estimated risk premium rate under section 1307(a)(1) for the area in which the property is located, the Director of the Federal Emergency Management Agency shall increase the chargeable premium rates for such property over time to such applicable estimated risk premium rate under section 1307(a)(1).

(B) Annual increase.—Such increase shall be made by increasing the chargeable premium rates for the property (after application of any increase in the premium rates otherwise applicable to such property), once during the 12-month period that begins upon the effective date under paragraph (1) of this subsection and once every 12 months thereafter until such increase is accomplished, by 15 percent (or such lesser amount as may be necessary so that the chargeable rate does not exceed such applicable estimated risk premium rate or to comply with subparagraph (C)). Any increase in chargeable premium rates for a property pursuant to this paragraph shall not be considered for purposes of the limitation under section 1308(e) of such Act.

(C) Properties subject to phase-in and annual increases.—In the case of any pre-FIRM property (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1974), the aggregate increase, during any 12-month period, in the chargeable premium rate for the property that is attributable to this paragraph or to an increase described in section 1308(e) of the National Flood Insurance Act of 1968 may not exceed the following percentage:

(i) Nonresidential properties.—In the case of any property described in such section 1308(c)(2), 20 percent.

(ii) Non-primary residences.—In the case of any property described in such section 1308(c)(3), 25 percent.

(D) Full actuarial rates.—The provisions of paragraphs (2) and (3) of such section 1308(c) shall apply to such a property upon the accomplishment of the increase under this paragraph and thereafter.

SEC. 5. EXCEPTION TO WAITING PERIOD FOR EFFECTIVE DATE OF POLICIES.

Section 1306(c)(2)(A) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(2)(A)) is amended by inserting before the semicolon the following: “or is in connection with the purchase or other transfer of the property for which the coverage is provided (regardless of whether a loan is involved in the purchase or transfer transaction), but only when such initial purchase of coverage is made not later 30 days after such making, increasing, extension, or renewal of the loan or not later than 30 days after such purchase or other transfer of the property, as applicable”.

SEC. 6. ENFORCEMENT.

Section 102(f) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)) is amended—

(1) in paragraph (5)—

(A) in the first sentence, by striking “$350” and inserting “$2,000”; and

(B) in the last sentence, by striking “$100,000” and inserting “$1,000,000; except that such limitation shall not apply to a regulated lending institution or enterprise for a calendar year if, in any three (or more) of the five calendar years immediately preceding such calendar year, the total amount of penalties assessed under this subsection against such lending institution or enterprise was $1,000,000”; and

(2) in paragraph (6), by adding after the period at the end the following: “No penalty may be imposed under this subsection on a regulated lending institution or enterprise that has made a good faith effort to comply with the requirements of the provisions referred to in paragraph (2) or for any non-material violation of such requirements.”.

SEC. 7. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) In General.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) Multiperil Coverage for Damage From Flood or Windstorm.—

“(1) In general.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

“(2) Community participation requirement.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate land use and control measures (with effective enforcement provisions) which the Director finds are consistent with the comprehensive criteria for land management and use relating to windstorms establish pursuant to section 1361(d)(2).

“(3) Prohibition against duplicative coverage.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

“(4) Nature of coverage.—Multiperil coverage pursuant to this subsection shall—

“(A) cover losses only from physical damage resulting from flooding or windstorm; and

“(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

“(5) Actuarial rates.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

“(6) Terms of coverage.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

“(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

“(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

“(C) the classification, limitation, and rejection of any risks which may be advisable;

“(D) appropriate minimum premiums;

“(E) appropriate loss deductibles; and

“(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

“(7) Limitations on amount of coverage.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

“(A) Residential structures.—In the case of residential properties—

“(i) for any single-family dwelling, $500,000;

“(ii) for any structure containing more than one dwelling unit, $500,000 for each separate dwelling unit in the structure; and

“(iii) $150,000 per dwelling unit for—

“(I) any contents related to such unit; and

“(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

“(B) Nonresidential properties.—In the case of nonresidential properties (including church properties)—

''(i) $1,000,000 for any single structure; and

''(ii) $750,000 for—

''(I) any contents related to such structure;

''(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

''(8) REQUIREMENT TO CEASE OFFERING COVERAGE IF BORROWING TO PAY CLAIMS.—If at any time the Director utilizes the borrowing authority under section 1309(a) for the purpose of obtaining amounts to pay claims under multiperil coverage made available under this subsection, the Director may not, during the period beginning upon the initial such use of such borrowing authority and ending upon repayment to the Secretary of the Treasury of the full amount of all outstanding notes and obligations issued by the Director for such purpose, together with all interest owed on such notes and obligations, enter into any new policy, or renew any existing policy, for coverage made available under this subsection.

''(9) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.''.

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—The National Flood Insurance Act of 1968 is amended by inserting after section 1313 (42 U.S.C. 4020) the following new section:

''PROHIBITION AGAINST DUPLICATIVE COVERAGE

''SEC. 1314. Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).''.

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting ''(a) FLOOD PROTECTION MEASURES.—'' before ''No new''; and

(2) by adding at the end the following new subsection:

''(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.''.

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

''(d) WINDSTORMS.—

''(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in windstorm-prone areas as to land management and use, windstorm zoning, and windstorm damage prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

''(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms.

''(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.''.

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking ''and'' at the end;

(2) in paragraph (15) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.''.

SEC. 8. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking ''$250,000'' and inserting ''$335,000'';

(2) in paragraph (3), by striking ''$100,000'' and inserting ''$135,000''; and

(3) in paragraph (4), by striking ''$500,000'' each place such term appears and inserting ''$670,000''.

SEC. 9. COVERAGE FOR ADDITIONAL LIVING EXPENSES, BASEMENT IMPROVEMENTS, BUSINESS INTERRUPTION, AND REPLACEMENT COST OF CONTENTS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5)—

(A) by inserting ''pursuant to paragraph (2), (3), or (4)'' after ''any flood insurance coverage''; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(6) in the case of any residential property, each renewal or new contract for flood insurance coverage shall provide not less than $1,000 aggregate liability per dwelling unit for any necessary increases in living expenses incurred by the insured when losses from a flood make the residence unfit to live in, which coverage shall be available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

''(7) in the case of any residential property, optional coverage for additional living expenses described in paragraph (6) shall be made available to every insured upon renewal and every applicant in excess of the limits provided in paragraph (6) in such amounts and at such rates as the Director shall establish, except that such chargeable rates shall not be less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

''(8) in the case of any residential property, optional coverage for losses, resulting from floods, to improvements and personal property located in basements, crawl spaces, and other enclosed areas under buildings that are not covered by primary flood insurance coverage under this title, shall be made available to every insured upon renewal and every applicant, except that such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1);

''(9) in the case of any commercial property or other residential property, including multifamily rental property, optional coverage for losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from a flood shall be made available to every insured upon renewal and every applicant, except that—

''(A) for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood not occurred; and

''(B) such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1); and

''(10) in the case of any residential property and any commercial property, optional coverage for the full replacement costs of any contents related to the structure that exceed the limits of coverage otherwise provided in this subsection shall be made available to every insured upon renewal and every applicant, except that such coverage shall be made available only at chargeable rates that are not less than the estimated premium rates for such coverage determined in accordance with section 1307(a)(1).''.

SEC. 10. NOTIFICATION TO TENANTS OF AVAILABILITY OF CONTENTS INSURANCE.

The National Flood Insurance Act of 1968 is amended by inserting after section 1308 (42 U.S.C. 4015) the following new section:

''SEC. 1308A. NOTIFICATION TO TENANTS OF AVAILABILITY OF CONTENTS INSURANCE.

''(a) IN GENERAL.—The Director shall, upon entering into a contract for flood insurance coverage under this title for any property located in an area having special flood hazards—

''(1) provide to the insured sufficient copies of the notice developed pursuant to subsection (b); and

''(2) strongly encourage the insured to provide a copy of the notice, or otherwise provide notification of the information under subsection (b) in the manner that the manager or landlord deems most appropriate, to each such tenant and to each new tenant upon commencement of such a tenancy.

''(b) NOTICE.—Notice to a tenant of a property in accordance with this subsection is written notice that clearly informs a tenant—

''(1) that the property is located in an area having special flood hazards;

''(2) that flood insurance coverage is available under the national flood insurance program under this title for contents of the unit or structure leased by the tenant;

''(3) of the maximum amount of such coverage for contents available under this title at that time; and

''(4) of where to obtain information regarding how to obtain such coverage, including a telephone number, mailing address, and location on the World Wide Web of the Director where such information is available.''.

SEC. 11. INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.

Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended by striking ''10 percent'' and inserting ''15 percent''.

SEC. 12. REPORT REGARDING BORROWING AUTHORITY.

Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress setting forth a plan for repaying within 10 years all amounts, that, as of *the expiration of such period, have been borrowed under the authority of section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) and not yet repaid as of such date.*

SEC. 13. FEMA PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following new section:

"SEC. 1325. FEMA PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

''(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a natural catastrophe that may have resulted in flood damage covered by insurance made available under the national flood insurance program and a loss covered by personal lines residential property insurance policy, upon request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a natural catastrophe, the Director shall cause such representatives to participate in such State program, when claims under the national flood insurance program are involved, to expedite settlement of flood damage claims resulting from such catastrophe.

''(b) EXTENT OF PARTICIPATION.—Participation by representatives of the Director required under subsection (a) with respect to flood damage claims resulting from a natural catastrophe shall include—

''(1) providing adjusters certified for purposes of the national flood insurance program who are authorized to settle claims against such program resulting from such catastrophe in amounts up to the limits of policies under such program;

''(2) requiring such adjusters to attend State-sponsored mediation meetings regarding flood insurance claims resulting from such catastrophe at times and places as may be arranged by the State;

''(3) participating in good-faith negotiations toward the settlement of such claims with policyholders of coverage made available under the national flood insurance program; and

''(4) finalizing the settlement of such claims on behalf of the national flood insurance program with such policyholders.

''(c) COORDINATION.—Representatives of the Director who participate pursuant to this section in a State-sponsored mediation program with respect to a natural catastrophe shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purpose of consolidating and expediting the settlement of claims under the national flood insurance program resulting from such catastrophe at the earliest possible time.

''(d) MEDIATION PROCEEDINGS AND PRIVILEGED DOCUMENTS.—As a condition of the participation of Representatives of the Director pursuant to this section in State-sponsored mediation, all statements made and documents produced pursuant to such mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

''(e) EFFECT OF PARTICIPATION ON LIABILITY, RIGHT, AND OBLIGATIONS.—Participation of Representatives of the Director pursuant to this section in State-sponsored mediation shall not affect or expand the liability of any party in contract or in tort, nor shall it affect the rights or obligations of the parties as provided in the Standard Flood Insurance Policy under the national flood insurance program, regulations of the Federal Emergency Management Agency, this Act, or Federal common law.

''(f) EXCLUSIVE FEDERAL JURISDICTION.—Participation of Representatives of the Director pursuant to this section in State-sponsored mediation shall not alter, change or modify the original exclusive jurisdiction of United States courts as provided in this Act.

''(g) COST LIMITATION.—Nothing in this section shall be construed to require the Director or representatives of the Director to pay additional mediation fees relating to flood claims associated with a State-sponsored mediation program in which representatives of the Director participate.

''(h) EXCEPTION.—In the case of the occurrence of a natural catastrophe that results in flood damage claims under the national flood insurance program and does not result in any loss covered by a personal lines residential property insurance policy—

''(1) this section shall not apply; and

''(2) the provisions of the Standard Flood Insurance Policy under the national flood insurance program and the appeals process established pursuant to section 205 of the Bunning-Bereueter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108-264; 118 Stat. 726) and regulations issued pursuant to such section shall apply exclusively.

''(i) REPRESENTATIVES OF DIRECTOR.—For purposes of this section, the term 'representatives of the Director' means representatives of the national flood insurance program who participate in the appeals process established pursuant to section 205 of the Bunning-Bereueter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 726) and regulations issued pursuant to such section.''.

SEC. 14. FEMA ANNUAL REPORT ON INSURANCE PROGRAM.

Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027) is amended—

(1) in the section heading, by striking ''REPORT TO THE PRESIDENT'' and inserting ''ANNUAL REPORT TO CONGRESS'';

(2) in subsection (a)—

(A) by striking "biennially'';

(B) by striking ''the President for submission to''; and

(C) by inserting ''not later than June 30 of each year'' before the period at the end;

(3) in subsection (b), by striking ''biennial'' and inserting ''annual''; and

(4) by adding at the end the following new subsection:

''(c) FINANCIAL STATUS OF PROGRAM.—The report under this section for each year shall include information regarding the financial status of the national flood insurance program under this title, including a description of the financial status of the National Flood Insurance Fund and current and projected levels of claims, premium receipts, expenses, and borrowing under the program.''.

SEC. 15. FLOOD INSURANCE OUTREACH.

(a) GRANTS.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"SEC. 1326. GRANTS FOR OUTREACH TO PROPERTY OWNERS AND RENTERS.

''(a) IN GENERAL.—The Director may, to the extent amounts are made available pursuant to subsection (h), make grants to local governmental agencies responsible for floodplain management activities (including such agencies of Indians tribes, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) in communities that participate in the national flood insurance program under this title, for use by such agencies to carry out outreach activities to encourage and facilitate the purchase of flood insurance protection under this Act by owners and renters of properties in such communities and to promote educational activities that increase awareness of flood risk reduction.

''(b) OUTREACH ACTIVITIES.—Amounts from a grant under this section shall be used only for activities designed to—

''(1) identify owners and renters of properties in communities that participate in the national flood insurance program, including owners of residential and commercial properties;

''(2) notify such owners and renters when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

''(3) educate such owners and renters regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

''(4) educate such owners and renters regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under this title for such properties and the contents of such properties; and

''(5) encouraging such owners and renters to maintain or acquire such coverage.

''(c) COST SHARING REQUIREMENT.—

''(1) IN GENERAL.—In any fiscal year, the Director may not provide a grant under this section to a local governmental agency in an amount exceeding 3 times the amount that the agency certifies, as the Director shall require, that the agency will contribute from non-Federal funds to be used with grant amounts only for carrying out activities described in subsection (b).

''(2) NON-FEDERAL FUNDS.—For purposes of this subsection, the term 'non-Federal funds' includes State or local government agency amounts, in-kind contributions, any salary paid to staff to carry out the eligible activities of the grant recipient, the value of the time and services contributed by volunteers to carry out such services (at a rate determined by the Director), and the value of any donated material or building and the value of any lease on a building.

''(d) ADMINISTRATIVE COST LIMITATION.—Notwithstanding subsection (b), the Director may use not more than 5 percent of amounts made available under subsection (g) to cover salaries, expenses, and other administrative costs incurred by the Director in making grants and provide assistance under this section.

''(e) APPLICATION AND SELECTION.—

''(1) IN GENERAL.—The Director shall provide for local governmental agencies described in subsection (a) to submit applications for grants under this section and for competitive selection, based on criteria established by the Director, of agencies submitting such applications to receive such grants.

''(2) SELECTION CONSIDERATIONS.—In selecting applications of local government agencies to receive grants under paragraph (1), the Director shall consider—

''(A) the existence of a cooperative technical partner agreement between the local governmental agency and the Federal Emergency Management Agency;

''(B) the history of flood losses in the relevant area that have occurred to properties, both inside and outside the special flood hazards zones, which are not covered by flood insurance coverage;

''(C) the estimated percentage of high-risk properties located in the relevant area that are not covered by flood insurance;

"(D) demonstrated success of the local governmental agency in generating voluntary purchase of flood insurance; and

"(E) demonstrated technical capacity of the local governmental agency for outreach to individual property owners.

"(f) DIRECT OUTREACH BY FEMA.—In each fiscal year that amounts for grants are made available pursuant to subsection (h), the Director may use not more than 50 percent of such amounts to carry out, and to enter into contracts with other entities to carry out, activities described in subsection (b) in areas that the Director determines have the most immediate need for such activities.

"(g) REPORTING.—Each local government agency that receives a grant under this section, and each entity that receives amounts pursuant to subsection (f), shall submit a report to the Director, not later than 12 months after such amounts are first received, which shall include such information as the Director considers appropriate to describe the activities conducted using such amounts and the effect of such activities on the retention or acquisition of flood insurance coverage.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section $50,000,000 for each of fiscal years 2008 through 2012.".

(b) REPORT ON CURRENT EFFORTS.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress identifying and describing the marketing and outreach efforts then currently being undertaken to educate consumers regarding the benefits of obtaining coverage under the national flood insurance program.

SEC. 16. GRANTS FOR DIRECT FUNDING OF MITIGATION ACTIVITIES FOR INDIVIDUAL REPETITIVE CLAIMS PROPERTIES.

(a) DIRECT GRANTS TO OWNERS.—Section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030) is amended—

*(1) in the section heading, by inserting "**DIRECT**" before "**GRANTS**"; and*

(2) in the matter in subsection (a) that precedes paragraph (1)—

(A) by inserting ", to owners of such properties," before "for mitigation actions"; and

(B) by striking "1" and inserting "two".

(b) AVAILABILITY OF FUNDS.—Paragraph (9) of section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended by inserting "which shall remain available until expended," after "any fiscal year,".

SEC. 17. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1), by striking "2005, 2006, 2007, 2008, and 2009" and inserting "2008, 2009, 2010, 2011, and 2012"; and

(2) by striking subsection (l).

SEC. 18. FLOOD MITIGATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY OF PROPERTY DEMOLITION AND REBUILDING.—Section 1366(e)(5)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)(B)) is amended by striking "or floodproofing" and inserting "floodproofing, or demolition and rebuilding".

(b) ELIMINATION OF LIMITATIONS ON AGGREGATE AMOUNT OF ASSISTANCE.—Section 1366 of the National Flood Insurance Act of 1968 is amended by striking subsection (f).

(c) SOURCE OF FUNDS.—Subsection (a) of section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d(a)) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.".

(d) TECHNICAL AMENDMENTS.—Section 1366 of the National Flood Insurance Act of 1968 is amended—

(1) by striking "subsection (g)" each place such term appears in subsections (h) and (i)(2) and inserting "subsection (f)";

(2) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively; and

(3) by redesignating subsection (m) as subsection (k).

SEC. 19. GAO STUDY OF METHODS TO INCREASE FLOOD INSURANCE PROGRAM PARTICIPATION BY LOW-INCOME FAMILIES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify and analyze potential methods, practices, and incentives that would increase the extent to which low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))) that own residential properties located within areas having special flood hazards purchase flood insurance coverage for such properties under the national flood insurance program. In conducting the study, the Comptroller General shall analyze the effectiveness and costs of the various methods, practices, and incentives identified, including their effects on the national flood insurance program.

(b) REPORT.—The Comptroller General shall submit to the Congress a report setting forth the conclusions of the study under this section not later than 12 months after the date of the enactment of this Act.

SEC. 20. NOTICE OF AVAILABILITY OF FLOOD INSURANCE AND ESCROW IN RESPA GOOD FAITH ESTIMATE.

Subsection (c) of section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(c)) is amended by adding at the end the following new sentence: "Each such good faith estimate shall include the following conspicuous statements and information: (1) that flood insurance coverage for residential real estate is generally available under the national flood insurance program whether or not the real estate is located in an area having special flood hazards and that, to obtain such coverage, a home owner or purchaser should contact the national flood insurance program; (2) a telephone number and a location on the World Wide Web by which a home owner or purchaser can contact the national flood insurance program; and (3) that the escrowing of flood insurance payments is required for many loans under section 102(d) of the Flood Disaster Protection Act of 1973, and may be a convenient and available option with respect to other loans.".

SEC. 21. REITERATION OF FEMA RESPONSIBILITIES UNDER 2004 REFORM ACT.

(a) APPEALS PROCESS.—As directed in section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note), the Director of the Federal Emergency Management Agency is again directed to, not later than 90 days after the date of the enactment of this Act, establish an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy as required by such section.

(b) MINIMUM TRAINING AND EDUCATION REQUIREMENTS.—The Director of the Federal Emergency Management Agency is directed to continue to work with the insurance industry, State insurance regulators, and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies that were established by the Director under the notice published September 1, 2005 (70 Fed. Reg. 52117) pursuant to section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).

(c) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to the Congress describing the implementation of each provision of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264) and identifying each regulation, order, notice, and other material issued by the Director in implementing each such provision.

SEC. 22. ONGOING MODERNIZATION OF FLOOD MAPS AND ELEVATION STANDARDS.

(a) ONGOING FLOOD MAPPING PROGRAM.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsection:

"(k) ONGOING PROGRAM TO REVIEW, UPDATE, AND MAINTAIN FLOOD INSURANCE PROGRAM MAPS.—

"(1) IN GENERAL.—The Director, in coordination with the Technical Mapping Advisory Council established pursuant to section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) and section 22(b) of the Flood Insurance Reform and Modernization Act of 2007, shall establish an ongoing program under which the Director shall review, update, and maintain national flood insurance program rate maps in accordance with this subsection.

"(2) INCLUSIONS.—

"(A) COVERED AREAS.—Each map updated under this subsection shall include a depiction of—

"(i) the 500-year floodplain;

"(ii) areas that could be inundated as a result of the failure of a levee, as determined by the Director; and

"(iii) areas that could be inundated as a result of the failure of a dam, as identified under the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

"(B) OTHER INCLUSIONS.—In updating maps under this subsection, the Director may include—

"(i) any relevant information on coastal inundation from—

"(I) an applicable inundation map of the Corps of Engineers; and

"(II) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

"(ii) any relevant information of the Geographical Service on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Director; and

"(iii) a description of any hazard that might impact flooding, including, as determined by the Director—

"(I) land subsidence and coastal erosion areas;

"(II) sediment flow areas;

"(III) mud flow areas;

"(IV) ice jam areas; and

"(V) areas on coasts and inland that are subject to the failure of structural protective works, such as levees, dams, and floodwalls.

"(3) STANDARDS.—In updating and maintaining maps under this subsection, the Director shall establish standards to—

"(A) ensure that maps are adequate for—

"(i) flood risk determinations; and

"(ii) use by State and local governments in managing development to reduce the risk of flooding;

"(B) facilitate the Director, in conjunction with State and local governments, to identify and use consistent methods of data collection and analysis in developing maps for communities with similar flood risks, as determined by the Director; and

"(C) ensure that emerging weather forecasting technology is used, where practicable, in flood map evaluations and the identification of potential risk areas.

"(4) HURRICANES KATRINA AND RITA MAPPING PRIORITY.—In updating and maintaining maps under this subsection, the Director shall—

"(A) give priority to the updating and maintenance of maps of coastal areas affected by Hurricane Katrina or Hurricane Rita to provide guidance with respect to hurricane recovery efforts; and

"(B) use the process of updating and maintaining maps under subparagraph (A) as a model for updating and maintaining other maps.

"(5) PREVENTING DELAY OF 100-YEAR MAPS.—In carrying out this section and this subsection, the Director shall take such actions as may be necessary to ensure that updating and publication of national flood insurance program rate maps to include a depiction of the 500-year floodplain does not in any manner delay the completion or publication of the program rate maps for the 100-year floodplain.

"(6) EDUCATION PROGRAM.—The Director shall, after each update to a flood insurance program rate map, in consultation with the chief executive officer of each community affected by the update, conduct a program to educate each such community about the update to the flood insurance program rate map and the effects of the update.

"(7) ANNUAL REPORT.—Not later than June 30 of each year, the Director shall submit a report to the Congress describing, for the preceding 12-month period, the activities of the Director under the program under this section and the reviews and updates of flood insurance program rate maps conducted under the program. Each such annual report shall contain the most recent report of the Technical Mapping Advisory Council pursuant to section 576(c)(3) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note).

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director to carry out this subsection $400,000,000 for each of fiscal years 2008 through 2013.".

(b) REESTABLISHMENT OF TECHNICAL MAPPING ADVISORY COUNCIL FOR ONGOING MAPPING PROGRAM.—

(1) REESTABLISHMENT.—There is reestablished the Technical Mapping Advisory Council, in accordance with this subsection and section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note).

(2) MEMBERSHIP.—Paragraph (1) of section 576(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended—

(A) in the matter preceding subparagraph (A), by striking "10" and inserting "14";

(B) by redesignating subparagraphs (E), (F), (G), (H), (I), and (J) as subparagraphs (F), (G), (H), (K), (N), and (O), respectively;

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) a representative of the Corps of Engineers of the United States Army;";

(D) by inserting after subparagraph (H) (as so redesignated by subparagraph (B) of this paragraph) the following new subparagraphs:

"(I) a representative of local or regional flood and stormwater agencies;

"(J) a representative of State geographic information coordinators;"; and

(E) by inserting after subparagraph (K) (as so redesignated by subparagraph (B) of this paragraph) the following new subparagraphs:

"(L) a representative of flood insurance servicing companies;

"(M) a real estate professional;".

(3) TERMS OF MEMBERS AND APPOINTMENT.—Section 576(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended by adding at the end the following new paragraph:

"(3) TERMS OF MEMBERS.—

"(A) IN GENERAL.—Each member of the Council pursuant to any of subparagraphs (B) through (N) of paragraph (1) shall be appointed for a term of 5 years, except as provided in subparagraphs (B) and (C).

"(B) TERMS OF INITIAL APPOINTEES.—As designated by the Director (or the designee of the Director) at the time of appointment, of the members of the Council first appointed pursuant to subparagraph (D)—

"(i) 4 shall be appointed for a term of 1 year;

"(ii) 4 shall be appointed for a term of 3 years; and

"(iii) 5 shall be appointed for a term of 5 years.

"(C) VACANCIES.—Any member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Council shall be filled in the manner in which the original appointment was made.

"(D) INITIAL APPOINTMENT.—The Director, or the Director's designee, shall take action as soon as possible after the date of the enactment of the Flood Insurance Reform and Modernization Act of 2007 to appoint the members of the Council pursuant to this subsection.".

(4) DUTIES.—Subsection (c) of section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended to read as follows:

"(c) DUTIES.—The Council shall—

"(1) make recommendations to the Director for improvements to the flood map modernization program under section 1360(k) of the National Flood Insurance Act of 1968 (42 U.S.C. 41010(k));

"(2) make recommendations to the Director for maintaining a modernized inventory of flood hazard maps and information; and

"(3) submit an annual report to the Director that contains a description of the activities and recommendations of the Council.".

(5) ELIMINATION OF TERMINATION.—Section 576 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101 note) is amended by striking subsection (k) and inserting the following new subsection:

"(k) CONTINUED EXISTENCE.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to termination of advisory committees) shall not apply to the Council.".

(c) POST-DISASTER FLOOD ELEVATION DETERMINATIONS.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(l) INTERIM POST-DISASTER FLOOD ELEVATIONS.—

"(1) AUTHORITY.—Notwithstanding any other provision of this section or section 1363, the Director may, after any flood-related disaster, establish by order interim flood elevation requirements for purposes of the national flood insurance program for any areas affected by such flood-related disaster.

"(2) EFFECTIVENESS.—Such interim elevation requirements for such an area shall take effect immediately upon issuance and may remain in effect until the Director establishes new flood elevations for such area in accordance with section 1363 or the Director provides otherwise.".

(d) UPDATING UPON REQUEST OF COMMUNITY.—Paragraph (2) of section 1360(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by inserting before the period at the end the following: ", except that such a revision or update shall be made at no cost to the unit of government making the request if the request is being made to reflect repairs and upgrades to dams, levees, or other flood control projects under the jurisdiction and responsibility of the Federal Government".

SEC. 23. NOTIFICATION AND APPEAL OF MAP CHANGES; NOTIFICATION OF ESTABLISHMENT OF FLOOD ELEVATIONS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by striking the section designation and all that follows through the end of subsection (a) and inserting the following:

"SEC. 1363. (a) In establishing projected flood elevations for land use purposes with respect to any community pursuant to section 1361, the Director shall first propose such determinations—

"(1) by providing the chief executive officer of each community affected by the proposed elevations, by certified mail, with a return receipt requested, notice of the elevations, including a copy of the maps for the elevations for such community and a statement explaining the process under this section to appeal for changes in such elevations;

"(2) by causing notice of such elevations to be published in the Federal Register, which notice shall include information sufficient to identify the elevation determinations and the communities affected, information explaining how to obtain copies of the elevations, and a statement explaining the process under this section to appeal for changes in the elevations; and

"(3) by publishing in a prominent local newspaper the elevations, a description of the appeals process for flood determinations, and the mailing address and telephone number of a person the owner may contact for more information or to initiate an appeal.".

SEC. 24. CLARIFICATION OF REPLACEMENT COST PROVISIONS, FORMS, AND POLICY LANGUAGE.

Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall—

(1) in plain language using easy to understand terms and concepts, issue regulations, and revise any materials made available by such Agency, to clarify the applicability of replacement cost coverage under the national flood insurance program;

(2) in plain language using easy to understand terms and concepts, revise any regulations, forms, notices, guidance, and publications relating to the full cost of repair or replacement under the replacement cost coverage to more clearly describe such coverage to flood insurance policyholders and information to be provided by such policyholders relating to such coverage, and to avoid providing misleading information to such policyholders;

(3) revise the language in standard flood insurance policies under such program regarding rating and coverage descriptions in a manner that is consistent with language used widely in other homeowners and property and casualty insurance policies, including such language regarding classification of buildings, basements, crawl spaces, detached garages, enclosures below elevated buildings, and replacement costs; and

(4) require the use, in connection with flood insurance policies, of the supplemental forms developed pursuant to section 202 of the Bunning-Bereuter-Blumenauer Flood Insurance

Reform Act of 2004 (Public Law 108–264; 118 Stat. 725).

SEC. 25. AUTHORIZATION OF ADDITIONAL FEMA STAFF.

Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency may employ such additional staff as may be necessary to carry out all of the responsibilities of the Director pursuant to this Act and the amendments made by this Act. There are authorized to be appropriated to Director such sums as may be necessary for costs of employing such additional staff.

SEC. 26. EXTENSION OF DEADLINE FOR FILING PROOF OF LOSS.

(a) IN GENERAL.—Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by inserting "(a) PAYMENT.—" before "The Director"; and

(2) by adding at the end the following new subsection:

"(b) FILING DEADLINE FOR PROOF OF LOSS.—

"(1) IN GENERAL.—In establishing any requirements regarding notification, proof, or approval of claims for damage to or loss of property which is covered by flood insurance made available under this title, the Director may not require an insured to notify the Director of such damage or loss, submit a claim for such damage or loss, or certify to or submit proof of such damage or loss, before the expiration of the 180-day period that begins on the date that such damage or loss occurred.

"(2) EXCEPTIONS.—Notwithstanding any deadline established in accordance with paragraph (1), the Director may not deny a claim for damage or loss described in such paragraph solely for failure to meet such deadline if the insured demonstrates any good cause for such failure.".

(b) APPLICABILITY.—Subsection (b) of section 1312 of the National Flood Insurance Act of 1968, as added by subsection (a)(2) of this section, shall apply with respect to any claim under which the damage to or loss of property occurred on or after the date of the enactment of this Act.

SEC. 27. 5-YEAR EXTENSION OF PROGRAM.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking "September 30, 2008" and inserting "September 30, 2013".

SEC. 28. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction; and

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage.

SEC. 29. STUDY OF ECONOMIC EFFECTS OF CHARGING ACTUARIALLY-BASED PREMIUM RATES FOR PRE-FIRM STRUCTURES.

(a) STUDY.—The Director of the Federal Emergency Management Agency (in this section referred to as the "Director") shall conduct a study of the economic effects that would result from increasing premium rates for flood insurance coverage made available under the national flood insurance program for non-primary residences and non-residential pre-FIRM structures (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note) to the full actuarial risk based premium rate determined under section 1307(a)(1) of the National Flood Insurance Act of 1968 for the area in which the property is located. In conducting the study, the Director shall—

(1) determine each area that would be subject to such increased premium rates; and

(2) for each such area, determine—

(A) the amount by which premium rates would be increased;

(B) the number and types of properties affected and the number and types of properties covered by flood insurance under this title likely to cancel such insurance if the rate increases were made;

(C) the effects that the increased premium rates would have on land values and property taxes; and

(D) any other effects that the increased premium rates would have on the economy, homeowners, and renters of non-primary residences.

(b) REPORT.—The Director shall submit a report to the Congress describing and explaining the findings of the study conducted under this section. The report shall be submitted not later than 12 months after the date of the enactment of this Act.

The CHAIRMAN. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be read considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110-351.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

In the matter proposed to be inserted by section 7(a)(2) of the bill, amend paragraph (2) of subsection (c) to read as follows:

"(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.".

In the matter proposed to be inserted by section 7(d) of the bill, in paragraph (1) of subsection (d) strike "windstorm-prone areas as to land management and use, windstorm zoning, and windstorm damage prevention" and inserting "wind events as to wind hazard prevention".

In the matter proposed to be inserted by the amendment made by section 22(a) of the bill, in subsection (k), redesignate paragraphs (4) through (8) as paragraphs (5) through (9), respectively.

In the matter proposed to be inserted by the amendment made by section 22(a) of the bill, after subsection (k)(3) insert the following new paragraph:

"(4) MAPPING ELEMENTS.—Each map updated under this section shall meet the following requirements:

"(A) GROUND ELEVATION DATA.—The maps shall assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with the existing guidelines and specifications of the Federal Emergency Management Agency.

"(B) DATA ON A WATERSHED BASIS.—The maps shall develop national flood insurance program flood data on a watershed basis—

"(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

"(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

"(C) OTHER DATA.—The maps shall include any other relevant information as may be recommended by the Technical Mapping Advisory Council reestablished by section 22(b) of the Flood Insurance Reform and Modernization Act of 2007.".

In section 22(b)(2)(A), strike "14" and insert "15".

In section 22(b)(2)(B), strike "(N), and (O)" and insert "(O), and (P)".

In the matter proposed to be inserted by the amendment made by section 22(b)(2)(E) of the bill, after subparagraph (M) insert the following new subparagraph:

"(N) a member of a professional mapping association or organization;".

At the end of the bill add the following new sections:

SEC. 30. PROHIBITION ON ENFORCEMENT OF PENALTY ASSESSED ON CONDOMINIUM ASSOCIATIONS.

Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency shall not apply or enforce any penalty relating to the national flood insurance program assessed, during 2005 or thereafter, on condominium associations that are underinsured under such program.

SEC. 31. REPORT OF ADMINISTRATIVE EXPENSES OF WRITE-YOUR-OWN INSURERS; INDEPENDENT AUDITS.

Section 1348 of the National Flood Insurance Act of 1968 (42 U.S.C. 4084) is amended by adding at the end the following new subsections:

"(c) Any insurance company or other private organization executing any contract, agreement, or other appropriate arrangement with the Director under this part shall—

"(1) annually submit to the Director a record of all administrative and operating costs of the program undertaken; and

"(2) biennially submit to the Director an independent audit of the program undertaken that is conducted by a certified public accountant to ensure that payments made are proper and in accordance with this Act.

"(d) The Director shall review the records and audits submitted under paragraphs (1) and (2) of subsection (c) to determine if such payments are reasonable and if the system by which the Director makes payments to an insurance company or other private organization under this part should be revised.

"SEC. 32. PLAN TO VERIFY MAINTENANCE OF FLOOD INSURANCE ON MISSISSIPPI AND LOUISIANA PROPERTIES RECEIVING EMERGENCY SUPPLEMENTAL FUNDS.

"The Director of the Federal Emergency Management Agency shall develop and implement a plan to verify that persons receiving funds under the Homeowner Grant Assistance Program of the State of Mississippi or the Road Home Program of the State of Louisiana from amounts allocated to the State of Mississippi or the State of Louisiana, respectively, from the Community development fund under the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148) are maintaining flood insurance on the property for which such persons receive such funds as required by each such Program.".

The CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1400

Mr. FRANK of Massachusetts. Mr. Chairman, this is an amendment unanimously supported, I believe, certainly strongly supported by both majority and minority committee leadership and staffs. It incorporates a number of other amendments, and I am pleased to be able to say that at least here we were able to get some bipartisanship, because one of the amendments of the gentleman from Ohio (Mr. LATOURETTE), it improves the program in terms of mapping and other technical ways, and I believe that there is general agreement that this improves it.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I would like to thank the chairman for working with the manager's amendment with Members of our side. I appreciate his efforts as always.

I yield 2 minutes in particular to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, I thank the gentlelady for yielding, and I rise today to support the manager's amendment and to offer my thanks to the chairman of the full committee, Chairman FRANK.

About a year ago in Ohio we had a 500-year event, and a lot of places that had never flooded, flooded. And what we found was that the current structure of the National Flood Insurance Program indicates that if the primary insurance, if there is a finding that it is underinsured, there is a penalty that attaches to it. It further goes on to say that if the penalty attaches and you don't pay out the limits on the first policy, you can't reach the secondary insurance.

We had people in our hometown that basically did what they were supposed to do; they bought the secondary insurance, they were fully insured. The condominium owners association, however, was underinsured, and therefore we didn't reach the policies.

The chairman joined with me in August in writing to FEMA to see if we could administratively reach some resolution. Sadly, we were unable to do that, and my thanks to Chairman FRANK for including in his manager's amendment today something that not only reaches my constituents, because apparently that would be some kind of illegal earmark, but it reaches all people in the country that find themselves so afflicted. So my thanks to the chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman is welcome. I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, of all the irresponsible, bad ideas cooked up by the liberal leadership of the House, this has to be the blue ribbon boondoggle champion of bad ideas. This exposes the U.S. Treasury and the American taxpayers to a potential liability of up to $19 trillion of property from Maine to the Gulf Coast States. The flood insurance program is already, as we have heard, about, I believe, $20 billion in debt already, the flood insurance is already underfunded, and yet we are going through this legislation, if it passes, expose the American taxpayers to untold billion dollars worth of liability every year. And this is a public-private partnership. As my friend RANDY NEUGEBAUER of Texas pointed out, the insurance companies on the private sector's part are going to collect the premiums and the American taxpayers are going to pay the bill.

This is, I believe, one of the most dangerous and fiscally irresponsible pieces of legislation ever brought to the floor of the House probably in history, and certainly sets a blue ribbon record for the liberal leadership of this House.

We need to all remember as guardians of the Treasury that the American taxpayers are already facing individually, according to the Government Accountability Office, every living American would have to buy $170,000 worth of Treasury bills today just to pay off the existing liabilities of the Federal Government, both direct and indirect. And it is unconscionable, it is absolutely intolerable that this Congress, this liberal leadership of this House would attempt to pass on to my daughter and our kids a potential liability reaching $19 trillion. It is unacceptable, it is outrageous, and I hope this House will soundly defeat this utterly irresponsible piece of legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, it might be superfluous, but I would want to point out that the speech we just heard has no bearing whatsoever to the amendment that is pending.

Mr. CULBERSON. It is on the bill.

Mr. FRANK of Massachusetts. The gentleman, I hope, would wait to be recognized. But in case anybody is trying to follow the debate and the rules, I would want to point out that we are debating a manager's amendment. And while the gentleman didn't know, what he was so expansively saying is, of course, unrelated to this particular amendment.

Mrs. CAPITO. I yield my remaining time to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman for yielding and I thank my friend from Massachusetts for generously yielding time, and I want to speak about the manager's amendment. Now that I have done that, I want to talk about Public Law 15.

Public Law 15, or the McCarran-Ferguson Act, says that the States will be in charge of insurance, not the Federal Government.

Therefore, when a company comes into a State or tries to leave a State, the State insurance commissioner actually has the opportunity to twist an arm and say, if you are going to come into my State, you have to write a certain amount of coastal property, a certain mix of teenage drivers, a certain mix of elderly people for health care or whatever. State insurance commissioners by Public Law 15, the McCarran-Ferguson Act, are very powerful in the insurance business.

So I want to say that is where my philosophy comes from is that I do strongly believe that the States can twist arms and get a lot more done.

But I just want to say that Federal flood fund insurance companies did not start until 1968; yet, we have historic properties all over the coast of America because the private sector was there. And, again, having sold flood insurance through a private insurance company, I know that it is possible. And I don't know if the gentleman needs some time. I will be happy to yield, because it is your amendment.

Mr. FRANK of Massachusetts. First of all, I agree. I thought he was talking about the Federal Government when he said "we." And he is right, States have some power; the Federal Government does not. But even there, I believe he overstates the States' powers. And in fact, particularly in the Graham-Leach-Bliley bill, we gave some insurance companies the power to leave States, which we shouldn't have done. But States can be required, if they are going to do something, to do other things. But they can leave altogether, and the State insurance commissioners generally don't have the power to do that.

Mr. KINGSTON. Reclaiming the time. I do believe that you have set a great message, and Mr. TAYLOR is a tireless advocate for coastal property. But at the same time, I do think that the McCarran-Ferguson Act gives the State insurance commissioners a pretty big hammer here which they ought to be using on the head of certain insurance company executives.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–351.

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CARDOZA:

At the end of section 22 of the bill, add the following new subsection:

(e) 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended—

(1) in subsection (c), by inserting "and subsection (g)" before the first comma; and

(2) by adding at the end the following new subsection:

"(g) 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.—Notwithstanding any other provision of law relating to chargeable risk premium rates for flood insurance coverage under this title, in the case of any area that previously was not designated as an area having special flood hazards because the area was protected by a flood protection system and that, pursuant to remapping under section 1360(k), becomes designated as such an area as a result of the decertification of such flood protection system, during the 5-year period that begins upon the initial such designation of the area, the chargeable premium rate for flood insurance under this title with respect to any property that is located within such area shall be equal to 50 percent of the chargeable risk premium rate otherwise applicable under this title to the property.".

The CHAIRMAN. Pursuant to House Resolution 683, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I yield myself 3½ minutes.

I rise today in strong support of this amendment to H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007. I thank the chairman of the committee, Mr. FRANK, for his leadership on this issue. I would also be remiss if I did not mention that Congressman HINOJOSA was very instrumental in helping me bring this amendment to the floor today, and his name was left off the list of coauthors although he was certainly instrumental, as well as Mrs. LOIS CAPPS, our colleague from California who has a problem in the Santa Maria area and is also a supporter of this bill.

I fully understand, Mr. Chairman, and appreciate the need to reform and modernize the National Flood Insurance Program. As we all know, the recent devastating hurricanes, Katrina, Rita and Wilma, not only ruined thousands of people's lives, but displaced tens of thousands of people and laid waste to millions of homes, causing billions of dollars in property damage, and they were exposed to the fragility of the National Flood Insurance Program. Mr. TAYLOR will speak later to that problem.

At the same time, FEMA began a remapping of flood plains across the country. And while I agree that people should know whether they live in a protected area or not, FEMA's process has been terribly flawed from the beginning, and my constituents stand to suffer as a result.

As we make the necessary reforms to the system, we must be cognizant of the impact this legislation could have on unsuspecting residents. FEMA's current plans to update the floodplain maps will force many people in my district and across the country to have to purchase flood insurance who are currently not required to purchase it. To add insult to injury, many of these people are low-income earners, and have no idea that this expense is looming.

I commend the bill for recognizing this problem and taking some steps to address it; however, we must do more to help low-income people who will be affected. Our amendment addresses these concerns and blunts the impact the remapping process will have on low-income residents.

This amendment says that people forced to purchase flood insurance as a result of a new map who live in an area that was previously certified and now have been decertified under the new FEMA process will have a grace period of 5 years in which they will be entitled to a 50 percent reduction in their flood insurance premium. The goal is that, during those 5 years, necessary upgrades will be made to the levees to bring them into compliance, thereby eliminating the mandatory requirement to purchase flood insurance.

This amendment will have a huge impact on my district and many other parts of the country as well. It is simply unfair to, while requiring communities to upgrade their levees, also require them to purchase flood insurance at the same time. Many of these people are still paying on the levees that had initially protected them in the first place.

By giving those who most need assistance a grace period, we are acknowledging the plight of these communities and taking action. This is the right thing to do. Moreover, given the volatile housing markets, we need to do everything possible to ensure people on the precipice remain in their homes. In my district, we have nearly 20,000 people who are currently facing foreclosure due to the subprime loan problem. Saddling these same people with more expenses when they can least afford it is counterproductive and contrary to the shared goal of promoting ownership. Let's help these people bring some balance to the flood insurance program and FEMA's remapping process. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Ms. CAPITO. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Ms. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I wanted to ask the author of the amendment and the author of the legislation, if they are here, if they could identify, please, for the RECORD, other than Social Security and Medicare, can you all identify any piece of legislation that has ever exposed the American taxpayer to greater potential liability than this bill before the House today? Can you all identify a bigger boondoggle than this one? And you can have some of my time. I will yield. Can anyone on that side identify a bigger boondoggle than this that will expose the taxpayers to greater liability?

Mr. CARDOZA. I would say there are several Republican boondoggles that we have seen in the last few years.

Mr. CULBERSON. Please name one.

Mr. CARDOZA. The drug program. The unheard of tax cuts that were not paid for. There have been several things that have exposed the American

Treasury to boondoggles, and they have been authored by the gentleman's party.

Mr. CULBERSON. Tax cuts pay for themselves by growth in the economy.

Mr. CARDOZA. That is not what the Congressional Budget Office says.

Mr. CULBERSON. Reclaiming my time. When people have more of their own money to spend, the economy grows because they invest and we are rewarding people for hard work and productive behavior.

Other than Social Security and Medicare, which are noble, good programs that have helped this Nation, other than those two, has there ever been a piece of legislation exposing the American taxpayer to greater potential liability than this boondoggle that you are putting before the House today? And I gladly yield some of my time, Mr. TAYLOR. Can you identify a bigger boondoggle than this one?

Mr. TAYLOR. Sure. No more than I challenge the question as to whether or not this is a boondoggle. We have recognized a problem; we are addressing it in a means that pays for itself.

On the other hand, when the Republican majority controlled this House, they brought a prescription drug benefit to the floor.

Mr. CULBERSON. Which I voted against.

Mr. TAYLOR. Which increased the liability of the taxpayers for over $1 trillion and had no funding mechanism. And then they held the vote open for 3 hours to twist arms to pass it. So, sir, that is it.

Mr. CULBERSON. Reclaiming my time. The Republican leadership might have bent the rules to give American seniors a drug benefit; but we didn't break the rules and steal a vote, as you all did, to give illegal aliens access to Federal benefits. And that shows the difference in priorities, I would point out.

□ 1415

Mr. CARDOZA. Mr. Chairman, I recognize my colleague from Texas (Mr. REYES) for 1 minute.

Mr. REYES. Thank you, Congressman CARDOZA and Congressman ROSS, for your valuable assistance in crafting this important amendment.

I also want to thank our friend, as Congressman CARDOZA mentioned, RUBÉN HINOJOSA, who could not join us here this afternoon.

Our amendment stands both for fairness and the integrity of the National Flood Insurance Program.

In El Paso, which is my district, FEMA is currently in the process of issuing new floodplain maps. Initially, the community didn't think much of this exercise because, simply, many didn't know that they had ever lived in a floodplain and didn't expect any problems with this issue.

However, when FEMA asked the Federal agency in charge of flood control, the International Boundary and Water Commission, about the condition of our levees, the answer came back that they were unsatisfactory. The levees were missing a few feet of free board, which is supplemental height and therefore could not be certified, which meant that now members of our community in El Paso were now subject to flood insurance.

That is why this amendment is necessary. That's why we're trying to correct an issue and a problem that everyday people need to wrestle with.

Mrs. CAPITO. Mr. Chairman, I would like to yield my remaining time to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, maybe somebody in the majority party could clarify something for me. Does this apply to the wind coverage? Does the gentleman, author of the legislation, know? Does this apply to the wind storm coverage? Does this amendment apply to wind storm?

Mr. CARDOZA. This amendment applies to levees.

Mr. KINGSTON. Does it apply to the wind storm policy? And here's why I'm asking: as I understand it, we're talking about a multi-peril policy that would have flood and wind. And a mortgagee, or a bank, the lender is going to require you to carry flood insurance. Therefore, you go out in the market, well, it won't be the market. You go to Uncle Sugar, I mean Uncle Sam, and you say, I want to get this policy and you're going to get the flood care, but they're also going to sell you the wind storm as part of it.

So is it your intent for people who are in this floodplain area to also get a discount on their wind storm coverage?

Mr. CARDOZA. This amendment's intent is to cover folks who are in flood areas now that are currently covered by levees that, through no fault of their own, FEMA's come in and decertified. They had regulations 2 years ago that said they were fine. They've changed regulations on these folks.

So it's not my intent to affect in any way the wind portion of the policy.

Mr. KINGSTON. Well, if the gentleman will let me ask, and I'll yield back to you, but where in your policy does it say they won't get the discount on the wind coverage? Because I understand what you're doing on the flood. But it appears that wind is going to be in this package. I don't see how we divide it out.

Mr. CARDOZA. My amendment is silent to the wind coverage, sir. It doesn't speak to that.

Mr. KINGSTON. But am I correct that when my lender requires me to carry the flood insurance, then I'm also going to FEMA for the wind storm insurance?

Mr. FRANK of Massachusetts. If the gentleman would yield.

Mr. CARDOZA. I would yield.

Mr. FRANK of Massachusetts. I just double-checked with the staff, and there is no discount available for wind. It's in the bill.

Mr. KINGSTON. Would they have to be in the amendment?

Mr. FRANK of Massachusetts. The language is, in the case of any area that previously was not designated as an area having special flood hazards because the area was protected, it becomes designated as such an area, and it's all about flood. Here it is: the chargeable premium rate for flood insurance under this title shall be, et cetera. So if the gentleman would look at the bottom of the amendment, I'm trying to answer the question.

Mr. KINGSTON. Mr. CARDOZA said it was silent on it, which it sounds like. From what you just read, that's correct. Wouldn't it have to proactively exclude the discount for wind? I'm just asking.

Mr. FRANK of Massachusetts. If the gentleman would yield to me one second, lines 18 and 19, the chargeable premium rate for flood insurance under this title shall be 50 percent.

The CHAIRMAN. The gentleman from Georgia's time has expired. The gentleman from California has 30 seconds remaining on his side.

Mr. KINGSTON. Maybe if Mr. FRANK could finish that sentence.

Mr. CARDOZA. I yield my remaining time to the chairman of the committee, Mr. FRANK.

Mr. FRANK of Massachusetts. The law is the law. The amendment would change things. In that sense the gentleman is right: it is silent. It's silent on the wind part, which means it doesn't change it. It explicitly changes the flood part only. And look at lines 18, 19 and pages 1, 2 and 3, and it specifically restricted the flood.

Mr. KINGSTON. But in a multi-peril policy, you're only getting one premium.

Mr. FRANK of Massachusetts. Oh, no. The gentleman is wrong. The gentleman should yield to the gentleman from Mississippi.

Mr. TAYLOR. Since you were in the business, you know that if you have a federally backed mortgage and you live in a floodplain, you have to buy flood insurance. The wind policy will be totally voluntary. It is an option to those people who wish to purchase. There is nothing in the law to require people to buy the wind policy.

The CHAIRMAN. The gentleman from California's time has expired.

The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. CASTOR

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–351.

Ms. CASTOR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. CASTOR:

At the end of the bill add the following new section:

SEC. ___. GAO STUDY OF FACTORS AFFECTING ENROLLMENT IN MULTIPERIL INSURANCE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify and analyze factors affecting enrollment in the multiperil insurance program. Such study shall include a study of the effects of the multiperil insurance program on enrollment and pricing of State residual property and casualty markets or plans and State catastrophe plans.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the conclusions of the study conducted under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 683, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR. Mr. Chairman, I yield myself as much time as I might consume.

This amendment commissions a GAO study to examine the effect of the new multi-peril coverage option which is established as an option in this bill on State insurers and catastrophe funds like those in my State of Florida. This amendment works very well with the initiative of Chairman FRANK and my colleague from Florida, Ms. BROWN-WAITE, and their very thoughtful initiatives. But it builds upon it.

And the particular problem in my State of Florida is that the State insurance company, Citizens, now holds 1.3 million policies. Citizens is supposed to be an insurer of last resort; but because private insurance companies have left the State, they've withdrawn from the market, Citizens has ballooned to over 40 percent of the property wind insurance market. Citizens, however, does not have the reserves, the sufficient financial reserves, we believe, to pay the level of claims that would result from a catastrophic hurricane. In the event of a serious storm, Citizens may be forced to turn to public funds again.

The new multi-peril option, I know it's in dispute now, but however you feel about it, we need to get to the bottom of the effect it will have on our State insurers and catastrophic funds. It could offer new fiscally sound choices for those in high-risk areas. It has the potential to help address wind insurance availability so that the public is not on the hook for claims when the next storm hits.

If the new option is successful in making insurance available to areas where private insurers refuse to go, multi-peril and this wind storm option could relieve the pressure on State insurers like Citizens in Florida. But serious questions remain to be answered about how these State and Federal programs will interact.

Will State insurers leave room in the market for an actuarially based Federal program to achieve high enough enrollment to make a difference?

Will State policies change to help their citizens take advantage of the Federal multi-peril program?

How will enrollment rates of State plans change to reflect the new Federal entrant into the market?

These are important questions for both Congress and States to ask. There will also undoubtedly be interaction between State and Federal programs that will affect enrollment in ways that we cannot anticipate.

So, Mr. Chairman, the study commissioned in this bill will provide vital information to help officials at all levels of government work together to better understand and administer the new multi-peril and wind storm option.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. ROSS). Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, I find it ironic, actually, that this amendment, which has its merits, is being advanced, but that other amendments that are sort of similarly situated weren't placed in order. For example, this amendment says that in 9 months the GAO is going to be charged with the responsibility, essentially, of looking back for the past 9 months and looking at the impact on State insurance programs. Great. Really no argument there.

But if looking back is a good idea, isn't looking forward a good idea too? Isn't a prospective look forward at the possibility something that we ought to be doing?

I just find it concerning that we're willing to put a potential program, put the brakes on a potential program and be reflective, when we, at this very moment in time, as we sit here today, as we stand here today, we have the opportunity to accomplish this task by asking the GAO to look forward and look at the impact of this. This is part of the amendments that were, unfortunately, ruled out of order and were not allowed to be brought to the House and we're going to be denied an opportunity to have an up or down vote on the wind program, as Mr. HENSARLING had suggested in his amendment. And yet we're being told, well, you know what, take a glance back after 9 months and let's sort of see how we're doing. And, oh, by the way, we tend to ignore what the GAO says anyway since they've put the National Flood Insurance Program on a high-risk watch list, essentially; and without any managerial changes we're entrusting that group that is on a watch with this great responsibility.

And I think this amendment really brings that real concern to mind, that those of us on this side of the aisle were not being given the opportunity to really debate this in totality.

Ms. CASTOR. Mr. Chairman, I appreciate the comments of my colleague from Illinois, and there certainly is a prospective, forward-looking request of the GAO, and it builds upon the very thoughtful initiative by my colleague from Florida, Ms. BROWN-WAITE, and the chairman of the committee, Mr. FRANK.

I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, at a meeting of the committee, I thought the gentleman was present, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) asked if I would join in a letter to the GAO asking very many of the questions he asked. I have the letter, dated August 9, 2007. And earlier in the general debate, Ms. BROWN-WAITE asked me to engage in a colloquy and commit to taking seriously the recommendations. So we have already asked the GAO for a study, and I believe that study will be going forward.

And if it hasn't already been done, at the appropriate time I will place the letter that the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and I sent to the GAO into the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, August 9, 2007.

Hon. DAVID M. WALKER,
Comptroller General of the United States, Government Accountability Office, Washington, DC.

DEAR MR. WALKER: We request that the Government Accountability Office (GAO) initiate a review into a variety of questions regarding the expansion of the National Flood Insurance Program (NFIP) to include an optional wind insurance program. The results of your review will assist congressional understanding of how such a program could be implemented and to what extent it would affect the private market.

As background, Section 7 of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007 creates a new program at the NFIP designed to enable NFIP participants to purchase both wind and flood coverage in a single policy, A key provision of Section 7 requires that rates charged for this new, optional, wind coverage be risk-based and actuarially sound, so that the program collects premiums sufficient to pay all reasonably anticipated claims. In so stating, H.R. 3121 specifically departs from the method of determining actuarial rates currently used by the NFIP.

Under H.R. 3121 the NFIP would provide optional wind coverage in communities that already participate in the NFIP and that agree to adopt and enforce building codes and standards designed to minimize wind damage. In order for you to better understand the details of the new wind insurance program we have enclosed a copy of H.R. 3121, Section 7 with this request.

In addition to any issues you deem appropriate, we would like the GAO to initiate a comprehensive analysis and determination of the following:

1. The ability of the Federal Emergency Management Agency (FEMA) and the NFIP to implement an actuarially-sound (i.e., with rates priced according to risk, or as defined by standards and methods generally accepted by the actuary industry, incorporating up-to-date modeling technology, and taking into consideration administrative expenses) wind insurance program, including: whether FEMA's current staff and resources enable it to efficiently and effectively expand the NFIP to offer optional wind coverage; how actuarial rates for such coverage could be determined; the likelihood that consumers would purchase coverage at these rates; how this new coverage would be underwritten and sold; how claims arising from this new coverage would be adjusted and paid; whether FEMA's staff and resources are sufficient to be prepared to implement this new wind insurance program on or before June 30, 2008; what additional staff and administrative costs are necessary in order for FEMA to effectively implement and administer this new wind insurance program; and how the availability of optional wind insurance through the NFIP could affect the enforcement of the NFIP's mandatory purchase requirement for flood insurance.

2. The effects, if any, this program could have on existing State wind pools, including capitalization of, and participation in, the wind pools.

3. Whether expanding the NFIP to provide optional wind coverage could: affect the availability and affordability, over the long-term, of wind coverage nationwide; influence the development in private sector markets, including the surplus and non-admitted markets, for multiple peril insurance, or alternatives; result in adverse selection, whereby the wind insurance program could be under diversified and particularly vulnerable to large events; and lead to the development of lower, yet actuarially sound rates for wind coverage similar to wind coverage offered by the private sector, in the same geographic area.

4. To what extent, if any, the new wind insurance program could expose U.S. taxpayers to loss, including but not limited to the case of program deficit.

5. Are alternative methods available to provide NFIP participants with better wind coverage options.

6. To what extent, if any, gaps in coverage may still exist, between the coverage included under most homeowners policies, and the flood and wind coverage provided by the NFIP.

As referenced above, H.R. 3121 requires the NFIP to implement the new wind insurance program by June 30, 2008. For this reason, it is our strong hope that you complete your study provide us with your findings no later than April 1, 2008.

Thank you very much for your assistance as we attempt to further our understanding of these important issues related to the NFIP. If you have any questions regarding this request, please contact Tom Glassic or Arnie Woeber.

Sincerely,

BARNEY FRANK.

GINNY BROWN-WAITE.

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

In listening to the debate over this amendment, my question becomes, if we move forward and make wind part of one of the insurable events under this program, and then we study, through the gentlelady's amendment, the effect this has on State insurance, and we find out, after it's already been put into effect, that it's too costly or it's damaging the insurability at the State level and other issues, what are we going to do then?

This is where it goes to my argument in the beginning that we're really entering into this prematurely, because we have so many unanswered questions.

Mr. Chairman, I reserve the balance of my time.

Ms. CASTOR. Mr. Chairman, I will reserve the balance of my time until it is time to close.

Mrs. CAPITO. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I'd like to ask the author of the amendment if she'd be willing to accept an amendment that we also ask the GAO to examine the effects on the taxpayers of the United States of all the perils created by this legislation and the financial risk this exposes the taxpayers too, because, again I think it's vitally important for this House to recognize that the potential liability this legislation exposes the taxpayer to, as Mr. BAKER said earlier, there's about $19 trillion worth of insurable property around the coast of the United States. The flood insurance program's already $20 billion in debt, and the United States, according to the GAO, already faces potential liabilities, direct and indirect, not potential, direct and indirect liabilities of $50 trillion.

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That works out to $170,000 per person. Every household in the United States would have to buy $440,000 worth of T bills today just to pay for the explicit and implicit liabilities of the United States.

And, finally, I would just remind the majority of something that my hero Thomas Jefferson said in his first inaugural address because of repeated attempts, this majority has shut out all amendments by the minority. Thomas Jefferson said that although the rule of the majority is in all cases to prevail, that rule to be rightful must be reasonable and must always protect the rights of the minority, which this majority has not done.

Ms. CASTOR. Mr. Chairman, I yield 30 seconds to the chairman of the committee.

Mr. FRANK of Massachusetts. First, Mr. Chairman, I hope the gentleman from Texas will remember this problem about spending when we again debate the proposal to spend hundreds of billions of dollars sending a manned spaceship to Mars, which I have been opposed to, and I hope he will join me in that unnecessary expenditure and oppose it.

Secondly, CBO says he is wrong. The wind part is written, unlike the flood part, to require actuarially sound policy premiums to break even, and CBO certified that it's there. So the notion that this is adding trillions or even billions to our debt is simply wrong, according to CBO.

Mrs. CAPITO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Ms. CASTOR. Mr. Chairman, just to close, rather than any attention placed on Mars, I am glad that here in the Congress we are able to place some attention on our coastal areas in this country that are at risk from catastrophic loss.

I urge approval of my amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. CASTOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110-351.

Ms. CASTOR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. CASTOR:

In the matter proposed to be inserted by section 7(d) of the bill, in paragraph (2) of subsection (d) strike "windstorms" and insert "windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage".

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR. Mr. Chairman, I yield myself such time as I may consume.

This amendment will help protect homeowners in coastal areas from windstorms by ensuring that natural wind barriers remain intact. It instructs the Director of FEMA to consider natural protective sand dunes and wetlands when developing criteria for the multi-peril insurance. No matter how you feel about the multi-peril option in this bill, I think everyone will agree that it is in our country's best interest to discourage any investment of public dollars in those areas.

One of the most sensible features of the National Flood Insurance Program is the requirement that in order to remain eligible, communities must enact strong growth management laws, flood mitigation strategies that will help prevent catastrophic losses rather than just responding to them when they occur. The bill we are considering today expands the national flood insurance with an optional wind component. Just like flood policies, wind policies will be contingent on prevention and mitigation activities developed by FEMA.

While it's absolutely imperative that homeowners themselves take the initiative to prepare their properties for windstorms, some of the best mitigation and prevention measures naturally exist along the coast. So no matter what your opinion is of the multiperil option, if government is going to offer a multi-peril option for windstorm damage, our interest should be in doing all we can do to reduce the risk side of the equation. In the event of a hurricane, wetlands and coastal dunes act as shock absorbers, and these natural environmental features bear the brunt of the monumental pounding of wind so that homes, businesses, and schools don't have to.

I am also going to recognize another colleague, but at this time I urge approval of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I would like to claim time in opposition, although I am not opposed to the gentlewoman's amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. I would like to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I just want to say I'm confused here. This is opening up the floodgates for coastal development. Whom are we fooling here? As a matter of fact, I just understood that U.S. PIRG and a lot of pro-environmental groups are opposing this. It puts me on an odd side of things. But whom are we kidding? This is all about coastal development. And don't say, when you're knocking over the marshland, don't touch that sand dune. If you're serious about sand dunes, if you're serious about the wetlands, if you're serious about the environment, the fragile coastal environment, you will oppose this bill. This is the best thing in the world for developers. In fact, I'm a little bit surprised that developers aren't knocking down the doors and saying to fiscal conservatives who are opposing the bill for that, what are you doing? This is the best thing.

The great State of Florida, where I have vacationed and so many other people do, we all love the State of Florida and its natural environment. But, goodness gracious, Carl Hiaasen wrote the book "Strip Tease." I mean, there's book after book about overdevelopment in Florida.

That is all this whole bill does is allow continued overdevelopment in the coastal area of Florida and other environmental areas. So to have a fig leaf here to say, well, don't worry, FEMA is going to worry about that sand dune and those sea oats in the coastal area, that's a very mixed signal.

Let me yield to my friend from Massachusetts, who I am sure has some great wisdom for this confused guy.

Mr. FRANK of Massachusetts. As the gentleman knows, I was opposed to the Rules Committee's decision to keep out several Republican amendments. I now regret that even more because if the gentleman had a real amendment to argue for, he wouldn't be making these badly strained irrelevant arguments on this particular poor little amendment. It really doesn't deserve all the rhetoric it's getting.

Mr. KINGSTON. Mr. Chairman, I reclaim my time.

I want to say to Mr. FRANK, do you not agree with me that this is the greatest development bill there is?

The Acting CHAIRMAN. The time of the gentleman from Georgia has expired.

Ms. CASTOR. Mr. Chairman, I yield 30 seconds to the chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, to answer the direct question by the gentleman, no, I would not say this is the greatest development bill. But I would also say he says he was puzzled. Not as puzzled as I am in trying to figure out what in the world this had to do with the amendment we are dealing with. Maybe it is considered, I don't know, stuffy to deal with the amendment under consideration. I always prefer it as a method of debate.

Mrs. CAPITO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Let me restate. Right now it is a fact homeowners and lenders are having trouble getting flood insurance and windstorm insurance in the areas where there are lots of floods and lots of windstorms, coastal areas. This allows them to get it at an economic price that is a lot lower than the private sector because it's a government subsidy. Therefore, America, being great entrepreneurs, this is a very pro-growth, pro-development amendment. I cannot understand how you would not agree with that.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman.

Mr. FRANK of Massachusetts. In the first place, the flood part environmentalists strongly support because it restricts where people can go and raises the fee. As to the wind part, it's not a subsidy.

Mr. KINGSTON. Let me reclaim my time just to bite on that piece of the apple.

Mr. FRANK of Massachusetts. If you don't like the answer, don't ask the question.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, let me say this. We just passed an amendment for people who have to buy insurance. They don't have to buy insurance. They can move. If they are living in areas that are susceptible to flood, this is still a free America. They can move on. So we are encouraging them to move into flood areas and windstorm areas that are critical environmental areas.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. Yes.

Mr. FRANK of Massachusetts. The amendment that you are talking about specifically did not encourage anybody to move. It dealt with people who are already there, having moved there previously, found subsequently they were in a flood area. But the general thrust of the bill on flood, strongly supported by environmentalists, is to increase the amount that's charged in many cases and to restrict the building.

As to wind, there is no subsidy. It is required to be actuarially soundly financed. So, yes, it's a government program, but one without any subsidy to the homeowner on the wind part.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, just to emphasize this point. This creates a stable predictability in the insurance premium by the homeowner and developer. Therefore, it makes it easier to develop in a coastal area.

Listen, I understand what you are doing, but I just think this fig leaf of an amendment saying let's protect the environment is a little bit silly because the entire point of the bill disregards the environment.

Ms. CASTOR. Mr. Chairman, I yield 1 minute to my colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I am actually encouraged by some of the common expression that is here. I share some of my friend from Georgia's reservations about where we are getting into with wind coverage. The chairman is right when he noted the focus on restrictions for flood insurance to reduce the problems you are talking about is in the underlying bill. What my good friend from Florida is offering is if you are going to be in this area dealing with wind peril that there is a requirement to discourage elements in the land uses that will not make it worse.

So you are both on the same side. You may want to go further with the wind peril. I am open to that. We are not done with this legislation yet.

There are unanswered questions. I agree with you. But in the meantime, acknowledging what the committee has done to narrow the scope with flood insurance peril, which is, I think, extraordinarily positive, and the gentlewoman is speaking out for solid land use, having the natural barriers protected, that will save all of us money.

I am optimistic. If we can talk this through, there are enough elements here that will be good for the environment, good for the taxpayer, and under the leadership of Chairman FRANK, I am convinced we can get there before we're done.

Mrs. CAPITO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Ms. CASTOR. Mr. Chairman, the Federal multi-peril option must not be an invitation to develop on our sensitive natural coasts, and we must protect the natural windbreaks like the coastal dune areas. That is why it is important to instruct FEMA, as they develop the eligibility criteria for the multi-peril program, that they must take into account the natural protective features.

Mr. Chairman, I urge my colleagues to adopt this amendment and protect the natural wind barriers that will make damage mitigation efforts more manageable.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. BLUMENAUER

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110-351.

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BLUMENAUER:

Subsection (k)(2) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by adding at the end the following new subparagraph:

"(C) EFFECTS OF GLOBAL WARMING.—In updating and maintaining maps under this section, the Director shall—

"(i) take into consideration and account for the impacts of global climate change on flood, storm, and drought risks in the United States;

"(ii) take into consideration and account for the potential future impact of global climate change-related weather events, such as increased hurricane activity, intensity, storm surge, sea level rise, and associated flooding; and

"(iii) use the best available climate science in assessing flood and storm risks to determine flood risks and develop such maps.".

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I am, in fact, encouraged with some of the discussion that is here today. If we sort of cut through some of the areas where people are cranky, as I understand it, I think we are looking at some broad areas of agreement that, at the end of the day, we are going to have a stronger flood insurance program that will be able to answer some of these questions. I have an amendment that I think will further strengthen this because, as we learned during Katrina, there is more work to be done to make sure that the flood insurance program is able to fulfill its mission of providing flood insurance and helping communities reduce that flood risk.

Now, I am pleased that the underlying legislation makes some very important reforms to the program that I have been involved with for the last 6 years.

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What I propose in this amendment is an adjustment to the legislation to help ensure that FEMA is better prepared for current and future risks and that people have the information that they need to reduce their own risk. The amendment simply requires FEMA to take into consideration the impacts of global warming, current and future, when updating and maintaining flood insurance program rate maps.

The flood insurance maps are significantly outdated; over 75 percent of them are at least 10 years old. Not only are they outdated, but they estimate risk by extrapolating solely from historic loss, as my friend from Louisiana (Mr. BAKER) pointed out earlier.

Unfortunately, it looks like the future will bring new weather patterns. A recent report from the Intergovernmental Commission on Climate Change, the leading group of climate scientists from around the world, indicated that, with climate change, future hurricanes will become more intense, with larger peak wind speeds and heavier precipitation. Changes in snow pack and sea level rise will also have a significant impact on flood risk. These impacts are not currently considered in the floodplain map modernization effort.

My amendment will improve upon this mapping program by ensuring that FEMA is prepared to improve the mapping accuracy. It will require the Director to take into consideration the impacts of global warming on flood, storm and drought risk; and take into consideration the potential future impacts of local climate change, weather-related events; and use the best available climate science in assessing flood risks and updating FEMA maps.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. I would like to ask the author of this amendment a couple of questions just for my own clarification, if I could.

First of all, when you're directing FEMA to use the most up-to-date science on global climate change and weather-related issues, does FEMA currently have this technology available? Where does this technology exist for FEMA? And with what type of accuracy can you predict that FEMA will be able to predict? I know FEMA is in the business of declaring where floodplains are; it has a lot of science connected with this. Where is this technology coming from? What sophistication of the equipment exists, and how do you think these will be arrived at?

I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Excellent question. Around the world, scientists are a part of this consensus, and we are refining tools. One of the problems with this administration is they've been trying to stifle, as you know, scientists within the administration speaking out on this, and we have undercut investment in these resources.

The fact is that there is better information now for climate change. I have no problem whatsoever of our being able to invest to increase it further, but there is a global scientific consensus, there is investment in NASA, there are already resources within the Federal Government. They are not currently used now by FEMA, the stuff that we've got now, let alone what we're going to have in the future.

Mrs. CAPITO. Well, my question would be, if that's available to FEMA now to be able to more accurately predict the ebb and flow of water across the United States and the coastal regions, why isn't that being used by FEMA right now, if that's available? Is it statutorial?

Mr. BLUMENAUER. As my friend, Mr. BAKER, pointed out when he was arguing a few moments ago, they use a different pattern, a different model right now. What we're doing with this legislation is we are requiring them to change the model, use the information that's available right now by the Federal Government, hopefully the Bush administration won't try and stifle it, and use that for forecasting current and prospective. Right now they don't do it in their modeling, and there's no reason why they can't. This legislation would require it.

Mrs. CAPITO. Then going further from what you're saying, is what you're really saying changing the entire FEMA modeling perspective, or putting this on top of what is already existing at FEMA?

Mr. BLUMENAUER. What we're saying now is that we are in a world that everybody else acknowledges is rapidly changing. It looks like climate change, global warming is a reality, and just using straight-line extrapolation for FEMA to determine 100-year flood plains or 500-year floodplains doesn't work because it is changing much more rapidly than past patterns would expect.

So we ought to use the best available science here and around the world to look at what's likely to happen in the future. FEMA doesn't currently do that. They look at flat-line projections of past activity, not looking at using the best available science for what's going to happen in the future.

Mrs. CAPITO. Thank you. I have a lot of questions about the answer to the question I just asked; but at this point, I will yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I want to say to my friend, I actually think that you're feeling around the right part of the woods on this stuff. This is actually an important amendment; but I, like the gentlewoman from West Virginia, really doubt FEMA's expertise in solving this problem. And I hope that during the legislative process of this you can maybe shore up the language to say that they ought to have somebody with a lot better scientific and organizational mind than they would be in this. I mean, I keep thinking FEMA-Katrina, not a good idea to let them study anything. In fact, there are a whole slew of amendments here that probably won't be speaking of, but it gives FEMA instructions and directions to do this and that. I don't have the faith in FEMA which your side apparently does. I think this is like asking the post office to do an efficiency study; it's just not a good idea.

But I do believe that you should put in there something about rising tides because you don't have anything about tidal levels. In the State of Georgia, we have a 7-foot tide, Florida has about a 1- or 2-foot tide. That stuff all makes a difference.

Mr. BLUMENAUER. Mr. Chairman, may I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman from Oregon has 2½ minutes remaining; the gentlewoman from West Virginia has 1 minute remaining.

Mr. BLUMENAUER. Let me just take 30 seconds here.

This is something that isn't unknown. GAO found that 11 out of 11 insurance companies that they surveyed already incorporate this into their risk models. FEMA can do this using the private sector, and it can use government data that the Bush administration has been suppressing now in other areas, open it up, let these climate scientists that work in other parts of the government advise FEMA, or contract with the private sector. It's not hard to find the information.

Mrs. CAPITO. I yield 30 seconds to the gentleman from Georgia.

Mr. KINGSTON. I want to say to my friend, again, I support what you're after; I think this is a serious amendment. But when you say this information is out there, FEMA can get it, it was also well known that people were in the Superdome, but FEMA had trouble figuring that out and what to do about it. So just keep in mind who you're giving this authority to. But I do want to say to the gentleman, I understand what you're after, and I think it's important.

Mrs. CAPITO. I think the gentleman's amendment has great merit, but I question the fact that he's already mentioned that the data that we're using in the future, the data that we're using to come about insurance rates in this flood bill, how can we then add on wind as another peril when we're not sure that the data that we're using to predict future weather forces is accurate at all?

Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. In conclusion, Mr. Chairman, I understand the reticence that my good friend from Georgia would have giving the current administration of FEMA more tools. I'm sorry he's beating up on the administration, but I understand it. They haven't shown that they're very adept. But think of this as longer-term legislation. There will be a new administration; there will be professionals who are there. The point is that, whoever is there, they need to use the most up-to-date, modern information to think about what's going on in the future.

The science is already available in parts of the Federal Government right now that could be used. The information is available that the private sector is already using. All this amendment says, notwithstanding that I share your concern about who's running it now, but that will change, I guarantee you, that when it changes, and even until it changes, we can give them a mandate to look at the bigger picture and factor climate change in. And I am open to working with the gentleman in terms of whether it's contracted, or it's Federal information, or it's from other international sources. The point is they currently do not do it; we haven't instructed them to do it. This is one thing we can't blame on the inept FEMA administration; it's something that Congress needs to change. And with your help, we can approve this amendment, we'll change their marching orders, we will have the big picture, and it's one of these things we can agree on, work on together, and we will all be better off.

I urge approval of the amendment.

Mr. WELCH of Vermont. Mr. Chairman, first, I want to thank the gentleman from Massachusetts, Mr. FRANK and the gentlewoman from California, Ms. WATERS, for their hard work in preparing H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007. I have received positive feedback from the Regional Planning Commissioners and emergency managers in support of this bill. The Planning Commissioners and emergency managers serve on the front-line of declared disasters and work with both towns and FEMA. In fact, Vermont has recently dealt with several significant flooding events and this legislation will go a long I way to improving our response in the aftermath. This bill also provides much needed reform of the National Flood Insurance Program, NFIP.

I also want to thank the gentleman from Oregon, Mr. BLUMENAUER, for his thoughtful amendment and working with me and Representative GILCHREST as co-sponsors. This bi-partisan amendment requires FEMA to consider modern climate science when mapping floodplains. Current flood maps do not take into account critical information beyond past flooding history. Accurate floodplain maps incorporating scientific global warming impact predictions will ensure that citizens are aware of the future flood risks in their communities and help prevent the loss of human life, property, and important wildlife habitat. Communities will be able to use these maps in considering their own land use planning and development projects.

I believe that the focus on global warming adaptation planning is critical while Congress also moves forward to aggressively address climate change through legislation. Adaptation includes addressing the occurrence and likelihood of more frequent, intense, and severe storms bringing our rivers and streams beyond flood stage; sea-level rise flooding coastal and tidal communities that may even be hundreds of miles inland; reduced snow-pack that is changing annual runoff and water collection; and of course the impact of hurricanes; all of which are resulting in significantly greater flooding across the nation.

Vermont communities like Barre or, our capitol of Montpelier are finding that surrounding rivers and streams are more unpredictable—large rain events have resulted in dramatic river and stream bank erosion that promotes flooding in nearby towns. Rivers and streams are overflowing in areas that were not typically flooded. We are finding flooding events both in and out of current flood plains where people have lost property due to sudden and unexpected river and stream rise. Many of these families are low-income and their homeowners insurance, if they have it, does not cover their claims. And of course, they don't qualify for SBA disaster assistance loans.

We believe that changing weather patterns require the tools for smart land use and development decision-making. Updated climate science flood mapping will help all citizens make informed decisions on flood risks and the need to purchase flood insurance. Updated flood maps will also aid communities in smart growth planning to minimize the risk of flooding to their cities and towns.

This amendment has received strong support by the National Wildlife Federation, U.S.

Public Interest Group, Sierra Club, League of Conservation Voters, Natural Resource Defense Council, Friends of the Earth, Audubon, Earthjustice, American Rivers, Republicans for Environmental Protection, and the Union of Concerned Scientists.

I strongly urge my colleagues to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110–351.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PATRICK J. MURPHY of Pennsylvania:

At the end of the bill, add the following new section:

SEC. 30. NATIONAL FLOOD INSURANCE ADVOCATE; REPORTS.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

“SEC. 1330A. NATIONAL FLOOD INSURANCE ADVOCATE.

“(a) ESTABLISHMENT OF POSITION.—

“(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency a National Flood Insurance Advocate. The National Flood Insurance Advocate shall report directly to the Director and shall, to the extent amounts are provided pursuant to subsection (c), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title.

“(2) APPOINTMENT.—The National Flood Insurance Advocate shall be appointed by the Director and the flood insurance advisory committee established pursuant to section 1318 (42 U.S.C. 4025) and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

“(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

“(A) a background in customer service as well as insurance; and

“(B) experience in representing individual insureds.

“(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 5 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

“(5) STAFF.—To the extent amounts are provided pursuant to subsection (c), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Advocate.

“(b) DUTIES.—The duties of the National Flood Insurance Advocate shall be to conduct studies with respect to, and submit, the following reports:

“(1) REPORT ON PROBLEMS OF INSUREDS UNDER NATIONAL FLOOD INSURANCE PROGRAM.—Not later than the expiration of the 12-month period beginning on the date of the enactment of the Flood Insurance Reform and Modernization Act of 2007, the National Flood Insurance Advocate shall submit a report to the Congress regarding the national flood insurance program, which shall—

“(A) identify areas in which insureds under such program have problems in dealings with the Federal Emergency Management Agency relating to such program, and shall contain a summary of at least 20 of the most serious problems encountered by such insureds, including a description of the nature of such problems;

“(B) identify areas of the law relating to the flood insurance that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying such problems;

“(C) identify the 10 most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

“(D) identify the initiatives of the Agency to improve services for insureds under the national flood insurance program and actions taken by the Agency with respect to such program;

“(E) contain recommendations for such administrative and legislative action as may be appropriate to mitigate or resolve problems encountered by such insureds; and

“(F) include such other information as the National Flood Insurance Advocate considers appropriate.

“(2) REPORT ON ESTABLISHMENT OF AN OFFICE OF THE FLOOD INSURANCE ADVOCATE.—Not later than the expiration of the 6-month period beginning on the date of the initial appointment of a National Flood Insurance Advocate under this section, the Advocate shall submit a report to the Congress regarding the feasibility and effectiveness of establishing an Office of the Flood Insurance Advocate, headed by the National Flood Insurance Advocate, to assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program. Such report shall examine and analyze, and include recommendations regarding—

“(A) an appropriate structure in which to establish such an Office, and appropriate levels of personnel for such Office;

“(B) other appropriate functions for such an Office, which may include—

“(i) identifying areas in which such insureds have problems in dealing with the Agency relating to such program;

“(ii) proposing changes in the administrative practices of the Agency to resolve or mitigate problems encountered by such insureds; and

“(iii) identifying potential legislative changes which may be appropriate to resolve or mitigate such problems;

“(C) appropriate procedures for formal response by the Director to recommendations submitted to the Director by the National Flood Insurance Advocate;

“(D) the feasibility and effectiveness of authorizing the National Flood Insurance Advocate to issue flood insurance assistance orders in cases in which the Advocate determines that a qualified insured is suffering or about to suffer a significant hardship as a result of the manner in which the flood insurance laws are being administered or meets such other requirements may be appropriate, including examining and analyzing—

“(i) appropriate limitations on the scope and effect of such orders;

“(ii) an appropriate standard for determining such a significant hardship;

“(iii) appropriate terms of flood insurance assistance orders; and

“(iv) appropriate procedures for modifying or rescinding such orders;

“(E) the feasibility and effectiveness of establishing offices of flood insurance advocates who report to the National Flood Insurance Advocate, including examining and analyzing—

“(i) the appropriate coverage and geographic allocation of such offices;

“(ii) appropriate procedures and criteria for referral of inquiries by insureds under such program to such offices;

“(iii) allowing such advocates to consult with appropriate supervisory personnel of the Agency regarding the daily operation of the offices; and

“(iv) providing authority for such advocates not disclose to the Director contact with, or information provided by, such an insured;

“(F) appropriate methods for developing career paths for flood insurance advocates referred to in subparagraph (E) who may choose to make a career in the Office of the Flood Insurance Advocate; and

“(G) such other issues regarding the establishment of an Office of the Flood Insurance Advocate as the National Flood Insurance Advocate considers appropriate.

“(3) DIRECT SUBMISSION OF REPORTS.—Each report required under paragraph (2) shall be provided directly to the Congress by the National Flood Insurance Advocate without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2008 and each fiscal year thereafter such sums as may be necessary to carry out this section.”.

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself 2 minutes.

I come before you today, Mr. Chairman, on behalf of Anne Beck of Erwinna, Pennsylvania; Tony Plescha of Yardley, Pennsylvania; Nancy Rees of Yardley, Pennsylvania; and thousands of families across my district of Bucks County who have been hit by three floods in 3 years.

Mr. Chairman, I ask my colleagues to picture a family distraught, a home in tatters, and rain that just won't stop. If that family asked for help, either from their insurance company or from

FEMA, they would face a maze of bureaucracy instead of relief. As of right now, there is no one who will fight for families or business owners who seek assistance in rebuilding after a catastrophic storm.

We are trying to change that here today. With this amendment, we are looking to create the Office of the Flood Insurance Advocate, someone to fight for all of us when we need help the most.

Modeled after the successful Taxpayer Advocate Service at the IRS, this office would fight the battles for weary, rain-soaked families and businesses looking to rebuild.

In creating the Flood Insurance Advocate, our measure would help cut through the red tape. The National Flood Insurance Advocate would do two major things: the first, report to Congress about problems facing the flood insurance program; and, second, determine the most effective way to create the Office of the Flood Insurance Advocate nationwide.

Mr. Chairman, families and businesses back home need our help.

I now yield 3 minutes to the distinguished gentleman from New York, a colleague in the Blue Dog Coalition, Mr. MIKE ARCURI.

Mr. ARCURI. Mr. Chairman, I rise to join my good friend from Pennsylvania (Mr. PATRICK J. MURPHY) in strong support of this amendment and the underlying legislation.

I would like to thank the distinguished chairman of the Financial Services Committee for producing a bill that updates the National Federal Insurance Program to meet the needs of the 21st century. It improves flood mapping; increases financial accountability; and is comprehensive, responsible public policy that will benefit thousands of Americans in the highest risk areas.

Mr. Chairman, across my district in upstate New York, the increasing frequency and destructive power of rainstorms and snow melts in recent years has caused flooding disasters which have seriously damaged homes and businesses in a number of communities.

Some of these communities in the Susquehanna River Basin, like the city of Oneonta, suffered a fate last year similar to the areas in Pennsylvania situated in the Delaware River Basin. The city of Oneonta experienced very damaging flooding in June of 2006 caused by severe rainstorms. However, it is now September of 2007, and there are local homeowners and businesses still wrestling with FEMA's burdensome claims process waiting on settlements they were assured as National Flood Insurance Program policyholders.

Mr. Chairman, the same is true for the local city government in Oneonta. It took almost 1 whole year after the disaster for FEMA to fully reimburse the city for repairs to public infrastructure severely damaged during the floods. Even after many months of persistence at the regional FEMA office, the city was left with no recourse and had to seek the assistance of my office for intervention.

Finally, after encountering hurdle after hurdle for a year, the city received their reimbursement from FEMA. We should ask ourselves, should we not strive to create more efficiency in an agency that is still learning lessons in the aftermath of Katrina and Rita?

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Mr. Chairman, the amendment Mr. MURPHY and I are offering today will study the feasibility of creating an independent office within FEMA. Its primary task will be to help local homeowners and business owners in Upstate New York and across the U.S. to navigate the often tedious and complicated Federal flood insurance claims system within the National Flood Insurance Program.

The amendment establishes a National Flood Insurance Advocate, which would be tasked with providing insurance policyholders across the U.S. with a type of ombudsman to represent the public interest by investigating and addressing complaints. The amendment also requires that the National Flood Insurance Advocate report to Congress with analysis of the major problems facing the National Flood Insurance Program. This National Flood Insurance Advocate is based on the successful model of the Taxpayer Advocate Service, which has helped countless constituents navigate the Internal Revenue Services.

Mr. Chairman, I urge my colleagues to support the adoption of this amendment, and I urge support for passage of the bill.

Mrs. CAPITO. Mr. Chairman, I would like to claim time in opposition to the amendment, but I am not necessarily opposed to it.

The Acting CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I am glad we are considering this amendment to have FEMA give us a comprehensive report of the problems facing the flood insurance program. We already established that this legislation, in essence, is going to create a public-private partnership in which the insurance companies are going to collect the premium and the taxpayers are going to pay the bill. We have already established, as Mr. BAKER pointed out earlier, that there is potentially $19 trillion worth of valuation of property out there along the coastlines that are, again, a risk that the taxpayers are assuming. The TRIA legislation, Terrorism Risk Insurance legislation that the liberal leadership of this House pushed through last week puts taxpayers potentially on the hook for $100 billion.

I wanted, if I could, to just get an answer to my question in the time that I have got. Other than Social Security and Medicare and not counting the Mars program that the chairman mentioned, because there is no such program, can the chairman or anyone else on that side identify a single piece of legislation that has created a bigger potential risk to the taxpayers than this bill? This, I won't say boondoggle, but this piece of legislation creates potentially trillions of dollars worth of liability. Is there any piece of legislation you can identify other than Social Security or Medicare that creates potentially trillions of dollars worth of liability to the taxpayers?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Virtually every piece of legislation we deal with, because this legislation has two parts, one part which will reduce an existing liability, that is, there is already out there a flood insurance liability. This bill, unanimously agreed to by all in the committee who worked on it, will reduce that in the flood part.

With regard to water, this will raise premiums and restrict placement. With regard to the new part, the wind part, it will create no liability, because as I have said several times, the bill strictly says that premiums will have to be actuarially sound. And CBO has certified that that is accurate. So CBO has certified this will, over time, produce no new liability on wind and save money on water.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, I want to tell you about Nancy Rees of Yardley, Pennsylvania. Over the last 3 years, Yardley was hit with three floods. Mrs. Rees came to our office because her insurance policy was rated with the wrong formulas. This seemingly simple mistake cost her an extra $10,000 per year in insurance premiums. $10,000 more a year. Thankfully for Mrs. Rees, after countless hours of working with our staff, she was successful. But in this case, a flood insurance advocate could have stood up for her in the wake of a major flood. That is why we need to pass this amendment.

Mrs. CAPITO. Mr. Chairman, I yield my remaining time to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. In response to the distinguished chairman's point that the legislation requires that the program be actuarially sound, that is true that is in the bill that you produced here. However, the law also requires that the flood insurance program be actuarially sound. It is $20 billion in debt. The legislation before the House asked the Federal Government, the taxpayers, to assume a potential liability for the $19 trillion worth of insured property, a valuation of property just along the coastline. It is important to remember that the taxpayers of the United States are already facing liability of $50.5 trillion according to the Government Accountability Office. It is just irresponsible. It is dangerous to pass legislation like this, creating a massive new expansion of an existing program that is already $20 billion in debt at a time when the country faces massive debt and massive deficits. It is just irresponsible and dangerous.

I wanted to point out to the House and to the people out there listening, Mr. Chairman, that this legislation is fiscally irresponsible. It is dangerous.

Mr. Chairman, I urge the House to defeat it. It is a bad idea to pass on the liability like this to the taxpayers.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The mistakes the gentleman makes are these; the basis on which the flood insurance policies are set is different. The one in this bill, the wind policy, it is a much tougher requirement to be actuarially sound. And CBO, unlike the gentleman from Texas, can read the bill.

Mr. CULBERSON. This is a brand new liability that we are passing on to my daughter and to the children of America, to the people of the United States who are already saddled with $15.5 trillion worth of liability, and it is just irresponsible. It is unacceptable. It is outrageous to create a massive new program like this that if it passes that could create, potentially, liability in the trillions of dollars. That is my point. There has never been a more expensive nor more massive creation of potential liability to the taxpayers than this legislation before the House today. That is my point.

Mr. Chairman, I urge every Member who cares about the fiscal solvency of the United States to vote "no" against this legislation.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. TAYLOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–351.

Mr. TAYLOR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. TAYLOR:

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, in subsection (c)(7)(A), after "residential properties" insert the following: ", which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))".

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, in subsection (c)(7)(A)(ii), before the semicolon insert the following: ", which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause".

In section 8 of the bill, strike paragraph (3) and insert the following:

(2) in paragraph (4)—

(A) by striking "$500,000" each place such term appears and inserting "$670,000"; and

(B) by inserting before "; and" the following: "; except that, in the case of any nonresidential property that is a structure containing more than one dwelling unit that is made available for occupancy by rental (notwithstanding the provisions applicable to the determination of the risk premium rate for such property), additional flood insurance in excess of such limits shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in paragraph (2); except that in the case of any such multi-unit, nonresidential rental property that is a pre-FIRM structure (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), the risk premium rate for the first $500,000 of coverage shall be determined in accordance with section 1307(a)(2) and the risk premium rate for any coverage in excess of such amount shall be determined in accordance with section 1307(a)(1)".

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR. Mr. Chairman, I thank the chairman of the committee for allowing this amendment to be considered and hopefully for his help on it.

Mr. Chairman, anyone who has traveled to south Mississippi or south Louisiana after the wakes of Hurricanes Rita and Katrina know we have an incredible housing shortage. Today, 19,000 Mississippi families are still living in FEMA trailers. They are grateful for the trailers. They would rather be someplace else. Part of that problem is, in particular, for renters. In addition to homes being destroyed, a heck of a lot of rental properties were destroyed.

Prior to this amendment, if you are a condo owner or building a condo, you can build a condo with as many number of units as you would like, and each one of those units can be insured up to the value of the Federal flood insurance program. If it is 100 units, each one of them can be insured up to $250,000. On the other hand, if you are considering building rental property, you have two strikes against you. Number one, in the wakes of Hurricanes Katrina and Rita, this private sector that so many people are saying are being so good to us have now said that just for wind insurance it is going to be $300 per unit per month even for a modest apartment.

Secondly, if you are considering building a building, you can insure that building for only $500,000. Whether it is one unit or 1,000 units, you can only get $500,000 worth of coverage for that entire building. It is a disincentive for the private sector to rebuild and to build the sort of housing that we need.

This amendment is all about parity. If we, as a Nation, can insure condominiums for folks who can afford to buy them, then we, as a Nation, ought to be making available insurance for folks who can't afford a condo but who need to rent a place to live.

Like every amendment that I have offered and every amendment that has been made in order, it has been judged by the Congressional Budget Office that this amendment will pay for itself. It has no impact on the Treasury.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Mr. Chairman, I rise today in opposition to this amendment offered by the gentleman from Mississippi. The bill we are debating today is troubled, I think, because of the deeply in-debt flood insurance program, and now we are not debating, because we were unable to debate on the full floor of the House whether we should include wind in this. Wind is in this bill as a peril. But what this amendment does is further expand that coverage that is very debatable, I think premature, has been unstudied, and I believe this would be very unwise to include this amendment as a coverage expansion.

We have talked about the fact that the flood insurance program owes the U.S. Treasury $18 billion. We have talked about the fact that at a hearing in July on whether we should add wind to the NFIP, that the National Association of Insurance Commissioners, insurance experts, environmental groups, floodplain management groups, Treasury and FEMA all opposed the initial expansion. And suffice it to say they would certainly oppose, or they could certainly oppose, an even further expansion of this that this amendment represents.

I think that the wind insurance premiums are supposed to be actuarially sound, and the chairman of the full committee has made that point several times. The majority of the NFIP policies are supposed to be actuarially sound. And yet, the nonpartisan GAO says that they are not actuarially sound. We know that very few government insurance programs are ever actuarially sound.

Mr. Chairman, I urge my colleagues to oppose this amendment and to avoid a further expansion that this new mandate in this amendment represents.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR. First, Mr. Chairman, I would like to encourage the gentlewoman, let's deal with the facts. If you have an organization that is opposed to this amendment, name the organization. But let's don't suppose for anyone whether they are for it or against.

Secondly, Mr. Chairman, I yield the remainder of my time to the chairman of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman, and I regret to say the entertainment value of what was not an exciting subject from the beginning appears to have gone down because the gentleman from Texas (Mr. CULBERSON) has left the floor. I thought his method of argument, which is the frequent repetition of error at increasing volume, added a certain panache to the proceedings. But since the last time he reiterated those errors, I thought it would be useful to correct them.

First of all, this bill and this amendment not only doesn't add to the Federal Government's liability, it diminishes existing liability. The flood program was allowed to get deeply in debt. This bill with respect to flood says that there will be higher premiums and there will be fewer buildings in the floodplain areas. So it clearly reduces. It is supported in that respect by environmentalists and taxpayers.

The wind part does add a new program. It adds a new program subject to the PAYGO rules, and it requires that it be strictly actuarially sound. Now, the gentleman from Texas could not seem to understand the basic distinction. He said, "Well, the flood program was supposed to be actuarially sound and it isn't." True. That is why when we did the wind program, we wrote a much more specific and binding set of instructions that it be actuarially sound.

The fact is that the flaws that led the water program to be in debt are corrected in this bill. That is not simply the opinion of the author, the gentleman from Mississippi, or this committee. It is CBO, the Congressional Budget Office's certification. So the notion that this adds to liability is simply wrong. It will reduce the outgo with regard to the water program. With regard to the wind program, it is actuarially sound, and in this bill, if it begins to run into deficit, the program cuts off.

So an analogy between the wind funding and the water funding is flatly wrong. They are written differently. We have learned from our mistakes. And that is true of this amendment, too. The gentleman has offered an amendment that would increase coverage subject, again, to the very strict rules that say we will be actuarially sound.

Now, I have no particular hope that this is going to sink in everywhere, but it does seem to me to be useful to have the fundamental facts out there on the record.

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Mrs. CAPITO. Mr. Chairman, I take heed to the gentleman's words from Michigan, and I tried to sort of recorrect my initial assumption that they would oppose the amendment. So I apologize for that.

Mr. Chairman, I would like to place in the RECORD letters from folks who do oppose the bill in general because of the wind addition. That would be: Friends of the Earth, National Wildlife Federation, U.S. Public Interest Group, America Insurance Association, Property Casualty Insurers, Financial Services Roundtable, Consumer Federation of America, Reinsurance Association of America.

SEPTEMBER 26, 2007.

Re: Support For the Blumenauer-Gilchrest Global Warming Amendment to H.R. 3121 and opposition to provisions expanding the National Flood Insurance Program (NFIP) to include wind coverage

DEAR REPRESENTATIVE: We write to express our support for the Blumenauer-Gilchrest Global Warming Amendment to the Flood Insurance Reform and Modernization Act, H.R. 3121. This amendment would require that the Federal Emergency Management Agency, FEMA, consider the impacts of global warming on flood risks as it administers the National Flood Insurance Program, NFIP, Map Modernization Program. To adjust to the reality of global warming, Congress must require that the NFIP floodplain maps incorporate the best available climate science. Accurate floodplain maps will ensure that citizens are aware of the flood risks in their community and help prevent the loss of human life, property, and important wildlife habitat as we face more global warming-powered weather events.

Section 22 of H.R. 3121 provides much needed guidelines and ongoing mapping support for FEMA's map modernization effort. Flood insurance maps are the basic planning documents for the NFIP and provide a foundation for planning in developing communities. According to the Congressional Research Service, however, over 75 percent of the nation's 100,000 flood maps are at least 10 years old. Currently, H.R. 3121 fails to require FEMA to consider modern climate science when mapping floodplains. Under current methodologies, many of FEMA' s maps are already out of date and inaccurate when they are certified because they fail to take into account both critical new information beyond past flooding history, including the impacts of global warming. These outdated maps have resulted in more instances of storms with significantly greater flooding than predicted and give citizens a false sense of security that they will not be subject to flooding. This false sense of security is especially troubling as global warming's impacts become evident. Global warming will result in more flooding of coastal and riverine communities through intense hurricanes, reduced snow pack, and sea level rise.

The Blumenauer-Gilchrest Amendment would ensure that the FEMA Director consider impacts of global warming on our nation's flood risks and the potential future impact of global warming on the intensity of storms, storm surge modeling, sea level rise, and increased hurricane activity. Considerable experience exists in these areas, and the Blumenauer Amendment would ensure that FEMA incorporates the best available climate science into its mapping effort. We strongly support this amendment.

We urge Congress to oppose the multiperil, wind and flooding, insurance program in H.R. 3121, because it could overwhelm the NFIP, cost the taxpayers' billions, increase incentives to develop in hazard-prone and ecologically-sensitive coastal areas and floodplains, and place more lives, properties, and wildlife habitat at risk. We applaud Representative Taylor and other Members for raising the nation's awareness of the increasing risks associated with global warming-powered coastal storms. We are also sympathetic to citizens' desires to remove wind damage and flooding damage distinctions in homeowner's insurance policies in the aftermath of Hurricanes Katrina, Rita, and Wilma. Yet, we oppose adding a wind peril dimension to the NFIP because it would substantially undermine the program's already precarious financial position, would add greater risk and uncertainty especially for the taxpayers and the public, and would distract from the critical missions of the NFIP. Essentially, we must fix the NFIP before we expand it.

Hurricanes Katrina and Wilma have already driven the NFIP into the most dire financial condition in its history, now with a virtually insurmountable U.S. Treasury debt of approximately $18 billion. H.R. 3121 would mandate that FEMA begin the sale of a new federal wind insurance (multiple peril including wind and flood) beginning on June 30, 2008, right before the 2008 Hurricane Season and almost immediately increasing the exposure of the U.S. taxpayers to potentially billions of dollars in new claims. The chances of exposure of a catastrophic storm could swamp the national flood insurance program and leave it crippled forever. The rates of coverage are also significantly greater than those provided by current flood insurance alone: $650,000 for residential structures and contents and $1.75 million for commercial properties and contents. These coverage caps expose the taxpayers to considerable liability. In fact, recent insurance industry estimates show that costs of storms like Hurricane Katrina that were in the $15 to $20 billion range for the NFIP currently, could be three to five times or more, if wind perils were also included. Such costs could potentially overwhelm the program and the costs to taxpayers could balloon to staggering levels.

For these reasons, again, we support the Blumenauer-Gilchrest Global Warming Amendment, which will ensure that FEMA address the realities of global warming in its map modernization effort. We oppose the provisions within H.R. 3121 that expand the NFIP to include wind. These provisions threaten to overwhelm an already failing National Flood Insurance Program that needs substantial reforms to turn the corner on expanding flood risk and to accomplish its other purposes. Although many of the reforms contained within H.R. 3121 represent steps in the right direction, the proposed legislation will not go far enough in fixing the essentially bankrupt NFIP. Congress will have missed an historic opportunity to strengthen the NFIP if it passes this bill in its current form.

Please see the attached overview of our additional concerns with the bill.

Thank you for you attention to this matter.

Sincerely,

ERICH PICA,
Director of Domestic Programs, Friends of the Earth.
ADAM KOLTON,
Senior Director, Congressional & Federal Affairs, National Wildlife Federation.
DAVID JENKINS,
Government Affairs Director, Republicans for Environmental Protection.
EMILY FIGDOR,
Federal Global Warming Program Director, U.S. Public Interest Research Group (PIRG).

SEPTEMBER 26, 2007.

Hon. NANCY PELOSI, Speaker,
Hon. JOHN BOEHNER, Minority Leader,
House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER AND MINORITY LEADER BOEHNER: On behalf of the undersigned associations, we are writing to express our opposition to House passage of H.R. 3121, "The Flood Insurance Reform and Modernization Act of 2007." While we are supportive of the reforms to the National Flood Insurance Program (NFIP) contained in the legislation, we strongly object to the provisions that would add the peril of windstorm to the NFIP.

The addition of wind coverage to the NFIP has the potential to dramatically increase the exposure of the NFIP and the federal government to catastrophic losses. The states along the Gulf coast and eastern seaboard contain more than $19 trillion in insured property values. The majority of these risks are currently insured in the private marketplace or in state residual market programs where the private insurance industry shares the potential losses. Writing a significant number of these properties in the NFIP would markedly increase the federal government's exposure to loss and, despite the provision that calls for "actuarially sound" rates for the windstorm portion of this coverage, the potential for a significant taxpayer subsidy. The bill also calls for the NFIP to stop writing and renewing multiple-peril coverage for these policyholders if it is required to borrow federal funds to pay its losses. This has already occurred at the state level, following the events of 2005, several state windstorm residual market plans, which are statutorily required to use "actuarially sound" rates, exhausted all of their available assets and had to fund these shortfalls by assessing the insurance industry and/or policyholders.

The policyholders most likely to buy this new federal coverage would be those living in areas that are highly exposed to wind damage, creating adverse selection, as happens with state residual market wind pools today. The amount of "multiple-peril" insurance that the NFIP would sell cannot accurately be determined at this time; thus, determining the unsubsidized premium for such coverage would be, even using the best actuarial science, a guess. Although the "pay as you go" (PAY-GO) rules require that the costs of the insurance program be unsubsidized by taxpayers, there is a real possibility that the program will not be self-sustaining, particularly in early years when the accumulation of premiums could be vastly exceeded by losses in the event of a hurricane of any significance.

Finally, nationalizing wind coverage under the NFIP, as proposed by this bill, will not resolve "wind versus water" disputes following a hurricane, and would do little to facilitate the resolution of these claims because many homeowners, even in flood-prone regions, do not purchase flood insurance—for example, fewer than 20 percent in coastal Mississippi prior to Hurricane Katrina. H.R. 3121 does not mandate the purchase of flood insurance and will not facilitate the resolution of claims for policyholders who do not purchase this coverage.

For these reasons, we strongly urge members to vote no on passage of H.R. 3121.

Respectfully,

AMERICAN INSURANCE ASSOCIATION.
NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES.
PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA.
THE FINANCIAL SERVICES ROUNDTABLE.

REINSURANCE ASSOCIATION OF AMERICA,
Washington, DC, July 25, 2007.

Chairman BARNEY FRANK,
Ranking Member SPENCER BACHUS,
House Financial Services Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: The Reinsurance Association of America (RAA) strongly opposes the inclusion of the Multiple Peril Insurance Act of 2007 to the flood insurance reform bill (H.R. 3121). The legislation would unnecessarily expand the scope of the National Flood Insurance Program (NFIP) to offer windstorm coverage that is currently being provided by private sector insurers, reinsurers, capital market participants and residual market programs.

The RAA, headquartered in Washington, D.C., is a non-profit trade association of property and casualty reinsurers and reinsurance intermediaries. RAA underwriting members and their affiliates write more than two-thirds of the gross reinsurance coverage provided by U.S. professional reinsurance companies.

A ROBUST PRIVATE MARKET FOR WIND COVERAGE ALREADY EXISTS

This legislation fundamentally alters who bears the risk of loss from wind. Instead of spreading this risk throughout the worldwide private insurance marketplace, this legislation puts the entire burden of deficits on the U.S. taxpayer. This fundamental shift is unnecessary. There is adequate wind capacity being provided by direct insurers and/or state residual markets. Moreover, there is a very robust global private reinsurance market for wind to help insurance companies manage their risk of loss. Over $35 billion of new capital has entered the private reinsurance capital markets to cover wind risk since Hurricane Katrina. RAA questions why Congress would want to shift the risk of loss to the U.S. taxpayers, rather than spreading this risk throughout the private insurance marketplace.

FEDERAL TAXPAYERS WILL SUBSIDIZE COASTAL INSURED'S

The RAA also has serious concerns that the NFIP will recklessly attract policyholders into buying wind coverage by suppressing the federal insurance rates. This has occurred in most state property insurance residual markets, which are under intense political pressure to maintain rates that are not sufficient to pay losses. Suppressing rates and loosening underwriting standards only places the U.S. taxpayer at further risk and encourages more development in high-risk areas.

THE NFIP IS NOT EQUIPPED TO OFFER WIND INSURANCE

The underwriting and pricing of flood and wind risk are fundamentally different. The Federal government has no institutional knowledge in these areas and it would be a daunting undertaking for them to develop such technical expertise. In addition to updating flood maps, FEMA would also have to develop wind maps for the entire United States. These tasks will only result in the creation of greater federal bureaucracy.

ALL STATE AND FEDERAL DISASTER INSURANCE PROGRAMS OPERATE AT AN EXPECTED LOSS

The NFIP is already $17 billion in the red. What if the NFIP had borne the wind loss associated with the 2004 and 2005 storms? The private marketplace paid $16.5 billion of wind insured losses in 2004 and over $60 billion of insured losses for the 2005 season. If this legislation were in place when these storms hit, the U.S. taxpayer would be paying greater deficits for these losses, rather than the private global insurance and reinsurance marketplace.

We urge you to oppose the inclusion of the Multiple Peril Insurance Act into H.R 3121 and support the Rep. Brown-Waite, Feeney and Putnam amendment to have the GAO conduct a study of this issue.

Sincerely,

FRANKLIN W. NUTTER,
President.

Mr. TAYLOR. Mr. Chairman, I very much appreciate the gentlewoman's remarks. I would like to mention to the gentlewoman, and add for the RECORD, the support for this bill, including the wind language, from the National Association of Realtors, National Association of Homebuilders, National Association of Bankers.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, September 26, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 1.3 million members of the National Association of REALTORS® (NAR), I ask for your vote in favor of H.R. 3121, the

Flood Insurance Reform and Modernization Act of 2007, when it is considered by the House of Representatives on Thursday, September 27.

The National Flood Insurance Program (NFIP) offers essential flood loss protection to homeowners and commercial property owners in more than 20,000 communities nationwide. The bill, as written, will help protect homeowners, renters and commercial property owners from losses sustained from flooding. NAR strongly supports the following changes to the NFIP contained in the bill including:

Extending the NFIP for five years;

Ensuring that the 100-year flood maps are updated as expeditiously as possible;

Increasing coverage limits to $335,000 for residential and $670,000 for commercial properties;

Supporting education of tenants about the availability of flood insurance while providing flexibility to property owners and managers in the manner of providing such notice;

Adding coverage for living expenses, business interruption, and basement improvements;

Extending the pilot program for mitigation of severe repetitive loss properties; and

Studying the impacts of eliminating subsidies on homeowners, renters and local economies.

It is critical that flood insurance remain accessible for all individuals who own or rent property in a floodplain. I urge you to vote in favor of H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, on Thursday.

Sincerely,

PAT V. COMBS,
2007 President,
National Association of Realtors.®

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, DC, September 26, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: On behalf of the 235,000 members of the National Association of Home Builders (NAHB), I am writing to express our support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007 as amended by the Manager's Amendment, which includes much-needed technical improvements to the underlying bill.

As you know, Hurricanes Katrina, Rita and Wilma radically disrupted the lives of those living on the Gulf Coast. After the storms' passing, many homeowners found themselves in dispute with their property insurance companies over whether water or wind was the primary cause of damage to their homes. After much debate, one proposed solution which has emerged to address this conflict is to expand the authority of the National Flood Insurance Program (NFIP) to include wind coverage.

NAHB is pleased that the bill incorporates new language to provide wind insurance coverage for home owners. H.R. 3121, as amended by the Manager's Amendment, would provide a needed addition in expanding the availability and affordability of property insurance in high hazard areas. Additionally, it references the mitigation requirements of consensus-based building codes as a measure to lessen the potential damage caused by a natural disaster and thus further ensure the financial stability of the NFIP.

NAHB remains concerned about the overall solvency of the NFIP, but we also view this program as not simply about flood insurance premiums and payouts. The NFIP is a comprehensive tool to guide the development of growing communities while simultaneously balancing the need for reasonable protection of life and property. The specific method Congress uses to achieve this balance could potentially impact housing affordability as well as the control local communities have over their growth and development. NAHB believes that H.R. 3121 strikes the proper balance in protecting the NFIP's long-term financial stability while ensuring that federally-backed flood insurance remains available and affordable.

As this new NFIP expansion moves forward, NAHB encourages Congress to limit the amount of the program's fiscal exposure to ensure its financial sustainability and to require premiums for the new multi-peril coverage to be risk-based and actuarially sound. NAHB commends the work of the House Financial Services Committee in crafting legislation to preserve and enhance this important federal program, and we urge your support for H.R. 3121, as amended by the Manager's Amendment, when it comes to the House floor this week.

Thank you for your attention to our views.

Sincerely,

JOSEPH M. STANTON.

SEPTEMBER 26, 2007.

To: Members of the U.S. House of Representatives.
From: Floyd Stoner, Executive Director, Congressional Relations & Public Policy, ABA.
Re: Support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007.

I am writing on behalf of the members of the American Bankers Association (ABA) to express our support for H.R. 3121, the Flood Insurance Reform and Modernization Act of 2007, scheduled to be considered by the full House later this week.

Since 1968, nearly 20,000 communities across the United States and its territories have participated in the National Flood Insurance Program (NFIP) by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally backed flood insurance available to homeowners, renters, and business owners in these communities.

Losses from three large hurricanes (Katrina, Rita, and Wilma) in 2005 have left the NFIP more than $23 billion in debt to the Treasury. There is no way that the NFIP can reasonably repay this debt and provide payment for future losses under the current rate structure. The likelihood of additional flood events and resulting claims against the program make reforms vital.

This legislation would require the Federal Emergency Management Agency (FEMA) to update the flood maps, and it would provide a phase-in of actuarial rates for commercial properties and non-primary residences. ABA supports these efforts as being necessary to sustain the program over the long term.

H.R. 3121 also would increase the penalties for non-compliance in placing flood insurance, from $350 per violation to $2000 per violation. We are pleased that the legislation would provide a "safe harbor" for an institution which is in non-compliance due to circumstances beyond its control (such as outdated mapping by FEMA). We also are pleased that the legislation would provide institutions with an opportunity to correct non-compliance before a penalty is assessed and place a reasonable limit for total penalties per institution/per year.

We urge you to support this important legislation.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. TAYLOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 110-351.

Mr. TAYLOR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. TAYLOR:

At the end of the bill, add the following new section:

SEC. 30. REQUIREMENTS RELATING TO WINDSTORM AND FLOOD.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

"(d) REQUIREMENTS FOR WRITE-YOUR-OWN INSURERS RELATING TO WINDSTORM AND FLOOD.—The Director may not utilize the facilities or services of any insurance company or other insurer to offer flood insurance coverage under this title unless such company or insurer enters into a written agreement with the Director that provides as follows:

"(1) PROHIBITION ON EXCLUSION OF WIND DAMAGE COVERAGE.—The agreement shall prohibit the company or insurer from including, in any policy provided by the company or insurer for homeowners' insurance coverage or coverage for damage from windstorms, any provision that excludes coverage for wind or other damage solely because flooding also contributed to damage to the insured property.

"(2) FIDUCIARY RESPONSIBILITY.—The agreement shall provide that the company or insurer—

"(A) has a fiduciary duty with respect to the Federal taxpayers;

"(B) in selling and servicing policies for flood insurance coverage under this title and adjusting claims under such coverage, will act in the best interests the national flood insurance program rather than in the interests of the company or insurer; and

"(C) will provide written guidance to each insurance agent and claims adjuster for the company or insurer setting forth the terms of the agreement pursuant to subparagraphs (A) and (B).".

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR. Mr. Chairman, in the course of today's debate, a lot of Members are learning a lot about insurance that they kind of wish they didn't know. Unfortunately, a lot of folks in my district learned a lot in the wake of that storm that they wish they knew.

As I have told you before, the United States Navy has modeled Hurricane Katrina. According to the United States Navy, there were four to five hours of hurricane force winds that hit south Mississippi before the water ever got there. Now, that is a fact from the United States Navy.

We have a policy under the National Write Your Own Program where we as a Nation allow the private sector to sell that policy, even though we back it. That is not a problem. It cuts down on administrative costs. We also have a line in that contract, though, with those private firms that says you will do a fair adjustment of the claim.

Think about it. I can't think of any other person that can send a bill to the Federal Government, up to $250,000, plus another $100,000 for contents, and no one ever questions it. And yet we gave the insurance industry this incredible responsibility, and I can tell you, they misused it. But it says there has to be a fair adjustment. That is the law.

Unfortunately, in the policies that they wrote for people, that were multiple pages thick, buried in that policy is something called "concurrent causation," which says, in effect, that after those 4 to 5 hours of hurricane force winds hit south Mississippi, if on a residence there's a single two-by-four left standing, the roof is gone, the windows have been blown in, the curtains are gone, the house is gone, if there's 1 two-by-four left standing, then there is a concurrent causation of wind and water, and they don't have to pay. It's in their policies.

Under oath there have been insurance agents who admitted they didn't even know it was in the policy. If the insurance agents didn't know, do you think an individual has a chance?

There is an extremely influential Senator on the other end of the building, a law degree from the University of Mississippi; he didn't know it was in there. Federal Judge Lou Garrolla, a Federal judge, he didn't know it was in there. If an extremely influential U.S. Senator, if a Federal judge doesn't know, what chance does a corrugated box salesman have? What chance does a shrimper have, a housewife, a school teacher?

The fact of the matter is that's wrong. The taxpayers ended up paying the bill that the insurance company should have paid because they stuck it to the taxpayers through the flood insurance policy every time.

This amendment would tell the insurance companies that if they want to do business with our Nation through the Federal flood insurance program, that they can no longer have a concurrent causation clause in their contract because it's completely contrary to the contract they have with our Nation that says it's going to be a fair adjustment of the claim.

If after 4 hours of hurricane force winds the house is almost gone, but there's 1 board left, and a wave comes along and knocks that last board down, under their rules, the taxpayers pay. Under what is fair and right, they ought to pay for what the wind did and let the taxpayers pay for what the water did.

We recognize there's a problem, we are addressing that problem, and only a shill for the insurance industry can turn around and say that this is right. If you really are concerned about the Treasury, then you ought to be concerned about the Treasury being ripped off by insurance companies by letting their agents be the sole determining factor of who's going to pay and sticking our Nation with the bill. This is an opportunity to close that loophole and to right an egregious wrong.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member claim the time in opposition?

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR. I yield the remainder of my time to the chairman of the committee.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 1 minute.

Mr. FRANK of Massachusetts. Mr. Chairman, this is actually a very conciliatory amendment by the gentleman from Mississippi because previously, and I know the gentleman has left the floor, he's been here very diligently, I don't mean anything critical, but the gentleman from Georgia (Mr. KINGSTON) said why don't we try to make the private companies live up to their responsibilities and stop them from walking away.

This amendment is the first chance we get to do that, because what this amendment does is not extend Federal coverage, but try to hold those companies which are voluntarily participating with the Federal Government to a reasonable standard with regard to their own coverage. So this is a chance to hold the private companies to their social responsibility.

Mr. TAYLOR. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. COSTELLO

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110-351.

Mr. COSTELLO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. COSTELLO:

Subsection (k) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by redesignating paragraph (8) as paragraph (9).

Subsection (k) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by inserting after paragraph (7) the following new paragraph:

"(8) USE OF MAPS FOR RATES.—The Director shall not adjust the chargeable premium rate for flood insurance under this title based on an updated national flood insurance program rate map or require the purchase of flood insurance for a property not subject to such a requirement of purchase prior to the updating of such national flood insurance program rate map until an updated national flood insurance program rate map is completed for the entire district of the Corps of Engineers affected by the map, as determined by the district engineer for such district.".

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, I yield myself as much time as I may consume.

I thank the Rules Committee for making this amendment in order and thank Chairman FRANK as well. My amendment is a commonsense, simple amendment that will bring fairness to FEMA's remapping process. If my amendment is adopted, FEMA would not be able to adjust premium rates or require the purchase of flood insurance until all remapping has been completed for an entire district of the Corps of Engineers affected by the remapping.

Under the current system, one geographic area of a floodplain or watershed can be updated, while another geographic area of the same floodplain or watershed may not be remapped for a few years.

If you look at the St. Louis area, preliminary maps will be available for review in December of this year for the Illinois side of the Mississippi River, but will not be available for the Missouri side of the river for 2 to 3 years. The remapping process should not be stopped, but remapping should be implemented for the entire floodplain or watershed together, as opposed to the current piecemeal approach.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone seek time in opposition to this amendment?

The Chair recognizes the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, I yield 2 minutes to my friend from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I want to commend my colleague, Congressman COSTELLO, for his great work. It is a pretty simple premise that if we are going to do the FEMA floodplain analysis, it ought to be in a watershed. As he so aptly put, when floods come across rivers, they will flow across banks on both sides. So as we have to address how to do the compensation, it only makes sense that they do it that way.

So I appreciate him bringing this forward, and I appreciate Chairman FRANK's effort in this aspect.

Mr. COSTELLO. Mr. Chairman, I urge adoption of my amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COSTELLO).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. GENE GREEN OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 110-351.

Mr. GENE GREEN of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. GENE GREEN of Texas:

At the end of section 22 of the bill, add the following new subsection:

(e) PHASE-IN OF FLOOD INSURANCE PREMIUMS FOR LOW-COST PROPERTIES.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by the preceding provisions of this Act, is further amended—

(1) in subsection (c), by inserting "and subsection (g)" before the first comma; and

(2) by adding at the end the following new subsection:

"(g) 5-YEAR PHASE-IN OF PREMIUMS FOR NEWLY COVERED LOW-COST PROPERTIES.—

"(1) IN GENERAL.—In the case of any area not previously designated as an area having special flood hazards that becomes designated as such an area as a result of remapping pursuant to section 1360(k), during the 5-year period that begins upon the initial such designation of the area, the chargeable premium rate for flood insurance under this title with respect to any low-cost property that is located within such area shall be—

"(A) for the first year of such 5-year period, 20 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

"(B) for the second year of such 5-year period, 40 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

"(C) for the third year of such 5-year period, 60 percent of the chargeable risk premium rate otherwise applicable under this title to the property;

"(D) for the fourth year of such 5-year period, 80 percent of the chargeable risk premium rate otherwise applicable under this title to the property; and

"(E) for the fifth year of such 5-year period, 100 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

"(2) LOW-COST PROPERTY.—For purposes of this subsection, the term "low-cost property" means a single-family dwelling, or a dwelling unit in a residential structure containing more than one dwelling unit, that—

"(A) is the principal residence of the owner or renter occupying the dwelling or unit; and

"(B) has a value, at the time of the initial designation of the area having special flood hazards, that does not exceed 75 percent of median home value for the State in which the property is located.".

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Texas (Mr. GENE GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 3121, the Flood Insurance Reform and Modernization Act, that will help bring national flood insurance programs into the 21st century. I particularly want to thank the chairman of the committee, BARNEY FRANK, as well as the sponsor of the bill and subcommittee Chair MAXINE WATERS for her hard work in bringing this bipartisan bill to the floor today.

Mr. Chairman, in June of 2001, Texas and other States witnessed damage wrought by Tropical Storm Allison after it swept through Texas and up the east coast causing substantial flood damage to thousands of my constituents, along with everyone else, both homes and businesses.

The good news was that some of these losses were protected by the National Flood Insurance Program. The bad news was that many of my constituents who needed flood insurance could not afford to purchase the policy. We all know that the flood insurance program plays a critical role in lessening the impact of major flooding disasters; but to make the program more effective, we need greater participation from Americans of all incomes.

H.R. 3121 requires FEMA to conduct a survey to review the Nation's flood maps. Inevitably, these updates will identify undesignated homes as being located in flood-prone areas. For many low-income families, such designation of their homes means having to purchase flood insurance that is either unaffordable or difficult to immediately budget for on modest means. Our amendment seeks to bridge that insurance gap between those who can afford a flood policy and those who cannot, and still be able to expand the people paying into the system.

The amendment is simple: it would provide a limited 5-year phase-in of flood insurance premiums for low-income homeowners or renters whose primary residence is placed within the floodplain through an updating of the flood insurance program maps. These homes can be valued at no more than 75 percent of the median home value for the State in which the property is located.

This amendment would make the National Flood Insurance Program more affordable for low-income homeowners, increase participation in the program and decrease the likelihood of an a taxpayer bailout in the event of a flood. I believe the amendment will bring security and peace of mind to many hardworking families who don't live in mansions, but live in their basic homes and that need help in obtaining protection that their homes deserve.

Mr. Chairman, I urge support for the amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. I yield to the Chair of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to thank the gentleman for taking this up. I want to stress what we are doing.

People have said, well, you are giving people breaks. No. The amendment that the gentleman from California (Mr. CARDOZA) offered earlier and this one deal with people who having lived somewhere, now will find themselves in a floodplain not because they moved, but because the designation is different.

This does not exempt them from having to pay the insurance. It does in certain cases, the gentleman from California's case. And this one that has to do with remapping, new maps or updating maps, it allows them to phase in. The result will be more people paying in and more people living in a floodplain who will be having to pay flood insurance. The remapping means there will be more restrictions on future building there.

I did want to stress that we did not in this bill and not in any of the amendments give any reductions to people already covered. But we have said, again, where people did not move in but found themselves where they had previously been living now included in the zone, we give people some leeway in the phasing in of the policy charge.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GENE GREEN).

The amendment was agreed to.

☐ 1530

AMENDMENT NO. 11 OFFERED BY MR. BERRY

The Acting CHAIRMAN (Mr. GENE GREEN of Texas). It is now in order to consider amendment No. 11 printed in part B of House Report 110-351.

Mr. BERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. BERRY:

At the end of the bill add the following new section:

SEC. ___. NOTATIONS ON FLOOD INSURANCE RATE MAPS FOR AREAS PROTECTED AGAINST 100-YEAR AND 500-YEAR FLOODS BY CERTIFIED FLOOD CONTROL STRUCTURE.

The National Flood Insurance Act of 1968 is amended by inserting after section 1361A (42 U.S.C. 4102a) the following new section:

"SEC. 1362. NOTATIONS ON FLOOD INSURANCE RATE MAPS FOR AREAS PROTECTED AGAINST 100-YEAR AND 500-YEAR FLOODS BY CERTIFIED FLOOD CONTROL STRUCTURE.

"(a) 100-YEAR FLOODPLAIN.—The Director may publish, through the publication of a national flood insurance program rate map, a note to designate areas protected against at least the 100-year flood by a certified flood control structure which shall read as follows: 'NOTE: This area is shown as being protected from at least the 1-percent-annual-chance flood hazard by levee, dike, or other structure. Overtopping or failure of any flood control structure is possible. Property owners are encouraged to evaluate their flood risk, based on full and accurate information, and to consider flood insurance coverage as appropriate.'.

"(b) 500-YEAR FLOODPLAIN.—The Director may publish, through the issuance of a national flood insurance program rate map, a note to designate areas protected against at least the 500-year flood by a certified flood control structure which shall read as follows: 'NOTE: This area is shown as being protected from at least the 0.2-percent-annual-chance flood hazard by levee, dike, or other structure. Overtopping or failure of any flood control structure is possible. Property owners are encouraged to evaluate their flood risk, based on full and accurate information, and to consider flood insurance coverage as appropriate.'.

"(c) EFFECT OF NOTES.—The publication of a note under subsection (a) or (b) shall not be considered a requirement of participation in the national flood insurance program.".

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Arkansas (Mr. BERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. BERRY. Mr. Chairman, first of all, I want to thank the distinguished chairman of the Committee on Financial Services for his magnificent leadership on this issue of modernizing and reforming FEMA's flood insurance program.

I rise to offer this amendment along with my colleagues, Mrs. EMERSON and Mr. HULSHOF from Missouri, Mr. COSTELLO and Mr. HARE of Illinois, and Mr. ROSS of Arkansas.

This amendment addresses concerns that we have heard from property owners, local governments, small businesses, Realtors, lenders, and others regarding FEMA's flood maps and the uncertainty they have caused in our local communities. The arbitrary and technically deficient blanket warning note that FEMA currently uses has caused confusion as to whether or not some areas are in a floodplain or not, whether flood insurance is needed or not. This has placed an unnecessary burden on property owners and threatens economic development in some of the most impoverished areas of the Nation.

This amendment dramatically improves FEMA's current policy, requiring any note placed on flood maps to more fully and accurately inform the property owners about the protection value of their levees. This amendment will continue the objective of educating property owners and reminding them of the importance of honestly assessing their risk, reminding them that they may consider optional purchase of flood insurance, even if they are not in a special flood hazard area.

I believe this is a reasonable amendment which maintains the important objectives of providing accurate information about the safety of the levees, encouraging honest assessments of flood risks, while eliminating the uncertainty that FEMA has created. I urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri is recognized for 5 minutes.

There was no objection.

Mrs. EMERSON. Mr. Chairman, I want to thank the gentleman from Arkansas (Mr. BERRY) for his leadership, and my colleagues on the Financial Services Committee for their efforts to improve the National Flood Insurance Program.

The Berry amendment is a commonsense approach towards both increased risk awareness and sound decisionmaking. The lack of preparedness on the Federal, State and local level exposed by Hurricane Katrina certainly suggests a real lack of awareness of the risks posed by living in the shadow of levees. Appropriately, this amendment recognizes the important role that Congress and the administration must play in increasing risk awareness.

However, I would be negligent if I did not relay my concern regarding the direction in which I sense the National Flood Insurance Program is drifting. The decision to participate in the National Flood Insurance Program should be entered into deliberately and after careful consideration, not, and I stress "not," based on blanket warnings from FEMA.

As a Nation, taxpayers have contributed billions to build up our levee and flood protection systems. At the same time, our local communities have taken on the added burden of meeting local cost-share requirements. These substantial investments were based in part on the savings from removing the need to purchase flood insurance.

Mandatory requirements to purchase flood insurance should be carefully studied. Blanket, one-size-fits-all warnings from an organization, even an organization like FEMA, should be entered into only after thoughtful consideration and ample review.

In my view, the Berry amendment would bring these principles to bear on at least one bureaucratic decision, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. BERRY. Mr. Chairman, I yield 2 minutes to my colleague from south Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Chairman, I thank Mr. BERRY for offering this amendment. It is a bipartisan amendment. It is what I would call a commonsense amendment.

I don't have to tell you, Mr. Chairman, that the Federal Emergency Management Agency, they need help in trying to figure this program out. This is the same Federal agency that has 8,000 brand new, fully furnished mobile homes sitting in a cow pasture in Hope, Arkansas several years after Hurricane Katrina, mobile homes that never got to the victims. And when we had a tornado on the Mississippi River in Dumas, Arkansas, it took FEMA 3 weeks to figure out how to move 30 of them 2½ hours down the road, and now FEMA is trying to wreak havoc on our National Flood Insurance Program.

The gentlewoman from Missouri is absolutely correct; it seems to me what FEMA is trying to do here is pay for their flood insurance program by forcing people to buy insurance who they know are never going to have a claim. This is a step in the right direction in trying to provide a commonsense fix to another mess that has been created by FEMA, and I am pleased to stand here with my colleagues from Arkansas and Missouri in support of it.

Mrs. EMERSON. Mr. Chairman, I yield 2 minutes to the gentleman from central Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I appreciate my colleague from the Show Me State for yielding, and I rise in support of the Berry-Ross-Hare-Emerson-Hulshof-Costello amendment.

We have tasked the Federal Emergency Management Agency with educating the public of the flood risks to their homes and businesses. I think we agree and support their continued efforts in the education campaign so long as it is done based upon the best modeling and sound science available.

But I do not support FEMA pushing homeowners into purchasing flood insurance when they don't need it. This is exactly what FEMA seems to be doing with the zone X shaded floodplain note. Zone X shaded is the area behind a certified 100-year or 500-year levee but still within the 100-year floodplain. Within these zones, FEMA attaches a note, the purpose of which I believe seems to intimidate homeowners into purchasing flood insurance through a very strongly worded suggestion.

Now, if you talk to FEMA, they will tell you those notes don't require individuals to purchase flood insurance; and I guess I can say my beautiful wife, Renee, doesn't require me to buy an anniversary present, but there are some things that just seem to be understood.

Of particular concern, as has been expressed, is that when you have certain lenders or others who see this warning, this stark warning, that they may in fact require homeowners when in fact the law does not.

Again, I acknowledge what my colleague and friend from Cape Giradeau has said. I am for floor insurance. It should be, for instance, mandatory in special flood hazard areas. But we have areas in this country where tremendous resources have been used to create a very adequate flood protection system. Mrs. EMERSON's district is one of those, systems that are constructed and maintained and certified by the Federal Government.

So individuals that live behind these certified levees, whether they have been constructed by the Federal Government or constructed under the supervision of the Federal Government, they pay their due, they pay Federal taxes, and often they have participated in the levee districts themselves. I think this is a commonsense amendment, and I am proud to support it.

Mr. BERRY. Mr. Chairman, I appreciate very much the bipartisan way this amendment has been developed and I think it demonstrates that we can work together on both sides of the aisle to do commonsense things.

It is unfortunate that we have been put in the position by a Federal agency because of severe mismanagement to where we have to become involved in such matters. But I thank everyone for their approach to this, and particularly thank the committee.

Mr. Chairman, I yield back the balance of my time.

Mrs. EMERSON. Mr. Chairman, I too want to thank Mr. BERRY and the other sponsors, thank the committee chairman and ranking member, and hope that everyone will be in support of this very commonsense amendment. There is no excuse for FEMA putting at risk the economic development up and down the Mississippi River or around any other area that is protected by a 100-year or 500-year levee, and that would happen if we do not take this action.

Mr. COSTELLO. Mr. Chairman, I am offering an amendment with my colleagues that would replace the current note FEMA uses which does not distinguish levees according to their structural integrity or protection value and replaces it with one that is more accurate to clarify the protection level of flood control structures and the legal requirements of flood insurance coverage.

I strongly believe all property owners should be properly educated about their flood risks and encouraged to assess their need for flood insurance. However, no local governments, lenders, and the general public should have uncertainty with regard to flood risks and whether there is a requirement to participate in the Federal flood insurance program.

Alexander County in my Congressional district and other areas throughout the State of Illinois will be affected by these "warning labels" and this amendment ensures that we are being clear in our intent.

This amendment is important to my district and to the Nation and has bipartisan support.

I urge my colleagues to support this amendment.

Mrs. EMERSON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. BERRY).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIRMAN (Mr. ROSS). It is now in order to consider amendment No. 12 printed in part B of House Report 110–351.

Mr. WALZ of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. WALZ of Minnesota:

Subsection (k)(2)(A)(ii) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by striking "and".

Subsection (k)(2)(A)(iii) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by striking the final period and inserting "; and".

Subsection (k)(2)(A) of section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), as added by section 22(a) of the bill, is amended by adding at the end the following new clause:

"(iv) the 100-year floodplain, including any area that would be in the 100-year floodplain if not protected by a levee, dam, or other man-made structure.".

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. Mr. Chairman, I thank the chairman of the committee and the ranking member for offering this incredibly important piece of legislation modernizing the National Flood Insurance Program.

On the evening of August 18 into the morning of August 19, devastating storms swept across the Midwest. Seven of the 22 counties in my congressional district are now Federal disaster areas as up to 18 inches of rain fell in a 24-hour period. Seven individuals in my district lost their lives, and countless others were injured. Thousands of homes were destroyed. Millions of dollars in damage to roads and bridges which were washed away literally overnight.

Subsequently, many Minnesotans found out how quickly they needed to become experts in the National Flood Insurance Program, so I congratulate the committee for taking up this legislation.

One of the improvements that you are hearing about is the improvements to the mapping of the 100-year and 500-year floodplains.

What my amendment does, we are getting the 500-year floodplains, and they are dealing with areas that could be flooded if a levee or dam fails. But they do not require FEMA at this time to map areas in the 100-year floodplain that, if not for a flood-control measure other than a dam or levee, could flood, and my amendment simply asks for those areas to be mapped.

When a flood-control measure fails, it is obvious that it is catastrophic. Whether it be a flood wall or a levee in New Orleans, or as we found out in Minnesota, a culvert in St. Charles, Minnesota, or a storm sewer in Hokah, Minnesota, the impact is devastating.

This amendment is very simple. It adds one sentence to this bill requiring FEMA to map "areas in the 100-year floodplain, including any area that would be in the floodplain if not protected by a dam, levee, or other man-made structure."

This does not put any new requirements on residents living in those areas, or put any additional burden on residents who live near dams or levees. The amendment simply requires FEMA to make information available about the risk of flooding that might occur if a flood control measure other than a dam or levee would fail. Some of the structures we are talking about: culverts, storm sewers, certain bridges and certain elevated rural roadways.

The recent floods in Minnesota showed the need for communities to have a comprehensive information plan on the risks that they face. This amendment would help do exactly that, and I urge my colleagues to adopt this small change that could make a big difference in how people adjust to the circumstances based on the potential of flooding.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. STARK

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in part B of House Report 110–351.

Mr. STARK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. STARK:

In the matter proposed to be inserted by the amendment made by section 23 of the bill, in section 1363(a)(2), strike "and" at the end.

In the matter proposed to be inserted by the amendment made by section 23 of the bill, in section 1363(a)(3), strike the period at the end and insert "; and".

In the matter proposed to be inserted by the amendment made by section 23 of the bill, after paragraph (3) of section 1363(a) insert the following new paragraph:

"(4) by providing written notification, by first class mail, to each owner of real property affected by the proposed elevations of—

"(A) the status of such property, both prior to and after the effective date of the proposed determination, with respect to flood zone and flood insurance requirements under this Act and the Flood Disaster Protection Act of 1973;

"(B) the process under this section to appeal a flood elevation determination; and

"(C) the mailing address and phone number of a person the owner may contact for more information or to initiate an appeal.".

The Acting CHAIRMAN. Pursuant to House Resolution 683, the gentleman from California (Mr. STARK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple amendment. The gentleman from Indiana (Mr. BURTON) and I are offering this jointly. Very quickly, it makes it mandatory for FEMA to send a first-class mail notification to affected property owners under the flood insurance sections.

The notification that they send must include an explanation of the appeal process and contact information for responsible officials with whom they should deal.

□ 1545

It's needed because ordinary citizens don't read the Federal Register, and often the announcements are printed in the legal page of newspapers. The first that my constituents have heard about this is from the mortgage lender who tells them they have got 45 days to buy insurance, and they are then precluded from an appeals process, which if they find out at least 90 days beforehand, they have a right to utilize a community appeals process which is far less cumbersome and expensive.

I can only suggest in support of the amendment that my good friend Chairman FRANK at one point stated when BURTON and STARK get together, you may not like the amendment, but you should save one of the puppies. It is a bill that I think will help make this process simpler for all of our constituents, and I urge the adoption.

Mr. BURTON of Indiana. Mr. Chairman, I rise in strong support of the Stark-Burton amendment to H.R. 3121 the "Flood Insurance Reform and Modernization Act of 2007." This amendment is nearly identical to an amendment we offered last year which passed this House unanimously. I want to thank my colleague from California, Mr. STARK for once again cosponsoring this amendment. I would also like to thank Chairman FRANK and Ranking Member BACHUS for including parts of our original amendment in this years legislation which will ensure that FEMA notifications of elevation changes are published in the Federal Register, published in the most widely circulated local newspapers and provided to the chief executive officer of each affected community by certified mail.

Unfortunately, while extending notifications of changes in flood elevations to newspapers and local officials is helpful, H.R. 3121 misses the bull's eye by ignoring the most important part of the Burton/Stark amendment from last year; namely the requirement that FEMA provide written notification by first class mail to each property owner affected by a proposed change in flood elevations. Last year in my district we had about 300 or 400 people who had no idea that FEMA was redrawing the flood map in their area until they suddenly received notice from their insurance companies and mortgage lenders saying that they now lived in a flood plain and they needed to spend an extra thousand or $2,000 a year for flood insurance. There hadn't been a flood in that area of Johnson County, Indiana for over 100 years. In fact, no one had ever heard of having a flood in this area.

Once these flood maps have been finalized the only way to remove a property from the flood plan is to file an individual appeal complete with extensive survey work paid for entirely at the property owner's expense. The process is expensive and time-consuming and homeowners must still buy and retain flood insurance throughout the process. However, if homeowners can find out while the maps are still preliminary, they have time to utilize an automatic 90-day appeal process to have the remaps reevaluated, and potentially remove blocks of homes from the flood plain, at little to no expense to the owners.

What the Stark-Burton amendment does is very simple:

Requires FEMA to provide written notification by first-class mail to each property owner affected by a proposed change in flood elevations;

Requires the notifications be sent after the preliminary maps are released but before the required 90-day appeal period; and,

Requires the notification include an explanation of the appeal process and contact information for responsible officials.

Mail notices to each property owner affected by projected flood elevation remapping would be a simple and effective way to notify residents of changes. Such a process is direct and ensures that all affected parties are able to take full advantage of FEMA's community appeals process. The cost to the Federal Government of these mail notifications would be small compared to the millions of dollars homeowners would otherwise have to pay in last-minute flood insurance or to challenge FEMA's flood elevation determinations.

As Chairman FRANK said last year when we debated this issue, and my colleague Mr. STARK just said so briefly and eloquently, anytime a conservative from Indiana and liberal from California can come together on an issue it is truly bipartisan. In fact this is a nonpartisan issue that affects nearly everyone in the 20,000 communities nationwide that participate in the National Flood Insurance Program. To ensure that all property owners are fully aware of any changes in flood plain area maps, and consequently their property values, is simply the right and fair thing to do. I urge my colleagues to support the Stark/Burton amendment to H.R. 3121.

Mr. STARK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. STARK).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment on which further proceedings were postponed.

AMENDMENT NO. 7 OFFERED BY MR. TAYLOR

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 268, noes 143, not voting 26, as follows:

[Roll No. 919]

AYES—268

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Cannon
Cappe
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio

DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Franks (AZ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jefferson
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—143

Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—26

Bachus
Carson
Christensen
Conyers
Cubin
Davis, Jo Ann
Doyle
Everett
Faleomavaega
Fortuño
Herger
Hinojosa
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Lewis (CA)
Meek (FL)
Meeks (NY)
Moran (KS)
Norton
Perlmutter
Reichert

□ 1613

Mr. PEARCE changed his vote from "aye" to "no."

Ms. GINNY BROWN-WAITE of Florida and Mr. BONNER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes, pursuant to House Resolution 683, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. BACHMANN

Mrs. BACHMANN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. BACHMANN. In its current form, I am.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Bachmann moves to recommit the bill H.R. 3121 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendments:

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, in subsection (c)(1), strike "paragraph (8)" and insert "paragraphs (8) and (9)".

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, redesignate paragraphs (8) and (9) of subsection (c) as paragraphs (9) and (10), respectively.

In the matter proposed to be inserted by the amendment made by section 7(a)(2) of the bill, after paragraph (7) of subsection (c), insert the following new paragraph:

"(8) DHS CERTIFICATION REQUIREMENTS FOR COVERAGE AVAILABILITY.—

"(A) REQUIREMENT.—The Director may not make any multiperil coverage available under this subsection unless the Secretary of Homeland Security, in consultation with Comptroller General of the United States and the Director of the Congressional Budget Office, has certified to the Congress that—

"(i) the national flood insurance program is actuarially sound;

"(ii) chargeable premium rates for flood insurance coverage under such program will not be increased as a result of the implementation of the program under this subsection for multiperil coverage; and

"(iii) if the program under this subsection for multiple peril coverage is implemented, it will be operated in an actuarially sound manner.

"(B) DETERMINATION.—The Director shall make a determination of whether the national flood insurance program meets the conditions specified in clauses (i) and (ii) of subparagraph (A) not later than the expiration of the 6-month period beginning on the date of the enactment of the Flood Insurance Reform and Modernization Act of 2007.

"(C) ACTUARIALLY SOUND.—For purposes of this paragraph, the term 'actuarially sound' means, with respect to the national flood insurance program that premiums under such program are priced according to risk, or by such standards and methods as a generally accepted by the actuary industry, incorporating up-to-date modeling technology, and taking into consideration administrative expenses, including potential debt service, in the case of a deficit.".

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, today, over 5 million Americans rely on the National Flood Insurance Program to protect their homes and businesses in the event of a flood.

But since January of last year, there have been over 77 declared disasters involving flooding. And just this August, in our home State of southeastern Minnesota, we experienced severe flooding that caused distress to over 1,500 homes.

According to FEMA, and according to the Minnesota Homeland Security and the Emergency Management, the Federal Government has disbursed at this point nearly $31 million in Federal recovery funds to over 4,200 people. And currently, there are over 8,000 people, specifically, there are 8,434 national flood insurance policies in effect in my home State of Minnesota.

But, unfortunately, as floods continue to occur across our great Nation, the National Flood Insurance Program is in trouble. It's not good news. It's bad news. And the program today, unfortunately, is $18 billion in debt. That's today, as it stands, and it's required to pay that debt back with interest over time. This debt will be paid back with the premiums that are charged to those families who are relying on this flood insurance program.

The base bill that's before us is a good one because it attempts to help solve some of the fiscal problems today that are facing the National Flood Insurance Program. We agree with that, Mr. Speaker.

But, yet, there is one provision in this bill that has the potential to undo the very positive reform that is before us, and that is to send the flood insurance program into even further fiscal disarray and result in premium increases for homeowners all across America, something that no one in this body would want to do.

The proposal, Mr. Speaker, that's included in this bill is to expand the National Flood Insurance Program by creating a brand-new insurance program for wind damage. That's something that has never existed before, and it's akin to a homeowner who, upon discovering that his foundation is rotting, decides to ignore that problem and instead adds a second story on to that rotting house. And he shouldn't be surprised then when the whole house collapses around him.

I have a very simple amendment, Mr. Speaker, and it says this: it does not strike the brand-new wind insurance program. What it does is this: it stipulates that before the program can go into effect, three things have to occur. This is something that we can all agree on:

Number one, there has to be a certification that the existing National Flood Insurance Program, in fact, is actuarially sound, and this certification would provide all of us with the assurance that this program is correctly pricing its policies and has adequate reserves on hand to handle large flood events. We've seen that there's been a problem with this in some of the State reserve accounts.

Today, right now, both the Government Accountability Office and the Congressional Budget Office have reported that the National Flood Insurance Program is likely to not be actuarially sound.

Second, there has to be a certification that premiums for people in the existing flood insurance program will not be increased to subsidize this brand-new insurance program. People all over America are wondering if that's going to happen to them as well as the insurance companies.

And then third, of this simple amendment, it says there has to be a certification that the new wind insurance program will, itself, be fiscally sound. Who can argue with that?

So, Mr. Speaker, the 8,434 people of the State of Minnesota and the 5 million Americans who today rely on our National Flood Insurance Program, they need to serve as a lifeline in the event of a major storm, that they would not have that program in endangered, that their premiums would not, in fact, be increased in order to help create, in fact, this new expansion of an expansion of a wind program.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Massachusetts continue to reserve his point of order?

Mr. FRANK of Massachusetts. No, Mr. Speaker, I do not press the point of order.

The SPEAKER pro tempore. The point of order is withdrawn.

Is the gentleman from Massachusetts opposed to the motion?

Mr. FRANK of Massachusetts. I am opposed to the motion. I would press, instead, a point of logic, more appropriate here.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. And the logic is this: we have a proposal that came forward, brought forward by the gentleman from Mississippi to add a program to the National Flood Insurance Program that says that if you have national water insurance, you can, at your option, add wind insurance. Remember, no new insured are eligible here. You have to have water and then you can get wind.

The argument that the gentleman from Mississippi has made irrefutably on this House floor is that you simply cannot, days after a storm has damaged, try to sort out what was wind and what was water.

Now, unlike the flood program, the gentlewoman from Minnesota is right, the flood program is in deep debt. We inherited, from our Republican colleagues, a flood insurance program that is hurting. They had control of that program, House, Senate and President; and it went into debt.

As the gentlewoman says, we have a bill, and we had it last year in the House too, but not in the Senate, that makes it better. Everyone agrees that our bill, everyone who has read it agrees that our bill reduces the financial problems with flood, but it doesn't wipe them out. There's a large problem there. Billions of dollars.

Here's the illogic. The gentleman from Mississippi has put forward a proposal for optional wind insurance which will have to be actuarially sound. When the flood insurance program was passed, there was no PAYGO. Flood insurance is hurting. They're supposed to be actuarially sound, but it's very loose.

We have written into this bill, with regard to wind, requirements that it be actuarially sound, that it break even for the Federal Government, that the Congressional Budget Office certifies as perfectly good. So there is no argument possible that the wind program will add to the danger. CBO has certified that it is sound. So we have a new wind program that will be actuarially sound; CBO certifies that. And the bill says that if the program starts to run into a deficit, it cuts off. Automatic.

We then have the water program, which the Republicans left us as their inheritance, which is deeply in debt. They are saying that the fiscally sound wind program that's in this bill, certified by CBO, cannot go into effect until we've solved the problem they left us in the water program. They are saying that. They don't have anything to say bad about the wind program. They're saying that you can't do the wind program until you've solved the water problem. And the water problem is billions.

How would you solve it?

Well, you'd substantially raise people's premiums.

I should note, Mr. Speaker, that no one on the Republican side has proposed to try to make it actuarially sound. We are trying to get in that direction. But no one on the Republican side thinks it's reasonable to immediately wipe out that huge debt.

They don't like the wind program. They don't want to take it on head on, so they have come up with this scheme which says, the fiscally sound, CBO-certified, actuarially-legitimate wind program can't go forward until we clean up the $19 billion problem they left us in the flood program. I do not think that is very logical.

The gentleman from Mississippi, as I said, made the case for the wind program. So this becomes a case for the wind program.

Here's the deal: you're told to leave your house because a hurricane's coming. You come back a few days later and there's devastation, and you have to figure out what was caused by wind and what was caused by water because if you have a wind policy from a private company, they will argue, in many cases, that water caused all the damage, and you are very hard pressed to find it out.

If you then, instead, have a combined wind and water policy from the Federal Government, you then don't have to go through this metaphysical exercise. You simply get the payment for your damages.

Now, that's the logical point that the gentleman from Mississippi put forward. And it is going to be, as CBO said, break even for the Federal Government.

So here's the recommit: the Federal Government cannot go to the aid of people facing that dilemma of trying to decide wind versus water, which has been certified as fiscally neutral by CBO, until we solve the problem that we got in the water issue.

It really is not a logical thing to do. It is simply a way to try to kill the wind program. A more straightforward way would have been to simply kill the wind program. I'm sorry they didn't get an amendment to do that. But they could have done that straightforwardly in the recommit.

So I hope that Members will vote "no." The only issue here is should we initiate a voluntary program whereby people who have Federal water insurance can also get wind insurance in a manner that is certified by CBO to add nothing to the deficit, to do nothing to hurt the Federal flood insurance program, but to be actuarially sound.

I hope the motion is defeated.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. BACHMANN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 179, noes 232, not voting 21, as follows:

[Roll No. 920]

AYES—179

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (CT)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bonner
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—21

Bachus
Carson
Conyers
Cubin
Davis, Jo Ann
Doyle
Everett
Hastert
Herger
Hinojosa
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Markey
Moran (KS)
Moran (VA)
Perlmutter
Reichert

□ 1646

Messrs. SPACE, HODES, and FERGUSON changed their vote from "aye" to "no."

Mr. TOM DAVIS of Virginia changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 263, nays 146, not voting 23, as follows:

[Roll No. 921]

YEAS—263

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt

DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Drake
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—146

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blunt
Boehner
Bono
Boozman
Broun (GA)
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Higgins
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—23

Bachus
Carson
Conyers
Cubin
Davis, Jo Ann
Dingell
Doyle
Everett
Green, Al
Hastert
Herger
Hinojosa
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Kennedy
Kline (MN)
LaHood
Marshall
Moran (KS)
Moran (VA)
Perlmutter
Reichert

□ 1655

Mr. CONAWAY changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. REICHERT. Mr. Speaker, on September 27, 2007, I missed three rollcall votes. I was unavoidably detained at a medical appointment. Had I been present, I would have voted "no" on rollcall No. 919, "yes" on rollcall No. 920 and "no" on rollcall No. 921, final passage of HR 3121, the Flood Insurance Reform and Modernization Act.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3121, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3121, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert into the RECORD extraneous material on the bill to be considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 682 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3567.

□ 1656

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3567) to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes, with Mr. KIND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, venture capital is the life blood of our Nation's small businesses. Venture capital not only serves as the raw material for economic growth and job creation, but also acts as fuel for the pursuit of new ideas and innovation. Without it, businesses cannot expand, and even the best ideas wither and die in what has come to be known as the "Valley of Death" between setup and commercialization. Clearly, our Nation's 26 million entrepreneurs depend upon this resource, and yet despite its obvious importance, venture capital remains elusive to the vast majority of small businesses.

The Small Business Investment Expansion Act of 2007 is a bipartisan effort introduced by Mr. ALTMIRE and Mr. GRAVES. This legislation signifies our commitment to helping small businesses receive the venture capital that is vital to economic growth, innovation and job creation; and I rise in support of this bill.

Perhaps no Federal agency is better positioned to meet the challenges of small business investment than the Small Business Administration. Since 1958, the SBA's investment programs have helped hundreds of small businesses and have contributed to the success of several of our Nation's notable companies, including Apple Computer, Federal Express, Staples, and Costco. Unfortunately, the SBA's programs have suffered the effects of mismanagement, flat funding and neglect in recent years. By the SBA's own estimates, the total unmet need for early-stage equity financing for small businesses is approximately $60 billion each year. Additionally, it has been identified that the greatest equity capital financing need of small businesses is financing in the amount of $250,000 to $5 million.

While new investment strategies possess the potential to make a significant impact on unmet capital needs of startup businesses, they have not been fully leveraged for the benefit of our Nation's entrepreneurs. The new market's venture capital program has also not achieved its full potential. And perhaps most notably, unreasonable and outdated policies are still in use, and they restrict the free flow of venture capital and other forms of investment to small firms.

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This policy has had an obvious impact on the ability of new businesses to access venture capital. Over the past 5 years, there has been a steady shift of venture capital away from newly formed businesses toward later-stage businesses. In 2002, the SBA licensed 41 new SBIC funds, more than half of which focus on investment in early-stage businesses. By contrast, in 2006, the SBA licensed only 10 new SBIC funds, none of which were for investment in early-stage businesses.

The Small Business Investment Expansion Act of 2007 represents an important step toward revitalizing SBA's investment mission. This legislation features a renewed focus on providing equity capital to startup firms and businesses in low-income areas, two key sectors of the small business community that have continued to face particularly high barriers to securing venture capital. The bill will also establish a new Angel Investment Program to fill the gap in seed capital that was created by the elimination of the participating securities program.

H.R. 3567 touches on all aspects of the SBA's investment mission, including the SBA's surety bonding program. This bill will provide much-needed updates to this program and will introduce initiatives aimed at increasing the number of businesses and bonding companies that participate in the program. Our small businesses have always been the incubators of innovation, and investment has been the fuel for this great engine of American economic development. As we continue to rely on entrepreneurs to spur economic growth and create jobs, the need for venture capital will only continue to grow. This legislation ensures that small businesses will have the resources they need to remain competitive and successful while ensuring that SBA's programs are the premier source for small business capital.

For these reasons, H.R. 3567 has the support of the National Venture Capital Association, the Value Technology Industry Organization, the Surety and Fidelity Association of America and the American Insurance Association.

Mr. Chairman, I strongly urge my colleagues to vote for the Small Business Expansion Act of 2007, and I reserve the balance of my time.

Mr. CHABOT. I yield myself such time as I may consume.

Mr. Chairman, today I rise in support of H.R. 3567, the Small Business Investment Expansion Act of 2007. Risk-taking and entrepreneurship have been part of the American fabric since this country's founding, whether it was emigres from France founding a munitions company in the early years that would later become DuPont or an immigrant peddler who would go on to create Lazarus stores in my district, Cincinnati, now Macy's, or two Dayton, Ohio bicycle mechanics who invented the airplane. The rise of America is replete with stories of entrepreneurs taking risks to change the economy and ultimately the world.

Recent history continues that trend. The most powerful computer software company in the world, Microsoft, was created by two college dropouts working out of a Seattle garage. Steven Jobs was tinkering in his garage when he developed the computer that would lead to the creation of the Apple. Fred Smith created Federal Express based on a paper written for an undergraduate class at Yale. All of these entrepreneurs succeeded because they had an idea and were able to raise the money they needed to perfect and market that idea.

Yet, America has changed. Investors, venture capitalists, hedge funds, and private equity firms use sophisticated global investment strategies to maximize their returns. The budding entrepreneur with a great idea today might get lost in the search by investors for a company with a significant business history and record of returns. To maintain America as the leader of innovative entrepreneurial firms, we must ensure economic and fiscal policy that provides capital to entrepreneurs.

There is little doubt that efforts of Congress, when Republicans controlled it, to adopt tax policies that spurred investment and growth provided significant incentives to invest in businesses. That is why I would very much like to see those tax policies ultimately made permanent, so we don't go back and raise taxes. But the Committee on Small Business has heard that the market does not provide adequate equity funding to the smallest of startup businesses, including those that will become the next Dell Computer, Nike, Outback Steakhouse or Callaway Golf Clubs. H.R. 3567 takes, in my view, a balanced approach to ensure that these new businesses have access to capital. It balances the need for limited Federal funding with fiscal restraint and protects the Federal taxpayers.

Now, during the markup of this bill, I did voice strong objections to title V as it was introduced. There are five titles in this particular piece of legislation. Since markup of the legislation, however, to the credit of the gentlewoman from New York, Nydia Velazquez, we worked together and we negotiated in good faith and reached a bipartisan agreement to address the concerns that we voiced. I believe that the compromise that we reached adequately addresses my concern. I want to again compliment the chairwoman for her leadership in that effort. It eliminates some of the more egregious decisions of the SBA concerning venture capital investment in small businesses while maintaining the integrity of the Federal procurement process for small business by preventing conglomerations of venture-owned firms to bid as small businesses.

Mr. Chairman, in closing, I would again like to thank the chairwoman for working in a bipartisan manner on this bill. I would also like to thank her staff, particularly Michael Day and Adam Minehardt, for their work on this important piece of legislation. I also want to thank Barry and Kevin Fitzpatrick for their help, as well, on this bill.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE). He is the chairman of the Small Business Subcommittee on Investigations and Oversight and the leading sponsor of this bill.

Mr. ALTMIRE. Mr. Chairman, I thank the chairwoman, Ms. VELÁZQUEZ, for her assistance in putting together the Small Business Investment Expansion Act. I appreciate the opportunity I have had to work with Mr. CHABOT and Mr. GRAVES, to work with both of them to produce a bipartisan bill that will benefit small businesses across this country. Their input was invaluable, and I thank each of them for their leadership.

I represent a district that extends north of Pittsburgh which is home to world-class universities. Western Pennsylvania has thousands of small business innovators who are doing cutting-edge research and development in the life sciences. Western Pennsylvania's entrepreneurs have created numerous success stories; however, many of these companies did not become success stories overnight. Each of them had their challenges. Unfortunately, thousands of small businesses are formed each year that are unable to take that next step and overcome the capital expenses necessary to keep their businesses afloat during the early going.

Part of the problem resides within the Small Business Administration's investment programs. The current Small Business Investment Act was written in 1958 and simply did not envision the type of capital environment that exists today in the 21st century. This antiquated law has led to inefficiencies in the SBA that contribute to an annual shortfall of $60 billion in unmet capital needs for American small businesses. Small businesses often require an infusion of private investment to purchase additional assets, such as equipment, office space and personnel. But the private investment can be difficult to acquire.

To address the substantial unmet capital needs of small businesses in western Pennsylvania and across the country, I introduced the bill we are debating today, the Small Business Investment Expansion act. My bill will improve the environment for small businesses by expanding access to two vital sources of investment: venture capital and angel investments. Not only do small businesses require investment capital, they also require support that will allow them to do research and development. Current regulations prohibit a number of these small firms from qualifying for support offered through Federal initiatives due to their venture ownership. With this legislation, we can create a fix that reflects the reality of today's climate, that there are many small companies entering into industries that depend on this type of investment as their primary financing option.

Small businesses are the backbone of our economy. It is critical that the Federal Government do more to connect these small firms with the capital investment required for them to succeed. This bill modernizes the SBA's investment programs and creates an environment that facilitates the flow of capital to small businesses. This bill will create jobs, grow the economy, and help thousands of entrepreneurs grow from startups into thriving small businesses.

Mr. Chairman, for that reason, I strongly support this bill. I encourage my colleagues to vote for it.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Chairman, I rise to express my support for the Small Businesses Investment Expansion Act and to commend my colleague from Pennsylvania for his leadership on this issue. In particular, I appreciate his work to include a provision that modernizes the definition of a small business.

In today's economy, there are many small companies entering high technology, capital-intensive industries that require significant investment to bring their products to market. I have seen this firsthand in my home State of Pennsylvania, which is a national leader in biotechnology initiatives. The biosciences have had a significant economic impact on Pennsylvania's economy with more than 125 biopharmaceutical companies and 2,000 bioscience-related companies calling the Commonwealth of Pennsylvania their home. These companies are developing groundbreaking therapy, devices, diagnostics and vaccines that really will treat once-untreatable diseases and debilitating conditions, providing hope for millions of people.

But developing new cures is not cheap. It often takes 10 years or more and costs hundreds of millions of dollars to bring a new treatment to market. This means that new bioscience companies can experience years of large cash outlays before they have the opportunity to cover their costs and repay their loans, let alone realize any profit.

As the author of a comprehensive proposal, the American Life Sciences Competitiveness Act, I have identified a number of actions that this Congress can and I hope will take to improve access to capital for this life-saving research and product development.

I am pleased to lend my support to this bill before us today that would correct the outdated SBA regulations that currently preclude these small businesses, even those with only a handful of employees, from receiving assistance because they rely on venture capital to fund their work. It is time to enable these American small businesses, which are such a vital part of our Nation's economic growth, to compete for Federal grants and other small business assistance so they may pursue cutting-edge technologies and products that will benefit us all.

Mr. CHABOT. I yield 4 minutes to the gentleman from Missouri (Mr. GRAVES) who has been one of the two principal sponsors of this important legislation.

Mr. GRAVES. Mr. Chairman, I first would like to thank Ranking Member CHABOT and Chairwoman VELÁZQUEZ for moving forward with this bill.

Mr. Chairman, this bill is critically important to small businesses. I am glad I could be a part of this very important process. Small businesses are the backbone of our economy. Access to capital is essential to their survival and growth. I want to thank you for your support and thank them for their support on these provisions.

I also want to note the bipartisan nature of how the Small Business Investment Expansion Act passed through committee and is here before us on the House floor. Some initial concerns were brought up over the legislation. I am pleased to report that those concerns have been resolved due to the open and transparent manner in which this bill is being considered.

Lastly, I would like to thank the staffs of Chairwoman VELÁZQUEZ and Ranking Member CHABOT for all their hard work on this issue. This bill has been a work in progress for roughly 3 years. I appreciate all the work that they have done on my behalf. This is a very important issue to me, my constituents, and small businesses everywhere. I am very glad to see it before the House today.

The Small Business Investment Expansion Act improves small business access to capital. Whether it is from the Small Business Administration, SBA, or through private investment, capital helps small companies bring their products to market and succeed. With an economy dependent on the success of small companies and firms, it is essential to pass this legislation.

I want to speak to title V of this bill for a brief moment. The language included in this title deals with the SBA affiliation rules and has been an issue of utmost importance to my constituents and to me over the past few years. Private investment in small business is a good thing and should be encouraged, not discouraged. The language will exclude the employees of these private investors when determining the size of a small business, thus allowing them continued access to important programs under the SBA.

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This is important because many small firms and capital intensive fields rely on private investment to continue the very promising research and development that has attracted such development. The SBA has a number of programs that have proven vital to the success of small businesses and want to ensure our small businesses have continued access to them.

American innovation is what drives this country and its economy, and as Members of Congress we need to create an environment that will keep American innovation at the forefront of the global market. As a member of the Small Business Committee, I work to advocate on behalf of small businesses. The passage of this bill is a tremendous help to the competitiveness of those small firms, which is why I support its passage.

Again, I would like to thank the chairwoman and ranking member.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to say to the gentleman, Mr. GRAVES, thank you so much for the work that you have done with the committee to work in a bipartisan manner to address the issues that are important to small businesses in this country. Your input and collaboration in putting together this legislation is greatly appreciated.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentlewoman and also want to lend my support to this fine piece of legislation. I also thank the gentleman from Ohio (Mr. CHABOT). This is something that many areas of our country need. Those areas that once thrived in the Industrial Age and are trying to recreate their economy need the kind of early capital that this bill is going to put into these small firms.

The gentleman from Pennsylvania who was here earlier, Mr. ALTMIRE, and I are trying to create a Technology Belt between Cleveland, Akron, Youngstown, and Pittsburgh. We have many early startup companies that need the venture capital that they are going to be able to access, in particular in the New Market Venture Capital Program, which will allow low-income areas to expand the reach for more capital to go in there, also the office of Angel Investment, where we have public-private partnerships so that those early startup companies will have that early capital that they need. Tax cuts for the top 1 percent don't get to these businesses. We need that early capital in order to grow them

In Ohio, for example, we have a company in Cleveland called BioEnterprise. Over the past 5 years they have brought in over $500 million in venture capital, 80 percent of it from outside of the State of Ohio. They employ 20,000 people in northeast Ohio. The hardest thing for them to do is to get that early venture capital. That's what this bill does.

So I want to thank the gentlewoman, I want to thank the gentleman from Ohio and also the gentleman from Pennsylvania for putting this together. We are giving life and hope and opportunity to those areas of the country that are trying to retool their economy. This is going to allow us to do this, whether it's medical device technology, any kind of medical technology that may be coming up, advanced manufacturing. These are the kinds of programs that we need.

So I want to thank everyone again for putting so much effort into this bill and being so thoughtful. These are the kinds of things that are going to help us create a strong, vibrant economy in the United States and in the industrial Midwest.

Mr. CHABOT. Mr. Chairman, I continue to reserve my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY) for the purpose of entering into a colloquy.

Ms. WOOLSEY. Mr. Chairman, I rise today to engage in a colloquy with the chairwoman. I thank her for agreeing to do this with me.

Madam Chairman, there has been a concern expressed from some voices in the small business community that title V of this bill will open up small business Federal contracts to be taken advantage of by large corporations and venture capital firms. If this is true, it's obviously a concern, because it would directly cut against the intent of this bill.

Can the chairwoman please explain to me the protections in this bill that she believes will prevent large corporations and venture capital firm from abusing the intent of the bill?

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlewoman from California for bringing up these concerns. The Small Business Committee is a champion of small business and, as such, has strong protections built into this bill to prevent large corporations and venture capital firms from unfairly benefiting from Federal small business contracts.

You will be pleased to know that eligible VCs cannot have more than 500 employees, they cannot be controlled by a large corporation, and they must be based in the United States. In addition, an amendment by Mr. CHABOT has been made in order under the rule that will even further strengthen these protections by adding a requirement that no VC can own more than 50 percent of any eligible small business.

I am confident that these provisions will protect the intent of this bill and prevent large corporations or venture capital firms from taking advantage of these programs.

Ms. WOOLSEY. I thank the gentlewoman. There seem to be adequate protections in this bill to ensure small businesses are the ones getting these contracts and that they aren't unfairly influenced by large capital firms.

Again, I thank the Chair for engaging in this colloquy with me.

Ms. VELÁZQUEZ. I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I would like to express my support of this bill and congratulate the Chair for her great work.

Mr. Chairman, there's a lot of great news in this bill: Updating the definition of small business for today's realities, taking care of small companies that are entering into high-technology capital-intensive industries. Many of these small companies are based in my home State of Washington. There's over 200 biotechnology and medical device companies. They are developing cures for debilitating diseases; they are improving the Nation's biodefense system.

Mr. Chairman, 44 percent of these companies have been formed just in the last 5 years, and they obviously rely heavily on venture capital. Unfortunately, there's some outdated SBA regulations that currently preclude small businesses, even though with a handful of employees, from receiving assistance simply because they rely on venture capital funds for their R&D.

I want to thank the chairwoman for including as a solution to this a provision that will correct this unwise discrimination that is now going on against small businesses that are so dependent on venture capital funding. Today, these companies will again be able to compete for grants and receive other small business assistance because of a provision in this bill. I have been working on a legislative solution for quite a while, so I am very happy to see this fixed today.

We are happy to see the American Dream is going to be helped by this bill. I want to thank the chairwoman again. I look forward to future success.

Mr. CHABOT. Mr. Chairman, I have no further speakers.

I just want to again thank the chairwoman for her cooperation in drafting what is essentially, I believe, a very good bill, which will improve small business' ability to have access to capital all across the country.

Without further ado, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I just would like to take this opportunity to thank the staff that worked on this bill. From Mr. ALTMIRE's office, Cara Toman; from Mr. GRAVES' office, Paul Sass; and from the minority staff, Barry Pineless. From the majority, I would like to thank Adam Minehardt and Andy Jiminez.

Mr. Chairman, I strongly urge my colleagues to vote for the Small Business Investment Expansion Act of 2007.

Mr. LOEBSACK. Mr. Chairman, I rise today in strong support of the Small Business Investment Expansion Act.

Today's small business owners are leaders in job creation and economic development not only in Iowa, but across the country. Small businesses create 80 percent of new jobs in the United States, and they make up 97 percent of United States exporters. They are truly the backbone of our Nation's economy.

Many of Iowa's communities are built upon the strength of small businesses, and ensuring that entrepreneurs have the resources and tools their businesses need to thrive is critical to their success.

Yet access to capital is an increasingly common concern for new business owners. The Small Business Investment Expansion Act takes vital steps to reverse this trend. By increasing access to loans, capital, and Angel investors, this bill ensures that the Small Business Administration is an effective partner for our Nation's small businesses.

It overhauls the Small Business Investment Company and the New Markets Venture Capital program to improve the efficiency of their resources for fledging enterprises. The Small Business Investment Expansion Act also creates a new Angel Investment program to provide seed financing to new businesses through public-private partnership. Through these changes, as well as renewed investments in under-served areas, this bill will provide small businesses with critically needed support.

Small business owners are leaders in their communities, and innovative support programs are essential tools that help them to flourish.

In my district, the Economic Development Center was established to help small businesses grow and succeed not only in Iowa's Second District, but across the State. To date, the EDC has assisted over 300 entrepreneurs; raised over $6 million in capital for its businesses; and helped to generate over $30 million for the region through the success of its businesses. In turn, EDC businesses created over 200 new jobs.

I am a proud advocate of the Economic Development Center, and I believe that the Small Business Investment Expansion Act will help organizations such as the EDC to be even more effective partners with Iowa's—and our country's—small businesses.

Mr. HONDA. Mr. Chairman, I rise to express my support for H.R. 3567, the Small Business Investment Expansion Act. In particular, Title V of the Small Business Investment Expansion Act modernizes the definition of a small business so that it reflects current reality. In today's economy, there are many small companies entering high technology, capital-intensive industries that receive venture capital investment.

Many of these small companies are based in my home State of California. California is one of the most innovative States in the country, with the San Francisco Bay area as the birthplace of the biotechnology industry. From 2000 to 2003, California biotech companies developed 32 breakthrough drugs, and over 600 new therapies are currently in the research and development pipeline. Private investment is the lifeblood of the biotechnology industry, and venture capital investment in life sciences typically outpaces investment in any other industry. This venture capital investment allows small biotechnology companies to pursue breakthrough technologies—from developing cures for debilitating diseases to creating alternative energy sources.

Also concentrated in my Silicon Valley district, the burgeoning nanotechnology industry has been predicted to be a $1 trillion market by the year 2017. Many of these small, innovative nanotech companies rely on venture capital investments to support their heavy costs of startup and basic research and development. In 2005, the Blue Ribbon Task Force on Nanotechnology that I commissioned to advise me on ways to promote the development and sustainability of the nanotechnology industry recommended expanding Small Business Innovation Research eligibility in the same way as Title V of H.R. 3567.

Unfortunately, the outdated U.S. Small Business Administration regulations currently prevent small businesses from receiving assistance if they rely on venture capital to fund their R&D. Often some of the most important breakthroughs these companies make are a result of the riskier work they do, which only federal funding for small business research can enable. H.R. 3567 will correct this unwise discrimination against small businesses that receive venture capital funding so that these companies will again be able to compete for grants and receive other small business assistance.

By making this important change to the SBA regulations, the House will be moving forward on another piece of our Innovation Agenda and helping to keep America a leader in the global marketplace. I thank my colleague Mr. ALTMIRE for introducing this bill; Chairwoman VELÁZQUEZ and Ranking Member CHABOT for moving it through their committee; and Majority Leader HOYER and Speaker PELOSI for bringing this bill to the floor. I urge my colleagues to vote in favor of H.R. 3567.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 3567 the Small Business Investment Expansion Act.

Much of the economic success that we enjoy as a Nation is the result of innovation and development by America's small business community. Almost half of Americans working in the private sector are employed by small businesses. They are responsible for over 45 percent of our national payroll and have created 60 to 80 percent of new jobs over the last 10 years.

Since it was created in 1953, the Small Business Administration, SBA, has played an essential role in maintaining and strengthening the Nation's economy by aiding, assisting and protecting the interests of America's small businesses. However, there is an expanding gap between the assistance that the SBA's programs are able to provide and the capital needs of small businesses.

The legislation before us today will help to close this gap by expanding and improving two of the SBA's most successful programs, the Small Business Investment Company and the New Markets Capital Program. As a public-private partnership the Small Business Investment Company program stimulates and supplements the flow of private equity capital and long term loan funds for the sound financing, growth, expansion and modernization of small business operations. This program was able to leverage more than $21 billion to 2,000 small businesses in the last year alone; however more could be done to improve access to this program. This legislation will expand access for early-stage and capital-intensive small businesses by simplifying how maximum leverage caps are calculated and revising the limitation on aggregate investments. H.R. 3567 will also expand access to the New Markets Venture Capital program that provides entrepreneurial expertise and equity capital to small businesses in low-income regions. This legislation not only expands the programs but provides incentives for investors to invest in small manufacturing companies.

Additionally, H.R. 3567 will create a new office within the SBA to help start-up of companies find investors to support them in their early stages of growth, the Office of Angel vestment. This legislation will focus on three main initiatives: providing angel groups with matching financing leverage, create a federal directory of angel investors, and funding for awareness and educational programs about angel Investment opportunities.

Small businesses make up the engine that drives our economy. The legislation before us today will give small businesses the tools that they need to succeed. I therefore encourage my colleagues to support this legislation.

Mr. MANZULLO. Mr. Chairman, I rise in reluctant opposition to the Small Business Investment Expansion Act of 2007, H.R. 3567. The non-partisan Congressional Budget Office, CBO, estimates that this bill will cost $102 million over the next 5 years. Thus far this year, the CBO estimates that the Democrat-controlled House Small Business Committee has authorized $5.9 billion in new spending over the next 5 years—$1.55 billion in fiscal year 2008 alone. To put this massive spending increase in perspective, the Fiscal Year 2008 Financial Services Appropriations bill, H.R. 2829, provides $582 million in total spending on the SBA in FY 08.

In the past, legislation dealing with programs in the Small Business Investment Act operated under the assumption that the bill should not cost the taxpayer any new money. I am proud that the Republican-led Congress took the Small Business Investment Company, SBIC, program to "zero-subsidy," funded solely by user-fees, first with the debenture program in 1996 and then the participating securities program in 2001. I regret that because of the downturn in the markets earlier this decade, the participating securities component of the SBIC program, which targeted equity investments in early stage small businesses, has become essentially insolvent and defunct since 2005. During the 109th Congress, I tried numerous ways in my capacity as chairman of the House Small Business Committee, to thread the needle to reopen the participating securities program while still keeping it at "zero subsidy." However, H.R. 3567 abandons fiscal restraint by creating yet another new program to promote equity investments in early stage small businesses.

First, CBO estimates that the creation of the Angel Investment Program in Title III of H.R. 3567 will cost $57 million over the next 5 years. While there is a provision that requires an angel group repay any investment it receives, the repayment comes solely out of any profit the group receives. But what if the angel group makes no money? Then the taxpayer is left holding the bag. This is a departure from the regular SBIC program where upfront fees are also charged, in addition to retaining a share of the profits, to help offset the cost of the program.

The bill creates yet another new office and more bureaucracy at the Small Business Administration, SBA, to promote angel investments in early stage small firms. It also spends $1 million to create a Federal angel network to collect and maintain information on local and regional angel investors that is readily available over the Internet, e.g., www.bandofangels.com. H.R. 3567 also spends $1.5 million to create yet another grant program to increase awareness and education about angel investing, heaping potentially yet another mission upon the already stretched Small Business Development Center, SBDC, program. Earlier this year, the House passed three SBDC-related bills that created nine new programs for them to implement.

Last year, I held a hearing on the Small Business Committee to listen to the leading experts on the angel movement. At the time, the committee debated similar angel legislation, H.R. 4565, offered by Democrats to what is on the floor today. All the witnesses except the one called by the Democrats testified that because of the decentralized and informality of angels, a tax credit modeled after what exists in many states is far more preferable to creating yet another office and program at the SBA to promote angel investments. This is what the leading experts in the angel movement said about the ideas contained in H.R. 4565, which is now Title III of H.R. 3567, at the May 10, 2006, Small Business Committee hearing:

Dr. Ian Sobieski, founder and managing director of the Band of Angels: "I would be wary of any kind of government interaction with angel groups because of the danger of perturbing a natural market process that is still good for it. The tax credit changes the environment in which capital decisions are being made . . . The danger in . . . data collection is the implied authority by which it is collected. If the Federal Government gets involved in collecting data (on angels) that has the imprimatur of the United States Government, that speaks with great weight."

Susan Preston of Davis, Wright Tremaine LLP: ". . . the vast majority of investments by angels are done by individuals, not members of angel groups. These are highly independent autonomous anonymous individuals that don't want their name in databases and aren't interested, for the most part, in joining groups."

I simply don't understand why this Democratic-led Congress ignores the advice of angel experts to direct the SBA to provide capital to extremely wealthy individuals to support investments they probably would make anyway. I'm also surprised that this Democratic-led Congress, which routinely criticizes the SBA for its alleged incompetence, would add another yet another mission to its responsibilities. That's why I was proud to join Representative EARL POMEROY of North Dakota in reintroducing the alternative to this government-run approach—the Access to Capital for Entrepreneurs, ACE, Act of 2007, H.R. 578—to keep decisions on angel investments at the individual and local level.

Second, I also have concerns about Title II of H.R. 3567 that dramatically expands the New Markets Venture Capital, NMVC, program and opens up the Federal Government to more exposure. The CBO estimates that Title II raises the subsidy or exposure rate to 17 percent and will cost the taxpayer $11 million over the next 5 years. The mission of the NMVC is to promote venture capital investments in economically distressed communities in both urban and rural America. However, I believe the NMVC program is already a triplicate of two other programs that already exists—the regular SBIC program and the Rural Business Investment, RBIC, program at the U.S. Department of Agriculture, USDA. Of the 2,299 U.S. small businesses that received SBIC financing in fiscal year 2005, 23 percent were located in Low- and Moderate-Income (LMI) areas of the country. Those LMI-district companies received $543 million or 19 percent of the total $2.9 billion invested by SBICs in FY 2005. Also, 30 percent of SBIC investments were made in small U.S. manufacturers. For the period FY 2001 through FY 2005, SBIC investments in small manufacturing companies totaled $4.3 billion. In addition, the USDA runs the RBIC program in cooperation with the SBA to promote equity investments in rural areas. Thus, I see no need expand a program to help small businesses that are already being assisted by two other government programs.

Third, I object to reinstating taxpayer funding for the surety bond program. This program is important to help small businesses, primarily small construction firms, win federal government contracts by offering a bond to guarantee that the work will be completed. To cover the costs of those guarantees, fees are paid to the SBA by both the contractor receiving the guarantee and the surety or insurance company that issues the bond for the contractor's performance. In fiscal year 2006, the SBA provided guarantees under the surety bond program for about 5,000 small businesses and collected about $7 million in fees. Section 405 of H.R. 3567 eliminates fees that are currently charged to contractors and sureties. That's why the CBO estimates Section 405 will cost the taxpayer over the next 5 years.

Mr. Chairman, there is no need to do this. During my tenure as chairman of the Small Business Committee, I never heard from a small business complaining about fees charged in the surety bond program. This could develop into a problem for the Federal Government when small businesses, which have no financial stake in their surety bond and thus have nothing at risk if they default, do not complete the contract. I predict that there will be more broken contracts and uncompleted work. Section 405 also sets a precedent to do away with the "zero" subsidy policy in other SBA programs, such as in the 7(a) loan guarantee program.

But the most egregious provision in H.R. 3567 is the revamping of small business size standards in Title V. This provision allows companies not independently-owned and operated but controlled by venture capital, VC, investors to still be considered as a small business in the eyes of the Federal Government. Title V will allow large businesses and universities that establish a VC to potentially game the system to benefit from not just various SBA technology programs but every other SBA loan and procurement assistance program. It could even complicate the Regulatory Flexibility Act, which requires Federal agencies to take into account the interests of small businesses during the development of new regulations. When I was chairman of the Small Business Committee, I was proud of the bipartisan support I received in eliminating big businesses from participating in various federal small business programs. This led the SBA to finally clamp down on this abuse and issue new regulations and policies to do away with this practice. However, I fear that many of my colleagues have not fully thought through the implications of this provision. Title V would undo all the bipartisan work done on this issue over the past five years.

In particular, I spent a lot of time and effort trying to solve the specific problem of the eligibility of some small businesses with venture capital investments to participate in the Small Business Innovative Research, SBIR, program at the National Institutes of Health, NIH. The SBIR program guarantees that at least 2.5 percent of Federal research and development, R&D, dollars must go to small businesses. After the Defense Department, the NIH is the second-largest spender of R&D funding in the Federal Government.

Title V tries to solve a problem that is grossly exaggerated. It is a myth that small businesses with VC investments are unable to participate in the SBIR program at NIH because of a misinterpretation of the law by the SBA. In an impartial Government Accountability Office, GAO, study that I requested, they discovered that 17 percent of NIH SBIR awards, accounting for 18 percent of the dollar value, went to small business with VC investments in fiscal year 2004. These small firms had no problem in complying with SBA guidelines. Nevertheless, I tried to proffer a compromise that would have established a 2-year pilot program to set-aside 0.5 percent of NIH R&D funding, over-and-above the 2.5 percent currently set-aside for small businesses, for these firms that receive a preponderance of their funding from VCs and do not own or control their company. Unfortunately, my compromise was rejected by NIH and by the biotech and VC industries. However, the solution contained in Title V is a dramatic overreach in the effort to solve this specific problem with NIH.

The amendment offered by my good friend and colleague, Representative STEVE CHABOT of Ohio, is a good step forward. It prohibits any one single VC from owning a small business that wishes to benefit from a SBA program. However, I can easily envision a situation where two VCs with common ownership but with different board of directors could game the system and still be eligible for SBA programs. Because even the largest VCs have less than 500 employees, Title V—even as changed by the Chabot amendment—would open up SBA programs to large businesses and universities.

In particular, I am concerned about the future of the SBIR program. It's important to remember that when the SBIR program was created 25 years ago, it was because of the frustration that federal research and development dollars went only to large businesses and universities. Even under current law, only 2.5 percent of all Federal R&D dollars is set-aside for small business. But Title V allows large universities that establish a VC to participate in the SBIR program. This provision will further decrease Federal R&D dollars going to independently owned and operated small high technology firms.

Mr. Chairman, I enclose for the record the Statement of Administration Policy in opposition to this bill plus two letters from the oldest small business association in America—the National Small Business Association; a letter from the nation's only association that represents small high technology firms—the Small Business Technology Council; and a letter from the world's largest business federation—the U.S. Chamber of Commerce. I urge my colleagues to heed the recommendations of the administration and these business associations by voting against H.R. 3567.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 26, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3567—SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

The Administration strongly opposes House passage of H.R. 3567.

The Administration strongly opposes the proposed "Angel Investor" program. The Administration does not support providing capital to high net worth individuals to support their investments. The best way to strengthen small business is through an economic framework that encourages investment at all levels through broad-based and reasonable tax rates and reduced regulatory impediments to the flow of capital. This approach will have a more significant impact than any targeted program.

The Administration also strongly opposes the proposed change to the definition of a small business for the purposes of venture capital investment. This redefinition strips the elements of independent ownership and control that identify small business ownership under current law. Not only would this change be inequitable for actual small businesses, but it would be a step backward from our recent progress in addressing the misidentification of large firms as small businesses for Federal procurement purposes. By eliminating the concept of affiliation for venture capital operating companies, the provision would allow large businesses, not-for-profit organizations, and colleges and universities to own and control small businesses and benefit from programs designed for independent small businesses. The Administration believes that the intent of this provision is to allow for reasonable, non-controlling investment in small business. Unfortunately, the current language is overly broad, and the Administration strongly opposes this provision unless it is amended to ensure that ownership and control rests positively with the entrepreneur.

NATIONAL SMALL
BUSINESS ASSOCIATION,
Washington, DC, September 25, 2007.
Hon. DONALD A. MANZULLO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANZULLO: The U.S. House of Representatives soon will consider H.R. 3567, the Small Business Investment Expansion Act of 2007. While supportive of most sections of H.R. 3567—believing that they provide necessary and overdue improvements to three of the Small Business Administration's investment programs—and its aim of helping small businesses acquire needed capital, the National Small Business Association (NSBA) cannot support the bill in its current form.

Reaching 150,000 small-businesses across the nation, NSBA—the country's oldest small-business advocacy organization—is a member-driven association that advocates for the best interests of the overall small-business community. Convinced that Title V of the bill will gut over half a century of laws that define a small business, NSBA urges Congress to remove Title V from the measure or defeat the entire bill.

Since the Small Business Act was passed in 1953, a small business has been defined as one that is: (1) independently owned and operated, (2) not dominant in its field, and (3) for-profit. This definition not only has controlled which companies can access federal small-business programs, it also has defined which firms are small for purposes of federal regulatory compliance across a vast areas of banking, securities, environmental, pension, and worker-safety laws.

Title V of H.R. 3567 would effectively repeal these provisions, creating a new class of business conglomerates that would be defined as small businesses despite meeting none of the existing statutory requirements.

1. The "independently owned and operated" statutory test? Gone.

Title V of H.R 3567 would prohibit the SBA from classifying any venture capital (VC) company as a large business as long as the VC firm had fewer than 500 employees—no matter how many "small" businesses the VC firm controlled. It is important to note that virtually no VC firm in the country has more than 500 employees.

Under Title V of H.R. 3567, a VC firm could create a conglomerate controlling 1000 small companies, employing 100,000 people, and generating billions in revenue, and the SBA and other federal agencies would be forced to treat each company in the conglomerate as a small business as long as it had fewer than 500 employees. Banking regulators, securities regulators, environmental regulators, and all other kinds of federal regulators that base their definition of "small" on Section 3 of the Small Business Act would be prohibited from considering the overall number of employees or revenue of the VC firm.

2. The "not dominant in its field" statutory test? Gone.

The VC conglomerates could include, for example, nearly every company capable of bidding on a government contract that had been set aside for small business. Yet the SBA and other federal contracting agencies would be forced to classify the companies in the conglomerate as "small." Conceivably, the VC conglomerates also could own every single company producing a specific product, service or technology, and the federal government still could be forced to classify each of these companies as "small" businesses. This is an especially galling notion in the wake of years of controversy over large companies receiving government contracts intended for small businesses.

3. The "for profit" statutory test? Gone.

Title V of H.R. 3567 would allow universities to control unlimited numbers of small companies and still classify all such businesses as "small." Yet the true owners would be non-profit universities, many of them with endowments worth hundreds of millions of dollars or more. Such a scenario would hardly help level the playing field for the majority of small businesses.

Supporters of Title V of H.R. 3567 contend that the bill prevents big businesses from controlling these venture capital firms. This mayor may not be true. It does not matter. The bill encourages the venture capital firms themselves to become big businesses—and then to claim to be small. Acting together, these conglomerates could put truly independent companies at competitive disadvantages in nearly every situation that mattered.

If Title V of H.R. 3567 passes, everything in federal law that is premised upon section 3 of the Small Business Act—including dozens of laws and hundreds of court cases—will be called into question. Thousands of pages of federal regulations will be rendered moot. Utilizing this legal vacuum, the new VC conglomerates would be empowered to abuse all manner of government regulations and programs by claiming to be small businesses.

In sum, this legislation violates a fundamental trust. It would eviscerate the very concept of a small business as Congress and the American people understand it. There would be no limits on the capital, the labor, and the financial resources that the VC conglomerates could control and still be treated as "small businesses." Every law that Congress has enacted over the past half century to aid small businesses would become little more than a "speed bump" as a new category of big businesses raced in to seize the protections and advantages intended for small businesses.

NSBA urges Congress to strike Title V from H.R. 3567 or to defeat the bill entirely. If Title V is struck, NSBA will be pleased to support the measure.

Sincerely,

TODD O. MCCRACKEN,
President.

NATIONAL SMALL
BUSINESS ASSOCIATION,
Washington, DC, September 27, 2007.
Hon. DONALD A. MANZULLO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANZULLO: Today, the U.S. House of Representatives is scheduled to consider H.R 3567, the Small Business Investment Expansion Act of 2007. Convinced that it will divert money Congress intended for actual small businesses to large companies masquerading as small businesses, the National Small Business Association (NSBA) strongly urges Congress to strike Title V from the bill or defeat it. The well-intentioned amendment to be offered by Rep. Steve Chabot also does not resolve the underlying problems in Title V.

Reaching 150,000 small-businesses across the nation, NSBA is a member-driven association that advocates for the best interests of the overall small-business community. NSBA is not alone in its opposition. In fact, no small-business organization has publicly supported Title V. It is strongly supported by the venture-capital and biotechnology community, however—but isn't this supposed to be a small-business bill?

The Small Business Technology Council, a nonpartisan group that represents small technology firms, also strongly opposes Title V. In fact, in today's LA Times, its executive director, Jere Glover, the former chief counsel for the SBA Office of Advocacy in the Clinton administration, called it "the worst piece of small business legislation I've seen in 25 years."

The Statement of Administration Policy issued from OMB states, "By eliminating the concept of affiliation for venture capital operating companies, the provision would allow large businesses, not-for-profit organizations, and colleges and universities to own and control small businesses and benefit from programs designed for independent small businesses."

Title V of H.R. 3567 would prohibit the SBA from classifying any venture capital (VC) company as a large business as long as the VC firm had fewer than 500 employees—no matter how many "small" businesses the VC firm controlled. It is important to note that virtually no VC firm in the country has more than 500 employees.

Under Title V of H.R. 3567, a VC firm could create a conglomerate controlling 1000 small companies, employing 100,000 people, and generating billions in revenue, and the SBA and other federal agencies would be forced to treat each company in the conglomerate as a small business as long as it had fewer than 500 employees.

Are these the sorts of "small businesses" Congress had in mind when it passed the Small Business Act in 1953? Are they the kind of "small businesses" that need government investment?

NSBA urges Congress to strike—not amend—Title V of H.R. 3567 or to defeat the bill. If Title V is struck, NSBA will be pleased to support the measure.

Sincerely,

TODD O. MCCRACKEN,
President.

SEPTEMBER 25, 2007.

Hon. DONALD A. MANZULLO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANZULLO: On behalf of the Small Business Technology Council, the nation's largest nonprofit organization of small, technology-based companies in diverse fields, I urge you oppose Title 5 of H.R. 3567, and to vote against H.R. 3567 if that Title is included in the bill when it comes to a vote on the House floor soon.

Title 5 of H.R. 3567 would encourage abuse of federal government programs and protections intended for small business.

H.R. 3567 would establish a new class of business holding companies operated by groups of investors. These holding companies (or conglomerates) would be incentivized to acquire huge portfolios of small firms.

The key incentive: the federal government would have to treat these holding companies as small businesses, no matter how many businesses, employees, capital and resources they controlled. All the holding companies would have to do is have fewer than 500 employees themselves and keep each of the acquired companies below 500 employees. There would be no limit on the total number of companies and employees that the holding companies could control.

Proponents of this sweeping—and largely unexamined—change frequently state that certain SBA programs are unavailable to small firms that have venture capital backing. That is untrue.

SBA's only requirement for calling a business "small" is that it meet certain size standards—generally, a cap of 500 employees. But SBA counts firms that are controlled by other firms as one firm. That's what this bill would end. And once that ends, large companies could demand access to small business programs and small business regulatory treatment.

Today, large VC's and other investment companies (with more than 500 employees, including affiliates and subsidiaries) can control up to 49% of a firm that SBA classifies as "small." Small investment companies and VC's (with fewer than 500 employees, including affiliates and subsidiaries), can control up to 100%.

So, despite what you may have heard, the problem is not that firms with VC backing are "kept out" of SBA programs. They aren't.

The real problem, from the point of view of some investment companies, is that large companies cannot masquerade as small companies for purposes of obtaining federal small business benefits.

Big business trying to access small business programs is not a new issue. It goes back decades. (Just recently, Congress has criticized SBA for letting large companies obtain federal procurement contracts intended for small companies.)

This Congress should handle the small business/big business issue with integrity, just as other Congresses have.

The only difference between H.R. 3567 and countless past efforts by big businesses to slip into small business programs is that this bill would encourage investment companies *themselves* to become big businesses, while prohibiting them from being "controlled" by *other* big businesses. That's certainly a twist on the usual approach, but it ends up in the same place—with big companies pretending to be small in order to take advantage of federal benefits intended for small business.

Moreover, the term "control by a large business" (as it applies to these holding companies) is not defined in the bill, so even that modest difference from past attacks by large business may not amount to anything.

The worst feature of Title 5 is that it totally undermines federal efforts to lower unnecessary the regulatory burdens on small businesses. The holding companies incentivized by H.R. 3567 would begin demanding to be treated as small businesses for purposes of federal regulations, even though they are—in commonsense reality—large companies. Since many of these regulations are based on SBA's definition of what a small business is—the very definition that the holding companies propose to exempt themselves from—they would presumably have to be treated as "small" for purposes of these regulations—in such areas as environmental regulations, pension regulations, securities regulations, and the like. This would wreck decades of careful work by Congress and federal agencies to protect small companies. It would also cast doubt on many laws and court cases that are based on the SBA definition of small business.

SBTC therefore strongly urges Congress to strike Title 5 from H.R. 3567. With Title 5 removed, we will support the bill. With Title 5 largely or totally intact, we will strongly oppose the bill in total.

Regards,

JERE W. GLOVER,
Executive Director,
Small Business Technology Council.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, September 27, 2007.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, has serious concerns with Title V of H.R. 3567, the "Small Business Investment Expansion Act of 2007," which is expected to be considered by the House today.

Title V of H.R. 3567, if passed into law, would allow changes to the longstanding definition of small business that would permit larger business concerns to effectively control and dominate small business enterprises while at the same time allowing them to participate in small business programs. This fundamental change could undermine the public policy objectives of all of the small business resources and programs authorized by Congress to foster innovation, growth, and help to level the playing field for small businesses within the marketplace.

Title V of H.R. 3567 would allow venture capital conglomerates, colleges, and universities to have effective control and ownership of an unlimited number of small businesses while still falling under the definition of small business for the purposes of using government resources and programs meant for traditionally defined small businesses. These new enterprises would not be subject to the affiliation rules as they now apply to all existing business concerns. As a longstanding advocate for small business, the Chamber opposes creating a loophole in the law that allows the unfettered growth of a conglomerate business enterprise that will not be restricted by existing size-standards as determined by affiliation rules and still be able to avail themselves of services, resources, and programs that have been dedicated to traditional small businesses.

For these reasons, the Chamber opposes Title V of H.R. 3567. The Chamber looks forward to working with Congress to address these important concerns.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Ms. VELÁQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 3567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Investment Expansion Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

Sec. 101. Simplified maximum leverage limits.
Sec. 102. Increased investments in women-owned and socially disadvantaged small businesses.
Sec. 103. Increased investments in smaller enterprises.
Sec. 104. Simplified aggregate investment limitations.

TITLE II—NEW MARKETS VENTURE CAPITAL PROGRAM

Sec. 201. Expansion of New Markets Venture Capital Program.
Sec. 202. Improved nationwide distribution.
Sec. 203. Increased investment in small manufacturers.
Sec. 204. Updating definition of low-income geographic area.
Sec. 205. Study on availability of equity capital.
Sec. 206. Expanding operational assistance to conditionally approved companies.
Sec. 207. Streamlined application for New Markets Venture Capital Program.
Sec. 208. Elimination of matching requirement.
Sec. 209. Simplified formula for operational assistance grants.
Sec. 210. Authorization of appropriations and dedication to small manufacturing.

TITLE III—ANGEL INVESTMENT PROGRAM

Sec. 301. Establishment of Angel Investment Program.

TITLE IV—SURETY BOND PROGRAM

Sec. 401. Study and report.
Sec. 402. Preferred Surety Bond Program.
Sec. 403. Denial of liability.
Sec. 404. Increasing the bond threshold.
Sec. 405. Fees.

TITLE V—VENTURE CAPITAL INVESTMENT STANDARDS

Sec. 501. Determining whether business concern is independently owned and operated.

TITLE VI—REGULATIONS

Sec. 601. Regulations.

TITLE I—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

SEC. 101. SIMPLIFIED MAXIMUM LEVERAGE LIMITS.

Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) MAXIMUM LEVERAGE.—

"(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

"(i) 300 percent of such company's private capital; or

"(ii) $150,000,000.

"(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed $225,000,000."; and

(2) by striking paragraph (4).

SEC. 102. INCREASED INVESTMENTS IN WOMEN-OWNED AND SOCIALLY DISADVANTAGED SMALL BUSINESSES.

Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)), as amended by section 101, is further amended by adding at the end the following:

"(C) INCREASED INVESTMENTS IN WOMEN-OWNED AND SOCIALLY DISADVANTAGED SMALL BUSINESSES.—The limits provided in subparagraphs (A)(ii) and (B) shall be $175,000,000 and $250,000,000, respectively, for any company that certifies in writing that not less than 50 percent of the company's aggregate dollar amount of investments will be made in small businesses that prior to the investment are—

"(i) majority owned by one or more—

"(I) socially or economically disadvantaged individuals (as defined by Administrator);

"(II) veterans of the Armed Forces; or

"(III) current or former members of the National Guard or Reserve; or

"(ii) located in a low-income geographic area (as defined in section 351).".

SEC. 103. INCREASED INVESTMENTS IN SMALLER ENTERPRISES.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by striking subsection (d) and inserting the following:

"(d) INCREASED INVESTMENTS IN SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of an application for leverage, to certify in writing that not less than 25 percent of the licensee's aggregate dollar amount of financings will be provide to smaller enterprises (as defined in section 103(12)).".

SEC. 104. SIMPLIFIED AGGREGATE INVESTMENT LIMITATIONS.

Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended to read as follows:

"(a) If any small business investment company has obtained financing from the Administration and such financing remains outstanding, the aggregate amount of securities acquired and for which commitments may be issued by such company under the provisions of this title for any single enterprise shall not, without the approval of the Administration, exceed 10 percent of the sum of—

"(1) the private capital of such company; and

"(2) the total amount of leverage projected by the company in the company's business plan that was approved by the Administration at the time of the grant of the company's license.".

TITLE II—NEW MARKETS VENTURE CAPITAL PROGRAM

SEC. 201. EXPANSION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended by striking "under which the Administrator may" and inserting "under which the Administrator shall".

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report evaluating the success of the expansion of the New Markets Venture Capital Program under this section.

SEC. 202. IMPROVED NATIONWIDE DISTRIBUTION.

Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

"(f) GEOGRAPHIC EXPANSION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria and nationwide distribution under subsection (c) and shall, to the maximum extent practicable, approve at least one company from each geographic region of the Small Business Administration.".

SEC. 203. INCREASED INVESTMENT IN SMALL MANUFACTURERS.

Section 354(d)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(1)) is amended—

(1) by striking "Each" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), each"; and

(2) by adding at the end the following:

"(B) SMALL MANUFACTURER INVESTMENT CAPITAL REQUIREMENTS.—Each conditionally approved company engaged primarily in development of and investment in small manufacturers shall raise not less than $3,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who meet criteria established by the Administrator.".

SEC. 204. UPDATING DEFINITION OF LOW-INCOME GEOGRAPHIC AREA.

Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) by striking paragraphs (2) and (3);

(2) by inserting after paragraph (1) the following:

"(2) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' has the same meaning given the term 'low-income community' in section 45D(e) of the Internal Revenue Code of 1986 (26 U.S.C. 45D(e))."; and

(3) by redesignating paragraphs (4) through (8) as (3) through (7), respectively.

SEC. 205. STUDY ON AVAILABILITY OF EQUITY CAPITAL.

(a) STUDY REQUIRED.—Before the expiration of the 180-day period that begins on the date of the enactment of this Act, the Chief Counsel for Advocacy of the Small Business Administration shall conduct a study on the availability of equity capital in low-income urban and rural areas.

(b) REPORT.—Not later than 90 days after the completion of the study under subsection (a) the Administrator of the Small Business Administration shall submit to Congress a report containing the findings of the study required under subsection (a) and any recommendations of the Administrator based on such study.

SEC. 206. EXPANDING OPERATIONAL ASSISTANCE TO CONDITIONALLY APPROVED COMPANIES.

(a) OPERATIONAL ASSISTANCE GRANTS TO CONDITIONALLY APPROVED COMPANIES.—Section 358(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689(a)) is amended by adding at the end the following new paragraph:

"(6) GRANTS TO CONDITIONALLY APPROVED COMPANIES.—

"(A) IN GENERAL.—Subject to subparagraphs (A) and (B), upon the request of a company conditionally-approved under section 354(c), the Administrator shall make a grant to the company under this subsection.

"(B) REPAYMENT BY COMPANIES NOT APPROVED.—If a company receives a grant under paragraph (6) and does not enter into a participation agreement for final approval, the company shall repay the amount of the grant to the Administrator.

"(C) DEDUCTION FROM GRANT TO APPROVED COMPANY.—If a company receives a grant under paragraph (6) and receives final approval under section 354(e), the Administrator shall deduct the amount of the grant under that paragraph from the total grant amount that the company receives for operational assistance.

"(D) AMOUNT OF GRANT.—No company may receive a grant of more than $50,000 under this paragraph.".

(b) LIMITATION ON TIME FOR FINAL APPROVAL.—Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended in the matter preceding paragraph (1) by striking "a period of time, not to exceed 2 years," and inserting "2 years".

SEC. 207. STREAMLINED APPLICATION FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 60 days after the date of the enactment of this section, the Administrator of the Small Business Administration shall prescribe standard documents for final New Markets Venture Capital Company approval application under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall assure that the standard documents shall be designed to substantially reduce the cost burden of the application process on the companies involved.

SEC. 208. ELIMINATION OF MATCHING REQUIREMENT.

Section 354(d)(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(2)(A)(i)) is amended—

(1) in subclause (I) by adding "and" at the end;

(2) in subclause (II) by striking "and" at the end; and

(3) by striking subclause (III).

SEC. 209. SIMPLIFIED FORMULA FOR OPERATIONAL ASSISTANCE GRANTS.

Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended—

(1) by striking "shall be equal to" and all that follows through the period at the end and by inserting "shall be equal to the lesser of—"; and

(2) by adding at the end the following:

"(i) 10 percent of the resources (in cash or in kind) raised by the company under section 354(d)(2); or

"(ii) $1,000,000.".

SEC. 210. AUTHORIZATION OF APPROPRIATIONS AND DEDICATION TO SMALL MANUFACTURING.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) by striking “fiscal years 2001 through 2006” and inserting “fiscal years 2008 through 2010”;

(2) in paragraph (1)—

(A) by striking “$150,000,000” and inserting “$30,000,000”; and

(B) by inserting before the period at the end the following: “, of which not less than one-quarter shall be used to guarantee debentures of companies engaged primarily in development of and investment in small manufacturers”; and

(3) in paragraph (2)—

(A) by striking “$30,000,000” and inserting “$5,000,000”; and

(B) by inserting before the period at the end the following: “, of which not less than one-quarter shall be used to make grants to companies engaged primarily in development of and investment in small manufacturers”.

TITLE III—ANGEL INVESTMENT PROGRAM

SEC. 301. ESTABLISHMENT OF ANGEL INVESTMENT PROGRAM.

(a) ESTABLISHMENT.—Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following new part:

“PART C—ANGEL INVESTMENT PROGRAM

“SEC. 380. OFFICE OF ANGEL INVESTMENT.

“(a) ESTABLISHMENT.—There is established, in the Investment Division of the Small Business Administration, the Office of Angel Investment.

“(b) DIRECTOR.—The head of the Office of Angel Investment is the Director of Angel Investment.

“(c) DUTIES.—Subject to the direction of the Secretary, the Director shall perform the following functions:

“(1) Provide support for the development of angel investment opportunities for small business concerns.

“(2) Administer the Angel Investment Program under section 382 of this Act.

“(3) Administer the Federal Angel Network under section 383 of this Act.

“(4) Administer the grant program for the development of angel groups under section 384 of this Act.

“(5) Perform such other duties consistent with this section as the Administrator shall prescribe.

“SEC. 381. DEFINITIONS.

“In this part:

“(1) The term ‘angel group’ means 10 or more angel investors organized for the purpose of making investments in local or regional small business concerns that—

“(A) consists primarily of angel investors;

“(B) requires angel investors to be accredited investors; and

“(C) actively involves the angel investors in evaluating and making decisions about making investments.

“(2) The term ‘angel investor’ means an individual who—

“(A) qualifies as an accredited investor (as that term is defined under Rule 501 of Regulation D of the Securities and Exchange Commission (17 C.F.R. 230.501));

“(B) provides capital to or makes investments in a small business concern.

“(3) The term ‘small business concern owned and controlled by veterans’ has the meaning given that term under section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)).

“(4) The term ‘small business concern owned and controlled by women’ has the meaning given that term under section 8(d)(3)(D) of such Act (15 U.S.C. 637(d)(3)(D)).

“(5) The term ‘socially and economically disadvantaged small business concern’ has the meaning given that term under section 8(a)(4)(A) of such Act (15 U.S.C. 637(a)(4)(A)).

“SEC. 382. ANGEL INVESTMENT PROGRAM.

“(a) IN GENERAL.—The Director of Angel Investment shall establish and carry out a program, to be known as the Angel Investment Program, to provide financing to approved angel groups for the purpose of providing venture capital investment in small businesses in their communities.

“(b) ELIGIBILITY.—To be eligible to receive financing under this section, an angel group shall—

“(1) have demonstrated experience making investments in local or regional small business concerns;

“(2) have established protocols and a due diligence process for determining its investment strategy;

“(3) have an established code of ethics; and

“(4) submit an application to the Director of Angel Investment at such time and containing such information and assurances as the Director may require.

“(c) USE OF FUNDS.—An angel group that receives financing under this section shall use the amounts received to make investments in small business concerns—

“(1) that have been in existence for less than 5 years as of the date on which the investment is made;

“(2) that have fewer than 75 employees as of the date on which the investment is made;

“(3) more than 50 percent of the employees of which perform substantially all of their services in the United States as of the date on which the investment is made; and

“(4) within the geographic area determined by the Director under subsection (e).

“(d) LIMITATION ON AMOUNT.—No angel group receiving financing under this section shall receive more than $2,000,000.

“(e) LIMITATION ON GEOGRAPHIC AREA.—For each angel group receiving financing under this section, the Director shall determine the geographic area in which a small business concern must be located to receive an investment from that angel group.

“(f) PRIORITY IN PROVIDING FINANCING.—In providing financing under this section, the Director shall give priority to angel groups that invest in small business concerns owned and controlled by veterans, small business concerns owned and controlled by women, and socially and economically disadvantaged small business concerns.

“(g) NATIONWIDE DISTRIBUTION OF FINANCING.—In providing financing under this section, the Director shall, to the extent practicable, provide financing to angel groups that are located in a variety of geographic areas.

“(h) MATCHING REQUIREMENT.—As a condition of receiving financing under this section, the Director shall require that for each small business concern in which the angel group receiving such financing invests, the angel group shall invest an amount that is equal to or greater than the amount of financing received under this section from a source other than the Federal Government that is equal to the amount of the financing provided under this section that the angel group invests in that small business concern.

“(i) REPAYMENT OF FINANCING.—As a condition of receiving financing under this section, the Director shall require an angel group to repay the Director for any investment on which the angel group makes a profit an amount equal to the percentage of the returns that is equal to the percentage of the total amount invested by the angel group that consisted of financing received under this section.

“(j) ANGEL INVESTMENT FUND.—

“(1) ESTABLISHMENT.—There is in the Treasury a fund to be known as the Angel Investment Fund.

“(2) DEPOSIT OF CERTAIN AMOUNTS.—Amounts collected under subsection (i) shall be deposited in the fund.

“(3) USE OF DEPOSITS.—Deposits in the fund shall be available for the purpose of providing financing under this section in the amounts specified in annual appropriation laws without regard to fiscal year limitations.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

“(1) $10,000,000 for fiscal year 2008;

“(2) $20,000,000 for fiscal year 2009; and

“(3) $20,000,000 for fiscal year 2010.

“SEC. 383. FEDERAL ANGEL NETWORK.

“(a) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Director of the Office of Angel Investment shall establish and maintain a searchable database, to be known as the Federal Angel Network, to assist small business concerns in identifying angel investors.

“(b) NETWORK CONTENTS.—The Federal Angel Network shall include—

“(1) a list of the names and addresses of angel groups and angel investors;

“(2) information about the types of investments each angel group or angel investor has made; and

“(3) information about other public and private resources and registries that provide information about angel groups or angel investors.

“(c) COLLECTION OF INFORMATION.—

“(1) IN GENERAL.—The Director shall collect the information to be contained in the Federal Angel Network and shall ensure that such information is updated regularly.

“(2) REQUEST FOR EXCLUSION OF INFORMATION.—The Director shall not include such information concerning an angel investor if that investor contacts the Director to request that such information be excluded from the Network.

“(d) AVAILABILITY.—The Director shall make the Federal Angel Network available on the Internet website of the Administration and shall do so in a manner that permits others to download, distribute, and use the information contained in the Federal Angel Network.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000, to remain available until expended.

“SEC. 384. GRANT PROGRAM FOR DEVELOPMENT OF ANGEL GROUPS.

“(a) IN GENERAL.—The Director of the Office of Angel Investment shall establish and carry out a grant program to make grants to eligible entities for the development of new or existing angel groups and to increase awareness and education about angel investing.

“(b) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means—

“(1) a State or unit of local government;

“(2) a nonprofit organization;

“(3) a state mutual benefit corporation;

“(4) a Small Business Development Center established pursuant to section 21 of the Small Business Act (15 U.S.C. 648); or

“(5) a women's business center established pursuant to section 29 of the Small Business Act (15 U.S.C. 656).

"(c) Matching Requirement.—The Administrator shall require, as a condition of any grant made under this section, that the eligible entity receiving the grant provide from resources (in cash or in kind), other than those provided by the Administrator or any other Federal source, a matching contribution equal to 50 percent of the amount of the grant.

"(d) Application.—To receive a grant under this section, an eligible entity shall submit an application that contains—

"(1) a proposal describing how the grant would be used; and

"(2) any other information or assurances as the Director may require.

"(e) Report.—Not later than 3 years after the date on which an eligible entity receives a grant under this section, such eligible entity shall submit a report to the Administrator describing the use of grant funds and evaluating the success of the angel group developed using the grant funds.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,500,000, for each of fiscal years 2008 through 2010.".

TITLE IV—SURETY BOND PROGRAM

SEC. 401. STUDY AND REPORT.

(a) Study.—The Administrator of the Small Business Administration shall conduct a study of the current funding structure of the surety bond program carried out under part B (15 U.S.C. 694a et seq.) of title IV of the Small Business Investment Act of 1958. The study shall include—

(1) an assessment of whether the program's current funding framework and program fees are inhibiting the program's growth;

(2) an assessment of whether surety companies and small business concerns could benefit from an alternative funding structure; and

(3) an assessment of whether permissible premium rates for surety companies participating in the program should be placed on parity with the rates authorized by appropriate State insurance regulators and how such a change would affect the program under the current funding framework.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

SEC. 402. PREFERRED SURETY BOND PROGRAM.

(a) Program Required.—Part B (15 U.S.C. 694a et seq.) of title IV of the Small Business Investment Act of 1958 is amended by adding at the end the following:

"SEC. 413. PREFERRED SURETY BOND PROGRAM.

"(a) Program Required.—The Administrator shall carry out a program, to be known as the Preferred Surety Bond Program, under which the Administration, by a written agreement between the surety and the Administration, delegates to the surety complete authority to issue, monitor, and service bonds subject to guaranty from the Administration without obtaining the specific approval of the Administration. Bonds made under the program shall carry a 70 percent guaranty.

"(b) Term.—The term of a delegation of authority under such an agreement shall not exceed 2 years.

"(c) Renewal.—Such an agreement may be renewed one or more times, each such renewal providing one additional term. Before each renewal, the Administrator shall review the surety's bonds, policies, and procedures for compliance with relevant rules and regulations.

"(d) Application.—The Administrator shall promptly act upon an application from a surety to participate in the program, in accordance with criteria and procedures established in regulations pursuant to section 411(d).

"(e) Reduction or Termination of Participation.—The Administrator is authorized to reduce the allotment of bond guarantee authority or terminate the participation of a surety in the program based on the rate of participation of such surety during the 4 most recent fiscal year quarters compared to the median rate of participation by the other sureties in the program.".

(b) Conforming Amendments.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a), by striking paragraphs (3), (4), and (5);

(2) in subsection (b)(2), by striking "the authority of subsection (a)(3)" and inserting "the authority of section 413";

(3) in subsection (c)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as (1) through (3), respectively; and

(4) in subsection (g)(3), by striking "the authority of paragraph (3) of subsection (a)" and inserting "the authority of section 413".

SEC. 403. DENIAL OF LIABILITY.

Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended by adding at the end the following:

"(k) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon information that was provided as part of the guaranty application.".

SEC. 404. INCREASING THE BOND THRESHOLD.

Section 411(a) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)) is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 405. FEES.

Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended by adding at the end the following:

"(l) To the extent that amounts are made available to the Administrator for the purpose of fee contributions, the Administrator shall use such funds to offset fees established and assessed under this section. Each fee contribution shall be effective for one fiscal quarter and shall be adjusted as necessary to ensure that amounts made available are fully used.".

TITLE V—VENTURE CAPITAL INVESTMENT STANDARDS

SEC. 501. DETERMINING WHETHER BUSINESS CONCERN IS INDEPENDENTLY OWNED AND OPERATED.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

"(5) Non-affiliation of Venture Capital from Consideration of Small Business Concern.—For purposes of determining whether a small business concern is independently owned and operated under paragraph (1) or meets the small business size standards instituted under paragraph (2), the Administrator shall not consider a concern that has received financing from a venture capital operating company to be affiliated with either the venture capital operating company or any other business which the venture capital operating company has financed.

"(6) Definition of 'Independently Owned and Operated'.—For purposes of this section, a business concern shall be deemed to be 'independently owned and operated' if it is owned in majority part by one or more natural persons or venture capital operating companies meeting the definition in paragraph (7).

"(7) Definition of 'Venture Capital Operating Company'.—For purposes of this section, the term 'venture capital operating company' means a business concern—

"(A) that—

"(i) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

"(ii) is an entity that—

"(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.);

"(II) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a–3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; or

"(III) is a nonprofit organization affiliated with, or serving as a patent and licensing organization for, a university or other institution of higher education and that invests primarily in small business concerns; and

"(B) that is not controlled by any business concern that is not a small business concern within the meaning of section 3; and

"(C) that has fewer than 500 employees; and

"(D) that is itself a business concern incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.".

TITLE VI—REGULATIONS

SEC. 601. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall issue revisions to all existing regulations as necessary to ensure their conformity with the amendments made by this Act.

The CHAIRMAN. No amendment to the bill is in order except those printed in House Report 110–350. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CHABOT

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part A of House Report 110–350.

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Chabot.

Strike title V and insert the following:

TITLE V—VENTURE CAPITAL INVESTMENT STANDARDS

SEC. 501. DETERMINING WHETHER BUSINESS CONCERN IS INDEPENDENTLY OWNED AND OPERATED.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

"(5) Non-affiliation of Venture Capital from Consideration of Small Business Concern.—For purposes of determining whether a small business concern is independently owned and operated under paragraph (1) or meets the small business size standards instituted under paragraph (2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

"(A) the venture capital operating company does not own 50 percent or more of the business concern; and

"(B) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

"(6) DEFINITION OF 'INDEPENDENTLY OWNED AND OPERATED'.—For purposes of this section, a business concern shall be deemed to be 'independently owned and operated' if—

"(A) it is owned in majority part by one or more natural persons or venture capital operating companies;

"(B) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

"(C) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

"(7) DEFINITION OF 'VENTURE CAPITAL OPERATING COMPANY'.—For purposes of this section, the term 'venture capital operating company' means a business concern—

"(A) that—

"(i) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

"(ii) is an entity that—

"(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.);

"(II) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a–3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; or

"(III) is a nonprofit organization affiliated with, or serving as a patent and licensing organization for, a university or other institution of higher education and that invests primarily in small business concerns; and

"(B) that is not controlled by any business concern that is not a small business concern within the meaning of section 3; and

"(C) that has fewer than 500 employees; and

"(D) that is itself a concern incorporated and domiciled in the United States, or is controlled by a concern that is incorporated and domiciled in the United States.".

The CHAIRMAN. Pursuant to House Resolution 682, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Thank you, Mr. Chairman. And I won't use the full 5 minutes.

I yield myself such time as I may consume.

As I have already explained when discussing the underlying bill, this amendment adopts a bright-line test for determining whether a business that receives funding from a venture capital company is considered affiliated with that firm and any other firms that the venture capital company may own.

The test is simple and sensible and I think easily applied. In my view, it strikes the correct balance between allowing needed venture capital funding for small businesses, while protecting against the possibility that venture capital firms will be able to create conglomerates that would have an unfair competitive advantage against independently owned and operated small businesses. As the chairwoman already mentioned, so I won't go into great detail, the venture capital company can't have more than 50 percent.

As a result, I believe that this amendment alleviates many of the concerns that the Small Business Administration has, although maybe not all, with title V. I ask that Members support the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, in developing this legislation, we worked very closely with the ranking member to try and address his concerns with this bill. I understand that he has some remaining concerns with title V of the bill. I am confident, however, that the legislation we have reported includes adequate safeguards.

The ranking member's amendment will provide further protections. I thank him for working with us to perfect this bill. I am willing to accept his amendment, which provides an additional level of clarification and direction for the agency. I appreciate his time and patience in working through this complicated issue with us.

Mr. Chairman, I would yield such time as he may consume to the gentleman from Pennsylvania (Mr. ALTMIRE), the main sponsor of the bill.

Mr. ALTMIRE. I thank the chairwoman and the ranking member. I think the way that we worked together as a committee to resolve this issue is a model for the way this Congress should operate. The ranking member voiced some concerns about the bill and deferred in the process to get it to the floor so he could offer his amendment on the floor.

There are some outside groups, I know, that are concerned about title V. We want to alleviate their concerns on this issue and get the support of the entire small business community on this. Hopefully, with this amendment, that is going to happen.

Mr. Chairman, none of this would have happened without the support of the ranking member and the way that he handled this issue. I really want to thank him for offering this amendment. I think this is going to secure the bill for some of the groups that have concerns. I also accept it and I encourage my colleagues to support the ranking member's amendment.

Mr. CHABOT. Mr. Chairman, I would like to thank the gentleman for his kind remarks and also note that the gentleman also worked in a bipartisan manner with Mr. GRAVES from Missouri in drafting the bill and moving forward in the first place.

As he mentioned, the Small Business Committee, I think, has been a model in many ways for the entire Congress in the way a committee can work together. We have philosophical disagreements at times. We work together, and we are not going to agree on everything, but, in general, we try to work things out for the benefit of the small business community.

There are Republicans, there are Democrats, there are independents that benefit from the small business community thriving in this country. I think we are trying to work altogether to make it a healthier situation. I wish all committees around here were able to do the same thing.

Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman from Ohio, and I urge adoption of his amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. INSLEE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part A of House Report 110–350.

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. INSLEE:

Section 206, add at the end the following:

(c) EXPANDED DEFINITION OF OPERATIONAL ASSISTANCE.—Section 351(5) of the Small Business Investment Act of 1958 (15 U.S.C. 689(5)) is amended by inserting before the period at the end the following: ", including assistance on how to implement energy efficiency and sustainable practices that reduce the use of non-renewable resources or minimize environmental impact and reduce overall costs and increase health of employees".

The CHAIRMAN. Pursuant to House Resolution 682, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

□ 1730

Mr. INSLEE. Mr. Chairman, I rise today to support the Inslee-Welch amendment to the Small Business Investment Act which will support the legislation's overall goal to modernize small business investment programs. Small businesses are the backbone of the growth in our economy and will be the brains behind the forthcoming clean-energy revolution.

Our amendment will ensure that the small business investment companies give consideration to innovators that create clean energy technologies and services.

There are 26.8 million small businesses in the United States. The vast majority of renewable fuels producers, such as biodiesel and ethanol, are small businesses. The chairwoman understands this, and I thank her for her support and commend her efforts to support small green businesses.

Under the chairwoman's leadership, the House passed a clean energy package that will help small businesses become more energy efficient and will establish a debenture financing program exclusively focused on investments in renewable fuels.

These efforts truly have been outstanding. However, I believe we must ensure that every piece of legislation that passes this Chamber that deals with taxpayer dollars and Federal investment include a provision to encourage investments in truly clean energy technologies. This amendment will help American innovators and entrepreneurs turn their ideas into products that will help prevent our worst-case climate change scenarios and will create green-collar jobs, and I urge its passage.

Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I rise to claim the time in opposition, but I am not opposed and we are prepared to accept the gentleman's amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CHABOT. Thank you. And we are prepared to accept the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. INSLEE

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–350.

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. INSLEE:

Redesignate section 104 as 105 and insert after section 103 the following:34

SEC. 104. INCREASED INVESTMENTS IN SMALL BUSINESSES CREATING NEW TECHNOLOGIES, MANUFACTURED GOODS, OR MATERIALS OR PROVIDING SERVICES TO REDUCE CARBON EMISSIONS IN THE UNITED STATES, REDUCE THE USE OF NON-RENEWABLE RESOURCES, MINIMIZE ENVIRONMENTAL IMPACT, AND RELATE PEOPLE WITH THE NATURAL ENVIRONMENT.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683), as amended by this Act, is further amended by adding at the end the following:

"(k) INCREASED INVESTMENTS IN SMALL BUSINESSES.—The Administrator shall give consideration to investments in small businesses that are creating new technologies, manufactured goods, or materials, or providing services to reduce carbon emissions in the United States, reduce the use of non-renewable resources, minimize environmental impact, and relate people with the natural environment.".

The CHAIRMAN. Pursuant to House Resolution 682, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I rise to offer a second Inslee-Welch amendment that will help small business achieve energy efficiency. We need all hands on deck in the effort to reduce greenhouse gas emissions, including our Nation's 26 million small businesses.

This amendment will help small businesses in low-income areas upgrade to energy-efficient buildings, technologies and practices. It will give them operational assistance in these areas through the New Market Venture Capital program.

The majority of small business owners say that they have been affected by rising energy prices and that reducing energy costs will serve to increase their profitability. At the same time, however, half of these entrepreneurs have not yet invested in energy-efficient programs for their businesses.

For instance, if a small business owner can replace 20 100-watt incandescent bulbs with 27-watt compact fluorescent bulbs, it does cost the owner $400 up front but saves them $980 a year in energy costs.

The owner of the Snoqualmie Gourmet Ice Cream factory in Maltby, WA retrofitted their small business lighting system and reduced their lighting costs by 50 percent. So we know that these simple, new, relatively inexpensive technologies pay for themselves in months, or at most in a couple of years.

We know small businesses benefit from energy efficiency and sustainable workplace practices. This amendment will help American innovators with the know-how to reduce greenhouse gas emissions in America while increasing their profits. This is a green/green solution in both ways. I want to thank the chairwoman for her support, and urge passage of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. I will claim the time in opposition, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, we have heard the gentleman's amendment and we are prepared to accept the amendment.

Mr. WELCH of Vermont. Mr. Chairman, I want to thank the gentleman from Washington, Mr. INSLEE, for his two very thoughtful amendments to H.R. 3567, the Small Business Investment Expansion Act and for allowing me to cosponsor them.

The first amendment will help small businesses increase their energy efficiency and implement sustainable practices. The second amendment would direct the Small Business Administration, SBA, to reward small businesses that are reducing their carbon footprint.

Earlier this year, I offered an amendment, which the House passed, to set a 5 percent procurement goal for the Federal Government to contract with green small businesses.

It is critical that small businesses be encouraged to operate and to develop and supply products and services in an environmentally sound way.

Many small businesses are already incorporating sustainable practices into their own business, such as conserving energy and water, using sustainable products, or minimizing generation of waste and the release of pollutants. They strive to make products from recycled materials. They use energy from renewable resources such as bio-fuels, solar and wind power. Or they transport goods and services in alternate fuel vehicles.

We all have a responsibility to protect our environment. As populations expand and lifestyles change, we must keep the planet in good condition so that future generations will have the same natural resources that we have and enjoy now. The Earth faces many threats ranging from pollution to acid rain to global warming to the destruction of rainforests and other wild habitats to the decline and extinction of thousands of species of animals and plants. Combating these threats is essential to ensuring that future generations can live healthy lives.

Our small businesses embrace our Nation's entrepreneurial spirit. The Federal Government can and should serve as a model to the private sector and the rest of the world. As a Congress, we should reward businesses that are striving to be environmentally responsible.

Both of these amendments would greatly improve the bill before us and I ask that they be adopted by the House.

Mr. CHABOT. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

The CHAIRMAN. There being no other amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. KIND, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3567) to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes, pursuant to House Resolution 682, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WALBERG

Mr. WALBERG. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALBERG. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walberg moves to recommit the bill H.R. 3567 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendments:

In title III of the bill, in the quoted matter proposing to insert a new part C in title III of the Small Business Investment Act of 1958:

(1) Strike sections 382 and 384, and redesignate section 383 as 382.

(2) In section 380(c), strike paragraphs (2) and (4); strike "383" in paragraph (3) and insert "382"; and redesignate paragraphs (3) and (5) as (2) and (3), respectively.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Mr. Speaker, in considering tonight's legislation, I am reminded of a quote from the great communicator himself, Ronald Reagan: "The government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And it if stops moving, subsidize it."

I find it ironic that we sit here this evening debating a clause to provide millionaires with Federal funding in the name of spurring investment when the majority party constantly supports to tax private investments out of business.

The best way to encourage innovation and investment in the marketplace is to reduce financial and regulatory impediments. The key is reducing regulation. Congress must support tax measures that have proven to stimulate the economy, such as extending the capital gains and dividends tax reduction beyond 2010. These commonsense tax reductions have a proven track record of producing greater wealth and encouraging further investment in the economy.

Instead, the majority in Congress has stood in the way of providing tax relief by supporting and passing a budget containing the largest tax increase in American history, which would result in a $3,000 tax increase for the average taxpayer in Michigan and in every other State. Now the majority wants to subsidize millionaires with funds that would be better used to assist the middle class.

Title III of the bill before us creates a brand new program in the Small Business Administration to promote so-called "angel investors." Angel investors are those financial backers who provide venture capital funds for small startups or entrepreneurs.

Among other things, this new SBA program will provide funds of up to $2 million to qualified angel investors. These millionaire investors will take taxpayer dollars to finance their own small business. This begs the question: Who exactly are these angel investors? Do they have halos? Do they really need government money if they are already millionaires?

According to the regulations referenced in this bill, a qualified angel investor would be "any natural person whose individual net worth, or joint net worth with that person's spouse exceeds $1 million."

In other words, to even qualify to receive government money, these angels already have to be millionaires.

According to the University of New Hampshire, angel investments totaled $25.6 billion nationally, up 10 percent over the previous year. I don't know about you, but it appears angel investors already are having financial success, and I question whether they need help from the American taxpayer.

Title III of the bill also includes a new grant program to help develop new angel investor groups; in other words, a taxpayer-subsidized grant program to help millionaires get together and make investments. One can only wonder if these programs come with a complimentary tin of caviar.

My motion to recommit would simply strike the two sections of bill that authorize taxpayer funding for these angel millionaire investors. Congress does not need to enact another Federal entitlement program to help millionaires decide what to invest in. The focus in this debate should be on lowering taxes for every American to encourage investment and personal wealth to create entrepreneurship and allow job creators to thrive.

Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I rise to claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to ask the gentleman from Michigan: What bill did you read? Did you read H.R. 3567? Did you? Because if you read the bill, I want to ask you, show me in this bill where one single penny will go to millionaires? Show me in the bill where that happens?

It goes to small businesses in low-income communities. It goes to veterans. It goes to small businesses. If the goal is to cut access to capital, that is what this motion will do.

One of the primary goals of this program is to put capital in the hands of veterans and entrepreneurs. This amendment will bar entrepreneurs from such funds. It will invest in startups that could become the next Microsoft. They are not there yet. They are small, small businesses.

We always hear how we need to be doing more to encourage investment. This program does exactly that. This is not a new program, it merely fixes an old program that has been badly mismanaged by this administration. The total cost of this program is half of what the other party said when it was in charge. This is a 3-year pilot program, and all funding remains subject to the application. The Federal Government will actually have less risk under the angel investment program than any other current government programs. And when we talk about being stewards of the taxpayers' money, profits from this investment go right back to the taxpayers.

Mr. Speaker, I ask Members to oppose the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALBERG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 183, nays 213, not voting 36, as follows:

[Roll No. 922]

YEAS—183

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)

Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—213

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—36

Bachus
Bishop (GA)
Bonner
Brown, Corrine
Carson
Conyers
Cubin
Davis, Jo Ann
Dingell
Doyle
Everett
Hastert
Herger
Hinojosa
Hoekstra
Issa
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Jones (OH)
Kennedy
LaHood
Linder
Lofgren, Zoe
Marchant
McCaul (TX)
Moran (KS)
Moran (VA)
Paul
Perlmutter
Rush
Scott (VA)
Stark
Thompson (MS)
Visclosky
Wilson (NM)

☐ 1809

Messrs. CUMMINGS, LOEBSACK, SNYDER, LINCOLN DAVIS of Tennessee, Ms. DELAURO and Ms. WASSERMAN SCHULTZ changed their vote from "yea" to "nay."

Mr. HASTINGS of Washington and Mr. SOUDER changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 325, nays 72, not voting 35, as follows:

[Roll No. 923]

YEAS—325

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)

Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—72

Aderholt
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Coble
Culberson
Davis (KY)
Deal (GA)
Doolittle
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Heller
Hensarling
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Kingston
Lamborn
Lewis (CA)
Lungren, Daniel E.
Mack
Manzullo
McCrery
McHenry
McKeon
Mica
Miller (FL)
Myrick
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Stearns
Tancredo
Thornberry
Walberg
Walden (OR)
Weldon (FL)
Wilson (SC)

NOT VOTING—35

Arcuri
Bachus
Bishop (GA)
Bonner
Boyd (FL)
Brown, Corrine
Carson
Conyers
Cubin
Davis, Jo Ann
Dingell
Doyle
Everett
Hastert
Herger
Hinojosa
Hoekstra
Issa
Jackson-Lee (TX)
Jindal
Johnson, E. B.
Jones (OH)
Kennedy
LaHood
Linder
Lofgren, Zoe
Marchant
McCaul (TX)
Moran (KS)
Moran (VA)
Paul
Perlmutter
Stark
Visclosky
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

☐ 1819

Ms. PRYCE of Ohio and Mr. BURGESS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PERLMUTTER. Mr. Speaker, due to a family emergency I missed the following votes on Thursday, September 27, 2007. I would have voted as follows: Taylor Amendment, Allows multiple peril and flood insurance coverage of apartment buildings up to the total of the number of dwelling units times the maximum coverage limit per residential unit—"yes"; Motion to recommit H.R. 3121—"no"; Final Passage of H.R. 3121—Flood Insurance Reform and Modernization Act of 2007—"yes"; Motion to Recommit H.R. 3567—"no"; Final passage H.R. 3567—Small Business Investment Expansion Act of 2007—"yes."

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to a family health emergency, I was unable to be present for rollcall votes 891–923 on Monday, September 24 through Thursday, September 27, 2007. Had I been present, I would have voted in the following manner: "yea" on rollcall votes 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 911, 913, 915, 916, 917, 918, 919, 921, and 923; "nay" on rollcall votes 910, 912, 914, 920, and 922.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3567, SMALL BUSINESS INVESTMENT EXPANSION ACT OF 2007

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3567, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore (Mr. MCINTYRE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 946

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent to remove Representative EMANUEL CLEAVER as a cosponsor of H.R. 946, the Consumer Overdraft Protection Fair Practices Act. He was added to the bill in error.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to the representative of the majority leader, the gentlelady from Florida (Ms. WASSERMAN SCHULTZ), for the purpose of inquiring about next week's schedule.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour business and 2 p.m. for legislative business, with votes rolled until 6:30 p.m.

We will consider several bills under suspension of the rules. A list of these bills will be announced by the close of business tomorrow.

On Tuesday, the House will meet at 9 a.m. for morning-hour business and 10 a.m. for legislative business.

On Wednesday and Thursday the House will meet at 10 a.m. for legislative business.

On Friday there will be no votes in the House.

We expect to consider H.R. 2470, legislation dealing with contractors who commit crimes overseas; H.R. 928, the Improving Government Accountability Act; and a bill to provide tax relief for mortgage debt forgiveness in the event of foreclosures.

Mr. BLUNT. I thank you for that information. It does look like to me that the schedule for next week is incredibly light for 3 days of work. Last week, when Mr. HOYER and I were talking about the problems of bringing the SCHIP bill to the floor without a conference, without any real opportunity for those of us on this side to see the bill, he said last week one of the reasons for that was the Senate was not able to go to conference. And I'm hoping on the four bills that the Senate has already passed, and we could go to conference on, that we see some action on those bills.

I think, particularly, the bill where the new benefits for military families and veterans that could be available as early as next Tuesday, October 1, aren't going to be available because we're not naming conferees. And I wonder if my friend has any sense of when we might be able to have one of those bills, or any appropriation bill, on the House floor now that the fiscal year is essentially, this is the last legislative working day in the fiscal year.

Four bills have been ready, one of them, the military quality of life and veterans bill, for some time now, with no apparent interest in going to conference and getting that bill done. And I know we notified the majority before that I'd be asking that question, and so I'm wondering if you have any sense of when any or all of those bills might actually be scheduled, particularly looking at the incredibly light workweek scheduled for next week.

And I yield to my friend.

Ms. WASSERMAN SCHULTZ. Thank you very much. I thank the gentleman for yielding.

The gentleman will note that we did a lot of incredibly good work this week, passing the SCHIP bill, the Children's Health Insurance bill, passing the flood insurance bill off the floor this afternoon, passing the CR just yesterday. So there has been an incredible amount of good work done this week. And as far as the bills that you referenced, we will be planning to conference with the Senate as soon as they signify that they are ready to do that, and will be working diligently with them to bring those bills to the floor when the conference is complete and ready.

Mr. BLUNT. If I could reclaim my time here, I'd just point out that the Senate actually has requested not only a conference, but named conferees on all four of those bills. And I'd yield to you for anything you want to say about that. I mean, they're ready to go to conference, and I'm just asking why we're not so we can get some of this work done. And I'd yield.

Ms. WASSERMAN SCHULTZ. I'd be happy to answer the gentleman's question. We are reviewing all of those bills and want to make sure that, obviously, the House is on equal footing with the Senate. And when we are ready to go to conference, we will certainly join them and make sure those bills are brought to the floor in as timely a fashion as possible.

Mr. BLUNT. Well, before we go to one other topic, I'd just say that for bills where we could have started, particularly for military families, the quality of life issues there and for veterans, I think it's a shame that we're not starting those on Tuesday, when they could have started.

The other thing that just happened, the President just sent the Peru Free Trade Agreement to the House. The Ways and Means Committee held its markup on the Peru Free Trade Agreement this week, and I've read, at least, that there's an intention, before we go to that trade agreement, to go to a trade adjustment bill that has not yet been written. That trade adjustment bill, when it has passed in the past, has passed with trade promotion authority. With no new trade promotion authority, there's less reason than there might have otherwise been for new trade adjustment authority. And more importantly, it seems, we might run the risk here of slowing the Peru agreement, the clock of which just started, if we wait for a bill that's not yet been written.

And I guess my two questions would be, do we plan to do trade adjustment assistance with TPA? And does the gentlelady have any sense of why it's necessary to do that before we do a trade agreement that we've already held the markup on and the President just sent down?

And I'd yield.

Ms. WASSERMAN SCHULTZ. Thank you. As far as the gentleman's reference to the military quality of life bill at the beginning of your remarks, I will remind the gentleman that we did pass, in the military health care and veterans bill, the largest single increase in health care in the 77-year history of the Veterans Administration. So we are certainly doing everything we can to expand access to health care and improve the quality of life of our military veterans.

Referring to the gentleman's question about the trade adjustment act and Peru, I'll remind the gentleman that the Ways and Means Committee did conduct a markup this very week. We are fully engaged in working on the Peru trade agreement and will be working on the trade adjustment act simultaneously to the free trade agreement with Peru.

Mr. BLUNT. I thank the gentlelady.

Mr. Speaker, I'd just say that, one, as we have started that clock, I think it's very important that we keep on schedule, particularly since this will be really the first bill that the majority has done under the TPA standards, and we want to work closely with the majority on that.

And I'd also point out that it's obvious we have not done everything we could have done for military families and veterans, or we'd have a bill that goes into effect next Tuesday instead of some time later this year.

Mr. Speaker, I yield back.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

REMARKS MADE BY RUSH LIMBAUGH

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, yesterday House Republicans offered a motion to recommit condemning MoveOn.org for its advertisement stating that General Petraeus had "betrayed us."

I'm wondering if they'll show similar outrage over statements made yesterday by conservative radio talk show host Rush Limbaugh. Yesterday, Limbaugh called servicemembers who support a withdrawal from Iraq "phony soldiers."

Is Limbaugh serious? Is a soldier who is honorably serving our Nation in Iraq any less a soldier if he questions what appears to be a never-ending war?

Last month, seven soldiers from the U.S. Army 82nd Airborne Division wrote an op-ed in the New York Times questioning our continued war efforts, but also stating: "We need not talk about our morale. As committed soldiers we will see this mission through."

Now, since publication of that op-ed, two of the soldiers have died. As this op-ed shows, soldiers may question the war, but that does not mean that they're any less committed to their mission.

And now I wonder if Republicans who showed so much outrage towards MoveOn yesterday will hold Rush Limbaugh to the same standard. And I wouldn't hold your breath.

□ 1830

HONORING EMILY KEYES

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, I rise today in remembrance of Emily Keyes and the tragic event that touched the community of Bailey, Colorado, 1 year ago today.

That morning Emily and 6 of her classmates were taken hostage at gunpoint by a deranged man as they sat in class at Platte Canyon High School. After several horrific hours, the gunman ended Emily's young and promising life. This act robbed the Keyes family of their precious daughter and the Bailey community of its tranquil security.

Emily was beloved by all who knew her. They described her as "sweet," "beautiful," and "polite." A member of the volleyball, speech, and debate teams, this active, bright, and industrial girl exemplified the Bailey community.

She also possessed a beautiful soul, as was demonstrated by one of her final acts. In a moment fraught with terror, Emily chose to express love. This brave woman sent a text message to her father that read simply "I love U guys."

Following her death, Emily's family asked for "random acts of kindness" because, they said, "there is no way to make sense of this and it is what Emily would have wanted."

This is the legacy for which Emily Keyes shall be remembered. And this is the memory that I rise to honor today.

HONORING JUDGE RICHARD SHEPPARD ARNOLD (1936–2004)

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to pay tribute to a person who has been described as "perhaps the best judge never to serve on the Supreme Court." I wish today to honor and remember Judge Richard Arnold as we prepare to name the Federal building in Little Rock after one who has given so much to his country.

A Texarkana native, Judge Arnold attended Exeter, Yale, and Harvard, and clerked for Justice William Brennan before returning to Arkansas to set up practice in Texarkana.

President Carter named Judge Arnold, a Democrat, to the district court in 1978 and, in just over a year, named him to the Eighth Circuit. He rose to chief judge and served on the Eighth Circuit with his brother Morris, a Republican.

Judge Arnold's life represents one of commitment to the rule of law and of service to one's country. I am proud to see the Federal building in Little Rock named after him, and I am proud to speak of him here in the well of the House.

COMMUNICATION FROM THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN T. DOOLITTLE, Member of Congress:

SEPTEMBER 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAME SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

I will make the determinations required by Rule VIII.

Sincerely,

JOHN T. DOOLITTLE,
U.S. Representative.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Alisha Perkins, Scheduler/Office Manager, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Wshington, DC, September 26, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: this is to formally notify you pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consulting with counsel, I will make the determinations required by Rule

Sincerely,

ALISHA PERKINS,
Scheduler/Office Manager.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dan Blankenburg, Deputy Chief of Staff, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

SEPTEMBER 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DAN BLANKENBURG,
Deputy Chief of Staff.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Evan Goitein, Legislative Director, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

EVAN GOITEIN,
Legislative Director.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Ron Rogers, Chief of Staff, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

RON ROGERS,
Chief of Staff.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Gordon Hinkle, Field Representative, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

SEPTEMBER 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

GORDON HINKLE,
Field Representative.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JOHN T. DOOLITTLE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Martha L. Franco, Senior Executive Assistant, Office of the Honorable JOHN T. DOOLITTLE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

MARTHA L. FRANCO,
Senior Executive Assistant.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCINTYRE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CAMERAS, COURTS, AND JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Americans have a right to a public trial. This right dates back to the founding of this Nation, and it is based on our values of fairness and impartiality. The more open and public a trial is, the more likely that justice will occur. That's why in this country we don't have the secret STAR Chamber. This is a right reserved for defendants, but the public also sees it as their right to be informed. Cameras enhance the concept of fairness and openness.

Any American could walk into a courtroom and observe that proceeding. But if a person does not physically sit inside that courtroom, that person is denied the ability to see and observe the proceedings. This doesn't make any sense.

Placing a camera in a courtroom would allow the trial to be more public, more just, just like a trial is supposed to be. While Federal court hearings are open to the public, not everyone can actually attend Federal hearings. This is certainly true of appellate and Supreme Court hearings. And because of the impact that the United States Supreme Court and its rulings have on all Americans, those proceedings especially should be filmed. It is time to allow cameras in our Federal courts, at the discretion of the Federal judge.

I personally know how important it is to make courtroom proceedings in trials accessible by camera to the public because I did it. For 22 years I served as a State felony court judge in Houston, Texas. I heard over 25,000 cases and presided over 1,000 jury trials. I was one of the first judges in the United States to allow cameras in the courtroom. I tried violent cases, corruption cases, murder cases, undercover drug cases, and numerous gang cases.

I had certain rules in place when a camera filmed in my courtroom. The media also always followed the rules that were ordered. Court TV even successfully aired an entire capital murder trial that was conducted in my courtroom. My rules were simple: No filming of sexual assault victims or children or the jury or certain witnesses such as informants. The unobtrusive camera filmed what the jury saw and what the jury heard. Nothing else.

After the trial juries even commented and liked the camera inside the courtroom because they, too, wanted the public to know what they heard instead of waiting to hear a 30-second sound bite from a newscaster, who may or may not have gotten the facts straight.

Those who oppose cameras in the courtroom argue that lawyers will play to the camera. No, Mr. Speaker, trial lawyers don't play to the camera. Lawyers play to the jury. They always have done so and always will whether a camera is present or not. I know. I played to the jury in my 8 years as a trial prosecutor.

Those who oppose cameras in the courtroom argue that it would infringe on a defendant's rights, but based on my experience, the opposite is actually true. Cameras in the courtroom actually benefit a defendant because a public trial ensures fairness. It ensures professionalism by the attorneys and the judge. A camera in the courtroom protects a defendant's right to that public trial.

And some members of the bar and judges may not want the public to see what is going on inside the courtroom because, frankly, they don't want the public to know what they are actually doing in the courtroom. Maybe these people shouldn't be doing what they are doing if they don't want the public to know by seeing their actions through a camera. A camera reveals the action of all participants in a trial.

If a judge fears that any trial participant's safety is in jeopardy or that the identity of an undercover agent or security personnel will be revealed by filming, the judge can refuse to have that camera in the courtroom and film that trial. I know how it is when you have certain undercover agents such as the DEA and informants testify. I had them testify in my courtroom, and we took the precautions to secure their identity.

Mr. Speaker, I am no law school academic, but I have 30 years experience as a trial prosecutor and a trial judge. And based on those real experiences, cameras should be allowed in our courts.

The public has a right to watch courtroom proceedings and trials in person. America should not be deprived of this right to know just because they cannot physically sit inside the courtroom during those trials.

We have the best justice system in the world. We should not hide it. Many times citizens wonder why certain things happen in courts and why the results turned out the way they did. Openness, transparency, and cameras will help educate and inform a public that still continues to be enthralled with the greatest court system in the world.

And that's just the way it is.

WHY A SHORT-TERM WITNESS PROTECTION PROGRAM IS NECESSARY: THE CASE OF CARL LACKL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I was motivated to address the issue of witness intimidation after the death of Angela and Cornell Dawson and their 5 children, ages 9 to 14. The entire family was killed, or should I say incinerated, in October 2002 when their home was firebombed in retaliation for Mrs. Dawson's repeated complaints to the police about recurring drug trafficking in her east Baltimore neighborhood.

Since this time, witness intimidation has become a plague on our justice system. According to the National Institute of Justice, 51 percent of prosecutors in large jurisdictions find witness intimidation to be a major problem. Additionally, prosecutors in large jurisdictions suspect that witness intimidation occurs in up to 75 to 100 percent of the violent crimes committed in gang-dominated neighborhoods. In my hometown of Baltimore, it is estimated that witness intimidation occurs in 90 percent of the cases that are prosecuted.

To make matters worse, the murder rate in the city is also at a record-breaking high. Today's Baltimore Sun reported that since January 1, there have been 229 homicides in Baltimore. At this pace, it is conceivable that the city will regretfully reach 300 homicides by the end of the year. While this figure is significantly lower than the record high of 353 homicides in 1993, the current situation is simply unacceptable. We need for our citizens to come forward by reporting crimes to law enforcement and testifying in court when appropriate. However, these simple acts have become a serious threat to one's life.

It is time to combat what is commonly referred to as a "conspiracy of silence," and this is why I am asking my colleagues to cosponsor and to support the passage of H.R. 933, the Witness Security Protection Act of 2007, should it come to the House floor for a vote. Upon enactment, this legislation authorizes $90 million per year over the next 3 years to enable State and local prosecutors to provide witness protection on their own or to pay the cost of enrolling their witnesses in the Short-Term State Witness Protection Program to be created within the United States Marshals Service.

In closing, I will highlight a recent case that exemplifies the need for this type of program.

On his way to lunch in March 2006, Carl Stanley Lackl, Jr., walked through a Baltimore City alley and witnessed Patrick Byers shoot Larry Haynes. Not only did Carl Lackl call the police, he stayed with the dying victim, comforting and reassuring him as paramedics arrived. Mr. Lackl was prepared to testify as a key witness in Byers' trial.

Unfortunately, Carl Lackl will not get the opportunity to carry out his civic duty. He was killed 8 days before the trial, gunned down in front of his home. Police have accused Byers of sending a text message to an associate giving Lackl's name and address and offering $1,000 to have him killed. According to police, Lackl was at home at about 8:45 when he received a call about a Cadillac that he was selling. As he stood next to the Cadillac, a dark-colored car drove up, and a 15-year-old inside shot him 3 times, in the arm, chest and leg. Carl Lackl was pronounced dead soon after arriving at a nearby hospital.

Mr. Lackl deserved better. By all accounts, he was a hard worker and a devoted father. My prayers go out to his mother, his daughter, and his entire family. We can and should do better.

Mr. Speaker, witness intimidation is a growing national problem jeopardizing the criminal justice system's ability to protect the public. This issue must be addressed because without witnesses there can be no justice.

Therefore, I ask my colleagues to support H.R. 933, the Witness Security and Protection Act of 2007.

□ 1845

ADJOURNMENT TO MONDAY, OCTOBER 1, 2007

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion pursuant to this order, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

CONSTITUTIONAL WAR POWERS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, earlier this week I introduced H.J. Res. 53, the Constitutional War Powers Resolution. Today, every Member of Congress received a Dear Colleague letter on this resolution. I hope that all Members and their staffs will take the time to review this legislation.

Too many times, this Congress has abdicated its constitutional duty by allowing Presidents to overstep their executive authority. Our Constitution states that, while the Commander in Chief has the power to conduct wars, only Congress has the power to authorize war.

As threats to international peace and security continue to evolve, the Constitutional War Powers Resolution rededicates Congress to its primary constitutional role of deciding when to use force abroad.

In 1793, James Madison said: "The power to declare war, including the power of judging the causes of war, is fully and exclusively vested in the legislature. The executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war." And that was James Madison, 1793.

The Framers of our Constitution sought to decentralize the war powers of the United States and construct a balance between the political branches. Because this balance has been too often ignored throughout American history, the Constitutional War Powers Resolution seeks to establish a clear national policy for today's post-9/11 world.

The War Powers Resolution of 1973 aimed to clarify the intent of the constitutional Framers and to ensure that Congress and the President share in the decisionmaking process in the event of armed conflict. Yet, since the enactment of the resolution, time and again Presidents have maintained that the resolution's consultation reporting and congressional authorization requirements are unconstitutional obstacles to executive authority.

By more fully clarifying the war powers of the President and the Congress, the Constitutional War Powers Resolution improves upon the War Powers Resolution of 1973 in a number of ways. It clearly spells out the powers that the Congress and the President must exercise collectively, as well as the defensive measures that the Commander in Chief may exercise without congressional authority.

It also provides a more robust reporting requirement that would enable Congress to be more informed and have greater oversight. This resolution is the result of the dedicated work of the Constitutional Project and its War Powers Initiative. And it protects and preserves the checks and balances the Framers intended in the decision to bring our Nation into war.

Mr. Speaker, I hope many of my colleagues will consider cosponsoring this legislation. It is time for Congress to meet its constitutional duty, and it is long overdue.

And with that, Mr. Speaker, before I yield back my time, I want to ask God to continue to bless our men and women in uniform and to bless their families, and for God to continue to bless America.

THE HEALTH OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this week, the World Health Organization released a report that can only be called shocking and appalling. Cholera is on the rise in Iraq and spreading to urban areas like Baghdad and Basrah, and some of the northern provinces as well.

As most of you know, cholera is a diarrheal illness caused by infection of the intestine. People get cholera from drinking water or food contaminated with the cholera bacteria, and it spreads rapidly in areas with inadequate treatment of sewage and drinking water.

This sounds like a disease of the Third World, not one of a developed and wealthy country, certainly not a country where the United States is propping up the health care system, right? Then why have the confirmed number of cases of cholera risen to more than 2,000? In one week alone, 616 new cases were discovered. The WHO estimates that more than 30,000 people have fallen ill with similar symptoms which may later be confirmed as cholera.

This is a shocking epidemic. As a result, the Iraqi Government is considering travel restrictions to limit the spread of this often deadly disease, particularly for children.

In a country already crippled by refugees and internally displaced people, the situation grows more severe every single day. Why, as we are spending more than $13 million an hour for the occupation of Iraq, $13 million an hour, 24 hours a day, 7 days a week, can we not join with the international community to provide for the most basic human needs? We are talking clean drinking water and proper sanitation. This is not reinventing the wheel or putting a man on the Moon.

Clean water and sanitary conditions, is that too much to ask? I guess it might be for our leader at the other end of Pennsylvania Avenue, because the administration spews a lot of rhetoric about liberating the Iraqi people. Does that mean crumbling infrastructure, sectarian fighting, a massive refugee crisis, and on top of that, a possible epidemic of cholera?

Iraqi families need to start their lives over again. They need their kids to be able to go to school. And they need to start their businesses and reopen them. They want real sovereignty over their own nation. They want U.S. troops out.

Real leadership in Iraq means bringing our troops home and offering humanitarian assistance to the people of Iraq. We must join with the international community to provide relief, reconstruction, and reconciliation. This is the only way forward for Iraq.

Force and occupation will not rebuild Iraq. It will not provide healthier communities. And most importantly, it will not provide a peaceful future for the people of Iraq.

Bring our troops home. Bring hope to our military families at home and the Iraq families yearning for peace.

RUSH LIMBAUGH'S "PHONY SOLDIER" COMMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Well, Rush Limbaugh is at it again. Unable to defend an indefensible war in Iraq, he has once again resorted to "sliming" the messenger. In this case, unbelievably, the messengers he's going after are the brave men and women who have served their country in Iraq, Afghanistan, and other wars.

Men and women who serve in Iraq differ from Rush Limbaugh in two critical ways. First, unlike Mr. Limbaugh, they actually served in the military. Second, unlike Mr. Limbaugh, they understand that the war in Iraq is making our country less safe and destroying the military.

How dare Rush Limbaugh label anyone who has served in the military as a "phony soldier." How dare he say that his views in Iraq, formed in the comfort of his radio studio, are legitimate, while the views of those whose opinions were forged on the battlefield are not. Could Rush Limbaugh actually face soldiers who have risked their lives and tell them that their beliefs don't matter?

These are soldiers like Brandon Friedman, a former rifle platoon leader in the Army's 101st Airborne Division who fought in Afghanistan in 2002 and commanded troops in Iraq. He says, "The escalation of the war is failing and now the mission must change. The fact is," he says, "the Iraq war has kept us from devoting assets we need to fight terrorists worldwide, as evidenced by the fact that Osama bin Laden is still on the loose and al Qaeda has been able to rebuild. We need an effective strategy that takes the fight to our real enemies abroad, and the best way to do that is to get our troops out of the middle of the civil war in Iraq." Is Brandon Friedman a phony?

Or Josh Gaines, who earned the Global War on Terrorism Expeditionary Medal and the National Defense Service Medal during his 2 years in Iraq, he believes the war in Iraq was a mistake from the beginning. Is he a phony? Or retired General William Odom, the head of the National Security Agency during the Reagan administration. His advice: "The sensible policy is not to stay the course in Iraq. It is rapid withdrawal, re-establishing strong relations with our allies in Europe, showing confidence in the U.N. Security Council, and trying to knit together a large coalition, including the major states of Europe, Japan, South Korea, China and India to back a strategy for stabilizing the area from the eastern Mediterranean to Afghanistan to Pakistan." General Odom says: "Until the United States withdraws from Iraq and admits its strategic error, no such coalition can be formed. Thus those fear leaving a mess are actually helping make things worse while preventing a new strategic approach with some promise of success."

Does Rush Limbaugh really want to look General Odom in the eye and call him a phony? I believe that we should all pay attention to the views of Brandon Friedman and Josh Gaines and General Odom whose beliefs, like their military experience, are real. And while we're at it, let's pay attention to the 72 percent of American troops serving in Iraq who also think the U.S. should exit the country within the next year, and more than one in four who say the troops should leave immediately, according to the Zogby poll. I guess they're all a bunch of phonies, according to Rush Limbaugh.

Our military men and women deserve respect. Apparently, however, Mr. Limbaugh thinks they deserve to be smeared and belittled unless they happen to agree with him. I understand why Rush Limbaugh cannot debate this war on the merits, but bashing soldiers and veterans who disagree with him is unpatriotic and un-American.

PUBLICATION OF THE RULES OF THE SELECT COMMITTEE TO INVESTIGATE THE VOTING IRREGULARITIES OF AUGUST 2, 2007, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 5 minutes.

Mr. DELAHUNT. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I respectfully submit the rules of the Select Committee to Investigate the Voting Irregularities of August 2, 2007 for printing in the CONGRESSIONAL RECORD. The Select Committee adopted these rules by voice vote, a quorum being present, at our organizational meeting on September 27, 2007.

RULES OF THE SELECT COMMITTEE TO INVESTIGATE THE VOTING IRREGULARITIES OF AUGUST 2, 2007, 110TH CONGRESS, ADOPTED SEPTEMBER 27, 2007

Resolved, That the Rules of the Select Committee to Investigate the Voting Irregularities of August 2, 2007 shall be as follows: Except as provided in paragraphs (1)—(4), rule XI and clause 2(c) of rule XIII of the Rules of the House of Representatives shall be rules of the Select Committee.

(1) Regular Meeting Days. If the House is in session, the Committee shall meet on the first Thursday of each month at 9 a.m. for the consideration of any pending business. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The Chairman may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the Ranking Minority Member.

(2) Questioning Witnesses. The chairman, with the concurrence of the ranking minority member, may permit an equal number of majority and minority members to question a witness for a specified period that is equal for each side and not longer than 30 minutes for each side at a time. The chairman and ranking minority member shall each determine how to allocate this time for their members.

(3) Views. Supplemental, minority, or additional views may be filed under rule XI and rule XIII of the Rules of the House of Representatives, and the time allowed for filing of such views shall be three calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the Committee agrees to a different time.

(4) Quorum. For the purpose of taking testimony and receiving evidence, one Member from the majority and one Member from the minority shall constitute a quorum, unless otherwise agreed to by the ranking minority member.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–60)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Peru Trade Promotion Agreement (Agreement). The Agreement represents a historic development in our relations with Peru, and it reflects the commitment of the United States to supporting democracy and economic growth in Peru. It will also help Peru battle illegal crop production by creating alternative economic opportunities.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. The Agreement will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening new markets and eliminating barriers.

Under the Agreement, tariffs on approximately 80 percent of U.S. exports will be eliminated immediately. This will help to level the playing field, since over 97 percent of our imports from Peru already enjoy duty-free access to our market under U.S. trade preference programs. United States agricultural exports will enjoy substantial new improvements in access. Almost 90 percent, by value, of current U.S. agricultural exports markets will be able to enter Peru duty-free immediately, compared to less than 2 percent currently. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and high levels of environmental protection in Peru.

The Agreement forms an integral part of my Administration's larger strategy of opening markets around the world through negotiating and concluding global, regional, and bilateral trade initiatives. The Agreement provides the opportunity to strengthen our economic and political ties with the Andean region, and underpins U.S. support for democracy and freedom while contributing to further hemispheric integration.

Approval of this Agreement is in our national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 27, 2007.*

□ 1900

AMERICA'S HERITAGE IS AT RISK AS OUR NATION LOSES ITS WAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, when our Nation was founded, its spirit of independence and liberty permeated its creation. Freedom, independence, and liberty are the core of the American spirit. But I fear that our priceless heritage is at risk as our Nation loses its way. We are $10 trillion in debt, dependent more and more on foreign borrowing every day to conduct wars not being paid for. We are energy dependent, not independent. We are dependent on foreign petroleum, 75 percent of which we import from foreign countries across the rest of the world. Most of those places are undemocratic regimes. We are dependent on that petroleum. We are dependent on importing capital because we are $10 trillion in debt. Now we have the highest home foreclosure rate since the Great Depression.

The State that I represent, Ohio, which has lost so many jobs through outsourcing to foreign countries, is hard hit, as is our sister State north of us, the State of Michigan. Why? These are all the result of Wall Street draining people's accumulated equity from their largest form of savings, their home. When you have that amount of debt, you have to monetize it. You have to cover the gap. So what do you do? You send letters to the American people. The big banks are saying, "Do you want to borrow against your home equity? Do you want to borrow $20,000 or $30,000 or $40,000?" That happened across our country, and now many people are living in homes where they owe more on their mortgage than the basic value of the home itself.

We are losing our independence. Families are losing their independence. In turn, the Nation is losing its independence. At some point, you might say, the chickens of profligacy have come home to roost.

We witness parts of our Nation being pawned off every day. We see turnpikes that the States used to own and run being rented out to foreign countries for 99 years, and then the taxpayers of those States having to pay for them again with interest over 99 years. And the debt never ends.

The latest fire sale, as was reported in the New York Times yesterday, is NASDAQ, one of the pillars of our stock market. The New York Times reported that an undemocratic country, the United Arab Emirates, which is a Middle Eastern fiefdom, intends to buy one-third of the NASDAQ. That is incredible.

Let me ask, why would we sell any part of the heart of our economy to a foreign government or any undemocratic interest? Why we would do this, unless we were broke. And we are broke. We are only holding it together with borrowing. If our government tried to buy one-third of the NASDAQ, I could just hear the voices in here saying, "socialism, socialism." It wouldn't be allowed. We would stop it. Why would we allow any foreign government or any foreign interest to purchase one-third of one of our pillars of capitalism in this country? The United Arab Emirates is notorious for human trafficking, for money laundering, including from terrorist networks. And we are going to allow them to buy one-third of the NASDAQ?

The United Arab Emirates is a hub in the Middle East for recirculating petrodollars that are taken out of our pockets because we are energy dependent here at home rather than energy independent. Those countries have amassed billions and billions and billions of dollars to fuel their undemocratic oil dictatorships. The UAE has no democratic government, no democratically elected government. Its citizens have no right to freely change their government. We have laws that tell us how often we have to change our Government. There is no freedom of representation in the United Arab Emirates. Why would we allow them to buy one-third of our stock market?

Mr. Speaker, I intend to introduce legislation to block this latest sellout of America.

IS AMERICA READY FOR AN EXPENSIVE HEATING SEASON?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is September 27. We are just finishing the first week of fall. It doesn't seem possible, Mr. Speaker, that summer has slipped by. We are now entering the fall season. That means the cool nights and chilly days will soon be coming. The northern part of the country has already had a couple of movements of Canadian air down where we have chilly nights. That will soon cover most of the country. That means the heating season will begin.

The question I ask is this: Is America ready for the most expensive heating season that we may have ever faced? Yes, all of the last week, the first week of fall, we have had $82 oil. In fact, at the close today it was just 12 cents, it would have been $83 oil. I remember when $50 oil caused a panic, and $60 oil was going to be the end of all, and then $70 oil, and this week we have had $82 oil all week. I haven't heard many people talk about it because that price hasn't hit us yet. It hasn't hit the pump yet. It hasn't hit home heating costs yet.

But $82 oil will give us the highest home heating oil prices we have ever had. It will also give us very high propane costs to heat our homes. Now, 60-some percent of our homes are heated with natural gas. The current price of natural gas, which is at the low ebb because of the summer low usage, is at $7 today. That will soon be rising as we get into the fall season and gas consumption increases. This year, all of the gas distribution companies are warning their customers that they will pay from 9 to 15 to 20 percent more this year than last. That is only on a prediction, because that depends if we have no storms in the gulf or no major supplier of gas that goes offline. A storm in the gulf, and we have not had one that really damaged the gulf now all of last year and all of this year, would give us $90 to $95 oil quickly, could give us $12 to $15 gas quickly. Then we would have real pain in America, not only for those that are heating their homes, but the ones that buy this energy every day of the week, every week of the year, the manufacturers and the processors in America that run our plants: the steel mills, the aluminum mills, the chemical plants, the fertilizer plants, those who process our goods, those who bake our bread, those who cook our foods. I was talking to Hershey Foods today about the energy they use to roast the peanuts and melt the chocolate and make the candy. Energy is consumed in every process of life.

What has this Congress, in the few months we have been here, what have we accomplished to stabilize energy prices? I am just going to turn this chart over because that simplifies what we have not accomplished, because we haven't accomplished anything. There has not been one bill passed. There has been nothing changed. But we have been stirring around doing things.

I want to ask you tonight, Mr. Speaker, are the things we have been doing productive and helpful? Will they help Americans heat their homes and drive their cars with affordable energy? Well, the legislation that has been approved by this body, and I believe the Senate, removes 9 trillion cubic feet of gas in the Roan Plateau that was permitted. All the NEPA studies were done. All the environmental assessments were done. It was ready to be drilled. This legislation takes 9 trillion cubic feet of natural gas off the market.

This legislation also locks up the oil shale reserves in the West. What are the oil shale reserves? Well, some think it is the largest reserve of oil in the world. We still haven't figured out how to unlock it from the shale rock. But to the north of us, we have the tar sands that are very similar. It is going to take a lot of energy and a lot of heat to warm it up and get it out of there. I was talking to a Canadian company this morning, and in Canada they are now producing about 1.5 million barrels per day of tar sand oil. Their goal in a year or 2 is to be at 3 or 4 million. They have been working on that for a long time, because it was a process that they needed to develop and that they needed to refine. They needed to figure out how to make it work.

Now, it seems that we down here in the States ought to be working just as diligently on the shale oil reserves so that we would be energy independent. The lady from Ohio was just talking about dependence. What we are talking about is the issues I am talking about here. Taking the 9 trillion cubic feet away, taking the shale reserves out, will make America not less dependent, but much more dependent on unstable foreign countries.

I don't understand the lack of urgency in this body. We have not had an urgency in this body since I have been here that I think is adequate, because America does not realize that $82 oil might almost be a plateau upon which we can have spikes. If we have a storm in the gulf, it will spike. If we have a major sender of oil or a country we are getting a lot of oil from has any trouble with their government or any instability there or any kind of explosion in a pipeline or a loading dock, we can have $100 oil. And we know then we would be looking at maybe $3.75 to $4 gasoline. We currently don't have $3 gasoline in most of the country, some parts, but we soon will have, because $82 oil will be more than $3 gasoline when it catches up in the pipeline.

The legislation we have before us is making it very difficult to produce in the Alaskan National Petroleum Reserve that was set aside a long time ago. The rules are being changed. They are making it harder to permit. They are making it harder to produce there. That is a $10 million oil reserve.

Then this one is the one that surprises me. I know a lot of Members of Congress hate oil companies, hate big oil. But we passed legislation here in the Senate, it is not law yet, thank God, that increases the taxation on anybody who produces energy and processes energy by 5 percent. So any company that produces energy in America will pay a 5-percent higher corporate income tax than anybody who manufacturers anything else. Now I don't know why we would do that. I know they want to get at the five big oil companies, but probably 75 to 80 percent of the production is not by big oil. They are the processors. They are the refiners. They are the marketers. But there is company after company that are investing billions in America and billions around the world to produce energy that are not big oil. They don't market oil. They drill and produce and move and transport petroleum and other products to the marketplace. Well, we are causing them to pay these taxes.

I have two refineries in my district still. One is a Penn grade crude refinery, American Refiners in Bradford, about 10,000 barrels a day, just a small refinery. They are going to pay 5 percent more corporate taxes than any other business in Bradford, Pennsylvania. Is that fair? No. That is not fair. What will that do? That will make energy more expensive, not less expensive. It will not encourage people to produce in this country. It will encourage them to produce in other countries so they don't have to pay it.

United Refinery in Warren, Pennsylvania, that gets Canadian crude, gets it under the lake; it comes under the lake in a pipeline. It is a very good refinery. It has been growing about 70,000 barrels a day now. It is a company that I am very proud of and have worked with for years. They are going to pay 5 percent more corporate taxes now if this becomes law. That will make it more expensive for them to produce the gasoline and fuel oil for our people. Who will pay that? The consumers. We will pay that.

Also, the language that we have been working on, I was fortunate in the energy act in 2005 to put an amendment in that took away redundant NEPAs. Now, NEPA is a study. It is an environmental assessment that is very important that we do before we do anything on public land. Well, those who oppose the production of energy, and that is a lot of people in America, who don't want us to drill for oil, who don't want us to drill for gas, who don't want us to dig for coal, don't want us to use fossil fuels, and don't want nuclear, so they fight it. They fight it in the courts.

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They use processes to make it difficult. I had people telling me in the West they had leased 6, 7 years prior and were still unable to drill a hole in the ground and bring any oil or gas up. It was because they were being caused to do a NEPA study for every step in the process.

Now, a NEPA study is a complete environmental assessment, and it's appropriate. But should you do five or six NEPA studies before you can drill for gas or oil? I don't think so. I don't think that is fair. That is just about delay. That is not about environmental protection. That is to prevent the production of energy.

I don't understand, because when you look at the chart, and let's look at it, we are using 40 percent petroleum, and currently 66 percent of that comes from, as the gentlewoman from Ohio said, foreign, unstable non-democratic governments that you really can't depend on.

Natural gas is 23 percent of our energy. That is the one that has been increasing. About 12 years ago we took away the moratorium on using natural gas to make electricity, and now 21 percent of our natural gas makes electricity. We now, for the sixth year in the row, have had the highest natural gas prices in the world. That has been a serious problem for business and industry, our job creators.

Dow Chemical, the largest chemical company in the world, in 2002 used $9 billion worth of natural gas. That seems like an incredible figure. Four years later, in 2006, they spent $22 billion. That's $9 billion in 2002, $22 billion in 2006. In four years, $22 billion, because the price of natural gas had spiked in this country, higher than Europe, higher than all our competitors, five to six times higher than South America.

Natural gas prices have been one of the biggest drags on the American economy, because we use it to melt steel, we use it to bend steel, we use it to make aluminum, we use it to make ethanol, we use it to make hydrogen, we use it to heat our homes. In the petrochemical business, which Dow Chemical is in, they use it as an ingredient. Fertilizer, it's an ingredient; plastic products, it's an ingredient; polymers, it's an ingredient.

So natural gas is not only a fuel, but it's an ingredient. The face creams that we all like, the skin softeners that keep our face and hands soft, that is a direct product from natural gas. Natural gas is the finest product known to man to make things with.

Then we have coal. The bulk of that is used to make electricity. I had a gentleman ask me the other day, how are we coming on coal to liquids, coal to gas?

Well, we are not. In World War II, Germany fought us with liquids made from coal. It was called the Fischer-Tropes process. We have paid many universities in this country and researchers to come up with other ways. There are numerous ways now to make liquids. We could make jet fuel, we could make gasoline, we could make diesel out of coal. We have not refined it and we have not made it cost effective, but we know how to do it. We can make natural gas out of coal. But there is such an anti-coal sentiment in America, because it produces carbon in the air.

I said to the person, there have been groups in the Senate and there have been groups in the House trying to put pilot projects or some way of helping push the ball down the road for coal to liquid and coal to gas so that we can be less dependent on foreign oil, but not one of those has even come close to having a vote to get in any of the energy packages that are moving.

We have clean coal technology to make electricity out of coal. It's much cleaner than the old processes. But there are those who think today they probably couldn't build one of those plants because there is such opposition. Though we are the Saudi Arabia of coal, it's kind of sitting on the sidelines.

Eight percent of our energy comes from nuclear. Since the Energy Act of 2005, thirty-some companies have put in plans and requests for permitting of new nuclear facilities, and I think all on existing sites, expansion of current plants and new plants. In fact, I see the other day that the first two permits to come in to build a completely new reactor, not just additions, have come in.

But the 35 permits we have in process, I am told by the industry that by 2020 we need them all to just keep nuclear at 8 percent of our electric generation, because our electric use is rising so fast that we need to grow nuclear or nuclear won't be 8 percent; it may be 7 percent, then 6½ percent.

Hydroelectricity is not growing. Clean energy, no pollution, but there's great opposition. You couldn't build a dam in this country today; that is not allowed. So hydroelectric is just where it's at, and that percentage will continue to shrink. As the use of electric goes up, this will go down to 2.5, 2.3, 2 percent. We have lots of dams in this country that have not been harnessed, and there's been a real resistance.

The only good news on the chart is biomass, which is wood waste and things, pellet stoves, people heating their home from pellets. You have factories heating in the woods where we have lots of forests and mills where we process wood. They use it to heat the boilers to heat the factory. They use it to top off some of the coal plants, which allows them to meet air standards. It may be 80 percent coal and 20 percent wood waste. Biomass has been growing. Of course, down the road we hope to get into cellulosic ethanol. I will talk about that a little later.

Geothermal is a very good form of energy, but a very small percentage. We use that by using the ground temperature, whether we drill into wells and use the well water, or whether we put a loop system in deep enough that you have the ground temperature and you take heat out in the wintertime and take cold out in the summertime to cool your home or heat your home. But that is a very expensive investment and is usually done in new construction, and it is pretty disruptive to do it in an existing neighborhood.

Wind and solar are the two sexy ones. They get a lot of talk, and there are a lot of things going on there. But we see the percentage. If we double these percentages, even if we triple these percentages, we are not to 1 percent. These are very small numbers.

We all like them because they are clean. I shouldn't say "we" all like them. We had a bill introduced this year that was introduced in the Resources Committee that said if a bird was found at the foot of a windmill, it was going to be a criminal offense. I think that language was removed in the bill that moved. But that shows you that someone is not very pro-wind, because birds and bats will occasionally get in that path and hit those blades.

But these two, what the problem is, when the wind doesn't blow, we have to have a natural gas generator to turn on. That is what we do. Then solar, when the sun doesn't shine, we have to have a natural gas generator to turn on. When you add these up, wind and solar and geothermal, you are less than 1 percent of the overall energy mix. No matter how much we increase them, they are a fraction. It will be a long time before they are real numbers.

So what does that mean? That means whether we like fossil fuels or not, we must have more petroleum, we must have more gas, we must have more coal, we must grow nuclear, we should be growing hydroelectric. Biomass is the only one that is really showing much growth.

But I want to tell you, the environmental groups in America that are running energy policy, and certainly today in this House, are anti-petroleum, because you drill a hole in the ground. They are anti-natural gas. I don't understand that one, because natural gas is a clean gas. There is no nitric oxide. There is no sulfuric acid. There is one-third of the CO_2, if you are concerned about CO_2. It is really the green field.

In my view, the only way we will survive or prevent a crisis in America on energy is if we really pull the stops up and open up every natural gas field we can until we can develop some of the renewables, until we can find other sources of energy.

We have ethanol. Ethanol now, in 2006 we produced 5 billion gallons. This year, we are at 6 billion gallons. So we are growing. Our ethanol is made out of corn. Brazil's was made out of sugar cane. That was cheaper to make.

To make ethanol out of corn, you have two processes. You have to take the starch and turn it to sugar. Then you ferment the sugar and make the ethanol that you use as a fuel. So it is a dual process. Ninety-five percent of all these plants are fueled with natural gas. So we need natural gas for that.

Natural gas, like I said, is the only fuel that can really prevent this. We have a lot of petroleum being produced in this country, but we can never be self-sufficient. People who think we are going to be independent are just talking.

Natural gas, we can be self-sufficient, we can keep moderate prices. We can expand natural gas use in our auto fleet and save a lot of oil with natural gas, in my view. But natural gas is looked at just like oil. You have got to drill a hole in the ground, and you must not do that.

In my opinion, from the administration on down, there are really no strong proponents of coal. There are Members of Congress that are strong proponents, but certainly far from a majority. And I don't look for any progress on coal. I don't look for any progress on petroleum. I have not given up on natural gas, and I will talk about my bill in a moment, because we believe that natural gas is our only hope of diverting an energy crisis in America.

What do I mean by an energy crisis? I mean oil prices where we cannot afford to compete. The problem we have today, Americans are struggling, the poorer Americans are struggling, by the time they heat their homes this winter, drive their cars, to have adequate funds left for health care and food and all the other substantives of life. Energy prices are going to make it very difficult on the poor in this country as they continue to rise. But even worse, and I know people don't care as much about companies, but companies and businesses who are employing us, they make up the payrolls. They give people a chance to make a living.

We have the highest natural gas prices in the world; and when our companies are paying the highest prices for the fuel they use to make products, then they are not competitive in the world marketplace.

We have lost more jobs in America than we can count. We blame it on trade agreements; we blame it on lots of other things. But the last 6 to 7 years, natural gas prices were between $1.77 and $2 for years, we had a couple of spikes in the seventies and eighties, and then the climb started. Then came Katrina. Now we are up in the $7 and $8 figure. With a storm in the gulf, we could be back up to $14 or $15 again, because as we enter the heating season, we are at the low ebb of the year, about $7 per thousand, but a lot the gas that is in the ground for this year's use, we paid $8, $9 and $10, because we put gas in storage all for the winter usage. I don't know what the average price is coming out, but most of the utilities have told us 9 to 20 percent more for heating a home with natural gas this year, depending on which utility you are on, when they bought their gas or how they bought their gas.

So we are looking at a measurable increase. We are looking at a real spike in fuel home heating prices, because $82 oil will be the most expensive home heating prices we have ever had. Propane comes from both, so propane will be somewhere in the mix. It is always more than natural gas. So the cost of heating our homes this year will be very important.

Now, let's bring up the chart on what we think is the solution, the best thing we can do.

Here is a picture of this country. You could also have some great big blobs in here where we have locked up huge resources of natural gas and coal and oil that are on public land, because in the West, the vast majority of the land is owned by the Federal Government.

But where we are different than any other country in the world is we have chosen to lock up our Outer Continental Shelf. What is the Outer Continental Shelf? Well, Mr. Speaker, that is from 3 miles offshore to 200 miles offshore. Every country in the world produces a lot of their oil and gas out there, because it is very prevalent.

Now, we produce in just a small piece in the gulf, and we get 40 percent of our energy from there. This small area down here is what keeps America alive. Otherwise, we would be importing 80 to 90 percent of our oil from foreign countries.

I just find it amazing that we have chosen as a country that we are just not going to produce more. Maybe 10 years ago when gas was $2 a thousand and oil was $10 a barrel, it may have been a smart argument, let's buy theirs while it is cheap and save ours for when it is expensive.

Well, we are still saving ours. We have $82 oil. We are still saving ours. I think if we had $90 oil next month, we would still be saving ours. I have been here awhile. We have been trying to open up this for a number of years. We had a successful bill last year, but we didn't have success in the Senate. But it makes no public policy sense to not be producing oil and gas off our Outer Continental Shelf.

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It is the safest with the least environmental impact. The sight line from shore is about 11 miles, so when you are past that, you can't see it. The commotion caused from a drilling rig, a thousand drilling rigs, is less than one storm as far as turmoil on the ocean floor. And there hasn't been a major spill of oil except for the one in Santa Barbara in 1969.

The technology of today is when a storm comes or there is a problem, the valve of the rig on the ocean floor is electronically turned off. When we had the tremendous storms in the gulf several years ago, we had very little spillage because when the storm was coming, they turned off the valves. If the platforms move, the rig is ruined, nothing happens. We have always had more spillage in the ocean from hauling oil in tankers than from wells. But we don't prohibit tankers because then we wouldn't have any oil.

I don't understand why we are financing all of these countries in the world by being dependent on them. They are not our friends. They were the ones that sent those here on 9/11, but we are funding them with these huge oil costs and we just plain will not use our own. There is no good reason why we couldn't be producing a lot more of our own energy, totally self-sufficient in gas, stable prices and competing with the world with all our manufacturing. We can help oil prices in the world by supply, but we cannot dictate them because we are not that big a player unless we learn how to use our shale oil down the road, and then we could say good-bye to the foreign imports.

But it seems to me that we ought to be opening up the OCS. That is the simplest. And my proposal is pretty simple. We are just going to open it up for natural gas. We are going to say the first 50 miles, that is up to the States. Only if the State wants to open it, can they. We are not opening it.

The second 50 miles would be open for natural gas only, but a State would still have the ability to say no. They could pass a law in their State and say Congress, we don't want this open. Then it would be protected for 100 miles.

For the second 100 miles, our bill would open gas. I would like to be opening oil out there, too, because that is so far out, there is just not an environmental problem. But we are just asking for gas because we think gas is more of a crisis than oil because we are going to lose more jobs in this country because of the highest natural gas prices in the world.

Mr. Speaker, $80 oil is pretty painful, but it is painful to the whole world. That is the world price. When we have gas that is twice and three times and four times what competing countries are at, we are at a disadvantage.

We have lost half of our fertilizer industry in the last 2 years because of natural gas prices. We are losing our petrochemical industry. Those are some of the best jobs left in America. We are going to be losing our polymer and plastic jobs because of natural gas prices. It just seems to me that we really, really need to change our attitude in this country and say let's be more independent.

Those who tell you we can be independent are not being honest with you. I don't know of any way we can be independent. We will also always be dependent on foreign energy in our lifetime. Maybe some day with new forms of energy or new ways of powering vehicles and new ways of lighting and heating our homes, if we can do that, some day we might be. But all of the things that we are working on are still on the margins. We want to grow them all. We want to move them as fast as we can. We want all of the renewables that we can get. But those who tell you that renewables will take care of even the growth in energy needs are not being honest with you. And those who say that renewables displace oil and gas and coal needs in this country are not being honest with you because they just can't.

We need to have the OCS opened up. We need to promote all of the renewables we can. The President is promoting cellulosic ethanol. We are at 6 billion gallons of ethanol, and they want to get to 35. That is a big jump. I don't know whether we can get there. They want not to just be corn. And I noticed today corn prices are approaching $4 a bushel again. When we started making ethanol, corn was less than $2. Nobody knows where it is going to be when we go through another season because there are a lot of ethanol plants being built. We will have a lot more capacity a year from now to make ethanol.

There are problems with ethanol. It takes a lot of energy to make it. I am not opposed, but it costs a lot to make it. And one of the problems is that ethanol cannot be put in a pipeline system where the vast majority of our energy is put out to the stations. We have to blend it at the station or blend it at the distributorship and haul it in tankers because it has a corrosiveness to it. So unless we change all of the pipelines in the country, ethanol has a serious problem that we have not been able to overcome yet. We have to haul it separately and then blend it at the station in a tank. So it has a distribution problem.

The President wants to do cellulosic ethanol which will be from any kind of waste material. It could be from wood waste when you ferment it to make it. Or it could be from garbage, which seems to make some sense. It could be from things like switchgrass and cornstalks and any kind of cellulose, cellulosic ethanol.

The problem is that it is still in the laboratory. We think we have about got it to where we can make it. They are funding six plants which are going to be experimental. I am for that, but I think we should be doing the same thing simultaneously with coal. Taking every process we have to make liquids from coal and refining it, improving it so we can do it in volume down the road. Coal to gas and coal to liquid, every measure we know, we ought to be refining those and getting those to where they will help us to be independent.

And we should be continuing to promote nuclear. The nuclear we have on the drawing boards will keep us from losing percentage. It will not help us grow, but we need to figure out, and that may be one of the biggest mistakes we made, if we are really concerned about CO_2, we certainly should be for nuclear power plants.

But we need to be doing all of these, Mr. Speaker. We need the OCS open. We need that clean, green natural gas, affordable and available to heat our homes, run our businesses, and manufacture products so we can compete in the world marketplace. We need clean, green natural gas as well as cellulosic ethanol, as well as all of the renewables, as well as coal to liquids, as well as coal to gas, and as well as clean coal technology and more nuclear plants.

A lot of our competitors, like China and India, they are buying up reserves of oil and gas all over the world. They are building coal plants, coal-to-liquid plants. They are building hydrodams. They are building every form of energy there is at breakneck speed. We as a country are sitting here on our hands twiddling our thumbs, actually today moving in the direction of less available energy, which will make us more costly and more foreign dependent.

The legislation that we have before us, if it becomes law, I think will speed up, and we have been gaining in dependence on foreign oil about 2 percent a year for the last 10 years. I think we will speed it up to 3 to 4 percent a year if we go down to the road of taxing oil more, of taking major plateaus and major reserves off the table, refusing to open up the OCS, our dependence will grow. When you are at 66, you don't have to go very far to where you're three-fourths, and then you are 80 percent and the rest of the world will just plain own us because they today, OPEC today sets the price of oil. Five years ago they didn't. They had lost their grip. But today, they set the price of oil.

Imports. This is not quite up to date. I am going to have to get a new chart with 2 more years on it. But we are back on a steady climb. I predict it won't be very long until we will be at 70. And if we pass the legislation that is before the House and do nothing else, do nothing to open up, do no OCS, do no Alaskan, and continue to take much of the Midwest out of the picture, continue to lock up more reserves, we will be 70 and climbing towards 75 at breakneck speed and America will be dependent for their total economy, for the ability to heat their homes and manufacture, on foreign, unstable nondemocratic countries who will actually and literally own us. That's not the America I want for my grandchildren and for your grandchildren. I want an America that has a sound energy policy that produces oil, produces gas, produces coal, moves into all of the renewables and does more on conservation.

I haven't talked about conservation, but prices are going to force us to conserve. There are many who want prices as high as we can get them so we will use less energy. Well, they are winning. And I am going to tell you, energy prices this winter will be the highest they have ever been, and we will be dependent on weather as to how high they go.

Major storms in the gulf, major cold weather where we consume a lot of heat, will set prices far higher than they are today. We are not in control. The weather and unstable parts of the world will dictate what America does for energy.

CONSTITUTION CAUCUS

The SPEAKER pro tempore (Mr. MCINTYRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank you for the opportunity to come to the floor tonight as we wrap up this week's session in Congress. It was just last week, Monday, the 17th of September, when we celebrated the 220th anniversary of the signing of our founding document of this country, the Constitution. It was on September 17, 1787, 39 revolutionary and visionary Founding Fathers changed the course of history in this land and the world as well.

It came about after months of deliberations. What they did was succeed in securing liberties and freedoms that were, quite honestly, unimaginable to previous civilizations. I should just note, to commemorate this and honor the civilization's most ingenious governmental guidelines that we recognized last week, I introduced House Resolution 646 to that end.

Tonight I come to the floor, as we do often as part of the Constitutional Caucus, to raise up the issue of the Constitution, that seminal document, that document that we should be looking to each and every day when House Members and Senate Members come to the floor after having deliberated various issues and bills, and taking out of their pocket their voting card and sliding into that slot, to ask themselves: Is what we are about to vote on constitutional? Is it within the confines of the Founding Fathers' document?

Tonight I am joined by my colleagues, the gentleman from Utah (Mr. BISHOP) and the gentleman from Iowa (Mr. KING), and I believe shortly the gentlewoman from North Carolina (Ms. FOXX) as well, as we deliberate and discuss the issues of the Constitution.

We do this for several purposes. It is an illuminating event we believe both for Members of Congress and also for the general public as well, an opportunity to explore and expand and expound upon this important document. Because if we lose that, if we lose that as a guiding principle, obviously there will be nothing as a guide for us or a restriction into the role we are elected to abide by.

Tonight we will touch on various issues, all within the confines of that document, but we are generally going to stay within the area of voting. Some legislation that we have looked at in the past, and I will probably touch upon a little later on, and some legislation that is coming down the pipe fairly shortly, to address some of the issues that people have raised throughout the country with regard to the veracity of past voting patterns in this country.

□ 1945

So at this point, I would like to turn the microphone over to the gentleman from Utah (Mr. BISHOP) for his comments, who I always appreciate Mr. BISHOP's insight.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the gentleman from New Jersey for helping to organize this, as well as talk about these topics, and every once in a while to take the process that we probably should be doing more often and simply review our actions and see if they deal with some type of philosophical basis.

When the Founding Fathers established this country, they established a Federal system with the understanding that certain powers and responsibilities would be given to the national level and certain powers and responsibilities on the local level.

Now, this was not done in some random process. They took the time to try and figure out which would best fit in which category, realizing there are some tasks of government that naturally would be better done if they were done on a unified level, and certain other responsibilities that would be best performed by local government.

One of those that they decided would be better performed, and I should say best performed, a superlative, by local government was the manner of elections. And they clearly realized that if elections were the purview and responsibility of States that they had a better opportunity of being effective and less chance of being corrupt in so doing.

Some of our European allies when they restructured their governments after World War II also did the Federal system; and once again they divided powers and responsibilities between national and local levels.

And one of the powers and responsibilities given to the local level, for obvious reasons of effectiveness and lack of corruption, was that of the manner of elections.

The State of Utah, I'm very proud to say, had wonderful registration rolls when I was in the legislature and in a leadership role there, and actually our voter registration I thought was fairly accurate. That's the reason we do have voter registration anyway is to prevent fraud.

In the 1800s, we talked about this wonderful process of everybody voting in America, but we don't really know how many people actually voted, only the number of votes that were tabulated, for we had in history this process or this individual known as a floater who was paid between $5 and $20 per vote. In fact, I have to admit within my own family one of my ancestors was given the day off with pay to vote. He voted in his workplace, took a train and went down to the capitol and voted a second time, and then went home and wrote about how he voted a third time.

The reason we have voter registration is to prohibit that today.

I was in the leadership in the legislature when the Federal Government in its wisdom came up with the Motor Voter Act which took our wonderful rolls and registration systems and bloated them beyond compare. When we were able to purge voter rolls after 4 years, we now had to do it after 10 years. When everyone was asked whenever they got a service from the government if they'd like to register, and they couldn't remember if they registered or not, they re-registered them.

If you look at the number of people in Utah who are registered in a State that has the largest percentage of kids of any State in the Nation, the numbers don't fit of those who are registered and those who are simply eligible to vote. So I don't really know what percentage is voting. We're making guesses there.

The greatest thing of all in this entire program is the Federal Government gave us as a State the great privilege and honor of paying for it all ourselves. At that time I was sad the 17th amendment was in place because had it not been there and the State legislature selected senators, I can promise you that bill would have changed or our Senate delegation would have changed.

Then the Federal Government assisted States again while I was still back in Utah with the Help America Vote Act. Now, I have to admit that we in Utah did not have the problem of hanging chads as some certain southern States that will not be mentioned did have. We had a definition of what a vote was and was not, and we looked at every ballot of those punch cards to determine if it was a legal ballot before it was ever run through the system.

Our system was effective, it was efficient, it was cheap; but we complied to the Federal Government's assistance to make everything better with the Help America Vote Act. Now, the Federal Government did give us some money, but certainly not enough to pay for the entire system. So at great expense, the State of Utah and other States changed their election system at the dictate and mandate of the Federal Government. I have to say we may actually probably have a better system, but it's also a much more expensive system.

We now have a proposal given to us by Members of the Democratic side that would force another change in the system that has just established under the Help America Vote Act, another system that requires even my State, which has a paper trail system in place, to change it because we don't have the right kind of paper.

The reality is I think, and I think that the Constitution and our Founding Fathers would tell us, if you really want to have a good election system just get out of the way and let the States fulfill their constitutional responsibility of the manner of election, and there would be greater efficiency and less likelihood of corruption. We should not be micromanaging States. One size does not fit all.

The State of Utah, in a poll conducted by BYU, has a 95 percent competence in our system of government, which if the opposition bill were to pass would have to be totally changed, and we would once again bear the costs and burden of doing that.

Now, I know that our good friend from Iowa (Mr. KING) has another bill in that would probably address many of these issues and many of these problems. I think, Mr. GARRETT, if it's all right with you as the chairman of this caucus, if we were maybe to hear from the gentleman from Iowa at this time to at least express another way of getting around what appears to be another mandate that would change and add significant difficulty to States what they don't need: the heavy-handed help of the Federal Government.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlemen from New Jersey and Utah; and Mr. Speaker, it's a privilege again to address this House and you and talk about the integrity of our voting system that we have here in the United States.

I start my opinion and my view out on this focused long before the year 2000, but really focused on the 2000 election. I recall watching that drama unfold in Florida, and at the time, I was chairman of the Iowa State senate, State government committee, and I knew that it was my job to be sure that Iowa could be set up and structured in such a way that they never became a State like Florida was, going through the throes of those decisions that were being made down there by their State supreme court and ultimately by the United States Supreme Court.

It was an agonizing thing to watch, and I watched it intensively for 37 days in front of the television and my Dish TV, and everything I could pick up in all the print, off the Internet and my telephones. I worked them constantly because I knew the next leader of the free world was going to emerge from the system that Florida had, and that, of course, was the catalyst that created HAVA, the Help America Vote Act.

I came to some conclusions, too. I chased all those rabbit trails on the Internet down to the end, and I uncovered what I believe to be a significant amount of corruption within our electoral system across this country, flat out open, intentional fraud committed in a number of States without a lot of prosecution to back it up, kind of a blind eye.

I will speak one State discovered the laws were set up in such a way if you came in and presented yourself as Joe Smith, and even if Joe Smith was actually working the election board and knew very well that it was his registration you were pointing to and you alleged to be him, Joe Smith himself couldn't challenge the person who presented themselves as Joe Smith because the election laws prohibited challenging the identification of someone whom you know to be misrepresenting themselves. Can't ask for an ID, can't ask for a picture ID. You can't even prohibit them from voting in your name, and you can't ask for a provisional ballot in some States, and those kind of things open up this system.

So I came at this with a little bit different view than I think the gentleman from Utah has from this perspective. Yes, I want the States to have the maximum amount of autonomy. I want to see that in the hands of the States. I don't want the Federal Government to run this; but by the same token, a State that has a faulty electoral system, without true integrity then, also can be the State that chooses the next leader in the free world, which affects all Americans.

So if you could envision a scenario of Florida that resulted in an altered election result for the President of the United States, you can also envision an interest that this Congress has, but it should be very narrow. It should be very limited, and it should be consistent with our constitutional views.

The voter registration that the gentleman from Utah (Mr. BISHOP) mentioned, I looked across the voter registration rolls, Iowa in particular, and found them to be replete with duplicates, deceased, and in our State, like the case of Florida, felons. Duplicates, deceased and felons; and yet there we sat with all that software, that database with all those registered voters, and we couldn't even run that database to sort out when there were duplicates, just simply leave the registration of the most recent activity. We couldn't even get that done.

I brought legislation through the Iowa Senate that required the Secretary of State to sort that voter registration list to certify that the list be free of duplicates, deceased, and felons and that the Secretary of State certify that they be citizens. Not a very high standard that they should be a citizen of the United States to vote here in America. Those things were all met with the stiffest opposition by the members of the other party, which convinced me that they believed that they had an advantage with a system that was full of those kind of contradictions and integrity, I can put it that way.

I recall running across a significant amount of information that was compiled by the Collier brothers in Florida, and neither of these brothers happen to be alive today, for different reasons I understand. But one of the pieces of their documents, and they did a movie and there's a fair amount of print material out there. They had gone into the warehouse where the vote counting machines, the punch card vote counting machines were stored, and they asked the fellow how is it that you rig a vote here. He said, well, it's simple. He opened the drawer and pulled one of the plastic gears out of there and said we just grind one tooth off of these plastic gears, put them in the voting machine, and that puts in one extra vote for our guy out of every 10 votes that are cast.

Well, that will change most elections, Mr. Speaker. Something that open, that blatant in the annals of the public record of the United States. And so HAVA was passed here in Congress, the Help America Vote Act, all with good intention. I think they went too far with HAVA then and provided a lot of help for the local election boards.

One of the things that they did was require that there be the electronic voting machines; and the purpose of that, one of the foundational reasons for that was so that they could be operated by the blind, which means they need to be able to plug in earphones into that machine so that you can listen to the tones and vote. There were a lot of successes in blind voting with absentee ballots, and that wasn't a concern that ever came to me; but it was an accommodation that actually was a significant component that altered these requirements that came out for HAVA.

So it would be nice to be able to accommodate the blind. They ask for very, very little. By the same token, it opened this system up now where we have electronic voting machines across this country where there is no legitimate means to audit the votes that are recorded on them. We have thousands and thousands of electronic voting machines that simply have a software trail, not a paper trail.

And as I mentioned about how the grinding a plastic tooth off of a plastic gear can change the results of the counting of the ballots, the punch card ballots in a place like Florida and many other places at that period of time, the software can do the same thing. We have something like 900 software engineers that have said that this software can be hacked, it can be altered; and of course I believe it can be.

Now, the most important point of this is one thing is that we to have a lot of integrity in our system, Mr. Speaker. It can be altered, it can be hacked; but if we got to the point where the American people lost their confidence in the integrity of this system, our entire constitutional Republic comes crashing down around us because no one would accept the results of an election. They would challenge it like they do in Mexico, or I was there last month, and the President of Mexico wasn't allowed to even give the state of the union address to their own congress because they had rejected the results of the election, among other reasons.

But here we respect the integrity of our electoral process. We held it together through the 2000 issues, and Florida cleaned up a lot of the things that went on down there. I need to say that for the benefit of my brethren from Florida. But if we ever lost confidence in this system, our entire constitutional Republic is at risk.

So whether there's a Republican majority or a Democrat majority, whether there's a Democrat or Republican in the White House, whether one side dominates the other side, it's important to both sides of the aisle that we have a maximum amount of integrity in our electoral process.

So what I have done is drafted legislation that's called the Know Your Vote Counts Act. It is very simple. It isn't this expansive thing that adds a lot of conditions on and makes it so that the voting machines that are out there now are obsolete and have to be retooled and cost a lot of money. What it does is it requires a paper audit trail in all precincts. So the electronic voting machines that are touchstone or touch key voting machines now can easily be retrofitted with a mechanism that scrolls that ballot out there so you can see it through a piece of Plexiglass, records your vote on it, and touch a button and say, yes, I like that vote, that's how I voted, boom, drops down into the box. That is part of the paper audit trail.

It's that simple. That's the purpose of my bill. The purpose of it is to give that voter the complete confidence that the way they have cast their ballot is also the way that that ballot is recorded on the paper which becomes the audit trail; and then if there is an audit, the paper ballots are counted. That simple.

I mean, in Canada they just put a little X on the piece of paper, count those pieces of paper, and really don't have a lot of problem. We need to have the paper trail because electronically you just simply cannot guarantee an audit trail.

And we've lived with some unreliable audit trails in the past. The old lever voting machines, I don't think any of those are actually functioning at home anymore, but I voted with those old lever voting machines, and I didn't realize at the time that you simply can't really do an audit. You can go back, take it apart, look at that entire paper scroll that's back there, but you really can't do a legitimate audit.

And when something falls apart, when you have a meltdown, when you have a software failure or a hardware failure or you simply have a challenge to the integrity of the system, you have no way, Mr. Speaker, of knowing whether the electronic record that may remain on that hard drive, no matter how many redundancies you put into it, you can never assure that it hasn't been hacked.

As much as you want to trust the system, you still can't be sure of that. The only thing that you can trust is paper. We designate paper to be the trail. We stay out of the business of the States beyond that, but I believe it is to the interest of the Federal Government and the Congress and the people in this country to go to that step to ensure that when the next leader of the free world is selected that it is done with a process that has a maximum amount of integrity and the minimum amount of imposition of regulations on the States.

☐ 2000

One of these pieces of the whole bill versus the Know Your Vote Counts bill that is the King bill is that it requires also that not only there be a paper audit trail but that the machines spit out a receipt that tells you how you voted.

Once you walk out of the room with your little receipt like your credit card receipt that says here is how you voted, it has absolutely no connection to the process in the voting booth. It does you no good. It is simply an expensive component and serves no purpose, except I will say that there is no machine that is manufactured anywhere that I know of certainly in the world, certainly in the United States, that at this point can comply with the language that is in the whole bill.

So I am submitting, Mr. Speaker, the bill that is Know Your Vote Counts Act. It is a very, very simple bill that simply requires a paper ballot to be generated, and that that paper ballot be verified by the voter, and that that paper ballot becomes the audit trail. It is that simple. It is something we need to do. This is 2007.

So I thank you for your attention, Mr. Speaker, and I yield back to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. And I appreciate the gentleman, if he has time for some queries on it as well.

Mr. KING of Iowa. Of course.

Mr. GARRETT of New Jersey. First of all, let me say I am impressed by your opening comment, and I guess this is just a typical reflection of your dedication to an issue. Your opening comment was you began to look at this issue back in the year 2000, and here we are at 2007. And knowing your dedication to this issue, to the way you handle matters is that you have been looking at it ever since then and investigating it to make sure that you come up with the very best answer. So I commend you for that. This is just reflective of how you handle just about every issue that I have ever known you to deal with, that you stick onto it early on and then stick with it right to the end.

Before I play a little of devil's advocate with you on this, if I may, the gentleman from Utah is probably a better historian than I am. But it is interesting, when we talk about paper ballots and ballots in general, people today probably have somewhat of a misconception about the veracity or accuracy and the legitimacy, I guess you might say, of past elections in this country, way before we had those electronic machines today or the mechanical machines that you were referring to earlier. I know the stories from reading textbooks and school books and what have you is that election days in this country years ago were celebratory days more so than they are today. Nowadays, we have to really push people to the polls. Years ago, it was something people, I don't want to say, spontaneously wanted to do, but they actually were more excited about it.

Although, one of the ways I understand that they were encouraged to come to the polls was through town celebrations. And that is, in the county seats or that sort of thing, the candidates who were running for office would host large parties, and what would happen is people would come from the countryside and the hillsides and what have you into the county seat where they would be voting. And this would be a large celebration where food and beverages, I suppose adult beverages, as Rush Limbaugh would say, would be served, what have you, so it would be a celebratory time. People would come in and they would vote, and they would vote with, back then of course all there was was paper ballots, and many times the paper ballots were color coordinated paper ballots. And so if you were voting for STEVE KING in that election, you might be voting with a blue ballot, and if you were voting for SCOTT GARRETT, you might have the brown ballot. So it would be a way that actually going into the election booth there was no secrecy to it, because you would be getting your brown ballot from the Garrett campaign or the blue ballot from the King campaign, and you would be going in. And that would also indicate which party, literally, which party you came to, and then you would put it into the election box.

I don't know whether the gentleman from Utah knows those stories as well.

Mr. BISHOP of Utah. If I could just add a couple of those to it. It is true. When George Washington was first elected to the House of Burgess, he bought a round of drinks for all the supporters. And my students would obviously wonder, well, how do you know who his supporters were? The idea of a secret ballot is a pretty modern concept. In the good old days, when you came into the town centers you said, and when the vote was counted and they asked how many were for George Washington, they stood up. He saw who was voting for him; he knew they were there. Everything was an open process at that particular time. And that is why in England you stand for election; you don't run like we do. Because literally you could come up there in the election and you would have to stand for the election.

I used to watch these cartoons on Thomas Nast right after the Civil War. I saw one where there was this globe for which one Union soldier was reaching, I had no idea what it was, it was a clear crystal ball, until I realized what he was reaching for was a ballot box which was clear. And the gentleman is right, you would get a ballot from a campaign; you would go in there, and you would deposit your colored ballots so everyone knew. In fact, in New York City at one time, in case they were color-blind, they would perfume their ballots so you could smell it if you couldn't see it. But the idea of a secret ballot is something that is just recently here.

Mr. GARRETT of New Jersey. And on that point, how this ties in besides a history lesson, which I think is important as well, how it ties into one of your comments was one of the suggestions that has been made, and you touched upon it, was with regard to a paper ballot today would be either simply that you would have a single paper ballot that you would take with you when you leave, and that would be the only receipt. Or, I think you suggested both. In other words, a paper ballot would be made and printed that would go into a locked box, plus you would get a receipt to confirm how you voted. So there would be two.

The dilemma with either scenario, where you take a ballot out with you, goes back to what we are referencing right here. Now when you leave the poll, you have some document to prove how you just voted. Now, not to suggest that anyone in this day and age is paying people to vote, although we have heard such accusations, but of course without any documentation, someone can say, well, here is $25 to you if you will vote for my candidacy in the election. And of course the guy will take the $25 and come out of the election booth and say, "Don't worry, I voted for you," and there is no proof that you did. If, however, there is a paper receipt, now you can come back and say, "Well, here is the proof that I just voted for you or your candidate. Give me my $25." Or whatever the going rate may be in certain cities or elsewhere to confirm that I did. So I am not sure whether you have ever heard of that dilemma with that.

Mr. KING of Iowa. If the gentleman would yield. I think you have made the most salient point about the flaw in the whole bill, which there are two pieces of paper generated with every ballot. One of them becomes the audit trail that you can see through the Plexiglass, and when you push the button and say, I accept this as my vote, and it drops down into the lock box for the audit trail. And then of course the chain of custody of all of that is another subject we can talk about.

But to walk out of there with a receipt that says "I voted this way" does open up the door for the walking around money that we know goes on in some of these precincts to be handed over in exchange. And I can see where subcontractors could be hired to work within the neighborhoods, that you would pay a commission on how many ballots or how many receipts you could collect, so many dollars a vote. And you could say, okay, it is $20 for a vote and my commission is 5 bucks. So $25, $5 of which the contractor would get; that opens up the door for all kinds of vote buying. And that is the strongest, most compelling reason to reject the whole bill. And I will have this bill in and it will be available for Members to sign on to, and hopefully we can move it on the Know Your Vote Counts Act. It is a very much more narrow bill.

But there was another component that I left out of that in my earlier piece that I just want to inject into this discussion briefly. And that is, I said that we needed to have voter registration lists that are free of duplicates, deceased, and felons, and, that the registrants be certified to be citizens on that list. But also, the requirement for a picture ID. I mean, they do that in places like Venezuela, a picture ID to go and vote, and that is a method by which you match up the name with the name on the registration. It is a small thing to ask for. And when I advocated for that, I ran into the opposition that said, well, no, that is a poll tax because everybody doesn't have a picture ID. My grandmother doesn't have a driver's license; therefore, she doesn't have any way to identify herself with a picture on it.

Well, I would argue that the Department of Transportation will issue one of those picture IDs for $5. But then that is charged to be a poll tax. And every argument will work in any port in a storm, but if you want integrity, those are the things you have to do.

Mr. BISHOP of Utah. I appreciate what you just said, because almost everything you are trying to explain in kind of a system that would work happens to be exactly what we are doing in the State of Utah without having the Federal Government tell us how to do it. So we do have that voting system where you do see the paper ballots there, and you look at the paper trail that is there as well as the actual touch screen, and you are asked if the paper is what you want. You don't take it with you, but it is there as part of the audit trail.

And we actually do require picture IDs when you come into vote. And even I, in my voting district, in fact literally the lady who lived across the street from me was there and I still had to produce a picture ID before I could get my card to go vote.

One of the problems, though, that I see and one of the reasons why we need an alternative to what the bill that came out of the committee is, simply, even the State of Utah would have to change its process, even though we are doing exactly what they want, because it doesn't fit the kinds of machines that are mandated, it doesn't fit the kind of paper that was mandated, it doesn't fit the kind of audit process that is mandated. This bill tells you what to do with long lines, it tells you what to do with provisional ballots, it tells you what to do with recounts, and it says you have to do it now.

And that is one of the reasons why I am grateful there are some other options out here, because the bill that may be on the floor, the bill that did come out of the committee, the bill is simply flawed in many ways, and it is simply flawed because, once again, it has the mindset that the Federal Government is going to tell you how to do things in the most intricate way of micromanagement. And that is one of the flaws we have. This country is never supposed to be micromanaged from this body.

Mr. GARRETT of New Jersey. And the gentleman from Utah made a passing reference to the 17th amendment earlier on, and then I will yield back to the gentleman from Iowa. But just to illuminate on that point, originally the Founding Fathers of course intended that the other body, the Senate, would be elected not by direct vote but by the legislators of those States. And the idea behind that was probably to address the point that the gentleman from Utah just made; that the various States, such as Utah, which is probably ahead of the curve in just about every facet of running a government that we have seen so far, based on his testimony and previous evenings, the State of Utah prior to the passage of the 17th amendment would have elected their U.S. Senators through their State legislators. That Senator many times would have come from the Utah State Legislature prior to coming to Washington, would know what Utah was doing, and would have a personal stake or a local interest in maintaining the integrity and the sovereignty of that State. Likewise, from Iowa or New Jersey as well.

Obviously, the 17th amendment changed that, so now the U.S. Senators are now directly elected by the citizens of the respective States, and you break that bond between the sovereign issue that a legislature may have had. And you may have seen that reason on this issue coming from the bill from the other side of the aisle that we are talking about here, or some of the other issues that we have talked about on the floor as well as Congress begins to exceed its bounds and actually sees no bounds with regard to our control in every aspect of our lives.

Earlier today, just to digress for a moment, we voted on the flood insurance bill and we were going to expand into a wind map plan and for wind insurance as well. Basically, the Republican side of the aisle voted "no" on that bill, primarily because they said we would be exercising outside and pushing pressures on the economic forces that are already there providing that coverage. And really, the question is as I said at outset of my opening comments, and they often do when you put your card in here to vote is, does the Congress have that authority? Prior to the 17th amendment, a U.S. Senator would say, no, we have that authority in our own States to handle the regulation, whether it is insurance or otherwise, and want to confine ourselves to confine the Congress or the Senate to the areas that the Founding Fathers intended. Voting, of course, is a carefully construed area in the Constitution, and I will just close on this before I yield back to the gentleman.

Earlier, there was another issue, and I know the gentleman spoke quite a bit on this issue several months back. This House had another heated debate, if you will, when it came to a voting issue, and that was whether or not we would give voting rights to the citizens here of the District of Columbia, and I know the gentleman from Iowa also, I believe, came to the floor and spoke extensively on that topic.

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And the answer to that issue, as much as the other side, just as on this issue, just as the other side would like to stand up on this issue and say, well, we have the infinite detail and plan to the finite level to the Nth degree on how to do this issue that we have before us today as far as every little nook and cranny has to be covered on voting. They said the same thing when it came to the D.C. voting rights as well. We know what is best and how to implement that program and voting rights for the District of Columbia.

And well, may they should or may they did; what they didn't seem to do with that one, nor apparently did they do in this case as well is look, as you and I would suggest they probably should have, and I think you discussed it at the time, to a copy of the U.S. Constitution. And had they done so, they would have realized on that issue, I'm not going to redebate that issue, but had they done so, they would have realized that the Constitution specifically addressed the issue of the District of Columbia and how it should be set up and how the control of the District would be. The Constitution also defined who is a citizen in terms of voting and who is a representative and that he would come from a State. And of course this is not a State. So all you really have to do on many of these cases is look to the terms of the Constitution, and they begin to answer some of these questions.

But I have a question for the gentleman from Iowa, again just to look at some of the finer points to it. You raised the issue of actually having a piece of paper, a trail, if you will, and you raised the question whether or not we can trust the electronic aspect of the machines and what have you. Just to be the proverbial Devil's advocate with you, some people would suggest that, well, for our entire financial system in this country nowadays, we look to electronic transfers and what have you and we rely on that nowadays, as opposed to paper ballots or paper documentations.

And likewise, there is another suggestion in this area, whether it comes from Congress or it comes from the States, as opposed to a paper ballot, but an electronic receipt, if you will. And I'll just give you one of these and then I will close.

One of the suggestions for an electronic receipt would be not a written message that I just voted for a Steve King, but an electronic voice activation message that I just voted for Steve King. So instead of going into the ballot booth, and I don't know whether the gentleman's ever heard of this proposal before, and pushing the button and clicking down on a piece of paper, electronically it would record and you would hear, vote for Steve King for U.S. Senate.

Would you see any of those as alternatives to this as we move into the electronic age to be an equal or sufficient record?

Mr. KING of Iowa. Well, Mr. GARRETT, first, I think in terms of if I needed to follow an electronic trail of, let's say, if I made a deposit that was an electronic deposit into, maybe it was an electronic automatic deposit into my bank, and the distributions that went out from automatic payments that go out of the bank, and in conjunction with credit card bills that flow around the country and come back, a full electronic trail, I have not run into an experience where I can't actually track all of that money, because someone is accountable at every level.

If the deposit doesn't show up in an automatic deposit, I can go back to the people that were to make that deposit, say, do that in the form of a paycheck or a purchase item. Well, where's your distribution record? Where's your transfer records? And if they don't have any, one can presume they never transferred the electronic deposit into my account. If there's money missing from my account, I can track and see where did it go. But I can have that confidence of doing that through the banks, through the credit cards without a lot of problem.

But we never know. We never know how a person actually votes. That secrecy of the way you vote cannot be tracked. Once you walk out of that voting booth, there's no connection between the voter and the actual ballot that was cast. So that requires a different level of integrity. And as far as an audio receipt that would say to you I just cast a ballot for SCOTT GARRETT, I ask, do you agree with that and push enter and walk out of there, the audio receipt that you might hear or electronic receipt that you might hear, does not preclude a hacking that could register a different kind of result. Those are the reasons why I track an audit trail, a paper audit trail.

And I would submit also that this bill that I have, the Know Your Vote Counts Act, is very, very simple language. And I want to applaud the folks in Utah and anyone who's mirrored their leadership for the integrity that they've put into their system with a picture ID and a paper audit trail. But it simply says the system shall provide an auditable paper record showing the vote that was cast and recorded by the system. And so the paper is the audit trail. And we don't prescribe how that is actually transferred, the records are transferred. That's also part of the whole bill. Requires certain methods of transfer of those records from the precinct on to the county and there on. We don't interfere in that. We just say, paper audit trail. Produce it. You can retrofit the existing machines.

I actually like the optical scanning ballots where you fill in the dot. And those have the, as far as my understanding of the technology, and I have looked at a lot of it, the highest level of accuracy. And we also have the auto mark ballots that will take the ballot, the paper ballot on the screen and you can push the button and it'll actually fill in the dot on the paper, and then that paper becomes the audit trail as it goes through the scanning device and counts the ballots.

So I'm for those things that are simple. But I do also know that human beings are fallible, and we need to have an audit trail for the machines that might well fail us and the people that might well fail us, and we need the highest accuracy that we can get. I think this bill provides this. And I do think they've got to get it right in Utah. Of all the things I've written for letters and articles, I must have sent one out there some time a long time ago and you guys picked up on that. No. I really want to compliment Utah. You've driven that yourselves for good reason, and I appreciate that, and I appreciate the fact that you have yielded to me, Mr. GARRETT, and I'd yield back.

Mr. GARRETT of New Jersey. I appreciate the gentleman from Iowa and your comments as well. And at this point I would like to yield sufficient time as she will consume to Ms. FOXX.

Ms. FOXX. Thank you so much. I appreciate the leadership that the three of you have given to this issue tonight and appreciate the opportunity to be involved with this discussion. I'm so pleased to be a part of the Constitution Caucus and am glad that we have the opportunities that we have to bring up issues as they relate to the Constitution and to provide an alternative. And we've had lots and lots of opportunities in this session of the Congress so far.

I appreciate your mentioning voting rights for the citizens of D.C. I think that that bill having passed out of the House has to be one of the worst things that's happened in this House in a long time because it's so clearly unconstitutional. And I think, again, that it's up to us constantly to be reminding the people of this country and the people of this body that we take an oath to uphold the Constitution, and that is our primary responsibility. And when Members of this House don't follow their oath, then it's important for us to talk about it.

I am opposed to H.R. 811 for many reasons. I support its main goal, which is to create a paper trail. I think having a verifiable record of how a person voted is important. But this bill is extraordinarily flawed. Number one, it creates several new mandates on States before the 2008 election. It forces States to meet totally unrealistic time lines that cannot be met. It's an example, again, I think, of the arrogance of this body in this session. I think that one of the things the Framers of the Constitution and the Founders of this country feared so much was too much control by the Federal Government.

And what we are seeing happening in this session of the Congress is more and more control being taken over by the Federal Government, and more and more decisions being pushed into Washington, as opposed to being pushed into the State, or being left at the State and local levels. And my colleagues have talked a little bit about that as it relates to different States have given some historical background on how things have been done in the past. But I think, again, it's important that we acknowledge that our government governs best that governs least. And the more decisions that we leave at the local and State levels, the better off this country's going to be. And if we know that, we know by numbers too. We don't even have to try to prove it from a philosophical level.

Twenty-seven States, including North Carolina, that I represent, have already implemented their own paper trail system, and another 13 are currently considering legislation. We should allow the States to do this and do it the way they need to be doing it. I have heard nothing but negative comments about this bill. Nobody has contacted me asking me to support it. And many groups that have a vested interest in this issue have contacted us. Most of us have been contacted by the Election Technology Council, and they've said that it would take 54 months for proper research development and implementation on machinery requirements to get this bill into effect, and there's only going to be 15 months.

We've had problems since 2000 in terms of verifying various elections in this country. This bill would be a nightmare if it were to pass, because the local election boards would have great difficulty with implementing it, and it would call into question all kinds of elections, I fear, and create chaos at the local level. We don't need that. The feeling of the American people right now toward Congress is, their opinion of us is the lowest it's ever been. And we don't need to be doing things to give them an even lower opinion of ourselves. What we need to do is get out of the way and not engage ourselves in activities that we have no business being engaged in. This is not something that we need to do from a point of view of the Constitution. It is something that should be left at the local level. It is not something that we need to do in terms of financing. It's going to be a very, very expensive proposition. We do not need to be adding to the deficit. We don't need to be doing any more Federal spending than is absolutely necessary. And we need to show the American people that we don't think that we should be running everything out of the District of Columbia when we have State and local officials perfectly capable, much more capable than we are to do this. We don't need to take away the ability of the locals to determine their needs.

And, again, I want to thank my colleagues for starting this conversation here tonight and getting it going to explain to people why many of us are concerned about H.R. 811. Even though we want verifiable evidence of a person's vote, this is not the right way to go, and we need to look for alternatives to this.

Mr. GARRETT of New Jersey. And I thank the gentlelady. And as our time comes to a close here shortly, I'd just like to say I appreciate her comments and also to say she hits on the point directly as far as the role and appropriate breadth and scope of the Congress, the Senate, and the Federal Government. You know, the U.S. Constitution, article I, section 1, the very beginning of the Constitution sets forth the parameters, if you will, of the role and responsibilities of the Federal Government. They are then, that point is reinforced in a couple of different ways, actually, when you think about it, both there and at the end. There it's reinforced in the section in as much as article I, section 8 sets out specifically what are the appropriate roles, and it delineates what the appropriate roles are for the Federal Government.

And an interesting thing there, and I don't want to go into too much detail on the verbiage of the Constitution here tonight as it's getting late, but many people often look to critics on the other side on this point, and on article I, section 8 say, well, in there is what is called the general welfare clause, and for that reason, Congress has the right and ability to move on and act on any sort of issue that they want to.

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But a closer study of the Constitution points out that the article I section 8 general welfare clause comes before the delineation of the specific points and authority granted to the Federal Government. That is at the beginning of the Constitution. At the very end of the Constitution, at least back in 1787 and a couple years after that with the adoption of the first ten amendments, which eventually we call the Bill of Rights, the 10th amendment, of course, is the one germane to this discussion and all of our discussions on the floor with regard to the Constitution and the role of Congress, and that is that it says all rights not specifically delegated to the Federal Government are retained by the States and the people respectively, which those two points tied together reinforces the gentlewoman's comment that we have to be careful as far as the role of the Federal Government in these areas.

So it is appropriate that when we look to the bill that comes from the other side of the aisle on this issue of voting, which is so expansive in scope as far as its authority that it is trying to impose and so restrictive at the same time as far as what they are allowing the States to do, it is appropriate for us to come and discuss that issue and debate that issue to find out if there is not a better way. And that's why I very much appreciate the gentleman from Iowa's being with us tonight.

I see the gentleman from Iowa is back with us again, and I yield to him.

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from New Jersey's yielding.

I just had a lingering question that I wanted to pose to the chairman of the Constitution Caucus, that being the issue that was raised here a half hour or so ago, Madam Speaker, and that is the issue of the electors who are chosen. And I would ask the chairman if he would opine on as to whether the electors are bound to vote as directed by the voters within the State or are they bound to vote according to their own conscience if push comes to shove? And do you know of instances where the electors have actually broken their faith with the voters and voted the opposite way within the States?

Mr. GARRETT of New Jersey. In as much as the gentleman is raising the question, I have anticipation that he has specific examples in mind that he is going to cite. But I believe there have been specific examples when electors have decided to go their own way and not be bound by their electorate.

Mr. KING of Iowa. And I would concur with the gentleman from New Jersey, Madam Speaker. My recollection, and it is not recent research but dustbin recollection, honestly, of several instances where the electors, when formally casting a ballot for the presidency, have broken their faith with the voters, broken their pledge, and voted the opposite way. Not enough in our history to compel us to make that a mandatory vote, but enough of it in our history to ask us to be vigilant about that particular vulnerability, because that hangs upon the integrity of those who were chosen as electors who formally cast that ballot for President of the United States and could, if there were a small group or, under certain circumstances, even one of them that decided to take the destiny of the country and ultimately the world in their own hands, flip their vote the other way.

This system that we have, though, I appreciate a great deal. I know there has been an initiative more than once that has been offered generally, or, in fact, in all cases that I know of, from the Democrat side of the aisle to turn this Presidential election into a popular ballot as opposed to an electoral ballot. And I for one think that would be a horrible circumstance if we have such great difficulty down to 527 votes in a State like Florida with recount after recount.

And, by the way, history has established clearly that it was a proper result. All of the recounts, including the Miami Herald's audited analysis of that, came to the same conclusion that it was a Bush victory in 2000 over Al Gore.

Still, if we had a popular ballot for the United States, we wouldn't be able to settle the ledger for each State, for example. We would simply have tens of millions of votes all cast into one pot, and you could come down to one vote in the end. And it would be impossible, I believe, to do an audit trail of all of those ballots and come out with a national consensus on a popular vote. And as the President said, if he would have needed to win the popular vote in 2000, he would have campaigned to win the popular vote in 2000. But he campaigned to win the electoral vote because that's the rule that we operate under. And I think the Founding Fathers had a significant amount of wisdom and foresight to give us this electoral system.

No system is perfect, but this system does have a slight vulnerability, and that is the integrity of the electors themselves and then the integrity of the electoral process, which is significantly, I believe, more vulnerable. So that is why I advocate the Utah plan for the States in America and the No Your Vote Counts Act nationally so that we can have a paper audit trail to keep the integrity up so that people can have confidence and stand behind this system so our constitutional Republic will last for another couple of centuries anyway.

Mr. GARRETT of New Jersey. Reclaiming my time, I agree with that and I appreciate that.

And I think that the seminal answer to your question of what was in the minds, if you will, of the Founding Fathers when they created the Electoral College was if they wanted the electors to have freedom to make that decision so it was their own wisdom that would be decided on the day of the casting of the ballot, which is what I believe that the Founders intended. Their alternative would have been to say, no, that you are bound by however you were elected. Well, if you were going to be bound by however you were elected, then in reality there's no need to actually have a person there to make that decision to cast the ballot. The Constitution would have been worded completely differently to say that, in effect, it was not an automaton but an automatic collection of all the votes. The majority of votes would not go to a specific elector, Steve King, but the majority of the votes would then therefore go to that candidate, whoever those electors are specifically delegated to vote for, whom they were representing. In other words, you would not need to elect a delegate, an elector, if he was going to be bound without any discretion.

I think the Founding Fathers realized that still within the confines of the limited amount of times that the electors, within the terminology of the Constitution, had to actually vote following the popular vote, there was still that flexibility that they could consider whatever changing moment the times may have necessitated them to do.

And of course, also, the other aspect of that that you didn't get into is the election of the Vice President and how the electorals play in that as well.

Mr. KING of Iowa. If the gentleman would yield, and I know we only have 2 minutes left, in that era, also, it wasn't contemplated that there would be essentially a two-party system that would so polarize the opinions on who should be the next President of the United States. I think the Founders envisioned more flow and flexibility between the two competing philosophies that were there surely and that we have in this day that are more distinct.

Mr. GARRETT of New Jersey. And you're absolutely right. You think about John Quincy Adams, who was first in Congress and then President, and then went back to sitting in Congress once again after he served as President. I think he was the only one that ever did that, and I cannot imagine any President today leaving the White House.

Mr. KING of Iowa. If the gentleman would yield, John Quincy Adams has given me a significant amount of comfort the times that I have been in the small minority on the losing side of the votes here on the floor because he said, "Always vote for principle, though you may vote alone. You can take the sweetest satisfaction in knowing that your vote is never lost." John Quincy Adams, a man of principle.

Mr. GARRETT of New Jersey. He is. And I guess we should close on that quote. And again, I appreciate the gentleman from Iowa's coming.

And with that, Madam Speaker, I appreciate the opportunity to be on the floor this evening.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 976) "An Act to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes.".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. HOYER) for today after 2 p.m.

Mr. KLINE of Minnesota (at the request of Mr. BOEHNER) for today after 5 p.m. on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 4.

Mr. JONES of North Carolina, for 5 minutes, October 4.

Mr. LAMBORN, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2085. An act to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, October 1, 2007, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3497. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Rules Relating To Review of National Futures Association Decisions in Disciplinary, Membership Denial, Registration and Member Responsibility Actions (RIN: 3038-AC43) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3498. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Emergency Conservation Program (RIN: 0560-AH71) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3499. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Millet Crop Insurance Provisions (RIN: 0563-AC12) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3500. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Potato Cyst Nematode; Quarantine and Regulations [Docket No. APHIS-2006-0143] (RIN: 0579-AC54) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3501. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions, Importation of Live Bovines and Products Derived From Bovines [Docket No. APHIS-2006-0041] (RIN: 0579-AC01) received September 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3502. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Congressional Notification of Architect-Engineer Services/Military Family Housing Contracts (RIN: 0750-AF41) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3503. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Technical Data Rights (RIN: 0750-AF70) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3504. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Emergency Acquisitions (RIN: 0750-AF56) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3505. A letter from the Liaison Officer, Department of Defense, transmitting the Department's final rule — Limitations on Terms of Consumer Credit Extended to Service Members and Dependents [DOD-2006-OS-0216] (RIN: 0790-AI20) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3506. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Major Weapon Systems as Commercial Items (RIN: 0750-AF38) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3507. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitation on Contracts for the Acquisition of Certain Services (RIN: 0750-AF69) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3508. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Privacy Act Regulations, Periodic Participant Statements and Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts — received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3509. A letter from the Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — NARA Reproduction Fees [FDMS Docket No. NARA-07-0001] (RIN: 3095-AB49) received August 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3510. A letter from the Director, Office of Management and Budget, transmitting the Office's final rule — Pay Administration Under the Fair Labor Standards Act (RIN: 3206-AK89) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3511. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Nonforeign Area Cost-of-

Living Allowance Rates; U.S. Virgin Islands (RIN: 3206-AL12) received August 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3512. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — General and Miscellaneous (RIN: 3206-AJ97) received August 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3513. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Awards (RIN: 3206-AJ65) received August 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3514. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XB86) received September 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3515. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 31.402(q): Return of information on proceeds from poker tournaments (Also: 3406) (Rev. Proc. 2007-57) received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3516. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.6402-1: Authority to Make Credits or Refunds (Also: 1.6411-3) (Rev. Rul. 2007-51) received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3517. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.6411-2T: Computation of Tentative Carryback Adjustment (Also: 6402, 26 CFR 1.6411-3T) (Rev. Rul. 2007-53) received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3518. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.6402-1: Authority to Make Credits or Refunds (Also: 1.6411-3) (Rev. Rul. 2007 -52) received September 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3519. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.893-1: Compensation of Employees of Foreign Governments or International Organizations (Rev. Rul. 2007-60) received August 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 2740. A bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes; with an amendment (Rept. 110-352). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 400. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; with an amendment (Rept. 110-353). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 928. A bill to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; with an amendment (Rept. 110-354). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELAHUNT: Select Committee to Investigate the Voting Irregularities of August 2, 2007. Interim Report of the Select Committee to Investigate the Voting Irregularities of August 2, 2007 (Rept. 110-355). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. CANNON, Mr. BOUCHER, Mr. WATT, Mr. ISSA, and Mr. SENSENBRENNER):

H.R. 3678. A bill to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. CANNON, Mr. BOUCHER, and Mr. FRANKS of Arizona):

H.R. 3679. A bill to prohibit discrimination in State taxation of multichannel video programming distribution services; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself, Mr. BRADY of Texas, Mr. TANNER, Mr. SAM JOHNSON of Texas, Ms. BERKLEY, Mr. PORTER, and Mr. MEEK of Florida):

H.R. 3680. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for State and local sales taxes; to the Committee on Ways and Means.

By Mr. BOOZMAN (for himself and Ms. HERSETH SANDLIN):

H.R. 3681. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary; to the Committee on Veterans' Affairs.

By Mrs. BONO:

H.R. 3682. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. HAYES (for himself and Mr. SPRATT):

H.R. 3683. A bill to direct the Consumer Product Safety Commission to investigate the potential safety dangers in children's clothing and to promulgate any necessary consumer product safety rules regarding such clothing; to the Committee on Energy and Commerce.

By Mr. MCINTYRE (for himself, Mr. HAYES, Ms. SLAUGHTER, and Mr. KUHL of New York):

H.R. 3684. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Ms. PRYCE of Ohio, Mr. SHAYS, Mr. ANDREWS, and Mr. GEORGE MILLER of California):

H.R. 3685. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mr. SHAYS, Mr. ANDREWS, and Mr. GEORGE MILLER of California):

H.R. 3686. A bill to prohibit employment discrimination based on gender identity; to the Committee on Education and Labor, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. GONZALEZ, Ms. CARSON, and Mr. RUSH):

H.R. 3687. A bill to provide lawful permanent resident status to the immediate family members of military service personnel serving in Iraq or Afghanistan; to the Committee on the Judiciary.

By Mr. HOYER (for himself and Mr. BOEHNER) (both by request):

H.R. 3688. A bill to implement the United States-Peru Trade Promotion Agreement; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. RADANOVICH, Mr. WOLF, Ms. LEE, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Ms. DELAURO, Mr. FARR, Mr. CLEAVER, Mr. WEINER, Mr. HONDA, Mr. PATRICK MURPHY of Pennsylvania, Mr. RUSH, Mr. GENE GREEN of Texas, Mr. ISRAEL, and Mr. KING of New York):

H.R. 3689. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H.R. 3690. A bill to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Ms. DEGETTE, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. ALLEN, Mrs. MCCARTHY of New York, Mr. HALL of New York, Mr. LARSON of Connecticut, and Mr. COURTNEY):

H.R. 3691. A bill to reauthorize and improve the Consumer Product Safety Act; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. BURTON of Indiana, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. PAYNE, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. HONDA, Mr. BACA, Ms. LEE, Mrs. CHRISTENSEN, Mr. SIRES, Mr. DELAHUNT, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CLARKE, Mr. MORAN of Virginia, and Ms. NORTON):

H.R. 3692. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 3693. A bill to amend the Internal Revenue Code of 1986 to provide for more effective use of the deduction for domestic production activities for businesses with net operating losses; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 3694. A bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform; to the Committee on Ways and Means.

By Mr. HALL of New York (for himself, Ms. HOOLEY, Mr. MCDERMOTT, Mr. BISHOP of New York, Mr. JOHNSON of Georgia, Mr. VAN HOLLEN, and Mr. HINCHEY):

H.R. 3695. A bill to prohibit an increase in the number of private security contractors performing security functions with respect to Operation Iraqi Freedom; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 3696. A bill to exclude the first $75,000 of the value of retirement plans (adjusted annually for cost of living) in determining eligibility for, and the amount of benefits under, the supplemental security income program; to the Committee on Ways and Means.

By Mr. MATHESON (for himself, Mr. FERGUSON, Mr. WAXMAN, and Ms. BALDWIN):

H.R. 3697. A bill to amend the Public Health Service Act to address antimicrobial resistance; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. LEWIS of Georgia, Mr. ELLISON, Mr. DELAHUNT, Mr. HONDA, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. COHEN, Mr. PAYNE, Ms. SUTTON, and Ms. JACKSON-LEE of Texas):

H.R. 3698. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 3699. A bill to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe in Minnesota Chippewa Tribe v. United States, Docket Nos. 19 and 188, United States Court of Federal Claims; to the Committee on Natural Resources.

By Mr. PALLONE:

H.R. 3700. A bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid Program continue to have access to prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself and Mr. HALL of Texas):

H.R. 3701. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 3702. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery; to the Committee on Natural Resources.

By Mr. SCOTT of Georgia:

H.R. 3703. A bill to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 3704. A bill to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; to the Committee on Natural Resources.

By Ms. SUTTON:

H.R. 3705. A bill to amend the Truth in Lending Act to require notice to consumers of an upcoming adjustment or reset date with respect to hybrid adjustable rate mortgages, and for other purposes; to the Committee on Financial Services.

By Mr. TIERNEY (for himself and Mr. ALLEN):

H.R. 3706. A bill to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself and Mr. ROGERS of Michigan):

H.J. Res. 54. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H. Con. Res. 220. Concurrent resolution concerning the response of the United States to forced abortion and the coercive one-child policy in the People's Republic of China, and the resulting "gendercide" of girls in that country; to the Committee on Foreign Affairs.

By Mr. KIRK (for himself, Mrs. BIGGERT, Mr. LAHOOD, Mr. SHIMKUS, and Mr. ROSKAM):

H. Res. 685. A resolution calling on the Governor of the State of Illinois to defend the right of employers to employee verification; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H. Res. 686. A resolution condemning personal attacks on the honor, integrity and patriotism of those with distinguished military service to our Nation; to the Committee on Armed Services.

By Mr. DONNELLY (for himself, Mr. KING of New York, Ms. SUTTON, Mr. ELLSWORTH, Ms. HIRONO, Mr. LEVIN, Mr. CROWLEY, Mr. SMITH of New Jersey, Mr. FERGUSON, Mr. PLATTS, Mrs. GILLIBRAND, Mr. SHIMKUS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. COURTNEY, Mr. BERRY, Mr. MCCAUL of Texas, Mr. PENCE, Mr. WALSH of New York, Mr. REYNOLDS, Mr. HONDA, Mr. CARDOZA, Mr. MOORE of Kansas, Mr. HOLT, Mr. HOBSON, Mr. RAMSTAD, Mr. KIRK, Mr. HILL, Mr. JOHNSON of Georgia, Mr. CUELLAR, Mr. LUCAS, Mrs. MUSGRAVE, Mr. WAMP, Mr. KUHL of New York, Mr. CARNEY, Mr. DANIEL E. LUNGREN of California, Mr. SOUDER, Mr. WELCH of Vermont, Mr. EHLERS, Mr. MICHAUD, Mr. HOLDEN, Mrs. MCCARTHY of New York, Mr. RADANOVICH, Mr. FOSSELLA, Mr. SULLIVAN, Mr. WALDEN of Oregon, Mr. FRELINGHUYSEN, Mr. DINGELL, Ms. ROS-LEHTINEN, Mr. LAMBORN, Mr. KANJORSKI, Ms. KAPTUR, Mr. KUCINICH, Mr. BRALEY of Iowa, Mr. SALI, Mr. HELLER, Mr. WALBERG, Mr. JORDAN, Mr. DAVID DAVIS of Tennessee, Mrs. BIGGERT, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. BROWN of South Carolina, Mr. NUNES, Mr. HOEKSTRA, Mrs. BACHMANN, Mrs. EMERSON, Mr. MCCARTHY of California, Mr. YARMUTH, Mr. LOEBSACK, Mr. CLEAVER, Mr. SIRES, Mr. SHAYS, Mr. RODRIGUEZ, Mr. DENT, Mr. WILSON of South Carolina, Mr. COBLE, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HALL of New York, Mr. STEARNS, Mr. THORNBERRY, Mr. FLAKE, Mr. YOUNG of Alaska, Mr. KELLER, Mr. GARRETT of New Jersey, Mr. SALAZAR, Mr. BARROW, Mr. KING of Iowa, Mr. JONES of North Carolina, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. BROUN of Georgia, Mr. FILNER, Mr. BURTON of Indiana, Mr. LINCOLN DAVIS of Tennessee, Mr. TIM MURPHY of Pennsylvania, Mr. CAMPBELL of California, Mr. SHULER, Mr. SMITH of Nebraska, Mr. PEARCE, and Mr. VISCLOSKY):

H. Res. 687. A resolution celebrating the 90th birthday of Reverend Theodore M. Hesburgh, C.S.C., president emeritus of the University of Notre Dame, and honoring his contributions to higher education, the Catholic Church, and the advancement of the humanitarian mission; to the Committee on Oversight and Government Reform.

By Mr. GALLEGLY:

H. Res. 688. A resolution expressing the sense of the House of Representatives concerning the creation of federal regions in Iraq; to the Committee on Foreign Affairs.

By Ms. HOOLEY (for herself, Mr. MURTHA, Ms. WOOLSEY, Mr. HASTINGS of Florida, Mr. DeFAZIO, Mr. LINCOLN DAVIS of Tennessee, Mr. KUCINICH, Ms. ESHOO, Mr. FILNER, Mr. HILL, Mr. ALLEN, Mrs. McCARTHY of New York, Ms. CASTOR, Ms. HIRONO, Mr. McGOVERN, Mr. McINTYRE, Mr. DAVIS of Illinois, Mr. MOORE of Kansas, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. DOGGETT, Mr. FARR, Mr. HALL of New York, Mr. HINCHEY, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. OLVER, Mr. PASTOR, Mr. THOMPSON of California, Ms. VELÁZQUEZ, Mr. WU, Mr. BECERRA, Ms. WATSON, Mr. WEINER, Mr. BLUMENAUER, Mr. PASCRELL, Mr. ROSS, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. SPRATT, Mr. STUPAK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. BRADY of Pennsylvania, Ms. ZOE LOFGREN of California, Mr. ABERCROMBIE, Mr. INSLEE, Mr. CAPUANO, Mr. RYAN of Ohio, Mr. HIGGINS, and Mr. TIERNEY):

H. Res. 689. A resolution calling upon George W. Bush, President of the United States, to urge full cooperation by his former political appointees, current Administration officials, and their friends and associates with congressional investigations; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself and Mr. KNOLLENBERG):

H. Res. 690. A resolution expressing grave concern of the House of Representatives for Iran and Syria's continued and systematic violations of UN Resolutions 1701 and 1559; to the Committee on Foreign Affairs.

By Mr. LAMPSON (for himself, Mr. HALL of Texas, Mr. POE, Mr. HOLDEN, Mr. CARDOZA, Mr. MATHESON, Mr. McINTYRE, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. BRADY of Pennsylvania, Mr. CONAWAY, Mr. AL GREEN of Texas, Mr. PAUL, Mrs. TAUSCHER, Mr. EDWARDS, Mr. BOYD of Florida, Mr. McCAUL of Texas, Mr. GONZALEZ, Mr. TAYLOR, Mr. ORTIZ, Mr. SNYDER, Mr. JOHNSON of Georgia, Mr. LOEBSACK, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHULER, Mr. CULBERSON, Mr. ELLSWORTH, Mrs. BOYDA of Kansas, Ms. SHEA-PORTER, Mr. BOREN, Mr. GENE GREEN of Texas, Ms. GIFFORDS, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mrs. GILLIBRAND, Mr. REYES, and Ms. LORETTA SANCHEZ of California):

H. Res. 691. A resolution commending the Wings Over Houston Airshow for its great contribution to the appreciation, understanding, and future of the United States Armed Forces, the City of Houston, Texas, and Ellington Field; to the Committee on Armed Services.

By Mrs. McCARTHY of New York (for herself, Mr. WALSH of New York, Mr. CROWLEY, Mr. KING of New York, Mr. PAYNE, Mr. McHUGH, Mrs. MALONEY of New York, Mr. ENGEL, and Mr. HIGGINS):

H. Res. 692. A resolution honoring the 26th anniversary of Northern Ireland's first integrated school and further encouraging continued innovation to achieve a shared future in education in Northern Ireland that would deliver much higher standards of skills; to the Committee on Foreign Affairs.

By Mr. SERRANO:

H. Res. 693. A resolution condemning the recent actions of the Ku Klux Klan; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. DENT, Ms. CASTOR, Mr. MICA, and Mr. SERRANO.

H.R. 88: Mr. GORDON.

H.R. 136: Mr. WAMP.

H.R. 138: Mr. WAMP and Mr. CAMPBELL of California.

H.R. 160: Mr. SHAYS.

H.R. 171: Mr. GORDON.

H.R. 289: Mr. TOM DAVIS of Virginia.

H.R. 369: Mr. BISHOP of New York.

H.R. 503: Mr. GILCHREST and Mr. BUCHANAN.

H.R. 507: Mr. GORDON, Mr. INSLEE, Mrs. LOWEY, Mr. GILCHREST, Mr. MOORE of Kansas, Mr. KENNEDY, Ms. CLARKE, Mr. CLYBURN, Mrs. JONES of Ohio, Ms. MOORE of Wisconsin, and Mr. ISRAEL.

H.R. 538: Mr. FILNER.

H.R. 549: Mr. FERGUSON.

H.R. 551: Mr. ROSS and Mr. BRALEY of Iowa.

H.R. 627: Mr. COURTNEY.

H.R. 686: Mr. BRALEY of Iowa.

H.R. 688: Mr. WALSH of New York.

H.R. 715: Mr. PATRICK MURPHY of Pennsylvania and Ms. BERKLEY.

H.R. 719: Mrs. BOYDA of Kansas, Mr. MORAN of Virginia, Mr. BURGESS, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 743: Mr. MICA, Mr. BURGESS, Mrs. JONES of Ohio, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, Mr. COURTNEY, and Mr. FATTAH.

H.R. 814: Mr. GORDON.

H.R. 821: Mr. COURTNEY.

H.R. 879: Ms. GINNY BROWN-WAITE of Florida.

H.R. 891: Mr. BUCHANAN.

H.R. 897: Mr. DINGELL and Mr. HALL of New York.

H.R. 989: Mr. BAKER.

H.R. 997: Mr. ISSA.

H.R. 1014: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1064: Mr. KANJORSKI.

H.R. 1076: Ms. SCHAKOWSKY.

H.R. 1077: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1125: Mr. COSTA, Mr. HONDA, and Mr. MILLER of North Carolina.

H.R. 1127: Mr. LEWIS of Kentucky and Mr. DUNCAN.

H.R. 1134: Mr. WEXLER and Mr. LARSEN of Washington.

H.R. 1157: Mr. DUNCAN.

H.R. 1176: Mr. JACKSON of Illinois.

H.R. 1193: Mr. DAVIS of Alabama, Mr. INSLEE, Mr. WALZ of Minnesota, Mr. REICHERT, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. FORTENBERRY, Mrs. CHRISTENSEN, and Mr. EDWARDS.

H.R. 1216: Mrs. CAPPS.

H.R. 1223: Mr. UDALL of New Mexico and Mr. TOM DAVIS of Virginia.

H.R. 1275: Mr. FATTAH.

H.R. 1283: Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, and Ms. CARSON.

H.R. 1293: Mr. COURTNEY.

H.R. 1303: Mr. LEWIS of Georgia.

H.R. 1308: Mr. KUCINICH and Mr. HINOJOSA.

H.R. 1343: Mr. MILLER of North Carolina and Mr. PETRI.

H.R. 1390: Mr. BURTON of Indiana.

H.R. 1419: Mr. FILNER.

H.R. 1420: Mr. FILNER.

H.R. 1422: Mr. LEWIS of Georgia.

H.R. 1439: Mr. VISCLOSKY.

H.R. 1459: Mr. LIPINSKI and Mr. MELANCON.

H.R. 1474: Mr. KLEIN of Florida, Mr. MAHONEY of Florida, and Mr. COLE of Oklahoma.

H.R. 1506: Mr. WATT.

H.R. 1528: Mr. SHAYS.

H.R. 1532: Mr. SERRANO.

H.R. 1534: Ms. McCOLLUM of Minnesota.

H.R. 1542: Mr. MEEK of Florida.

H.R. 1552: Mr. ELLSWORTH and Mr. WALBERG.

H.R. 1553: Mr. PERLMUTTER.

H.R. 1567: Mr. WALSH of New York.

H.R. 1576: Mr. ELLISON, Mr. McHUGH, Mr. KING of New York, Mr. ENGEL, Mr. WEINER, Mr. ACKERMAN, Mr. TOWNS, Mr. MEEKS of New York, Ms. SLAUGHTER, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. FOSSELLA, Mr. TANNER, and Mr. NEAL of Massachusetts.

H.R. 1584: Mr. LARSEN of Washington, Mr. GRIJALVA, Mr. PASTOR, and Mr. HASTINGS of Washington.

H.R. 1610: Mr. BOSWELL, Mr. WESTMORELAND, Mr. HOEKSTRA, Mr. COBLE, Mr. MITCHELL, and Ms. BEAN.

H.R. 1644: Mr. SCOTT of Georgia, Mr. ISRAEL, Mr. MURTHA, and Mr. LANGEVIN.

H.R. 1647: Mr. McNULTY, Mr. RUPPERSBERGER, and Mr. TOWNS.

H.R. 1661: Mr. SPACE.

H.R. 1665: Ms. DeGETTE.

H.R. 1671: Ms. BORDALLO.

H.R. 1699: Mr. GORDON.

H.R. 1727: Mr. GORDON.

H.R. 1738: Ms. PRYCE of Ohio and Mr. UPTON.

H.R. 1755: Mr. STARK.

H.R. 1810: Mr. WAMP.

H.R. 1813: Mr. BRALEY of Iowa and Mr. McNERNEY.

H.R. 1843: Mr. ALLEN, Mr. DENT, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CASTLE, and Ms. FOXX.

H.R. 1845: Ms. McCOLLUM of Minnesota, Mr. KIRK, and Mr. WILSON of South Carolina.

H.R. 1876: Mr. PASTOR and Ms. KAPTUR.

H.R. 1881: Mr. HINOJOSA.

H.R. 1907: Mr. SHAYS.

H.R. 1983: Mr. MITCHELL.

H.R. 2021: Mr. POE, Mr. LOEBSACK, Mr. COSTA, Mr. PAUL, Mr. RUSH, Ms. CARSON, Mr. JEFFERSON, Mr. CLEAVER, Mr. PAYNE, Ms. BORDALLO, Ms. MATSUI, Mr. CROWLEY, Mr. SERRANO, Mr. GALLEGLY, and Mr. BRALEY of Iowa.

H.R. 2045: Mr. LEWIS of Georgia.

H.R. 2063: Mr. GENE GREEN of Texas, Mr. FERGUSON, and Ms. BALDWIN.

H.R. 2091: Mr. FATTAH.

H.R. 2123: Ms. BALDWIN, Mr. WEXLER, Mr. FILNER, and Mr. WEINER.

H.R. 2138: Mr. SPACE.

H.R. 2160: Mr. McNULTY and Mr. CROWLEY.

H.R. 2164: Mr. ADERHOLT.

H.R. 2165: Mr. SPACE.

H.R. 2198: Mr. DINGELL.

H.R. 2210: Mrs. JONES of Ohio.

H.R. 2232: Mr. MEEK of Florida.

H.R. 2234: Mr. GERLACH and Mr. DONNELLY.

H.R. 2266: Mr. DAVIS of Alabama.

H.R. 2280: Mr. KING of Iowa and Mr. LOEBSACK.

H.R. 2295: Mr. BURGESS.

H.R. 2327: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2332: Mr. COSTA, Mr. CANNON, and Mr. FRANKS of Arizona.

H.R. 2341: Mr. SIRES.

H.R. 2370: Mr. CALVERT and Mrs. MYRICK.

H.R. 2452: Mr. ROTHMAN.

H.R. 2478: Mr. KENNEDY.

H.R. 2489: Mr. MCCAUL of Texas.

H.R. 2514: Mr. JACKSON of Illinois.

H.R. 2549: Mr. MEEK of Florida.

H.R. 2585: Mr. THORNBERRY.

H.R. 2600: Mr. ROTHMAN.

H.R. 2610: Mr. YOUNG of Alaska.

H.R. 2639: Mr. JORDAN.

H.R. 2668: Mr. COHEN.

H.R. 2694: Mr. COHEN and Mr. DEFAZIO.

H.R. 2712: Mr. BAKER.

H.R. 2734: Mr. WALSH of New York.

H.R. 2740: Mr. BISHOP of New York, Mr. ELLISON, and Mr. BLUMENAUER.

H.R. 2762: Mr. SHAYS, Mr. MCGOVERN, Mr. DELAHUNT, Mr. WALZ of Minnesota, and Mr. INSLEE.

H.R. 2779: Mr. ROSS.

H.R. 2784: Mr. CALVERT, Mr. ROSS, Mr. GENE GREEN of Texas, and Mr. CHABOT.

H.R. 2788: Mr. LAHOOD.

H.R. 2790: Mr. FILNER.

H.R. 2792: Mr. MEEK of Florida.

H.R. 2802: Mr. HILL and Mr. DOOLITTLE.

H.R. 2895: Mr. PETERSON of Minnesota, Mr. MCINTYRE, Mr. PRICE of North Carolina, Mr. GONZALEZ, Mr. THOMPSON of Mississippi, Mr. MORAN of Virginia, and Mr. DOGGETT.

H.R. 2910: Mr. GERLACH, Mr. TOWNS, Mr. SCHIFF, Mr. OBERSTAR, and Mr. BERRY.

H.R. 2933: Mr. TOWNS, Mr. BOSWELL, and Mr. MILLER of North Carolina.

H.R. 2942: Mr. PITTS.

H.R. 2990: Mr. TERRY and Mr. NEAL of Massachusetts.

H.R. 3025: Mr. DAVIS of Alabama.

H.R. 3028: Mr. CALVERT.

H.R. 3029: Mr. GILCHREST.

H.R. 3042: Mr. SIRES, Mr. PETERSON of Minnesota, Mr. BARTLETT of Maryland, Mr. WALZ of Minnesota, Mr. BISHOP of Georgia, Mrs. MCCARTHY of New York, and Ms. ZOE LOFGREN of California.

H.R. 3055: Mr. MCGOVERN.

H.R. 3057: Mr. DENT and Mr. ROGERS of Kentucky.

H.R. 3085: Mr. COHEN.

H.R. 3099: Mr. FILNER.

H.R. 3132: Mr. MCDERMOTT.

H.R. 3140: Mr. LUCAS, Mr. SPACE, and Mr. SALAZAR.

H.R. 3150: Mr. FEENEY.

H.R. 3158: Mr. SIRES.

H.R. 3167: Mr. SIRES.

H.R. 3195: Mr. SPRATT, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Ms. WATERS, and Mr. ELLSWORTH.

H.R. 3204: Ms. DELAURO.

H.R. 3212: Mr. SIRES.

H.R. 3219: Mr. MCINTYRE, Mr. HAYES, Mr. MORAN of Virginia, and Mr. PALLONE.

H.R. 3289: Mr. BRALEY of Iowa, Mr. BERMAN, Mr. WAXMAN, Ms. MATSUI, Mr. PERLMUTTER, Mr. HOLT, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, and Ms. CARSON.

H.R. 3298: Mr. MORAN of Virginia and Mr. MCDERMOTT.

H.R. 3327: Mr. RUPPERSBERGER, Mrs. TAUSCHER, and Ms. MOORE of Wisconsin.

H.R. 3355: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3358: Mr. MCHUGH.

H.R. 3363: Mr. WAMP.

H.R. 3380: Mr. DONNELLY.

H.R. 3385: Ms. JACKSON-LEE of Texas, Mr. HARE, Mr. BRADY of Pennsylvania, Mr. SERRANO, and Mr. RANGEL.

H.R. 3404: Ms. SCHAKOWSKY and Mr. UDALL of New Mexico.

H.R. 3416: Mr. GRIJALVA.

H.R. 3425: Mr. RUSH.

H.R. 3429: Mr. FILNER.

H.R. 3431: Mr. LARSON of Connecticut.

H.R. 3440: Mr. RAHALL.

H.R. 3448: Mr. GRIJALVA.

H.R. 3453: Mr. BOUSTANY and Mr. BRALEY of Iowa.

H.R. 3457: Mr. CONAWAY and Mr. THOMPSON of California.

H.R. 3463: Mr. GORDON.

H.R. 3467: Mr. COHEN.

H.R. 3481: Mrs. MALONEY of New York, Mr. SHAYS, Mr. YOUNG of Alaska, Mr. LATHAM, Mr. CUMMINGS, Mr. KUCINICH, Ms. KAPTUR, and Mr. NADLER.

H.R. 3494: Mr. SHULER.

H.R. 3495: Mr. GRIJALVA, Mr. NADLER, Mr. BRADY of Pennsylvania, and Mr. PAYNE.

H.R. 3498: Mr. OBERSTAR.

H.R. 3521: Mr. HARE.

H.R. 3531: Mr. HOEKSTRA and Mr. MARCHANT.

H.R. 3533: Mr. RUSH, Ms. MATSUI, Mr. LANTOS, and Mr. KUHL of New York.

H.R. 3541: Mr. KING of New York, Mr. COHEN, Mr. HIGGINS, Mr. SCHIFF, and Mr. JOHNSON of Illinois.

H.R. 3543: Mr. ABERCROMBIE and Mr. HONDA.

H.R. 3544: Mr. MARSHALL.

H.R. 3559: Mr. FORTUÑO, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. AKIN, Mr. GINGREY, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. SHADEGG, Mr. GOODE, Ms. FALLIN, and Mr. ROSKAM.

H.R. 3562: Mr. BUCHANAN, Mr. VISCLOSKY, and Mr. KAGEN.

H.R. 3577: Mr. CASTLE and Ms. SUTTON.

H.R. 3585: Mr. POMEROY, Mr. MOORE of Kansas, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. HOYER, Mr. LARSON of Connecticut, Mr. SPRATT, Mrs. CHRISTENSEN, and Mr. ISSA.

H.R. 3609: Ms. LORETTA SANCHEZ of California, Mr. GUTIERREZ, and Mr. GEORGE MILLER of California.

H.R. 3612: Mr. BROUN of Georgia.

H.R. 3622: Mr. HOLT, Mr. PASCRELL, Mr. ETHERIDGE, Mrs. BOYDA of Kansas, Mr. CULBERSON, Mrs. DRAKE, Mr. LEWIS of Kentucky, Ms. PRYCE of Ohio, Mr. MCCOTTER, Mr. LIPINSKI, Mr. POE, Mr. LATHAM, Mrs. EMERSON, and Mr. WAMP.

H.R. 3627: Mr. WAMP.

H.R. 3631: Mr. SENSENBRENNER and Ms. ESHOO.

H.R. 3652: Mr. GUTIERREZ.

H.R. 3654: Mr. BOYD of Florida, Mr. MOORE of Kansas, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. KIND, Mr. CASTLE, Mr. LAHOOD, Mr. MCKEON, Mr. CULBERSON, Mrs. JO ANN DAVIS of Virginia, Mr. EHLERS, Mr. FLAKE, and Mr. MELANCON.

H.J. Res. 51: Mr. GRIJALVA, Mr. BECERRA, Mr. GONZALEZ, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SALAZAR, and Mr. SIRES.

H. Con. Res. 40: Mr. MILLER of Florida and Mr. SULLIVAN.

H. Con. Res. 122: Mr. PERLMUTTER and Ms. HERSETH SANDLIN.

H. Con. Res. 182: Ms. ESHOO, Mr. TOM DAVIS of Virginia, Mr. BROUN of Georgia, and Mr. BURTON of Indiana.

H. Con. Res. 198: Mr. CUMMINGS and Mr. PASTOR.

H. Con. Res. 200: Ms. SCHAKOWSKY.

H. Con. Res. 202: Mr. MCDERMOTT, Ms. WATSON, Mr. GRIJALVA, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. MORAN of Virginia, and Ms. ZOE LOFGREN of California.

H. Con. Res. 218: Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. CAMPBELL of California, Ms. FALLIN, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. ISSA, Mr. JORDAN, Mr. LINDER, Mr. LUCAS, Mrs. MYRICK, Mr. PITTS, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. ROSKAM, and Mr. PORTER.

H. Res. 18: Mr. ISSA.

H. Res. 111: Ms. SCHWARTZ and Ms. KILPATRICK.

H. Res. 143: Mrs. GILLIBRAND.

H. Res. 245: Mr. HOLT.

H. Res. 282: Mr. MITCHELL, Mr. LAMPSON, Mr. LUCAS, and Mr. BOREN.

H. Res. 333: Mr. TOWNS.

H. Res. 415: Mr. JOHNSON of Georgia and Mr. PASTOR.

H. Res. 448: Ms. NORTON, Mrs. MCCARTHY of New York, Mr. KIND, Mr. FERGUSON, Mr. ALLEN, Mr. MCNULTY, Mr. GOODE, Mr. WOLF, Mr. SCOTT of Virginia, Mr. MCHUGH, Mr. GENE GREEN of Texas, Mr. MELANCON, Mr. CHANDLER, Mr. CARDOZA, Mr. BOREN, Mr. BARROW, Mr. ROSS, Mr. LARSEN of Washington, Mr. LINCOLN DAVIS of Tennessee, Mr. SALAZAR, Mr. BOSWELL, Mr. MICHAUD, Mr. ELLSWORTH, Mr. STUPAK, Mr. GONZALEZ, Mr. LAMPSON, Mr. HILL, Ms. HERSETH SANDLIN, Ms. HOOLEY, Mr. CROWLEY, Ms. BALDWIN, Mr. MOORE of Kansas, Mr. BISHOP of Georgia, Mr. ARCURI, Mr. CRAMER, and Mr. INSLEE.

H. Res. 499: Mr. Broun of Georgia.

H. Res. 537: Mr. FERGUSON, Mr. PICKERING, Mr. LAHOOD, Mr. ROGERS of Michigan, Mr. JOHNSON of Illinois, and Mr. HASTERT.

H. Res. 539: Ms. CASTOR.

H. Res. 542: Mr. ROGERS of Kentucky, Mr. WAMP, Mrs. MCMORRIS RODGERS, and Mr. ALEXANDER.

H. Res. 573: Ms. SUTTON.

H. Res. 620: Mr. SCHIFF, Ms. ESHOO, and Mr. ENGEL.

H. Res. 651: Mr. COBLE, Mr. ENGLISH of Pennsylvania, and Mr. BERMAN.

H. Res. 671: Mr. PAUL, Mr. MORAN of Virginia, Mr. ADERHOLT, and Mr. KING of New York.

H. Res. 680: Mr. YOUNG of Florida, Mr. TOWNS, Mr. FORBES, Mr. GORDON, and Mr. ALEXANDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 946: Mr. CLEAVER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 2, by Mr. BOEHNER on House Resolution 559: Jerry Lewis, John L. Mica, Lee Terry, Mary Fallin, Robert B. Aderholt, Joe Knollenberg, Richard H. Baker, Walter B. Jones, Dean Heller, Rick Renzi, Paul Ryan, Mary Bono, Connie Mack, Ed Whitfield, Virgil H. Goode, Jr., Dana Rohrabacher, Jack Kingston, Ralph M. Hall, Ron Lewis, Mike Pence, Michael K. Simpson, John Sullivan, Mark Steven Kirk, Devin Nunes, Howard Coble, Roger F. Wicker, Vern Buchanan, Kenny C. Hulshof, Timothy V. Johnson, Deborah Pryce, Trent Franks, Todd Tiahrt, J. Dennis Hastert, Kenny Marchant, Jim Ramstad, Jo Ann Emerson, Joe Barton, Christopher H. Smith, Don Young, Duncan Hunter, Wayne T. Gilchrest, Roscoe G. Bartlett, Chris Cannon, 186. Edward R. Royce, Steven C. LaTourette, David L. Hobson, J. Gresham Barrett, Heather Wilson, C.W. Bill Young, Ralph Regula, John E. Peterson.

SENATE—*Thursday, September 27, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rev. Chuck Lawrence, Christ Temple Church, Huntington, WV.

The guest Chaplain offered the following prayer:

Let us pray.

King of Glory, first of all, we are thankful that we can pray and that You hear us. We are thankful that You have the power, and also the desire, to answer us.

As our Creator, You know what is best for us. So, Lord, even more than Your blessings and what You can give to us, we desire Your presence. We want Your presence to be woven into the very fabric of our lives because Your presence brings purpose to our lives. Without You, we are empty, void of meaning.

Your presence also brings joy to life, not just one arduous task after another but a joyful journey. Your presence will guide us to proper finish lines, to accomplishments that really matter. Your presence brings freedom as well; not just freedom from something but freedom to make the right decisions that will help us fulfill the destiny into which we are called. Your presence brings peace; not a peace from agreeable circumstances but a peace even in the midst of tumultuous moments.

So, today, let every Senator sense Your presence. Let every Senator know that Your hand is available to guide them in all they do. Let us all remember that just having You is enough, and we will continue to pursue Your presence until the day we hear: "Well done, good and faithful servant." In Your Name, we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 27, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Warner (for Graham-Kyl) amendment No. 2064 (to amendment No. 2011), to strike section 1023, relating to the granting of civil rights to terror suspects.

Reid (for Kennedy-Smith) amendment No. 3035 (to the language proposed to be stricken by amendment No. 2064), to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes.

Motion to commit the bill to the Committee on Armed Services, with instructions to report back forthwith, with Reid amendment No. 3038, to change the enactment date.

Reid amendment No. 3039 (to the instructions of the motion to recommit), of a technical nature.

Reid amendment No. 3040 (to amendment No. 3039), of a technical nature.

Casey (for Hatch) amendment No. 3047 (to amendment No. 2011), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

Coburn amendment No. 2196 (to amendment No. 2011), to eliminate wasteful spending and improve the management of counterdrug intelligence.

McCaskill (for Webb) modified amendment No. 2999 (to amendment No. 2011), to provide for the study and investigation of wartime contracts and contracting processes in Operation Iraqi Freedom and Operation Enduring Freedom.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided between the two leaders prior to the cloture vote on amendment No. 3035 offered by the Senator from Massachusetts, Mr. KENNEDY.

The Senator from Massachusetts is recognized.

SCHEDULE

Mr. KENNEDY. Mr. President, briefly, let me outline the schedule for this morning. Under an order entered last night, there are 2 hours of debate equally divided prior to votes on pending cloture motions on the two hate crimes amendments.

Once the votes begin, around 11 this morning, there will be very brief debate between the votes, so Members should remain close to the floor during that time.

Once action has concluded on the hate crime amendments, the Senate will then have a brief debate prior to the cloture vote on the motion to concur to the House amendments to the Senate amendments to the CHIP legislation.

Therefore, Members can expect five rollcall votes starting around 11 this morning.

Mr. President, I ask unanimous consent that the 10 minutes immediately prior to the first vote be controlled equally between the two leaders, with the majority leader controlling the last 5 minutes, and that after the first vote, the remaining votes be limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent if there are quorum calls during this time, they be evenly divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I see my friend and one of the principal architects of this CHIP program on the floor. I know he desires to speak for some time. I am glad to accommodate him. I think I am going to speak on both of the measures that are before the Senate, both the CHIP program as well as the hate crimes. So I do not know what the desire of the Senator from Utah would be. But I will be glad to yield to him.

CHIP

Mr. President, as the instructions to the Senate said, later in the morning, we are going to have an opportunity for the Senate to express itself on what is commonly known as the Children's Health Insurance Program, a program that has effectively been in place now

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

for some 10 years and has made a very significant and important difference in the quality of life for children.

It has been said, and I certainly agree, that the great test of a nation and a civilization is how it cares about its children. Some 10 years ago, the Senator from Utah, myself, others, were very much involved in the fashioning, the shaping of this legislation.

It has made a very important difference, which we will come to in a moment, to the quality of health care for children in this country. The Senate, later this morning, is going to make a judgment whether we are going to continue that march for progress for children and expand that opportunity or whether we are going to take a different course and say that is not a national priority.

Being in the Senate and voting is about priorities. Priorities. Members in this body express themselves in votes by indicating our priorities, both our priorities in the allocation of resources, our priorities in views with regard to foreign policy.

This morning, we are going to be making a judgment whether we think it is appropriate that we continue this real march for progress for children in this country with this Children's Health Insurance Program that has proved to be so successful.

First, I wish to show what President Bush himself has stated about the Children's Health Insurance Program. This is the quote of President Bush from the 2004 Republican Convention, not all that long ago, when he said:

> America's children must also have a healthy start in life. In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance programs.

That is what we are talking about, the CHIP program. Here is the President saying:

> In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the Government's health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

Well, that is the issue. This is the place where that promise and pledge is going to be tested later this morning. Many of us are going to say: President Bush was absolutely right when he made that statement. But since he has made that statement, he has come to a different position where he is urging opposition to that position today.

We can understand why the President came to that position because we can look at the record of the last 10 years. In the evaluation of the CHIP program, this is the Center for Medicare and Medicaid Services, it is an administration department, effectively known as CMS, the Center for Medicare and Medicaid Services, this is in the Department of Health and Human Services. This is their evaluation as of September 19, 2007:

> Over the past 10 years, the CHIP program has improved overall access to care.

Improved overall access to care.

> Reduced the level of unmet need.

Reduced the level of unmet need.

> And improved access to dental care, expanded access to preventive care.

Expanded access to preventive care. Imagine the parents who may have taken a little time this morning and said: This is going to be an important vote in the Senate today. I think I will listen to it. What is this program all about?

Well, here we have the President of the United States, who has endorsed this, said it ought to be expanded, and then we have the evaluation of the program, not by those of us who were there at the very beginning and who supported the program but by the administration's own evaluation. This is what they say—and who can differ with that? Those who have been opposed to it have been unable to challenge this: Improved the access to care, reduced the level of unmet need, improved access to dental care, expanded access to preventive care.

Every parent knows the importance of preventive care for their children. Anyone who cares about health care policy knows that it is enormously important at any time and particularly in a child's life. And "reduced emergency department use." That is the final item that is mentioned in this chart.

But this has importance in a number of different ways. It means they are taking care of children before they need the emergency care, because their illness, their throat infections, ear infections, other infections have been addressed in preventive care, so they do not have to go to the emergency room.

What is the result of the emergency room visit when the child gets a great deal sicker? More often than not, the parents cannot afford to pay the bills. Or if the bills are there, they are out of sight. So the costs, in terms of the health care system, are dramatically enhanced when the children go to the emergency room. The costs, in terms of the parents' anxiety, are dramatically enhanced when the children have to go to the emergency room.

Last night, there were millions of parents who were wondering, when they were listening to their child cry in the night, whether that child was $150 or $250 sick, because that is what the cost was going to be in an emergency room. Maybe I will wait it out. Maybe I am making the minimum wage. Can I afford to dig deeper and pay those $250? So I am going to let my child remain without being taken care of during the night, to see if that child gets better, rather than having the preventive care. It is a moral issue, a defining moral issue, a priority issue, a moral issue for this country.

So that is the evaluation of the administration, the statement of the President. We can understand why the administration has come up with that kind of—those results, because of the extraordinary reduction in the uninsured rate for children.

If you look, going back to 1997, almost 25 percent of all children had no coverage. Look at this red line going down over the years as the CHIP program is reaching out through the States. This was worked out in these careful negotiations, which Senator HATCH was also involved in, to make sure it was going to be a State program, State-run, State priorities, States establishing the deductibles, the copays, States making the judgments about those items, States setting up the whole program. It is going to be effectively a private insurance program. That is what confuses me about the administration talking about a Government-run program. This is effectively a State-run program built upon private insurance.

The delivery system is very much like the administration favored with the prescription drug program. So we see this dramatic reduction in terms of children.

Now, what has been the reaction? This, for example, is one of the blessings of this program. Not only are the children healthier with the CHIP program—this is an evaluation of how the child does in class. Not only are we getting a healthier child. We are getting a more attentive child. We are all challenged here, and certainly we are in our education committee, as we are looking out across at the various education programs how we are going to try to deal with children improving in terms of their attention and also keeping up with the school activities.

This last week, the Secretary of Education announced the improvement of children in what they call the NAPE test, children are improving. I am so proud of Massachusetts being the No. 1 State, in terms of the results. That is basically because the State got started on many of these reforms before the Congress did.

But there is no question in my mind that a principal part of the improvement of children doing well academically is as a result of the CHIP program.

This is the proof: paying attention in class, from 34 percent to 57 percent; keeping up with school activities, from 36 to 61 percent. It is understandable. If children can't see the blackboard, if they can't hear the teacher, if they are sick, they are not going to learn. If they are healthy, they can learn. It is pretty fundamental, but evidently there are some who haven't learned the lesson.

We are constantly challenged, if we are going to be one country with one history and one destiny, about moving along together, moving all the children—White, Black, Hispanic—together. Before CHIP, you had important unmet health care needs reflected in disparities between the different races. Once we had the CHIP program put in place for the children, we effectively saw an important improvement in the health of children, and all the children moved along together.

This is for a typical disease. We chose asthma because it has been a disease which has been expanding over time, unquestionably, because of the relaxation of a variety of different environmental requirements and standards. In other illnesses and diseases, it is going down. The challenge with children with asthma is it has actually been going up. But even if the totality is going up, look what happens with these children with asthma as a result of the CHIP program. The number of children who are getting their health needs taken care of dramatically increased. Emergency visits were dramatically down, and hospitalizations were dramatically down. This reflects itself in not only healthier children but in savings.

This is basically a matter of priorities. This is a sound program. It is an effective program. It is one the President endorsed a few years ago. It has been tested, tried. The evaluation of the program has been that it is a great success. Now we have the opportunity to express once again the issue of priorities here in the Senate. What are going to be the priorities for this body? What do they think is really important in this country at this time? The CHIP program reauthorization, $35 billion? That isn't being paid by taxpayers or middle-income families or working families unless they smoke because this is going to be offset completely by those who are going to smoke. As we have pointed out earlier, that has a double positive value. We are not going to put an additional burden on ordinary taxpayers. But with the increased cost of cigarettes and tobacco, it is going to mean less use of tobacco by children and children are going to be healthier. So not only is the fundamental legislation a demonstration in improving health care, but the remedy and how we do that is also adding an additional dimension to the quality of health for children. More than 3,000 children start smoking every single day, and 1,200 of them become effectively addicted every single day. We can do something about this and, eventually, when we pass this legislation and we pass our other tobacco legislation that we have reported out of our committee, we will get a handle on protecting children from addiction to nicotine.

This is over a 5-year period, $35 billion; 1 year in Iraq, $120 billion—almost four times in 1 year what this is in 5 years. Don't we think we ought to be looking after the children in the United States? This is where it is, Mr. President. We have a choice to express ourselves. The President says: No, we are not going to have this for the children; yes, we are going to have this. Many of us believe that investing in the children in this country is where we ought to be invested and we ought to end the conflict and end this war.

That chart could be expressed in another way of what we are spending as, again, a matter of priorities, what we are spending per day—$333 million in Iraq versus $19 million nationwide on the children. So when the time comes, we have a very clear choice in terms of the Nation's priority.

Finally, this is a statement by Dedra Lewis, mother of Alexsiana, a child covered by CHIP from my State:

> If I miss a single appointment, I know she could lose her eyesight. If I can't buy her medication, I know she could lose her eyesight. If I didn't have MassHealth, my daughter would be blind.

One parent, one child, one piece of legislation that can make all the difference in the world.

When we have a chance to vote, we will be voting for this legislation, and we will be asking ourselves, why aren't we doing more to help the children?

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as usual, I appreciate the comments of the distinguished Senator from Massachusetts, when we are on the same wavelength. On this one, we are. I have to say that the original CHIP bill that virtually everybody acclaims as an excellent piece of legislation that has helped millions of children from working poor families, the only children left out of the process, wouldn't have come to pass except for the support of the distinguished Senator from Massachusetts. We both took a lot of flak during those early months when we were trying to solve this problem of the working-poor children.

I had two Provo, UT, families come in to see me. Both parents in each family worked. Each family had six children. Neither family, with both incomes, had more than $20,000 a year in total gross income. They clearly could not afford child health insurance. CHIP was the only answer to their plight. They were the only people left out of the process. They worked. They did the best they could.

I remember when the distinguished Senator from Massachusetts and I sat down together. We are from two opposite poles in many respects, although he doesn't realize that he is a lot more conservative than he thinks. He thinks I may be a lot more liberal than I think. But when Kennedy and Hatch can get together, people around here say: Well, if they can get together, anybody can. People tend to get out of the way because they know it took a lot of effort for us to come together.

But the original CHIP bill could not have occurred but for my distinguished friend from Massachusetts and the work he did. Even though that hasn't been broadcast very much in the current debate, it is true. In the current debate, we wouldn't be as far along if it had not been for the efforts of the distinguished Senator from Massachusetts.

There are two sides to this. Yes, there is a legitimate side in opposition to having CHIP be $35 billion above the baseline of $25 billion. That argument is that we are growing this program too fast and we are putting too many people in it who were not originally supposed to be in it. The fact is, when we wrote the original CHIP bill, we provided for a system of waivers because we were afraid we didn't cover some things that should be covered. What really bothers me is that the people complaining about CHIP costing so much today in this administration, my administration, are the ones who gave 14—well, the tail end of the Clinton administration but primarily this administration—waivers to allow this program to go to many more people than we had originally intended. In fact, two States have more adults on the program than they do children. That has caused a lot of angst. A several States are way over the 200 percent of poverty—one state even covers families with incomes up to 350% of poverty.

Let's put it this way: The opponents seem to ignore the fact that this bill covers 92 percent of kids who are under 200 percent of poverty. Yes, there is 8 or 9 percent who may be above but the vast majority of them have lived with this program. We found that even with the moneys that we had in the original CHIP bill, which happened to be $40 billion over the last 10 years—that it wasn't enough to put all of the kids who were eligible on the program.

One of the higher costs we found has been documented by CBO. We rely on CBO around here. CBO said that the high costs come from trying to locate the kids to get them in the program so they have a shot at being healthy, so that they are not liabilities for society as a whole when they get older.

This program is very important. We fought hard to keep the program within the $60 billion—$25 billion baseline and $35 billion above the baseline, for a total of $60 billion. At first, those in the House wanted $100 billion. Then they came down to $75 billion. Finally, to their credit, they acknowledged that we were not going to do any better than $35 billion over the baseline, and Senator GRASSLEY and I had to stick with that, with the hope that the administration would recognize how hard we had worked, how important this program is, this program which they themselves would like to reauthorize, and how difficult it is to get the additional 6 million eligible kids on CHIP. To be honest with you, it proved to not be enough as far as federal funding was concerned. And, we lost out on a lot of kids who should have had coverage through this program.

Through this bill, what we are trying to do is cover the kids who should be on the program. They are basically kids of the working poor. We did add pregnant women because we thought that since this involves children and it is so important to have good prenatal care and postnatal care for the health and well-being of those children, that is a logical thing to do.

Really what bothers me about the arguments on the other side—there are legitimate arguments, there always are on both sides—is that we spend about $1.9 trillion on health care in our society today each year. About $1 trillion of it is in the private sector, and about $900 billion is in the public sector. We are asking for $60 billion out of $1.9 trillion to help the kids who are left out of the program. The CBO says even at that, we will not put enough money into this program.

Then we have the argument: This is leading to one-size-fits-all Government-mandated, socialized medicine health care. I think you could make that argument on anything we do in health care around here that involves Government. But on the other hand, I don't want to leave these kids high and dry, either. So it is very important that we get this straight and do what is right.

I have appreciated the remarks of the distinguished Senator from Massachusetts. Many on his side don't care to ever ask where is the money going to come from to pay for these things. On the other hand, in a $1.9 trillion budget, it seems to me $60 billion is not too much, especially since we are covering kids who should be covered who weren't covered in a program that virtually everybody says is important, virtually everybody says we ought to have, just not as much. And even with the $60 billion, it is my understanding, according to CBO, we will not really cover all of the kids we should, but we will cover most, which is a big improvement over the current program.

I join with the distinguished Senator from Massachusetts hoping that the administration will listen and maybe change its perception. There are good arguments on both sides. The better argument is to try to do what we can for these kids; that is, work on an overall comprehensive health care bill that will save money, have less Government intrusion, have more private sector development, give people more opportunities of choice, and give them the choice to bring costs down in the current system. People of good will on both sides could probably do that if we really set our minds, if we just don't make this one big political battle all the time. Unfortunately, it is a political battle over CHIP.

According to some in the administration, I am on the wrong side. I don't think so. I am on the right side. I believe this has to be done. Does that mean that I am not willing to modify and work and do what we can to come up with a comprehensive health care approach that emphasizes competition and opportunity, that will cover everybody? Of course not! I would like to get there. This is a bill which does not necessarily take us away from getting there, but I think some of these arguments which have been offered have been not very good and not very accurate.

Mr. KENNEDY. Mr. President, will the Senator let me proceed for 2 minutes? I see the Senator from Georgia.

Mr. HATCH. Of course, and then I think we ought to get in this debate on hate crimes. I would want to yield to Senator ISAKSON, and then I will have my remarks a little later.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I listened carefully to the Senator from Utah. I want to say that the 6 million children who today are covered in all parts of the country, including my State of Massachusetts, would not be if it was not for the Senator from Utah. There was a very important insistence that has been sort of lost in this whole discussion and debate.

At the time we had talked about this program, I was very interested in expanding the Medicaid Program and moving that up. Medicaid deals with the very poor. The real question was the working poor for these programs. Senator HATCH insisted we should not expand the Government program, that we have to let the States participate and involve themselves in it. This was a very contentious discussion in the debate which, eventually, Senator HATCH was successful in winning. Then we would establish the criteria, at least, of the kinds of services that were going to be provided within that kind of a program. That was a very contentious debate, but again Senator HATCH insisted the States should make the judgments on this program. Then we had the issues about trying to make sure about the inclusion, having it be more sweeping, and Senator HATCH stuck by his guns to make sure the States were going to be the ones that were going to do the outreach and set up this program.

So those issues—in terms of when we are talking about these cliches of socialized medicine or Cuban-type of medicine—for those who are really interested in the philosophical underpinnings of this program, of why it is different from other programs, if they go back and look and carefully read the bill, I must say Senator HATCH's position of insisting that the States be the full partner and be the ones that are going to have the prime responsibilities has been the fact.

I think to the credit of the Senator from Utah is the fact that so many of the Governors are in such support of this legislation—not only Democratic Governors but Republican Governors—because they have seen, they have both the responsibility and the opportunity to make a difference for their constituents.

So that is just a small "factoid" about the history of the development of this legislation but one that should not be lost when people are thinking about whether this is just another kind of a governmental program. The Senator insisted on principle on a number of these important philosophical issues, and the Senate, in a bipartisan way, came together to support the recommendations that eventually were worked out with members of the Finance Committee and Senator BAUCUS, Senator ROCKEFELLER, Senator Chafee, and many other colleagues. But the underpinnings were from the Senator from Utah. I think history ought to reflect that. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague. He is accurate on everything except one thing; that is, the 6 million children whom we were supposed to cover, we did on an annualized basis, but really only about 4.5 million were covered fully. I wanted to add that little bit because it is apparent this program has worked. It is apparent it has worked well under this administration as well as under the Clinton administration. It is apparent it has helped millions of kids who otherwise would not have been helped. It is apparent it has helped the children of the working poor. But it has not helped all of those who deserve that help. And, over the long run, if we help them today, it will save us money and problems in the future.

Frankly, this is an important debate. I acknowledge there are people who disagree. There were back then when we first created CHIP. But the fact is, this is a program which has worked. The administration has admitted it has worked. The Governors have admitted it has worked. Maybe it is mired in politics that I wish we were not mired in. My attitude is, let's think of the kids. If there is a way of improving it, I am certainly open to that, but we have come a long way, in a bipartisan way, to get where we are. That is not an easy accomplishment in a Congress that has been pretty partisan in many respects.

I do not think some have really recognized how difficult it was to get to where we are and how many concessions both sides have made, in particular the House. So I think this has been an important part, maybe, of the debate this morning.

But at this point, how much time would the distinguished Senator from Georgia want?

Mr. ISAKSON. Mr. President, I thank the distinguished Senator from Utah and appreciate the time.

Mr. HATCH. Mr. President, can I ask how much time the Senator would desire?

Mr. ISAKSON. Mr. President, I would like to speak as in morning business for about 8 minutes.

Mr. HATCH. No objection.

Mr. KENNEDY. Mr. President, may I ask a question? I have no objection, but is this going to be within the time as expressed by the leader?

The ACTING PRESIDENT pro tempore. It would be time yielded by the Senator from Utah.

Mr. HATCH. Eight minutes, was it?

Mr. ISAKSON. Eight minutes, yes.

Mr. HATCH. Mr. President, I yield 8 minutes to the Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized for 8 minutes.

Mr. ISAKSON. Thank you very much, Mr. President.

Mr. President, I rise today based on an occurrence that took place last evening that caused me to think a little bit about this body and our priorities right now at this time.

Two gentlemen from my home community of Cobb County, GA, invited me to go to dinner with them and about 25 other members of the Cobb Chamber of Commerce—Mr. Don Beavers, a distinguished retired marine who now works at the Chamber; and the chairman-elect, Sam Kelly. The invitation was to talk about their issues. But they did an amazing thing last night: They called Walter Reed, they called the Army, and they said they would like to entertain a couple of our wounded warriors who are being treated as outpatients at Walter Reed hospital.

So last night, I sat at a table at Old Ebbets Grill with citizens from my community and two distinguished wounded warriors from the 82nd Airborne Division of the U.S. Army. One had served in Iraq as a sniper and was injured when an IED exploded on his humvee as he was coming back from deployment near Baghdad. Since that hit, he has had 12 surgeries, with substantial reconstruction on the entire left side of his body, from his head to his toe. The other, a special operations soldier of the 82nd Airborne Division, lost his leg. Both—some time now, a year after their initial treatment—still take pain killers, still are in therapy, and still show the scars from their tragic injuries suffered at the hands of an IED in the case of one, and in the case of the other, an RPG, a rocket-propelled grenade.

As we sat at the table, I thanked them so much, as all of us do, for their service to our country and listened to their concerns and listened to their thoughts and listened to their prayers for the soldiers they left when they were injured in Iraq.

It occurred to me as we were talking that we are now in the third week in the Senate—over the third week—of debating the reauthorization of the Defense bill. Think about that. You sit at dinner one night with two soldiers who sacrificed limbs and pain and suffering for you and for me, and we continue to dawdle and get off track on authorizing or reauthorizing probably the single most important thing we ought to be doing. I am concerned that the leadership has decided to take ancillary issues unrelated to defense, unrelated to our men in the field, unrelated to what is going on in the world today, and protracting the debate on what is absolutely essential and needed.

As I sat there and listened to these two wounded warriors, both of whom suffered from explosive devices that hit their humvee or their armored personnel carrier, I realized we were still dawdling on the debate on the authorization of the MRAP; I realized we are dawdling on the debate in terms of the pay raise for our soldiers; I realized, as meritorious as some of the amendments we are discussing may well be, they all pale in comparison to the 170,000 men and women deployed right now in Iraq fighting on our behalf.

Now, there are differences of opinion on the war in the Senate, and I respect that. This is the body and this is the place where those differences should be debated and be debated thoroughly. But I want to jog everybody's memory for a second. It was May when we did the emergency supplemental that we spent not 1 week but 2 weeks on, not debating the supplemental but debating whether we should withdraw or set dates certain or leave Iraq. We had numerous votes—none of them successful—on setting a date certain. Finally, as Memorial Day approached, we decided to pass on the money so needed to support our troops. Then, 60 days later, in the middle of July, pressing before the August break, another bill came up, and once again we redebated all the same issues with regard to dates certain, with regard to withdrawal, even one with regard to defunding the military operations in the war on terror and the battle in Iraq.

Now here we are, 2 months later, in the third week of a Defense authorization bill, and we have already had these same debates once again, and the votes have not changed except they have lost by a little bit more than they lost in July. Yet, all over the country, and last night at Old Ebbets Grill, Americans are sitting down with their sons and daughters, who fought in harm's way and have come back, many of them wounded and harmed, and how do you explain to them it takes 3 weeks to debate the reauthorization of their pay or 3 weeks to debate the reauthorization of MRAP that just might have prevented the very injuries those two soldiers I sat with last night incurred?

So I think it is important that we set priorities. It is very important, I am sure, to the Senator from Massachusetts to discuss hate crimes legislation. I understand that. But in setting priorities, is it right to take something such as hate crimes—which already exists in 45 States, already exists in the Federal law in terms of race and religion—and get all off track on MRAP and reauthorizing the pay of our troops and an increase? Is that right? Is that setting the right priority? Is it important for us to do that?

Is it important for us to do some of the things that have happened over the last 3 weeks? In fact, to give a little report card, because I have been intimately involved in amendments on this bill, this Senate, in 3 weeks of debate, has passed en bloc 34 amendments to this bill—all technical, none requiring debate, one of them mine. It would seem that instead of having all the debate about ancillary subjects or about recirculating amendments that twice before on the floor of the Senate, within 6 months, have failed, it is about time we got our priorities straight. It is about time we authorize the Department of Defense. It is about time we get to the pay raise for our soldiers. It is about time we get to the MRAP that Republicans and Democrats—the Senator from Delaware, Mr. BIDEN, and all of us—have worked so hard on.

It is about time we set our priorities and get them straight. Whatever the merit of other issues may be, if they are unrelated to the Department of Defense reauthorization, they can wait until another day because every day our sons and our daughters are deployed for you and for me in harm's way. We can differ on the war, and I respect that, but there should not be a difference on the funding of our men and women deployed in the Middle East.

I, for one, call on the leadership for us to get back to the business we are called on to do. Let's complete the DOD authorization without any other dilatory tactics or any other ancillary amendments, other than those that relate to the Department of Defense.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. Forty minutes on each side.

Mr. KENNEDY. On each side. Good.

Mr. President, I yield myself 8 minutes, and the Chair will notify me when that time has expired.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as we mentioned at the opening this morning, there are going to be two major decisions by the Senate this morning: one on dealing with the children's health issue, which we have had a good discussion of here this morning, and the other issue on the hate crimes legislation, which we have been attempting to realize for a period of some 10 years.

This is not a new issue to the Defense authorization legislation. We have passed it by more than 60 votes on the last occasion we had it. We passed it by a majority on other occasions. So for those who sort of suggest it is not appropriate that we deal with this, the majority—Republicans and Democrats alike—have overwhelmingly supported the legislation. But it has been a strong minority that has resisted it and refused to let it move on into law. We finally are at a time and a place and a judgment where the House of Representatives now has moved in favor of the legislation. We have an opportunity today to do it. We haven't taken an unreasonable period of time.

The application of this legislation and why it should be here is a very simple and basic and fundamental one; that is, what the Defense authorization bill is about—dealing with the challenges of terrorism overseas and the support that our men and women ought to get in dealing with terrorism overseas. This is about terrorism in our neighborhoods—terrorism in our neighborhoods—and making sure we are going to fight it. We can talk about having the MRAP, which I support, in the Defense authorization bill. We are fighting overseas with all of our weapons. We want to fight terrorism at home with all of our weapons.

We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is that you should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this Nation over a very considerable period of time. We should not tolerate it. We keep faith with those men and women who are serving overseas when we battle that hatred and bigotry and prejudice at home. So we are taking a few minutes in the morning to have this debate and discussion.

I urge my colleagues to join me, Senate majority leader HARRY REID, Senator SMITH, and 31 cosponsors of the Matthew Shepard Act by voting in favor of cloture and our underlying amendment today. Hate crimes are domestic terrorism. Like all terrorist acts, they seek to bring fear to whole communities through violence on a few. Just as we have committed ourselves to fighting terrorists who strike from abroad, we must make the same commitment to swift and strong justice against homegrown terrorists. We have worked hard to ensure that all of our citizens can live without fear of victimization because of their race, religion, and their national origin. We have made progress over the years, but we need stronger tools to ensure that all Americans—all Americans—are protected under the law.

Hate crimes challenge us to recognize the dignity of each individual at the most basic level. When victims are selected for violence because of who they are—because of the color of their skin or sexual orientation—it is a crime that wounds all of us. Each person's life is valuable, and even one life lost is too many. No member of our society—no one—should be the victim of hate crimes. Today we can send a message that no one—no one—should be a victim of a hate crime because of their disability, their sexual orientation, their gender, or gender identity.

Hate crimes are especially heinous because they deny the dignity, the humanity, and the worth of whole segments of our society. They inflict terror not only on the immediate victims but on all their families, their societies, and, in some cases, an entire Nation. A hate crime against one member of another group shouts to the other members: You are next. You better watch your step when you leave your home, when you go to work, when you travel. This is domestic terrorism, plain and simple, and it is unacceptable as an assault from our enemies abroad who hate us just as irrationally.

At bottom, hate crimes strike out at our most fundamental, moral values. They deny the teaching that we are all—even those viewed as outcasts among us—members of the human family. They seek to divide that family by labeling some so unworthy that they should become objects of violence. They reject our great national motto, "E pluribus unum"—out of many, one. Instead, hate crimes seek to divide us, to reject whole communities by terrorizing their members.

Centuries ago, Blackstone wrote:

> It is but reasonable that among crimes of different natures, those should be most severely punished which are the most destructive of the public safety and happiness.

Hate-motivated crimes are the most destructive of the public safety and happiness and should be punished more severely than other crimes. That is why over 1,400—1,400—clergy from across the spectrum of religious traditions have come together to support the Matthew Shepherd Act. They write:

> Although we come from diverse faith backgrounds, our traditions and our sacred texts are united in condemning hate and violence. As religious leaders, we are on the front lines dealing with the devastating effects of hate-motivated violence. Our faith traditions teach us to love our neighbor, and while we cannot legislate love, it is our moral duty to protect one another from hatred and violence.

These leaders of America's religious communities have called on Congress to stand united against the oppression imposed by violence based on personal characteristics and to work together to create a society in which diverse people are safe as well as free.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I yield myself 3 more minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. KENNEDY. Mr. President, The Interfaith Alliance, a nonpartisan advocacy organization representing 75 different religions, said hate crimes are an assault upon "the belief that lies at the core of our diverse faith traditions—that every human being is endowed with dignity and worth."

This is what The Interfaith Alliance said:

> Hate crimes are an assault upon the belief that lies at the core of our diverse faith traditions—that every human being is endowed with dignity and worth.

Dignity and worth.

The simple fact is, hate crimes are different and more destructive than other crimes. As my friend, Senator HATCH, stated during our debate in 2000:

> Crimes of animus are more likely to provoke retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest and, ultimately, they are downright un-American.

The Federal Government has a responsibility to send a clear and unambiguous message that hate-motivated violence in any form, from any source, will not be tolerated. Hate crime perpetrators use violence to dehumanize and diminish their victims. This legislation fights back by reinforcing this country's founding ideals of liberty and justice for all.

In Iraq and Afghanistan, our soldiers are fighting for freedom and liberty. They are on the front lines fighting against hate. We are united in our effort to root out the cells of hatred around the world. We should not turn a blind eye to acts of hatred and terrorism at home. We owe it to our troops to uphold those same principles at home. We should not shrink now from our role as a beacon of liberty to the rest of the world. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority. Now is the time for Congress to speak with one voice, insisting that all Americans will be guaranteed the equal protection of the laws. We must pay more than lip-service to this core principle of our democracy, and we must give those words practical meaning in our modern society. No American should feel they are second-class citizens because Congress refuses to protect them against hate crimes.

Far too many times, hate crimes have shocked the conscience of the country. Tolerance in America still faces a serious challenge, and we must have the courage to act. As the Reverend Sockman said:

> The test of courage comes when we are in the minority. The test of tolerance comes when we are in the majority.

Most of us in this Chamber have lived our lives in the majority, and it is time for us to recognize the courage of those who have lived their lives in the minority and stand up for tolerance. When bigotry exists in America, each of us is diminished. Injustice inflicted on any among us is injustice against us all.

As Leviticus commands us:

> You may not stand idly by when your neighbor's blood is being shed.

For too long, the Federal Government has been forced to fight this injustice with one hand tied behind its back. We know some crimes are motivated by a desire to harm whole communities. It is time those crimes were punished in a manner that is equal to their destructiveness.

The President has threatened to veto this legislation if it comes to his desk, but I urge my fellow Senators to display the same kind of courage that came from David Ritcheson, the victim of a brutal hate crime that scarred him both physically and mentally. Rather than living in fear, David bravely came before the House Judiciary Committee and courageously—courageously—described the horrific attack against him the year before.

We should fight to protect the rights of our fellow citizens such as David and not let a veto threat stop us from doing the right thing. With both the Senate and the House moving forward on this legislation, I hope the President will hear our call and that he, too, will support this much-needed measure.

Nobel Prize laureate Elie Wiesel said:

> Indifference is always the friend of the enemy—Indifference is always the friend of the enemy—for it benefits the aggressor, never the victim, whose pain is magnified when he or she is forgotten.

Today, we can take a strong stand against indifference and intolerance.

Dr. King reminded us all that "our lives begin to end the day we become silent against the things that matter." Today, this body has a chance to break the silence. It has the chance to speak with one voice in support of the value of every individual in our society. Join me and my colleagues in breaking the silence. Make the fight to end violence driven by bigotry the high national priority that it should be. Now is the time because, as Reverend Martin Luther King reminded us:

> The time is always right to do what is right.

Now is the time for Congress to speak with one voice and insist that all Americans will be guaranteed the equal protections of the law. I urge all my colleagues to support this amendment.

Mr. HATCH. Mr. President, how much time does each side have?

The ACTING PRESIDENT pro tempore. There is 40 minutes the Senator from Utah controls and about 25½ minutes for the Senator from Massachusetts.

Mr. HATCH. I thank the Chair. Mr. President, I yield 15 minutes to the distinguished Senator from Texas.

Mr. CORNYN. Mr. President, I know the great passion and sincerity with which our colleague from Massachusetts brings to this subject, but there is a time and a place for everything, and this is not the time—16 days into the Defense authorization bill which should have been finished a long time ago—to inject extraneous matters and matters which, as I will explain, have been poorly thought out and not completely aired by the Members of Congress.

A few blocks from here is the United States Supreme Court building, and above the entry to that building reads the motto "Equal Justice Under The Law." Equal justice under the law. Too many people have sacrificed too much for too long to make sure that guarantee of equal justice under the law is a reality for Congress to continue down the path to treat some crimes unequal from others.

Every civilized Nation recognizes that all people deserve equal protection from criminal attacks. Unfortunately, there are some who reject that notion. But they are brought before the bar of justice, tried, many convicted, and many punished according to the laws we have on our books at the State level and, yes, even at the Federal level. I fear by trying to inject this extraneous matter on to a Defense authorization bill without adequate time for deliberation and discussion and inquiry, that Congress and the Senate in particular are being asked to pass on legislation without full knowledge of the consequences of the legislation.

For example, under current Federal law, an individual who violates current Federal hate crimes law can be given the death penalty by a jury in appropriate circumstances. Under this legislation the Senate is being asked to vote on today, the death penalty is not available for violating this particular amendment or this particular legislative language.

Thus, James Byrd's killers were convicted under State law, and according to a jury verdict, after exhausting all appellate remedies, were ultimately executed. If the same individuals committing those heinous acts back then were charged by a Federal prosecutor under this bill, they could not be given the death penalty by the jury. That is only one example of how this particular provision has not been thoroughly thought out or the consequences thoroughly vetted.

I will be very clear. I don't support this legislation on the merits because I do believe in equal justice under the law. I believe individuals ought to be treated as individuals and not as members of groups, and that all human beings are entitled to the dignity God gave them by creating them, and they all ought to come equally before the bar of justice when they are accused of crimes and be given equal justice under the law. It is a mistake, in my judgment, to begin to treat people unequally based on the same conduct because of notions that some crimes are simply more despicable than others based upon the individual against whom they are perpetrated.

All crimes of violence are crimes of hate. All ought to be judged according to the same criteria. All ought to be subject to the same range of punishments given to juries able to convict people based on evidence in court, not based on a politically correct notion that some crimes are more heinous than others. All crimes of violence are heinous and all ought to be punished equally under the law.

The distinguished Senator from Massachusetts has alluded to the threat of a Presidential veto of this legislation if this amendment is passed, thus, making one of my points, that by introducing this amendment on the Defense authorization bill, the sponsors of this amendment are jeopardizing our ability to pass a Defense authorization bill.

It is worth recounting what it is the Defense authorization bill provides and what they are putting in jeopardy by insisting on this extraneous amendment at this time: a pay raise of 3 percent; the authority to pay bonuses as special pay for enlistment and reenlistment; flight pay; various medical and dental benefits; nuclear incentive pay; an authorization for an additional 13,000 active-duty soldiers and 9,000 active-duty marines.

In the Boston Globe of September 27, 2007, the Army's top officer, General Casey, said what we all know, which is that the military has been stretched too thin. We know, based on the amendment offered by the distinguished Senator from Virginia, Senator WEBB, these are concerns we all share about the lengthy deployments of our troops because we don't have enough men and women in uniform, particularly in the Marines and members of the U.S. Army; and this bill, which this amendment puts in jeopardy, expands the end strength of the Army to reduce that stress and strain on our volunteer military and their families. We should not put it in jeopardy.

This bill also authorizes an additional $4 billion for the MRAPs. To recall, the MRAPs are the mine resistant ambush protected vehicles that are specially constructed vehicles devised to defeat IEDs and save the lives and limbs of U.S. soldiers. Why in the world, in order to add extraneous legislation that has nothing to do with national security, would the advocates of this amendment jeopardize the ability to pass this Defense authorization bill, which is so important to our men and women in uniform? It is one thing to claim we support our military members; it is another thing to act on that stated conviction.

Have no doubt about it, this amendment has nothing to do with our military. There are remedies in place under the Uniform Code of Military Justice if, in fact, there is an attempt to link this to the military somehow. I think that is a spurious claim. There are a myriad of laws, since 1968 under the Federal United States Code itself, dealing with hate crimes. As I mentioned, this bill, because it has been brought in haste on this legislation without an opportunity for calm deliberation and investigation and understanding by Members, actually dilutes some of the penalties currently available under Federal law if, in fact, the same conduct were indicted or charged under this amendment if it were to become law. Why in the world would the advocates of this legislation want to dilute the punishment that is potentially available to the jury in admittedly heinous crimes?

It would be a mistake, and a mistake made out of haste. We should not indulge the desire to pass this legislation, no matter how sincere it is, in haste and without the kind of calm deliberation that will allow the Members of the Senate to understand what they are voting on and what we are doing. We should not jeopardize passing the Defense authorization bill, which contains the essential protections and benefits for our military members by loading it down with this extraneous amendment; or as the Senator from Illinois said, he wants to add an amendment relating to immigration. We know that will only spawn other amendments and burden this bill down so it will never pass. That would be a travesty.

Instead of engaging in these ill-considered attempts to burden this important legislation with extraneous amendments, we ought to be doing the rest of our work. Why are we going to have to pass a continuing resolution to keep the Federal Government open before we leave this week? It is because none of the appropriation bills that are to pay for the Federal Government to keep the Federal Government open have cleared the Congress and gone to the President to be signed. We are simply not taking care of the people's business when we engage in rabbit trails such as this amendment calls for.

I don't doubt the sincerity of the sponsors of this amendment. I disagree with them on adding this amendment to this important legislation for the reasons I have stated. I even disagree with them that some crimes ought to be treated or punished unequally than others based upon a membership in a particular group that can be identified, as I have described. So I don't doubt their sincerity; I just disagree with them. But we ought to have this debate at a time when we can focus our efforts, after a hearing and due deliberation, and after adequate consideration about the merits of the particular proposal, as we ordinarily do—not add it on 16 days after we have started the Defense authorization bill that has taken too long, jeopardizing our ability to add to the end strength and relieve the stress of our men and women in uniform and their families, and make sure they get the dignified treatment of the Wounded Warriors Act, which is part of this underlying Defense authorization bill, so we can deal with the concerns expressed again in the GAO report, which said the reforms we all want to come quickly are coming far too slowly when it comes to cutting the redtape and making sure our wounded warriors not only get the medical care they deserve, but get to move through the Department of Defense health care system and Veterans Affairs system in a way that lightens their load and not burdens them further.

I think it is a mistake to consider this amendment at this time and in this way—a way that jeopardizes this important legislation. It has nothing—zero—to do with the Defense authorization bill.

Whatever the merits of the amendment may be, I encourage the majority leader to give the proponents of this amendment an opportunity to present it at another time when we don't place in jeopardy these important benefits and relief designed to help our men and women in uniform during a time of war. We are at war. Why in the world would we be engaged in these rabbit trails on extraneous topics when we ought to be providing our men and women in uniform the relief they deserve and so urgently need.

I hope my colleagues will vote against cloture on this amendment, no matter how good the intentions may be. I disagree that it belongs on this bill. I disagree that we should jeopardize this important legislation with extraneous matters such as immigration amendments, or hate crimes amendments, or anything else that doesn't have to do with helping our men and women in uniform during a time of war.

I yield the floor.

Mr. KENNEDY. Mr. President, I listened carefully to my friend from Texas. We have spent more time in quorum calls around here over these last few days. We spent a good deal of time on a poster—expressing the will of the Senate on various posters. We spent hours on those issues. Talk about delaying paying for the troops. I didn't hear those arguments when we were trying to uparmor HMMWVs last year. So I have difficulty in giving a lot of focus and attention to it.

Quite frankly, I imagine the Senator is talking about the DREAM Act, which will permit children who have been in this country for 5 years—brought in by their parents through no fault of their own—that we either permit them to go through an education or join the military—join the military. That has something to do with the Defense authorization bill—when we find out that many units are not being kept up to speed. So we will move ahead.

How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator has 24 minutes.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, like Senator KENNEDY, I feel it appropriate to respond very respectfully to a dear friend of mine from Texas. I have great affection for him. I have only been in this body for 11 years. For 11 years, I have been working on this piece of legislation. For 11 years, it has often been put on the Defense authorization bill—passed several times by the Senate. You might wonder why is it appropriate to put on the Defense authorization bill. Let me put a human face on it. This photo depicts a Navy seaman who was a gay man serving lawfully under "don't ask, don't tell." Somehow it was discovered that he was a gay man. He was beaten to death so brutally that his mother was only able to recognize his body because of a tattoo that she was able to recognize.

The U.S. military is not immune from hate crimes. It is utterly and entirely appropriate that this be on the Defense authorization bill—if not for this man's reason, for the fact that we are engaged in a war on terrorism, utilizing our U.S. military. They are fighting terrorism abroad. Surely we have the stuff in the Senate to fight terrorism at home and within the military. If you need a human face for why this is entirely appropriate, look at Allen Schindler, whose mother was only able to identify him because of a tattoo she knew he had.

In terms of doing this in haste, I am not on the Judiciary Committee, but I know there have been many hearings in Congress after Congress and debates in the past 11 years in which I have participated. This is not done in haste. This is done thoughtfully and deliberately in Senate fashion. I don't think that charge sticks, and I think it is high time we pass this legislation and that we fight terrorism at home and abroad and even within the military.

I have made it a practice, since becoming aware that the Federal Government did not have a backstop law to State law, of a need to have the Federal Government to have authority to show up to work, to be able to be a backstop to State and local law—not preempt them but to help them and to let Americans know that at every level of their Government, we care about public safety, we care about fighting terrorism.

Some will say this law is symbolism. it will not do anything. Ever since the Ten Commandments came down off Mount Sinai, the law has also been a teacher. We all fall short of the law. But the truth of the matter is, it does set a societal standard. I believe the Federal Government should join the States in setting this standard so this law can go from symbol to substance because it can, over time, change hearts and minds.

When one does what I have done, and that is enter into the CONGRESSIONAL RECORD a hate crime committed in the United States almost every day I have served in the Senate, I think it is apparent we have a problem, and I think it is apparent the Federal Government ought to have a role.

This law, symbolic as it is, can change hearts and minds and can be real substance. We are neglecting our role in this fight against hatred at home in living up to our national motto: "E Pluribus Unum"; out of many one.

So irrespective of one's race, religion, sexual orientation, gender, we get equal protection under the law, and this is a glaring omission in the standard of equal protection, as I see it.

When I went to law school, I learned that to establish a crime, one of the first elements you have to determine is motive and intent. Some have said this is thought speech. The truth is, no thoughts are punished here. There is nothing in this amendment that prevents one from saying and thinking anything. The first amendment is unaffected by this legislation. But what this says is, if you think it, you speak it, and you act on it, you come under the jurisdiction of local, State, and I hope Federal hate crimes laws.

It is an element in a crime. Some argue it is unconstitutional. This very issue, as it related to sexual orientation in a Wisconsin case, was tried all the way to the U.S. Supreme Court. A unanimous decision was written affirming the inclusion of sexual orientation and the constitutionality of the Wisconsin State law. I have it in my hand. It is called Wisconsin v. Mitchell. It was written by William Rehnquist, not exactly a liberal, who made it very clear that hate crimes laws are constitutional because it goes to action, criminal behavior, and the speech, the thought, all of those are mere elements in proving a crime.

Many of my brothers and sisters in the religious community are now saying on national television even that this will limit the free exercise of religion, it will limit their ability to preach and interpret the Bible any way they want. If it did that, I would not be here. But if it did that, they would already be in jail because most States in the United States already have these laws. They are constitutional. They go to the elements of establishing the commission of a crime.

It is high time we passed this legislation. We have passed it as a Senate many times. We now have an opportunity to get it to the next step. I hope and pray the President does not veto it. We are not doing this in haste. We are not doing this because it is inappropriate on the Defense authorization bill. We are doing it because it is high time the Federal Government be able to show up to work in rural places such as Laramie, WY, where this young man was brutally beaten to death. This is Matthew Shepard. Matthew's mother Judy is a friend of mine. The sheriff in Laramie, WY, is one of the individuals who persuaded me they needed the help of the Federal Government. They were overwhelmed with what happened in the case of this young man, a 21-year-old college student whose life was taken on this lonely fence.

His life was taken not because they wanted his money or they wanted something else from him. They knew he was gay, and they beat him and left him to die on this fence in Wyoming.

With Matthew's mother's permission, Senator KENNEDY and I have named this amendment the Matthew Shepard Act. What happened to Matthew should happen to no one, no matter their religion, no matter their race, no matter their ethnicity, no matter their sexual orientation, because in the public square, we are all imperfect people. In the public square, we have a duty to provide public safety for all Americans, no matter their transgressions or whatever we think of their lifestyles.

This is a glaring omission in Federal law. I hope we are about to right it, and I hope as we do, we will remember the sacrifice and the commitment and the advocacy of Judy Shepard on behalf of her son and his memory. Let us enshrine this act in his name in our law because it is the right thing to do, and it is about time we do it.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, I will take a few seconds, and then I will yield to the distinguished Senator from South Carolina.

To be honest with you, I don't think anybody differs with about 90 percent of what the distinguished Senator from Massachusetts or the distinguished Senator from Oregon have said, but it needs to be pointed out that in every case they have cited, State law took care of it and took care of it stronger than this bill will take care of it.

Frankly, whether it is Matthew Shepard or whether it is Byrd or whether it is the other case the distinguished Senator from Oregon mentioned, there is no need to federalize these crimes because they are being taken care of.

I yield 5 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, before my colleague from Oregon leaves, I don't think there is anybody in this body who is more respected than Senator GORDON SMITH. He is a very sincere, thoughtful guy who tries to personalize issues that affect people throughout this country. I know he is motivated by all the right reasons, but somebody needs to talk about the politics.

This legislation has been placed on the Defense authorization bill in the past. It never made it out of conference because we knew, with the makeup of the conference, the amendment would fall. Given the makeup of this conference, the amendment will be part of the bill and it is going to be vetoed. That is the politics. Whether one agrees with President Bush, he said he is going to veto this bill, and if I were him, I would as Commander in Chief. I would not buy into this way of legislating.

Another reason for this amendment, if you think there is a gap in military law that without this kind of amendment the military is not going to prosecute people who act on their prejudices, you are wrong. If someone in uniform commits a crime against a civilian or another person in uniform, I don't care why they did it; if they beat somebody up, hurt somebody, they are going to get prosecuted. That is the way the military law works.

We are not doing the military a favor by passing this legislation because there is no problem in the military in terms of how justice is administered. Whatever motivates you to hurt someone or to take the law in your own hands or act on your prejudices, you are going to be dealt with because we cannot have good order and discipline in the military when people can hurt someone based on their individual prejudice because the whole unit falls apart. This is nothing the military needs. They are going to take care of violence in the ranks based on the law they already have.

I can assure my colleagues that no one in the military gets a pass because of the status of their victim. If you engage in violent conduct, inappropriate behavior, illegal behavior, the law is going to come down on your head because we need good order and discipline.

The politics of this amendment is that this bill will get vetoed. The President is not going to agree to this social legislation on the Defense authorization bill, and we have to take responsibility for that action. Whether one agrees with him or not, we are going to put in jeopardy items the military does need. They don't need a hate crimes bill to make it an effective fighting force. We already have disciplinary tools to discipline people. They need pay raises and MRAP protection, and this bill provides those items.

Members of this body have different views about hate crimes legislation. We can argue those differences any time, anywhere, on any other piece of legislation. It can be brought up as a freestanding bill. But to put it on this bill is going to put in jeopardy items our men and women who are in combat and being shot at need. When I go to Iraq, I don't have a lot of people coming up to me saying we need to pass a hate crimes bill. They do need better body armor. They do need pay raises. They do need better MRAPs.

I think this is a very poor use of the legislative process knowing the end game. The end game is, we are going to hijack the Defense authorization bill by legislation not needed in the military, that is contentious, and that has an opportunity to be debated somewhere else. I hope reason prevails eventually.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Massachusetts controls 14 minutes, and the Senator from Utah controls 22 minutes.

Mr. LEAHY. Mr. President, I yield myself up to 5 minutes from the time of the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today the Senate is considering an amendment to the Department of Defense bill to address crimes that terrorize entire communities. Violent crimes motivated by prejudice and hate are tragedies that haunt American history. From the lynchings that plagued race relations for more than a century to the well-publicized slayings of Matthew Shepard and James Byrd, Jr., in the 1990s, this is a story we have heard too often in this country. Unfortunately, in my home state of Vermont, there have been two recent attacks that appear to have been motivated by the victims' religion or sexual orientation. A well-respected State representative in the Vermont Legislature has not been immune to threats of violence based solely on his sexual orientation.

I am proud to once again be a cosponsor of this legislation. I would like to express my appreciation to the Senator from Massachusetts and the Senator from Oregon for their work on this. I hope that this time Congress will have the courage to pass it. Six years ago, I made this bill one of the first major bills to move through the Judiciary Committee after I became chairman. It passed the Senate in the 106th Congress and again in the 108th Congress, but Republicans in the House blocked this important bill each time. In the Democratically led House of Representatives, the companion bill this year passed by a wide bipartisan margin. So I am hopeful that this time, Democrats and Republicans in the Senate will join together finally to enact this civil rights measure into law.

This hate crimes legislation improves current law by making it easier for Federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. Victims will no longer have to be engaged in a narrow range of activities, such as serving as a juror, to be protected under Federal law. This bill also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability, which is an important and long overdue expansion of protection. Finally, this bill provides assistance and resources to State, local, and tribal law enforcement to address hate crimes.

The crimes targeted in this bill are particularly pernicious crimes that affect more than just their victims and their victims' families—they inspire fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. When James Byrd, Jr., was dragged behind a pickup truck and killed by bigots in Texas in 1998 for no reason other than his race, many African Americans throughout our Nation surely felt diminished as citizens. When Matthew Shepard was brutally murdered in Wyoming the same year because of his sexual orientation, many in the gay and lesbian community felt less safe on our streets and in their homes. These crimes promote fear and insecurity that are distinct from the reactions to other crimes, and we need to take action to enhance their prosecution.

All Americans have the right to live, travel and gather where they choose. In the past, we have responded as a Nation to deter and to punish violent denials of civil rights. We have enacted Federal laws to protect the civil rights of all of our citizens for nearly 150 years. The Local Law Enforcement Hate Crimes Prevention Act continues that great and honorable tradition.

This bill will strengthen Federal jurisdiction over hate crimes as a backup, but not a substitute, for State and local law enforcement. States will still bear primary responsibility for prosecuting most hate crimes, which is important to me as a former State prosecutor. In a sign that this legislation respects the proper balance between Federal and local authority, it has received strong bipartisan support from State and local law enforcement organizations across the country.

Moreover, this bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts and threats of violence motivated by hatred and bigotry. But it does not target pure speech, however offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

We have been trying for years to pass the Local Law Enforcement Hate Crimes Prevention Act. It is appropriate to attach this important legislation to the pending Department of Defense authorization bill, as we have done twice in recent memory, because this is a pressing issue. I hope that we will not see another Republican-led filibuster on what should be a bipartisan measure.

Adoption of this amendment will show once again that America values tolerance and protects all of its people. I urge the opponents of this measure to consider the message it sends when year after year, we are prevented from enacting this broadly supported bill. The victims of hate deserve better. Let us join together and adopt these provisions without further obstruction and delay.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. President, I wish to express again my strong support for the reauthorization of the Children's Health Insurance Program. When we talk about the work of this Congress, I believe the extension of CHIP will stand out as one of the great accomplishments of this body. The bill is a clear statement of the priority of the majority in the Congress.

In passing this legislation, we state clearly that the health of our Nation's children is an issue too important to be dealt with in a "business as usual" fashion. This is a program that represents the best of what can happen when Members of both sides of the aisle come together to forge a consensus, with Democrats and Republicans working together for that consensus.

The outcome is a solid compromise on a vital issue: more health insurance coverage for millions of children. The choice is clear. Either you support children's health care or you do not. Either it deserves to be a high priority on our agenda or it does not. Frankly, as a parent, as a grandparent, I don't see this as a choice at all. It is a matter of priority. Few issues are as important as caring for our children.

Instead of helping more families who are struggling to afford basic health care for their children, the President would cut thousands in Vermont who have coverage right now. He is failing to lead, so Congress again is stepping in to realign our priorities.

If we can find the money to fund the war in Iraq for 41 days, the same amount that would pay for 10 million children to have health insurance for a whole year, then we can pay for this bill. I have heard some argue the bill should be opposed because it raises taxes on tobacco—just tobacco. Anyone who opposes this bill on these grounds is choosing big tobacco over children's health.

I support this bill because I believe it is a travesty that in the richest, most powerful country in the world, there are more than 47 million people without health insurance. It is an absolutely shocking number. It represents roughly one in six people who are going without regular trips to the doctor and foregoing needed medications and who are forced to use the emergency room for care because they have nowhere else to turn. These are our friends, our neighbors, and millions of our children.

My wife, during the years when she worked as a registered nurse, saw these people and realized what happened to them.

The legislation before us will extend and renew health care coverage for 10 million children. My own State of Vermont has been a national leader in children's health care. Even before the creation of CHIP, we knew this was the right thing to do. Because of our early action, Vermont has the lowest rates for uninsured children in the country, making our State a leader and an example for the rest of the Nation. This bill will bring us still closer to the goal of covering all children in our State but also to thousands elsewhere.

We are faced with many choices in the Senate. For me, the choice in this bill is clear. It is a must-pass bill. It is worthy of our support. I urge all my colleagues to stand for the children of this country and support this bill, and I urge the President to abandon his ill-advised threats and to sign it into law. If we can afford the war in Iraq, we can afford to insure our children.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I just want to share a few thoughts with my colleagues on the pending amendment. This hate crimes legislation is constitutionally dubious and very unusual legislation in the history of how we do law enforcement in America.

What I want to say to my colleague is that a murder in Utah, a murder in Massachusetts, a murder in Alabama is not a Federal crime unless certain other events occur, unless it is related to some other event. A robbery in any State is not a Federal crime per se. It has to be robbery of a Federal bank. It has to be robbery of an interstate shipment or something of that nature. But simple assaults, simple murders, no matter how grievous, are not Federal crimes. So the Supreme Court has been cautious about that and has raised questions about it.

Now, with regard to our history of legislating in this area, we have made Federal civil rights laws applicable to assaults and murders of people in America on account of their race, and the Supreme Court has upheld that. One of the fundamental reasons for that is that in many areas of the country, for many years—truly not so today, I believe, but in the past, areas such as my area of the country, have not prosecuted those cases, and there was a historical record of a failure to effectively prosecute in racial assaults that affected people's fundamental civil liberties. So that has been upheld. But the legislation we are talking about today is about picking an area that people care about and are concerned about and feel deeply about, which is that people should not be assaulted or abused as a result of their sexual orientation, and now we want to create a Federal crime wherever in America such an assault or an illegal activity or murder against that person occurs. We want to make that a Federal crime.

One of my colleagues said it is a backstop for the Federal Government. It is not a backstop. I was a Federal prosecutor. Federal law has priority. So this is a move in that direction.

So the question is, what about the elderly? What about those who are sick and infirm? What about police officers, if they are murdered? Do we need the Federal Government to make that a crime also and be able to prosecute all of those murders throughout the country when we have never done that historically? It is a big deal from that perspective, and that is why it is constitutionally suspect.

A State can pass such a law, I will admit. The Federal Government can pass such a law on Federal property, military bases, and the District of Columbia. But when the Federal Government reaches into a State that has no interstate nexus and creates a crime of this kind, I think it is, first, constitutionally questionable; secondly, not necessarily good policy because what other kinds of crimes motivated by what other kinds of malintent are we going to now make a Federal crime?

So Senator HATCH has explicitly and openly and directly delineated the very aggressive prosecutions we are seeing in States for hate-type crimes against homosexuals, and he has shown how a number of them have gotten a death penalty, which this act does not provide for, but State laws do. We have no record to indicate there is a shortage or a lack of willingness to prosecute these cases, so I think, under those circumstances, we ought not to do it.

I also would note it would be a tragic thing indeed if this Defense bill would be vetoed as a result of this extraneous piece of controversial legislation.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, this has been an interesting exercise, as far as I am concerned, but I rise to oppose this hate crimes legislation. This is wrong—hate crimes legislation. Instead, we have the opportunity to support the prosecution of hate crimes in a meaningful and a legitimate way that is different from this.

I have said for years in this Chamber that violence motivated by bias against a particular group is abhorrent. Everybody in this body believes that. There is no issue here. We believe that. I believe such conduct must and should be made a crime and punished differently from other crimes. I know all of my colleagues share my conviction about hate crimes. But where should that conviction lead us? The conviction that hate crimes are abhorrent leads me to ask what Congress may properly do about it. That conviction cannot, however, justify supporting the wrong legislation.

The Senate has before it today two amendments which represent two different approaches to the problem of hate crimes. I believe the amendment offered by my good friend from Massachusetts, Senator KENNEDY, is unwise, unnecessary, and unconstitutional. Some would argue the ends justify the means. They say, if you believe hate crimes are abhorrent, then you must vote for the Kennedy amendment. That certainly is not true, and I urge my colleagues to resist that sort of misguided pressure.

Our obligation is not only to pursue the right goals but to do it in the right way. The Kennedy amendment would federalize the prosecution of hate crimes. It would create a new Federal felony, punishable by up to 10 years in prison, for causing bodily injury to another because of that person's actual or perceived religion, national origin, gender, sexual orientation—gender identity?—or disability.

This amendment is unwise because of how it is drafted and how its supporters are trying to get it passed. The Senator from Massachusetts introduced S. 622 in the 106th Congress. He introduced S. 966 in the 108th Congress. He introduced S. 1105 in April. It would prohibit violence motivated by an additional new category of bias. The amendment before us today would do the same. That process of adding categories constituency by constituency and extending the reach of the Federal hate crimes law could continue indefinitely.

When my colleagues consider whether to support the current Kennedy amendment, even if they have supported previous versions, they should know that this amendment before us today is broader than any version of this legislation ever considered by this body. In its latest iteration, the Kennedy amendment would prohibit violence motivated by gender, sexual orientation, and gender identity. Now, there has been no public discussion about what these terms mean, how they may differ, and whether they can be applied in anything approaching a consistent and reasonable way.

But let me address another problem with including the latest new category—what the Kennedy amendment calls perceived gender identity. The term "perceived" applies to gender identity as it applies to the other categories, and it refers to the perpetrator's perception. In other words, the amendment prohibits violence based on what the perpetrator perceives to be the victim's gender identity. But the term "gender identity" refers to the victim's perception. Get that? The term "gender identity" refers to the victim's perception.

The online resource Wikipedia defines gender identity as:

> Whether one perceives oneself to be a man, a woman, or describes oneself in some less conventional way.

Now, the contradiction is obvious. The Kennedy amendment would criminalize violence based on the perpetrator's perception of the victim's self-perception. Whether or not this is good sociology—and I don't believe it is—it is bad legislation.

The Kennedy amendment is also unwise in the way its supporters are trying to get it passed. Even though my good friend from Massachusetts introduced it as a separate bill, we are here today considering it as an amendment to the Defense authorization bill. Some justify that by saying it would also protect members of the military. This measure would protect those serving in the military as well as everyone it attempts to cover whether it is attached to this bill or any other bill on any other subject at any other time. So that is not a good argument.

Its proponents wanted to attach the Kennedy amendment to this legislative vehicle not because it is relevant to the Defense authorization bill but because we consider the Defense authorization bill around here to be what we call a must-pass bill. If the Kennedy amendment prohibited violence against individuals because of their status as members of the military, I suppose it might be more relevant to the Defense bill. But I note that the Kennedy amendment does no such thing.

The Kennedy amendment does not belong on the Defense authorization bill, especially when the President has already threatened to veto the amendment and may have to veto this bill because of this amendment, a bill that is absolutely necessary for the benefit of our soldiers.

Now, in addition to being unwise, the Kennedy amendment is unnecessary. State laws already provide for prosecuting the underlying violence prohibited by the Kennedy amendment. Laws against murder, rape, assault, and the like are State laws, and they should remain that way. Forty-six States also have hate crimes legislation on the books that either criminalize substantive offenses or enhance criminal penalties for existing offenses because of their motive or bias.

By the way, the murderers of James Byrd in Texas and Matthew Shepard in Wyoming, after whom this bill is named, were either sentenced to death or are in prison for the rest of their lives under State law, more than this bill would do. My point is, State laws have been taking care of these matters, and there is absolutely no evidence that the proponents of this bill have been able to show that States are not doing their job under their laws, which are better than this law.

While these are the most widely cited examples, the Byrd and Shepard cases, and the other case cited by my friend from Oregon to demonstrate the need for the Kennedy amendment, it would treat both of these hate crime murders more leniently than current State law does.

There is no evidence that State and local governments are incapable of prosecuting these crimes, or that they are failing to do so.

Fewer than 17 percent of all law enforcement agencies reported even a single hate crime in 2005.

Hate crimes account for less than one-tenth of 1 percent of crimes in America.

The majority of hate crimes involve such things as vandalism or verbal intimidation.

By requiring actual or threatened bodily injury, the Kennedy amendment focuses on an even smaller portion of hate crimes.

This means that States would be more, not less, able to address the hate crime problem themselves.

The States are, in fact, already doing so.

In addition to being unwise and unnecessary, the Kennedy amendment is unconstitutional.

Yesterday in this Chamber, my good friend from Massachusetts strenuously emphasized, clearly and unambiguously, that his amendment is not limited by existing Federal jurisdiction.

In fact, he deliberately wants to break this new Federal hate crime felony free from any such limitation.

In his words, the limitation of requiring Federal jurisdiction for such a Federal crime would be "outdated, unwise, and unnecessary."

He said the same thing in April when he introduced this measure as a separate bill.

But the requirement that Congress have authority to legislate on such an issue derives from the very Constitution that each of us has sworn to support and defend.

We must have affirmative authority, derived from the Constitution, to legislate.

By giving us only delegated powers, America's founders rejected the idea that the desirable ends justify the political means.

Federalizing crime is legitimate only when it is connected to a power properly exercised by the Federal Government.

Rejecting the requirement of Federal jurisdiction in the legislation before us is rejecting the limitations imposed upon us by the Constitution.

With all due respect to my good friend from Massachusetts, I do not believe the Constitution is outdated, unwise, or unnecessary.

In its findings, the Kennedy amendment cites the 13th amendment to the Constitution, which banned slavery and involuntary servitude, as a constitutional basis for this legislation.

Modern forms of slavery do exist, and I urge my colleagues to support efforts by the Departments of Justice, Labor, and State to uncover and eliminate such heinous practices as human trafficking and forced prostitution.

But that is not what the Kennedy amendment, or existing hate crimes laws for that matter, are about and they cannot hook their train to the 13th amendment engine.

Connecting 19th century slavery with 21st century perceived gender identity at least requires a long series of rhetorical dots, but it should require more than a storytelling imagination to produce sound legislation.

The Kennedy amendment's growing list of prohibited bias categories extends far beyond anything the Supreme Court has ever recognized as relating to the badges and incidence of slavery.

We do not have to speculate about other constitutional defects in the Kennedy amendment.

As I said yesterday in this chamber, the Supreme Court struck down a portion of the Violence Against Women Act—I was a prime sponsor with Senator BIDEN of that bill—because Congress's authority to regulate interstate commerce did not extend to turning State crimes into Federal lawsuits.

The Court emphasized the distinction between the truly national and truly local and concluded that Federal legislation must be directed at such things as the actual instrumentalities, channels, or goods involved in interstate commerce.

The Kennedy amendment tries to avoid the same fate by appearing to require an interstate commerce nexus for some of the hate crimes it would cover.

If its backers are serious about this requirement, as the Supreme Court surely is, this would further reduce the hate crimes the Kennedy amendment would actually reach.

Their rhetoric and the ever-expanding list of prohibited bias categories in successive versions of this legislation, however, make me wonder whether they genuinely want the Kennedy amendment to be so narrowly applied.

As I said in this chamber yesterday, my good friend from Massachusetts, in the straightforward and direct way we have all come to appreciate and respect, has said unequivocally that all hate crimes will face Federal prosecution.

This will lead to a massive federalization of hate crimes that traditionally have been, and that constitutionally should remain, left to the authority of the States.

There is no need to burden prosecutors and courts and do such damage to our constitutional framework of government.

Our conviction about hate crimes cannot, it must not, blind our conviction about the need for wise legislation and respecting the fundamental limits of our constitutional authority.

While the Kennedy amendment is unwise, unnecessary, and unconstitutional, the good news is that we can do something legitimate and meaningful about hate crimes without back-handing the Constitution.

The amendment I have offered would strengthen enforcement of hate crimes laws right where that enforcement may legitimately and most effectively occur, at the State and local level.

My amendment would charge the Comptroller General, in consultation with the National Governors Association and State and local law enforcement, with studying whether State and local governments are properly and effectively addressing hate crimes.

This would give us a more objective understanding of the nature and scope of the hate crimes problem so that we can better determine whether there is any basis for a greater Federal role before we go off on this massive sweeping legislation the distinguished senator from Massachusetts is urging. My legislation would help identify whether any gaps exist in the ability and determination of States to prosecute hate crimes and provide Federal resources to help them do so.

The authority to prosecute hate crimes rests with the States, and if we truly want both to address hate crimes and stay within our proper constitutional role, we can help the States effectively carry out their responsibility.

I said it before, and I will say it again.

Crimes of violence, no matter their motivation, are abhorrent.

I recognize that some crimes of violence are directed not only against individual victims, but against the groups or communities with which those victims identify.

Concern about hate crimes, however, is only the beginning of the discussion and the political ends do not justify the legislative means.

I know that my good friend from Massachusetts is genuinely passionate about what he sees as an injustice.

His amendment, however, is the wrong way to address the problem.

The Kennedy amendment is unwise, unnecessary, and unconstitutional.

It is unwise in its drafting and in the way its supporters are trying to get it passed.

It is unnecessary because States have their own hate crimes laws and are demonstrably able to address the problem.

It is unconstitutional because Congress lacks authority to create such a freestanding criminal felony unrestricted by Federal jurisdiction.

I urge my colleagues, instead, to do the right thing and to do it the right way by supporting the amendment I have brought to the floor.

I find no fault with people who are sincere in trying to do things that sincerely are well motivated. But we should live within the confines of the Constitution. There is no nexus that would justify this type of overwhelming legislation, imposed upon everybody in this country, when the States are already doing the job.

We have two hate crimes amendments before us today. One is extremely broad, probably unconstitutional, and likely unnecessary. The President has threatened to veto it. The amendment would torpedo the Defense authorization bill. The other is a more modest approach. My amendment would assist State and local law enforcement as they do the hard work of providing equal justice for all their citizens. The Kennedy amendment is sweeping, but it cannot realistically get done on this bill. Mine is a modest, and I believe adequate, approach to this problem, and it would become law. To quote an unappreciated political philosopher:

> You can't always get what you want. But if you try, sometimes, you'll find you get what you need.

I urge my colleagues to vote against cloture on the Kennedy amendment and for cloture on my amendment and I think we will make better headway than we would if we agree to the Kennedy amendment.

I reserve the remainder of my time.

Mr. LEVIN. Mr. President, I support the passage of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007. We have all heard the story of Matthew Shepard: the 21-year-old student at the University of Wyoming who was brutally beaten—his skull smashed—and tied to a fence with a rope and left to die—because he was homosexual. No one should be targeted because of the color of their skin, their religion, their gender or their sexual orientation.

In April of this year, I joined Senators KENNEDY, SMITH, and others in introducing hate crimes legislation. This amendment, which is identical to that legislation, for the first time will expand the definition of a hate crime to include gender, gender identity, disability, and sexual orientation. It gives the Justice Department jurisdiction over crimes of violence committed because of a person's actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability. Existing law only covers race, color, religion, or national origin-based hate crimes, where the victim was engaging in one of six 'specified activities.' It will also strengthen the ability of the Federal, State, and local governments to investigate and prosecute hate crimes based on race, ethnic background, religion, gender, sexual orientation, and disability.

Some have said that this bill will take away first amendment rights. That is just not true. This law would punish violent acts, not beliefs. This legislation only applies to violent, bias-motivated crimes and does not infringe on any conduct protected by the first amendment. The first amendment right to organize against, preach against and speak is not impinged.

America's diversity is one of our greatest strengths. Our tolerance for each other's differences is part of the lamp that can help bring light to a world which is enveloped in bigotry and intolerance.

America has taken many steps throughout our history on a long road to become a more inclusive Nation.

We are hopefully about to take another one if we adopt the Matthew Shepard Hate Crimes Prevention Act of 2007.

Ms. FEINSTEIN. I rise today in support of the Kennedy-Smith amendment No. 3035, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007.

This legislation is a crucial step toward prosecuting crimes directed at thousands of individuals who are the targets of brutal and senseless violence.

The current Federal hate crimes law simply does not go far enough. It covers only crimes motivated by bias on the basis of race, color, religion, or national origin.

This amendment improves the current Federal hate crime law by including crimes motivated by gender, gender identity, sexual orientation, and disability.

Congress must expand the ability of the Federal Government to investigate and prosecute anyone who would target victims because of hate. In those States with State hate crimes laws, the Federal Government must provide the resources to ensure that those crimes do not go unpunished. We can and must do more.

In my own State of California, horrific instances of violence signify the critical need for legislation today.

I would like to share just a few examples:

In Santa Ana, retired Federal agent Narciso Leggs, Jr., was found strangled and tortured on June 29 in his southern California apartment. The killer placed a smiling ceramic angel on the victim's shoulder blade and wrote antigay slurs on his flesh with a black marker.

Another instance, in Los Angeles, CA, this past Spring: James McKinney, a mentally disabled man, was beaten to death by an unidentified man wielding an aluminum baseball bat as he was walking to the store from his home, a mental health care facility. The attack was caught on surveillance camera on Tuesday May 29, but his attacker remains at large.

In San Diego, attackers wielding baseball bats and shouting antigay slurs beat two men and stabbed a third in the back. The attack was the first in more than a decade at San Diego's annual gay pride festival.

Lastly, one of the most well-known cases in California happened in West Hollywood to actor Trev Broudy in 2002.

The night of his attack, Trev Broudy was hugging a man on a street. Three men with a baseball bat savagely attacked the actor, leaving him in a coma for approximately 10 weeks. As a result of the attack, Trev suffered brain damage, lost half of his vision, and has experienced trouble hearing.

The crimes are brutal. The attackers targeted their victims because of who they are. Yet none of these crimes can be prosecuted as a Federal hate crime.

These are not isolated instances. These crimes occur all over the country. According to FBI statistics, 27,432 people were victims of hate-motivated violence over the last 3 years. That is an average of over 9,100 people per year, with nearly 25 people being victimized every day of the year, based on their race, religion, sexual orientation, ethnic background, or disability.

Even more disturbing is the fact that these FBI statistics show only a fraction of the problem because so many hate crimes are unreported.

The Southern Poverty Law Center estimates that the actual number of hate crimes committed in the United States each year is closer to 50,000, and survey data from the biannual National Crime Victimization Survey suggests that an average of 191,000 hate crime victimizations take place per year.

Race-related hate crimes are the most common, but crimes based on religion, ethnic background or sexual orientation are also significant. In fact, a close analysis of hate crimes rates demonstrates that groups that are now covered by current laws—such as African Americans, Muslims, and Jews—report similar rates of hate crimes victimizations as gays and lesbians—who are not currently protected.

On average, 8 in 100,000 African Americans report being the victim of hate crime; 12 in 100,000 Muslims report being the victim of hate crime; 15 in 100,000 Jews report being the victim of hate crime; and 13 in 100,000 gay men, lesbians, and bisexuals report being the victim of hate crime.

Every individual's life is valuable. Congress must act to protect every person who is targeted simply because of who they are.

Specifically, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007 expands on the 1968 definition of a hate crime.

Under current Federal law, hate crimes only cover attacks based on race, color, religion, and national origin. Under this amendment, hate crimes will include gender, gender identity, sexual orientation, and disability.

The bill enables States, local jurisdictions, and Indian tribes to apply for Federal grants in order to solve hate crimes and provides Federal agents with broader authority to aid State and local police.

Additionally, the bill amends the Hate Crime Statistics Act by inserting "gender" and "gender identity," allowing law enforcement agencies to gather data on the newly protected groups.

This is not a new bill. It was first introduced in 1998. It has passed the Senate three times: in 2000, and in 2002 and 2004 as an amendment to the Department of Defense authorization bill.

It passed the House this year as a stand-alone bill and last year as an amendment to the Adam Walsh Act.

It is bipartisan. It has 44 cosponsors in the Senate and 171 cosponsors in the House. It is endorsed by over 210 law enforcement, civic, and religious organizations and has the support of 73 percent of the American population.

There is no excuse for not passing this bill out of the Senate today. This bill is not about free speech. It is about crimes of violence—often brutal, savage acts of violence. These crimes target a person solely because of that person's race, sexual orientation, religion, gender, national origin, or disability. By terrorizing one member of a group, they terrorize entire communities of people. These crimes damage our social fabric. We must be clear that we cannot tolerate this kind of intimidation.

Today, I ask all of my colleagues to rally against hate by working to ensure that this legislation is not simply supported but actually passed and signed into law.

Until it is enacted, many hate crime victims and their families will not receive the justice they deserve.

Let us send a message to all Americans that we will no longer turn a blind eye to hate crimes in this country.

Mr. KERRY. Mr. President, I still remember standing on the steps of the Capitol on October 14, 1998—thousands gathered on a cool autumn evening—to remember Matthew Shepard 2 days after he had been killed in Laramie, WY.

That night I said:

> Matthew Shepard is not the exception to the rule—his tragic death is the extreme example of what happens on a daily basis in our schools, on our streets, and in our communities. And that's why we have an obligation to pass laws that make clear our determination to root out this hatred. We hear a lot from Congress today about how we are a country of laws, not men. Let them make good on those words, and pass hate crimes legislation.

Almost 10 years have passed since that candlelight vigil—10 years too long for Washington to do what was so obviously needed. Violent hate crimes are on the rise—almost 10,000 violent acts of hate against individuals based on their sexual orientation have been reported to the authorities since Mathew Shepard's murder. What a tragic reminder of the urgency of providing local law enforcement with the added resources and support needed to get tough on hate crimes. What a horrific wake-up call to a sleepy Washington about the need to ensure a Federal backstop to assist local law enforcement in those cases in which they request assistance or fail to adequately investigate or prosecute these serious crimes.

The good news is that today with this Senate vote we will move one step closer than ever to legislating a Federal hate crimes law that includes sexual orientation and gender identity—the Matthew Shepard Act.

This is the least we can do, as we committed to do that night in 1998, to insure that "the lesson of Matthew Shepard is not forgotten." It is the least we can do to right a wrong in an America where every morning, someone takes the long way to class, an America where every day someone looks over his shoulder on the street, and still today in America innocent people fear for their safety—all because some people hate them for being who they were born to be—gay, lesbian, bisexual, or transgender.

This fight is not over, but this vote is an important milestone in the fight—a day when I hope we will begin at last to turn the tide, and reaffirm our faith that the strength of human justice can overcome the hatred in our society by confronting it.

I want to thank my friend and colleague, Senator KENNEDY, for his hard work to address hate crimes and ensure that this vital legislation is enacted.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened with great interest to my friend from Utah describe this legislation. He has followed one of the great traditions of the Senate. That is, he has misrepresented and misstated my position and then he has differed with it. I know that technique because I have used it a few times myself.

I hope, for those of our colleagues who have been following this debate, to keep in mind very briefly—I outlined earlier the principal reasons for this—but with regard to what is happening in the local communities, and in the States, the fact is the National District Attorneys Association is supporting this legislation. Do you believe if we were doing all the things the Senator said, if we were violating everything local and State, the National District Attorneys Association would be supporting this? The National Sheriffs' Association is supporting it, as is the States Attorneys General of the United States. The principal law enforcement agencies in the States are supporting it. Do you think they would be supporting this if it was unconstitutional? You don't think they would have the opportunity to know what is constitutional or not constitutional? And you don't think they understand what is necessary to protect their citizens from the viciousness of hate crimes?

There it is. I ask unanimous consent the entire list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Letters From Organizations That Support the Local Law Enforcement Hate Crimes Prevention Act of 2007

1. American-Arab Anti-Discrimination Committee
2. American Association of University Women
3. American Civil Liberties Union
4. American Jewish Committee
5. American Psychological Association
6. Anti-Defamation League
7. Asian American Justice Center
8. Center For the Study of Hate and Extremism
9. Hadassah
10. Human Rights Campaign
11. Interfaith Alliance
12. International Association of Chiefs of Police
13. Jewish Council for Public Affairs
14. Leadership Conference on Civil Rights
15. Major Cities Chiefs Association
16. Matthew Shepard Foundation
17. NA'AMAT USA
18. National Association of Lesbian, Gay, Bisexual & Transgender Community Centers
19. National Association for the Advancement of Colored People
20. National Center for Transgender Equality
21. National Council of Jewish Women
22. National District Attorneys Association
23. National Organization for Women
24. National Sheriffs' Association
25. Organization of Chinese Americans, Inc.
26. People for the American Way
27. PFLAG
28. Religious Action Center of Reform Judaism
29. SALDEF (Sikh American Legal Defense and Education Fund)
30. States Attorneys General
31. Unitarian Universalist Association
32. The United States Conference of Mayors
33. United States Student Association
34. Group Letter: Religious Organizations: African American Ministers in Action, American Jewish Committee, Anti-defamation League, Buddhist Peace Fellowship, Catholics for a Free Choice, Church Women United, The Episcopal Church, Hadassah, Hindu American Foundation, The Interfaith Alliance, Jewish Council for Public Affairs, Jewish Women International, Muslim Public Affairs Council, NA'AMAT USA, National Council of Churches of Christ, National Council of Jewish Women, North American Federation of Temple Youth, Presbyterian Church USA, Sikh Council on Religion and Education, United Church of Christ Justice and Witness Ministries, Union for Reform Judaism, United Methodist Church General Board of Church and Society, Unitarian Universalist Association of Congregations, United Synagogues of Conservative Judaism and Women of Reform Judaism.
35. Group Letter: Consortium for Citizens with Disabilities: Alexander Graham Bell Association for the Deaf and Hard of Hearing, American Association on Health and Disability, American Association on Intellectual and Developmental Disabilities, American Association on Mental Retardation, American Association of People with Disabilities, American Council of the Blind, American Counseling Association, American Dance Therapy Association, American Medical Rehabilitation Providers Association, American Music Therapy Association, American Network of Community Options and Resources, American Occupational Therapy Association, American Psychological Association, American Therapeutic Recreation Association, American Rehabilitation Association, Association of Tech Act Projects, Association of University Centers of Disabilities, Autism Society of America, Bazelon Center for Mental Health Law, Council for Learning Disabilities, Council of State Administrators of Vocational Rehabilitation, Easter Seals, Epilepsy Foundation, Helen Keller National Center, Learning Disabilities Association of America, National Alliance on Mental Illness, National Association of Councils on Developmental Disabilities, National Coalition on Deaf-Blindness, National Disability Rights Network, National Down Syndrome Society, National Fragile X Foundation, National Rehabilitation Association, National Respite Coalition, National Structured Settlement Trade Association, NISH, Paralyzed Veterans of America, Research Institute for Independent Living, School Social Work Association of America, Spina Bifida Association, The Arc of the United States, United Cerebral Palsy, United Spinal Association, World Institute on Disability.
36. Group Letter: National Partnership for Women and Families: 9 to 5 Bay Area, 9 to 5 Colorado, 9 to 5 Poverty Network Initiative (Wisconsin), 9 to 5 National Association of Working Women, AFL–CIO Department of Civil, Human and Women's Rights, American Association of University Women, Atlanta 9 to 5, Break the Cycle, Coalition of Labor Union Women, Colorado Coalition Against Sexual Assault (CCASA), Communications Workers of America AFL–CIO, Democrats.com, Equal Rights Advocates, Feminist Majority, Gender Public Advocacy Coalition, Gender Watchers, Hadassah the Women's Zionist Organization of America, Legal Momentum, Lost Angeles 9 to 5, NA'AMAT USA, National Abortion Federation, National Asian Pacific American Women's Forum, National Association of Social Workers, National Center for Lesbian Rights, National Congress of Black Women, National Council of Jewish Women, National Council of Women's Organizations, National Organization for Women, National Partnership for Women and Families, National Women's Conference, National Women's Committee, National Women's Law Center, Northwest Women's Law Center, Sargent Shriver National Center on Poverty Law, The Women's Institute for Freedom of the Press, Washington Teachers Union, Women Employed, Women's Law Center of Maryland, Women's Research and Education Institute, YWCA USA.

Mr. KENNEDY. I will mention a few. They include the Anti-Defamation League, Human Rights Campaign, Leadership Conference on Civil Rights, National Association for the Advancement of Colored People. Why? Because, as we know, hate crimes are increasing. They are not diminishing in the United States of America. They are increasing. All the statistics demonstrate it.

What is also demonstrable is what local law officials point out by their support. They do not have the tools or the will to deal with the most vicious types of attacks that take place upon individuals because of who they are. That is why they support this rather measured proposal that we have, that will give help and assistance in attacking the problems of hatred at home like we are attacking the problems of hatred abroad.

This is not such a strange issue.

Will the Chair let me know when I have a minute left, please.

My friend, Senator HATCH, pointed out during our debate in 2000:

> Crimes of animus are more likely to promote retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest and, ultimately, they are downright un-American.

No one could say it better. He understands that is what we are talking about and whether we are going to battle that with both hands, not with one hand tied behind our back as exists at the present time. It is the local law officials who are stating that. Even the Justice Department said the same a few years ago.

Finally, on why this is such an extraordinary situation—this is what the Justice Department says.

Local authorities may not have the tools or the will to prosecute a particular bias-motivated crime fully.

We put this aside. This, basically, is a moral issue. It is a moral issue because of the viciousness and the motivational aspects of hatred and bigotry. Our Founding Fathers, as brilliant as they were, wrote prejudice in the Constitution of the United States. They wrote slavery in the Constitution of the United States. This Nation has been battling for 230 years to free ourselves from the stains of discrimination, and we are not there yet. We suffered the brutalities of the Civil War. We went through the period of Reconstruction. We have faced those issues on the floor of the Senate: In 1964, the Civil Rights Act; the 1965 Civil Rights Act; the 1968 Civil Rights Act. We went on to knock down the walls of discrimination.

When we knocked down the walls of discrimination on the basis of race, we also, history will show—we knocked them down with regard to gender, we knocked them down with regard to ethnicity, we knocked down a lot of them in terms of disability. We have not with regard to sexual orientation. But we have made remarkable progress. No nation in the world has made that progress—no nation.

That is one of the reasons I am as proud of this Nation as I am. But it is a continuing process. If we do not understand that out there, as the various statistics of the Justice Department and the Southern Poverty Law Center say, there are these centers of hatred and bigotry that exist out there, that are hating and demonstrating and killing our citizens on the basis of those definitions.

That is continuing, and the question is whether we are going to do something about it. We are not going to solve all of the problems with legislation, but if we do not solve this one, we miss a golden opportunity.

I finally say, to those who have talked about, we are adding this on the Defense authorization bill, we have had more time in quorum calls around here. We have not taken a great deal of time. We are taking 2 hours this morning on SCHIP and hate crimes. We have not taken up a great deal of time.

The majority of the Members have supported this. On three other occasions, a majority of Republicans and Democrats have supported this concept—on three other occasions. Let's get the job done. We have that opportunity this morning.

Finally, this is about the morality of our country, the values of our country. That is directly tied into what our men and women are doing overseas in resisting terrorism and fighting for the values here at home. One of the values that is here at home is the value of honoring the dignity of the human being and the individual. That is why all of those in the great religious faiths, the Interfaith Alliance, 75 different religions—the belief that lies at the core of our diverse faith traditions is that every human being is endowed with dignity and worth. That is why 1,400 members of the clergy have pointed out: Our faith traditions teach us to love our neighbor. While we cannot legislate love, it is our moral duty to protect one another from hatred and violence.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. This is from the religious community.

So we have on that standard above the Presiding Officer "E pluribus unum"—"out of many, one." We have a responsibility, to the extent we can, to eliminate division, to eliminate the hatred, to eliminate the bigotry, and to become one Nation with one history and one destiny. This amendment moves us on that road to the kind of country this Nation deserves to be. I hope our colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 54 seconds remaining.

Mr. HATCH. Mr. President, I agree with 80 percent of what the distinguished Senator has said during this debate. The fact is, the very name of this bill makes the very point I am making. It is the "Matthew Shepard Act," a heinous crime committed against him where both people were prosecuted and sentenced to life; in the Byrd case, sentenced to death. We are taking care of these problems. There has been no showing by the other side that the State prosecutors are incapable of doing so. The fact is, we do not need a massive Federal piece of legislation that would require the Federal Government to get into areas that clearly are not in interstate commerce but are subject to State laws that are being enforced. That is a very important point. We should be very loath to go beyond that point.

I thank my very loquacious colleague who feels very deeply, but I feel deeply, too, about the issue, about these people, about what is happening, and what I am saying constitutionally.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

Mr. REID. Mr. President, I would refer my colleagues to my statement in yesterday's RECORD on the hate crime legislation.

CHIP

Mr. President, just like any job in America, Senators have good days and bad days. We all know what it is like to leave work frustrated that we did not make the right decision, that the progress we have made was not what we had hoped, that we did not express our views in quite the right way or we just did not have enough time to get everything done. But we also know, here in the Senate, how the opposite feels: days when we put our political differences aside, rise above partisanship, and do something lasting and meaningful for our country.

Earlier this year, when the Senate passed its version of the Children's Health Insurance Program, it was a day just like that. It was a day of happiness. And today can be another day just like that. As a result of the hard work of Chairman BAUCUS, Senators ROCKEFELLER, GRASSLEY, and HATCH, we have before us legislation that I am confident will enjoy overwhelming bipartisan support, which we will vote on shortly.

Hopefully, the strong bipartisanship message this body sends today will be loud enough and strong enough that the President will reconsider his stubborn opposition to this legislation. Senators GRASSLEY and HATCH are very supportive of the President. No one needs to lecture anyone on that. But they have said the President's stand on children's health is wrong and that he should join with us. And they are right. For all the talk we hear about what Government does wrong, the Children's Health Insurance Program is a shining example of what Government does right.

Before children's health became law 10 years ago, millions of children were totally uninsured. These children were part of a coverage gap. Their parents' incomes were not high enough to afford private insurance, nor low enough to qualify for Medicaid. Now, a decade later, this program has reduced the number of uninsured children in working families by 35 percent. Today, 6.6 million children have insurance thanks to this exemplary program. Many of these children are now getting regular checkups. They are benefiting from preventative medicine. They are saving money for society, and their primary care comes from a doctor, a family doctor, not from an expensive, inefficient emergency room. Examples of this success can be found in every single State, in urban areas, rural areas, east coast, west coast, south, north, everywhere in between.

When we voted on this bill originally, I gave an example. I told the story of a Reno woman named Terry Rasner. Since 1998, Terry has helped children in Nevada enroll in Nevada Check Up, which is Nevada's children's health insurance program. Her work has never been more important. The latest numbers just released show that 430,000 Nevadans have no insurance; they are uninsured. Nevada is a sparsely populated State, but these numbers are overwhelming—430,000 people have no health insurance. And 115,000 of the uninsured are kids, children.

Terry explained to me, in an e-mail she sent me, how the program is operating in Nevada. She wrote:

> There are many stories of children as old as 11 and 12 who were finally able to visit a dentist for the first time in their lives.
>
> Stories of families who finally felt whole because they could access affordable medical and dental care for their children.
>
> School nurses who were acutely involved in supporting and promoting this program from the outset because they were on the front lines of failed programs, or no programs at all, to address the medical and dental needs of children of low-income working families.
>
> One child in particular was so bad off he was unable to eat or chew food due to the dramatic decay in his mouth. Imagine, children for the first time in their lives actually getting to see a doctor or dentist that their parents were able to afford.

Stories like this, examples of the children's health program saving lives—these same stories are being told all across America, and statistics bear this out.

This program is even better than ever because we have extended dental care for these children. Study after study shows that our youth enrolled in the Children's Health Insurance Program are much more likely to have regular doctor and dental care. They report lower rates by far of unmet needs for care. The quality of care they receive is far better than it was before. That is an understatement. School performance improves. The plan is helping to close the disparity in care for minority children. And the Children's Health Insurance Program has become a major source of care for rural children. So there is no doubt, no question at all that the Children's Health Insurance Program is good for kids, little people who cannot help themselves, it is good for families, also, and it is good for America for sure.

Today, we have the opportunity to take the next step toward making the great American success story even more of a success. The bill before us maintains coverage for the 6.6 million children currently enrolled and adds an additional 4 million low-income, uninsured children. It also improves the program by curbing coverage of adults in the program and targeting the lowest income eligible families as new enrollees. It does all of this in a fiscally responsible manner.

This legislation is fully paid for. It does not add one penny to our Nation's debt or add to the deficit.

It is not surprising that this bill was supported by 45 Republicans in the House and virtually every Democrat in the House. Chairman GRASSLEY, Senator HATCH, and more than a dozen other Republican Senators voted for this bill the first time around, and every single Democrat in the Senate.

I might just add, as an aside, Senator HATCH has never been known as a big spender, and he supported this bill overwhelmingly. We could not be where we are but for him and Senator GRASSLEY.

But not only do a significant number of Republican Senators support this legislation, but Governors support it, our health care providers support it, children's advocates and the vast majority of Americans are cheerleaders for this worthy legislation. The Senate will shortly do its part and pass this children's health insurance legislation.

But despite all of this, all of the bipartisan support, all of the goodwill this bill enjoys, surprisingly, stunningly, President Bush continues to insist he will stop this bill from becoming law. This is the same President Bush who, during the 2004 campaign, touted his plan to expand the SCHIP program.

Quoting from the President, in a release he made:

> The President will launch an aggressive, billion-dollar effort to enroll children who are eligible but not signed up for the government's health insurance program. The goal will be to cover millions more SCHIP and Medicaid-eligible children within the next 2 years.

That is what he said in 2004. Now President Bush offers us a list of reasons for opposing legislation that would do what he said he strongly supports.

One of the reasons he gives us is we cannot afford it. Let me repeat what I said before: This bill is paid for and will not increase the deficit a single cent.

Second, let's look at the things the President thinks we can afford. In about a month in Iraq, the President will spend $12 billion. This would far exceed what we would spend on these children. But, remember, we are spending for what is fully paid for. It comes from a tobacco tax.

So clearly it is not about having money; it is not about any of the reasons he has given. Despite his list of unknown reasons, it has become clear in recent days that there is only one reason I can come up with for his reversal, his flip-flop on the Children's Health Insurance Program: I guess it is because he wants to do something with health care that he has not yet told us.

He has in the past calculated that holding this bill hostage is the only way to raise from the dead his partisan, unpopular, and ineffective health agenda. We realize this. Republicans realize this. In fact, the ranking member of the Finance Committee realizes this, and he has spoken so on the floor, Senator GRASSLEY.

President Bush, on this issue, stands alone. Can one imagine our President, President Bush, going to one of these children and saying: You cannot have health care. You have to stop seeing your doctor. If you get sick, your parents or a brother or sister will have to take you to the emergency room. Get a brother or sister, get a neighbor to do that, but we are not going to let you go see a doctor.

So despite his promises, I hope he will come to his good side and put the well-being of millions of poor children ahead of his own flawed political agenda that we are seeing on this issue today. I hope he realizes this program is government at its best—lending a helping hand, providing a safety net to children who need our help to reach their full potential.

If we pass today the Children's Health Insurance Program with a good bipartisan vote, this can be one of our good days, our legislative good days, when we do something lasting and meaningful for the American people who sent us here to help fulfill their dreams and their hopes.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed for a few moments with my leader time and say to my good friend the majority leader, I know it is customary for him to speak last, but I was unavoidably detained from getting to the floor and wanted to make a couple of observations about the Kennedy amendment on my leader time.

A vote for Senator KENNEDY's hate crime amendment regretfully puts this whole bill in jeopardy. The only way to ensure we have a Defense authorization bill this year is to vote against the Kennedy amendment. There are too many important Defense provisions in the bill that are at risk because of a controversial, nongermane amendment dealing with social policy.

Among the items at risk, the Wounded Warriors provision, the pay raise, acquisition reform, and many other important Defense provisions, all are put at risk by the adoption of the Kennedy amendment.

We have now gone through a long exercise debating Iraq amendments and nongermane amendments related to the social agenda of the other side. But what are we trying to accomplish here? Do we want to protect the defense policy matters in this bill that actually matter to our forces in the field, or do we want to debate political and social issues on this measure? The Senate has been on record all year that we will not cut off funding for our troops in the field and that we need to do more to help our wounded warriors returning from the war. Let us not sacrifice the bipartisan work of the committee for an amendment that is not relevant to the underlying bill.

I hope the Kennedy amendment will be defeated.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 3035 regarding hate crimes.

Gordon H. Smith, Chuck Schumer, Bernard Sanders, Robert Menendez, Sheldon Whitehouse, Frank R. Lautenberg, Hillary Rodham Clinton, Chris Dodd, John F. Kerry, Patty Murray, Barack Obama, Jeff Bingaman, Ben Cardin, Evan Bayh, Tom Harkin, Ted Kennedy, Dianne Feinstein.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3035 offered by the Senator from Massachusetts, Mr. KENNEDY, to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 39, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—60

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—39

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Stevens
Sununu
Thune
Vitter

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 39. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order—the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I could have the attention of the leadership, we would be glad to have a voice vote, if that is acceptable, satisfactory. We would vitiate the need for the yeas and nays and move to a voice vote, if that is satisfactory.

Mr. MCCONNELL. Mr. President, I was distracted.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Was the Senator from Massachusetts trying to get my attention?

Mr. KENNEDY. As a result of this vote, we would be glad to vitiate the need for the yeas and nays on this amendment and have a voice vote, if that is acceptable.

Mr. MCCONNELL. As far as I know, a voice vote is acceptable. We will vote on the Hatch alternative.

Mr. KENNEDY. Then, Mr. President, if I could just have everyone's attention for a minute, we are prepared to accept the Hatch amendment, if that is satisfactory.

Mr. MCCONNELL. We will need a rollcall vote on the Hatch amendment.

Mr. KENNEDY. Then, Mr. President, I would like to see if we could have a voice vote now on the underlying amendment.

The PRESIDING OFFICER. The question is on agreeing to the Kennedy amendment.

The majority leader is recognized.

Mr. REID. Mr. President, it would seem to me what we should do is have a vote on the underlying Hatch amendment. I do not think we need to vote on cloture. So I ask unanimous consent that we have a voice vote on the amendment that is now before the body, we vitiate the cloture motion on the Hatch amendment, and have a rollcall vote on his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Kennedy amendment.

The amendment (No. 3035) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3047

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Hatch amendment prior to a vote on the amendment.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are willing to accept the Hatch amendment. It requires a study and requires some authorization for helping local communities. I would hope the amendment would be unanimously accepted. I intend to vote for it, and I would hope all the Members would vote for it. I understand we are going to order the yeas and nays now. I hope we will vote in favor of the Hatch amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, with that fine concession, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3047.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—96

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Coburn
Graham
Vitter

NOT VOTING—1

McCain

The amendment (No. 3047) was agreed to.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the motion to concur in the House amendments to the Senate amendments to H.R. 976, the Children's Health Insurance Act of 2007.

Pending:

Reid motion to concur in the amendments of the House to the amendments of the Senate to the bill.

Reid Amendment No. 3071 (to the House amendment to Senate amendment to the text of H.R. 976), to change the enactment date.

Reid Amendment No. 3072 (to Amendment No. 3071), of a perfecting nature.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the matter before the Senate?

The PRESIDING OFFICER. Each side has 1 minute of debate on the children's health insurance amendment.

Mr. REID. Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. We yield back the remainder of our time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 976, SCHIP.

Max Baucus, Ted Kennedy, Jeff Bingaman, Patty Murray, Barbara Boxer, Tom Carper, Patrick J. Leahy, Charles Schumer, Maria Cantwell, Dick Durbin, Blanche L. Lincoln, Robert P. Casey, Jr., Debbie Stabenow, Jack Reed, B.A. Mikulski, Tom Harkin, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion of the Senator from Nevada, Mr. REID, to concur in the House amendment to H.R. 976, the Children's Health Insurance Act of 2007, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. The following Senator is necessarily absent: The Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—69

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—30

Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Sessions
Shelby
Thune
Vitter
Voinovich

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

UNANIMOUS CONSENT REQUEST

Mr. ENSIGN. Mr. President, I ask unanimous consent to be recognized for 5 minutes to make a quick statement, and then I will make a unanimous consent request, to which there will be an objection on the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, let me make it clear. I support the electronic filing by Senators in the underlying bill that Senator FEINSTEIN brought forward. There is an issue I want to raise on an amendment I wish to add to the bill.

We have a problem going on in the Senate where there are anonymous outside groups who are filing ethics complaints, and they are doing it for purely political reasons. As often is the case, this can be fixed with transparency.

If someone files an ethics complaint against a Senator from the outside, then they would have to disclose their donors under my amendment. Right now in the Senate, there is no such requirement for filing a complaint. The complaints do not have to be sworn, signed, or even identified, and they can be submitted by a person or an unnamed group no one will ever know.

The complaints do not have to be submitted in a formal manner. They can be on a beverage napkin or written in crayon. However, this is not the case in the other Chamber. In the House of Representatives, they have very formal, rigorous requirements to file complaints. The complaints must be sworn to and filed by a Member of Congress. With no requirements in the Senate, the result is that people create shell organizations in order to register purely political complaints.

Some say my amendment will prevent people from filing complaints. This is simply not true. My amendment will make the complaint process transparent and similar to the FEC process. Has there ever been a shortage of complaints at the FEC?

If these complaints are being filed purely for political reasons, then we will find that out because we can see who the donors are. We need to protect this institution. We need to protect individual Senators from purely politically motivated ethics complaints that come against us.

If it is done purely for partisan reasons, we need to know that, and transparency is, once again, the best way to find that out. All I am asking is for an up-or-down vote so the Senate can decide if it wants transparency. It has been said that this bill is unrelated to the electronic filing bill. I disagree. They are both about transparency. They are both about the political process. We need to have this amendment agreed to.

I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to Calendar No. 96, S. 223, under the following limitations: that the committee-reported amendment be agreed to, and that the only other amendment in order be an Ensign amendment related to transparency and disclosure, with 20 minutes of debate equally divided in the usual form on the bill and the amendment to run concurrently, and that following the use or yielding back of time, that the Senate proceed to vote in relation to the Ensign amendment, and that the bill, as amended, be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER (Mrs. McCASKILL). Is there objection?

Mr. BAUCUS. I object.

Mr. ENSIGN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, what is the regular order?

The PRESIDING OFFICER. The regular order is the motion to concur with the House amendments to the Senate amendments on SCHIP.

Mr. BAUCUS. Madam President, we are awaiting the arrival of the Senator from Kentucky. I do not see him yet so I will begin.

Nearly every American schoolchild knows the story told in Parson Weems' 1800 biography "The Life of Washington." That is our first President. According to Weems, young George used his new hatchet to chop down his father's cherry tree. His father asked George what happened. George was tempted to make up a story, but then in Weems' famous account, young George "bravely cried out, 'I cannot tell a lie. I did cut it with my hatchet.'"

I wish all public servants kept the same standard of truthfulness, especially in this debate. Regrettably, many of today's public servants appear all too tempted to make up a story. Many are failing to tell the truth about the Children's Health Insurance Program.

Let me set the record straight.

President Bush has said that our bill "would result in taking a program meant to help poor children and turning it into one that covers children in households with incomes of up to $83,000 a year." That is what our President said. That is not true. There is nothing in the Children's Health Insurance Program bill that would change current law and allow States to cover children in families making $83,000 a year. There is nothing in the current bill that would let that happen. Nothing in current law; nothing.

On income eligibility levels, the bill maintains current law. It doesn't change current law, it maintains current law on income eligibility levels. Current law limits CHIP to the higher of 200 percent of poverty or 50 percent above the State's prior Medicaid levels. Any State that wants to increase eligibility for CHIP above those levels has to get approval from the Secretary of Health and Human Services. That is current law, and that is the law under the CHIP bill before us today. It is unchanged.

In fact, our bill actually includes new policies to discourage States from increasing eligibility for kids above 300 percent of poverty. Under our bill, States that increase eligibility above 300 percent—again, they have to get approval from HHS to get a waiver—under our bill, those States that increase eligibility, if they get a waiver granted by the Bush administration or not, would get the lower Medicaid Federal match payment for higher income children. Our bill would decrease the incentive to cover higher income children relative to current law. It decreases incentives relative to current law.

Our bill also includes new policies requiring any States covering children above 300 percent to meet a target enrollment level for covering their lowest income children below 200 percent of poverty. That is new. States that don't meet the target by 2010 risk losing all Federal reimbursement for their higher income children. So our bill has an even greater focus on low-income kids compared with current law.

Our bill will benefit low-income children. The Urban Institute found that 70 to 80 percent of children helped by our bill are low-income children with family incomes below 200 percent of poverty. Our bill is targeted to help exactly the low-income children for which we created the CHIP program in the first place. Our bill continues that mission for the next 5 years.

The administration has also said our bill would move too many children from private insurance into CHIP. Once again, that is not true. According to Congressional Budget Office Director Peter Orszag—he is the top person in the independent Congressional Budget Office. His job is to independently assess what we do. There is no partisanship at all. He said there is always some "crowdout" or substitution of public coverage for private coverage whenever we create a new Government subsidy to help people. It always happens to some degree.

A few years ago—this is important for everybody to remember, especially the President—when we considered the Medicare prescription drug bill, the so-called MMA, CBO then said about two-thirds of those getting the new Government help would already have private coverage. Two-thirds already had private coverage. I don't remember the administration complaining about the crowdout then, complaining about people who might leave private coverage to go to Medicare Part D.

When we enacted the CHIP program 10 years ago, the Congressional Budget Office projected there would be about a 40-percent crowdout rate, not two-thirds as the case in the Medicare Part D but about 40 percent. What happened? Our bill has a lower crowdout. It is about 40 percent lower than CBO projected would happen in the program 10 years ago.

In fact, CBO Director Orszag said this year's Senate bill, which is very similar to the final bill we are considering, was "pretty much as efficient as you can possibly get for new dollar spent to get a reduction of roughly 4 million uninsured children."

We went to CBO and said we want to reduce the so-called crowdout as much as we can; how do we do it. We talked back and forth. And his assessment is the final bill is "pretty much as efficient as you can possibly get," lower than any other major crowdout results.

The President also said he has a better plan to help uninsured children. If he does, he is keeping it under wraps.

The President talked about both his plan to reauthorize CHIP and his plan to promote private coverage through tax credits. But independent analyses of both plans suggest that under them, American children would fare far worse.

For the Children's Health Insurance Program, the President is proposing a $5 billion increase in Federal funds over the next 5 years. That is his proposal. The President says that will be enough. The Congressional Budget Office disagrees. The analysis of the Congressional Budget Office, again, an independent analysis of the President's plans, indicates it would not even maintain coverage for children currently enrolled in CHIP today. it would not even maintain it. In fact, CBO projects that under the President's plan, 1.4 million children would actually lose coverage.

The President's tax credit plan does not do much better. The Congressional Budget Office has estimated only about 500,000 children will gain new coverage under that plan. If we take CBO's estimates for these plans together, over 5 years, there would still be a net loss coverage for a million children—a net loss coverage for a million children compared with current law.

Causing a million children to lose health insurance is not a better plan to help uninsured children—not in my book, and I don't think it is in anybody else's book either.

I am not the only one who thinks what the administration is saying is essentially not true—in fact, not at all true. Go to the Annenberg Political Fact Check, a nonprofit media accuracy organization funded by the Annenberg Political Fund. Go to their Web site: www.factcheck.org.

At the end of the day, our current President named George has a simple choice. He can bring health coverage to 3.8 million low-income uninsured children who have no insurance today or he can cut it with his hatchet, cutting coverage for at least a million children who would otherwise get the doctor visits and medicines they need through CHIP.

The right choice is to stand bravely with America's children.

I urge my colleagues to join me in making the right choice. Support the CHIP program. Call on the President to sign this important legislation.

Support the CHIP bill because the truth is our bill focuses benefits on low-income children. It is that simple. That is what the bill is, no more. The truth is, in terms of preserving private coverage, our bill is "pretty much as efficient as you can possibly get." And the truth is, the administration does not have a credible alternative.

I urge my colleagues to join me in making the right choice because in the end, this bill is about helping those who can least afford health insurance now. This bill is about helping Americas parents who truly want the best for their children. And as much as some may be tempted to make up a story to say it is about something else, the truth is, this bill is about kids.

I yield to the Senator from Kansas.

Mr. ROBERTS. I asked for 20 minutes. I thought the leader was going to come down and propose a unanimous consent request to lock in time. He agreed to provide me 20 minutes.

Mr. BAUCUS. There is no time limit. We have 6 hours allocated generally to this bill. The Senator can seek recognition.

Mr. ROBERTS. Madam President, I ask to be recognized for 20 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I rise today to express my support for the SCHIP compromise bill. I believe this agreement represents a good balance and continues the historic bipartisan support for this program.

On Tuesday, the House passed this bill with wide bipartisan support, and I expect the Senate to do the same. I also rise today, Madam President, to ask and to strongly recommend that the administration rethink the threat to veto this important legislation. Simply put, this bill should not be vetoed.

Here in Washington, we often talk about the programs that directly affect our constituents back home. The State Children's Health Insurance Program, or SCHIP is the acronym, is truly one of those programs. SCHIP has long enjoyed bipartisan support, and I am glad we have come to a strong bipartisan agreement on a program that is critical for our low-income children.

In Kansas, our SCHIP is called HealthWave, and it supports over 35,000 Kansas children. It is a critical tool for our hard-working families who would otherwise struggle to provide health care for their children. Renewing this program has been a top priority of mine for the 110th Congress. While our Kansas HealthWave Program has made great strides in providing health care to low-income children, unfortunately we still have 50,000 uninsured children in Kansas—50,000. There are 35,000 now covered by the program but 50,000 who are not covered.

Many of these children are currently eligible for SCHIP but are not enrolled because of the lack of resources in the program. We can clearly do better. The bill before us would provide the necessary resources to Kansas and other States in order to reach these low-income children and finally provide them with the health care coverage they need.

Unfortunately, instead of talking about achieving rare bipartisan progress for these hard-working families and their children, this bill and this debate has turned into a political showdown. And, unfortunately, low-income children will be the ones to ultimately pay the price.

I am very disappointed that before the administration even received the final language their minds were apparently made up, and a line was drawn in the sand opposing this compromise. Again, this was even before the final language was in their hands. And, to my knowledge, there has been little, if any, willingness to come to the negotiating table to find the solution. I think this is unfortunate, and I think this is irresponsible.

The administration is now threatening to veto this bill because of "excessive spending" and their belief this bill is a step toward federalization of health care. Now, I agree with those concerns. I agree with those concerns. I am not for excessive spending, and I strongly oppose the federalization of health care. And if the administration's concerns with this bill were accurate, I would support a veto. But, bluntly put, they are not.

I do not believe the bill we are debating represents irresponsible spending. Instead, this bill provides necessary funding to States to cover children who should already be covered under the program. And I know there are some who believe this bill is too expensive, but there are also others who believe this bill doesn't go far enough. Many of my friends on the other side of the aisle wanted a $50 billion to $75 billion expansion of SCHIP. Many in my caucus would have preferred a $5 billion increase. As a result, we had to try to find middle ground, and we did just that. What we are debating today is something that is often hard to come by these days in Washington. It is called a bipartisan, bicameral compromise.

Now, the agreement provides $35 billion in new funding for SCHIP and targets the program back to its original focus—low-income children. Let me repeat that. This bill targets the program back to its original focus—low-income children. We should all understand that despite the partisan bickering and the rhetoric that has poisoned the Halls of both the House and Senate, bipartisanship and compromise are absolutely necessary to achieve—to achieve—good policy. And I know President Bush understands this. In fact, the administration has been successful in working with my friends on the other side of the aisle on many issues during these two terms to achieve good legislation. One good example is the historic tax relief we were able to achieve. Obviously, that final compromise required give and take from both sides of the aisle, and this tax relief is now putting money back into the pocketbooks of our constituents back home.

I was a conferee on the No Child Left Behind legislation and know how closely the administration and Senator KENNEDY and Congressman MILLER and others had to work to find any common ground. That bill was certainly a great testament to bipartisanship, and we are trying to fix some of the problems in that bill on a bipartisan basis.

The SCHIP bill is yet another example of hard work to come together and find common ground. Of course, I am not pleased with everything in the bill, and I know my colleagues on both sides of the aisle feel the same. However, this bill represents a good bipartisan compromise, with the ultimate goal of providing health care coverage to low-income children. The alternative that is proposed by the administration is threatening a veto and insisting upon a larger health care reform debate.

I appreciate the administration's passion and persistence on having a broader health care debate. However, holding a children's health insurance bill hostage is not the right way to achieve this goal. I support the goals of reforming the Tax Code to promote the purchase of private health insurance. Let me repeat that, Madam President. I support the goals of reforming the Tax Code to promote the purchase of private health insurance. But I have yet to see a plan from the administration that can actually pass the Congress.

In fact, I have yet to see an actual plan from the administration. I have yet to see bullet points from the administration. I have yet to see any plan that can be articulated in some fashion to sell to the American public or to the Members of this body. We don't even have an acronym for this plan. My word, you can't do anything around here without an acronym.

The administration has also raised concerns that this bill is a march toward the federalization of health care. I would argue that is simply not true. I would never support a bill to federalize health care. I remember that battle a decade ago. There is no way I want to go down that road again.

I think it is important to point out what I think is a paradox of enormous irony in regard to the claim that this bill is a step toward the federalization of health care. In reality, this administration has approved waivers—approved waivers—to cover adults under a children's health care insurance program. Let me repeat that. Under this administration's watch, we now have 14 States covering adults under the Children's Health Insurance Program.

Now, this administration and others expressed grave concern that SCHIP is the next step to universal health care. Yet this very same administration is approving waivers to cover adults under a children's health program. And, unfortunately, a number of these States are covering more adults through their SCHIP program than they do children, even while high rates of uninsured children still remain. This is not fair. This is not right. It is wrong.

I don't mean to pick on other States, but let's take a look at a few examples. New Jersey now covers individuals up to 350 percent of the Federal poverty level and spends over 40 percent of its SCHIP funds on adults. This is even while over 100,000 low-income children in the State remain uninsured. This isn't right.

Earlier this year, Congress had to pass a stopgap funding measure to plug 14 State SCHIP shortfalls. Of the 14 States that got this emergency funding, five—five—cover adults. One of these States was Illinois, which spends over 50 percent of its SCHIP funds on adults. Wisconsin covers more adults than children under SCHIP—75 percent to be exact. And the administration just approved an extension of their waiver to cover adults. Minnesota covers more adults on their SCHIP program than they do children. The same is true for Michigan, and the same is true for Arizona.

Now, I am not trying to pick on these States. I can go on and on because, again, there are currently 14 that cover adults on a program that was meant for children. And how are these States able to cover adults under the Children's Health Insurance Program? Again, through waivers approved by this administration. This is certainly not fair to States such as Kansas that have been playing by the rules and targeting our programs to low-income children. I am beginning to wonder if we have the wrong name for the State Children's Health Insurance Program. I don't think it was intended to be the adult health care insurance program.

The greatest paradox of enormous irony, however, is that this bill actually stops the waivers this administration has been so generously granting to States to cover adults by not allowing more adult waivers to be approved. Let me say that again. The greatest paradox of enormous irony is that this bill actually stops the waivers this administration has been so generously granting the States to cover adults by not allowing more adult waivers to be approved. This means future administrations that may want to use SCHIP as a means to expand government health care to adults will be prevented by law from doing so. As a result, this bill ensures that the Children's Health Insurance Program remains just that—a program for low-income children.

This bill also phases out childless adults currently being covered with SCHIP funds and lowers the Federal matching rate for States that currently have waivers to cover parents and now must meet certain benchmarks in covering low-income children. As a result, this bill brings excessive spending on adult populations in check.

The Congressional Budget Office has estimated that spending on adults would be over $1 billion higher under current law over the next 5 years than it would be under this compromise. This bill is more fiscally responsible than the administration's approach or an extension of this program by $1 billion.

Most importantly, this bill ensures that we are putting kids first and returns the program to its original purpose—providing health care coverage to low-income children.

Now, on the income eligibility front, the administration unfortunately is claiming this bill does things that the bill simply does not do. It is sort of an "SCHIP In Wonderland." For example, the President claimed in a speech last week that this bill expands SCHIP coverage to families making over $80,000 a year.

I just have to ask the speech writer for the President, are you reading the same bill I am reading? Are you reading the same bill that we are discussing on the floor of the Senate? You can twist the facts, but facts are stubborn things, Madam President.

In fact, this bill reduces the matching payment incentives that States have had for so long to cover individuals at higher income levels. In addition, by the year 2010, this bill—this bill—denies Federal matching payments to States that cover children above 300 percent of the poverty level if the State cannot meet a certain target in covering low-income children in either public or private insurance plans. And let me emphasize private insurance plans.

I think it is important to remind the administration that a State can only cover children above 200 percent of the poverty level if the administration approves the State's application or waiver. I repeat: A State can only cover children above 200 percent of the poverty level if the administration or any administration approves that State's application or waiver. This is current law and this bill does not change that.

More importantly, this bill actually provides incentives and bonus payments for States to cover children under 200 percent of the poverty level in order to truly put the focus of this program back on low-income children.

The bill also addresses the importance of including the private market in the SCHIP program. Let me repeat that for all those who want a private approach in regard to private markets, in regard to insurance: The bill addresses the importance of including the private market in the SCHIP program. In fact, the American Health Insurance Plans, also known as AHIP—that is their acronym—on Monday announced their support for this compromise bill. AHIP is the national trade organization which represents over 1,300 private health insurance companies.

The compromise makes it easier for States to provide premium assistance for children to get health care coverage through the private market—that is the goal of the administration and that should be our goal as well—rather than relying on SCHIP. That is in this bill. This is an important choice for families who would prefer a private choice in health care.

This bill also requires the GAO and the Institute of Medicine to produce analyses in the most accurate and reliable way to measure the rate of public and private insurance coverage and on best practices for States in addressing the issue of something called "crowdout." That means children switching from private health insurance to SCHIP. So we have a study to determine exactly how we fix that.

In the ultimate paradox of enormous irony, it seems the administration is threatening to veto a bill which does exactly what they want us to do in focusing SCHIP on low-income children and making sure the program does not become the vehicle for universal health care.

This bill gets adults off the program. It targets it to low-income children. It ensures appropriate steps are taken to discourage crowdout and it encourages private market participation.

I am proud to support this important bill, and I hope those who have concerns can instead focus on the positive benefits this bill will bring our low-income children and their hard-working families. I especially thank our chairman, Chairman BAUCUS, Ranking Member GRASSLEY, Senator HATCH, all of our House colleagues for their tireless work on getting this bill together.

At the start of these negotiations I made a commitment to work with my colleagues to find a bipartisan solution to renew this important program. I am holding to that commitment today and am pleased to support this bill.

I also state to the administration I will lend my support to override the President's veto if he chooses to wield his veto pen. However, I hope—I hope—I hope the President heeds our advice and makes the right decision for our children by signing this bill into law.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I ask unanimous consent that following the cloture vote on the motion to concur in the House amendments to the Senate amendments to H.R. 976, there be 6 hours 10 minutes for debate with respect to that motion and that the time so far consumed, frankly, be taken out of that total time; the time divided and controlled as follows: 2 hours under the control of Senator BAUCUS or his designee, and 4 hours 10 minutes under the control of Senator GRASSLEY or his designee; that upon the use or yielding back of time, the matter be temporarily set aside and the Senate then proceed to the consideration of H.J.

Res. 43, the debt limit increase; that be 90 minutes of debate equally divided and controlled between the leaders or their designees, with no amendment in order; and upon the use or yielding back of time, the joint resolution be read a third time and set aside; and that the Senate then resume the message on H.R. 976; that the motion to concur with amendments be withdrawn, and without further intervening action or debate, the Senate proceed to vote on the motion to concur; that upon disposition of H.R. 976, the Senate resume H.J. Res. 43 and vote on passage of the joint resolution, without intervening action; and that upon the conclusion of that vote, the motion to reconsider be considered made and laid upon the table, and the Senate then proceed to H.J. Res. 52, the continuing resolution; that no amendments be in order, the joint resolution be read a third time, and the Senate, without intervening action or debate, proceed to vote on passage of the joint resolution; that upon passage, the motion to reconsider be considered made and laid upon the table; that after the first vote in this sequence, the vote time be limited to 10 minutes.

I also ask consent that the "without intervening action or debate" be stricken.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, and I am not going to object, I wish further to lock in the time to each Senator on my side within the Republican time designated in the consent agreement the distinguished chairman of the Finance Committee has just propounded, as follows: Senator DEMINT, 10 minutes; Senator BUNNING, 15 minutes; Senator LOTT, 10 minutes; Senator GRASSLEY, 45 minutes—it is my understanding the Roberts time under the consent agreement would already be counted. I will leave that out—Senator HATCH, 30 minutes; Senator VITTER, 10 minutes; Senator COBURN, 15 minutes; Senator CORKER, 10 minutes; Senator SMITH, 10 minutes; Senator SNOWE, 15 minutes; Senator MURKOWSKI, 15 minutes; Senator BURR, 10 minutes; Senator THUNE, 10; and Senator CORNYN, 10.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. BAUCUS. I ask the distinguished Senator from Kentucky, I assume that is all within the time allocated.

Mr. McCONNELL. I confidently assure my friend that is my desire and I think I expressed that to the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

Mr. McCONNELL. Madam President, I am going to proceed in my leader time to speak on the SCHIP bill.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. Madam President, 10 years ago a Republican Congress created a program that had a worthy and straightforward goal: health insurance for kids whose parents made too little to afford private coverage but too much to qualify for Government help. Millions of children were caught between rich and poor, we wanted to help, and thanks to the State Children's Health Insurance Program, we did.

The program has been a success. Since SCHIP's creation, the uninsured rate for children in families earning between about $20,000 and $40,000 a year has dropped by 25 percent. Last year it covered more than 6½ million kids. Today the number of uninsured children within the income group we originally targeted is down to about one million nationwide.

Republicans were ready to finish the good work we started with SCHIP, and we approached its reauthorization this year as an opportunity to do just that, to reach out to the kids in our original target area who should be covered by SCHIP but weren't.

Meanwhile, our friends on the other side had another idea: following the lead of a number of State Governors, they decided to expand SCHIP beyond its original mandate and bring us down the path of Government-run healthcare for everyone.

These Governors started with adults and children from middle and upper middle-income families. Taking SCHIP funds that were originally meant for children from poor families, they spent it on these other populations instead. Then they turned around and said they didn't have enough money to cover the poor children in their States. Which is absurd. This is a capped entitlement. The dollar amount is fixed. If you are spending it on adults, you have already decided not to spend it on the children who need it most. And that is wrong.

New Jersey, under the leadership of one of our former Senate colleagues, helped lead the way. Rejecting a rule that limits SCHIP funds to the poor children, New Jersey now uses SCHIP for adults, and for children in families that earn as much as $72,275 a year.

For millions of hard-working Americans who have to pay for their insurance, it doesn't seem right that they should have to subsidize the families in New Jersey who can and should be paying for their own. And a lot of poor families in New Jersey are also right to wonder why Trenton is suddenly enrolling middle-class families for SCHIP when their kids still lack coverage—about 120,000 of them by one count.

This is the kind of SCHIP expansion that Democrats want in all 50 States. They want to continue to expand it, pulling more and more middle-income children and adults off the private market and onto public coverage, driving private insurance costs up, driving the overall quality of health care down.

Not every State is abusing the rules. Kentucky runs its version of SCHIP, KCHIP, in a financially responsible way. We even have money left over from years past. But under the Democrats' reauthorization plan, Washington would take those extra funds and send them to States like New York and New Jersey that spend more than they get. As a result, even the expanded SCHIP program would leave Kentuckians with less SCHIP funding in the coming fiscal year.

Kentuckians don't want the money they have targeted for poor children going to adults and middle-class families in other states that can afford insurance on its own. KCHIP's money goes where it should be going: to low-income kids who need it most.

Right now, KCHIP serves about 50,000 kids in Kentucky, but there are a lot more who could be covered and aren't. We need to focus on them before expanding SCHIP program to new populations. And the Republican proposal I cosponsored with the other Republican leaders would do just that.

Until this year, SCHIP had been a bipartisan program and a bipartisan success. But in yet another sign that no good deed goes unpoliticized by Democrats in the 110th Congress, our Democratic friends accuse Republicans who want to reauthorize SCHIP of shortchanging it, of shortchanging children. Which is also absurd. We want to improve the program we have got, not expand it into areas it was never meant to go.

Of course some of the news organizations are running with the story. They seem to have forgotten that basic rule of politics that anytime somebody accuses you of opposing children they've either run out of arguments or they are trying to distract you from what they are really up to. And what our friends on the others side are up to is clear: they have taken SCHIP hostage, and what they want in exchange is Republican support for Government-run healthcare courtesy of Washington.

They tried that about 15 years ago, the American people loudly rejected it when they realized it would nationalize about a seventh of the economy, and they don't like Government health care any better now.

The first priority for Senate Republicans is reauthorizing SCHIP for the kids who need it. And we have demonstrated that commitment. Early last month, the Republican leadership proposed the Kids First Act, which allocates new funds for outreach and enrollment so SCHIP can reach 1.3 million more children than it already does. Our bill also pays for this outreach, without gimmicks and without raising taxes.

When Democrats rejected Kids First, Republicans introduced a bill to extend the current program to cover kids at risk of losing coverage until the debate over its future is resolved. While our friends on the other side were issuing press releases and playing politics, Republicans were looking for ways to make sure SCHIP funds didn't run out.

When this bill is vetoed, no one should feign surprise. They have known since July the President would veto any proposal that shifted SCHIP's original purpose of targeting health care dollars to low-income children who need them most.

Our Democratic colleagues have no excuse for bringing us to this point. But then again, this is the game they have played all year: neglect the real business of Government in favor of the political shot. Dozens of votes on Iraq that everyone knows won't lead to a change in policy. Three hundred investigations into the executive branch. And what is the result? We have less than 100 hours left in the current fiscal year, and Democrats haven't sent a single appropriations bill to the President's desk. This ought to put the 110th Congress into the Do-Nothing Hall of Fame.

Less than 100 hours before a health insurance program for poor children expires, and Democrats are counting down the hours so they can tee up the election ads saying Republicans don't like kids. Meanwhile, they are using SCHIP as a Trojan horse to sneak Government-run health care into the States.

This isn't just a Republican hunch. According to the nonpartisan Congressional Budget Office, families that have private insurance are switching over to SCHIP in States that allow it. The junior Senator from New York has proposed a plan that would raise the eligibility rate to families of four that earn $82,600 a year—this, despite the fact that roughly nine out of ten children in these families have private health insurance already.

But of course that is not the point. The point is pursuit of a nationalized Government-run health care controlled by a Washington bureaucracy. Some Democrats have admitted what this is all about. The chairman of the Finance Committee recently put it this way: "We're the only country in the industrialized world that does not have universal coverage," he said. "I think the Children's Health Insurance Program is another step to move toward universal coverage."

While Democrats are busy looking for ways to shift this program away from its original target, the deadline for reauthorization looms. Republicans have made this reauthorization a top priority. If Democrats want to expand Government-run health care, they should do it in the light of day, without seeking cover under a bill that was meant for poor children, and without the politics. Republicans can take the shots. But the poor kids who we were originally trying to help shouldn't be caught in the middle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a couple of points. I don't want to prolong the debate. My good friend from Kentucky made a couple points I wish to clarify.

I did say I think our country should move toward universal health coverage. I think we should. In fact, our President, President Bush, has said the same thing. He said we should have universal coverage of health care in America. I think most Americans think we should have universal coverage. What does that mean? That means everyone should have health insurance. I did not say and do not mean we should have a single-payer system like Canada. I think we should have universal coverage with an appropriate mix of public and private coverage so that every American has coverage.

So I think for the Senator from Kentucky to make a charge that we are for universal coverage, I am, as is our President. Most Americans want universal coverage. My point is, what form and what way?

I think it is important to remember one thing. What does this CHIP bill do compared to current law? The charge is that it expands eligibility, it goes to upper income kids, and so on and so forth, it is another step in Government health care. That is the charge.

That is not the fact. This bill is more restrictive than current law—more restrictive than current law. Essentially, eligibility is, under current law, determined by States and the Federal Government. States determine eligibility—that is current law—and the administration either does or does not grant a waiver. This Republican administration has granted several waivers. In fact, one was to the Republican Governor of New Jersey, Christine Todd Whitman, when a major waiver was granted. So this bill does not change current law. Basically, it provides and uses the purse to discourage States from going to higher coverage by lowering the match rate. Nothing in this bill expands eligibility—nothing. So the charge that this is increasing eligibility to people other than children is just not accurate.

Madam President, I yield the floor.

I see the Senator from West Virginia is seeking recognition.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the chairman of the Finance Committee. I am very happy that the chairman of the Finance Committee made the comments he just did because I was absolutely bowled over by the comments which preceded him from the other side of the aisle. It is sort of basic when you say the word "universal." It means everybody, but it does not necessarily mean it has to be run by the Federal Government, and anybody who makes that kind of an error is either really playing politics or really needs to go to grad school.

In any event, this program is totally optional. And there is nothing about it which—in fact, several of the previous speakers said that States could do this and States could do that, but on the other hand it was all Government run, so therefore how could the States do it on their own? It is sort of a sad argument.

Several months ago, four Senators—two Republicans and two Democrats—stood in a room, shook hands, and made a promise to each other. It was a wonderful moment. It was a wonderful moment. We vowed not only to reauthorize the Children's Health Insurance Program for millions of kids who rely on it for basic medical care but also to reach out to millions more children. Today, these many months later, we are one step closer to making the promise into a reality for nearly 10 million children. I am very proud to be working with those Senators, grandfathers and fathers themselves, Senators BAUCUS, GRASSLEY, HATCH, and others, and what they have accomplished in the Senate on the CHIP bill.

The legislation before us today is the result of months of some of the most bipartisan working by both the Senators and the staff of the Senators that I have ever seen. It went on for months, night and day. Every day, the four Senators involved in this met for 2 hours so that we could work out differences and make sure it was bipartisan, and I am so happy to say that it is.

Many Members of the House and Senate had hoped for something different in this bill. Obviously, some wanted more, some wanted less. Some wanted to simply reauthorize the status quo, some wanted to even decrease the children's health insurance funding, and others wanted to add benefits. That is not necessarily evil. Because you did something 10 years ago does not mean it has to stand written in stone forever, such as eye exams. Some wanted to restore coverage to the children of legal immigrants. Some wanted to increase funding to $50 billion.

Individually, we all believed what we proposed was the right thing to do, but ultimately we did not do those things because we compromised because we were determined to be bipartisan and we wanted this bill to pass for the sake of 10 million children. So the promise of the handshake brought us back to the table each and every time and to the common ground we walk today.

Each of us knows the statistics in our own State. I am proud that nearly 40,000 West Virginians were enrolled in our Children's Health Insurance Program last year. These kids can see a doctor when they get sick, they can receive necessary immunizations, and they can get preventive screenings. In fact, at the very beginning, it was very hard to get preventive screenings. Now they can. They will be able to, so they can get a healthy start in life because of this important program. The passage of this bill means thousands more of West Virginia's children will have affordable and stable health insurance, including access to basic care.

A personal comment. This is all incredibly important to me. Four decades ago, or more, I came to West Virginia as a VISTA volunteer. I did not plan to stay; went to a community where nobody had any health insurance, any job, any water, any sewer, any schoolbus. That was an experience which turned me around, gave meaning to my life. It was a small mining community in southern West Virginia where I learned just exactly how important health care can be in the lives of people who work hard every day to raise a family and to do right by their children and how painful it is when they don't have it. That experience has had a profound influence on me, has influenced me every day of my public service career since.

Providing children, especially those who are in the grips of poverty, with health care is moral. It is a moral obligation. It speaks to our deepest humanity and to the better angels of our Nation's character. It was a promise that got started, in fact, with the recommendations of the National Commission on Children, which I was proud to chair and have since worked to implement its recommendations, many of which, including the earned-income tax credit and others, are in effect.

It was, as some remember, a very different time in 1997 when this CHIP program was begun. A decade ago when the debates on CHIP took place, there was a genuine frustration that we could not solve broader problems plaguing America's health care system. We were, in fact, the wisdom was, at the breaking point. That is when a bipartisan group of equally committed Senators at that time were in the finance executive room with no staff and worked long into the morning to develop a CHIP program. It was one of the most glorious moments I can remember. People who had never spoken about children suddenly rose, because we were all by ourselves around a table, and spoke about the importance of doing health insurance for children. It was moving. Some people actually stood as they spoke. We were all around a table and there was no need to stand, but their feelings were so deep and they poured forth because there we were, by ourselves, with our consciences, with the future of children in our hands. We knew we could not solve the entire problem, but we committed to trying to do our best by putting children first. The time has come for Congress once again to put our children first, and the bill before us today does exactly that.

So having said what it exactly does, I want to say what it exactly does not do, this bill.

To start with, we keep our promise that all those currently enrolled will keep their health insurance by investing $35 billion over the next 5 years.

We give States the resources to reach out and enroll millions more kids, which, in fact, sounds very easy, but in rural areas—and I think, of course, of Appalachia—it is a very hard thing to do where, in fact, many parents of children, and therefore the children themselves, are scared of health care, scared of doctors, scared of clinics, scared of hospitals, and want to stay as far away from health care as possible. So it is a very difficult thing to get them to join, but we are determined to do that.

We have included, yes, expanded access to dentists and mental health counselors. All of the history of health care shows those things are incredibly important for children. In fact, even as baby teeth come in, they determine what mature teeth will be, and if you do not tend to them early, the children are in for terrible problems. I have seen so much of that.

We have made it easier for States to identify those children who are eligible but not enrolled in CHIP by reviewing food stamp records, school lunch programs, WIC programs, and all kinds of things that States will decide to do, every State being different, parts of States being different. So there are people—the Governors and those running these programs as they do, not the Federal Government, but the Governors of the States will decide how to do this.

We have maintained the unique public-private partnership that has been the hallmark of the CHIP program which has been universally recognized as the most cost-effective and efficient way of reaching all those children who desperately need access to something sacred called basic medical care.

Most importantly, we have preserved the State flexibility, so the program fits the needs in every State—different in one State as opposed to another.

Now, let me be equally clear about what the bill does not do. It does not raise eligibility limits to families making $83,000 dollars a year. It simply does not do that. I challenge anybody to come on the floor and say otherwise. Our bill does not encourage people to give up private insurance to enroll in CHIP. It does not do that. It does not unfairly raise taxes on the poor and middle class to pay for CHIP. In fact, throughout, both looking backward and looking forward to the passage of this bill and hopefully the signing of this bill, 91 percent of all the children who are covered by the Children's Health Insurance Program will be at 200 percent of poverty or below. That is not wealth. They go out in the private market, and in some places it can be $12,000 dollars, and in others, $9,000. Families cannot afford that. This bill is incredibly important to them.

This bill does not cover illegal immigrants. It does not expand coverage to adults. In fact, it cuts adults off the program over the next several years. It does not turn CHIP into some massive Government-run health care program. The President knows this. He should know this. He is a former Governor. And he has spoken about this favorably. So he should understand this.

So what is the President's plan for children's health care? For starters, provide a bare minimum of Federal funding to keep CHIP on life support and at the same time throw 1.6 million kids currently in the program out of the program. And what is his answer to those kids and the 721,000 who joined the ranks of the uninsured last year? Go to the emergency room. That is the worst increase of health care known in this country. So sit for hours to see a doctor, only to be prescribed medicine that your parents cannot afford. It is not American. That is not American.

Adding to the Nation's growing health care crisis is not a solution. If anything, it would lead to the one thing the President is accusing us of: shifting the burden of paying for health care to taxpayers. We do not do that.

Threatening to veto our bill is a mistake. The majority of Americans believe we need to live up to our obligations to provide children with health care.

How many people wandering around the streets of Washington or any other place in this country would ask: Don't you agree with me that children shouldn't have health care, children who can't afford it, that only the rich should have it? You wouldn't get any takers on that. People care about children. They know they are the future. They want them to have health care. So it is a moral obligation for our children, and the President is squarely on the wrong side of the issue.

All of us here, I know, will do the right thing by our Nation's children. I sincerely hope the President will look deep into his heart and do the same.

I yield the floor and thank the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Madam President, I rise today to voice my strong support for the reauthorization of the State Children's Health Insurance Program. I want to extend my heartfelt congratulations to Chairman BAUCUS and Ranking Member GRASSLEY as well as to the chairman and ranking member of the Health Subcommittee, Senators ROCKEFELLER and HATCH, for their vital and resolute spirit of bipartisan cooperation and tireless perseverance in crafting an agreement with House negotiators that will maintain health insurance coverage for 6 million children and reach nearly four million more. Their work demonstrates what we can accomplish when we set aside philosophical differences in order to do the right thing for children and their families. I am pleased that we reached a veto-proof majority with the previous cloture vote, which shows strong support for extending and building upon this landmark legislation.

As we all know, the problem of the uninsured touches communities all across our country. Thankfully, we have made tremendous strides in dramatically lowering the number of uninsured children through SCHIP which, time and again, has proved to be both a successful program and a saving grace for millions of American families who otherwise simply could not afford to pay for their children's health care. The stakes could not be more monumental. The quality of the health care that one receives as a child can have dramatic implications later in life. And there is not a family in America who does not want to provide the most comprehensive health coverage possible for its children.

While some may mistakenly characterize SCHIP coverage as a welfare benefit, what they may not realize is that nearly 90 percent of uninsured children come from families where at least one parent is working. Today, fewer than half of parents in families earning less than $40,000 a year are offered health insurance through their employer—a 9 percent drop since 1997. And for many working families struggling to obtain health care, if benefits are even accessible to them, the costs continue to rise, moving further out of their reach. In my own State of Maine, a family of four can expect to pay $24,000 on the individual market for its coverage. For most families, taking this path is unrealistic and unworkable, especially when factoring the cost of mortgages, heating bills, and myriad other financial pressures.

That is why I am pleased that the compromise provides a significant increase in federal commitment into the SCHIP program. With lives literally hanging in the balance, we ought to be building on what works. As we move to reauthorize the SCHIP program, states not only require sufficient Federal funding to ensure that children currently enrolled in SCHIP do not lose coverage and become uninsured, they also require additional funding to enroll more uninsured children—particularly the 11,000 children in Maine who are eligible but unenrolled.

I am particularly heartened that the House and Senate negotiators recognized that dental care is not a "luxury" benefit—but one that is paramount to the healthy development of children. A guaranteed dental benefit was included in S. 1224, the Children's Health Insurance Program Reauthorization Act, legislation I introduced with Senator ROCKEFELLER in April.

In addition, as members of the Finance Committee, Senator JEFF BINGAMAN and I sought to improve the quality of dental care through the provision of an assured dental benefit for all SCHIP-covered children during the committee process. Chairman BAUCUS was instrumental in the inclusion of a $200 million dental grant program as a first step towards meeting our goal during the Finance Committee process. And I am pleased that we were ultimately able to see such a strong dental benefit in the package we are considering today.

Most dental disease is preventable with proper care up front, but when a parent cannot access routine care for a child, taking that child to the emergency room is often their only recourse. Yet that option costs at least four times as much as seeing a dentist. Plus, the health care a child receives in the emergency room does not even resolve the underlying problem—they generally provide only pain relief and antibiotics for infection. The bill before us today provides States the choice to either provide a dental benefit as contained in the SCHIP statute or choose among three other coverage options—dental coverage equivalent to the coverage offered by the Federal Employee Health Benefit Plan, FEHBP, dental option—the largest dental plan in the State—or the State employees dental plan with the largest enrollment of children.

The compromise package also replaces the policy announced by the Centers for Medicare and Medicaid Services last month that would essentially prevent state SCHIP programs from enrolling uninsured children from families with household incomes above 250 percent of the federal poverty level. To put this into better perspective, 250 percent of the federal poverty level for a family of four is $51,625. As I illustrated before, families in Maine faced with purchasing a policy on the individual market could face a cost well in excess of $24,000 a year. If States such as mine were prevented from expanding eligibility over 250 percent of poverty, families with a clear, demonstrable need could be shut out.

Families could potentially spend nearly half their income on health coverage yet still not qualify for assistance. That's why 2 weeks ago, Senators KENNEDY, SMITH, ROCKEFELLER, and I introduced legislation to nullify these new restrictions. This compromise will rightfully block efforts to impose onerous and unreasonable restrictions on the States' efforts to reach every child requiring assistance—while at the same time making sure States with more generous income-eligibility levels are meeting their commitment to lower income children.

I also want to speak briefly about the offset contained in this bill. Though some may vigorously disagree, I find that an increase in the tobacco tax is an appropriate avenue to help finance health coverage for low-income children. The health complications caused by smoking—for instance, the increased risk of lung cancer and heart disease as well as the clear relationship between the number of cigarettes smoked during pregnancy and low birth weight babies—could not be more evident. It is clear to me that investing in children's health, while at the same time discouraging children from starting to smoke in the first place, is the best form of cost-effective, preventative medicine.

Regrettably, this week we will hear a litany of reasons why we shouldn't cover more children through SCHIP. Some will express concerns about the size and cost of the package. I would respond that it should inject a dose of reality on the magnitude of the problem. States have responded to the call of families who are struggling every day with the cost of health insurance and are assuming a tremendous burden in the absence of Federal action.

In addition, we should bear in mind that this bill is $15 billion below the amount we provided for in the budget resolution. Again, this bill is the product of compromise. Some of us wanted to go further. Senator ROCKEFELLER and I introduced legislation to reauthorize the program at the full $50 billion—a bill that garnered 22 bipartisan cosponsors.

Although there were compromises made along the way on various policy positions, one point is not up for discussion—simply maintaining the status quo of current levels of coverage is unacceptable. And while the Congress and the White House argue over philosophical differences, children are either going without coverage, or their parents are financing their care on credit cards, hoping they can stay on top of their debt.

We are the wealthiest Nation on earth, and if we are unable to provide health insurance and medical care to our young people, then what does that say about our values? Some of my colleagues will contend that the SCHIP reauthorization we are considering is the first step toward government-run health care and that we will substitute public coverage for private insurance. The fact is that this SCHIP program came into being ten years ago. We haven't seen that evolve from the SCHIP program. We didn't see it materializing into a government-run health care program, as many have alleged here today. It absolutely hasn't happened. What we did was identify a need and address it in a bipartisan manner.

These claims ignore the fact that today, 73 percent of the children enrolled in Medicaid received most or all of their health care services through a managed care plan. In fact, America's Health Insurance Plans, AHIP, a national association representing nearly

1,300 member companies, has recently endorsed this legislation, stating "it repairs the safety net and is a major movement toward addressing the problems that States and Governors have been trying to address, which is how to get access for children." The bill also helps shore up employer-based coverage by granting states the option to subsidize employer-sponsored group health coverage for families that find the coverage beyond their financial means.

Some have argued that SCHIP should reduce coverage for adults, especially childless adults. While I believe that coverage for adults can have a clear benefit for children, both in terms of enrollment of children as well as the simple fact that health problems for a working parent can lead to economic insecurity for the family, this approach represents an area where we had to compromise. But I find it contradictory that the administration, which has been so vocal in its opposition to the cost and scope of the compromise package, granted the majority of the 14 adult coverage waivers granted over the past ten years and renewed a waiver for adult coverage in May!

Some will argue that reauthorization should be attached to a larger initiative on the uninsured. We must acknowledge forthrightly that working families are having a difficult, if not wrenching, time finding affordable, meaningful coverage—coverage not just in name only. Access to affordable, quality health care is the No. 1 one domestic priority of Americans, and the public will hold us all—Republicans and Democrats alike—accountable on delivering that goal. That is why I have been engaged with my colleagues in an effort to address the critical issues of extending coverage, reducing costs, and revolutionizing care delivery. But while I agree with many of my colleagues that legislative action to solve the problem of the uninsured is long-overdue, children should not be kept waiting. We cannot defer the urgency of providing health insurance for our children while we continue to procrastinate on the issue of the uninsured.

Frankly, I am outraged by the news that the President is considering a veto of this legislation. I believe this seriously misjudges the genuine concern Americans have about access to care, particularly for children. In a March New York Times/CBS News poll, 84 percent of those polled said they supported expanding SCHIP to cover all uninsured children. A similar majority said they thought the lack of health insurance for many children was a "very serious" problem for the country.

SCHIP has been the most significant achievement of the Congress over the past decade in legislative efforts to assure access to affordable health coverage to every American. Today, as we consider this reauthorization, we must not undermine the demonstrated success of this program over the past decade. Compromise on both sides of the aisle helped us create this program ten years ago and hopefully a renewed sense bipartisan commitment will help us successfully reauthorize this vital program.

I would strongly encourage the President to reconsider his short-sighted veto threat and work hand-in-hand with Congress to extend health insurance to countless, deserving children. I urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, on behalf of Senator BAUCUS, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, this Children's Health Insurance Program is universally acknowledged as having reduced the number of uninsured children in America. As the Senator from Maine has just said, we can be very proud we have seen a landmark compromise between Republicans and Democrats. With the talks going on between the House and the Senate, this compromise legislation is going to allow us to continue coverage for millions of low-income children and to expand the coverage to millions more.

It is so popular because if we can attack poor health at a child's age, ultimately, not only is it going to benefit the quality of life of that individual, but it is going to be less of a cost to society in the long run, if you can get at their root problems of health while they are young. This is a simple economic fact, preventive health care.

In my previous life as the elected State treasurer and insurance commissioner in Florida, I chaired the board of directors of the Healthy Kids Corporation. It was Florida's pioneering effort to insure low-income children well before this Children's Health Insurance Program started at the Federal level. We did it through the schools. We had tremendous success. It works.

So there is a collective sigh of disappointment that the President is going to refuse to accept this compromise, which is what reflects the general will, as expressed by that tremendous vote we just had a few minutes ago, allowing the bill to continue to go forward in this legislative process. The President's looming veto threat calls into sharp relief all of those who stand to lose in the absence of fully reauthorizing and expanding this CHIP program.

Think back 10 years ago and what has happened since. The number of uninsured adults has increased, while the rate of low-income, uninsured children has decreased, and decreased not by a little but by a third largely due to this program we are going to pass today.

These children have been afforded better access to primary and preventive care and a better quality of care. This reauthorization is going to provide $35 billion of additional funding over the next 5 years.

Now, of course, that is a bone of contention for some people. If you are going out and finding $35 billion extra to fund something—at a time there is not that money out there, particularly when we are going to have a supplemental request for Iraq of some $200 billion—under that circumstance, that context, where are you going to get 35 billion new dollars over 5 years to fund a program such as this? The tobacco tax.

There are those who do not want to tax tobacco. But where else would you like to get it? You cannot make it up. You cannot go and print the money. You have to get it from some legitimate place. This is the place that can withstand that additional tax. So there will be some who will vote against this program because they do not want to tax tobacco. Well, let their record be clear why they oppose this popular program.

The added investment in children's health is not only necessary, it is fruitful. It is common sense. Healthy children are more likely to stay healthy as they move into adulthood. Certainly, if they are healthy, they are going to have more productive lives. On top of all this, don't we have a moral imperative to ensure that children, regardless of their parents' income, are able to have a healthy life?

I think that is what makes up our moral fiber, our fabric, all of our teachings, our traditions. Our values say we want to have health care for children regardless of their parents' ability to pay.

The President has argued that this expansion is going to take the CHIP program beyond its original intent of just helping poor children. Some people say it is going to be helping adults. Do I think that pregnant women—pregnant adult women—ought to be helped? I would think common sense would say yes.

I believe this program would deepen and expand that initial promise which is helping those American families that struggle with those health care costs that are rising much faster than their wages.

Can you imagine being a parent and watching your child have a health problem and you cannot do anything about it because you do not have the financial means to take away the pain of that health problem of your own child? Parents would get out and scrap and scrape, they would dig ditches, they would clean latrines, they would do anything for their child. But, sadly, because of the low income of some families, those children do not have that health care. Well, we can address that and correct that today.

The President has also said this expansion is going to bring us down a path toward the federalization of health care. Well, that is simply not so. There is wide latitude in this law to give that latitude to the States. I believe, simply, children are too precious to be held hostage to an ideological debate. This program is more important than the rhetoric about government-run health care.

By virtue of me telling you my background, obviously, this bill is very important for my State of Florida, where over 700,000 children alone are uninsured. This legislation is the best opportunity to expand that coverage to a significant portion of those 700,000 children and certainly across the land to millions of children.

We have seen the success. We are aware of how many more children need to participate. I humbly urge the President to reconsider his veto threat. It is rare we have a chance to pass legislation that is so overwhelmingly positive, so completely necessary, and so morally unquestionable.

I am certainly going to cast my vote in favor. I hope a resounding percentage of this Senate will do likewise so we can send a very strong message of support.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Ohio.

Mr. BROWN. Mr. President, I would like to follow on the comments of my colleague from Florida, Senator NELSON, in support of the Children's Health Insurance Program bill.

This week, the House of Representatives passed the bill overwhelmingly, 265 to 159. Of my 18 Ohio House colleagues, about two-thirds of them voted for this bill. It is clearly something we know works in my State.

The Children's Health Insurance Program was passed 10 years ago in the House of Representatives and the Senate. It was established. President Clinton, a Democrat, with a Republican House and a Republican Senate, supported that issue, and it has clearly worked.

We have some 6 million children in this country now who benefit from the Children's Health Insurance Program. In my State, it is around 200,000 children. We also know this legislation will mean about 4 million more children in the United States will benefit from this health care program.

These are sons and daughters of working families. These are not people living in the lap of luxury. They are families making $20,000, $30,000, and $40,000 a year. They are families where they are working hard, playing by the rules, but they are not making enough money to buy insurance. Their employers do not offer insurance. So this is what we need to do.

Now, the President says he plans to veto this bill for two reasons that I can understand. One of them, he said, is the cost. This is $35 billion over 5 years; $7 billion a year. But just make the contrast: We are spending $2.5 billion a week—$2.5 billion a week—on the war in Iraq. Yet the President does not want to spend $7 billion a year to insure 4 million children. That is his first reason—the cost.

The second reason, the President says: I want private insurance to take care of these children. Well, so do I. So does Senator GRASSLEY, who has been a major leader on this issue in the Senate on the other side of the aisle. We all do. But the fact is, private insurance is not taking care of these children. Again, they are sons and daughters of people with jobs paying $20,000, $30,000, $40,000, $50,000 a year, people without insurance and without the financial wherewithal to be able to take care of these children.

The President came to Cleveland a few months ago and said everybody has health care in this country. They can get it at the emergency room. I want children in this country to get preventive care in their family doctor's office, not acute care in the emergency room.

Before the President makes his decision, I would like him to meet three families in Ohio, people who really speak to this whole issue.

I want him to know about Dawn and Glenn Snyder and their son Cody, living in Bloomingdale, near Steubenville, near the Ohio River in eastern Ohio. Dawn works in a doctor's office, and Glenn works temporary jobs. Cody is 3 years old and has cerebral palsy. Until he was a year old, Cody had bleeding in his brain and seizures. Sometimes Glenn has insurance and sometimes he doesn't. It depends on where he is working. Dawn is going to lose the coverage for her family that she has gotten because they can no longer afford to buy it.

So even though Cody needs regular medical care from a neurologist and an eye doctor, as well as routine preventive care that all children need, he is in danger of having no access to health insurance. However, the Snyders will have coverage if this bill is signed into law.

If this bill passes, Cody will likely qualify for care under Ohio's new Children's Health Insurance Program. I would add also, on a bipartisan note, Governor Strickland, the new Governor of Ohio, with a resounding bipartisan vote out of the legislature, moved the eligibility to 300 percent of poverty so families making up to about $50,000 or $55,000 a year will have coverage.

If this bill passes, it means the Snyders will have a safety net for Cody's coverage and will be able to live with the security of knowing their son will receive the care he needs.

Then there is the story of Evan Brannon. Evan is a 1-year-old from Dayton in southwest Ohio. His dad Kenneth is currently not working, after losing his job as a repairman for a telephone company. Angela, Evan's mother, stays at home with him and has a baby on the way.

Evan was diagnosed with a congenital hernia of his diaphragm and is on a feeding tube, and he also receives medicine through a tube. He receives physical, occupational, and speech therapy. His parents looked into private coverage and learned they would never qualify for it because of Evan's preexisting condition. The family is faced with $5,000 to $6,000 a month in medical expenses. Angela can't go back to work. Kenneth is looking for a job but can't get a position over a certain income level or Evan will lose medical coverage. How is this family ever supposed to get ahead if they have to make sure not to make too much money out of fear of losing health insurance for their children? What kind of incentive is that to build into the system?

Passing this bill will fix that. This is just one way in which America's families' opportunities are limited by our country's inability to provide the insurance the children's health insurance will provide.

One more story. David Kelley is a 13-year-old living in Erie County, right next door to where I live. He lives with his mother Heather and his stepfather Timothy. David has been diagnosed as bipolar, mildly autistic, and suffers from Asperger's syndrome. He also has a rare form of asthma. David was born 2 months premature. His doctors believe that a lack of oxygen and other complications may have caused the conditions he has coped with daily for 13 years, although the causes are not completely known.

David's health conditions require him to regularly visit a psychiatrist, a psychologist, and a primary care physician. His medications cost $2,000 each month, and Medicaid covers it. His mother Heather has said her greatest fear in life is of David losing his medical coverage. She herself has multiple sclerosis and is unable to work. No private insurance plan will ever cover David because of those preexisting conditions. Heather has made navigating the Medicaid and social service systems a nearly full-time job just to maintain David's benefits. Here is another family in need of help from the Senate.

I hope our President will not leave the Kelleys, the Brannons, or the Snyders behind, without the health coverage their children so desperately need. I hope he can have compassion for those families struggling so hard to make ends meet and whose greatest wish is to provide the most basic of needs for their children: housing, food, and health care. I hope the President can see what a sound investment this is. This isn't spending $7 billion a year; this is investing $7 billion a year in the future of our families, the future of our children, and the future of our country. Four million American children will receive health insurance if the President signs this bill. He must sign it into law. Too many people are counting on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, there is no doubt in anyone's mind that the SCHIP program will continue. That is a certainty, as certain as anything can be. The question is whether the SCHIP program, the State children's insurance program, will remain true to its targeted population which was contemplated by Congress in 1997 when it passed with strong bipartisan support or whether it will expand into a new burgeoning Federal program that has lost sight of its original mission and which, in the minds of some, represents another incremental step toward a Federal Government takeover of our health care system in America.

Let there be no doubt about it, a Federal, Washington-run health care system would be bad for the children and the people of this country. There are at least three things you can guarantee if Washington takes control of our health care. One is it will be incredibly expensive. In other words, taxes will have to go up to pay for it. Two, it will be incredibly bureaucratic, and some bureaucrat with a green eyeshade will decide what kind of health care you or your family gets. Three, there will be rationing of health care. That same Government bureaucrat will decide whether you get a diagnostic test, whether you can be scheduled for an operation when you need it, or what other kinds of health care decisions you can make. In fact, the choices will be taken from individuals and be given to the Government. That is a bad idea, although there are some who have advocated this for many years, including the leading Democratic contender for President of the United States, who has advocated a government-run health care system since the early 1990s.

This cannot be an expansion of a wildly successful program that has lost its focus on the poor children of America, and how in the world could I possibly say that? Well, this bill we are debating now raises spending by 140 percent—140 percent—at a time when my constituents tell me they are very concerned that the Federal Government has lost its way when it comes to spending and are worried that they will see consequential increases in their tax burden as a result of out-of-control Federal spending.

Along with virtually everyone else in Congress, I strongly believe the SCHIP program should be renewed, and it will be renewed. I voted for a renewal bill called Kids First that provided $10 billion in addition to the $35 billion over 5 years and which would enroll 1.3 million new children in SCHIP. But the majority has rejected that as too miserly.

Whom do they want to cover with the State Children's Health Insurance Program? Well, No. 1, they want to cover adults in 14 States, and in New York City they want to be able to cover up to 400 percent of poverty. A family making $82,000 a year would be—half of whom would be displaced from their private health insurance to get government-funded health insurance at the courtesy of the beleaguered American taxpayer. That is wrong.

The other inadvertent consequence of this will be because government doesn't know how to control health care costs except to ration access to health care, we are going to see more and more people now who will be displaced from private health insurance to go on to government insurance who will find low reimbursement rates—close the doors to access to health care providers. In the city of Austin recently, there was a story written that said only 18 percent of physicians accept new Medicare patients—18 percent. The question was, Why? Well, the Federal Government Medicare reimbursement rate is so low, doctors can't continue to accept new Medicare patients and keep their doors open. In a similar fashion, the SCHIP rate is regulated by the Federal Government, as is the Medicaid rate. The only way many physicians and health care providers keep their doors open is to have a mix of government-subsidized health coverage and private health insurance. We all know private health insurance carries the cost to allow many health care providers to keep their doors open.

It is not conspiracy theories, it is not an exaggeration to say this is an incremental step toward that single-payer, Washington-controlled health care system. Right now, the Federal Government pays 50 percent of the health care costs in America today.

I think it is a bad idea to lose sight of the original target for SCHIP, which is children whose families make up to 200 percent of the poverty level, who have more money than they can make and still qualify for Medicaid. But we should do everything in our power to recommit to those children that we are going to make sure the money Congress appropriates, takes out of the pocket of the taxpayer and provides in terms of health benefits to them, is true to the vision Congress originally intended and that that money which could go to expanding health care coverage to these kids who come from relatively modest incomes is not taken and provided for adult coverage or middle-income coverage in places such as New York for up to 400 percent of the poverty level.

So there is a lot of misinformation and, indeed, downright demagoguery going on in the media and elsewhere with regard to what is happening here. I hope we will make one thing clear: that every Member of the Congress—certainly this Senator—supports a continuation and reauthorization of SCHIP. It is a canard to suggest that anyone is denying access to health care to the children who have benefited historically and should benefit from SCHIP. But it is simply a Trojan horse to suggest that we are merely reauthorizing this legislation because what is happening is we are seeing a dramatic expansion of Federal spending, losing sight of the targeted population, and taking another incremental step toward a disastrous Washington-controlled and -run health care system which will be expensive to the American taxpayer, which will be incredibly bureaucratic, and which will result in rationing of health care, which is something that is not in the best interest of the American people.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. CORKER. Mr. President, I thank the Chair. I will try to use less time. I know we have a lot of business today. I rise also to talk about the SCHIP bill we just voted on for cloture, and hopefully, later this evening, we will have the opportunity to vote on final passage.

I have been here a short amount of time, and I continue to be amazed at some of the rhetoric that ends up circling much of the legislation we discuss in the Senate. I do not think the SCHIP bill is perfect. I am going to vote for the SCHIP bill. I haven't been in the Senate long enough in 8½ months to have actually ever voted for a perfect bill. Chances are I may never vote for a perfect bill in the Senate. I know this bill has been threatened to be vetoed. Again, I think about the irony of a bill such as this being vetoed by the administration.

The most recent health care legislation that I remember passing out of this body that was a large bill was Medicare Part D. As I remember, that was a bill where nothing was paid for. We added $700 billion to $800 billion in deficits. There was no attempt whatsoever for that to be paid for. It also created coverage for individuals who did not need coverage. It didn't matter. We passed a massive bill. I was not here during that time, but it passed several years ago.

The uniqueness of this bill is that there has been an attempt to actually pay for it—something unique in recent times as it relates to health care coverage. Secondly, it actually is health care for people who need it, which is also very different from some of the things we have focused on in the past. So I find it very ironic that this administration has chosen this bill to veto.

I have heard a lot of comments about the frailties of this, and one of the most recent red herrings regarding this bill was that it would allow illegal immigrants to receive health care. That is absolutely not true. But based on the standard of this argument that was put forth recently, we certainly need to ensure that immediately we would do away with Social Security, Medicare, and Medicaid because they would be held, of course, to a standard that cannot be met. That is an argument which obviously is not true.

I also heard that this bill had earmarks in it. I have looked and I can't find any earmarks in this bill. There is a hospital in Tennessee, down on the Mississippi-Arkansas border, and it happens to deal with low-income citizens who come there from Mississippi and Arkansas. So this bill allows that hospital to be paid Medicaid reimbursement for the patients it sees from Mississippi and Arkansas. If that is the new standard for earmarks in this body, then I suppose every comment or statement we make will now become an earmark.

I have also heard the comment that this is the backdoor to socialized medicine. I really think that one is maybe the most humorous I have heard. I do wish to bring this body's attention to the fact that the Bush administration—the Bush administration—since it has been in office has approved these waivers and state plan amendments: in June of 2004 to California, allowing them to go to 300 percent of poverty, again above the intent of the original SCHIP bill; in Hawaii, in January of 2006, allowed the State, through executive prerogative, to go to 300 percent; in Massachusetts, in July of 2006, this administration allowed that State to go to 300 percent; in Missouri, in August of 2003, this administration allowed them to go to 300 percent; in New York, in July of 2001, this administration allowed them to go to 250 percent; in Pennsylvania, in February of 2007, just a few months ago, to 300 percent; in West Virginia, in December of 2006, to 220 percent. But the one I have left is the one that is most recent.

This administration, without any legislative involvement, in March of 2007—a few months ago—agreed to let the District of Columbia go to 300 percent of the poverty level. So for those people to say this bill is a back door to socialized medicine, it seems to me they have not taken into account the front door of the Bush administration, which all along has allowed nine states to expand their programs beyond the original intent of the SCHIP program. This bill actually causes this out-of-control process that has been ongoing during the Bush administration to actually be reformed. It actually causes reforms to take place so this bill will more fully embrace its original intent.

So I rise to say there is a lot of rhetoric that is being used in this SCHIP bill. This bill is not perfect. I know my colleagues on the other side of the aisle would like to see changes in this bill. I would like to see changes in this bill. I think it could have had a more credible debate had the administration initially funded this in their budget with an appropriate amount of money to even allow the program as it is to continue.

I will vote for this bill. I am not going to argue to any of my colleagues as to what they should do. I will vote for this bill because I believe it focuses on those most in need—children—mostly poor children in our country.

What is actually moving our country toward socialized medicine is the fact that none of us in this body have yet taken the steps to make sure that those most in need have access to private, affordable health care. I know there are a number of bills that have looked at that. I have offered a bill—again, it is not perfect—and I hope Members of this body will actually cause it to be improved by adding amendments. But the fact of the matter is, what will move our country toward socialized medicine is not this SCHIP bill, which focuses on poor children in America, but it will be the lack of action in this body to create methodologies, which we could do, to allow people in need to have access to private, affordable health care.

Ms. STABENOW. Will my colleague yield for a question?

Mr. CORKER. Yes.

Ms. STABENOW. First, I thank the Senator for his comments on the floor of the Senate, debunking what has been inaccurate statements that have been made and also for laying out the realities of what is true about this proposal. I think the Senator has done it in a wonderful way. I appreciate the Senator's willingness to stand up and talk about what is real, important, and the fact that this is such a strong bipartisan bill.

I wonder if the Senator might comment on the fact that aren't we talking about working families, low-income working families, trying every day to keep things together for their family, and they want to know that the children have health care? Isn't that what this is all about?

Mr. CORKER. That is exactly what the bill is about. There is no doubt—and I think we should all acknowledge this—that there are some cases in some States where there has been an aggressiveness to actually cause some adults to be covered who should not be covered. In this bill, focusing toward 2010, there is an effort to reform that, to cause the focus to return back to children.

Also, there is no question that this administration, which offers the fact that they are going to veto this bill, has done more to change the dynamics of SCHIP than any legislation that we could pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, today is a momentous day. We have the opportunity to extend health insurance coverage to 10 million low-income children, 4 million of whom, without this bill, simply would continue to be a statistic in the ranks of the uninsured. In Oregon alone, we estimate that at least 60,000 new young people will receive health insurance and possibly even more.

Because of the outstanding work of my colleagues, Senators BAUCUS, GRASSLEY, HATCH, and ROCKEFELLER, and because of their work, we have before us a proposal that will garner wide, bipartisan support. I commend them for their efforts and thank them for their willingness to work with me to incorporate a number of important policies not only to Oregon but to millions of young Americans across this country.

When I first arrived in the Senate in 1997, I had the opportunity to learn about an outstanding idea launched by two great colleagues, Senators KENNEDY and HATCH. That idea was known as the State Children's Health Insurance Program. When they described the details to me, I recognized in it many of the features I had worked on as an Oregon State Senator in the development of the Oregon health plan. I told them to sign me up and let me know how a junior Senator on the Budget Committee could help them. It was my privilege to do that with an amendment on that year's budget.

But here we are, 11 years later; now I serve on the Finance Committee, and I have had the opportunity to help craft a bill that will provide the authority and funding needed to continue SCHIP for another 5 years. It is a responsibility I took seriously then and still. I am pleased to have an opportunity today to renew it and improve it.

As I think of the work we have done to advance this bill, I wish to take a moment to highlight a number of critical policies I have worked hard to advance and which are now included in the bill before us.

First, and perhaps most important, I am pleased we will continue to utilize a 60 cent increase in the tobacco products excise tax to pay for SCHIP reauthorization. Looking back on the debate over the budget this past March, I didn't know, but I hoped at the time, my amendment to do this would garner the support necessary. It has done so. That support has held, and it is now the funding source for keeping the promise of SCHIP.

However, in my opinion, there is no better means to provide funding for children's health care. I know some don't like this. It is, frankly, the only tax increase I enthusiastically support and for which I have ever consciously voted. Not only can we extend health insurance to 10 million low-income children, we can do so while discouraging other young people from smoking. Studies show America's youth is strongly discouraged from smoking if the price of the tobacco product is increased. I am hopeful we will discourage thousands of kids from smoking, which will improve and perhaps save their lives. I see it as a "twofer," to discourage smoking, and you can connect the habit of tobacco with all the public health care costs it imposes. It is a sad statistic that 20 percent of Oregonians who die each year die from tobacco-related illnesses.

I am also pleased to have been able to secure mental health parity in SCHIP. According to a report by the Urban Institute entitled "Access to Children's Mental Health Services Under Medicaid and SCHIP," the highest prevalence of mental health problems among all children, ages 6 to 17, is observed among Medicaid and SCHIP-eligible children at a rate significantly higher than for other insured children and uninsured children. Now, today, the Senate has taken a remarkable step forward to ensuring that SCHIP treats ailments of the mind on the same level as it treats ailments of the body. That is a notable achievement.

We are, as a Senate body, advancing the cause of mental health care as it has needed to be for some time but now hopefully soon. In this bill, and in the mental health parity bill earlier passed, we put mental health on parity with physical health.

This bill also reverses the harmful policy recently implemented by the administration. While I understand the President has some authority to help guide the development of Federal programs, in this instance, the policy released by the Centers for Medicare and Medicaid Services to restrict coverage of children with incomes over 250 percent of poverty simply goes too far.

Therefore, I strongly support the language in the bill that reinforces the Senate's position that States will be allowed to cover children with family incomes up to 300 percent of poverty. I also support the proposal to create a tracking system to more accurately determine who does and doesn't have insurance. This is vital as we continue to work to extend health insurance to all Americans.

Finally, I wish to note how pleased I am to see that States will be able to extend coverage to pregnant women through SCHIP. This makes sense. Prenatal care, when you are talking about children, is truly the point at which they can get the healthier start. Their mothers deserve this if we are serious about the children they bear. According to the National Committee for Quality Assurance, every dollar spent on prenatal care results in a 300-percent savings in postnatal care costs and an almost 500-percent savings in long-term morbidity costs. This is an investment we need to make, and it is well worth making.

Ten years after SCHIP became law, we now have a chance to support a bill that will cover 4 million new children who are already eligible for this program. This is not an expansion, though. This is simply keeping the promise of SCHIP with those children who are currently eligible but for whom we have not had the resources, the dollars, to fully fund this program.

While some have alleged we are expanding the program, expanding government-run health care, that rhetoric could not be further from the truth. We are not expanding the program, we are simply putting our money where our mouths have been. We are taking a step forward to give States the money they need to cover the children who already are qualified for SCHIP but, for one reason or another, are not enrolled. We also are not expanding government-run health care. SCHIP is a program that is delivered by private insurance companies. It is a program that requires families to pay premiums and copayments based on their income levels. It is for these reasons that SCHIP will garner strong, bipartisan support today.

In closing, I know there has been a great deal of rhetoric back and forth between the White House and the Hill. In this instance, with health care for millions of American children on the line, I urge my friend, President Bush, to take a fresh look at the details of this package and realize it is worthy of his support. I urge him to put aside the differences of this debate and sign this bill into law for the sake of our children, America's children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana. The Senator is recognized for 10 minutes.

Mr. VITTER. Mr. President, I rise today to speak about a very important amendment I have filed to the SCHIP legislation that passed the House and was sent back to the Senate. Unfortunately, the majority leader has decided not to allow any Republican amendments to this very important legislation. But I wish to take the opportunity, nevertheless, to discuss my amendment which is filed which is at the desk. It is very straightforward.

It simply says American citizens only are eligible for SCHIP and that no funds will be used to expand health care benefits in SCHIP to illegal immigrants and others.

The legislation we are considering, as written, will do just that. It will expand the program enormously without any regard for focusing on American citizens, and it is very clear that in that expansion, the benefit would go to many illegal aliens because of glaring loopholes that exist in present law and in this legislation.

Congressman JIM MCCRERY of Louisiana has been looking into this issue for several weeks. On September 21, he wrote the Commissioner of the Social Security Administration.

Mr. President, I ask unanimous consent to have printed in the RECORD Congressman MCCRERY's letter to the Social Security Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 21, 2007.

Commissioner MICHAEL J. ASTRUE,
Social Security Administration, Office of the Commissioner, Baltimore, MD.

DEAR COMMISSIONER ASTRUE: As Congress prepares to debate the reauthorization of the State Children's Health Insurance Program (SCHIP), I am writing to request your assistance in clarifying an issue raised by a provision in the Senate passed bill. Specifically, I would request that the Social Security Administration provide technical assistance to explain the impact of Section 301 of H.R. 976, which was passed by the Senate on August 2, 2007.

Concerns have been raised that the implementation of this provision could make it easier for illegal aliens to qualify for government funded healthcare programs including SCHIP and Medicaid. In order to better assess the accuracy of these claims, I would request that you provide answers to the following questions by no later than the evening of Monday, September 24, 2007.

1. If implemented as written, would the name and Social Security number verification process in section 301 of the Senate SCHIP bill allow the Social Security Administration (SSA) to verify whether someone is a naturalized citizen?

2. Would Section 301 require SSA to perform any verification of a person's status as a naturalized citizen?

3. Would the implementation of this provision detect and/or prevent a legal alien who is not a naturalized citizen (and therefore generally ineligible for Medicaid), from receiving Medicaid?

4. Would the name and Social Security number verification system in Section 301 verify that the person submitting the name and Social Security number is who they say they are?

5. Would the name and Social Security number verification system in Section 301 prevent an illegal alien from fraudulently using another person's valid name and matching Social Security number to obtain Medicaid or SCHIP benefits?

6. Would the name and Social Security number verification system in Section 301 prevent an individual who has illegally overstayed a work visa permit from qualifying for Medicaid or SCHIP?

7. Based on the accuracy of your database, please comment as to the volume of false positives or false negatives that could occur under the Social Security number verification process in section 301 of the Senate SCHIP bill.

Thank you for your prompt attention to this matter. If you should have questions about any of the requests in this letter, please contact Chuck Clapton of the Ways and Means Committee Republican staff.

Sincerely,

JIM MCCRERY,
Ranking Member.

Mr. VITTER. Mr. President, Congressman MCCRERY laid out seven very simple and straightforward questions that go exactly to this point: Is there any reliable way to ensure that this program is reserved for American citizens, not illegal aliens in the country?

Unfortunately, the answers—all seven of them—came back: No, no, no, no, no, no, no.

Mr. President, I ask unanimous consent to have printed in the RECORD the Administrator's responses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

If implemented as written, would the name and Social Security number verification process in Section 301 of the Senate SCHIP bill allow SSA to verify whether someone is a naturalized citizen?

No, the name/SSN verification process only indicates whether this information matches SSA's records. Our understanding of Section 301 is that it would provide States with the option of using a match as a conclusive presumption that someone is a citizen, whether naturalized or not. Since we have no data specific to this particular population, we have no basis for estimating how many noncitizens would match if this language were passed by Congress.

2. Would Section 301 require SSA to perform any verification of a person's status as a naturalized citizen?

Section 301 would not provide for verification of citizenship but would create a conclusive presumption based on less reliable data that a person is a citizen. As we read Section 301, it would not require use of DHS data to make a verification of citizenship.

3. Would the implementation of this provision detect and/or prevent a legal alien who is not a naturalized citizen (and therefore generally ineligible for Medicaid), from receiving Medicaid?

No. Our current name/SSN verification procedures will not detect legal aliens who are not naturalized citizens.

4. Would the name and Social Security number verification system in Section 301 verify that the person submitting the name and Social Security number is who they say they are?

No.

5. Would the name and Social Security Number verification system in Section 301 prevent an illegal alien from fraudulently using another person's valid name and matching SSN to obtain Medicaid or SCHIP benefits?

No.

6. Would the name and Social Security number verification system in Section 301 prevent an individual who has illegally overstayed a work visa permit from qualifying for Medicaid or SCHIP?

The name/SSN verification system in Section 301 would not identify individuals who have illegally overstayed a work visa permit.

7. Based on the accuracy of your database, please comment as to the volume of false positives or false negatives that could occur under the Social Security number verification process in section 301 of the Senate SCHIP bill.

Due to a lack of data specific to this particular population defined in section 301, we have no basis for projecting how many "false negatives" or "false positives" would be produced by enactment of Section 301, but they will occur.

Mr. VITTER. Mr. President, the responses are very clear:

> . . . we have no basis for estimating how many noncitizens would match if this language were passed by Congress.
>
> Section 301 would not provide for verification of citizenship. . . .
>
> Our current name/SSN verification procedures will not detect legal aliens who are not naturalized citizens.

They will not detect illegal aliens who have gotten Social Security numbers fraudulently.

> The . . . verification system in Section 301 would not identify individuals who have illegally overstayed a work Visa permit,

And on and on.

The record is perfectly clear, including from the Social Security Administration Commissioner, that there is nothing in the SCHIP legislation to prevent this fraud, to prevent these very significant costly benefits coming from the Federal taxpayers from going to illegal aliens in the country.

Again, this is a glaring problem with this legislation. It is a glaring problem with many existing Federal benefits that we should address head on. Absent a solution to look at this carefully in the context of this legislation, I do not think it should move forward.

Again, it is truly unfortunate that we have no ability to vote on this amendment on the Senate floor. This is a significant issue, this is a significant bill, and yet no Republican amendments, either this amendment or any other, can be considered on the Senate floor given the procedures the majority leader has used to shut out debate, shut out amendments, move forward, ignore a very serious concern of the American people. I think that is unfortunate. I also think it is reason not to move forward in passing this SCHIP legislation—one significant reason among others.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, today, in this Chamber, we are considering three critical issues that go to the heart of values we have as a nation, three pieces of legislation that seek to honor these values by putting them into action. We have passed and I am proud to support a bill to strengthen our capacity to stop hate crimes by supporting local law enforcement. We will be passing the largest expansion of health care for children since we created the Children's Health Insurance Program during the Clinton administration. Finally, included in this Children's Health Insurance Program legislation is a provision I sponsored and authored with Senator DODD to support injured servicemembers by giving their families more time off under the Family and Medical Leave Act. This is a banner day for the Senate and the Congress, and I am proud to join a bipartisan coalition in tackling these challenges, from children without health insurance to military families without the support they need.

We will pass the CHIP legislation by a wide margin, and so the choice will then fall squarely on the shoulders of the President. Will he join us in helping injured servicemembers and in providing health care to 3.8 million children who right now don't have it or will he put ideology ahead of military families and vulnerable children? We in this Chamber know what the right choice is. The American people also know what the right choice is. I hope our President will put progress over partisanship and join the bipartisan majority and the vast majority of Americans in believing we can no longer treat these challenges and the people who face them as though they were invisible.

I believe every child deserves health care. Yet far too many children in our Nation—more than 9 million—do not have access to quality, affordable health care. That is a moral crisis which should be impelling us to act, and this Congress has done so.

A few weeks ago, I met Amy McCutchin, who was struggling to find health insurance for her 2-year-old daughter Pascale—a healthy, lively 2½ year old. Amy works as a contractor while also going to school for her master's degree. She is divorced. She lost her insurance because of the divorce. She is not offered insurance through her employer because she does freelance work. Unfortunately, Pascale and her mom are among the millions for whom the Children's Health Insurance Program is currently unavailable.

When I met Amy, she stressed she is trying to do the right thing. She works hard. She is what we would call barely middle class. In fact, she can't miss a day of work or she doesn't get paid. But she is also going to school full time, and she has to balance that with her work and the care of her daughter. She is falling through the cracks, and so is little Pascale.

This is a story which is being told 9 million times every day by the parents of the children without health insurance. Today, we can tell a different story and create a different outcome.

I was proud to help create the State Children's Health Insurance Program during the Clinton administration. I worked on that legislation during my time as First Lady. In fact, after the bill was passed into law—a bipartisan majority in this Congress made that happen—I helped to get the word out to tell parents that help was on the way and to sign up children for the program in the first few years. In the Senate, I have continued that effort, fighting to ensure health care for children has the priority in our budget it deserves, and I am proud of the progress we have made.

The CHIP program provides health insurance for 6 million children. In New York alone, almost 400,000 kids benefit from CHIP every month. With this strong bipartisan, bicameral agreement, hammered out in this Chamber by Chairman BAUCUS and Senators GRASSLEY, ROCKEFELLER, and HATCH, an additional 72,000 children in New York will have access to health care coverage.

It will also help enroll many of the almost 300,000 children in New York who live in families who are already eligible for CHIP or for Medicaid because they make less than $52,000 a year, which is 250 percent of the poverty level for a family of four. Now, I know that sounds like a lot of money to some people around the country, but it doesn't go very far in New York, and it is one of the reasons why so many children in New York don't have access to health care and why we are fighting so hard in New York to extend health care to those who need it and can't yet afford it.

According to the Congressional Budget Office, 3.8 million children who are uninsured nationwide will gain coverage. That will reduce the number of uninsured children by one-third over the next 5 years. Now, if we can afford tax breaks for companies that ship jobs overseas and tax cuts for oil companies making record profits, I think we ought to be able to find it in our hearts and in our budget to cover the millions of children who deserve a healthy start.

I want to be very clear. If the President vetoes this bill, as he has threatened, he will be vetoing health care for almost 4 million children and he will be putting ideology, not children, first.

Earlier this year, I was proud to introduce legislation with Chairman JOHN DINGELL from the House of Representatives to reauthorize and expand CHIP, and I am very pleased that a number of the ideas in our bill are included in this legislation, such as cutting the redtape and bolstering incentives to get eligible children into the program. The legislation also improves access to private coverage and expands access to benefits such as mental health and dental coverage.

Some of my colleagues have heard me tell the story about the young boy living in Maryland whose mother wasn't on Medicaid, wasn't on CHIP, and was struggling to get some kind of health care coverage for her children when her 12-year-old son came down with a toothache. Medicaid and CHIP don't cover dental care in many cases, anyway, so even though she eventually got coverage, she couldn't find a dentist who was available to actually provide the dental care. Her son continued to complain, the toothache turned into an abscess, the abscess broke, and the next thing you know, the little boy is in the emergency room and being admitted to the hospital. But because the poison had already spread into his bloodstream, he had to be put on life support, and Demonte didn't make it. So for the lack of a visit to a dentist, which might have cost $80, $85, a little boy lost his life. And this is why expanding access to mental health and dental coverage is absolutely critical.

I also commend the authors of this bipartisan agreement for their work and for bringing forward a practical, fiscally responsible compromise. It represents the culmination of a lot of hard work. I see some of the staff from the Finance Committee here on the floor, and I thank them because I know how much they did to make this possible.

I am also pleased that the conference report includes the support for the Injured Service Members Act of 2007, legislation Senator DODD and I introduced to provide up to 6 months of job-protected leave for spouses, children, parents, or next of kin of service members who suffer from combat-related injuries or illness.

This amendment implements a key recommendation of the Dole-Shalala Commission, chaired by former Senator Dole, who served with great distinction in this Chamber, and Secretary Shalala, who served for 8 years under the Clinton administration as the Secretary of Health and Human Services. Their Commission on Care for America's Returning Wounded Warriors came up with a number of recommendations, and those recommendations are supported by a broad bipartisan coalition in Congress.

The families of our service men and women face extraordinary demands in caring for loved ones who are injured while serving our Nation. Currently, the spouses, parents, and children receive only the 12 weeks of unpaid leave under the Family and Medical Leave Act. But, as the Dole-Shalala Commission found, all too often that is just not enough time. An injured servicemember usually grapples with not only the physical injuries but having been, just a few weeks or months before, a healthy, fit young person and now, with the loss of a limb or being blinded or burned, having to come to grips with all of that. That takes time as well as medical care.

These new injuries our service members are suffering—the traumatic brain injuries—that we are only now focusing on are especially difficult.

I remember being at Walter Reed a few months ago, and I met a young Army captain who had been in a convoy hit by one of those improvised explosive devices, resulting in the loss of his right arm and the ring finger on his left hand because he had his wedding band on his finger and the explosion had caused his wedding band to melt into his finger, unfortunately causing him to lose that finger.

I asked him: Captain, how are you doing?

He said: Oh, Senator, I am making progress. Folks are helping me get used to the prosthetic, and I am learning how to use it. But where do I go to get my brain back? I never had to ask people for help before. Now my wife has to make a list for me, telling me where I have to go to meet my appointments and what I have to do when I am there. Where do I go to get my brain back?

Well, these wounds—some that you can see, some that you can't—are extremely serious and require family members to be available. The language included in the bill expands leave to 6 months. It is a step we can take immediately that will make a real difference in the lives of these wounded warriors and their families, and I hope the President will think about that before he vetoes this bill.

Now, I am disappointed that the CHIP bill doesn't include the Legal Immigrant Children's Health Improvement Act, which I introduced with Senator SNOWE and have been working on with her for a number of years. This bipartisan bill would give States the flexibility to provide Medicaid and CHIP coverage to low-income legal immigrant children and pregnant women. I want to underscore that. We are talking about legal immigrant children and pregnant women.

The current restrictions prevent thousands of legal immigrant children and pregnant women from receiving preventive health services and treatment for minor illnesses before they become serious. Families who are unable to access care for their children have little choice but to turn to emergency rooms. This hurts children, plain and simple, and I think it costs us money. A legal pregnant woman who cannot get prenatal care may have a premature baby, who ends up in a neonatal intensive care unit, which ends up costing us hundreds of thousands of dollars. So I hope we are going to be able to lift this ban and make it possible for States to access Medicaid and CHIP for legal immigrant children and pregnant women.

But I could not be more proud that the Senate is voting on expanding health care to 3.8 million children. There is no debating the importance of this and the way the Senate has come together in order to produce this result.

Finally, I am proud to support the bipartisan legislation which we have passed to strengthen our tools against crimes motivated by hate on the basis of a victim's race, ethnic background, religion, gender, sexual orientation, disability, and gender identity. These are crimes not just against an individual but against a community. What we have done by moving this legislation forward means we are taking a stand on behalf of those individuals and communities affected.

Hate crimes are an affront to the core values that bind us one to the other in our country. We should dedicate the resources needed to prosecute these crimes to the fullest extent of the law. I am very proud of our country. I think we rightly hold ourselves up as a model for the ideals of equality, tolerance, and mutual understanding. But we cannot rest. We have to continue to fight hate-motivated violence in America. With today's vote, the Senate is proclaiming loudly that the American people will not tolerate crimes motivated by bigotry and hatred, that we will punish such crimes and the bigotry they represent.

I commend Judy and Dennis Shepherd for their extraordinary dedication and leadership when it comes to the prosecution of hate crimes. The murder of their son Matthew was a tragic event for a family, but a motivating cause was created. No parent should ever have to bear what the Shepards have borne, but their grace and their grit in going forward is inspirational. The Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act is a step toward honoring their son's memory, and honoring everyone who has ever been afflicted by hate-motivated violence and harassment.

I commend my colleague Senator KENNEDY for his long-time leadership on this important matter.

The Matthew Shepard Law Enforcement Hate Crimes Prevention Act condemns the abhorrent practice of victimizing people and authorizes the Justice Department to help State and local governments investigate and prosecute these appalling offenses. I commend my colleague and friend Senator HATCH.

Today is a good day for the Senate. We are doing good work. It may be at a glacial pace in the eyes of some of us, but I have faith in our system and I have the utmost respect for this body. It is an honor to be part of it, especially on a day such as today when we make progress on behalf of the values America stands for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I remember it so vividly.

I remember it as if it were yesterday.

But it was 10 years ago that Senator KENNEDY and I stood outside this great building, we stood on the Capitol lawn under a great oak tree, and announced final passage of the Children's Health Insurance Program legislation.

History was made that day, and it has been made every day since.

A true, bipartisan partnership—forged on the strength of good intentions, motivated by a simple desire to help our country's most vulnerable citizens, and nurtured in a politics-free atmosphere—led to enactment of CHIP, arguably the most significant advancement in children's health in this modern era.

Ten years ago, Senator John Chafee and Senator ROCKEFELLER, Senator KENNEDY and I, began a partnership that led to the Children's Health Insurance Program. That legislation, enacted in under 5 months—to show you its potency—was founded on a very basic premise: that we needed to provide incentives to States to help them design plans to provide health insurance to the poorest of the poor families not eligible for Medicaid.

Senators ROCKEFELLER and Chafee argued for a Medicaid expansion. Senator KENNEDY and I argued for a State-directed block grant. The final law was an innovative, workable blend of the two.

Since that time, almost 6 million children have become insured under CHIP. They are leading healthier, more productive lives.

Their parents can sleep at night, resting easy that their children will be taken care of if they become ill.

That peace of mind, that giant step toward a healthier population, is the mark of a compassionate, caring Congress. It was a mark toward reassuring the American people that the Government hears their concerns loud and clear and stands ready to act.

Let us hear that same message today and let us provide our constituents with that same measure of reassurance as we consider this bipartisan agreement to extend CHIP for another 5 years.

This year, as Finance Committee Chairman MAX BAUCUS, Ranking Republican CHUCK GRASSLEY, Subcommittee Chairman JAY ROCKEFELLER, HELP Committee Chairman KENNEDY, and I began our discussions of the Child Health Insurance Program Reauthorization Act—or CHIPRA—we agreed there were several key principles that must be embodied in any extension of the original act.

The bill we consider today is built on those principles.

First, we agreed that the proposal must be fully financed or else it would be irresponsible for us to legislate.

Next, it must retain the original character of CHIP—that is, it must be a flexible, State-directed program. Senator KENNEDY talked about that this morning.

We worked to see the budget resolution provide $25 billion in its baseline to extend the current levels of coverage, and up to $50 billion more if it were fully financed.

Indeed, this bill is fully financed.

The costs above the budget baseline have been certified by Joint Tax to be covered by an increase in the tobacco excise tax.

We agreed that we wanted to continue coverage for those who are currently eligible, but also to conduct extensive outreach to enroll those who may be eligible but aren't enrolled.

Our bill provides health coverage to almost 4 million low-income, uninsured children through incentives to states to enroll these uninsured children in their programs.

We agreed that coverage of childless adults—a policy Senator KENNEDY and I never intended nor envisioned when we wrote our original proposal—we agreed that policy needed to stop.

Under our bill, childless adults currently covered under CHIP will be phased out of the program and transitioned into Medicaid.

I cannot emphasize this enough. Today, 6 million children receive health care through the CHIP program—25,095 of these children are from Utah.

That would not have happened absent congressional action in 1997.

In addition, there are an added 6 million children in families with income under 200 percent of the Federal poverty level—or FPL—who are uninsured and eligible for either CHIP or Medicaid.

According to the Congressional Budget Office, the bipartisan, compromise bill covers close to 4 million of these children—3.7 million to be precise—a significant step by any measure. This is a crucial, crucial part of the bill, an achievement that, while expensive, really goes to the heart of what we are trying to achieve with the original CHIP, and now CHIPRA.

For several weeks now, we have heard a crescendo of opposition to our legislation from officials at the White House, and most recently, our President.

Needless to say, this is disheartening for me. It is difficult for me to be against a man I care for, my own personal President, on such an important bill. I have been and will continue to be one of the President's strongest supporters in the Congress. He is a good man. He means well, but he does have to listen to his staff—or at least does listen to his staff, and I believe he has listened to them in a way that throws barriers up to this bill.

I wish I had had an opportunity to persuade him on the merits of this bill before he issued a veto threat. I did send messages down there, talked to top people in the administration, but I wish I had had a greater opportunity.

Indeed, I am sympathetic to many of the concerns he raises.

When he says that we need to be careful about creating a one-size-fits-all health plan for our children, I believe he is right. When we wrote this program in 1997, we wrote it based on the foundation of giving States the flexibility to design their own CHIP programs. Each State is different—what is good for Utah may not be good for California or Massachusetts.

It is important for States, not the Federal Government, to determine which benefits should be covered. After all, CHIP is a State block grant program, not a Federal entitlement. That is why we are debating its reauthorization today.

The President has also raised concerns about the Federal dollars that our bill spends on the CHIP program over the next 5 years.

I agree that $60 billion is a lot of money. But in comparison to what the House passed bill proposed earlier this year—they started at $100 billion and came down to $75 billion—it is much more reasonable.

And, as the Congressional Budget Office has told us, it is relatively more expensive to find and cover the low-income children who still do not have health coverage compared to those who are enrolled today.

That is why I was able to agree with the Senate number of $35 billion, in addition to the $25 billion already built in the budget baseline for CHIP—although, to be fair, it is higher than I would have liked. But this is a classic compromise and friends in the House wanted more. Some of them.

It is unfortunate that the President has chosen to be on what—to me—is clearly the wrong side of the issue.

Indeed, this is not the bill I would have written if I had full license to draft. That is true for the original SCHIP law as well.

But, it is hard to envision any major law being written by one person and enacted without change. That is not how good legislation is made.

Indeed, 10 years ago, Senator KENNEDY and I spent many, many hours proposing, arguing, compromising, and refining, in drafting session after drafting session.

Some days it seemed we disagreed more than we agreed.

It was hard, hard work.

But it was a labor of love.

We had a full discussion. We explored all the issues together.

We found compromises where we needed to.

That is how good legislation is made. Sometimes even bad legislation, but this is good legislation.

It pains me that we did not have this full discourse with the administration on CHIPRA.

It pains me that some have been slow to recognize the realities of this new Congress.

Indeed, what some political pundits termed The Trifecta—a Republican House, Senate, and Presidency, is no more.

I thought I should point out this fact for those in this body who may not have noticed.

And so it is no secret, no surprise, that a Democrat-led Congress would seek a more expansive program.

Yet it is to the great credit of our Democratic leaders that they recognize our country's fiscal realities and that they held the line at the additional $35 billion figure.

To be sure, I would have been comfortable with a lower number, just as Speaker PELOSI and Chairman RANGEL and Chairman DINGELL and Chairman BAUCUS and Chairman ROCKEFELLER advocated for a much higher number.

So, again, we have that spirit of compromise which was the hallmark of CHIP in 1997.

I must say it has also been difficult to conflict with my good friend from Utah, Health and Human Services Secretary Mike Leavitt.

He was an expert in health care policy when he was Governor of Utah, and he is even more of a leader on the national level now.

I know the concerns he expressed to me about the CHIP bill in 1997.

I recall our many conversations when he advocated for a greater Federal role in health coverage for needy children. And I also recall his admonitions that we could do better by the children and their parents if we were to provide the States with much-needed flexibility.

The final CHIP block grant reflected that flexibility I believe, and Mike Leavitt's good counsel helped us improve the law. I hear Secretary Leavitt's concerns when he says that he is concerned about paying for the reauthorization of this program through tobacco taxes. I am not comfortable with raising taxes either. However, when we first created the CHIP program in 1997, we believed that it was entirely fitting that the bill be funded through incentives to decrease the use of tobacco, a leading killer of Americans young and old. And, therefore, I am comfortable with raising tobacco taxes to pay for our CHIP program.

I understand his concerns about crowd-out and higher income children dropping their private health coverage in order to be covered through CHIP when CHIP was created to provide health care for low-income children.

And I agree with him 100 percent when he says that we are only fixing part of the problem by reauthorizing CHIP and not addressing what's wrong with the entire health care system.

He and I have visited on several occasions on these issues. I have benefited by that guidance, and I sincerely regret that ultimately we disagree on this bill. But I am willing to work with him to try to come up with an overall health care plan that will work.

I might add that I believe we have had an honest misunderstanding which has not only been raised by Secretary Leavitt but the President as well. They say that our legislation allows families with annual incomes of $83,000 to be covered under a State CHIP plan.

Let me be clear. Our legislation does not permit a State to cover these families unless the Secretary of Health and Human Services approves the State's application to cover individuals at that income level.

We do not change current law and put Congress in charge. We leave that decision in the hands of the Secretary.

We do not take away the Secretary's authority to make that decision.

I hope that point is clear.

At this point, it may be helpful for me to outline for my colleagues exactly what this bill does.

As I stated earlier, CHIPRA is a 5-year reauthorization which spends an additional $35 billion in Federal dollars on the CHIP program, in addition to the $25 billion in Federal dollars already built into the budget baseline.

So, in total, we are spending $60 billion in Federal dollars over the next 5 years on the CHIP program.

And I know that sounds very expensive, especially to my Republican colleagues. In contrast, the bill passed by the House in August would have spent an additional $50 billion on CHIP on top of the $25 billion in the budget baseline for a grand total of $75 billion.

As this chart indicates, we spend far more Federal money on Federal health programs then we are suggesting that we spend on the CHIP program over the next 5 years.

This chart compares projected spending in Medicare, Medicaid and the National Institutes of Health to the spending that we authorize for the CHIP program from fiscal year 2008 to fiscal year 2012.

For the Medicare Program, CBO projects that the Federal Government will spend $2.6 trillion, yes, trillion dollars over the next 5 years.

For the Medicaid Program, CBO projects that the Federal Government will spend $1.22 trillion over the next 5 years.

For the NIH, we project that the Federal Government will spend approximately $150 billion over the next 5 years.

In contrast, our bill authorizes $60 billion over the next 5 years. I think these numbers speak for themselves. We can spend billions, even trillions of dollars on programs for the elderly, disabled, very poor and for medical research but spending $60 billion to provide health care for the children of the working poor causes the President to issue a veto threat? Something here just doesn't add up, especially when you look at these numbers on this chart. The spending for the CHIP program hardly shows up on this chart compared to the other three programs.

Let me remind my colleagues that this legislation is built on compromise.

Is it perfect?

Far from it.

But does it cover more CHIP-eligible kids, our ultimate goal? Absolutely.

And that's why I am a strong advocate for this bill and urge my colleagues to support it.

This is a good compromise.

It is a $35 billion bill—not a $50 billion bill. The House ultimately agreed with the Senate on this issue. I do not blame them. They are very sincere in thinking you can just throw money at these things and you will do more good.

It does not include Medicare provisions. The House also dropped its insistence on this issue, even though there was tremendous pressure to include Medicare provisions such as a fix for the sustainable growth rate formula flaw, which is the physician reimbursement rate, in 2008.

But let me be clear, all of us agree that these important Medicare issues must be addressed by the end of this year. Just not in this bill.

Before I continue, I would like to note that both the $35 billion limit and agreement not to include Medicare provisions were huge concessions by the House of Representatives.

Honestly, I never thought that the House leadership would agree to those terms; and, trust me, those were the two conditions that were nonnegotiable as far as I was concerned.

The moderation on the part of House leaders is a true indication that they are serious about getting a bipartisan CHIP reauthorization bill signed into law.

Key provisions of this legislation are the tools and resources it provides to enroll more of the CHIP-eligible children. As I previously stated, in addition to the 6 million children already covered by CHIP, this bipartisan compromise bill would provide coverage to almost 4 million more uninsured, low-income children.

The bill no longer allows new State waivers for adults to receive their health care through CHIP. Childless adults will be phased out of CHIP and will be covered through Medicaid.

States that currently cover parents may continue to do so; but after a transition period, States will no longer receive the enhanced CHIP match rate for covering parents.

The legislation rewards States for covering more low-income children by establishing a CHIP performance bonus payment for States that exceed their child enrollment targets.

We worked hard to make certain there will be no funding shortfalls with this legislation.

The bill provides States adequate money in their CHIP allotments so they will not experience funding shortfalls in their CHIP program.

As a safeguard, we created a Child enrollment contingency fund for States that experience a funding shortfall as a result of enrolling more low-income children.

Shortfalls have been a serious problem. They are something we want to avoid.

In addition, the proposal clarifies that States will only have 2 years to spend their CHIP allotments. Today, States have 3 years to spend their CHIP allotments.

It gives States a new option to provide coverage to pregnant women. Today, pregnant women are only covered in CHIP if the State has been granted a waiver to cover pregnant women or through the Administration's unborn child policy.

This is a proposal Senator KENNEDY and I seriously considered including in 1997. We ultimately concluded that the cost of childbirth hospitalization was so expensive, then, about $4,000 a birth, that the greater public good could be achieved if we focused those resources on providing more insurance policies to needy children.

It was not a policy we undertook with great comfort. Indeed, Senator KENNEDY argued strongly for coverage of pregnant women. But ultimately, we chose to advocate for the policy that covered the most children.

Today, we are both satisfied that the bill embodies the correct policy, if I may speak for the Senator from Massachusetts on this point.

CHIPRA provides beneficiaries and their families with coverage choices. If the State provides premium assistance through its CHIP program, CHIP beneficiaries may choose to be covered through the State CHIP program or receive premium assistance to receive health care through a private health plan. And States like Utah that already have premium assistance programs for their CHIP beneficiaries would have their programs grandfathered in, in other words, their programs would continue to exist.

It also provides CHIP beneficiaries with dental benefits, states will have a choice of four dental benchmark plans to provide to their CHIP beneficiaries, the dental benefits included in the House-passed bill; a benefit package equivalent to the federal employee health plan dental benefit that covers the most children; a benefit package equivalent to the State employee dental plan that covers the most children; or a benefit package equivalent to the most popular commercial dental plan that covers the most children.

As my colleagues are aware, I have a long record of advocating for better dental care for children. It alleviates so many health problems in the future.

In fact, in 2000, I introduced the Early Childhood Oral Health Improvement Act, which created grant programs to improve the oral health of children under 6 years of age. This bill was included in the Children's Health Act which was signed into law on October 17, 2000.

So, I know how important dental health is for children.

At the same time, it is fair to say that I have been concerned about mandating that States provide dental coverage for two basic reasons.

First, the inherent nature of CHIP, and a primary reason it could be enacted in a Republican-led Congress, is that it was a State block grant.

Mandates move us away from that important framework.

Second, the dental coverage that some advocated be included in this bill is more generous than most private-sector policies. Thus, including such coverage would be a giant incentive for crowd-out, that is, dropping private coverage in order to seek a more generous public coverage.

Ten years ago we called it substitution. Today, we call it crowd out. But it is the same thing.

I will not sugar coat it. It is a problem. It is a concern. And, we should take every step we can to keep it from occurring.

I think the dental policy we adopted was a good compromise, and I appreciate my colleagues agreeing to my suggestion for this coverage.

Our legislation also limits the Federal matching rate that States will receive for covering individuals with family incomes over 300 percent of FPL in their CHIP plans.

It clarifies the Administration's policy on crowd-out and provides States with guidance on how to ensure that their low-income children are covered through the CHIP plan before expanding coverage to higher income children.

Another key element of this bill is that it provides States with funds for outreach and enrollment.

It gives States a time-limited option to speed up enrollment in CHIP and Medicaid by using eligibility information from designated express lane agencies.

The bill gives States the option of verifying citizenship for both Medicaid and CHIP by submitting names and Social Security numbers to the Commissioner of Social Security.

It creates a new quality initiative through the Secretary of Health and Human Services, in consultation with the States, to develop evidence-based pediatric quality measures in order to evaluate the quality of care for children.

I introduced legislation to develop pediatric quality measures with Senators BAYH and LINCOLN and much of our bill is incorporated in this bipartisan compromise legislation.

The proposal includes mental health parity in the state CHIP programs so that if a State offers mental health coverage in its CHIP plan, it must be on par with limits for medical and surgical services.

Senator GORDON SMITH has done a stellar job bringing awareness about the need for mental health benefits for children and this provision is modeled after legislation that he introduced with Senator JOHN KERRY of Massachusetts.

At this point, I would also like to refute some of the inaccurate statements that I have heard the last few days regarding our bill.

First, some have alleged that our bill allows the Federal Government to continue covering childless adults and parents through CHIP.

Our bill puts the emphasis back on low-income, uninsured children. Simply put, our bill puts an immediate stop to States being granted future waivers to cover nonpregnant adults. In fact, the provisions included in the Senate-passed CHIP bill were included in the compromise, bipartisan CHIP bill.

At the beginning of fiscal year 2009, States will receive lower Federal matching rates for childless adults and in fiscal year 2010, childless adults will not be covered under CHIP, they will be transitioned into Medicaid.

At the beginning of fiscal year 2010, only States with significant outreach efforts for low-income uninsured children will receive enhanced match rates for parents; others will receive the lower Medicaid match rate FMAP for adults.

Starting in fiscal year 2011, all States will receive a lower Federal match rate for parents. Those States covering more lower income kids or with significant outreach efforts will receive a Federal matching rate for parents covered under CHIP which is a midpoint between the Federal CHIP matching rate and the lower Medicaid matching rate. Other States will receive the lower Medicaid Federal matching rate, known as FMAP, for CHIP parents. Simply put, beginning in fiscal year 2011, States will no longer receive the higher CHIP matching rate for covering parents.

Second, some criticize our bill and say it allows higher income children to be covered under the CHIP program.

Today, States may receive an enhanced Federal matching rate for their CHIP program through waivers for all income levels. Our bill discourages States from covering higher income individuals in the CHIP program.

After enactment of our bill, States with new waivers approved to cover those with family incomes over 300 percent of FPL would only receive the lower FMAP payment for these higher income individuals.

In addition, States that cover individuals with incomes over 300 percent of FPL in their CHIP plans will have to submit a State plan to the HHS Secretary to show how it is addressing crowd-out for higher income children covered under CHIP.

The State plan must be approved by the HHS Secretary before October 1, 2010; otherwise, the State will no longer receive Federal matching dollars for covering those over 300 percent of FPL in their CHIP plans.

Third, some say our bill makes CHIP an entitlement program and almost doubles the Federal dollars spent on CHIP over the last 10 years.

CHIP is not an entitlement program, it is a capped, block grant program, where States are given flexibility to cover their low-income, uninsured children.

I admit that it works so well, nobody wants to abolish it, including the President and most everyone in this body. As to its cost, as I noted earlier, the 6 million children who are already covered by CHIP were easier to find that the current 6 million, low-income, uninsured children under 200 percent of FPL.

CBO has explained it is much more expensive to find these uncovered children. That is why our bill gives States bonus payments for enrolling them. I hope their prediction does not prove true. If it doesn't, we will save money in the program. But if their prediction does prove true, there is still no excuse for enrolling these kids.

I also believe it is important to note that, according to the Centers for Medicare and Medicaid Services, in 2005, we spent a total $1.98 trillion on our Nation's health care system.

Private expenditures were $1.08 trillion and Federal spending was $900 billion.

Total Medicare spending was $342 billion in 2005 and Medicaid was $177 billion in Federal dollars.

Our bill today funds CHIP at $60 billion over five years—a fraction of the cost to provide care for low-income, uninsured children. Covering these children is worth every cent.

Another common criticism is the myth that our bill allows States to cover children from families with annual incomes of $83,000.

I have addressed this before, but it bears repeating.

Our bill neither prevents, nor requires, States' coverage of families at higher income levels. Only the Secretary of Health and Human Services decides whether a State may cover families with incomes up to $83,000 per year under their State CHIP program, not Congress.

Many have suggested, in error, that our bill allows illegal immigrants to be covered under CHIP.

In fact, during the House debate, I heard some state incorrectly that our bill provides benefits to illegal immigrants and opens the door for CHIP and Medicaid benefits for illegal immigrants by substantially weakening a requirement that persons applying for such services show proof of citizenship.

Nothing could be further from the truth.

In fact, our legislation has specific language stating that no illegal immigrants will be covered under CHIP.

For those who still don't believe me, it can be found under section 605, entitled No Federal Funding for Illegal Aliens.

Let me just read what it says: "Nothing in this Act allows Federal payment for individuals who are not legal residents."

Finally, much has been said about the Centers for Medicare and Medicaid Services' recent guidance on crowd out.

I will include for the RECORD a letter dated August 17, 2007, to the State Medicaid Directors from Dennis Smith, the director of the Center for Medicaid and State Operations for CMS.

The purpose of this letter was to give the State Medicaid Directors guidance on how CMS will review state plan amendments or waivers to raise income eligibility limits under the CHIP program in the future.

In this letter, CMS made it perfectly clear that the agency was very concerned about crowd-out and wanted States to target low-income, uninsured children under 200 percent of poverty before covering higher income children under CHIP.

So in order for States to cover higher income children, CMS made it clear that States must cover 95 percent of their children under 200 percent of poverty before expanding coverage to higher income children.

While I agree with the thrust of what the administration intended to achieve, I am not certain what Mr. Smith asks the States to do can be achieved.

States have told us it is virtually impossible for them to determine how many of those low-income children are currently covered.

Currently, good, solid data on the uninsured simply do not exist. So it is almost impossible to find good, solid numbers on the uninsured. On top of that, currently, States do not have to report income data to CMS.

Therefore, we knew that it would be impossible for States to determine how many low-income, uninsured children live in their States and whether or not those children were receiving health coverage.

We heard the States and we addressed their valid concerns in the bill by requiring that two studies will be conducted to study crowdout and figure out what States are doing to successfully cover low-income, uninsured children. Once the data are available, States covering individuals over 300 percent of poverty in their CHIP plans must submit to the HHS Secretary their plans for covering low-income children and reducing crowdout. If its plan is not approved by a certain date, a state would no longer receive CHIP money for covering those over 300 percent FPL with limited exception. To me, that sends a very clear message to all 50 States about the intention of the CHIP program—to cover low-income, uninsured children.

Let me conclude by emphasizing to my colleagues that passing this legislation is the right thing to do.

When we first wrote CHIP in 1997, our goal was to cover the several million children who had no health insurance coverage. These children were in a no-win situation—their family incomes were too high to qualify for Medicaid, but their families did not have enough money to purchase private health insurance.

When Senator KENNEDY, Senator Chafee, Senator ROCKEFELLER and I worked on the original legislation in 1997, our goal was to cover the several million children who had no health insurance.

Coverage of these uninsured children is still our top priority, and I believe our bipartisan CHIP bill will make a dramatic difference by covering almost 4 million additional low-income children.

The bill we are considering is very similar to the Senate-passed CHIP bill and captures the true essence of the 1997 law.

It is the true essence of bipartisan compromise.

To be fair, it does not make any of us Republicans comfortable to face a veto threat from our President.

It does not make me comfortable to face a veto threat issued by my colleague and good friend from Utah, Secretary Leavitt.

However, as Senator KENNEDY and I have been fond of saying to each other over the years, if neither side is totally comfortable, we must have done a good job.

This is a good bill. It accomplishes what we have set out to do—to cover low-income children without health coverage.

Yes, I admit, it is expensive. However, this is necessary spending when I think of the 6 million American children who are leading healthier lives because of our vision and commitment.

And when I compare $60 billion to the trillions of dollars our Government will spend on health care, I believe it is a worthwhile benefit.

We should not let the opportunity pass us by to build on that solid foundation and do even better for the children, our future.

I will add one more point that I want my Republican colleagues to take to heart. This is a bipartisan compromise bill. It is not the House-passed CHIP bill that would spend $75 billion over the next 5 years on CHIP.

In my opinion, the $50 billion CHIP legislation before the Senate is the better deal for the low-income children and the American people. It is my hope that my colleagues who disagree with me will take one more look at this legislation.

On the House side, I would like to recognize the hard work of my House colleagues: Energy and Commerce Committee Chairman JOHN DINGELL; House Energy and Commerce Health Subcommittee Chairman FRANK PALLONE; House Ways and Means Committee Chairman CHARLIE RANGEL; House Committee on Oversight and Reform Chairman HENRY WAXMAN; and of course, the Speaker of the House, NANCY PELOSI.

I also want to commend my Utah Governor, Jon Huntsman, Jr., for his continued support of legislation to reauthorize the CHIP program. In April, Governor Huntsman presented me with a proclamation expressing his and the Utah State Legislature's strong support for the CHIP program, which I greatly appreciated. In fact, Governor Huntsman and his staff have provided me with invaluable advice throughout this process. Utah's program, which covers 25,095 children, provides well-child exams; immunizations; doctor visits; hospital and emergency care; prescriptions; hearing and eye exams; mental health services; and dental care.

Finally, I must commend my good friends and colleagues from the Senate: Finance Committee Chairman MAX BAUCUS; Ranking Republican Member CHUCK GRASSLEY; Finance Health Subcommittee Chairman JAY ROCKEFELLER; and the Senate Majority Leader HARRY REID.

I would also like to mention all of the staff who put many hours into this bill and gave up time with their families to work on this bill—Pattie DeLoatche, Patricia Knight, Karen LaMontagne, Peter Carr, Jared Whitley, Hanns Kuttner, Becky Shipp, Rodney Whitlock, Mark Hayes, Alice Weiss, Michelle Easton, David Schwartz, Jocelyn Moore, Ellen Doneski, Ruth Ernst, Kate Leone, Bridgett Taylor, Amy Hall, Bobby Clark, Karen Nelson, Andy Schneider, Wendell Primus, Ed Grossman and Jessica Shapiro.

I would be remiss if I didn't mention some of the staff who laid the groundwork on the original CHIP law in 1997, particularly Patricia Knight, Rob Foreman, Bruce Artim, Nick Littlefield, David Nexon, Laurie Rubiner, Lisa Layman, Michael Iskowitz, Cybele Bjorklund and Mary Ella Payne.

Mr. President, I remember so vividly 10 years ago when Senator KENNEDY and I stood on this floor to argue for enactment of SCHIP. We had two posters.

We had one of a little boy named Joey.

And we had one of Joe Camel, the mascot for one manufacturer of cigarettes.

We asked our colleagues, whom do you support? Joe Camel or Joey?

It is somewhat ironic, even amazing, or even more—a reflection of history repeating itself—that I stand here today to pose the same question to my colleagues.

Whom do you support: Joe Camel or Joey?

Joey? He's now almost 20.

The Camel? Haven't seen him for a while, have we?

So, we are making progress.

But there is much to do.

This bill represents the congressional commitment to one of the most important goals we can strive for: a healthy population.

We must start with the kids, and that is what H.R. 976 does.

I would like to close by reading an excerpt from a letter written by Karen Henage, the parent of children are covered by the Utah CHIP program. Kim Henage writes, "I firmly believe the CHIP Program gave our family the financial assistance and more so the emotional security (peace of mind) to survive our new start, so that we were able to make it make it through. We are a success story because of this assistance. I cannot express in mere words how much this meant to us. When we needed it, it was there for us. I wholeheartedly request your support of the continuation of this valuable program, that other families might survive as we did."

I think Kim's letter says it all—we must pass this bill today so more families without health insurance will be able to become a CHIP success story like the Henages.

I ask unanimous consent to print the above-referenced letter from CMS in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH &
HUMAN SERVICES,
Baltimore, MD, August 17, 2007.

DEAR STATE HEALTH OFFICIAL: This letter clarifies how the Centers for Medicare & Medicaid Services (CMS) applies existing statutory and regulatory requirements in reviewing State requests to extend eligibility under the State Children's Health Insurance Program (SCHIP) to children in families with effective family income levels above 250 percent of the Federal poverty level (FPL). These requirements ensure that extension of eligibility to children at these higher effective income levels do not interfere with the effective and efficient provision of child health assistance coordinated with other sources of health benefits coverage to the core SCHIP population of uninsured targeted low income children.

Section 2101(a) of the Social Security Act describes the purpose of the SCHIP statute "to initiate and expand the provision of child health assistance to uninsured, low-income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage." Section 2102(b)(3)(C) of the Act, and implementing regulations at 42 CFR Part 457, Subpart H, require that State child health plans include procedures to ensure that SCHIP coverage does not substitute for coverage under group health plans (known as "crowd-out" procedures). In addition section 2102(c) of the Act requires that State child health plans include procedures for outreach and coordination with other public and private health insurance programs.

Existing regulations at 42 CFR. 457.805 provide that States must have "reasonable procedures" to prevent substitution of public SCHIP coverage for private coverage. In issuing these regulations, CMS indicated that, for States that expand eligibility above an effective level of 250 percent of the FPL, these reasonable crowd-out procedures would include identifying specific strategies to prevent substitution. Over time, States have adopted one or more of the following five crowd-out strategies: Imposing waiting periods between dropping private coverage and enrollment; imposing cost sharing in approximation to the cost of private coverage; monitoring health insurance status at time of application; verifying family insurance status through insurance databases; and/or preventing employers from changing dependent coverage policies that would favor a shift to public coverage.

As CMS has developed more experience and information from the operation of SCHIP programs, it has become clear that the potential for crowd-out is greater for higher income beneficiaries. Therefore, we are clarifying that the reasonable procedures adopted by States to prevent crowd-out pursuant to 42 CFR. 457.805 should include the above five general crowd-out strategies with certain important components. As a result, we will expect that, for States that expand eligibility above an effective level of 250 percent of the FPL, the specific crowd-out strategies identified in the State child health plan to include all five of the above crowd-out strategies, which incorporate the following components as part of those strategies: The cost sharing requirement under the State plan compared to the cost sharing required by competing private plans must not be more favorable to the public plan by more than one percent of the family income, unless the public plan's cost sharing is set at the five percent family cap; the State must establish a minimum of a one year period of uninsurance for individuals prior to receiving coverage; and monitoring and verification must include information regarding coverage provided by a noncustodial parent.

In addition, to ensure that expansion to higher income populations does not interfere with the effective and efficient provision of child health assistance coordinated with other sources of health benefits coverage, and to prevent substitution of SCHIP coverage for coverage under group health plans, we will ask for such a State to make the following assurances: Assurance that the State has enrolled at least 95 percent of the children in the State below 200 percent of the FPL who are eligible for either SCHIP or Medicaid (including a description of the steps the State takes to enroll these eligible children); assurance that the number of children in the target population insured through private employers has not decreased by more than two percentage points over the prior five year period; and assurance that the State is current with all reporting requirements in SCHIP and Medicaid and reports on a monthly basis data relating to the crowd-out requirements.

We will continue to review all State monitoring plans, including those States whose upper eligibility levels are below an effective level of 250 percent of the FPL, to determine whether the monitoring plans are being followed and whether the crowd-out procedures specified in the SCHIP state plans are reasonable and effective in preventing crowd-out.

CMS will apply this review strategy to SCHIP state plans and section 1115 demonstration waivers that include SCHIP populations, and will work with States that currently provide services to children with effective family incomes over 250 percent of the FPL. We expect affected States to amend their SCHIP state plan (or 1115 demonstration) in accordance with this review strategy within 12 months, or CMS may pursue corrective action. We would not expect any effect on current enrollees from this review strategy, and anticipate that the entire program will be strengthened by the focus on effective and efficient operation of the program for the core uninsured targeted low-income population. We appreciate your efforts and share your goal of providing health care to low-income, uninsured children through title XXI.

If you have questions regarding this guidance, please contact Ms. Jean Sheil, Director, Family and Children's Health Programs.

Sincerely,

DENNIS G. SMITH,
Director, Center for Medicaid and State Operations.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I commend the Senator from Utah for his remarks today, for his work on this bill, his work many months ago when this work began in the Senate, and for his leadership 10 years ago in 1997, when at that time, as today, we had bipartisan agreement on children's health insurance. I commend him and his colleague, Senator GRASSLEY.

On the Democratic side we have a lot of great leaders: Senator JAY ROCKEFELLER and Senator MAX BAUCUS, working mightily with Senator KENNEDY and so many others to get this done. We still have a long way to go. We know we had a resounding 69 votes in the Senate today, but we still have one impediment to getting this done. That impediment is the President of the United States.

I want to talk about some numbers today, but I want to focus initially on the benefits of this program. We are going to continue to have debates within this body and with the President about this issue. I will get to that. But let's step back for a minute and think about what this program means to one single child or what it means to one single family. Here is what it means. I come from Pennsylvania. We have some big cities in Pennsylvania: obviously, Pittsburgh and Philadelphia. But what if this child is born in a rural area. I come from a State where a huge percentage of our population is, in statistical categories, considered rural. The breadth of Pennsylvania, right through the middle of the State, out toward western Pennsylvania, we have a lot of people who live in rural areas. We know the benefits of this program help a lot of our children in cities and towns and also in rural areas. In fact, one-third of rural children get their health care from Medicaid or the Children's Health Insurance Program.

We also know a lot of African-American and Latino children have benefited tremendously in the 10 years this has been part of our law. Let's think about those children. No matter where they live, let's think about what this means to them. It means they can get well-child visits to the doctor during a year. The experts tell us you need at least six of those in your first year of life to be healthy. We ought to make sure every child in America can have six well-child visits in a year, but millions don't get that.

What happens to that child? That child would not grow. Their brains and cognitive development would not proceed as it should. They can't learn as fast. They can't read as quickly. They don't do as well in school. Down the road when they become part of the workforce, they have been shortchanged, if we don't do our job. It also means immunizations in the dawn of their lives and all of the preventative care a child should receive.

We should be doing everything we can in this body, not just with children's health insurance but with early learning opportunities and other programs we have to help our children to do a number of things, but principally to make sure children are healthy enough to learn. We know if they learn more in the dawn of their lives, they will earn more down the road. We have to make those investments. I don't see this as just a program, something that we are giving to people.

That is not what it is. The distinguished Senator from Utah said a couple moments ago, this is a capped block grant program and a good investment in that child and his or her future. But it is also an investment in our economic future. We can do a lot with this program to help families. But let's think about a mother. What does every mother want for their child, especially when they are very young? They want to nurture the child. They want to make sure the child has some kind of health care, has nutrition, and they want to shower that child with all the love and care a mother can provide.

One of the benefits to reauthorizing this program and getting the job done is that we can help a mother as she is trying to provide everything she can for her child, whether she lives in a farming community in central Pennsylvania or whether she lives in one of our towns in Pennsylvania or across the country or whether she lives in the inner city. Make no mistake, this comes down to a very simple question—maybe a couple, but one basic question—which is, does the President want to cover 10 million American children? There is only one answer to that question, only one answer we can justify. There is only one answer for which we can go back to our States and say we did the right thing. That answer is, absolutely, the President should want to cover 10 million American children because if he vetoes this and his point of view prevails, 10 million children will not have health insurance. By signing this legislation we are about to send to him, he can make sure 10 million American children have health insurance.

What upsets me about the President—I have been very critical of him, and I will continue to be so when it is warranted—is not just his position on this issue, not just his threat of a veto—that is bad enough. What upsets me and a lot of Americans, frankly, is the President had month after month after month to come to the Congress and say: I think we should have a $5 billion increase over 5 years. That is what he says. There is an overwhelming consensus now in the Congress that it should be a $35 billion increase. When you consider it over 5 years, that is only a billion a year. We spend $7 billion a year on a lot of things. But let's consider what he said. If he was going to take that position all those months ago, why didn't he come to the Congress? If health care for children is such a priority, why didn't he come to the Congress and say: We are far apart. The Congress is at $35 billion, and I am at $5 billion. We will work together.

He didn't do that. He just laid down his number and then he began, frankly, to misrepresent the facts. That has made this argument an unfortunate episode in the debate.

I have another question for the President. The question about 10 million children is very important, but I have a question for the President. What is the choice you are making? You are saying on the one hand, Mr. President, that 10 million American children should not have health insurance at the same time that in 2000 we will give away $100 billion to wealthy Americans. Is that right? I don't think so. That is immoral in my judgment, to give $100 billion to wealthy Americans and say children who could benefit from this program, 4 million more, that they don't get health insurance.

It is equally immoral when the President of the United States and every Senator and every House Member gets their health insurance paid for. Yet some people say: No, we are going to wait on those children. Those 4 million children will have to wait, even though every Senator gets health care and this President gets health care every day of the week. I think that is immoral. He should recognize that.

This is about numbers and budgets and a program. We will talk about that a lot. That is important. I can justify every one of those numbers. OK. I know a lot about cutting out waste and fraud. I did that for 10 years in State government. I know that subject very well.

But this is a program that works. We have had a 10-year experiment with it, and it works, and everyone here knows that. It works very well to make sure we cover our children. All these other arguments about why we should not do it comes down to politics. The people who are supporting the President on this should answer the questions I posed.

Why shouldn't 10 million children get health care? Why do you get health care in the Senate and those children do not get health care, according to your point of view? They should answer that question when they are supporting this President. Why should every Member of the Senate get health care and these 4 million children—plus the 6.5 million or so we can cover—why shouldn't they get health care? Why should millionaires and multimillionaires and billionaires get tax cuts in 2008 and 2009 and on into the future and these children should not have health insurance?

So when you come to the floor to talk about this program, and when the President goes on television and preaches to us about why we should not do that, I hope you would be honest enough—I hope the President and every Member of this body would have the integrity to stand up and justify why 10 million kids should not have health insurance, why they, as a Member of the Senate, should have their health care paid for, and why all those wealthy Americans should get their tax cut—tens of billions this year—and these kids should not have health insurance.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the leaders of this bill for the time to speak.

I am kind of flabbergasted at the last talk. I am one of the physicians in this country who has cared for kids on Medicaid. I have actually delivered over 2,000 babies on Medicaid. I have actually done well-child exams.

We have the Senate lecturing the President, and we should be lecturing ourselves. The debate on this bill is not about children. There is not anybody in the Senate who does not want to cover and continue the present SCHIP.

What this debate is about is how do we move toward national health care. That is what this debate is. So immoral? Is it immoral to spend $3,000 to buy $1,500 worth of care, like we are going to do in this bill? Is it immoral for the Senate to say it only costs $35 billion and then totally take a program that is costing $12 billion a year 5 years from now and cut it down to $700 million and say we met the budget rules, when in fact we did not? That is immoral. What about the children who are going to pay for the deficit associated with this bill?

I have actually cared for these kids. My practice has been a Medicaid-based practice and a SCHIP-based practice. The holier-than-thou attitude that if you oppose this bill, you do not care about children is completely disrespectful to those of us who happen to disagree, who maybe think a better way to cover children would be the Burr-Corker bill, which gives a tax credit to every kid in this country that covers enough to give them insurance and takes that Medicaid stamp off their head, since only 40 percent of the doctors in this country will cover SCHIP kids and Medicaid kids.

So the debate is not about the President being immoral. It is not about tax cuts. The real immoral fact of this bill is we are winking and nodding again to the American people that we are going to spend $121 billion over the next 10 years—not $60 billion over the next 5 years—$121 billion, and we have no way to pay for that. We had a $444 billion deficit last year. We could have paid for the war and decreased the deficit if this body would have had the courage to eliminate duplicative and fraudulent programs. There is no holier-than-thou attitude to go after those programs because they have an interest. As politicians, we do not want to upset anybody.

So it is easy—the greatest pleasure in the world is to spend somebody else's money and to claim it is in the name of children. I have been on the ground with children. I have taken care of the poorest of the poor. We have a pregnancy component in this bill. Title 19 now is at 300 percent of the poverty level in this country. We have people dropping their insurance to qualify for title 19. We do not need pregnancy covered in the SCHIP bill. It is already covered. But we claim that to rationalize to make the bill better.

I have no disrespect for people in this body who claim they want national health care, government-run national health care. Well, American public—guess what—if you think health care is expensive now, wait till it is free. Wait till it is free. That is exactly what we are doing with this bill.

We can reauthorize SCHIP, and we can make it higher than a $5 billion increase to truly cover those kids who need it. This body rejected an insurance contribution component amendment I offered that would actually expand further the number of kids.

The other point that is not being made is, for every kid you cover who does not have health insurance today, you are going to drop another kid from health insurance that is being paid for by their parents, and they are getting no benefit in terms of a reduction of their health insurance. So what we are doing is shifting taxes to those same parents to pay for a program, twice as much money for the benefit we will get for the kids.

I am not against well-child exams. I am not against immunizations. I give them out of my pocket of my own practice now for free. They cost me an average of $146 a kid.

The claim of superiority that somehow if you do not want to have this bill you do not care for children is gobbledygook. What about the kids in the future who are going to pay for the mistakes we are making? What about the kids who are born today who owe $400,000 on our unfunded liabilities? We have done that. If we care so much about kids, why aren't we fixing that problem? They are never going to get a college education or own a home, and they are never going to have health coverage because we will have bankrupt this country by the way we do not control how we spend money.

So to be lectured and lecturing the President because, finally, he is exhibiting some fiscal responsibility into the future, and us to play games on the true cost of this program, that is what is immoral. It is not the President being immoral. The fact is it is not our money, it is the money of the people of this country, and we are going to decide we are going to spend money and not tell them what it is really going to cost because that is what this bill does in the outyears, the 6th through the 11th year of this bill if we cut this program to $700 million a year.

Now, nobody in their right mind will honestly say we are going to let that happen. So if we are not going to let that happen, how about being honest with the American people about the true cost of what we are doing? It is $121 billion. It is not $60 billion. Even the staff admits that. Both the Democratic and Republican staff admit that.

For us to sit up here and claim it is only a $35 billion increase—well, only a $35 billion increase is a 120-percent increase in the program, just a 120-percent increase in the program.

We ought to have a debate about national health care and how we solve the problems of health care in this country. There is a way to solve it. It is to make sure everybody in this country has access and give them the freedom and the power to choose what is best for them rather than us tell them what they have to have. That is the debate we ought to have.

This is a farce. This debate is a farce. It is a farce about saying we want to cover more children, when we are really taking children who are already covered and putting them under a government program and then charging those children's kids for the cost of the program. That is what we are doing. It is not about caring for kids. It is about lying to the American public about what this program does.

So I do not have any hard feelings about the fact that people want to have national health care and a government-run program, but let's have the debate about what it really is and not have a debate demeaning the President when he finally stands up and says we have an obligation, for the next few generations, to start doing it right, and finally he is starting to do it right. And now we are saying he is immoral. Of the 10 million kids, 5 million already have coverage. We are going to ask the American taxpayer—in spite of what we are doing, in spite of the fact we borrowed $434 billion—we are going to load that on them.

They already have coverage. They already have immunization. They already have well-child care, and we are going to add that cost to the American taxpayer. Do you know who that taxpayer is? That is that child's child because we are not going to pay for it. We are going to refuse to be responsible. We played the game of pay-go on this, the great pay-go rule, where we now bastardize our own ethics to say we paid for something, knowing we did not. Because nobody in this body believes this is going to go to $700 million 5 years from now. Nobody believes that. Everybody knows that. So everybody knows we are telling an untruth to the American people about the true cost of this program.

I care a ton about my patients. But I also care enough about this country to be able to speak the truth about what we are doing. And what we are doing is absolutely untruthful in how we characterize the spending on this program. You can debate that. I will debate that all day with anybody up here. This body knows I know our numbers, and the numbers on this bill are untruthful.

So what we ought to say is, we think we ought to expand the SCHIP program, and it costs $121 billion. Let's have a debate about what it really costs. That is why the President says we should not do it. And we should not go to 300 percent, and we should not have adults on a program where in many States it consumes 75 percent of the dollars.

I will readily grant you, we have a big problem with health care in this country. One of the major reasons we have a big problem with health care in this country is government-run health care programs that drive the cost and the overutilization in many areas where we cannot function properly.

What is happening today in our country with quality of care is because we have so much government run. We have physicians trying to see too many patients. The one thing we are taught in medical school is, if you will listen to your patients, they will tell you what is wrong. Right now, 8 percent of the cost of health care in this country is associated with tests we order that no patient needs. It is because this body will not look at the malpractice situation we have in this country and the liability situation and fix it to where it truly represents a system where people who are injured are taken care of. What we have is a system that games it. So consequently we are all paying 8 percent more for health care because providers have to order tests to cover their backside.

The other thing we know is another 3 percent of the cost of health care is associated with tests that doctors are ordering because they are not listening well—$50 billion worth of tests that people do not need because we will not take the time to listen to them.

I will summarize and finish my point with this: Washington has an 11-percent approval rating for a very good reason. Because we do not deserve to be trusted, because we do exactly what we are doing on this bill. We are lying to the American people about what it costs, who it will cover, and how it will be delivered.

Now, some other details of the bill are debatable, but those facts are not debatable, and the American people, hopefully soon, are going to wake up to the dishonesty and the farce that we perpetrate on them as we debate those issues.

Let's have a debate about national health care. Let's really debate it. Let's look at the options. Our bill, in several other places—the Burr-Corker bill, the Universal Health Care Choice and Access Act—gives everybody in this country an equal tax credit. Everybody gets treated the same. You want to punish the millionaires? Take away some of their tremendous excess tax benefits from health care. But we would not do that. We do not have one person who will come forward and say: Let's equalize the Tax Code on the other side. Let's equalize the Tax Code so everybody has the same shot. Let's let a market help us access that. Let's make sure it is 100 percent access. If you do not have access, you cannot have care.

This bill is not going to provide that much access. Fifty percent of what it does has to do with people who already have access. Those are not my numbers. Those are Congressional Budget Office numbers.

So let's be honest about what we are doing. Let's talk about health care. If we want to go to national health care, if we have the votes to do it, then let's do it. But let's do not, under the guise of helping children, expand national health care. This Senator will vote to reauthorize a higher level of funding for SCHIP to cover kids who are truly poor—those who don't have access. I will help anytime, any way to do that. That has been my practice. That has been my heritage. That has been my history in caring for poor folks in Oklahoma. But I am not about to go along with a lie, that what we are doing is something different than what we say we are doing.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

VETO THREATS

Mr. BYRD. Mr. President, with 3 days to go before the start of the new fiscal year, there is much inside-the-beltway chatter about continuing resolutions, omnibuses, minibuses, budget showdowns, and Government shutdowns.

Nowhere is that chatter louder than that which is coming from the other end of Pennsylvania Avenue. The President has threatened almost daily that he will veto any appropriations bill that exceeds his budget request. These veto threats include all of the spending bills that provide funding for our domestic programs—programs that, in one way or another, benefit each American and every American. These bills help to educate our children, help to secure our homeland, help to support rural America, and help to promote a competitive economy. These domestic spending bills provide the essential building blocks for the foundation of our great country.

On the one hand, the President is seeking over $190 billion in emergency appropriations to fight the wars in Iraq and Afghanistan. That is $190 billion for the cost of the wars for 1 year—1 year—1 year. At the same time, the President wants to veto critical domestic spending bills because they total $22 billion above his, the President's, budget request—less than 1 percent of our entire budget, and about what we spend in 2 months' time fighting an unpopular war in Iraq. All the chatter from the White House even asserts that the $22 billion for programs here in America means increasing taxes and putting America's economic growth at risk.

This, of course, begs the question of the economic impact of the almost $450 billion we have spent on the war in Iraq, a war which I oppose.

The President characterizes the $22 billion above his request as "increased" spending. In fact, $19 billion of the $22 billion "increase" simply represents restorations of the President's—the President's—the President's relentless attempts to savage important domestic initiatives.

This week, the FBI announced that violent crime is on the rise for the second straight year. Yet the President proposes to cut State and local law enforcement funding by $1.5 billion.

Hurricane Katrina proved that the Government is not prepared to handle major disasters, be they natural disasters or terrorist attacks. Yet the President—our President—has proposed to cut first responder grants by $1.2 billion. Those grants equip and train our police, our fire and emergency medical personnel to respond to a disaster.

The President—our President—proposes over $3 billion in cuts for education programs, including special education, safe and drug-free schools, and improving teacher quality.

Despite an aging population in this country, the President proposes a cut of $279 million for studying cancer, diabetes, and heart disease at the National Institutes of Health. Under the President's budget, the National Institutes of Health would have to eliminate 700 research grants that could lead to cures for treatments for cancer, diabetes, Alzheimer's, and other diseases.

The President also proposes to cut $2.7 billion for elderly and disabled housing and community development grants.

When the Interstate 35 bridge collapsed into the Mississippi River, it focused the Nation on the need to invest in our crumbling infrastructure. Yet the President proposes to cut over $3 billion from infrastructure programs, such as highway and transit funding, bridge repairs, rural wastewater grants, levees and dams, clean water grants, and airport safety and improvements. The President—our President—even proposes to reduce funding for the highway and transit levels that are guaranteed in the highway law that he, the President—our President—signed in 2005.

The President proposed cuts of $1 billion from health programs such as rural health, preventive health, and mental health grants, as well as over $300 million from the Low-Income Home Energy Assistance Program.

Between 1998 and 2004, disease outbreaks in food produce have almost doubled. In 2003, there were 870 food inspectors at the FDA. In 2006, there were 640. The FDA lost 230 inspectors in less than 4 years. So it is no surprise food inspection dropped by nearly half during that time. Yet the President—our President—does not propose to restore those reductions in the number of inspectors.

All of these foolish cuts have been restored in the bipartisan bills that were approved by the Senate Appropriations Committee by nearly unanimous votes and, regrettably, that the President—our President—has said he will veto. In the 12 bills that have been reported from the committee, we have significantly reduced funding used for congressionally directed spending, and we have added unprecedented transparency and accountability.

As one can clearly see, this White House standoff is not over some irresponsible plan for an expansion of Government or pork-barrel projects. Rather, it is the President's—our President's—effort to prevent cancellation of his ill-conceived and poorly justified proposed budget cuts. Congress wants to support vital core missions of Government, such as the Federal Emergency Management Agency, the Food and Drug Administration, and the Customs and Border Protection Agency. Congress wants to make reasonable choices and set important priorities for our Nation.

There are consequences—yes, consequences—for failing to invest in America's safety and in America's future. Hurricane Katrina proved that. The collapse of the I-35 bridge proved that. Increases in violent crime prove that. Increases in food-borne illnesses prove that. Every headline about unsafe products being imported into this country proves that.

Americans rightly expect their Government to work.

Regrettably, rather than recognizing the consequences of his budget, the President—our President—is spoiling for a political fight. He refuses to recognize the facts, even as those facts evolve in a changing world.

According to the administration's latest National Intelligence Estimate:

> We judge the U.S. homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qaida, driven by their undiminished intent to attack the United States.

Yet the President threatens to veto the Homeland Security bill that passed the Senate 89 to 4 because it is $2.2 billion above his request, with increases for first responder grants, for border security, and for enforcing our immigration laws.

The President—our President—is determined to veto 8 of our 12 appropriations bills over $22 billion. Some have argued that $22 billion is not a lot of money. I don't share that view; $22 billion is a lot of money. That is why we are fighting for the additional funding above the President's inadequate request. This fight is about priorities.

This Congress passed a budget resolution that balances the budget by 2012 and provides for the increase above the President's request for domestic programs.

Consistent with the budget resolution, the Appropriations Committee has reported all 12 bills. Four have passed the Senate, and with passage of the continuing resolution, we will continue to press for passage of the remaining bills. The President's veto threats inevitably—yes, the President's veto threats inevitably slow this process.

In the 12 bills that have been reported by the Appropriations Committee, we invest the $22 billion in America's future. By comparison:

In fiscal year 2008, the total cost of President Bush's tax cuts is $252 billion—11 times the amount of spending in question.

In fiscal year 2008, the cost of the tax cuts for the wealthiest 1 percent of taxpayers is almost $70 billion—three times the amount of spending in question.

In fiscal year 2008, special interest tax expenditures will cost $1 trillion—

45 times the amount of spending in question. Corporate tax expenditures will cost $91 billion—over four times the amount of spending in question.

So $22 billion is, in fact, a lot of money; money that, if well spent, can help to make America be a safer, healthier, more prosperous country. We are committed to making those careful choices. We will root out waste. We will cut or eliminate ineffective programs. We will make careful choices.

When President Bush came to town almost 7 years ago, he vowed to reach across the aisle for the common good of our Nation. Now is his chance. This is the President's chance to make good on that pledge. He can continue his purely partisan fight over $22 billion in needed spending, or the President can work with the Congress to confront problems that face Americans here at home.

It is my fervent hope the President will put away his veto pen so we can get on with the business of adequately funding programs that contribute to a safe and prosperous United States of America.

God bless America always.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today, as I did when we started this whole debate on children's health insurance, on behalf of the Nation's children and working families. I wasn't intending to come to the floor, but as I have listened to the debate over the last several days, I am amazed we have to defend a program that I cannot believe actually needs defending.

Today, we rise to protect the Nation's children. In this great Chamber, I often hear Members say our children are our greatest asset, and they most certainly are, but they are also our most fragile asset. And nothing is more important in preserving that asset than preserving their health so they can fulfill their God-given potential.

The issue before us today is a matter of values. It is not just about a law or about a program, it is also about a matter of values. Do we value our children sufficiently to ensure that those who otherwise do not have the ability to insure themselves will have the ability to have health care coverage so no child in America goes to sleep at night worried that they not get ill because their parents cannot afford to take care of them? That is the issue before the Senate, the issue before the country, and the issue that will be before the President.

If our values match our action, then this bill needs to be passed by the Senate and signed into law by the President.

This is common sense to me. The bill before us today will keep 6 million children insured and will cover an additional 4 million children who presently go to sleep at night and, because they have no health care coverage, their parents worry over them; and if they get ill, what happens? They wait longer and their illness gets worse. What do they do? They go to an emergency room, which is far more costly to their lives, as well as to our collective economic consequence. The deal the Senate has before it is to save children's lives and keep children healthy. Bottom line: It is a deal that will keep millions of American children and families from being pushed into the ranks of the uninsured.

I find it interesting that my colleagues talk about fiscal responsibility—now we are going to be fiscally responsible—when we have supplementals that keep coming here without payment for them and without any limitation whatsoever—a blank check. But now we are going to be fiscally responsible on the backs of children.

I want to take a moment to look at the families who are actually affected by the Children's Health Insurance Program. We are not talking about the poor, because if you are poor in this country, you get Medicaid. If you are wealthy, of course, you have the wherewithal to pay for the insurance. We are talking about children whose families work in some of the toughest jobs this country has. They work at jobs that offer no health care, and they certainly don't make enough money to afford private health care coverage. This program is their last resort. I have been watching the floor this week and I have noticed that my State of New Jersey has quite unfairly become the punching bag by some Members of this body for our successful Children's Health Insurance Program. On behalf of New Jersey families, I simply cannot let that go unnoticed. On behalf of the families that the opponents of this legislation say don't deserve to have a doctor or receive medical attention, I am insulted. On behalf of children who are asking for an eyeglass to see a blackboard or get an immunization shot to ward off illness, I am offended.

I will tell you about one of these families in Keyport, NJ. They earn just over $50,000 a year and they have a 16-year-old daughter. They cannot afford private health insurance coverage in New Jersey, but through the Children's Health Insurance Program they can provide their daughter with the much needed health care—health care that protected her when she came down with a flu that would not go away, and care that provides relief to her parents, who don't have to worry about medical bills if their child gets sick.

Even on New Jersey FamilyCare they pay a premium of $74 a month because they are higher on the Federal poverty level. But that is far less than private insurance would cost them, which they could not possibly afford on that $50,000 income for that family of three.

Talking about premiums, let me take a moment to talk about families at 350 percent of the Federal poverty level in New Jersey, since that is a particular point of contention in this debate. Families at 350 percent of the Federal poverty level in New Jersey earn about $60,000 for a family of three. These families, under New Jersey FamilyCare, are paying $125 each month in premiums and between $5 and $35 in copays. It is not a free ride. In fact, most federally elected officials, including my colleagues in the Senate, pay about $190 each month in premiums for their family coverage and their earnings are well above 350 percent of the Federal poverty level. It is hard to see how it is OK for Members of this body but it is not OK for children in this country.

If the President made the decision, it seems he would say "tough luck" to these families, "go ahead and roll the dice on your daughter's health care." That is not an action that I think is dignified by a compassionate conservative. The President doesn't want to cover families above 200 percent of the Federal poverty level—this child and so many others like her. I believe that is disgraceful and it should be embarrassing to even threaten a veto of this bill.

Here is my question to those who oppose this bill: Is the greatest Nation on the Earth going to permit its children to have no health coverage?

The President gets some of the best health care coverage in the world, paid by the taxpayers of this country. He can go, as Members of this body can, to Bethesda Naval Hospital, or Walter Reed, or, in the case of the Members of this body, to the Capitol doctor. That is subsidized by the taxpayer. Talk about socialized medicine. It is good enough for Members of this Chamber but not for these children. The President gets the best health care coverage in the world. He deserves to have it, but so do the children of this country.

When you think about using your veto pen, Mr. President, think about your health care coverage that we all pay for as taxpayers. Do these children deserve less?

In New Jersey there are 130,000 children depending on this program for their health coverage. They, along with 6 million children nationwide, depend on this program to stay healthy and, in some cases, stay alive. Proper coverage is often the difference between life and death, between health and sickness, between compassion and heartlessness.

I urge my colleagues to act wisely as this is not a political game, nor is it time to make a point. This is about one thing only: the health of our Nation's children.

What troubles me is that the President is prepared to turn his back and close the doors but, simply put, if his priorities were different, we could provide health care to all children in this country. If we were to take what we spend in Iraq in one day—$300 million—and spend that on children's health care, we could cover 245,000 children. In the past 41 days, we have spent over $12 billion on the war, and what changed in Iraq during that time? But I can tell you what we can do in the lives of children in this country.

Finally, I bristle when colleagues come to this floor and still bring up the red herring of immigrant children being covered who should not have the right. The law has been clear—the law that exists, the law we are renewing. Undocumented immigrants have never—I underline "never"—been eligible for regular Medicaid or the Children's Health Insurance Program. This bill maintains that prohibition. It maintains that. So to continue to come to the floor and bring the bogeyman of those who are coming because they want the health care coverage that this program would provide, it is not permitted under the law, has not been, and is not under this law, and won't be under this law.

I will tell you what is incredibly remarkable. During the immigration debate, we heard a great deal that we should differentiate between those who follow law and the rules and came here legally, and did the right thing and are living legally as permanent residents of the United States versus those who do not. Guess what. We don't even cover the children of those legal permanent residents of the United States who have obeyed the law, followed the rules, and ultimately are working hard in our country. Many of them, by the way—over 70,000—are serving in the Armed Forces of the United States. So to say that children are getting covered who are not legal and who are not permitted under the law, that is outrageous. This bill doesn't do it, but we should cover those children of legal permanent residents who have obeyed the law and the rules and are contributing to our society. But we don't do that either. So I hope we stop using children, whether they be those who cannot afford, because of their status in life and because of their parents' hard work but they don't make enough money, to have insurance and ultimately don't get it at their workplace, or those children who, through no fault of their own, find themselves in this country but who are not covered under this provision anyhow under the law—stop using all of these images to try to undermine the very essence of what this bill is all about.

You either stand with children in this country who, through no fault of their own, have no health care coverage whatsoever, or you stand against them. You stand for the proposition that no child in America should go to sleep at night without health care coverage; you stand for the proposition that it is in the societal interest of this country to ensure that the greatest asset we always talk about, our children—they are also the most fragile asset—can be protected; you stand for the proposition that in this great country of ours, among the high and mighty here, who have great health care coverage, well over 350 percent of the Federal poverty level, that we deserve no more than children in this country do.

That is what this debate and vote is all about.

Before I close, there is one part of this bill that is missing and it leaves this entire bill and mission to increase children's health care unfulfilled. And that is the lack of language to provide health care for legal immigrant children and pregnant women in this bill.

I am a proud cosponsor of the bipartisan Legal Immigrant Chidren's Health Improvement Act, also known as ICHIA, which would have repealed the morally objectionable law that prohibits new legal immigrants from accessing Medicaid and SCHIP until they have lived in the United States for 5 years. This bill today should have included a provision that would have given States the flexibility to provide coverage to this population.

I am proud of my home State of New Jersey. They have taken it upon themselves to use 100 percent State funds to cover over 8,000 legal immigrant pregnant women and children—at a cost of over $22 million. My State has temporarily fixed the problem but it is up to Congress to pass the solution into law.

How can you tell a 7-year-old child with an ear infection he has to wait 5 years to see a doctor? We cannot bar these families from accessing our health care system simply because they haven't lived here long enough.

During the immigration debate, our colleagues emphasized the difference between those here legally and those here illegally, so it is appalling to me that a legal immigrant child, whose family waited their time, came here legally and obeyed the law, are still subject to republican criticism and are denied health care.

These fully legal, taxpaying pregnant women and their children deserve to be covered under our children's health program. I am disheartened that we could not agree to include this language but you have my promise that I will work to pass ICHIA in coming months. This is not a question of if but a question of when it will pass.

In conclusion, a great Republican, Abe Lincoln, once said:

> A child is a person who is going to carry on what you have started. They are going to sit where you are sitting, and when you are gone; attend to those things, which you think are important. The fate of humanity is in their hands. So it might be well to pay them some attention.

I ask my colleagues to now pay attention to our children and support this important bill. I ask this for our children, for our families and for the well-being of our country.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I wish to talk about the Children's Health Insurance Program, known as SCHIP. In Kentucky, it is known as KCHIP.

Several weeks ago, the Senate debated a bill that would reauthorize this program. Now we are debating a bill that looks very much like the last bill. I did not support the Senate-passed bill and, unfortunately, I cannot support this version presently on the floor.

The tobacco tax funding mechanism is an irresponsible way to pay for children's health care. The increased tax is fundamentally unfair, particularly to my State and the States that surround Kentucky.

It pays for a government program intended for low-income kids—one that I support and continue to support—by raising taxes. The bill expands its coverage to middle-income adults and some illegal immigrants in other States. It redistributes income from low-income smokers to States with the highest per capita incomes. It could be called Robin Hood in reverse.

I have a chart that illustrates what this bill really does. It is compiled from data drawn from a CDC database on tobacco consumption and projections by Family USA concerning SCHIP spending.

As we can see, the States in red will pay more in tobacco tax over the next 5 years than they will receive. In my State of Kentucky, we will pay $602 million more in tobacco taxes than we will receive in SCHIP money under the same 5 years.

Virginians, our good friends from Virginia, will pay $576 million more, and the citizens of Florida, our good friends down in the panhandle, will pay $703 million more than they receive.

California, our good friends out on the left coast, will receive a net benefit—in other words, more than they pay—of $2.5 billion. How fair is this?

New taxes paid by low-income smokers in my State will go to pay for an extravagant expansion of SCHIP in California, New York, Texas, and all the States in light and dark green, and that includes New Jersey, New Mexico, Arizona, California, New York, and many others.

Many people predict that the new Federal tobacco tax needed to pay for this expansion of SCHIP is likely to cause the States to increase their own tax cigarette taxes to avoid State revenue shortfalls. This will lead to artificially high-priced cigarettes that are irresistible targets for foreign cigarette counterfeiters and bootleggers in the United States.

This is not just somebody's dream. There is new evidence of the absolute folly of this plan to increase tobacco taxes by over 150 percent. We will not see the revenue projected, but you can be sure organized crime will profit from this situation.

In August of this year, the New York Police Department and Federal authorities found 600,000 cartons of counterfeit cigarettes made in China in a warehouse in Queens. In the same raid, the NYPD found 125,000 phony revenue stamps. The counterfeiters planned to use these phony stamps to evade taxes in Virginia, New York, and Kentucky, passing them off as real stamps so that cigarettes can be sold in ordinary stores.

This was not an isolated incident. There are many other similar incidents of fake cigarettes in the United States from countries such as China and Russia.

If you are concerned about lead in toys made in China, you should also be concerned about this SCHIP bill because it will almost certainly expose smokers, including some children, to the toxic substance in counterfeit Chinese and Russian cigarettes.

According to an article last week in the New York Times, chemical studies of counterfeit cigarettes have shown that they contain high levels of lead. Unlike the lead paint on toys, this lead will certainly be consumed by smokers. It is much more dangerous. So much for improving health care.

In addition to all the other problems, this new tax is a poor foundation for the proposed expansion of SCHIP. We are matching a declining source of revenue with a growing Federal program. It doesn't make any fiscal sense.

If we were honest and truly wanted to fully fund SCHIP spending with a tobacco tax, the Federal Government would have to encourage people to smoke. As a matter of fact, the Federal Government would possibly need an additional 22.4 million smokers by the year 2017 to pay for this bill.

Expanding SCHIP to cover adults, as well as kids, will lead to even more tax increases in future years because no one will pay these tobacco taxes if smuggled cigarettes and cigarettes from Internet Web sites are freely available.

I also don't believe this bill focuses on those who need health care insurance the most. When richer families are made eligible for SCHIP, kids will move from private coverage to Government health care. In fact, the Congressional Budget Office tells us that this bill will result in 2 million children moving off private coverage. It is absurd to me that children above the 300 percent poverty level will be added to this program.

New York still has the possibility of covering families that will make over $82,000 a year. It is not a fact, it is a possibility. These are families paying AMT taxes, a tax which is supposedly only affecting the wealthy. This expansion of the bill is a push for Government-funded national health care which is not the original intent of SCHIP.

The way the bill is funded also should raise great concerns to anyone if they care about fiscal responsibility. The budget gimmick used to fund it is irresponsible. It jeopardizes coverage under the program and basically guarantees another tax increase 5 years from today or when we pass this bill.

Under the bill, SCHIP spending from 2008 to 2012 totals over $27 billion. However, for 2013, spending drops to $2.3 billion and falls to negative amounts in each year after that until 2017, representing projected cuts—I say that again, projected cuts—to the SCHIP program.

So what we have here is a 10-year tax for a 5-year program. Does anybody really think we will kick millions of kids off this program in 2013 to accommodate this lowered spending? Of course we won't. However, we will have to find a new way to pay for it. If a private company ran its books like this, the CEO would be fired or end up in the big house, in jail.

Another stunning example of how this bill undermines the original purpose of SCHIP is that it makes it easier for illegal aliens to get health care intended for poor children. This bill guts existing protections put in place to stop illegal immigrants from getting taxpayer-funded SCHIP and Medicaid benefits. Earlier this year, we spent nearly a month debating immigration reform. This bill is a step backwards, and it certainly sends the wrong message. It takes money that is supposed to go to our poor children and gives it to others who have come to this country illegally.

Let me make it clear that I want to see the SCHIP program continued as it is, and I want to see it reauthorized. However, I want to see it done responsibly. This bill does not do that. So I must oppose it and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise for a few moments because I know there are other people in this Chamber who have worked for many years on this bill who wish to speak. Senator KENNEDY is here. I wish to take a few moments to rebut what was said about a half an hour ago. Our colleague from Oklahoma was making some arguments, and I want to rebut some of them. I know this has been a long debate, but it is important.

He and others have made the claim about government-run health insurance over and over, and I think that is a White House talking point. I understand where they get the line. This is a program which uses private insurance carriers to provide the services especially to do the administration. So that argument really does not make a lot of sense.

Secondly, he talked about shifting costs and people paying more taxes. It is very clear, just as the argument of our colleague from Kentucky made clear, that the increase in this program, the $35 billion to cover 4 million more children, comes from tobacco tax increases. We can have debates about whether it is right or wrong, but most people in America support an increase in the tobacco tax to pay for this legislation. We are not talking about an income tax or any other kind of tax.

Thirdly, fiscal responsibility. We heard people talk about that issue today. No one on this side of the aisle needs a lecture from that side of the aisle or anywhere else about fiscal responsibility. This administration is the administration that brought us to a $9 trillion debt level and huge deficits. I think that is disingenuous.

I want to read a quotation from a recognized expert from MIT, Professor Jonathan Gruber, on private versus public:

> I have undertaken a number of analyses to compare public sector costs of public sector expansions such as SCHIP to alternatives such as tax credits. I find that the public sector provides much more insurance coverage at a much lower cost under SCHIP than these alternatives. Tax subsidies mostly operate to "buy out the base" of insured without providing much new coverage.

That quote is from a recognized expert.

We heard discussions about the cost over 5 years. This is a 5-year reauthorization. The cost is not, as it was alleged before, some lie. The cost over 5 years is very simple: $25 billion is in the program now. We want to add $35 billion, so it is a $60 billion cost over 5 years. It makes all the sense in the world to spend $12 billion a year on health insurance when billionaires get $100 million in 1 year, or I should say over $200,000 of income. They get $100 million a year if they make that kind of money.

My last point is, he and others talked about this being a debate about national health insurance. We can have that debate. We agreed on that. That is one thing we all agree on, both sides of the aisle. We should have a debate about health insurance. This is not national health insurance. This is not the debate about health insurance generally. This is a very focused debate about whether the President of the United States is in favor of providing health care for 10 million children and whether he is going to make that commitment. It is very simple. If you are supporting the President, then you are supporting a policy which will lead to the failure of this country to provide health care for 10 million children, and that would be a terrible mistake for those kids, for their communities, but especially, over the long term, for our economic future. We can't compete around the world unless our kids are healthy and they learn more now and earn more in the future.

Mr. AKAKA. Mr. President, I support the Children's Health Insurance Program Reauthorization Act of 2007.

The Children's Health Insurance Program is a successful program that has improved the quality of life for our Nation's children. According to the Center on Budget and Policy Priorities, the Children's Health Insurance Program has reduced the number of uninsured children by one-third since its enactment in 1997.

The Children's Health Insurance Program Reauthorization Act will preserve the access of health care for the 6.6 million children currently enrolled in the Children's Health Insurance Program. It will also expand health care access to an estimated 4 million children.

An estimated 5 percent of children in Hawaii do not have health insurance. This is approximately 16,000 children. My home State of Hawaii has continued to develop innovative programs to increase access to health insurance. The Hawaii State Legislature established the Keiki Care Program this year. The Keiki Care Program is a public-private partnership intended to make sure that every child in Hawaii has access to health care.

It would be irresponsible to reduce Federal resources to States for children's health care. Without access to insurance, children will not be able to learn, be active, and grow into healthy adults.

I greatly appreciate the inclusion of a provision to restore Medicaid disproportionate share hospital, DSH, allotments for Hawaii and Tennessee. Medicaid DSH payments are designed to provide additional support to hospitals that treat large numbers of Medicaid and uninsured patients.

I developed this provision as an amendment with my colleagues, Senators ALEXANDER, INOUYE, and CORKER. I am proud that we were able to have this bipartisan amendment included in the Children's Health Insurance Program Reauthorization Act. Hawaii would be provided with a $10 million Medicaid DSH allotment for fiscal year 2008. For fiscal year 2009 and beyond, Hawaii's allotment would increase with annual inflation updates just like other low DSH States.

We must enact this legislation so that Hawaii and Tennessee can receive Medicaid DSH allotments in fiscal year 2008 and beyond. In The Tax Relief and Health Care Act of 2006, DSH allotments were provided for Hawaii and Tennessee for 2007. The act included $10 million for a Hawaii Medicaid DSH allotment. The Hawaii State Legislature enacted legislation to provide the necessary matching funds required to utilize the Federal resources.

Hawaii and Tennessee are the only two States that do not have DSH allotments. I will explain some of the history behind the lack of the DSH allotment for Hawaii and why it is so important that this legislation be enacted. The Balanced Budget Act of 1997, BBA, created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the DSH program, which included the establishment of a floor for DSH allotments. However, States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes in the DSH program. This included an increase in DSH allotments for low DSH States. Again, States without allotments were left out.

Hawaii and Tennessee should be treated like other extremely low DSH States and be provided with Medicaid DSH allotments every year. Other States that have obtained waivers similar to Hawaii's have retained their DSH allotments.

Hospitals in Hawaii are struggling to meet the elevated demands placed on them by the increasing number of uninsured people. DSH payments will help Hawaii hospitals meet the rising health care needs of our communities and reinforce our health care safety net. All States need to have access to resources to ensure that hospitals can continue to provide services for uninsured and low-income residents.

The President's expected veto of this legislation is detrimental to the health of our Nation's children. It also will be very harmful to Hawaii. The resources necessary to ensure that children have access to health care.

This administration fails to understand the health care needs of the country and especially Hawaii. This legislation will help the State of Hawaii provide essential health care access to children that currently lack health insurance. It will also provide much needed assistance to our hospitals that care for Medicaid beneficiaries and uninsured patients.

Mr. LEVIN. Mr. President, I strongly support the Children's Health Insurance Program Reauthorization Act of 2007, a bipartisan bill that would provide health care insurance to millions of children who are not now covered.

I hope the President will reconsider his position and sign the bipartisan compromise when it reaches his desk.

Currently, 6.6 million children are enrolled in CHIP. There are still 9 million uninsured children nationwide, 6 million of which are eligible for either Medicaid or CHIP. In Michigan, while 55,000 children are covered under CHIP, 90,000 Michigan children are currently eligible for Medicaid or MIChild, Michigan's CHIP program, but are not receiving services. In addition, according to the Robert Wood Johnson Foundation, the recent decline in employer-sponsored health care coverage is threatening the access to private health care coverage for many more children. In fact, the Census Bureau has reported that, between 2004–2006, the number of uninsured children has increased by approximately one million children.

Although the existing CHIP has been successful, it still fails to address the problem fully. Too many children qualify for the program but are unable to receive insurance because of inadequate funding.

Much like the Senate bill to reauthorize this successful children's health program, the bill we will pass today will reauthorize CHIP and increase funding for the program by $35 billion over 5 years. The Children's Health Insurance Program Reauthorization Act of 2007, a compromise worked out between the House and Senate, would ensure that there is sufficient funding to cover the children currently enrolled and to expand the program to additional children in need.

The Congressional Budget Office estimates that 3.8 million uninsured children would gain health coverage under this plan and according to a study done by The Urban Institute, 80 percent of the children covered under CHIP will come from families under 200 percent of the Federal poverty level.

We have a moral obligation to provide Americans access to affordable and high quality health care. No person, young or old, should be denied access to adequate health care, and the expanded and improved Children's Health Insurance Program is an important step toward achieving that goal.

Mr. DOMENICI. Mr. President, I rise today in support of the Children's Health Insurance Program Reauthorization Act of 2007, H.R. 976. Reauthorizing the State Children's Health Insurance Program, SCHIP, before it expires is critical to ensure health care access for millions of our Nation's children.

My home State of New Mexico has a terrible problem with uninsured children. Recent reports have New Mexico at the bottom in the Nation for coverage of children. In 1997, while I was chairman of the Senate Budget Committee, I helped to create SCHIP as part of the Balanced Budget Act. The program has been a success. Over the past decade, SCHIP has helped reduce the number of children without insurance.

The bill we are voting on today is a compromise. In August, both the House and the Senate passed two very different versions of an SCHIP reauthorization. At that time, I came down to the floor and I said I did not like what the House of Representatives was doing. I did not support the massive increases in spending and eligibility proposed by the House and I did not want a reauthorization that included revisions to the Medicare Program. The conference committee listened to these concerns, and I am pleased that the bill before us today closely resembles the SCHIP bill passed by the Senate 68-31 in August.

My comment to children's health care remains firm today. I support the passage of the compromise SCHIP reauthorization. It is a good bill. It provides $35 billion in new resources to provide health coverage for millions more children in working families. It will strengthen outreach and enrollment efforts to make sure that all children who are eligible for the program get the services they need. It also makes improvements to the program by including language on mental health parity and dental health coverage.

Mr. JOHNSON. Mr. President, I rise today to express my support for legislation that is critically important to more than 6 million children in the United States, including more than 14,000 South Dakota children, who are covered by the State Children's Health Insurance Program, or CHIP.

I voted for this program when Congress created it 10 years ago and I have watched with great satisfaction as the number of uninsured children in our country dropped. More children have health insurance coverage today, which ensures that they have every chance to do their best in school and live long, healthy, productive lives.

Congress originally authorized this program for 10 years in order to provide an opportunity to evaluate the program and make sure that we are doing right by our children. Well, the studies are in with impressive results: while the number of uninsured adults has steadily risen since CHIP was enacted, the number of uninsured low-income children has dropped by nearly one-third.

Yet there is much more work to do. In my State alone, more than 12,000 children are eligible for health coverage through either Medicaid or CHIP but remain uninsured. These uninsured children don't receive their vaccinations, miss screening and other preventive measures, and access health care at much later stages of their illnesses than insured children. The fact that so many children, through no fault of their own, face these struggles with health care is something about which our Nation should be ashamed.

The President says he will veto this bill, which he calls "an incremental step toward the goal of government-run health care for every American." Nothing could be further from the truth. If the President's plan of providing private health insurance worked, we wouldn't have 9 million uninsured children in the United States today, including 18,000 South Dakota children. But the bottom line, as an editorial in one South Dakota newspaper put it, is this:

> The uninsured children of families struggling to get by do not need lectures about the encroachment of socialized medicine or the virtues of personal responsibility. They need health coverage.

During the past 9 months, I have received a personal lesson in the great value of health insurance. Our Nation's children shouldn't have to learn this lesson the hard way. I urge my colleagues to support the Children's Health Insurance Program Reauthorization Act, and I hope the President will do right by our Nation's children and sign this bill into law.

Mrs. BOXER. Mr. President, I rise today to continue my support for the reauthorization of the Children's Health Insurance Program—an essential effort to ensure the health of our Nation's children. Since the inception of this program, I have agreed with the goals of this program and strongly believe that it is necessary to meet our responsibilities and fulfill our commitment to children.

Although I wholeheartedly support the compromise agreement on the reauthorization of this program, it is exactly that: a compromise.

For the past 10 years, the Children's Health Insurance Program has helped provide health care for millions of children from working families that do not qualify for Medicaid, but can't afford private insurance. These are the children of working families whose companies do not offer health insurance to their employees.

As the cost of health insurance rises and an increasing number of employers are unable or unwilling to provide health insurance to their employees and their families, the number of families who do not have health insurance has continued to rise.

While the number of the uninsured continues to rise, the percentage of low-income children without health insurance has dropped more than one-third since the creation of the Children's Health Insurance Program.

Currently the Children's Health Insurance Program provides coverage for 6.6 million children nationwide. This reauthorization would provide health care coverage for an additional 3.2 million children who are uninsured today. In California, an estimated 250,000 children will be added.

The Children's Health Insurance Program has always enjoyed the bipartisan support of our Congress, our Governors, and our President—and the legislation we are voting on today reflects that spirit of cooperation.

I am glad to see that we have worked with many of our Republican colleagues on an issue so critical to the health of children across this Nation.

This bipartisan, bicameral agreement is largely based on the legislation passed by the Senate in July, which would fund outreach and enrollment efforts, allow States to use information from food stamp programs and other initiatives for low-income families to find and enroll eligible children, and give States the option to cover pregnant women for prenatal care vital to healthy newborn children.

In desperation and defiance, opponents of the Children's Health Insurance Program have made outrageous allegations maligning the effectiveness and success of this program.

Critics have claimed that this program extends to eligibility to wealthy families in America—this could not be further from the truth. In my own State of California, the average family income of children covered by this program is just 163 percent of the Federal poverty level—less than $34,000 a year for a family of four.

There have been claims that Children's Health Insurance funding goes to illegal immigrants—this is completely false. The reality is that undocumented immigrants have never been eligible for Medicaid or the Children's Health Insurance Program. Actually, there are restrictions within this program which deny health insurance to low-income children who are legal immigrants.

The President is spending $10 billion each month in Iraq, but has threatened to veto a bill that will provide 10 million children with access to health care. Under the President's proposal, he is willing to fund the Children's Health Insurance Program with an increase of $1 billion a year—the cost of 3 days in Iraq.

If we fail to renew this program or if the President vetoes this bill as he has threatened to do, it is the children who will pay the price.

As we near the September 30 deadline to reauthorize this program, I strongly urge and implore that the President reconsider his position on this bill. The need of children knows no partisan or political barriers, and should not have to overcome the obstacles created by the President.

There is not a man or woman in this chamber who wouldn't do everything within their power to ensure the health of their own children—we should do no less for the children of our Nation.

The Members of this Congress have overwhelmingly expressed a commitment to children's health. Earlier this year, we passed a budget resolution which set aside $50 billion for the Children's Health Insurance Program, reaffirming our commitment to the continued success of this program.

We can still do more and we will, but this bill is a step forward in the right direction.

I would like to thank Senators BAUCUS and ROCKEFELLER, Senators GRASSLEY and HATCH and the members of the Finance Committee who worked so tirelessly to bring this legislation forward in a bipartisan way, and keep the focus of this bill where it should be—on the children.

Mr. FEINGOLD. Mr. President, today we are voting on the reauthorization of a program that has wide support in our country and that has reduced the number of uninsured children nationwide by over 6 million. In fact, CHIP has helped lower the rate of noninsurance among low-income children by one-third since its enactment in 1997. That is a huge accomplishment, and has helped address a problem in our country that is unacceptable—the millions of uninsured families.

In my home State of Wisconsin, CHIP, known as BadgerCare, provides health insurance for over 67,000 families. Wisconsin has done an incredible job of covering uninsured children as well as their parents, and the positive effects of this program are felt at schools, in the workforce, and at home. This bill helps support Wisconsin's efforts and provides low-income families in my State with better access to preventive care, primary care, and affordable care. The end result is healthier families. BadgerCare is vital to the well-being of many families in Wisconsin and I am very pleased that this bill supports the program in my State, including Wisconsin's choice to cover parents of CHIP and Medicaid children.

We know from numerous reports that when we cover parents, we bring more uninsured children into the program as well. States like Wisconsin have proven time and again that covering parents means covering more kids. I worked hard with my colleagues and the Senate Finance Committee to make sure that Wisconsin could keep families in the CHIP program, and I am very pleased that those efforts have paid off.

This legislation is not perfect. I would like to be voting on a more expansive package today that would offer health care access to more children and families. I am very disappointed that this legislation does not include language that would allow access to the program for legal immigrants. Unfortunately, it appears that, because of Republican opposition to this policy, legal immigrant children will continue to have to wait five years before they become eligible for CHIP and Medicaid. I will do my best to help change the discriminatory policy in the future.

Despite the flaws in this legislation, the CHIP reauthorization bill marks an important step forward in getting coverage to those who need it. I will support this bill's final passage, and I hope the President will reconsider his ill-advised decision to veto it. I look forward to the day that everyone in our country has access to the basic right of health care.

Mr. DODD. Mr. President, I rise today in strong support of H.R. 976, the Small Business Tax Relief Act. This is a bipartisan agreement to do what is right for our nation's children. There are few more important issues facing the senate than the health and well-being of our Nation's youth. The vote to pass this legislation is a vote for children.

As the father of two young daughters, I keenly understand how important it is to know that if one of them gets sick they have the health insurance coverage that will provide for them. For millions of parents, every slight sniffle or aching tooth could mean the difference between paying the rent and paying for medical care. Today we have an opportunity to help give those parents peace of mind about their children's health.

It is our national shame that 9 million children wake up every day lacking any form of health insurance. Every day, this means millions of regular checkups are sidelined, dental exams go unscheduled, and early diagnoses of chronic conditions such as asthma or diabetes are postponed. For families, such delays set the stage for children to grow up underperforming in school, developing preventable or treatable conditions, or worse, permanent disability or even premature death.

The lack of health insurance causes more than poor health outcomes. Access to affordable health care is essential to alleviating child poverty. Low-income families without insurance often get stuck in an endless cycle of medical debt, a primary cause of bankruptcy filings in this country. Parents already struggling to make ends meet should not have to choose between providing their children needed medications and putting a roof over their heads or food on their table.

I commend the chairman and ranking member of the Finance Committee for working so hard with our colleagues in the House of Representatives to put together a bill that will benefit the lives of millions of children and their families. Their leadership over the years, and that of Senators HATCH, ROCKEFELLER, KENNEDY and many others, helped create the Children's Health Insurance Program, CHIP, and reduce the number of uninsured children by one-third. Their persistence now to expand this bill in the face of considerable opposition shows their commitment to children's health. This bill is a tremendous investment in the health and future of our children.

Specifically, the bill continues providing coverage for 6.6 million children currently enrolled in CHIP and provides coverage for 3.1 million children who are currently uninsured today. It gives States the resources they need to keep up with the growing numbers of uninsured children. It provides tools and incentives to cover children who have fallen through the cracks of current programs. And it will prevent the President from unfairly and shortsightedly limiting States' efforts to expand their CHIP programs to cover even more children. All together these efforts will reduce the number of uninsured children by one third over the next 5 years.

In my own State of Connecticut, our CHIP program, commonly known as HUSKY B, has brought affordable health insurance to more than 130,000 children in working families since its inception in 1998. H.R. 976 is essential to States like Connecticut so that they may continue to operate programs like HUSKY B and build on their proven success to insure even more children.

I am additionally very pleased that my Support for Injured Servicemembers Act amendment was included in the final SCHIP bill. This amendment provides up to 6 months of Family and Medical Leave Act, FMLA, leave for family members of military personnel who suffer from a combat-related injury or illness. FMLA currently allows three months of unpaid leave. Fourteen years ago, FMLA declared the principle that workers should never be forced to choose between the jobs they need and the families they love.

If ordinary Americans deserve those rights, how much more do they apply to those who risk their lives in the service of our country? Soldiers who have been wounded in our service deserve everything America can give to speed their recoveries but most of all, they deserve the care of their closest loved ones. That is exactly what is offered in the Support for Injured Servicemembers Act.

Senator Bob Dole and former Secretary of Health and Human Services Donna Shalala have been instrumental in this effort through the President's Commission on Care for America's Returning Wounded Warriors. It's not surprising that the Commission found that family members play a critical role in the recovery of our wounded servicemembers. The commitment shown by the families and friends of our troops is truly inspiring. According to the Commission's report, 33 percent of active duty servicemembers report that a family member or close friend relocated for extended periods of time to help their recoveries. It also points out that 21 percent of active duty servicemembers say that their friends or family members gave up jobs to find the time. Last week in a hearing of the Subcommittee on Workforce Protections, we heard from one of those families and there are thousands more to be heard. The House is moving forward with companion legislation and I am grateful to my colleagues Congresswoman WOOLSEY and Chairman MILLER and their cosponsors.

I am pleased that Senator CLINTON is the lead cosponsor of my amendment. In addition, I am pleased that Senators DOLE, GRAHAM, KENNEDY, CHAMBLISS, REED, MIKULSKI, MURRAY, SALAZAR, LIEBERMAN, MENENDEZ, BROWN, NELSON of Nebraska, and CARDIN are cosponsoring this amendment. I thank Senator BAUCUS and Senator GRASSLEY for accepting this important amendment and appreciate the support of all of my colleagues in this effort.

I am troubled by the comments by President Bush and members of his administration about this bill. This legislation is vital to the health and well being of our children. The CHIP program is a model of success and this bill provides sustainable and predictable health care coverage for low income children regardless of their health status. It represents the hard work and agreement of an overwhelming majority of Members on both sides of the aisle. It is a testament to how important issues like children's health care can be addressed in a bipartisan manner by a united Congress. The President's policy of block and delay would mean Connecticut and other States would have to take away existing health coverage for hundreds of thousands of children when they should be covering more kids.

But despite the bipartisan agreement of this Congress, the President threatens to veto this legislation. If he does, all Americans will know whether the President stands for children or would rather stand in the way of children's access to critically needed health care.

I urge my colleagues to support this critical legislation and I urge President Bush to do what is right and sign it into law.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that the legislation not result in more than $50 billion in outlays for SCHIP over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 976, the Children's Health Insurance Program Reauthorization Act of 2007, satisfies the conditions of the deficit-neutral reserve fund for SCHIP legislation. Therefore, pursuant to section 301, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008–S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

	In billions of dollars
Section 101.	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,022.051
FY 2009	2,121.498
FY 2010	2,176.937
FY 2011	2,357.666
FY 2012	2,495.044
(1)(B) Change in Federal Revenues:	
FY 2007	–4.366
FY 2008	–28.745
FY 2009	14.572
FY 2010	13.216
FY 2011	–36.884
FY 2012	–102.052
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,504.975
FY 2009	2,523.486
FY 2010	2,579.022
FY 2011	2,697.385
FY 2012	2,734.795
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,469.884
FY 2009	2,570.685
FY 2010	2,607.628
FY 2011	2,703.144
FY 2012	2,716.346

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

	In millions of dollars
Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	9,098
FY 2008 Outlays	2,412
FY 2008–2012 Budget Authority	47,678
FY 2008–2012 Outlays	34,907
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,088,003
FY 2008 Outlays	1,082,326
FY 2008–2012 Budget Authority	6,065,057
FY 2008–2012 Outlays	6,056,617

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my colleague from North Carolina for extending the courtesy of my being able to proceed. We have been moving back and forth. I understand there is 20 minutes left for the Democrats, and the Senator from Pennsylvania has taken 5; am I correct? How much time remains?

The PRESIDING OFFICER. Fifteen and a half minutes remains.

Mr. KENNEDY. I yield myself 7 minutes, and I ask the Chair to remind me when there is 1 minute left.

Mr. President, I think this debate over the course of the day has been enormously constructive. I think the American people have been watching it, and they have a much clearer idea about the alternatives that are before us. They should know by this time that when all is said and done, this program, the SCHIP program, was fashioned to try to look after the working poor, recognizing that Medicaid dealt with the very poor but that the working poor were finding increasing pressure and were, in increasing numbers, unable to get any kind of health insurance. That was basically the targeted area.

As we reviewed earlier in the course of the discussion, this was basically a State-run program. Using the private sector, it has guidelines as to what the health care coverage should be in various areas, but the States make those judgments and decisions—quite a bit different from Medicaid. So the origin of it, having listened to some of this debate, it is important to note this is very different from other kinds of Federal programs but not greatly dissimilar from what the President has indicated that he supported in the prescription drug program. It was initially using the cigarette tax money that was a part of the settlement earlier, where we were using it, and therefore the relationship with the increase in the cigarette tax at the present time.

Now, Mr. President, I only have a few minutes here, and we have gone through these charts about how this is covering 6 million and we expect that to go to 10 million. We have also reviewed the fact that when we look at the comparison with adults and children, we can see under this program that uncovered children have gone down dramatically and the adults have gone up. So this has been an extraordinary success. CBO has indicated this is the best way. If we are interested in covering children, CBO has indicated this is the way.

The point I wish to make in the time I have remaining is that when all is said and done, when we vote—and we are going to vote in just a little while—the American families ought to realize a very important fact; that is, every single Member of the Senate, with the exception of one, has comprehensive health care and our children are all covered. Understand that, America? All of our children are covered. All of our children are covered. The next thing to know, Mr. And Mrs. America, your taxpayer money is paying for 72 percent of our health care coverage cost. Do we understand that now?

For those who are saying: Well, I am not going to support this because it costs too much; I am not going to support this because it may be 300 percent of poverty, we get paid $160,000. We are well above the 200, the 300, the 400 percent of poverty level. Yet we are going to have Members on the floor of the Senate this afternoon who are going to turn thumbs down to American families who are watching this debate and knowing that our premiums, our health insurance is being paid for by the American taxpayers. I wonder how people do that. I wonder how they do it. You would think, if they are so offended about Federal Government spending or a Federal Government program, they wouldn't use it themselves. But, no, they do. They will take it. But when it comes to looking out for working families, there are going to be many in this Chamber who will say: No, we are not going to look out for working families. You can go ahead and pay for mine—I get my children covered—but we don't think the Federal Government ought to be tampering with this issue. We don't think the Federal Government ought to be looking into whether it is going to have a program to provide coverage for the sons and daughters of working families who cannot afford a $10,000 health insurance program that would cover themselves and their families although the taxpayers are paying for ours.

Mr. President, this is extraordinary hypocrisy we are about to see here on the floor of the Senate. How can people in good faith do this and still accept the Federal Government help? How can they be complaining all afternoon about a Federal Government program and then have a better Federal program paying for their own—paying for their own. It is just hypocrisy of the greatest sort, and I think that is something that is important.

The most important point has been mentioned eloquently by many of my colleagues; that is, the importance of covering those children. The most important point is that too many parents will cry themselves to sleep tonight wondering whether their child is $200 sick because they may have to go to the emergency room. That is the heart of this.

Before we all get worked up, Mr. President, it is important to note what the financial bottom line on this is too. What has been pointed out over the course of the past days, again, is the question of priorities. We see in this chart here what we are talking about—priorities. That is what this vote is. Do we want to say we can cover, for 1 day in Iraq at a cost of $300 million, 246,000 children; for 1 week in Iraq at $2.5 billion, 1.7 million children; or for 41 days at a cost of $12.2 billion, 10 million kids?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. Mr. President, this is a choice. There are those who want to continue the ongoing flow of resources to Iraq when we have asked our military to do everything they could, and they have done it with great valor, and yet still the Iraqi politicians cannot get it together. They are holding American service men and women hostage—hostage. The blood of American servicemen is flowing in Baghdad, and this is wrong.

This is an issue of priorities. I believe we ought to invest in the children, and I think we have benefited enough here in the Senate from our own largess from the Federal taxpayers in terms of supporting ourselves that we should be ashamed if we cannot see the responsibility we have to look after children of working families in this country.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, it is my understanding I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BURR. I would ask the Chair to notify me when I have 2 minutes remaining.

Mr. President, I heard my good friend from Massachusetts talk about the Federal system. Let me take a minute to talk about the Federal system.

I have been here for 13 years. The coverage I have is less and the cost is more than when I was in the private sector working for a company with 50 employees, but I accept that.

Last year, I learned something new, though. When my oldest son became 22, I got a notice that under the Federal plan he automatically falls off our insurance. Well, it happens for every Federal employee, but what was my experience? That is what I wish to share with you.

I called to find out what the Federal Government had negotiated so that my child could have health insurance. They said the exact same coverage would now be $5,400 for that individual—a 22-year-old college student, healthy as a bull. I decided I would go to North Carolina and I would negotiate to see if I couldn't find similar coverage. Not only could I find similar coverage, but I found the same coverage, and I found it with the same company. I now pay $1,500 a year for the same coverage with the same company my son was covered by under the Federal health care plan. Now, here is the glaring difference. From a standpoint of my insurance, the Federal Government still pays the same amount and I still pay the same amount. When you take a healthy person off insurance, the premium doesn't go down.

So for the 6 million kids who are targeted in SCHIP expansion—and everybody agrees 3 million are uninsured and 3 million are currently insured—I don't want anybody to walk away and believe we are reducing the premium cost of the families who are currently privately insuring these kids. As a matter of fact, the CBO statistics prove exactly what happened with my son, in the fact that we will now transition to a private sector program for him. For those 3 million SCHIP kids, we could access health care coverage for an average of $1,130 a year. But in this legislation, it says we will be paying $3,950 a year for the same level of coverage for those kids. We will pay it for those who weren't insured and we will pay it for those who were insured. Their family insurance won't go down, and we will pay three times as much for the coverage than if we went to the private sector and we negotiated that coverage.

To some up here, that makes unbelievable sense. To those of us who come out of business, to those of us who understand what the people in our States whom we represent struggle with day in and day out, it makes absolutely no sense.

Forget the fact that adults will still be covered under this Children's Health Insurance Program; that private coverage will be replaced with government-run coverage; that within this bill, this children's health care bill, are hidden earmarks—earmarks that create a health care center in Memphis and earmarks that deal with the pension system in Michigan. My God, is this about kids and health care or is it about what we can hide in a bill and disguise and cover as a benefit to children? It overturns an administration rule targeting SCHIP for low-income children. The bill would overturn an HHS directive that requires States to focus first on covering low-income kids, thereby eliminating any State accountability to cover the neediest kids first.

Well, most of us have done oversight work. If we could trust the States or people we give money to, we wouldn't need oversight committees. But they meet every day, all day long, because we can't trust any single entity to follow the rules. We are basically taking the rules and throwing them away. Will we cover adults? Sure, States will make decisions to cover adults. States will make decisions that will go far outside of low-income children.

Now, the speaker prior to Senator KENNEDY said this was not a debate about health care reform. He is right. It is one of the few things I have heard on the floor today that is accurate. But it should be. This should be about health care reform.

It is the belief of some that we should feel good about overpaying for a program that will cover 3 million uninsured in this country and reassign 3 million who are insured to now be under the dole of the Federal Government and the American taxpayer when, in fact, we have 47 million uninsured in this country. That is exactly what we should be debating on the Senate floor today—how do we reform health care to where we cover the 47 million who are uninsured in this country.

Well, when we debated SCHIP before it was conferenced, we talked about this incredible new plan that had been introduced by a number of us—the Every American Insured Health Act—a plan that covered 47 million uninsured. It did it in a budget-neutral way. It eliminated the cost shift that exists in our system today. We estimate saving $200 billion a year. That is for a plan that I suggest is very much targeted for 47 million uninsured, and the CBO will verify that it is budget neutral. For those who might not be one of those 47 million individuals, who might say I don't have skin in this game: If we are able, through the elimination of cost shifting because we are now providing primary care for people who today do not have insurance, who will not be in the emergency room accessing care at the most expensive, most inefficient place—who actually have preventive care, who have wellness access, who have a medical home, who have a doctor for the first time, and we are able to squeeze out $200 billion of waste that we can pump back into health care—an amazing thing happens. It brings everybody's premiums down.

For a person in the country who might be sitting there saying, I have insurance, I am covered, I am OK; it doesn't make any difference to me whether they have this debate about insurance reform—it should matter to you because it is unsustainable to continue the inflation rate of health care at the rate it is going. If you want to see that end, if you want to see your premium come down, we have to reform health care, and I tell you it starts with insuring 47 million Americans, not 3 million kids. We should provide the resources so those 47 million can access their care in their State with the most competitive products they can find for the scope of coverage.

This plan is out there. We introduced it. We didn't ask for a vote. We should have. But we have another opportunity and that opportunity is, let's reauthorize the current SCHIP plan, let's put the dollars in that are needed to make sure nobody falls off the system, but let's choose not to expand it to include, at three times the cost, 3 million kids and take 3 million kids off their parents' insurance and put them over on the Government insurance for the taxpayers to pay for.

Rather than do that, why not engage in an honest, real debate on the floor and let's come up with a reform package that covers the 47 million. Let's come out with a bill on the Senate floor that doesn't leave anybody behind. If we are going to cover 3 million uninsured kids, what about the other millions we are not covering? The reason we do not go higher is because the higher you go, the larger the percentage of kids you are pulling off of their parents' insurance.

What we have learned from my experience, and I think nobody would disagree with me: It saved me no money. The Federal Government's share of my health care today is more than it was when my first child was on my insurance plan. And in December, I have the great fortune that I am going to go through this again. I am going to have my second child who will become 22, and this arcane Federal guideline, statute, whatever it is at OPM, will kick in and they will say we will no longer cover your healthy 22-year-old son.

I will go to North Carolina and I will access insurance, probably at $1,500 like his brother has. I will now have $3,000 a year in additional coverage, only to find out that the Federal Government, for my plan for me and my wife, is paying more money than we were before.

There is a reason. It is because when you take healthy people out of the pool, the actuaries look at us old folks and say: You know, they are a greater risk to us.

The reverse is true, too. If over time we allow adults to infiltrate, which we already have, the children's insurance program, amazing things are going to happen. The premium is going to go up because we are putting older folks, who are less healthy, in the pool.

This makes a lot of sense to me because it works the same one way as it does the other. I think the sad thing today is I have to stand up and say I am not going to support an expansion of SCHIP, but I will support reauthorization of SCHIP with dollars that say nobody falls off.

I will also commit today to be the most engaged Member of the Senate if we will come down here and have a health care reform debate. Bring the proposals to the floor. But don't come if you are not willing to prove you are going to insure 47 million uninsured in the country. Don't come unless you are willing to get all the cost shift out of the health care system. Don't come unless you are willing to take $200 billion and have that impact positively on everybody's premium in this country. Don't come to the floor unless you are willing to extend wellness and preventive care through the policies we are able to create. Don't come unless you are willing to reform insurance products so they are truly market based. Don't come if you don't want insurance products to be portable, when employees can take them from job to job just like the retirement benefits we have and that we fought so hard for.

Today I am disappointed because we have an opportunity in this program. We can't extend this program, though, if in fact passing a bad bill is the result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I say to the Senator from North Carolina who just completed, I am willing to work with him on all the goals he wants to do. Earlier in the writing of this legislation, back during the months of March, April, and May, we tried to get the White House to get some other Democrats involved and helping Senator WYDEN, who wanted to go in that direction, and the White House couldn't deliver.

When it comes down to doing something all at once, or doing it in two separate pieces, sometimes you have to do it in two separate pieces. This is one of those issues. We have to do the Children's Health Insurance Program first and then I am going to join people like Senator BURR. Only I am going to be working in a bipartisan way with Senator WYDEN, to see what we can do to take care of all of the uninsured in America.

We can do that. The President wants to do it. There are Democratic leaders who want to do it. Senator CLINTON has come out with a program doing it through private health insurance. But we cannot do it on this bill. The people who have been talking for 6 months about doing it on this bill had an opportunity, when it was up in the Senate, to offer an alternative. For all their talk, for months, nothing was offered along the lines of what they wanted to do.

Don't come back complaining after we get a compromise between the House of Representatives and the Senate, and still complain, when you had a debate on this 2 months ago and you didn't have a plan to offer. You can't get anything passed in this Senate if you don't have it down on paper and offer it to us for consideration. But now, after this job is done, let's all get together and do it right. And we will do it right.

I want to spend my time talking about some of the misinformation that was spread about this bill when it was first considered in the Senate 2 months ago and is still being considered today, just as if the debate and all the explanations we gave two Mondays ago didn't make a bit of difference. So let's go through it again. Let's get very basic and let's say where the misinformation is wrong.

I am not here to embarrass any of my colleagues so I am not going to use any names. But yesterday a Member of my party took to the floor talking about this bill pending before the Senate. I wish to address some of those issues that were raised by my friend and colleague.

This colleague repeatedly referred to the Children's Health Insurance Program as leading to a national system of health care.

> The goal here is to radically expand the size of a public insurance program to families that are really doing quite well, families making up to $80,000 that may not have children, or the children may already be insured by the private sector because you want to move more people onto the public insurance system because you want to have a nationalized system.

I have one simple question to ask all the critics of this bill who, when confronted with the actual policies in this compromise, respond by shrieking: 80,000 income, $80,000 income; and that question is: If this bill became law tomorrow, how many families earning $80,000 a year would be eligible for this Children's Health Insurance Program? And the answer is: None. None.

As they say in baseball: You can look it up.

I have one simple question to critics who, when asked to respond to what is actually in the black and white of this bill, react by screaming, as we heard in that quote I just gave: National health care, socialized medicine. And that question I ask those folks is this: Under what contorted reasoning is a capped block grant inclusive of policies that prohibit new waivers for parents, phase childless adults completely off of this children's program, and limit matching funding for higher income kids, nationalized health care? That is what this bill does. It takes care of problems that have developed over the last 10 years. There have been legitimate criticisms of it. It fixes those problems and doesn't do any of the things that people say are going to happen, such as families of $80,000 being able to put their kids on this program.

You can call all of this rhetoric something. You can call it anything you want. But in Iowa you can't call a cow a chicken and have it be true.

I have some charts here I want people to see. This colleague of mine also referred yesterday to what is "budget gimmickry" about this legislation. I have this response to that colleague of mine. He said this yesterday, "There is the problem."

He was pointing to this chart that he had up at that time. Let me start the quote over again.

> For example, there is the problem that there is a scam going on, a scam in this bill as to how it is paid for. You can see this chart I have in the Chamber. This reflects the increased costs of the bill as it goes forward. But, in order to make their own budget rules, which they claim so aggressively to be following, such as pay-go—

meaning pay as you go—

> they have to take the program, in the year 2013, from a $16 billion annual spending level down to essentially zero. In other words, they are zeroing out this program in the year 2013 . . . that is called a scam.

I end the quote of my colleague.

I am a proud member of the Budget Committee. I think I know how the budget process works. I believe in fiscal discipline and spending restraints. I agree that even under a Republican-controlled Congress, spending got out of control. Part of the reason why Republicans lost control of the Congress last election is because we didn't show concern enough to control spending.

I believe part of the reason the President is threatening a veto of this bill is he is trying to play catchup for failing to veto 6 years of spending bills when Republicans controlled the Congress. I agree that fiscal discipline ought to be applied to spending bills and we should pay some attention to the level of spending and how spending is financed.

From that standpoint, let me focus on the criticism that has been made about how this Children's Health Insurance bill is financed. We need to step back, and in stepping back we need to look at the whole picture. The Children's Health Insurance Program is a pretty small part of that picture. The thing about the Children's Health Insurance Program is that it is not like Medicaid or Medicare. It is not a permanent program. This program expired after 10 years. We are working on it now to reauthorize it. It will expire after 5 years. You never hear of Medicare or Medicaid expiring, sunsetting, so it has to be reenacted. It has been going on for 43 years.

SCHIP, then, is not an entitlement and I have heard my colleagues recently refer to it as an entitlement.

Now, there were some who wanted to turn this Children's Health Insurance Program into an entitlement program. So it has been discussed, I admit. I am not one of those. And nobody in the Senate that I know of spoke that way. But the House bill would have lifted the cap on the national allotment for the Children's Health Insurance Program and extended the program forever.

The word "entitlement" may be applicable. I fought hard to maintain the block grant concept, the sunset concept—as has been the case since the program was started 10 years ago—and to ensure that the program did expire so that in the future, Congress would be forced to reevaluate it and maybe improve or cut back, whatever the situation is 5 years from now, just as we have been doing this year with the sunset program.

So despite the best efforts of House Democrats, because in the House it is more partisan than the way we do business in the Senate, this is a bipartisan bill. Regardless of the best efforts of House Democrats under the compromise bill when the program expires, it truly ends. The day after the authorization ends, poof, no more Children's Health Insurance Program unless Congress reenacts it.

The Children's Health Insurance Program before us is an expiring program. So let me say that again. It is an expiring program. It is not an entitlement. Why do colleagues keep trying to fuzzy the debate by using words that are not applicable?

Well, I know most of us in this Chamber would no sooner let the Department of Defense expire then we would let the Children's Health Insurance Program expire. That is a simple fact. But that does not make it an entitlement any more than the Department of Defense programs are entitlements. Because it is an expiring program, it is subject then to a very particular budget rule that makes this chart not exactly intellectually honest.

The budget rule says the Congressional Budget Office must score future spending for programs based upon last year's program current authorization. So the baseline for the Children's Health Insurance Program right now, and for next year and next year, is $5 billion. For the next 5 years, the baseline each of those years is $5 billion, and also for the next 10 years. If you want to go beyond 5 years, and we do not do it in this bill, but sometimes the Congressional Budget Office does it, the baseline is still $5 billion. It is actually $5 billion a year forever as far as the Congressional Budget Office is concerned.

Does anyone in this Chamber think the budget rule governing the Children's Health Insurance Program is realistic? Well, it is obviously not. But that is the way the Congressional Budget Office does business around here. So let's not kid ourselves.

According to the Congressional Budget Office, over 1 million children would lose coverage if we simply reauthorized the Children's Health Insurance Program at the assumed baseline of $5 billion a year. Now, I have never heard anybody around here saying they want to throw a million kids off of this program. So what do you do? You provide for where you are.

Well, you can throw them off if you want to, but I have not heard any of my colleagues, even the ones complaining about this bill, I have never heard them complain that we ought to throw 1 million kids off the program.

Who would go home and tell their constituents that they voted to do that? But over 1 million kids would lose coverage. That is not politically viable.

During the consideration of this Senate Finance Committee bill, there was a children's health insurance alternative that included an increase in the Children's Health Insurance Program by spending $9½ billion over 5 years.

Now, understand, the White House ought to hear that. Even Republicans in the Senate are telling the President: Your $5 billion will not do what you want it to do. Those are even the Members who oppose the Finance bill, acknowledging that $5 billion was not enough. Everyone knows the current baseline is not realistic, that it created a hole in the budget that had to be filled.

So what do we do? If you do not want to throw kids off, you fill that hole. It is that simple. We had to comply, though, with the budget rule. That is the way you have to do business around here. You get a point of order against your bill, and you have to have 60 votes to override it. So we did.

Do those budget rules make sense? Well, that is a question for the Budget Committee, not for our Finance Committee. The Budget Committee sets those rules, and they are not for the Finance Committee to change.

There is another budget rule the Finance Committee was required to follow. That rule is called pay-go, pay-as-you-go, which means that you raise revenue or cut spending someplace else to pay for the new things you are doing. It means the bill needs to cover its 6-year cost, and that makes sense. After all, this bill proposes new spending, and we should pay for it. And this bill does it. This bill complies with those budget rules. It complies with the pay-as-you-go requirement.

Now, the children's health reauthorization that we are debating is only a 5-year authorization. And, as I think everyone knows, the bill is paid for by an increase in the tobacco tax, just like the original CHIP bill was paid for when it was created by a Republican-controlled Congress 10 years ago.

Now, just like in 1997 when the Republicans did it, we had a problem with how the tobacco tax worked. The revenue from the cigarette tax is not growing as fast as health care costs grow. So that means the revenue raiser is not growing as fast as the costs of the program. So the Finance Committee did what it was required to do to comply with pay-go budget rules. The Finance Committee bill reduces children's health insurance funding to just below the funding that is in the current baseline.

That means the Finance Committee, in 5 years, will have the same problem we faced in putting this bill together today. They will have to come up with the funds to keep the program running, if that is what they decide to do 5 years from now.

We are covering even more low-income kids in this bill. That is a good thing. Assuming that Congress does not tackle the increasing problematic issue of health care costs across the board, as Senator BURR was begging us to do, the Finance Committee, in 5 years, will have a bigger hole to fill. They will have more kids to keep covering, and health care costs will be even higher than they are today. That is for the Finance Committee to face down the road 5 years.

That is just like the job the Finance Committee had today if we were going to continue the Children's Health Insurance Program beyond the 10-year sunset. So what I am saying is, this is really nothing new. Now, my friend and colleague whom I have been quoting all the time, a person for whom I have great admiration, has once again distorted the so-called cliff that he referred to on this chart. That is where the line goes down after the year 2012.

He has, once again, produced a chart that shows a dramatic decline in funding of the program. Here is the chart used to raise the issue about financing the compromised bill, which is largely the Senate Finance Committee bill. It shows only the funding in our bill.

The approach that this chart takes reminds me of the story of the seven blind men trying to describe an elephant. Each described different parts of the elephant: one the tusk, another one the tail, another one the ear, another one the leg, and none could describe the whole elephant. They could not see the whole picture. So we have to look at the whole picture.

As we all know, this program was created to supplement Medicaid. So I am going to show you the whole picture. You have to involve Medicaid. The goal of the program was to encourage States to provide coverage to uninsured children with incomes just above the Medicaid eligibility: Medicaid for the lowest income people, SCHIP to help lower income people who maybe could not afford private health insurance or their workplace did not have it.

So to put my colleague's concerns into perspective, we need to look at the whole picture. We need, and we should, look at SCHIP spending as it relates to Medicaid spending. I would like to draw your attention to this chart so everyone can fully appreciate the consequences of our SCHIP program that is a fiscal disaster to some of my friends, as you listen to the debate, the consequences of the SCHIP program in the context of the Medicaid Program which it supplements. So I want you to take a closer look.

Let's start with this tiny green line down to the bottom. That is the Children's Health Insurance Program under current law, the straight line across the bottom. I know we have to squint to see it. But that green line represents the Children's Health Insurance Program baseline under current law.

As I have already discussed, it is $5 billion each year for the next 10 years, and maybe forever, depending on what Congress does in the future.

Now, let's look more closely and honestly at the actual problem we are facing. This massive orange area above that green line I just referred to is Medicaid for several years into the future, 10 years into the future. It is a lot bigger, isn't it, than the Children's Health Insurance Program?

Then, on top of that, we are looking to add what is in this bill, new spending for the Children's Health Insurance Program. The new spending is represented by that narrow blue line across the top there labeled "funding in the compromise agreement."

Again, you almost have to squint to see that blue line. And as you can clearly see then, costs are growing at a rapid pace overall. The overwhelming driver of the cost is not the relatively small increase of the blue line. And then the decline, you see a decline in that blue line on top in CHIP spending. That is just kind of a blip on the radar compared to the massive increase we see in Medicaid spending.

We have a big problem. It is not going to go away. But it is not the Children's Health Insurance Program. It is the entitlement program that SCHIP is not a part of because I made a point—10 times in the last 2 days—that this is not an entitlement, even though my colleagues still talk about entitlement. Where are they coming from? What planet? I don't know.

But entitlement spending is, in fact, ballooning out of control in future years if we do not act. We are going to struggle to keep these programs afloat. When you look at the whole picture, this whole picture, it puts things about the SCHIP program and the criticism of the SCHIP program in perspective. But the criticism is not justified.

Now, remember all of the fire and brimstone about the awful cliff on the chart that we had before, the awful cliff of this compromise bill? The way that it continues to be described, you would think the world is about to end. And now looking at the big picture, where exactly is that cliff, you might ask? Again, you will have to squint to see that cliff. That cliff starts downward after the year 2012. So you saw on the previous chart, you see that big dropoff. That is what I raise about the intellectual accuracy of that chart. OK?

If we go back to the other chart and look at the real program, that is how it goes down a little bit after 2012. It is not that dramatic compared to what we are doing on Medicaid. You can see how this debate has tried to distort what we are accomplishing.

So this little blue line is what this debate is all about. This little blue line is the funding in the compromise agreement. This little blue line is what all the fuss is about. It seems like a whole lot of hollering is going on over a dip that is hard to even see.

Let me tell you what the compromise agreement and this little blue line is not. This is not, as some people want us to believe, a government takeover of health care. This little blue line is not socialized medicine or nationalized medicine or anything like that. This little blue line is not bringing the Canadian health care system to America.

That little blue line is not the end of the world that we know. To suggest that this little blue line and this tiny dip we see after the year 2012 is the dismantling of the U.S. health care system borders on hysteria.

While I concede that allotments under our bill in the years beyond the 5-year reauthorization in this legislation do behave as described in my friend's chart, the one with the big dropoff, I don't think it warrants the heated rhetoric we are hearing today and yesterday. SCHIP is not a real fiscal problem. The problem is that issue nobody wants to talk about. What are we going to do about entitlements? Nobody has political guts enough to agree with it, but they want to put this Children's Health Insurance Program on the same par as those Medicaid issues.

My friend I have been quoting all day and I worked together a year ago, now maybe 2 years ago, on the Deficit Reduction Act, to try to rein in this egregious Medicaid spending. I am proud of the work we did. He praised me so much 2 years ago for the heavy lifting I did for the entire Senate on saving some money—I should say Senate Republicans for saving some money—but how times have changed. We also found out how hard it is, at the time of the Deficit Reduction Act, to dial back entitlement spending. Even in a Republican-controlled Congress and even with the special procedural protections of reconciliation, we only succeeded in shaving $26 billion off that orange part of the chart. The problem of entitlement spending is still out there, and SCHIP is like a pimple on an elephant compared to the elephant that Social Security, Medicare, and Medicaid are.

I am very hopeful that once we are done with the CHIP debate, we can roll up our sleeves and get down to the business of tackling health care reform on a much larger scale, as Senator BYRD referred to, and I have referred to Senator WYDEN from Oregon working on it over a long period of time. I know Senator WYDEN wants to take this on, and I am going to join him in that bipartisan effort.

As I have said many times, I had hoped we could have used this debate on SCHIP to focus on these larger issues of health care reform and helping the uninsured. I tried to engage my colleagues on the other side. I was repeatedly thwarted in that effort and told that SCHIP had to get done first. Well, hopefully we can get SCHIP done and then turn to the bigger issues so the next time the Congress has to tackle the Children's Health Insurance Program, this big orange block would not be so huge.

Before closing, another criticism we had of this bill in the last debate 2 or 3 months ago was this. I will quote Senator LOTT. I don't think he will mind my using his name. He was quoted on July 31: The House is going to pass a bill at what, maybe $80, $90, $100 billion, paid for by taking money away from Medicare beneficiaries. We go on conference, what will happen? What always happens. You split the difference. We are at 60. They are at 90. How about $75 billion. How is that going to be paid for? Is it going to be paid for by cutting benefits for the elderly or raising taxes of all kinds?

Well, it is paid for the same way we paid for it on July 31, 2007, with the tobacco tax, not by Medicare money.

He went on to say: I fear what is going to happen in conference. I don't know. Maybe the Senator from Montana and Senator GRASSLEY can sit there and say: Oh, no, no, no, we are not going above what we passed in the Senate. But I think the reverse is going to be true. This is the base. The $60 billion is the beginning.

Where did we come out? Exactly where Senator BAUCUS and I told the Senate we were going to come out. We came out with the $35 billion that passed this body. So all those people who are worried about the position of the Senate being lost in conference by Senator BAUCUS and I representing the Senate—and let's say Senator ROCKEFELLER and Senator HATCH as well—would you please tell me you were wrong?

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). Who yields time?

The Senator from Maryland.

Mr. CARDIN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, today is truly an important day for America's children. On Tuesday, the House passed the Children's Health Insurance Bill, and very soon, the Senate will vote. We will provide $35 billion over the next 5 years to expand health insurance coverage for the children of America's working families.

We know that there is a crisis in health care in this country. More than 46 million Americans don't have any health insurance coverage; 9 million of them are children, and most of them are in working families. That is a disgrace.

Now there are many proposals out there to increase the number of Americans with health insurance coverage. As Congress begins to consider these proposals, there is something we can do today to decrease the number of uninsured children by nearly 4 million.

Earlier this year, in February, I introduced to the Senate Finance Committee a Baltimore family that has benefited from CHIP. Craig and Kim Lee Bedford are working parents who own a small business and simply cannot afford health insurance for their 5 children through the commercial market. Through the Maryland MCHP program, the Bedford Family's 5 children receive affordable, quality health care.

We have the evidence that enrollment in the CHIP program improves the health of the children who are enrolled, their families, and the communities in which they live.

When previously uninsured children are enrolled in CHIP, they are far more likely to receive regular primary medical and dental care, and they are less likely to use the emergency room for visits that could be handled in a doctor's office.

They are more likely to get necessary immunizations and other preventive care, and to get the prescription drugs they need.

But there are still millions of children who have not enrolled in the programs offered by their States.

Our States are making progress—simplifying their enrollment procedures, expanding outreach efforts, and using joint applications for Medicaid and CHIP so that families can enroll together.

But this reauthorization bill, with $35 billion in added funding, is needed to help them make real progress.

I want to talk for a moment about Maryland's program.

It has one of the highest income eligibility thresholds in the Nation, and this is important because of the high cost of living in our State.

It is at 300 percent not because our Governor wants to move people from private insurance to public insurance plans. It is at 300 percent because working families at this income level do not have access to affordable health insurance policies. Those families need CHIP.

Children under the age of 19 may be eligible for MCHIP if their family income is at or below 200 percent of the Federal poverty level, or up to $34,000 for a family of three.

We also have an MCHIP Premium program, which extends coverage to children at moderate income levels—between 200 and 300 percent of poverty, or up to $51,500 for a family of 3.

The premiums, which are paid per family, regardless of the number of eligible children, are between $44 and $55 a month.

Our program has been a true success. Enrollment has grown from about 38,000 enrollees in 1999 to more than 101,000 today.

In my State of Maryland, the need has always exceeded the available funds. The Federal match through the CHIP formula established in 1997 is not enough to meet all of the costs of the MCHIP program.

Some States do not use their entire allotment, while other States, like Maryland, have expenditures that exceed their allotments. Congress has addressed this problem by redistributing the excess to the shortfall States.

The 109th Congress passed provisions to address the Fiscal Year 2007 funding shortfalls.

That bill didn't include any new money, but it allowed the redistribution of $271 million already in the program, and that was important for thousands of Maryland families.

Without that legislation, Maryland would have been forced to either freeze enrollment or reduce eligibility for CHIP.

Now, we must move forward for future years. That is what we are doing on the floor of the Senate today.

This conference report increases the allotment for Maryland for next year from its current projected level of $72.4 million for fiscal year 2008 to $178.8 million.

It also allows us to continue to cover children in families with incomes up to 300 percent of poverty. Maryland would also have access to a contingency fund if a shortfall arises and additional funds based on enrollment gains. With this new money, Maryland can cover as many as 42,800 children who are now uninsured over the next 5 years.

There is another vitally important part of this conference report that I want to talk about. Title 5 ensures that dental care is a guaranteed benefit under CHIP.

According to the American Academy of Pediatric Dentistry, dental decay is the most common chronic childhood disease among children in the United States.

It affects one in five children aged 2 to 4; half of those aged 6-8, and nearly three-fifths of 15-year-olds. Tooth decay is five times more common than asthma among school age children. Children living in poverty suffer twice as much tooth decay as middle and upper income children. Thirty-nine percent of black children have untreated tooth decay in their permanent teeth; 11 percent of the Nation's rural population have never visited a dentist; an estimated 25 million people live in areas that lack adequate dental care services.

I want to say a few words about a young man named Deamonte Driver. He was only 12 years old when he died last February from an untreated tooth abscess. It started with an infected tooth. Deamonte began to complain about a headache on January 11. By the time he was evaluated at Children's Hospital's emergency room, the infection had spread to his brain, and after several surgeries and a lengthy hospital stay, he passed away.

For want of a tooth extraction that would have cost about $80, he was subjected to extensive brain surgery that eventually cost more than a quarter of a million dollars. That is more than 3,000 times as much as the cost of the extraction. After Deamonte's death, the public took note of the link between dental care and overall health that medical researchers have known for years.

His death showed us that, as C. Everett Koop once said, "there is no health without oral health."

Deamonte's brother, DaShawn, is still in need of extensive dental care, and, like him, there are millions of other American children who rely on public health care systems for their dental needs.

No child should ever go without dental care. I have said before that I hoped Deamonte Driver's death would serve as a wake-up call for the 110th Congress. I believe that it has.

Earlier this year, I brought Deamonte's picture down to the floor. I have it with me again today.

It is here because we must never forget that behind all the data about enrollment and behind every CBO estimate, there are real children in need of care.

When I spoke about Deamonte right after his death, I urged my colleagues to ensure that the CHIP reauthorization bill we send to the President includes guaranteed dental coverage.

This bill would make guaranteed dental coverage under CHIP the law of the land, and I want to take this time to personally thank the members of the conference committee for ensuring that a dental guarantee is in this bill.

One other tragic piece of Deamonte's story is that, once his dental problems came to light, his social worker had to call 20 dental offices before finding one who would accept him as a patient.

The conference report includes a provision that will make it much easier for parents and social workers to locate participating providers.

It requires the Secretary of Health and Human Services to include on its Web site *www.insurekidsnow.gov* and the HHS toll free number, 1-877-KIDS-NOW, information about the dental coverage provided by each State's CHIP and Medicaid programs, as well as an up-to-date list of providers who are accepting CHIP and Medicaid patients.

Parents will be able—with one phone call or a few mouse clicks—to find out what their child is covered for and where they can receive care. There is more work to do, as I have learned from working with my dedicated colleagues here on this issue, particularly Senators BINGAMAN and SNOWE.

We still have to improve reimbursement for dental providers, and get grants to the states to allow them to offer dental wraparound coverage for those who may have health coverage, but no dental insurance. But these provisions are a very good start.

I am deeply disappointed by the President's statements about CHIP. When he says that this is Government-run insurance, he is mistaken.

This program is administered by our States, with help from the Federal Government, to ensure that working families who cannot afford private health insurance, can enroll their children in private health insurance plans.

I would hope that after today's vote in the Senate, he will reconsider his position on this bipartisan, responsible, and paid-for bill.

CHIP covers urban and rural children, who live in every state, whether Democratic or Republican.

Congress has come together after months of work to reauthorize a program that's been a proven success and has served the needs of America's working families. I urge the President to join us in this truly bipartisan effort and sign this bill into law.

I thank the leadership for bringing forward this bill. We have talked about the fact that we have 46 million people without health insurance, 9 million children without health insurance. We can do something about it today. This bill will cover 4 million uninsured children. We can do something about the uninsured. During the course of the hearings in the Senate Finance Committee, I brought Craig and Kim Lee Bedford, constituents from Maryland, to testify before the committee. These are working parents with five children. They simply could not afford health insurance. But the CHIP program has allowed us in our State to cover these children. Mrs. Bedford said: I no longer have to decide whether my child is sick enough to go to a doctor. That is the practical effect of this legislation. It is going to help families in our State.

I heard the arguments about over 200 percent of poverty. In our State, we cover up to 300 percent of poverty. That is $51,500 a year. You have to pay a premium. The premium is between $44 to $55 a month for the entire family. But in Maryland, you can't afford health insurance if you make that type of income for a family. This bill will allow us to cover those children. For my own State of Maryland, bottom line means we are going to be able to cover 42,800 more children. In Maryland, we had the tragic circumstances of Deamonte Driver, a 12-year-old who died as a result of untreated tooth decay. That should never happen in America. This bill will help us to cover American families and our children.

I urge my colleagues to support the bill and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I am encouraged that the Senate is taking up the whole issue of health care in America. We know this is one of the most important issues to the American people. We know a number of Americans don't have access to health care, and it is very important that we debate this as a Senate, not just children but the American goal of how do we get every American insured. How do we make sure every American has access to good health care throughout their life and their children do as well? We can agree on that goal. It is not just about children, it is about health care in America and figuring out as a Congress how do we make sure every American has access to good health care.

The question today and the question we need to continue to debate is: Do we want the Government to provide that health care or do we want to figure out how to make sure that individuals have access to a health insurance policy that they can own and keep? Because we know the best and most efficient delivery of health care is going to come through individually owned policies that people don't lose when they change jobs, they don't lose when they retire. I hope our focus will turn from Government health care to helping individuals have a policy that they own and can keep. We should all question, do we want the Government that ran the Katrina cleanup or runs the Post Office or spends $1,000 for a hammer at the Pentagon and wastes billions, literally hundreds of billions of dollars in waste, fraud and abuse every year, do we want that Government to take care of our children, to take care of our seniors, and to run the health care system today?

We are talking about health insurance for children. A number of people are saying individuals cannot afford to buy it. Before we consider that, we need to realize this Congress has made it very hard, if not virtually impossible, for individual Americans to have a health insurance policy they can own and keep. We need to be reminded that this Congress has created a Tax Code that gives tax breaks to businesses who provide health insurance but not to individuals who want to buy it. That means the cost of individual insurance is higher and many times unaffordable. We have proposed in Congress—unfortunately, my Democratic colleagues have fought back—to allow small businesses to come together and pool their resources so they can buy health insurance and make it available to their employees when they cannot afford it as individual companies. But this Senate killed that idea. It would have made it more affordable for individuals. Yet we complain about the uninsured.

We know a number of States have added so many mandates onto their insurance policies, it is too expensive for citizens to buy it. Yet this Congress will not allow Americans to buy health insurance anywhere they want in the country. We have allowed individual States to create monopolies, where someone in South Carolina can't buy a policy from New Mexico unless it is certified in South Carolina. We know we could create a national market and make individual policies much less expensive, but this Congress would not do it.

The fact is, this Congress has made individual health insurance unaffordable and unaccessible to Americans and now, today, we are going to ride in on our white horse and save the day with Government health insurance.

Children should have health insurance. This whole plan of children's health insurance started for poor children whose families make too much for Medicaid but were still under 200 percent of poverty. Today we are proposing not just to reauthorize and continue this program for poor children but to raise it so children and families with incomes up to $82,000 are going to get free Government health care. When this plan is fully implemented, about 75 percent of the children who live in America today will be on Government health insurance, which means we as a Congress have made a decision that we want America to have Government health plans and not to have individual plans they can own and keep. Because if 75 percent of the children are on Government plans and our seniors are on Government plans and many of our military are on Government plans, there is no more room for private market health insurance policies to work. In effect, what we are doing is deciding today that we want national health care in America when we vote for this.

I have heard this bill talked about as a compromise and that we can split the difference. But colleagues, you can't split the difference between freedom and socialism. You can't split the difference between Government health care and individuals owning their own health plans. We are talking about something that doesn't exist. What we have split the difference between is spending $80 or $90 billion more than we need for poor children, and we have brought that down a little bit. We have funded it with some bogus funding, and we think we are doing something to help America.

This bill is not for children. This bill is selling out the future for every child in America because we are turning this country into a socialistic style of government, taking away people's freedom. We are here, once again, pretending we are doing something we are not. We are not taking care of children. We are selling their freedom away under the pretense of children. We have learned in this body that all we have to do is do it for the children and come down and say it applies to children, and we dare anyone to vote against it. I am going to vote against it because this is not for our children, and it is not for our country.

We are selling out our future. If we would focus ourselves on helping individuals access private policies, we could get every American insured. If we made our Tax Code fair for everyone, if we allowed States to partner with us, we could have every American with a health insurance policy without the Government running this. We should not even pretend we expect this Government to run the health care system in an efficient way.

Colleagues, I appreciate the debate on health care. We need to have it. We need to have an American goal that every citizen is going to have access to good health care and health insurance. This is not the way to do it. This is a decision to become more like socialized Europe, to sell out our freedoms, and to give Government control of our health care.

I encourage all of my colleagues to rethink this decision to vote for this bill, and to vote against it.

I yield back.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Chair. I believe I have up to 10 minutes, and I yield myself that time.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, I have heard my distinguished friend from South Carolina, and have great respect for his thought process, for the way he presents things. Frankly, I do not mind listening to him, so I was here early, and I got to hear what he had to say.

But we have been working on this issue of SCHIP for more than a few months, in fact, for more than a few years. So some come in at the end and have a whole new theory about it, and others, like myself, who happened to be the Budget chairman back a few years ago, when this program was born—and I remember making room for it in a budget resolution so it could be a reserve fund, and we could end up with this amount of money. It kind of lived through 2 or 3 years of getting knocked around and not doing its job, and doing part of it, and as things progressed I ended up supporting a proposal that involved SCHIP.

This Children's Health Insurance Program Act of 2007 is now before us. I indicated my support for it when Senator CHUCK GRASSLEY and his cohort, the chairman of the Finance Committee from Montana, were putting together a compromise bill using this money that had been allocated for health care some 3 or 4 years ago. So I supported it as Senator GRASSLEY and others put together a program.

New Mexico has a terrible problem with uninsured children. Nearly 25 percent of the children have no insurance—worst in the country. SCHIP will help this problem, no doubt about it.

The bill we are voting on today—whether my good friend who spoke just before me agrees with the terminology—is a compromise. Many on the other side of the aisle wanted $50 billion to $70 billion more in spending. On my side of the aisle, they wanted much less. Some wanted as low as $5 billion. This bill gave us $35 billion—right down the middle. Whether that means anything, it does to me. It means some people worked very hard to try to get a bill we could support, that would begin to get us somewhere with reference to changing the direction of health care for children who might see light someday. The bill gave us $35 billion, I repeat.

In August, I came to the floor and made a statement. I said I did not like what the House of Representatives was doing. I said I did not support massive increases in spending and eligibility proposed by the House. I made it very clear I did not want a reauthorization that included revisions to the Medicare Program.

Now, I am just one Senator, but it turns out that five or six or seven Republican Senators somehow or other all thought the same way. They were thinking just as I was, that we were not going to let ourselves get used so that this SCHIP was opening a crack in the door, and we did not know what we were talking about, and we would open the door, and we would spend three times what we had in mind.

Well, that was not going to happen. Senator GRASSLEY came around and asked, and I said: $35 billion. That is it. If you put any more in, I am out.

I remember him coming to me and saying: Is that it?

Twice I said: That is it. Don't bother me anymore. I am your friend, but anybody can understand $35 billion is $35 billion. It is not $38 billion. It is not $50 billion. If you want to do any more, go look for somebody else to make your majority.

He said: No, I don't want to do that. I want you. Is that all you will do?

I said: Yes, that is all I will do.

So everything I did is not part of the record, but I am reflecting for the Senate and for those on my side of the aisle who do not understand why I am doing what I am doing and want the President to veto this bill. I do not want him to veto it. I think it is a mistake, and I am saying it right now, and I will say it again.

But I did say I did not want massive increases in spending and eligibility proposed by the House. I did say I did not want a reauthorization that included revisions to the Medicare Program. Clearly, I made that point. I made it not only to Senator GRASSLEY, but I made it to the chairman of the committee, Senator MAX BAUCUS of Montana.

We got to where Senator BAUCUS would speak to me every 2 or 3 days and report to me what was going on. I was not on the conference. But the reason he did that was he understood if he went to conference and changed that $35 billion, which had become a very important number, he would start losing me.

So I was just as effective as being at the conference, but so were about seven or eight others who were still on board and who still think $35 billion is enough because the cheapest insurance around is insurance to cover children. We all know that. Now, that is not degrading. It is a fact. You can buy more insurance for children per dollar than for any other class of people. That is logical. Children do not get sick as much as old people. They do not get sick as much as middle-aged people. So they are healthy. The insurance is cheap.

Now, the conference committee listened—the one that Senator GRASSLEY and Senator BAUCUS were part of—they compromised the bill before us, and they did it in a fair way. What was fair? Thirty-five billion dollars—no more, no less—the amount we had agreed to that we said we would help them with. If they wanted to dream about big dreams for this small program—that I remember vividly we started in the Budget Committee, and it languished around. We started it some 4 years ago, or 5. I have not been back as chairman of that committee for quite a while, so it was not done yesterday.

The conference committee, as I said, listened, and they did exactly what Senator GRASSLEY and Senator BAUCUS had told us would happen. They provided $35 billion in new resources to provide health coverage for millions more children in working families.

Here we get into an argument: Who is working in families and who is not? Well, I understand we could have that argument and extend it beyond 8 o'clock. We could be here until morning. But we are not going to do that. It is established.

It strengthens outreach and enrollment efforts to make sure all children who are eligible for the program get the services they need. That has always been a problem with children. The Presiding Officer knows that. We cover children, and then in 2 years they come back and say: Yes, we covered them, but they did not get covered.

What do you mean?

Well, we did not find them.

Well, how do we find them?

Well, the best way is to wait until they go to the emergency room, and then you find them in the emergency room and you sign them up.

I thought: My, is that the best way we can do it? It turns out it is very difficult, especially among our poor people, to get them to round up their children and come and get them lined up. The best way is if they happen to go to a hospital. You get them then. You don't want them to go to a hospital, but I am telling you what it turns out to be. Maybe it has changed since I last worked on this. Years do go by. But I think what I said is still right.

It also makes improvements to the program such as mental health parity, which I know a little bit about. I am glad this legislation ensures plans that offer mental health services provide benefits that are equivalent to other physician and health services. This is one of the most difficult areas of unfairness for American coverage we have had, and we are making big strides toward resolving it. This bill makes its little contribution to resolving that problem.

The administration has issued a statement indicating the President will veto this legislation. Mr. President, that is a mistake. Maybe you will win; maybe you won't. I guess in the Senate you won't win, Mr. President. Maybe you will win in the House. I don't know. But this will not go away. It is solved. It ought to be done. We ought to go on and look somewhere else if we are going to try to find money to save. Those who think this is a great veto item, I think what I have just explained is, it is not a very good one. We ought to go ahead and take care of some of the children and get on to some other issues.

A majority of my colleagues have said they support this bill. Sixty-nine Members voted for cloture this morning—cloture meaning to cut off debate and get on with the vote.

My commitment to children's health care remains firm today. It remains as firm as when I agreed to the first use of SCHIP money in a new and different, innovative way so its asset value could multiply significantly. I support the passage of the compromise SCHIP reauthorization.

All in all, it is a pretty good bill. I hope it outlasts our debate and is voted on tonight. Then I hope it is not vetoed by the President.

I yield the floor and thank the Presiding Officer for recognizing me.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 10 minutes.

Mr. THUNE. Mr. President, I have listened intently to much of the debate today on this SCHIP reauthorization. Let me preface my remarks by saying, first and foremost, I do support children. I like children, contrary to the implication that has come out of this debate that people who are not in favor of this particular piece of legislation are not in favor of the children. I am very much supportive and in favor of helping children. Furthermore, I also support extending the SCHIP program. I would even support increasing funding for the SCHIP program in a way that would cover those children who are eligible but are not currently being covered.

That is a substantial number of children across the country, which is why I think it is essential if we are going to reauthorize this program, if we are going to extend this program, we do it in a way that takes into consideration there are a lot of children in America today who are eligible for the SCHIP program who are not being covered. So, frankly, I support not only extending the program but also increasing funding for the program.

We had a number of amendments that would have done that during the debate in the Senate that would have increased it substantially and, frankly, would have also, according to the CBO, covered more children than this piece of legislation we are going to vote on today.

But I have to say for a lot of us who do support extending the existing program and increasing funding to cover children who are eligible but not currently covered, this is a bridge too far because what this essentially does is, it not only expands the scale of the program, it expands the scope of the program. That is where a lot of us take issue with this legislation.

If you look at what the SCHIP program costs today, it is about $5 billion a year. It has cost us $40 billion over the course of the last 10 years. This legislation today would increase the 5-year cost to $60 billion, the 10-year cost to $121 billion. So where we are paying $5 billion a year today for the SCHIP program, this increases that to $12 billion a year, $60 billion over 5 years, or a $35 billion increase over the existing program, and $121 billion over 10 years.

Now, that again is an expansion, not just of scale but also of scope, because this covers adults, it increases the income levels that are eligible under the program that the States can incorporate up to 300 percent of the poverty level, and even allows and grandfathers in those States which have asked for waivers to go to 300 percent or 400 percent of the poverty level. So it does substantially increase or expand the scope of the program.

I think the other thing which is important and which is a concern for me in this whole debate is the fact that when you get to the year 2012, it is no longer paid for. Nobody here is disputing that fact. This is funded for the first 5 years or so of this program, but when you get to the last 5 years of the program, there is a cliff, and there isn't funding there to fund the program. In fact, the funding which is provided in the form of a cigarette tax increase actually assumes there are going to be 22 million new smokers over the course of the next 10 years. That would create a substantial number of problems for the health care system in this country and is certainly not something we want to encourage. But the reality is that when you get to 2012, you hit a cliff, and this is not paid for. It is going to have to be paid for in some form or fashion, which we all assume is going to be some substantial tax increase because it is going to be about $60 billion underfunded during the last 5 years of the program.

The other thing I will say which is, again, of great concern to me is this doesn't solve the underlying problem we have in this country. We have a health care problem in this country that needs to be addressed, that Congress needs to address head-on.

There are a lot of wonderful proposals and ideas that have been discussed, some of which have been proposed in the form of legislation, some of which have been voted on, and some of which have been defeated in the Senate.

A small business health plan, something many of us have supported for a long time, going back to my days in the House of Representatives, actually has been defeated on numerous occasions in the Senate. It is a proposal that would allow small businesses to form together, to leverage that group size they have and be able to lower the cost of health insurance coverage.

We heard my colleague from South Carolina talk earlier today about a national market for health care.

We have had suggestions, bipartisan suggestions about allowing a tax deduction that each individual could use in order to buy health insurance.

There is the proposal for a tax credit that has been offered by a couple of my colleagues on this side.

There are a lot of good ideas out there we ought to be adopting, or at least debating, and driving toward health care reform which empowers consumers in this country, which puts more people in charge of their own health care, and which allows them to have access to coverage where they own their own health care coverage and can make better and more informed decisions and get the cost of health care in this country under control. I don't believe this does that because what this legislation does is it increases government-run, Washington-controlled health care. This is an expansion of the government component of health care. It does nothing in the long run to address what is a very serious crisis in this country; that is, the need to bring reforms to our health care system.

The other thing I will say which I, frankly, take issue with as well with regard to this legislation is the fact that low-cost, efficient States such as South Dakota—and we have a 200-percent Federal poverty level in our SCHIP program in South Dakota—end up subsidizing higher costs in inefficient States. We have taxpayers in South Dakota who are covered, as I said, up to 200 percent of the Federal poverty level, or about $41,000 per family, who are going to end up subsidizing States that choose to exercise the option to go to a higher level. Frankly, there is no incentive for States not to go to the higher level, to go to the 300 percent, and those that already have requested waivers to go to 350 or 400, you are already talking about, in the case of 400 percent of the Federal poverty level, over $80,000 a year.

Now, what is ironic about that is the Federal Government is going to be telling people in this country that not only are you poor—in other words, you are eligible for this particular low-income health insurance program—but you are also rich, so rich that you are going to be subject to the alternative minimum tax.

I offered an amendment to the debate we had weeks ago that would have prevented those who are subject to the alternative minimum tax because under the Internal Revenue Code in this country they are considered rich—rich enough to pay the alternative minimum tax—that would have said that people who are subject to the alternative minimum tax cannot at the same time be eligible for a program that is designed to help low-income families and low-income children. That was defeated in the Senate by a vote of 42 to 57.

So there are a lot of issues with regard to this legislation that give me grave concerns, reasons that I can't support it. As I said before, an expansion of a government-run health care program in this country—it is not paid for after the year 2012—leads us toward nationalized, Washington-controlled health care and moves us away from what ultimately ought to be our goal; that is, providing access for more Americans to coverage through our market-based system in this country.

It requires that low-cost, efficient States such as my State of South Dakota are going to be subsidizing high-cost, inefficient States—States such as in the New Jersey, New York area—that are already talking about going to 350 percent or 400 percent of the poverty level, which, as I said earlier, in the case of New York, that would get you up to where you would have those in the income level of over $80,000 a year qualifying and being eligible for a program that is designed to help low-income children and low-income families and, ironically, subjects them to the alternative minimum tax. The alternative minimum tax was a tax put into place in the first place to tax people who are making too much money and not paying enough taxes. That, to me, seems to be a very conflicted message we are sending with this bill.

We need a strong, market-based health care system in this country. We need to start that debate. This debate delays that debate because we are going to be adopting legislation that increases—adds to the government-run component of health care in this country and moves us away from the debate we ought to be having, which is, how can we improve access for more Americans to affordable health care coverage, where they can own their own coverage, where they don't have to rely on a government system that is inefficient, that is Washington-based, and that is controlled by bureaucrats here in Washington, DC?

We want to put people and patients more in control of health care. This particular bill does not do that. I will be voting no, and I urge my colleagues as well to vote no. I hope we can get to the big debate, the debate we ought to be having; that is, how do we reform the health care system in this country?

With that, Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of the legislation that will extend and increase funding for the State Children's Health Insurance Program.

One of the very first bills I cosponsored as a new Member of the Senate back in 1997 was the legislation that first established the SCHIP program. I remember Senator HATCH coming to talk to me about this bill and enlisting my support for it. I am very happy I was one of the original cosponsors of the SCHIP bill.

This program provides much needed health care coverage for children of low-income parents who simply cannot afford the cost of health insurance and do not get health insurance through the workplace; yet they make a little bit too much money to qualify for the State's Medicaid Program.

Since 1997, the SCHIP program has contributed to more than a one-third decline in the number of uninsured low-income children. That is a tremendous success. It is hard for me to understand why anyone would vote against an extension, a modest expansion, of what has been such a highly successful and effective program. Today, an estimated 6.6 million children, including more than 14,500 in the State of Maine, receive health care coverage through this program.

Still, as this legislation recognizes, there is more we can do to further decrease the number of uninsured low-income children. While the State of Maine ranks among the top four States in reducing the number of uninsured children, we still have more than 20,000 children who don't have coverage. Nationally, about 9 million children remain uninsured.

Unfortunately, the authorization for the SCHIP program, which has done so much to help low-income children in working families obtain the health care they need, is about to expire. That is why I encourage and I urge all of my colleagues to join me in supporting this legislation.

I commend the Senate conferees on this bill. They did a very good job of coming up with a very reasonable proposal—a proposal that costs less than the House version and yet will make a real difference to low-income uninsured children. I would point out that this is a bipartisan bill. On the cloture vote earlier today, it had overwhelming support, as 69 Senators voted to proceed with the vote on this bill.

The legislation that is before us will increase funding for the SCHIP program by $35 billion over the next 5 years—a level which is sufficient to maintain the coverage for the 6.6 million children currently enrolled, as well as to expand the coverage so that we can reach more children who are currently uninsured. In the State of Maine, the bill before us will allow us to cover an additional 11,000 low-income children who are currently eligible for SCHIP but not enrolled.

The bill also improves the program in a number of important ways. Like Senator DOMENICI, I am very pleased that the bill includes a requirement for States to offer mental health services through their SCHIP program. Treating behavioral and emotional problems and mental illness while children are young—early intervention—can make such a difference. I know from hearings I have held in the Homeland Security and Governmental Affairs Committee that the current systems for providing mental health care to children are woefully inadequate. The result is oftentimes parents are faced with a horrible choice of giving up custody of their children in order to secure the treatment they need for serious mental illnesses. That is a choice no parent should ever have to make.

We also need to improve oral health care, dental health care for children, and this bill will do just that. Despite the demonstrated need, children's dental coverage offered by States isn't always what it should be. Low-income and rural children suffer disproportionately from oral health problems. In fact, 80 percent of all tooth decay is found in just 25 percent of children—80 percent of the problems in 25 percent of the kids. That is simply because they don't have access to oral hygiene, they don't have access to dentists and dental hygienists who could help ensure their health. I am very pleased, therefore, that the bill before us will strengthen the dental coverage offered through SCHIP to ensure that more low-income children have access to the dental services they need to prevent disease and promote good oral health.

Finally, the bill will eliminate the State shortfall problems that have plagued the SCHIP program as well as provide additional incentives to encourage States to increase outreach and enrollment, particularly of the lowest income children.

The bill before us today is the prescription for good health for millions of our Nation's low-income children in working families. That is why I am so disappointed that the President has threatened a veto of this legislation. I just do not understand his decision, and I think it could be a terrible mistake. This important program can simply not be allowed to expire. I urge all of our colleagues to join me in supporting it.

Let me make one final point. I have heard a lot of our colleagues on my side of the aisle argue that we need a far more extensive debate on health care policy in this country, and they are right. But we should not hold the SCHIP program hostage to that broader debate. We do need a broader debate. We need a broader debate on how to lessen the number of uninsured Americans, which now exceeds 45 million Americans. We need a broader debate on how to help our small businesses better afford the cost of health insurance for their employees.

We need a broader debate on how we can effectively use the Tax Code to help subsidize the cost of insurance for those who don't receive insurance through the workplace.

I hope Senate leaders will charge the relevant committees to undertake a couple of months of hearings to bring together the best minds possible and then dedicate a month of debate on the Senate floor to a wide variety of solutions to both promote broader access to health care, to help our uninsured better afford health coverage, and to improve the quality of health care in this country.

That is an important and overdue debate. In fact, the Senator from Louisiana, Senator LANDRIEU, and I have, for several Congresses, introduced a broad health care bill with these goals in mind.

Let us not jeopardize the existence of a successful, effective program for low-income children because we want to have that broader debate. Let's send this bill to the President. Let's urge him to sign it into law, and then let's turn our attention to this long, overdue, much needed debate.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I want to begin my remarks by noting that, along with my colleagues, I support reauthorization of SCHIP. Unfortunately, the bill before the Senate today is not just an SCHIP reauthorization; it is an SCHIP expansion, based on the following misguided principles:

First, it would turn a program for low-income children into a program for adults as well.

Second, it expands SCHIP to cover children from higher income families.

Third, it covers people already insured, not just the uninsured.

Fourth, it circumvents budget rules to hide a $41 billion cost not paid for under the bill.

I will address the first issue. When we authorized this program in 1997, the Republican-led Congress intended SCHIP to provide health coverage to low-income, uninsured children. Ten years later, the program created for children covers adults.

In fiscal year 2006, 14 States enrolled over 700,000 adults in SCHIP. In fact, this year, 13 percent of SCHIP funds will go to adults other than pregnant women. For example, Wisconsin covers almost twice as many adults as children under the SCHIP program, spending 76 percent of its SCHIP funds on adults. Illinois spends 62 percent on adults. Rhode Island spends 54 percent on adults. New Jersey spends half of its money on adults.

So what happens under the bill before us? It allows the States, with these existing waivers, to continue enrolling new parents—adults, obviously—at a higher reimbursement rate than Medicaid.

There is no "a" in SCHIP. If Congress created SCHIP for low-income children, we in Congress should ensure that is where the funds go; otherwise, we are being dishonest with the American people and we should rename the program.

Second, when the program was created, in 1997, we targeted low-income children whose families earn too much to qualify for Medicaid but not enough to obtain private health insurance. We never intended for all children, regardless of the income of their families, to become dependent on a Government health insurance program. That is not what is happening today.

Eleven States have income thresholds at or above 300 percent of the Federal poverty level. Rather than refocusing SCHIP on low-income children, nothing in the bill prohibits States from increasing eligibility levels above 300 percent of the Federal poverty level.

In fact, the bill grandfathers in the two States with the Nation's highest levels and at a higher reimbursement rate than the rest of the country. Why should Arizonans, my constituents, pay their taxpayer dollars, which are intended for low-income children, to be sent to New York and New Jersey to cover families earning up to $82,600 a year?

I have heard some say over and over again this will only happen if the administration allows it. That is not true.

First, I direct my colleagues' attention to page 82, lines 3 through 11 of the bill. It states there is an exception for any State with an approved State plan amendment or waiver—that is New Jersey—or a State that has enacted a State law—that is New York. There is an exception. So it is not that the President can stop this. The bill provides the exception.

To clarify the policy even further, page 82 includes new language that was not in the Senate-passed bill. This new language reinforces that States should have the flexibility to set their own income eligibility levels, no matter how high, making it nearly impossible for any administration to reject such State requests.

Third, very importantly, the bill guts an August 17 letter issued by the administration designed to make sure that States enroll low-income families first and foremost. They said you have to make sure 95 percent of your low-income, eligible kids are enrolled in the SCHIP program before you can expand it to cover the higher income families. Well, that has been taken out of the bill and the bill guts the provision.

From my analysis, nothing in this bill gives the administration the clear authority to prevent taxpayer dollars from being sent to higher income families. Even the Concord Coalition, a nonpartisan advocacy group, warns that the bill "fails to target new entitlement spending at those most in need."

Third, as a result of expanding SCHIP to children from higher income families and some adults, the bill "crowds out" private health insurance and substitutes that coverage with government-run, taxpayer-subsidized insurance.

The Congressional Budget Office estimates that 2 million people will drop their private coverage under this bill. For every two individuals added to SCHIP, or Medicaid Program, one drops private coverage. This is why we say it is a step toward government-run health care—you take people with good private health insurance and take them off of the private health insurance roll and substitute in the government health insurance program.

For the newly eligible populations—the people not yet enrolled in the program—CBO shows a one-for-one replacement, meaning that for each 600,000 newly insured individuals, 600,000 individuals go off of private coverage. Is that what we are all about, what we should be doing here? Should Congress not focus on ways to provide health care coverage to the uninsured, rather than to those who already have insurance? Of course, the answer is yes.

Finally, the SCHIP bill is not paid for. Under our rules, we are required to state the cost of a program such as this over 10 years and pay for it over that time period. Under the bill, SCHIP spending goes up every year for 5 years and, all of a sudden, magically, artificially, the spending drops off precipitously, as if there is no more need for it. It basically disappears. Obviously, the reason for that is to circumvent the budget rules and avoid paying for the bill. The assumption, obviously, is artificial and wrong and everybody knows it. The program is, in fact, going to continue out over the full 10 years; it doesn't stop after 5. So you need to make up the last 5 years.

How much does that cost? According to the CBO, $41 billion will be needed to sustain the program for the last 5 years of the 10-year program. In other words, the bill has in it a $41 billion hole. If you fill in that hole over the course of the 10 years, the cost of the bill exceeds $110 billion. That is why some of us appreciate the President's determination to veto the bill as too much spending on a program that has been expanded way beyond its original purpose and is substituting private health insurance coverage for a new government program.

A future Congress will have no other choice than to disenroll millions of children, which will not happen, or more likely, raise taxes to fill that $110 billion cost. Of course, it will be our children who will bear this bill's deficit.

I will conclude where I started. Like everybody else in the Chamber, I support the reauthorization of SCHIP. I don't support its expansion in the way it has been done under this bill. Republicans have offered a fiscally responsible alternative that reauthorizes SCHIP for 5 years, preserving health care coverage for millions of low-income children. It adds 1.3 million new children to SCHIP. It is offset without new taxes or budget gimmicks. It minimizes the reduction in private health coverage by targeting it to low-income children.

We should pass an SCHIP extension and we should work toward a reauthorization, such as the Republican alternative, that is fiscally responsible and upholds SCHIP's original intent. Doing so is a step toward renewing our commitment to America's children.

Mr. GRASSLEY. Mr. President, since the Senate passed the bill the first time, the subject of "crowd-out" has become a lot more important in this debate.

Crowd-out is the substitution of public coverage for private coverage. Crowd-out occurs in CHIP because the CHIP benefit is very attractive and there is no penalty for refusing private coverage if you are eligible for public coverage.

On August 17, CMS put out a letter giving States new instructions on how to address crowd-out.

I appreciate the administration's willingness to engage on the issue. I think they have some very good ideas. But I also think there are some flaws in their policy.

States are supposed to cover 95 percent of the low-income kids. But it has been a month since they issued the letter and CMS still cannot explain what data States should be using.

Personally, I think CMS should have answers before they issue policies. And if they still can't a month later, I believe, as the saying goes, they obviously aren't ready for prime time.

So the compromise bill replaces the CMS letter with a more thoughtful, reasonable approach.

The Government Accountability Office and the Institute of Medicine would produce analyses on the most accurate and reliable way to measure the rate of public and private insurance coverage and on best practices by States in addressing crowd-out.

Following these two reports, the Secretary, in consultation with States, will develop crowd-out best practices recommendations for the States to consider and develop a uniform set of data points for States to track and report on coverage of children below 200 percent FPL and on crowd-out.

Next, States that extend CHIP coverage to children above 300 percent FPL must submit to the Secretary a State plan amendment describing how they will address crowd-out for this population, incorporating the best practices recommended by the Secretary.

After October 1, 2010, Federal matching payments are not permitted to States that cover children whose family incomes exceed 300 percent of poverty if the State does not meet a target for the percentage of children at or below 200 percent of poverty enrolled in CHIP.

Simply put, cover your low-income kids or you get no money to cover higher income kids.

Now I know some people are obsessed with the State of New York and their and their efforts to cover kids up to 400 percent of poverty.

It seems to come up in the talking points of every person who speaks out against our bill. This bill does not allow any State to go to 400 percent of poverty.

In fact, the bill makes it very difficult for any State to go above 300 percent of poverty; it will make it very difficult for New Jersey, the only State currently covering kids above 300 percent, to continue to do so if they don't do a better job of covering low-income kids.

If you are concerned about the State of New York, don't waste your time looking at this bill. You will not find answers to New York's fate here.

The answer is where it has always been—in the office of HHS Secretary Mike Leavitt. Only he has the authority to allow any State to cover children up to 400 percent of poverty. This bill does nothing to change that authority. It is up to the Secretary.

I heartily encourage those of you who haven't to read the bill. It is all there in black and white.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BOND. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair for 2 minutes so that we may bring in a distinguished visitor.

There being no objection, the Senate, at 6:12 p.m., recessed subject to the call of the Chair, until 6:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. WHITEHOUSE).

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—Continued

Mr. GRASSLEY. Mr. President, I think we are ready for closing comments by me as ranking member and Senator BAUCUS as chairman of the committee. Then we will be done with the debate on SCHIP.

Mr. President, first, I thank my colleagues for supporting the vote to move to the consideration of the children's health insurance reauthorization bill so we could avoid a lot of turmoil over getting here where we are to get the business done because I think everybody knows how this is going to turn out.

I appreciate the leadership of Senator REID because he was an honest broker in helping the House to understand what needed to be done in the Senate, and he held a lot of meetings on this subject.

I thank my good friend, the chairman of the committee, the Senator from Montana, Mr. BAUCUS, for his leadership in forging this compromise in a bipartisan way.

I also have to recognize people who sat in on a lot of these meetings and worked hard and are part of this compromise: Senator HATCH and Senator ROCKEFELLER. In particular, Senator HATCH has been a stalwart through this process because he was the leader in creating the Children's Health Insurance Program when it was first inaugurated 10 years ago. The continued leadership he showed was very good and necessary.

I realize some in the majority want to do more than we do in this compromise. I know it wasn't easy for those on the other side of the aisle to convince some of their colleagues that this was the right course. But we have a bipartisan bill in the Senate, and now we have a bill with strong bipartisan support in the House of Representatives. We picked up a massive number of Republicans who did not vote for it the first time in the House of Representatives.

Currently, the SCHIP program covers kids at incomes far beyond what was considered low income in the original statute. It covers parents and, in some States, it even covers childless adults. With this reauthorization, this program will return to its original concept: helping the lowest income kids and not helping adults as the program evolved beyond the perceptions that were there 10 years ago when this bill was written.

Childless adults who are presently on the program will be phased out completely because this is a children's program, it is not an adults program. States will not be able to get enhanced Federal funds if they decide to cover parents. States will only be able to cover higher income kids if they demonstrate that they took care of the purpose of this legislation, which is to take care of the lowest income kids first.

Every financial incentive in this bill discourages States from spending a penny to cover anyone other than low-income children. And all the financial incentives are entirely focused on the lowest income children. All the rhetoric to the contrary notwithstanding, this bill does not expand the program to middle-income families. It refocuses the program on the lowest income children.

Some of the speeches I have heard on the Senate floor, I wonder what good does it do to make these points over and over because it is just that some of my colleagues on the Republican side of the aisle don't read this bill, don't care what we say. This bill does what they think it does, even if it doesn't do it, and they say that on the Senate floor. Those who say otherwise than what I just said have not read the bill. This bipartisan compromise provides coverage for more than 3 million children who are without coverage today.

In closing, I encourage my Republican colleagues to think long and hard about what I said as this debate began and throughout this debate. If this bill is vetoed—and this is what I would like to have the opponents concentrate on—if this bill is vetoed, if at the end of the day all we do is simply extend the program that has been in effect for 10 years, what will we have accomplished? Will adults be gone from this program who were not supposed to be included in it in the first place? No. Will States have a disincentive to cover parents? No. Will States be encouraged to cover low-income kids before higher income kids? No. Will the funding formula be fixed so States are not constantly challenged by funding shortfalls? No. And finally, will we have done anything to cover kids who don't have any coverage today? The answer is, again, no.

I quoted the President making a promise at the Republican Convention in New York. I did that yesterday. I want to state again what the President said. You can't say it too many times. I hope at some time the President remembers what he said:

> We will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance programs.

An extension of law, which is what is going to happen if the President vetoes this bill, will not carry out what the President said at the Republican Convention in New York in 2004.

Faced with that, your answer today on this bill, Mr. President of the United States, should be yes. This bill gets the job done that you said in New York City you wanted to do.

I hope the President's answer will be yes because if he doesn't veto this bill, then we will do those things he said he wanted to do. It will help more than 3 million low-income, uninsured children. About half of the new money is just to keep the program running. The rest of the new money goes to cover more low-income children.

It provides better options for families to afford employer coverage.

It takes even more steps to address crowdouts, so we don't move people from private insurance to government-funded insurance.

It phases adults out of the program because this is a children's program, it is not an adults program.

It discourages States from covering higher income kids.

It rewards States that cover more of the lowest income kids.

It puts the lowest income children first in line for coverage.

Here is what the bill does not do:

It is not a government takeover of the health care system.

It does not undermine our immigration policy.

It is not expanding the program to cover high-income kids.

It is not everything that people on my side of the aisle said it is in debate on the floor of the Senate. It is, in fact, a good bill. It is a compromise. I urge my colleagues to support this bill for kids.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, a lot has been said in this debate. Much of it is not true, but much of it is true. One way to determine what is true and what is not true is, frankly, to listen to the Senator from Iowa. I know of no man or woman whom I believe speaks straighter, more honestly, and calls it like it is than the Senator from Iowa. I guess that is why he is elected by such large margins every time he is up for reelection. It has been such a pleasure to work with the Senator from Iowa because he is so straight, so modest. He tells it like it is, and he has no ulterior motives.

All Senators, especially those on this side of the aisle, should listen to him because what he says is true. When he describes what this bill contains and does not contain, he is accurate. So if a Senator is trying to figure out who is right—because we have heard all kinds of claims on both sides—it is my judgment that what you hear from the Senator from Iowa, you can take to the bank because that is the truth as to what is and is not in this bill.

As we close out this debate on the reauthorization of the Children's Health Insurance Program, I wish to take the time to remind us all what our goals are—and not just our goals but what our duty is as Senators.

Today, the health of many of our Nation's low-income children is in our hands. It is that simple. We hear lots of stuff around here, but the bottom line is, the basic point is, the health of many of our Nation's low-income children is in our hands.

We are here today not only to make sure children who currently have health insurance keep it, but also to make sure that many more low-income children get coverage. This is important because not having health insurance affects a child's life. Uninsured kids do not go to the doctor. They do not have checkups. Uninsured kids remain undiagnosed for serious childhood conditions such as asthma and diabetes. Uninsured children are not diagnosed with learning disabilities, and they struggle through their classes. Kids who do not have insurance do not see a dentist. They don't get cavities filled and risk serious illness due to poor dental health.

Adequate health care is a critical foundation for a healthy life. Insuring our children is a smart economic investment for our Nation's future. It is the only choice if we wish to imbue future generations with strong minds and healthy bodies. It is quite simple. Health insurance has a direct effect on a child's performance in school. Healthy children are more likely to go to school, they are more likely to do well in school, and they are more likely to become productive members of the workforce.

Parents of children with health insurance are less likely to miss days of work to care for their sick children. When America insures our children, we all benefit.

The bill before us reflects a lot of hard work. It represents Democrats and Republicans working together, and I mean that. That is not an idle statement. That is not a throwaway. Both sides are working together. This is one of the few times when both sides, on very important legislation, worked very well together. Why? Because it is the right thing to do.

We worked together to craft legislation that will give millions more American children the healthy start they need for a long productive life.

I hope the President finds it in his heart to reconsider and make the right choice, the only choice. I hope he will join Congress in making our children's future and America's future a brighter one. I hope he thinks, reflects about our country, the greatness of our country when he is trying to decide whether to sign the bill or to veto it.

I have faith, I have hope that when the President of the United States makes that decision, he will realize discretion is the better part of valor; that he will realize the right thing to do is to help our Nation's low-income kids. Further debate about health care reform can be pushed off into the future. That is a separate issue. That has nothing to do with this question.

This country will engage in national health reform. We have to. The President is talking about it. We in the Congress talk about it. That is an entirely separate issue. This is only maintaining a current program enacted in 1997, totally bipartisan. Senator Chafee from Rhode Island and Senator HATCH from Utah worked together to get this bill enacted because it was the right thing to do.

It has been very popular. Nobody has had any questions about children's health insurance. It has worked. Now it has expired. The question is, what do we do about it? This legislation does not change current law in any way. It just maintains the program and provides a few more dollars for more low-income kids to get health insurance, and it does not do anything more than that. That is what this is. It is a separate issue from the national health insurance reform debate, which we will get into and must get into at a later date.

I hope the President of the United States, when he is faced with that decision, will sign this bill and realize this is the right thing to do for kids, and tomorrow is another day when this country appropriately will debate national health insurance reform. But right now, let's help some kids.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa has 11 minutes remaining.

Mr. GRASSLEY. I yield back that time, Mr. President.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 43, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 43) increasing the statutory limit on the public debt.

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate equally divided between the leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Mr. President, in the play "The Taming of the Shrew," Shakespeare wrote: "There is small choice in rotten apples."

I feel a little like that whenever we have to raise the debt limit. It is a small choice in rotten apples. The choices are all bad. Really, though, there is no choice.

The legislation before us would increase the limit on the debt issued by the U.S. Government by $850 billion. The House has sent us this legislation. Essentially, we have no choice but to approve it. If we fail to raise the debt ceiling soon, the U.S. Treasury will default for the first time in its history. Plainly, especially in this credit crisis, we cannot let that happen. If we don't raise the ceiling before Monday, Treasury Secretary Paulson will be forced to take special measures to prevent the default from occurring. He feels those actions would create uncertainty in the financial markets. He thinks it would be unwise to add any uncertainty to the financial markets right now, and I agree with that. The markets already have enough uncertainty arising from the foreclosures on subprime mortgages. But there is no way around this. These are some rotten apples.

This increase in the debt ceiling will be the fifth increase during this administration. It increased by $450 billion in 2002, it increased by $984 billion in 2003, it increased by $800 billion in 2004, and it increased by $781 billion in 2006. Today's $850 billion increase in the debt ceiling will be the third largest increase in our Nation's history. The largest increase was the $984 billion hike in 2003. Once today's $850 billion increase is enacted, the fourth largest rise will have been the $800 billion in 2004. The fifth largest increase will have been the $781 billion hike in 2006.

There is no way around it. This is a poor fiscal record. When you add today's $850 billion increase to the previous increases since 2001, the debt ceiling will have increased by almost $4 trillion during this administration. The debt ceiling will have increased from about $6 trillion at the beginning of this administration to about $10 trillion now—$6 trillion at the beginning of this administration, the debt ceiling, will be increased now to about $10 trillion. That is a two-thirds increase in the debt ceiling in 7 years.

Unfortunately, for us today, there is little choice at this moment right now. There are other choices we should be making in this Congress and in this country with respect to our fiscal situation, but today, at this moment, with respect to the debt ceiling, there is little choice. The Government has already borrowed the money that has caused its debt to reach the current ceiling. It has already been borrowed. To keep the Government running, the Treasury now needs to borrow more money. The Treasury cannot do that unless we raise the debt ceiling.

Why is it unfortunate the Government has gone into so much debt? The answer is it lowers the standard of living for future generations of Americans. That is hardly the legacy we should want to leave for our children and grandchildren.

If the U.S. Government borrows money, it competes for funds from the global financial markets. Unless Americans begin to save more, these funds will come from foreign lenders. As a result, we will owe foreigners interest on those funds in future years. Because Americans will have to pay that interest to foreigners, we will have less money to spend on goods and services, and the standard of living for Americans in the future will be lower than it otherwise would be.

It is happening already. It is happening because the dollar is declining. It is declining quite precipitously. Why is the dollar declining? Probably because our fiscal policy has not been very sound. We have been borrowing so many dollars from overseas. Our current account deficit is so large. We have been consuming at such rapid rates that, finally, the chickens are beginning to come home to roost. The dollar is starting to decline, and it is making it very difficult now for Americans, on the margin, to live at the same living standard.

With the dollar declining—and, again, it is declining because foreign investors are starting to think maybe it is wiser to invest their dollars, on the margin, elsewhere—when the dollar declines, that means imports are more expensive and consumers have to pay more than they currently have been paying for those same products. It means American companies are now able to raise their prices to the levels of the more expensive foreign imports. It means, frankly, that average Americans are facing more costs for the same goods.

On the other hand, the most wealthy people in America can invest in foreign currency and take advantage of the dollar. But the average American cannot do so. So what we are doing today, with our very high debt, is essentially lowering our living standards.

Further, the amount of U.S. Government debt held by foreigners is troubling. As of December, 2006, foreigners held an enormous $2.2 trillion of debt issued by the U.S. Government. For example, Japan held $644 billion of U.S. debt, and mainland China held $350 billion.

I might add that a lot of these foreigners are starting to change their investment patterns. They are developing sovereign wealth funds. They are diverting some of their currency holdings. China is a good example. They are not just buying U.S. Treasury notes, bills and bonds, they are starting to do more direct investing around the world. That too is starting to have, on the margin, a slightly negative effect on the dollar.

In December, 2001, foreigners held a total of $1 trillion in U.S. debt. Thus, foreign-held debt has increased from $1 trillion at that time, December 2001, to about $2.2 trillion in December, 2006. That is a 120-percent increase since 2001. Over time, the cumulative interest payments on these holdings will be very large.

The significant foreign holdings of U.S. debt create two more serious problems. The first problem relates to a falling dollar, as I have mentioned. If the dollar falls, the value to foreign holders of U.S.-issued securities falls. If the dollar continues to fall, at some point, foreigners may become scared of further drops. To protect themselves, they may sell their holdings of U.S.-issued securities. And a large sell-off could happen precipitously and cause interest rates in the United States to rise immediately. A recession would likely follow.

I am not saying that is going to happen, but I am saying the probability of that happening is getting greater and greater and greater with the passage of each day.

Today, the dollar is at another all-time low against the Euro, and the Canadian dollar has reached parity with the U.S. dollar for the first time since the 1970s. If the dollar continues to fall, we could see foreigners selling off U.S.-issued securities at some point.

The second problem concerns our national security. Currently, almost 60 percent of U.S. debt held by foreigners is in the hands of foreign central banks or other official foreign government institutions. That amounts to about $1.3 trillion—clearly, an enormous figure.

So what happens if we get into a trade dispute with one of these countries, or a military or diplomatic dispute? The government of one of these countries could prevail upon its official institutions to threaten to sell off some or all of its holdings of U.S.-issued debt. If such an action occurred, it would drive up interest rates in the United States and cause a recession. The threat of such action would give the foreign country significant leverage in its trade or military or diplomatic dispute with the United States, which would be very unfortunate.

Again, I am not saying it is going to happen right away, or it is going to happen at all. But I am saying, given the deterioration of our fiscal situation, it is, on the margin, slowly, inevitably, irrevocably giving these other countries more leverage over us in any policy dispute they may have with us.

The revenue and spending laws that have helped to create the need for this huge jump in the debt ceiling were enacted some time ago. We piled up huge budget deficits in recent years by not having enough revenues to pay for our spending. So the Treasury had no alternative but to borrow funds to make up the difference, because we, obviously, had been spending more than we were taking in. The Treasury, therefore, had to borrow. And that is the problem; it is the added borrowing year after year after year after year in the amounts I have already indicated.

The responsible thing to do right now is to raise the debt ceiling because we have to. This debt ceiling is similar to a credit card. The bill is due. You have to pay what is on the credit card. But the goal is to make sure there aren't future increases in that credit card bill. We have to pay what the credit card bill is. That is the legal obligation. So there is no choice, and it is the responsible thing to do. But it is also the responsible thing to do to reduce the need to raise the debt ceiling again in the future.

We need to stop running annual deficits in our Federal budget. We need to stop cutting taxes when we cannot afford to do so. We need to stop increasing spending when we cannot afford to do so. It is easy around here to cut taxes, it is easy around here to raise spending. Fortunately, we have these pay-go rules now which makes it that much more difficult to do, and we have to basically heed the basic principles behind pay-go.

The beginning of the retirement of the baby boom generation next year will create needs for even more spending. Our ability to achieve balanced budgets will become more difficult. Nonetheless, we ought to balance the budget. It is the right thing to do. It would send the right signals in so many ways all across the country and around the world that we are getting our act together and living within our means. It is such a powerful force, in my judgment. We have to do it, otherwise we are going to keep piling up more and more debt and the dollar is going to potentially continue to fall, and living standards will continue to fall for Americans. So let us raise the debt ceiling now because we have no choice. But let us also work together to balance the budget in years to come. That is the only way we can keep from having to enact more increases in the debt limit in the future. When it comes to that burden as well, there is no choice either.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the current law is that we have a statutory limit on the amount of money the Federal Government can borrow, and that has to be reconsidered from time to time. The legal limit applies to the money borrowed from individuals, private investors—such as banks and pension funds—as well as money borrowed from other governmental programs that are in surplus—such as Social Security and Medicare, or what we call intergovernmental borrowing.

Increasing the debt limit is necessary to preserve the full faith and credit of the United States of America. Without an increase in this limit, our Government will face a choice between breaking the law by exceeding the legal limit or breaking faith with the investors by defaulting on debt. Neither of those choices is acceptable, and we have never done them.

Critics sometimes object to raising the debt limit on grounds that it will allow the Government to borrow more money, but refusing to raise the debt limit is akin to refusing to pay your individual credit card bill after you have already gone shopping and bought something. We cannot pass tax bills and spending bills and then refuse to pay our bills. The time to control the debt is when we are voting on bills that actually create that debt.

Raising the debt limit is about meeting the obligations we have already incurred, it is that simple. We must meet our obligations. So I urge my colleagues to support this increase.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senate is now considering a measure to further increase the Federal debt limit. This is further confirmation of the Bush administration's failed fiscal record. It represents now the fifth time the President has come to Congress asking for more debt.

We all know we have no choice in this matter. These are debts that have already been accrued. The question before us is: Do we pay the bills of the United States or do we fail to do so? If we failed to cover our borrowing, if we failed to pay the bill, the creditworthiness of the United States would be called into question and there would be a run on the dollar. There would be economic chaos. So we have no choice, and I hope that colleagues on both sides will take up this responsibility.

We all remember that when the Bush administration came into office, the President said this:

> My budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

That is what the President told us then.

We are now able to look at the record. What we see is quite different from what he asserted then. Instead of paying down the debt, the debt has exploded on his watch. Here are the increases in the debt that have been enacted and requested by this President.

First of all, perhaps it is instructive to go back to the period 1998 to 2001, during the previous administration, when there were no increases in the debt. In fact, we were paying down the debt. Then, in 2002, this President asked for and got a $450 billion increase in the debt limit; followed in 2003 by the largest increase ever, $984 billion; followed by $800 billion in 2004, $781 billion in 2006, and now, this year, another $850 billion. This is the debt President. The debt limit of the United States will have been increased, under his direction, by almost $4 trillion.

This chart shows the dramatic deterioration in the budget picture under the fiscal policies of this President. We were in surplus. In fact, we had even stopped, under the previous administration, taking Social Security funds to pay other bills. Under this administration, the deficit skyrocketed and the debt has grown geometrically.

Despite all the assertions of fiscal responsibility, this President has increased Federal spending from $1.9 trillion to $2.7 trillion a year, an increase of nearly 50 percent.

On the war alone—and this puts in perspective the war costs—you will recall the President told us that the war would cost $50 billion. We are at $567 billion and counting. Now we hear of a request for another $42 billion on top of the $147 billion that was allocated this year.

President Bush has indicated and his administration has told us that we should expect a "Korea-like" presence in Iraq. Here is what this would mean, according to the Congressional Budget Office. So far, the war in Iraq and Afghanistan has cost $567 billion. CBO tells us a "Korea-like" presence would mean an additional $1 trillion in the period 2009 to 2017, and from 2018 to 2057, another $1 trillion, for an addition of $2 trillion to the $567 billion already committed. So the war that was supposed to cost $50 billion is now headed for $2.5 trillion, if we maintain a "Korea-like" presence, as called for by the President.

On the revenue side of the equation, where we hear so much from our colleagues about the dramatic improvement in revenue, what you will notice in all of their charts is they just look at the last couple of years. They don't look back to when this administration started. But what you see is real revenues, adjusted for inflation, were $2.03 trillion back in 2000. This year, real revenues are $2.13 trillion. Revenue has been basically stagnant in this country for 6 years.

So when you dramatically increase spending and revenue is stagnant, guess what happens. The debt soars. That is precisely what has happened under this President—from $5.8 trillion in 2001 to a now anticipated $8.9 trillion at the end of this year. This President has run up the debt in a record way. He truly will claim the mantle and the legacy as the debt President.

Not only has he dramatically run up our debt domestically, he has also dramatically increased foreign holdings of our U.S. debt. When he came into office, there was just over $1 trillion of U.S. debt held abroad. In other words, it took 42 Presidents 224 years to run up $1 trillion of U.S. debt held externally. This President has more than doubled that amount in just 6 years, to almost $2.2 trillion. The result of all of that is we now owe Japan over $600 billion, we owe China over $400 billion, we owe the United Kingdom over $200 billion, we owe the "oil exporters" over $100 billion, and on and on it goes. We are now truly in need of the kindness of foreigners because if they do not float this boat, if they don't provide the financing for this debt, the United States would be in even deeper trouble. Can you imagine if all of a sudden the Chinese, the Japanese, the British, and the rest decided not to extend us additional credit, additional loans? The interest rates in this country would jump. It would put us into a recession, and we would be in deep trouble. So we are in debt and we are beholden and we are dependent on the kindness of strangers.

Here is what the head of the Federal Reserve has warned us on the danger of growing debt. He said this before the Senate Budget Committee on January 18:

> Ultimately this expansion of debt would spark a fiscal crisis which could be addressed only by very sharp spending cuts or tax increases or both . . . [T]he effects on the U.S. economy would be severe. High rates of government borrowing would drain funds away from private capital formation, and thus slow the growth of real incomes and living standards over time.

The recklessness of this administration in managing the fiscal affairs of this Nation is clear and compelling. It could not be more apparent.

Tonight is one more confirmation of the disastrous consequences of the fiscal policy of this President. He is the debt President. With the action that will be required to be taken tonight, he will have added nearly $4 trillion to the debt position of our Nation. That is a sad legacy, and future generations are going to pay an enormous price for this profligacy—spending without a willingness to pay for it, simply putting it on the charge card, shoving the debt off to future generations, and all the time claiming to be fiscally responsible.

The actions of Congress tonight, responding to the request of the President to once again expand the debt limit by hundreds of billions of dollars—in fact, tonight, by $850 billion in one fell swoop—should tell us all we must have a new direction for the fiscal course of this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, this evening we have a choice to make that is a true reflection of whether this body has been listening to the American public. We are about to increase the amount of money we can borrow against our children's future by $850 billion. That is almost $1 trillion. What does that say about us? That we can't do what we ask every other American family to do, which is live within our means. It is not about parties. Both parties are guilty. But it is about priorities, and it is about choices.

Many of us know that our approval rating is at an alltime low—11 percent. We have a chance tonight to change that. We have a chance tonight to raise that. We have a chance tonight to prove to the American people that we are listening.

A new Gallup Poll put it this way:

> Americans now express less trust in the Federal Government than at any time in the past decade and trust in many Federal Government institutions is now lower than it was during the Watergate era, generally recognized as the low point in American history for trust in the Federal Government.

Think about that. How is it that we got ourselves to that position? How did we slip to a level below the Watergate era?

Mr. SANDERS. Will my friend yield?

Mr. COBURN. I would like to finish my statement, and then I am happy to yield to the Senator from Vermont.

One reason is Americans believe we are totally out of touch with the realities they live with every day in terms of budgeting and spending. What I often hear in this body, both by statement and by action, is that we really do not have to choose between two priorities because we can do both. The American people can't do both, but we can do both. How can we do both? What we do is we ignore the choices we have and lay our responsibility on generations to come. That is how we do both. We do not do what is required of us in terms of oversight, eliminating fraud, eliminating duplicative programs, eliminating programs that do not work, that have no metrics. That, by the way, comes to $200 billion worth of fraud, waste, and abuse which has been documented, every year, that we spend, that we are not working on, we are not trying to eliminate. But what we are about to do, because we failed to do that, we are about to increase the amount which our children and grandchildren are going to have to repay.

The problem is there is nobody outside this body who thinks that way—only inside. In the real world, people have budgets they have to live within. Their choices have consequences, and we choose to make the consequences happen to our children and grandchildren rather than accept the consequences. What has made this country great has been the heritage of sacrifice we have seen by multiple generations that have come before us. We are now denying that heritage, as we in this body refuse to accept the responsibility placed on us to make hard choices.

Tonight, we are going to have a vote and we are going to raise the debt limit and we are going to really say: Children, we don't have the courage to do what we need to do, whether it is raise taxes or cut spending or both. We don't have the courage to do that. But we are cowardly enough to shift it off onto you.

That is what it really is. We don't want to go against interest groups that are invested in something that isn't working. We don't want to eliminate the $53 billion a year that is estimated to be fraud in Medicare and Medicaid. We don't want to do anything with the excess 41,000 properties the Federal Government owns that cost us $18 billion a year but we won't do anything with them. We will not do what is necessary and sacrifice so that we can secure the future.

We are going to raise the debt limit because both parties, mine and the leadership party, have refused to restrain spending.

This will be the sixth time since 1997 that the debt limit has been raised. At the same time, earmark spending has skyrocketed. It is over half a trillion dollars in the last 10 years. There are no competitive bids on earmarks, no accountability, no followup, just gifts. Some are great priorities, but there is no system of economic controls.

My own party did a lot to create this mess. In 2005, 82 of my colleagues said building a bridge in Alaska was more important than repairing the bridges in Louisiana.

We said that. This body said that. Last week I asked my colleagues to make a number of choices. I offered an amendment that said until we fix our at-risk bridges and our high-risk highways that will account for 13,000 deaths a year, we ought to delay earmarks until we make that a priority. We lost that vote 82 to 14.

I offered an amendment to prohibit funding on bike paths and horse trails until we have done the same thing. We lost that amendment 80 to 18. I also attempted to strike funding for a peace garden, construction of a new baseball stadium, and a visitor's center, bipartisan amendments. We chose to say, no, we can do that rather than build and restore our highways and bridges.

What is as bad as the choices we make are the choices we ignore. And that is the very real need to do extremely heavyhanded oversight on the waste, fraud, and abuse that occurs every day within the Government that we supposedly have our hands on.

I know we could cut discretionary spending by at least 10 percent. Okay? That is $100 billion a year if we got together and said we are going to work on these programs together. But we are not going to do that. What we are going to do is keep pointing fingers at one another rather than at ourselves and raise the debt limit.

We are not going to do that hard work. I believe the American people are sick of it. Families across America do not have the luxury of loaning themselves new money when they have maxed out their credit. But that is what we are going to do. There is no credit limit for us. One is coming. It is coming as we have seen the price of the dollar fall recently. We will certainly see it fall further in the future. There is going to be a cost.

What this vote means is, instead of using this year's appropriations cycle to trim waste, to decrease spending, reduce the national debt, all we have done is made the problem worse.

First, we have not passed any bills through Congress. The bills that are in conference, with the exception of one, are at 5 to 6 to 7 percent above last year's spending level. So we have admitted we cannot do it. Only weeks after passing a brandnew ethics law, the Senate has now decided it is okay to add new earmarks in authorizing bills. We have also decided that instead of making sure we know the identity of earmarks, how much money it is, what is it going for, and who is going to get it, we only say: I am offering it, and I do not have any pecuniary interest in it. What we told the American people was a sham. We are not doing what we said we were going to do.

Instead of spending our time trying to figure out how to continue to raid the Federal Treasury without getting caught, I believe we ought to be doing our job. Congress should pass individual appropriations bills at a level less than last year, with the waste, the fraud, abuse, and duplication out of them. But we are not going to do that.

The vote on the debt limit gives Congress another opportunity to demonstrate to the American public that we do have the courage and the ability to fix what is wrong with this ship. By voting for this debt limit, what you are telling the American people is, you do not have the courage to fix what is wrong here. We do not have the courage to do the oversight that is necessary.

Whether it is the $40 billion worth of waste, at least, a year in the Pentagon, or the $43 billion a year wasted on Medicare and Medicaid through fraud, or the $18 billion we are spending on buildings that we do not want, we do not have the courage to do that.

What we should be doing is tearing up the credit card and, through not passing an expansion or extension of the debt limit, start acting like every other American family has to do and start making the hard choices even if it offends some of our constituents, because the constituents who matter the most, as we continue the heritage of this country of creating opportunity, are our children and grandchildren.

My real hope is this debt limit expansion does not pass tonight, that we all get to reflect on that; we come together, Democrat and Republican, and say: We have not done a good job. Let's make a pact that we are going to do the oversight, that we are going to cut the programs, that we are going to lower spending. It does not matter what President Bush wanted. We have the power of the purse. We can decrease spending.

Will we do that? Unfortunately, my belief is we will not because, quite frankly, we are interested in the next election more than we are interested in the next generation, and to that, shame on us.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS.) The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a couple of comments. I will not take a long time.

I have to observe that there was a time when there was substantial courage in this Chamber. I recall we had some very large budget deficits growing over a long period of time, and we passed a new fiscal policy. I was here then some long while ago. It passed by one vote in the Senate and one vote in the House. That took some courage. Some people who cast those votes did not come back here, because they were very controversial votes.

But we turned our fiscal policy around in this country by making tough choices. We turned the Federal budget deficit into a Federal budget surplus and began paying down the Federal debt. In 2001, on this floor, in this Chamber, we had a debate about fiscal policy again. A new President came to the White House. President Bush said he was a conservative.

He said: Well, now, we have all of these surpluses. He and his friend, Alan Greenspan, were worried that the biggest problem facing America was that we were going to pay down our debt too rapidly. The President and the White House said: We have got all of these surpluses. Let's decide to give the wealthiest Americans some large tax cuts because I believe in trickledown economics. Put a lot in the top, and see if some will drain down a bit.

Some of us stood on the floor of the Senate and said, you know what, we have just finally turned this economy around, turned these huge budget deficits around. The plan under the Clinton administration worked, and we turned big deficits into big surpluses and began to pay down the Federal indebtedness.

Some of us stood on the floor of the Senate and said: Mr. President—to President Bush—maybe we ought to be a bit conservative. What if something happens? These big surpluses for the next 10 years do not yet exist. Yes, there is a surplus now, but we do not have a 10-year surplus that exists. That is the projection. What if something happens? Why do we not be a bit more conservative in how we deal with this?

The President and his supporters said: No. No. No. What we are going to do is we are going to give very large tax cuts to the wealthiest Americans. We want to do it right now. They won. They had the votes to win, and they turned this economy around, all right. They turned budget surpluses, in a period where we were actually paying down the Federal debt, into some of the largest Federal deficits in this country's history—once again, unbelievable.

So when I hear people talking about courage, let me say we had some courage on the floor of the Senate. I am proud to have been one of them who cast a vote that passed by one vote, that turned around this country's fiscal policy. And now we leave an example of a fiscal policy that was reckless, one of the most reckless fiscal policies I can ever imagine, given to us in 2001 by a new President who said he was conservative but who was not.

In fact, my colleague just described what we are spending and not paying for. Yesterday in the Senate Appropriations Committee, President Bush sent his Defense Secretary, he sent the Assistant Secretary of State, he sent the Chairman of the Joint Chiefs of Staff, to ask us for another $189 billion to prosecute the war in Iraq and Afghanistan. And, oh, by the way, the President said: I do not intend that we pay for any of that; put that right on top of the debt. We are going to charge it all.

That is the direction this White House is leading. That is what brings us to the floor of the Senate tonight, with a fiscal policy that has rung up an enormous amount of additional debt; the worst possible fiscal policy you can imagine.

You know what happened? Some of us said, maybe we ought to be a little bit conservative, a little bit careful. The President said: No. No. No. We are not going to do that. We are going to take these 10 years of estimated surpluses and we are going to spend them with tax cuts.

Here is what happened very quickly. We were in a recession. The President likes to say he inherited the recession. He did not. But very shortly after he took office, we experienced a recession. Then we experienced the terrorist attack of 9/11, and then a war in Afghanistan, then a war in Iraq, then an economic slowdown.

Would not it have been smarter to have a fiscal policy that was a bit more careful, one that would have given a bit more thought about how to best care for this country's finances? I know it is easy to blame. I watched today as we had people come to the floor of the Senate blaming this, that, and the other thing. It is easy to take the negative. I understand that. Mark Twain was once asked if he would engage in a debate. And he said: Oh, sure, as long as I can take the negative side. Somebody said: We have not told you the subject. He said: Doesn't matter. If I take the negative side, it will take no preparation.

So I understand those who come to the floor of the Senate and tell us what is wrong. But I can tell you about a fiscal policy that was right, because I supported it and am proud to have done it some years ago, that turned big deficits into budget surpluses and began paying down the Federal debt. That is the kind of fiscal policy we need. It is the kind of fiscal policy we had, and this administration and those who supported it in this Chamber turned their back on it 6 years ago. Now we have paid the price for those votes.

I hope those who describe these issues remember, remember what a good fiscal policy was and how to recapture it once again. Yes, it take a little political courage. Those of us who supported a fiscal policy that works understand how it worked when it happened.

We have a lot to be thankful for, living in this great country of ours; only one spot like it on the planet. We have responsibilities that are very significant here in this Chamber. There is plenty wrong with this country, plenty of things that need fixing. But it is a wonderful place that requires our stewardship to do the right thing. I only came to the floor as I listened this evening to point out that we have seen good fiscal policy and bad fiscal policy. I, and I think many others, recognize the difference. If all of my colleagues will recognize that difference, we can put this country back on track once again. That is what the American people deserve and expect from us.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, before I discuss this legislation, I want to express my thanks to the distinguished minority leader, Senator McCONNELL, as well as the chairman and ranking member of the Finance Committee, Senators BAUCUS and GRASSLEY, for their cooperation in facilitating consideration of this legislation. I also want to thank Treasury Secretary Paulson for his leadership.

We are taking up this legislation at the request of the Bush administration so that the Federal Government can meet its obligations and pay its bills. Secretary Paulson, in a letter to me earlier this month, indicated that it was essential that the Senate pass this legislation as soon as possible. This will be the fifth increase in the debt limit since President Bush came to office.

I find it distasteful and disturbing to increase the debt limit yet again, but the alternative is simply unthinkable. Eventually, some Social Security checks could not be sent. Government offices could close. Interest rates could rise. And the economic impact on our country could be profound. As a practical matter, therefore, we have no choice.

Having said that, President Bush's failed policies put us in this box, and as we consider the pending bill, I hope my colleagues will focus on the importance of changing those policies. Over the past several years, the administration has completely abandoned fiscal discipline and dramatically increased our debt. Until we change the policies that led down this path, we will be back year after year, digging the hole ever deeper.

Let's review some history. When President Bush came to office, our Nation was running record budget surpluses and our debt was on the decline. In 2000, we ran a surplus of $236 billion, and the outlook was for continued surpluses for years to come. In fact, the Chairman of the Federal Reserve at the time, Alan Greenspan, was so optimistic about our fiscal condition that he thought we might quickly eliminate our debt altogether.

Unfortunately, once President Bush took office, our fiscal situation rapidly collapsed. In 2001, our debt was $5.8 trillion. Today, it's $9 trillion, an increase of more than $3 trillion. Compounding matters, all this new borrowing has come at the worst possible time, just as the baby boom generation is about to retire.

Not only has our debt exploded, but increasingly we are borrowing from foreigners. In fact, since President Bush took office, our debt to foreigners has more than doubled. Many of our creditors are in places like China and Japan. And as we borrow more and more from those abroad, we also become more dependent on them. It is a trend that cannot and must not be allowed to continue.

It's no mystery why debt has exploded. President Bush abandoned the pay-as-you-go rules that proved so effective in promoting fiscal discipline. He increased spending by 50 percent. And he approved massive tax breaks, disproportionately for multimillionaires and special interests.

Much of the spending has been for our disastrous occupation of Iraq. The war has already cost the lives of almost 4,000 Americans. But while our brave men and women in uniform bear, by far, the greatest burden, all American taxpayers are paying a price. We have already spent roughly half a trillion dollars on President Bush's failed policy. Now the President is asking for nearly $200 billion more.

How does the President propose to pay for all this new spending in Iraq? He doesn't. He just wants to keep putting it on the national credit card.

The same is true of the President's massive tax breaks for multimillionaires. Next year, President Bush wants to spend nearly $50 billion just to hand out tax breaks for those fortunate enough to earn more than $1 million a year. These lucky few will get a windfall worth an average of $130,000 each. Most hard-working, middle-class families would be grateful for a fraction of that.

And how will we finance all these lavish tax breaks for multimillionaires? Again, by putting them on the national credit card. In other words, our children will pay.

If only the President were as willing to provide kids with health care as he is willing to load them with debt.

As you know, the administration claims to have seen the light on fiscal responsibility, and has cited the need for discipline to justify their opposition to the children's health bill. But how much would the legislation add to the debt? $200 billion? $20 billion? No. The answer is: zero. Nothing. It is fully paid for.

In other words, the President is willing to borrow half a trillion dollars and more for Iraq. But he is opposing a children's health bill that won't add anything to the debt.

To put it mildly, those priorities are wrong. The American people know it. And most of my colleagues do, as well.

Clearly, we need to change course. And this debt limit bill is just another reminder of that.

Fortunately, the new Congress already has made real progress in the effort to provide a new direction. Earlier this year, we passed a budget resolution that balanced the budget without raising a penny of taxes. The budget put the middle class first and focused on America's needs here at home. All in a responsible way, while reestablishing strong pay-as-you-go rules to enforce fiscal discipline.

Our new budget was an important first step. But we have a long way to go to change fiscal policy to where it needs to be. Ultimately, it is going to take bipartisan effort, and I look forward to working with colleagues on both sides of the aisle to make it happen. Meanwhile, while it is not a pleasant task, we have no choice but to pay our bills.

Mrs. FEINSTEIN. Mr. President, I rise today to express my disappointment for having to vote yet again to increase the national debt limit. The Senate has been forced to take this vote on five occasions under this administration. In the intervening 6 years, the national debt has exploded by almost $3.4 trillion, or 61 percent.

The national debt now stands at $9 trillion.

To put this in terms that most of us can understand, this amounts to roughly $30,000 owed by every American.

Unfortunately, the debt forecast shows no signs of improving.

Over the next 5 years, the debt is projected to reach $11.3 trillion. By 2017, the Congressional Budget Office projects this figure will hover around $13 trillion. In this year alone, our national debt is slated to increase by almost $600 billion.

Maintaining this debt is not free. The interest charged on the amount we have borrowed grows each and every day. And, the more we borrow, the more we pay in interest.

Over the next 10 years, the interest payments on the national debt are projected to total $2.8 trillion. This year, interest payments on the debt will reach $235 billion.

This means less money for the programs that matter most for working Americans.

Congressional Democrats have demonstrated a commitment to fiscal responsibility by passing pay-as-you-go budget rules that require Congress to offset new spending.

This Congress has worked to find ways to pay for major priorities—such as the extension of the Children's Health Insurance Program, which I hope will pass today in the Senate with a bipartisan, veto-proof majority.

The fact that the Senate must vote, yet again, to increase the national borrowing limit begs the question: Why are we here?

Misguided tax policies are one of the reasons we are considering this measure today.

The President has presided over the greatest fiscal reversal in our Nation's history. He inherited a budget surplus of $236 billion from President Clinton, the largest surplus in American history.

He took that surplus and sunk it into expensive tax cuts at a cost of more than $1.3 trillion to date and $3 trillion over the next decade.

But what I find most frustrating, is that these tax cuts have come in the midst of significant military campaigns in Iraq and Afghanistan.

Never in the history of this Nation have we enacted significant tax cuts during a time of war.

We have dipped into the pockets of our children and grandchildren and "charged" the costs of these wars to a National credit card.

When you combine the cost of the debt-financed tax cuts with spending for the military operations in Afghanistan, Iraq, and the global war on terror—currently approaching $610 billion—the inevitable result is that our Federal budget is squeezed, while our crushing debt continues to grow.

The reality is, even under a best-case scenario, we are years and hundreds of billions of dollars away from a full redeployment of American troops from Iraq.

The President will soon request another $190 billion in supplemental funding for operations in Iraq and Afghanistan. And it is no longer unrealistic to suggest that operations there might cost upwards of $1 trillion before all is said and done.

Year after year, supplemental after supplemental, we continue borrowing to pay for these wars.

In real terms, the cost is over $350 million per day. Almost $15 million per hour; $250,000 per minute; or $4,000 every second.

We must recognize the mistakes of the past few years and understand that you cannot have your cake and eat it too.

As we approach a $10 trillion debt limit, it is essential to look forward for solutions. Where do we go from here?

We start with responsible spending. While I support targeted tax cuts to help working families, it is time to allow the tax cuts for the wealthiest Americans to expire.

It would be unfair and irresponsible to not do so.

We need solutions to shore up our strained entitlement programs, such as Social Security and Medicare, as the retirement of baby boomers looms.

We need to adequately fund children's health and education programs and invest in the future of our young people.

We need to focus on foreign diplomacy to repair our reputation as a global leader.

We need to invest in homeland security and other domestic programs that will keep America safe and increase productivity.

Most importantly, we need to start planning for the future today.

Every day that we wait, hundreds of millions of dollars are spent, the debt increases, vital programs are under funded, and the cycle continues. We must do better.

I understand the political realities of this vote.

However, it is important to recognize the consequences of this measure failing. Not increasing the debt limit could result in the government defaulting on its obligations, exacerbating already shaky credit markets across the globe.

So while I urge my colleagues to join me in supporting the measure to once again raise the debt limit, it is also my hope that my colleagues will join me in seeking real and permanent solutions to our Nation's fiscal problems.

Tax cuts, "staying the course," and not addressing the future of our most critical entitlement programs are sometimes politically appealing policies, but they are also not responsible.

Responsible policies come from making the difficult choices that put America's future first.

This Congress must exhibit leadership in breaking with the traditions of the last few years to put our Nation's fiscal house in order.

Mr. FEINGOLD. Mr. President, today we are again forced to consider legislation to raise the Nation's debt limit. It is obvious to anyone that we are here because of the grossly reckless fiscal policies that have been advanced by the administration and Congress for nearly 6 years.

Over those 6 years we have seen a dramatic deterioration in the Government's ability to perform one of its most fundamental jobs—balancing the Nation's fiscal books. In January of 2001, the Congressional Budget Office projected that in the 10 years thereafter, the Government would run a unified budget surplus of more than $5 trillion. Nearly 6 years later, we are staring at almost a mirror image of that 10-year, $5 trillion surplus, except that instead of healthy surpluses, under any reasonable set of assumptions, we are now facing immense deficits and mounting debt.

We absolutely cannot afford to continue to run up these massive deficits. Doing so causes the Government to use the surpluses of the Social Security trust fund for other Government purposes rather than to pay down the debt and help our Nation prepare for the coming retirement of the baby boom generation. Every dollar we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes or fewer Government benefits.

But inside this dark cloud of dismal fiscal news there is a silver lining; namely, the restoration of the so-called "pay-as-you-go" budget rule, known as pay-go, as part of the budget resolution we adopted this year. That rule was central to the ability of the Congress to balance the Federal budget in the 1990s, and the return of that commonsense discipline gives us a better chance to clean up the fiscal disaster the current administration created. Unlike the last time Congress had to raise the debt limit for this administration, we now have pay-go back in place.

In some ways, today's vote to raise the debt limit ratifies the actions taken by the administration and Congress to stick future generations with an immense credit card bill. Had we not restored the pay-go rule recently, I may well have decided not to support this measure.

Fortunately, pay-go has been reinstated, and we will be better able to return to the path of fiscal responsibility we abandoned a few years ago. And because of that, I will support this measure, made necessary by the profligate policies of President Bush, and egregiously aided and abetted by the last three Congresses.

Mr. BAUCUS. Mr. President, all time for debate on the debt limit has been utilized. In the interest of giving Senators some notice to get here in time for a vote, I alert all Senators that we will probably begin the vote first on the children's health insurance bill and, following that, the debt limit. That will begin sometime between 7:20 and 7:25. So within about 5 minutes we will begin voting on the children's health insurance plan.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1585

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of H.J. Res. 52, the Senate resume consideration of H.R. 1585 and resume amendment No. 2999; that the amendment be modified with the changes at the desk, that there be 2 minutes of debate divided in the usual form; that upon the use of the time, the amendment be agreed to and the motion to reconsider be laid upon the table; that the Senate then resume Coburn amendment No. 2196, and there be 10 minutes of debate prior to a vote in relation to the amendment; that no amendment be in order to the amendments in this agreement; that the time be equally divided and controlled between Senators Levin and Coburn or their designee; and upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment; that immediately after disposition of the Coburn amendment, the Senate proceed to Menendez amendment No. 2972, and that after the amendment is reported by number, there be 6 minutes of debate equally divided and controlled between Senators LEVIN and MENENDEZ, or their designees; that upon the use or yielding back of time, without further action, the Senate proceed to vote with respect to the amendment; that upon disposition of the amendment, that the managers' package which has been cleared by the managers, be considered and agreed to; that the Senate proceed to vote on the motion to invoke cloture on amendment No. 2011, the substitute amendment; that Members have until 8:15 p.m. tonight to file any germane second-degree amendments; that if cloture is invoked on the substitute, then all time postcloture be considered expired at 5:30 p.m. this coming Monday, October 1; that upon adoption of the substitute, the bill be read a third time, and without further action, the Senate proceed to vote on passage of the bill; that the cloture motion on the bill be withdrawn; that upon passage, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, and I will not be objecting, I just wanted to ask the majority leader if I am correct in that if this is entered into, there will be no votes tomorrow, and the next vote will be late Monday afternoon?

Mr. REID. Yes. The first vote will be Monday at approximately 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution is set aside.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—Continued

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to concur in the House amendments to the Senate amendments to H.R. 976, the Children's Health Insurance Act of 2007.

The motion to concur with the amendments is withdrawn.

The question is on agreeing to the motion to concur.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—67

Akaka
Alexander
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—29

Allard
Barrasso
Bennett
Bunning
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Gregg
Hagel
Inhofe
Isakson
Kyl
Lott
Martinez
McConnell
Sessions
Shelby
Thune
Vitter
Voinovich

NOT VOTING—4

Biden
Brownback
McCain
Obama

The motion was agreed to.

Mr. GRASSLEY. Mr. President, I am pleased that this bill has passed with such a substantial vote.

This bill now goes to the President. I hope the President will be persuaded by the strong bipartisan support this bill has and will sign the bill.

As it customary, I want to thank the staff who have worked so hard to produce this bill.

From the House: Bridgett Taylor, Amy Hall and Andy Schneider.

From Senator BAUCUS's staff: Russ Sullivan, Bill Dauster, Michelle Easton, and Alice Weiss, and avid Schwartz.

I would like to thank my staff: Kolan Davis, Mark Prater, Mark Hayes, Becky Shipp, Rodney Whitlock, Steve Robinson, Shaun Freiman, and Sean McGuire.

Thanks as well to Senator HATCH's staff, Pattie DeLoatche, and thanks to Senator ROCKEFELLER's staff: Jocelyn Moore and Ellen Doneski.

Finally, I want to extend deep appreciation to the congressional support agencies on which Members and our staff rely.

From the Office of Legislative Counsel, thanks to Ed Grossman, Jessica Shapiro, and Ruth Ernst.

From the Congressional Research Service, thanks to Richard Rimkunas, Chris Peterson, Elicia Herz, April Grady, and Evelyne Baumrucker.

From the Congressional Budget Office, thanks to Director Peter Orszag, Tom Bradley, Eric Rollins, and Jeanne De Sa.

Again, I strongly urge my colleagues to vote in favor of this bill.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

The PRESIDING OFFICER. Under the previous order, the joint resolution having been read the third time, the question is on passage of H.J. Res. 43, increasing the statutory limit on the public debt.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—53

Akaka
Barrasso
Baucus
Bennett
Bond
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Domenici
Dorgan
Durbin

Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Hatch
Inouye
Johnson
Kennedy
Kyl
Landrieu
Levin
Lieberman
Lott
Lugar
Martinez
McConnell
Murkowski
Murray
Nelson (FL)
Reid
Roberts
Rockefeller
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Vitter
Warner
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Bayh
Bingaman
Boxer
Brown
Bunning
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Ensign
Graham
Harkin
Hutchison
Inhofe
Isakson
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Lincoln
McCaskill
Menendez
Mikulski
Nelson (NE)
Pryor
Reed
Salazar
Sanders
Sessions
Smith
Tester
Thune
Voinovich
Webb

NOT VOTING—5

Biden
Brownback
Clinton
McCain
Obama

The joint resolution (H.J. Res. 43) was passed.

The PRESIDING OFFICER. The motion to reconsider is laid on the table.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 52, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes.

The Senate proceeded to consider the joint resolution.

EXTENDING THE MEDICARE SECTION 508 PROGRAM

Mr. SPECTER. Mr. President, Senator CASEY and I, along with our colleagues, Senators STABENOW, CONRAD, LAUTENBERG, SCHUMER and DORGAN, filed an amendment to H.J. RES. 52, the appropriations continuing resolution for fiscal year 2008, to extend the Medicare section 508 program for 2 years. For a considerable period of time, there have been a number of hospitals in Pennsylvania and across the country that have been suffering from low Medicare wage index reimbursement, which has caused them great disadvantage in comparison to surrounding areas. Hospitals in these counties are surrounded by MSAs—metropolitan statistical areas—with higher Medicare reimbursements, and as a result, a flight of critical medical personnel occurs as hospitals are not able to provide employees with competitive wages.

During the consideration of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, I met with Finance Committee chairman CHARLES GRASSLEY and ranking member MAX BAUCUS about the bill provisions, including the need for a solution to the Medicare area wage index reclassification problem in Pennsylvania. Section 508 was included in the bill, which provided $300 million per year for 3 years to increase funding for hospitals nationally to be reclassified to locations with higher Medicare reimbursement rates. As part of the Tax Relief and Health Care Act, which was signed into law on December 20, 2006, a 6-month extension of the section 508 Medicare wage index program until September 30, 2007, was included.

Mr. CASEY. I thank my colleague, Senator SPECTER, for his important work over the years on this issue, and I greatly appreciate our collaboration since I have taken office to find both an immediate and a long-term solution to the wage index problem. This issue is critical to ensuring that health care is available to Pennsylvanians and all Americans in areas that are being underfunded by the Medicare wage index reimbursement system. Further complicating this issue are the exceptions to the Medicare wage index regulations. Since 1987, exceptions have been created to the wage index program for rural facilities, new facilities and others. In fact, in 1999, Congress passed legislative reclassifications for specific hospitals to allow selected facilities to move to a new MSA and receive greater Medicare reimbursement. While these reclassifications have improved funding for those hospitals, hospitals that did not receive improved funding are being further disadvantaged.

Mr. CONRAD. I, too, want to lend my support for a 2-year extension of the Medicare section 508 hospital program. As the chairman and ranking member well know, I worked within the Finance Committee during the Medicare Modernization Act to create this vital program. For too long, Medicare has shortchanged Rural States, like North Dakota, in the wage index formula by not accurately reflecting real wages. Furthermore, the reclassification system has been biased towards urban areas and has failed to take into account the rural health care system experience where service areas overlap and facilities routinely compete across several hundreds of miles for professional staff. The section 508 program has helped to somewhat level the playing field for these hospitals—allowing them to improve their wages and make other significant investments—but its continuation is critical to ensuring the financial viability of many hospitals in North Dakota. The Congress must pass Medicare legislation this fall that includes a 2-year extension of the section 508 program.

Mr. BAUCUS. I appreciate the leadership my colleagues have shown on this important issue. Extending the section 508 program is a priority of the Finance Committee. Unfortunately, an agreement could not be reached to include this provision in this bill.

Mr. GRASSLEY. I thank my colleagues for introducing this amendment. This program provides vital funding for many hospitals including those in Iowa, and I was very disappointed that the House blocked our attempt to extend this program. It is unfortunate. Extending this program, however, does not address fundamental problems related to the wage index system. As mandated under the Tax Relief and Health Care Act of 2006, the Medicare Payment Advisory Commission, MedPAC, released their report examining an alternative Medicare wage index methodology. The legislation also requires the Secretary of Health and Human Services to propose revisions to the wage index in the fiscal year 2009 Medicare hospital inpatient prospective payment system proposed rule. I look forward to considering this proposal as we continue our work to make Medicare hospital payments more equitable.

Ms. STABENOW. I also wish to thank Senators SPECTER and CASEY for raising this issue. We have worked together to ensure the continuation of 508 while we work to ensure that Medicare reimbursement more adequately reflects our hospitals' true costs. Section 508 funding has provided crucial assistance to a number of hospitals in my State, although I note that there are still inequities in the reimbursement system that must be corrected.

Mr. SCHUMER. Mr. President, I am, like my colleagues, strongly in favor of extending the section 508 program. This is a critical program for some New York hospitals, and I appreciate the chairman's commitment to include the extension in future Medicare legislation.

Mr. LAUTENBERG. I would also like to thank the chairman and ranking member for their leadership on this issue and Senators SPECTER and CASEY for their continued support. Without an extension of the section 508 program, hospitals in New Jersey stand to lose over $22 million. These hospitals cannot afford to sustain this loss and still provide the care needed to New Jersey residents. I look forward to working with my Senate colleagues to provide an extension of this important program.

Mr. DORGAN. I thank Senators SPECTER and CASEY for raising this issue. Extending the section 508 program is critical for many North Dakota hospitals and is an important step to address the long-standing inequities in Medicare payment between urban and rural providers. I appreciate the commitment of the chairman and ranking member of the Finance Committee and look forward to working with them to see that this extension is enacted.

Mr. CASEY. I thank the chairman and ranking member of the Finance

Committee for their support on this issue. The House of Representatives has already moved forward to pass legislation that would extend this program. This program is scheduled to expire on September 30, 2007, and action to extend the program for 2 years must be taken. Mr. Chairman, I appreciate our conversations about this issue in which you expressed your commitment to working to pass an extension to the section 508 Medicare wage index program this fall that will also make hospitals whole to the date of expiration.

Mr. SPECTER. I understand that the Senate is likely to take up legislation which will include a number of Medicare provisions during this session of Congress. I would appreciate the assurance of the chairman and ranking member of the Finance Committee that any Medicare related legislation that is considered by the Senate this session include a 2-year extension of the section 508 program that is retroactive to October 1, 2007.

Mr. BAUCUS. I assure my colleagues that I am committed to working to address concerns about this issue as part of any Medicare related legislation that may come before the Senate.

Mr. GRASSLEY. I look forward to working with Chairman BAUCUS and other Finance Committee members to address this issue.

Mr. SPECTER. I thank my colleagues and look forward to working with them on this issue.

Mr. CASEY. I thank my colleagues as well and look forward to resolving this issue.

EAS

Mr. CARDIN. Mr. President, with regard to the fiscal year 2008 continuing resolution that the Senate is taking up today, I would like to pose a question to the Senators from West Virginia and Washington. It is my understanding that the Commerce Committee has drafted a bill to reauthorize the Federal Aviation Administration, FAA, and that bill, S. 1300, should reach the Senate floor this session. That bill includes language with regard to Essential Air Service, EAS, to extend the state-determined mileage waiver. I thank the Committee for its work on that provision as it affects an airport in my State, as well as airports in South Dakota and Pennsylvania. In the interim, I would like to clarify that it is the intention of the Appropriations and Commerce Committees that EAS support continue for the airports in Hagerstown, MD; Brookings, SD; and Lancaster, PA along with the other airports nationwide that will continue to receive EAS funding through the Continuing Resolution today. I would direct this question to the chairman of the Commerce Subcommittee on Aviation Operations, Safety & Security if it his intent to continue EAS support for airports in Hagerstown, MD; Brookings, SD; and Lancaster, PA?

Mr. ROCKEFELLER. Yes. We do hope to pass the full FAA authorization this session, and it contains the EAS mileage waiver. In the interim, it is the intent of the Committee that EAS funding should continue to these airports.

Mr. CARDIN. I would further like to get the views of the chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies on this matter.

Mrs. MURRAY. This continuing resolution provides funding for the Essential Air Service program at the current rate with the expectation that the program shall continue to function as it is functioning now. We expect the Department of Transportation to avoid any major policy decisions that can impact this program during the period of the continuing resolution—especially given the fact that there is already legislation reported out of committee and awaiting Senate action that addresses the continuation of air service to these communities.

Ms. MIKULSKI. I commend my colleague from Maryland for addressing this issue. I am a member of the Appropriations Committee and I, too, understand that the Committee intends to continue EAS funding under the continuing resolution to airports in Maryland, South Dakota, and Pennsylvania that currently receive it.

Mr. SPECTER. This issue also affects an airport in my home State, in Lancaster, PA. Based on the provisions in the full FAA authorization, I agree that it is the intent of the committee that EAS funding should be extended to the airports currently affected by the EAS state-determination mileage waiver.

Mr. JOHNSON. An airport in Bookings, SD, is also affected by the state-determination mileage waiver. So I am pleased to hear from all of my fellow appropriators that EAS funding should continue uninterrupted to the affected airports.

Mr. CARDIN. I thank all of my colleagues—both those responsible for the FAA reauthorization and those responsible for appropriating the funding for EAS—for making it clear that they expect the airports in Hagerstown, Lancaster, and Bookings to receive EAS funding under the continuing resolution.

Mr. FEINGOLD. Mr. President, I am disappointed that we are about to begin the 2008 fiscal year without having enacted any of the appropriations bills for that year. I am even more disappointed that we are about to vote on a continuing resolution that provides tens of billions of dollars to continue the misguided war in Iraq but does not include any language to bring that war to a close. We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be giving the President a blank check to continue a war that is hurting our national security. For that reason, I will be voting against this resolution.

Mr. COCHRAN. Mr. President, I would like to take a moment to speak about the continuing resolution on which the Senate will soon vote. The resolution itself is a reasonable product that is largely the result of bicameral, bipartisan discussions. The resolution will allow the day-to-day functions of our Government to continue and will provide at least some of the additional funding that is necessary for our troops in Iraq and Afghanistan to execute the mission with which they have been tasked. It is also worth noting that the resolution does not attempt to use its inherent leverage to force any significant or controversial policy changes. I urge my colleagues to support passage of the resolution.

But as we come to the end of the fiscal year, I must express my deep concern about the lack of progress toward enacting the appropriations bills. This lack of progress is not the fault of the Appropriations Committee. Under Chairman BYRD's leadership, the committee reported all twelve bills in ample time to be considered by the full Senate over the course of the summer. But for whatever reason, to date the Senate has passed only four of the twelve regular appropriations bills, and prospects for consideration of the remaining bills appear uncertain at best.

Last year, under Republican leadership, the Senate failed to send all but two of the appropriations bills to the President. We were roundly criticized for this, and rightly so. As a result we left Federal agencies to limp along on a continuing resolution for 5 months, and were then presented with a full-year, formula-driven joint funding resolution to which no Senator had an opportunity to offer amendments. That is a process that I hope will not be repeated. No Senator should want that.

We simply need to buckle down and do our work. It is true that the President has said he will veto many of the appropriations bills based on his concerns about spending levels. It seems that there are people on both sides of the aisle and both ends of Pennsylvania Avenue who feel strongly about that question, and who are quite anxious to have that debate. But we can't have the debate if we don't call up the bills. The President can't veto what we haven't presented to him, and Congress can't vote to uphold or override a veto that never gets executed.

I understand that completing action on the remaining bills seems like a daunting task. But I know of no better way to complete such a task than to roll up our sleeves and get to work. I am pleased to hear the majority leader suggest that next week we will consider the Defense and the Commerce-

Justice-Science appropriations bills. This is good news. I urge my colleagues to offer their amendments promptly when these bills are called up and to recognize that the opportunity to offer amendments to the subsequent bills is dependent on completing action on the pending bills.

It is particularly critical that we complete action on the Defense appropriations bill and the supplemental appropriations necessary to support the men and women in our Armed Forces and our diplomatic corps. While I am encouraged that we may consider the regular Defense appropriations bill next week, I am seriously concerned about reports that Congress may not consider a supplemental appropriations bill for the global war on terror until next year. While the continuing resolution we will pass tonight contains some "bridge" funding to support the troops through November 16, is an inadequate amount for the longer term.

As directed by Congress, the President submitted an FY 2008 war supplemental request in February. We expect to receive an amendment to that request any day. The Appropriations Committee held a hearing on these requests on Wednesday, and should be prepared in short order to act on legislation to fund our troops in the field. Delaying consideration of such legislation until next year is simply unacceptable. We have spent the last 2 weeks, and much of this Congress, in earnest and often useful debate on Iraq war policy. Amendments have been offered and votes have been taken. Deeply felt disagreements remain.

But the fact is that we have tens of thousands of American men and women in Iraq and Afghanistan performing the mission that their Government has assigned to them. The new fiscal year is upon us, and it is time for us to get on with the business of providing our men and women in uniform the resources they need to perform that mission successfully. To try to change American policy in Iraq by slowly starving our troops of those resources is unfair, and it is dangerous to American interests.

I urge the Senate to both forge ahead to complete action on the regular appropriations bills and to act promptly to provide our troops with the supplemental funds that they need.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. SANDERS. Is there a sufficient second? There appears to be a sufficient second.

The question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is on passage of the joint resolution.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—94

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Feingold

NOT VOTING—5

Biden
Brownback
Clinton
McCain
Obama

The joint resolution (H.J. Res. 52) was passed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent to withdraw the order that relates to Senator MENENDEZ on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I also ask unanimous consent that the next votes be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * *

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 1585. Cloture having been invoked on amendment No. 3035, offered by the Senator from Massachusetts, Mr. KENNEDY, the pending motion to commit with instructions offered by the Senator from Nevada, Mr. REID, falls.

Amendment No. 3035, offered by the Senator from Massachusetts, Mr. KENNEDY, having been adopted, amendment No. 2064, offered by the Senator from South Carolina, Mr. GRAHAM, falls.

Mr. WARNER. Mr. President, may we have order?

AMENDMENT NO. 2999, AS FURTHER MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2999, as modified further. The 2 minutes of debate are evenly divided. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to briefly say how proud I am that this amendment has been worked out, and I express my appreciation, both to the senior Senator from Virginia for having helped us work this out and also to my colleague from Missouri who did such a great job on the floor yesterday, managing the bill. I yield the rest of our time to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, "We intend to see that no man or corporate group shall profit inordinately on the blood of the boys in the foxhole."

That is what Senator Harry Truman said as the Truman committee began its work. I think Harry Truman would be very proud of the Senate tonight. I, too, thank the senior Senator from Virginia for his willingness to sit down and work this out, along with Senator LEVIN for all of his support. I think this commission can do important work in a bipartisan way to fix some problems, to make sure we get contracting under control whenever our men and women are in danger.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I compliment my colleagues from Missouri and Virginia, Senators MCCASKILL and WEBB.

The amendment was carefully reviewed by myself and others on this side. We made several recommendations. Each of those recommendations were accepted. We indicate for the record that the amendment is accepted on this side. I ask that we have a voice vote.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The Amendment (No. 2999), as further modified, is as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Wartime Contracting" (in this subsection referred to as the "Commission").

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) VACANCY.—In the event of a vacancy in the Commission, the individual appointed to fill the membership shall be of the same political party as the individual vacating the membership.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force and violations of the laws of war or Federal law by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies, and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be three members of the Commission); and

(ii) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the committees of Congress of jurisdiction and appropriate investigative authorities.

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development, conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

Mr. LEVIN. Mr. President, let me add my commendation to Senators WEBB and MCCASKILL and the others who fought so hard for this amendment. The heart of this amendment has remained. There have been some changes in it. But the substance of this amendment, the crying need for a commission to look into the contract abuses and waste and fraud is very strong. This amendment is going to do some important work for the country and for the next time we are in a situation where we have such massive spending as we have in this war.

Mr. President, I ask unanimous consent—I have cleared this with my friend, Senator WARNER—that we vitiate the vote on the Menendez amendment—that has been done? Fine.

Mr. WARNER. Mr. President, I further ask unanimous consent that we may have printed in the RECORD at this point such other statements relative to the changes that we deem appropriate to support this amendment, including a document dated September 25, 2007, by the Deputy Secretary of Defense subject: "Management of DOD Contractors and Contract Personnel Accompanying U.S. Armed Forces in Contingency Operations Outside the United States."

This is a step by the Deputy Secretary to correct some of the problems that this commission will be addressing. It underlies the necessity for the commission that these two Senators and others have advocated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, September 25, 2007.

MANAGEMENT OF DOD CONTRACTORS AND CONTRACTOR PERSONNEL ACCOMPANYING U.S. ARMED FORCES IN CONTINGENCY OPERATIONS OUTSIDE THE UNITED STATES

Defense contractors fulfill a variety of important functions for the Department of Defense, both inside the United States and abroad. These functions encompass vital support to our military forces engaged in combat operations in Iraq and Afghanistan to include security for convoys, sites, personnel and the like.

While investigations are still ongoing and no findings of wrongdoing determined, recent events regarding non-DoD contractors performing security service in Iraq have identified a need to better ensure that relevant DoD policies and processes are being followed. This review is applicable for all policies and processes to manage DoD contractors accompanying U.S. armed forces in contingency operations outside the United States. DoDI 3020.41, "Contractor Personnel Authorized to Accompany the U.S. Armed Forces," is the comprehensive source of policy and procedures concerning DoD contractor personnel.

Geographic Combatant Commanders are responsible for establishing lines of command responsibility within their Area of Responsibility (AOR) for oversight and management of DoD contractors and for discipline of DoD contractor personnel when appropriate. Accordingly, addressees will ensure the consistency of their implementing guidance for policies outlined in DoDI 3020.41 and ensure contracts being executed within an AOR require DoD contractors to comply with the respective geographic Combatant Commander's guidance for the AOR including, for example, Rules on the Use of Force (RUF).

DoD contractor personnel (regardless of nationality) accompanying U.S. armed forces in contingency operations are currently subject to UCMJ jurisdiction. Commanders have UCMJ authority to disarm, apprehend, and detain DoD contractors suspected of having committed a felony offense in violation of the RUF, or outside the scope of their authorized mission, and to conduct the basic UCMJ pretrial process and trial procedures currently applicable to the courts-martial of military servicemembers. Commanders also have available to them contract and administrative remedies, and other remedies, including discipline and possible criminal prosecution.

Under the Military Extraterritorial Jurisdiction Act (MEJA), federal jurisdiction exists over felony offenses committed outside the U.S. by contractor personnel of any federal agency or provisional authority whose employment relates to supporting the DoD mission. Implementing guidance under this Act is included in DoDI 5525.11, "Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members," and military department regulations. This instruction requires DoD coordination with the Department of Justice for the return to the U.S. of contractor personnel subject to MEJA for prosecution.

Pursuant to these authorities, addressees as appropriate will:

1. Ensure that all required clauses are included in DoD contracts when contract performance requires contractors and contractor personnel to accompany U.S. forces in contingency operations.

2. Verify that all DoD contractors ensure that their personnel authorized to carry weapons as security personnel or for personal protection have been properly trained and licensed for the weapons they are authorized to carry and appropriately trained on the applicable RUF.

3. Provide appropriate discipline for unauthorized possession, carrying, or discharging weapons.

4. Ensure that instructions have been issued to their command and to their contractors to prevent contractor personnel who are suspected of having committed a felony act or of having committed an act in violation of the RUF from being allowed to leave the country until approved by the senior commander in the country or until an investigation is completed and a decision is rendered by the flag officer court martial convening authority. Officials of contracting firms who arrange for, facilitate, or allow such personnel to leave the country before being cleared will be subject to disciplinary action under either UCMJ or MEJA.

5. Review periodically the existing RUF and make any changes necessary to minimize the risk of innocent civilian casualties or unnecessary destruction of civilian property.

6. Require DoD contractors performing security services to provide to the Combatant Commander copies of their Standard Operating Procedures (SOPs) and guidance to their contractor personnel on escalation of the use of force, the use of deadly force, and on the rules for interaction with host country nationals who may be present and/or potentially involved in a situation perceived by contractor personnel as a potential threat to their mission or to themselves. Require that such SOPs and guidance be modified as necessary to be consistent with the RUF.

7. Review periodically the guidance and authorization for DoD contractor personnel to possess and carry weapons.

Over the past several months, the Department has been developing and staffing additional guidance regarding this UCMJ disciplinary authority over persons serving with or accompanying the armed forces during contingency operations. The UCMJ authority referenced in this memorandum remains in effect until modified by promulgation of such additional guidance.

Mr. WARNER. I think we are prepared to vote.

The PRESIDING OFFICER. Under the previous order, the amendment has been agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2196

The PRESIDING OFFICER. The next question is on amendment No. 2196, offered by Senator COBURN. Ten minutes will be evenly divided.

Mr. COBURN. Mr. President, this is a very simple amendment. We voted to increase the debt limit. We have a project that the Department of Justice, the DEA, and all the other drug enforcement agencies say is ineffective.

I am going to give you some quotes from the people who worked there and what they had said. Former official of the Drug Czar's office put it bluntly: "We see nothing from this."

The former, most recently resigned, Director: "I recognize that many of the reports were god-awful, poorly written, poorly researched, and in many cases just plain wrong."

Jim Milford, former NDIC Deputy, admitted: "I have never come to terms with the justification for the NDIC, and the bottom line is we actually have to search for a mission."

These are good people who work there. It is not about them. It is about whether we are going to be prudent with the money we spend. They have one program that is effective. It is called DOCX. The problem with it being where it is, is it cannot be applied there, it has to be applied at other drug intelligence centers and the other DEA centers throughout the country.

The administration, the Department of Justice, the DEA and all the other drug centers, especially the one in El Paso, is where this information ought to be processed.

We have spent half a billion dollars and gotten very little return. It is a recommendation that we have a chance to do something. We have a chance to eliminate a program that is not effective by any metric that the Government has applied or the former Directors have applied or the Deputy Directors have applied who have worked there, saying it is not effective.

My hope is this body will approve this amendment and start us down the road of eliminating programs that are ineffective.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield half the time in opposition to the Coburn amendment to the two Senators from Pennsylvania, half to Senator SPECTER and half to Senator CASEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, will you advise me when the 2½ minutes have expired?

The PRESIDING OFFICER. Yes.

Mr. SPECTER. Mr. President, contrary to the arguments of the Senator from Oklahoma, the National Drug Intelligence Center has been functioning since 1993 and has never been challenged on this floor in any respect. It has not been challenged until today because it has performed so well.

Yesterday I had printed in the RECORD the extensive compliments which have been paid by the FBI in an expansive letter on November 21, 2001, by DEA, the Drug Enforcement Agency; on June 21, 2006, by FBI field offices around the country, including Tampa, Detroit, and Charlotte, by U.S. attorneys around the country. It has performed with very strategic results. It is important to decentralize operations such as the National Drug Intelligence Center. Everything does not have to be in Washington. It costs about a third to do it in Johnstown as it would in Washington.

When the Senator from Oklahoma says it ought to be in El Paso because all the drugs come from El Paso, that is simply not true. Drugs come into this country from Miami, from New York, from Detroit, from California. They come from everywhere.

It has been in existence for 14 years and is functioning successfully. It is not a minor matter that it has 340 jobs. Johnstown has become accustomed to having this. Johnstown, as is well known historically, has had its tough time with two major floods. It doesn't deserve another flood by having this body saying the office ought to be removed at this time.

I yield to my distinguished colleague from Scranton, PA.

Mr. CASEY. I wish to reiterate much of what Senator SPECTER already said. This center is providing important law enforcement services right now, helping out on international drug trafficking, which helps out in the fight against terrorism.

If we came to this floor every week and talked about what some Government agency said about a particular facility such as this, we would be having these votes all the time. I was the auditor of Pennsylvania. I know a lot about waste, fraud, and abuse. I know how to find it and root it out. But I also know you cannot take one Government agency's word for it. This center is providing an important service right now, in crime fighting, in keeping local law enforcement working with the Federal Government.

It is an important facility in the State of Pennsylvania. There are people there who are working hard in Johnstown, PA. This is a diversion from some other things we have been doing.

This is very important that we support this kind of facility. All the answers do not reside in Washington, DC. There are some people out there who know how to fight crime, some people out there who know how to root out and crack down on drug trafficking.

This center plays that role. I urge my colleagues to vote against this amendment.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 3 minutes 11 seconds.

Mr. COBURN. What you did not hear is what is the mission of the NDIC. It has no mission. That is the problem. The agency running this center says it should be closed—for very good reasons. It does not have an international mandate. They have had people fired because they are doing things that are outside of what restricted mission they have.

The one program that works is DOSX, and those people who are functioning with DOSX have to go to wherever the information is, which they are extracting in the investigation. None of that is done in Johnstown. So if they travel, it doesn't matter where they start.

The point is, the people who work there, who have run it, the people who are managing it, and the rest of the Drug Enforcement Agency and the rest of our drug intelligence says it has no mission. It has accomplished very little. I rest my case and would appreciate a vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware Mr. (BIDEN) the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 69, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—26

Alexander
Allard
Barrasso
Bunning
Burr
Carper
Coburn
Cornyn
DeMint
Dole
Ensign
Enzi
Feingold
Graham
Grassley
Inhofe
Kyl
Lott
Lugar
Martinez
McConnell
Rockefeller
Sessions
Sununu
Thune
Vitter

NAYS—69

Akaka
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feinstein
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Biden
Brownback
Clinton
McCain
Obama

The amendment (No. 2196) was rejected.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NOS. 2902, 3000, 3041, 3073, 2127, AS MODIFIED; 3088, 2983, 3076, 2991, 2989, 3081, 3078, 3104, 2133, 3077, 2265, AS MODIFIED; 3087, 2954, 2049, 2101, 2261, 2074, 2000, 2161, 2925, 2912, 2066, 2984, AS MODIFIED; 3075, AS MODIFIED; 3089, AS MODIFIED; 3090, 2993, AS MODIFIED; 2872, AS MODIFIED; 2214, AS MODIFIED; 2942, AS MODIFIED, TO AMENDMENT NO. 2011

Mr. LEVIN. Mr. President, I call up the managers' package at the desk. This package has been agreed to in our unanimous consent agreement. This is the package that is referred to in that unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2902

(Purpose: To provide for an enhancement of the utility of the Certificate of Release or Discharge from Active Duty of members of the Armed Forces)

At the end of subtitle H of title V, add the following:

SEC. 594. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, modify the Certificate of Release or Discharge from Active Duty (Department of Defense from DD214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to elect the forwarding of the Certificate to the following:

(1) The Central Office of the Department of Veterans Affairs in Washington, District of Columbia.

(2) The appropriate office of the United States Department of Veterans in the State in which the member will first reside after such discharge or release.

AMENDMENT NO. 3000

(Purpose: To provide for the relocation of the Joint Spectrum Center in Annapolis, Maryland, to Fort Meade, Maryland, and the termination of the existing lease for the Center)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. AUTHORITY TO RELOCATE THE JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) AUTHORITY TO CARRY OUT RELOCATION AGREEMENT.—If deemed to be in the best interest of national security and to the physical protection of personnel and missions of the Department of Defense, the Secretary of Defense may carry out an agreement to relocate the Joint Spectrum Center, a geographically separated unit of the Defense Information Systems Agency, from Annapolis, Maryland to Fort Meade, Maryland or another military installation, subject to an agreement between the lease holder and the Department of Defense for equitable and appropriate terms to facilitate the relocation.

(b) AUTHORIZATION.—Any facility, road or infrastructure constructed or altered on a military installation as a result of the agreement must be authorized in accordance with section 2802 of title 10, United States Code.

(c) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall be terminated, as contemplated under Condition 29.B of the lease.

AMENDMENT NO. 3041

(Purpose: To protect small high-tech firms)

At the end of title X, add the following:

SEC. 1070. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "2008" and inserting "2010".

AMENDMENT NO. 3073

(Purpose: To provide for transparency and accountability in military and security contracting)

At the end of subtitle E of title VIII, add the following:

SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively, and a brief description of the functions performed by these persons.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) A method for tracking the number of persons who have been killed or wounded in performing work under such contracts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence should make their best efforts to compile the most accurate accounting of the number of civilian contractors killed or wounded in Iraq and Afghanistan since October 1, 2001.

(c) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions; or

(2) place contractors in supervisory roles over United States Government personnel.

AMENDMENT NO. 2127, AS MODIFIED

On page 236, line 8, strike "and accounting for" and insert "accounting for, and keeping appropriate records of".

On page 236, between lines 14 and 15, insert the following:

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations;

On page 236, line 15, strike "(C)" and insert "(D)".

On page 236, beginning on line 15, strike "for the reporting of all incidents in which

—” and insert “under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—”.

On page 236, line 19, strike “or”.

On page 236, strike line 22 and insert the following:

ations are filled or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 236, line 23, strike “(D)” and insert “(E)”.

On page 236, line 23, strike “investigating—” and insert “the independent review and, where appropriate, investigation of—”.

On page 236, line 25, strike “(C)” and insert “(D)”.

On page 237, line 4, strike “(E)” and insert “(F)”.

On page 237, line 8, strike “(F)” and insert “(G)”.

On page 237, strike line 15 and insert the following:

(ii) predeployment training requirements for personnel performing private security functions in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals and military; and

On page 237, line 16, strike “(ii)” and insert “(iii)”.

On page 237, line 16, strike “rules of engagement” and insert “rules on the use of force”.

On page 237, line 18, strike “and” at the end.

On page 237, line 19, strike “(G)” and insert “(H)”.

On page 237, line 21, strike the period at the end and insert the following: “; and

(I) a process by which the Department of Defense shall implement the training requirements referred to in subparagraph (G)(ii).

(3) AVAILABILITY OF ORDERS, DIRECTIVES, AND INSTRUCTIONS.—The regulations prescribed under subsection (a) shall include mechanisms to ensure the provision and availability of the orders, directives, and instructions referred to in paragraph (2)(G)(i) to contractors and subcontractors referred to in that paragraph, including through the maintenance of a single location (including an Internet website) at or through which such contractors and subcontractors may access such orders, directives, and instructions.

On page 238, beginning on line 15, strike “and accounting for” and insert “accounting for, and keeping appropriate records of”.

On page 238, strike line 23 and insert the following:

ations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

On page 238, line 24, strike “(iii)” and insert “(iv)”.

On page 239, line 4, strike “or”.

On page 239, strike line 7 and insert the following:

bat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 239, line 10, strike “comply with—” and insert “are briefed on and understand their obligation to comply with—”.

On page 240, line 3, strike “rules of engagement” and insert “rules on the use of force”.

AMENDMENT NO. 3088

(Purpose: To require a report on medical physical examinations of members of the Armed Forces before their deployment)

At the end of title VII, add the following:

SEC. 703. REPORT ON MEDICAL PHYSICAL EXAMINATIONS OF MEMBERS OF THE ARMED FORCES BEFORE THEIR DEPLOYMENT.

Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The results of a study of the frequency of medical physical examinations conducted by each component of the Armed Forces (including both the regular components and the reserve components of the Armed Forces) for members of the Armed Forces within such component before their deployment.

(2) A comparison of the policies of the military departments concerning medical physical examinations of members of the Armed Forces before their deployment, including an identification of instances in which a member (including a member of a reserve component) may be required to undergo multiple physical examinations, from the time of notification of an upcoming deployment through the period of preparation for deployment.

(3) A model of, and a business case analysis for, each of the following:

(A) A single predeployment physical examination for members of the Armed Forces before their deployment.

(B) A single system for tracking electronically the results of examinations under subparagraph (A) that can be shared among the military departments and thereby eliminate redundancy of medical physical examinations for members of the Armed Forces before their deployment.

AMENDMENT NO. 2983

(Purpose: To modify authorities relating to the Office of the Special Inspector General for Iraq Reconstruction)

At the end of subtitle C of title XV, add the following:

SEC. 1535. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) TERMINATION DATE.—Subsection (o)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended to read as follows:

“(1) The Office of the Inspector General shall terminate 90 days after the balance of funds appropriated or otherwise made available for the reconstruction of Iraq is less than $250,000,000.”.

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

“(p) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.”.

(c) HIRING AUTHORITY.—Subsection (h)(1) of such section is amended by inserting after “pay rates” the following: “, and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)”.

AMENDMENT NO. 3076

(Purpose: To require a report on family reunions between United States citizens and their relatives in North Korea)

At the end of subtitle C of title XII, add the following:

SEC. 1234. REPORT ON FAMILY REUNIONS BETWEEN UNITED STATES CITIZENS AND THEIR RELATIVES IN NORTH KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An estimate of the current number of United States citizens with relatives in North Korea, and an estimate of the current number of such United States citizens who are more than 70 years of age.

(2) An estimate of the number of United States citizens who have traveled to North Korea for family reunions.

(3) An estimate of the amounts of money and aid that went from the Korean-American community to North Korea in 2007.

(4) A summary of any allegations of fraud by third-party brokers in arranging family reunions between United States citizens and their relatives in North Korea.

(5) A description of the efforts, if any, of the President to facilitate reunions between the United States citizens and their relatives in North Korea, including the following:

(A) Negotiating with the Democratic People's Republic of Korea to permit family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and the Democratic People's Republic of Korea, to dedicate personnel and resources at the United States embassy in Pyongyang, Democratic People's Republic of Korea, to facilitate reunions between United States citizens and their relatives in North Korea.

(C) Informing Korean-American families of fraudulent practices by certain third-party brokers who arrange reunions between United States citizens and their relatives in North Korea, and seeking an end to such practices.

(D) Developing standards for safe and transparent family reunions overseas involving United States citizens and their relatives in North Korea.

(6) What additional efforts in the areas described in paragraph (5), if any, the President would consider desirable and feasible.

AMENDMENT NO. 2991

(Purpose: To require the Secretary of State and the Secretary of Defense to prepare reports assessing capabilities to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities)

At the end of title XII, add the following:

SEC. 1234. REPORTS ON PREVENTION OF MASS ATROCITIES.

(a) DEPARTMENT OF STATE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of State to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the role played by the United States in developing the "responsibility to protect" doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005, and an update on actions taken by the United States Mission to the United Nations to discuss, promote, and implement such doctrine.

(C) An assessment of the potential capability of the Department of State and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the "responsibility to protect" doctrine.

(D) Recommendations as to the steps necessary to allow the Secretary of State to provide more effective training and guidance to an international intervention force.

(b) DEPARTMENT OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of Defense to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of Defense to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the "responsibility to protect" doctrine.

(C) Recommendations as to the steps necessary to allow the Secretary of Defense to provide more effective training and guidance to an international intervention force.

(D) A summary of any assessments or studies of the Department of Defense or other Federal departments or agencies relating to "Operation Artemis", the 2004 French military deployment and intervention in the eastern region of the Democratic Republic of Congo to protect civilians from local warring factions.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, "international intervention force" means a military force that—

(1) is authorized by the United Nations; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

AMENDMENT NO. 2989

(Purpose: To provide accurate monitoring and tracking of weapons provided to the Government of Iraq and other individuals and groups in Iraq)

At the end of title XV, add the following:

SEC. 1535. TRACKING AND MONITORING OF DEFENSE ARTICLES PROVIDED TO THE GOVERNMENT OF IRAQ AND OTHER INDIVIDUALS AND GROUPS IN IRAQ.

(a) EXPORT AND TRANSFER CONTROL POLICY.—The President, in coordination with the Secretary of State and the Secretary of Defense, shall implement a policy to control the export and transfer of defense articles into Iraq, including implementation of the registration and monitoring system under subsection (c).

(b) REQUIREMENT TO IMPLEMENT CONTROL SYSTEM.—Notwithstanding any other provision of law, no defense articles may be provided to the Government of Iraq or any other group, organization, citizen, or resident of Iraq until the Secretary of State certifies that a registration and monitoring system meeting the requirements set forth in subsection (c) has been established.

(c) REGISTRATION AND MONITORING SYSTEM.—The registration and monitoring system required under this section shall include—

(1) the registration of the serial numbers of all small arms provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq;

(2) a program of enhanced end-use monitoring of all lethal defense articles provided to such entities or individuals; and

(3) a detailed record of the origin, shipping, and distribution of all defense articles transferred under the Iraq Security Forces Fund or any other security assistance program to such entities or individuals in Iraq.

(d) REVIEW.—The President shall periodically review the items subject to the registration and monitoring requirements under subsection (c) to determine what items, if any, no longer warrant export controls under such subsection. The results of such reviews shall be reported to the Speaker of the House of Representatives and to the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate. The President may not exempt any item from such requirements until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations and the Committee on Armed Services of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1). Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.

(e) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term "defense article" has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403)(d)).

(2) SMALL ARMS.—The term "small arms" means—

(A) handguns;

(B) shoulder-fired weapons;

(C) light automatic weapons up to and including .50 caliber machine guns;

(D) recoilless rifles up to and including 106mm;

(E) mortars up to and including 81mm;

(F) rocket launchers, man-portable;

(G) grenade launchers, rifle and shoulder fired; and

(H) individually operated weapons which are portable or can be fired without special mounts or firing devices and which have potential use in civil disturbances and are vulnerable to theft.

(f) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act, unless the President certifies in writing to Congress that it is in the vital interest of the United States to delay the effective date of this section by an additional period of up to 90 days, including an explanation of such vital interest, in which case the section shall take effect on such later effective date.

AMENDMENT NO. 3081

(The Amendment is printed in today's RECORD under "Text of Amendments.)

AMENDMENT NO. 3078

(Purpose: Relating to administrative separations of members of the Armed Forces for personality disorder)

At the end of subtitle H of title V, add the following:

SEC. 594. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REVIEW OF SEPARATIONS OF CERTAIN MEMBERS.—Not later than 30 days after the date of the enactment of this Act, and continuing until the Secretary of Defense submits to Congress the report required by subsection (b), a covered member of the Armed Forces may not, except as provided in paragraph (2), be administratively separated from the Armed Forces on the basis of a personality disorder.

(2) CLINICAL REVIEW OF PROPOSED SEPARATIONS BASED ON PERSONALITY DISORDER.—

(A) IN GENERAL.—A covered member of the Armed Forces may be administratively separated from the Armed Forces on the basis of a personality disorder under this paragraph if a clinical review of the case is conducted by a senior officer in the office of the Surgeon General of the Armed Force concerned who is a credentialed mental health provider and who is fully qualified to review cases involving maladaptive behavior (personality disorder), diagnosis and treatment of post-traumatic stress disorder, or other mental health conditions.

(B) PURPOSES OF REVIEW.—The purposes of the review with respect to a member under subparagraph (A) are as follows:

(i) To determine whether the diagnosis of personality order in the member is correct and fully documented.

(ii) To determine whether evidence of other mental health conditions (including depression, post-traumatic stress disorder, substance abuse, or traumatic brain injury) resulting from service in a combat zone may exist in the member which indicate that the separation of the member from the Armed

Forces on the basis of a personality disorder is inappropriate pending diagnosis and treatment, and, if so, whether initiation of medical board procedures for the member is warranted.

(b) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality order forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Forces, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces prematurely or unjustly on the basis of a personality order.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not prematurely or unjustly processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(c) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report on the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not prematurely or unjustly separated from the Armed Forces on the basis of a personality disorder.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term "covered member of the Armed Forces"includes the following:

(1) Any member of a regular component of the Armed Forces of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

AMENDMENT NO. 3104

(Purpose: To express the sense of Congress on the Air Force strategy for the replacement of the aerial refueling tanker aircraft fleet)

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

(a) FINDINGS.—Congress makes the following findings:

(1) A properly executed comprehensive strategy to replace Air Force tankers will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(2) With an average age of 45 years, it is estimated that it will take over 30 years to replace the KC-135 aircraft fleet with the funding currently in place.

(3) In addition to the KC-X program of record, which supports the tanker replacement strategy, the Air Force should immediately pursue that part of the tanker replacement strategy that would support, augment, or enhance the Air Force air refueling mission, such as Fee-for-Service support or modifications and upgrades to maintain the viability of the KC-135 aircraft force structure as the Air Force recapitalizes the tanker fleet.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC–X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades of KC–135 aircraft and KC–10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

AMENDMENT NO. 2133

(Purpose: To modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index)

At the end of subtitle F of title VI, add the following:

SEC. 683. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

"(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

AMENDMENT NO. 3077

(Purpose: Relating to the Littoral Combat Ship program)

At the end of subtitle C of title I, add the following:

SEC. 132. LITTORAL COMBAT SHIP (LCS) PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The plan of the Chief of Naval Operations to recapitalize the United States Navy to at least 313 battle force ships is essential for meeting the long-term requirements of the National Military Strategy.

(2) Fiscal challenges to the plan to build a 313-ship fleet require that the Navy exercise discipline in determining warfighter requirements and responsibility in estimating, budgeting, and controlling costs.

(3) The 55-ship Littoral Combat Ship (LCS) program is central to the shipbuilding plan of the Navy. The inability of the Navy to control requirements and costs on the two lead ships of the Littoral Combat Ship program raises serious concerns regarding the capacity of the Navy to affordably build a 313-ship fleet.

(4) According to information provided to Congress by the Navy, the cost growth in the Littoral Combat Ship program was attributable to several factors, most notably that—

(A) the strategy adopted for the Littoral Combat Ship program, a so-called "concurrent design-build" strategy, was a high-risk strategy that did not account for that risk in the cost and schedule for the lead ships in the program;

(B) inadequate emphasis was placed on "bid realism" in the evaluation of contract proposals under the program;

(C) late incorporation of Naval Vessel Rules into the program caused significant design delays and cost growth;

(D) the Earned Value Management System of the contractor under the program did not adequately measure shipyard performance, and the Navy program organizations did not independently assess cost performance;

(E) the Littoral Combat Ship program organization was understaffed and lacking in the experience and qualifications required for a major defense acquisition program;

(F) the Littoral Combat Ship program organization was aware of the increasing costs of the Littoral Combat Ship program, but did not communicate those cost increases directly to the Assistant Secretary of the Navy in a time manner; and

(G) the relationship between the Naval Sea Systems Command and the program executive offices for the program was dysfunctional.

(b) REQUIREMENT.—In order to halt further cost growth in the Littoral Combat Ship program, costs and government liability under future contracts under the Littoral Combat Ship program shall be limited as follows:

(1) LIMITATION OF COSTS.—The total amount obligated or expended for the procurement costs of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels shall not exceed $460,000,000 per vessel.

(2) PROCUREMENT COSTS.—For purposes of paragraph (1), procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is required to meet original contract requirements.

(3) CONTRACT TYPE.—The Navy shall employ a fixed-price type contract for construction of the fifth and following ships of the Littoral Combat Ship class of vessels.

(4) LIMITATION OF GOVERNMENT LIABILITY.—The Navy shall not enter into a contract, or modify a contract, for construction of the fifth or sixth vessel of the Littoral Combat Ship class of vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed $460,000,000 per vessel.

(5) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in paragraphs (1) and (4) for either vessel referred to in such paragraph by the following:

(A) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2007.

(B) The amounts of outfitting costs and costs required to complete post-delivery test and trials.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) is repealed.

AMENDMENT NO. 2265, AS MODIFIED

On page 299, line 7, strike "fifth fiscal year" and insert "fourth fiscal year".

On page 299, line 9, strike "fifth fiscal year" and insert "fourth fiscal year".

AMENDMENT NO. 3087

(Purpose: To require reports on the utilization of tuition assistance benefits by members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 673. REPORT ON UTILIZATION OF TUITION ASSISTANCE BY MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than April 1, 2008, the Secretary of each military department shall submit to the congressional defense committees a report on the utilization of tuition assistance by members of the Armed Forces, whether in the regular components of the Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department during fiscal year 2007.

(b) ELEMENTS.—The report with respect to a military department under subsection (a) shall include the following:

(1) Information on the policies of such military department for fiscal year 2007 regarding utilization of, and limits on, tuition assistance by members of the Armed Forces under the jurisdiction of such military department, including an estimate of the number of members of the reserve components of the Armed Forces under the jurisdiction of such military department whose requests for tuition assistance during that fiscal year were unfunded.

(2) Information on the policies of such military department for fiscal year 2007 regarding funding of tuition assistance for each of the regular components of the Armed Forces and each of the reserve components of the Armed Forces under the jurisdiction of such military department.

AMENDMENT NO. 2954

(Purpose: To increase the amount authorized to repair, restore, and preserve the Lafayette Escadrille Memorial in Marnes-la-Coquette, France)

At the end of title X, add the following:

SEC. 1070. INCREASED AUTHORITY FOR REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES-LA-COQUETTE, FRANCE.

Section 1065 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1233) is amended—

(1) in subsection (a)(2), by striking "$2,000,000" and inserting "$2,500,000"; and

(2) in subsection (e), by striking "under section 301(a)(4)".

AMENDMENT NO. 2049

(Purpose: To modify the effective date of applicability of the commencement or receipt of non-regular service retired pay)

On page 155, beginning on line 18, strike "the date of the enactment of this subsection" and insert "September 11, 2001".

AMENDMENT NO. 2101

(Purpose: To enhance education benefits for certain members of the reserve components)

At the end of subtitle E of title VI, add the following:

SEC. 673. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.

(a) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

"§ 16131A. Accelerated payment of educational assistance

"(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

"(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

"(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the person's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $4,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

"16131A. Accelerated payment of educational assistance.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

"§ 16162A. Accelerated payment of educational assistance

"(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

"(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

"(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the member's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $3,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

"16162A. Accelerated payment of educational assistance.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking "for two continuous years or more." and inserting "for—

"(i) two continuous years or more; or

"(ii) an aggregate of three years or more.".

(2) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

"(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

"(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

"(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed $600. Such contributions shall be made in multiples of $20.

"(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

"(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

"(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

"(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.".

AMENDMENT NO. 2261

(Purpose: To extend the period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives)

At the end of subtitle E of title VI, add the following:

SEC. 673. EXTENSION OF PERIOD OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE AFFECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States Code, is amended by inserting "or the period beginning on October 1, 2007, and ending on September 30, 2014," after "December 31, 2001,".

AMENDMENT NO. 2074

(Purpose: To modify the time limit for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations)

At the end of subtitle E of title VI, add the following:

SEC. 673. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking "this chapter while serving—" and all that follows and inserting "this chapter—

"(1) while the member is serving—

"(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

"(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

"(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), to which such amendments relate.

AMENDMENT NO. 2000

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation and to modify the date of paid-up coverage under the Survivor Benefit Plan)

At the end of subtitle D of title VI, add the following:

SEC. 656. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking "DEPENDENT CHILDREN.—" and all that follows through "In the case of a member described in paragraph (1)," and inserting "DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),"; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 657. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2007".

(b) RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.—Section 1436a of such title is amended by striking "October 1, 2008" and inserting "October 1, 2007".

AMENDMENT NO. 2161

(Purpose: To repeal the annual limit on the number of Reserve Officers' Training Corps scholarships under the Army Reserve and Army National Guard financial assistance program)

At the end of subtitle D of title V, add the following:

SEC. 555. REPEAL OF ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.

Section 2107a(h) of title 10, United States Code, is amended by striking "not more than 416 cadets each year under this section, to include" and inserting "each year under this section".

AMENDMENT NO. 2925

(Purpose: To provide that veterans with service-connected disabilities rated as total by virtue of unemployability shall be covered by the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees).

At the end of subtitle D of title VI, insert the following:

SEC. 656. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by striking "except that" and all that follows and inserting "except that payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

"(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

"(B) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

AMENDMENT NO. 2912

(Purpose: Relating to increases in charges and fees for medical care)

At the end of title VII, add the following:

SEC. 703. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(c) PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(d) PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of such title is amended by striking "September 30, 2007" and inserting "September 30, 2008".

SEC. 704. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 705. SENSE OF CONGRESS ON FEES AND ADJUSTMENTS UNDER THE TRICARE PROGRAM.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans;

(2) these demands and sacrifices are such that few Americans are willing to accept them for a multi-decade career;

(3) a primary benefit of enduring the extraordinary sacrifices inherent in a military career is a system of exceptional retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years;

(4) proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fail to recognize adequately that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice, in addition to cash fees, deductibles, and copayments;

(5) the Department of Defense and the Nation have a committed obligation to provide health care benefits to active duty, National Guard, Reserve and retired members of the uniformed services and their families and survivors that considerably exceeds the obligation of corporate employers to provide health care benefits to their employees; and

(6) the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services, and should pursue any and all such options as a first priority.

AMENDMENT NO. 2066

(Purpose: To provide for the retention of reimbursement for the provision of reciprocal fire protection services)

At the end of title X, add the following:

SEC. 1070. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking "Funds" and inserting "(a) Funds"; and

(2) by adding at the end the following new subsection:

"(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.".

AMENDMENT NO. 2984, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. NATIONAL CENTER FOR HUMAN PERFORMANCE.

The scientific institute to perform research and education in medicine and related sciences to enhance human performance that is located at the Texas Medical Center shall hereafter be known as the "National Center for Human Performance". Nothing in this section shall be construed to convey on such institute status as a center of excellence under the Public Health Service Act or as a Center of the National Institutes of Health under Title IV of such act.

AMENDMENT NO. 3075, AS MODIFIED

At the end of subtitle C of title XV, add the following:

SEC. 1535. IMPROVISED EXPLOSIVE DEVICE PROTECTION FOR MILITARY VEHICLES.

(a) PROCUREMENT OF ADDITIONAL MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) ADDITIONAL AMOUNT FOR ARMY OTHER PROCUREMENT.—The amount authorized to be appropriated by section 1501(5) for other procurement for the Army is hereby increased by $23,600,000,000.

(2) AVAILABILITY FOR PROCUREMENT OF ADDITIONAL MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1501(5) for other procurement for the Army, as increased by paragraph (1), $23,600,000,000 may be available for the procurement of 15,200 Mine Resistant Ambush Protected (MRAP) Vehicles.

AMENDMENT NO. 3089, AS MODIFIED

At the end of title VII, add the following:

SEC. 703. CONTINUATION OF TRANSITIONAL HEALTH BENEFITS FOR MEMBERS OF THE ARMED FORCES PENDING RESOLUTION OF SERVICE-RELATED MEDICAL CONDITIONS.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking "Transitional health care" and inserting "Except as provided in paragraph (6), transitional health care"; and

(2) by adding at the end the following new paragraph:

"(6) A member who has a medical condition relating to service on active duty that warrants further medical care shall be entitled to receive medical and dental care for such medical condition as if the member were a member of the armed forces on active duty until such medical condition is resolved.

"(C) The Secretary concerned shall ensure that the Defense Enrollment and Eligibility Reporting System (DEERS) is continually updated in order to reflect the continuing entitlement of members covered by subparagraph (B) to the medical and dental care referred to in that subparagraph.".

AMENDMENT NO. 3090

(Purpose: To enhance the computation of years of service for purposes of retired pay for non-regular service)

At the end of subtitle D of title VI, add the following:

SEC. 656. COMPUTATION OF YEARS OF SERVICE FOR PURPOSES OF RETIRED PAY FOR NON-REGULAR SERVICE.

Section 12733(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "before the year of service that includes October 30, 2007; and"; and

(3) by adding at the end the following new subparagraph:

"(D) 130 days in the year of service that includes October 30, 2007, and any subsequent year of service.".

AMENDMENT NO. 2993, AS MODIFIED

At the end of subtitle C of title XV, add the following:

SEC. 1535. SENSE OF CONGRESS ON THE CAPTURE OF OSAMA BIN LADEN AND THE AL QAEDA LEADERSHIP.

It is the Sense of Congress that it should be the policy of the United States Government that the foremost objective of United States counterterrorist operations is to protect United States persons and property from terrorist attacks by capturing or killing Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and destroying the al Qaeda network.

AMENDMENT NO. 2872, AS MODIFIED

Subtitle D—Iraq Refugee Crisis

SEC. 1541. SHORT TITLE.

This subtitle may be cited as the "Refugee Crisis in Iraq Act".

SEC. 1542. PROCESSING MECHANISMS.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall establish or use existing refugee processing mechanisms in Iraq and in countries, where appropriate, in the region in which—

(1) aliens described in section 1543 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1544(b) may apply and interview for admission to United States as special immigrants.

(b) SUSPENSION.—The Secretary of State, in consultation with the Secretary of Homeland of Security, may suspend in-country processing for a period not to exceed 90 days. Such suspension may be extended by the Secretary of State upon notification to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives. The Secretary of State shall submit a report to the Committees of jurisdiction outlining the basis of such suspension and any extensions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that contains the plans and assessment described in paragraph (2) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (I) shall—

(A) describe the Secretary's plans to establish the processing mechanisms described in subsection (a);

(B) contain an assessment of in-country processing that makes use of videoconferencing; and

(C) describe the Secretary of State's diplomatic efforts to improve issuance of entry and exit visas or permits to United States personnel and refugees.

SEC. 1543. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.

(a) IN GENERAL.—Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the United States Admission Program shall include—

(1) Iraqis who were or are employed by, or worked for the United States Government, in Iraq;

(2) Iraqis who establish to the satisfaction of the Secretary of State in coordination with the Secretary of Homeland Security that they are or were employed in Iraq by—

(A) a media or nongovernmental organization headquartered in the United States; or

(B) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement; and

(3) spouses, children, and parents who are not accompanying or following to join and sons, daughters, and siblings of aliens described in paragraph (1) or section 1544(b)(1); and

(4) Iraqis who are members of a religious or minority community, have been identified by the Department of State with the concurrence of the Department of Homeland Security as a persecuted group, and have close family members (as described in section 201 (b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.— The Secretary of State and the Secretary of Homeland Security are authorized to identify other Priority 2 groups in Iraq.

(c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—Organizations and entities described in section 1543 shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals or any entity specifically excluded by the Secretary of Homeland Security, after consultation with the Department of State and relevant intelligence agencies.

(d) Aliens under this section who qualify for Priority 2 processing must meet the requirements of section 207 of the Immigration and Nationality Act.

SEC. 1544. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) IN GENERAL.—Subject to subsection (c)(1) and notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)'', if the alien—

(1) or an agent acting on behalf of the alien, submits to the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq;

(B) was or is employed by, or worked for the United States Government in Iraq, in or after 2003, for a period of not less than 1 year;

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation from the employee's senior supervisor. Such evaluation or recommendation must be accompanied by approval from the Chief of Mission or his designee who shall conduct a risk assessment of the alien and an independent review of records maintained by the hiring organization or entity to confirm employment and faithful and valuable service prior to approval of a petition under this section; and

(D) has experienced or is experiencing an ongoing serious threat as a consequence of their employment by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is—

(A) the spouse or child of a principal alien described in paragraph (1); and

(B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD—An alien shall also fall within subsection (b) of section 1544 of this Act, if—

(1) the alien was the spouse or child of a principal alien who had an approved petition with the Secretary of Homeland Security or the Secretary of State pursuant to section 1544 of this Act or section 1059 of the National Defense Authorization Act for the Fiscal Year 2006, Public Law 109-163, as amended by Public Law 110-36, which included the alien as an accompanying spouse or child; and

(2) due to the death of the petitioning alien, such petition was revoked or terminated (or otherwise rendered null) after its approval.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for each of the 5 fiscal years beginning after the date of the enactment of this Act. The authority provided by subsection (a) of this section shall expire on September 30 of the fiscal year that is the fifth fiscal year beginning after the date of enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203 (b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1 152(a), and 1 1 53(b)(4)).

(3) CARRY FORWARD.—If the numerical limitation under paragraph (1) is not reached during a given fiscal year, the numerical limitation under paragraph (1) for the following fiscal year shall be increased by a number equal to the difference between—

(A) the number of visas authorized under paragraph (1) for the given fiscal year; and

(B) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) DEFINITIONS.—The terms defined in this Act shall have the same meaning as those terms in the Immigration and Nationality Act.

(g) SAVINGS PROVISION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).

SEC. 1545. MINISTER COUNSELORS FOR IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) IN GENERAL.—The Secretary of State shall establish in the embassy of the United States located in Baghdad, Iraq, a Minister Counselor for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the "Minister Counselor for Iraq").

(b) DUTIES.—The Minister Counselor for Iraq shall be responsible for the oversight of processing for resettlement of persons considered Priority 2 refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and implementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Minister Counselor for Iraq shall have the authority to refer persons to the United States refugee resettlement program.

(c) DESIGNATION OF MINISTER COUNSELORS.—The Secretary of State shall designate in the embassies of the United States located in Cairo, Egypt; Amman, Jordan; Damascus, Syria; and Beirut, Lebanon a Minister Counselor to oversee resettlement to the United States of persons considered Priority 2 refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

SEC. 1546. COUNTRIES WITH SIGNIFICANT POPULATIONS OF DISPLACED IRAQIS.

(a) IN GENERAL.—With respect to each country with a significant population of displaced Iraqis, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall—

(1) as appropriate, consult with other countries regarding resettlement of the most vulnerable members of such refugee populations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States,

develop mechanisms in and provide assistance to countries with a significant population of displaced Iraqis to ensure the wellbeing and safety of such populations in their host environments.

(b) NUMERICAL LIMITATIONS.—In determining the number of Iraqi refugees who should be resettled in the United States under sections (a) and (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult nongovernmental organizations that have a presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

(c) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for classification as a special immigrant.

SEC. 1547. DENIAL OR TERMINATION OF ASYLUM.

(a) MOTION TO REOPEN.—Section 208(b) of the Immigration and Nationality Act is amended by adding at the end the following:

"(4) CHANGED COUNTRY CONDITIONS.—An applicant for asylum or withholding of removal, whose claim was denied by an immigration judge solely on the basis of changed country conditions on or after March 1, 2003, may file a motion to reopen his or her claim not later than 6 months after the date of the enactment of the Refugee Crisis in Iraq Act if the applicant—

"(A) is a national of Iraq; and

"(B) remained in the United States on such date of enactment.".

(b) PROCEDURE.—A motion filed under this section shall be made in accordance with section 240(c)(7)(A) and (B) of the Immigration and Nationality Act.

SEC. 1548. REPORTS.

(a) SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report containing plans to expedite the processing of Iraqi refugees for resettlement to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) detail the plans of the Secretary for expediting the processing of Iraqi refugees for resettlement including through temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services;

(B) describe the plans of the Secretary for increasing the number of Department of Homeland Security personnel devoted to refugee processing in the noted regions;

(C) describe the plans of the Secretary for enhancing existing systems for conducting background and security checks of persons applying for Special Immigrant Visas and of persons considered Priority 2 refugees of special humanitarian concern under this subtitle, which enhancements shall support immigration security and provide for the orderly processing of such applications without delay; and

(D) detail the projections of the Secretary, per country and per month, for the number of refugee interviews that will be conducted in fiscal year 2008 and fiscal year 2009.

(b) PRESIDENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes—

(1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;

(2) the number of aliens described in section 1543(1);

(3) the number of such aliens who have applied for special immigrant visas;

(4) the date of such applications; and

(5) in the case of applications pending for more than 6 months, the reasons that visas have not been expeditiously processed.

(c) REPORT ON IRAQI NATIONALS EMPLOYED BY THE UNITED STATES GOVERNMENT AND FEDERAL CONTRACTORS IN IRAQ.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall—

(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

(B) solicit from each prime contractor or grantee that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $25,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

(2) INFORMATION REQUIRED.—To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of, each Iraqi national that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with an executive agency.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term "executive agency" has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(d) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Iraq since March 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(e) NONCOMPLIANCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that describes—

(1) the inability or unwillingness of any contractors or grantees to provide the information requested under subsection (c); and

(2) the reasons for failing to provide such information.

SEC. 1549. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

AMENDMENT NO. 2214, AS MODIFIED

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON RAPID FIELDING OF ASSOCIATE INTERMODAL PLATFORM SYSTEM AND OTHER INNOVATIVE LOGISTICS SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Use of the Associate Intermodal Platform (AIP) pallet system, developed two years ago by the United States Transportation Command, could save the United States as much as $1,300,000 for every 1,000 pallets deployed.

(2) The benefits of the usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers and thereby provide further savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military installations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) By all accounts the Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) rapidly field innovative logistic systems such as the Associated Intermodal Platform pallet system; and

(2) seek to fully procure innovative logistic systems such as the Associate Intermodal Platform pallet system in future budgets.

AMENDMENT NO. 2942, AS MODIFIED

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT AND MASTER INFRASTRUCTURE RECAPITALIZATION PLAN REGARDING CHEYENNE MOUNTAIN AIR STATION, COLORADO.

(a) REPORT ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation; and

(B) a detailed explanation of those backup functions that will remain located at Cheyenne Mountain Air Station, and how those functions planned to be transferred out of Cheyenne Mountain Air Station, including the Space Operations Center, will maintain operational connectivity with their related commands and relevant communications centers.

(b) MASTER INFRASTRUCTURE RECAPITALIZATION PLAN.—

(1) IN GENERAL.—Not later than March 16, 2008, the Secretary of the Air Force shall submit to Congress a master infrastructure

recapitalization plan for Cheyenne Mountain Air Station.

(2) CONTENT.—The plan required under paragraph (1) shall include—

(A) A description of the projects that are needed to improve the infrastructure required for supporting missions associated with Cheyenne Mountain Air Station; and

(B) a funding plan explaining the expected timetable for the Air Force to support such projects.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending substitute amendment to Calendar No. 189, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

Mitch McConnell, C.S. Bond, David Vitter, Lisa Murkowski, R.F. Bennett, Tom Coburn, Lindsey Graham, Jon Kyl, Wayne Allard, John Thune, Norm Coleman, Richard Burr, Ted Stevens, Jeff Sessions, J.M. Inhofe, Thad Cochran, Michael B. Enzi.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on Amendment No. 2011, offered by the Senator from Michigan, Mr. LEVIN, in the nature of a substitute to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, shall be brought to a close?

Mr. LEVIN. Mr. President, just 30 seconds. I hope the Senate will vote for cloture. Let me give the rundown of amendments we have now adopted.

One hundred ninety-one amendments have now been adopted through either clearance in voice vote or rollcall. We have a lot of amendments left. We will be here tomorrow, and we will be here on Monday. If cloture is invoked, we will work the best we can to see if we can get some germane amendments adopted, even those that we agree by unanimous consent may not be germane but should be adopted. I hope cloture is invoked. We will be here tomorrow and Monday to work on amendments.

Mr. FEINGOLD. Mr. President, I support many of the priorities in this bill, and I do not think the Senate should extend debate on it indefinitely. But, if we invoke cloture on the bill, as it currently stands, we will be ensuring that it contains no language to bring our involvement in the Iraq war to a close. That would be a mistake. The war in Iraq is taking a tremendous toll on our servicemembers and our military preparedness—not to mention our national security and our pocketbook. It is irresponsible for Congress to pass legislation authorizing the activities of the Department of Defense that fails to bring our troops home and this war to an end.

The PRESIDING OFFICER. The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: The Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 6, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS—89

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Warner
Webb
Whitehouse
Wyden

NAYS—6

Collins
Dodd
Feingold
Leahy
Sanders
Voinovich

NOT VOTING—5

Biden
Brownback
Clinton
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Virginia.

Mr. WARNER. Mr. President, we are now in the postcloture status.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3058

(Purpose: To provide for certain public-private competition requirements)

Mr. REID. Mr. President, on behalf of Senators KENNEDY and MIKULSKI, I call up amendment No. 3058.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY and Ms. MIKULSKI, proposes an amendment numbered 3058.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, September 26, 2007 under "Text of Amendments.")

AMENDMENT NO. 3109 TO AMENDMENT NO. 3058

Mr. REID. Mr. President, I call up amendment No. 3109.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY, proposes an amendment numbered 3109 to amendment No. 3058.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for certain public-private competition requirements)

In the amendment strike all after the first word and insert the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

"(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

"(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

"(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and".

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the Department of Defense—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).".

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after "2003" the following: ", or any successor circular"; and

(B) in subparagraph (D), by striking "and reliability" and inserting ", reliability, and timeliness"; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting "of" after "examination".

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A-76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.".

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

"For any protest of a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.".

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests of public-private competitions.".

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.".

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A-76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

"(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

"(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

"(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003, or any successor circular;

"(C) includes the issuance of a solicitation;

"(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

"(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

"(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

"(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

"(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

"(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

"(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

"(ii) $10,000,000; and

"(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

"(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

"(3) In no case may a function being performed by executive agency personnel be—

"(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

"(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

"(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the executive agency—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

"(c) Congressional Notification.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

"(A) The function for which such public-private competition is to be conducted.

"(B) The location at which the function is performed by agency civilian employees.

"(C) The number of agency civilian employee positions potentially affected.

"(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

"(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

"(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

"(A) agency civilian employees who would be affected by such a conversion in performance; and

"(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

"(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

"(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

"(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

"(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

"(d) Exemption for the Purchase of Products and Services of the Blind and Other Severely Handicapped Persons.—This section shall not apply to a commercial or industrial type function of an executive agency that—

"(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

"(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

"(e) Inapplicability During War or Emergency.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.".

(b) Clerical Amendment.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 43. Public-private competition required before conversion to contractor performance.".

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) Guidelines.—

(1) In general.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) Criteria.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years .

(3) Deadline for issuance of guidelines.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) Establishment of contractor inventory.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) New Requirements.—

(1) Limitation on requiring public-private competition.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) Consideration of federal government employees.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) Use of Flexible Hiring Authority.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) Inspector General Report.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) Definitions.—In this section:

(1) The term "National Security Personnel System" means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term "inherently governmental function" has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) Conforming Repeal.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) Restriction on Office of Management and Budget.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) Restriction on Secretary of Defense.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.".

This section shall take effect one day after the date of this bill's enactment.

Mr. WARNER. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, we are now on the bill in a postcloture status. The distinguished chairman, Senator LEVIN, is here. I am here. We are prepared to deal with whatever amendments come forward this evening and, again, we will be here tomorrow.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on behalf of the Kennedy-Mikulski amendment, as amended by the distinguished majority leader.

I know the hour is late so I will not speak at length, but I will speak with passion about what this amendment is all about.

This is about contracting out. I am here to join in an amendment that protects our Civil Service, protects our taxpayers, and protects Government workers. I think we would all agree that America needs an independent Civil Service and that our Federal employees are on the front lines every day working hard for America. This administration's plan for privatization is a quota-driven plan that costs money, morale, and the integrity of the Civil Service. It forces Federal employees into unfair competition and forces them to spend time and money competing for their jobs instead of doing their jobs. The administration has stacked the deck against Federal employees with their A-76 competitions, but I am here to level the playing field along with my colleagues.

This amendment is simple. It helps Federal employees compete for their jobs and at the same time, makes sure the Federal Government saves money. My other colleagues who are cosponsors will focus on different pieces of this amendment, but I am here to talk about three specific parts.

First of all, this amendment saves taxpayers money. When the administration passed these new quota-driven bounty-hunting A-76 rules, contractors were not even required to show they would save the Government any money—but we thought that was the point of it—so we had some private contracts that actually cost the Government more money than if Federal employees were doing the work.

Now, the amendment that is pending would require that all contracts save $10 million or 10 percent. You must save money: $10 million or 10 percent. So Federal workers will not be losing their jobs to contractor bids that do not even save the Government or the taxpayers money.

Second, it deals with the issue of health and retirement benefits. Right now, a private contractor can win a bid on Federal work simply because they provide either no health and retirement benefits or skimpy or Spartan benefits, this is bad for Federal employees and bad for the contractors doing the work.

This amendment would prohibit contractors from winning a bid if the only cost savings are from bad or no benefits. This is to prevent bagging benefits in order to win the contract. This helps level the playing field for Federal employees who have to submit their own best bids, but they have to include these health and retiree benefits.

Number 3, really, this is what I think is crucial, and I hope my colleagues from the other side of the aisle will hear this. This amendment eliminates privatization quotas. Remember, the new Bush rules are quota driven. It makes those who are pushing the A-76 in an agency the equivalent of a bounty hunter.

Now, let's deal with the word "quota." I have heard a lot about quotas in my day, usually from the other side in a very pejorative way. Hey, what happened to goals and timetables? I thought we did not go for quotas in this Senate. I thought we were for goals and timetables. Remember discussions on affirmative action? "We don't want no quotas." Well, I do not want quotas in privatization. Quite frankly, I do not even want goals and timetables in privatization. But OMB imposes privatization quotas on all Federal agencies, forcing them to conduct A-76 competitions on as many as 150,000 jobs each year. What a huge waste of money. These quota-driven bounty hunters force these wasteful A-76 reviews, even on agencies that do not want to do them or in categories that give them pause to pursue. It wastes time. It wastes taxpayers' dollars.

This amendment would stop OMB from using quotas to force agencies to conduct these privatization reviews. This would not prevent agencies from contracting out work. It would simply allow Federal agencies to make their own decisions about when to use the A-76 process.

Now let me be very clear. I am not opposed to contracting out. I am not opposed to privatization. In my own State it has worked well. Look at Goddard Space Flight Center. We have 3,000 civil service jobs, but 9,000 private contractor jobs. In this way, we get incredible value for our space dollar. I am proud of them both, and they work well together. They serve the Nation well.

But the way this administration is going about privatization does not work. We need this amendment because the way contracting is being pursued is irresponsible. It even puts our Nation's security at risk.

I want to give one specific issue—contracting out at Walter Reed. Before my dear colleague Senator Paul Sarbanes left, we were on this floor fighting an A-76 contract for contracting out facilities management for people who handle the grounds and so on at Walter Reed. We challenged that A-76 because there had been over three to six appeals. Each time the Federal employees won. However, the administration pushed and pushed and pushed. As we were battling it out on the floor, I read a letter from the colonel who said: If you contract this out, I am concerned there will be a degradation of service at Walter Reed.

Well—guess what—we lost the amendment. Walter Reed contracted out its facilities management. We went from 300 employees, who kept Walter Reed tip top for our wounded warriors, down to 50 people, and we ended up with a national scandal.

Now, you tell me, what did we gain from that contracting out? How could you look in the eyes of a wounded warrior at Walter Reed and at a hospital that was ridden with mold and rot, for which we all had to go out and pound on the table and pound on our chest about the outrage? We could have stopped the scandal at Walter Reed if we had stopped that contracting out—300 people to 50. Why did it take 300 people at Walter Reed? Because it is an older building. It is several buildings. Our wounded warriors were in hospitals that made international headlines because we could not take care of our own.

Well, I am now taking care of this contracting out. So this amendment is the "remember the Walter Reed scandal" amendment. I hope my colleagues will join with me. Yes, we will privatize where appropriate. Yes, we will privatize where we will get value for our dollar. But I don't want any kind of privatization that ends up in a national scandal and a national disgrace.

I urge my colleagues to vote for this amendment.

Mr. FEINGOLD. Mr. President, I am deeply concerned about the threat posed by Iran, but I voted against the amendment offered by Senators KYL and LIEBERMAN because it could be interpreted as an authorization to keep U.S. troops in Iraq indefinitely to police the Iraqi civil war and engage in a proxy war with Iran. Maintaining a significant U.S. troop presence in Iraq is undermining our ability to deter Iran as it increases its influence in Iraq, becomes bolder in its nuclear aspirations, and continues to support Hezbollah. The administration needs to end its myopic focus on Iraq and develop comprehensive, effective strategies for dealing with Iran and the other serious challenges we face around the world.

Mr. President, I voted against Senator BIDEN's amendment because, while we should support a comprehensive political settlement in Iraq, the U.S. Government shouldn't tell the Iraqi people how to run their country.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor Senator BIDEN's amendment calling on the United States to actively support a Federal system of government in Iraq.

The brutal reality is that Iraq today is being torn apart by sectarian violence. The Maliki government in Baghdad is too weak and too corrupt to lead Iraq's Sunni, Shia and Kurdish communities to the political reconciliation they need to end the fighting. Iraq is being torn apart by civil war, and U.S. military forces are caught in the middle.

It is clear to me that President Bush has no strategy for ending the war in Iraq. It is up to Congress to provide the way forward to bring stability to Iraq and to bring our troops home. Our military has done everything we have asked them to do, valiantly and skillfully. But the experts all agree: there is no military solution in Iraq. We need a comprehensive political settlement that gives the Iraqi people control over their own fate and allows our troops to come home.

Senator BIDEN has proposed a plan to maintain a united Iraq by decentralizing it. Rather than putting our troops between warring factions, this plan would give the Kurds, Sunni and Shia control over their own land and people,.while leaving a central government in Baghdad responsible for protecting common national Iraqi interests. This plan has five major parts.

Step one is establishing three autonomous regions in Iraq with a functional central government in Baghdad. Each region would have authority over its own domestic laws, administration, and internal security. The central government would control border defense, foreign policy, and oil revenues. This would give Iraq's sectarian groups control over their own destiny and ensure that Iraq does not splinter into pieces, creating regional chaos.

Step two of the Biden plan is to secure the cooperation of Iraq's Sunni minority. The Sunni Arabs in Iraq do not have access to the same oil wealth enjoyed by the Kurds in the north and the Shia in the south. Under this plan, Iraq's central Government would guarantee the Sunni's economic viability by pledging 20-percent of Iraq's oil revenue. It would address Sunni political concerns by allowing former members of the Baath party to join Iraq's national Government. Iraq's Sunnis must have confidence that they can prosper and thrive in a peaceful Iraq, so they will lay down their arms and end their destructive insurgency.

Step three of this plan is to call on the international community and Iraq's neighbors to help stabilize Iraq by accepting this federal arrangement and respecting Iraq's borders and sovereignty. Iraq will need strong support from the international community to ensure that its neighbors do not try to expand their influence into any of the three autonomous regions created under this federalist system.

Step four calls for the withdrawal of most U.S. military forces from Iraq. We would leave a small but effective residual force behind to help Iraq's security forces combat terrorism and protect Iraq's borders, but most U.S. forces would be out of Iraq before the end of 2008. We know there is no military solution to Iraq's current problems, and we know the armed militias that are tearing Iraq apart will never lay down their arms as long as the U.S. military has a large presence in their country. Withdrawing most U.S. troops will demonstrate to the Iraqi people that they must take responsibility for building a peaceful, stable Iraq. A small but lethal contingent of U.S. forces that remains either in Iraq or nearby can help the Iraqis combat terrorism and deter mischief by Iraq's neighbors.

Finally, the Biden plan calls for robust international support for reconstruction in Iraq. This economic assistance must be conditioned on respect for minority and women's rights. The international community has an interest in seeing a vital, healthy Iraq, but we should use our resources to help Iraq build a society based on equality for all. By providing economic opportunities for every Iraqi, we can help end the violence and build a strong, stable Iraq.

We know that President Bush has no plan for stabilizing Iraq or ending the war. The Biden plan can lead to a lasting political solution in Iraq that stops the violence and allows our military forces to come home. I am proud to support it, and I am proud to cosponsor this amendment.

Mr. DOMENICI. Mr. President, I want to take a moment to inform the Senate about amendment No. 2981. I greatly appreciate Chairman LEVIN's and Ranking Member McCain's cooperation in including it in the managers' package.

My amendment to the Defense authorization bill calls for a review of the Department of Energy's strategic plan for advanced computing. This review would be completed by the independent scientific advisory group and assess where the Department is headed in this important area.

The measure focuses attention on the essential role our national laboratories play in advancing the state of the art for high performance computing a vital area for our national security and scientific leadership.

Our laboratories have been instrumental in pressing the limits of raw computing power and creating more sophisticated simulation capabilities.

Since the early days of scientific computing and continuing through the development of today's advanced parallel computing systems, the laboratories pioneered the development of high performance computing and software development. From developing advanced computing architectures and algorithms to effective means for storing and viewing the enormous amounts of data generated by these machines, the laboratories have made high performance computing a reality.

These capabilities have become a requirement for certifying the nation's nuclear weapons stockpile without nuclear testing. They also find application far outside laboratory walls.

The Stockpile Stewardship Program was created as the alternative to underground nuclear testing, to ensure that our nuclear weapons systems would remain safe, secure and reliable. Doing so without nuclear testing required significant investments in computer modeling and simulation.

This investment has paid enormous dividends. Every year, computing power increases at a pace set by America's national laboratories. The world's current fastest supercomputer is Lawrence Livermore's "Blue Gene," which recently exceeded 280 "teraflops" or trillions of calculations per second. Oak Ridge's "Jaguar" system and Sandia National Laboratory's "Red Storm" are second and third, each exceeding 100 teraflops.

The applications go well beyond security and basic science. The laboratories have worked hard to transition these capabilities to academia and industry, simulating complex industrial processes and their environmental impact including global climate change.

Collaborations with the private sector have also driven down the cost, so that now high performance does not mean high expense. This has had an enormous impact, making advanced computing within the reach of an ever wider circle of users including the Department of Energy's Office of Science.

At the labs today, not only do these computers run advanced experimental models that give us confidence in our nuclear deterrent, but they also help us decipher the human genome and develop improved medicines. Advanced computing has also helped Sandia engineers understand the safety risks to the Space Shuttle, when the foam from the fuel tank hit and damaged the heat tiles.

We will continue to use advanced computing to support engineering design work to ensure that our bridges and infrastructure are safe, as well as filter massive amounts of data in an effort to predict where terrorists are planning to attack next.

These achievements did not happen by accident. They required planning, commitment and follow through.

Unfortunately, I am concerned that we may be losing this focus and commitment to support long term research on advance computing architectures and continue the search for even greater simulation capabilities. The Department of Energy and the National Nuclear Security Administration appear not to have a coordinated strategy for advancing the state-of-the-art in computing and instead propose to actually reduce computing capacity within the laboratory system. I believe this is a mistake.

In the Senate Energy and Water Development appropriations bill for fiscal year 2008, Chairman DORGAN and I have proposed to establish a joint program office for high performance computing led by the NNSA Administrator and the Under Secretary for Science. This office will have the primary responsibility of ensuring a well balanced portfolio of computing platforms for the DOE and the Nation.

The proposed office will develop a high performance computing technology roadmap and acquisition strategy for the DOE. I strongly believe that DOE and NNSA must pool their resources and establish an advanced computing R&D program. A long term, Department-wide strategy is necessary to ensure that the world class simulation capabilities within the complex are maintained and investments are made to drive innovation. If the past success of the program is a predictor, there will be amazing new technological innovations and the cost of computing will fall like a stone. This will ensure that universities, laboratories, U.S. businesses and law enforcement will have the computing capability necessary for their success.

We must continue to raise the bar, giving our best and brightest new targets to aim for, ensuring that America will retain its technical leadership in advanced computing.

I would like to pay tribute to the men and women of Sandia, Los Alamos and Livermore National labs and their private sector counterparts at Cray, IBM, and Intel, and the Department of Energy and the NNSA. These individuals have worked extraordinarily hard to solve complex computing architecture and software challenges. This work has paid off and we must remain committed to future excellence in this field.

Mr. President, I ask unanimous consent that a listing of the world's fastest computers be printed in the RECORD. I would like for my colleagues to note that 8 of the top 10 computers are located at U.S. Department of Energy national labs and universities and this would not be the case except for the investments made by the Department of Energy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOP 10 FASTEST SUPERCOMPUTERS IN THE WORLD (JUNE 2007)*

Name, Location—Speed (TFlops/s).

1. Blue Gene/L (IBM), Lawrence Livermore (DOE)—280.6.
2. Jaguar (Cray), Oak Ridge (DOE)—101.7.
3. Red Storm (Cray), Sandia (DOE)—101.4
4. Blue Gene Watson (IBM), IBM Thomas Watson—Research Center—91.2.
5. New York Blue (IBM), Stony Brook/Brookhaven (DOE)—82.1.
6. ASC Purple (IBM), Lawrence Livermore (DOE)—75.7.
7. eService Blue Gene (IBM), Rensselaer Polytechnic Institute (Troy, NY)—73.0.
8. Abe (Dell), NSF-NCSA—62.6
9. MareNostrum (IBM), Barcelona Supercomputing Center—62.6.
10. HLRB-II (SGI), Leibniz Rechenzentrum—56.5.

*Ranking from the TOP500 Project (http://www.top500.org)

Mr. ENZI. Mr. President, I wish to express my concern about the current agenda of the U.S. Senate.

For about 16 days, we have been debating the National Defense Authorization Act for fiscal year 2008. I do not think that any Member of this Chamber believes this is an unimportant or throwaway piece of legislation. This bill is about our troops and our veterans. It is about their health care. It is about their equipment. It is about how we treat those individuals who have put on the uniforms of our Armed Forces and served our Nation.

The Defense bill before us authorizes $24.6 billion for the defense health program, including a $1.9 billion adjustment to fund TRICARE benefits. The bill includes authorization for the purchase of upgrades to Bradley fighting vehicles and the purchase of Stryker vehicles. This legislation authorized research into technology that will keep our troops safer while they carry out their current missions and research into medical technology that will help with battlefield diagnostics and care for any wounded warrior.

In the midst of considering this troop-related bill, we are now considering amendments on items completely unrelated to the men and women in uniform. This kind of political gamesmanship is precisely why congressional approval ratings are at an all-time low.

Are we going to provide the resources our men and women in the military need by passing this Defense bill or are we going to stuff this bill so full of nondefense policy and programs that the legislation blows up like a makeshift terrorist explosive device? The majority party is in charge of getting critical bills through, yet they are delaying passage of these bills by trying to empty their outbox full of controversial issues. Unfortunately, the authors of these unrelated special interest amendments have chosen the latter.

The first amendment set to come before us for a vote is legislation on hate crimes. When it is the appropriate time to be debating the merits of a hate crime bill then I will debate that. Debating it in relation to a bill we need in order to provide for our military is not the appropriate time. We have also been told to expect amendments related to immigration. The Senate earlier this year spent weeks on immigration legislation—that is where debate on that amendment should occur.

As my colleague from Texas, Senator CORNYN, stated, there is a time and a place for everything. A bill drafted to address our national defense and our troops is not the place for these amendments.

Instead of focusing on the needs of our troops in the field, our wounded warriors needing medical attention, and our veterans who have served us all, the authors of these amendments seek to distract our attention and delay progress on this bill.

I sincerely hope all Members of the Senate will put these issues aside for a more appropriate time for debate and let us proceed on improving the lives of our troops. Let's put our troops first on the Senate agenda.

Mr. CONRAD. Mr. President, I was pleased to join my co-chair of the Senate Tanker Caucus, the senior Senator from Utah, in introducing amendment No. 2895. And I am very glad that the distinguished ranking member of the Armed Services Committee chose to join with our caucus in preparing a compromise amendment, No. 3104, that makes clear how crucial recapitalizing our tanker fleet is to our national security.

I thank Senator MCCAIN and Senator LEVIN for their leadership on this issue and their willingness to accept this amendment.

In October of last year, the Secretary and Chief of Staff of the Air Force made a very important announcement. They declared that their top acquisition priority for the future is the replacement of our Nation's aerial refueling tanker fleet. This program could cost about $13 billion over the next 5 years, and perhaps $100 billion over the next three decades.

The senior Senator from Utah and I joined forces to form a caucus in support of this vital objective. We believe that updating our aerial tanker fleet is crucial if we are to continue to be able to project American military power around the globe.

The U.S. national security strategy depends on a robust air refueling capability, as do our coalition partners. No other nation in the world has a comparable capability. The U.S. advantage in tankers is at the center of almost all the other strategic capabilities of our Air Force.

Yet today, our tanker fleet is the oldest part of the Air Force inventory making maintenance difficult and expensive. The KC-135 makes up over 90 percent of our refueling capability, but the average age of that fleet is over 45 years. The "E-Model" aircraft have the oldest engines and are rapidly declining in utility. Their mission capable rates have dropped significantly, and their cost-per-flying hour has increased.

Despite generations of meticulous maintenance, these tankers are getting toward the end of their economic service life. Uncertainty about corrosion problems creates a significant vulnerability—we could find a serious problem in a few of these aircraft that could result in the whole fleet being grounded.

And that would have catastrophic results, as General Michael Moseley made very clear in comments on October 12. "In this global business we're in, the single point of failure of an air bridge, or the single point failure for global intelligence, surveillance and reconnaissance, or the single point of failure for global strike is the tanker," he said. "To be able to bridge the Atlantic, to be able to bridge the Pacific, or to be able to let business in the theater be persistent business in the theater, it's the tanker."

To reverse that vulnerability, the Air Force is taking steps to replace these tankers. The tanker caucus supports that effort. The Air Force is also taking steps to make sure that a portion of the current tanker fleet is kept viable as they work to develop and buy the next generation tanker. This amendment supports that effort as well, by specifically referencing the Air Force's strategy to modify and upgrade an appropriate portion of the KC-135 fleet to ensure that it remains viable as the Air Force waits for new tankers to be delivered. Nothing in this amendment would further constrain the Air Force's ability to retire the oldest tankers as they deem necessary.

Finally, this amendment recognizes that the procurement of aerial refueling on a fee-for-service basis may also end up being part of the solution to preventing a temporary gap in tanker capability—though I doubt that it will make up a major portion of our overall tanker capacity.

The Air Force is working through two competing submissions for tanker replacement in response to the request for proposals it issued last year. This full, free and open competition will help to achieve the best value possible for the taxpayer on this major program.

As General Moseley noted, "It's important to get started" on this important acquisition program. The time is right to begin recapitalizing this vital national asset. The Air Force predicts that a funding shortfall this year would likely lead to a 6 to 9 month delay in fielding the new tankers.

The original amendment that Senator HATCH and I offered was co-sponsored by Senators DORGAN, GREGG, ROBERTS, SUNUNU, CANTWELL and INHOFE. It simply expressed the sense of the Congress that timely replacement of the Air Force tanker fleet is a vital national security priority, and presented the reasons for that judgment. The McCain-Conrad amendment makes the same point in expressing that modernizing the tanker force is a vital national security priority.

While some members and some committees differ on the amount of funding that they believe is required to carry out this program fiscal year 2008, I believe that the Senate can agree that carrying out this program is a vital national security priority. I appreciate my colleagues' support for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, is there any objection if we proceed to morning business?

Mr. WARNER. Mr. President, there is no objection on this side. We will resume the bill tomorrow morning, I presume, around 10 o'clock.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

Would that be enough, I ask Senator BROWN? Ten minutes? You can ask unanimous consent to extend it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

PRIVATIZATION

Mr. BROWN. Mr. President, although we are in morning business, I wish to add some comments to what Senator MIKULSKI said about privatization because what we have seen throughout our Government—whether it is Medicare, the efforts to privatize, which, unfortunately, have been partially successful at privatizing but not so successful in serving the public, serving seniors, and the totally unsuccessful effort to privatize Social Security—what we have seen in public education, what we have seen in the prison system in my State of Ohio, what we seen in several kinds of efforts to privatize have often resulted in more taxpayer dollars being spent, a reduction in service, to be sure, less efficiency, and less accountability.

So her amendment is right on the mark. Her efforts in privatization generally are very important. I thank the senior Senator from Maryland on that.

TRADE POLICY

Mr. BROWN. Mr. President, our Nation's haphazard trade policy has done plenty of damage to Ohio's economy, to our workers—from Steubenville to Cambridge, from Portsmouth to Wauseon—to our manufacturers—in Bryan and Cleveland and Akron, and Lorain—and to our small businesses in Dayton, Cincinnati, and Springfield.

Recent news reports of tainted foods and toxic toys reveal another hazard of ill-conceived and unenforced trade rules. They subject American families, American children, to products that can harm them—that in some cases can actually kill them.

Our trade rules encourage unsafe imports. Our gap-ridden food and product inspection system lets those imports into our country. Our lax requirements for importers let those products stay on the shelves. And our foot dragging on requiring country-of-origin labeling leaves consumers in the dark. It is a lethal—all too lethal, all too often—combination.

With a total lack of protections in our trade policy, we do not just import goods from another country, we import the lax safety standards of other countries. If we relax basic health and safety rules to accommodate Bush-style, NAFTA-modeled trade deals, of course, we are going to find lead paint on our toys and toxins in our toothpaste.

Just think of it this way: When we trade with a country, when we buy $288 billion of products from China, for instance—a country that puts little emphasis on safe drinking water, on clean air, on protections for their own workers, on consumer protection, and then they sell those products to the United States, why would they care about products, consumer products, toys that are safe or food products that are safe, when they do not care about that in their own country for their own workers and for their own consumers?

Add to the fact that U.S. companies put tremendous pressure on their Chinese subcontractors to cut the cost of production to cut their own costs, and the Chinese are going to use lead paint because it is cheaper. They are going to cut corners on safety because it is cheaper.

At the same time, the Bush administration has weakened our Food and Drug Administration, Department of Agriculture, and Consumer Product Safety Commission rules, and that is compounded even further because they have cut the number of inspectors. So why should we be surprised when we see toys in our children's bedrooms that are dangerous, or when we see vitamins in our drugstores and food in our grocery stores that are contaminated?

Due to trade agreements, there are now more than 230 countries and more than 200,000 foreign manufacturers exporting FDA-related goods—FDA-regulated goods—to American consumers.

Before NAFTA, we imported 1 million lines of food. Now we import 18 million lines of food. One million lines of food in 1993; today it is 18 million lines of food.

Unfortunately, trade deals put limits on the safety standards we can require for imports and even how much we can inspect imports. I will say that again. We pass a trade agreement with another country. It puts limits on our own safety standards, and it puts limits on how much we can inspect those imports.

Our trade policy should prevent these problems—not bring them on.

Now the President, though, wants new trade agreements with Peru, Panama, South Korea, and Colombia—all based on the same failed trade model that brought us China, that has brought us NAFTA, that has brought us the Central American Free Trade Agreement.

This Chamber will soon consider—maybe even next week—a trade agreement with Peru. Some may wonder why we are entering into new trade agreements right now considering we have had five straight years of record annual trade deficits.

When I first ran for Congress in 1992, on the other side of the Capitol, to be a Member of the House of Representatives, our trade deficit was $38 billion. Today, it exceeds $800 billion. Our trade deficit with China was barely double digits 15 years ago. Today, it exceeds $250 billion.

The NAFTA/CAFTA trade model has driven down wages and working conditions for workers in Marion and Mansfield and Bucyrus and Canton and all across the United States and abroad.

This kind of trade has torn apart families' health care and pension benefits. It undermines our capacity even to produce equipment vital to our national security.

Contrary to promoting stability in Peru and the Andean region, as this trade agreement's supporters would say, these trade agreements are actually more likely to increase poverty and inequality.

This month, the United Nations Conference on Trade and Development issued a report warning developing countries—poorer nations that are doing trade agreements with us—to be wary of bilateral and regional free trade deals. The U.N. Report cited the North American Free Trade Agreement as an example of a trade agreement that may have short-term benefits for poor countries but has long-term harm. We know what NAFTA did to Mexico's middle class. We know what NAFTA did to its rural farmers. Well over 1.3 million farmers were displaced since the North American Free Trade Agreement in Mexico.

Let's look at Peru for a moment. Nearly one-third of Peru's population depends on agriculture for its livelihood. The development group Oxfam estimates that 1.7 million Peruvian farmers will be immediately affected by this trade agreement. When those farmers can't get a fair price for wheat or for barley or for corn, they are forced to produce other crops—almost inevitably, including coca. That means more cocaine production, it means more illegal drugs in the United States. We have been there before. We have seen that before. We have seen the rural dislocation in Mexico, after NAFTA, and there is nothing to suggest the Peru trade agreement will be any different.

Scholars, including former World Bank Director Joseph Stiglitz, note that rural upheaval from trade deals means more violence, more U.S. money spent on drug eradication.

An archbishop in Peru said:

> We are certain this trade agreement will increase the cultivation of coca, which brings drug trafficking, terrorism, and violence.

So if we are talking about combating terrorism around the world, the exactly 180-degree wrong thing to do is a trade agreement with Peru because it will mean, as the archbishop said, the increased cultivation of coca because we will put some of their corn farmers, their barley farmers, their wheat farmers out of business. More coca, more drug trafficking, more terrorism, more violence, more instability.

We need a new trade approach in our policy, one that benefits workers here and promotes sustainable development with our trading partners.

This Peru agreement has some improvements in labor and the environment. It is important to note that this change in the administration's view toward labor and environmental rules of trade agreements would not have happened without voters' demand for change last year. But the demand for change in trade policy runs deep. We have heard workers in Ohio and around the country call for big changes in trade policy, and we are hearing consumers in Avon Lake and in Kettering demand accountability for the unsafe imports that are on our shelves. Passing a trade agreement with Peru is not the change we need. We want trade. We want more trade. We want trade under different rules and, most importantly, our responsibility is to protect our family's health and protect our children.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING MR. WILLIAM W. WIRTZ

Mr. DURBIN. Mr. President, I rise today to commemorate the life of William W. Wirtz, a truly outstanding Illinoisan who passed away this week.

Bill Wirtz was a businessman, sports fan, and philanthropist. He took over operation of Judge & Dolph in Illinois in 1950 and expanded that business into the Wirtz Beverage Group, comprised of five distributorships in four States. He also served as president of Wirtz Corporation, Director of First Security Trust and Savings Bank, and chairman of the South Miami Bank Corporation. But most Chicagoans will remember him as the owner and president of the Chicago Blackhawks hockey team.

The Wirtz family bought the Blackhawks in 1954, and Bill was named president of the organization in 1966, a title he maintained for over 40 years. Bill was a true hockey fan. During his lifetime, he helped negotiate the merger between the NHL and the World Hockey Association, served on the 1980 and 1984 Winter Olympic Committees, and was chairman of the Board of Governors of the National Hockey League for 18 years. In recognition of his many contributions to the sport, Bill Wirtz was inducted into the Hockey Hall of Fame.

Bill Wirtz also gave a great deal back to the community and the city of Chicago. Along with Bulls owner Jerry Reinsdorf, he was a driving force behind the construction of the United Center to replace the old Chicago Stadium in 1994. He also established the Chicago Blackhawk Charities, which has donated over $7.5 million to worthy causes in the Chicago area. Perhaps closest to Bill's heart was the development of the Virginia Wadsworth Wirtz Sports Program at the Rehabilitation Institute of Chicago. Named after his mother, this program is a year-round, cross-disability sports and recreation program.

Bill Wirtz is survived by his wife Alice, five children and seven grandchildren. They have my condolences and those of so many who knew him. Bill's many contributions to Chicago and Illinois will not soon be forgotten.

TRIBUTE TO DONNA L. PILE

Mr. McCONNELL. Mr. President, today I commend Ms. Donna L. Pile of Lexington, KY, for her service to her community and her Nation as a member and leader of the National Association of Professional Insurance Agents.

Ms. Pile recently served as President of the National Association of Professional Insurance Agents, the first woman ever named to that position. She previously served in many positions of responsibility for the association. Ms. Pile was also president of the PIA of Kentucky in 2000 and has been Kentucky's representative on the PIA National Board of Directors since 2000. Ms. Pile is also a member of the National Association of Insurance Women.

Active in her community, Ms. Pile is managing partner of the A.G. Perry Insurance Agency of Lexington. She has served her community as a homeroom mother in grade school and as Booster Club president to the Jessamine County Boys' Soccer Program for 10 years. She has taught PIA Young Agents classes and also served on numerous strategic planning committees for Jessamine County Schools.

As president of the National Association of Professional Insurance Agents, Ms. Pile's dedication to the highest standards of her profession has earned her the respect of friends, associates, business colleagues, and the insurance industry as a whole. She took seriously her role to advocate for professional insurance agents across the United States and has left behind a stronger organization for her efforts.

I want to recognize today the many successes that Donna L. Pile has accomplished throughout her career and to again congratulate her on the completion of her term as the president of the National Association of Professional Insurance Agents.

TEAR DOWN THE WALLS IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, next April, the people of Northern Ireland will commemorate the 10th anniversary of the Belfast Agreement, which did so much to put Northern Ireland on the path to end the violence that had afflicted the population for three decades, and achieve the longstanding goal of peace.

On September 20, the Irish Times published a perceptive article by Trina Vargo, President of the U.S.-Ireland Alliance emphasizing that more remains to be done and urging the people of Belfast to this auspicious anniversary as an opportunity to remove the so-called "peace" walls that continue to divide the Protestant and Catholic communities in Belfast.

The walls are still serving as physical and psychological barriers between the two communities, and Ms. Vargo's article offers a timely and creative idea that could have a widespread beneficial impact in Northern Ireland. Analogizing it to the fall of the Berlin Wall, she suggests that the simple act of removing walls can be a significant gesture in breaking down barriers in a community and promoting progress and unity.

Ms. Vargo was a member of my staff and did an excellent job on the issue of Northern Ireland for many years, and I believe her article will be of interest to all of us in Congress, especially those who worked with Ms. Vargo on this issue. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Irish Times, Sept. 20, 2007]

TIME TO TEAR DOWN THESE WALLS OF DIVISION

With things settling down in Northern Ireland, isn't it time to consider taking down the so-called "peace" walls separating communities instead of erecting more, asks Trina Vargo.

Everyone of a certain age distinctly remembers the fall of the Berlin Wall in 1989. The sight of East and West Germans joining in celebration on the wall, and the chipping away of it over the following weeks, demonstrated to the world—in a way that no other act could—that the cold war was truly over. Can the walls come down in Northern Ireland? Next April, Senator George Mitchell will return to Belfast to participate in an event marking the 10th anniversary of the Belfast Agreement. We have also invited Taoiseach Bertie Ahem, Tony Blair and Bill Clinton to join him and other negotiators of the agreement, as well as the DUP, to consider Northern Ireland's divided past and its shared future.

We hope that the people of Belfast will consider using this occasion to take down at least a part of the "peace" line and send a message to the world, and to themselves. I recently visited Belfast to begin conversations about this with community leaders, politicians, former paramilitaries, and the police. While some expressed scepticism, a much larger number were eager to begin the conversation. Some were conjecturing, hoping that their interface community might be confident by April. After all, many unexpected and welcome things have happened this year in Northern Ireland. It would be naive to underestimate concerns about the dismantling of that which has provided physical and psychological protection for many years. And walls coming down won't alone solve Northern Ireland's many problems—disaffected youth, a growing suicide rate, a parochial outlook, high levels of economic inactivity, and an economy overly reliant on the state.

It is also disheartening to see new walls going up in some neighbourhoods at the very time the virtual walls between Ireland and Northern Ireland are coming down. Progress at the political level is slowed by a lack of confidence on the street. The loyalist community, in particular, is still reeling from political developments it didn't see coming. What is now most necessary for Northern Ireland is economic development. Foreign investment and increasing tourism can play a part in that. While the political developments that have occurred this year are truly incredible, they only briefly and barely registered on the world's consciousness.

It is likely that there is only a small window of opportunity with the business community in the U.S. Disproportionate attention has been paid to Northern Ireland for more than a decade and there is a sense that it's sorted. Attention will wane.

In 1998, when I was Senator Ted Kennedy's foreign policy adviser, I contacted a Massachusetts company with a call centre in Northern Ireland, thinking the company might like a photo opportunity with Senator Kennedy when he visited Northern Ireland.

That was the last thing they wanted. Many of their clients didn't know where the call centre was located.

They feared they would associate Northern Ireland with disruption and that wouldn't be good for business. Northern Ireland must dispel any remaining doubts that it is bad for business. Nothing will say that like walls coming down.

It is no coincidence that the walls are in the most economically disadvantaged neighbourhoods of Belfast and it is these neighbourhoods that have so much to gain by their removal.

It is worth considering how much the walls prevent problems and how much they are an invitation to confrontation.

A fundamental shift in thinking about neighbours previously not known, feared and hated is required. It won't happen overnight. But there are some hopeful signs. There are excellent cross-community projects at several interfaces.

The parades season went off peacefully. And those inciting violence at interfaces are no longer paramilitaries but alcohol-fuelled teenagers.

While such anti-social behaviour by teenagers can be found in most American cities, the danger in Belfast is the potential those otherwise minor incidents have to turn into riots.

Many in interface neighbourhoods feel powerless, left behind, and they know that the walls are holding them back, economically as well as psychologically. But the removal of walls is something they do have control over.

This will be for people there to decide. We are simply providing a date on the horizon with the hope that it might spur conversation and consideration. In order to most accurately assess what the people at interfaces think, we will soon commission a survey of people living at interfaces.

When will peace truly come to Northern Ireland? When walls fall. There is nothing more evocative of Northern Ireland's divided past, and nothing more indicative of a shared future than their removal.

Trina Vargo is the president of the U.S.-Ireland Alliance.

CELEBRATING THE 108TH BIRTHDAY OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. SUNUNU. Mr. President, I rise today to recognize an extraordinary organization with a membership consisting of the best and the bravest America has to offer. On Saturday, September 29, 2007, we honor the Veterans of Foreign Wars of the United States, more commonly known as the VFW, by celebrating the organization's 108th birthday.

The VFW is defined by a record of service and commitment to our country and our veterans. From initially fighting to protect our freedom overseas, to later ensuring that veterans have the compensation and care they deserve back home, the 2.3 million members in approximately 8,400 Posts worldwide deserve our thanks and recognition.

Since 1899, when a group of 13 Spanish-American War veterans convened to advocate for the benefits then denied to their comrades in arms, the VFW has worked tirelessly to protect the rights of fellow veterans while continuously honoring the service of those who made the ultimate sacrifice to protect our way of life.

One of the many privileges I have in serving New Hampshire is working with representatives of the Granite State's VFW Auxiliary Posts. Never losing sight of the organization's mission or obligations, the straightforward approach of members serves as a breath of fresh air. They ask direct questions and expect direct answers. New Hampshire's VFW members should be proud of their representation.

Nationally, the VFW is committed to its mission to "honor the dead by helping the living" through veterans' service, community service, and steadfast advocacy of a strong national defense. This dedication can be witnessed through the organization's work to create the Veterans Administration, its efforts to establish numerous memorials in memory of those who have served, and its devotion to improving the educational, health, and other benefits owed to returning veterans. Moreover, the VFW's efforts in the community, annually providing more than 13 million hours of volunteerism and donating $2.5 million in college scholarships, further endears the organization and its members to all Americans.

At a time of ongoing conflict abroad, the VFW welcomes our returning servicemembers with support, guidance, and camaraderie as they readjust to life on the home front. Additionally, as they continue to serve the communities around them, VFW members act as role models whose experiences and commitment to service provide a beacon of light in today's society. For their longstanding and continued contributions, the VFW and its members deserve our immense respect and sincere gratitude.

50TH ANNIVERSARY OF LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION

Mr. DODD. Mr. President, this week marks the 50th anniversary of the desegregation of Little Rock Central High School, a victory for equality in education that was only secured with the help of Federal troops. The images that came out of Little Rock in September 1953 remain indelible: the National Guard literally standing in the way of equal education; a citizens' blockade threatening to break into mob violence at the mere thought of sharing their school with Black students; and the quiet dignity and courage of the Little Rock Nine. Their determination to claim their rights is still a source of inspiration, but the rest of the Little Rock crisis is a source of shame.

So we do two things on this 50th anniversary. First and foremost, we honor the nine young students who integrated Little Rock and who gave eloquent testimony that equality begins with education. We thank them today: Ernest Green, Elizabeth Eckford, Jefferson Thomas, Terrence Roberts, Carlotta Walls LaNier, Minnijean Brown, Gloria Ray Karlmark, Thelma Mothershed, and Melba Pattillo Beals.

But second, we need to forthrightly face the truth this week: 50 years later and 53 years after Brown v. Board of Education, the work they helped begin is still incomplete. Segregation in law is over, but who can doubt that it persists in fact? National Guard troops may no longer be blocking children from the door to an equal eduation, but the forces that have taken their place, if less visible, are no less potent.

Whether an American child has good teachers, whether that child has up-to-date textbooks, whether that child goes to school in a safe, modern building—all of these educational essentials depdend far too much on where that child happens to live. In fact, America—the country that struck down segregation more than a half-century ago—ranks at the bottom of developed countries in the disparity of schooling it offers to the rich and the poor. Why doesn't that gap shame us just as much as anything that happened in Little Rock?

Mr. President, a textbook published in this millenium should not be a luxury. Modern school buildings and computers and libraries should not be luxuries. Qualified teachers, competent guidance counselors, rigorous curricula, small classes—they should not be luxuries. Children should not be entitled to them because they happen to live in affluence; they are entitled to them because they live in America.

Let us look to this important anniversary for inspiration to desegregate American education for good and for all—to complete the work begun so bravely by the Little Rock Nine.

COURAGE AND BRUTALITY IN BURMA

Mr. LEAHY. Mr. President, for the past 10 days, people around the world have watched with admiration and increasing trepidation as over 100,000 courageous Burmese citizens, led by thousands of maroon clad Buddhist monks, have demonstrated peacefully in Burma's capital city in support of democracy and human rights. They have been calling for an end to military dictatorship and the release of Burma's rightful, democratically elected leader, Aung San Suu Kyi, who has been either in prison or under house arrest for 11 of the past 18 years.

Today, there are reports that Burmese soldiers had cordoned off the streets, fired tear gas, shot and killed several of the protesters and a Japanese journalist, raided monasteries and arrested opposition party members and hundreds of monks. The vicious response by the Burmese military against masses of peaceful, dignified, unarmed citizens, while not surprising, is intolerable and should be universally condemned.

Earlier this week, President Bush made a forceful statement before the United Nations General Assembly criticizing the repression of Burma's military leaders and announcing tighter sanctions and visa restrictions. The President's announcement is welcome.

U.S. leadership is essential, but it can only go so far. Bringing democracy and human rights to the Burmese people will require far stronger pressure from its neighbors and trading partners such as China, Thailand, Russia, and India. It will require these and other nations to disavow the failed policies of engagement with the Burmese junta.

I have long believed that engagement is most often the best policy, but there comes a time when it has demonstrably failed, and there is no more obvious example of this than Burma. A different approach is long overdue.

Burma's friends and allies must make unequivocally clear what President Bush and others have said, and what the brave citizens of Burma are calling for: Burma will suffer severe economic sanctions unless Aung San Suu Kyi and other political prisoners are released and the generals in charge agree to hand over power.

In his own speech at the United Nations, Secretary General Ban Ki-moon voiced hope that the Burmese junta would "exercise utmost restraint" and engage in a dialogue with "relevant parties" in seeking national reconciliation. Obviously, that has not happened. Since then, the Secretary General has sent his special envoy to Burma to try to convince the Burmese junta to resolve this crisis peacefully.

It is very disappointing that China, Burma's largest trading partner, has once again put its economic interests, and Burma's corrupt generals, above the fundamental rights of the Burmese people. China, which has more influence over the Burmese junta than any other government, blocked the U.N. Security Council from adopting a resolution condemning the violence.

It is a sad commentary on a country that the rest of the world entrusted to host the next Olympics. While China has urged the generals to exercise restraint, history has shown that in Burma words alone are not enough. We hoped China would act differently this time, but so far we have been mistaken.

Many times in the past, peaceful protests in Burma have been put down with brute force. Countless Burmese citizens have been imprisoned or killed for doing nothing more than speaking out in support of democracy.

The past 10 days of protests have attracted far greater crowds, and because of the Internet the whole world can see their numbers, their bravery, and the strength of their conviction. The people of Burma are an inspiration to people everywhere, and they are asking for our support. Without it they cannot succeed. If all nations stand united behind them now, Burma's long nightmare can finally come to an end.

CRITICAL ACCESS HOSPITAL IMPROVEMENTS

Mr. CONRAD. As the chairman knows, many rural hospitals are facing significant financial pressure and are finding it increasingly difficult to operate under the Medicare prospective payment system. In response, the chairman and I have worked closely to support our rural facilities and established the Critical Access Hospital Program in 1997. This program was designed to help small, rural facilities remain financially viable in the face of inadequate Medicare reimbursement, and it has been tremendously beneficial to maintaining access to hospital care across North Dakota and other rural states.

Mr. BAUCUS. I share my colleague's support for the Critical Access Hospital Program. Like North Dakota, Montana struggles to maintain sufficient access to hospital care. The Critical Access Hospital Program has been an important component in ensuring that our hospitals can remain open and continue to serve Medicare beneficiaries.

Mr. CONRAD. Despite the successes that have been achieved under the Critical Access Hospital Program, changes made as part of the Medicare Modernization Act of 2003 have harmed the ability of certain critical hospitals, such as St. Joseph's Hospital in Dickinson, ND, to become critical access hospitals. It is imperative that flexibility be reinstated in the program to allow States to deem hospitals as necessary providers and, therefore, eligible for critical access hospital status. I have spoken with you about this issue in the past and am pleased that you are willing to consider this issue during consideration of a Medicare package later in the year.

Mr. DORGAN. I strongly support reinstating the ability of States to deem necessary providers to be critical access hospitals. The Critical Access Hospital Program has helped ensure that the doors stay open at many hospitals in rural America. Without this program, many Medicare beneficiaries in my State would have to drive hours to receive health care. I think it is important to give States flexibility to deem necessary providers as critical access hospitals and not rely on a one-size-fits-all definition. If we don't address this issue, I am worried that one of our hospitals in western North Dakota, St. Joseph's Hospital, may not be able to survive. I appreciate Chairman BAUCUS' commitment to work with us to address this issue and to consider modifications to the Critical Access Hospital Program that would allow St. Joseph's Hospital in Dickinson, ND, to participate.

Mr. BAUCUS. I applaud my colleague's efforts on this issue and assure you that I am committed to working with you to enact modifications and improvements to the Critical Access Hospital Program in Medicare legislation later this year that will assist hospitals like St. Joseph's.

Mr. CONRAD. I thank my colleague for his commitment and look forward to working with you to craft a reasonable solution that benefits St. Joseph's.

NATIONAL LEARN AND SERVE CHALLENGE

Mr. KENNEDY. Mr. President, this week marks the first-ever nationwide Learn and Serve Challenge, a series of events occurring across the country to raise awareness about the value of service learning and the role of Learn and Serve America in supporting and promoting it.

Service learning is a way for schools, colleges, and communities to combine community service and academic learning in ways that increase student learning, strengthen partnerships between schools and the communities they serve, and perhaps most importantly, tap into young people's endless ideas and enthusiasm for solving problems.

We know that the real benefits of service learning go far beyond the events of a week, or even a year. They last a lifetime, because countless students who participate in service learning continue to serve throughout their lives.

As my brother Robert Kennedy said, each time persons stand up for an ideal, or act to improve the lot of others, or strike out against injustice, they send forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

When young students create such ripples and see their effects, they remember them all their lives. They remember their own ability to help others, and the joy and satisfaction it can bring. They develop a habit of service that follows them throughout their careers. And this is what makes service learning so very important.

Through community service, all of us have the opportunity to make our own lives better by helping others. And through strong service learning, schools are teaching generations of young people the joy of helping others. We are also doing much more. We are making our democracy stronger. Our democracy depends on the active involvement of citizens to shape our government and shape our communities.

There is no question that America needs students who are well-educated in every way. We are working to do better in this respect, but we need to do much more. We need students who grow up understanding what it is to serve, to give back to their community, to help others. Our nation will always draw strength from a committed and engaged citizenry. Service learning helps us build that better citizenry, one student at a time.

Seventeen years ago, I was the original sponsor of the National and Community Service Act of 1990. We reached across the aisle to recognize an important priority: to encourage and increase service in America. Among the many accomplishments of that legislation was the creation of Serve America, a new program to promote the practice of service learning in American schools.

That program, now called Learn and Serve America, has exceeded the high expectations we had for it. Last year, 1.4 million students participated in service learning nationwide through Learn and Serve. Since the creation of the program, over 14 million students have served their communities because of it. It's an impressive accomplishment to have touched so many lives. I congratulate all of those who have participated in Learn and Serve over the years, and especially those who have guided the program so successfully.

The Learn and Serve Challenge events taking place across America this week are an effective way to bring new and well-deserved attention to the program and to the benefits of service learning, and I look forward to even more impressive successes of this unique program in the years ahead.

PROJECTS SPONSORSHIP—S. 1745

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, I rise today to clarify for the U.S. Senate the sponsorship of several congressionally designated projects included in the report accompanying S. 1745, the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2008, S. Rpt. 110-124. Specifically:

The report should indicate that funding provided through the Department of Justice for the Presidential Candidate Nominating Conventions for 2008 was requested by Senators ALLARD, COLEMAN, KLOBUCHAR, and SALAZAR.

Senator LEVIN should be listed as having requested funding for Grand Rapids Public Schools, Grand Rapids, MI, for an academic prevention and workforce skills program funded through the Department of Justice.

Senator STABENOW should be listed as having requested funding for the Ruth Ellis Center, Highland Park, MI, for an outreach program funded through the Department of Justice.

Senators SCHUMER and BILL NELSON should not be listed as having requested funding for Regional Climate Centers funded through the Department of Commerce.

Finally, Senator MCCASKILL has withdrawn her request for the following activities funded through the Department of Justice: Rape, Abuse & Incest National Network, RAINN, Partnership for a Drug Free America Meth360 Program, and Big Brothers, Big Sisters.

RETIREMENT OF GENERAL PETER PACE

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to a true patriot and exceptional leader of our military, GEN. Peter Pace, Chairman of the Joint Chiefs of Staff, for his more than 40 years of dedicated service to the U.S. Armed Forces and to our country.

General Pace has devoted his life to service of his country. For him, duty, honor, and commitment have been more than words. They have been a career and a way of life. America is great because of the service and sacrifice of Americans like General Pace. We are deeply grateful for his service.

General Pace has consistently put the military ideal of service to country before himself and has shown exceptional concern for the well-being of our men and women in uniform. Indeed, if there is one trait that can be said to define the character of General Pace, it is that he has been guided in all his decisions by an intense feeling of duty to the soldiers, sailors, airmen, and marines who defend the freedoms we all enjoy.

This brave patriot is retiring October 1, marking the end of a long and distinguished military career.

GEN. Peter Pace began his service to America at the U.S. Naval Academy. In 1968, after completing officer training at the Basic School in Quantico, Virginia, General Pace was assigned to the 2nd Battalion, 5th Marines, of the 1st Marine Division in Vietnam.

In Vietnam, he served first as a rifle platoon leader and subsequently became an assistant operations officer. He joined the platoon during the battle for Hue City and was the unit's third platoon leader in as many weeks.

For his service and heroism, General Pace was decorated for valor during his tour in Vietnam. Yet what mattered most to him were the troops he led, some of whom, tragically, lost their lives for the country we love. General Pace holds as one of his most valued treasures the photo of LCpl Guido Farinaro, the first marine he lost in combat. The lance corporal's forever young likeness is under the glass on General Pace's desk, each day reminding him of the impact of his decisions as a military leader. General Pace has often been quoted as saying that it is the duty of every soldier to live his or her life in an exemplary way and take on an extra measure of responsibility for those fellow soldiers who have been killed and whose families now live without them. This dedication to the fallen, and to the survivors, is characteristic of General Pace.

Following Vietnam, General Pace was assigned to Marine Barracks, Washington, DC, where he served as security detachment commander at Camp David, a White House social aide, and platoon leader of Special Ceremonial Platoon.

Over the next two decades, General Pace held command at virtually every level and served our country throughout the world. While a brigadier general, he served as deputy commander of Marine Forces, Somalia, from December of 1992 to February of 1993, and as deputy commander of Joint Task Force—Somalia from October 1993 to March 1994.

On September 30, 2005, General Pace became the country's senior military leader when he was sworn in as the 16th Chairman of the Joint Chiefs of Staff on September 30, 2005. General Pace also made history—he had the distinction of being the first marine to serve in this role and of being the first Italian American to do so.

I know from my personal conversations with him that General Pace took modest pride from that last fact. And believe that General Pace—whose name means "peace" in Italian—knew full well that his was a fitting name for a soldier because the path to achieving peace, and to preserving it, is through the kind of strong and capable a military to which he devoted his career.

The Chairman of the Joint Chiefs is always a challenging job but never more so than at a time when the Nation is at war. He has been a respected source of military counsel for our country's leaders. He has worked to help transform the military so that it will be able to address the myriad of global challenges during this time of war. Now, he leaves his chairmanship knowing that our Armed Forces in Iraq have been making new progress there, thanks to a new strategy put in place under his watch.

As has been his practice since he left Annapolis 40 years ago, General Pace has always kept the best interests of our men and women in uniform in the forefront of discussions. General Pace is known for his thoughtful manner, his sense of humor, and above all his consummate integrity. One Pace trademark we have all come to value is his constant reference to "PFC Pace" in all military-related discussion, his attempt to ensure that the President, the Secretary of Defense, the National Security Council, the Homeland Defense Council, and the Congress consider the impact of their decisions on the most junior members of our military. General Pace's leadership has made a significant contribution to improving the security of the United States as we wage this war to protect our Nation and our liberty.

As Chairman of the Joint Chiefs, General Pace has had a valued partner in helping to improve the quality of life for the family members who sustain our all-recruited force. His wife Lynne has diligently worked with her husband to assist military families in quite literally every clime and place. Throughout her husband's career, at each duty station, she focused on working to improve their quality of life, both as a key volunteer, where she provided advice on family readiness and financial assistance issues, and as a LINKS volunteer—Lifestyles, Insights, Networking, Knowledge, and Skills—where she was a mentor to other military spouses and helped them adapt to the unique challenges of military life. In addition to serving on the boards of CARE, which works to eradicate world poverty through education, health, and economic programs, and the Armed Services YMCA, Lynne has worked with the USO, Americans with Disabilities, and numerous other volunteer groups. She also helped to develop a curriculum for spouses that became an integral part of the Commanders Course.

The Paces' proudest accomplishment undoubtedly is their two children, Peter, a captain in the U.S. Marine Corps Reserve, and Tiffany Marie, who is an accountant. This is truly a family that embodies the greatness of our blessed land.

General Pace will indeed be remembered as a dedicated Chairman of the Joint Chiefs of Staff, a true patriot, a courageous warrior, a distinguished general, and a dedicated leader with the highest integrity and compassion for all who had the distinct honor of serving with him.

When General Pace was appointed to become Chairman of the Joint Chiefs, President Bush remarked, "To the American people, the Marine is shorthand for can-do, and I'm counting on Pete Pace to bring the Marine spirit to these new responsibilities." General Pace has always lived his life and served his country in the Marine spirit. A grateful nation extends her appreciation.

Semper Fi.

ADDITIONAL STATEMENTS

ALBUQUERQUE READS PROGRAM

• Mr. DOMENICI. Mr. President, I wish to recognize the Albuquerque Reads program and Pat Dee for the work he has done on this immensely successful program.

Albuquerque Reads has helped thousands of students in the Albuquerque area gain proficiency in reading. Reading can expand a student's imagination and open their minds to new ideas. Reading is the gateway to attaining knowledge. This very basic skill can catapult students into new levels of understanding and give them the tools they need to excel. I have always been an avid reader, which has helped me become what I am today. I never stop learning, and I hope these students never stop either.

It was a pleasure to visit with Pat Dee when I was in New Mexico a few weeks ago. The work he has done with this program has been noticed by many, including the President of the United States. Mr. Dee received a Volunteer Service Award from the President for the many hours he has dedicated to helping students learn to read. He directs over 300 volunteers who help facilitate the program and is looking to expand it with an additional 200 volunteers. Albuquerque Reads places these volunteers in underperforming schools to tutor kindergarteners. With their help, reading proficiency has increased 40 percent.

I want to say thank you to Albuquerque Reads and Pat Dee for all that you have done for students in the area. I wish you much success in the future.●

RETIREMENT OF HIRO PAUL MIZUE

● Mr. INOUYE. Mr. President, on September 29, 2007, Mr. Hiro Paul Mizue, Chief of the Civil and Public Works Branch, Honolulu Engineer District, HED, U.S. Army Corps of Engineers, will retire from U.S. Government service following 34 years of exemplary service to Hawaii, the Pacific Region, the U.S. military, and our Nation.

Over the course of these 34 years, Mr. Mizue has served with integrity and distinction. I have personally witnessed his conviction to duty and steadfast dedication to improving the lives of citizens and servicemembers.

Mr. Mizue has demonstrated the highest values and ideals over his years of distinguished service, excelling at every assignment in his career, which covers every facet of civil and military planning and design management. He has exercised exceptional leadership and management skills on behalf of the Army Corps of Engineers to achieve much lauded success.

His professional career in water resources began with the Los Angeles County Flood Control District in 1968 as a hydraulic engineer. Called to duty by the U.S. Army in 1969, he was assigned to HED as a civil engineer where he worked in the Civil Works Branch at Fort Armstrong. Upon discharge in 1971, he returned to the Los Angeles Flood Control District. In 1974, he relocated to Hawaii, joining the Honolulu firm of Belt Collins and Associates as a civil engineer. He rejoined the Honolulu District in late 1975 as a hydraulic engineer, managing water resources feasibility studies.

In 1983, Mr. Mizue transferred to HED's military engineering division where he served as the Chief of the Family Housing/Hospital Division until 1995. During this period, he provided exceptional project management support culminating with $271 million in construction of new family housing for our brave servicemembers on Hickam AFB, Wheeler AAF, Schofield Barracks, Aliamanu Military Reservation, and Fort Shafter. Also of note are Mr. Mizue's efforts in managing $100 million in design-build contracts for a much needed expansion of the Tripler Army Medical.

Having demonstrated exemplary leadership and management skills, Mr. Mizue was promoted to Chief of Planning Division in 1995; this office later became Civil and Public Works Branch. In this capacity, Mr. Mizue provided high-quality planning services to the State of Hawaii, Guam, Commonwealth of the Northern Marianas, and American Samoa. In addition, he implemented comprehensive/holistic planning by having Corps planning studies evaluate water resources problems broadly and at a watershed level. This approach formed the basis for Federal, State, and local agencies to implement integrated water resources development projects. Mr. Mizue typified customer care by constantly striving to provide the highest quality planning services and products in a responsive manner.

In 2006, Mr. Mizue led HED's response to assist the State and counties with dam safety inspections after the Kaloko Dam failure and later following a 6.7-magnitude earthquake. HED's responses to these disasters demonstrated the exceptional working relationship with the State of Hawaii. Through his leadership, expertise, and experience, HED became recognized as the proven leader in project execution, accomplishment, and responsiveness.

During his 12 years as Chief of Civil and Public Works Branch for the Honolulu District, Mr. Mizue parlayed his extensive leadership skills to accomplish notable Branch achievements. A major civil works project built during his tenure was the Alenaio Stream Flood Control project, on the Big Island, completed in 1997 at a cost of $16 million. During the storm of November 2000, the improvement prevented approximately $13 million worth of damages and remains fully functional today.

More recently, Mr. Mizue successfully led the district through its biggest civil works construction program in many years with highly visible and vital projects, such as the $28 million Kaumalapau Harbor Project on the Island of Lanai, the $124 million Palau Compact Road Project in the Republic of Palau, and the $19 million Kikiaola Small Boat Harbor Project on the Island of Kauai. Under his tutelage, the Honolulu District has achieved the highest customer satisfaction rating for its civil works program in its history. While these accomplishments attest to his commitment to client satisfaction, his nurturing, and pragmatic management style earned him a reputation as a solid team player and a supportive, fair supervisor and mentor to his staff. Mr. Mizue exemplifies not only an effective manager but, more importantly, a dedicated and caring leader.

Mr. Mizue is a recognized representative of the Corps in the Pacific Region. Under his management, the civil works and capital improvement programs expanded in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, providing for the essential needs of these communities. Mr. Mizue's exemplary administrative and leadership skills have always led the way. He has established lasting relationships with the Hawaii congressional delegation, as well as the Governors of Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands. The assets that he brings to bear on behalf of the Corps of Engineers are considerable.

Born in Tokyo, Japan and raised in California, Mr. Mizue is a registered professional engineer in California and Hawaii, a member of the American Society of Civil Engineers, and a graduate of the CP-18 Executive Development Program. He holds a bachelors of science degree in engineering from the University of California, Los Angeles and a master of science degree in Water Resource Engineering from Utah State University. He received the Commander's Award for Civilian Service in 1993 and 2002. Mr. Mizue is married to the former Ruby E. Ibaraki. They have three children, Evan, Reid, and Cara.

Mr. President, Mr. Mizue's lifelong contributions to the Army are considerable. His recognized leadership and management skills, his ability to forge lasting substantive relationships, and his clear direction and vision point to a truly outstanding individual who has dedicated his life to service. The Honolulu Engineer District will continue to serve as "America's Engineers in the Pacific." Paul Mizues's legacy of unwavering dedication to duty to the U.S. Army will carry on. Thank you, Mr. Mizue for a job well done. You have the gratitude of a grateful nation.●

IN RECOGNITION OF PAUL WICE

● Mr. NELSON of Nebraska. Mr. President, I wish to congratulate a radio legend in my home State of Nebraska. Paul Wice, who has been a talk show host, news reporter, and news director at KGFW Radio in Kearney, NE, for nearly 40 years, is retiring and will broadcast his final show on September 28, 2007.

Paul got his start in radio working part time, while earning a bachelor's degree in 1966 in speech and music from what was then known as Kearney State College. His first full-time radio job was at KWBE in Beatrice, NE, where he served as news director.

In 1967 Paul returned to Kearney as the afternoon announcer and news director at KGFW. Deciding to try something other than radio, he left the station just a year later to join the Kearney Hub newspaper. He quickly found that his heart was in radio and returned to KGFW as its news director in 1969. Paul has been there ever since and is now in his 38th consecutive year of broadcasting on KGFW to the people of central Nebraska.

While working full time, Paul went on to earn a master's degree in speech communication in 1988 and has served as an adjunct instructor at the University of Nebraska-Kearney since then. He is responsible for KGFW receiving the coveted Mark Twain Award from the Nebraska Associated Press five times, including three consecutive years from 1997 to 1999.

A past president of Nebraska Associated Press Broadcasters, Paul was also the first recipient of the Lifetime Achievement Award from the Nebraska AP. He currently serves on the Freedom of Information Committee of the Nebraska Broadcasters Association. He has covered it all for KGFW, including riding on the Robert F. Kennedy train in 1968, just months before the Presidential contender was assassinated. On the other end of the political spectrum, Paul attended a White House Radio-Television News Directors Association luncheon with then-President Ronald Reagan. He also served as the Nebraska Broadcasters Association's official witness to the first execution in Nebraska in decades.

Paul made his mark serving the people of Kearney and central Nebraska, not only as a successful broadcaster but as a dependable source of news year after year. It is highly unusual in this day and age for someone to be able to say they have worked for the same employer for nearly four decades, especially in the highly competitive field of broadcasting.

At every turn in my own political career, from my days as State insurance director to my terms as Governor to my present role as a U.S. Senator, Paul has been there to cover the news, and I will miss interviewing with him in the future.

Paul Wice has definitely been "The Talk of the Town," as his radio program is called. His absence from the airways will leave a void that will be tough to fill, but I am sure I join all Nebraskans in wishing him well in retirement as he signs off the air for the very last time.•

WEST VIRGINIA'S 2007 ANGEL IN ADOPTION

• Mr. ROCKEFELLER. Mr. President, it is my great honor to highlight the work of a devoted and difference-making West Virginian. Dennis Sutton, through his work in the Children's Home Society, has been a true asset to adoptive and foster parents and adoption agencies both in West Virginia and across the Nation. I would like to take a moment to highlight his service to his community and congratulate him on receiving the Congressional Adoption Caucus's Angel of Adoption Award.

As the CEO of Children's Home Society of West Virginia, Dennis Sutton has dedicated his organization's program to securing loving homes for West Virginia's children in need—a derivative from his belief that every child is entitled to a loving family and home. Children's Home Society of West Virginia's utmost priority of bringing children and families together has been the result of more than 110 year experience, skilled and well-informed staff, certification by the National Council on Accreditation, and readily available statewide service.

Dennis Sutton's commitment to our Nation's vulnerable children can be further seen in his participation as a founding member of Children's Home Society of America. A national organization, CHSA is comprised of the leading child welfare agencies across the country and aims to promote the safety, nurturing, and well-being of vulnerable children. This remarkable organization is working to make the adoption process easier for everyone involved but put children in the care of stable families, give them the tools to succeed in today's world, and give them hope.

To me, it is clear that this kind of work merits the Angel in Adoption Award. Because of Children's Home Society of America, more than 250,000 children are now living in stable environments. That is an extraordinary accomplishment, one that will benefit our communities now and in the future. Dennis truly has been a passionate advocate for our children in need, has laid the groundwork for a better adoption process, and has put forth the bold vision to enrich and strengthen the fabric of this Nation.

I am delighted to have had this opportunity to highlight not only the wonderful cause but the person who is working on this in my State of West Virginia. To Dennis and the Children's Home Society of America, I offer my most profound respects and deepest appreciation.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Peru Trade Promotion Agreement (Agreement). The Agreement represents a historic development in our relations with Peru, and it reflects the commitment of the United States to supporting democracy and economic growth in Peru. It will also help Peru battle illegal crop production by creating alternative economic opportunities.

In negotiating this Agreement, my Administration was guided by the objectives set out in the Trade Act of 2002. The Agreement will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening new markets and eliminating barriers.

Under the Agreement, tariffs on approximately 80 percent of U.S. exports will be eliminated immediately. This will help to level the playing field, since over 97 percent of our imports from Peru already enjoy duty-free access to our market under U.S. trade preference programs. United States agricultural exports will enjoy substantial new improvements in access. Almost 90 percent, by value, of current U.S. agricultural exports will be able to enter Peru duty-free immediately, compared to less than 2 percent currently. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and high levels of environmental protection in Peru.

The Agreement forms an integral part of my Administration's larger strategy of opening markets around the world through negotiating and concluding global, regional, and bilateral trade initiatives. The Agreement provides the opportunity to strengthen our economic and political ties with the Andean region, and underpins U.S. support for democracy and freedom while contributing to further hemispheric integration.

Approval of this Agreement is in our national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 27, 2007.*

MESSAGE FROM THE HOUSE

At 1:38 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2693. An act to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 217. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3580; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2693. An act to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 27, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3443. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Removal of Quarantined Area" (Docket No. APHIS–2007–0051) received on September 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3444. A communication from the Assistant to the Board, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks" (Docket No. R–1279) received on September 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3445. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Saudi Arabia including equipment and services needed to support a greenfield petrochemical plant; to the Committee on Banking, Housing, and Urban Affairs.

EC–3446. A communication from the Secretary, Office of Investment Adviser Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule Regarding Principal Trades with Certain Advisory Clients" (RIN3235–AJ96) received on September 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3447. A communication from the Assistant to the Board, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Definitions of Terms and Exemptions Relating to the 'Broker' Exceptions for Banks" (RIN3235–AJ74) received on September 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3448. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Practice Before the Internal Revenue Service" ((RIN1545–BA72) (TD 9359)) received on September 25, 2007; to the Committee on Finance.

EC–3449. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Use of Campaign Funds for Donations to Non-Federal Candidates and Any Other Lawful Purpose Other Than Personal Use" (Notice 2007–18) received on September 25, 2007; to the Committee on Rules and Administration.

EC–3450. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the second quarter report of the Joint Improvised Explosive Device Defeat Organization; to the Committee on Armed Services.

EC–3451. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a standard competition of the Vehicle Operations and Maintenance function at Travis Air Force Base; to the Committee on Armed Services.

EC–3452. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Oxides of Nitrogen Regulations, Phase II" (FRL No. 8472–4) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3453. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama; Clean Air Interstate Rule" (FRL No. 8475–9) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3454. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans of Kentucky: Clean Air Interstate Rule" (FRL No. 8475–4) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3455. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi; Clean Air Interstate Rule" (FRL No. 8475–8) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3456. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Clean Air Interstate Rule" (FRL No. 8472–5) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3457. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans; North Carolina: Clean Air Interstate Rule" (FRL No. 8475–6) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3458. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Florasulam; Pesticide Tolerance" (FRL No. 8148–4) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3459. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tembotrione; Pesticide Tolerance" (FRL No. 8148–2) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3460. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinclorac; Pesticide Tolerance" (FRL No. 8149–5) received on September 26, 2007; to the Committee on Environment and Public Works.

EC–3461. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the biennial report relative to the status of children in Head Start Programs for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–3462. A communication from the Chief Acquisition Officer, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation" (FAC 2005–19) received on September 26, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3463. A communication from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report relative to the compliance of courts of appeals and district courts with time limitations established for deciding habeas corpus death penalty petitions; to the Committee on the Judiciary.

EC–3464. A communication from the Chief Executive Officer, Air Force Sergeants Association, transmitting, pursuant to law, a report relative to the financial statements of the Association for the year ended April 30, 2007; to the Committee on the Judiciary.

EC–3465. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Regulatory Flexibility Program" (71 FR 4035) received on September 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3466. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Passive Foreign Investment Purging Elections" (TD 9360) received on September 26, 2007; to the Committee on Finance.

EC–3467. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Suspension of Rev. Rul. 2007–54" (Rev. Rul. 2007–61) received on September 26, 2007; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 258. A resolution recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S.J. Res. 13. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 45. A concurrent resolution commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Gen. Kevin P. Chilton, 6603, to be General.

Air Force nomination of Maj. Gen. Ted F. Bowlds, 8694, to be Lieutenant General.

Army nomination of Maj. Gen. Thomas G. Miller, 3543, to be Lieutenant General.

Army nomination of Gen. William E. Ward, 9000, to be General.

Army nomination of Brig. Gen. David N. Blackledge, 1316, to be Major General.

Army nomination of Col. Keith D. Jones, 6195, to be Brigadier General.

Army nomination of Brig. Gen. Christopher A. Ingram, 5053, to be Major General.

Army nomination of Col. Oliver J. Mason, Jr., 0213, to be Brigadier General.

Marine Corps nomination of Lt. Gen. James N. Mattis, 7981, to be General.

Navy nomination of Vice Adm. Mark P. Fitzgerald, 2694, to be Admiral.

Navy nomination of Rear Adm. Carl V. Mauney, 8015, to be Vice Admiral.

Navy nomination of Adm. Gary Roughead, 6126, to be Admiral.

Navy nomination of Vice Adm. Jonathan W. Greenert, 8869, to be Admiral.

Navy nomination of Capt. Lawrence S. Rice, 7901, to be Rear Admiral (lower half).

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Laura E. Barnes and ending with Kevin L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nominations beginning with Dana M. Adams and ending with Monica L. Wheaton, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2007.

Air Force nomination of William H. Sneeder, Jr., 4227, to be Colonel.

Air Force nomination of Frank W. Shagets, 4159, to be Colonel.

Air Force nominations beginning with Mark W. Duff and ending with Andrew Stoy, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Air Force nomination of John M. Alden, Jr., 8816, to be Lieutenant Colonel.

Air Force nomination of Frederick M. Abruzzo, 4554, to be Major.

Air Force nominations beginning with William W. Dodson and ending with John R. Shaw, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Air Force nominations beginning with Thomas E. Marchiondo and ending with Kyung L. Boen, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Air Force nominations beginning with David W. Ashley and ending with Marc D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Army nomination of Dwayne S. Tupper, 5156, to be Major.

Army nomination of Suzanne R. Todd, 2534, to be Major.

Army nomination of Ralph C. Beaton, 7048, to be Major.

Army nomination of Kristen M. Bauer, 6356, to be Major.

Army nomination of Jose M. Torres, 3872, to be Major.

Army nominations beginning with Richard D. Ares and ending with Yvette Woods, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nominations beginning with Kenneth E. Despain and ending with Thomas J. Steinbach, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nominations beginning with Marvella Bailey and ending with Gayla W. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nominations beginning with Cara M. Alexander and ending with D060835, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2007.

Army nomination of Shirley Haynes, 5987, to be Major.

Army nomination of Adam R. Liberman, 2735, to be Major.

Army nominations beginning with Joseph W. Brown and ending with Cynthia D. Sanchez, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nomination of Pamela J. Meyers, 7318, to be Major.

Army nomination of Jerry D. Michel, 9594, to be Lieutenant Colonel.

Army nominations beginning with Antonio Marinezluengo and ending with Thomas R. Roesel, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Daniel L. Ducker and ending with Paul J. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nomination of Scott T. Krawczyk, 4058, to be Colonel.

Army nomination of Roland D. Aut, 5627, to be Colonel.

Army nomination of Eileen G. McGonagle, 6292, to be Colonel.

Army nomination of Val L. Peterson, 1580, to be Colonel.

Army nomination of Jordan T. Jones, 9284, to be Colonel.

Army nomination of Martin E. Weisse, 4027, to be Colonel.

Army nominations beginning with Jeffrey L. Anderson and ending with David S. Lee, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Michael J. Norton and ending with William J. Thomas, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with John J. Garcia and ending with Keith E. Knowlton, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Daniel C. Danaher and ending with Jesse D. Wade, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nominations beginning with Tracy R. Norris and ending with Gary B. Tooley, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2007.

Army nomination of David M. Ruffin, 5423, to be Major.

Army nomination of Todd A. Wichman, 2598, to be Major.

Army nominations beginning with Donald S. Abbottmccune and ending with D070066, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Malik A. Abdulshakoor and ending with D060714, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Jesse Abreu and ending with D060773, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Hector J. Acostarobles and ending with D060704, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with Albert J. Abbadessa and ending with D070028, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nominations beginning with David W. Alley and ending with X1966, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Army nomination of Shawn D. Smith, 5947, to be Major.

Army nominations beginning with Brian D. Allen and ending with Michael R. Conners, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2007.

Marine Corps nomination of Jon B. Livingston, 0467, to be Major.

Marine Corps nomination of Arthur E. Verdugo, 1466, to be Colonel.

Navy nomination of Ronnie M. Citro, 4308, to be Lieutenant Commander.

Navy nominations beginning with Kathleen M. Baldwin and ending with Tanya D. Lehmann, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Michael L. Farmer and ending with Thomas S. Price, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Suzanna G. Brugler and ending with Erik J. Reynolds, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Aldrith L. Baker and ending with Ennis E. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Victor Allende and ending with Darren B. Wright, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Erik E. Anderson and ending with William Wright, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Lane C. Askew and ending with Richard M. Zamora, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Sharon D. Barnes and ending with Deborah B. Yusko, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Jay P. Aldea and ending with Eric D. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Daryl G. Adamson and ending with Michael D. Yelanjian, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Jeffrey J. Abbadini and ending with Ronald W. Zitzman, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nominations beginning with Charles R. Allen and ending with Michael D. Vancas, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2007.

Navy nomination of Martin K. De Fant, 7048, to be Lieutenant Commander.

Navy nomination of Gregory E. Walters, 3832, to be Lieutenant Commander.

Navy nominations beginning with Brett T. Bowlin and ending with Jeanine B. Womble, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Ruben D. Acosta and ending with Luke A. Zabrocki, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Paul H. Abbott and ending with Carol B. Zwiebach, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Rene J. Alova and ending with Joyce N. Yang, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Navy nominations beginning with Mark E. Allen and ending with Georgina L. Zuniga, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with Don N. Allen, Jr. and ending with Jeffery S. Young, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with Cerino O. Bargola and ending with Teddy L. Williams, Jr., which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with James Alger and ending with Jason N. Wood, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Navy nominations beginning with Douglas E. Baker and ending with Sheila R. Williams, which nominations were received by the Senate and appeared in the Congessional Record on September 12, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Thomas T. Pequignot, 7705, to be Lieutenant.

Coast Guard nominations beginning with Joseph E. Vorbach and ending with Thomas W. Denucci, which nominations were received by the Senate and appeared in the Congessional Record on September 18, 2007.

Coast Guard nominations beginning with Jeffrey G. Anderson and ending with Conrad W. Zvara, which nominations were received by the Senate and appeared in the Congessional Record on September 18, 2007.

Coast Guard nominations beginning with Christopher D. Alexander and ending with Steven A. Weiden, which nominations were received by the Senate and appeared in the Congessional Record on September 18, 2007.

By Mr. DORGAN for the Committee on Indian Affairs.

*Kristine Mary Miller, of Colorado, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2010.

*Brenda L Kingery, of Texas, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

*Julie E. Kitka, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

*Sonya Kelliher-Combs, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2008.

*Perry R. Eaton, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2012.

By Mr. LEAHY for the Committee on the Judiciary.

James Russell Dedrick, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 2104. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the temporary suspension of duty for certain DVD readers and writers; to the Committee on Finance.

By Mr. HAGEL:

S. 2105. A bill to provide for the establishment of the Federal Health Care Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. SCHUMER, Mrs. CLINTON, Mr. CRAPO, and Mr. MARTINEZ):

S. 2106. A bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 2107. A bill to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY (for herself, Mr. BAUCUS, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. DODD, Mr. INOUYE, Mr. KERRY, and Mr. LAUTENBERG):

S. 2108. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 2109. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2110. A bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. OBAMA (for himself, Mr. DURBIN, and Mr. SANDERS):

S. 2111. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of early intervention services, particularly school-wide positive behavior supports; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself, Mr. ALEXANDER, and Mr. AKAKA):

S. 2112. A bill to amend the Public Health Service Act to establish the Nurse-Managed Health Clinic Investment program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. GRASSLEY) (by request):

S. 2113. A bill to implement the United States-Peru Trade Promotion Agreement; to the Committee on Finance pursuant to section 2103(b) of Public Law 107-210.

By Mrs. CLINTON:

S. 2114. A bill to amend the Truth in Lending Act, to provide for enhanced disclosures to consumers and enhanced regulation of mortgage brokers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARDIN:

S. 2115. A bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the "Welcome to Medicare" physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 334. A resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and Palestine; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. CARDIN, Mr. SCHUMER, and Mr. DURBIN):

S. Res. 335. A resolution recognizing that the occurrence of prostate cancer in African American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating funds for education, awareness outreach, and research specifically focused on how that disease affects African American men; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. SPECTER, Mr. LEAHY, Mr. LUGAR, Mr. WEBB, Mr. REID, Mr. CONRAD, Mr. DODD, Mr. ALLARD, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ALEXANDER, Mr. DORGAN, Mr. STEVENS, Mr. LOTT, Mr. KENNEDY, Mr. ROBERTS, Mr. BENNETT, Mr. COCHRAN, Mr. COLEMAN, and Mr. BUNNING):

S. Res. 336. A resolution recognizing and honoring the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 156

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 396

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 396, a bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations.

S. 446

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 721

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 739

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 887

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 911

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 941

At the request of Mr. SANDERS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically-underserved areas.

S. 959

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 959, a bill to award a grant to enable Teach for America, Inc., to implement and expand its teaching program.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 979

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 979, a bill to establish a Vote by Mail grant program.

S. 1015

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1015, a bill to reauthorize the National Writing Project.

S. 1102

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1284

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1284, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1543

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Louisiana (Mr. VITTER), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1895

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1925

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1925, a bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes.

S. 1944

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1944, a bill to provide justice for victims of state-sponsored terrorism.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1965

At the request of Mr. STEVENS, the names of the Senator from Maine (Ms. SNOWE), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 1970

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1970, a bill to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2031

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2031, a bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration.

S. 2070

At the request of Mr. DEMINT, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2070, a bill to prevent Government shutdowns.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2094

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2094, a bill to increase the wages and benefits of blue collar workers by strengthening labor provisions in the H-2B program, to provide for labor recruiter accountability, and for other purposes.

S. 2103

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S.J. RES. 18

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S.J. Res. 18, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to a cost limit for providers operated by units of government and other provisions under the Medicaid program.

S. CON. RES. 47

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Con. Res. 47, a concurrent resolution recognizing the 60th anniversary of the United States Air Force as an independent military service.

S. RES. 252

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 252, a resolution recognizing the increasingly mutually beneficial relationship between the United States of America and the Republic of Indonesia.

AMENDMENT NO. 2236

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2236 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2251

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No.

2251 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2897

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 2897 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2905

At the request of Mr. SANDERS, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 2905 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2925

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2925 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2944

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2944 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2960

At the request of Mr. NELSON of Florida, his name was withdrawn as a cosponsor of amendment No. 2960 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2999

At the request of Mr. WEBB, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2999 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2999 proposed to H.R. 1585, supra.

AMENDMENT NO. 3003

At the request of Mrs. MCCASKILL, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), the Senator from Tennessee (Mr. CORKER), the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 3003 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3073

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 3073 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3074

At the request of Mr. SPECTER, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 3074 intended to be proposed to H.J. Res. 52, a joint resolution making continuing appropriations for the fiscal year 2008, and for other purposes.

AMENDMENT NO. 3075

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 3075 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. SCHUMER, Mrs. CLINTON, Mr. CRAPO, and Mr. MARTINEZ):

S. 2106. A bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to the offer the Procedural Fairness for September 11 Victims Act, a simple bill that ensures procedural fairness for the parties to litigation arising out of the terrible events of September 11, 2001.

When we passed the September 11 Victims Compensation Fund of 2001, we established a Federal cause of action in the U.S. District Court for the Southern District of New York as the exclusive remedy for damages arising out of the September 11 attacks. The Federal Rules of Civil Procedure effectively limit service of a subpoena by a party to an action under the Victims Compensation Fund to within 100 miles of the Southern District of New York. Litigating a Federal cause of action under the Victims Compensation Fund is likely to involve the testimony and the production of documents by a substantial number of witnesses who may not reside within 100 miles of the Southern District of New York. Neither the Victims Compensation fund statute nor the Federal rules, however, currently provide an effective means for securing such testimony or documents.

The Procedural Fairness for September 11 Victims Act addresses this oversight by allowing parties to Victims Compensation Fund actions to subpoena witnesses and documents from anywhere in the U.S. The court retains its authority to quash or modify any such subpoena if it is unduly burdensome to the witness subpoenaed.

Justice requires that the parties to cases arising under the Victims Compensation Fund have access to all the testimony and documents relevant to their claims, regardless of where in the U.S. the witnesses or documents are located. By granting the parties to such cases nationwide subpoena authority, administered by the Federal court, this act ensures that they do. As the bipartisan cosponsorship of the act attests, ensuring procedural fairness in these cases bearing on the terrible attacks of September 11 is not a Democratic issue or Republican issue, it is an American issue. I strongly encourages my colleagues from both sides of the aisle to join me and the other cosponsors of this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Procedural Fairness for September 11 Victims Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.

SEC. 3. NATIONWIDE SUBPOENAS.

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

"(4) NATIONWIDE SUBPOENAS.—

"(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

"(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure.".

By Mrs. BOXER:

S. 2109. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today, I am proud to introduce the California Desert and Mountain Heritage Act. This bipartisan legislation will protect nearly 200,000 acres of pristine and ecologically sensitive lands in Riverside County as Wilderness or Potential Wilderness, the highest level of protection and conservation for Federal public lands in American law.

Over the past year, I worked with my colleague, Representative MARY BONO, who represents the areas protected in this bill. Together, we worked to reach consensus with local officials, environmentalists, businesses, sportsmen, and Indian tribes. The result is this bipartisan, bicameral bill.

Riverside County contains some of California's, indeed, America's, most spectacular desert and mountain vistas and landscapes. The breathtaking lands protected in this bill also provide habitat for threatened bighorn sheep and the desert tortoise, as well as many other species such as mule deer, mountain quail, and bald eagles.

Specifically, the bill protects 150,531 acres of lands as wilderness, highest level of protection and conservation for Federal public lands in American law. Another 41,100 acres of land would be designated as potential wilderness. Once the final inholding claims are settled by the National Park Service, these lands will become "wilderness" without the necessity of an additional act of Congress. In the meantime, these lands will be managed by the Park Service as "wilderness."

The bill also designates 31 miles of river as wild and scenic on four California Rivers: North Fork San Jacinto River, Fuller Mill Creek, Palm Canyon Creek, and Bautista Creek. These rivers are biologically important watersheds in this dry part of my State.

Many of these lands were included in my statewide wilderness bill, the California Wild Heritage Act, which I reintroduced in February.

The bill has broad, local support including from Riverside County supervisors, municipalities, chambers of commerce, environmentalists, sportsmen, and businesses. The bill includes important provisions clarifying that Federal agencies could use all the tools necessary to fight and prevent wildfires. The wilderness boundaries were drawn in consultation with local communities and tribes.

I look forward to working with local interests and all of my colleagues to see this important legislation enacted.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2110. A bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the "Larry S. Pierce Post Office"; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr President, I rise today to introduce legislation honoring a fallen hero, Army Staff Sergeant Larry S. Pierce.

This bill would rename a post office in Taft, California after Staff Sergeant Pierce.

Staff Sergeant Pierce moved to Taft, California as a young child and attended Taft city schools and Taft Union High School, which my own father graduated from in 1922.

Staff Sergeant Pierce would have graduated with the Taft Union High School class of 1959, but he chose to join the U.S. Army in 1958.

On September 20, 1965, Staff Sergeant Pierce was killed near Ben Cat in the Republic of Vietnam. He made the ultimate sacrifice to protect his comrades, smothering the blast of an anti-personnel mine with his body.

He was only 24 years old.

He left behind his wife, Verlin, and three children: Teresa, Kelley, and Gregory.

President Lyndon B. Johnson posthumously awarded Staff Sergeant Pierce the Medal of Honor on February 24, 1966. The citation on his Medal of Honor reads as follows:

> For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty. Sgt. Pierce was serving as squad leader in a reconnaissance platoon when his patrol was ambushed by hostile forces.
>
> Through his inspiring leadership and personal courage, the squad succeeded in eliminating an enemy machinegun and routing the opposing force. While pursuing the fleeing enemy, the squad came upon a dirt road and, as the main body of his men entered the road, Sgt. Pierce discovered an antipersonnel mine emplaced in the road bed.
>
> Realizing that the mine could destroy the majority of his squad, Sgt. Pierce saved the lives of his men at the sacrifice of his life by throwing himself directly onto the mine as it exploded. Through his indomitable courage, complete disregard for his safety, and profound concern for his fellow soldiers, he averted loss of life and injury to the members of his squad.
>
> Sgt. Pierce's extraordinary heroism, at the cost of his life, are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country.

Naming the Taft Post Office in Staff Sergeant Pierce's honor is a fitting commemoration and meaningful way for the community to remember the dedication and sacrifices of the members of our Armed Forces.

I would like to thank the members of the Taft City Council, who passed a resolution on September 4, 2007 to request that Congress rename the Taft Post Office the Larry S. Pierce Post Office.

I sincerely hope that my colleagues will support this resolution to honor the service and sacrifice of Staff Sergeant Pierce.

I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. OBAMA (for himself, Mr. DURBIN, and Mr. SANDERS):

S. 2111. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of early intervention services, particularly school-wide positive behavior supports; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today I am introducing legislation to provide teachers an extra tool for the important work they do. This legislation will expand an approach that is successfully improving student behavior and the climate for learning in thousands of schools across the country: Positive Behavior Supports. I am pleased to be joined by Senators DURBIN and SANDERS in introducing the Positive Behavior for Effective Schools Act, and I urge other colleagues to join us.

Good school climate supports good teaching. Positive Behavior Supports are already being used in my home State of Illinois, where there is a network to provide assistance for schools that adopt this approach. In these schools, students are taught about positive behavior, teachers and administrators are supported in learning motivational techniques, and adults set the same high standards for student conduct as they do for student achievement. Students are helped to see the importance of behaving in a way so that they and their classmates can learn. The components necessary to do this on a school-wide basis include an agreement by the entire staff to define and support appropriate student behavior. Although this seems simple, it is often more effective than surveillance cameras, zero tolerance or other get-tough approaches to school discipline.

Positive Behavior Supports programs deal with discipline problems based on one simple premise: stop problem behavior before it starts. The specifics of the program are research-based, backed by both experiment and experience. With Positive Behavior Supports, learning time increases, and students do better. It makes sense that with fewer disruptions, with less time in the principal's office, or out of school, students can focus more, and so learn more.

Positive Behavior Supports are already established in many places. Universities and resource centers work with over 6,700 schools in 38 States. To help teachers teach our children, today I propose that we expand this innovative program. The Positive Behavior for Effective Schools Act amends ESEA to allow Title I funds to be used for Positive Behavior Supports, and creates an office in the Department of Education to assist in these efforts. The act provides flexibility for schools and districts to use Title I funds, so that schools and teachers can choose to receive assistance to improve school climate and thereby support teaching and opportunities for students to learn.

My good friend from Illinois, Congressman PHIL HARE, has introduced companion legislation in the House, and I urge my colleagues to join our effort in the Senate. Let us give our teachers an additional tool to support their teaching. Let us give our children the benefit of high expectations and supports for good behavior. Let us give our schools the opportunity to adopt this approach. Let us help our kids by supporting Positive Behavior Supports.

By Mr. CARDIN:

S. 2115. A bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the "Welcome to Medicare" physical examination and to provide for the coverage and waiver of cost-sharing for preventive services under the Medicare program; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise to introduce the Medicare Preventive Services Coverage Act of 2007. It has been ten years since Congress enacted the first comprehensive package of preventive services for Medicare beneficiaries. At the time Medicare was created in 1965, it was modeled closely after the indemnity health insurance policies of the time. As such, Medicare only covered the treatment of illnesses, and it paid for tests only when a symptom was present, but it did not cover preventive services. Over the next 3 decades, the medical community learned a great deal about the importance of preventive care. Although as early as the 1970s, health maintenance organizations had begun to cover cancer screenings and other wellness services, traditional Medicare had not kept pace.

The Balanced Budget Act of 1997 changed that. Working across the aisle, I introduced legislation that year to provide coverage for lifesaving screenings to Medicare beneficiaries. With strong bipartisan support, Congress added our language to BBA 1997, ensuring coverage for preventive services, including: an annual screening mammography for women over age 39; screening pap smear and pelvic examination for cervical cancer; prostate cancer screening; colorectal cancer screening; bone mass measurement for osteoporosis; and diabetes testing supplies and self-management training services.

Congress expanded this list of benefits in subsequent Medicare legislation. Now traditional Medicare also covers cardiovascular screenings to help prevent heart attacks and strokes; diabetes screenings; flu shots to help prevent influenza, glaucoma screening, medical nutrition therapy services, Hepatitis B vaccine, and ultrasound screening for aortic aneurysm.

Medicare also now covers a one-time "Welcome to Medicare Visit" within the first 6 months of Part B enrollment. This is an initial physical examination where beneficiaries can receive education and counseling about their medical history and needs, have some preventive screenings performed, and get referrals for other services.

Yes, over the past decade, Medicare has indeed made great strides toward helping our seniors get screened for diseases. But we have far to go.

The participation rate for Medicare preventive benefits is low. One key obstacle is financial. America's seniors still have the highest out-of-pocket costs of any age group. A 2007 Kaiser Family Foundation study compared out-of-pocket health care spending among age groups. For nonprescription drug expenses, it found that average spending for the over-65 population was nearly twice that for under-65 group. It also showed that on average, seniors in one-person households are spending 12.5 percent of their incomes on health care, versus 2.2 percent of those under 65. This means that excluding prescription drug costs, despite Medicare Part D, seniors will have very high medical bills that stretch their fixed incomes. It is no wonder that preventive services that require cost-sharing will be delayed or not received at all.

Over the years, we have also improved the benefits. We have waived the deductible for mammograms and colorectal cancer screenings. But cost sharing is still an obstacle for many seniors. They still must satisfy the deductible before getting reimbursed for the physical exam and most other services, and they must pay coinsurance for all other services except laboratory tests.

The bill that I am introducing today will waive the cost sharing for all preventive screenings and the Welcome to Medicare physical examination. It will also grant the Secretary of Health and Human Services the authority to add additional benefits as he or she determines to be "reasonable and necessary for the prevention or early detection of an illness or disability." These determinations would take into account evidence-based recommendations by the U.S. Preventive Services Task Force and other organizations. Finally, my bill would extend eligibility for the Welcome to Medicare Visit from its current time frame of 6 months to 1 year.

This bill will mean the difference between early screening and delayed diagnosis and treatment. It will mean the difference between detecting a serious illness and providing hundreds of thousands of dollars of services later.

Let me explain why. Preventive services such as mammography and colonoscopy are important tools in the fight against serious disease. The earlier they are detected, the greater the chances of survival. For example, when caught in the first stages, the 5-year survival rate for breast cancer is 98 percent. But if the cancer has spread, that rate declines to 26 percent. Similarly, if colorectal cancer is detected in its early states, the survival rate is 90 percent, but only 10 percent if found when it is most advanced.

Our seniors are at particular risk for cancer. The greatest single risk factor for colorectal cancer is being over the age of 50, when more than 90 percent of cases are diagnosed. In addition to increasing survival rates, identifying diseases early reduces Medicare costs. In the case of colorectal cancer, Medicare will pay $207 for a screening colonoscopy in a medical facility, but if the patient is not diagnosed until the disease has metastasized, the cost of care can exceed $60,000 over the patient's lifetime. Medicare pays $98 for a mammogram, but if breast cancer is not detected early, treatment can cost tens of thousands of dollars more, depending on when the cancer is found and the course of treatment used. One drug used to treat late stage breast cancer can cost as much as $40,000 a year. There can be no doubt that these services are both life saving and cost saving. But if seniors cannot afford the copayments for these services, they may delay getting them.

In addition to cancer, diabetes is another prevalent disease among seniors. The statistics associated with diabetes are staggering. Nearly 20 million Americans are estimated to have diabetes. Approximately half know they have diabetes and another half have diabetes but do not know it. But once diagnosed, the co-morbidities associated with diabetes can be avoided. It is estimated that 90 percent of diabetes-related blindness is preventable, 50 percent of kidney disease requiring dialysis is preventable, 50 percent of diabetic-related amputations are preventable and 50 percent of diabetic-related hospitalizations are preventable.

Diabetes and its complications are not only disabling, but costly to Medicare as well. The cost of medical care of people with diabetes is about $150 billion a year, according to data from the Department of Health and Human Services. In its direct costs, diabetes was the most costly of the 39 diseases reported. Despite the fact that 9 percent of the Medicare population is diagnosed with diabetes, about 27 percent of the Medicare budget is used to treat their diabetes.

Most of the cost for medical care of people with diabetes is for the treatment of the complications, which are largely preventable with modern treatment including blood sugar control. Clearly, prevention of the complications of diabetes would reduce the costs of diabetes in lives and in dollars.

Numerous studies have found that once diabetes management training is provided, populations see a nearly 50 percent reduction in emergency room visits. In addition, the number of outpatient visits, doctor office visits, and other medical expenses all decline. Diabetes can lead to amputations, blindness, heart disease, and stroke, all of which can be prevented with training and management.

This bill also gives the Secretary of Health and Human Services the authority to add new preventive services based on the recommendations of the U.S. Preventive Services Task Force. As we have seen, it can take a very long time for Congress to change health policy in this country. In order to add new preventive services to Medicare, it now requires legislative action. Under current law, as our researchers discover new, more efficient, and more accurate screening methods to detect disease, Congress would have to pass new legislation authorizing coverage for each one. This provision would enable Medicare to provide coverage for new types of screenings based on up-to-date scientific evidence.

The Preventive Services Task Force has a long and distinguished record. It dates back to 1984, when the U.S. Public Health Service convened a panel of primary and preventive health care specialists to develop guidelines for preventive services. From this panel, the U.S. Preventive Services Task Force's Guide to Clinical Preventive Services was born. While many other respected professional and research organizations have issued their own recommendations, the Task Force's publication is regarded as the "gold standard" reference on preventive services. In December of 1995, a new Task Force released an updated and expanded second edition of the Guide which includes findings on 200 preventive interventions for more than 70 diseases and conditions. The Task Force employed a rigorous methodology to review the evidence for and against hundreds of preventive services, assessing more than 6,000 studies. The Task Force recommended specific screening tests, immunizations, or counseling interventions only when strong evidence demonstrated the effectiveness of preventive services. My bill will give the Secretary the authority to use this gold standard to expand Medicare's basic benefit package to include the tests that studies have shown to be effective.

The newest benefit is the Welcome to Medicare Visit, an initial physical examination for new beneficiaries. We know that large numbers of people in the 55 to 64 age group lack health insurance, so it is particularly important for them to get a baseline examination and screenings for diseases that affect elderly people But as of July 2006, only 2 percent of all new beneficiaries, or about 8,000 people, have received this physical exam. Uptake has been slow for a number of reasons. You must get the exam within 6 months of enrolling in Medicare Part B. But many seniors don't learn about the benefit until they have been enrolled for a while, and even then it can take several months to schedule a physical examination with a doctor. So the vast majority of our seniors are missing out on this important benefit. My bill extends eligibility from 6 months after enrolling in Part B to 1 year.

Finally, I want to address the matter of cost, and that is the appropriate thing to do under our budget scoring principles. The elimination of cost sharing for preventive services has been scored by the Congressional Budget Office at $1.1 billion over 5 years. Based on CBO estimates from the 2003 Medicare law, extending the eligibility period for the Welcome to Medicare Visit from six months to one year will cost approximately $1.2 billion over years. But I believe that the members of this body also understand that, although dynamic scoring is not used by CBO, preventive health care will save money. If we detect diseases earlier, the overall cost to our society will be less. Our seniors will save out of pocket costs and all taxpayers will save money.

This bill is supported by the American Cancer Society's Cancer Action Network, the American Federation of State, County and Municipal Employees, the Center for Medicare Advocacy, the Colorectal Cancer Coalition, C3, and the Society of Vascular Surgeons. I urge my colleagues to join me in this effort to get improve seniors' access to lifesaving preventive services.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 334—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA AND WELCOMING COOPERATION BETWEEN THE PEOPLES OF ISRAEL, JORDAN, AND PALESTINE

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 334

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to address the degradation of the Jordan River and the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the "Beneficiary Parties"), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, "The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors";

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, "This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks";

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, "This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples";

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and desalination, as well as the restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea-Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in Washington in November 2007 to seek an enduring solution to the Arab-Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the "Beneficiary Parties"), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of the Red Sea-Dead Sea Water Conveyance Concept in comparison to alternative proposals;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in Washington between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab-Israeli crisis.

Mr. LUGAR. Mr. President, I rise to introduce a resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan and Palestine.

The Jordan River and the Dead Sea are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world. However, both the Jordan River and Dead Sea face serious problems. The governments of Israel and Jordan, as well as the Palestinian Authority, have worked together in an unusual and welcome spirit of cooperation to address many of the water challenges confronting the region. The Senate applauds this cooperation and urges Israel, Jordan and the Palestinian Authority to continue to work in a spirit of cooperation as they address the degradation of the Jordan River and Dead Sea.

Furthermore, the Senate hopes this cooperation might serve as a model for Israel and the Palestinian Authority as they prepare to meet in Washington this fall to seek a durable solution to the Arab-Israeli crisis.

SENATE RESOLUTION 335—RECOGNIZING THAT THE OCCURRENCE OF PROSTATE CANCER IN AFRICAN AMERICAN MEN HAS REACHED EPIDEMIC PROPORTIONS AND URGING FEDERAL AGENCIES TO ADDRESS THAT HEALTH CRISIS BY DESIGNATING FUNDS FOR EDUCATION, AWARENESS OUTREACH, AND RESEARCH SPECIFICALLY FOCUSED ON HOW THAT DISEASE AFFECTS AFRICAN AMERICAN MEN

Mr. KERRY (for himself, Mr. CARDIN, Mr. SCHUMER, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 335

Whereas the incidence of prostate cancer in African American men is 60 percent higher than any other racial or ethnic group in the United States;

Whereas African American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is 140 percent higher than other ethnic and racial groups;

Whereas that rate of mortality represents the largest disparity of mortality rates in any of the major cancers;

Whereas prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient;

Whereas African Americans are more likely to be diagnosed earlier in age and at a later stage of cancer progression than for all other ethnic and racial groups, thereby leading to lower cure rates and lower chances of survival; and

Whereas, according to a paper published in the Proceedings of the National Academy of Sciences, researchers from the Dana Farber Cancer Institute and Harvard Medical School have discovered a variant of a small segment of the human genome that accounts for the higher risk of prostate cancer in African American men: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prostate cancer has created a health crisis for African American men; and

(2) urges Federal agencies to designate additional funds for—

(A) research to address and attempt to end the health crisis created by prostate cancer; and

(B) efforts relating to education, awareness, and early detection at the grassroots levels to end that health crisis.

Mr. KERRY. Mr. President, today, I am reintroducing a Senate resolution to raise awareness of the prostate cancer crisis that exists among African-American men. This resolution challenges Congress to provide the funds necessary to increase research funding, prevent and fight the disease, and to encourage African-American men to get screened.

For me, this is personal. I am a prostate cancer survivor, and my experience opened my eyes to the horrific disparities in prevention, treatment, and long-term prognosis for prostate cancer in the African-American community. I learned a lot from my friend Tom Farrington. Tom and I are both lucky. We were diagnosed with prostate cancer—and we got cured. Our fathers weren't so lucky. Prostate cancer took them away from us. But once I got well, and once Tom got well, we started learning more and more, and a statistic that stays with me and with Tom, who is African American, speaks volumes. African-American men are 80 percent more likely to die of prostate cancer than White men. Prostate cancer is the second leading cause of cancer related death for African-American men, who have the highest incidence and mortality rate due to prostate cancer of any ethnic or racial group. African-American men are dying at a rate of 140 percent—almost 2½ times—higher than other groups. That is the largest disparity for any major cancer. I started digging more and discovered the unacceptable apartheid of health care in America—and I believe that just as the doctrine of "separate but equal" was wrong in education, it is wrong in health care. The quality of health care should never depend on the color of any American's skin.

Epidemic levels of prostate cancer amongst African Americans have not changed. We all need to work together to support those suffering from prostate cancer and to encourage regular screening and early detection. It is a tragedy that so many African-American men are dying today from treatable illnesses they don't discover until it is too late—and righting this wrong is a matter of social justice as well as public policy.

I urge every Member of Congress to support this resolution.

SENATE RESOLUTION 336—RECOGNIZING AND HONORING THE 20 YEARS OF SERVICE AND CONTRIBUTIONS OF DR. JAMES HADLEY BILLINGTON AS LIBRARIAN OF CONGRESS

Mrs. HUTCHISON (for herself, Mrs. Feinstein, Mr. Specter, Mr. Leahy, Mr. Lugar, Mr. Webb, Mr. Reid, Mr. Conrad, Mr. Dodd, Mr. Allard, Mr. Durbin, Mr. Nelson of Nebraska, Mr. Alexander, Mr. Dorgan, Mr. Stevens, Mr. Lott, Mr. Kennedy, Mr. Roberts, Mr. Bennett, Mr. Cochran, Mr. Coleman, and Mr. Bunning) submitted the following resolution; which was considered and agreed to:

S. Res. 336

Whereas Dr. James H. Billington was nominated to be the 13th Librarian of Congress by President Ronald Reagan in 1987, and was confirmed by the Senate and sworn in as Librarian of Congress on September 14, 1987;

Whereas the world renowned collections of the Library of Congress, the largest and most comprehensive in history, have grown by almost 50,000,000 items since Dr. Billington became Librarian, totaling more than 135,000,000 today;

Whereas, during Dr. Billington's tenure, the Library of Congress modernized its collection through the creation of the National Digital Library Program, the American Memory program, THOMAS, and the World Digital Library;

Whereas the Librarian created the first ever private sector philanthropic and advisory group, The Madison Council, to spearhead countless programs for the Library and assist in its funding efforts;

Whereas the Library of Congress has successfully acquired the 1507 Martin Waldseemuller màp, the Martin Carson collection of early Americana, the Jay Kislak early Americas collection, and has also continued the preservation of Library collections and promoted cultural and educational outreach programs through the added assistance of private contributions and in-kind gifts collected during Dr. Billington's tenure;

Whereas, during James Billington's Librarianship, the Library of Congress has displayed its treasures and those of other Nations in more than 300 spectacular and enriching exhibitions at the Library and on its Internet website;

Whereas, during Dr. Billington's tenure, the Library of Congress has been a leader in the library world in establishing systems to protect vast collections such as the National Recording Registry and the National Digital Information Infrastructure and Preservation Program, developing cutting edge preservation developments to maintain and protect multiple format collections for future generations, and also ensuring the security of staff, researchers, and visitors;

Whereas the Kluge Center at the Library of Congress was established during the Librarian's tenure to foster mutually enriching interaction between the scholarly world and policy makers and supports the $1,000,000 Kluge Prize honoring lifetime achievements in the humanities;

Whereas the Library of Congress Thomas Jefferson and John Adams buildings were restored by Congress over a multi-year period and reopened to the public in 1997, restoring in particular the century-old Jefferson Building to its former glory as one of the most beautiful buildings in America;

Whereas Dr. Billington has overseen the consolidation of the Library's recorded sound and moving images in a large-scale digital storage archive at the Packard Campus for Audio-Visual Conservation, which was constructed through a unique private-public partnership with the Packard Humanities Institute;

Whereas the Library of Congress and First Lady Laura Bush instituted and have cosponsored the very popular National Book Festival annually since 2001, celebrating the joy of reading and the creativity of America's writers and illustrators;

Whereas the programs of the Library of Congress, including the National Digital Library which processed over 5,000,000,000 transactions in 2006 alone, have made freely available to the American people millions of historical items in the Library's incomparable collection through online databases, including 11,000,000 rare primary source materials from its collection, to invigorate and promote lifelong learning in every locality in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and honors the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3076. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 3077. Mr. KENNEDY (for himself and Mr. McCain) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 3078. Mr. OBAMA (for himself, Mr. Bond, Mrs. Boxer, Mr. Lieberman, Mrs. McCaskill, and Mr. Sanders) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 3079. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3080. Mr. WEBB (for himself, Mrs. McCaskill, Ms. Klobuchar, Mr. Brown, Mr. Casey, Mr. Tester, Mr. Cardin, Mr. Whitehouse, Mr. Sanders, Mr. Levin, Mr. Carper, Mrs. Feinstein, Mr. Kerry, Mr. Johnson, Mrs. Boxer, Mr. Obama, Mr. Leahy, Mr. Harkin, Ms. Stabenow, Mr. Dodd, Ms. Landrieu, Mr. Feingold, Mr. Bayh, Mr. Pryor, Mr. Byrd, Mrs. Clinton, Mr. Durbin, Mr. Lautenberg, Mr. Reed, Mr. Rockefeller, Mr. Salazar, and Mr. Hagel) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3081. Mr. LAUTENBERG (for himself, Mr. Dodd, Mr. Coburn, Mr. Hagel, Mr. Feingold, Mr. Webb, and Mrs. McCaskill) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 3082. Mr. SANDERS (for himself, Mr. Byrd, Mr. Bond, Mr. Feingold, Mr. Webb, and Mr. Burr) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3083. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3084. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3085. Ms. SNOWE (for herself and Ms. Collins) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3086. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3087. Mr. McCONNELL (for Mr. McCain) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 3088. Mr. McCONNELL (for Mr. McCain) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 3089. Mr. McCONNELL (for Mr. McCain) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 3090. Mr. McCONNELL (for Mr. McCain) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 3091. Ms. MIKULSKI (for herself, Mr. Warner, and Mr. Coleman) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3092. Mr. CHAMBLISS (for himself and Mr. Isakson) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3093. Mr. CHAMBLISS (for himself, Mr. Hatch, and Mr. Isakson) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R.

1585, supra; which was ordered to lie on the table.

SA 3094. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3095. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3096. Mr. VOINOVICH (for himself, Mr. ALEXANDER, Mrs. DOLE, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3097. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3098. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3099. Mr. REED (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3100. Mr. REED (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3101. Mr. HATCH (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3102. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3103. Mr. MCCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3104. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. CORNYN, Mr. SESSIONS, Mr. CONRAD, Mr. SHELBY, Mrs. HUTCHISON, and Mr. HATCH)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3105. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3106. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3107. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3108. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2188 submitted by Mr. LIEBERMAN and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3109. Mr. REID (for Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed to amendment SA 3058 proposed by Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3110. Mr. REID (for Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed by Mr. Reid to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3111. Mr. BROWN (for Mr. HARKIN) proposed an amendment to the bill H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

TEXT OF AMENDMENTS

SA 3076. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1234. REPORT ON FAMILY REUNIONS BETWEEN UNITED STATES CITIZENS AND THEIR RELATIVES IN NORTH KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An estimate of the current number of United States citizens with relatives in North Korea, and an estimate of the current number of such United States citizens who are more than 70 years of age.

(2) An estimate of the number of United States citizens who have traveled to North Korea for family reunions.

(3) An estimate of the amounts of money and aid that went from the Korean-American community to North Korea in 2007.

(4) A summary of any allegations of fraud by third-party brokers in arranging family reunions between United States citizens and their relatives in North Korea.

(5) A description of the efforts, if any, of the President to facilitate reunions between the United States citizens and their relatives in North Korea, including the following:

(A) Negotiating with the Democratic People's Republic of Korea to permit family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and the Democratic People's Republic of Korea, to dedicate personnel and resources at the United States embassy in Pyongyang, Democratic People's Republic of Korea, to facilitate reunions between United States citizens and their relatives in North Korea.

(C) Informing Korean-American families of fraudulent practices by certain third-party brokers who arrange reunions between United States citizens and their relatives in North Korea, and seeking an end to such practices.

(D) Developing standards for safe and transparent family reunions overseas involving United States citizens and their relatives in North Korea.

(6) What additional efforts in the areas described in paragraph (5), if any, the President would consider desirable and feasible.

SA 3077. Mr. KENNEDY (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

SEC. 132. LITTORAL COMBAT SHIP (LCS) PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The plan of the Chief of Naval Operations to recapitalize the United States Navy to at least 313 battle force ships is essential for meeting the long-term requirements of the National Military Strategy.

(2) Fiscal challenges to the plan to build a 313-ship fleet require that the Navy exercise discipline in determining warfighter requirements and responsibility in estimating, budgeting, and controlling costs.

(3) The 55-ship Littoral Combat Ship (LCS) program is central to the shipbuilding plan of the Navy. The inability of the Navy to control requirements and costs on the two lead ships of the Littoral Combat Ship program raises serious concerns regarding the capacity of the Navy to affordably build a 313-ship fleet.

(4) According to information provided to Congress by the Navy, the cost growth in the Littoral Combat Ship program was attributable to several factors, most notably that—

(A) the strategy adopted for the Littoral Combat Ship program, a so-called "concurrent design-build" strategy, was a high-risk strategy that did not account for that risk in the cost and schedule for the lead ships in the program;

(B) inadequate emphasis was placed on "bid realism" in the evaluation of contract proposals under the program;

(C) late incorporation of Naval Vessel Rules into the program caused significant design delays and cost growth;

(D) the Earned Value Management System of the contractor under the program did not adequately measure shipyard performance, and the Navy program organizations did not independently assess cost performance;

(E) the Littoral Combat Ship program organization was understaffed and lacking in the experience and qualifications required for a major defense acquisition program;

(F) the Littoral Combat Ship program organization was aware of the increasing costs of the Littoral Combat Ship program, but did not communicate those cost increases directly to the Assistant Secretary of the Navy in a time manner; and

(G) the relationship between the Naval Sea Systems Command and the program executive offices for the program was dysfunctional.

(b) REQUIREMENT.—In order to halt further cost growth in the Littoral Combat Ship program, costs and government liability under future contracts under the Littoral Combat Ship program shall be limited as follows:

(1) LIMITATION OF COSTS.—The total amount obligated or expended for the procurement costs of the fifth and sixth vessels in the Littoral Combat Ship (LCS) class of vessels shall not exceed $460,000,000 per vessel.

(2) PROCUREMENT COSTS.—For purposes of paragraph (1), procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is required to meet original contract requirements.

(3) CONTRACT TYPE.—The Navy shall employ a fixed-price type contract for construction of the fifth and following ships of the Littoral Combat Ship class of vessels.

(4) LIMITATION OF GOVERNMENT LIABILITY.—The Navy shall not enter into a contract, or modify a contract, for construction of the fifth or sixth vessel of the Littoral Combat Ship class of vessels if the limitation of the Government's cost liability, when added to the sum of other budgeted procurement costs, would exceed $460,000,000 per vessel.

(5) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in paragraphs (1) and (4) for either vessel referred to in such paragraph by the following:

(A) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2007.

(B) The amounts of outfitting costs and costs required to complete post-delivery test and trials.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3157) is repealed.

SA 3078. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mr. LIEBERMAN, Mrs. MCCASKILL, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REVIEW OF SEPARATIONS OF CERTAIN MEMBERS.—Not later than 30 days after the date of the enactment of this Act, and continuing until the Secretary of Defense submits to Congress the report required by subsection (b), a covered member of the Armed Forces may not, except as provided in paragraph (2), be administratively separated from the Armed Forces on the basis of a personality disorder.

(2) CLINICAL REVIEW OF PROPOSED SEPARATIONS BASED ON PERSONALITY DISORDER.—

(A) IN GENERAL.—A covered member of the Armed Forces may be administratively separated from the Armed Forces on the basis of a personality disorder under this paragraph if a clinical review of the case is conducted by a senior officer in the office of the Surgeon General of the Armed Force concerned who is a credentialed mental health provider and who is fully qualified to review cases involving maladaptive behavior (personality disorder), diagnosis and treatment of post-traumatic stress disorder, or other mental health conditions.

(B) PURPOSES OF REVIEW.—The purposes of the review with respect to a member under subparagraph (A) are as follows:

(i) To determine whether the diagnosis of personality order in the member is correct and fully documented.

(ii) To determine whether evidence of other mental health conditions (including depression, post-traumatic stress disorder, substance abuse, or traumatic brain injury) resulting from service in a combat zone may exist in the member which indicate that the separation of the member from the Armed Forces on the basis of a personality disorder is inappropriate pending diagnosis and treatment, and, if so, whether initiation of medical board procedures for the member is warranted.

(b) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality order forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Forces, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces prematurely or unjustly on the basis of a personality order.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not prematurely or unjustly processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(c) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report on the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not prematurely or unjustly separated from the Armed Forces on the basis of a personality disorder.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term "covered member of the Armed Forces"includes the following:

(1) Any member of a regular component of the Armed Forces of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

SA 3079. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. ASSESSMENT OF TERMINATION OF RICHARD M. BARLOW FROM DEPARTMENT OF DEFENSE EMPLOYMENT.

(a) ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall appoint an independent expert with appropriate clearances not currently affiliated with the Department of Defense to assess whether Richard Barlow was wrongfully terminated for his actions while employed by the Department of Defense.

(b) REVIEW OF MATERIALS.—The independent expert is deemed to have a need to know of all materials, classified and unclassified, necessary to make an informed judgment of Richard Barlow's termination. The Secretary of Defense shall supply materials requested by the independent expert on an expedited basis.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than one year after appointment of the independent expert, the independent expert shall submit to the Secretary of Defense a report on the assessment conducted under subsection (a).

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a recommendation as to whether Richard Barlow was wrongfully terminated; and

(B) if the recommendation is that Richard Barlow was wrongfully terminated, a recommendation as to the amount of compensation he is entitled to for such wrongful termination.

(3) FORM.—The report submitted under subsection (a) shall be submitted in classified and unclassified forms.

(d) AUTHORIZATION.—The Secretary of Defense is authorized to pay out of available funds such amount as is recommended by the independent expert in (c)(2)(B).

(e) NO INFERENCE OF LIABILITY.—Nothing in this section shall be construed as an inference of liability on the part of the United States.

(f) NO AGENTS AND ATTORNEYS FEES.—None of the payment authorized by this section may be paid to or received by any agent or attorney for any services rendered in connection with obtaining such payment. Any person who violates this subsection shall be guilty of a misdemeanor and shall be subject to a fine in the amount provided in title 18, United States Code.

(g) NON-TAXABILITY OF PAYMENT.—The payment authorized by this section is in partial reimbursement for losses incurred by Richard Barlow as a result of the personnel actions taken by the Department of Defense and is not subject to Federal, State, or local income taxes.

SA 3080. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEVIN, Mr. CARPER, Mrs. FEINSTEIN, Mr. KERRY, Mr. JOHNSON, Mrs. BOXER, Mr. OBAMA, Mr. LEAHY, Mr. HARKIN, Ms. STABENOW, Mr. DODD, Ms. LANDRIEU, Mr. FEINGOLD, Mr. BAYH, Mr. PRYOR, Mr. BYRD, Mrs. CLINTON, Mr. DURBIN, Mr. LAUTENBERG, Mr. REED, Mr. ROCKEFELLER, Mr. SALAZAR, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Wartime Contracting" (in this subsection referred to as the "Commission").

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) VACANCY.—In the event of a vacancy in the Commission, the individual appointed to fill the membership shall be of the same political party as the individual vacating the membership.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force and violations of the laws of war or Federal law by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies, and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be three members of the Commission); and

(ii) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the committees of Congress of jurisdiction and appropriate investigative authorities.

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development, conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security, intelligence, and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

SA 3081. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, Mr. HAGEL, Mr. FEINGOLD, Mr. WEBB, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XV, add the following:

SEC. 1535. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) FINDINGS.—Congress makes the following findings:

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Since the fall of the Taliban, the United States has provided Afghanistan with over $20,000,000,000 in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts.

(3) There is a stronger need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

(4) The Government Accountability Office (GAO) and departmental Inspectors General provide valuable information on such activities.

(5) The congressional oversight process requires more timely reporting of reconstruction activities in Afghanistan that encompasses the efforts of the Department of State, the Department of Defense, and the United States Agency for International Development and highlights specific acts of waste, fraud, and abuse.

(6) One example of such successful reporting is provided by the Special Inspector General for Iraq Reconstruction (SIGIR), which has met this objective in the case of Iraq.

(7) The establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR) position using SIGIR as a model will help achieve this objective in Afghanistan. This position will help Congress and the American people to better understand the challenges facing United States programs and projects in that crucial country.

(8) It is a priority for Congress to establish a Special Inspector General for Afghanistan position with similar responsibilities and duties as the Special Inspector General for Iraq Reconstruction. This new position will monitor United States assistance to Afghanistan in the civilian and security sectors, undertaking efforts similar to those of the Special Inspector General for Iraq Reconstruction.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the "Inspector General"), who shall be appointed by the President. The President may appoint the Special Inspector General for Iraq Reconstruction to serve as the Special Inspector General for Afghanistan Reconstruction, in which case the Special Inspector General for Iraq Reconstruction shall have all of the duties, responsibilities, and authorities set forth under this section with respect to such appointed position for the purpose of carrying out this section.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(e) DUTIES.—

(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the United States Government, and of the programs, operations, and contracts carried out utilizing such funds in Afghanistan in order to prevent and detect waste, fraud, and abuse, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the departments, agencies, and entities of the United States Government, and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy and the efficient utilization of funds for economic reconstruction, social and political development, and security assistance; and

(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

(A) The Inspector General of the Department of State.

(B) The Inspector General of the Department of Defense.

(C) The Inspector General of the United States Agency for International Development.

(f) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in subsection (e), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (e)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(g) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State shall provide the Inspector General with appropriate and adequate office space at appropriate United States Government locations in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein. The Secretary of State shall not charge the Inspector General or employees of the Office of the Inspector General for Afghanistan Reconstruction for International Cooperative Administrative Support Services.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense and the Secretary of State and the appropriate committees of Congress without delay.

(h) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General, including a summary of lessons learned, and summarizing the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by

such report, a detailed statement of all obligations, expenditures, and revenues of the United States Government associated with reconstruction and rehabilitation activities in Afghanistan, including the following information:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the United States Government entity or entities involved in the contract or grant identified, and solicited offers from, potential contractors or grantees to perform the contract or grant, together with a list of the potential contractors or grantees that were issued solicitations for the offers;

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition; and

(v) a description of any previous instances of wasteful and fraudulent activities in Afghanistan by current or potential contractors, subcontactors, or grantees and whether and how they were held accountable.

(G) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or affiliated entities in the course of reconstruction efforts.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by the United States Government with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) SEMIANNUAL REPORT.—Not later than December 31, 2007, and semiannually thereafter, the Inspector General shall submit to the appropriate congressional committees a report meeting the requirements of section 5 of the Inspector General Act of 1978.

(4) PUBLIC TRANSPARENCY.—The Inspector General shall post each report required under this subsection on a public and searchable website not later than 7 days after the Inspector General submits the report to the appropriate congressional committees.

(5) LANGUAGES.—The Inspector General shall publish on a publicly available Internet website each report under this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

(6) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex as the Inspector General determines necessary.

(7) LIMITATION ON PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(i) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (3) of subsection (h) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register not later than the date on which the report required under paragraph (1) or (3) of subsection (h) is submitted to the appropriate congressional committees. The report shall specify whether waivers under this subsection were made and with respect to which elements.

(j) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term "amounts appropriated or otherwise made available for the reconstruction of Afghanistan" means—

(A) amounts appropriated or otherwise made available for any fiscal year—

(i) to the Afghanistan Security Forces Fund;

(ii) to the program to assist the people of Afghanistan established under section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455); and

(iii) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law; and

(B) amounts appropriated or otherwise made available for any fiscal year for Afghanistan reconstruction under the following headings or for the following purposes:

(i) Operating Expenses of the United States Agency for International Development.

(ii) Economic Support Fund.

(iii) International Narcotics Control and Law Enforcement.

(iv) International Affairs Technical Assistance.

(v) Peacekeeping Operations.

(vi) Diplomatic and Consular Programs.

(vii) Embassy Security, Construction, and Maintenance.

(viii) Child Survival and Health.

(ix) Development Assistance.

(x) International Military Education and Training.

(xi) Nonproliferation, Anti-terrorism, Demining and Related Programs.

(xii) Public Law 480 Title II Grants.

(xiii) International Disaster and Famine Assistance.

(xiv) Migration and Refugee Assistance.

(xv) Operations of the Drug Enforcement Agency.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Homeland Security of the House of Representatives.

(3) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 105 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2008 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1512 for the Afghanistan Security Forces Fund is hereby reduced by $20,000,000.

(l) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate on September 30, 2010, with transition operations authorized to continue until December 31, 2010.

(2) FINAL ACCOUNTABILITY REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final accountability report on all referrals for the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities made to the Department of Justice or any other United States law enforcement entity to ensure further investigations, prosecutions, or remedies.

SA 3082. Mr. SANDERS (for himself, Mr. BYRD, Mr. BOND, Mr. FEINGOLD, Mr. WEBB, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—

(1) ADDITIONAL AMOUNT.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army is hereby increased by $15,000,000, with the amount of the increase to be allocated to Medical Advanced Technology (PE #0603002A) for the Army to carry out, as part of its Congressionally Directed Medical Research Programs, a program for Gulf War Illnesses Research.

(2) OFFSET.—The amount authorized to be appropriated by section 101(2) for missile procurement for the Army is hereby decreased by $15,000,000, with the amount of the decrease to be allocated to amounts available for Patriot System Summary (Line 2) for Patriot PAC-3 missiles.

(b) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as "Gulf War Illnesses (GWI)", including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program shall be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individuals with recognized expertise in Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

SA 3083. Mr. BAYH (submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, insert the following:

SEC. 1031. DEADLINE FOR ELECTRONIC ABSENTEE VOTING GUIDELINES.

Not later than 180 days after the date of the enactment of this Act, the Election Assistance Commission shall—

(1) establish electronic absentee voting guidelines in connection with the electronic voting demonstration project under section 1604 of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 1973ff); and

(2) certify to the Secretary of Defense that the Commission will assist in carrying out such demonstration project.

SA 3084. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, insert the following:

SEC. 1031. MODIFICATIONS TO ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) LIMITATION ON AUTHORITY TO DELAY IMPLEMENTATION.—The first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (42 U.S.C. 1973ff note) is amended by inserting ", but in no case later than the regularly scheduled general election for Federal office in November 2008" before the period at the end.

(b) INCLUSION OF OVERSEAS VOTERS.—Section 1604 of such Act is amended—

(1) in subsections (a)(1) and (c), by inserting "and overseas voters" after "absent uniformed services voters" each place it appears; and

(2) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) OVERSEAS VOTER.—The term 'overseas voter' has the meaning given such term in section 107(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(5)).".

(c) DEMONSTRATION PROJECT TO COVER FEDERAL, STATE, AND LOCAL ELECTIONS.—Section 1604(b) of such Act is amended by adding at the end the following new sentence: "Such agreements shall provide that absent uniformed service voters and overseas voters may, in addition to casting ballots in elections for Federal office, also cast ballots in elections for State and local office through an electronic voting system which is chosen by the State and which meets the requirements of subsection (c) and the electronic absentee voting guidelines established by the Election Commission Assistance.".

(d) SOFTWARE REQUIREMENTS.—Section 1604 of such Act, as amended by subsection (b), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) SOFTWARE REQUIREMENTS.—Software used in the demonstration project under subsection (a)(1) shall—

"(1) utilize open-source code;

"(2) permit the voter to verify the votes selected by the voter before the ballot is cast and counted;

"(3) provide the voter an opportunity to change the ballot before the ballot is cast and counted; and

"(4) produce a record with an audit capacity.".

(e) REPORTING DEADLINE.—Subsection (d) of section 1604 of such Act, as redesignated by subsection (d), is amended by striking "Not later than June 1 of the year following the year in which the demonstration project is conducted" and inserting "Not later than 120 days after the election for which the demonstration project is conducted".

(f) REPORT TO ELECTION ASSISTANCE COMMISSION.—Section 1604 of such Act, as amended by subsection (d), is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) REPORT TO ELECTION ASSISTANCE COMMISSION.—If the demonstration project under subsection (a)(1) is carried out before the Election Assistance Commission has established the electronic voting absentee guidelines described in subsection (a)(2), the Secretary of Defense shall report to the Election Assistance Commission on the results of the demonstration project for the purpose of establishing such guidelines.".

(g) ESTABLISHMENT OF LONG-TERM PLAN.—Section 1604 of such Act, as amended by subsections (d) and (f), is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) LONG-TERM PLAN.—

"(1) IN GENERAL.—The Secretary of Defense shall, based on the results of the demonstration project under subsection (a)(1) and after consultation with stakeholders described in paragraph (2), develop a long-term plan for implementing a program under which absent uniformed service voters and overseas voters may vote in Federal, State, and local elections through electronic voting systems.

"(2) STAKEHOLDERS.—The stakeholders described in this paragraph are—

"(A) absent uniformed service voters;

"(B) State and local election officials;

"(C) the Election Assistance Commission;

"(D) the National Institute of Standards and Technology;

"(E) enterprises involved with successful online public voting programs; and

"(F) such other parties as the Secretary of Defense determines would be necessary or helpful to developing the plan described in paragraph (1).".

SA 3085. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. HUBZONES.

(a) IN GENERAL.—Section 3(p)(4)(D) of the Small Business Act (15 U.S.C. 632(p)(4)(D)) is amended—

(1) by redesignating clauses (i), (ii), (iii), and (iv) as subclauses (I), (II), (III), and (IV), respectively, and adjusting the margin accordingly;

(2) by striking "means lands" and inserting the following "means—

"(i) lands"; and

(3) by striking the period at the end and inserting the following: "; and

"(ii) during the 5-year period beginning on the date that a military installation is closed under an authority described in clause (i), areas adjacent to or within a reasonable commuting distance of lands described in clause (i), which shall not include any area that is more than 15 miles from the exterior boundary of that military installation, that are substantially and directly economically affected by the closing of that military installation, as determined by the Secretary of Housing and Urban Development.".

(b) FEASIBILITY STUDY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the feasibility of, and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding, designating as a HUBZone (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act) any area that does not qualify as a HUBZone solely because that area is located within a county located within a metropolitan statistical area (as defined by the Office of Management and Budget). The report submitted under this subsection shall include any legislative recommendations relating to the findings of the feasibility study conducted under this subsection.

SA 3086. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title X, insert the following:

SEC. 10___. Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report describing actions taken by the Department of Defense to ensure the provision of quality service and procurement in a fiscally sound manner to schools participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) that receive fresh fruits and vegetables purchased by the Department of Defense under an agreement with the Department of Agriculture.

SA 3087. Mr. McCONNELL (for Mr. McCain) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. REPORT ON UTILIZATION OF TUITION ASSISTANCE BY MEMBERS OF THE ARMED FORCES.

(a) Reports Required.—Not later than April 1, 2008, the Secretary of each military department shall submit to the congressional defense committees a report on the utilization of tuition assistance by members of the Armed Forces, whether in the regular components if the Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department during fiscal year 2007.

(b) Elements.—The report with respect to a military department under subsection (a) shall include the following:

(1) Information on the policies of such military department for fiscal year 2007 regarding utilization of, and limits on, tuition assistance by members of the Armed Forces under the jurisdiction of such military department, including an estimate of the number of members of the reserve components of the Armed Forces under the jurisdiction of such military department whose requests for tuition assistance during that fiscal year were unfunded.

(2) Information on the policies of such military department for fiscal year 2007 regarding funding of tuition assistance for each of the regular components of the Armed Forces and each of the reserve components of the Armed Forces under the jurisdiction of such military department.

SA 3088. Mr. McCONNELL (for Mr. McCain) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. 703. REPORT ON MEDICAL PHYSICAL EXAMINATIONS OF MEMBERS OF THE ARMED FORCES BEFORE THEIR DEPLOYMENT.

Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The results of a study of the frequency of medical physical examinations conducted by each component of the Armed Forces (including both the regular components and the reserve components of the Armed Forces) for members of the Armed Forces within such component before their deployment.

(2) A comparison of the policies of the military departments concerning medical physical examinations of members of the Armed Forces before their deployment, including an identification of instances in which a member (including a member of a reserve component) may be required to undergo multiple physical examinations, from the time of notification of an upcoming deployment through the period of preparation for deployment.

(3) A model of, and a business case analysis for, each of the following:

(A) A single predeployment physical examination for members of the Armed Forces before their deployment.

(B) A single system for tracking electronically the results of examinations under subparagraph (A) that can be shared among the military departments and thereby eliminate redundancy of medical physical examinations for members of the Armed Forces before their deployment.

SA 3089. Mr. McCONNELL (for Mr. McCain) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

SEC. 703. CONTINUATION OF TRANSITIONAL HEALTH BENEFITS FOR MEMBERS OF THE ARMED FORCES PENDING RESOLUTION OF SERVICE-RELATED MEDICAL CONDITIONS.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking "Transitional health care" and inserting "Except as provided in paragraph (6), transitional health care"; and

(2) by adding at the end the following new paragraph:

"(6)(A) Before the end of the period of availability of transitional health care for a member under paragraph (3), the Secretary concerned shall ensure that the unit commander of the member requires a physical examination of the member in order to determine whether or not the member has a medical condition relating to service on active duty covered by paragraph (2) that warrants further medical care.

"(B) A member determined under subparagraph (A) to have a medical condition described in that subparagraph shall be entitled to receive medical and dental care for such medical condition as if the member were a member of the armed forces on active duty until such medical condition is resolved.

"(C) The Secretary concerned shall ensure that the Defense Enrollment and Eligibility Reporting System (DEERS) is continually updated in order to reflect the continuing entitlement of members covered by subparagraph (B) to the medical and dental care referred to in that subparagraph.".

SA 3090. Mr. McCONNELL (for Mr. McCain) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 656. COMPUTATION OF YEARS OF SERVICE FOR PURPOSES OF RETIRED PAY FOR NON-REGULAR SERVICE.

Section 12733(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "before the year of service that includes October 30, 2007; and"; and

(3) by adding at the end the following new subparagraph:

"(D) 130 days in the year of service that includes October 30, 2007, and any subsequent year of service.".

SA 3091. Ms. MIKULSKI (for herself, Mr. Warner, and Mr. Coleman) submitted an amendment intended to be proposed by her to the bill 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL AND SEASONAL BUSINESSES.

(a) SHORT TITLE.—This section may be cited as the "Save our Small and Seasonal Businesses Act of 2007".

(b) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended, by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting the following: "an alien who has been present in the United States as an H-2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 3-year period beginning on October 1, 2007.

SA 3092. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 342. SENSE OF SENATE ON THE AIR FORCE LOGISTICS CENTERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Air Force Air Logistics Centers have served as a model of efficiency and effectiveness in providing integrated sustainment (depot maintenance, supply management, and product support) for fielded weapon systems within the Department of Defense. This success has been founded in the integration of these dependent processes.

(2) Air Force Air Logistics Centers have embraced best practices, technology changes, and process improvements, and have successfully managed increased workload while at the same time reducing personnel.

(3) Air Force Air Logistics Centers continue to successfully sustain an aging aircraft fleet that is performing more flying hours, with less aircraft, than at any point in the last thirty years.

(4) The Global Logistics Support Center (GLSC) concept represents an attempt to apply an enterprise approach to supply chain management.

(5) The purpose of Global Logistics Support Center is to eliminate redundancies and improve efficiencies across the Air Force in order to best provide capable aircraft to the warfighter.

(6) The Air Force is to be commended for attempting to identify potential means to create further efficiencies in the Air Force logistics network.

(7) While centralizing the execution and chain of command for supply within the Air Force logistics network may add value, the impact on integrated sustainment support may prove detrimental and more complex and could negatively affect delivery of deployment-capable aircraft to the warfighter.

(b) REPORTS REQUIRED.—

(1) PERIODIC REPORTS REQUIRED.—In order to provide Congress with appropriate insight into the impact on integrated sustainment capabilities during the development of the Global Logistics Support Center concept, the Secretary of the Air Force shall submit to the congressional defense committees on a periodic basis (not less than every 120 days) reports on the plans of the Air Force regarding the Global Logistics Support Center.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report with respect to the development of the Global Logistics Support Center, the following:

(A) Milestones, including criteria for achieving such milestones.

(B) Planned or potential realignments of personnel through either a change of reporting official or change in geographical location.

(C) Proposed changes and potential impact to the integrated aircraft sustainment process.

(D) Proposed changes to program management, product support responsibilities, or both for fielded weapon systems.

(E) Proposed changes to the depot maintenance responsibilities as such responsibilities relate to the sustainment of weapon systems.

SA 3093. Mr. CHAMBLISS (for himself, Mr. HATCH, and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1029 and insert the following:

SEC. 1029. JOINT CARGO AIRCRAFT.

(a) IN GENERAL.—

(1) APPLICABILITY OF CERTAIN DOCUMENT ON AIR MOBILITY OPERATIONS.—All documents, plans, budgets, and strategies pertaining to the Joint Cargo Aircraft (JCA) program referred to in paragraph (2) shall be consistent with and informed by Department of Defense Joint Publication 3-17, entitled "Joint Doctrine, Tactics, Techniques, and Procedures for Air Mobility Operations", with specific reference to Chapter IV of that publication, entitled "Airlift", and the relevant sections of that chapter regarding Airlift Missions, Operational Support Airlift, and Service Organic Operations.

(2) DOCUMENTS, PLANS, BUDGETS, AND STRATEGIES.—The documents, plans, budgets, and strategies referred to in this paragraph are all documents, plans, budgets, and strategies relating to the Joint Cargo Aircraft program, including, but not limited to, the following:

(A) The Memorandum of Agreement between the Department of the Army and the Department of the Air Force on the Joint Cargo Aircraft Program.

(B) The Joint Cargo Aircraft Acquisition Decision Memorandum.

(C) The Acquisition Program Baseline for the Joint Cargo Aircraft Program.

(D) The Joint Cargo Aircraft Concept of Operations.

(E) The Fleet mix analysis for the Joint Cargo Aircraft.

(F) The Acquisition Strategy for the Future Cargo Aircraft.

(b) SENSE OF SENATE ON JOINT CARGO AIRCRAFT.—It is the Sense of the Senate that the Army and the Air Force should pursue an integrated maintenance and sustainment strategy for the Joint Cargo Aircraft that takes maximum advantage of capabilities organic to the United States Government.

SA 3094. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 522. PROHIBITION ON AVAILABILITY OF FUNDS FOR PAYMENT OF ENLISTMENT BONUSES TO CERTAIN FELONS FOR ENLISTMENT IN THE ARMED FORCES.

No amounts authorized to be appropriated by this Act may be obligated or expended for the payment to an individual of a bonus for enlistment in the Armed Forces if the individual has been convicted under Federal or State law of any felony offense as follows:

(1) Aggravated assault with a deadly weapon.

(2) Arson.

(3) Hate crime.

(4) Sexual misconduct.

(5) Terrorist threatening.

SA 3095. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end title VI, insert the following:

Subtitle D—Iraq Refugee Crisis

SEC. 1541. PROCESSING MECHANISMS.

(a) IN GENERAL.—The Secretary of State shall establish processing mechanisms in Iraq and in countries in the region in which

(1) aliens described in section 1542 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1543(b) may apply and interview for admission to the United States as special immigrants.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, :in consultation with the Secretary of Homeland Security, shall

submit a report that contains the plans and assessment described in paragraph (2) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) describe the Secretary's plans to establish the processing mechanisms described in subsection (a); and

(B) contain an assessment of in-country processing that makes use of video-conferencing.

SEC. 1542. UNITED STATES REFUGEE PROGRAM PRIORITIES.

(a) IN GENERAL.—Priority 2 refugees of special humanitarian concern under the refugee resettlement priority system shall include—

(1) an unmarried person under the age of 18 years old who:

(A) is a national of Iraq; and

(B) has been orphaned due to the death or disappearance of their biological or adoptive parent, parents, or legal guardians as a result of or incidental to U.S. or Coalition military action in Iraq subsequent to March 1, 2003, or resulting from or incidental to sectarian or religious violence since March 1, 2003; and

(C) has been determined to be without a living relative between and including the ages of 30 and 70 years and are willing and able to provide for their care either in Iraq or in another country apart from the United States based upon a review by the Iraqi government and

a. the United States Department of State, or

b. the United States Department of Homeland Security; or

c. the United Nations High Commissioner for Refugees; or

d. other non-governmental organizations or entities experienced in assisting refugees and locating their nearest living relatives.

(b) SECURITY.—An alien is not eligible to participate in the program authorized under this section if the alien is otherwise inadmissible to the United States under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

SEC. 1543. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) IN GENERAL.—Subject to subsection (c)(1) and notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101 (a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits to the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa; and

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)).

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is an unmarried person under the age of 18 years old; and

(B) is a national of Iraq; and

(C) has been orphaned due to the death or disappearance of their biological or adoptive parent, parents, or legal guardians as a result of or incidental to U.S. or Coalition military action in Iraq subsequent to March 1, 2003, or resulting from or incidental to sectarian or religious violence since March 1, 2003; and

(D) has been determined to be without a living relative between and including the ages of 30 and 70 years and are willing and able to provide for their care either in Iraq or in another country apart from the United States based upon a review by the Iraqi government and

i. the United States Department of State, or

ii. the United States Department of Homeland Security; or

iii. the United Nations High Commissioner for Refugees; or

iv. other non-governmental organizations or entities experienced in assisting refugees and locating their nearest living relatives.

(c) NUMERICAL LIMITATIONS AND BENEFITS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed an annual limit that the United States Department of Homeland Security determines in consultation with the United Nations High Commissioner for Refugees and the United States Department of State for each of the 5 fiscal years beginning after the date of the enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) BENEFITS.—Aliens provided special immigrant status under this section shall be eligible for the same resettlement assistance, entitlement programs, and other benefits as unaccompanied minor refugees admitted under section 207 of the Immigration and Naturalization Act (8 U.S.C. 1157).

(4) CARRY FORWARD.—If the numerical limitation under paragraph (1) is not reached during a given fiscal year, the numerical limitation under paragraph (1) for the following fiscal year shall be increased by a number equal to the difference between—

(A) the number of visas authorized under paragraph (1) for the given fiscal year; and

(B) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with other relevant Federal agencies, shall provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq of such alien if the Secretary determines that such alien is in imminent danger.

(f) SECURITY.—An alien is not eligible to participate in the program authorized under this section if the alien is otherwise inadmissible to the United States under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)).

(g) DEFINITIONS.—Notwithstanding any contrary definitions set forth in this section, the terms defined in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) have the same meanings when used in this section.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the provisions of this section, including requirements for background checks;

(i) SAVINGS PROVISION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

SEC. 1544. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SA 3096. Mr. VOINOVICH (for himself, Mr. ALEXANDER, Mrs. DOLE, and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows;

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION OF UNITED STATES FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Only a political solution amongst the Iraqi themselves can end the violence and bring about lasting stability in Iraq.

(2) The Iraqi political leaders have not met their own benchmarks.

(3) The Iraq Study Group under the leadership of James Baker and Lee Hamilton reported in December 2006 that "the United States should not make an open-ended commitment to keep large numbers of American troops deployed in Iraq" and "if the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security, and governance, the United States should reduce its political, military, or economic support for the Iraqi government".

(4) The Iraq Study Group also reported that "[b]y the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all [U.S.] combat brigades not necessary for force protection could be out of Iraq. At that time, U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces, in rapid-reaction and special operations teams, and in training, equipping, advising, force protection, and search and rescue".

(5) The Iraq Study Group also stated that the redeployment of troops from Iraq should be "subject to unexpected developments in the security situation on the ground".

(6) The Independent Commission on the Security Forces of Iraq under the leadership of retired Marine General Jim Jones recently

reported that a number of Iraqi Army battalions that are capable of taking the lead in combating violence and sectarian conflict are not in the lead and recommended further that the size of "our national footprint in Iraq be reconsidered with regard to its efficiency, necessity, and its cost" and that "[s]ignificant reductions, consolidations, and realignments would appear to be possible and prudent".

(7) The President stated in his speech to the nation on September 13, 2007, that "[o]ver time our troops will shift from leading operations, to partnering with Iraqi forces—and eventually to overwatching those forces. As this transition in our mission takes place, our troops will focus on a more limited set of tasks, including counterterrorism operations and training, equipping and supporting Iraqi forces".

(8) General David Petraeus has stated that progress is being achieved at different rates in different provinces of Iraq and that further progress is likely to continue to vary from province to province.

(9) The precipitous withdrawal of all United States forces from Iraq is not desirable and could have dangerous consequences for the national security of the United States and our allies.

(10) The United States must remain engaged in Iraq and the Middle East region for the foreseeable future to protect our national security interests.

(11) There are limits on the forces the United States has available for deployment, and those limits necessitate a reduction in United States forces in Iraq and a transition of those forces to a focused set of missions.

(12) The Iraq Study Group recommended that "[t]he United States should not make an open-ended commitment to keep large numbers of American troops in Iraq".

(13) General Petraeus has stated that a reduction in the number of United States forces in Iraq to approximately the pre-surge level will be imminent as a result of security gains in Iraq and the limits on United States forces available for deployment.

(b) IN GENERAL.—The Secretary of Defense shall commence a reduction in the number of United States forces in Iraq not later than 90 days after the date of the enactment of this Act.

(c) IMPLEMENTATION OF REDUCTION ALONG WITH A COMPREHENSIVE STRATEGY.—

(1) IN GENERAL.—The reduction in the number of United States forces required by this section shall be implemented along with a comprehensive diplomatic, political, and economic strategy that will include increased engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(2) LARGER INTERNATIONAL ROLE IN POLITICAL STRATEGY.—In carrying out the strategy described in paragraph (1), the President shall instruct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of a senior representative of the Secretary General of the United Nations to Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process and to promote the engagement of Iraq's neighbors.

(3) SENSE OF CONGRESS.—It is the sense of Congress that, in carrying out the strategy described in paragraph (1), the President should—

(A) work with the United Nations to continue the efforts initiated at Sharm El Sheikh in May 2007 and implement fully the terms of the International Compact with respect to Iraq; and

(B) support the decision of the United Nations Security Council on August 10, 2007, to strengthen the mandate of the United Nations Assistance Mission in Iraq in areas such as national reconciliation, regional dialogue, humanitarian assistance, and human rights.

(d) LIMITED PRESENCE OF UNITED STATES FORCES AFTER REDUCTION AND TRANSITION.—After the completion of the reduction of United States forces that commences pursuant to subsection (b), the Secretary of Defense may deploy or maintain United States forces in Iraq only for the following missions:

(1) Protecting United States and coalition personnel and infrastructure, including by targeted border security operations.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces, including Iraqi security forces operating against extremist militia groups, such as Jaish al Mahdi, that conduct attacks against United States forces and Iraqi security forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations, including providing support to Sunni operations that oppose such groups and organizations.

(4) Providing personnel and support to Provisional Reconstruction Teams, until civilian personnel can be recruited to fill positions on such teams.

(5) Sharing information and intelligence as necessary with Iraqi Security Forces to achieve the missions described in paragraphs (1) through (4).

(e) COMPLETION OF TRANSITION.—The goal for the completion of the transition of United States forces in Iraq to a limited presence and missions as described in subsection (d) shall be a date not later than 15 months after the date of the enactment of this Act.

(f) REPORT ON REDUCTION AND TRANSITION.—Not later than 90 days after the date of the enactment of this Act and every 90 days thereafter, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The plan for carrying out the reduction and transition of United States forces in Iraq to a limited presence whose missions do not exceed the missions specified in subsection (d), including the associated force reductions, adjustments, and expectations with respect to timelines.

(2) A comprehensive description of efforts to prepare for the reduction and transition of United States forces in Iraq in accordance with this section and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and countries in the region toward that objective.

SA 3097. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 472, in the table following line 11, insert after the item relating to North Kingstown, Rhode Island, the following:

Tennessee	Tullahoma	$264,000

On page 476, line 3, strike "$458,515,000" and insert "$458,779,000".

SA 3098. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 474, in the table following line 11, in the item relating to McGhee-Tyson Airport, Tennessee, strike "$3,200,000" in the amount column and insert "$4,320,000".

On page 476, line 9, strike "$216,417,000" and insert "$217,537,000".

SA 3099. Mr. REED (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 132. ADVANCED PROCUREMENT FOR VIRGINIA CLASS SUBMARINE PROGRAM.

Of the amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy, $1,172,710,000 may be available for advanced procurement for the Virginia class submarine program, of which—$470,000,000 may be made available for advanced procurement for an additional Virginia class submarine, of which—

(1) $400,000,000 may be available for the procurement of a spare set of reactor components; and

(2) $70,000,000 may be available for advanced procurement of non-nuclear long lead time material in order to support a reduced construction span for the boats in the next multiyear procurement program.

SA 3100. Mr. REED (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. SENSE OF SENATE ON SERVICE ACADEMY SPONSOR PROGRAMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Sponsor programs for the service academies assist individuals in their transition from civilian life to status as a cadet or midshipman and to status as a commissioned officer in the Armed Forces by helping them realize that military life involves families, homes, and community.

(2) Sponsors under such programs have the opportunity to contribute to the development of cadets and midshipmen at the service academies by exposing cadets and midshipmen to military traditions, customs, and courtesies in a social environment, while such sponsors and their families develop lasting relationships and learn more about life in the service academies.

(3) Sponsors under such programs have a significant impact on the overall education of cadets and midshipmen, and their responsibilities as role models and representatives of the service academies must be carefully considered.

(4) While the sponsor programs at each service academy may vary, to ensure the success of these programs, Congress has the responsibility to verify that the selection and oversight of sponsors under such programs is appropriately conducted, that the rights of cadets and midshipmen are protected, and that the program activities serve the best interests of cadets and midshipmen.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) not later than 180 days after the date of the enactment of this Act, each Superintendent of a service academy should conduct a review of the sponsor program at such service academy, together with a copy of the policy of the academy with respect to such program;

(2) each review under paragraph (1) should assess—

(A) the purpose of the policy regarding the sponsor program at the academy;

(B) the implementation of the policy;

(C) the method used to screen potential sponsors under such program;

(D) the responsibilities of sponsors under such program;

(E) the guidance provided to midshipmen and cadets regarding the sponsor program; and

(F) any recommendations for change in the sponsor program; and

(3) each Superintendent should provide to the Committee on Armed Services of the Senate, and to the public, a summary of such review and any modifications of the sponsor policy concerned as a result of such review.

SA 3101. Mr. HATCH (for himself and Mr. COBURN) submitted an amendment intended to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON COLUMBIA UNIVERSITY'S HONORING OF IRANIAN PRESIDENT MAHMOUD AHMADINEJAD.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 24, 2007, at the request of the Iranian government, Columbia University provided a forum for Iranian President Mahmoud Ahmadinejad to speak.

(2) President Ahmadinejad has referred to the Holocaust as a "myth".

(3) President Ahmadinejad has called for the State of Israel to be "wiped off the map".

(4) President Ahmadinejad has attempted to justify chants of "Death to America".

(5) In a recent interview in which he defended his insulting request to visit the site of the terrorist attacks of September 11, 2001, President Ahmadinejad stated that he wanted to discuss the "root causes" of the murder of nearly 3,000 working men and women.

(6) General David Petraeus has stated that arms supplies from Iran, including 240mm rockets and explosively formed projectiles, "contributed to a sophistication of attacks that would by no means be possible without Iranian support . . . The evidence is very, very clear.".

(7) In 1979, American diplomats and citizens were taken hostage at the United States Embassy in Tehran, with 52 being held captive for 444 days in violation of international law, and several of those captives have identified President Ahmadinejad as 1 of the hostage takers.

(8) In 1969, the Columbia University administration expelled all ROTC programs from campus.

(9) Even today, Columbia University students wishing to serve their country by participating in an ROTC program must travel to other local colleges to do so.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) it was beneath the dignity of a great American university to provide a public forum, and propaganda opportunity, to a documented anti-Semite and avowed enemy of the United States; and

(2) such a forum was particularly inappropriate given Columbia's denial of opportunities to its own students to serve their country through participation in the military's ROTC program.

SA 3102. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 81___. (a) The Secretary of Energy shall develop a strategy to complete the remediation at the Moab site, and the removal of the tailings to the Crescent Junction site, in the State of Utah by not later than January 1, 2019.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of each of the Senate and the House of Representatives a report describing the strategy developed under subsection (a) and changes to the existing cost, scope and schedule of the remediation and removal activities that will be necessary to implement the strategy.

SA 3103. Mr. McCONNELL (for Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Air Force shall, commencing as soon as practicable after the date of the enactment of this Act, conduct a pilot program to assess the feasability and advisability of utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of the pilot program required by subsection (a) is to support, augment, or enhance the air refueling mission of the Air Force by utilizing commercial air refueling providers on a fee-for-service basis.

(2) ELEMENTS.—In order to achieve the purpose of the pilot program, the pilot program shall—

(A) demonstrate and validate a comprehensive strategy for air refueling on a fee-for-service basis by utilizing all participating aircraft in the mission areas of testing support, training support to receivers, homeland defense support, deployment support, air bridge support, aeromedical evacuation, and emergency air refueling; and

(B) integrate fee-for-service air refueling described in paragraph (1) into Air Mobility Command operations.

(c) COMPETITIVE PROVIDERS.—The pilot program shall include the services of not more than five commercial air refueling providers selected by the Secretary for the pilot program utilizing competitive procedures.

(d) MINIMUM NUMBER OF AIRCRAFT.—Each provider selected for the pilot program shall utilize no fewer than five air refueling aircraft in participating in the pilot program.

(e) AIRCRAFT UTILIZATION.—The pilot program shall provide for a minimum of 1,500 flying hours per year per air refueling aircraft participating in the pilot program.

(f) DURATION.—The period of the pilot program shall be not less than five years after the commencement of the pilot program.

SA 3104. Mr. McCONNELL (for Mr. MCCAIN (for himself, Mr. CORNYN, Mr. SESSIONS, Mr. CONRAD, Mr. SHELBY, Mrs. HUTCHISON, and Mr. HATCH)) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

(a) Findings.—Congress makes the following findings:

(1) A properly executed comprehensive strategy to replace Air Force tankers will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(2) With an average age of 45 years, it is estimated that it will take over 30 years to replace the KC-135 aircraft fleet with the funding currently in place.

(3) In addition to the KC-X program of record, which supports the tanker replacement strategy, the Air Force should immediately pursue that part of the tanker replacement strategy that would support, augment, or enhance the Air Force air refueling mission, such as Fee-for-Service support or modifications and upgrades to maintain the viability of the KC-135 aircraft force structure as the Air Force recapitalizes the tanker fleet.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC–X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades of KC–135 aircraft and KC–10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

SA 3105. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.

(a) Responsibility for Oversight of Voting Within DoD.—The Secretary of Defense shall designate a single member of the Armed Forces to undertake responsibility for matters relating to voting by Department of Defense personnel. The member so designated shall report directly to the Secretary in the discharge of that responsibility.

(b) Responsibility for Oversight of Voting Within Military Departments.—The Secretary of each military department shall designate a single member of the Armed Forces under the jurisdiction of such Secretary to undertake responsibility for matters relating to voting by personnel of such military department. The member so designated shall report directly to such Secretary in the discharge of that responsibility.

(c) Management of Military Voting Operations.—The Business Transformation Agency shall oversee the management of business systems and procedures of the Department of Defense with respect to military and overseas voting, including applicable communications with States and other non-Department entities regarding voting by Department of Defense personnel. In carrying out that responsibility, the Business Transformation Agency shall be responsible for the implementation of any pilot programs and other programs carried out for purposes of voting by Department of Defense personnel.

(d) Improvement of Ballot Distribution.—The Secretary of Defense shall undertake appropriate actions to streamline the distribution of ballots to Department of Defense personnel using electronic and Internet-based technology. In carrying out such actions, the Secretary shall seek to engage stakeholders in voting by Department of Defense personnel at all levels to ensure maximum participation in such actions by State and local election officials, other appropriate State officials, and members of the Armed Forces.

(e) Reports.—

(1) Initial report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of efforts to implement the requirements of this section.

(2) Report on plan of action.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth a comprehensive plan of action to ensure that members of the Armed Forces have the full opportunity to exercise their right to vote.

SA 3106. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. ASSESSMENT OF TERMINATION OF RICHARD M. BARLOW FROM DEPARTMENT OF DEFENSE EMPLOYMENT.

(a) Assessment.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall appoint an independent expert with appropriate clearances not currently affiliated with the Department of Defense to assess whether Richard Barlow was wrongfully terminated for his actions while employed by the Department of Defense.

(b) Review of Materials.—The independent expert is deemed to have a need to know of all materials, classified and unclassified, necessary to make an informed judgment of Richard Barlow's termination. The Secretary of Defense shall supply materials requested by the independent expert on an expedited basis.

(c) Recommendations.—

(1) In general.—Not later than one year after appointment of the independent expert, the independent expert shall submit to the Secretary of Defense a report on the assessment conducted under subsection (a).

(2) Content.—The report submitted under paragraph (1) shall include—

(A) a recommendation as to whether Richard Barlow was wrongfully terminated; and

(B) if the recommendation is that Richard Barlow was wrongfully terminated, a recommendation as to the amount of compensation he is entitled to for such wrongful termination.

(3) Form.—The report submitted under subsection (a) shall be submitted in classified and unclassified forms.

(d) Authorization.—The Secretary of Defense is authorized to pay out of available funds such amount as is recommended by the independent expert in (c)(2)(B).

(e) No Inference of Liability.—Nothing in this section shall be construed as an inference of liability on the part of the United States.

(f) No Agents and Attorneys Fees.—None of the payment authorized by this section may be paid to or received by any agent or attorney for any services rendered in connection with obtaining such payment. Any person who violates this subsection shall be guilty of a misdemeanor and shall be subject to a fine in the amount provided in title 18, United States Code.

SA 3107. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 508, between lines 3 and 4, insert the following:

SEC. 2854. MODIFICATION OF LEASE OF PROPERTY, NATIONAL FLIGHT ACADEMY AT THE NATIONAL MUSEUM OF NAVAL AVIATION, NAVAL AIR STATION, PENSACOLA, FLORIDA.

Section 2850(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–428)) is amended—

(1) by striking "naval aviation and" and inserting "naval aviation,"; and

(2) by inserting before the period at the end the following: ", and, as of January 1, 2008, to teach the science, technology, engineering, and mathematics disciplines that have an impact on and relate to aviation".

SA 3108. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2188 submitted by Mr. LIEBERMAN and intended to be proposed to the bill H.R. 1585, to authorize

appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 10 through 18.

SA 3109. Mr. REID (for Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) **submitted an amendment intended to be proposed to amendment SA 3058 proposed by Mr.** KENNEDY (**for himself, Mrs.** MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, **and Mr.** DODD) **to the amendment SA 2011 proposed by Mr.** NELSON **of Nebraska (for Mr.** LEVIN) **to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:**

In the amendment strike all after the first word and insert the following:

358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

"(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

"(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

"(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and".

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the Department of Defense—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).".

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after "2003" the following: ", or any successor circular"; and

(B) in subparagraph (D), by striking "and reliability" and inserting ", reliability, and timeliness"; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting "of" after "examination".

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A-76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.".

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

"For any protest of a public-private competition conducted under Office of Management and Budget Circular A-76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.".

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests of public-private competitions.".

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.".

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A-76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

"(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

"(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

"(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget

Circular A-76, as implemented on May 29, 2003, or any successor circular;

"(C) includes the issuance of a solicitation;

"(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

"(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

"(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

"(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

"(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

"(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

"(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

"(ii) $10,000,000; and

"(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

"(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

"(3) In no case may a function being performed by executive agency personnel be—

"(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

"(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

"(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the executive agency—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

"(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

"(A) The function for which such public-private competition is to be conducted.

"(B) The location at which the function is performed by agency civilian employees.

"(C) The number of agency civilian employee positions potentially affected.

"(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

"(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

"(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

"(A) agency civilian employees who would be affected by such a conversion in performance; and

"(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

"(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

"(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

"(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

"(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

"(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

"(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

"(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

"(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.".

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 43. Public-private competition required before conversion to contractor performance.".

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years.

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall,

to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term "National Security Personnel System" means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term "inherently governmental function" has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.".

This section shall take effect one day after the date of this bill's enactment.

SA 3110. Mr. REID (for Mr. KENNEDY (for himself, Mrs. MCCASKILL, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. AKAKA, Mr. BROWN, and Mr. DODD)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 358. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) COMPARISON OF RETIREMENT SYSTEM COSTS.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

"(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

"(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

"(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and".

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking section 2467; and

(2) in section 2461—

(A) by redesignating subsections (b) through (d) as subsections (c) through (e); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

"(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

"(B) may consult with such employees on other matters relating to that determination.

"(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

"(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

"(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).".

(c) TECHNICAL AMENDMENTS.—Section 2461 of such title, as amended by subsection (a), is further amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting after "2003" the following: ", or any successor circular"; and

(B) in subparagraph (D), by striking "and reliability" and inserting ", reliability, and timeliness"; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting "of" after "examination".

SEC. 359. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.".

(b) EXPEDITED ACTION.—

(1) IN GENERAL.—Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

"For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests of public-private competitions.''.

(c) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(d) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (c)), shall apply to—

(1) a protest or civil action that challenges final selection of the source of performance of an activity or function of a Federal agency that is made pursuant to a study initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A-76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76, on or after the date of the enactment of this Act.

SEC. 360. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

''(a) PUBLIC-PRIVATE COMPETITION.—(1) A function of an executive agency performed by 10 or more agency civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition that—

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

''(D) determines whether the submitted offers meet the needs of the executive agency with respect to factors other than cost, including quality, reliability, and timeliness;

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

''(i) the estimated cost to the Government (based on offers received) for performance of the function by a contractor;

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

''(i) 10 percent of the personnel-related costs for performance of that function in the agency tender; or

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

''(3) In no case may a function being performed by executive agency personnel be—

''(A) modified, reorganized, divided, or in any way changed for the purpose of exempting the conversion of the function from the requirements of this section; or

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A-76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

''(B) may consult with such employees on other matters relating to that determination.

''(2)(A) In the case of employees represented by a labor organization accorded exclusive recognition under section 7111 of title 5, consultation with representatives of that labor organization shall satisfy the consultation requirement in paragraph (1).

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

''(c) CONGRESSIONAL NOTIFICATION.—(1) Before commencing a public-private competition under subsection (a), the head of an executive agency shall submit to Congress a report containing the following:

''(A) The function for which such public-private competition is to be conducted.

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The report required under paragraph (1) shall include an examination of the potential economic effect of performance of the function by a contractor on—

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

''(i) In the case of a failure to submit the report when required, the date on which the representative individual or an official of the representative entity authorized to pose the objection first knew or should have known of that failure.

''(ii) In the case of a failure to include the certification in a submitted report, the date on which the report was submitted to Congress.

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

''(d) EXEMPTION FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.—This section shall not apply to a commercial or industrial type function of an executive agency that—

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

"Sec. 43. Public-private competition required before conversion to contractor performance.".

SEC. 361. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years.

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

(A) the commencement of the performance by civilian employees of the Department of Defense of a new Department of Defense function;

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term "National Security Personnel System" means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term "inherently governmental function" has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

(f) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking section 343.

SEC. 362. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 363. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.".

This section shall take effect 1 day after date of enactment.

SA 3111. Mr. BROWN (for Mr. HARKIN) proposed an amendment to the bill H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Joshua Omvig Veterans Suicide Prevention Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as "PTSD") is a serious problem; and

(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.

SEC. 3. COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.

(a) IN GENERAL.—

(1) COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1720F. Comprehensive program for suicide prevention among veterans

"(a) ESTABLISHMENT.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.

"(b) STAFF EDUCATION.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—

"(1) recognizing risk factors for suicide;

"(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and

"(3) best practices for suicide prevention.

"(c) HEALTH ASSESSMENTS OF VETERANS.—In carrying out the comprehensive program, the Secretary shall direct that medical staff offer mental health in their overall health assessment when veterans seek medical care at a Department medical facility (including a center established under section 1712A of this title) and make referrals, at the request of the veteran concerned, to appropriate counseling and treatment programs for veterans who show signs or symptoms of mental health problems.

"(d) DESIGNATION OF SUICIDE PREVENTION COUNSELORS.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

"(e) BEST PRACTICES RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:

"(1) The Department of Health and Human Services.

"(2) The National Institute of Mental Health.

"(3) The Substance Abuse and Mental Health Services Administration.

"(4) The Centers for Disease Control and Prevention.

"(f) Sexual Trauma Research.—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.

"(g) 24-Hour Mental Health Care.—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.

"(h) Hotline.—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.

"(i) Outreach and Education for Veterans and Families.—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—

"(1) remove the stigma associated with mental illness;

"(2) encourage veterans to seek treatment and assistance for mental illness;

"(3) promote skills for coping with mental illness; and

"(4) help families of veterans with—

"(A) understanding issues arising from the readjustment of veterans to civilian life;

"(B) identifying signs and symptoms of mental illness; and

"(C) encouraging veterans to seek assistance for mental illness.

"(j) Peer Support Counseling Program.—(1) In carrying out the comprehensive program, the Secretary may establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—

"(A) to assist other veterans with issues related to mental health and readjustment; and

"(B) to conduct outreach to veterans and the families of veterans.

"(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.

"(k) Other Components.—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary considers appropriate.".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1720F. Comprehensive program for suicide prevention among veterans.".

(b) Report to Congress.—

(1) Report required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the comprehensive program under section 1720F of title 38, United States Code, as added by subsection (a).

(2) Contents of report.—The report shall contain the following:

(A) Information on the status of the implementation of such program.

(B) Information on the time line and costs for complete implementation of the program within two years.

(C) A plan for additional programs and activities designed to reduce the occurrence of suicide among veterans.

(D) Recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.

NOTICE OF HEARING

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, today the Committee on Foreign Relations held a hearing to review the Convention on the Law of the Sea and the Agreement Relating to the Implementation of Part XI of the Convention (Treaty Doc. 103-39). The Committee heard testimony from representatives of the executive branch.

On Thursday, October 4, 2007, at 9:30 a.m. in SD-419, the Committee will conduct another hearing on the Convention on the Law of the Sea. Witnesses from outside the government will present testimony. Interested parties who have not been invited to testify may submit written testimony until the close of business on October 5, 2007 by sending it electronically to los@foreign.senate.gov or by faxing it to the Committee's Executive Clerk, Gail Coppage, at (202) 228-3612.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 27, 2007, at 9:30 a.m., in open session to consider the following nominations: Admiral Gary Roughead, USN for reappointment to the grade of Admiral and to be Chief of Naval Operations; General William E. Ward, USA for reappointment to the grade of General and to be Commander, United States Africa command; General Kevin P. Chilton, USAF for reappointment to the grade of General and to be Commander, United States Strategic Command; and Lieutenant General James N. Mattis, USMC to be General and to be Commander, United States Joint Forces Command and Supreme Allied Commander for Transformation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, September 27, 2007, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The hearing will focus on modernization and efforts to address the needs of the air traffic system and to improve the movement of aircraft and passengers. Subcommittee members will be provided the opportunity to review problems encountered by travelers during the summer 2007 travel season and to consider steps that can be taken to improve the air traffic system.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Thursday, September 27, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

During the Executive Session, Committee members will markup the following agenda items: S. 1578, Ballast Water Management Act of 2007; S. 1889, Railroad Safety Enhancement Act of 2007; S. 1453, Internet Tax Freedom Act (ITFA) Extension Act of 2007; S. 1965, Protecting Children in the 21st Century Act; S.J. Res. 17, a joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean; S. Con. Res. 39, a concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; Nominations for Promotion in the United States Coast Guard (PN 878, PN 946, PN 947, and PN 948).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 27, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on hard rock mining on Federal lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 27, 2007, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to hear testimony on the "Border Insecurity, Take Three: Open and Unmonitored".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Thursday, September 27, 2007, at 2:30 p.m. to hold a hearing on the Convention on the Law of the Sea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr KENNEDY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, September 27, 2007, at 9 a.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider pending business, to be followed immediately by an oversight hearing on the prevalence of violence against Indian women.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a markup on Thursday, September 27, 2007, at 10 a.m. in the Dirksen Senate Office Building room 226.

Agenda:

I. Bills: S. 1267, Free Flow of Information Act of 2007, (Lugar, Dodd, Graham), S. 2035, Free Flow of Information Act of 2007, (Specter, Schumer).

S.J. Res. 13, Joint resolution granting consent to the International Emergency Management Assistance Memorandum of Understanding, (Leahy, Snowe, Kennedy, Whitehouse), S. 980, Online Pharmacy Consumer Protection Act of 2007, (Feinstein, Sessions, Biden).

II. Resolutions: S. Con. Res. 45, commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month, (Cardin, Cornyn).

S. Res. 258, recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation, (Dodd).

III. Nominations: James Russell Dedrick to be United States Attorney for the Eastern District of Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Thursday, September 27, 2007, in order to conduct a hearing on the Nomination of Paul J. Hutter to be General Counsel, Department of Veterans Affairs. The committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized conduct a hearing entitled "An Examination of the Google-DoubleClick Merger and the Online Advertising Industry: What are the Risks for Competition and Privacy?" on Thursday, September 27, 2007, at 2 p.m. in the Dirksen Senate Office Building room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES AND INTERNATIONAL SECURITY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Thursday, September 27, 2007, at 3:30 p.m. in order to conduct a hearing entitled "Cost Effective Airlift in the 21st Century".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, September 27, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 128, to amend the Cache La Poudre River Corridor Act to designate a new management entity, make certain technical and conforming amendments, enhance private property protections, and for other purposes; S. 148, to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; S. 189, to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in the State of Michigan; S. 697, to establish the Steel Industry National Historic Site in the State of Pennsylvania; S. 867, to adjust the boundary of Lowell National Historical Park, and for other purposes; S. 1039, a bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey; S. 1341, to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; S. 1476, to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine the suitability and feasibility of establishing a unit of the National Park System; S. 1709 and H.R. 1239, to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; S. 1808, to authorize the exchange of certain land in Denali National Park in the State of Alaska; S. 1969, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating Estate Grange and other sites related to Alexander Hamilton's life on the island of St. Croix in the U.S. Virgin Islands as a unit of the National Park System, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Christopher Caple and Monica Thurmond from Senator BILL NELSON's staff and David Pozen of my staff be accorded the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I ask unanimous consent that George Serletis, Mollie Lane, Tim Kehrer, Sam Anderson, Amanda Mitchell, and Travis Cossitt of my Finance Committee staff be granted the privilege of the floor for the remainder of the floor debate on the Children's Health Insurance Program Reauthorization Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE ACCOMPLISHMENTS OF STEPHEN JOEL TRACHTENBERG AS PRESIDENT OF THE GEORGE WASHINGTON UNIVERSITY

RECOGNIZING AND HONORING THE 20 YEARS OF SERVICE AND CONTRIBUTIONS OF DR. JAMES HADLEY BILLINGTON AS LIBRARIAN OF CONGRESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate now proceed to the consideration of S. Res. 210 and S. Res. 336, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolutions by title.

The bill clerk read as follows:

A resolution (S. Res. 210) honoring the accomplishments of Stephen Joel Trachtenberg as president of the George Washington University in Washington, DC, in recognition of his upcoming retirement in July 2007.

A resolution (S. Res. 336) recognizing and honoring the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 210 and S. Res. 336) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 210

Whereas Stephen Joel Trachtenberg has served since 1988 as the 15th president of The George Washington University;

Whereas Stephen Joel Trachtenberg served as the third president of the University of Hartford in Hartford, Connecticut, from 1977 to 1988;

Whereas Stephen Joel Trachtenberg, a native of Brooklyn, New York, was an accomplished author, scholar, and educator, and has earned the respect and admiration of his colleagues, peers, and students;

Whereas Stephen Joel Trachtenberg earned a bachelor of arts degree from Columbia University in 1959, a juris doctor degree from Yale University in 1962, and a master of public administration degree from Harvard University in 1966;

Whereas Stephen Joel Trachtenberg was selected as a Winston Churchill Traveling Fellow for study in Oxford, England, in 1968;

Whereas Stephen Joel Trachtenberg was celebrated by the Connecticut Region of Hadassah with the Myrtle Wreath Award in 1982, was presented with The Mt. Scopus Award from Hebrew University in Jerusalem in 1984, and received the Human Relations Award from the National Conference of Christians and Jews in 1987;

Whereas Stephen Joel Trachtenberg was honored with the Distinguished Public Service Award from the Connecticut Bar Association in 1988, and was recognized by the Hartford branch of the National Association for the Advancement of Colored People for his contributions to the education of minority students;

Whereas Stephen Joel Trachtenberg received the International Salute Award in honor of Martin Luther King, Jr. in 1992, and the Hannah G. Solomon Award from the National Council of Jewish Women;

Whereas Stephen Joel Trachtenberg was awarded the John Jay Award for Outstanding Professional Achievement in 1995 by Columbia University, the Newcomen Society Award, and the Spirit of Democracy Award from the American Jewish Congress;

Whereas Stephen Joel Trachtenberg received an honorary doctor of medicine degree from the Odessa State Medical University in Ukraine in 1996, the Distinguished Service Award from the American Association of University Administrators, and the B'nai B'rith Humanitarian Award;

Whereas Stephen Joel Trachtenberg received the Department of State Secretary's Open Forum Distinguished Public Service Award in 1997, and the Grand Cross, the highest honor of the Scottish Rite of Freemasonry;

Whereas "Stephen Joel Trachtenberg Day" was declared by resolution of the Council of the District of Columbia on January 22, 1998, in honor of his commitments to minority students, scholarship programs, public school partnerships, and community service;

Whereas Stephen Joel Trachtenberg was honored by Boston University in 1999, where he previously served as a vice president and as an academic dean, with an honorary doctor of humane letters degree;

Whereas Stephen Joel Trachtenberg received the Tree of Life Award from the Jewish National Fund;

Whereas Stephen Joel Trachtenberg was named a Washingtonian of the Year 2000 by Washingtonian Magazine, was decorated as a Grand Officier Du Wissam Al Alaoui by King Mohammed VI of Morocco in 2000, and was awarded the Order of St. John of Jerusalem, Knight Grand Cross for Distinguished Service to Freemasonry and Humanity;

Whereas Stephen Joel Trachtenberg received honorary doctor of laws degrees from Southern Connecticut State University, the University of New Haven, Mount Vernon College, and Richmond College in London;

Whereas Stephen Joel Trachtenberg was named a Fellow of the American Academy of Arts and Sciences, and was awarded the Department of the Treasury's Medal of Merit;

Whereas Stephen Joel Trachtenberg received the Humanitarian Award from the Albert B. Sabin Institute, and the District of Columbia Business Leader of the Year Award from the District of Columbia Chamber of Commerce;

Whereas Stephen Joel Trachtenberg performed public service as an attorney with the Atomic Energy Commission, as an aide to former Indiana Representative John Brademas, and as a special assistant at the Department of Health, Education, and Welfare;

Whereas Stephen Joel Trachtenberg authored "Reflections on Higher Education", published in 2002, "Thinking Out Loud", published in 1998, and "Speaking His Mind", published in 1994;

Whereas Stephen Joel Trachtenberg serves on the boards of the Chief of Naval Operations Executive Panel and the International Association of University Presidents, and as a member of the Council on Foreign Relations;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, opened new buildings for the School of Business and the Elliott School of International Affairs and a new hospital, and added the Mount Vernon Campus, formerly the Mount Vernon College for Women, to the university;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, created 5 new schools, the School of Public Health and Health Services, the School of Public Policy and Public Administration, the College of Professional Studies, the Graduate School of Political Management, and the School of Media and Public Affairs;

Whereas Stephen Joel Trachtenberg, as president of The George Washington University, "reinvented" the university's position and positive reputation as Washington, DC's center of scholarship;

Whereas Stephen Joel Trachtenberg will continue, after retiring as the third-longest-serving president of The George Washington University, as University Professor of Public Service and President Emeritus; and

Whereas Stephen Joel Trachtenberg and his wife, Francine Zorn Trachtenberg, have 2 sons, Adam and Ben: Now, therefore, be it

Resolved, That the Senate—

(1) honors and salutes the accomplishments of Stephen Joel Trachtenberg and recognizes his deeds throughout his 19 years of service as president of The George Washington University in Washington, DC;

(2) recognizes the accomplishments and achievements of Stephen Joel Trachtenberg in higher education, as an author, as an attorney, and as a public official; and

(3) based upon his service, extends its appreciation to Stephen Joel Trachtenberg in recognition of his retirement as president of The George Washington University.

S. RES. 336

Whereas Dr. James H. Billington was nominated to be the 13th Librarian of Congress by President Ronald Reagan in 1987, and was confirmed by the Senate and sworn in as Librarian of Congress on September 14, 1987;

Whereas the world renowned collections of the Library of Congress, the largest and most comprehensive in history, have grown by almost 50,000,000 items since Dr. Billington became Librarian, totaling more than 135,000,000 today;

Whereas, during Dr. Billington's tenure, the Library of Congress modernized its collection through the creation of the National Digital Library Program, the American Memory program, THOMAS, and the World Digital Library;

Whereas the Librarian created the first ever private sector philanthropic and advisory group, The Madison Council, to spearhead countless programs for the Library and assist in its funding efforts;

Whereas the Library of Congress has successfully acquired the 1507 Martin Waldseemuller map, the Martin Carson collection of early Americana, the Jay Kislak early Americas collection, and has also continued the preservation of Library collections and promoted cultural and educational outreach programs through the added assistance of private contributions and in-kind gifts collected during Dr. Billington's tenure;

Whereas, during James Billington's Librarianship, the Library of Congress has displayed its treasures and those of other Nations in more than 300 spectacular and enriching exhibitions at the Library and on its Internet website;

Whereas, during Dr. Billington's tenure, the Library of Congress has been a leader in the library world in establishing systems to protect vast collections such as the National Recording Registry and the National Digital Information Infrastructure and Preservation Program, developing cutting edge preservation developments to maintain and protect multiple format collections for future generations, and also ensuring the security of staff, researchers, and visitors;

Whereas the Kluge Center at the Library of Congress was established during the Librarian's tenure to foster mutually enriching interaction between the scholarly world and policy makers and supports the $1,000,000 Kluge Prize honoring lifetime achievements in the humanities;

Whereas the Library of Congress Thomas Jefferson and John Adams buildings were restored by Congress over a multi-year period and reopened to the public in 1997, restoring in particular the century-old Jefferson Building to its former glory as one of the most beautiful buildings in America;

Whereas Dr. Billington has overseen the consolidation of the Library's recorded sound and moving images in a large-scale digital storage archive at the Packard Campus for Audio-Visual Conservation, which was constructed through a unique private-public partnership with the Packard Humanities Institute;

Whereas the Library of Congress and First Lady Laura Bush instituted and have cosponsored the very popular National Book Festival annually since 2001, celebrating the joy of reading and the creativity of America's writers and illustrators;

Whereas the programs of the Library of Congress, including the National Digital Library which processed over 5,000,000,000 transactions in 2006 alone, have made freely available to the American people millions of historical items in the Library's incomparable collection through online databases, including 11,000,000 rare primary source materials from its collection, to invigorate and promote lifelong learning in every locality in the United States: Now, therefore, be it

Resolved, That the Senate recognizes and honors the 20 years of service and contributions of Dr. James Hadley Billington as Librarian of Congress.

JOSHUA OMVIG VETERANS SUICIDE PREVENTION ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 327 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 327) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill as amended be read a third time, passed, and the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3111) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Joshua Omvig Veterans Suicide Prevention Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as "PTSD") is a serious problem; and

(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.

SEC. 3. COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.

(a) IN GENERAL.—

(1) COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§1720F. Comprehensive program for suicide prevention among veterans

"(a) ESTABLISHMENT.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.

"(b) STAFF EDUCATION.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—

"(1) recognizing risk factors for suicide;

"(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and

"(3) best practices for suicide prevention.

"(c) HEALTH ASSESSMENTS OF VETERANS.—In carrying out the comprehensive program, the Secretary shall direct that medical staff offer mental health in their overall health assessment when veterans seek medical care at a Department medical facility (including a center established under section 1712A of this title) and make referrals, at the request of the veteran concerned, to appropriate counseling and treatment programs for veterans who show signs or symptoms of mental health problems.

"(d) DESIGNATION OF SUICIDE PREVENTION COUNSELORS.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

"(e) BEST PRACTICES RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:

"(1) The Department of Health and Human Services.

"(2) The National Institute of Mental Health.

"(3) The Substance Abuse and Mental Health Services Administration.

"(4) The Centers for Disease Control and Prevention.

"(f) SEXUAL TRAUMA RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.

"(g) 24-HOUR MENTAL HEALTH CARE.—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.

"(h) HOTLINE.—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.

"(i) OUTREACH AND EDUCATION FOR VETERANS AND FAMILIES.—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—

"(1) remove the stigma associated with mental illness;

"(2) encourage veterans to seek treatment and assistance for mental illness;

"(3) promote skills for coping with mental illness; and

"(4) help families of veterans with—

"(A) understanding issues arising from the readjustment of veterans to civilian life;

"(B) identifying signs and symptoms of mental illness; and

"(C) encouraging veterans to seek assistance for mental illness.

"(j) PEER SUPPORT COUNSELING PROGRAM.—(1) In carrying out the comprehensive program, the Secretary may establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—

"(A) to assist other veterans with issues related to mental health and readjustment; and

"(B) to conduct outreach to veterans and the families of veterans.

"(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.

"(k) OTHER COMPONENTS.—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary considers appropriate.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1720F. Comprehensive program for suicide prevention among veterans.".

(b) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the comprehensive program under section 1720F of title 38, United States Code, as added by subsection (a).

(2) CONTENTS OF REPORT.—The report shall contain the following:

(A) Information on the status of the implementation of such program.

(B) Information on the time line and costs for complete implementation of the program within two years.

(C) A plan for additional programs and activities designed to reduce the occurrence of suicide among veterans.

(D) Recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 327), as amended, was read the third time and passed.

MAKING PERMANENT THE WAIVER AUTHORITY OF THE SECRETARY OF EDUCATION WITH RESPECT TO STUDENT FINANCIAL ASSISTANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3625, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 3625) to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operations or national emergency.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3625) was ordered to be read a third time, was read the third time, and passed.

TMA, ABSTINENCE EDUCATION, AND QI PROGRAMS EXTENSION ACT OF 2007

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3668, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 3668) to provide for the extension of transitional medical assistance (TMA), the abstinence education program and the qualifying individuals (QI) program.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3668) was ordered to be read a third time, was read the third time, and passed.

MEASURE READ THE FIRST TIME—H.R. 2693

Mr. BROWN. Mr. President, I understand that H.R. 2693 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

Mr. BROWN. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

SEQUENTIAL REFERRAL—NOMINATION OF JULIE MYERS

Mr. BROWN. Mr. President, as in executive session, I ask unanimous consent that when the Committee on Homeland Security reports the nomination of Julie Myers, PN 93, to be Assistant Secretary of Homeland Security, it be sequentially referred to the Judiciary Committee for up to 30 calendar days; further, that if the nomination is not reported by the completion of that time, the nomination be automatically discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, SEPTEMBER 28, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m., Friday, September 28; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 1585.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:57 p.m., adjourned until Friday, September 28, 2007, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JAVAID ANWAR, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2007, VICE ELMER B. STAATS, TERM EXPIRED.

JAVAID ANWAR, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2013. (REAPPOINTMENT)

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

MADONNA CYNTHIA DOUGLASS, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2013, VICE W. SCOTT RAILTON, TERM EXPIRED.

DEPARTMENT OF LABOR

DOUGLAS W. WEBSTER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR, VICE SAMUEL T. MOK, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

ERNEST VALDEZ, 4767

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LAURA M. HUNTER, 0251
DOUGLAS JAMES, 2914
GEORGE W. RYAN, JR., 6761

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MAX B. BULLEN, 0248

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

GERALD K. BEBBER, 8274
STEVEN L. BERRY, 5895
GARY W. BROWN, 0143
KENNETH W. BUSH, 3837
ROBERT M. COFFEY, 8297
ROGER D. CRINER, 5584
MICHAEL W. DUGAL, 8407
RODNEY A. LINDSAY, 3520
ROBERT T. MEEK, 3186
DANIEL J. MINJARES, 8953
RICHARD G. MOORE, 6175
DENNIS R. NEWTON, 5710
GARY L. NORRIS, 8587
KENNETH W. STICE, 4005
RONALD H. THOMAS, 2338
PHILLIP F. WRIGHT, 6446

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

JOHN A. MCHENRY, 4414

To be lieutenant colonel

JAMES B. CHAPMAN, 0869

To be major

DAVID P. LAW, 9487
ALAN S. WALLER, 2311

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

EDWARD F. FREDERICK, 4990

To be major

GREGORY CHARLTON, 0173

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

GERALD R. BROWN, 2925

EXTENSIONS OF REMARKS

COMMENDING DWAIN LUCE, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Dwain Luce of Mobile, AL, for his courageous service during World War II. His heroic story, along with other Mobilians, is told in the Ken Burns' documentary series "The War."

After graduating from Auburn University with a reserve commission in 1938, Mr. Luce went to Mississippi to work for his family's cannery business. Following the Japanese attack on Pearl Harbor, he was recalled to active duty and reported to duty on January 15, 1942.

As a lieutenant in the 82nd Airborne Division's 320th Glider Field Artillery Battalion, he participated in the invasions of Sicily and later Italy. He was promoted to captain, and he and his unit were sent to England to train for the invasion of France. He landed his glider at Normandy on June 6, 1944, and survived 33 days of fighting there.

Several months later, his unit saw action again when they were dropped behind enemy lines into Holland as part of Operation Market Garden. They remained in Holland for 6 weeks battling both the Germans and the cold weather.

He and his unit also participated in the Battle of the Bulge where they anchored the northern flank of the American lines. On May 1, 1945, the 82nd Airborne took 144,000 German prisoners as they surrendered to Americans.

His story, along with other Mobilians, is told in the Ken Burns' documentary series "The War." Madam Speaker, the recognition of Dwain Luce in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Luce and his selfless devotion to our country and the freedom we enjoy.

IN HONOR OF THE 25TH ANNIVERSARY OF THE GREATER SPOKANE SUBSTANCE ABUSE COUNCIL

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to honor the Greater Spokane Substance Abuse Council, GSSAC, as they celebrate 25 years of service to the Spokane community. In 1982, local policymakers and citizens joined together to take a stand against the devastation of drugs and violence. Through their efforts, GSSAC now runs programs and collaborative efforts that are empowering our youth, focusing on prevention of substance abuse and violence and solving the problem of meth abuse in our community.

At the core of the GSSAC Prevention Center mission is a desire to equip those in need with the knowledge and skills to make positive choices in their life. They work to unite and support the community through fostering positive attitudes and behaviors. Most of all, they encourage, facilitate, initiate and assist all people, groups and organizations in finding solutions to alcohol, tobacco and other drug abuse.

Over the 25 years that GSSAC has served the greater Spokane community, they have accomplished many milestones. The staff and volunteers of GSSAC give their time and resources through a variety of programs like the Spokane County Meth Action Team, Washington Drug-Free Youth and Prevention in Practice. They also help to disseminate information about drug abuse and prevention through their Information Clearing House.

Madam Speaker, I rise today to congratulate the staff and volunteers of Greater Spokane Substance Abuse Council on 25 years of influential service to our community. I invite my colleagues to join me in commending them for continuing on with their vision to make Spokane a safer place to live, and raising awareness on how we can prevent substance abuse in our communities.

LEGALIZING INTERNET GAMBLING WOULD HARM U.S. TRADE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TOWNS. Madam Speaker, as I stated here a couple of months ago, I believe very strongly that whatever our policy is on other types of gambling, we need to maintain a firm line against any form of sports gambling. Gambling on sports events undermines the integrity of American athletics. It can create corruption or the appearance of corruption, and it taints the image of sports as wholesome, family-friendly entertainment.

I also stated that I opposed legalization of online sports gambling in H.R. 2046. It is not enough to allow sports associations to say "not on my game" if Congress is sending the message to the public that sports gambling is fine. If we are going to consider any loosening of laws against online gambling, we need to say "not on sports, period."

But yesterday I received a letter from Stuart Eizenstat, a very well-respected trade expert who was formerly U.S. Ambassador to the European Union and Under Secretary of Commerce for International Trade, writing on behalf of the National Football League. Ambassador Eizenstat's letter informs me that, under the present circumstances, "not on sports, period" could leave the NFL and other great American athletic institutions vulnerable to assault by the offshore gambling interests who want to make money off the popularity of these games.

According to Ambassador Eizenstat's letter, a law that legalizes most online gambling but includes limited exceptions, such as a sports gambling exception, will be vulnerable to attack in the World Trade Organization. If the WTO rules against the U.S. law, the U.S would have to choose between eliminating the exception—feeding our treasured sports to the gambling wolves—or paying billions in compensation to our trading partners. I, for one, think we should avoid having to decide which of these is the lesser of two evils if we can.

It appears that the U.S. does have a way out, by withdrawing any commitments to free trade in gambling. The U.S. Trade Representative is currently in the middle of negotiating this withdrawal. But this requires compensation too, for taking away market access from our trading partners. How much compensation? Not much at all, given that almost all Internet gambling is illegal. But if we make it legal, even if sports gambling is excluded, then there is a big legal market for which we will owe compensation.

As Ambassador Eizenstat says, "withdrawal negotiations should be brought to a conclusion before Congress passes any new gambling legislation." In the interest of protecting American athletics, I plan to take this advice to heart.

Madam Speaker, I ask unanimous consent to enter Ambassador Eizenstat's letter into the RECORD.

COVINGTON & BURLING, LLP,
Washington, DC, September 24th, 2007.

Hon. EDOLPHUS TOWNS,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE TOWNS: I am writing on behalf of the National Football League, NFL, to urge you to oppose H.R. 2046, the "Internet Gambling Regulation and Enforcement Act," which would legalize Internet gambling. Along with all other major U.S. professional and amateur sports associations, the NFL is very concerned about protecting the integrity of American athletics from the adverse effects of sports gambling. As the recent National Basketball Association referee scandal shows, this is a very real concern. From a trade perspective, H.R. 2046 is fundamentally flawed. This bill, and any other legislation legalizing Internet gambling, also may have the unintended consequence of giving foreign service suppliers greater access to the U.S. market in a range of services sectors.

H.R. 2046 reverses 50 years of U.S. public policy by endorsing and legalizing sports betting, and it vastly expands access to all forms of gambling. Although the bill allows sports leagues and states to opt out of this gambling legalization scheme, these exceptions may be successfully challenged in the World Trade Organization, WTO, under existing trade rules. While the WTO General Agreement on Trade in Services permits a complete gambling prohibition that is "necessary to protect public morals," a patchwork approach that legalizes most gambling and includes limited opt outs may be difficult to defend. Indeed, Antigua's WTO counsel, emboldened by Antigua's successful challenge to current U.S. laws that prohibit gambling, already has stated his belief that the opt out provisions in H.R. 2046 are inconsistent with the United States' WTO commitments. Given Antigua's past success in challenging U.S. anti-gambling statutes in the WTO and Antigua's current demands for $3.4 billion in compensation, the stakes are high. Passage of H.R. 2046 could well lead to further WTO litigation.

After losing the gambling dispute with Antigua, the United States Trade Representative (USTR) took the important step last May of notifying the WTO of its intent to modify its WTO commitments to explicitly exclude gambling and betting services. The USTR is now in the process of negotiating with eight WTO countries who claim that they are adversely affected by this withdrawal. These withdrawal negotiations should be brought to a conclusion before Congress passes any new gambling legislation. This is especially so since passage of H.R. 2046 would, for the first time, create a legal American market for Internet gambling, significantly complicating ongoing negotiations and making it much more costly to withdraw the U.S. commitment on gambling services.

Specifically, as part of the withdrawal negotiations, the United States has to make "compensatory adjustments," i.e., further open the U.S. services market to foreign suppliers to compensate for the withdrawal of the gambling services commitment. Currently, given that remote gambling services are largely illegal in the United States, the access that foreigners will get to the U.S. market as a result of the gambling commitment withdrawal is minimal. Passage of H.R. 2046 will create a large, legal gambling market in the United States. Foreigners will then be able to demand far greater access to the U.S. market in the ongoing withdrawal negotiations. Greater market access demands could conceivably impact the U.S. financial services sector, the telecommunications sector, and others.

The negative impact of H.R. 2046 on U.S. industries and U.S. trade negotiations could be significant. This bill—and, in fact, any bill that authorizes Internet gambling of any kind—will greatly complicate the USTR's efforts to withdraw the United States' gambling commitment by providing foreign countries with leverage to demand greater access to the U.S. services market. Furthermore, under the current WTO rules, the bill's opt out provisions for sports leagues and states could very likely be challenged in the WTO, potentially leading to a situation where foreign gambling companies could provide gambling services to Americans over the objections of the NFL, other sports leagues, and state governments. For all of these reasons, I urge you to oppose H.R. 2046 and any other proposals to legalize Internet gambling in the United States.

Sincerely,

STUART E. EIZENSTAT.

COMMENDING WILLIE RUSHTON, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Willie Rushton of Mobile, Alabama, for his courageous service during World War II. His heroic story, along with other Mobilians, is told in the Ken Burns' documentary series "The War."

Born in Nadawah, Alabama, Mr. Rushton grew up on a saw mill farm in Atmore. After graduating from high school, he moved to Mobile to work at the Coca-Cola Bottling Plant. He was drafted in the spring of 1943, just a year after getting married.

He signed on with the Marines and was shipped to the Pacific in July 1943. His son was born just 1 month later, a son he would not see for more than 2 years. Assigned to the 11th Depot Company, he served in the South Pacific from July 1943 until October 1944. He and his unit—a unit that sustained the highest casualty rate of any black Marine unit—took part in the invasion of Peleliu along with the 1st Marine Division.

Mr. Rushton himself was wounded in the leg by shrapnel from a mortar round while on the island. When he returned to Mobile following his discharge in November 1945, he was unable to return to his job at Coca-Cola. He worked at Sears, Brookley Field, and the United States Postal Service, where he stayed for 43 years.

Madam Speaker, the recognition of Mr. Willie Rushton in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Rushton and his selfless devotion to our country and the freedom we enjoy.

IN HONOR AND RECOGNITION OF BURT SALTZMAN, CEO OF DAVE'S SUPERMARKETS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Burt Saltzman, CEO of Dave's Supermarkets, whose entire career has focused on serving the community. His kind and charitable demeanor has made him a well-known and widely embraced individual amongst the citizens of Cleveland, the supermarket employees, vendors, and community organizations alike.

Dave's Supermarket is named after Mr. Saltzman's father and employs over 1,500 associates. This year, the store celebrates 75 years of providing the people of the neighborhood with quality groceries at affordable prices, as well as an unmatched kind of customer service. Mr. Saltzman is one of few CEOs who will work alongside employees and help customers one-on-one.

Not only does he take time to show he cares for Dave's associates, Mr. Saltzman is also very active in the community. He supplies food to soup kitchens, hunger centers, shelters, a day care, and supports the Cleveland Food Bank as well as Mental Health Services, Inc. Mr. Saltzman's charitable efforts have not gone unrecognized; he is in the Grocer's Hall of Fame and has received an "Others" award from the Salvation Army. The "Others" award is given in recognition of those who benefit the Salvation Army and/or the community as a whole.

Madam Speaker and colleagues, please join me in thanking and honoring Mr. Burt Saltzman for his enduring commitment to Northeast Ohio. His devotion and care are the epitome of civic engagement and community pride.

RECOGNIZING THE ACHIEVEMENTS OF MR. ALVIN BROOKS

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the achievements of Mr. Alvin Brooks, a pioneer for civil and human rights, and a resident of the Fifth District of Missouri which I am honored to represent. This week, Mr. Brooks will be inducted into the Missouri Walk of Fame during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri.

As a former Mayor of Kansas City, Missouri, I am well aware of the contributions Al has made to the landscape of Kansas City. Mr. Alvin Brooks' experience in City government spans over a quarter century. Alvin Brooks is the former Mayor Pro Tem and 6th District At-Large City Councilperson for the City of Kansas City, Missouri. He was first elected in 1999 and re-elected in 2003. After his first election, Brooks was appointed as Mayor Pro Tem by Mayor Kay Barnes. In addition to serving as Mayor Pro Tem, Brooks chaired the Public Safety Committee, the Police Capital Improvements Oversight Committee, the Police Site Selection Committee, and was vice-chair of the Aviation Committee and the Finance and Audit Committee. Brooks lost a bid for Mayor of Kansas City this past spring by a mere 851 votes.

While Kansas City's Mayor Pro Tem, Councilman Brooks served as a member of numerous committees and perhaps most visible through his work as President of the Ad Hoc Group Against Crime, which he founded in 1977. The Ad Hoc Group Against Crime is a broad-based, grass roots community organization, which appointed him President/CEO of Ad Hoc in April of 1991. "I get my strength from my spirituality—from being spiritual and believing that one lightens his or her burden by helping people lighten their burden. People enter our space and you are energized by them," said Mr. Brooks.

Brooks learned his philosophy on the street. As Kansas City police officer from 1954 to 1964, he held the rank of detective and worked with runaways and gang members. Shortly after the civil disorder of 1968, he organized the city's Human Relations Department and served as its first director until 1984. He was the first African-American to serve as a department head for the City of Kansas City, Mo. In 1999, he was first elected to serve as the Sixth District at-Large Councilman in 1999 and re-elected in 2003. Brooks was appointed as Mayor Pro Tem by Mayor Kay Barnes. In addition, to serving as Mayor Pro Tem, Councilman Brooks was a member of the Legislative, Rules, and Ethics Committee and the Aviation Committees. His dedication to Kansas City includes serving as an Assistant City Manager for 7 years.

Presently, Mr. Brooks is a consultant to many business executives in the area of diversity, minority and women matters. He has also been a motivational speaker and lecturer for various governmental agencies, colleges and universities, and the private sector. He has conducted hundreds of seminars and workshops on the subject of cultural/racial diversity, religious tolerance and civil rights. He has taught classes and conducted lectures and workshops on a multitude of subjects, including the criminal justice system, crime and violence prevention, community involvement and police-community relations. He is also a certified mediator, and has lobbied at the local, state and federal levels.

In 1989, Brooks received national attention from President George H.W. Bush in 1989 as he was recognized as one of "America's 1,000 points of light," and was subsequently appointed to a 3-year term on the President's National Drug Advisory Council. This is but one of the many accolades Al has received over the years. The recipient of four honorary doctorate degrees from colleges and universities in metropolitan Kansas City and surrounding areas, Brooks has also received too numerous other accolades to mention. In all of his activities, he demonstrates his dedication and commitment to the greater good of others.

Al lives in South Kansas City, Missouri with his wife Carol, to whom he has been married for 57 years. Together they have raised six children—one son (deceased), and five daughters. They also have 17 grandchildren, 17 great-grandchildren, and 2 great-great-grandchildren.

Throughout his life, he has put his principles to practice, and the effects of his efforts have brought about a more diverse and concerned citizenry throughout the Kansas City metropolitan area. For these reasons and more, it is indeed an honor and privilege to recognize Mr. Alvin Brooks at the Missouri Walk of Fame reception, hosted by myself and fellow Missourian, U.S. Representative WILLIAM LACY CLAY of St. Louis.

Madam Speaker, please join me in expressing our appreciation to Mr. Alvin Brooks, not just to the Kansas City community, but to the entire country at large. He is a true role model, a person who has been dedicated with improving the condition of his fellow man for nearly 50 years.

INTRODUCTION OF THE STATE VIDEO TAX FAIRNESS ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. CONYERS. Madam Speaker, I rise today to introduce the State Video Tax Fairness Act of 2007. This legislation will ensure that video competition remains robust, states retain the ability to raise revenue through sales taxes, and, most importantly, consumers are not harmed.

Discriminatory sales taxes harm consumers. It is well-established that robust competition for substitutable products generally benefits consumers by yielding lower prices and greater quality.

A number of states, however, have enacted what may be deemed to be discriminatory sales taxes on DBS service, with no burden or a lesser burden placed on cable subscribers, and more states are threatening to do so. These states impose a higher sales tax on nationally distributed DBS subscribers than they do on cable or other types of video providers.

The legislation that I am introducing today will ensure fair taxation to all consumers, and I hope to conduct hearings and request a GAO study of this issue.

The State Video Tax Fairness Act of 2007 would prohibit discriminatory taxes against any pay-TV service and apply the non-discrimination principle to taxes on both services and equipment.

State revenues would not be impacted. The Act would allow states to tax pay-TV providers or their subscribers, provided that such taxes are applied equally to all such services, including cable and DBS.

Consumers Union and Media Access Project, in separate letters submitted to this record, point out that artificial cost increases to the consumer imposed on one category of service provider can undermine the consumer benefits of competition. A discriminatory sales tax placed on one type of provider but not another is such an artificial cost.

National Taxpayers Union, in a letter submitted to this record, points out that, at the very least state and local governments should not discriminate among products or services by disadvantaging one with heavier taxes. Discriminatory sales taxes against DBS subscribers set a dangerous precedent for picking and choosing winners and losers in a marketplace based on who receives the most favorable sales tax treatment, rather than who provides the best value to consumers.

I urge my colleagues to join me as cosponsors of this legislation.

COMMENDING SIDNEY PHILLIPS, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Dr. Sidney Phillips of Mobile, Alabama, for his courageous service during World War II. At just 17 years of age when the Japanese attacked Pearl Harbor, young Sidney Phillips signed up for the Marines.

After training, Pvt. Phillips was assigned to H Company, 2nd Battalion, 1st Marines Regiment, 1st Marine Division, and taught to operate the 81 mm mortar. He went overseas in the spring of 1942 first to New Zealand, and then to the Solomon Islands that August where he participated in the landings on Guadalcanal. He survived 4 months of combat on the island and fought in many battles, including the Battle of the Tenaru.

At the end of 1943, he was sent to New Guinea for training and participated in the invasion of Cape Gloucester, on the western tip of New Britain. In 1944, he was sent back to the United States for the V–12 naval officer training program. He was still in training when the war ended, and was able to return to Mobile.

His story is told in the Ken Burns' documentary series "The War." He is now a retired physician living in Theodore. In 1997, Dr. Phillips penned his war memoir entitled, "You'll Be Sor-ree!"

Madam Speaker, the recognition of Dr. Sidney Phillips in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Dr. Phillips and his selfless devotion to our country and the freedom we enjoy.

IN HONOR OF THE 125TH ANNIVERSARY CELEBRATION OF HOOPER, WA

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today to honor the town of Hooper, WA, as they celebrate their 125th anniversary this year. This town has come a long way since four McGregor brothers, John, Archie, Peter and Alec, established the McGregor Land & Livestock Company in Hooper over a century ago. Hooper joins a long list of small communities in Washington State that have found a way to strive and succeed over the years through the trials and tribulations of an ever changing agriculture industry.

Through the efforts of the community, Hooper has come to symbolize the importance of working together to restore and preserve a rich history. The citizen's commitment to revitalizing the buildings and grounds of the area is outstanding. Seeing refurbished early 20th century buildings like the Hooper Hotel, Hooper Store, and U.S. Post Office conjures memories of simpler times in Washington State's history when rough herdsman, seasonal workers, and aspiring immigrant farmers would come out west in search of the American Dream.

The legacy of these brave individuals will echo for centuries. Due to the hard work and diligence in breaking out land and experimenting with agriculture methods in this part of the country, we now enjoy one of the most successful agriculture industries in the nation. More than 120 families in Whitman County alone have farmed and ranched here for a century or more. Whitman County is the leading wheat producing county in the United States; the Hooper area contributes greatly to this impressive statistic.

What a thrill it must have been to enjoy the company of nearly 400 past and present residents of Hooper during their celebration in August. I am certain we will all be in awe as the beautiful restoration continues in Hooper. This town has been a diamond in the rough for Whitman County since 1882.

Madam Speaker, I rise today to congratulate the town of Hooper and people who have made it such a wonderful part of Washington State history over the years. I invite my colleagues to join me in honoring the community of Hooper, WA as they celebrate 125 years together.

OPERATION SILENCE: SHIFTING BLAME ON AIR INDIA BOMBING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TOWNS. Madam Speaker, on August 4, the Indian newspaper and website Tehelka, which has done significant work exposing corruption in India, published a report on the 1985 Air India bombing, which was the worst terrorist incident involving aircraft until September 11, 2001. In the report, they produce new evidence that the Indian Government was responsible for the attack, which killed 329 innocent people.

The new report discusses the interrogation of the late Babbar Khalsa leader Talwinder Singh Parmar, who was considered by the Indians to be one of the masterminds of the attack. It should be noted that Babbar Khalsa was and is heavily infiltrated by the Indian Government and has been pretty much under its control

In his interrogation, Parmar points the finger of responsibility straight at the Indian Government. The documents, obtained from the Punjab Human Rights Organization, PHRO, which conducted a 7-year investigation, were supposed to have been destroyed by the interrogating officer, but he secretly kept them all this time.

Parmar identifies Lakhbir Singh Rode as a mastermind of the bombing. Rode is head of the International Sikh Youth Federation. According to PHRO, Rode is an agent of the Indian Government. Sarabjit Singh, chief investigator for the PHRO, reports that Parmar was ordered killed to cover up Rode's involvement.

Parmar was supposed to have been killed in an encounter with police, but the PHRO pointed out that he had been in police custody for some time at the time he was killed. PHRO reports that there is "conclusive evidence" that Parmar was killed in police custody.

With this information coming on top of the mountain of evidence produced by Zuhair Kashmeri and Brian McAndrew in their book Soft Target and the report by former Member of Parliament David Kilgour in his book Betrayed: The Spy Canada Abandoned, in which he reports that a Canadian-Polish double agent was approached by representatives of the Indian Government asking him to become involved in a second bombing because "the first one worked so well," there can be no doubt that the Indian Government itself is the real culprit behind this act of terrorism. The links are just too strong.

State terrorism is unacceptable whether it is carried out by the Taliban in Afghanistan, by Mr. Ahmadinejad in Iran, by some tinhorn dictator in Latin America, or by the "world's largest democracy." We cannot let this stand. The time has come to stop our aid to India, end our trade, and speak out strongly for self-determination, the cornerstone of democracy, throughout South Asia. Only then will these kinds of abuses, designed to set up one ethnic or religious group as "terrorists" so they can be killed, come to an end.

I request the permission of the House to place the Tehelka article in the RECORD for the information of my colleagues and the public.

KANISHKA TRAGEDY—OPERATION SILENCE

(By Vikram Jit Singh)

Fifteen years after Babbar Khalsa International leader Talwinder Singh Parmar, one of the two alleged masterminds of the mid-air bombing of Air India's Kanishka airplane, was shown as having being killed in an encounter in Punjab, retired Punjab Police DSP Harmail Singh Chandi, who nabbed Parmar from Jammu in September 1992 and interrogated him for five days before he was killed along with five others, has come forward with the claim that Parmar was killed in police custody on the orders of senior police officers, who also asked his confession record to be destroyed. In his confession, Parmar had named Lakhbir Singh Brar "Rode", nephew of the late Bhindranwale and head of the banned International Sikh Youth Federation, as the mastermind of the bombing. Rode, who is now said to be holed up in Lahore, has never figured in the investigations of either the CBI or the Canadian authorities.

Chandi has brought forward the entire record of Parmar's confession, including audio tapes and statements, before the Royal Canadian Mounted Police (RCMP) and the John Major Commission of Inquiry that is reinvestigating the June 23, 1985 blast that claimed 331 lives off the Irish coast. Chandi had been ordered by senior officers to destroy the records but he retained them secretly. The record was brought before the Major Commission due to seven-year-long investigations by the Punjab Human Rights Organisation (PHRO), a Chandigarh-based ngo that conducted interviews of Parmar's associates in India and Canada and pieced together a comprehensive report. The PHRO's Principal Investigator Sarbjit Singh and lawyer Rajvinder Singh Bains flew to Canada along with Harmail in June and produced their findings before the Commission's counsels.

A Canadian citizen, Parmar was shown as having been killed in an exchange of fire between police and six militants in the wee hours of October 15, 1992, near village Kang Arian in Phillar sub-division. However, evidence brought forward by Harmail (who was then DSP, Phillaur) shows that Parmar was interrogated between October 9 and 14 by senior police officers, where he revealed that the blasts were instigated by Lakhbir Singh Brar Rode.

Parmar's confession reads: "Around May 1985, a functionary of the International Sikh Youth Federation came to me and introduced himself as Lakhbir Singh and asked me for help in conducting some violent activities to express the resentment of the Sikhs. I told him to come after a few days so that I could arrange for dynamite and battery etc. He told me that he would first like to see a trial of the blast . . . After about four days, Lakhbir Singh and another youth, Inderjit Singh Reyat, both came to me. We went into the jungle (of British Columbia). There we joined a dynamite stick with a battery and triggered off a blast. Lakhbir and Inderjit, even at that time, had in their minds a plan to blast an aeroplane. I was not too keen on this plan but agreed to arrange for the dynamite sticks. Inderjit wanted to use for this purpose a transistor fitted with a battery . . . That very day, they took dynamite sticks from me and left.

"Then Lakhbir Singh, Inderjit Singh and their accomplice, Manjit Singh, made a plan to plant bombs in an Air India (AI) plane leaving from Toronto via London for Delhi and another flight that was to leave Tokyo for Bangkok. Lakhbir Singh got the seat booking done from Vancouver to Tokyo and then onwards to Bangkok, while Manjit Singh got it done from Vancouver to Toronto and then from Toronto to Delhi. Inderjit prepared the bags for the flights, which were loaded with dynamite bombs fitted with a battery and transistor. They decided that the suitcases will be booked but they themselves will not travel by the same flights although they will take the boarding passes. After preparing these bombs, the plan was ready for execution by June 21 or 22, 1985. However, the bomb to be kept in the flight from Tokyo to Delhi via Bangkok exploded at the Narita airport on the conveyor belt. The second suitcase that was loaded on the Toronto-Delhi ai flight exploded in the air."

Sarabjit said the PHRO's probe has shown that Parmar was killed to hide the name of Lakhbir, who was an Indian agent. "After the Khalistan movement gained in sympathy in the West, especially in Canada, after the 1984 Blue Star operation and the killing of Sikhs in Delhi, a plot was hatched to discredit the Sikh movement. Parmar was roped in by Lakhbir at the behest of his masters. The Punjab Police got orders to finish off Parmar as he knew too much about the main perpetrators. On the day of the Kanishka blast, an explosion took place at Japan's Narita airport, where two Japanese baggage handlers were killed. The plot was to trigger blasts when the two aircraft had de-embarked their passengers but the 1 hour 40 minute delay in Kanishka's takeoff led to the bomb exploding mid-air," Sarbjit said.

What gives credence to Sarabjit's charge is the Source Report (in Tehelka's possession) prepared by the Jalandhar Police soon after Parmar was killed. Based on information provided by Parmar—though not attributing it to his interrogation—the report makes no reference to Lakhbir. Interestingly, Lakhbir, accused in many acts of terrorist violence, is wanted by the Indian Government in only a minor case registered in Moga, Punjab. The Red Corner Interpol notice, A-23/1-1997, put out by the CBI against Lakhbir states: "OFFENCES: House breaking, theft, damage by fire."

The PHRO told Canadian authorities that conclusive evidence existed of Parmar being killed in police custody and not in the "encounter" shown in FIR No 105 registered at Phillaur police station on October 15, 1992. The PHRO report, AI Flight 182 Case, states "On October 14, 1992, a high-level decision was conveyed to the police that Parmar had to be killed . . . The contradiction in the FIR and post-mortem report (PMR) is too obvious. As per the FIR, Parmar was killed by AK-47 fire by SSP Satish K Sharma from a rooftop. The PMR shows the line of fire of the three bullets is different. It cannot be if one person is firing from a fixed position. The PMR is very sketchy and no chemical analysis was done. Moreover, the time of death is between 12am and 2am according to the PMR, whereas the FIR records the time of death at 5.30am." Then Jalandhar SSP and now IGP, Satish K Sharma, denied the charge. "It was a clean encounter. The RCMP is bringing this up because they botched their investigations and failed to get convictions," he said.

IN RECOGNITION OF THE BIRTHDAY OF SUL ROSS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. RODRIGUEZ. Madam Speaker, today on the 169th anniversary of his birth, I would like to recognize a Texas hero, Lawrence Sullivan "Sul" Ross. He was a Texas Ranger, Civil War general, and 2-term Governor. He served and honored Texas with dedication and in doing so, he helped mold the State into what it is today.

Sul Ross was dedicated to expanding the Texas economy and improving the State's education. His tax reforms and anti-trust legislation led to one of the greatest surpluses in State history. Ross was also the first to create a tax system to pay for State public schools, which is the same system we presently employ.

After serving as Governor, Ross took over the failing Texas A&M and revolutionized the institution. Today, the university is on the leading edge of agricultural science, education and research, and its students still look to their beloved former president as an academic lucky charm.

Upon his death in 1898, the legislature honored Ross by appropriating money for a college in his honor. Sul Ross State University opened for classes in 1920 and has become an example of exceptional higher education in west Texas.

Ross' education legacy has been recognized across Texas and he has had several primary and secondary schools named in his honor. This includes Sul Ross Middle School in the award winning Northside School District in San Antonio, TX.

Influential and inspirational citizens, such as Sul Ross, should be remembered by all Americans. He is a reminder of how 1 person can affect change and make better their community and their State. For his achievements, I recognize Sul Ross on this day.

IN RECOGNITION OF ST. HERMAN'S HOUSE OF HOSPITALITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize St. Herman's House of Hospitality, on the occasion of their 30th anniversary, and to celebrate their dedication to serving Cleveland's most vulnerable citizens.

Since its founding on September 27, 2007, St. Herman's has been an oasis for the homeless of Cleveland, providing warm meals, clothing, shelter, and a welcoming and compassionate environment. As the homeless among us get pushed to shadows of our society, St. Herman's has reached out to them, heeding the Gospel imperative to clothe the naked and feed the hungry.

St. Herman's, a monastery of the Ukrainian Orthodox Church, provides shelter for hundreds of men a year and feeds thousands of people. When they cannot provide the services that their guests need, they direct them to people who can meet their needs.

Madam Speaker and colleagues, please join me in celebrating St. Herman's House of Hospitality. For 30 years St. Herman's has reaffirmed the basic dignity of all human beings in their service to the homeless. May we all follow St. Herman's example in our treatment of the most vulnerable citizens in our midst.

COMMENDING GLENN FRAZIER, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Glenn Frazier of Mobile, AL, for his courageous service during World War II. At just 17 years of age, Mr. Frazier signed up to join the peacetime Army in the summer of 1941.

Volunteering to serve in the Philippines, where he would be a world away from the battle raging in Europe, he was assigned to the 75th Ordinance Depot and Supply Company. When the Japanese attacked Pearl Harbor and the Philippines, Corporal Frazier and thousands of American and Filipino troops were forced to retreat to the Bataan Peninsula. In April, 1942, he was one of 78,000 American and Filipino troops captured and forced to march to a prison camp more than 60 miles away without food or water. Thousands of the prisoners died during the week-long march that became known as the Bataan Death March.

After surviving months of horrific conditions at Camp O'Donnell, Corporal Frazier was shipped to Japan and spent nearly 3 years in various prison camps. The army presumed him to be dead in the summer of 1944, and confirmed him to be dead in 1945. However, after the second atomic bomb was dropped, his prison camp was abandoned by the guards, and Corporal Frazier and his fellow POWs escaped to freedom.

His story, along with other Mobilians, is told in the Ken Burns' documentary series "The War." Madam Speaker, the recognition of Mr. Glenn Frazier in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Frazier and his selfless devotion to our country and the freedom we enjoy.

LACK OF ACCOUNTABILITY FOR IRAQ CONTRACTORS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. MORAN of Virginia. Madam Speaker, over the past four years, our troops in Iraq have been supplanted by another army of equal size—the contracting force. There are as many private contractors in Iraq as U.S. soldiers on the ground.

Outsourcing our military is cause for concern in and of itself. But the recent uncovering of indiscriminate hostility toward Iraqi civilians and unprovoked killings by security contractors in Iraq is a sirens warning that demands immediate attention.

Blackwater—a company that has reaped over $110 million since January 2006 in U.S. contracts—offers the most egregious example of what is wrong with our occupation of Iraq.

Last week, Blackwater security protecting State Department officials, opened fire in a Baghdad neighborhood. In what appears to be an unprovoked incident, Blackwater guards killed at least 11 innocent Iraqi civilians and wounded 12 others.

But because of a decree delivered in 2004 by former Ambassador Paul Bremer—on his last day on the job—these contractors are granted immunity from Iraqi law and will likely face no charges at home.

The lack of accountability is anathema to our fundamental principle of justice and exemplifies why the occupation of Iraq is a failure.

Congress must not be silent less we become complicit in these acts. The longer we stay in Iraq under the terms of the current occupation the more these incidents which undermine our international credibility will occur.

COMMEMORATING THE FIFTIETH ANNIVERSARY OF KANSAS CITY'S KCUR RADIO STATION

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. CLEAVER. Madam Speaker, I rise today in recognition and to commemorate one of Kansas City's premier radio stations 89.3 FM, KCUR Radio. Based at and operating from the University of Missouri—Kansas City campus, KCUR is celebrating its golden anniversary on October 21, 1957. I know that Congressman DENNIS MOORE of Kansas joins me in my well-wishes for KCUR as it has served the whole Kansas City community, on both sides of the state line 50 years of continuous service.

At home, KCUR entertains, enlightens, and informs the Greater Kansas City metropolitan area. But more than that, quite simply, this radio station enhances the quality of life for Kansas Citians and all listeners by broadcasting over radio waves and the internet noncommercial radio programming 24 hours a day, including 20 hours of news each weekday, through its charter membership as a National Public Radio station. Continually, 89.3 FM is recognized for groundbreaking features and extensive coverage of politics, the arts, health, and minority matters. KCUR's original broadcasts and programs have captured the hearts and minds of listeners and learners nationwide.

This heartland station has grown from a station with two full-time employees and a signal range of four miles, to 23 full-time broadcast professionals and 17 part-time employees with a signal reaching a 90-mile radius covering northwestern Missouri and northeastern Kansas. Today, KCUR is broadcasting with a power of 100,000 watts to over 150,000 listeners all due largely through the efforts of its 200 tireless volunteers.

KCUR began broadcasting October 21, 1957 from the third floor of Scofield Hall with a signal range of 4 miles, 2 full-time employees and a budget of $15,000 from the University. It was the first university licensed educational FM station in Missouri and the second FM in Kansas City.

In the Spring of 1956, C.J. Stevens, then Director of Radio and TV at the University of Kansas City, submitted a budget request to establish and operate an educational FM broadcast station, and he was turned down. However, Stevens and Sam Scott decided to raise money outside the university. A modest fundraising campaign was undertaken and a separate FM fund was established. KCUR–FM was in its conception and continues to be a community station.

In 1970, KCUR was awarded a grant of $7,500 from the Corporation for Public Broadcasting for Community Service. National Public Radio broadcasts began the next year with KCUR as a charter member.

After Sam Scott retired in 1986, the station was without a General Manager for a year while Jim Costin, UMKC Associate Vice Chancellor oversaw the station. Patricia Cahill, a former KCUR reporter in the early 1970s, was hired in 1987 as General Manager, and she holds the position today.

In the 1960s, the Kansas City Times stated, "In the community, (KCUR) it is a source of education, culture and pleasure." And those words still ring true today. I certainly know this firsthand. It is my radio station of choice, and this fact was never so clear, as well as my bias towards it, as when I had my daily radio show, Under the Clock, broadcast on its airwaves. Innovative programs, local heavy weights, and our community are their programming.

Madam Speaker, I rise today with the gentleman from Kansas, Congressman DENNIS MOORE, and we are proud to share with you and the membership of this House our heartfelt congratulations and appreciation for KCUR's many outstanding benefits to our community, as we approach the 50th anniversary of this treasure in our community.

INTRODUCTION OF THE INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. CONYERS. Madam Speaker, I rise today to introduce the Internet Tax Freedom Act Amendments Act of 2007. This bipartisan legislation will amend the Internet Tax Freedom Act (ITFA) to extend the moratorium on certain taxes relating to the Internet and to electronic commerce and to address growing concerns as innovation occurs.

I am pleased to say that working together, we have come to an agreement on a definition of Internet access that is clear, precise, and on target. It says that Internet access is a service that enables a user to connect to the Internet. This definition would include incidental services like e-mail and would maintain a lot of the telecommunications language—even going so far as to clarify it—from the last extension of the moratorium in 2004. This definition would further make it explicit that just because a service uses the Internet does not mean that that service had become part of the moratorium.

LENGTH OF THE EXTENSION

This Act would extend the moratorium for 4 years, to run until November 1, 2011. The 4-year extension will allow Congress to make any adjustments to the moratorium if necessary. It will also allow companies a sufficient amount of time to plan their investments, while also giving consumers tax free access to the Internet. Congress has made important adjustments on each previous occasion that we extended the moratorium, in 2001, and again in 2004.

GRANDFATHERING

This Act would extend for 4 years, the grandfather provisions which have preserved those Internet access taxes that were imposed prior to 1998. This is consistent with past extensions.

This Act also phases out those states that claim to be grandfathered as a result of the Internet Tax Nondiscrimination Act of 2004. The 2004 Act provided for an amended definition of Internet access and resulted in assertions and public rulings made by many states requiring the collection of tax on sales of telecommunications to an Internet service provider to provide Internet access. This is because those states have interpreted the 2004 definition of "Internet access" to broaden the scope of the 1998 grandfather clause to permit taxation on the sales of telecommunications to an Internet service provider to provide Internet access. This Act resolves this problem by allowing those states that have issued public rulings before July 1, 2007 that are inconsistent with the foregoing rules to be held harmless until November 1, 2007.

GROSS RECEIPTS TAX ISSUES IN CERTAIN STATES

A small group of states have recently enacted taxes that apply to almost all large businesses in the state—including Internet access providers. The new gross receipts taxes in these states serve as general business taxes and either substitute for or supplement the corporate income tax currently in place in those states, whereas in all other states, corporate income taxes serve as the general business tax.

The problem is that the originally enacted and further amended Internet Tax Freedom Act (ITFA) contains an explicit protection for corporate income taxes imposed on Internet access providers, but not for gross receipts taxes. Thus, these select states would suffer a disproportionate loss because while the other states with corporate profits taxes are explicitly allowed to impose them on profits that they gain by providing Internet access services, there is no similar protection in ITFA for the type of general business taxes that are levied by the select states, because they are being levied on gross revenues or receipts, and are not covered in ITFA.

The result is that an Internet access provider could potentially decide not to pay the tax on its receipts attributable to providing Internet access service in those select states. Thus, if the provider companies decided to stop paying on its access service, the wording of ITFA suggests that a court would likely support their position that these gross receipts are not taxable—and the states would lose out on millions in revenues.

This Act resolves this dilemma by creating an exemption for states that have enacted laws that would structure their gross receipts taxes in such a way as to be a substitute for state corporate income taxes that are not taxes on Internet access. To be exempt the state law must have been enacted between June 30, 2005 and November 1, 2007, and must impose such taxes on at least 80 percent of business enterprises engaged in business in the state without regard to (a) the form of organization; (b) business activity in which such enterprise is engaged; (c) minimum filing thresholds; or (d) whether such business actually incurs a filing and payment obligation.

DEFINITION OF "INTERNET ACCESS"

After close examination of the many concerns with the definition of "Internet access" in current law, we have agreed on a precise definition of "Internet access". The proposed definition will accomplish the following:

1. Prevent all tax-exempt content bundling by redefining Internet access as the service of providing a connection to the Internet, with closely-related Internet communications services such as e-mail and instant messaging;

2. Amend the definition of "telecommunications" to include unregulated/non-utility telecommunications (such as cable service); and

3. Remove the current exception for taxing Voice over Internet Protocol (VoIP), so that states and localities will be free to tax these services.

I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

COMMENDING MAURICE BELL, OF MOBILE, ALABAMA, FOR HIS SERVICE ABOARD THE USS "INDIANAPOLIS" IN WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Maurice Bell of Mobile, Alabama, for his courageous service as a sailor aboard the USS *Indianapolis* during World War II.

Mr. Bell, along with 320 others, was pulled from the South Pacific following the sinking of the *Indianapolis*, a heavy cruiser brought down by torpedo attack on July 30, 1945. In what was later recognized as the worst single at-sea loss of life in the history of the Navy, Mr. Bell watched his fellow survivors succumb to shark attacks, exposure, and dementia while waiting five nights for rescue. It is estimated that 500–600 sailors died in the water while awaiting rescue.

Mr. Bell, one of 80 remaining *Indianapolis* survivors, tells the story of the *Indianapolis* in Ken Burns' documentary series "The War." The USS *Indianapolis* was no ordinary ship, and it was on no ordinary mission. The ship carried the first atomic bomb to the U.S. air base at Tinian Island. Having successfully delivered its precious cargo, the *Indianapolis* set out for home. Tragically, a pair of torpedo blasts from a Japanese submarine sunk the cruiser and left its crew to struggle for survival in the South Pacific.

Madam Speaker, the recognition of Mr. Maurice Bell in Ken Burns' documentary series "The War" is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Bell and his selfless devotion to our country and the freedom we enjoy.

ANOTHER POLICE MURDER BY POLICE IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TOWNS. Madam Speaker, on September 22, the Tribune newspaper of Chandigarh reported that a Sikh woman by the name of Lakhbir Kaur held a press conference to expose the murder of her brother, Kinder Singh, by the Indian police. Kinder Singh was an innocent truck driver. He was killed in one of the fake encounters that continue to plague Punjab and other minority areas of India. Kinder Singh was just 20 years old when "the world's largest democracy" snuffed out his life.

Apparently, Kinder Singh was a victim of India's policy of paying bounties to police officers for killing "militants." When he was killed, the police claimed that they had killed a man named Jaspal Singh, who had a bounty of Rs. 5 lakh, 500,000 rupees, or about $13,000, on his head. In a country where two-thirds of the populace lives on 40 cents per day, $13,000 is a massive amount of money.

Jaspal Singh. the person who was allegedly killed in the encounter, sat right next to Ms. Kaur during her announcement. He is not the first person to have been proclaimed dead by the Indian government who has turned up alive. Several years ago, the New York Post reported on another man who had to sue the government to have himself declared alive. This is not uncommon in India.

Also there was Colonel G.S. Sandhu of the Majha Ex-Servicemen Human Rights Front. He detailed how Kinder Singh was pulled out of his truck by the police and killed for no apparent reason except to collect the bounty. This is one of over 41,000 cash bounties that our State Department says the Indian Government paid to police for killing Sikhs. One policeman got a cash bounty for killing a three-year-old boy.

Colonel Sandhu demanded that a retired High Court judge conduct a probe into the massive atrocities of the police. He has set up a hotline to report terrorist incidents. We salute Lakhbir Kaur for her courage and we salute Colonel Sandhu for his efforts. I second his call for an impartial probe of the atrocities committed in Punjab.

Unfortunately, the repression is ongoing. Even today, people get arrested for acts such as marching, making speeches, and raising a flag. We cannot accept this, Madam Speaker. We need to stop providing financial support for the Indian regime by stopping our aid and trade, and we need to put the U.S. Congress on record in support of self-determination for the Sikhs of Khalistan, the Christians of Nagalim, the Muslims of Kashmir, and all the oppressed minorities of South Asia. Until the people have their freedom and self-determination, atrocities like the one that happened to Lakhbir Kaur's family will sadly continue.

I would like to place the Tribune article on Lakhbir Kaur into the RECORD at this time.

MISTAKEN IDENTITY OR FAKE ENCOUNTER?

Amritsar, September 21, 2007: In what could be yet another case of mistaken identity or a planned fake encounter, the sister of a victim here today claimed that the actual "militant" the police claimed to have killed was still alive.

Lakhbir Kaur alleged that the police killed her brother, Kinder Singh, who was an innocent truck driver, on August 13, 1993, for no reason. Interestingly, Jaspal Singh, who had an award of Rs 5 lakh on his head and was shown killed in police files, was still alive. He was present with Lakhbir Kaur here today.

Addressing a press conference, Col G.S. Sandhu, chairman of the Majha ExServicemen Human Rights Front & NGO Aapna Punjab, demanded a probe by a retired high court judge to bring out the truth of fake encounters so that compensation could be given to the families of the victims.

"Kinder Singh of Nagoke (20) was pulled out of a truck in Shivpuri, Madhya Pradesh, and shot dead. The story planted was that militant Jaspal Singh of Nangli, carrying a reward of Rs 5 lakh, was shot in a police encounter. Kunan Singh, father of Kinder Singh, sold his 3 acres of land and shifted to UP and the family is now living in abject poverty," said Colonel Sandhu.

"Already, leaks from police sources suggest that Kinder Singh and Sukhpal Singh of Kala Afghana were killed as a result of mistaken identity as no reward money was claimed and the records being old have been destroyed as per laid down rules and now it is difficult to pinpoint responsibility at this stage. The issue is why the families of the two victims were not informed about their deaths," he questioned.

Colonel Sandhu demanded "the state should not shy away from admitting past mistakes, render apology, provide compensation and bring the guilty to the book." He also sought downsizing of the top-heavy police in Punjab. He has also started a terror help line in Tarn Taran.

IN REMEMBRANCE OF JOSEPHINE B. GRENDELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the life of Josephine B. Grendell, whose selflessness and tireless devotion to her family made her a role model for other mothers.

Josephine was the wife of the late Edward J. Grendell and the mother of Dr. James H. Grendell, as well as Ohio State Representative Timothy J. Grendell. She was the grandmother of Kate, Mary Jeannette, Patricia, Michael and James and the great-grandmother of Patrick Joseph.

Also known as "Mrs. G" or "Aunt Jo," Josephine truly was a special lady. She embraced everyone she encountered with love and joy. She was always energetic and smiling.

Madam Speaker and colleagues, please join me in remembering Josephine Grendell, a woman whose warmth and kindness were an inspiration to all who knew her.

TRIBUTE TO THE STERLING HEIGHTS FIREFIGHTERS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. LEVIN. Madam Speaker, on Friday, September 28, 2007 the Sterling Heights' Fire Fighters Union will host their Annual Dinner-Dance, honoring Sterling Heights firefighters for their dedication to their community and recognizing their numerous contributions to the city.

They will also pay tribute to the career of one retiring firefighter, Patrick O'Lear. I rise today to ask my colleagues to join me in recognizing the tireless and courageous career of a good friend and public servant. Patrick O'Lear retires this year with twenty-one years of dedicated service, having been promoted three times in his career from lieutenant on August 16, 1997, to Captain on January 11, 2003, and to Fire Inspector on May 21, 2003.

Mr. O'Lear was appointed as a Sterling Heights firefighter on September 8, 1986. After graduating from St. Clement High School in Center Line in 1977, he obtained his Bachelor of Arts in Psychology from Mercy College in

1982. In December 1991, Mr. O'Lear received his Masters in Science Administration from Central Michigan. In 1989, he was temporarily assigned to the training division and in the same year was immediately recognized as the Employee of the Month. Mr. O'Lear became a Fire Equipment Operator on September 6, 1993.

In 1994, Mr. O'Lear received the Meritorious Unit Citation for a CPR run at Jefferson Elementary. He received Fire Chief Awards for the many training programs presented to the Sterling Heights Fire Department and for the Residence Assistance Program. He has served as a member of the local Safety Committee for nine years and a member of the Apparatus Committee. Mr. O'Lear also became nationally certified as a Fire Explosion Instructor.

Mr. O'Lear has also worked to represent and improve the employment for other firefighters through his service at the local, state and federal levels. He has served as the Secretary and President of the local union, as the State Representative of the International Association of Firefighters and as the 6th District Vice President.

Madam Speaker, I have been pleased to work with Pat over the years in many community service endeavors and have witnessed the tireless and compassionate devotion of Pat and his wife Joan to the individuals and families around them. I ask my colleagues to join me in recognizing Patrick O'Lear, a good friend who has dedicated himself to the community with valor, commitment and honor.

COMMENDING THOMAS GALLOWAY OF MOBILE, ALABAMA, FOR HIS SERVICE IN THE SECOND WORLD WAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, I rise today to recognize Mr. Thomas Galloway of Mobile, Alabama, for his service in the United States Army during World War II. Serving as a lieutenant in the European Theater of Operations in the winter of 1944, Mr. Galloway fought bravely in some of the toughest and most brutal battles of the war, including the Battle of the Bulge and the Huertgen Forest.

In his career as a soldier, Mr. Galloway was captured twice, and he escaped twice. Escaping as part of an attempted rescue of Gen. Patton's son-in-law, he was captured and returned to the prisoner-of-war camp in Hammelburg, Germany. Later that spring, Mr. Galloway escaped while on a march toward Austria, eventually making it back behind American lines.

Upon returning home from the war, Mr. Galloway graduated from Auburn University and the University of Alabama School of Law and began a successful law career. He served as assistant attorney general for the state of Alabama and assistant district attorney for Alabama's thirteenth judicial circuit. He is now a member of Galloway, Wettermark, Everest, Rutens & Gaillard, LLP of Mobile.

Madam Speaker, the recognition of Mr. Thomas Galloway in Ken Burns' documentary series "The War" is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Galloway and his selfless devotion to our country and the freedom we enjoy.

ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to honor the 47th Anniversary of the Republic of Cyprus. It was on October 1, 1960, that Cyprus became an independent republic after decades of British colonial rule.

I am honored to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. I truly enjoy participating in the life of this community and treasure the wonderful and vital Cypriot friends that I have come to know.

As a member of the European Union, Cyprus is playing a vital role in European affairs while also strengthening relations with the United States. Unfortunately, the commemoration of Cyprus' Independence Day this year, as in the past, is clouded by the fact that Turkish military forces continue illegally to occupy Cyprus, in violation of UN Security Council resolutions. On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 40,000 heavily armed troops on the island.

I have introduced legislation, H. Res. 407, which expresses the strong support of the House of Representatives for the positive actions by the Government of the Republic of Cyprus aimed at opening additional crossing points along the cease-fire line, thereby contributing to efforts for the reunification of the island. On March 8, 2007, the Government of the Republic of Cyprus demolished a wall at Ledra Street in Nicosia, a key thoroughfare through the divided capital, as a gesture to facilitate the opening of Ledra Street as a crossing point. Two months later, the Government demolished a National Guard post at Kato Pyrgos. I commend the Government of the Republic of Cyprus for taking these actions, and I continue to believe that it is time for Turkey to remove its troops from the island so that Cyprus can move forward as one nation. I remain hopeful that an end to this division will be achieved.

I believe that the United States must play an active role in the resolution of the serious issues facing Cyprus. Cyprus and the United States share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law. The relationship between Cyprus and the United States is strong and enduring, and we stand together celebrating democracy and freedom.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. STUPAK. Madam Speaker, I could not be present for votes on Monday, September 24, 2007 due to commitments in my district. As a result, I missed 4 rollcall votes.

I would like to enter into the record that if I had been present on September 24, I would have voted yes on H. Con. Res. 193, which would recognize U.S. hunters for their commitment to safety. As a sportsman myself, I appreciate hunters' commitment to safety and support their continued dedication to safe and responsible hunting.

I would have voted yes on H. Res. 668, which would recognize the 50th anniversary of the desegregation of Central High School in Little Rock, Arkansas by the Little Rock Nine.

I would have voted yes on H.R. 1199, which would extend grant programs for drug endangered children.

I also would have voted yes on H. Res. 340, which would emphasize the importance of providing a voice for the victims of missing persons cases.

ON THE PASSING OF MR. BILL WIRTZ

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HASTERT. Madam Speaker, I rise today to honor the late William W. Wirtz. Bill was a kind and charitable man, who generously gave back to the people of Illinois throughout his life.

Over 40 years, Bill was the President of the Chicago Blackhawks and chairman of the Wirtz Beverage Group, which operated in Illinois and the surrounding States.

Bill also served as chairman of the Board of Governors of the National Hockey League for 18 years and was responsible for negotiating the merger between the NHL and the World Hockey Association in the late 1970's as well as the expansion of the league. No one did more for hockey on both the professional and amateur levels than Bill. He served on both the 1980 and 1984 Winter Olympic Committees. For his efforts on both the professional and amateur levels, Bill was inducted into the Hockey Hall of Fame in 1976, was the recipient of the Lester Patrick Trophy in 1978 and was inducted into the U.S. Hockey Hall of Fame in 1985.

Under the guidance of Bill, Chicago Blackhawk Charities was established in 1993. Since that time, Blackhawk Charities has donated over $7.5 million to worthy causes in the Chicagoland area such as Boys and Girls Clubs, Cathedral Shelter, Miseracordia Homes, the Rehabilitation Institute of Chicago, the Chicago Blackhawk Alumni Association, and the Amateur Hockey Association of Illinois, AHAI. Bill also donated both the Chicago Stadium and the United Center to host the

Blackhawk Cup, the annual High School Boys and Girls State Championship Game, over the past 20 years.

I would like to extend my most heartfelt condolences to Bill's wife Alice, his children Rocky, Gail, Karey, Peter and Alyson, and his seven grandchildren. Bill will always be remembered for his charity and goodwill towards the people of Chicago.

COMMENDING EUGENE SLEDGE, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize the late Dr. Eugene Sledge of Mobile, Alabama, for his courageous service during World War II.

After graduating from Mobile's Murphy High School, he entered Marion Military Institute to study to become an officer. However, as just a freshman, he signed on as a private in the Marines in order not to miss an opportunity at combat.

Private First Class Sledge was assigned to the 1st Marine Division. He trained as a mortarman and fought on Peleliu in September of 1944 and on Okinawa in the spring of 1945. Throughout these months, he kept a journal of his impressions of the fighting, keeping the notes between the pages of his Bible. These notes later became his memoir, With the Old Breed at Peleliu and Okinawa, which he published in 1981. Ken Burns, who recently produced the PBS documentary series "The War," relied heavily on this memoir. His memoir will also form the basis for the HBO series "The Pacific," the successor to "Band of Brothers."

At the end of the war, Corporal Sledge returned to Alabama where he earned both a bachelor of science and a master of science from Alabama Polytechnic Institute, now Auburn University. He earned his doctorate at the University of Florida and became assistant professor of biology at Alabama College, now the University of Montevallo. In 1970, Dr. Sledge was named a professor in the Department of Biology at the University of Montevallo, a position he held until his retirement in 1990.

Dr. Sledge passed away in 2001 before his second memoir, China Marine: An Infantryman's Life after World War II, was published.

Madam Speaker, the recognition of Dr. Eugene Sledge in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. His life and actions personified the very best America has to offer. I urge my colleagues to take a moment to pay tribute to the life of Dr. Sledge and his selfless devotion to our country and the freedom we enjoy. I also extend my thanks to his family for sharing the story of his courageous life with all of us.

OTHER MINORITIES SUFFER MAJOR PERSECUTION AS WELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TOWNS. Madam Speaker, recently, Dr. Awatar Singh Sekhon, Chairman of the Sikh Educational Trust and Managing Editor of the international Journal of Sikh Affairs, wrote to President Bush. He noted that "Sikhs live in peace and harmony in every democracy in the world; India is the only exception."

In his excellent letter, Dr. Sekhon outlines the tyranny and abuse the Sikhs have been subjected to in India. While India talks and talks about being "the world's largest democracy," it continues to commit atrocities against the Sikhs, Christians, Muslims, and other minorities. Madam Speaker, the essence of democracy is self-determination.

As if the murders of 250,000 Sikhs by the Indian government (the number comes from the Punjab State Magistracy and human-rights groups) wasn't enough, Sikhs from outside India must get the formal permission of the Indian government to visit the Golden Temple in Amritsar, the seat of Sikhism, equivalent to the Vatican of the Sikhs. Suppose that Catholics were barred from Vatican City without permission of the Italian government. Do you think the world would be up in arms about that? Yet, the equivalent condition is imposed upon the Sikhs and nobody says a word. That is how deeply India's propaganda about being "the world's largest democracy" has permeated the world's perceptions, thanks to massive amounts of money spent to propagate this viewpoint through lobbying and media manipulation. It is time to wake up. Madam Speaker. It is time to call India on the carpet for its persecution of minorities.

If the tyranny against the Sikhs were all that India was doing, that would be bad enough. But it is compounded by the persecution of Christians and Muslims, as well as other minorities such as Assamese, Bodos, Dalits, Manipuris, Tamils, and others.

In Gujarat, 2,000 to 5,000 Muslims were killed in riots that a policeman told the newspapers were planned and organized by the Indian government. It has killed over 90,000 Muslims in Kashmir while refusing to give the Kashmiris self-determination via a free and fair plebiscite on their status, as India promised the United Nations in 1948.

Christians have been prime targets of Indian persecution. Churches have been burned. Nuns have been raped and forced to drink their own urine, to the cheers of militant Hindu organizations such as the pro-Fascist Rashtriya Swayamsewak Sangh (RSS), which produced a booklet on how to implicate Christians and other minorities in false criminal cases. Priests have been murdered, schools and prayer halls have been vandalized, and more than 300,000 Christians have been killed in Nagaland at the hands of the Indian government. Missionary Graham Staines was killed by a mob of Hindu militants along with his eight-year-old son. The killers poured gasoline over their jeep, set it on fire, and chanted "Victory to Hannuman." Missionary Joseph Cooper, an American, was expelled from the country after he was beaten up so badly that he had to spend a week in an Indian hospital. A Christian religious festival on the theme "Jesus is the Answer" was broken up by police gunfire after people there distributed religious literature.

In several Indian states, there are laws prohibiting anyone from converting to any religion but Hinduism.

Madam Speaker, this is unacceptable. We must support the rights of these minorities by stopping American aid to India and stopping our trade with India as well. It's clearly not benefitting the Indian people. Two thirds of the population lives on less than half a dollar a day. We must also demand a free and fair vote on independence for the Sikhs of Khalistan, the Christians of Nagalim, the Muslims of Kashmir, and all the various peoples seeking their freedom from India.

Madam Speaker, I would like to add Dr. Sekhon's excellent letter to the RECORD at this time.

THE SIKH EDUCATIONAL TRUST,
Edmonton, Alberta, Canada, July 30, 2007.

Re: violation of religious and political rights of Sikhs in India.

Hon. GEORGE W. BUSH,
President, United States of America, The White House, Washington, DC.

HONOURABLE PRESIDENT, I am writing this letter to seek your intervention in the religious affairs of the Sikhs, especially the Diaspora Sikhs in North America, Europe and other continents.

The Sikhs live in peace and harmony in every democracy in the world; India is the only exception. In fact, the Sikhs are treated as slaves even in the Punjab, which is the holy and historic homeland of the Sikhs. This is because the ruling class consists of Brahmins—who are only 4 percent of the population along with 10–11 percent of Hindus of other castes. Although a majority in the Punjab, the Sikhs are 2.5 percent of the huge population of India that is approximately 1.1 billion. It is because of the denial of the right of self-determination in our land that India is able to marginalized the Sikhs as a small minority. The Hindu-Brahmin rulers have pursued their anti-human agenda: (i) practice of unsociability against the native majority who are 65 percent of the population, and (ii) persecution of mono-theistic faiths—the Sikhs, the Christians and the Muslims, by maintaining an environment of fear and of crushing poverty.

In June 1984, even the facade of Secular Tolerance was discarded when the Indian Army assaulted the holiest shrine of the Sikhs—the Darbar Sahib (also known as the Golden Temple) including the Supreme Seat of Sikh Polity, the Akal Takht Sahib, killing tens of thousands of devotees inside the temple. The Indian administration has ever since maintained heavy presence of its intelligence and armed personnel in the state. No Sikh from outside India can visit his/her holy place and the seat of Sikhs' polity without having a formal 'visa' endorsement in their passport from the Indian Embassy or Consulate. Mr President, this constitutes a violation of the Sikhs' religious rights. Pilgrimage to pay respect to Gurus is a right that should not depend on the caprice of a government. It certainly should not depend on the goodwill of a state that has not just failed to protect but has actually been an instrument of our persecution and destruction of our holy sites by wanton bombardment.

Mr. President, India is interfering in my religious affairs. As a free citizen of a free country. I cannot approve of the way the Sikhs are treated in India; I cannot condone the assault of the Indian Army on Darbar Sahib in June 1984; I cannot support that the Sikhs relinquish their right to self-determination. I am required to do all this in order to get a visa. And if I did any of these things, I would not be a Sikh. That means, in order to get an Indian visa, I am required to renounce my faith. That cannot be acceptable.

Mr. President, no Roman Catholic needs a visa to visit the Vatican, no Jew is prevented from visiting Jerusalem, a visa cannot be denied to a Muslim to go to Mecca, why do the Sikhs need to have India's Hindu/Brahmins (neither a religion nor a culture), permission to visit their holiest shrine? Indian administration's control of the Sikhs' shrines constitutes an intervention into their religious affairs. That's why, Honourable President, none of the elected representatives of the Sikhs accepted/initiated/endorsed the Indian Constitution of 1950. Under Article 25 of that Constitution, the Sikh faith and national identity was 'de-recognized'. The Sikhs were constitutionally 'exterminated'. Because of this blatant injustice, the Sikhs, elected representatives—Sardar Hukam Singh, MP; Sardar Bhupinder Singh Maan, MP; and Sirdar Kapur Singh, ICS, MP, MLA and National Professor of Sikhism—'Rejected' the Indian Constitution of 1950 and its Article 25, in its draft and final forms, every time it was put to vote in the Indian parliament—in 1948, on 26th November, 1949, in 1950 and on 6th September, 1966.

Honourable President, the question is why we, the Sikh citizens of the United States and Canada, of Europe, Far East, and other continents should need a 'Visa' or the permission of the predominantly Hindu-Brahmin administration. Especially after the June, 1984 assault on Darbar Sahib Complex—which is the Sikh Vatican—and an 'undeclared' war on the Sikhs ever since. This undeclared war has taken a heavy toll. The "Operation Bluestar" of June, 1984 was blessed by the government of a so-called 'democratic' state. The desecration of their holy places and wanton massacre of the Sikhs was carried out for no reason other than their demanding the right of self-determination honouring the pledges made to the Sikhs by Mahatma Gandhi and Prime Minister Jawahar Lal Nehru. More than 250,000 innocent Sikh (majority of whom were infants, children, youth, females and the elderly have been killed by Indian security forces. This is the hallmark of a fascist oligarchy, not a democracy.

In recent months, the arrests of Simranjit Singh Mann, Chief of Akali Dal Amritsar, Mann's vice president, Daljit Singh Dittu and the arrest warrants of an Editor and academic, Dr Sukhpreet Singh Udhoke, provide further evidence that repression of the Sikhs continues even in the Sikh majority state of the Punjab, the administration of which is headed by a Sikh, Prakash Badal. The former two are being tried, along with 30 other Sikhs, on charges of 'treason'. Treason against who? How does the Indian Constitution apply to the Sikhs when the Sikhs' elected representatives 'rejected' it repeatedly?

Mr. President, there is great anxiety among the Sikhs in Diaspora over the denial of their religious and political rights and repression of dissent. If India is not restrained by the international community and its leader—the USA—peace and security in the whole region would be undermined. In retrospect and historically, India was never a country; it was an empire (the British Empire). In its belly there are many peoples with legitimate right to self-determination—in Kashmir (mainly Muslim) in the Punjab (mainly Sikhs) in the states of Assam (mainly Christian) who are not a part of the Indian nation. The issues relating to the native majority—the children of lesser gods—encompass a huge section of humanity, as many as 700 million people. All this cannot be swept under the carpet or buried under slogans like 'India Shining'. The Sikhs want their own sovereign state—as they had been (1799 to 14th March, 1849, under a Sikh monarch Ranjit Singh) before the British take over, as an "annexed" state, of the Punjab in 1849. Until then, we want unrestricted access to our holy places. No Sikh should need a visa to go to the Punjab. And peaceful dissent should not just be tolerated; it should be respected and honoured. Is dissent not the hall mark of democracy?

I shall look forward to hearing from you.

With regards,

Respectfully submitted,

AWATAR SINGH SEKHON.

TRIBUTE TO THE 100TH ANNIVERSARY OF GILLESPIE AVENUE BAPTIST CHURCH

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. DUNCAN. Madam Speaker, I rise today to commemorate the 100th Anniversary of Gillespie Avenue Baptist Church in Knoxville, Tennessee.

Gillespie Avenue Baptist Church was established on August 4, 1907. The church's first meeting was held in a tent at the site where the church is today. Reverend F.M. Doewell was the first pastor called in September, 1907. He was one of only 15 pastors called to serve over this first 100 years.

On July 1, 1910, the membership began worship services in the basement of the new meeting house with Dr. M.D. Jeffries, President of Carson Newman College, preaching the first sermon in the new building.

On May 7, 1916, the church auditorium was completed and dedicated and a piano was approved and purchased later that same year for the church.

On January 7, 1917, the church voted to borrow money to pay the pastor's salary. The finance report at that time showed a balance of $.16. Eight years later, the enrollment was 426 with an average attendance of 263 and the average Sunday offering was $65.89.

On October 12, 1938, Mr. and Mrs. Frank Rose donated a pipe organ to the church in honor of their parents.

The original church building was destroyed by fire on January 22, 1961. Services were held in the new sanctuary on September 2, 1962, where they remain today.

I am proud to have such an outstanding Christian institution in my district.

Madam Speaker, I would like to recognize Gillespie Avenue Baptist Church on its 100th anniversary and may God bless this congregation in the years to come.

OHIO WILLOW WOOD CELEBRATES 100 YEARS OF HELPING THE ORTHOTIC AND PROSTHETIC INDUSTRY

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HOBSON. Madam Speaker, I rise today to commemorate the 100th anniversary of the founding of Ohio Willow Wood, a leader in the prosthetic and orthotic industry. Over the years, the family-owned company based in Mt. Sterling, Ohio, has provided products to help amputees live full and active lifestyles.

In 1907, Ohio Willow Wood was founded by William E. Arbogast, who personally experienced the challenges of living as an amputee from injuries he suffered in a railroad accident. His experience with poorly-fitting, uncomfortable and unreliable prosthetic products inspired him to establish Ohio Willow Wood.

Over the next century, the company that started out making it easier for prosthetists to obtain quality materials for their patients, became a global leader in designing and manufacturing lower limb prosthetic components. Through innovative research and development, the company has been responsible for several breakthroughs in the prosthetic industry. These include the first American-made "solid ankle, cushion heel" (SACH) foot, and the Alpha Liner, which is the first fabric-covered, gel interface system that improves the comfort and protection for prosthetic users. Ohio Willow Wood is also involved in research and development of new products and technology for the U.S. Army to use in its treatment of victims of lower extremity loss.

In addition to designing and manufacturing prosthetic products, Ohio Willow Wood develops Computer Aided Design (CAD) software and equipment for the orthotic and prosthetic community. The company also has global distribution partners and direct offices in Germany, Sweden, and the Netherlands.

While many aspects of Ohio Willow Wood have evolved and changed over the past 100 years, the company's commitment to the orthotic and prosthetic industry remains constant. Today, third and fourth generations of the Arbogast family are active in the daily operations of Ohio Willow Wood, standing by its promise to free the bodies and spirits of amputees.

Madam Speaker, I commend all of the employees at Ohio Willow Wood for reaching this milestone, and I wish them continued success in the years to come.

H.R. 2900, THE FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. FERGUSON. Madam Speaker, I rise today to express my strong support for the passage of the Food and Drug Administration

Amendments Act of 2007 (FDAAA). This critical piece of legislation reauthorizes the Prescription Drug User Fee Act (PDUFA) and provides the Food and Drug Administration (FDA) with additional resources to further promote and protect the public health. The FDAAA reinforces and expands FDA's comprehensive authority in all aspects of drug regulation—including with respect to drug safety and labeling—and takes the nation's drug safety system, which is already the most rigorous, and makes it even stronger. I commend my colleagues and their dedicated staff on both sides of the aisle who worked tirelessly to ensure that this bill was completed in a bipartisan manner before the September 30, 2007 expiration of the existing PDUFA program.

The funds from PDUFA are used to allow FDA to hire additional staff to perform its critical drug review functions while maintaining the same exacting standards for safety and efficacy. Additional funding provided as part of FDAAA will allow the FDA to expand drug safety monitoring, hire additional staff for post-market surveillance, and modernize its information technology systems. Expanded resources will also enable FDA to hire additional employees to review broadcast drug advertisements prior to public dissemination, helping to ensure that benefits and risks of prescription drug products are clearly and accurately communicated to the public. The legislation creates strong incentives for companies to submit such advertisements to the FDA before they are aired.

In passing the FDAAA, Congress also reauthorizes the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA), both of which were set to expire on September 30. Since its original passage, the BPCA has done more than any other initiative to generate vital information about the use of medicines in pediatric populations and to promote research on the use of pharmaceutical products in children. The BPCA and PREA were designed to work in tandem to promote and support pediatric research. Therefore, it is critical that these two programs remain linked, as they are in the FDAAA.

Since its original enactment in 1992, PDUFA has been a resounding success. It has enabled the timely review of new medicines while at the same time preserving FDA's strict and objective review process. As a result, more than 1,000 new medicines have been made available to patients over the past 15 years. These medicines have helped millions of people lead healthier, more productive lives, and contributed to a longer life expectancy than ever before. By reauthorizing PDUFA and passing the drug safety enhancements contained in the FDAAA, Congress has helped to ensure FDA's continued role as the authority on drug safety and drug regulation.

COMMENDING HERNDON INGE, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Judge Herndon Inge of Mobile, Alabama, for his courageous service during World War II. His heroic story, along with other Mobilians, is told in the Ken Burns' documentary series "The War."

Judge Inge attended the University of Alabama and then the Army's officer candidate school. He was commissioned January 7, 1944, and became a 2nd lieutenant in company D, 301st Regiment, 94th Infantry Division, in a heavy weapons unit.

Arriving in France in September of 1944, he and his division contained 60,000 German troops along the French coast at St. Lazaire and Lorient. Following the sinking of the USS *Leopoldville* when hundreds of American soldiers were killed, Lt. Inge was sent into the Battle of the Bulge. He was captured by German troops on January 21, 1945.

He was held at numerous POW camps, and he finally ended up in Oflag XIIIB near Hammelburg. He was liberated April 21, 1945. After the war, 1st Lt. Inge returned to Mobile. He attended law school and began his law practice in 1948. He was appointed Juvenile Court Judge and then appointed Circuit Judge of the Domestic Relations Division by then Alabama Governor Jim Folsom. At the time, he was the only judge in Mobile County to serve in both capacities at the same time.

Madam Speaker, the recognition of Judge Herndon Inge in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Judge Inge and his selfless devotion to our country and the freedom we enjoy.

STRATEGIES TO ADDRESS ANTIMICROBIAL RESISTANCE (STAAR) ACT

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. MATHESON. Madam Speaker, I rise to introduce the "Strategies to Address Antimicrobial Resistance (STAAR) Act," which I believe has the potential to save many thousands of lives by strengthening the United States' response to infectious pathogens that are becoming increasingly resistant to existing antibiotics. I am proud to introduce this legislation with my colleague, Rep. MIKE FERGUSON, as a concrete step towards addressing antibiotic resistance.

Media reports about the threat of resistant infections now occur on almost a daily basis. Earlier this year, media attention regarding extensively-drug resistant tuberculosis (XDR–TB) made this topic common conversation in our homes and offices. Suddenly we were forced to think about how quickly an infection can spread, especially in the age of international air travel, and the disastrous result if the cause was a strain of bacteria that failed to respond to our current antibiotics.

Another resistant infection drastically on the rise is community-acquired methicillin-resistant Staphylococcus aureus (CA–MRSA). Historically, this infection was acquired during a hospital stay, but now is affecting young, healthy people and spreading in our communities. We've heard stories of high school, college and professional athletes losing their lives or careers as a result of these infections. Sadly, this infection has become far too common, difficult to treat and has few options to fight it. It can leave individuals disfigured, if they survive. In my own state of Utah, the number of children with MRSA infections at the Primary Children's Medical Center in Salt Lake City has increased by almost 20 fold since 1989.

There are still more infections to worry about. We have numerous reports of our soldiers coming home from Iraq with Acinetobactor—a resistant infection that is especially difficult to treat and the only option is a very toxic antibiotic.

Other examples of concern include vancomycin-resistant Staphylococcus aureus (VRSA), an alarming development because vancomycin is the drug of last resort for treating several serious infections, and Escherichia coli (E. coli), which has caused outbreaks due to contamination of spinach, peanut butter, and other foods we regularly consume.

We have taken antibiotic development for granted. Few of us remember medicine before the discovery of antibiotics. Antibiotics have allowed many medical advances, including routine invasive surgeries, organ transplants, and other procedures that otherwise would be impossible due to resulting infections. But we are falling behind in our ability to protect ourselves against infections, and we have a lot of catching up to do.

In addition, there are problems of significant and inappropriate use of antibiotics; a lack of adequate research to address the many facets of resistance, including basic, clinical, interventional, and epidemiologic research as well as research to support the development of new diagnostics, biologics, devices and, of course, antibiotics; a fractured and underfunded resistance surveillance system; and insufficient coordination of the federal response, which is critically needed as the solutions to addressing antibiotic resistance involve multiple agencies and departments.

I am not the first person in the United States Congress to take on this issue. I feel certain, however, that the STAAR Act is the most comprehensive legislation introduced to date to address this serious and life-threatening patient safety and public health problem. There is no doubt that we must act now to begin to reverse the alarming trend, and infectious disease experts tell me that the multi-pronged approach contained in the STAAR Act provides our best chance to address the multiple problems that face us.

I commend my many colleagues who have demonstrated leadership on this issue over the years, especially Chairman DINGELL. He recognized this issue nearly 15 years ago and asked the Congressional Office of Technology Assessment (OTA) to examine the problem of antimicrobial resistance. In 1995, OTA reported to Congress that "The impacts of antibiotic-resistant bacteria can be reduced by preserving the effectiveness of current antibiotics through infection control, vaccination and prudent use of antibiotics, and by developing new antibiotics specifically to treat infections caused by antibiotic resistant bacteria."

Also, I would like to recognize the leadership of my colleague from Michigan, Mr. STUPAK. In the 106th Congress, he and our former colleague, Mr. BURR, introduced the "Public Health Threats and Emergencies Act." Parts of this bill became law and provide the basis of the legislation I introduce today. Specifically, that bill, which is expressed in Section 319E, "Combating Antimicrobial Resistance" of the Public Health Service Act, directed the Secretary to establish an Antimicrobial Resistance Task Force to coordinate Federal programs relating to antimicrobial resistance. Also, the bill required research and development of new antimicrobial drugs and diagnostics; educational programs for medical and health personnel in the use of antibiotics; and grants to establish demonstration programs promoting the judicious use of antimicrobial drugs and the detection and control of the spread of antimicrobial-resistant pathogens. Authorization for these programs expired September 30, 2006. The STAAR Act reauthorizes these programs and builds on the Federal efforts that have been highlighted in the Public Health Service Action Plan to Combat Antimicrobial Resistance, published in 2001 by the Task Force.

The Action Plan identified thirteen key elements (out of 84 elements) as top priority action items that are critically necessary to address the growing resistance crisis. Only months after the release of the Action Plan, our former colleague Mr. BROWN and many of my colleagues on the Energy and Commerce Committee, including Chairmen DINGELL and PALLONE, and Mr. WAXMAN, Mr. TOWNS, Mr. GREEN, and Ms. DEGETTE, introduced the "Antibiotic Resistance Prevention Act of 2001." This legislation sought to provide additional funding specifically for the top priority action items in the Action Plan. My colleagues recognized the urgency of this situation and explained that "The Institute of Medicine, the American Society for Microbiology, the World Health Organization, the Congressional Office of Technology Assessment, and the General Accounting Office each have found that the Nation should improve surveillance for mounting antimicrobial resistance problems; prolong the useful life of antimicrobial drugs; develop new drugs; and utilize other measures, such as improved vaccines, diagnostics, and infection control measures to prevent and control antimicrobial resistance."

Although Congress has taken steps in the past to address the problem, antimicrobial resistance continues to grow. In 2004, the Infectious Diseases Society of America (IDSA) published, "Bad Bugs, No Drugs: As Antibiotic Discovery Stagnates a Public Health Crisis Brews" to highlight the lack of research and development for new antibiotics. Antibiotics are not profitable compared to those that treat chronic (long-term) conditions and lifestyle issues. In addition, when a new antibiotic comes on the market, it is discouraged from use to avoid the development of resistance. Also, antibiotics are taken for short periods of time—unlike those for chronic disease which may be taken daily.

Earlier this year, Mr. BAIRD, Ms. CUBIN and I introduced legislation to provide tax credits and other incentives for antibiotic research and development, as well as to encourage that antibiotics, vaccines, and diagnostics become more commonly manufactured in the United States.

Last week, Congress sent the FDA Amendments Act to the President for signature. This legislation included antibiotic provisions I supported and offered as an amendment during committee consideration. Specifically, the FDA Amendments Act promotes education regarding what incentives may be available through the Orphan Drug program for antibiotics and improves information laboratories and clinicians have about antibiotic resistance.

The "Strategies to Address Antimicrobial Resistance (STAAR) Act" compliments these past legislative efforts. The STAAR Act is comprehensive legislation that advances the thirteen key elements identified in the Action Plan and authorizes adequate funding for these strategies.

My bill strengthens existing efforts by establishing an Office of Antimicrobial Resistance (OAR) within the HHS Office of the Assistant Secretary of Health. The Director of OAR would serve as the director of the existing interagency task force. Also, to encourage input from experts outside the federal government, my bill would establish a Public Health Antimicrobial Advisory Board (PHAAB) to provide much needed advice about antimicrobial resistance and strategies to address it. The STAAR Act will strengthen existing surveillance, data collection, and research activities as a means to reduce the inappropriate use of antimicrobials, develop and test new interventions to limit the spread of resistant organisms, and create new tools to detect, prevent and treat these "bad bugs" for which there are no drugs. Infectious diseases experts, including the IDSA, have said it strongly supports this multi-faceted, strategic approach.

I appreciate the interest and leadership many of my colleagues have demonstrated on this issue in the past. This legislation has been a long time coming. I appreciate the effort of my colleague, Mr. FERGUSON, who joins me to introduce this bipartisan legislation. Finally, I urge my colleagues to work with me to give our federal agencies the tools they need to ensure that combating antimicrobial resistance becomes a priority.

NATIONAL OVARIAN CANCER AWARENESS MONTH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BURTON of Indiana. Madam Speaker, as many of my colleagues hopefully know, September was National Ovarian Cancer Awareness Month. All across the Nation men and women came together for events to both raise awareness of this terrible scourge and to show their support for the women and families struggling with this horrible disease—the deadliest of the gynecologic cancers. For example, September 7, 2007, was "Teal Time"—a day on which millions of Americans nationwide wore the official color of ovarian cancer—teal—to raise awareness about ovarian cancer.

While National Ovarian Cancer Awareness Month may be over for 2007, the fight against ovarian cancer goes on. When it is detected early, ovarian cancer is very treatable; unfortunately, ovarian cancer is one of the most difficult cancers to diagnose because symptoms are sometimes subtle and may be easily confused with those of other diseases. As a result, only 29 percent of ovarian cancer cases in the U.S. are diagnosed in the early stages. When the disease is detected before it has spread beyond the ovaries, more than 95 percent of women will survive longer than five years. But, in cases where the disease is not detected until it reaches the advanced stage, the five-year survival rate plummets to a devastating 25 percent.

As there is still no reliable and easy-to-administer screening test for ovarian cancer, like the Pap smear for cervical cancer or the mammogram for breast cancer, early recognition of symptoms is clearly the best way to save a woman's life. Increased education and awareness about ovarian cancer and recognition of women who are at higher risk for developing ovarian cancer, is the only way that women and their doctors will be able to stop ignoring or misinterpreting the subtle symptoms of the disease. Recently, the American Cancer Society and the Ovarian Cancer National Alliance came to a consensus on the identifiable symptoms of ovarian cancer, even in the early stages. The experts believe if a woman experiences any of the following symptoms for at least three weeks—bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, frequent or urgent need to urinate—she should immediately see her gynecologist.

I urge all of my colleagues to remember those symptoms and I ask each and every one of you to please make a special point of discussing them with your mothers, your wives and your daughters; and encourage them to talk about these symptoms with other women. The simple fact is that ignorance kills. The more women who know what to look for, the more lives we can save. If we love our mothers, our wives and our daughters, and I am sure that we do, then we owe it to them to make the effort to talk with them about ovarian cancer.

COMMENDING RAY PITTMAN, OF MOBILE, ALABAMA, FOR HIS SERVICE DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. Ray Pittman of Mobile, Alabama, for his courageous service during World War II. His heroic story, along with other Mobilians, is told in Ken Burns' documentary series "The War."

Mr. Pittman was working in Mobile for his father's carpentry business when he enlisted in the Marines. Trained to be a member of a demolition team that assaults enemy "strong points" in advance of the rifleman, he was assigned to the 4th Marine Division, 20th Marine Engineers.

In February of 1944, he and his division were fighting in the Marshall Islands before landing on Saipan. After securing the island, they invaded Tinian. Pittman lost 50 pounds in the five months he spent on these two islands. By February of 1945, he was promoted to sergeant and put in charge of his own demolition team. On February 19, 1945, Sgt. Pittman and his squad landed on Iwo Jima. The squad of 16 was left with only three men by the end of the battle.

Mr. Pittman's daughter, Beth Harrison, put it best in her article for the Hattiesburg American, "Dad has always said he has lived 62 years more than he should have and has often wondered and marveled at why his life was spared. Now, at age 84, Ken Burns will tell his story."

Madam Speaker, the recognition of Mr. Ray Pittman in "The War" documentary is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. Pittman and his selfless devotion to our country and the freedom we enjoy.

TRIBUTE TO FORMER REPRESENTATIVE CHARLES VANIK

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. RYAN of Ohio. Madam Speaker, I rise today to pay respect and tribute to former Rep. Charles Vanik of Ohio, who died Wednesday August 31 at his home in Jupiter, Florida at age 94.

Looking back at the career and mission of Representative Vanik, it is an utterly refreshing example of a legislator who didn't let politics get in the way of his goals and vision for his constituents and people all over the world. Many of my colleagues have already mentioned the historic Jackson-Vanik amendment to the Trade Reform Act of 1974. This critical human rights legislation was the mark on the map for Charles Vanik with regards to those outside the state of Ohio, but for us Ohioans, we know Congressman Vanik as a lifelong stalwart for all of those who are socially and economically oppressed.

Charles Vanik led a life of complete selflessness. After receiving his law degree he was on the City Council and in the Ohio legislature where he was valued for his consistent effort and achievements. He then joined the Navy during World War II. After his time in the service, Charles Vanik became a municipal judge until 1954 when he first ran for Congress. As a member of the Ways and Means Committee with jurisdiction over tax law, Congressman Vanik was known for his fights against big business tax breaks in the halls and corridors of Congress as he was known for his signature bow ties.

Congressman Vanik served honorably and long as a dedicated public servant. Mr. Vanik, who had rarely spent little more than $3,000 for any of his re-election bids, became increasingly discouraged with the changing political world and the need to siphon time and resources away from addressing the concerns of his constituents. He chose not to run for reelection in 1980.

Charles Vanik's life and his commitment to principle are truly remarkable. I believe one of the most important things we should learn from the actions and words of Charles Vanik is to constantly hold ourselves to the highest possible standards, no matter what the political environment or what criticism you might face. The United States Congress and the state of Ohio will miss one of its greatest public officials, Congressman Charles Vanik.

HONORING BERGEN COUNTY ACADEMIES

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. ROTHMAN. Madam Speaker, I rise today in recognition of the Bergen County Academies, whose outstanding work has been rewarded with the Intel Schools of Distinction Award which commends their superior math and science programs.

The Intel Schools of Distinction Award recognizes kindergarten through twelfth grade schools that promote 21st Century learning skills in math and science. One elementary, one middle, and one high school in each of two categories—math and science—will receive a $10,000 cash grant and $150,000 in products and services from the award's sponsors. In order to be considered as an Intel School of Distinction, schools must develop an environment and curricula that meet or exceed benchmarks, including national mathematics and science content standards. Bergen County Academies was one of only six schools selected to receive this honorable distinction nationwide.

The classes at Bergen County Academies—from the pre-kindergarten class to the twelfth grade—have demonstrated excellence in implementing innovative programs that support positive student achievement in math and science, effectively use technology, and leverage the benefits of teamwork in the development of superior classroom teachers. Winning schools serve as models for educators across the country.

Madam Speaker, I ask my colleagues to join with me today in commending Principal Daniel Jaye, the staff, and students of Bergen County Academies for their outstanding commitment to excellence in math and science. They are a great credit to our community and entire country.

IN HONOR OF BRIAN SIMPSON, WES WILLIAMS, AND JOE JANSEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. FARR. Madam Speaker, I rise today to congratulate and thank three of my constituents who helped save the life of their friend Todd Endris, after he was attacked by a Great White shark off Marina State Beach in California on August 28. Though shark attacks actually are less common than the media would have you believe they are nonetheless startling and scary whenever they do happen. We are reminded only too graphically of the power of nature when these beasts of the ocean appear.

Endris, a 24-year-old student at California State University at Monterey Bay, was surfing in Marina when a 15-foot Great White caught him on his right side and dragged him under the waves. Todd fought with the shark, striking it again and again on the eye with his fist. After what seemed like endless punches the shark released Todd who scrambled desperately back to the water's surface exhausted and bleeding. His friend Joe Jansen who had seen the attack unfold shouted to Endris to grab hold of and climb back on his surfboard as best he could while friends and fellow surfers Brian Simpson and Wes Williams helped steer him back to the beach. Todd lost nearly 3 liters of blood and was close to shock. Without the intervention of the other 3 swimmers, he could have slipped away and back into danger's path. As it was, he suffered extensive injuries to his torso and right hip and leg. He was flown to Santa Clara Valley Medical Center in San Jose and is now expected to make a full recovery.

Madam Speaker, August 28 started out like any other day for these young men, who were simply out for a day of surfing. No one expected to be called "hero" before the day was done. But that is exactly what I would call Joe Jansen, Brian Simpson and Wes Williams for their courage in saving their friend Todd Endris from a fatal shark attack. I thank them for their selfless bravery and wish Todd good luck in his recovery.

TRIBUTE TO FIRE CHIEF MICHAEL VARNEY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize the contribution of Fire Chief Michael Varney to the citizens of Ellington, Connecticut and the strength of our volunteer corps of first responders. Michael was recently selected by Fire Chief Magazine as the 2007 Volunteer Chief of the Year, a great honor in the field and a testament to the commitment and selfless public service of this citizen hero. The award is made all the more special given that the nomination and selection comes from his peers from across the nation amongst an enviable group of worthy candidates. Our nation owes a great debt to these first responders who voluntarily put their life on the line to ensure the safety of their community and Connecticut is very fortunate to have Chief Varney as a member of its fire service.

After graduating from high school, Michael followed in his father's footsteps and began his career at the Ellington Volunteer Fire Department where he has now served for 23 years. He quickly moved up the ranks and became chief seven years ago. During that time, Michael has superbly led the 50-person department and has been instrumental in securing almost $500,000 in federal grants to provide the critical life-saving equipment necessary to protect his community. He has led with dedication and poise under extreme circumstances and developed the respect of the region's premier firefighting personnel.

Michael has also contributed to the state and regional preparedness through his involvement with the Connecticut Fire Chiefs Association and the state's Emergency Management and Homeland Security Coordinating Council. He is also a member of the International Association of Fire Chiefs committee that has put together a national emergency response network of firefighters, hospital staff, and other emergency personnel. His full-time position with the Department of Information Technology has provided invaluable communication systems expertise not only to his department but also to regional and national organizations.

Chief Varney represents the changing role of our nation's first responders and I ask my colleagues to join me in honoring his life of service and dedication to the protection of our communities.

COMMENDING JOHN GRAY OF MOBILE, ALABAMA, FOR HIS SERVICE IN THE MARINE CORPS DURING WORLD WAR II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, it is my pleasure to rise today to recognize Mr. John Gray of Mobile, Alabama, for his service to his country as a Marine during World War II. As a member of the 51st Defense Battalion, Mr. Gray served in 1 of only 2 black Marine units trained for combat.

After changing his age in an effort to get a job at a Mobile construction company, Mr. Gray was drafted into the military when he was just 16. Though he and his unit were trained for combat and sent to the South Pacific with training and experience in handling 90- and 150-millimeter machine guns, his white commanding officers relegated them to menial tasks such as unloading cargo and carrying ammunition.

Carrying his experiences from segregated Alabama into the Marines, Mr. Gray served patriotically despite discrimination. When Japanese propaganda encouraged him and other black soldiers to defect, Mr. Gray chose to fight for his country.

Returning from the war to a state still more rigidly segregated than the armed forces, Mr. Gray devoted his life to education. He is now retired after serving for 50 years in Mobile city schools as a teacher and assistant principal.

Madam Speaker, the recognition of John Gray in Ken Burns' documentary series "The War" is an appropriate time for us to pause and thank him—and all of the soldiers who fought in World War II. They personify the very best America has to offer. I urge my colleagues to take a moment to pay tribute to Mr. John Gray and his selfless devotion to our country and the freedom we enjoy.

TRIBUTE TO THE CITY OF EUDORA, KANSAS, ON ITS 150TH ANNIVERSARY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to the city of Eudora, Kansas, located in the Third Congressional District, which will celebrate its 150th anniversary on October 5th and 6th of this year.

In 1856, three members of a German Immigrant Settlement Company [called Deutsche-Neusiedlungsverein] from Chicago sent out a location committee to choose a town site in the new Indian Territory, which had been opened up to settlement by the Kansas-Nebraska Act, enacted in 1854. Both pro- and anti-slavery groups flocked to this territory.

The three Germans sent to the present site were H. Heimann, F. Barteldes and C. Scheifer. Favoring the Eudora area, they drew up contracts with Shawnee Chief Paschal Fish for 774½ acres, from the Kansas River to the south for about a mile [over 200 blocks total], with two public squares and a park. In February 1857, Chief Fish entered into contracts with the Trustees of the Chicago Verein for purchase of land "to secure a more perfect title" for a price of $10,000. Chief Fish bought back on the same day the old numbered lots of at least 3 blocks between the Kansas and Wakarusa Rivers. The Shawnee Reservation had been opened up for settlement; Chief Fish was a cousin of Chief Tecumseh, a businessman and a Methodist minister who had been educated at a Mission School.

A map of Douglas County drawn up in early 1857, before Eudora was a town, shows only 4 townships in the county with Eudora included in the Wakarusa Township. A group of 16 men, 4 women and some children had come in the spring of 1857 to begin settling at the site. Peter Hartig, age 34, was the leader of this Chicago group, and was accompanied by his wife. The Society paid expenses for the settlers. Eight more men, who paid their own way, came later. The formal title, signed by an Indian Agent named Newsom, was drawn up on February 4, 1860.

The town's name was derived from the name of Chief Paschal Fish's 13-year-old daughter; it is a name of Greek derivation meaning "giving" or "generous." Chief Fish said that if they did this, a tornado would never touch down in Eudora. There has not been a tornado there to this day!

A circular saw and a corn cracker worth $2,200 were soon purchased for the new town. The first house built by the settlers was a one-story log cabin, 18′ x 20′, which was shared by all of the inhabitants during the first summer, of 1857. The first sawmill was set up in the same year, and by fall, the first post office was operating and converted into a money order office the next year. The first hotel was probably The America House on Main Street, or near the 5th and 6th Street area.

The first baby born in the new town was a daughter, to Mr. and Mrs. Chris Epple, soon after their arrival; she was named Eudora. The first marriage occurred between Mrs. George Harboldt and Freid Deichmann in the spring of 1858. The first death was in the fall of 1857 when J. Loederlie died. The captain of the original Townsiters, Hartig, lived until 1902, when he was killed by a Santa Fe train; his wife had died the previous year.

The first public building was a frame town hall and school house built in 1860 and used as a polling place, dance hall and community room. It was sited at 6th and Main Streets and later moved to 7th and Main Streets. There was a jail under it in the mid-1860s; it was used as the city hall until 1955 and is now a private residence. In 1859, the town's first election selected Fred Faerber as mayor and councilmembers were also elected. In March of that year the council commissioned the Chicago Secretary of the Immigrant Company to furnish a city seal with a white man and an Indian shaking hands. In 1886, Eudora's first newspaper, The Eudora News, was published, and in 1894, Charles Pilla, who also served as mayor and postmaster, helped organize the Eudora State Bank.

Eudora's first picnic was recorded in 1901. In 1927, the Central Protective Association, also known as the Cattlemens Association, reorganized from its antihorsetheft roots to become the City Picnic Association. The city's annual picnic traditionally held on the third weekend of July, features carnival rides, games, parades, dancing and food.

This tradition of community celebration continues on October 5th of this year, when the city will have a genuine cake and ice cream birthday party. Eudora High School culinary arts students will be showing their talents in a cake decorating contest. Guests will have an opportunity to sample buffalo burgers. A recognition ceremony will feature community volunteer organizations. On the following day, Eudora Fest will feature arts, crafts, and food booths, along with a kid's homegrown carnival, contests, music and entertainment. The main event, however, will be the unveiling of the Eudora Statue—a historic statue of Chief Paschal Fish and his daughter, Eudora. The statue, sculpted by internationally known local sculptor Jim Brothers, will be placed in the city's historic downtown park with a historic kiosk.

Madam Speaker, I know that you and the entire U.S. House of Representatives join with me in honoring the city of Eudora on its 150th anniversary, as we commemorate its rich history and outstanding way of life for all Eudorans. I am proud to represent this community and its people within the Third Congressional District of Kansas.

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HERGER. Madam Speaker, I was unable to vote on several measures that came before the House on Wednesday, September 26, 2007 because of illness.

Had I been present I would have voted "no" on ordering the previous question on H. Res. 677, a resolution providing for consideration of the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008; "no" on ordering the previous question on H. Res. 678, a resolution providing for consideration of the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl; "aye" on a motion to recommit H.J. Res. 52, a resolution making continuing appropriations for the fiscal year 2008, to committee; "aye" on final passage of H.J. Res. 52, a motion making continuing appropriations for the fiscal year 2008; "aye" on an amendment by Mr. WILSON of South Carolina to H.R. 2693, the Popcorn Workers Lung Disease Prevention Act; and "no" on final passage of H.R. 2693, the Popcorn Workers Lung Disease Prevention Act.

TRIBUTE TO THE SAINTS MONICA AND LUKE PARISH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great enthusiasm and sincerity that I take this time to recognize a milestone that will be taking place in the city of Gary, IN, on Sunday, September 30, 2007. This date will mark the 25th anniversary of Saints Monica and Luke Parish, and also will mark the 90th anniversary of Saint Luke Parish and the 80th anniversary of Saint Monica Parish. This celebration, honoring the people and the history of these parishes, will take place at the Genesis Convention Center in Gary.

The official dedication of Saint Luke Parish, by then-Bishop Aldering, took place on September 30, 1917, the year my father arrived in Gary. The previous July, Saint Luke's first pastor, Father Frank Gnibba was appointed, and it was through his leadership that the first auditorium, or chapel, was constructed. This modest structure was the beginning of what would eventually become Saints Monica and Luke Parish. It housed seating for 550 people, as well as four classrooms, which formed the original Saint Luke's school. An important part of the history of Saint Luke is that the school was staffed by the School Sisters of Notre Dame from 1917–1969. During this time, under the leadership of Father Wilfred P. Mannion, the church's current building was constructed. The new location officially opened on October 16, 1955.

Saint Monica Parish, established in Gary in 1927, was the result of the efforts of four African American Catholic women: Lillian Bolden, Louise Agnes Smith, Josefa Streeter, and Eugenia Williams. Because African Americans were not welcome in the existing Catholic churches in Gary at the time, these inspirational leaders and beacons of change petitioned then-Bishop John Francis Noll to establish a church for them. This request was granted, and Saint Monica Parish was born. In 1928, Father H. James Conway became Saint Monica's first pastor. Father Conway would serve the Catholic community in Gary for many years, eventually being named pastor at Saint Luke in 1959. During his tenure, in 1945, the Sisters of the Blessed Sacrament began instructing students at Saint Monica School, which focused on academic excellence and Christian service, and would become one of the premier educational facilities in the City of Gary. Another leader of Saint Monica's was Father Joseph M. Barry, an oblate from Boston who was very close to our family, as was another of the congregation's leaders, Myrtle King. Father William Martin, an assistant to Father Conway, took over as pastor at Saint Monica in 1968 and would eventually become the first pastor at Saints Monica and Luke Parish upon the parishes' merger in 1982.

Throughout the years, the parishioners of both Saint Luke and Saint Monica were a magnificent example of the Christian community in northwest Indiana. When the two churches merged in 1982 to become what is now Saints Monica and Luke Parish, their outstanding service to the community continued. Through the diligent efforts of its members, service to those in need has become one of the parish's identifying trademarks. Saints Monica and Luke operates a food pantry that serves families once a month, as well as the Saints Monica and Luke Soup Kitchen, which opened its doors in April 1993 and has served a hot meal to those in need every Friday since.

Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring the church's current and dedicated Pastor, Father Pat Gaza, and the entire congregation at Saints Monica and Luke Parish on their 25th anniversary, as well as the preceding parishes. Throughout the years, the clergy and members of Saints Monica and Luke have dedicated themselves to providing spiritual guidance through their faith, as well as unconditional service to their community. Their constant dedication and commitment is worthy of our deepest admiration.

HONORING THE MEMORY OF JEAN O'CONNOR-SNYDER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor her and pay tribute to the memory of Jean O'Connor-Snyder.

A long-time resident of Tuscaloosa, Jean devoted much of her business and civic career to her beloved alma mater, which honored her with the establishment of 2 endowed scholarships in her name: the Jean O'Connor Leadership Scholarship and the Jean O'Connor-Snyder Endowed Scholarship.

She served as director of events and protocol and assistant director of development for the University of Alabama for over 9 years. She also served as director of community relations, employee development and special events for Bromberg Jewelers, assistant vice president of SouthTrust Bank, and executive director of the Alabama Jewelers Association. In 1993, she moved to Montgomery to be the executive assistant to the First Lady, mansion administrator, and chief of protocol for the Alabama Governor's office. In 1995, she returned to her private consulting business where she specialized in events management, public relations, and professional development training.

Jean was a president of the Tuscaloosa chapter of the University of Alabama National Alumni Association, and the National Alumni Association awarded her with the Distinguished Alumna Award in 1997. She was the volunteer coordinator with the University of Alabama Visual Program and former president of the Life Learning Initiative at Shelton State Community College. She served as the consultant who coordinated the first two Alabama Stage and Screen Hall of Fame Galas for Shelton State Community College.

Her dedication did not stop there. Jean served as a deacon and Stephen Minister at First Presbyterian Church of Tuscaloosa, president of Tuscaloosa International Friends, board member to Tuscaloosa Family Resource Center, and the Chi Omega/House Corporation. She was a member of Rotary International Tuscaloosa Chapter, 2007 Leadership Scholarship Capstone Council, and received the Alabama Alumni Association's Award of Achievement.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout Alabama. Jean will be missed by her family—her 6 children, Frances O'Connor Morgan, William F. O'Connor, Jr., John Talty O'Connor, Julia Bradford O'Connor, Michael Brady O'Connor, and Patrick Shepherd O'Connor; her stepdaughter, Sharon Pilsch; 9 grandchildren, Rosalyn Morgan Devine, Katherine Elizabeth O'Connor Heath, Anna Bradford O'Connor Norris, John Franklin Morgan III, Elizabeth Brady Morgan, Kelsey Cooper O'Connor, Kerri Cathleen O'Connor, Rosalind Brady O'Connor, and Victor Bradford O'Connor; 2 step-grandchildren, Erin Pilsch and Turner Pilsch; and several great-grandchildren—as well as the many countless friends she leaves behind. Our thoughts and prayers are with them all at this difficult time.

CALLING ON THE GOVERNOR OF THE STATE OF ILLINOIS TO DEFEND EMPLOYERS' RIGHT TO EMPLOYEE VERIFICATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. KIRK. Madam Speaker, today I introduced a resolution calling on Governor Rod Blagojevich to stop the state's upcoming prohibition on people from Illinois from using the federal government's E-Verify web site to confirm immigration status for job applicants. The system is used in other states to quickly verify that new employees comply with U.S. law. Earlier this week, the Department of Justice, on behalf of the Department of Homeland Security, brought suit in federal court to strike down the Blagojevich prohibition.

The E-Verify system was created as part of the "Basic Pilot Program" authorized by Congress in 1996 to help employers easily check immigration status for job applicants. The program was offered to the entire country in 2001 by a unanimous vote of the House. Governor Blagojevich was a member of the House in 2001 during the time of that unanimous vote.

The E-Verify system provides employers access to a web site to check on the legal or illegal status of a job applicant, usually within one day. The system approves over 91 percent of such applications. If an applicant disagrees with an E-Verify opinion, he can contest the "Tentative Non-Confirmation" within one week at a Social Security or Department of Homeland Security office. Federal law prohibits an employer from taking action against an employee until this dispute is resolved.

If an employee is officially "Non-Confirmed", the employer can still offer a job after adjusting the immigration status of the applicant or notifying the Department of Homeland Security. Over 22,000 American employers use the E-Verify system that has processed almost three million requests. More than 800 employers join this system each week.

While the federal government offered Americans the right to check on the immigration status of job applicants using the E-Verify system, this right will be denied to the people of Illinois by this new state law. Signed by the Governor in August, the Illinois law will deny all Illinois employers the right to use the federal E-Verify system after January 1. The Illinois law only allows access to E-Verify at some future date after state officials finds the system is 99 percent accurate. No other state denies the rights of its employers to use this federal program. Furthermore, the Illinois law clearly violates the Supremacy Clause of the Constitution.

I encourage all of my colleagues to join me in supporting this resolution and supporting the right of employers to verify the immigration status of prospective employees.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. ROSS. Madam Speaker, on Tuesday, September 25, 2007, I was not present for votes as I was in Little Rock, Arkansas attending the 50th Anniversary commemorating the integration of Little Rock Central High School by the Little Rock Nine.

Had I been present for rollcall No. 895, H.R. 1400, the Iran Counter-Proliferation Act of 2007, I would have voted "Aye."

Had I been present for rollcall No. 896, H. Res. 584, Supporting the goals and ideals of National Life Insurance Awareness Month, I would have voted "Aye."

Had I been present for rollcall No. 897, H. Con. Res. 210, Supporting the goals and ideals of Sickle Cell Disease Awareness Month, I would have voted "Aye."

Had I been present for rollcall No. 898, H. Res. 663, Supporting the goals and ideals of Veterans of Foreign Wars Day, I would have voted "Aye."

Had I been present for rollcall No. 899, H. Res. 548, Expressing the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon, I would have voted "Aye."

Had I been present for rollcall No. 900, H. Res. 642, Expressing sympathy and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown, I would have voted "Aye."

Had I been present for rollcall No. 901, H. Res. 557, Strongly condemning the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda, I would have voted "Aye."

Had I been present for rollcall No. 902, H. Res. 675, Table Appeal of the Ruling of the Chair, I would have voted "Aye."

Had I been present for rollcall No. 903, H. Res. 675, on the Previous Question on providing for consideration of the Senate amendments to H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, I would have voted "Aye."

Had I been present for rollcall No. 904, H. Res. 675, on agreeing to the resolution, Providing for consideration of the Senate amendments to H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, I would have voted "Aye."

Had I been present for rollcall No. 905, H. Res. 95, Campus Fire Safety Month, I would have voted "Aye."

TRIBUTE TO JUDGE RICHARD S. ARNOLD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BERRY. Madam Speaker, I rise today to pay tribute to a great Arkansan and a fine American, Judge Richard S. Arnold. I'm proud to recognize Judge Arnold in the United States Congress for his years of service as a legal scholar. His carefully reasoned and articulate opinions set new standards in the legal profession. Although Judge Arnold rose to one of the highest levels of his profession, he always maintained a sense of grace and humility that was admired by all.

Judge Arnold received his bachelor's degree summa cum laude from Yale and later graduated magna cum laude and first in his class from Harvard Law School. In addition to serving as a clerk to Justice William Brennan at the U.S. Supreme Court, Arnold served as a legislative assistant to Senator Dale Bumpers of Arkansas and was eventually appointed Judge for the U.S District Court for the Eastern and Western Districts of Arkansas. He was appointed to the Eighth Circuit in 1980 and finally Chief Judge on January 8, 1992 where he served until his untimely death.

According to his colleagues, Judge Arnold's intellect was unmatched and his compassion for others is a trait that is rarely found today. He was respected for his continual search for truth and justice that he applied to each of his opinions, which are often used today as models for judging. He worked tirelessly to improve the judiciary and supported efforts to help other judges across the nation improve their skills and in turn the legal profession.

Judge Richard Arnold has been recognized by the dedication of the United States Courthouse in Little Rock, AK where his life and his work can continue to be remembered. He was a fine Arkansan and a fine American and will be greatly missed by all.

IN MEMORY OF A GOOD AND DECENT MAN, MAYER MITCHELL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BONNER. Madam Speaker, I rise today with a heavy heart to announce to the House that a friend to many in this chamber—and throughout this city—Mayer Mitchell of Mobile—passed away yesterday morning at home with his family by his side.

In recent weeks, it became apparent that Mayer was involved in a battle unlike any he had ever faced. And yet, knowing that Mayer had that 'never-say-quit' spirit, it would not have surprised any of us had he been able to scale just one more mountain along life's journey.

Sadly, however, that was simply not meant to be, and Mayer's passing leaves a void that will be felt throughout our community, state and Nation.

No tribute to Mayer could begin without offering our heartfelt sympathies to his wonderful family. Above all else, Mayer was truly a family man . . . he loved his family and included them in almost all that he did and all for which he stood.

To his loving wife of 54 years, Arlene, their four children, Richard, Melinda, Joy and Lisa, their 8 grandchildren, and to his brother, Abe, the people of south Alabama offer our deepest sympathies to you over your loss. At the same time, we offer our profound gratitude to you for sharing your wonderful husband, father, grandfather and brother with all of us.

Mayer Mitchell had a truly wonderful and amazing life, a life filled with exemplary philanthropic service that is unrivaled in the city of Mobile and perhaps the state of Alabama, but also, in a very real way, he was a man who enriched the lives of all who came in contact with him over the years.

Mayer, known to his close friends and family as "Bubba," was truly many things to many people.

As a businessman, Mayer was the consummate professional, always driven by a desire to be successful in whatever opportunity was presented. He often defined success as being centered on respect, trust and mutual understanding.

He was motivated by a personal philosophy of "the harder you work, the luckier you get," and that's just what Mayer did. Along with his brother Abe, they founded The Mitchell Company, a residential and commercial real estate development firm in 1958. Their company built single family homes and apartments as well as shopping centers. Not surprisingly, the firm grew rapidly and soon became one of the largest in the southeast.

Mayer and Abe sold their interest in the company in 1986 at which time the firm was responsible for 25,000 single family homes, 20,000 apartments and 175 shopping centers. Even today, The Mitchell Company remains the largest private firm in Mobile and among the top 40 in the state of Alabama. After selling the family business, Mayer spent the second half of his business life managing his investments through his company, MBI, L.L.C. Rather than retire at the young age of 53 simply to live on his successes, Mayer put his heart and soul in support of his family, his faith and his community. He followed the example set by his parents' commitment to philanthropy explained by one of his favorite Jewish proverbs, "Give when you're living, and it's gold. When you give when you're dead, it's lead."

A lifelong proponent of education, Mayer served more than 32 years on the University of South Alabama Board of Trustees, including a term as chairman. He was particularly supportive of USA's medical, business and sports programs, but to say his giving touched every aspect of the University would be a considerable understatement.

At the time of his death, Mayer and his family had given more than $36 million to the University of South Alabama. As a result of his leadership, several key landmarks on campus today proudly bear the Mitchell name, including USA's Mitchell College of Business and the Mitchell Center sports arena, the finest facility of its kind in the state of Alabama.

Mayer and Abe also gave generously to create the University's business learning resource center, named in honor of their parents, Joseph and Rebecca Mitchell.

But as committed to education as he was, Mayer was also a tireless advocate for quality health care and, not surprisingly, he left his indelible mark in this arena as well.

Madam Speaker, at the age of 36, Mayer was diagnosed with Hodgkin's lymphoma. After seeking successful experimental cancer treatments in New York, Mayer vowed that Mobile would one day have its own world-class cancer center.

And today, because of Mayer's vision and generosity—and that of the entire Mitchell family—the University of South Alabama, in alliance with the Mobile Infirmary Medical Center, is now home to a state of-the-art cancer research institute, appropriately named the Mitchell Cancer Institute.

All in all, the Mitchell family holds the distinction of having given more to a single public university than any other family in the history of the state of Alabama.

Without a doubt, Mayer's philanthropy and leadership was legendary and recognized around the country and across the globe. When Mayer's name was on an invitation, a project or a cause, you knew with it came his own personal "Good Housekeeping Seal of Approval." And if Mayer was on your side, you never, ever had to go back to him and ask if he was truly committed. Mayer's word was golden.

Mayer Mitchell was awarded the University of South Alabama National Alumni Associations' Distinguished Service Award in 2006. Other honors included: Outstanding Young Men of America; Jewish Welfare Fund Man of the Year; Prichard Honorary Citizen of the Year; Mobile County Realtor of the Year; and high honors from the Boy's Club of Mobile, Bishop State Community College; University of Rochester, New Orleans Chapter of Hadassah, Alabama Institute for the Deaf and Blind, Mobile Kiwanis Club and the American Hellenic Educational Progressive Association. In 2006, The University of Alabama inducted Mayer into the Alabama Business Hall of Fame.

Clearly, Mayer's involvement was not just at the local and state level, but at the national level as well. He was a longtime political activist and a passionate supporter for Israel. He served on the national board of directors of the American Israel Public Affairs Committee, AIPAC, for over two decades, serving as president of the board from 1990—1992 and as chairman of the board from 1992—1996. He devoted much time to Camp Ramah Darom, a summer camp for Jewish youth in northeast Georgia, and Jewish Theological Seminary in New York, which awarded him an honorary doctorate.

A graduate from Pennsylvania's Wharton School of Finance in 1953, Mayer also served in the Army as a first lieutenant in the Korean War, where he earned a commendation ribbon with medal pendant for meritorious service.

Madam Speaker, Psalms 24:2 calls to question, "Who will ascend the mountain of the Lord and who will stand in his place of sanctity? One with clean hands and a pure heart."

Let there be no doubt, Mayer Mitchell's manner and goodness truly lived up to that expectation. And for all who truly knew Mayer—and appreciated him for all he was and all he did—we can all take some comfort in knowing that in life, Mayer definitely made a difference. Even in death, his legacy will last for generations.

More than 60 years ago, a young girl wrote a diary that opened the world's eyes to the horrors of evil and hatred. Even today, Anne Frank remains an inspiration for her simple eloquence and powerful choice of words.

One of my favorite Anne Frank quotes seems to be a fitting epithet for my dear friend, Mayer. She wrote, "How wonderful it is that nobody needs to wait a single moment before starting to improve the world."

Madam Speaker, Mayer Mitchell did just that. He waited for no one to tell him what needed to be done; he simply went out, in his own special way, and sewed seeds of hope one good deed at a time.

While it is true that the good works of Mayer Mitchell could fill an entire volume in the CONGRESSIONAL RECORD, on this day when his family and friends mourn his death, I simply ask my colleagues to join with me in remembering a good and decent man, Mayer Mitchell. May he rest in peace.

TRIBUTE TO MINNIE VAUTRIN, "AMERICAN GODDESS OF MERCY"

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HONDA. Madam Speaker, I rise today to honor Minnie Vautrin, an American woman and missionary whose heroism changed the course of history during World War II.

Japan's violent occupation of then-capital Nanking, China, historically known as the Rape of Nanking, claimed the lives of hundreds of thousands of innocent Chinese men, women and children and left its mark on history as one of the most brutal massacres and crimes against humanity of the 20th Century. An estimated 300,000 Chinese civilians were killed, and an estimated 20,000 women were raped, with some estimates as high as 80,000.

Minnie Vautrin, a missionary who worked at a women's college in Nanking, courageously stood against the Japanese Imperial Army. A native of Illinois, she was one of the few Americans in the region when the Japanese army invaded Nanking.

By using the American flag and proclamations issued by the American Embassy in China maintaining the college as a sanctuary, Minnie helped repel incursions into the college, where thousands of women and children sought protection from the Japanese army. She often risked her own life to defend the lives of thousands of Chinese civilians.

Her devotion during this horrific event earned her the nickname "American Goddess of Mercy" among the people of Nanking, where she is fondly remembered. Her heroic actions and unparalleled efforts to save lives deserve to be recognized. Sadly, her story is relatively unknown.

Today, on the 121st anniversary of her birth, I would like to honor Ms. Vautrin for her sacrifice, courage, humanity, and commitment to peace and justice during the violent Rape of Nanking. Minnie Vautrin's story defines patriotism and heroism in the midst of war.

Madam Speaker, I thank my colleagues for joining me in remembering this phenomenal yet unsung heroine. To the thousands of innocent men, women and children whose lives were spared because of Minnie Vautrin's bold courage, she will never be forgotten.

HONORING THE DEDICATED SERVICE OF KATHERINE BROWN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to thank Katherine Brown for her service to Tennessee's Sixth Congressional District while working in my Washington, D.C., office.

When Katie came to Capitol Hill from Gallatin, Tennessee, earlier this year, she quickly proved to be an able researcher, a strong writer and a hard worker. While she has been with the office only a short time, her diligence and persistence have helped me do my job better.

But love and law school are now calling her home. Today is her last day in the office as Katie is moving back to Middle Tennessee to be with her fiancé, Taylor, while she prepares for law school.

My staff and I are sad to see her leave, but we share her excitement for this new chapter in her life. Katie, I thank you for all your help, and I wish you all the best in your future endeavors.

PAYING TRIBUTE TO NABVETS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to the National Association for Black Veterans (NABVETS) and offer my salutation to those members attending their Regional Convention in Denver Colorado this November. NABVETS has representatives in several states across the western United States, including my home state of Colorado. It is with the utmost sincerity that I wish this gathering success in discerning avenues to uphold and meet their organizational mission.

Since its founding in 1969, NABVETS has made great strides in community development and advocacy by providing a myriad of services including empowerment of low-income and minority veterans and historical perseverance.

NABVETS has provided support to Colorado communities over the years, and I am proud to support its continued efforts to assist Colorado's veterans.

Madam Speaker, please join me in thanking them for their efforts, and conveying my best wishes for the convention.

CONGRATULATING MR. GRANT SIMPSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Mr. Grant Simpson, a Hidden Lakes Elementary School teacher in Keller, Texas, for being named Texas Elementary Teacher of the Year.

Mr. Simpson was selected from twenty finalists by an eleven member panel of educators, principals and state officials. This is the second consecutive year that a Keller teacher has been recognized.

Mr. Simpson turns his fourth-grade classroom into a comfortable learning environment for his students. He tries to attend numerous student activities such as recitals and football games, and it is not uncommon to see him eating lunch with his students.

Mr. Simpson will receive $5,000 and a technology package worth $15,000 for his award. He will be honored at a luncheon November 3, 2007, in Austin, Texas.

I would like to join Mr. Grant Simpson's family and friends in congratulating him on receiving this remarkable award. It is an honor to have such a prestigious teacher in the 26th district of Texas.

CONGRATULATING ALEXIS L. TAYLOR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Miss Alexis L. Taylor of Keller High School in Keller, Texas, for being chosen as a semifinalist in the 44th Annual National Achievement Scholarship Program. It is an honor to have such a qualified student in the 26th District of Texas.

The National Achievement Scholarship Program began in 1964 as a way to provide scholarships to promising black students. Since 1964, almost 28,000 students have been provided with scholarships totaling more than $88 million.

Miss Taylor was one of 114 semifinalists from the State of Texas. She was chosen based on her Preliminary SAT scores. Finalists will be chosen based on abilities, achievements, and potential for success. The scholarship winners will be announced in April of 2008.

I extend my sincere congratulations to Miss Alexis L. Taylor and her family for her academic achievements at Keller High School. Her dedication and commitment to her education will lead her to great things. I wish her the best of luck with the remainder of the National Achievement Scholarship Program.

BOROUGH OF MOHNTON IN BERKS COUNTY 100TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor the Borough of Mohnton in Berks County, Pennsylvania which is celebrating its 100th Anniversary this year. Like many municipalities in the 6th District, the Borough of Mohnton has a rich and proud history that is the foundation for the strength and sense of community that its residents share today.

Mohnton officially became a borough in 1907 when it separated from Cumru Township. The community was previously known as Mohn's Store, or Mohnsville, in honor of founder Samuel K. Mohn, who opened a store and established a post office in 1857. Within the first year of the Borough's existence, the Mohnton Fire Co. No. 1 was organized, which consisted of a hand-drawn hose cart that was its only means of fighting fires. In 1909, the first Borough's high school graduating class had just four students. Today, the Borough is a part of the Governor Mifflin School District, which proudly boasts over 1400 students in high school alone. Over the years, the Borough has grown into a thriving community that epitomizes good neighbors and civic-mindedness.

As a part of the festivities, the Borough has brought back another proud tradition that dates back a half-century. Back in the 1950s, Mohnton was the local hub of soap-box racing, with fans watching the races along Walnut Street. This tradition was rekindled by the Mohnton Lions Club this past summer and it was a great event for young and old alike.

This weekend's celebrations will include a Centennial Parade around the Northridge section of the community, followed by string bands, fireworks and other great musical performances.

I congratulate Mayor Richard Trostle and all of the other dedicated organizing members and volunteers who worked tirelessly to make this celebration so successful. I know all my colleagues join me today in congratulating the Borough of Mohnton and all its residents for 100 years of family, faith and tradition and we wish them another 100 years of community energy, vitality and success.

SENATE—*Friday, September 28, 2007*

The Senate met at 10:30 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, guide our lawmakers today as they seek to do Your will. Deliver them from anger and envy, from harsh thoughts and unlovable actions. Use them to make a better world. Remind them that You are the only constituent they must please, for You are the Sovereign God. Inspire them to decrease that You may increase and illuminate our world with Your glory. Give them the wisdom to seek You often in prayer with grateful hearts. Lord, guard their hearts and minds with Your peace. Help them to turn their struggles into stepping stones that will glorify You. We pray in Your holy Name. Amen

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, September 28, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will begin consideration shortly of the Department of Defense authorization bill. Last night cloture was invoked on the substitute amendment. Therefore, amendments in order need to have been timely filed and be germane.

There will be no rollcall votes today, but the managers will be here to process amendments. Senator KENNEDY is here to talk about the first amendment.

The next vote will occur Monday beginning around 5:30 in the evening. This week has been a very busy week, and the Senate has successfully concluded action on a number of very important measures. Mr. President, next week we are going to, as soon as we finish this bill, the Defense authorization bill—which will be sometime Monday night—move to Defense appropriations. Senators INOUYE and STEVENS have been advised of that. They will start early Tuesday morning. We hope to complete that bill within a couple of days.

The next bill we will take up prior to our October recess will be the Commerce-Justice-State appropriations bill. If we can finish those two bills, and I think we have a real opportunity to do that, we will have completed 6 of the 12 appropriations bills.

The House has completed all of theirs. I have had a number of conversations with Chairman OBEY, with the Speaker, in an effort to get these bills—as many as we can, as soon as we can—to the President.

As you know, there is a controversy with the President over his threats to veto all of these bills. We hope he will see the wisdom of moving forward on these appropriations bills, as we hope he will on the Children's Health Insurance Program which passed overwhelmingly yesterday.

I would say that last year, for example, the President accepted bills from the Republican-dominated Congress that were $55 billion over what he suggested. This year we are at $21 billion and none of that is extravagant spending. Most of it are things he has cut out of the budget, so it would only keep up with inflation. For example, with the tremendous rise in crime we have all over America today—we have had a jump this last year like we have not seen in recent decades. Aggravated crimes are up significantly, and we have a situation where we are putting in this legislation—I have talked about these appropriations bills—$1.5 billion to make up for what we took out of the COPS Program. We have 100,000 less police officers on the street than we did. That is a result of the cuts of the President. So we hope he will see the light and do the right thing in regard to the appropriations bills.

But I very much appreciate the cooperation we received from the Republicans with our appropriations bills to this point. We have not had great difficulty with those bills. We all know we should have gotten to them sooner, but we have had 48 filibusters we have had to deal with this year which have slowed things down significantly.

MEASURE PLACED ON THE CALENDAR—H.R. 2693

Mr. REID. Mr. President, H.R. 2693 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

Mr. REID. Mr. President, I would object to any further proceedings at that time.

The ACTING PRESIDENT pro tempore. Objection is heard.

Without objection, the bill will be placed on the calendar.

Mr. REID. Mr. President, this bill deals with something that has developed. We would never dream we would be working on it, but it appears to be very important. We have had a lot of deaths and people getting sick, the popcorn workers in America, which is a huge industry. We are going to try to see if we can set some standards so people do not get sick by virtue of working around popcorn.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

> Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Reid (for Kennedy) amendment No. 3058 (to amendment No. 2011), to provide for certain public-private competition requirements.

Reid (for Kennedy) amendment No. 3109 (to amendment No. 3958), to provide for certain public-private competition requirements.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, the distinguished chairman, Senator LEVIN, and I are prepared to go forward with any amendments. We are anxious to have Members bring those amendments to the floor.

At this time, I see one of my colleagues seeking recognition.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the late Arthur Helton, perhaps our country's greatest advocate for the rights of refugees, wrote:

> Refugees matter . . . for a wide variety of reasons. . . . Refugees are a product of humanity's worst instincts, the willingness of some persons to oppress others, as well as some of its best instincts, the willingness of many to assist and protect the helpless. . . .

A year after he wrote those words, Arthur Helton was killed in Baghdad in 2003 when a bomb destroyed the U.N. headquarters in Iraq. His words still resonate today, especially when we consider the immense human cost of the war in Iraq and its tragic effect on the millions of Iraqis—men, women, and children—who have fled their homes, their country, to escape the violence of a nation at war with itself.

These brave and heroic Iraqis work with the American military, staff our embassy, and work with American organizations to support our mission in Iraq. They are among the 4 million Iraqi refugees who have been forced from their homes. They are the people we have an obligation to help.

Instead of protection, we have offered them bureaucracy and doublespeak, false words and dubious hopes. Despite the overwhelming need, the U.S. has resettled less than 2,000 Iraqis this fiscal year. Last night, the Senate acted and stood up to help Iraqi refugees.

I thank Senator LEVIN and Senator MCCAIN for adopting our amendment, the Refugee Crisis in Iraq Act of 2007. I thank Senator WARNER as well. This was cosponsored by a bipartisan group of Senators: Senators SMITH, LEVIN, HAGEL, BIDEN, BROWNBACK, LIEBERMAN, LEAHY, SNOWE, DURBIN, VOINOVICH, FEINSTEIN, COLLINS, OBAMA, DOLE, MENENDEZ, MIKULSKI, and CLINTON.

The need is especially urgent for those whose work for the United States has put them in danger. Because they supported us, insurgents have repeatedly threatened to kill them. Many have lost their homes, their property, their livelihoods. They face ongoing threats every single day. Some have fled the country and are waiting in refugee camps, and others are in hiding. All of them hope the United States will not forget their sacrifices.

Still others have tried to flee, only to be stopped at the border, trapped in a country that cannot protect them, abandoned by a country, our country, that they believed would set them free. Others continue their work, living in fear of the day that the insurgents punish them for working for Americans. They are women such as Sarah, whose husband worked as an interpreter for the coalition forces in a combat hospital. Although he kept his job secret, insurgents discovered his identity. They broke into his family home, kidnapped her and released her only after torturing and raping her.

The family fled to a neighboring country where they have waited for almost a year in the hopes of qualifying for refugee status. Sarah's husband has been forced to return to Iraq. Each day that passes without assistance brings the rest of the family closer to an involuntary return to Iraq.

She wrote: Dear gentlemen: I put my suffering between your hands as my hope in you is great that you will hear our calling.

And there are men such as Sami who worked for USAID. He received several death threats, one in the form of a blood-soaked bullet sealed in an envelope. Sami pressed on, despite the threats, in order to help improve local governments and strengthen civil society.

In June 2006, a group of men armed with machine guns attempted to kidnap his pregnant wife and 2-year-old son outside their home. The attack was thwarted, but his wife nearly miscarried and his son suffered prolonged shock. Sami and his family fled to Jordan where they live day to day waiting for the labyrinthine process to rule on their refugee case. Our Government owes these Iraqis an immense debt of gratitude. Many American employees owe their lives to those Iraqis.

Despite the clear and present danger many Iraqis face based on their ties to the United States, their religious affiliation, or their work with media, nongovernmental and humanitarian organizations, the vast majority of Iraqi refugees must go through a long and complicated referral process of approximately 8 to 10 months, in which the United Nations serves as an intermediary. There are no provisions for conducting refugee screenings within Iraq as there should be.

In a recent cable, Ambassador Crocker asked the administration to reconsider its practices. He estimates that under the current practices it would take more than 2 years to process the over 10,000 referrals made by the United Nations. As Ambassador Crocker noted:

> Clearly, this is too long. Refugees who have fled Iraq continue to be a vulnerable population while living in Jordan and Syria.

Ambassador Crocker asked for the authority to process refugees in Iraq. He asked for the authority to provide special immigrant visas for those who have worked in good faith with our Government in Iraq. He asked to expedite the processing of refugee claims to save lives. Surely, we can all agree with Ambassador Crocker that delay is unacceptable. But we must clearly do better by these Iraqis who have sacrificed so much for the United States.

The amendment approved by the Senate last night will cut through the redtape. It requires the Secretary of State to establish a refugee processing program in Iraq and in countries in the region for Iraqis threatened because of their association with the U.S. Government.

Those Iraqis who worked with our Government will be able to apply directly to the United States in Iraq, rather than going through the United Nations referral system outside Iraq. It authorizes 5,000 special immigrant visas yearly for 5 years for Iraqis who have worked for the U.S. Government in Iraq and are threatened as a result. It also allows Iraqis in the United States who have been denied asylum because conditions in Iraq changed after Saddam Hussein's government fell to have cases reheard.

Surely, we cannot resettle all of Iraq's refugees in the United States, but we need to do our part. America has a special obligation to keep faith with the Iraqis who now have a bull's eye on their back because of their association with our Government.

I had the honor of meeting SGT Joseph Seemiller, a young man who is haunted by the military motto: Leave no man behind. Sergeant Seemiller is dedicated to helping the translator he was forced to leave behind in Iraq. On countless occasions, his translator helped to avoid several American and Iraqi casualties. He braved innumerable death threats and the horrific murder of his brother, finally fleeing to Syria where he has waited for more than 2 years for a chance to be resettled in the United States.

Those words haunt us all. I am delighted the Senate has taken this important step to honor our commitment to the brave men and women whose lives are at risk.

Mr. LEVIN. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. LEVIN. I commend Senator KENNEDY on his leadership on the issue he has been talking about. We have a great responsibility, particularly to those people in Iraq who have helped us—translators, truck drivers, people who put their lives and the lives of their families on the line to help us. Whether you agree with American policy in Iraq—and I don't—whether you feel we ought to have gone there—I thought it was a mistake and so voted—we are there. People are putting their lives on the line to help our troops and us. We surely owe them an opportunity to become refugees if they otherwise qualify. Instead they run into the hurdles, barricades, and bureaucracy Senator KENNEDY talked about. He has taken a very important lead on that issue. There has been a lot of bipartisan support on this effort.

There is another group I have been particularly worried about; they are religious minorities in Iraq, including Caldeans and Assyrians. These are Christians caught in the crossfire. That group is also given a special preference in this legislation which was adopted last night. It is a modest beginning toward carrying out our responsibility—and we bear some real responsibility as well as obligation—for some of these folks. It is a very small step. I wish to say Senator KENNEDY has been relentless on this refugee issue. It was off the radar. Millions of people displaced inside Iraq, 2 million people outside Iraq who are refugees, 4 million Iraqis left their homes, half to other places in Iraq, half, roughly, to other countries in the region. These groups are so vulnerable. We must take action on it. We did last night. I thank and commend Senator KENNEDY and Senator BROWNBACK, who has been working with me particularly on these religious refugees, these minorities, and, of course, Senator WARNER and the Republicans who worked to put this package together last night—all are entitled to our thanks but mainly Senator KENNEDY.

Mr. WARNER. Mr. President, if I might add, on our most recent trip visiting Iraq, you went out of your way—as a matter of fact, I joined you—in not only meeting with representatives of these Christian minorities who had been persecuted through the years, but then we included a trip into Jordan, where we also made some assessment of the refugee situation over there. I think some credit goes to our chairman for his personal initiatives.

Mr. LEVIN. I thank the Senator. Of course, as my partner on these trips, the Senator from Virginia was a very important part of that and added his prestige to the effort. I thank him for mentioning it but also for his participation.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know we wouldn't be able to have made progress unless we had the strong support of both the chairman and ranking member of the Armed Services Committee. I am very grateful to them. This has been a strong bipartisan effort. It is important. We want to work with the Department and the agencies to make sure it is implemented correctly. I am appreciative of their continuing involvement in caring about these individuals. You could hear both of them speak about this measure and know they are involved, and they care very deeply about our responsibilities. We are enormously grateful to them for including this in the legislation.

AMENDMENT NO. 3058

I wanted to address the Senate for a few minutes on the underlying and pending amendment. At this critical time, when we face major challenges in our national security, America relies more than ever on the Department of Defense and its dedicated employees at home and abroad. More than 675,000 civilian workers serve our country every day repairing planes, ships, tanks or overseeing the storage and distribution of vital weapons and supplies. These hard-working Americans are the backbone of our commitment to keep our troops safe and protect our Nation. But these vital civilian employees of the Department of Defense have been under sustained attack from the Bush administration. Instead of honoring and fairly rewarding their patriotic service, the administration has gone on a binge of outsourcing, forcing Federal workers to fight to keep their jobs in a competition where the deck is stacked against them.

The Department of Defense has been an aggressive accomplice to the administration's effort. More than 121,000 civilian Defense employees could lose their jobs in the next 3 years. In fact, these employees are more likely to lose their jobs than employees of any other Federal agencies. Ill-advised outsourcing has not only hurt the DOD employees who are deprived of their jobs and benefits; it also has a massive impact on our brave men and women in uniform. Our Armed Forces deserve the very best workers supporting them. They also deserve the opportunity to continue serving their country after they come home from the battlefield. Thirty-five percent of civilian Defense employees are veterans. These loyal Americans deserve to be commended and cheered for choosing to continue to serve their country when they return home. Yet the administration is bent on taking their opportunity away from them, and from Americans currently serving overseas as well, by outsourcing their jobs.

At the very least, we owe these patriotic Americans a fair chance to compete for important work. But the administration's irresponsible outsourcing rules are heavily biased against Federal employees. The point, it is insidious. The rules are different for contractors than for Federal workers. Private companies get advantages that dedicated Federal workers do not. The current system is designed to promote outsourcing, even when it doesn't save money. One of the most appalling roadblocks preventing fair competition is the unjust advantage contractors gain by shortchanging workers' health and retirement benefits. At a time when 47 million Americans don't have health insurance and only one in five Americans has a secure retirement plan, we should be doing all we can to encourage more companies to provide fair benefits to their employees. But current Federal contracting rules actually discourage private companies from providing health coverage or helping employees to save for retirement.

Firms that provide no benefits or inadequate benefits win bids to perform Government work, even when the cost savings from their bid are attributed solely to the fact that they are shortchanging workers. We understand that. These veterans have served in the Armed Forces. They come back, are working in the Defense Department. More than a third of all workers have served, been in the military, served our country. Now they are working. Because they are working for the Defense Department, they get health insurance and some retirement benefits. Now a contractor comes in and says they want to bid for a particular job. In the bidding process, the Government has to add the cost of retirement and their health insurance, while the private contractor provides no health insurance and no security for these workers in terms of pensions. They have some obvious advantage in what is now a rush to the bottom, constantly outsourcing and winning contracts.

This is unfair. Our amendment, spoken to brilliantly last evening by Senator MIKULSKI, says, let's exclude those and have real competition. Let's take the fact that they have health insurance and have retirement benefits off. Let them compete and have real competition for this work. We know in circumstances where they have that real competition, these workers will win the jobs.

The unfair practice creates a dangerous race to the bottom in which the private sector companies compete against each other to see who can provide the fewest benefits to their workers. It penalizes companies that want to do the right thing. As a result, the bidding process is actually increasing the number of Americans whose health and future security are in jeopardy. That is irrational and unconscionable. It is patently unfair to the thousands of Federal employees who lose their jobs every year because of irresponsible contractors. Workers should not be unfairly disadvantaged and lose contracts simply because they receive decent benefits. Each and every Member of Congress has good health insurance. Each and every Member of Congress has a secure retirement. Americans who serve our country in the Defense Department deserve the same.

One of the key protections in the fair competition amendment corrects this injustice. It prevents contractors from winning bids to perform Government contracts solely because they provide inadequate benefits or no benefits at all. The Department is instructed not to consider health care and retirement costs in comparing contract bids. The winners of competition should be employers who operate more efficiently, not employers who provide the fewest benefits. The amendment does not dictate the benefits that employers must provide. It does not state the benefits employers have to provide or require contractors to modify their existing benefits. All it does is eliminate the perverse incentive that discourages contractors from providing fair benefits and give Federal employees a fair chance to prove they are the best workers for the job.

It is a realistic solution to improve the process of public-private competition, and it has bipartisan support. The health care provisions have been a part of the appropriations legislation for years and a bipartisan Kennedy-Hatch amendment, providing the same treatment for retirement costs, was accepted on the Defense appropriations bill last year. Members on both sides of the aisle recognized it is not good policy for the Government to shift work from the public sector employees to private sector employees solely because it is cheaper to deny health and retirement benefits to employees. The fair competition amendment contains other important protections to level the playing field for civilian Defense employees in public-private competition. It allows Federal employees to appeal unfair privatization decisions, as contractors can do now. We are making sure those employees have the right to appeal. It allows managers to extend a contract when Federal employees perform well, as they can for private contractors under law. It prohibits the use of outsourcing quotas so agencies aren't forced to such privatization against their will. It ensures that outsourcing will occur only when it produces real savings to taxpayers. Shouldn't that be the criteria? Shouldn't that be the test, real savings, quality work for the taxpayers?

It calls on the Department of Defense to stop dragging its feet and issue long overdue guidelines so civilian employees have a fair opportunity to compete for new work or work that has been outsourced incorrectly or unfairly in the past. This amendment is about fairness. Americans understand fairness—fairness to the taxpayer, fairness to civilians, fairness to Government workers, fairness to our men and women in uniform who deserve the very best possible support for their missions at home and abroad.

I urge my colleagues to support the fair competition amendment.

I will take a moment to demonstrate what the challenge has been. Competition: in 2004, 10 percent of the jobs were lost; 29 percent in 2005. This is the projection for 2006 and 2007. It is a real crisis for many workers. This says thousands of veterans could lose their jobs under the Bush outsourcing rules. Thirty-four percent of civilian Defense employees are veterans. Our amendment ensures that these 226,000 dedicated Americans who have served our country will not lose their jobs because of unfair outsourcing. That is what this amendment is basically about. This is the issue. We are looking at fairness—fairness for the taxpayer, fairness to those who have served our country as men and women in uniform and now are serving in the Defense Department, fairness to them, fairness to the civilian employees, and, most of all, fairness to the men and women in the services who deserve to have the best trained, highly skilled, highly motivated workers working on the various products that are necessary to keep our Nation secure.

They deserve the best. We want the best. This decision ought to be based upon the best and not about who can provide the least health benefits to workers in this country. That is the issue. The issue is fairness. Hopefully, this amendment will be accepted.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, Senator REED and I have talked with our colleague Senator SANDERS. He has two very laudable amendments. It is our hope we can work through these amendments, but they do relate to the responsibilities of other committees of the Senate, primarily the Veterans' Affairs Committee and the Appropriations Committee.

I think we have agreed that our distinguished colleague from Vermont would have an opportunity this morning to discuss these amendments to make a case in the CONGRESSIONAL RECORD for use by many on Monday as we further assess the amendments should they actually be brought up before the body and acted upon. I would ask Senator REED if that is a fair appraisal of the situation?

Mr. REED. Yes, it is.

Mr. WARNER. Is that agreeable to the Senator from Vermont?

Mr. SANDERS. Yes, it is. I thank the Senator very much.

Mr. WARNER. So the status on the floor is the Defense bill is pending and there is an amendment at this time, and there is no request at this time to set aside that pending amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

AMENDMENT NO. 3082

Mr. SANDERS. Mr. President, let me thank Senator WARNER very much for his consideration, and Senator REED, Senator LEVIN, and Senator McCAIN. I ask unanimous consent that the pending amendment be set aside, and that the Sanders-Byrd-Burr-Bond-Webb-Feingold amendment No. 3082 at the desk, and later the Sununu-Kerry-Brown amendment at the desk, No. 2905, be called up.

Mr. REED. Mr. President, could I make a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. I think the Senator from Virginia suggested that the amendment is pending, so that the Senator from Vermont would not be requesting to set it aside; he just wants to speak to his amendments.

Mr. SANDERS. That is correct.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me begin by discussing amendment No. 3082. I appreciate the opportunity, and I look forward to working with Senator WARNER and others early next week on this issue.

The amendment I am offering, along with my colleagues Senators BYRD, BOND, BURR, FEINGOLD, and WEBB, would authorize $15 million in funding for gulf war illnesses within the Department of Defense's congressionally directed medical research programs. These funds would go to a peer-reviewed research program open to researchers inside and outside of Government, focusing on the chronic effects of neurotoxic exposures, body functions underlying the illnesses, and the identification of treatments. This funding level matches the funding level that is included in the Defense appropriations bill passed out of the committee a few weeks ago.

This research is done by the Congressionally Directed Medical Research Programs, which is a research organization focused on finding and funding the best research to eradicate diseases to protect the health of current, future, and former members of the Armed Forces, while also benefiting the overall health of the American public. Importantly, a few days ago, as a member of the Senate Veterans' Affairs Committee, I can tell my colleagues that we had a very interesting hearing where we heard from the colonel at the DOD who runs this program using the $5 million appropriated by Congress last year to them, and the colonel described what has been happening. She reported to us that there was a great deal of interest in the initial solicitation for research proposals. They received 80 proposals. They recently granted $4.4 million to nine researchers from prestigious academic institutions across the country to find treatments for gulf war illnesses.

The truth is, this is an issue that I and many others in Congress have been working on for many years. The reality is that in the first gulf war, as a result of service in the first gulf war, we have today well over 100,000 soldiers who are suffering—veterans who are suffering from a myriad of illnesses which we call gulf war illness. Some of these illnesses reflect themselves as fibromyalgia. Some people have headaches. Some people have short-term memory loss. Some people have gastrointestinal problems. We heard testimony from a young woman whose life, as a result of her service in the gulf, has been radically changed and her health has significantly deteriorated. There is a great deal of evidence that many of the children born to those men and women who served in the gulf, including this particular woman, were born with significant problems and disabilities.

I would be less than honest if I did not say that substantial sums of money went to the DOD and the VA—and believe me, as a member of the Government Reform Committee in the House, I spent dozens of hours—dozens of hours—along with Representative CHRIS SHAYS of Connecticut listening to testimony. I have to tell my colleagues that from many people in the veterans organizations, there was extreme frustration with the actions of the VA and the DOD; that, in the very beginning of this process, refused to even recognize the problem, and then what they said is: Well, maybe it is a psychological problem. There was a widespread feeling that the VA and the DOD were not responding to the real problems impacting tens and tens of thousands of our soldiers who returned.

We have an obligation. Obviously, right now, all kinds of attention is being paid, appropriately enough, to our soldiers who come home from Iraq, who come home from Afghanistan. We are worried about TBI, traumatic brain injury; we are worried about post-traumatic stress disorder, and we should be. But we cannot in good conscience turn our backs on the tens and tens of thousands of soldiers who today are suffering from their service in the first gulf war. They are hurting.

The good news is there is now a line of research being developed through the DOD organization that I mentioned before, and that is the Congressionally Directed Medical Research Program that is beginning to have some results. Without going into great medical and scientific analysis, what they are beginning to find is that as a result of the extremely toxic theater that existed in the gulf war, including burning oil wells, bromide given as an anti-nerve gas agent, DEET being used to protect soldiers from mosquitoes, and of course the saran released into the air, what researchers are now beginning to find is that there appears to be brain damage that is the cause of some of the symptoms our soldiers are seeing, and we are beginning to see more, very promising research in this area.

My concern is if you talk to the veterans of the gulf war, they will tell you that there is a very high level of frustration about the huge amounts of money being spent by people who didn't even acknowledge or appreciate the pain our soldiers were experiencing. So what this amendment does is focuses research into those areas where we are already seeing some significant progress. That is what this amendment is about. I look forward to discussing this issue further with the members of the relevant committees when we return next week. That is one of the amendments we are working on.

AMENDMENT NO. 2905

The other amendment is amendment No. 2905, which deals with a very immediate crisis. The former amendment deals with what happened 16 years ago. This is an amendment dealing with the problem we are seeing today. I don't have to tell anyone in this body that the studies are very clear that we are likely to see a record-breaking level of post-traumatic stress disorder coming from service in the theater in Iraq. It appears at this point, based on several studies I have read, that the numbers will be a lot higher than Vietnam, and God only knows that Vietnam was high enough. I think the evidence is pretty clear that we did not do a good job in addressing the post-traumatic stress disorder of those soldiers who came home from Vietnam.

Now, what this amendment does is it would create a $30 million pilot project—and I should indicate this amendment is supported by Mr. SUNUNU of New Hampshire, Mr. KERRY of Massachusetts, and Mr. BROWN of Ohio, the sitting Presiding Officer. It builds on a program, a small program we developed in the State of Vermont. Here is what the issue is.

We can put zillions of dollars into research and into treatment for PTSD, but it will only do a limited amount of good if we don't bring those soldiers who are hurting into the facilities and into the counseling for them and their families that could provide help. I can tell you that in a rural State such as Vermont, where you have people from the National Guard who do not have the active-duty military infrastructure, a lot of these men and women will come home from Iraq, they will return to their small towns, and they will be hurting, their kids will be hurting, their wives will be hurting, and they are not going to stand up and say: You know what. I am having nightmares or when I go through a tunnel, I am having a panic attack.

That is not what they are going to do. They are going to sit home and suffer and not know how to reach out for counseling. Some of them will be embarrassed; that is part of the problem.

The history of the VA and the DOD is not good in knocking on doors and reaching out. What we have done in Vermont, working with the National Guard, in cooperation with the VA, is we established what we call a door-knocking program where we have men and women who have served in Iraq who are going into our communities and knocking on doors, sitting down and having a cup of coffee, talking to the families, asking them how things are going. The conversation might be: My husband hasn't been able to sleep. Oh, really. And they have that discussion. It is reaching out. The problem they may be having is a problem that may be experienced by tens of thousands of other people who went to Iraq. That is what this program is about.

Some people say the VA has done a good job historically in outreach, but I don't believe that. I offered an amendment when I was in the House to counteract a rule that said the VA cannot do any outreach at all. So we have a major problem called post-traumatic stress disorder. Part of the problem is people are not going to stand up and say: I am hurting, how can I get help? I think the answer, to some degree, is to have people who served in Iraq knock on doors, and maybe they are dressed in blue jeans, maybe they are not, but to come in an unofficial and informal way, sit down, have a cup of coffee, and try to assess what is going on.

I appreciate the support of the Presiding Officer for this amendment, as well as others in the Senate. It is a very important amendment. I believe we owe it to our soldiers. I look forward to continuing this discussion early next week with my colleagues.

With that, I yield the floor.

Mr. LEVIN. Mr. President, let me just, first, thank the Senator from Vermont for his willingness to work over the next couple of days to see if we can figure out a way to address the issues, which are very important issues, that his amendments incorporate. I commend him also on his extraordinary commitment to the veterans of both wars—the ones we don't reach, as well as the ones we know about.

We are going to work with him over the next couple days to see if there is a way to work these amendments out. I appreciate his willingness to hold off offering them.

Mr. SANDERS. Mr. President, I thank the Senator from Michigan. I know his heart is in the right place. He will agree that we can spend zillions of dollars, but it doesn't do any good if it doesn't reach the people we want to reach. And we cannot turn our backs on people who fought in another war which is not in the newspaper today.

Mr. LEVIN. The American people are divided on the war, but they are not divided on supporting our troops and our veterans who fought in former wars. This unites the American people. I commend the Senator for that feeling and the strong identity he has with the men and women who have represented this country and put their lives on the line and are now hurting.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, can we determine from the Presiding Officer the pending matters? Are we in morning business?

The ACTING PRESIDENT pro tempore. No. The Senate is debating the bill, H.R. 1585. Pending is the Kennedy amendment.

UNANIMOUS CONSENT AGREEMENT—H.R. 2640

Mr. LEVIN. Mr. President, on behalf of Senators LEAHY and SCHUMER, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2640 and that the Senate proceed to its immediate consideration; further, I ask that a Leahy-Schumer substitute amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Mr President, I object on behalf of Senator COBURN, who was unable to be here today. I understand he has spoken to the colleagues enumerated in this request and they are aware of the basis for his objection. So, for the moment, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise today to express my support for the fair competition amendment proposed by my colleague from Massachusetts, Senator KENNEDY, to H.R. 1585, the Defense Department authorization bill.

This amendment would minimize the harmful effects that the current A-76 process for outsourcing federal functions to private contractors has on Federal workers. It will do this by leveling the playing field between Federal workers and private contractors by removing several unfair advantages that contractors currently have in the process. I want to highlight just two of the important improvements that the amendment would make to the A-76 process.

First, this amendment would take away the competitive advantage that contractors currently have if they deny their employees health and retirement benefits. I have fought to improve and protect federal workers' benefits as the chairman of the Federal Workforce Subcommittee. At a time when more and more Americans have no health insurance, it is simply wrong to give private contractors an advantage in winning work done by DOD employees by denying their workers the health benefits that Congress has guaranteed to Federal employees.

Also, this amendment would give employees the same right to protest unfair contract awards under the A-76 process that private contractors already have. The current situation makes no sense. Private contractors were given the right to protest contracting decisions in the Competition in Contracting Act of 1984, a law that was written for competitions between private contractors. The same protest right was never extended to Federal workers who compete against private contractors under the A-76 process. Basic fairness dictates that if one party can protest the results of a contest, both sides should be able to.

I believe this amendment introduces a more appropriate level of caution into the process for outsourcing Federal jobs. Caution is especially important for jobs related to national defense and security. The recent events involving Blackwater as a contract security provider in Iraq remind us how difficult it can be to hold outside contractors accountable. The Federal Government over time has been a model for fair and equal employment practices, and in turn Federal workers have shown strong loyalty, courage, and dedication to serving their country. When we award jobs that are currently done by Federal workers to private contractors, we limit our ability to demand a high level of accountability and fairness from the private companies that win the contracts, nor can we expect the same level of dedication from their employees.

When used properly on a limited basis, the A-76 process can improve Government efficiency by injecting competition into certain Federal functions that mirror activities performed by the private sector. However, the results of A-76 competitions suggest that there is limited economic value to the process. Federal employees do their jobs more efficiently than private contractors in most cases. Federal employees win 80 percent of the competitions under the A-76 process despite advantages given to private contractors. These positive results do not justify keeping the advantages granted to the private sector. Leveling the playing field will do more than make A-76 competitions objectively fairer. It can undo the harm to Federal employee morale that is caused by forcing them to compete for their jobs within a system that is rigged against them.

At a time when the Federal Government faces tremendous challenges in hiring and retaining talented workers, it is important that we act to address the harmful effects that the current A-76 process has on the Federal workforce. That is what the fair competition amendment would do, and I urge my colleagues to support it.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar nominations Nos. 317 through 330 and all nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Kevin P. Chilton, 6603

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ted F. Bowlds, 8694

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas G. Miller, 3543

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. William E. Ward, 9000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David N. Blackledge, 1316

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Keith D. Jones, 6195

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S. C., section 12203:

To be major general

Brig. Gen. Christopher A. Ingram, 5053

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Oliver J. Mason, Jr., 0213

IN THE MARINE CORPS

The following named officer for appointment to the grade of general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. James N. Mattis, 7981

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Mark P. Fitzgerald, 2694

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Carl V. Mauney, 8015

The following named officer for appointment as Chief of Naval Operations, United States Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

To be admiral

Adm. Gary Roughead, 6126

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Jonathan W. Greenert, 8869

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Lawrence S. Rice, 7901

IN THE AIR FORCE

PN798 AIR FORCE nomination (41) beginning LAURA E. BARNES, and ending KEVIN L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN799 AIR FORCE nominations (70) beginning DANA M. ADAMS, and ending MONICA L. WHEATON, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN833 AIR FORCE nomination of William H. Sneeder Jr., which was received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN881 AIR FORCE nomination of Frank W. Shagets, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN882 AIR FORCE nominations (2) beginning MARK W. DUFF, and ending ANDREW STOY, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN923 AIR FORCE nomination of John M. Alden Jr., which was received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN949 AIR FORCE nomination of Frederick M. Abruzzo, which was received by the Senate and appeared in the Congressional Record of September 18, 2007.

PN950 AIR FORCE nominations (4) beginning WILLIAM W. DODSON, and ending JOHN R. SHAW, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2007.

PN951 AIR FORCE nominations (3) beginning THOMAS E. MARCHIONDO, and ending KYUNG L. BOEN, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2007.

PN952 AIR FORCE nominations (83) beginning DAVID W. ASHLEY, and ending MARC D. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2007.

IN THE ARMY

PN834 ARMY nominatio of Dwayne S. Tupper, which was received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN835 ARMY nomination of Suzanne R. Todd, which was received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN836 ARMY nomination of Ralph C. Beaton, which was received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN837 ARMY nomination of Kristen M. Bauer, which was received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN838 ARMY nomination of Jose M. Torres, which was received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN839 ARMY nominations (20) beginning RICHARD D. ARES, and ending YVETTE WOODS, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN840 ARMY nominations (12) beginning KENNETH E. DESPAIN, and ending THOMAS J. STEINBACH, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN841 ARMY nominations (77) beginning MARVELLA BAILEY, and ending GAYLA W. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN842 ARMY nominations (118) beginning CARA M. ALEXANDER, and ending D060835, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN883 ARMY nomination of Shirley Haynes, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN884 ARMY nomination of Adam R. Liberman, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN885 ARMY nominations (3) beginning JOSEPH W. BROWN, and ending CYNTHIA D. SANCHEZ, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN886 ARMY nomination of Pamela J. Meyers, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN887 ARMY nomination of Jerry D. Michel, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN888 ARMY nominations (3) beginning ANTONIO MARINEZLUENGO, and ending THOMAS R. ROESEL, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN889 ARMY nominations (2) beginning DANIEL L. DUCKER, and ending PAUL J. WATKINS, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN890 ARMY nomination of Scott T. Krawczyk, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN891 ARMY nomination of Roland D. Aut, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN892 ARMY nomination of Eileen G. McGonagle, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN893 ARMY nomination of Val L. Peterson, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN894 ARMY nomination of Jordan T. Jones, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN895 ARMY nomination of Martin E. Weisse, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN896 ARMY nominations (2) beginning JEFFREY L. ANDERSON, and ending DAVID S. LEE, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN897 ARMY nominations (2) beginning MICHAEL J. NORTON, and ending WILLIAM J. THOMAS JR., which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN898 ARMY nominations (2) beginning JOHN J. GARCIA, and ending KEITH E. KNOWLTON, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN899 ARMY nominations (2) beginning DANIEL C. DANAHER, and ending JESSE D. WADE, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN900 ARMY nominations (2) beginning TRACY R. NORRIS, and ending GARY B. TOOLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN924 ARMY nomination of David M. Ruffin, which was received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN925 ARMY nomination of Todd A Wichman, which was received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN926 ARMY nominations (431) beginning DONALD S. ABBOTTMCCUNE, and ending D070066, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN927 ARMY nominations (919) beginning MALIK A ABDULSHAKOOR, and ending D060714, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN928 ARMY nominations (505) beginning JESSE ABREU, and ending D060773, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN929 ARMY nominations (397) beginning HECTOR J. ACOSTAROBLES, and ending D060704, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN930 ARMY nominations (652) beginning ALBERT J. ABBADESSA, and ending D070028, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN931 ARMY nominations (412) beginning DAVID W. ALLEY, and ending X1966, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN953 ARMY nomination of Shawn D. Smith, which was received by the Senate and appeared in the Congressional Record of September 18, 2007.

PN954 ARMY nominations (2) beginning BRIAN D. ALLEN, and ending MICHAEL R. CONNERS, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2007.

IN THE COAST GUARD

PN878 COAST GUARD nomination of Thomas T Pequignot, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN946 COAST GUARD nominations (4) beginning JOSEPH E. VORBACH, and ending THOMAS W. DENUCCI, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2007.

PN947 COAST GUARD nominations (11) beginning JEFFREY G. ANDERSON, and ending Conrad W. Zvara, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2007.

PN948 COAST GUARD nominations (61) beginning Christopher D. Alexander, and ending Steven A. Weiden, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2007.

IN THE MARINE CORPS

PN901 MARINE CORPS nomination of Jon B. Livingston, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN903 MARINE CORPS nomination of Arthur E. Verdugo, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

IN THE NAVY

PN843 NAVY nomination of Ronnie M. Citro, which was received by the Senate and appeared in the Congressional Record of August 2, 2007.

PN846 NAVY nominations (3) beginning KATHLEEN M. BALDWIN, and ending TANYA D. LEHMANN, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN847 NAVY nominations (3) beginning MICHAEL L. FARMER, and ending THOMAS S. PRICE, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN848 NAVY nominations (13) beginning SUZANNA G. BRUGLER, and ending ERIK J. REYNOLDS, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN849 NAVY nominations (15) beginning ALDRITH L. BAKER, and ending ENNIS E. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN850 NAVY nominations (20) beginning VICTOR ALLENDE, and ending DARREN B. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN851 NAVY nominations (21) beginning ERIK E. ANDERSON, and ending WILLIAM WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN852 NAVY nominations (36) beginning LANE C. ASKEW, and ending RICHARD M. ZAMORA, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN853 NAVY nominations (43) beginning SHARON D. BARNES, and ending DEBORAH B. YUSKO, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN854 NAVY nominations (63) beginning JAY P. ALDEA, and ending ERIC D. WYATT, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN855 NAVY nominations (211) beginning DARYL G. ADAMSON and ending MICHAEL D. YELANJIAN, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN856 NAVY nominations (905) beginning JEFFREY J. ABBADINI, and ending RONALD W. ZITZMAN, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN857 NAVY nominations (21) beginning CHARLES R. ALLEN, and ending MICHAEL D. VANCAS, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2007.

PN904 NAVY nomination of Martin K. De Fant, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN905 NAVY nomination of Gregory E. Walters, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN932 NAVY nominations (42) beginning BRETT T. BOWLIN, and ending JEANINE B. WOMBLE, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN933 NAVY nominations (274) beginning RUBEN D. ACOSTA, and ending LUKE A. ZABROCKI, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN934 NAVY nominations (136) beginning PAUL H. ABBOTT, and ending CAROL B. ZWIEBACH, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN935 NAVY nominations (35) beginning RENE J. ALOV A, and ending JOYCE N. YANG, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN936 NAVY nominations (145) beginning MARK E. ALLEN, and ending GEORGINA L. ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN937 NAVY nominations (95) beginning DON N. ALLEN JR., and ending JEFFERY S. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN938 NAVY nominations (27) beginning CERINO O. BARGOLA, and ending TEDDY L. WILLIAMS JR., which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN939 NAVY nominations (57) beginning JAMES ALGER, and ending JASON N. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

PN940 NAVY nominations (10) beginning DOUGLAS E. BAKER, and ending SHEILA R. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2007.

Mr. LEVIN. Mr. President, let me quickly indicate that the three combatant commanders who have been nominated are part of this list. Admiral Roughead, who is nominated to be the Chief of Naval Operations, is also on this list. I point out, particularly with Senator WARNER on the floor but even if he was not on the floor, not only does he play an active role in moving these nominations very expeditiously—and this is as expeditious as any nomination could move. We had the hearings yesterday, I believe, and we had the markup last night and the nomination is on the floor today for these combatant commanders and CNO. Senator WARNER, with his particular history with the U.S. Navy, was keeping an especially keen eye on the nomination of Admiral Roughead. That doesn't diminish his interest in the others. As a former Secretary of the Navy, he had a very special personal interest in this nomination moving forward and avoiding any gap between the current CNO and the next CNO. There will not be a gap. That is in good measure because of Senator WARNER's very special interest in this matter.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague and longtime friend of 29 years, standing here together with the Defense bill. It was important in this case. On Monday, the current Chief of Naval Operations, a man of great distinction, Admiral Mullen, as we say in the Navy, lowered his flag as Chief of Naval Operations and becomes the Chairman of the Joint Chiefs of Staff.

I felt it imperative there not be a moment's gap in the Navy for the new Chief of Naval Operations, Admiral Roughead, who is in this group of nominations confirmed by the Senate, and that he be in position to assume the full responsibilities as soon as he is able to take the oath of office.

I thank my good friend. I thank him kindly for his personal mention. I have had a long association with the U.S. Navy. I have learned more from them than they have ever learned from me, beginning as a young sailor a half century ago. I feel a strong obligation toward all men and women in the Armed

Forces, as does my distinguished chairman, but there is something very special about the U.S. Navy. I was privileged for 5 years to serve as Under Secretary and Secretary many years ago. So there will not be a gap. I thank my chairman for making that possible and allowing me to go forward with this nomination.

Mr. LEVIN. Has the Chair ruled on the request?

The ACTING PRESIDENT pro tempore. Consent has been granted.

Mr. LEVIN. I thank Senator SALAZAR for his patience. We wanted to get these nominations completed.

Mr. WARNER. Has the Chair formally ruled on the nominations?

The ACTING PRESIDENT pro tempore. Yes.

Mr. WARNER. And the President will be so notified?

The ACTING PRESIDENT pro tempore. Yes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Madam President, I want to take this time to thank my good friends and managers of this bill, and leaders of the Armed Services Committee, Senator LEVIN and Senator WARNER, for moving forward and moving quickly with the nomination of Admiral Roughead.

I mention this because I knew Admiral Roughead personally as he served in the Pacific Command. I can recall how he was a great leader in the role of taking relief to the tsunami victims in the southeast Asia area of the Pacific while he was Deputy Commander of the U.S. Pacific Command. He was recently the Commander of the U.S. Pacific Fleet.

I had the great fortune to work with Admiral Roughead during his tenure as deputy commander, U.S. Pacific Command, and commander, U.S. Pacific Fleet and was consistently impressed by his skills as commanding officer, dedication to duty and commitment to protecting and defending our Nation.

Since his graduation from the U.S. Naval Academy in 1973, Admiral Roughead has served this country with absolute distinction in a variety of positions including most recently commander, U.S. Fleet Forces. In particular, I want to note the leadership and compassion Admiral Roughead, as deputy commander, U.S. Pacific Command, displayed during the United States Navy's participation in the international response to the destruction following the December 2004 tsunami in South and Southeast Asia. Similarly Admiral Roughead has demonstrated his deep understanding of the importance of honoring cultural diversity. In his capacity as representative of our U.S. naval forces, he has truly embodied the true spirit of aloha in his interactions with the many diverse communities in my home state of Hawaii.

I look forward to continuing to work with Admiral Roughead in his new capacity and I am pleased to support his confirmation as chief of Naval Operations.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to morning business, with the understanding that the remarks that are made in morning business that relate to the bill that is currently on the floor be placed at the appropriate place in the proceedings as part of the debate on the Defense authorization bill but that we now technically move to morning business, with Senators limited to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. LEVIN. I, again, thank Senator SALAZAR.

Mr. WARNER. If I might ask my colleague, I think it is the intention of the leadership that this bill—I believe it is in the order—will be brought up again on Monday, with the hope and expectation that we will complete the bill during the course of business on Monday.

Mr. LEVIN. The Senator is correct. I think the unanimous consent agreement actually provides that all votes remaining on this bill begin at approximately 5:30. That is the expectation. And we again thank everybody who was involved in working out that unanimous consent.

Mr. President, I ask unanimous consent that after Senator SALAZAR is recognized, Senator AKAKA be recognized at that point for his remarks in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, if I might add, earlier I had the opportunity, as did the chairman, to speak to Senator AKAKA. Admiral Roughead served with great distinction in an assignment in Hawaii and is personally known to the distinguished Senator from Hawaii, Mr. AKAKA.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 10 minutes.

Mr. SALAZAR. Mr. President, I come to the floor this morning to speak about the Department of Defense authorization bill, which is a very good bill that has been put together with the leadership of my good friend, Senator LEVIN and Senator WARNER, Senator McCAIN, and others, who have been involved in this legislation. I come to the floor to speak in support of this legislation, and I am certain when we get to Monday we will have a resounding adoption of this bill, which is so important to our men and women in uniform across the globe.

I will be supporting this legislation, but what will be missing from this legislation is legislation that crafts a new way forward in Iraq, a way forward that transitions our mission from one of combat, policing a sectarian civil war, to one which is a limited mission that I believe both Democrats and Republicans believe we should be able to attain in Iraq.

It is in that context that I was proud to have been one of the participants in crafting the legislation that would have implemented the recommendations of the Iraq Study Group. I thank the 17 cosponsors of that legislation for trying to help this body find a way out of the wilderness of Iraq and move forward with a bipartisan approach that would unite our Nation behind an effort that we ultimately agree must result in bringing our troops home from Iraq and maximizing the possibility for us to bring about some level of security in Iraq and defend the strategic interests of the United States in that region and around the world.

But it wasn't only the 17 sponsors we had on the legislation which Senator ALEXANDER and I crafted with the Iraq Study Group, there were also other efforts that were underway in this Chamber during the last week to try to figure out whether there was a common way forward. Senator LEVIN, Senator VOINOVICH, Senator NELSON, Senator COLLINS, and others were very involved in that effort, and it is not over. My hope is that as we move forward in debating what is the foreign policy and national security issue of our time that there may be a way in which we can unite the country in a common way forward.

Mr. WARNER. Mr. President, if the Senator will yield, I want to commend the Senator for the leadership he has taken in this area. I had the opportunity to work with the Senator. As a matter of fact, one of the amendments we jointly worked on eventually became law in the appropriations cycle that required Ambassador Crocker to come before the Senate, General Petraeus to come before the Senate, and the President to make a report to the Nation.

We also created the Jones Commission. All of these matters had the Senator's support all along, and I wish to say that the Senator has been absolutely tireless in his efforts to try to help the Senate do the necessary oversight on this situation.

While we have not, in this current legislation, specific things—the Senator from Michigan brought up an amendment which failed. It should not be looked at as a failure. The Senate is doing oversight. The Senate will continue every single day to give oversight on this situation. But we also have to be respectful to the Constitution, which delegates very carefully the responsibilities of the legislative branch, i.e. the Senate and the House of Representatives, and that of the President in his role as Commander in Chief, where specifically it is entrusted to the President to decide the strategy and the mission, and the Senate and the House are primarily responsible for the authorization and appropriation of funds.

But it does not relieve in any way the obligation of this body to watch what is taking place in Iraq, to give our best thought and counsel to the executive branch—namely, the President—to try to bring about an achievement of the basic goals of a free and sovereign and stable Iraq, which hopefully someday can join the other nations of the world, particularly as it relates to the ongoing war with those who are termed "terrorists," for lack of a better term, who are challenging our respective countries, whether it is the United States or other nations in the world.

So I just wanted to thank the Senator for his leadership. Senator SALAZAR has done a marvelous job.

Mr. SALAZAR. Mr. President, I thank my good friend from Virginia, and I will always remember my very first trip into that war-torn country of Iraq was a trip that was led by Senator WARNER and Senator LEVIN. It was the Levin-Warner codel that went into Iraq to try to learn more about what was happening in that country, to figure out a way in which we might be able to move forward.

The Senator from Virginia is correct. I think the debate in this Chamber and in this country has been helpful to bring about a better understanding and to deliver a message to the Iraqi people that we do not have an open-ended commitment. I was proud to have been a part of supporting the Senator from Virginia as we moved forward with the legislation that included the benchmarks that are now part of our national policy and that also required the General Accounting Office to report on those benchmarks and created the Jones Commission to give us an independent assessment of the security situation on the ground. So I think there has been progress that has been made.

But I would also respond to my good friend from Virginia, for whom I have the greatest amount of respect, that it is important this debate be one which we continue to have because it is the central foreign policy and national security issue of our time. Even though we all understand we live under a constitution which has divided the powers between three branches of Government, we all know from the jurisprudence of our past that the power of the President is, frankly, at its highest when, in fact, there is a relationship where he and the Congress agree on a way forward.

What we have seen over the last several years is a great division in this country in terms of where many of the members of the legislative branch of our Government is and where the President is. So I think our continuing efforts to try to find a way forward in a way that the Senator from Michigan, Mr. LEVIN, and others have been trying to do is something we should continue to do. I do not believe it is something that at this point in time we should give up on because this issue is too important. It is too important for the 170,000 men and women currently serving in Iraq. It is too important to their families in the United States. It is too important to the fiscal consequence this war is bringing upon the United States.

So I am hopeful the dialogue that has taken place in the Senate over the last week with different groups of Senators trying to find a common way forward ultimately will get us to success.

Mr. WARNER. Mr. President, I assure my colleague that I fully anticipate we will have further debates on the very issues that have been of concern to my colleague from Colorado during the Defense appropriations bill, which we will be following up with at the conclusion of work on this bill.

But I point out that it has not all been lost. I will give the Senator specific examples. A number of us have indicated a desire to have some of our troops brought home as early as possible, and the President initiated, after testimony by General Petraeus, the steps to start bringing our troops home, some elements of them, before Christmas. He laid out a program for reduction in forces with an objective to be at what we call a presurge force level by late next spring or very early next summer. So the voices in this Chamber are being heard.

I know personally that the President is quite anxious, more so than most, to bring our forces home, but only after achievement of the goals for which heavy sacrifices have been made. We are now crossing 3,800 who have been lost and many others wounded. We must be certain that great sacrifice was not in vain.

I thank the Chair, and I thank my colleague.

Mr. LEVIN. Will the Senator yield for a quick reaction?

Mr. SALAZAR. Absolutely.

Mr. LEVIN. There has been no one in this Chamber who has worked harder to try to bring enough Senators together to pass a resolution calling for a change of course in Iraq than Senator SALAZAR. He has been absolutely intrepid. There is not a day that goes by when he is not working with colleagues looking for a path forward where we can accomplish a change in course, where we could not only begin the transition to a new mission—which is out of a civil war, out of the middle of this sectarian conflict—but also where there is, at a minimum, a goal set for the completion of that transition to those more limited ambitions which would be supportive of Iraq, supportive of their army, but part of a change of policy which would force the Iraqis to finally take responsibility for their own country.

I just want to commend the Senator for his insistence. He has a theme, and it is the correct theme, which is that a bipartisan solution and resolution is absolutely critical in foreign policy, and particularly in war. There is no partisan position in war which is right for the Nation. It is always in the middle of a security conflict—as we are in the middle of now—where there has to be a bipartisan approach. The Senator from Colorado has pled for it, called for it, worked for it, and has asserted his vast energy to try to achieve it.

We haven't accomplished it—it being 60 votes. The rules of the Senate are that it takes 60 votes to adopt something like this, and the Iraq resolutions are operating under that rule, so we need to get the 60. It is not because of a lack of effort on the part of many of us, but surely Senator SALAZAR is at the head of that list. The Senator from Colorado has put forth such Herculean efforts to get to that mass of 60 who could agree on a formula that could represent those goals—to begin the reduction of our troops and the transition to the new missions, which are not in the middle of sectarian conflict but supportive missions—and to have a binding period under Levin-Reed, and then a goal under some permutation of Levin-Reed to accomplish that in 9 months.

So I wanted to add my thanks to those of the Senator from Virginia, who very appropriately interrupted the Senator from Colorado, and I join in that interruption to thank him and to agree that the Senator from Virginia has been very much a part of an effort in this Senate to move this process forward over the last few years. And I want to also add my thanks to those of the Senator from Colorado of my dear friend from Virginia because he has played an important role to the extent that we have been able to move this process forward. He has been in the middle of that movement.

It is not nearly enough from my perspective. We have obviously tried to get to Levin-Reed, which would change the course in Iraq, and we haven't done that yet. But we are going to keep plugging away because it is critically important that we succeed in Iraq and that we recognize that the only way we are going to succeed is if the Iraqi Government works out the political differences among them because there is no military solution. And the only hope of success is if the Iraqi leaders finally do what they promised to do a year ago, which is to work out their political differences.

If I could take one more minute of the Senator's time, there is a book out recently about President Bush. I am trying to remember the name of the author, who had great access to the President. In this book, in the appendix, there is a reference to the fact that I had previously told the President that I and many others had taken the message to the Iraqi leaders that they have to change, they have to work out their political differences; that the American people's patience has run out. The President was asked to refer to that and also to the debate on the Senate floor.

What was his reaction to these efforts to change course in Iraq and to tell the Iraqi leaders that it is their responsibility?

The President's response is interesting. He said, accurately, that when I told him this report, that a number of us go to Iraq repeatedly and tell the Iraqi leaders: You have lost the support of the American people. You guys better get your political act together because, folks, we are going to begin to reduce troops here. We can't save you from yourself—what was the President's response when I told him of that? He said:

> Thank you, Senator. Thank you for carrying that message to the Iraqi troops. They've got to hear that.

It was a positive response—not just to the message which many of us have carried, including the Senator from Virginia, the Senator from Colorado, and a dozen other Senators—but he thanked me and others for telling the Iraqi leaders what he, I think it is clear, would like to tell them himself.

(Ms. KLOBUCHAR assumed the Chair.)

Mr. WARNER. I remember being in the Cabinet room when that dialog took place.

Mr. LEVIN. And he confirmed it in this book.

Mr. WARNER. Interesting, but it is important we constantly reiterate the message there is no military solution. As you well know in all the hearings of the Armed Services Committee, every uniformed officer has told us that straightforwardly. They are carrying out their orders from the President, but they are reminding us, the Congress and others, there is no military solution. The solution has to come by reconciliation amongst the Iraqi people, and it is incumbent among the current leadership to exercise their sovereign rights to do so.

I think we have generously taken up the time of our colleague.

Mr. LEVIN. If I can take 10 more seconds, I thank the Presiding Officer, Senator KLOBUCHAR, for helping me out with the name of the author. It is Robert Draper.

Mr. SALAZAR. I thank my colleagues for the colloquy. I do think this debate has had an impact. I do remember well the conversations we had in the room with the President after we came back from Iraq. There was a conversation where the President said that our sending this message to the Iraqi people was a very important message, and certainly Senator LEVIN and Senator WARNER have been a part of making sure that message is, in fact, heard.

Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business. Senators are allowed to speak up to 10 minutes each.

Mr. SALAZAR. I ask unanimous consent that I be given 10 more minutes to conclude my remarks on the Iraq Study Group.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, echoing off the comments of my colleagues, I go back to the Iraq Study Group—some of the best that we have in America—and the vision they set out in their recommendations, after they spent a year, saying: We have this huge problem in Iraq. What is the best way that we move forward?

They came up with 79 recommendations on how we ought to move forward in Iraq. The heart of the recommendations is set forth in a letter that was sent as part of that report by Congressman Hamilton and former Secretary James Baker. What they said is this, and I quote from the report language that is also included in our legislation. It says:

> Our political leaders must build a bipartisan approach to bring a responsible conclusion to what is now a lengthy and costly war. Our country deserves a debate that prizes substance over rhetoric and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support.

It was in that vein that Democrats and Republicans came together to cosponsor the legislation on the implementation of the recommendations. I thank them for having stood up, in the sponsorship of the legislation. They include Senator MARK PRYOR from Arkansas, Senator BOB CASEY from Pennsylvania, Senator BLANCHE LINCOLN from Arkansas, Senator BILL NELSON from Florida, Senator MARY LANDRIEU from Louisiana, Senator CLAIRE MCCASKILL from Missouri, Senator KENT CONRAD from North Dakota, Senator TOM CARPER from Delaware. These are all good Senators who want to figure out a way forward in this issue that befuddles America today. But it wasn't just Democrats who came with us to say we have to find a new way forward in Iraq. There were Republicans who came forward and joined us. We saw Senator LAMAR ALEXANDER coming to the floor time and time again, wanting to fashion a new way forward. He was joined by Senator BOB BENNETT, Senator JUDD GREGG, Senator SUSAN COLLINS, Senator JOHN SUNUNU, Senator PETE DOMENICI, Senator ARLEN SPECTER, and Senator NORM COLEMAN. At the end of the day, there were 17 cosponsors for this legislation which only 10 months ago everybody would have come together and said this is the right way to go.

We remember those days before the Iraq Study Group recommendations came out last December when it was highly anticipated. The President even delayed a speech and his own set of recommendations until he heard from the Iraq Study Group. Most people said this is a very thoughtful and good way forward.

I wanted to come to the floor today and say a few things about the legislation. It is legislation which would have set forth a new state of law with respect to Iraq. Yes, we have had a tough time in the Congress, coming forward with legislation that can muster 60 votes in the Senate, so not much legislation has been passed with respect to creating a new direction for Iraq. Our legislation would have made it a statement of policy—which in essence is a statement of law. This is not a sense of the Senate, this is a statement of law. This would have been the law of the land with respect to the U.S. efforts concerning Iraq. I wish to review a few provisions of the legislation.

The first of those has to do with the sense of the Congress that we move forward with a major diplomatic surge in the region. That is a sense of Congress because, appropriately, that belongs with the President and with the State Department, in terms of what we have to do to reassert the international involvement to bring about a long-term solution to the problem we face in Iraq. Similar to most of my colleagues who traveled to Iraq in the last few years, I always wonder: Where are the neighbors? Why aren't they more involved in dealing with the issue that is so vitally important to the populations of all those in the Middle East? Where are they?

Some of them are sitting on their hands. Some of them who are not sitting on their hands are actually helping foment the violence we see in Iraq today, whether that is Iran or whether that is Syria. What we need to do is have a diplomatic surge to move forward to help bring the world together to find a solution that will work to bring about stability in Iraq. We set forth that as a sense of the Senate.

In addition to the sense of the Senate, which has some 24 measures, all of which were taken out of the Iraq Study Group recommendations, we also include the statements of law. Those are the statements of policy. The first and most important of those statements of policy is in section 5 of the legislation. That section says "it shall be"—"it shall be." Not it could be, not it might be, not it ought to be considered. It says: It shall be the policy of the United States to move forward to a changed mission—to a changed mission from one of combat to one of training, equipping, advising and providing support for security and military forces in Iraq and to support counterterrorism operations in the country of Iraq. So we do a mission change with this legislation.

Next, also the statement of law, we call for the strengthening of the U.S. military. I think there is a broad, bipartisan consensus that what has happened in the war in Iraq and in Afghanistan is that our military has been strained. Our military has been strained because of the humongous effort that has gone into prosecuting the war in those two places over the last 5½ years. So we, in our legislation, follow the recommendations of the Iraq Study Group, requiring the strengthening of the U.S. military.

Third, a statement of policy with respect to the police and criminal justice system in Iraq. On several of the codels I have taken to Iraq, one of the things that is absolutely phenomenal to me is that there is not a criminal justice system that today is working in Iraq. So the bad guys, when they are caught—what ends up happening to them? Are they prosecuted in the way that we would prosecute bad guys here in the United States of America? Is there a system of courts that is up and functioning? The police system, especially the national police in Iraq, is dysfunctional. It is infiltrated by members of the militias. Those are some of the findings of the GAO, as well as some of the findings in General Jones' recent report. So one of the things we require as a statement of policy is that the police and criminal justice system in Iraq be transformed.

Also in our legislation we required the statement of policy on the oil sector in Iraq. We know the Iraqis need to come up with a reformation of their law and with changes to their law that will require the equitable distribution of the oil resources in Iraq.

There are other measures here that are set forth in the legislation. One that I will refer to briefly has to do with conditions and the support of the United States in Iraq. This is section 11 of our legislation. In section 11 of our legislation we say: It shall be the policy of the United States to condition continued U.S. political, military and economic support for Iraq upon the demonstration by the Government of Iraq of sufficient political will and the making of substantial progress toward achieving the milestones that are described in that legislation. So the conditioning of the U.S. support for Iraq is based on them taking on the responsibility for achieving the milestones that were set forth in the Iraq Study Group's recommendation.

Those are major changes. I believe this legislation—although there is other legislation here that I have supported, including legislation that called for timelines with respect to the reduction of troops—this legislation also is very good and very substantive legislation.

Let me essentially sum up what this legislation would have done. The first thing it would have done is call for the mission change. I think more and more I hear a chorus rising in the Senate, in many of the pieces of legislation that we have seen, that it is time for us to change the mission from one of combat to one of assistance; from one of combat, where we are policing a sectarian civil war today, to one of training and equipping and counterterrorism within Iraq. That change of mission is something we ought to be able to accomplish in the Senate.

Second, the diplomatic surge. We know without the diplomatic surge we are not going to be able to succeed in Iraq. We know we need to have the neighborhood, the region, much more involved in trying to bring about stability in Iraq.

Third, the conditioning of the U.S. support on progress and on the milestones set forth there.

I think, regarding these broad agreements, we need to keep pressuring the Iraqis to move forward to adopt those, not only to adopt, implement the milestones and benchmarks they themselves came up with.

Let me conclude by saying this debate is not yet over. There are still groups, numbers of Senators, who are trying to figure out whether we can bring enough of a bipartisan way forward that will help us change the mission in Iraq. I look forward to working with both my Democratic and Republican colleagues, seeing whether we can in fact achieve that end.

At the end of the day, there is a lot at stake in this issue for all of us in America. When one thinks, first of all, about the fact that we are approaching 4,000 of our best, our bravest men and women who have died in this war in Iraq, and we know as a fact we have 30,000 American men and women in uniform who have been grievously injured in that nation; we know the fiscal consequence of this war is now $750 billion and rising—expectations now are that the war costs will be at $1 trillion—we as a Senate and Congress have a responsibility, in my view, to address this issue.

I hope, in the days ahead, as we address the Defense appropriations legislation, as well as the supplemental which the President has requested—additional money for the ongoing effort, the so-called bridge funding—that we can revisit this issue and see whether we can come together to try to forge a new way forward in Iraq.

I yield the floor.

AMERICA'S NORTHERN BORDER

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise today to shed light on a serious national security vulnerability facing our Nation, a dangerous gap in the United States-Canadian border. For the past 2 weeks, we have been debating the Department of Defense authorization bill, a bill that authorizes many of the programs that keep us safe from foreign terrorists on foreign soil.

What we have not been focused on in these 2 weeks is the threat that comes when people cross our own borders without inspection. In fact, I would argue we haven't been focusing on this problem enough this year. We haven't taken the steps necessary to keep our borders, particularly the northern border, safe.

That is simply unacceptable. It is no secret that today our immigration system is in shambles. To say our borders are not secure is an incredible understatement. Although most of my Republican colleagues would agree with me, they have failed to take comprehensive action. So our borders remain unsafe and insecure.

Securing our borders is a catchy political phrase, a sound bite guaranteed to get on the evening news. And 99 percent of the time, it is used in reference to our southern borders. Stories run with pictures of immigrants crossing the United States-Mexico border as politicians lament about the dangers these immigrants pose, those who would be gardeners, nannies, busboys, and maids.

It is as if no one remembers that this country has a northern border as well, a porous border that represents just as many problems and dangers. Today, I hope that will change. The Government Accountability Office has released a report detailing the vulnerabilities of our northern border, and people are starting to pay attention. MSNBC is even showing images of people carrying bags and boxes across the border without any inspection whatsoever.

I hope my colleagues are as attentive as the media is on this issue. Let me take a moment to read some of the Government Accountability Office's report.

It said:

> Our visits [referring to the GAO's investigations of the Northern border] show that Customs and Border Protection faces significant challenges in effectively monitoring the border and preventing undetected entry into

> the United States. Our work shows that a determined cross-border violator would likely be able to bring radioactive materials or other contraband undetected into the United States by crossing the United States-Canadian border at any of the locations we investigated.

Think about that for a moment. The Government Accountability Office is saying that terrorists are currently able to smuggle radiological, biological, or chemical weapons into our country without much difficulty. If this were to happen, our worst nightmare scenario would become a reality.

Millions could be killed from a single barbaric act. Right now, this very day, such an action is possible because of our lack of border security, our lack of northern border security.

Now, this report may be a recent release, but the vulnerabilities it revealed are old news. In July, during the debate over the Department of Homeland Security Appropriations bill, Senator SALAZAR and I introduced an amendment that was approved, compelling the President and the Secretary of Homeland Security to improve security at our northern border until they are able to certify that they have 100 percent operational control of the border.

We introduced this amendment because the Bush administration was not living up to the requirements of existing law. The law requires, requires—does not suggest, does not allow, it requires—that 20 percent of all new border agents be sent to the northern border. But the administration has flaunted that requirement. In fact, only 965 agents out of a total of 13,488 agents are stationed in the North—only 7 percent. And that is after the number of agents actually decreased by nearly 9 percent from fiscal year 2005 to 2006.

Such numbers are ludicrous when you consider that our northern border spans over 5,525 miles and is almost three times as large as the 1,993-mile southern border; almost three times as large, yet it is allocated an infinitesimal amount of our overall border security.

Some of my Republican colleagues will argue that the risk of terrorism is much greater from our border with Mexico than our border with Canada. But they would be flat wrong. History has proven that today. Let me recite some of it.

Over the last several years, nearly 69,000 individuals have been apprehended crossing the northern border. That is the tip of the iceberg as countless others have crossed the border illegally without apprehension because, notwithstanding the law, the administration has only got a handful of people up on the border that is almost three times as long as the southern border.

So we have no idea what the magnitude of this vulnerability is or what consequences will result from the administration's dereliction of duty. We know terrorists seek to exploit vulnerabilities. I created the first task force on homeland security when I was in the House of Representatives. I sat on the select committee that created the Department of Homeland Security. I was the chief Democratic negotiator for the first element of the 9/11 bill. I have spent a lot of time on this issue. The one thing we can be assured of is that terrorists don't continuously operate in the same way. They study, and seek to exploit, vulnerabilities. We know they study how our Nation works and where the holes in our security are. We can be sure they will seek out the easiest path of entry to the United States, and right now that path is through the northern border where it can be easy to avoid the mere 965 agents scattered along more than 5,500 miles.

Those agents are not all on duty at one time. They go through a rotational system. They have 8-hour shifts. That means only a third of those people are covering the northern border at any given time of day.

I remind my colleagues that in 1999, Ahmed Ressam, the millennium bomber, because he came at the time we were ready to turn to the year 2000, snuck in through the northern border to kill as many American citizens in cold blood as possible. Although we were able to stop Ahmed Ressam from carrying out his deadly plans, we do not appear to have learned any lessons from this near catastrophe. That incident should have been a wake-up call illustrating the vulnerabilities of our northern border and the dire need to remedy them. But instead we remain complacent, focusing the Senate and the Nation on a more politically attractive issue, our southern border. If I am a terrorist seeking to commit an act against the United States, I am going to go to the course of least resistance. If I have nearly 12,500 border agents at one border and 900 some odd in another border, what are my chances? Where am I better off, especially when that border is three times the size of the southern border? Where am I better off to try to cross to the United States and do harm?

We must never order our security priorities based on the political winds of the time. We must examine the evidence and analyze the risks and implement the strongest, most appropriate national defense strategy that ignores the unfounded, often bigoted fears that currently influence the debate. If you are concerned about terrorists, as we all should be, you should be concerned about the state of both of our borders.

I urge my colleagues to join with us in pressuring the administration to take its border security responsibilities more seriously and to send our resources out where we need them. Trying to secure our Nation by focusing on only one of two borders is a recipe for disaster. You either protect the entire country or you have protected none of it.

If my Republican colleagues do not join us soon to secure our northern border, then I question their motives in past debates on immigration. I wonder whether they are more concerned about the ethnicity of immigrants crossing the border than the threats they present. I hope this newly released GAO report will be a call to action for my colleagues from both sides of the aisle. I hope they will support efforts to secure our northern border and make our Nation more secure. This is too important an issue to allow partisan politics to play a role.

I will continue to fight to secure the northern border, the southern border, and all other points of entry, including those by water and by aviation. I hope my colleagues will join me. The Nation cannot afford anything less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UKRAINE PARLIAMENTARY ELECTIONS

Mr. LUGAR. Madam President, on September 30, the people of Ukraine will return to the ballot box to vote in critical parliamentary elections. I rise today to express my hope that Ukraine preserves and extends the tremendous accomplishments they have achieved in establishing a stable and representative government.

I was privileged to represent our country as President Bush's personal representative for the November 21, 2004, presidential runoff election in Ukraine. I was not an advocate of either candidate in the election. My focus was to stress free and fair election procedures that would strengthen worldwide respect for the legitimacy of the winning candidate.

The 2004 campaign for president in Ukraine had been marked by widespread political intimidation and failure to give equal coverage to candidates in the media. Physical intimidation of voters and illegal use of governmental administrative and legal authorities had been evident and persistent.

Unfortunately the situation worsened on the day of the runoff election. The government of then-President Kuchma allowed, or aided and abetted, wholesale fraud and abuse that changed the results of the election. It was clear that Prime Minister Yanukovich, a position that he again holds today, did not win the 2004 election despite erroneous election announcements and calls of congratulations from Moscow.

I joined thousands of election observers who were sent by the United States and European states through organizations such as the National Endowment for Democracy, the Organization for Security and Cooperation in Europe, and the European Network of Election Monitoring Organizations. Most importantly, more than 10,000 Ukrainian citizens were organized by the Committee of Voters of Ukraine to carefully observe individual polling stations. These observers outlined an extensive list of serious procedural violations.

Even in the face of these attempts to end any hope of a free and fair election, I was inspired by the courage of so many citizens of Ukraine demonstrating their passion for free expression and for a truly democratic Ukraine. As corrupt authorities tried to disrupt, frighten, and intimidate citizens, brave Ukrainians pushed back by continuing to do their best to keep the election on track and to prevent chaos.

The day after the runoff election, I told the international and local press and the people of Ukraine through a live television broadcast in Kyiv that President Kuchma had the responsibility and the opportunity to produce an outcome that was fair and responsible. I pointed out that he would enhance his legacy by prompt and decisive action that maximized worldwide confidence in the presidency of Ukraine and the extraordinary potential of that country.

That day, the people of Ukraine demanded change and the Orange Revolution was born. Tens of thousands of Ukrainians rallied and marched in Kyiv and other cities around the country. There commitment to democracy was heard loud and clear. The Central Election Commission that oversaw the flawed runoff election was fired. A new commission was appointed and a new election law was agreed to by all parties in an effort to eliminate fraud.

While the Orange Revolution had a few more twists and turns to navigate, on December 26, 2004, Ukraine's maturing democracy held free and fair elections. For the first time, Ukraine enjoyed the fruits of a true democratic process and elected a representative government. The people of Ukraine built upon their 2004 achievement by holding free and fair parliamentary elections in 2006. What made this accomplishment even more notable was that the 2006 results favored the party that had been voted out of office in 2004, a testament to the fairness of the process. Now it is time for the Government of Ukraine to preserve and extend the impressive gains and to provide a stable and representative government by holding another free and fair parliamentary election.

The people of Ukraine deserve a representative government that will work together to improve the quality of life in that country. In the years since the Orange Revolution, Ukraine has enjoyed a strong commitment to human rights and the rule of law, a growing free press, and a rapidly improving independent judiciary. Free and fair elections on September 30 will mark another important step in the right direction.

I encourage the Ukrainian people to continue their march to true freedom and democracy. A democratic Ukraine is in the national security interests of all parties.

The candidates and leaders of Ukraine must replicate their efforts of 2004 and 2006 and conduct these elections consistent with the standards established by the OSCE. A fraudulent and illegal election would be a major defeat for democracy and leave Ukraine crippled. The new parliament would lack legitimacy with the Ukrainian people and the international community.

Free and fair elections are the first step, but they are not the last. The elected leaders of Ukraine must overcome their past differences and govern together. In recent years, opportunities have been lost because of the failure of governmental leaders to unite and constructively work across party and ideological lines. A government that is committed to working together to improve the lives of the people, despite ideological differences will assist the people of Ukraine in reaching their full potential.

CHILDREN'S HEALTH INSURANCE PROGRAM

Ms. MURKOWSKI. Madam President, the rising number of Americans without health insurance is a problem that is recognized by all Members of this body. There are some 46.6 million Americans today who are not receiving proper medical care.

Compounding the problem is the reality that, as my colleague from Oregon—Senator WYDEN—likes to say, we do not have a health care system in this country; we have a sick care system.

As we look at the growing cost to our economy that health care represents, the number one thing we can do today to reduce that cost is preventative medicine—making sure that Americans can access health care today, so that they are not sick tomorrow.

The Children's Health Insurance Program is an important means to provide the most vulnerable of our population—our children—with health care. And we all know that when our children are sick, it is not just the child that is impacted but the parents as well; missing time at work to care for their child or catching the latest bug their child brings home from the daycare center. The social and economic impact of a sick child goes well beyond the need for cough syrup or a band-aid. And the impact is even greater in our Native communities.

Section 401 of the CHIP reauthorization bill provides $10 million in grants for child health studies, including: preventative health care, treatment for chronic and acute conditions, and discovery of knowledge gaps within CHIP and child health. Studies such as these will help to narrow the gap in treatment disparities among native and non-White children, as well as to provide preventive health care services so our children stay healthy while reducing the expensive costs of sick care in America.

This is just one reason why it is important that programs such as CHIP continue their viability. If the President vetoes the bill as he said he would, the resulting straight reauthorization of CHIP at the current baseline assumption means that 800,000 children currently enrolled in CHIP would lose their coverage. But under the CHIP reauthorization bill, those children, plus 4 million more children would be able to access health care—preventive care.

We should not have to read about tragedies such as 12-year old Deamonte Driver from Maryland who died from a tooth abscess. Deamonte's life could have been saved by a routine $80 tooth extraction but his family was booted from Medicaid and his mother couldn't afford to pay for Deamonte to receive the necessary dental care. Deamonte Driver died in February of this year.

This heartbreaking story is just one example of why the reauthorization of CHIP—at the Finance Committee passed levels—is so important. 800,000 more children should not be put in a similar position as Deamonte.

In addition, outreach programs will allow more children to be enrolled in the CHIP and Medicaid programs. This bill provides $100 million in grants for outreach and reenrollment efforts—$10 million will provide grants to Indian organizations to improve enrollment of Native Americans. Another $10 million will be spent on a national outreach program and the remaining $80 million will target rural areas with high rates of eligible but not enrolled children, racial and ethnic minorities and populations with cultural barriers to enrollment.

But CHIP is only one part of the health care struggle. As I noted before, some 46.6 million Americans are without health care insurance. In my State of Alaska, about one out of six people do not have health insurance. And the sad reality is that most of those without health insurance are employed. Only 1 in 10 of the uninsured in Alaska are unemployed people in the workforce.

For every family that is covered through an employer-based health care policy or is able to purchase their own health care insurance, fewer adults and children will rely on Medicaid and CHIP for their health care needs, and create less of a strain on Federal resources.

We know that preventive care is much more effective, both medically and economically, than caring for an illness. Likewise, providing our businesses with the ability to offer affordable health care insurance to their employees is a preventative means to lower the Federal Government's costs as mandatory spending for health care programs takes up a greater and greater portion of the Federal budget.

Until we reach the point where we in Congress can agree on how to address the future of our Nation's health care policies, however, programs like CHIP are needed to ensure that those who are most vulnerable are not left out.

I support this reauthorization bill as a temporary fix of a long standing problem, but we as a Congress must be willing to take a serious look at the future of our health care system, and ask ourselves if we are serious about fixing it. It is a decision that will impact millions of Americans. I urge the President to support the CHIP bill to allow more American children access to the healthcare they need to stay healthy, to stay alert and to function well in school. The best investment we can make is in our children and by signing the CHIP bill, the President can grant our future generation of over 10 million children access to vital health care services.

HONORING HEROIC MARINES

Mrs. DOLE. Madam President, it is with great honor that I rise today in order to recognize the heroism of Marine PFC C. Stuart Upchurch, Sr., and Marine Cpl Richard E. Vana.

The Battle of Okinawa, fought on the Japanese island of Okinawa, was the largest amphibious assault during the Pacific Campaigns of World War II. The battle lasted from late March through June 1945, and was the last major campaign of the War in the Pacific. The battle has been referred to as the "Typhoon of Steel" in English, and tetsu no ame—"Rain of Steel"—in Japanese. These nicknames refer to the ferocity of the fighting, the intensity of gunfire, and sheer numbers of Allied ships and armored vehicles that assaulted the island. More ships were used, troops put ashore, supplies transported, bombs dropped, and naval guns fired against shore targets than any other operation in the Pacific.

There were over 72,000 United States casualties at Okinawa, of which 12,513 were killed or missing.

In the last days of the Battle for Okinawa, PFC C. Stuart Upchurch, Sr., and Cpl Richard E. Vana were marines assigned to the 2nd Squad, 3rd Platoon, Baker Company, 4th Regiment, 6th Marine Division.

On or about June 1, 1945, Baker Company came under heavy Japanese mortar fire. Corporal Vana and Private First Class Upchurch were on the way back to their unit, having filled in at Charlie Company's defensive line the night before. With no foxhole of their own, Vana and Upchurch jumped into the first position they could find, sharing the foxhole with a new lieutenant and another marine.

When a nearby foxhole was struck by enemy mortar fire, a marine manning the position could be heard crying for help. Under the onslaught of constant enemy fire, and with complete disregard for their own well being, Vana and Upchurch ran up the hill to assist the marines. Inside the foxhole that took a direct hit, they found "Red" and Richey, cousins from the Boston area. "Red" had been fatally wounded and Richey was seriously injured. Richey was suffering from a life threatening arterial wound to the upper thigh.

Still under the barrage of Japanese mortars, Vana and Upchurch proceeded to drag Richey out of the foxhole and down the hill. Upchurch then carried the marine while Vana provided protective cover. They made way for a cave which was being used as an aid station. Inside the cave, Vana and Upchurch provided critical lifesaving first-aid until a corpsman was able to assist.

Without the selfless and courageous actions of Vana and Upchurch, Richey would have perished from his severe wounds. Their actions exemplify the Marine Corps motto "Semper Fidelis," meaning "Always Faithful."

PFC C. Stuart Upchurch, Sr., and Cpl Richard E. Vana's gallant actions in close contact with the enemy, and unyielding courage and bravery, are in the highest traditions of military service, and reflect great credit upon themselves, their unit, the U.S. Marine Corps, and the United States of America.

ADDITIONAL STATEMENTS

TRIBUTE TO JUDGE RICHARD SHEPPARD ARNOLD

• Mrs. LINCOLN. Madam President, this morning in Little Rock, AR, at 10 a.m. local time, the new annex to the Richard Sheppard Arnold United States Courthouse will be dedicated. In honor of that event, I wanted to take a moment to reflect on the life of Judge Arnold and the contributions he made to Arkansas and this nation.

Judge Richard Arnold served his Nation with honor and distinction in the Federal judiciary for a little over 25 years. Considered by some to be the greatest jurist of his time not to serve on the Supreme Court, Judge Arnold was respected for his reasoned, straightforward decisions that he rendered from the bench without any ideological bias. In short, he was a brilliant, fair, effective judge.

His colleagues in the legal community recognized his brilliance. In 1999, Judge Arnold was awarded the highly prestigious Edward J. Devitt Distinguished Service to Justice Award. This honor is presented to a Federal judge who has achieved an exemplary career and has made significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole.

Judge Arnold also received the prestigious Meador-Rosenberg Award from the American Bar Association for his work and dialogue with members of Congress about the problems facing the Federal courts during his service as Chairman of the Budget Committee of the Judicial Conference of the United States. The award, which has only been presented five times since its inception in 1994, was presented through the ABA's Standing Committee of Federal Judicial Improvements.

Born in Texarkana, TX, in 1936, Judge Arnold and his younger brother, U.S. District Court Judge Morris "Buzz" Arnold, had many role models in their early life that were active in the legal community. Their father, Richard Lewis Arnold, was a public utilities law specialist, and their paternal grandfather, William H. Arnold, Sr., was a circuit judge and former Arkansas Bar Association President. In addition, their maternal grandfather was U.S. Senator Morris Sheppard of Texas.

Judge Arnold received a Classical Diploma from Phillips Exeter Academy in 1953. He graduated from Yale with a B.A., summa cum laude, in 1957. Afterwards, Judge Arnold attended the Harvard Law School where he received the Sears Prize for achieving the best grades in the first-year class and the Fay Diploma for being first academically in his graduating class. Judge Arnold concluded his formal education upon receiving his LL.B. from Harvard magna cum laude in 1960.

After law school, Judge Arnold served as a law clerk to Justice William J. Brennan, Jr. Arnold then practiced law in Washington, DC, and Texarkana, Arkansas. After serving the Honorable Dale Bumpers while Bumpers was Governor of Arkansas and a United States Senator, Judge Arnold was appointed to the federal judiciary by President Jimmy Carter in 1978. He served on the District Bench for the Eastern and Western Districts of Arkansas and was elevated to the Eighth Circuit Court of Appeals in 1980. He was Chief Judge for the Circuit from 1992–1998 and achieved senior status in April 2001 after he turned 65.

In 2003, Congress renamed the U.S. District Courthouse for Eastern Arkansas the Richard Sheppard Arnold United States Courthouse. Judge Arnold continued to live a full life until he succumbed to complications while being treated for lymphoma in 2004. His passing has left a void, but his legacy continues to live on at the courthouse that bears his name in Little Rock.

The recent addition of the annex will bring 21st Century changes to the Richard S. Arnold Courthouse originally built in 1932. A beautiful glass atrium will connect the original structure to the new wing. The annex will house 12 judges' chambers, courtrooms, and a parking garage. In addition, the exterior will feature a fountain and water sculpture, as well as a beautiful plaza. The design that is dedicated today will ensure that Judge Arnold will be remembered and his name will continue to live on for generations to come.•

PAT FARR RECOGNITION

• Mr. SMITH. Madam President, I would like to recognize Pat Farr for his service as the executive director of FOOD for Lane County. A veteran of the Oregon State legislature, the Eugene City Council, and the Oregon Commission for Child Care, Mr. Farr has dedicated himself to bettering the lives of Oregonians.

Mr. Farr accepted his position at FOOD for Lane County with three goals in mind: Create financial stability, develop a strong staff, and restore the agency's public image. During Mr. Farr's tenure, all of these goals were accomplished. The agency has been lifted out of debt and into financial sustainability; a base of reserves has been created to increase long-term stability and improve donor confidence; and both the number of volunteers and the amount of distribution have been increased.

FOOD for Lane County is an important member of the community, providing food assistance to the many Lane County residents who are still unsure when their next meal will be. The organization distributes more than 7 million pounds of food each year, enough for 22 emergency food pantries and more than 70 hunger relief centers. The agency also plays a critical role assisting our youth, as one out of three children in Lane County will eat from an emergency food box or a subsidized meal program.

Mr. Farr recently left FOOD for Lane County to work as a consultant for nonprofits. I would like to extend my sincere appreciation to Mr. Farr for his distinguished work and unwavering commitment to serving his community.•

MESSAGE FROM THE HOUSE

At 11:05 a.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3121. An act to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes.

H.R. 3567. An act to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3121. An act to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3567. An act to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2693. An act to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 2116. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits based upon stock option compensation expenses be consistent with accounting expenses shown in corporate financial statements for such compensation; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 2117. A bill to encourage the development of research-proven programs funded under the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 2118. A bill to encourage the use of research-proven programs in the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mr. BENNETT):

S. Res. 337. A resolution authorizing the Committee on Rules and Administration to prepare a revised edition of the Standing Rules of the Senate as a Senate document; considered and agreed to.

ADDITIONAL COSPONSORS

S. 130

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 261

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 400

At the request of Mr. SUNUNU, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 612

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 612, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 700

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 790

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 790, a bill to amend the

Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 1382

At the request of Mr. REID, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1466

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1466, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 2063

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2063, supra.

S. 2065

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2065, a bill to provide assistance to community health coalitions to increase access to and improve the quality of health care services.

S.J. RES. 13

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S.J. Res. 13, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

AMENDMENT NO. 2905

At the request of Mr. SANDERS, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of amendment No. 2905 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3073

At the request of Mr. OBAMA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 3073 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3078

At the request of Mr. OBAMA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3078 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 2116. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits based upon stock option compensation expenses be consistent with accounting expenses shown in corporate financial statements for such compensation; to the Committee on Finance.

Mr. LEVIN. Mr. President, there is a growing chasm in our country between the amount of money paid to our corporate executives and the earnings of the rank and file workers.

J.P. Morgan once said that executive pay should not exceed 20 times average worker pay. In the U.S., in 1990, average pay for the chief executive officer, CEO, of a large U.S. corporation was 100 times average worker pay; in 2004, the difference was 300 times; today, it is nearly 400 times.

The single biggest factor responsible for this massive pay gap is stock options. Stock options are a huge contributor to executive pay. A key factor encouraging companies to pay their executives with stock options is a set of outdated and misguided Federal tax provisions that favor stock options over other types of compensation. That is why I am introducing today a bill to eliminate federal corporate tax breaks that give special tax treatment to corporations that pay their executives with stock options. It's called the Ending Corporate Tax Favors for Stock Options Act.

This bill has been endorsed by the Consumer Federation of America, Citizens for Tax Justice, the Tax Justice Network—USA, OMBWatch, the Financial Policy Forum, and the AFL-CIO, each of which sees it as needed to eliminate federal tax breaks providing special tax favors for corporations that issue large stock option grants to their executives.

Stock options give employees the right to buy company stock at a set price for a specified period of time, typically 10 years. Virtually every CEO in America is paid with stock options, which are a major contributor to sky-high executive pay.

According to Forbes magazine, in 2006, the average pay of CEOs at 500 of the largest U.S. companies was $15.2 million. Nearly half of that amount, 48 percent, came from stock options that had been cashed in for an average gain of about $7.3 million. In 2006, one CEO cashed in stock options for about $290 million; another cashed them in for about $270 million. Forbes also published a list of 30 CEOs who, in 2006, each had at least $100 million in vested stock options that had yet to be exercised. Corporate executives are, in short, showered with stock options and the millions of dollars they produce.

A key reason behind this flood of executive stock options is the tax code which, when combined with certain U.S. accounting rules, favors the issuance of stock option grants. Right now, U.S. accounting rules require companies to report their stock option expenses one way on the corporate books, while Federal tax rules require them to report the same stock options a completely different way on their tax returns. In most cases, the resulting book expense is far smaller than the resulting tax deduction. That means, under current U.S. accounting and tax rules, stock option tax deductions often far exceed the stock option expenses recorded by the companies.

Stock options are the only type of compensation where the Federal tax code permits companies to claim a bigger deduction on their tax returns than the corresponding expense on their books. For all other types of compensation, cash, stock, bonuses, and more, the tax return deduction equals the book expense. In fact, companies cannot deduct more than the compensation expense shown on their books, because that would be tax fraud. The sole exception to this rule is stock options. In the case of stock options, the tax code allows companies to claim a tax deduction that can be two, three, even ten times larger than the actual expense shown on their books.

When a company's compensation committee learns that stock options can produce a low compensation expense on the books, while generating a generous tax deduction that is multiple times larger, it is a pretty tempting proposition for the company to pay its executives with stock options instead of cash or stock. It is a classic case of U.S. tax policy creating an unintended incentive for corporations to act.

The problem is that these mismatched stock option accounting and tax rules also shortchange the Treasury to the tune of billions of dollars each year, while fueling the growing chasm between executive pay and average worker pay. This same mismatch also results in companies reporting one set of stock option compensation expenses to investors and the public through their public financial statements, and a completely different set of expenses to the Internal Revenue Service on their tax returns. Such huge book-tax disparities breed confusion, distrust, and schemes to maximize the differences.

The bill I am introducing today would put an end to these contradictions and to the harmful, unintended consequences that have resulted. It would put a stop to the stock option book-tax disparity, an end to the conflicting stock option expenses reported to investors and Uncle Sam, and an end to the special tax treatment that currently fuels excessive stock option compensation.

To understand why this bill is needed it helps to understand how stock option accounting and tax rules got so out of kilter with each other in the first place.

Calculating the cost of stock options may sound straightforward, but for years, companies and their accountants engaged the Financial Accounting Standards Board, FASB, in an all-out, knock-down battle over how companies should record stock option compensation expenses on their books.

U.S. publicly traded corporations are required by law to follow Generally Accepted Accounting Principles, GAAP, issued by FASB, which is overseen by the Securities and Exchange Commission, SEC. For many years, GAAP allowed U.S. companies to issue stock options to employees and, unlike any other type of compensation, report a zero compensation expense on their books, so long as, on the grant date, the stock option's exercise price equaled the market price at which the stock could be sold.

Assigning a zero value to stock options that routinely produced millions of dollars in executive pay provoked deep disagreements within the accounting community. In 1993, FASB proposed assigning a "fair value" to stock options on the date they are granted to an employee, using a mathematical valuation tool such as the Black Scholes model. FASB proposed further that companies include that amount as a compensation expense on their financial statements. Critics responded that it was impossible accurately to estimate the value of executive stock options on their grant date. A bruising battle over stock option expensing followed, involving the accounting profession, corporate executives, FASB, the SEC, and Congress.

In the end, after years of fighting and negotiation, FASB issued a new accounting standard, Financial Accounting Standard, FAS, 123R, which was endorsed by the SEC and became mandatory for all publicly traded corporations in 2005. In essence, FAS 123R requires all companies to record a compensation expense equal to the fair value on grant date of all stock options provided to an employee in exchange for the employee's services.

The details of this accounting rule are complex, because they reflect an effort to accommodate varying viewpoints on the true cost of stock options. Companies are allowed to use a variety of mathematical models, for example, to calculate a stock option's fair value. Option grants that vest over time are expensed over the specified period so that, for example, a stock option which vests over four years results in 25 percent of the cost being expensed each year. If a stock option grant never vests, the rule allows any previously booked expense to be recovered. On the other hand, stock options that do vest are required to be fully expensed, even if never exercised, because the compensation was actually awarded. These and other provisions of this hard-fought accounting rule reflect painstaking judgments on how to show a stock option's value.

Opponents of the new accounting rule had predicted that, if implemented, it would severely damage U.S. capital markets. They warned that stock option expensing would eliminate corporate profits, discourage investment, depress stock prices, and stifle innovation. Last year, 2006, was the first year in which all U.S. publicly traded companies were required to expense stock options. Instead of tumbling, both the New York Stock Exchange and Nasdaq turned in strong performances, as did initial public offerings by new companies. The dire predictions were flat out wrong.

During the years the battle raged over stock option accounting, relatively little attention was paid to the taxation of stock options. Section 83 of the tax code, first enacted in 1969 and still in place after more than three decades, is the key statutory provision. It essentially provides that, when an employee exercises compensatory stock options, the employee must report as income the difference between what the employee paid to exercise the options and the market value of the stock received. The corporation can then take a mirror deduction for whatever amount of income the employee realized.

For example, suppose a company gave an executive options to buy 1 million shares of the company stock at $10 per share. Suppose, 5 years later, the executive exercised the options when the stock was selling at $30 per share. The executive's income would be $20 per share for a total of $20 million. The executive would declare $20 million as ordinary income, and in the same year, the company would take a corresponding tax deduction for $20 million. Although in 1993, Congress enacted a $1 million cap on the compensation that a corporation can deduct from its taxes, so taxpayers wouldn't be forced to subsidize millions of dollars in executive pay, the cap was not applied to stock options, allowing companies to deduct any amount of stock option compensation, without limit.

The stock option accounting and tax rules that evolved over the years are now at odds with each other. Accounting rules require companies to expense stock options on the grant date. Tax rules tell companies to deduct stock option expenses on the exercise date. Companies have to report grant date expenses to investors on their financial statements, and exercise date expenses on their tax returns. The financial statements report on all stock options granted during the year, while the tax returns report on all stock options exercised during the year. In short, company financial statements and tax returns report expenses for different groups of stock options, using different valuation methods, and resulting in widely divergent stock option expenses for the same year.

To examine the nature and consequences of the stock option book-tax differences, the Permanent Subcommittee on Investigations, which I chair, initiated an investigation and held a hearing on June 5, 2007. Here is what we found.

To test just how far the book and tax figures for stock options diverge, the Subcommittee contacted a number of companies to compare the stock option expenses they reported for accounting and tax purposes. The subcommittee asked each company to identify stock options that had been exercised by one or more of its executives from 2002 to 2006. The subcommittee then asked each company to identify the compensation expense they reported on their financial statements versus the compensation expense on their tax returns. In addition, we asked the companies' help in estimating what effect the new accounting rule would have had on their book expense if it had been in place when their stock options were granted. At the hearing, we disclosed the resulting stock option data for nine companies, including three companies that were asked to testify. The subcommittee very much appreciated the cooperation and assistance provided by the nine companies we worked with.

The data provided by the companies showed that, under then existing rules, the 9 companies showed a zero expense on their books for the stock options that had been awarded to their executives, but claimed millions of dollars in tax deductions for the same compensation. The one exception was Occidental Petroleum which, in 2005, began voluntarily expensing its stock options, but even this company reported massively greater tax deductions than the stock option expenses shown on its books. When the subcommittee asked the companies what their book expense would have been if the new FASB rule had been in effect, all 9 calculated book expenses that remained dramatically lower than their tax deductions. Altogether, the nine companies calculated that they would have claimed $1 billion more in stock option tax deductions than they would have shown as book expenses, even using the tougher new accounting rule. Let me repeat that just 9 companies produced a stock option book-tax difference of more than $1 billion.

KB Home, for example, is a company that builds residential homes. Its stock price has more than quadrupled over the past 10 years. Over the same time period, it has repeatedly granted stock options to its then CEO. Company records show that, over the past 5 years, KB Home gave him 5.5 million stock options of which, by 2006, he had exercised more than 3 million.

With respect to those 3 million stock options, KB Home recorded a zero expense on its books. Had the new accounting rule been in effect, KB Home calculated that it would have reported on its books a compensation expense of about $11.5 million. KB Home also disclosed that the same 3 million stock options enabled it to claim compensation expenses on its tax returns totaling about $143.7 million. In other words, KB Home claimed a $143 million tax deduction for expenses that on its books, under current accounting rules, would have totaled $11.5 million. That is a tax deduction 12 times bigger than the book expense.

Occidental Petroleum disclosed a similar book-tax discrepancy. This company's stock price has also skyrocketed in recent years, dramatically increasing the value of the 16 million stock options granted to its CEO since 1993. Of the 12 million stock options the CEO actually exercised over the past five years, Occidental Petroleum claimed a $353 million tax deduction for a book expense that, under current accounting rules, would have totaled just $29 million. That is a book-tax difference of more than 1200 percent.

Similar book-tax discrepancies applied to the other companies we examined. Cisco System's CEO exercised nearly 19 million stock options over the past 5 years, and provided the company with a $169 million tax deduction for a book expense which, under current accounting rules, would have totaled about $21 million. UnitedHealth's former CEO exercised over 9 million stock options in the past 5 years, providing the company with a $318 million tax deduction for a book expense which would have totaled about $46 million. Safeway's CEO exercised over 2 million stock options, providing the company with a $39 million tax deduction for a book expense which would have totaled about $6.5 million.

Altogether, these 9 companies took stock option tax deductions totaling $1.2 billion, a figure five times larger than the $217 million that their combined stock option book expenses would have been. The resulting $1 billion in excess tax deductions represents a windfall for these companies simply because they issued lots of stock options to their CEOs.

Tax rules that produce outsized tax deductions that are many times larger than the related stock option book expenses give companies an incentive to issue huge stock option grants, because they know the stock options will produce a relatively small hit to the profits shown on their books, while also knowing that they are likely to get a much larger tax deduction that can dramatically lower their taxes.

The data we gathered for nine companies alone disclosed stock option tax deductions that were five times larger than their book expenses, generating over $1 billion in excess tax deductions. To gauge whether the same tax gap applied to stock options across the country as a whole, the subcommittee asked the IRS to perform an analysis of some newly obtained stock option data.

For the first time last year, large corporations were required to file a new tax Schedule M-3 with their tax returns. The M-3 Schedule asks companies to identify differences in how they report corporate income to investors versus what they report to Uncle Sam, so that the IRS can track and analyze significant book-tax differences. The first batch of M-3 data, which became available earlier this year, applies mostly to 2004 tax returns.

In analyzing this data, the IRS found that stock option compensation expenses were one of the biggest factors in the difference between book and tax income reported by U.S. corporations. The data shows that, in 2004, stock option compensation expenses produced a book-tax gap of about $43 billion, which is about 30 percent of the entire book-tax difference reported for the period. That means, as a whole, corporations took deductions on their tax returns for stock option compensation expenses which were $43 billion greater than the stock option expenses actually shown on their financial statements for the same year. Those massive tax deductions enabled the corporations, as a whole, to legally reduce their 2004 taxes by billions of dollars, perhaps by as much as $15 billion.

When asked to look deeper into who benefited from these stock option deductions, the IRS was able to determine that the entire $43 billion book-tax difference was attributable to about 3,200 corporations nationwide, of which about 250 corporations accounted for 82 percent of the total difference. In other words, a relatively small number of corporations was able to generate $43 billion in tax deductions simply by handing out substantial stock options to their executives.

There were other surprises in the data as well. One set of issues disclosed by the data involves what happens to unexercised stock options. Under the current mismatched set of accounting and tax rules, stock options which are granted, vested, but never exercised by the option holder turn out to produce a corporate book expense but no tax deduction.

Cisco Systems told the subcommittee, for example, that in addition to the 19 million exercised stock options previously mentioned, their CEO holds about 8 million options that, due to a stock price drop, will likely expire without being exercised. Cisco calculated that, had FAS 123R been in effect at the time those options were granted, the company would have had to show a $139 million book expense, but would never be able to claim a tax deduction for this expense since the options would never be exercised. Apple made a similar point. It told the subcommittee that, in 2003, it allowed its CEO to trade 17.5 million in underwater stock options for 5 million shares of restricted stock. That trade meant the stock options would never be exercised and, under current rules, would produce a book expense without ever producing a tax deduction.

In both of these cases, under FAS 123R, it is possible that the stock options given to a corporate executive would have produced a reported book expense greater than the company's tax deduction. While the M-3 data indicates that, overall, accounting expenses lag far behind claimed tax deductions, the possible financial impact on an individual company of a large number of unexercised stock options is additional evidence that existing stock option accounting and tax rules are out of kilter and should be brought into alignment. Under our bill, if a company incurred a stock option expense, it would always be able to claim a tax deduction for that expense.

A second set of issues brought to light by the data focuses on the fact that the current stock option tax deduction is typically claimed years later than the initial book expense. Normally, a corporation dispenses compensation to an employee and takes a tax deduction in the same year for the expense. The company controls the timing and amount of the compensation expense and the corresponding tax deduction. With respect to stock options, however, corporations may have to wait years to see if, when, and how much of a deduction can be taken. That is because the corporate tax deduction is wholly dependent upon when an individual corporate executive decides to exercise his or her stock options.

UnitedHealth, for example, told the subcommittee that it gave its former CEO 8 million stock options in 1999, of which, by 2006, only about 730,000 had been exercised. It does not know if or when he will exercise the remaining 7 million options, and so cannot calculate when or how much of a tax deduction it will be able to claim for this compensation expense.

Right now, stock options are the only form of compensation in which the book expense and tax deduction often take place in different years, and the timing of the deduction is under the control of the employee, rather than the employer. Under current law, it is not unusual for a stock option tax deduction to be claimed 3, 5, or even 10 years after the year in which the stock option compensation was granted. Our bill would completely eliminate this delay and uncertainty, by requiring stock option expenses to be deducted in the same year as they appear on the company books.

If the rules for stock option tax deductions were changed as suggested in our bill, companies would typically be able to take the deduction years earlier than they do now, without waiting to see if and when particular options are exercised. Companies would also be allowed to deduct stock options that are vested but never exercised. In addition, by requiring stock option expenses to be deducted in the same year they appear on the company books, stock options would become more consistent with how other forms of compensation are treated in the tax code.

Right now, U.S. stock option accounting and tax rules are mismatched, misaligned, and out of kilter. They allow companies collectively to deduct billions of dollars in stock option expenses in excess of the expenses that actually appear on the company books. They disallow tax deductions for stock options that are given as compensation but never exercised. They often force companies to wait years to claim a tax deduction for a compensation expense that could and should be claimed in the same year it appears on the company books.

The bill we are introducing today would cure these problems. It would bring stock option accounting and tax rules into alignment, so that the two sets of rules would apply in a consistent manner. It would accomplish that goal simply by requiring the corporate stock option tax deduction to equal the stock option expenses shown on the corporate books each year. Stock option deductions would no longer exceed the expenses recorded on a company's publicly available financial reports. Stock option expenses for both accounting and tax purposes would be the same.

Specifically, the bill would end use of the current stock option deduction under Section 83 of the tax code, which allows corporations to deduct stock option expenses when exercised in an amount equal to the income declared by the individual exercising the option, replacing it with a new Section 162(q), which would require companies to deduct the stock option expenses shown on their books each year.

The bill would apply only to corporate stock option deductions; it would make no changes to the rules that apply to individuals who have been given stock options as part of their compensation. Individuals would still report their compensation on the day they exercised their stock options. They would still report as income the difference between what they paid to exercise the options and the fair market value of the stock they received upon exercise. The gain would continue to be treated as ordinary income rather than a capital gain, since the option holder did not invest any capital in the stock prior to exercising the stock option and the only reason the person obtained the stock was because of the services they performed for the corporation.

The amount of income declared by the individual after exercising a stock option will likely often be greater than the stock option expense booked and deducted by the corporation who employed that individual. That is in part because the individual's gain often comes years later than the original stock option grant, and the underlying stock will usually have gained in value. In addition, the individual's gain is typically provided, not by the corporation that supplied the stock options years earlier, but by third parties active in the stock market.

Consider, for example, an executive who exercises options to buy 1 million shares of stock at $10 per share, obtains the shares from the corporation, and then immediately sells them on the open market for $30 per share, making a total profit of $20 million. The individual's corporation didn't supply the $20 million. Just the opposite. Rather than paying cash to its executive, the corporation received a $10 million payment from the executive in exchange for the 1 million shares. The $20 million profit from selling the shares was paid, not by the corporation, but by third parties in the marketplace who purchased the stock. That's why it makes no sense for the company to declare as an expense the amount of profit that an employee, or sometimes a former employee, obtained from unrelated parties in the marketplace.

The bill we are introducing today would put an end to the current approach of using the stock option income declared by an individual as the tax deduction claimed by the corporation that supplied the stock options. It would break that old artificial symmetry and replace it with a new symmetry more consistent with other tax code provisions, one in which the corporation's stock option tax deduction would match its book expense.

I consider the current approach to corporate stock option tax deductions to be artificial, because it uses a construct in the tax code that, when first implemented over thirty years ago, enabled corporations to calculate their stock option expense on the exercise date, when there was no consensus on how to calculate stock option expenses on the grant date. The artificiality of the approach is demonstrated by the fact that it allows companies to claim a deductible expense for money that generally does not come from a company's coffers, but from third parties in the stock market. Now that U.S. accounting rules provide a detailed rule for calculating stock option expenses on the grant date, however, there is no longer any need to rely on an artificial construct that calculates corporate stock option expenses on the exercise date using third party funds.

Our bill would eliminate the existing grant date-exercise date disparity between U.S. accounting and tax rules, and eliminate the stock option double standard by ensuring that companies' stock option tax deductions are equal to, and not greater than, the actual stock option expenses shown on their books.

It is also important to note that the bill would not affect in any way current tax provisions that provide favored tax treatment to so-called Incentive Stock Options under Sections 421 and 422 of the tax code. Under these sections, in certain circumstances, corporations can surrender their stock option deductions in favor of allowing their employees with stock option gains to be taxed at a capital gains rate instead of ordinary income tax rates. Many start-up companies use these types of stock options, because they don't yet have taxable profits and don't need a stock option tax deduction. So they forfeit their stock option corporate deduction in favor of giving their employees more favorable treatment of their stock option income. Incentive Stock Options would not be affected by our legislation and would remain available to any corporation providing stock options to its employees.

And again, as mentioned earlier, the bill would have no effect on the tax treatment of stock options for individuals; the bill would affect only corporations.

The bill would make one other important change to the tax code as it relates to corporate stock option tax deductions. Right now, Section 162(m) of the tax code applies a $1 million cap on corporate deductions for the compensation paid to the top executives of publicly held corporations. The purpose of this cap is to eliminate any taxpayer subsidy for compensation that exceeds $1 million annually and is paid to a top corporate executive. As currently written, however, the cap does not apply to compensation paid in the form of stock options. By exempting stock option compensation from the $1 million cap, the provision creates a significant incentive for corporations to pay their executives with stock options. The bill would eliminate this favored treatment of executive stock options by making deductions for this type of compensation subject to the same $1 million cap that applies to other forms of compensation covered by Section 162(m).

The bill also contains several technical provisions. First, it would make a conforming change to the research tax credit so that stock option expenses claimed under that credit would match the stock option deductions taken under the new tax code section 162(q). Second, the bill would authorize the Secretary of the Treasury to adopt regulations governing how to calculate the deduction for stock options issued by a parent corporation to the employees of a subsidiary.

Finally, the bill contains a transition rule for applying the new Section 162(q) stock option tax deduction to existing and future stock option grants. This transition rule would make it clear that the new tax deduction would not apply to any stock option exercised prior to the date of enactment of the bill.

The bill would also allow the old Section 83 deduction rules to apply to any option which was vested prior to the effective date of Financial Accounting Standard, FAS, 123R, and exercised after the date of enactment of the bill. The effective date of FAS 123R is June 15, 2005 for most corporations, and December 31, 2005, for most small businesses. Prior to the effective date of FAS 123R, most corporations would have shown a zero expense on their books for the stock options issued to their executives and, thus, would be unable to claim a tax deduction under the new Section 162(q). For that reason, the bill would allow these corporations to continue to use Section 83 to claim stock option deductions on their tax returns.

For stock options that vested after the effective date of FAS 123R and were exercised after the date of enactment, the bill takes another tack. Under FAS 123R, these corporations would have had to show the appropriate stock option expense on their books, but would have been unable to take a tax deduction until the executive actually exercised the option. For these options, the bill would allow corporations to take an immediate tax deduction, in the first year that the bill was in effect, for all of the expenses shown on their books with respect to these options. This "catch-up deduction" in the first year after enactment would enable corporations, in the following years, to begin with a clean slate so that their tax returns the next year would reflect their actual stock option book expenses for that same year.

After that catch-up year, all stock option expenses incurred by a company each year would be reflected in their annual tax deductions under the new Section 162(q).

The current differences between stock option accounting and tax rules make no sense. They require companies to show one stock option expense on their books and a completely different expense on their tax returns. They require corporations to report one set of figures to their investors and a different set of figures to the IRS.

The current book-tax difference is the historical product of accounting and tax policies that have not been coordinated or integrated. The resulting mismatch has allowed companies to take tax deductions that, usually, are many times larger than the actual stock option book expenses shown on their books, which not only shortchanges the Treasury, but also provides a windfall to companies doling out huge stock options, and creates an incentive for those companies to keep right on doling out those options and producing outsized executive pay.

Right now, stock options are the only compensation expense where the tax code allows companies to deduct more than their actual expenses. In 2004, companies used the existing book-tax disparity to claim $43 billion more in stock option tax deductions than the expenses shown on their books. We cannot afford this multi-billion dollar loss to the Treasury, not only because of deep federal deficits, but also because this stock option book-tax difference contributes to the ever deepening chasm between the pay of executives and the pay of average workers.

I urge my colleagues to join me in enacting this bill into law this year.

I ask unanimous consent that the text of thje bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

S. 2116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ending Corporate Tax Favors for Stock Options Act".

SEC. 2. CONSISTENT TREATMENT OF STOCK OPTIONS BY CORPORATIONS.

(a) CONSISTENT TREATMENT FOR WAGE DEDUCTION.—

(1) IN GENERAL.—Section 83(h) of the Internal Revenue Code of 1986 (relating to deduction of employer) is amended—

(A) by striking "In the case of" and inserting:

"(1) IN GENERAL.—In the case of", and

(B) by adding at the end the following new paragraph:

"(2) STOCK OPTIONS.—In the case of property transferred to a person in connection with the exercise of a stock option, any deduction by the employer related to such stock option shall be allowed only under section 162(q) and paragraph (1) shall not apply.".

(2) TREATMENT OF COMPENSATION PAID WITH STOCK OPTIONS.—Section 162 of such Code (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) TREATMENT OF COMPENSATION PAID WITH STOCK OPTIONS.—

"(1) IN GENERAL.—In the case of compensation for personal services that is paid with stock options, the deduction under subsection (a)(1) shall not exceed the amount the taxpayer has treated as an expense with respect to such stock options for the purpose of ascertaining income, profit, or loss in a report or statement to shareholders, partners, or other proprietors (or to beneficiaries), and shall be allowed in the same period that the accounting expense is recognized.

"(2) SPECIAL RULES FOR CONTROLLED GROUPS.—The Secretary shall prescribe rules for the application of paragraph (1) in cases where the stock option is granted by a parent or subsidiary corporation (within the meaning of section 424) of the employer corporation.".

(b) CONSISTENT TREATMENT FOR RESEARCH TAX CREDIT.—Section 41(b)(2)(D) of the Internal Revenue Code of 1986 (defining wages for purposes of credit for increasing research expenses) is amended by inserting at the end the following new clause:

"(iv) SPECIAL RULE FOR STOCK OPTIONS.—The amount which may be treated as wages for any taxable year in connection with the issuance of a stock option shall not exceed the amount allowed for such taxable year as a compensation deduction under section 162(q) with respect to such stock option.".

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply to stock options exercised after the date of the enactment of this Act, except that—

(1) such amendments shall not apply to stock options that were granted before such date and that vested in taxable periods beginning on or before June 15, 2005,

(2) for stock options that were granted before such date of enactment and vested during taxable periods beginning after June 15, 2005, and ending before such date of enactment, a deduction under section 162(q) of the Internal Revenue Code of 1986 (as added by subsection (a)(2)) shall be allowed in the first taxable period of the taxpayer that ends after such date of enactment,

(3) for public entities reporting as small business issuers and for non-public entities required to file public reports of financial condition, paragraphs (1) and (2) shall be applied by substituting "December 15, 2005" for "June 15, 2005", and

(4) no deduction shall be allowed under section 83(h) or section 162(q) of such Code with respect to any stock option the vesting date of which is changed to accelerate the time at which the option may be exercised in order to avoid the applicability of such amendments.

SEC. 3. APPLICATION OF EXECUTIVE PAY DEDUCTION LIMIT.

(a) IN GENERAL.—Subparagraph (D) of section 162(m)(4) of the Internal Revenue Code of 1986 (defining applicable employee remuneration) is amended to read as follows:

"(D) STOCK OPTION COMPENSATION.—The term 'applicable employee remuneration' shall include any compensation deducted under subsection (q), and such compensation shall not qualify as performance-based compensation under subparagraph (C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock options exercised or granted after the date of the enactment of this Act.

Section 1—Short title

"Ending Corporate Tax Favors for Stock Options Act"

Section 2—Consistent treatment of stock options by corporations

Eliminates favored tax treatment of corporate stock option deductions, in which corporations are currently allowed to deduct a higher stock option compensation expense on their tax returns than shown on their financial books—(1) creates a new corporate stock option deduction under a new tax code section 162(q) requiring the tax deduction to be consistent with the book expense, and (2) eliminates the existing corporate stock option deduction under tax code section 83(h) allowing excess deductions.

Allows corporations to deduct stock option compensation in the same year it is recorded on the company books, without waiting for the options to be exercised.

Makes a conforming change to the research tax credit so that stock option expenses under that credit will match the deductions taken under the new tax code section 162(q).

Authorizes Treasury to issue regulations applying the new deduction to stock options issued by a parent corporation to subsidiary employees.

Establishes a transition rule applying the new deduction to stock options exercised after enactment, permitting deductions under the old rule for options vested prior to adoption of Financial Accounting Standard (FAS) 123R (on expensing stock options) on June 15, 2005, and allowing a catch-up deduction in the first year after enactment for options that vested between adoption of FAS 123R and the date of enactment.

Makes no change to stock option compensation rules for individuals.

Section 3—Application of executive pay deduction limit

Eliminates favored treatment of corporate executive stock options under tax code section 162(m) by making executive stock option compensation deductions subject to the same $1 million cap on corporate deductions that applies to other types of compensation paid to the top executives of publicly held corporations.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 2117. A bill to encourage the development of research-proven programs funded under the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today, along with Senator LUGAR, to introduce the Proven Programs for the Future of Education Act of 2007, and the Education Research and Development to Improve Achievement Act of 2007. These bills would encourage the use and development of research-proven programs in the Elementary and Secondary Education Act of 1965.

In 2002, Congress enacted the No Child Left Behind Act to close the achievement gap between low-income, underperforming students, and their more affluent peers. Without a renewed dedication to the quality of programs used in our schools, this goal, as well as providing an excellent education for students, will be difficult to achieve. While there is no question that we have made progress in recent years in advancing educational opportunity, I remain concerned about the number of schools that are failing to meet the criteria set out in the No Child Left Behind Act. We need to look at ways to improve the quality of education in a meaningful and comprehensive manner.

The purpose of the bills that I am introducing today is to create incentives for schools to use the programs that meet the highest standards for evidence of effectiveness and provide increased investment in the research and development to create and evaluate new programs. The future of our students' success depends on the quality of their educational experience. It is for that reason I have been committed to, and will continue to strive for, an improved educational system.

It is my strong belief that one of the clearest ways we can improve the quality of education in our schools is to encourage schools to focus on existing proven programs that meet the highest quality standards. The Proven Programs for the Future of Education Act would offer a competitive preference of 10 percent of the total number of points awarded to grant applicants who choose to use research-proven programs.

In addition, this legislation would also provide a ten-percent competitive preference for applicants who choose research-proven reading programs. I believe that the goals of the Reading First program are important in improving students' literacy levels. While I am very concerned that this program has been beleaguered by greed and partisanship, the program has shown to be effective, particularly in New Mexico, where according to reports from the U.S. Department of Education, in 2006-2007, 58 percent of New Mexico's third-grade students in Reading First programs scored proficient or above in reading. This is up from 39 percent in 2003-2004. That said, it is crucial that states such as New Mexico have the opportunity to consider and use research-proven reading programs to further advance educational opportunity.

I believe that stressing quality education programs fosters greater academic achievement and motivation in later years, particularly for children from low-income families. To this end, this legislation provides schools the incentive to advance research-proven programs, raising the bar for all educational programs both now and in the future.

As you know, title I-A provides supplemental services to low-achieving students attending schools with a relatively high concentration of students from low-income families. Title I-A is the largest Federal elementary and secondary education assistance program, with services provided to more than 90 percent of all local educational agencies; approximately 52,000—54 percent of all—public schools; and approximately 16.5 million—34 percent of all—pupils, including approximately 188,000 pupils attending private schools. If the national goal of leaving no child behind is to be met, attention and resources must also be invested in the research necessary to bring improved quality and increased innovation to core areas of title I.

The Education Research and Development to Improve Achievement Act would authorize at least $100 million for rapid development and rigorous evaluation of practical programs for use in title I programs capable of increasing student achievement in such areas as School Improvement and Restructuring, Supplemental Educational Services, Reading First, and other areas determined to be in need of further development.

I want to thank Senator LUGAR for his leadership and commitment to improving education in this country. Senator LUGAR remains a tireless advocate for our Nation's students, and I am pleased to be working with him on this legislation as we begin reauthorizing the No Child Left Behind Act.

This legislation represents a critical step forward in advancing research-proven programs for millions of students across the country, and I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 337—AUTHORIZING THE COMMITTEE ON RULES AND ADMINISTRATION TO PREPARE A REVISED EDITION OF THE STANDING RULES OF THE SENATE AS A SENATE DOCUMENT

Mrs. FEINSTEIN (for herself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 337

Resolved,

SECTION 1. PRINTING THE STANDING RULES OF THE SENATE.

(a) AUTHORIZATIONS.—The Committee on Rules and Administration shall prepare a revised edition of the Standing Rules of the

Senate and such standing rules shall be printed as a Senate document.

(b) ADDITIONAL COPIES.—In addition to the usual number, 2,500 additional copies shall be printed for use by the Committee on Rules and Administration.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Friday, September 28, 2007, at 10 a.m. in order to conduct a hearing entitled "The Role of Federal Executive Boards in Pandemic Preparedness."

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MEASURES TO BE INDEFINITELY POSTPONED

Mr. MENENDEZ. Madam President, I ask unanimous consent that the following calendar items be indefinitely postponed: Calendar No. 296, S. 1539; Calendar No. 297, S. 1596; Calendar No. 298, S. 1732; Calendar No. 300, S. 1781.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECORD TO REMAIN OPEN

Mr. MENENDEZ. I ask unanimous consent that the RECORD remain open today until 2 p.m. for the submission of statements and cosponsorships.

The PRESIDING OFFICER. Without objection, it is so ordered.

RULES COMMITTEE AUTHORIZATION

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 337, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 337) authorizing the Committee on Rules and Administration to prepare a revised edition of the Standing Rules of the Senate as a Senate document.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 337) was agreed to, as follows:

S. RES. 337

Resolved,

SECTION 1. PRINTING THE STANDING RULES OF THE SENATE.

(a) AUTHORIZATIONS.—The Committee on Rules and Administration shall prepare a revised edition of the Standing Rules of the Senate and such standing rules shall be printed as a Senate document.

(b) ADDITIONAL COPIES.—In addition to the usual number, 2,500 additional copies shall be printed for use by the Committee on Rules and Administration.

ORDERS FOR MONDAY, OCTOBER 1, 2007

Mr. MENENDEZ. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, October 1; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, and the time equally divided and controlled between the 2 sides; that at 3 p.m., the Senate resume consideration of H.R. 1585.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, OCTOBER 1, 2007, AT 2 P.M.

Mr. MENENDEZ. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:56 p.m., adjourned until Monday, October 1, 2007, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, September 28, 2007:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. KEVIN P. CHILTON, 6603

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TED F. BOWLDS, 8694

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS G. MILLER, 3543

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. WILLIAM E. WARD, 9000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID N. BLACKLEDGE, 1316

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KEITH D. JONES, 6195

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CHRISTOPHER A. INGRAM, 5053

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. OLIVER J. MASON, JR., 0213

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JAMES N. MATTIS, 7981

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. MARK P. FITZGERALD, 2694

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CARL V. MAUNEY, 8015

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. GARY ROUGHEAD, 6126

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JONATHAN W. GREENERT, 8869

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. LAWRENCE S. RICE, 7901

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH LAURA E. BARNES AND ENDING WITH KEVIN L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH DANA M. ADAMS AND ENDING WITH MONICA L. WHEATON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2007.

AIR FORCE NOMINATION OF WILLIAM H. SNEEDER, JR., 4227, TO BE COLONEL.

AIR FORCE NOMINATION OF FRANK W. SHAGETS, 4159, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH MARK W. DUFF AND ENDING WITH ANDREW STOY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

AIR FORCE NOMINATION OF JOHN M. ALDEN, JR., 8816, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF FREDERICK M. ABRUZZO, 4554, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM W. DODSON AND ENDING WITH JOHN R. SHAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS E. MARCHIONDO AND ENDING WITH KYUNG L. BOEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID W. ASHLEY AND ENDING WITH MARC D. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2007.

IN THE ARMY

ARMY NOMINATION OF DWAYNE S. TUPPER, 5156, TO BE MAJOR.

ARMY NOMINATION OF SUZANNE R. TODD, 2534, TO BE MAJOR.

ARMY NOMINATION OF RALPH C. BEATON, 7048, TO BE MAJOR.

ARMY NOMINATION OF KRISTEN M. BAUER, 6356, TO BE MAJOR.

ARMY NOMINATION OF JOSE M. TORRES, 3872, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH RICHARD D. ARES AND ENDING WITH YVETTE WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2007.

ARMY NOMINATIONS BEGINNING WITH KENNETH E. DESPAIN AND ENDING WITH THOMAS J. STEINBACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2007.

ARMY NOMINATIONS BEGINNING WITH MARVELLA BAILEY AND ENDING WITH GAYLA W. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2007.

ARMY NOMINATIONS BEGINNING WITH CARA M. ALEXANDER AND ENDING WITH D060835, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2007.

ARMY NOMINATION OF SHIRLEY HAYNES, 5987, TO BE MAJOR.

ARMY NOMINATION OF ADAM R. LIBERMAN, 2735, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOSEPH W. BROWN AND ENDING WITH CYNTHIA D. SANCHEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

ARMY NOMINATION OF PAMELA J. MEYERS, 7318, TO BE MAJOR.

ARMY NOMINATION OF JERRY D. MICHEL, 9594, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH ANTONIO MARINEZLUENGO AND ENDING WITH THOMAS R. ROESEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

ARMY NOMINATIONS BEGINNING WITH DANIEL L. DUCKER AND ENDING WITH PAUL J. WATKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

ARMY NOMINATION OF SCOTT T. KRAWCZYK, 4058, TO BE COLONEL.

ARMY NOMINATION OF ROLAND D. AUT, 5627, TO BE COLONEL.

ARMY NOMINATION OF EILEEN G. MCGONAGLE, 6292, TO BE COLONEL.

ARMY NOMINATION OF VAL L. PETERSON, 1580, TO BE COLONEL.

ARMY NOMINATION OF JORDAN T. JONES, 9284, TO BE COLONEL.

ARMY NOMINATION OF MARTIN E. WEISSE, 4027, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JEFFREY L. ANDERSON AND ENDING WITH DAVID S. LEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. NORTON AND ENDING WITH WILLIAM J. THOMAS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

ARMY NOMINATIONS BEGINNING WITH JOHN J. GARCIA AND ENDING WITH KEITH E. KNOWLTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

ARMY NOMINATIONS BEGINNING WITH DANIEL C. DANAHER AND ENDING WITH JESSE D. WADE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

ARMY NOMINATIONS BEGINNING WITH TRACY R. NORRIS AND ENDING WITH GARY B. TOOLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

ARMY NOMINATION OF DAVID M. RUFFIN, 5423, TO BE MAJOR.

ARMY NOMINATION OF TODD A. WICHMAN, 2598, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH DONALD S. ABBOTTMCCUNE AND ENDING WITH D070066, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

ARMY NOMINATIONS BEGINNING WITH MALIK A. ABDULSHAKOOR AND ENDING WITH D060714, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

ARMY NOMINATIONS BEGINNING WITH JESSE ABREU AND ENDING WITH D060773, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

ARMY NOMINATIONS BEGINNING WITH HECTOR J. ACOSTAROBLES AND ENDING WITH D060704, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

ARMY NOMINATIONS BEGINNING WITH ALBERT J. ABBADESSA AND ENDING WITH D070028, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

ARMY NOMINATIONS BEGINNING WITH DAVID W. ALLEY AND ENDING WITH X1966, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

ARMY NOMINATION OF SHAWN D. SMITH, 5947, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH BRIAN D. ALLEN AND ENDING WITH MICHAEL R. CONNERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2007.

IN THE COAST GUARD

COAST GUARD NOMINATION OF THOMAS T. PEQUIGNOT, 7705, TO BE LIEUTENANT.

COAST GUARD NOMINATIONS BEGINNING WITH JOSEPH E. VORBACH AND ENDING WITH THOMAS W. DENUCCI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2007.

COAST GUARD NOMINATIONS BEGINNING WITH JEFFREY G. ANDERSON AND ENDING WITH CONRAD W. ZVARA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2007.

COAST GUARD NOMINATIONS BEGINNING WITH CHRISTOPHER D. ALEXANDER AND ENDING WITH STEVEN A. WEIDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF JON B. LIVINGSTON, 0467, TO BE MAJOR.

MARINE CORPS NOMINATION OF ARTHUR E. VERDUGO, 1466, TO BE COLONEL.

IN THE NAVY

NAVY NOMINATION OF RONNIE M. CITRO, 4308, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH KATHLEEN M. BALDWIN AND ENDING WITH TANYA D. LEHMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH MICHAEL L. FARMER AND ENDING WITH THOMAS S. PRICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH SUZANNA G. BRUGLER AND ENDING WITH ERIK J. REYNOLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH ALDRITH L. BAKER AND ENDING WITH ENNIS E. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH VICTOR ALLENDE AND ENDING WITH DARREN B. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH ERIK E. ANDERSON AND ENDING WITH WILLIAM WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH LANE C. ASKEW AND ENDING WITH RICHARD M. ZAMORA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH SHARON D. BARNES AND ENDING WITH DEBORAH B. YUSKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH JAY P. ALDEA AND ENDING WITH ERIC D. WYATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH DARYL G. ADAMSON AND ENDING WITH MICHAEL D. YELANJIAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH JEFFREY J. ABBADINI AND ENDING WITH RONALD W. ZITZMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATIONS BEGINNING WITH CHARLES R. ALLEN AND ENDING WITH MICHAEL D. VANCAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2007.

NAVY NOMINATION OF MARTIN K. DE FANT, 7048, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF GREGORY E. WALTERS, 3832, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH BRETT T. BOWLIN AND ENDING WITH JEANINE B. WOMBLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

NAVY NOMINATIONS BEGINNING WITH RUBEN D. ACOSTA AND ENDING WITH LUKE A. ZABROCKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

NAVY NOMINATIONS BEGINNING WITH PAUL H. ABBOTT AND ENDING WITH CAROL B. ZWIEBACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

NAVY NOMINATIONS BEGINNING WITH RENE J. ALOVA AND ENDING WITH JOYCE N. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

NAVY NOMINATIONS BEGINNING WITH MARK E. ALLEN AND ENDING WITH GEORGINA L. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

NAVY NOMINATIONS BEGINNING WITH DON N. ALLEN, JR. AND ENDING WITH JEFFERY S. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

NAVY NOMINATIONS BEGINNING WITH CERINO O. BARGOLA AND ENDING WITH TEDDY L. WILLIAMS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

NAVY NOMINATIONS BEGINNING WITH JAMES ALGER AND ENDING WITH JASON N. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

NAVY NOMINATIONS BEGINNING WITH DOUGLAS E. BAKER AND ENDING WITH SHEILA R. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2007.

EXTENSIONS OF REMARKS

HONORING CORPSMAN 2ND CLASS CHARLES LUKE MILAM

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. TANCREDO. Madam Speaker, I rise today to honor the sacrifice of a fallen hero and Marine from my district, Corpsman 2nd Class Charles Luke Milam of Littleton. Petty Officer Milam was killed on September 25 during combat operations in the Helmand Province of Afghanistan.

Petty Officer Milam was killed while serving on his fourth deployment overseas; this being his first to Afghanistan in support of Operation Enduring Freedom. Since joining the Navy following his high school graduation in 1999, Charles carried on a family tradition of service to his nation. He was just 26 years old.

Petty Officer Milam was assigned to the 2nd Marine Special Operations Battalion of the 2nd Marine Expeditionary Camp in Lejeune, North Carolina. He attended basic training in Illinois before graduating from Naval Hospital Corps School Camp in Lejeune. He then went on to train at the John F. Kennedy Special Warfare Center before his deployment.

Charles was born in Albuquerque, New Mexico but found his home in Colorado after he moved with his family to Littleton in 1992. After graduating from Columbine High School, he pursued a lifelong ambition of serving his country by enlisting in the Navy.

Petty Officer Milam was a decorated Marine and steadfast patriot; an American who honored the principles of freedom and democracy by courageously defending them from tyranny and oppression. His life, characterized by service and commitment, is a testament to the best America has to offer.

Madam Speaker, my most heartfelt condolences go out to Charles's family and friends. He will be missed by all those who knew and loved him.

PAYING TRIBUTE TO JO PICONE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay great honor to Jo Picone, a Radiologic Technologist from Hartford, CT, who has dedicated her life to the care of others. Since 1948, Jo has worked to ensure the health and well-being of her patients, children, and community. Indeed, although she officially retired from her 38-year ER career in 2000, the 78-year-old continues to work part-time at an outpatient clinic.

The daughter of Italian immigrants, Jo graduated from the Massachusetts School of Physical Therapy and Medical Technology, and completed her clinical training at Massachusetts General and Beth Israel hospitals in Boston. She received further training at St. Luke's Hospital in New Bedford, Massachusetts. As a student, Ms. Picone found that she loved the art and science of radiology, as well as the patient care. And this love has certainly stayed with her through the years.

While in Boston, Jo was secretary of the Massachusetts Society of Radiologic Technologists. Through this position, she was able to meet influential members of the American Society of Radiologic Technologists (ASRT), an organization with which she has worked closely. For over 50 years now, Jo has been involved with ASRT and state affiliate functions.

Her career progressed in Massachusetts; she became a senior technologist at Marlboro Hospital and then chief technologist at Boston State Hospital. It was there that she met and fell in love with Angelo Picone, a psychiatric social worker. They married and moved to Connecticut, where Angelo worked in the Hartford school system. Together, they raised 6 children—5 boys and a girl. Though she stayed home when they were young, Jo worked 60-hour weeks in the ER at Saint Francis Hospital and Medical Center to put each of her children through college.

Jo is well-respected among her colleagues. Many recognize her tireless work on Connecticut's first licensure bill that passed in 1993. Jo is also known for her advocacy in DC in support of the Consistency, Accuracy, Responsibility and Excellence in Medical Imaging and Radiation Therapy bill (H.R. 583), of which I am a cosponsor.

Jo retired in 2000 after 33 years in the emergency room at Saint Francis Hospital and Medical Center in Hartford, Connecticut. However, she continues to work at a Saint Francis outpatient clinic throughout the week. Jo also volunteers at Saint Francis for the teen safety program, "Let's Not Meet by Accident," which educates new drivers in high school about the effects of poor decisionmaking.

Jo is truly in possession of an upbeat attitude and zest for her profession. Co-workers know her as someone who is fun to be around and full of life. According to one, "She can out-work anyone half her age." I have had the personal experience of having her treat family members with care, professionalism, and the warmth that comes from a nurturing soul.

Madam Speaker, I ask that my colleagues join me today in honoring the tremendous work and service of Jo Picone. Jo lives by the words of baseball legend Jackie Robinson "A life is not important except in the impact it has on other lives." I am honored to know such a remarkable individual.

INTRODUCING STRATEGIES TO ADDRESS ANTIMICROBIAL RESISTANCE

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. FERGUSON. Madam Speaker, my colleague from Utah, Mr. MATHESON, and I are introducing legislation to improve public health and specifically to provide a more comprehensive approach to combat antimicrobial resistance. Simply put, the "bad bugs" evolve and build resistance to our antibiotics and we need to do more to keep up with them.

As a member of the Energy & Commerce Committee, I and my colleagues, recently completed reauthorization of the user fees supporting drug and device approvals by the Food and Drug Administration (FDA). The bill included several provisions aimed at enhancing antibiotic research and development and improving the resistance information available. New antibiotics are an important part of addressing this problem, but a multipronged approach is necessary to make a significant difference.

The story of a young, active 17-year-old girl, Rebecca, from New Jersey caught my attention. Rebecca lost her life due to methcillin-resistant Staphylococcus aureus (MRSA), an antibiotic-resistant infection. Her mother, Linda, is willing to share her daughter's story because she was a public health nurse for 15 years and she wants us all to learn from their tragic experience.

Rebecca's death changed her family, and it should change us too. For more than a decade there have been countless studies and reports proving antimicrobial resistance is a real and growing problem. The Institutes of Medicine, the World Health Organization, the Infectious Diseases Society of America, have all helped to define the problem. The data from the Centers for Disease Control and Prevention (CDC) have demonstrated the growing trend in resistant infections. We have missed opportunities to swiftly identify and address resistant infections allowing the spread of these bad bugs—these infections don't recognize state or national borders.

Nearly 7 years ago, the Interagency Task Force on Antimicrobial Resistance published (in January 2001) its Public Health Action Plan to Combat Antimicrobial Resistance. The Action Plan identifies 13 "top priority" action items regarding surveillance, research and education. Regrettably, there has not been adequate funding to implement even the top priority items of the plan and this is an area that will benefit from improved leadership and coordination—especially because it is an issue that crosses many agencies and requires involvement from all stakeholders.

The Strategies To Address Antimicrobial Resistance (STAAR) Act enhances leadership

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

at HHS to work with the various agencies and solicit outside expertise. It reauthorizes and enhances the current Interagency Task Force on Antimicrobial Resistance, section 319E of the Public Health Service Act. The bill improves data collection on antibiotic use, supports education to encourage appropriate use of antibiotics and provides an organized system of surveillance and isolate collection.

New Jersey, like other states in the Northeast, has a unique problem that is quickly spreading to other parts of the country—the emergence of Klebsiella pneumonia, a bacteria that is resistant to almost all antibiotics available on the market. The trend was not immediately noticed and as a result, the bacterium spread to other parts of the country. The STAAR Act establishes Antimicrobial Resistance Clinical Research and Public Health Network sites which will be coordinated across the United States to improve our information about emerging infections, as well as conduct and support research.

This is an issue that requires action, not more study and more talk. I urge my colleagues to join me in supporting this legislation to combat antimicrobial resistance.

HAPPY 90TH BIRTHDAY ANTONIO "TONY" POMERLEAU

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. WELCH of Vermont. Madam Speaker, I come to the floor today in celebration of the 90th birthday of a truly remarkable Vermonter, Antonio "Tony" Pomerleau.

When Tony was 3 years old, he fell down a flight of stairs, injuring himself so seriously that he was forced to wear an iron corset and doctors said he wouldn't make it past his 12th birthday. Clearly, Tony saw things differently, and today, on his 90th birthday, we express our deep appreciation for all that he has given to our state.

As an entrepreneur, police chief, philanthropist, and community leader, from his service as a trustee at St. Michael's College to his annual Christmas dinner party for underprivileged children, Tony has positively influenced the lives of thousands of Vermonters.

Tony's entrepreneurial spirit shone through at an early age when he would sell haircuts, wash cars, and help in his family's store. In 1942, he bought a failing grocery store. Three years later, he had not only turned that grocery store around, he owned 3 more stores and a wholesale beverage business.

In 1951, he entered real estate. He built the Ethan Allen Shopping Plaza, the first shopping center in Vermont. Today, "Pomerleau Real Estate" is a household name across Vermont.

But Tony's skill in business is more than matched by his generosity of spirit. Tony is perhaps most well known for his annual Christmas dinners which he started in 1982. In 2004, he expanded the tradition, hosting a party for the families of Vermont Guardsmen and women deployed in Iraq and Afghanistan.

In addition, he served for many years as a trustee at St. Michael's College, has endowed scholarships at Rice Memorial High School, and been a leading supporter of the American Red Cross, Salvation Army, and the United Way of Chittenden County.

As the Burlington Free Press, our state's largest newspaper, said it so well in naming Tony the 2006 Vermonter of the Year, "Everyone has a seat at Tony Pomerleau's table."

Thank you Tony, for all that you do to make Vermont such a wonderful place, and congratulations on a very special birthday.

RECOGNIZING COLORADO PARK COUNTY AND JEFFERSON COUNTY SHERRIF'S OFFICES AND PLATTO CANYON AND ELK CREEK FIRE DEPARTMENTS

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. LAMBORN. Madam Speaker, I rise today to acknowledge and recognize the heroic actions of the Park County Sheriff's office, Jefferson County Sheriff's office, Platte Canyon Fire Department, and the Elk Creek Fire Department for their quick response to the hostage standoff that occurred at Platte Canyon High School on Wednesday, September 27, 2006.

On that morning at 11:40 a.m., a deranged man entered an English class, taking 6 students hostage at gunpoint. Over several terrifying and horrific hours, 4 were released. As the tense minutes dragged on, the officers knew that they had to act quickly if the remaining 2 girls were to be rescued.

Committed to saving the lives of these 2 young women, the Park County Sheriff gave the go ahead order and the officers charged into the classroom, unaware of what they would confront. Their courageous acts saved 1 young life, but the other was taken by a madman determined to kill.

The brutal and senseless murder of 16-year-old Emily Keyes devastated the mountain town. Home to around 7,650 Coloradans, Bailey is a tight-knit community where everyone knows one another, often by name. It is this bond that has provided solace for the town as it continues to heal and to grieve.

We cannot hope to understand what would motivate a person to commit such an evil and heartless act. Yet, as we remember the one-year anniversary of this senseless tragedy, and lament the tremendous losses suffered by the community of Bailey, we must also praise the courageous efforts of these first responders. The rapid and selfless actions of the police and fire departments almost surely precluded further loss of life, and for that the people of my district and the State of Colorado are grateful.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Ms. DELAURO. Madam Speaker, I was unavoidably detained and so I missed rollcall vote No. 891 regarding "Recognition of Hunters across the U.S." Had I been present, I would have voted "aye".

TRIBUTE TO U.S. ARMY STAFF SERGEANT ERIC D. COTTRELL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, U.S. Army Staff Sergeant Eric D. Cottrell. Today, I ask that the House of Representatives honor and remember this incredible man who died in service to his country.

Eric, born January 25, 1986, graduated from Rubidoux High School. Eric, an Army Medic, was assigned to the 5th Battalion, 82nd Field Artillery Regiment, 4th Brigade Combat Team, 1st Cavalry Division, Fort Bliss, Texas. Cottrell, who joined the Army in 2004, was awarded the Purple Heart, National Defense Medal with Oak Leaf Cluster, Army Good Conduct Medal and Meritorious Unit Commendation and was posthumously awarded the Bronze Star and the Purple Heart. Staff Sergeant Cottrell was killed by a roadside bomb on August 13, 2007, in Qayyarah, Iraq.

In reading about Eric's life I was impressed by his devotion to his fellow soldiers. He had clearly earned the respect of his fellow soldiers because they called him "Doc." Eric was right there on the front lines, ready to help his brothers-in-arms who had been hurt. The recent tribute to Eric's life and sacrifice at Fort Bliss, Texas demonstrated Eric's impact on his fellow soldiers and how deeply he will be missed.

Staff Sergeant Cottrell is survived by his parents, Alan Waters and Mannie Cottrell of Riverside, California; his wife, Sherri Cottrell of El Paso, Texas; 2 daughters: Megan Cottrell and Brandy Cottrell, both of Pittsview, Alabama; 2 sons: James Christensen and Eric Cottrell, both of Pittsview, Alabama; and 2 brothers: Norris Alan Waters of Pennsylvania and Christopher Waters of Hawaii.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Eric, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day Eric's family had to lay him to rest was probably the hardest moment the family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice goes out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deep respect and highest appreciation.

Staff Sergeant Cottrell's wife, sons, daughters, mother, father, brothers and all his relatives have given a part of themselves in the loss of their loved one and I hope they know that Eric, the goodness he brought to this world and the sacrifice he has made, will be remembered.

INTRODUCTION OF THE OVARIAN CANCER BIOMARKER RESEARCH ACT OF 2007

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HALL of Texas. Madam Speaker, I rise today to proudly present the Ovarian Cancer Biomarker Research Act of 2007, along with my friend and colleague, Representative HOWARD L. BERMAN.

Detecting this cancer early is the key to preventing deaths from this disease. In cases where ovarian cancer detection happens before it has spread beyond the ovaries, more than 93 percent of women survive longer than five years. When diagnosed in the advanced stages, the chance of five-year survival drops to about 30 percent. Currently, early stage diagnosis occurs in only 20 percent of ovarian cancer cases in the U.S. Ovarian cancer mortality could be reduced dramatically if a majority of the women affected with ovarian cancer were diagnosed at an early stage. Unfortunately, there is no widely accepted or effective screening test for ovarian cancer currently available and it is difficult to diagnose because symptoms are easily confused with other diseases.

The Ovarian Cancer Biomarker Research Act of 2007 would authorize the National Cancer Institute to make grants to public or nonprofit entities to establish research centers focused on ovarian cancer biomarkers. Biomarkers are biochemical features within the body that may be used to determine the presence and extent of and/or predict response to therapy and ultimate prognosis. This Act also establishes a national clinical trial that will enroll at-risk women in a study to determine the clinical utility of using these validated ovarian cancer biomarkers.

A former staff member of mine, Grace Warren, was diagnosed with ovarian cancer a few years ago. She has been a champion for this cause—I draw strength from her strength and faith from her faith on how she lives with and battles with this disease everyday. We must continue to raise awareness of the symptoms. Women with common symptoms such as abdominal pressure, nausea, indigestion, unusual fatigue, and unexplained weight gain or loss should not ignore these warning signs. For Grace and all the other women who fight this disease, I say to you that I will keep fighting, too, until we find a cure.

We encourage you to join with us, the Society of Gynecologic Oncologists (SGO), the American College of Obstetricians and Gynecologists (ACOG), the Ovarian Cancer National Alliance, and the American College of Surgeons (ACS) in supporting the Ovarian Cancer Biomarker Research Act of 2007.

HONORING THE 100TH ANNIVERSARY OF THE SCIENCE MUSEUM OF MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to congratulate the Science Museum of Minnesota on its Centennial Anniversary. As its mission states, during its 100 year history, the Science Museum has offered innovative ways allow learners of all ages to experience their changing world through science.

The Science Museum of Minnesota is deeply ingrained in our state's history. Its creation was the result of a strong desire among early St. Paul businessmen to foster intellectual and scientific growth in Minnesota's capital city. The St. Paul Institute of Science and Letters was born in 1907, later to become the Science Museum of Minnesota. The original exhibits began when thousands of scientific specimens and valuable collections were offered as gifts, including a mummy shipped from Egypt by a vacationing St. Paul couple. Since then, the collection has been expanded to include more than 1.75 million objects, including a beloved Triceratops—one of only four mounted examples anywhere in the world. Visitors are also able to climb aboard an authentic Mississippi River towboat that moved barges on the river.

The museum was an early innovator in the use of live theater as an interpretive tool and continues to be a training ground for other museums wishing to include live programming. Today from its home on the bluffs overlooking the Mississippi River, the Science Museum of Minnesota it is a world-renowned institution of scientific exploration. The museum's interactive exhibits, traveling exhibitions and Omnitheater films are a major draw for visitors. Permanent galleries such as Dinosaurs and Fossils and the Human Body, and touring exhibits such as Body Worlds and A Day in Pompeii educate and attract more than one million people per year who are eager to learn about our scientific world.

The museum provides innovative staff development programs for teachers throughout the region and science education outreach programs for K-12 classrooms. Programs serving schools directly reached 262,055 students and 1,540 teachers in Minnesota last year, taking science beyond the 4 walls of the museum and into the 4 corners of the state. Innovation extends to the use of new technologies to educate visitors about science. The museum's research and collections division and St. Croix Watershed Research Station provide significant ongoing scientific research in the areas of anthropology, paleontology, biology, and environmental sciences.

Madam Speaker, it is my honor to congratulate the Science Museum of Minnesota for its celebration of its 100 years of service to the community. The Science Museum of Minnesota provides an exhilarating learning experience to all learners, and serves as a model of an exceptional educational facility.

HAPPY 80TH BIRTHDAY FORMER NEW JERSEY STATE SENATOR BATEMAN

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. FERGUSON. Madam Speaker, I rise to bring to the attention of the House of Representatives and commend former New Jersey State, Senator Raymond H. Bateman on the occasion of his 80th birthday.

Senator Bateman achieved an exemplary record of public service to Somerset County and the State of New Jersey. He served with distinction in the New Jersey Legislature for 19 years, including being elected by his colleagues as Majority Leader and Minority Leader of the New Jersey Assembly and New Jersey State Senate, and for three terms as President of the Senate. Senator Bateman also served as Acting Governor of New Jersey for more than 100 days and was the Republican Party nominee for Governor in 1977.

Senator Bateman's career reminds us all that true public service does not take partisanship into consideration. During his tenure in the state legislature, Senator Bateman developed close personal and professional relationships with former Governors Meyner, Hughes, Cahill and Byrne to solve many of the challenges of the day. Senator Bateman never cared from which side of the aisle an idea originated; he cared only that it was a good idea.

As a result, Senator Bateman's influence and wisdom are woven into the history of New Jersey. A champion of public education, Senator Bateman authored "The Bateman Act," landmark legislation that provided for the first time a school funding formula to meet the State Constitution's requirement that every child in New Jersey receive a thorough and efficient education. He also authored legislation creating the community college system in New Jersey.

Those who have watched a Bruce Springsteen concert or cheered for the Giants, Jets, Devils or Nets at the Meadowlands owe a debt of gratitude to Senator Bateman. His 1971 legislation establishing the New Jersey Sports and Exposition Authority paved the way for the construction of the Meadowlands Sports Complex.

Throughout his long life, Senator Bateman has exemplified the spirit of former President Theodore Roosevelt in his love for nature's beauty. From the rocky shores of Pleasant Pond, Maine, to the banks of the Pequest River in Warren County, New Jersey, Senator Bateman's skill as an avid trout fisherman is deservedly renowned. He has long been a champion of efforts to preserve open spaces in Somerset County. His early appreciation of and support for preserving New Jersey's Pinelands helped ensure that this critical ecosystem would forever be protected.

During his long and distinguished career, Senator Bateman received numerous awards and honors. For example, he was one of the five Jaycees' "Young Men of the Year" of New Jersey in 1962; he earned the "Assemblyman of the Year" award from the New Jersey Association of Freeholders in 1967; he earned the Somerset County Education Association's "Distinguished Service Award;" he earned the "Outstanding Citizen" award from the Somerset Valley Chamber of Commerce in 1977; and he was named the Rotary Club of Branchburg's first Paul Harris Fellow in 1993 in honor of the founder of Rotary International in 1905.

Continuing his lifelong commitment to education, Senator Bateman in 1978 was appointed to the Somerset County College (now called Raritan Valley Community College) Board of Trustees and served as the Board's Vice Chairman. In 1978, he became Chairman of the Board of Trustees and served in that position for 25 years; Senator Bateman will serve as a Trustee until 2009. His leadership and vision helped transform Raritan Valley Community College into one of the top community colleges in New Jersey and the Nation.

Raritan Valley Community College in 2006 awarded Senator Bateman with an Honorary Degree, and in 2006 he was presented with the New Jersey Council of County Colleges' "Community College Spirit Award."

As long and distinguished as his public record of achievement is, Senator Bateman is first and foremost a son, husband, father, grandfather and friend. A lifelong New Jerseyan, Senator Bateman was born on October 29, 1927, in Somerville, New Jersey, as the son of Lydia and C. Palmer Bateman Sr. Senator Bateman was married for 49 years to the former Joan Speer, and together they had 6 children, Caren, Raymond, Christopher, Robin, Michael and Joananne. Those blessed to be acquainted with the Bateman family know firsthand that they personify Senator Bateman's generosity, zest for life and sense of community. His 10 grandchildren similarly reflect his love of sports, the outdoors and the importance of family above all else.

Those of us who followed Senator Bateman into public service are at a distinct disadvantage, for Senator Bateman's shadow is long and his reputation is without equal. Senator Bateman established the standard for selfless service to our fellow citizens; it is a standard other public officials only strive to meet.

Somerset County and the State of New Jersey are better for Senator Bateman's service.

I ask my colleagues to join me in recognizing Raymond H. Bateman as his family and friends gather this weekend to celebrate 80 truly remarkable years and to wish him many more happy, healthy and fulfilling years to come.

HONORING THE LIFE OF REPRESENTATIVE RICHARD BELDEN

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay great honor to Representative Richard Belden, who passed away on August 20, 2007. Belden proudly represented Shelton, Connecticut in the state House of Representatives for 33 years and he was the longest serving lawmaker in the history of the Connecticut State House.

Dick Belden was born in Derby and graduated from Shelton High School. During his 33 years in the State House, Belden advocated a variety of issues such as fiscal restraint, open space preservation, and tough drunk-driving laws to improve the State of Connecticut. Recently, Representative Belden was the deputy House Republican leader-at-large and he served as the ranking member of the tax-writing finance committee for several years. Belden will also be remembered as an adamant questioner on the 10-member State Bond Commission. In 1984 Belden became deputy speaker when the Republicans briefly regained the House. Richard Belden was admired and a mentor to many of his colleagues. I was fortunate enough to serve with him and work with him on many issues. Above all, he was a man of integrity; his word was his bond. He will be missed at the Capitol. He will be remembered for his many years of service and his commitment to his constituents and to the state of Connecticut, but most of all as the "Dean of the House."

Madam Speaker, I ask that my colleagues join me today in honoring the life and accomplishments of Richard Belden. My thoughts and prayers are with his wife of 51 years, Bertha Kurtyka Belden and all those who loved him. We will remember Belden as a dedicated member of the State House who touched the lives of many.

RECOGNITION OF SPORTSMEN'S WEEK

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. HALL of New York. Madam Speaker, I rise today to speak in enthusiastic recognition of Sportsmen's Week in the House of Representatives.

Outdoor activities are important parts of the fabric of American life. As our Nation faces new environmental challenges, we can look to the historic commitment of sportsmen to conservation, wildlife management, and the preservation of open spaces to find guiding principles that will allow us to coexist with nature. The most famous embodiment of this tradition can be found in the tireless drive of President Theodore Roosevelt, an avid outdoorsman and hunter, to make conservation and harmonious existence with nature national priorities.

My home, New York's Hudson Valley, has been blessed by an abundance of natural beauty and wildlife. The tie between sportsmen and their natural surroundings there remains strong and makes a significant contribution to our quality of life.

Hunters and fisherman in the region, organized in groups like the Orange County Federation of Sportsmen's Clubs, are constantly engaged in a wide variety of activities to maintain and improve our environment and enhance local recreation. They include important educational programs that teach important hunting and fishing skills in addition to the safety courses needed to obtain licenses and hunt responsibly. Sportsmen also set an admirable example by establishing a respectful, mutually beneficial relationship with ecosystems and wildlife through seasonal restocking operations. They also work to ensure that the natural beauty of our Nation will be passed on to future generations by aggressively working to preserve open space and expand parkland.

All these activities have important social, economic, and environmental benefits, and it is only right that we acknowledge them here in the House of Representatives during Sportsmen's Week. I was proud to support Representative GILLIBRAND'S resolution supporting the goals of National Hunting and Fishing Day, and am honored to recognize Sportsmen's Week in Congress.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. WESTMORELAND. Madam Speaker, I missed recorded votes on Monday, September 24, 2007 due to a delay in my flight. Had I been present, I would have voted the following:

"Yea" on H. Con. Res 193, Recognizing all hunters across the United States for their continued commitment to safety (rollcall No. 891)

"Yea" on H. Res. 668, Recognizing the 50th anniversary of the September 25, 1957, desegragation of Little Rock Central High School by the Little Rock Nine (rollcall No. 892)

"Yea" on H.R. 1199, Drug Endangered Children Act of 2007 (rollcall No. 893)

"Yea" on H. Res. 340, Expressing the sense of the House of Representatives of the importance of providing a voice for the many victims (and families of victims) involved in missing persons cases and unidentified human remains cases (rollcall No. 894)

INTRODUCTION OF THE OVARIAN CANCER BIOMARKER RESEARCH ACT OF 2007

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2007

Mr. BERMAN. Madam Speaker, I rise today in honor of Gynecologic Cancer Awareness Month to introduce the Ovarian Cancer Biomarker Research Act of 2007 with Representative RALPH M. HALL. I commend Mr. HALL, my friend and colleague, for his work on this issue and for his dedication to this devastating disease.

According to the National Cancer Institute (NCI), there will be 22,430 new cases of ovarian cancer and 15,280 deaths from ovarian cancer in the United States in 2007. Ovarian cancer ranks fifth in cancer deaths among women and causes more deaths than any other cancer of the female reproductive system.

Early detection is the key to preventing deaths from this disease. In cases where ovarian cancer is detected before it has spread beyond the ovaries, more than 93 percent of women survive longer than five years. When diagnosed in the advanced stages, the chance of five-year survival drops to about 30 percent. Currently, early stage diagnosis occurs in only 20 percent of ovarian cancer cases in the U.S. Ovarian cancer mortality could be reduced dramatically if a majority of the women affected by ovarian cancer were diagnosed at an early stage. Unfortunately, there is no widely accepted or effective screening test for ovarian cancer currently available and the disease is difficult to identify because symptoms are easily misdiagnosed.

The Ovarian Cancer Biomarker Research Act of 2007 would authorize the NCI to make grants to public or nonprofit entities to establish research centers focused on ovarian cancer biomarkers. Biomarkers are biochemical features within the body that can be used to measure the progress of a disease and predict the effects of treatment. This Act also establishes a national clinical trial that will enroll at-risk women in a study to determine the clinical utility of using these validated ovarian cancer biomarkers.

The need for increased research and funding for ovarian cancer is critical to improving survivorship rates from this disease. Between FY2003 and FY2006 funding for the NCI increased by $211 million, but gynecologic cancer research funding decreased. With the lifetime risk of ovarian cancer at one out of every 69 women, we must increase the resources to fight this disease.

Credit is due to the Society of Gynecologic Oncologists, the American College of Obstetricians and Gynecologists, the Ovarian Cancer National Alliance, and the American College of Surgeons for supporting the Ovarian Cancer Biomarker Research Act of 2007. Support for this bill from groups such as these is extremely important throughout the entire legislative process. Specifically, I thank Dr. Beth Karlan for bringing the idea for this bill to my attention. Dr. Karlan is the Past President of the Society of Gynecologic Oncologists. She is a physician, teacher, and advocate in the field of gynecologic cancer and has helped numerous women in their battle with these diseases. She has also testified before Congress about the need for increased research and funding for gynecologic cancers. Her efforts are to be commended.

I also want to acknowledge Lindy Graham, a dear friend of mine, afflicted by ovarian cancer. Lindy has waged a spirited and successful battle against this disease and is currently cancer free, a pronouncement that fills me and all of Lindy's myriad of friends with great joy.

Madam Speaker, I look forward to the passage of this bill and the day when all cases of ovarian cancer are detected early and all women diagnosed with this disease survive.

RECOGNIZING THE ACHIEVEMENTS OF MR. JOHN "BUCK" O'NEIL

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 27, 2003

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the achievements of Mr. John Jordan "Buck" O'Neil, a former baseball player and manager for the Kansas City Monarchs of the Negro Leagues, and the first African American coach in Major League Baseball. At his death, Buck, as he was affectionately called, was a resident of the Fifth District of Missouri which I am honored to represent. This week, Mr. O'Neil will be inducted into the Missouri Walk of Fame posthumously during a reception as part of the Congressional Black Caucus Foundation's Annual Legislative Conference, an event held to honor the achievements of African-Americans who have made significant contributions to Missouri.

John Jordan "Buck" O'Neil was born the grandson of slaves in Carrabelle, Florida, on November 13, 1911. He acquired his love for baseball at a young age from his father, who played for the local team when he wasn't working as a foreman in the celery fields. As a teenager, Buck realized that he wanted to do something more with his life, but times were difficult throughout the country during the Great Depression, and he had received little formal education because the local high school was segregated.

When his father told him that, "There is something better, but you can't get it here, you're gonna have to go someplace else," Buck made the decision to try his luck as a baseball player in the semiprofessional barnstorming leagues that traveled the entire country. It didn't take him long to attract the attention of the Memphis Red Sox of the Negro American League, who signed him to his first professional contract in 1937. After a year of playing for the Red Sox, Mr. O'Neil's contract was purchased by the Kansas City Monarchs—the team with which he would spend the rest of his playing career.

The Monarchs were the most successful team in the history of the Negro Leagues, winning the most titles and producing the best players. While playing for Kansas City, Mr. O'Neil won batting titles in 1940 and 1946 and led his team to a convincing victory in the 1942 Negro World Series. He batted .353 as the Monarchs swept the Homestead Grays, 4–0. He was also selected to play in three Negro American League All-Star Games, and would likely have accomplished more during his playing career had it not been for World War II; Mr. O'Neil dutifully served his country for 2 years by completing a tour in the United States Navy from 1943–1945.

Buck stayed with the Monarchs through, the end of the 1955 season, serving both as a player and as the team's manager for the final 8 years of his time in Kansas City, all the while facing the harshness of separation and discrimination in a country that was still segregated. Thanks in part to the significant accomplishments of his Monarchs teammate Jackie Robinson, who broke down racial barriers by joining the Brooklyn Dodgers of Major League Baseball in 1947, Buck too was able to join a rapidly-integrating MLB as a scout for the Chicago Cubs. In 1962, he became the first African American coach in the Majors. During his storied career with the Cubs, Mr. O'Neil was responsible for the development of many great major leaguers, like Joe Carter, and he also signed two future Hall of Fame players—Lou Brock and Ernie Banks. After 33 years with the Cubs, Buck returned home in 1988 to scout for the Kansas City Royals.

Despite his myriad accomplishments on the field as a player, manager, and coach, it is Buck O'Neil's accomplishments off the field that demonstrate his love for the game of baseball and his commitment to the essential role that the Negro Leagues played in the integration of both American sport and American society. In 1990, O'Neil was a leader in the effort to create the Negro League Baseball Museum in Kansas City, Missouri. The Museum, located in the historic 18th and Vine district of downtown Kansas City, has excelled for nearly a decade in its mission of educating all Americans about the rich and important history of the Negro Leagues. Buck served as the Board Chairman for the Museum and actively promoted its messages of understanding and triumph over adversity. In addition to his work with the Museum, Mr. O'Neil served as a member of the Baseball Hall of Fame Veterans Committee from 1981–2000, working hard to ensure that many of the Negro League players who had been denied entrance into the Major Leagues because of segregation were able to gain a deserved entrance into the Baseball Hall of Fame in Cooperstown.

After devoting so many years of his life to promoting the accomplishments of others, many believed that the time for Buck's recognition had finally arrived in the spring of 2006, when he was on a special ballot for entry into the Hall of Fame. Shockingly, the Committee chose not to induct Mr. O'Neil, to the dismay of many—but not Buck. Unaffected by the Hall's decision, he took the high road and offered to speak at the induction ceremony on behalf of those selected, because many of them had passed on. On June 30, 2006, Buck selflessly honored all 17 individuals related to the Negro Leagues who were inducted, giving an inspiring speech and instructing all audience members to hold hands and join him in song. The ovation he received was the loudest and longest of the ceremony.

At the time of his death, Buck O'Neil's efforts were focused on the John "Buck" O'Neil Education and Research Center. Scheduled for completion in late 2007, the Center will be an expansion of the Negro Leagues Baseball Museum devoted to teaching people of all ages many different aspects of the Negro leagues and baseball. The 45,000 square foot facility will house extensive archives and promises to devote much of its space and funding to state-of-the-art technology and programs that will teach many different things to many different people.

Throughout his life, he was dedicated to youth and the importance of education, and the effects of his efforts have brought about a more diverse and concerned citizenry throughout the Kansas City metropolitan area and our nation. For these reasons and more, it is indeed an honor and privilege to recognize Mr. John Jordan "Buck" O'Neil at the Missouri Walk of Fame reception, hosted by myself and fellow Missourian, U.S. Representative WILLIAM LACY CLAY of St. Louis.

Madam Speaker, please join me in expressing our appreciation to Mr. John "Buck" O'Neil, not just to the Kansas City community, but to the entire country at large. He is a true role model, a person who has been dedicated with improving the condition of his fellow man for more than 70 years.